



# WHEELING

---

# UNIVERSITY

Annual Security (Clery) Crime and  
Fire Safety Reports and Policies  
January – December  
2018

## TABLE OF CONTENTS

<b>Important Notice</b> .....	<b>5</b>
<b>Main Campus Overview</b> .....	<b>6</b>
<b>Safety &amp; Security</b> .....	<b>6</b>
<b>Policy for Reporting the Annual Disclosure of Crime Statistics</b> .....	<b>7</b>
<b>Officials with Significant Responsibility for Student and Campus Activities</b> .....	<b>8</b>
<b>Organization</b> .....	<b>9</b>
<b>Crime Prevention</b> .....	<b>9</b>
<b>Crime Prevention and Education Programs – 2017:</b> .....	<b>9</b>
<b>Sexual Misconduct - 2017:</b> .....	<b>10</b>
<b>Employee Training - 2017:</b> .....	<b>10</b>
<b>Reporting and Response</b> .....	<b>10</b>
<b>Confidential Reporting Procedure</b> .....	<b>11</b>
<b>Campus Public Safety Services:</b> .....	<b>11</b>
<b>Uniformed Patrols</b> .....	<b>11</b>
<b>Electronic Surveillance and Protection</b> .....	<b>11</b>
<b>Investigative Services</b> .....	<b>12</b>
<b>Escort Service</b> .....	<b>12</b>
<b>Safety and Security in the Residential Community &amp; Stone Center, Access and Maintenance</b> .....	<b>12</b>
<b>Safety &amp; Security at the Stone Center</b> .....	<b>12</b>
<b>Firearm Policy</b> .....	<b>13</b>
<b>Alcohol and Other Drug Policy (Student)</b> .....	<b>13</b>
<b>Definitions</b> .....	<b>13</b>
<b>Purpose</b> .....	<b>14</b>
<b>Resources</b> .....	<b>15</b>
<b>Penalties</b> .....	<b>16</b>
<b>Alcohol Usage Guidelines</b> .....	<b>16</b>
Student Code of Conduct - "I. Violation of the Alcohol Policy" .....	<b>17</b>
<b>Drug Usage Guidelines</b> .....	<b>19</b>
Student Code of Conduct - "L. Possession, use or delivery or coordinating the delivery of illicit drugs, as defined by the Alcohol & Illicit Drug Policy .....	<b>19</b>
<b>Use of Breathalyzers</b> .....	<b>19</b>

Alcohol Amnesty.....	20
Sanctions for Alcohol Violations.....	20
Sanctions for Drug Violations.....	21
Illicit Drug Violation Sanctioning Guidelines.....	22
Authorization.....	23
<b>Alcohol and Other Drug Policy (Employee).....</b>	<b>23</b>
Policy Statement.....	24
Definitions.....	24
Notification.....	24
Notice of Conviction and Sanctions.....	25
Legal Sanctions.....	25
Health Risk.....	25
Avoidance and Assistance.....	26
Authorization.....	26
<b>Emergency Response.....</b>	<b>26</b>
<b>Evacuation.....</b>	<b>27</b>
<b>Mass Notification (e2campus) and Timely Warning Policies.....</b>	<b>27</b>
<b>Missing Student Notification.....</b>	<b>29</b>
Policy Statement.....	29
Procedure for Designation of Confidential Emergency Contact Information.....	30
Procedure for Official Notification for Missing Student.....	30
<b>Residence Life.....</b>	<b>30</b>
<b>Sexual Misconduct Policy.....</b>	<b>31</b>
<b>Sexual Offender Registration.....</b>	<b>54</b>
<b>Violence Against Woman Reauthorizations Act of 2013 (VAWA).....</b>	<b>55</b>
<b>Crime Statistics.....</b>	<b>55</b>
<b>Crime Reporting Areas.....</b>	<b>57</b>
<b>Hate and Bias Crime Reporting.....</b>	<b>58</b>
<b>Family Education Rights to Privacy Act (FERPA) of 1974.....</b>	<b>58</b>
<b>Annual Fire Safety Report.....</b>	<b>59</b>
Procedures and Policies.....	59
Fire Safety Report.....	59
Fire Alarm Procedures.....	61
Fire Drills.....	63
Policies on Portable electrical appliances, smoking and open flames.....	63
Student Housing Evacuation.....	63

<b>Fire Safety Education.....</b>	<b>63</b>
<b>Contact points for reporting fires .....</b>	<b>64</b>
<b>Fire Statistics (Residence Halls).....</b>	<b>64</b>
<b>Description of Residence Hall Fire Alarm Systems.....</b>	<b>64</b>
<b>Fire Log .....</b>	<b>64</b>
<b>Wheeling University Crime Statistics: Page 1.....</b>	<b>65</b>
<b>Wheeling University Crime Statistics: Page 2.....</b>	<b>66</b>
<b>Wheeling University Crime Statistics: Page 3.....</b>	<b>67</b>
<b>Wheeling University: Fire Statistics.....</b>	<b>68</b>

## IMPORTANT NOTICE

This is a copy of Wheeling University's Annual Security (Clery), Crime and Fire Safety Reports and Policies. This report includes statistics for the previous three years (2016-2018) concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Wheeling University; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and fire safety policies. Campus Safety & Security will send an email to enrolled students and employees on an annual basis to notify them that the report is available to be viewed. A physical copy of the report can also be obtained by contacting the Office of Campus Safety & Security at 304-243-2486, the Director at 304-243-4453 or by accessing the following web site:

<http://www.wju.edu/about/hr/safety/>

The crime and resident hall fire statistics for 2016, 2017, and 2018 can also be found in appendixes at the end of this report.

## MAIN CAMPUS OVERVIEW

Wheeling University  
316 Washington Ave  
Wheeling, WV 26003

Wheeling University (then Wheeling College) was founded in partnership between the Catholic Diocese of Wheeling-Charleston and the Society of Jesus of the Maryland Province in 1954. Wheeling Jesuit, the youngest of the nation's 28 Jesuit institutions, was incorporated as Wheeling College on September 25, 1954. Workers laid the cornerstone for Donahue Hall on November 21, 1954. The College, staffed by 12 Jesuits and four lay professors, opened its doors to the first class of 90 freshmen on September 26, 1955. Formal dedication ceremonies for Wheeling College were held on October 23, 1955 with more than 2,000 people in attendance. Archbishop John J. Swint turned over the deed to all college properties and buildings to the Maryland Province of the Society of Jesus on February 11, 1957.

Wheeling University is the only Catholic institution of higher learning in West Virginia, and has a special educational focus to seek and find God in all things -- in chapel and classroom, in liturgy and laboratory. The main campus encompasses approximately 65 acres of land and 12 buildings.

## SAFETY & SECURITY

The Office of Campus Public Safety is the office charged with the protection and preservation of campus safety and security on University property. Public Safety personnel are available to assist students and visitors to the campus; regulate and enforce traffic and parking regulations; enforce University policies/behavioral expectations; make rounds of the campus; and inspect campus for safety/maintenance concerns. Officers do not have law enforcement authority but can enforce University policies and have a close working relationship with off-campus police authorities. Students and other members of the University Community should be familiar with campus public safety procedures. In order to reach a public safety officer, persons can call extension 2486 from an on-campus phone or 304-243-2486 from any other phone. The Campus Public Safety Office is located in the annex of Swint Hall along with the Director of Public Safety's Office. Any student who would like to have a public safety escort across campus at any time, 24 hours a day, can contact Campus Public Safety at 304-243-2486. A public safety officer will walk students from anywhere on campus to another place on campus.

The University enjoys an excellent working relationship with the Wheeling Police Department and Ohio County Sheriff's Office, both of whom regularly patrol the campus.

Campus public safety officers have the authority to detain anyone involved in violations against campus policy on campus. If offenses violating Wheeling University Code of Conduct and regulations are committed by a student, Public Safety will refer the individual to the conduct process overseen by the Vice President of Student Services. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations is monitored and recorded. This information is provided to the Vice President of Student Services' Office for any action or follow-up that may be required.

The Director of Campus Public Safety reports directly to the Vice President of Human Resources who in turn reports to the President of the University. The Director is responsible for the achievement of the office's mission.

If a Wheeling University student is involved in an off-campus offense or an offense being investigated by off-campus authorities, the Director may assist with the investigation in cooperation with the Wheeling Police Department (WPD). WPD routinely works and communicates with the Director on any serious incident occurring on campus.

Wheeling University operates no off-campus student organizations. Junior and senior students have the option to live in the neighborhoods surrounding Wheeling University, although most students reside in campus housing.

## POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Director of Campus Public Safety prepares The Annual Security and Fire Safety "Clery" Report to comply with the 1990 Congress approved Crime Awareness and Campus Security Act which amended the Higher Education Act of 1965. The Jeanne Clery Act requires higher education institutions to make public their campus security policies, and it requires that crime and fire data are collected, reported, and disseminated to the campus community. The Clery Act is intended to provide prospective students and employees, current students and their families, and the rest of the Wheeling University community accurate, complete, and timely information about safety on campus so that they can make informed decisions. The full text of this report can be located on our website at <http://www.wju.edu/about/hr/safety/>.

This report is prepared in cooperation with the Vice President of Student Services. Additionally, our internal organization including Student Services, Residence Life, Student Activities, the Counseling Center, and Human Resources all contribute greatly to the overall conduct process and its success. Each entity provides updated information on their efforts and programs to comply with the Act. Campus violations, arrest and referral statistics include those matters reported to the Public Safety, designated campus officials and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses which are not required to be reported. A procedure is in place to anonymously capture crime statistics disclosed confidentially. Each year by October 1st, an email notification and an e2campus alert notice will be made to students, faculty, staff and administrators.

Prospective students and employees at Wheeling University receive information where they can view the statistics from the Admissions Office and the Human Resources Department respectively.

## OFFICIALS WITH SIGNIFICANT RESPONSIBILITY FOR STUDENT AND CAMPUS ACTIVITIES

Campus violations are typically reported through Safety & Security or Residence Life. In some instances, members of the Wheeling community may choose to file a report elsewhere. All reports are shared with the Vice President of Student Services and Director of Campus Public Safety who together have the authority and the duty to take action or respond to particular issues on behalf of the institution. These authorities are obligated to provide information for this report. For reporting purposes at Wheeling University, Campus Security Authorities have been designated as:

University President 304-243-2233	VP of Human Resources/Title IX Investigator 304-243-2639
VP for Academic Affairs 304-243-2321	VP of Student Services 304-243-2350
VP for Administration/Chief Financial Officer 304-243-2371	Director of Athletics 304-243-2291
Director of Campus Public Safety 304-243-4453	Director of Residence Life 304-243-2175
Assistant Director of Athletics 304-243-2176	

University pastoral and professional counselors are encouraged to tell their clients about the reporting procedures outlined in this document. As noted below, confidential reports / anonymous reports are extremely valuable in order to prevent further victimization and to obtain a more accurate portrait of campus crime. In certain instances, a crime victim may be reluctant to file a report fearing the process and /or loss of his/her anonymity. In such circumstances, crime victims are encouraged to consider making a confidential report to one of the designated Campus Security Authorities. At a minimum, crime victims will receive valuable counseling and referral information. Confidential reports are important because they provide valuable information that will enhance the safety of the community-at-large and they help provide a more accurate portrait of actual campus crime.



## ORGANIZATION

The Office of Campus Public Safety is comprised of the Director, a sergeant, and four full time Public Safety Officers. Public Safety officers provide a twenty-four-hour presence on the University campus using foot and motorized patrol. Each shift is closely supervised by either the Director (weekdays, during office hours) or the sergeant with the authority and responsibility to assure that the policies and procedures of the Office are followed.

All Campus Public Safety officers are certified National Safety Council first aid caregivers and trained on Automatic External Defibrillators (AED's). Recertification in these programs occurs as required.

A Security Officer can be reached by calling 304-243-2486.

## CRIME PREVENTION

Crime prevention and following University policies is a cooperative effort requiring the entire Wheeling University community to actively participate in identifying conditions that may promote crime and policy violations.

Campus Public Safety is in close contact with administrators, faculty, staff, and students throughout the year to maintain and enhance campus safety.

Issues of personal safety, residential security, office safety, active shooter response, and vehicle theft prevention are but a few of the topics presented to students and employees in various formats. Wheeling University conforms to the mandates of State and Federal law pertaining to victim's rights in the handling of all cases. To enhance community and student safety, it is recommended that after dark, people should walk with friends or someone they trust or know well. Escort services are offered around the clock by Public Safety Officers; students and employees can contact Public Safety for an escort at any time.

### CRIME PREVENTION AND EDUCATION PROGRAMS – 2018:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Subject Covered</u>
New Student Orientation	August 2018	Online	Safety & Security
Bystander Intervention	August 2018	On Campus	Safety & Security
CPR/First Aid/AED	August 2018	On Campus	Life Saving
RA- Security Training	August 2018	On Campus	Safety and Security
RA-Fire Safety Training	August 2018	On Campus	Fire Safety Training
Emergency Plan	August 2018	On Campus	Safety & Security
Active Shooter	August 2018	On Campus	Safety & Security

## SEXUAL MISCONDUCT - 2018:

Every year during New Cardinal Days, fall orientation for new students, the Division of Student Services in coordination with the Ohio County Sexual Assault Help Center and Ohio County Prosecuting Attorney's Office sponsors sexual misconduct program. Programs on sexual misconduct prevention and awareness are conducted throughout the month and early during new students' time on campus.

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Subject Covered</u>
New Student Orientation	August 2018	On Campus	Sexual Misconduct
Resident Assistant Training	August 2018	On Campus	Bystander Intervention
New Student Orientation	August 2018	On Campus	Alcohol and Other Drugs
New Student Orientation	August 2018	On Campus	Sexual Misconduct
Sexual Misconduct Policy Consultation	August 2018	On Campus	Employee Training
Title IX Training	August 2018	On Campus	Title IX Policy

## REPORTING AND RESPONSE

Community members, students, faculty, staff, administrators and guests are encouraged to report all crimes and campus violations to the Wheeling University Campus Public Safety in a timely manner. Incidents, suspicious circumstances, and other related information can be reported to an officer on patrol or by calling 304-243-2486. The Office of Campus Public Safety continually promotes the reporting of incidents in programs such as freshman orientation, and Resident Assistant crime prevention presentations and whenever the opportunity arises.

It is the policy of the Campus Public Safety to respond to all requests for services, to write a security report, and to conduct follow-up investigations. The Director coordinates investigations with the local police, when necessary. Victims of crimes against persons, such as robbery or sexual misconduct, are encouraged to seek confidential counseling services from the Counseling Center at 304-243-2081.

The Director Campus Public Safety is the University's agent for the purpose of making timely warnings and the collection of statistical data concerning criminal offenses to be included in this annual report. Campus Public Safety also issues periodic electronic bulletins of suspicious or criminal activity occurring on and around the campus through E2campus alerts and email with suggestions of ways to avoid the occurrence of similar incidents. Alerts are transmitted over the University E2Campus alert online and texting alert system. All members of the Wheeling University community are urged to read these notices carefully, and to be guided by the information presented. Anyone with information warranting a timely warning should report the circumstances to a Public Safety Officer, by phone 304-243-2486 or in person to the Director in Swint Hall Annex Safety Office.

## CONFIDENTIAL REPORTING PROCEDURE

If students or employees are victims of a crime and do not want to pursue action within the University's Conduct System or the criminal justice system, they may still want to consider making a confidential report. Anyone can file a report on the details of an incident without revealing their identity. The purpose of a confidential report is to comply with a person's wish to keep the matter confidential, while taking steps to ensure the future safety of self and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime or violation with regard to a particular location, method, or assailant, and alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual security (Clery) and fire safety reports for the institution. Written reports can be submitted anonymously to the following campus locations: Public Safety Office (Swint Annex, across from the Post Office), Director of Campus Public Safety (Swint Annex Safety office), Vice President of Student Services (Acker Science Center 22B), Area Coordinator Offices (entryways of Kirby/Sara Tracy residence hall, Ignatius residence hall and Campion/McHugh residence hall). Person(s) wishing to file anonymous reports are encouraged to provide as much detail as possible in the report.

Anonymous reporters of Sexual Misconduct are encouraged to use the Sexual Misconduct Incident Report Form, available online at <http://www.wju.edu/about/hr/policies/attachments/SMIRF.pdf>

## CAMPUS SECURITY SERVICES:

### UNIFORMED PATROLS

Uniformed public safety officers patrol on foot or in a small-motorized vehicle (i.e. security cart) twenty-four hours a day, seven days a week.

Desk attendants are provided at the entry of residence halls during times of high traffic and increased volume of non-campus visitors.

### ELECTRONIC SURVEILLANCE AND PROTECTION

Video cameras are placed at the entry of the main doors in each residence hall and in various locations on the ground and first floors of Swint Hall. Footage can be reviewed within a specific time period to aid in campus investigations and can be seen in real time in the main Campus Public Safety office. Video cameras also monitor the parking lots of Steenrod Apartments. A fire alarm system in University buildings protects the campus from fire emergencies.

### INVESTIGATIVE SERVICES

The Director of Campus Public Safety is trained to conduct initial investigations using techniques to protect

the victims and to preserve evidence. The Director, in collaboration with Student Services staff, provides support for victims throughout the process of any subsequent criminal or university conduct proceedings. The Department of Public Safety maintains a close partnership with the investigative units of the Wheeling Police Department and the Ohio County Sheriff's Department.

Wheeling University added emergency text messaging to the e2Campus Notification System (LENS) in August, 2009. Text messaging will be used when imminent threats to the Wheeling community are identified. This is a free service to students and employees of the University; however community members must register every academic year to gain use of this valuable information system. To see the instructions on how to register go to the Cardinal Online web site at <http://www.wju.edu/services/> and click on "Emergency Alerting Services." "Incident Alerts" and "Crime Prevention Notices" are distributed on campus by timely warning and e-mail messages and are accessible through student emails and eCampus2Alerts. They inform the University community of situations that present a potential hazard on campus or in the surrounding community.

A daily log of crimes occurring on the Wheeling University campus is available 24 hours a day every day in the main Campus Public Safety office located in the Swint Annex in Swint Hall.

## ESCORT SERVICE

Escorts are also provided by uniformed public safety officers to students, employees and guests of the University any time of day; community members who feel uncomfortable walking to their cars or residence areas alone are encouraged to call for an escort. Escorts can be requested via our 24 hour security line at 304-243-2486.

## SAFETY AND SECURITY IN THE RESIDENTIAL COMMUNITY, ACCESS AND MAINTENANCE

All residence halls on campus can be entered by electronic access card readers. All students and employees are encouraged to program the campus emergency telephone number 304-243-2486 during their orientation to the University.

To enhance safety on campus, a public safety officer is assigned to patrol all of campus every hour. On-call residence life staff also monitors the residence halls nightly. Residence Life and Public Safety staff works closely to secure the residence halls. A front desk attendant also staffs each residence hall during time of high visitor traffic (mostly Friday and Saturday evenings); desk attendant staff also works closely with residence life and security personnel to keep the residence halls secure.

Wheeling University's main campus offers traditional residence halls, residence halls with double rooms with private bathrooms, quad style housing, and a small apartment complex (located a few blocks east of campus). On-campus housing can accommodate up to 920 students.

Security safeguards within the residence halls include restricted access and guest registration during high traffic times. Crime prevention programs include orientation workshops, individual floor meetings, residential

community-wide presentations, and educational programs. Access to Wheeling University housing facilities is limited to residents, escorted guests and select University employees. Entry is monitored on a 24-hour basis through card-key security systems, and desk attendant staff during high traffic times. Video surveillance is also used at main entrances.

Professional residence hall area coordinators and student resident advisors, who are all members of the University's Residence Life staff, live on campus and provide 24-hour staff coverage. Student room doors should be locked at all times even when occupied. Most importantly, residents are reminded to observe building security procedures and to notify Residence Life staff or Campus Public Safety of any unfamiliar faces or unusual incidents within either the residence halls or apartments. Annually in August and again in January all residence life staff members in the halls undergo comprehensive training for both prevention and response regarding safety and security issues. As part of their responsibilities for campus security, both student and professional staff participate in lectures and seminars associated with topics such as substance abuse, response and prevention of sexual misconduct, and community security.

## FIREARM POLICY

The possession and/or use of firearms, explosives, ammunition, fireworks, and/or weapons or storage of any such device on University premises or at University sponsored activities is strictly forbidden. This includes, but is not limited to firearms, air rifles, slingshots, swords, hunting knives, etc.

## ALCOHOL AND OTHER DRUG POLICY (STUDENT)

Wheeling University strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. The University recognizes that the consumption of alcohol in moderation by persons of legal drinking age can be a component of the social environment at the University. Therefore, students of legal drinking age are granted the privilege of responsible alcohol use on campus. The University strives to maintain an environment free of illicit drug use. Participation in behaviors related to use, distribution or possession of illicit drugs is not condoned within the campus community.

The University has adopted policies and standards to promote healthy and legal use of alcohol and the prevention of illicit drug use. Such policies are only one part of the University's efforts to encourage responsible choices and behavior; employees and students have shared responsibility for preventing alcohol abuse and illegal alcohol and illicit drug use at university affiliated events both on campus and off and assuring compliance with the Drug-Free Schools regulations.

## DEFINITIONS

- Alcohol: ethyl alcohol whatever its origin; includes synthetic ethyl alcohol but not denatured alcohol
- Beer: any beverage obtained by the fermentation of barley, malt, hops, or any other similar product or substitute, and containing more alcohol than that of non-intoxicating beer.
- Illicit Drugs: any substance that alters the mind in a psychoactive way and is illegal in the eyes of the law and punishable with criminal justice; includes but is not limited to marijuana/hashish, cocaine

(including crack), heroin, hallucinogens, inhalants, or prescription-type psychotherapeutics used non-medically.

- Intoxication: having one's faculties impaired by alcohol or other drugs to the point where physical or mental control or both are markedly diminished.
- Manufacture: to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.
- Sale: any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.
- Selling: includes solicitation or receipt of orders; possession for sale; and possession with intent to sell.
- Public area: any place, building or conveyance on campus to which the public and/or members of the Wheeling University community have, or are permitted to have access, including lobbies, and corridors of residence halls and on campus streets and walkways; does not include places of residence for students assigned to said residence.
- University Break Period: anytime outside of the fall and spring academic semesters in which University housing is officially closed, including Thanksgiving Break, Winter Break, Spring Break, Easter Break, throughout summer housing (between the spring and fall semesters) and in the few weeks and/or days before the start of the fall semester and the end of the spring semester in which some students are allowed to move into campus housing early or to move out of campus housing later than normal.

This policy implements the Drug Free Schools and Communities Act (20 U.S.C. 1145g).

## PURPOSE

The risks associated with the use of illicit drugs and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration and devastating effects on family and friends. There are obvious risks such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. There are a number of less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic performance
- Poor job performance
- Poor social interactions
- Unwanted and inappropriate sexual activity
- Sexually transmitted diseases, including HIV/AIDS
- Pregnancy
- Jeopardizing future career prospects, (e.g., admission to law school and employment with the federal government)

In addition, alcohol and illicit drug abuse puts the user at considerable health risk, which can include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some

cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to fellow classmates, the public and to unborn children.

All students, whether on or off campus, must adhere to local and federal laws concerning alcohol use and are expected to conduct themselves in a manner consistent with University expectations. The University will not tolerate the unlawful manufacture and/or illegal purchase, consumption, possession, or distribution of alcohol to or by any student.

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of illicit drugs. These laws carry penalties for violations, including monetary fines and imprisonment. The unlawful manufacture, distribution, dispensation, possession or use of an illicit drug by a student on University property or as any part of a University-sponsored program on or off campus is strictly prohibited.

Any student who violates the Student Code of Conduct as it relates to alcohol and illicit drug use is subject to sanctions as outlined therein. See also the Penalties for violation of federal and local jurisdiction standards related to drugs and alcohol.

The University cooperates fully with law enforcement authorities. Violations of the Wheeling University Alcohol and Illicit Drug Policy and/or the Student Code of Conduct that are also violations of federal and local law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently in the University conduct system and in the criminal justice system

## RESOURCES

Wheeling University Counseling Center:  
Donahue Hall 304  
304- 243-2081

Wheeling University Health Center:  
Acker Science Center 204  
304-243-2225

Crossroads Counseling Services:  
255 West Main Street  
St. Clairsville, OH 43950 (740)  
695-9447

Alcoholics Anonymous:  
(304)231-5867 or 800-333-5051

The University's Vice President of Student Services' Office is also available to assist students seeking alcohol and/or other drug rehabilitation services.

## PENALTIES

The intent of the following information is to provide knowledge of possible sanctions for citations and/or arrest for illicit drugs and/or alcohol use known to be available; penalties under federal, state, and local laws are separate from University sanctions for on campus conduct proceedings. Students who will seek professional license after graduation should note that some professional licensing agencies could consider alcohol and other drug convictions in determining licensure.

Current information about West Virginia State Code can be found on the West Virginia Legislature Website.

**Alcohol:** Underage purchase of alcohol or misrepresentation of age is subject to a fine up to \$500 and three days in jail or probation. Purchase of alcohol for those underage is subject to a fine up to \$500 and up to 10 days in jail. Public intoxication is subject to a fine up to \$100 and up to 60 days in jail or completion of an alcohol education program or counseling. Driving under the influence of alcohol, or other drugs (includes DUI), depending on circumstances, is subject to incarceration of from 24 hours to 10 years, a fine of \$100 to \$5,000, and license suspension of from six months to life.

**Illicit Drugs:** Under state law, conviction for possession of a controlled substance is subject to incarceration for up to six months and a fine up to \$1,000. Sentences can be double for second or subsequent offenses. Manufacture, possession, or delivery with the intent to manufacture or deliver a controlled substance is subject to, depending on the substance classification, up to 15 years imprisonment and/or a \$25,000 fine upon conviction. Sentences can be doubled for subsequent offenses and mandatory prison terms result for convictions involving distribution of controlled substances to minors or within 1,000 feet of the University or other school. Federal sanctions for illegal possession of a controlled substance vary with the conviction, substance possessed, and the quantity of the substance. First conviction is subject to up to one-year imprisonment and a fine of at least \$1,000 but no more than \$100,000 or both. After one prior drug conviction, the penalty is at least 15 days in prison, not to exceed two years and a fine of at least \$2,500 but no more than \$250,000 or both. After two or more prior drug convictions, the penalty is at least ninety days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000 or both. Those convicted of illegal possession of a controlled substance are also subject to denial of federal benefits, such as work-study, student loans, grants, contracts, and to loss of professional licenses and disqualification for a commercial driver's license, for up to one year for the first offense, for life for the second offense.

## ALCOHOL USAGE GUIDELINES

Wheeling University strives to promote legal, informed and healthy choices about the use of alcohol and drugs on and off-campus by all members of the community. Wheeling University is subject to the same local and state laws that govern all citizens, including those concerning the possession, use, sale and distribution of alcohol; acts that violate these laws are in direct conflict with University regulations



Suspected student violations of the University Alcohol and Illicit Drugs Policy are processed through the student conduct system under the direction of the Vice President of Student Services and/or his/her designee and will be subject to sanctions up to and including dismissal from the University.

#### STUDENT CODE OF CONDUCT - "I. VIOLATION OF THE ALCOHOL POLICY"

- a. Possession of containers that previously contained alcoholic beverages.  
(Empty alcohol containers cannot be used as decorations; such containers will be considered an open container and deemed as proof of consumption and a violation of the alcohol policy. The policy applies to all students, regardless of age).
- b. Possession of common source containers, whether full or empty, of alcohol such as kegs, beer balls, or boxed wine.
- c. Participation in and/or being in the presence of drinking games.
- d. Possession of alcoholic beverages by persons under 21 years of age.
- e. Consumption of alcoholic beverages, including:
  - a. Consumption of alcoholic beverages by persons under 21 years of age;
  - b. Consumption of alcoholic beverages or possession of an open container by persons 21 years of age or older in any public area, unless it is an official University approved event, including public space within a residence hall. Containers in which the original seal has been broken or containers that are not able to be permanently sealed constitute an open container.
- f. Intoxication by any person, regardless of age.  
Social drinking must never be undertaken to the detriment of, or in violation of, the rights of others. As such, students are reminded that it is their responsibility to be sober at all times. The University will not tolerate public drunkenness since intoxicated students act in a manner inconsistent with the values of the University, pose a threat to themselves, and can make life unpleasant for those with whom they live. Any student found in an intoxicated condition will be subject to appropriate sanctions. Determination as to whether or not a student is intoxicated may be made on the basis of use of a breathalyzer and/or the following factors including, but not limited to:  
  
Whether a student is:
  - unable to walk without assistance
  - speaking incoherently
  - unconscious
  - vomiting
  - emitting a strong odor of alcohol
  - behaving in a loud and/or disorderly manner
- g. Sale, distribution or provision or attempts to sell, distribute or provide alcoholic beverages to or by anyone under 21 years of age.

- h. Possession of alcoholic beverages in a student room in which at least one assigned resident is under 21 years of age and/or persons under the age of 21 are present.  
Per a campus policy change effective Fall 2014, students age 21 and over cannot possess/consume alcohol in their assigned residence if they have an assigned roommate who is under the legal drinking age or if underage persons are present in the room. Students of legal drinking age should seek assistance from the Office of Residence Life if it is important to them to request a room change that would make alcohol use permissible in their room.
- i. Consumption of alcoholic beverages in a student room in which at least one assigned resident is under 21 years of age and/or persons under the age of 21 are present.  
Per a campus policy change effective Fall 2014, students age 21 and over cannot possess/consume alcohol in their assigned residence if they have an assigned roommate who is under the legal drinking age or if underage persons are present in the room. Students of legal drinking age should seek assistance from the Office of Residence Life if it is important to them to request a room change that would make alcohol use permissible in their room.
- j. Bringing alcohol into a University residence not assigned to the person bringing in the alcohol. Students regardless of age are not permitted to bring alcohol into residence rooms in which they are visiting. Only residents assigned to a room may provide alcohol to other persons in their assigned room, in accord with the University Alcohol Policy.
- k. Possessing more than the permissible maximum amount of alcohol allowed per 21-year-old resident per room.  
One case of beer (or like beverage) per 21-year-old resident is allowed; a case of beer is defined as a purchased box of 24-30 bottles/cans of beer.. Additional restrictions on the amount of alcohol allowed in a residence hall room and/or quad maybe applied at the discretion of the University. Visitors, regardless of age, may not bring alcohol into a room in which they do not reside.
- l. Possession and/or use of alcohol in University residences during University Break Periods, regardless of age.  
Alcohol use and/or possession of any kind is not permitted in University housing outside of the regular academic semesters when housing is officially "closed" for the regular, undergraduate terms; such times include Thanksgiving Break, Winter Break, Spring Break, Easter Break, during summer housing, and in the few days/weeks either just before fall housing opens or after spring housing closes but students have permission to be in housing. A zero tolerance policy for alcohol use is in place during these times. Students unable to abide by this policy should seek alternative housing arrangements off-campus; violators maybe subject to immediate housing suspension.
- m. Violation of the Alcohol Policy in the Rathskeller.  
The RATT is a social gathering place for students and other members of the University community. The RATT operates under a State liquor license and serves beer, malt beverages, and soft drinks during specified hours of operation in accord with local and state laws, and provides a venue for healthy, responsible and legal alcohol consumption. Violators of the Alcohol Policy in the RATT will face conduct action starting at a Level 3 (Conduct Probation) or Level 4 (Suspension) offense; employees who do not enforce the Alcohol Policy are subject to employment termination and conduct action. All alcoholic beverages must be purchased and consumed in the RATT. Individuals who wish to purchase, consume or have alcohol while in the

RATT will be required to receive a hand stamp, wristband, or other means to designate them of legal drinking age. RATT personnel have the right and responsibility to refuse entry or to serve alcohol to anyone deemed to be intoxicated or exhibiting inappropriate behavior due to suspect alcohol use.

- n. Violation of the Alcohol Policy at an approved University Sponsored Event or at the Ignatius Rock. "Alcohol Use at the Ignatius Rock" -- Students aged 21 or over may request use of the lawn hillside known as the "Ignatius Rock" during specified times to host social events in accord with University Alcohol Policy and in line with responsible, legal use of alcohol. Students should allow up to one week to process such a request via the online registration form. Request will be approved by the Vice President of Student Services and/or his/her designee. / "Alcohol Use at a University Sponsored Events" -- Campus-wide guidelines for registering for permissible alcohol usage at public and private University sponsored social events can be found in an online registration form. All events must be registered with and approved by the Vice President of Student Services and/or his/her designee; this includes events in accord with the Athletic Event Tailgating Policy involving alcohol use. Event organizers should allow up to two weeks for a review of their requested event; as needed, members of the Alcohol and Other Drug Review Committee will be called to review event request.

## DRUG USAGE GUIDELINES

The use, possession, and/or distribution of illicit drugs and/or drug paraphernalia of any kind is prohibited on campus. Wheeling University does not permit marijuana for any purpose; students who qualify under local law to use marijuana for medical purposes may not possess, store, use or share marijuana on University owned or controlled property or during University sponsored events.

### STUDENT CODE OF CONDUCT - "L. POSSESSION, USE OR DELIVERY OR COORDINATING THE DELIVERY OF ILLICIT DRUGS, AS DEFINED BY THE ALCOHOL & ILLICIT DRUG POLICY

- a. Possession of paraphernalia including any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes.
- b. Possession of drugs.
- c. Use of drugs.
- d. Misuse, abuse, and/or sale of prescription drugs.
- e. Distribution (any form of exchange, gift, transfer or sale) of drugs.
- f. Serving as a co-conspirator in drug related activity on campus; includes aiding in and/or knowingly endorsing acts of distribution.

## USE OF BREATHALYZERS

The University reserves the right to ask that students suspected of excessive alcohol use cooperate with the use of breathalyzers to assist University personnel in making sound decisions to ensure the safety and well-being of the student in question. Students refusing to cooperate and/or and who refuse off-campus medical treatment when determined necessary by the University, are subject to immediate Interim

University Suspension; in such cases, students will be asked to leave campus immediately, pending the outcome of a conduct hearing. If the student cannot safely leave campus alone, he/she will be asked to wait in the Public Safety Office until a responsible adult can come to campus to assist him/her; \$50/hour will be charged for such supervision.

Students not of legal drinking age can request the use of a breathalyzer to prove that they have not consumed alcohol; every effort will be made to honor such requests. It is the responsibility of students to be aware of University policies, and by not requesting use of a breathalyzer, students may be held responsible for violating the University alcohol policy. If a student does request a breathalyzer and a positive test result for the consumption of alcohol occurs, the student will be charged with additional policy violations.

## ALCOHOL AMNESTY

Student health and safety are of primary concern at Wheeling University. As such, in cases of intoxication, alcohol poisoning, or drug-related medical emergencies, Wheeling University always encourages individuals to seek medical assistance for themselves or others.

Students who seek medical attention for themselves related to the use of drugs or alcohol will not be formally charged with a violation of the Wheeling University Code of Conduct related to that use, provided that the student subsequently completes an assessment and any other recommended treatment from the Vice President of Student Services and/or his/her designee. Failure to complete such assessment may result in additional sanctions being applied.

Students who seek medical attention for someone else related to the use of drugs or alcohol will not be charged with a violation of the Wheeling University Code of Conduct related to that use.

Students who initiate reports of alleged sexual misconduct will not be formally charged with a violation of the Wheeling University Code of Conduct related to alcohol and/or other drug use.

The Alcohol Amnesty policy does not excuse or protect students who repeatedly violate the University's Student Code of Conduct, in which case the University reserves the right to take conduct action on a case by case basis regardless of the manner in which the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are flagrant violations of the Student Code of Conduct and put the University community at risk. The University continues to reserve the right to notify parents as per the Parental Notification policy.

## SANCTIONS FOR ALCOHOL VIOLATIONS

The sanctions listed are guidelines and may be altered at the discretion of the Vice President of Student Services and/or his/her designee; the list is not exclusive nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such

instance, the highest Level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others and/or property are considered may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at Wheeling University and students placed on a Level are subject to remain at that Level during the remainder of their time of study at the University.

**SANCTIONS FOR ALCOHOL VIOLATIONS**

<b>Level</b>	<b>Examples of Violations</b>	<b>Sanction Guideline</b>
Level 1A	Underage possession. Possession while in the presence of underage person(s); possession/ consumption of an open container of alcohol in non-designated areas; creating a disturbance while under the influence of alcohol	<b>Alert Status:</b> Mandatory completion of an online educational program (if not already completed). Student is responsible for paying all costs (up to \$75) associated with program completion; Parents/guardian notification.
Level 2A	Second offense of a Level 1A violation; aggravated Level 1A violation including failure to comply in an investigation; jeopardizing the safety of self or others; possession of a false form of identification; Hosting party in violation of maximum occupancy policy; Drinking games; Consumption while in the presence of underage person(s).	<b>Warning Status:</b> Optional alcohol assessment by the University Counseling Center. Parents/guardian notification. Alcohol education and/or educational activity. \$75-150 fine.
Level 3A	Third offense of a Level 1A violation; Level 1A violation when Level 2A status has already been assigned; a grossly aggravated offense of a Level 2A violation; serving minors /allowing the consumption of alcohol by underage person(s) to take place in one's residential area; Alcohol impairment/abusive use (driving under the influence of alcohol, disruptive or violent behavior, drunkenness or intoxication) possession of unauthorized alcohol paraphernalia/ excessive quantity of alcohol (keg, "gin bucket," etc.). First alcohol offense: in the Rathskeller, at Sponsored University Events or Ignatius Rock, or during University Break Periods.	<b>Conduct Probation:</b> Mandatory completion of alcohol assessment by the University Counseling Center (if not already completed). Campus social restrictions. Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification. Alcohol education and/or educational activity. \$150-300 fine.

Level 4A	Inducing/forcing another to consume alcohol; any violation of the alcohol policy following placement on Level 3A status; an aggravated offense of a Level 3A violation; second offense of a level 2A violation when a 2A has already been assigned.	<b>Suspension/expulsion from the University and/or housing:</b> Recommendation to off-campus outpatient or inpatient facilities for assessment and/or AOD program(s); Campus social restrictions; Parents/guardian notification and/or meeting. Alcohol education and/or educational activity; \$300-600 fine.
<b>Any further violations after being placed on Level 4A may result in the immediate suspension/expulsion of the university determined by the Vice President of Student Services.</b>		

The sanctions listed are guidelines and may be altered at the discretion of the Vice President of Student Services and/or his/her designee; the list is not exclusive nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such instance, the highest Level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others and/or property are considered may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at Wheeling University and students placed on a Level are subject to remain at that Level during the remainder of their time of study at the University.

#### ILLICIT DRUG VIOLATION SANCTIONING GUIDELINES

Sanction Level	Examples of Violations	Sanction Guideline
Level 1D	Possession of drug paraphernalia without residue/evidence of drugs; drug paraphernalia; persistent odor of marijuana smoke; misuse of a prescription drug	Conduct Probation; Mandatory completion of an online educational program (if not already completed); Student is responsible for paying all costs (up to \$75) associated with program completion; Parents/guardian notification; Campus or community service; Drug education and/or educational activity; \$150-\$300 fine.

Level 2D	Possession of, use of or under the influence of a controlled substance; possession of drug paraphernalia that indicates or suggests distribution; aggravated Level 1D violation including failure to comply in an investigation; recreational use or under the influence of a legal or illegal mind-altering substance(s); second offense of a level 1D violation	Placement on Conduct Probation; Suspension from the University and/or housing; Reassignment of campus housing; Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification and/or meeting; Campus or community service; Campus social restrictions; Alcohol education and/or educational activity; Mandatory completion of an online educational program (if not already completed). Student is responsible for paying all costs (up to \$75) associated with program completion; \$300-\$600 fine.
Level 3D	Distribution (any form of exchange, gift, transfer or sale) of illicit drugs; serving as a co-conspirator, aiding in and knowingly endorsing acts of illicit drug distribution; second offense of a level 2D violation; third offense of a level 1D violation.	Immediate Suspension and/or Expulsion from the University
<b>Any further violations after being placed on Level 2D may result in the immediate suspension/expulsion of the university determined by the Vice President of Student Services.</b>		

## AUTHORIZATION

Alcohol and Other Drug Review Committee, Vice President of Student Services, Director, Campus Ministry, Mission & Identity provides minimal annual review and edits to the University’s Alcohol and Illicit Drug Policy (last review - August 1, 2014). The AOD Review Committee meets a few times of year and in addition to reviewing the AOD policy, the committee also reviews University AOD use and statistics via the conduct process, and plans for educational and outreach programs. The AOD Policy can be found in detail in the Wheeling University Student Handbook at [www.wju.edu/studenthandbook](http://www.wju.edu/studenthandbook). Wheeling University’s Biennial Review and Drug and Alcohol Prevention Program Report is also available online, or in hard copy by request.

## ALCOHOL AND OTHER DRUG POLICY (EMPLOYEE)

Wheeling University’s Employees Workplace Practices: Drug and Alcohol Policy is updated regularly and can also be found online at [http://www.wju.edu/about/hr/policies/hr\\_drug.asp](http://www.wju.edu/about/hr/policies/hr_drug.asp)

Wheeling University is dedicated to being in full compliance with the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act Amendments of 1989. As a

recipient of federal contracts and grants, the University certifies to all funding agencies that it promotes and provides a workplace free from illicit drugs and alcohol use by complying with the statutory requirements stipulated in both federal and state laws.

## POLICY STATEMENT

Wheeling University strives to maintain a drug and alcohol free workplace and prevent the unlawful possession, use or distribution of drugs and alcohol by students and employees on campus and in the workplace. The University prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University property and at all University functions and programs, whether on or off campus.

## DEFINITIONS

- "Workplace" - Any site for the performance of work done in connection with a specific federal grant or contract as described within the Act.
- "Alcohol" - Generally focused on "intoxicating beverages" with the exact definition of "intoxicating" varying from state to state. In West Virginia it is a blood alcohol absorption level in excess of 0.08.
- "Controlled Substances" - Defined in Schedule I through V of the Act and includes any drug whose production, possession, importation and distribution has been declared by the Controlled Substance Act to be illegal for sale or use except but those that may be dispensed under a physician's prescription.
- "Drugs" - Shall be defined as those outlined in the Controlled Substance Act.
- "Illegal Drugs" - Shall be defined as drugs that are unlawful to possess, manufacture, sell, or use.
- "Conviction" - Shall include a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- "Physician prescription" - Authorization by a physician licensed within the state to dispense drugs and medication, the use of which is assigned to one (1) individual specifically named on the prescription.

## NOTIFICATION

- It is the responsibility of the Human Resources Department to ensure that all new employees are informed of this policy upon entrance to the University and annually thereafter. All employees are required to abide by its terms as a condition of employment.
- It is the responsibility of the Vice President for Student Services, or his / her designee, to insure that all incoming students are informed of this policy upon admittance to the University and annually thereafter.



## NOTICE OF CONVICTION AND SANCTIONS

- Employees who violate this policy, while on campus as well as any place where a University employee works or performs work activities as well as sponsored activities and events both on and off campus, either during assigned work hours or after, will be evaluated on a case by case basis and may be subjected to satisfactory completion of an assessment / rehabilitation program, disciplinary action up to and including termination, as per the University's Corrective Action policy, and referral for prosecution. The Human Resource Department will report all subsequent convictions to the appropriate federal funding agency within five (5) days of receiving such notification.
- Employees are required to notify the Human Resource Department of any drug-related criminal convictions for violations occurring outside the workplace no later than five (5) days following the conviction. Employees will be evaluated on a case by case basis and may be subjected to satisfactory completion of an assessment / rehabilitation program and/or disciplinary action up to and including termination. The Human Resource Department will report the conviction to the appropriate federal funding agency as required.
- Students who violate this policy will have a record of the offense forwarded to the Vice President for Student Services, or his / her designee. Students who violate any other external drug and alcohol laws will be governed by the student handbook on a case by case basis and subjected to possible satisfactory completion of an assessment / rehabilitation program, referral for prosecution and possible disciplinary action up to an including expulsion.
- Both the Division of Student Services and the Human Resource Department will be responsible for ensuring that all sanctions against students and employees are issued within thirty (30) days of receipt of notice. Both offices are ultimately responsible for ensuring adherence to this Policy. An annual review of this Policy to determine effectiveness, revisions, and consistency will be completed by a committee convened by the University's Compliance Team. A report of the Committee's finding, including recommendations, will be forwarded to both offices.

## LEGAL SANCTIONS

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale and distribution of any illegal narcotic or dangerous drugs. These laws carry penalties for violations, including monetary fines and imprisonment. Employees may be subject to employment sanctions per the University's Corrective Action Policy and criminal sanctions per federal, state, and local statutes.

## HEALTH RISK

The risks associated with the abuse of drugs or alcohol is numerous and includes: physical and mental impairment, and impact on an employee's professional and personal life. Abuse of drugs or alcohol can negatively impact job performance and attendance and can jeopardize continued employment. Drug or alcohol use can create a health risk for the user, and a safety risk for the user, co-workers and other members of our community.

## AVOIDANCE AND ASSISTANCE

Wheeling University maintains a drug and alcohol abuse prevention program and offers, to all students and employees, the opportunity for education, counseling and referrals for those with alcohol and drug-related concerns and issues. Information on the possible health effects or drug and alcohol use, referrals, rehabilitation services and sanctions is distributed annually to every student and employee and is available in the Student Wellness Center, the Counseling Center, and the Human Resource Department.

## AUTHORIZATION

The Vice President of Human Resources, in conjunction with the President of the University or his designee, has the authority to approve changes or exceptions to this policy at any time with or without notice, provided such changes are in compliance with legal or regulatory requirements, University compliance program requirements, and other policy guidelines.

## EMERGENCY RESPONSE:

Wheeling University will take all steps necessary to isolate and mitigate any emergency or dangerous situation that may affect the campus community. All emergencies normally get reported to Campus Public Safety which in turn dispatches public safety officers to the situation. These officers along with Residence Life members (if occurring in student housing) will make early assessments determining the size and scope of the emergency. If the emergency is confirmed to be present and an immediate threat to the Wheeling University community, the Director of Campus Public Safety will be notified and a mass notification notice will be sent to the community. Some types of immediate threats generally are:

- a. Natural disasters that will directly and adversely affect the community.
- b. An active shooter or hostile armed intruder / robber in or around campus.
- c. Bomb threat or explosion.
- d. Civil disturbance that could have a serious effect on the Wheeling University community.
- e. Terrorist attack.
- f. Chemical or biological accident or attack.
- g. Gas leak, water main break or a power loss that could have serious effect on the campus or surrounding communities.
- h. Fire event.

## EMERGENCY RESPONSE MANUAL

The Wheeling University Emergency Response Manual provides details of Emergency Resource Team, Emergency Command Post, General Responsibilities, and Specific Emergency Procedures. University employees, student and the public have access to the Emergency Response Manual online at: [http://www.wju.edu/about/hr/forms/EMERGENCYMANUALARCHIVE\\_10172013.pdf](http://www.wju.edu/about/hr/forms/EMERGENCYMANUALARCHIVE_10172013.pdf)

Hard copies are available upon request at the Office of Campus Safety & Security.

## EVACUATION

Wheeling University draws upon a nationally recognized standard of the Incident Command System (ICS) developed by the Federal Emergency Management Agency. This system is widely used at the federal, state, local community levels, and at the college and university level. This system lends consistency, efficiency and effectiveness to the manner in which the university shall respond to an immediate emergency and/or a situation that may require the evacuation of campus. Specific procedures are in place to respond to an immediate emergency or dangerous situation involving the health and safety of the Wheeling University community to include evacuation. When buildings are ordered to be evacuated it is university policy that all faculty, staff and students exit the building to the pre-designated rally points at the direction of university police or student life members. These procedures are delineated in Wheeling University's general and fire evacuation plan which can be found in the University's Emergency Preparedness Manual, available online at [http://www.wju.edu/about/hr/forms/EMERGENCYMANUALARCHIVE\\_10172013.pdf](http://www.wju.edu/about/hr/forms/EMERGENCYMANUALARCHIVE_10172013.pdf). Moreover, these guides and information will be distributed to all faculty, administrators, and staff on campus annually, by October 1st.

Students, faculty, administrators and staff may be directed to assembly areas after evacuating a building. If a building evacuation is necessary the following procedures should be followed. General evacuation procedures include the following directions for occupants of any University building. If a building evacuation is necessary, Campus Public Safety will respond to all emergency situations. They will notify appropriate first responders as needed. Occupants of all floors will immediately evacuate the building when requested to do so. In the event of an emergency evacuation follow all the instructions below:

- a. Remain calm and go to the nearest stairwell, walk on the right side. Walk, do not run. Exit out of the building. Go to the building's designated Rally Point. (\* Note: Elevators will not be in service during a fire alarm condition.)
  - b. Assist in the evacuation of the building. Give any disabled occupant information to Campus Police or the responding agency upon exiting.
  - c. Close all doors when leaving rooms.
  - d. Do not re-enter the building until the all clear has been announced, this occurs after the responding agency gives their all clear and Campus Police has completed a safety survey.
- Residence Halls: Campus Public Safety and the Student Life Staff will assist in the complete evacuation of the building and control the occupants in the residence hall's designated rally point until the emergency has been abated (see specific building evacuation procedure).
  - Academic Buildings: Campus Public Safety will assist in the complete evacuation of the building and control the occupants in the building's designated rally point until the emergency has been abated (see specific building evacuation procedures).

## MASS NOTIFICATION (E2CAMPUS) AND TIMELY WARNING POLICIES

The University uses e2campus as our mass notification system to disseminate immediate threats to the Wheeling University community. Wheeling University added emergency text messaging to the

e2Campus Notification System (LENS) in August, 2009. Text messaging will be used when imminent threats to the Wheeling community are identified. This is a free service to students and employees of the University; however community members must register every academic year to gain use of this valuable information system. To see the instructions on how to register go to the Cardinal Online web site at <http://www.wju.edu/services/> and click on “Emergency Alerting Services.” “Incident Alerts” and “Crime Prevention Notices” are distributed on campus by timely warning and e-mail messages and are accessible on the main University web site when they are needed. They inform the University community of situations that present a potential hazard on campus or in the surrounding community.

The mass notification system will send a text message to a cellular phone alerting the registered individual of the immediate threat. The size of the message that can be sent to the cellular phone is limited so additional messages will continue to be passed as the situation develops. Additionally information / incident alerts will also be disseminated through the Wheeling University email system. Use of the text messaging system helps reach community members who may be out on the campus traveling from one place to the other.

- a. Timely Warning - The intent of a timely warning regarding a criminal incident is to enable the community to protect themselves. The warning will be issued as soon as pertinent information is available. The timely warning will be released even if all the facts surrounding the incident are not known. Timely warnings must be issued for any Clery Act crimes (see section 23) which occurs on Clery geography and is:
  - a. Reported to campus security authorities or local police agencies and
  - b. Is considered by the institution to represent a serious or continuing threat to the students and employees.

Note: Other crimes even if not Clery reportable can be sent out as a timely notice when the institution determines the warning would have merit. These warnings should not be posted in locations that would make the community have to search for them or have to request them.

- b. These notification systems will be activated without delay when the situation becomes known and there is a confirmation of an immediate threat to the campus. There could be situations when notification might compromise the efforts of those responding to the event which may dictate holding the message until an appropriate time later.
- c. The responsibility to assess the criminal situation and disseminate the mass notification message lies with the Office of Campus Public Safety. Public Safety has the means to access the situation and initiate appropriate calls to the department and University leadership. Once the Director has verified, as best they can, an immediate threat is continuing the activation of the mass notification process will begin. Critical information may come from many different sources, such as the Wheeling Police Department, the Ohio County Sheriff’s Office or other state or city government agencies, etc. All information will be assessed and evaluated with respect to impact and threat to the University. The Office of Public Safety is staffed 24 hours a day every day of the year. After the initial immediate threat alerts have been disseminated additional information will be updated as the situation develops. A series of alert messages will be used as the situation evolves and as additional information becomes available. A chronology of

events and procedures will generally follow this sequence:

- a. Event or incident.
  - b. First responders (Campus Public Safety) dispatched.
  - c. Expansion of the situation and security needs (local perimeters if needed).
  - d. Calls for additional support of Wheeling Police Department or Ohio County Sheriff's Office.
  - e. Director notified.
  - f. Analysis of the critical information if serious and continuing threat remains send the warning(s).
  - g. Begin e2campus notification if there is a serious or continuing threat.
  - h. Establish command post (if appropriate), according to Emergency Manual.
  - i. React, coordinate, implement, and mitigate the effect.
  - j. Continue operations and disseminate additional messages as needed.
- d. The key positions at the University who interact throughout this process are:
- a. Campus Public Safety Officers.
  - b. Director of Campus Public Safety
  - c. Director of Residence Life and on-call professional residence life staff members.
  - d. Vice President, Human Resource and Compliance.
  - e. Vice President of Student Services.
  - f. Any designated representative by the Vice Presidents and per the Emergency Manual.
- e. The mass notification systems that we use; e2campus, public address, and incident alert, are messages that can be stratified by population and or location. Undergraduate students, faculty, staff and administrators, and alumni can be reached by using the proper group addresses. The dissemination of emergency information to the larger community is a collaborative effort between those mentioned above and the public relations leadership. Discussions then take place about the impact of a message release and what information needs to be released.
- f. The University tests its mass notification systems twice a semester. Each stand-alone system is tested and evaluated to see if they will be able to perform their intended functions when needed.
- g. The Office of Campus Public Safety conducts "in service" training annually at staff meetings. Subjects covered are WJU policies, WV law, building security and other appropriate topics.

## MISSING STUDENT NOTIFICATION

The purpose of this policy is to establish procedures for the University's response to reports of missing students, as required by the Higher Education Opportunity act of 2008. This policy applies to students who reside in campus housing.

## POLICY STATEMENT

A Wheeling University residential student is "determined to be missing" when a missing person report investigation concludes that the student has been absent from the University for a period of 24 hours or

longer without any known reason. The Director of Campus Public Safety, or designee, in conjunction with the Vice President of Student Services, or designee, will make the official determination of whether a student is deemed missing.

## PROCEDURE FOR DESIGNATION OF CONFIDENTIAL EMERGENCY CONTACT INFORMATION

All residential students have the opportunity annually to identify an individual or individuals to be contacted by the Vice President of Student Services not later than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information is maintained confidentially and will be available only to the Director of Campus Public Safety, Vice President of Student Services and Director of Residence Life. The administration of the University reserves the right to notify the parents of a student under the age of 21 if they are reported missing.

For those under the age of 18 and not an emancipated individual, the University is required to notify the emergency contact as well as the custodial parent or guardian no more than 24 hours after the student is determined to be missing.

## PROCEDURE FOR OFFICIAL NOTIFICATION FOR MISSING STUDENT

- a. Any concerned person who has information that a residential student may be a missing student must notify the Campus Public Safety Department or Director of Residence Life as soon as possible so that an official determination may be made about whether or not the student is missing.
- b. The Campus Public Safety Department and Residence Life Staff will gather all essential information about the residential student from the reporting person and from the student's acquaintances. Appropriate staff will include the residential director on call, the director of residence life, the dean of students and the director of campus security.
- c. If the above actions are unsuccessful in locating the student in a reasonable time, or it is apparent immediately that the student is a missing person (e.g. witnessed abduction) the student will be determined as a missing student.

At this time the Director of Campus Public Safety or his/her designee will notify the Wheeling Police Department that the University has a missing student. The Vice President of Student Services and/or his/her designee will notify the emergency contact of the missing student and the appropriate officials in administration at the University. In addition, the University reserves the right to notify the parents of a student under the age of 21 if they have been determined to be missing.

## RESIDENCE LIFE

In keeping with the mission of the University, its educational goals and assumptions, the Office of Residence Life strives to support the growth and development of Wheeling University students. The Office of Residence Life is committed to providing a safe, comfortable and educational environment.

The Office oversees and reviews violations of the Student Code of Conduct and Residence Life Policies and Procedures and implements the University's student conduct process, under the direction of the Vice President of Student Services.

Student residence halls are secured at all times and may be entered only by an electronic access card. There are also students employed as desk assistants who control residence hall access to Ignatius Hall, Thomas More Hall, Champion & McHugh Halls and Kirby & Sara Tracy Halls during times of increased visitor volume.

Resident Assistants (RAs), who are selected and trained students, assist students in their development and adjustment to University life as well as monitor Student Code of Conduct violations in the residential areas.

RAs periodically make evening "rounds" throughout the residence halls. This relationship helps to ensure cooperation and increases the visibility of the staff in and around the residence halls.

In addition to RAs there are also Area Coordinators who are live-in professional staff responsible for coordinating the activities and resources of the RAs . The Area Coordinators also provide assistance to the Directors of the Residence Life staff in matters involving violations of the Student Code of Conduct.

Residence hall staff members immediately notify Campus Public Safety if there is a crime or incident that requires their attention or attention of the police. The Office of Residence Life, Office of Campus Public Safety and Vice President of Student Services work together regarding situations in the residence halls that might require emergency intervention. All reports submitted by all of three offices are shared with each other and professional staff members meet weekly when classes are in session to review reports and ensure proper response. Daily collaboration between Residence Life, Campus Public Safety and the Vice President of Student Services occurs throughout the year and offices are located on the same floor to ensure steady communication.

## SEXUAL MISCONDUCT POLICY

### 1. Introduction

The University prohibits all forms of sexual discrimination, including sexual misconduct as defined on page 6. The University is committed to addressing sexual misconduct in a manner consistent with applicable law. A notice of the University's policy of nondiscrimination shall be widely disseminated on the University's campus to students, employees, applicants for admission and applicants for employment. The notice shall specifically state that (a) the University does not discriminate on the basis of sex in its education programs and activities, (b) the University is required by Title IX not to discriminate in such a manner, and (c) questions concerning Title IX may be referred to the University's Title IX Coordinator or to the Office of Civil Rights at the United States Department of Education. The notice of non-discrimination shall state the name or title, office address, telephone number and email address of the University's Title IX Coordinator.

Specifically, it is the policy of the University that designated staff members take immediate and appropriate steps to investigate or otherwise determine what happened when the University knows or reasonably should know of possible sexual misconduct. When sexual misconduct is determined to have occurred, the University shall take prompt and effective steps reasonably calculated to end the sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. All complaints shall be processed in accordance with the procedures established in this policy.

It is also the policy of the University to protect any student filing a complaint alleging sexual misconduct and to ensure the student's safety as necessary, including taking interim steps to protect the student prior to the final outcome of any investigation. It is the University's duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual misconduct. This duty also applies to complaints involving parties of the same sex, and it requires the University to use the same procedures and standards used in all complaints involving sexual misconduct.

Inappropriate conduct by University personnel toward students is prohibited, and University policies shall identify procedures for identifying and responding to inappropriate conduct by University personnel.

## 2. Scope of Policy

- a. Persons, Conduct, Locations, Programs, Activities and Relationships Covered - All of University's students, employees, and campus visitors are covered by this policy, regardless of sexual orientation or gender identity. This policy applies on all property owned by the University, on all property at which the University holds educational programs or activities, and on all airplanes, buses or other vehicles used to transport the University's students, and this policy applies to all of the University's educational programs and other activities.
- b. Overview of Confidentiality Policy - The University's confidentiality policy is set forth in Section 6.

## 3. Options for Assistance Following an Incident of Sexual Misconduct

The University shall take prompt steps to protect the complainant once the University has notice of sexual misconduct. The University shall take interim measures, including academic accommodations, to protect the complainant and witnesses as necessary while any criminal or campus investigation is underway and before the final outcome of any investigation. University officials should be mindful that sexual misconduct can result in delayed decision-making by a student who has experienced sexual misconduct. In anticipation of the need for support services from other agencies in the community, the University shall enter memoranda of understanding with other agencies as may be necessary to meet the University's obligation under Title IX. The University shall enter a memorandum of understanding with local victim services provider if the



University does not offer services required by Title IX. All such memoranda shall comply with all FERPA requirements. In the event of an alleged off-campus sexual misconduct incident, the University shall protect the student and the University community in the same manner it would had the sexual misconduct occurred on campus. Further, the University shall handle off-campus sexual misconduct incidents as it would handle other off-campus incidents of misconduct and consistent with any applicable law. If the University has a sexual assault response coordinator, that person must be consulted in identifying safety risks and interim measures that are necessary to protect the student.

- a. Immediate Assistance - In the event of a sexual assault, various resources are available to students:
  - i. Trained offices- campus advocates and counselors who can provide an immediate privileged and confidential response in a crisis situation:

WU Counseling Center  
Donahue Hall, Suite  
340  
Washington Ave  
Wheeling, WV 26003  
304-243-2081

- ii. Emergency phone numbers for on- and off- campus safety, law enforcement and other first responders, including the Title IX Coordinator:

- **Campus Safety/Police:** 304-243-2486 / 911
- **Local Police:** 304-234-3661 / 911
- **Ambulance:** Tri-State 304-233-4357
- **Title IX Coordinator:** 304-243-2639
- **Director of Resident Life:** Acker Science Center, Suite 302  
316 Washington Ave  
Wheeling, WV 26003  
304-243-2175
- **Director of Public Safety:** Swint Hall Annex  
316 Washington Ave  
Wheeling, WV 26003  
304-243-4453

- iii. The Sexual Assault Response Team (SART) can provide the following resources and support and can be accessed by:

Sexual Assault Help Center at:

Wheeling Hospital ER  
1 Medical Park  
Wheeling, WV 26003  
304-243-3880

iv. Health care services are available as follows:

On-Campus: Part Time Nurse RN Campus Health Center

Acker Science  
Center Suite 204  
316 Washington  
Ave  
Wheeling, WV 26003  
304-243-2225

Off-Campus: Family Health Center

Wheeling Hospital  
1 Medical Park  
Wheeling, WV 26003  
304-243-3880

v. A Sexual Assault Nurse Examiner (SANE) can be found or a rape kit can be obtained at:

Wheeling Hospital  
1 Medical Park  
Wheeling, WV 26003  
304-243-3880

Any victim of sexual misconduct should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Victims are encouraged to discuss with health care providers, campus officials, and/or first responders the option of seeking medical treatment in order to preserve evidence which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protective order.

Alleged offenses may be reported to the law enforcement agencies or to university officials designated in Section 6, and victims may (a) notify law enforcement authorities, (b) be assisted by campus authorities in notifying law enforcement authorities if the victim chooses, or (c) decline to notify such authorities. Victims may also be able to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by an appropriate court.

University officials should be mindful of the University's obligation to provide interim measures to protect the complainant in the educational setting. The University must consider a number of factors in determining what interim measures to take, including, (a) the specific need expressed by the complainant, (b) the age of the students involved, (c) the severity or

pervasiveness of the allegations, (d) any continuing effects on the complainant, (e) whether the complainant and the Respondent share the same residence hall, dining hall, class, transportation or job location, and (f) whether other judicial measures have been taken to protect the complainant. The University shall minimize the burden of any interim measures on the complainant. The University will provide counseling services without charge to the complainant if the University determines that counseling is necessary as a part of its Title IX obligation to protect the complainant while the investigation is ongoing. Non-professional counselors or advocates shall consult with students regarding what information needs to be withheld to protect each student's identity. The University shall notify the complainant of complainant's options to avoid contact with the Respondent and allow the complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate. The University shall ensure that the complainant is aware of (a) complainant's Title IX rights, (b) any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and (c) the right to report a crime to campus or local law enforcement. The University shall not dissuade a complainant from filing a criminal complaint either during or after the University's internal Title IX investigation.

### **Ongoing Assistance**

#### **Counseling, Advocacy and Support - On and Off Campus**

Counseling and support services for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the University's disciplinary process or criminal process, include:

#### **Name and Contact Information:**

Tri-County Help Center  
104½ North Marietta  
Street. St. Clairsville, Oh  
43950 800-695-1639

1. Confidential counseling, advocacy, health, mental health, or sexual-misconduct-related sources, can be found both on and off campus as follows:

On-Campus: WU Counseling Center  
Donahue Hall, Suite  
340  
Washington Ave  
Wheeling, WV 26003  
304-243-2081

Off-Campus: Tri-County Help Center  
104½ North Marietta  
Street. St. Clairsville,

OH 43950 800-695-  
1639

2. Ongoing support during the University's disciplinary process or the criminal process can be found as follows:

Contact Information: Vice President of Student Services  
Acker Hall 202B  
316 Washington Ave  
Wheeling, WV 26003  
304-243-2350

#### Academic Accommodation and Interim Measures

1. The University can provide immediate steps and interim measures to ensure the safety and well-being of the victim, such as the ability to move dorms, change work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g. tutoring).
2. The University may be able to provide additional interim measures for complainants while an investigation is pending, such as no contact orders and changing the Respondent's living arrangements or course schedule.

3. Title IX Coordinator

The President shall designate at least one employee to coordinate the University's efforts to comply with and carry out responsibilities under Title IX. The current Title IX Coordinator is: David Hacker. The University shall notify all students and employees of the name or title and contact information for the Title IX Coordinator. The President shall give the Title IX Coordinator the training, authority, and visibility to fulfill the required duties set forth in this section and elsewhere in this policy in sections, 1, 3, 4, 6, 7, 9 and 10. The Title IX Coordinator shall have knowledge of Title IX requirements, of the University's policies and procedures on sex discrimination and of all complaints raising Title IX issues throughout the University. The University shall appropriately train the Title IX Coordinator in all areas over which the Title IX Coordinator has responsibility. The Title IX Coordinator shall be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation is to be conducted by another individual or office. The Title IX Coordinator shall be available to meet with students as needed. The Title IX Coordinator shall have no other job responsibilities which create a conflict of interest with the responsibilities associated with being the Title IX Coordinator. If more than one Title IX Coordinator is

designated by the President, the University's notice of nondiscrimination and the University's grievance procedure shall describe each coordinator's duties and shall designate one coordinator as having ultimate oversight responsibility. The Title IX Coordinator shall review all processes used to resolve complaints of sexual misconduct to ensure that they (a) comply with requirements for prompt and equitable resolution of these complaints, (b) allow for appropriate interim measures to be taken to protect the complainant during the process, and (c) provide for remedies to the complainant and University community where appropriate. The Title IX Coordinator shall also review the University's disciplinary policy to ensure it does not have a chilling effect on student's reporting of sexual misconduct offenses or participating as witnesses.

#### 4. Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Counseling employees - Pastoral and professional counselors who are licensed by the state in which they practice and employed by the University and other non-licensed employees working under the direct supervision and control of the licensed employees such that non-licensed employees are covered by the licensed employees' statutory privilege.

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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but it does not include acts covered under the definition of domestic violence.

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 in which the crime of violence occurred.

Educational setting - All of the University's academic programs and other activities of whatever nature on campus and at every other location where the University conducts authorized programs or activities.

Incapacitation - Any situation in which a person is incapable of giving consent due to the student's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

Intimidation - The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person's will.

Hostile environment - "Hostile environment" means activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the University's program.

Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

Responsible employees - The President, Vice Presidents and Deans of the University, the Title IX Coordinator, Deputy Title IX Coordinators, faculty members, resident advisors (RAs) and their supervisors, Athletics Staff and coaches, and University public safety officers are responsible employees.

Retaliation - The act of seeking revenge upon another person.

Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Sexual exploitation - The abuse of a position of vulnerability, differential power, or trust for sexual purposes.

Sexual harassment - Unwelcome conduct of a sexual nature.

Sexual misconduct - Any act, including acts between members of the same sex, of sexual harassment, sexual violence, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.

Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. "Sexual violence" also means same-sex conduct that violates the University's prohibition on sexual violence.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils threatens or communicates to or about a person, or interferes with a person's property; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the victim.

Title IX Coordinator - The person designated as such by the University's president or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator's incapacity or absence from the University's campus.

## 5. Reporting Policies and Protocols

The University encourages victims of sexual misconduct to talk to somebody about what happened so victims can get the support they need and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all of the details of an incident (including the identities of both the victim and the Respondent) to the Title IX Coordinator. A report to these employees (called "responsible employees") constitutes a report to the University - and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students and their parents, if appropriate, aware of the various reporting and confidential policies available to them - so they can make informed choices about where to turn should they become a victim of sexual misconduct and so they will know how to report any problems relating to retaliation which may subsequently arise. The University encourages victims to talk to someone identified in one or more of these groups.

- a. Reporting Required – All responsible employees must be aware of their own reporting responsibilities and the importance of informing complainants of (a) the reporting requirements of responsible employees, (b) complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support service, and (c) complainants’ right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement. All responsible employees shall report incidents of sexual misconduct to the Title IX Coordinator, subject to the exemption for the University’s counseling employees. All other employees shall respond to reports of sexual misconduct by notifying a responsible employee of the information pertaining to the incident of sexual misconduct. The University shall take the following steps to ensure that a student understands an employee’s reporting obligation before the student reveals any information to that employee:
1. Training responsible employees annually so that they will make appropriate disclosures of their reporting obligations.
  2. Making disclosure checklists available to responsible employees.
  3. Offering an annual student awareness campaign.
- b. Responsible Employees - Responsible employees shall report to the Title IX Coordinator all relevant details about the alleged sexual misconduct that the student or other person has shared and that the University will need to determine what occurred and to resolve the situation. Before a student reveals information that the student wishes to keep confidential, a responsible employee, including a resident advisor, should make effort to ensure that the student understands: (a) the responsible employee's obligation to report the names of the Respondent and student involved in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident to the Title IX Coordinator or other appropriate University officials, (b) the student's option to request that the University maintain the student's confidentiality which the University will consider, and (c) the student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. Resident advisors and all responsible employees shall report the names of the Respondent (if known), the student who experienced the alleged sexual misconduct, other students involved in the alleged sexual misconduct, as well as relevant facts, including the date, time and location to the Title IX Coordinator. A responsible employee, including a resident advisor, prior to providing information about the incident to the Title IX Coordinator, shall consult with the student about how to protect his or her safety and the details of what will be shared with the Title IX Coordinator. Responsible



employees do not need to determine whether the alleged sexual harassment or sexual misconduct actually occurred or that a hostile environment has been created before reporting an incident to the Title IX Coordinator.

- c. Requests for Confidentiality - Upon receipt of a complaint of sexual misconduct, the University must act immediately to protect the complainant while keeping the identity of the complainant confidential. The Title IX Coordinator and other appropriate University personnel shall determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. The Title IX Coordinator shall evaluate student requests for confidentiality and shall determine when such requests shall be honored. If the University has a sexual assault response coordinator, the Title IX Coordinator shall be consulted in evaluating requests for confidentiality. The Title IX Coordinator shall make every effort to respect requests for confidentiality. In considering a student's request for confidentiality that would preclude a meaningful investigation or potential discipline of the Respondent, the Title IX Coordinator shall consider an evaluation of circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct or other misconduct, such as: (a) whether there have been other sexual misconduct complaints about the same Respondent, (b) whether the Respondent has a history of arrests or records from a prior University indicated a history of violence, (c) whether the Respondent threatened further sexual violence or other violence against the student or others, (d) whether the sexual violence was committed by multiple Respondents, (e) whether the student's report reveals a pattern of perpetration at a given location or by a particular group, (f) whether the violence was perpetrated with a weapon, (h) the age of the student subjected to sexual violence, and (i) whether the University possesses other means to obtain relevant evidence. The Title IX Coordinator shall evaluate confidentiality requests in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students. The University shall inform the student that the student's request that the student's name not be released to the Respondent or asks that the University not investigate or seek action against the Respondent may limit the University's ability to fully respond to the incident, including pursuing disciplinary action against the Respondent. A responsible employee, including a resident advisor, shall explain to the student that reporting the student's information to the Title IX Coordinator does not necessarily mean that a formal complaint or investigation under the University's Title IX grievance procedure must be initiated if the student requests confidentiality. All information reported in connection with an alleged sexual misconduct incident shall be maintained in a secure manner. All University employees shall only disclose information

regarding alleged incidents of sexual misconduct to individuals who are responsible for handling the University's response. All University employees shall notify students of the information that will be disclosed, to whom it will be disclosed and why the disclosure is being made. In the event the complainant requests that the University inform the Respondent that the student asked the University not to investigate or seek discipline, the University shall honor this request and inform the Respondent that the University made the decision to go forward. In the event the University determines that it can respect the student's request for confidentiality, the University shall take all reasonable steps to respond to the complaint consistent with the request and to determine what interim measures are appropriate or necessary. In the event the University determines it must disclose the complainant's identity to a Respondent, the University shall inform the complainant prior to making the disclosure.

d. Reporting Options - Students may use any combination of the following options to report sexual misconduct:

1. Criminal Complaint - Criminal complaints are filed with local law enforcement officials and the University is not involved in that process. Criminal complaints can be filed with the following agencies:

Agency & Contact Information:

Ohio County Sheriff's Office  
51-16th Street  
Wheeling, WV 26003  
304-234-3680

Wheeling Police Department  
1500 Chapline Street  
Wheeling, WV 26003  
304-234-3664

2. Institutional Complaint - Institutional complaints are filed with the University, and upon receipt of the complaint, the University will initiate an investigation by the University in accordance with this policy. Institutional complaints may be filed with the Title IX Coordinator. The Title IX Coordinator's name and contact information are:

David Hacker  
CET 307  
304-243-2639  
[dhacker@wju.edu](mailto:dhacker@wju.edu)

Complaints can also be filed with the following offices:

Office & Contact Information:

Vice President of Student Services  
Acker Hall, Suite 202  
Wheeling, WV 26003  
304-243-2350

Director of Athletics  
McDonough Center  
316 Washington Ave  
Wheeling, WV 26003  
304-243-2365

3. Report to Responsible Employee - Reports made to responsible employees, including resident advisors are required by federal law to be relayed to the University's Title IX Coordinator and will initiate an investigation by the University in accordance with this policy. Responsible employees are identified in Section 5. Responsible employees can be found around campus. The Title IX Coordinator is a responsible employee. You can report sexual misconduct to any responsible employee.
4. Privileged and Confidential Reporting - Either as an alternative to the reporting options listed above or in lieu of reporting sexual misconduct to the individuals or offices listed above, students may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or to certain pastoral counselors. While criminal complaints, institutional complaints, and reports to responsible employees will result in the initiation of an investigation, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to his or her self or to others. Privileged and confidential reports may be made to:

Health Center  
Acker Hall, Suite 204  
316 Washington Ave  
Wheeling, WV 26003  
304-243-2225

Off Campus Health Provider and Contact Information:

Wheeling Hospital ER  
1 Medical Park

Wheeling, WV 26003  
304-243-3000

On Campus Mental Health Care Provider and Contact Information:

WU Counseling Center  
Tina Tordella  
Donahue Hall, Suite 340  
Wheeling, WV 26003  
304-243-2081

Off Campus Mental Health Care Provider and Contact Information:

Sexual Assault Helpline  
304-234-8519

On Campus Pastoral Counselor and Contact Information:

Fr. Hadi Sasmita, S.J./Campus Ministries Office  
Acker Science Center 112A  
316 Washington Ave  
Wheeling, WV 26003  
304-243-2635

Off Campus Pastoral Counselor and Contact Information:

Sharon Goudy/Office of Safe Environment  
Diocesan Pastoral Care  
1300 Byron Street  
Wheeling, WV 26003  
304-233-0880

Reports of sexual misconduct may be made by third-parties (individuals who were not the victim or respondent) or anonymously to: Title IX Coordinator-David Hacker. Requests for amnesty from drug, alcohol, and other student conduct policies should be directed to the Title IX Coordinator who shall consider the request and make a recommendation to the President if the Title IX Coordinator believes the request should be approved in order to further the objectives of Title IX. The President may approve or disapprove the request after considering all of the University's interests.

- e. Reporting under the Clery Act - The University has various reporting obligations under the Clery Act which promotes campus safety by ensuring that students, employees, parents and the broader community are well-informed about important public safety and crime prevention matters. Details about the University's reporting obligations under Clery may be obtained at: <https://www.notalone.gov/assets/ferpa-clerychart.pdf>. Depending on the circumstances, the Clery Act may also require the University to issue timely warnings to the campus community about crimes that have already occurred but

may continue to pose a serious or ongoing threat to students and employees. Certain Campus Security Authorities (CSAs) are required to report information gathered during the investigation of criminal activity. These CSAs include campus law enforcement officers, non-law enforcement campus security officers, and local law enforcement officers. These CSAs will typically be required to document incidents in a fashion that contains personally identifiable information about the parties involved and witnesses. Other CSAs, such as University officials, are not typically required to report personally identifiable information.

## 6. Investigation Procedures and Protocols

The University shall process all complaints of sexual misconduct, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. The University shall determine whether any alleged off-campus sexual misconduct occurred in the context of an education program or activity of the University. If the off-campus misconduct occurred in the context of an education program or activity of the University, the University shall treat the complaint in the same manner that treats complaints regarding on-campus conduct. Once the University is on notice of an allegation of off-campus sexual misconduct against a student, the University shall assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, the University shall address the hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. Since there may be continuing effects of off-campus sexual misconduct while at University or in an off-campus education program or activity, if the off-campus sexual misconduct did not occur in the context of an education program or activity of the University, the University shall consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. The Title IX Coordinator or an individual designated by the Title IX Coordinator shall conduct the investigation of any complaint of sexual misconduct under this policy. An investigation may entail interviews with witnesses, a review of any documentary or electronic evidence, a review of medical evidence, a review of campus security data, or a review of any other material which the investigator deems relevant to an assessment of the facts surrounding the complaint. As soon after the initiation of the investigation as possible, the Title IX Coordinator or the designated investigator shall notify all University employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the investigation. The investigation shall provide the respondent and the complainant with equitable rights during the investigation. The University will endeavor to complete investigations and resolve complaints within sixty (60) days of the date on which the complaint was received, but the University's primary objective is a thorough investigation. Thus, if the Title IX Coordinator believes additional time beyond sixty days is necessary to complete a thorough

investigation, the Title IX Coordinator shall advise the President of such information in writing and request an extension of time for the investigation, and such extensions shall be approved whenever the President believes an extension is warranted.

The University shall coordinate its Title IX investigation with any other ongoing University or criminal investigation of the incident and establish appropriate fact-finding roles for each investigator. The following information may be shared with law enforcement during a parallel investigation: All public information associated with the report or incidents. Clinical records when appropriate per FERPA and ACA Code of Ethics. The following information may not be shared with law enforcement during a parallel investigation: Clinical records when not appropriate per FERPA or the ACA Code of Ethics. The University shall consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. The University should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation. If the fact-finding portion of the University's Title IX investigation is suspended due to the existence of a criminal investigation, the University's fact-finding portion of the Title IX investigation shall resume promptly once law enforcement officials have completed their evidence-gathering state of the criminal investigation. The University shall periodically update the parties on the status of the investigation and inform the parties when the University resumes its Title IX investigation following any delay associated with a criminal investigation.

The University shall immediately investigate any possible retaliation against the complainant, including threats, intimidation, coercion, or discrimination.

## 7. Grievance/Adjudication Procedures

The University has jurisdiction over Title IX complaints. The University shall adopt and publish grievance procedures for the prompt and equitable resolution of discrimination complaints, including harassment complaints, filed by students against University employees, other students and third parties, which shall:

- Provide notice to students and employees of the grievance procedures, including where complaints may be filed.
- Explain generally the grievance/adjudication process.
- Ensure that hearings are conducted in a manner that does not inflict additional emotional trauma on the complainant.
- Explain the possible results of the adjudication process, including sanctions, remedies/accommodations for the victim, and additional remedies for the University community.
- Explain that mediation is never appropriate in sexual misconduct cases.
- Notify the complainant of the right to end the informal process at any time and to begin the formal stage of the complaint process, if voluntary informal mechanisms for resolving some types of sexual harassment complaints are provided.
- Provide for the application of the procedure to complaints filed by students or on their

behalf alleging sexual misconduct carried out by employees, other students, or third parties.

- Provide for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and the Respondent to present witnesses and evidence.
- Designate reasonably prompt time frames for the major stages of the complaint process.
- Provide for simultaneous written notice to the complainant and the Respondent of the outcome of the complaint and any appeal.
- Provide assurance that the University will take steps to prevent the recurrence of any sexual misconduct and remedy discriminatory effects on the complainant and others, if appropriate.
- Provide adequate definitions of “sexual harassment” and an explanation as to when such conduct creates a hostile environment.
- Include reporting policies and protocols, including provisions for confidential reporting.
- Identify the employee or employees responsible for evaluating requests for confidentiality.
- Provide notice that Title IX prohibits retaliation.
- Provide notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously.
- Provide notice of available interim measures that may be taken to protect the student in the educational setting.
- State the evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint.
- Provide notice of the potential remedies for students.
- Provide notice of the potential sanctions or protective measures which may be imposed against the respondents, including, specifically, the sanctions regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
- Provide sources of counseling, advocacy and support.
- Provide for the extension of all rights given to the Respondent to the complainant.
- Provide notice of hearing(s) to both parties.
- Identify a process by which either party may raise issues related to potential conflicts of interest of the adjudicators.
- Identify the trained individuals who will determine whether the alleged sexual misconduct occurred and the individuals who will determine the sanction.
- Provide for all proceedings to provide a prompt, fair, and impartial investigation and resolution.
- Provide for all proceedings to be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Provide an equal opportunity for the parties to present relevant witnesses and other evidence.
- Provide the parties with similar and timely access to any information that will be used at the hearing.
- Provide a description of the types of evidence that may or may not be presented.
- Provide an equal opportunity for the parties to be represented by counsel.
- Impose equal restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings.
- Identify the persons who may attend and/or participate in the adjudication process and the extent of their participation.

- Provide an equal opportunity for the parties to present expert testimony.
- Provide an equal opportunity for the parties to appeal.
- Require the same type of review be applied on appeal, regardless of which party files the appeal.
- Describe the appellate procedures, grounds for appeal, the person/entity that will decide appeals, and the applicable reasonably prompt time frames for appeal.
- Include a statement that the University will not require a party to abide by a nondisclosure agreement, in writing or otherwise that would prevent the redisclosure of information relating to the outcome of the proceeding.
- Provide an equal opportunity for the parties to be present at the hearing.
- Permit the hearing to proceed if the complainant is not present.
- Provide the parties with an equal opportunity to cross-examine witnesses.
- Provide a description of alternative methods that preclude the respondent from personally cross-examining the complainant.
- Require the University to notify both parties in writing about the outcome of the complaint.
- Require the University to notify both parties in writing if there is any change to the results of the hearing that occurs prior to the time that such results become final.
- Require the University to notify both parties in writing when such results become final.
- Require the University to notify the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the Respondent that directly relate to the complainant, and other steps the University has taken to eliminate the hostile environment, if the University finds one to exist, and prevent recurrence.
- Prohibit questioning about the complainant's sexual history with anyone other than the Respondent.
- Acknowledge that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct.
- Prohibit University officials from notifying the Respondent of the individual remedies offered or provided to the complainant.
- Require the University to offer the complainant all services needed to remedy the hostile environment on an interim basis.
- Require the University to offer the complainant all services needed as a final remedy to the hostile environment, even if the complainant declined the service as part of an interim measure.
- Require the University to consider remedies for the broad student population whenever the University is unable to conduct a full investigation.
- Require the University to take steps to provide appropriate remedies for the complainant and the broader student population when the Respondent is not affiliated with the University.
- If the University uses its student disciplinary procedures to meet its Title IX obligations to resolve complaints of sexual misconduct promptly and equitably, require the University to assess whether imposing sanctions against the Respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

The University shall continue to protect the complainant after a determination that sexual misconduct has occurred.



The University's Grievance Procedure, consistent with these requirements, is attached as Exhibit "A".

## 8. Prevention and Education

This policy shall be accessible to students and employees with disabilities. This policy, reporting forms, information and training shall be accessible to students who are English language learners. This policy shall be distributed on campus in such a way that all students, regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. Title IX prohibits retaliation against the complainant, anyone who files a third-party report, any witness or anyone who otherwise participates in the investigative and/or disciplinary process, and the University will take steps to prevent retaliation and strong responsive action if it occurs, including any retaliatory actions by University officials. The University must routinely take steps to inform students that the University's primary concern is student safety and that the use of alcohol and drugs never makes the survivor at fault for sexual misconduct.

- a. Resident Advisors - As noted above, RAs are responsible employees. As such, RAs shall explain to the student (before the student reveals confidential information) that although the RA must report the names of the respondent and the complainant and other relevant facts to the Title IX Coordinator or other designated University officials, the University will protect the student's confidentiality to the greatest extent possible. RAs shall provide students with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the local rape crisis center or other off-campus resources.
- b. Sexual Misconduct and Prevention Program - The University's sexual misconduct and prevention program (SMPP) shall clearly identify the offices or individual with whom students can speak confidentially. The SMPP shall clearly identify the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling disability services, health and mental health services, and legal assistance. The SMPP shall identify the University's responsible employees. The SMPP shall explain that, if students report incidents to responsible employees, these employees are required to report the incident to the Title IX Coordinator or other appropriate official, including the names of the Respondent and student involved in the sexual misconduct, the date, time, and location. The University's approach to prevention, including the type and frequency of prevention programming and education/outreach activities, shall consist of, but not be limited to:

Program/Activity	Description	Frequency
Freshman Orientation Training	Sexual Misconduct Prevention Program	For freshmen during fall orientation
RA Training	Reporting obligations and Sexual Misconduct Policies of the University	Annual
Think-About-It	Describe sexual misconduct policy on campus	Annual
Annual Faculty, Staff and Administration Training	At the beginning of each academic year, there is a review of the University's sexual misconduct policy.	Annual

- c. Bystander Intervention - The University shall utilize bystander intervention as a tool to prevent sexual misconduct. In implementing the bystander-focused prevention methods, the University shall implement the common components of bystander intervention and delivery methods found at: <https://www.notalone.gov/assets/bystander-summary.pdf>.
- d. Campus Assessments – The University shall conduct an annual climate survey in accordance with the guidelines found at: <https://www.notalone.gov/assets/ovw-climate-survey.pdf>. In addition, the University shall aggregate data about sexual misconduct incidents from non-professional counselors or advocates in the University's on-campus sexual assault centers, women's centers, or health centers in order to identify patterns or systemic problems related to sexual misconduct.
- e. Educating Students - The University shall conduct programs to educate students about the University's sexual misconduct policy at least one time during each calendar year. At sexual misconduct awareness events, the University shall provide information on (a) Title IX, (b) how to file a Title IX complaint with the University, (c) resources available to sexual misconduct victims such as counseling, mental health and health services, and (d) options for reporting an incident of sexual misconduct to campus or local law enforcement. The University shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking, which shall include:

1. primary prevention and awareness programs for all incoming students and new employees, which shall include—
  - (a) a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
  - (b) the definition of domestic violence, dating violence, sexual assault, and stalking in the state of West Virginia;
  - (c) the definition of consent, in reference to sexual activity, in the state of West Virginia;
  - (d) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
  - (e) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
  - (f) information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii); and
2. Ongoing prevention and awareness campaigns for students and faculty, including the information described in clauses (a) through (f) of subparagraph 1 above.

## 9. Training

In all forms of training, the University shall establish methods for verifying that the training was effective.

- a. Student Training - The University shall provide the following training for students:
  - Encouragement to report incidents of sexual misconduct.
  - How to report sexual misconduct to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance.
  - General information on Title IX.
  - What constitutes sexual misconduct under the University's policies?
  - The University's definition of consent as applicable to sexual conduct,

including examples.

- How the University analyzes whether unwelcome sexual conduct creates a hostile environment.
- Available reporting options, including formal reporting and confidential disclosure options and any timeframes set by the University for reporting.
- Places where students can seek confidential support services.
- Grievance procedures used to process sexual misconduct complaints.
- Disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions.
- Effects of trauma, including neurobiological changes.
- The role alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetuate sexual misconduct.
- Strategies and skills for bystanders to intervene to prevent possible sexual misconduct.
- Title IX's protections against retaliation.
- Persons on campus to whom students can confidentially report incidents of sexual misconduct.
- An explanation that students do not need to determine whether incidents of sexual misconduct or other sexual harassment created a hostile environment before reporting the incident.

With regard to all training directed toward students, the University shall consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals.

b. Resident Advisers Training - The University shall provide the following training for Resident Advisers:

- Places where students can seek confidential support services.
- Information about local rape crisis centers or other off-campus resources so that RAs can provide this information to students.

c. Faculty and Staff Training - The University shall provide training on a regular basis, even if employees have prior relevant experience in sexual misconduct, to all employees likely to witness or receive reports of sexual harassment and violence, including faculty, University law enforcement unit employees, University administrators, University counselors, general counsels, athletic coaches, health personnel and RAs. The University shall determine how training should be conducted, who has the relevant expertise to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. Employees who work with international students shall be trained on the University's sexual misconduct policies. The University requires (a) training or experience in handling sexual misconduct complaints

and (b) training in the operation of the University's grievance procedures for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators. The University shall provide the following training for faculty and staff:

- Practical information about (a) how to prevent and identify sexual misconduct, including same- sex sexual violence. (b) the behaviors that may lead to and result in sexual misconduct; (c) the attitudes of bystanders that may allow conduct to continue; (d) the potential for victimization by responders and its effect on students; (e) appropriate methods for responding to a student who may have experienced sexual misconduct, including the use of nonjudgmental language; (f) the impact of trauma on victims; and (g) the person(s) to whom such misconduct must be reported.
  - Training to explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to students' requests for confidentiality, as well as provide the contact information for the University's Title IX Coordinator.
  - Practical information on how and when to identify and report harassment and/or to appropriate University officials.
- d. Special Training for Responsible Employees - Responsible employees are those employees defined in Section 5. Responsible employees shall be trained so that they will know how to respond properly to sexual misconduct complaints. The University shall train responsible employees to inform students of: (a) the reporting obligations of responsible employees; (b) students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and (c) their right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement.
- e. Special Training for Title IX Coordinator and Others Involved in Grievance Procedure - The University shall require training for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators to include information on: (a) working with and interviewing persons subjected to sexual misconduct, including same-sex sexual misconduct; (b) the proper standard of review for sexual misconduct complaints (preponderance of the evidence); (c) information on consent and the role drugs or alcohol can play in the ability to consent; (d) the importance of accountability for individuals found to have committed sexual misconduct; (e) the need for remedial actions for the respondent, complainant, and University community; (f) how to determine credibility; (g) how to evaluate evidence and weigh it in an impartial manner; (h) how to conduct investigations; (i) confidentiality; (j) the effects of trauma, including neurobiological change; and (k) cultural awareness training regarding how

sexual misconduct may impact students differently depending on their cultural backgrounds. All staff involved in the grievance procedure must be trained so that they are capable of providing culturally competent counseling for all complainants. Counselors and other staff who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, shall receive appropriate training about working with LGBT and gender-nonconforming students and same-sex sexual misconduct. Counselors and other staff who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, and others counseling students who have experienced sexual misconduct shall be trained to be aware of the special issues that international students may encounter. Any University officials responsible for discussing safety and confidentiality with students shall be trained on the effects of trauma and the appropriate methods to communicate with students subjected to sexual misconduct. Any individual or body handling appeals shall be trained in the dynamics of and trauma associated with sexual misconduct.

- f. Special Training for Pastoral and Professional Counselors - The University shall instruct pastoral and professional counselors to inform students:
- Of their right to file a Title IX complaint with the University and a separate complaint with campus or local law enforcement.
  - That they are available to assist the student in filing such complaints.
  - That Title IX includes protections against retaliation.
  - That University officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Pastoral and professional counselors shall be trained to ensure that they understand the extent to which they may keep a report confidential. In addition to receiving the training listed for pastoral and professional counselors, non-professional counselors or advocates shall be trained to report only general information about incidents of sexual misconduct and to avoid disclosing personally identifiable information.

#### **LIST OF EXHIBITS**

“A” - Grievance Procedure

### **SEXUAL OFFENDER REGISTRATION**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Watterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to make this list available. West Virginia’s registry can be reviewed at <https://apps.wv.gov/StatePolice/SexOffender>. The CSCPA

further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

## VIOLENCE AGAINST WOMAN REAUTHORIZATIONS ACT OF 2013 (VAWA)

The President signed the VAWA (Public Law 113-4) on March 7, 2013. Among other provisions, this law amended Section 485(f) of the Higher Education Act of 1965. The statutory changes require institutions to compile statistics for instances of sexual assault, domestic violence, dating violence and stalking that are reported to campus security authorities or local police agencies. Additionally, institutions will be required to include certain policies, procedures and programs pertaining to these crimes in their Annual Security Reports. Violations of the sexual misconduct policy are serious and although there are no standard sanctions outlined for violations of this policy, suspension and/or expulsion from the University for students and disciplinary action up to and including termination for faculty, administrator and staff members are likely outcomes. Professional standards and business conduct policies for all faculty, staff and administrators are provided in the Workplace Practices: Harassment Policy, available online at [http://www.wju.edu/about/hr/policies/hr\\_harassment.asp](http://www.wju.edu/about/hr/policies/hr_harassment.asp) and in section 18 above. The University's Student Sexual Misconduct Policy is provided in section 17 above; the detailed policy can be found online in the Student Handbook at [www.wju.edu/studenthandbook](http://www.wju.edu/studenthandbook) or [http://www.wju.edu/about/hr/policies/cl\\_harassment.asp](http://www.wju.edu/about/hr/policies/cl_harassment.asp).

## CRIME STATISTICS

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

- Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Criminal Homicide - Manslaughter by Negligence is the killing of another person through gross negligence.
- Criminal Homicide - Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.
- Robbery - The taking or attempting to take anything of value from 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 and probably would result in serious personal injury if the crime were successfully completed. This category also includes “assault with disease” when a perpetrator knowingly infects another with a deadly disease.

- Burglary - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a theft or felony; breaking and entering with intent to commit a theft 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 joyriding.
- Weapon Law Violations -The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Liquor Law Violations - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
- Drug Law Violations -Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests can be made for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- Sex Offenses - Definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.
  - a. Sex Offenses- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent..
  - b. Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Sex Offenses-Non forcible - Unlawful, non-forcible sexual intercourse.
  - a. Incest-Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - b. Statutory Rape-Non forcible sexual intercourse with a person who is under the statutory age of consent.

These new categories have been added to the Report at the direction of the Department of Education:



- Domestic Violence: Domestic violence includes felony or misdemeanor crimes 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maryland, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic violence laws of Maryland.
- Dating Violence: Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveys, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim

## CRIME REPORTING AREAS

1. Campus - Residence and Non-residence
  - a. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - b. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).
2. Non-campus Building or Property
  - a. Any building or property owned or controlled by a student organization that is officially recognized by the institution (no such buildings exist at Wheeling University); or
  - b. 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.

3. Public Property- All public property, including thoroughfares, streets, sidewalks and parking facilities, that are on campus, or immediately adjacent to and accessible from the campus.

## HATE AND BIAS CRIME REPORTING

We report hate crimes that fall into one of these criminal categories; homicide, sex offences, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury reported to local law enforcement agencies or a campus security authority. Evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias towards a disability, ethnicity, gender identity, national origin, race, religion, or sexual orientation will be assessed. Revised regulations added the crimes of larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism of property to the list of crimes that must be reported in the hate crime statistics. The FBI's Uniform Crime Reporting Hate Crime Collection Guidelines will continue to be the source for definitions. Student Bias reporting can be made through the Office of Campus Safety & Security.

Wheeling University's faculty, administrators, staff and students are responsible for helping to create and maintain an environment characterized by high standards of ethical behavior and compliance with federal, state and local laws and University policies. A reminder to Faculty, staff and administrators relative to the purpose of Ethics Point Reporting is posted on the University Internet twice each year on the Human Resources website under Compliance/Mission & Charter.

## FAMILY EDUCATION RIGHTS TO PRIVACY ACT (FERPA) OF 1974

The University abides by the Family Education Rights to Privacy Act of 1974 that contains guidelines for the handling and confidentiality of student records. FERPA gives students certain basic rights. To review the University's policy concerning FERPA, consult the Undergraduate Catalog.

Employees can also find Wheeling University's policy relative to FERPA online at Workplace Practices: Family Education Rights and Privacy Act (FERPA) of 1974, <http://www.wju.edu/about/hr/policies/FERPA.asp>.

The Wheeling University Undergraduate Catalogue also outlines the University's FERPA and Student Records Policy and can be found online at: [http://wju.edu/academics/catalogs/under14\\_15/under14\\_15.pdf](http://wju.edu/academics/catalogs/under14_15/under14_15.pdf).

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a conduct or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

## ANNUAL FIRE SAFETY REPORT

### PROCEDURES AND POLICIES

General fire evacuation procedures include the following directions for occupants of any University building. If the fire alarm system is activated Campus Security will respond to all fire alarms and emergency situations. They will notify the Wheeling Fire Department (WFD) if any fire alarm is activated. Occupants of all floors will immediately evacuate the building at the sound of the fire alarm system. Follow all the instructions below:

In the event you discover a fire:

1. Remain calm and go to the nearest stairwell, walk on the right side. Walk, do not run. Do not use elevators they will not be in service during a fire alarm condition. Exit out of the building.
2. Pull the nearest red manual pull station (usually on the wall near stairwells and exits). This will activate the building's fire alarm system.
3. Report the fire (regardless of size) to Campus Security at x2486 once you are out of the building. Give the following info:
  - a. Your Name
  - b. Location of fire (Building name, Apt, Room # or area) c Number of injured people (if any)
4. Assist in the evacuation of the building. Give any disabled occupant information to Campus Security or the WFD upon exiting.
5. Close all doors when leaving rooms. If your room/apt door is hot to the touch and smoke is beginning to filter into your room; place a wet towel under the door or seal it with tape. Wave a sheet or large garment out the window. Wait for assistance from the WFD.
6. Keep low and crawl in any smoke filled areas.
7. Do not re-enter the building until the all clear has been announced, this occurs after the WFD gives their all clear and Campus Security has completed a survey.
  - a. Residence Halls: Campus Security and the Residence Life Staff will assist in the complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated (see specific building evacuation procedures).
  - b. Academic Buildings: Campus Security and any designated fire personnel present in the building will assist in the complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated.

### FIRE SAFETY REPORT

All residence halls at Wheeling University are equipped with a fire alarm system and sprinklers. Fire drills are held at least once a year in all residence halls.

Policies on portable electrical devices, use of kitchens and smoking inside residence halls are found in the Student Handbook; a summary of these policies is provided in the Firearms and Fire Safety Policies section of this report.

In the event of a fire, the University expects 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 Department of Campus Safety at 304-243-2486. In the event a fire alarm sounds, University policy is that all occupants must evacuate from the building closing doors as they leave. No training is provided to students or most employees other than fire extinguisher training in firefighting or suppression activity. Do not delay in exiting from any building in case of an alarm or fire.

Wheeling University is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. Listed below are NON-EMERGENCY numbers to call to report fires already extinguished in on-campus housing;

Director of Campus Safety 304-243-4453

Director of Housing 304-243-2341

The following policies in regard to use and/or possession of portable electronic appliances, smoking and the use/presence of open flames in student housing facilities and evacuation procedures to be followed in the case of a fire are outlined in the Wheeling University Student Handbook, Residence Life Policies section. These policies are reviewed regularly by Resident Assistants with the students who live in the residence halls:

1. **APPLIANCES:** Wheeling University prohibits the use of some electrical appliances that contain exposed heating elements in residence halls. Some of these prohibited items may include, but are not limited to: electrical hot plates, space heaters, electric frying pans, George Foreman grills, deep fat fryers, halogen lamps, UL approved extension cords, and some popcorn makers and some coffeepots with an exposed burner and those that do not have an automatic shut-off. Residents are advised to see their Resident Assistants or Area Coordinator to know if their appliance is permitted; residence life staff conduct health and safety inspections on a regular basis to ensure appliances do not pose a fire hazard.
  - a. Only two portable refrigerators, with a maximum 4.5 cubic feet capacity (1.7 capacity is recommended), are permitted in each residence hall room. To practice good stewardship and power conservation, it is strongly recommended that one refrigerator be shared by roommates whenever possible. Large appliances, portable air conditioning units and electric amplifiers for musical instruments are not permitted in the halls.
2. **BICYCLES:** Residents may store bikes in their rooms and may not ride bikes in the halls. Bicycles may not be stored in public hallways or stairwells. Permission to temporarily store a bicycle in a lounge must be obtained from the Area Coordinator of the building in question. On occasion, bicycle storage areas may be available in the halls; the building's Area Coordinator can tell you if any such option exists in their particular building.
3. **CANDLES/INCENSE:** Candles (with or without wicks) and incense are prohibited in the residence halls.
4. **CARE OF ROOMS:** Students are responsible for the cleanliness and care of their rooms. Each student will be accountable for any deterioration/damage of the room or its contents beyond normal wear and tear, and will be charged for such damages (see DAMAGES). Housekeeping will regularly clean and remove trash from public bathrooms and public areas. Residents of

Kirby, Ignatius, and Thomas More halls are expected to clean and remove trash from their private bathrooms.

5. CEILING COVERINGS: Due to fire code concerns, ceilings in residential rooms are not allowed to be covered in any way.

## FIRE ALARM PROCEDURES

When a fire alarm sounds:

1. Close windows, turn off lights and electrical equipment, and close door(s) if time allows.
2. DO NOT use an elevator during an alarm.
3. Walk; do not run, to the nearest exit. If the closest exit is blocked by fire or smoke, find an alternate exit. If smoke is in the exit path get down as low as possible (crawl).
4. After exiting, move 100 feet from the building and follow instructions from the Residence Life staff, Security Officers, and/or Fire Department officials.
5. DO NOT re-enter the building unless permitted to do so by authorized fire officials.

Tampering with fire prevention equipment is expressly forbidden. If such actions cannot be attributed to an individual(s), those living in the residential area will each be charged a communal damage fine for the cost of repairs and/or replacement of the equipment. Deliberate false alarms that cannot be attributed to a particular individual(s) may result in a minimal fine up to \$100 to each resident of the section and the cost of repairs and replacement of the equipment. Failure to exit a building during an alarm (false or otherwise) will result in student conduct action.

Failure to evacuate a residence hall during a fire alarm or re-entering a residence hall before being permitted by a University official, member of the fire department or a security officer is prohibited. Interference with or not adhering to emergency evacuation procedures in a residence hall is prohibited.

- FIRE REGULATIONS: Residents should be familiar with their residence hall and aware of the nearest exit and alternate exits.
- FURNITURE, PERSONAL: Residents may bring personal furniture such as chairs, bookcases, etc. Waterbeds are not permitted. The Director of Residence Life or his/her designee, may prohibit any personal furnishings considered too large or potentially dangerous (fire hazard etc.) for any residence hall room. University provided furniture cannot be removed from the room in any circumstance unless approved by the Office of Residence Life.
- HEALTH AND SAFETY INSPECTIONS: Health and Safety inspections will be conducted by the Residence Life staff on a regular basis in each residence hall, at a time posted and announced 48 hours in advance. Inspections are to insure residents are maintaining safe furniture placement and equipment in accordance with fire code and that the room is a clean and healthy environment. Other violations found during Health and Safety Inspections will be addressed in appropriate manner i.e. through the university judicial process. Residents have 24 hours to rectify any health and safety concerns discovered and communicated to residents by the Residence Life Staff. Repeat health and safety violations may result in conduct sanction. Room inspections may occur during Health and Safety Inspections without resident(s) present; when applicable, room search procedures may be implemented if a policy violation is suspected.

- **KITCHENS - USE OF & COOKING:** Cooking is only permitted in the designated kitchens in the residence halls and comes with great responsibility. For reasons of fire safety, no cooking/grilling, etc. is permitted in student rooms, hallways, or balconies/rooftops, etc. Students who are cooking in the designated kitchen are to never leaving their cooking food unattended; students who leave their food unmonitored may lose cooking privileges. Students are responsible to clean any mess made while cooking. While using the microwave, students should never place foil or metal in the microwave. While using the stove, students should turn on the exhaust fan when starting to cook, and off once completed. After cooking is completed, ensure the stove/oven is turned off when leaving the room. Students should also use a limited amount of cooking oil while cooking - no more than ½ cup per meal is recommended to limit oil residue left in the cooking area and students cooking with oils will need to ensure the kitchen is properly cleaned for the next user. Kitchen facilities in the residence halls are not adequate for regular, daily use by the same student; this facility is intended for individual periodic shared use by all residents of the building. Likewise, the storage of food in public refrigerators is to be limited to periodic use so ample space is available for other residents to use; if needed, the Office of Residence Life may place restrictions on the amount of food stored in public refrigerators to ensure access for all students and to keep the refrigerator clean.
- **LOFTS:** Self-constructed lofts are not permitted for safety and security purposes.
- **MAXIMUM OCCUPANCY:** The University recognizes the need for student interaction and the need to build a strong residential community. In the interest of safety however, the University allows only eight (8) people/residents per double occupancy residence hall rooms and four (4) for single occupancy rooms that are smaller in size. No more than twenty-four (24) people are permitted within the entire Thomas More quad (including the bedrooms, lounge, bathroom, and hallway) at any given time. These restrictions are set in place per advisement of the local and state fire authorities for purposes of safety in the event of a residence hall fire.
- **SMOKING:** Smoking in the residence halls is prohibited. Students must be beyond 25 feet from the outside of the residence halls to smoke; this is a state requirement. See Smoking Policy in the Student Handbook.
- **TRASH:** Disposing of trash in unauthorized areas, including leaving trash in lounges or hallways is prohibited.
- **WINDOWS:** Unless in the event of building evacuation for safety and security reasons, at no time are students or guests/visitors to use windows in the residence halls to gain entry into or to exit from the residence hall. This activity is considered an unlawful entry into a campus building and is a major breach of campus safety and security procedures. Residents are also not permitted to remove window screens for any reason, except in the case of a necessary emergency exit. All cases will be processed through the Student Conduct system and the student will be charged to replace the screen.

Additionally, the Student Code of Conduct, found within the Wheeling University Student Handbook, outlines the following violations in regard to fire safety:

- **M:** Possession and/or use of firearms, explosives, ammunition, fireworks, and/or weapons. Weapons may include, but are not limited to: metallic knuckles, slingshots, bows and arrows, switchblade knives, non-cooking knives with blades more than three inches in length,

paintball, BB or pellet guns, taser and/or stun guns, or other deadly weapons or dangerous chemicals. Unmodified toy guns are permissible only at the discretion of the residence life and/or security staff and when possession does not infringe on the rights of others or the perception of safety on campus.

- N: Actions that cause or attempt to cause a fire or explosion; falsely reporting a fire, an explosion or an explosive device; tampering with fire safety equipment; failure to evacuate University buildings during a fire alarm.

## FIRE DRILLS

During any given calendar year there are several fire drills conducted and documented.

### Fall 2018 Residence Hall Fire Drills Report - September 4, 2018 Testing

Fire drills were conducted in all residence halls on the above date with the Wheeling Fire Department, Physical Plant and Security. Below are the results:

<b>Residence Hall</b>	<b>Alarm Sound</b>	<b>Simplex Call</b>	<b>All Out</b>
Kirby/Sara Tracy	1807 hrs	1809 hrs	1810 hrs
Campion/McHugh	1825 hrs	1827 hrs	1829 hrs
Ignatius	1849 hrs	1852 hrs	1854 hrs
Steenrod	1917 hrs	1920 hrs	1922 hrs

## POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING AND OPEN FLAMES

As is stated above, smoking, candles and open flames are prohibited in Wheeling University residence halls. No portable electrical appliances, hot plates, fireworks, firearms, electric heaters, or halogen lamps are allowed in housing.

## STUDENT HOUSING EVACUATION

A policy involving the mandatory evacuation of each residence hall upon fire alarm activation is in effect. Residence Assistants are trained and review fire safety procedures with their residents at floor meetings.

## FIRE SAFETY EDUCATION

Various training and educational seminars are conducted during the summer orientation sessions with students. Residence Assistants, and professional residence life staff in are the first group of students to undergo annual fire safety training. Residence Assistants review fire safety procedures with their residents at floor meetings.

## CONTACT POINTS FOR REPORTING FIRES

There are several methods in which a student, faculty, staff or other person within Wheeling University's community can report a fire. If you wish to report that a fire has occurred please contact one of the following individuals or departments;

1. Director of Campus Safety x4453

2. Campus Security x2486
3. Director of Residence Life x2390

#### FIRE STATISTICS (RESIDENCE HALLS):

1. For the time period of January 1, 2018 through December 31, 2018 the statistics found in the table on pages 68-69 summarize the number of fire incidents for each on-campus housing facility.
2. No arsons were reported for the year of 2018.

#### DESCRIPTION OF RESIDENCE HALL FIRE ALARM SYSTEMS:

All residence halls are equipped with stand-alone fire alarm systems that are then connected to Simplex, who notify the Fire department and Campus Security when an alarm sounds. These fire alarm systems are also backed up with battery power at each building, and contain all monitoring of sprinkler, suppression, detection and relay devices. There are smoke detectors in nearly every room (minimum of one smoke detector per apartment) and 24/7 monitoring that meets, or in most cases exceeds the National Fire Alarm Code requirements.

#### FIRE LOG:

The fire log is an easily understood report that identifies actual fires that have occurred on our campuses. The log is maintained by the Campus Security Department and is visible to the public.

For Further Information, write or call:

Wheeling University  
316 Washington Ave  
Wheeling, WV 26003

David Hacker, Title IX Coordinator, (304)243-2639

Michael Anderson, Director of, Campus Safety & Security, (304)243-4453



WHEELING UNIVERSITY CRIME STATISTICS: PAGE 1

Type of Offense	Categories	2016	2017	2018
<b>Murder and Non- Negligent Manslaughter</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Manslaughter by Negligence</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sex Offense : Rape, Fondling, Sodomy, Sexual Assault</b>	Campus Property	2	0	0
	Residential Facilities (2)	2	0	0
	Non Campus Property (3)	1	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Sex Offense Non- Forcible: Incest and Statutory Rape</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	Campus Property	0	1	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Burglary</b>	Campus Property	4	4	4
	Residential Facilities (2)	3	3	3
	Non Campus Property (3)	0	0	1
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>4</b>

WHEELING UNIVERSITY CRIME STATISTICS: PAGE 2

Type of Offense	Categories	2016	2017	2018
<b>Motor Vehicle Theft (6)</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)	0	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	1	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Weapons Law Arrests</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Law Arrests</b>	Campus Property	1	1	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)	2	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Liquor Law Arrests</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	1	0
	Non Campus Property (3)	1	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>Weapons Laws Violations (Discipline Referrals)</b>	Campus Property	0	0	1
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Drug Law Violations (Discipline Referrals)</b>	Campus Property	37	33	21
	Residential Facilities (2)	28	22	12
	Non Campus Property (3)	0	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>37</b>	<b>33</b>	<b>21</b>

WHEELING UNIVERSITY CRIME STATISTICS: PAGE 3

Type of Offense	Categories	2016	2017	2018
<b>Liquor Law Violations (Discipline Referrals)</b>	Campus Property	118	124	102
	Residential Facilities (2)	114	100	99
	Non Campus Property (3)	0	0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>118</b>	<b>124</b>	<b>102</b>
<b>Domestic Violence (7)</b>	Campus Property	0	1	0
	Residential Facilities (2)	0	1	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Dating Violence (7)</b>	Campus Property	0	0	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Stalking (7)</b>	Campus Property	0	1	0
	Residential Facilities (2)	0	0	0
	Non Campus Property (3)		0	0
	Public Property (4)	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>

Hate Crimes- There were none reported (2018)

2017- None reported

2016- None reported

Footnotes for the Main Campus of Wheeling University

1. The statistics reflect a 2017 University population of approximately 700 undergraduate students, 300 graduate students, and 200 employees.
2. The residential facilities statistics are duplicative. They are included in the campus statistics and reflect that portion of the campus statistics that occurred in residence halls or other residential facilities for students on campus.
3. Presently Wheeling University does not have any property in this category.
4. The statistics listed in “public property” include incidents which took place off campus, on public property immediately adjacent to and accessible from the campus, but not on the property of Wheeling University.
5. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived bias towards another’s disability, ethnicity, gender identity, national origin, race, religion, or sexual orientation. Hate crimes are reported for the crimes of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury, as well as, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism.
6. The Clery Act definition of motor vehicle thefts includes golf carts, motor scooters, and other “non-traditional” vehicles.
7. Statutory changes require institutions to compile statistics for instances of domestic violence, dating violence, and stalking in the 2015 reporting year.

**2018 - Wheeling University - Residence Halls Fire Statistics**

<b>Residence Hall</b>	<b># of Fires</b>	<b># of Deaths</b>	<b># of Injuries</b>	<b><u>Value of Property Damage</u></b>	<b>Explanation</b>	<b><u>Corrective Action(s)</u></b>
Ignatius Hall	0	0	0	0		
Kirby / Sara Tracy Halls	0	0	0	0		
Campion / McHugh Halls	0	0	0	0		
Thomas More Hall	0	0	0	0		
Steenrod Apartments	0	0	0	0		

**2017 - Wheeling University - Residence Halls Fire Statistics**

<b>Residence Hall</b>	<b># of Fires</b>	<b># of Deaths</b>	<b># of Injuries</b>	<b><u>Value of Property Damage</u></b>	<b>Explanation</b>	<b><u>Corrective Action(s)</u></b>
Ignatius Hall	1	0	0	0	Burnt bulletin board	Investigation
Kirby / Sara Tracy Halls	3	0	0	0	2 cooking related and 1 electrical	Student counseling
Campion / McHugh Halls	0	0	0	0		
Thomas More Hall	0	0	0	0		
Steenrod Apartments	0	0	0	0		

**2016 - Wheeling University - Residence Halls Fire Statistics**

<b>Residence Hall</b>	<b># of Fires</b>	<b># of Deaths</b>	<b># of Injuries</b>	<b><u>Value of Property Damage</u></b>	<b>Explanation</b>	<b><u>Corrective Action(s)</u></b>
Ignatius Hall	0	0	0	0		
Kirby / Sara Tracy Halls	1	0	0	<\$500	Smoke from malfunctioning light	Maintenance
Campion / McHugh Halls	0	0	0	0		
Thomas More Hall	0	0	0	0		
Steenrod Apartments	2	0	0	0	Burnt food during cooking both	Talk with staff