



ANNUAL SECURITY AND FIRE SAFETY REPORT

**For the Morgantown Campus, Health Sciences – Eastern Division, Health Sciences
Charleston Division, and School of Nursing – Bridgeport Campus**

Reflects statistics from January 1, 2023, through December 31, 2025

A printed copy of this report is available upon request.

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I. FROM THE PRESIDENT



To our University community,

At West Virginia University, everyone has a role in ensuring the safety of our students, faculty, staff, and visitors — whether they're in class, at their homes, or out participating in campus and other events.

To build and maintain this foundational culture of safety, we continually invest in our campus safety infrastructure through personnel, programs, and protections while working in collaboration with units across campus and other partner agencies.

The highly skilled officers and staff with the University Police Department are at the center of these efforts; however, all members of the University community contribute to overall campus safety through preparation and vigilance.

To support this, frequent communications — including the Annual Security and Fire Safety Report — provide information on available resources with transparency about our safety operations.

At WVU, we lead with pride, empower through education, transform lives, stake our claim, grow our reach, and outperform our competition.

It's only when we feel safe and protected that we can fully apply ourselves to taking on these charges as calls to action in service to West Virginia and the world.

Let's Go!

A handwritten signature in black ink, reading "Michael T. Benson". The signature is fluid and cursive, with a long horizontal line extending from the end.

Michael T. Benson
President and Professor of History
West Virginia University

II. FROM THE CHIEF



To our University Community,

To learn and grow in the best ways possible here at West Virginia University, our students, faculty, staff, and visitors must feel safe.

Building and maintaining a secure, welcoming environment is the top priority for everyone who works for and with the University Police Department.

Our campus police officers are state-certified and sworn police officers, equipped with the same law enforcement authority as other police agencies across West Virginia.

Our goal each day is to be visible across campus and respond promptly to incidents, including reports of crimes or suspicious activities, and to enforce local and state laws while also supporting the well-being of all members of the University community.

In addition to our enforcement responsibilities, education and prevention are central to our UPD mission. Because safety starts with awareness, we regularly offer free trainings and services on crime prevention and emergency responses. We encourage all students, faculty, and staff to utilize these resources to stay informed and prepared.

Additionally, this Annual Security and Fire Safety Report is an important resource that provides details about campus safety, our police team, and crime trends at WVU.

If you would like to learn more about University Police, I encourage you to visit our website at police.wvu.edu, or stop by our headquarters in the Chestnut Ridge Building, 886 Chestnut Ridge Road. We also operate satellite offices at the Mountainlair, Mountaineer Station, Health Sciences Center, and University Place.

If you have any questions or concerns, please don't hesitate to reach out to an officer on campus or email us at police@mail.wvu.edu.

Stay safe and Let's Go!

Sherry St. Clair

Police Chief, West Virginia University

III. PREPARATION OF THIS REPORT

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

Preparation of this report is primarily the responsibility of the Clery Act Coordinator in conjunction with a variety of other on-campus units, including the West Virginia University Police Department; Division of Student Life; Office of Student Rights and Responsibilities; Housing and Residence Life; Office of Compliance and Prevention Education/Title IX Coordinator; Athletics; Leasing and Land Transactions; Strategic Communications and Marketing; and Environmental Health and Safety.

The University prepares and publishes this report to inform the WVU community about campus security policies and procedures, programs designed to prevent and respond to certain crimes, and specific statistics for Clery-Reportable incidents occurring on its Clery Act Geography that are reported to Campus Security Authorities or certain outside police agencies throughout the previous 3 calendar years.

For additional information on Clery-Reportable offenses and Clery Act Geography, see section XXII of the report. For additional information on Campus Security Authorities, see section VI of this report.

The Campus Community includes all people who work at or attend classes at the University. The distribution email includes the web address where the report is posted and information on how to obtain a hard copy of the report. The link to the report is also distributed to prospective students and prospective employees.

Anyone, including prospective students and prospective employees, may obtain a hard copy of this report by calling UPD at 293-2677 (COPS), 293-3136, or by visiting UPD at 886 Chestnut Ridge Road, Morgantown, West Virginia 26506. The Clery Act statistics published in this report are also provided to the Department of Education electronically.



IV. ABOUT THE UNIVERSITY AND ITS POLICE DEPARTMENT

A. Overview of West Virginia University

West Virginia University is a public land-grant institution, founded in 1867. The WVU Board of Governors is the governing body of WVU. The Higher Education Policy Commission in West Virginia is responsible for developing, establishing, and overseeing the implementation of a public policy agenda for the state's 4-year colleges and universities. Michael T. Benson is the University's 27th and current president. The University is accredited by the Higher Learning Commission and, in fall 2025, WVU enrollment was 23,532 in Morgantown. At its Health Sciences Center — Eastern Campus, approximately 23 third- and fourth-year WVU medical students continue their studies, and at the Health Sciences Center — Charleston Division, approximately 77 medical students participate in programs. In partnership with WVU Medicine United Hospital Center in Bridgeport, West Virginia, the University opened a WVU School of Nursing accelerated undergraduate nursing program consisting of 24 students.

B. Role, Authority, and Training of UPD

In West Virginia, pursuant to W.Va. Code § 18B-4-5(a), the governing boards of institutions of higher education “may appoint qualified individuals to serve as campus police officers upon any premises owned or leased by the State of West Virginia and under the jurisdiction of the governing boards...” Accordingly, at WVU, the University currently employs 42 state certified and sworn police officers.

The West Virginia University Police Department is a full-service, 24/7 police organization that serves the University community and the surrounding area. The authority granted to UPD officers is also found in W.Va. Code § 18B-4-5.

Specifically, the code provides that “[a] campus police officer shall preserve law and order on:

- (1) [t]he premises under the jurisdiction of the governing board; and
- (2) [a]ny street, road, or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through premises, to which the officer is assigned by the president of the institution.” W.Va. Code § 18B-4-5(c). Officers have and “may exercise all the powers and authority of a law-enforcement officer as to offenses committed within the area assigned” and “is subject to all the requirements and responsibilities of a law-enforcement officer[.]” W.Va. Code § 18B-4-5(c)(2)(B)-(C).

UPD officers must be certified in West Virginia pursuant to W.Va. Code § 30-29-5. Additional training is provided by the UPD Training Division, which provides training opportunities for officers to maintain their law enforcement certification and includes topics such as use of force and active shooter training.



C. Relationship with Local, State, and Federal Enforcement Agencies

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

Similarly, West Virginia Code, specifically W.Va. Code § 15-10-4, allows for campus police to enter into agreements with other law enforcement entities to provide assistance and cooperation to another agency if requested to do so in writing. To that end, UPD has entered into such assistance agreements with a variety of other local law enforcement agencies, most notably the City of Morgantown Police Department.

With respect to the Health Science Center (HSC) campuses in the Eastern Division and Charleston Division, and the School of Nursing in Bridgeport, West Virginia, UPD does not have a continuous physical presence there. However, should there be an issue requiring immediate police intervention, the local police departments are called and, occasionally, hospital security as well. Thus, in the preparation of this report, the local police departments and applicable security directors were contacted for any applicable statistics.

D. West Virginia University Campus Safety Officers

In 2022, the West Virginia University Police Department created the Campus Safety Officer (CSO) Program. The mission of the program is to assist in improving the safety and welfare of the campus community. CSOs serve the residents of the community in a service-oriented fashion, assist sworn police officers by providing an increased visible presence, and reduce the effects of crime on the University by patrol, detection, and assisting in the adjudication of persons involved in criminal and judicial offense.

The University employs 5 CSOs who are responsible for the delivery of security, safety, and welfare related services to the community. In addition to serving the community residents and sworn officers, CSOs aid in the reduction of crime on all WVU owned or controlled property. CSOs are non-sworn employees of the West Virginia University Police Department and have no law enforcement authority. However, upon employment, CSOs undergo a 4-week training program designed by UPD.

E. Monitoring and Reporting Off-Campus Criminal Activity, including at Noncampus Locations of Officially Recognized Student Organizations

The University has officially recognized student organizations that have housing facilities “off-campus,” including fraternity and sorority houses that are owned or controlled by recognized student organizations. Additionally, there are also several unaffiliated/unrecognized groups of students occupying houses near campus. The houses that are owned or controlled by officially recognized student organizations do count as noncampus properties under Clery. Please note that houses owned by organizations that are unaffiliated/unrecognized — such as unrecognized Greek organizations — are not considered noncampus locations and are not included in the University’s Clery Geography.

For the most part, all the noncampus housing facilities are located close to the Downtown area of campus. Given that, UPD and the Morgantown Police Department (MPD) have entered into an agreement for the area referred to as the Cooperative Zone. UPD assists MPD by having the primary responsibility for providing routine patrols of the Cooperative Zone, and responding to calls and complaints of civil or criminal disturbances occurring within the Cooperative Zone.

In other areas of Morgantown, MPD may be the primary and only law enforcement agency involved. Because of this, the University does request that MPD monitor criminal activity at all other off-campus locations controlled by student organizations, and if MPD responds to those locations as the result of a complaint, it will typically notify UPD to respond with them, or it will notify UPD after it responded to inform the University of the situation. However, MPD does this out of courtesy and is not “required” to notify or involve the University when it responds to a call involving private property.

Additionally, the University sent both MPD and the Morgantown Fire Department an official correspondence this year seeking crime and fire statistics within the University’s Clery Geography, to include both noncampus and public property (as those terms are defined in the Clery Act). In that correspondence, the University also asks that MPD notify UPD immediately upon the occurrence of any Clery-related crimes that pose a serious or continuing risk to the University in order to evaluate the University’s timely warning obligations.

Separately, MPD will send police reports to the Office of Student Rights and Responsibilities if it has information that the individual involved is a student at the University. This is because the University's Student Code of Conduct applies to incidents that occur off-campus, regardless of whether the location involved is Clery Geography, including an unrecognized student organization.

Specifically, the Campus Student Code applies to conduct that occurs on University premises; at University sponsored activities; to conduct that does not occur on University premises but adversely affects or interferes with the educational or orderly operation of the University, its mission, or the pursuit of its objectives; to conduct that does not occur on University premises but, in light of all of the facts and circumstances, would endanger the health, safety, or property of the University, the University community, or its neighboring communities; and to conduct that occurs on or off University premises or property that violates federal, state, or local laws, policies of the West Virginia University Board of Governors, institutional or campus rules or regulations, directives of University officials, including failing to observe standards of conduct that are appropriate for an academic institution.

V. SECURITY OF AND ACCESS TO CAMPUS FACILITIES

A. Security Considerations Used in the Maintenance of Campus Facilities

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

UPD proactively patrols the campuses in Morgantown. Though rarely needed, emergency phones are located throughout campus to summon emergency help quickly. The emergency phone maps provided in section VI(B) of this report show the locations of each phone on the Downtown, Evansdale, and Health Sciences areas of the Morgantown Campus.

The University Police Department, Facilities Management, and others are committed to maintaining a safe environment by evaluating lighting, shrubs and bushes, and facility design. The University encourages the campus community to report any hazards or concerns to UPD by dialing 3-COPS (3-2677) on campus phones, or 304-293-COPS on noncampus phones.

B. Security of and Access to University Facilities (Residential)

Residence hall facilities are staffed 24 hours a day, 7 days a week, by trained professional and student staff who serve as resource persons for each resident. Some residence halls are open during the day from 7 a.m. to 9 p.m. to allow access to classrooms, offices, and dining halls. The Night Staff supervises security and safety in the residence halls from midnight to 7 a.m. The outside entrances are locked, and the buildings are patrolled from 9 p.m. until the residence hall electronic locks unlock in the morning. No person may enter the residence halls after 9 p.m. without presenting a valid resident identification card. Other residence halls are locked 24 hours a day, 7 days a week. For a full list of policies and community standards of conduct in the residence halls, including information on other safety and security guidelines, please see: housing.wvu.edu/policies/residence-halls.

In addition to residence hall facilities, the University also has University Apartments. University Apartments consists of 4 unique properties: College Park, University Park, University Place, and Vandalia. Where possible, University Apartments staff manage exterior door access electronically. University Apartments staff works diligently to provide a secure environment for residents while minimizing inconveniences. Residents are encouraged to keep their room doors and windows locked, keep exit doors secured, and report any unusual circumstances to the University Police Department via the LiveSafe App or by calling (304) 293-COPS (2677). Each property is routinely patrolled by the University Police Department. Review and follow-up of incidents occur daily by executive management and property managers at each property. For a full list of the policies and the University Apartments handbook, please see universityapartments.wvu.edu/handbooks.

VI. REPORTING CRIMES OR OTHER EMERGENCIES

A. Accurate and Prompt Reporting

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

B. Where and How to Report

West Virginia University is a member of the 911 Emergency Services Network. To report a crime in progress or an emergency, contact the University Police by dialing 911 from any University (293) exchange. Anyone can also contact the department at 304-293-3136 for non-emergencies. If anyone would like to file a report, the department is located at 886 Chestnut Ridge Road. Also, for safety, the University has 26 emergency phones located across our campus in high-traffic areas. The locations of all emergency phones can be found on the following maps:

 **Downtown Area of Campus
Emergency Phones**

 **Evansdale Area of Campus
Emergency Phones**

 **Health Sciences Center Area
of Campus Emergency Phones**

The University also strongly encourages individuals to report all crimes or suspicious activities that are witnessed while on campus. Crimes should be reported to UPD so that the University may assess the need for a timely warning or emergency notification, and the need for annual statistical disclosure, even if the victim elects not to prosecute or pursue the investigation.

1. Reporting to UPD

For Clery purposes, UPD collects and reports statistics for murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking, and hazing, as well as larceny-theft, simple assault, intimidation, and destruction/ damage/vandalism of property when the victim is intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim. UPD collects and reports statistics for arrests and disciplinary referrals of drug abuse violations, liquor law violations, and weapon law violations.

2. Reporting to Designated Campus Security Authorities

Individuals may also report incidents to the following individuals¹, who have been designated by the University to receive requests for crime statistics each year and forward such reports to UPD:

DEAN OF STUDENTS, DIVISION OF STUDENT LIFE

Elizabeth Moore Hall
PO Box 6411
Morgantown, WV 26506
304-293-2782 (fax)
304-293-5811 (phone)
studentlife@mail.wvu.edu

DIRECTOR OF CAMPUS LIFE, DIVISION OF STUDENT LIFE

Elizabeth Moore Hall
PO Box 6411
Morgantown, WV 26506
304-293-2782 (fax)
304-293-5611 (phone)
studentlife@mail.wvu.edu

DIRECTOR, OFFICE OF FRATERNITY AND SORORITY LIFE

Suite 161,
Mountainlair Student Union
PO Box 6505 / 1550 University
Avenue Morgantown, WV 26506
304-293-8201 (phone)
greeklife@mail.wvu.edu

DIRECTOR, RESIDENCE LIFE, DIVISION OF STUDENT LIFE

PO Box 6430, Morgantown, WV
26506-6430
304-293-4686 (Evansdale
Campus phone)
304-293-4901 (Downtown
Campus phone)
304-293-2427 (fax)
ResEd@mail.wvu.edu

SECURITY DIRECTOR, UNITED HOSPITAL CENTER

United Hospital Center
327 Medical Park Drive
Bridgeport, WV 26330
681-342-1000 (phone)

EXECUTIVE DIRECTOR OF COMPLIANCE/ TITLE IX COORDINATOR, OFFICE OF COMPLIANCE AND PREVENTION EDUCATION

886 Chestnut Ridge Road
Morgantown, WV 26506-6202
304-293-5600 (phone)
James.goins@mail.wvu.edu

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

police.wvu.edu/clery-act/campus-security-authority

SENIOR ASSOCIATE ATHLETICS DIRECTOR, WEST VIRGINIA UNIVERSITY DEPARTMENT OF INTERCOLLEGIATE ATHLETICS

PO Box 0877
Morgantown, WV, 26507-0877
304-293-9873 (phone)

SECURITY DIRECTOR, WVU HEALTH SYSTEM, INC.

J.W. Ruby Memorial Hospital
1 Medical Center Drive
Morgantown, WV 26506
304-598-4444 (phone)

SECURITY DIRECTOR, CHARLESTON AREA MEDICAL CENTER

CAMC Security and Parking
3200 MacCorkle Avenue SE
Charleston WV 25304
304-388-5432 (phone)

DIRECTOR, OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES, DIVISION OF STUDENT LIFE

660 North High Street, WVU
Morgan House, PO Box 6430
Morgantown, WV 26506
304-293-8111 (phone)
studentresponsibility@mail.wvu.edu

SECURITY DIRECTOR, BERKELEY MEDICAL CENTER

WVU Medicine
Berkeley Medical Center
2500 Hospital Drive
Martinsburg, WV 25401
304-728-1704 (phone)

¹ It should be noted that this is not a full list of identified CSAs at WVU but was provided to inform readers of high-level University officials in multiple departments who are CSAs and who will forward reports to the appropriate departments for review/inclusion into the statistical data of this report.

C. WVU Response to Incident Reports

UPD will make every reasonable effort to promptly and professionally resolve any problem reported to the Department. In response to a call, UPD will take the required action, either dispatching an officer or asking the victim to come to its station and file an incident report. UPD incident reports involving violations of the law or the Campus Student Code are also forwarded to the Office of Student Rights and Responsibilities and Residence Life for potential action, as deemed appropriate. Individuals may be arrested for violations of the law. If assistance is required from the Morgantown Police Department or Morgantown Fire Department, UPD will contact the appropriate unit. If a sexual assault should occur, staff on the scene, including UPD, will offer the victim a wide variety of services. Cases involving Domestic Violence, Dating Violence, Stalking and Sex Offenses are shared with the Office of Compliance and Prevention Education, which is responsible for Title IX compliance. When the University receives a report for a welfare check or potentially suicidal student, UPD will make the initial contact and then, if necessary, will contact the on-call counselor at the Carruth Center to determine whether to transport the individual directly to the hospital or have the individual follow up with a counselor or the University's CARE Team.

D. Voluntary, Confidential Reporting Options

Crimes or other public safety-related incidents may be reported on a voluntary, anonymous basis for statistical inclusion in this report by utilizing the LiveSafe App, which is discussed in more detail below in Section IX.

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



VII. WVU EMERGENCY NOTIFICATIONS

There are 3 types of notifications utilized by the University as it relates to crime and emergency issues.

The following chart² generally summarizes those notifications. The following 2 sections discuss Emergency Notifications (WVU Alerts) and Timely Warnings (Campus Warnings) in much greater detail.

	EMERGENCY NOTIFICATION/WVU ALERT	TIMELY WARNING/ CAMPUS WARNING	COMMUNITY NOTICE
Scope	Significant emergency or dangerous situation occurring on the campus (or imminently threatening the campus) that involves an immediate threat to the health or safety of students or employees	Clery Act crimes that occur on Clery Act geography that are reported to a CSA or local police agency and are considered by the University to represent a serious or continuing threat to students and employees	No requirement for issuance — sole discretion of University
Where Event Occurs?	Event that is currently occurring on or imminently threatening campus	Anywhere on Clery Geography	Anywhere
How Soon to Issue?	Immediately upon confirmation of situation	As soon as pertinent information is available	As appropriate — sole discretion of University
Method of Communication?	Text messaging and email through the WVU Safety Notification System; digital signage, LiveSafe app, social media	E-mail, social media, LiveSafe app	Manner consistent with its objective — sole discretion of University

² Much of the information on the chart related to emergency notifications and timely warnings comes from the following resource: United States Department of Education, [Clery Act Appendix for Federal Student Aid Handbook](#), (last visited May 11, 2026).

VIII. TIMELY WARNINGS, CAMPUS WARNING

A. Statement of Policy

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

- **Clery Reportable Crime means:** crimes required by the Clery Act to be reported annually to the University community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; hazing; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) weapon law violations.
- **Clery Act Geography, in general, means:** on-campus buildings or property, including residence and other student housing complexes, that are owned or controlled by the University; noncampus property, which means (1) any building or property owned or controlled by a student organization that is officially recognized by the institution (this does not include unaffiliated or unrecognized student organizations); or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; and certain public property within or immediately adjacent to campus.

Whether an incident constitutes a serious or continuing threat to students and employees is a case-by-case determination. In general, this means there is a risk of students or employees becoming victims of a similar crime. For example, if a robbery is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there may be no continuing risk if the perpetrator acted alone. Other questions that may be asked are: does a criminal incident appear to be a 1-time occurrence, or does it fall into a pattern of reported crimes? For example, if students set some posters on fire after the football team lost the Homecoming football game, the arsons are probably a 1-night event. If an unknown person was randomly setting fires, this would pose a continuing threat.

B. Statement of Procedures

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

- **Clery Reportable Crimes.** Typically, Clery Reportable Crimes such as arson; aggravated assault; criminal homicide; robbery; burglary; rape, fondling, incest, statutory rape, hazing; and hate crimes may initiate a Timely Warning (Campus Warning). However, as necessary, and at the discretion of the University Police Chief or designee, Timely Warnings (Campus Warnings) may be issued for other Clery Reportable crimes if they pose a serious or continuing threat to University students or employees.
- **Exceptions.** The University will not provide a Timely Warning (Campus Warning) with respect to crimes reported to a pastoral or licensed mental health counselor.
- **Victim Information.** Timely Warnings (Campus Warnings) will be distributed in a way that withholds as confidential the names and other identifying information of victims.

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

- i. The **nature of the crime**, including whether it was an isolated incident or something that poses a continuing threat, whether violence was part of the crime, whether there were multiple victims, whether any victims were minors, and whether a suspect utilized drug(s) as part of the crime;
- ii. The **continuing danger to the University Community**, including whether members of the University community are at risk of becoming victims of a similar crime, whether the alleged perpetrator has been apprehended; whether there were multiple perpetrators and some have not been apprehended; whether the perpetrator(s) has a history of non-compliance with University issued directives, such as a trespass notice; whether the perpetrator(s) has a history of violence; and whether there are signs of a pattern of crimes;

- iii. The **possible risk of compromising law enforcement efforts**, including whether specific information should be included or omitted given law enforcement efforts, such as investigatory actions being undertaken.

The University Police Chief will be responsible for issuing a Timely Warning (Campus Warning) in consultation with the appropriate personnel involved in Clery compliance. Strategic Communications and Marketing will be responsible for assisting in the delivery of the Timely Warning (Campus Warning) to members of the University community. For these reasons, CSAs and local law enforcement should report Clery Crimes to UPD immediately upon receipt of such a report.

Timely Warnings (Campus Warnings) will be disseminated in a manner reasonably likely to reach the members of the University Community and allow for them to take appropriate steps to protect themselves. Specifically, Timely Warnings (Campus Warnings) will be distributed in the following ways: (1) e-mails to students, staff, and faculty via their Mix or University provided e-mail accounts; (2) posts on University Safety social media accounts, (3) push notifications through LiveSafe app, and (4) links on the University Police and other websites.

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

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

For instances in which a Timely Warning is not required, UPD may choose to issue a "Community Notice" notifying the University community of the issue. The content of a Community Notice may vary depending on the type of incident reported and the location in which it occurred.

IX. EMERGENCY NOTIFICATIONS – WVU ALERT

A. Statement of Policy

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

B. Statement of Procedures

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System: The initial and primary responder to emergencies will normally be UPD. It is possible that the initial and primary responder may be different, particularly for incidents such as an outbreak of serious illness; extreme weather conditions; earthquake; gas leak; or chemical or hazardous waste spill. In either situation, the ranking or senior officer/administrator on the scene will quickly assess the situation and notify the Chief of Police (or designee), or in their absence, the highest-ranking officer in UPD.

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

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

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification:

The appropriate segment or segments of the University community will receive a notification and that will be determined by the information available at the time. The Chief of Police (or designee), together with Strategic Communications and Marketing, will continually evaluate the situation and assess the need to notify additional segments of the campus population.

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

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

- /// Alerts posted to the [WVU Home page](#) via an emergency banner at the top of the page.
- /// Audio and visual alert messages on the Digital Signage around campus.
- /// Alerts posted to WVU social media channels including [Facebook](#), [Instagram](#) (WVU Safety and Wellness), (WVUSafetyOfficial), and [X \(@WVUSafety\)](#).
- /// Alert messages sent for current students via MIX email.

How to Sign Up for Emergency Text Messaging: The University encourages all employees and students of the campus community to enroll in LiveSafe and the WVU Safety Notification System.

The WVU Safety Notification System: To sign up (opt-in) to the emergency text messaging system, the procedure is as follows:

- /// **Current Students:** Current students are automatically subscribed to receive WVU Alert messages. There is no need for further registration. However, if you would like to check or update your information, please sign in using the [WVU Alert Student Login](#).
- /// **Parents:** The Alert system allows students to add their parent's cell phone numbers and email addresses to their account to receive Alert messages. It is up to the student to determine if they would like an alternative contact to receive WVU Alerts as part of their account.

Students who wish to add a parent's cell phone or email address may do so by signing in at the [WVU Alert Student Login](#) and following the instructions on the Services tab.

- /// **Faculty and Staff:** Faculty and Staff are encouraged to register with the WVU Safety Notification System by visiting the [WVU Alert Login](#) and clicking on the "SIGN UP" link near the top right corner of the page.
- /// **LiveSafe:** The LiveSafe app⁴ can be downloaded by visiting this website: police.wvu.edu/campus-safety/livesafe.

Procedures for Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community): If the campus activates the WVU Safety Notification System, Strategic Communications and Marketing is responsible for determining when and how to disseminate emergency information to the larger community. This may include updating notices on Facebook, X, and other social networking platforms; maintaining communications with news outlets; distributing news releases; or scheduling news conferences. The University's Crisis Communications Plan can be found here: scm.wvu.edu/training-and-resources/written-style/crisis-communications-plan/.

Procedures for Testing Emergency Response and Evacuation Procedures (Drills, Exercises, and Training): The procedures to test the WVU Safety Notification System, as well as the emergency response and evacuation procedures, will occur on at least an annual basis and may be announced or unannounced. For each test, there will be documentation of a description of the exercise, the date, time, and whether it was announced or unannounced.

⁴ LiveSafe is an app where individuals can report tips anonymously to WVU Police through direct 2-way communication and by way of text, photos, or videos. In addition to receiving WVU Alerts through email and/or text, individuals can also get emergency alerts through the app. The LiveSafe app also allows individuals to virtually walk home with friends or family to ensure safety if alone, walking at night or just want some extra security. A Panic Button feature also allows immediate location sharing and text communication with UPD.

Emergency Response and Evacuation Procedures. The University will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year. The [Emergency Operations Plan](#) is available online.

X. DAILY CRIME LOG AND DAILY FIRE LOG

UPD maintains a combined Daily Crime and Fire Log of all reported incidents. This includes all alleged criminal incidents reported that occur on campus, in areas patrolled by the UPD, in noncampus buildings or properties, and on the public property running through or immediately adjacent to campus. As a combined log, it also includes fire-related incidents, including all reported fires in on-campus student housing facilities. The Daily Crime and Fire Log will post the previous day's approved incidents daily at 5:30 p.m., Monday through Friday. All weekend incidents will post on Monday. Case numbers with prefix "CSA" are incidents that are reported directly to the Clery Act Coordinator via the Campus Security Authority online reporting form. Other incidents gathered for Clery statistical purposes reported by individuals or agencies other than University Police are listed using separate prefixes and incident codes. More information about case number prefixes can be found here: police.wvu.edu/clery-act/crime-and-fire-log/understanding-the-crime-and-fire-log.

The Daily Crime and Fire Log includes the incident type, date the incident is reported, date and time of occurrence, and general location of each reported incident type, as well as the disposition of the incident, if this information is known. UPD posts specific incidents in the Daily Crime Log within 2 business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law. The most current 90 days of information are available online at the UPD web page here: police.wvu.edu/clery-act/crime-and-fire-log. Additionally, a kiosk is available in the main lobby of the UPD Building located at 886 Chestnut Ridge Road to review the crime log at any time. Additionally, printed copies of the log are available upon request at UPD.

XI. DRUG AND ALCOHOL POLICIES

Federal law requires that the University notify all faculty, staff, and students of certain information pertaining to unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activity, as well as notify the campus of certain health risks associated with alcohol and other drug abuse, and provide contact information for WVU programs available to students, staff, and faculty. The University accomplishes this by sending faculty, staff, and students an email containing, as an attachment, the [Drug-Free Schools and Communities Act booklet](#). Additionally, that booklet is attached as Appendix 1 in this document.

XII. CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

Below is a sample of the programs offered at WVU that address campus security practices and procedures, as well as crime prevention, including programs specifically addressing dating violence, domestic violence, sexual assault, stalking, and hazing. Please see section XV for additional educational programming information offered by WVU.

PROGRAM TITLE	TYPE/DESCRIPTION	FREQUENCY	AUDIENCE
Active Shooter	Comprehensive program intended on seeing the signs and speaking up before and active shooter. Also, reviewing the Run, Hide, Fight options in response to an active shooter.	Upon Request	WVU Students and Employees
Stop the Bleed	Program intended to save lives, including a formal presentation and hands-on practice of applying direct pressure, packing a wound, and using a tourniquet to stop bleeding.	Upon Request	WVU Students and Employees
Surviving Verbal Conflict	A course on surviving verbal conflict discussing how to assess verbal encounters, building the foundation of situational awareness, utilizing speech to persuade and redirect situations.	During RLS and RA Training and when requested by Academic Departments or Instructors	Residence Life Specialists, Resident Assistants, Academic Advisors, and Students
P.R.O.T.E.C.T	Situational Awareness Course/Self Defense. Teachings include how to develop situational awareness, skills to aid in escaping potentially dangerous situations, and hands on self-defense techniques.	Upon Request	WVU Students and Employees

PROGRAM TITLE	TYPE/DESCRIPTION	FREQUENCY	AUDIENCE
See Something, Say Something	National campaign providing resources for individuals to report suspicious behavior on and off campus.	Displayed on the University's InfoStations throughout campus, information tables, on the PRT, and on scoreboards of home WVU football and basketball games. Also, when requested by departments.	WVU Students, Employees, and Visitors
Building Supervisor Program	Designates 1 to 2 persons per building on campus to act as main contact for emergencies.	Reviewed with building supervisors as needed by UPD Emergency Operations Unit	WVU Employees
Alcohol/Drug Awareness	Provides safety tips, promotes drug and alcohol awareness.	Freshman Classes, Freshman Orientation, and when requested	WVU Students
Theft Protection	Foot patrols of high-traffic areas by officers being seen, reporting any safety concerns; reporting system to promote documentation of valuable item's make, model, and serial number, in case of theft; theft protection tips on social media.	Weekly and daily during high-profile days or events. Example: Finals Week. Offered online and in person all year per request.	WVU Students and Employees
Safety Walks	Student Government representatives, Facilities representatives, and UPD walk each campus in groups identifying safety concerns and assessments or sidewalks, lighting, roadways, and road crossings.	Once during the start of each semester	WVU Students and Employees
LiveSafe	Promotes the University community to download the Live Safe application. LiveSafe enables direct and discreet 2-way communication with University Police using text, picture, video, and audio capabilities. It also lets you virtually walk your friends and family home with SafeWalk.	Monthly Information Tables and when requested. Included in every Active Shooter/Workplace Violence course taught.	WVU Students, Employees, and anyone who downloads the app
Bike Registration	Documents bicycles make, model, description, and serial number, in case of theft; also provides theft prevention tips to owners.	Beginning of Semesters Available online all year	Bicycle Owners on Campus
Social Media and Cybersecurity	Presentation given to students discussing the current social media scams and other cybersecurity threats with a focus on prevention.	Upon request	WVU Students and Employees
Lock Up Before You Leave	Walking areas of off-campus housing, passing out flyers, and speaking to residents regarding the safety and importance of locking their homes and securing their belongings prior to leaving for spring, summer, or winter break.	Selected times prior to scheduled academic breaks	WVU Students and surrounding community
SABRE Personal Safety Program	Learn methods of effective self-defense and safety awareness utilizing SABRE pepper spray.	Upon request	WVU Students
Drowsy and Distracted Driving	This program focuses on the consequences of non-alcohol impaired driving and utilizes the Fatal Vision Drowsy and Distracted Goggles Kit, which allows participants to safely experience simulated impairments and understand their potential consequences. The kit includes 8 interactive activities using the Fatal Vision Drowsy and Distracted Driving Goggles. Participants begin with a baseline task without the goggles and then repeat it with the goggles to experience the effects of drowsiness or distraction.	Upon request	WVU Students
Intoxiclock® Pro Software	This program demonstrates the impact of alcohol consumption on blood alcohol concentration (BAC) in real-time with Intoxiclock® Pro software. It provides the audience with a dynamic, real-time demonstration that shows changes in BAC based on various alcoholic drinks, drinking patterns, weight, and gender. The software also provides compelling facts and graphics that encourage informed decisions about alcohol use.	Upon request	WVU Students
SUM-IT-CUP®	The SUM-IT-CUP® (Standard Unit of Measure) Complete is an alcohol educational tool designed to allow adults, 21 years of age and older, to pour and measure a volume of liquid and determine the number of standard drink units represented by the liquid for various types of popular alcohol beverages.	Upon request	WVU Students

Programs organized by the Office of Compliance and Prevention Education and Division of Student Life:

PROGRAM TITLE	TYPE/DESCRIPTION	FREQUENCY	AUDIENCE
Part I: AlcoholEdu (Vector Solutions)	A comprehensive alcohol and violence prevention program.	Once Annually	First-Year and Transfer Students under the age of 24
Part II: AlcoholEdu Ongoing Education (Vector Solutions)	Online substance use education and harm reduction training for students. Includes information on alcohol's relationship with sexual violence, peer pressure, stress, and more.	Once Annually (Distributed on Oct. 14, 2025)	First-Year and Transfer Students under the age of 24
Title IX Essentials: Students	Training defining Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Stalking, and Retaliation. This training also covers bystander intervention, campus resources, and reporting options.	By request of departments, individual professors, and student groups and once annually for all first-year Honors students	WVU Students
Title IX Essentials: Employees	This training establishes a comprehensive understanding of prohibited conduct, including Discrimination, Sexual Assault, Domestic Violence, Stalking, and Retaliation while clearly defining the role and reporting responsibilities of Responsible Employees under institutional policy.	Upon hire and position change. Annually thereafter.	WVU Employees
Title IX Essentials: Person	Training defining Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Stalking, and Retaliation. This training also covers bystander intervention, campus resources, and reporting options. Additional focus on mandatory reporting.	By request and invitation as limited by capacity; goal is to reach each Department or Unit every 3 years	WVU Employees
Bringing in the Bystander (Soteria Solutions)	Evidence-based interactive training focusing on the role community members have in preventing sexual violence by learning about and implementing bystander intervention strategies; includes information about resources and how to report incidents.	Once Annually	Greek President's Council; Resident Assistants; Peer Advocates; and other groups by request
The Escalation Workshop (One Love Foundation)	Training focused on recognizing healthy and unhealthy relationships and empowering young people to identify and avoid abuse; includes information about resources and how to report incidents.	By request	WVU Students
Youth Protection: In-Person	In-person training focusing on identifying warning signs of child abuse and neglect, as well as reporting procedures.	By request	WVU Employees, Students, and Volunteers
Youth Protection: Online Module	Online training focusing on identifying warning signs of child abuse and neglect, as well as reporting procedures.	By Request and required annually for anyone working directly with youth	WVU Employees, Students, and Volunteers

XIII. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: WEST VIRGINIA STATE CODE AND RELEVANT DEFINITIONS

Under West Virginia Law, the following Violence Against Women Act related offenses are defined. It should be noted that terminology differs between Clery Act Crime definitions and W.Va. State Code definitions. For example, W.Va. Code does not have a specific criminal code section for “dating violence.” However, under the domestic battery and assault code sections, the definition of “family or household member” incorporates individuals who are or were sexual or intimate partners or “are or were dating.” Information relating to the sentencing for each crime can be found by reviewing the WVlegislature.gov footnotes attached to the specific code.

§61-8B-3. Sexual assault in the first degree⁵

(a) A person is guilty of sexual assault in the first degree when:

- (1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:
 - (i) Inflicts serious bodily injury upon anyone;*
 - (ii) Employs a deadly weapon in the commission of the act.**
- (2) The person, being 14 years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than 12 years old.*

§61-8B-4. Sexual assault in the second degree⁶

(a) A person is guilty of sexual assault in the second degree when:

- (1) Such person engages in sexual intercourse or sexual intrusion with another person without the person’s consent, and the lack of consent results from forcible compulsion; or*
- (2) Such person engages in sexual intercourse or sexual intrusion with another person who is physically helpless.*

§61-8B-5. Sexual assault in the third degree⁷

(a) A person is guilty of sexual assault in the third degree when:

- (1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or*
- (2) The person, being 16 years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than 16 years old and who is at least 4 years younger than the defendant.*

Under West Virginia Law relating to sexual violence, the following terms are defined, and while there is no specific definition for consent, lack of consent is addressed:

§61-8B-7. Sexual abuse in the first degree⁸

(a) A person is guilty of sexual abuse in the first degree when:

- (1) Such person subjects another person to sexual contact without their consent, and the lack of consent results from forcible compulsion; or*
- (2) Such person subjects another person to sexual contact who is physically helpless; or*
- (3) Such person, being 14 years old or more, subjects another person to sexual contact who is younger than 12 years old.*

⁵ W.Va. Code § 61-8B-3. Sexual assault in the first degree - code.wvlegislature.gov/61-8B-3/

⁶ W.Va. Code § 61-8B-4. Sexual assault in the second degree - code.wvlegislature.gov/61-8B-4/

⁷ W.Va. Code § 61-8B-5. Sexual assault in the third degree - code.wvlegislature.gov/61-8B-5/

⁸ W.Va. Code § 61-8B-7. Sexual abuse in the first degree - code.wvlegislature.gov/61-8B-7/

§61-8B-8. Sexual abuse in the second degree⁹

(a) A person is guilty of sexual abuse in the second degree when such person subjects another person to sexual contact who is mentally defective or mentally incapacitated.

§61-8B-9. Sexual abuse in the third degree¹⁰

(a) A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent, when such lack of consent is due to the victim's incapacity to consent by reason of being less than 16 years old.

§61-8B-1. Definition of terms

In this article, unless a different meaning plainly is required:

(1) "Forcible compulsion" means:

(A) Physical force that overcomes such earnest resistance that is reasonably expected under the circumstances;*

(B) Threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person, or in fear that he or she or another person will be kidnapped; or

(C) Fear by a person under 16 years of age caused by intimidation, expressed or implied, by another person who is at least 4 years older than the victim.

**For the purposes of this definition, "resistance" includes physical resistance or any clear communication of the victim's lack of consent.*

(2) "Mentally defective" means that a person suffers from a mental disease or defect which renders that person incapable of appraising the nature of his or her conduct.

(3) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to that person without his or her consent or as a result of any other act committed upon that person without his or her consent.

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

(5) "Sexual contact" means any intentional touching, either directly or through clothing, of the breasts, buttocks, anus, or any part of the sex organs of another person, or intentional touching of any part of another person's body by the actor's sex organs and the touching is done for the purpose of gratifying the sexual desire of either party.

(6) "Sexual intercourse" means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.

(7) "Sexual intrusion" means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party.

(8) "Bodily injury" means substantial physical pain, illness, or any impairment of physical condition.

(9) "Serious bodily injury" means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(10) "Deadly weapon" means any instrument, device, or thing capable of inflicting death or serious bodily injury and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

⁹ W.Va. Code § 61-8B-8. Sexual abuse in the second degree - code.wvlegislature.gov/61-8B-8/

¹⁰ W.Va. Code § 61-8B-9. Sexual abuse in the third degree - code.wvlegislature.gov/61-8B-9/

(11) "Forensic medical examination" means an examination provided to a possible victim of a violation of the provisions of this article by medical personnel qualified to gather evidence of the violation in a manner suitable for use in a court of law, to include: An examination for physical trauma; a determination of penetration or force; a patient interview; and the collection and evaluation of other evidence that is potentially relevant to the determination that a violation of the provisions of this article occurred and to the determination of the identity of the assailant.

§61-8B-2. Lack of consent

(a) Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim.

(b) Lack of consent results from:

- (1) Forcible compulsion;
- (2) Incapacity to consent; or
- (3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(c) A person is deemed incapable of consent when such person is:

- (1) Less than sixteen years old;
- (2) Mentally defective;
- (3) Mentally incapacitated;
- (4) Physically helpless; or
- (5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of this code.

§61-2-28. Domestic violence¹¹ — criminal acts

(a) Domestic battery. — Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with his or her family or household member, or unlawfully and intentionally causes physical harm to his or her family or household member, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than 12 months or fined not more than \$500, or both fined and confined.

(b) Domestic assault. — Any person who unlawfully attempts to commit a violent injury against his or her family or household member, or unlawfully commits an act that places his or her family or household member in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than 6 months or fined not more than \$100, or both fined and confined.

§48-27-204. Family or household members defined.

"Family or household members" means persons who:

- (1) Are or were married to each other;
- (2) Are or were living together as spouses;
- (3) Are or were sexual or intimate partners;
- (4) Are or were dating: Provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship;
- (5) Are or were residing together in the same household;
- (6) Have a child in common regardless of whether they have ever married or lived together;
- (7) Have the following relationships to another person:
 - (A) Parent;
 - (B) Stepparent;
 - (C) Brother or sister;

¹¹ §61-2-28. Domestic violence — criminal acts - code.wvlegislature.gov/61-2-28/

- (D) Half-brother or half-sister;
- (E) Stepbrother or stepsister;
- (F) Father-in-law or mother-in-law;
- (G) Stepfather-in-law or stepmother-in-law;
- (H) Child or stepchild;
- (I) Daughter-in-law or son-in-law;
- (J) Stepdaughter-in-law or stepson-in-law;
- (K) Grandparent;
- (L) Step grandparent;
- (M) Aunt, aunt-in-law or step aunt;
- (N) Uncle, uncle-in-law or step uncle;
- (O) Niece or nephew;
- (P) First or second cousin; or

(8) Have the relationships set forth in paragraphs (A) through (P), subdivision (7) of this section to a family or household member, as defined in subdivisions (1) through (6) of this section.

§61-2-9a. Stalking, harassment; penalties; definitions¹²

(a) Stalking. — Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third person to so act, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, confined in jail for not more than 6 months, or both fined and confined.

(b) Harassment. — Any person who harasses, or repeatedly makes credible threats against another is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than 6 months, or fined not more than \$1,000, or both fined and confined.

For this section, the following are defined:

- (1) "Bodily injury" means substantial physical pain, illness, or any impairment of physical condition;
- (2) "Course of conduct" means a pattern of conduct composed of 2 or more acts in which a defendant directly, indirectly, or through a third party by any action, method, device, or means:
 - (A) Follows, monitors, observes, surveils, or threatens a specific person or persons;
 - (B) Engages in other nonconsensual contact and/or communications, including contact through electronic communication, with a specific person or persons; or
 - (C) Interferes with or damages a person's property or pet;
- (3) "Credible threat" means a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out;
- (4) "Harasses" means a willful course of conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress and which serves no legitimate or lawful purpose;
- (5) "Immediate family" means a spouse, parent, stepparent, mother-in-law, father-in-law, child, stepchild, sibling, or any person who regularly resides in the household or within the prior 6 months regularly resided in the household; and
- (6) "Repeatedly" means on 2 or more occasions.

¹² W.Va. Code § 61-2-9a. Stalking, harassment; penalties; definitions - code.wvlegislature.gov/61-2-9A/

XIV. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: WVU BOG RULE 1.6 DEFINITIONS

The West Virginia University Board of Governors Rule 1.6 defines and highlights how WVU will address allegations of sexual misconduct, domestic misconduct, stalking, and other sexual harassment prohibited by Title IX. The following definitions related to the Violence Against Women Act crimes are defined by this rule below. The Board of Governors Rule, in its entirety, can be found here: policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-6-rule

3.6 Sexual Misconduct.

3.6.1 "Sexual Misconduct" means "Sexual Assault" or "Sexual Exploitation," as defined below. While "Sexual Assault" is included in the definition of "Title IX Sexual Harassment", "Sexual Exploitation" is not.

- | | |
|--------------------|---|
| 3.6.1.1 | "Sexual Assault" means "Sexual Intercourse" or "Sexual Contact" that occurs without Consent." "Sexual Assault" also includes "Sexual Intercourse" between persons who are related to each other within the degrees wherein marriage is prohibited by law. |
| 3.6.1.1.1 | "Sexual Contact" means any (i) intentional touching, either directly, through clothing, or with an object, of the breasts, buttocks, anus or any part of the sex organs of another person; or (ii) intentional touching of any part of another person's body by the actor's sex organs. |
| 3.6.1.1.2 | "Sexual Intercourse" is defined as anal, oral, or vaginal penetration, however slight, by an inanimate object or another's body part. |
| 3.6.1.1.3 | "Consent" is defined as agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. Silence, by itself, cannot constitute Consent. Consent to one sexual act does not constitute or imply consent to a different sexual act. Previous consent cannot imply consent to future sexual acts. Consent is required regardless of the parties' relationship status or sexual history together. |
| 3.6.1.1.4 | A person is not competent and therefore lacks the ability to "Consent" where there is either "Forcible Compulsion" or "Incapacity to Consent." |
| 3.6.1.1.4.1 | "Forcible Compulsion" means (i) physical force that overcomes such earnest resistance as might reasonably be expected under the circumstances; (ii) threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person or in fear that he or she or another person will be kidnapped; or (iii) threat or intimidation, express or implied, that the aggressor will retaliate or cause damage to the victim's reputation if the victim does not give into the aggressor's sexual advances. |
| 3.6.1.1.4.2 | "Incapacity to Consent" means that person is (i) either less than 16 years old; (ii) mentally incapacitated; (iii) physically unable to resist; or (iv) is so intoxicated as to be incapacitated (i.e., unable to knowingly and intentionally make decisions for him or herself). |
| 3.6.1.1.4.3 | Intoxication from alcohol or drug use, alone, does not bar Consent. |
| 3.6.1.1.4.4 | Incapacitation negates Consent when the alleged perpetrator knows, or a reasonable person, under the circumstances, should know, that the alleged victim is incapacitated. |

3.6.1.2 “Sexual Exploitation” means taking sexual advantage of another person without his or her consent.

3.6.1.2.1

Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; and engaging in voyeurism.

3.7 Domestic Misconduct.

3.7.1 “Domestic Misconduct” means “Domestic Violence” and “Dating Violence” as defined below.

3.7.1.1 “Domestic Violence” means Domestic Violence as defined under the Clery Act and W.Va. state law.

3.7.1.1.1

Under the Clery Act, Domestic Violence means a felony or misdemeanor crime of violence committed — (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By 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) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3.7.1.1.2

Under W.Va. state law, “Domestic Violence” or “Abuse” means the occurrence of 1 or more of the following acts between Family or Household Members, as defined under W.Va. Code:

(1) Intentionally making physical contact of an insulting or provoking nature or intentionally causing physical harm; (2) Attempting to commit a violent injury or committing an act causing reasonable apprehension of immediately receiving a violent injury; (3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts; (4) Committing either sexual assault or sexual abuse as defined in W.Va. Code; and (5) Holding, confining, detaining or abducting another person against that person’s will.

3.7.1.1.3

For purposes of this subsection, “Family or Household Members” means persons who: (i) are or were married to each other; (ii) are or were living together as spouses; (iii) are or were sexual or intimate partners; (iv) are or were dating: provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (v) are or were residing together in the same household; (vi) have a child in common regardless of whether they have ever married or lived together; or (vi) have the relationships described in W.Va. Code § 48-27-204.

3.7.1.2 “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 shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

3.7.1.2.1

The view of the Complainant shall generally be controlling in determining whether such a relationship existed.

3.7.1.2.2

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Rule, does not include emotional abuse.

3.8 Stalking.

- 3.8.1** “Stalking” means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to: (i) fear for his or her safety or the safety of others; or (ii) suffer Substantial Emotional Distress.
- 3.8.1.1** “Course of Conduct” means 2 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.
- 3.8.1.2** A “Reasonable Person,” for purposes of this definition, means a reasonable person under similar circumstances and with similar identities to the complainant.
- 3.8.1.3** “Substantial Emotional Distress,” for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

XV. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: EDUCATION AND PREVENTION PROGRAMS

- Primary Prevention Programs: WVU implements programs, initiatives, and strategies designed to prevent incidents of prohibited conduct. These efforts are informed by research through the promotion of positive and healthy behaviors; foster healthy, mutually respectful relationships and sexuality; encourage safe bystander intervention; and seek to change behavior and social norms that advance health and safety.

Examples of Primary Prevention Programs at WVU include:

- Bringing on the Bystander by Soteria Solutions: A prevention program based on the concept that all community members have a role to play in ending incivility, harassment, violence, and discrimination. The important role that a bystander has in intervention is the basis for this unique and effective program. The program helps participants gain the knowledge and skills needed to identify and safely intervene before, and after instances of risky behaviors.
- Primary Awareness Programs: WVU implements comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent prohibited conduct, promote safety, and reduce the perpetration of prohibited conduct.

Examples of Primary Awareness Programs at WVU include:

- One Love: This national provider focuses on prevention dating and domestic violence and promoting the power of positive relationships in students’ lives. One Love uses films and discussion guides to help students connect to the issue. In the last year, the Office of Compliance and Prevention Education has utilized the ‘Love Labyrinth’ Program, which focuses on recognition of abusive behaviors and increasing student capacity to recognize them and engage conversations which can help survivors reach safety and perpetrators of violence change their behavior. One Love’s “Escalation” Program has also been used, which tells the story of an abusive relationship with a tragic outcome and allows students to observe and begin to recognize the signs of an extremely dangerous relationship and educate them on resources they can share to help prevent similar tragedies.
- Boundaries Workshops: The Office of Compliance and Prevention Education offers boundaries workshops that have 2 components: recognizing boundary issues and crossings and becoming comfortable setting boundaries. Defining boundaries and increasing comfort with setting and enforcing them is a protective factor for the individual while increasing their capacity to recognize when others have experienced significant boundary violations and offer help.
- Consent and Ice Cream, Pizza/Consent and Pizza/Consent and Tacos/Consent Tea Party: Presentations available on demand and hosted by the Office of Compliance and Prevention Education that explore conversations about preferences and needs in a low-stakes context. These presentations use the metaphor of deciding on a food order to help students practice the skills of describing their likes and dislikes and practice giving and receiving consent in a non-sexual situation.

- // **Let's Talk Consent:** This training discusses the Board of Governors Governance Rule 1.6 definition of consent. Participants will be able to define consent, affirmative consent, and physical and verbal cues of consent and discuss examples of consent in the context of their sexual health and well-being. The training reinforces the significance of consent in creating a safer campus environment and supports the development of informed, respectful interpersonal interactions.
- // **Trauma and FME:** A training on forensic medical exams (both for sexual crimes and other violent crimes) that educates on sexual violence basics and system responses, including the importance of accessing medical care from a trauma-informed provider to prevent secondary harms. Designed to help students help each other by understanding what to expect from this process.
- // **Stalking — Know it, Name it, Stop it:** Based on SPARC's anti-stalking training, this focuses on recognizing the signs of stalking and the risk stalking poses, especially when current or former intimate partners stalk their partners.
- // **Ongoing Prevention and Awareness Campaigns:** WVU implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing prohibited conduct using a range of strategies with audiences throughout WVU.

Examples of Ongoing Prevention and Awareness Programs at WVU include:

- // **Social media campaigns:** First, the Office of Compliance and Prevention Education has social media campaigns in October for Domestic Violence Awareness Month and in April for Sexual Assault Awareness Month. These include information about root causes of violence, the systemic impacts of violence, emphasis on service providers on and off campus, and the ways students can support each other. The Office of Compliance and Prevention Education also has the "Your Voice: Day One and Beyond" campaign, which is our overriding campaign for the full year, focusing on connecting first-year students to safety resources, educating them on Bystander Intervention, and encouraging them to form strong relationships with trustworthy people on campus.
- // **Take Back the Night:** WVU joins hundreds of colleges campuses in holding the Take Back the Night event in October. This event is an education and advocacy event that aims to bring awareness to sexual assault through unity and creativity. The WVU community comes together as allies to reclaim their voice and confront sexual violence issues. The event typically includes a featured speaker, art exhibition, Take Back the Night march, candlelight vigil, and the opportunity to connect to campus and community resources.

In these prevention programs, WVU:

- // Makes a clear statement that domestic violence, dating violence, sexual assault, and stalking are prohibited conduct.
- // Defines domestic violence, dating violence, sexual assault, and stalking, including how those terms are defined by the State of West Virginia (See section XIII above).
- // Defines what behavior and actions constitute consent to sexual activity in the State of West Virginia (See section XIII above).
- // Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.

The primary focus of "Bringing in the Bystander" are as follows:

- // Participants will understand concepts of bystander intervention.
- // Participants will be able to identify a continuum of inappropriate sexual behaviors, sexual and relationship violence.
- // Participants will develop empathy for those who have experienced sexual violence.
- // Participants will understand their role in bystander intervention and commit to intervene in the case of sexual and relationship violence before, during, and after an incident.
- // Participants will understand personal barriers to bystander intervention and techniques to overcome them, including the role that factors of identity (i.e., sexual orientation, race, gender identity, etc.) play.
- // Participants will develop strategies for safely intervening in instances of sexual and relationship violence in ways that fit their given ability and skill set.

Bringing in the Bystander also encourages potential pro-social bystanders to wear "C.A.P.E.S." as they plan their intervention: be creative, look for active solutions, consider passive solutions, engage others for help, and seek out safety and support.

- This provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and learn how to minimize the risk of potential attacks.

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

James Goins Jr.

Executive Director of Compliance

Title IX Coordinator

886 Chestnut Ridge Road, Suite 309

Morgantown, WV 26506

304-293-5600

James.Goins@mail.wvu.edu

XVI. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: PROCEDURES FOR ALLEGED VICTIMS TO FOLLOW

A. Important Note

WVU has adopted a University-wide policy that prohibits sexual misconduct, relationship violence, and stalking. That policy applies to students, faculty, and staff. The policy describes prohibited conduct for students, faculty, and staff; explains multiple options for reporting sexual misconduct, relationship violence, and stalking to the University; describes the procedures the University will follow promptly, thoroughly, and equitably in investigating and resolving reports of sexual misconduct, relationship violence, and stalking in order to eliminate the misconduct, prevent its recurrence, and address its effects on a complainant or the University community; identifies resources for complainants; describes the University's prevention and awareness programs relating to sexual misconduct, relationship violence, and stalking; and implements the requirements of Title IX and the Clery Act (including amendments to the Clery Act made by the Violence Against Women Reauthorization Act)¹³. A copy of the policy is available at: policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-6-rule.

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

B. Importance of Preserving Information

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

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

The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to sexual assault can only be performed by trained personnel at a hospital emergency room; physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of sexual assault, a medical professional usually will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of venereal disease and pregnancy, if applicable. A medical examination preserves evidence for forensic analysis in the event that a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical examination likely will be performed by a Sexual Assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence in cases of sexual assault.

Importantly, WVU students can receive the SANE exam for free at J.W. Ruby Memorial Hospital when they present their student identification card.

¹³ Regulations enforced by the Office for Civil Rights, U.S. Department of Educ. (Jan. 29, 2025), www.ed.gov/about/ed-offices/ocr/regulations-enforced-by-the-office-for-civil-rights

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

Medical care may be obtained from the following:

MORGANTOWN

J.W. RUBY MEMORIAL HOSPITAL

Emergency Department
304-598-4172
wvumedicne.org

MONONGALIA GENERAL HOSPITAL

Emergency Department
304-598-1460
mongeneral.com

MARTINSBURG

BERKELEY MEDICAL HOSPITAL

Emergency Department
304-264-1215
wvumedicne.org/berkeley

BRIDGEPORT

UNITED HOSPITAL CENTER

Emergency Department
681-342-1100
uhcemergencyroom.com

CHARLESTON

CHARLESTON AREA MEDICAL CENTER – MEMORIAL HOSPITAL

Emergency Department
304-388-4172
camc.org/locations/camc-memorial-hospital

C. Where and How to Report the Incident

The University supports the choices individuals make — whether to report, and to whom to report — and recognize that these choices are particularly difficult in some cases. If you are unsure whether you would like to file a formal report, you can meet privately with a WVU anonymous employee or member of the Prevention Education Team to discuss your reporting options first. Additionally, these individuals may help individuals access supportive resources as well. If you wish to speak to someone anonymously, please call or text the Anonymous On-Call Line at 304-906-9930. Someone is available to take your call 24 hours a day.

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

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

James Goins Jr.

Executive Director of Compliance
Title IX Coordinator
886 Chestnut Ridge Road, Suite 309
Morgantown, WV 26506
304-293-5600
James.Goins@mail.wvu.edu

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

Office of Compliance and Prevention Education

886 Chestnut Ridge Road, Suite 309
Morgantown, WV 26506

D. Options about the Involvement of Law Enforcement

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

The following options are available 24 hours, 7 days a week, for reporting an incident to law enforcement:

 **West Virginia University Police Department:** 304-293-3136

 **Morgantown Police Department:** 304-284-7522

 **Westover Police Department:** 304-296-6576

 **Granville Police Department:** 304-599-5080

 **Star City Police Department:** 304-599-3550

 **Monongalia County Sheriff's Department:** 304-291-7260

 **West Virginia State Police:** 304-285-3200

For the HSC — Charleston Division

 **Charleston Police Department:** 304-348-6460

For the HSC — Eastern Division

 **Martinsburg Police Department:** 304-264-2100

For Bridgeport Nursing School

 **Bridgeport Police Department:** 304-842-8260

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

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

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

WVU will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's policy may differ in significant respects from criminal law. A Complainant may seek resolution through WVU procedures, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither. Neither law enforcement's determination whether to prosecute a Respondent, nor the outcome of any criminal prosecution is determinative of whether prohibited conduct occurred in violation of the University's policy.

Procedures under the University's policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. WVU does not normally wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing supportive measures, and/or taking other appropriate action. Although WVU may need to temporarily delay portions of its investigation while law enforcement is gathering evidence, WVU will take supportive measures to support the parties during such a delay. Decisions made or sanctions imposed by WVU are not based on criminal or civil charges against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained, or not prosecuted; however, a Respondent's plea or a finding against a Respondent in a criminal or civil proceeding may, at the University's discretion, be used by WVU in a WVU disciplinary proceeding.

E. Information about Orders of Protection

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

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

Monongalia County Prosecuting Attorney's Office

Victim Assistance Program
First Floor Justice Center
75 High Street, Morgantown, WV 26505
Phone: 304-291-7286
Fax: 304-291-7285

Berkeley County Prosecuting Attorney's Office

Victim Witness Assistance Program
380 W. South Street, #1100, Martinsburg, WV 25401
Phone: 304-264-1971
Fax: 304-263-6092

Kanawha County Prosecuting Attorney's Office

Victim Assistance Program
301 Virginia Street, East Charleston, WV 25301
Phone: 304-357-0300
Fax: 304-357-0616

Harrison County Prosecuting Attorney's Office

301 W. Main St., Clarksburg, WV 26301
Phone: 304-624-8660

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

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

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

James Goins Jr.

Executive Director of Compliance
Title IX Coordinator
886 Chestnut Ridge Road, Suite 309
Morgantown, WV 26506
304-293-5600
James.Goins@mail.wvu.edu

F. Information about Protecting Confidentiality in Recordkeeping

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

Clery Act: *The Clery Act requires the University to issue 4 types of public documents: First, this report, which contains crime statistics. Statistics published in this report **do not personally identify Complainants or Respondents**. Second, in addition to this report and in compliance with the Clery Act, the UPD maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within the University's Clery Geography, or within the patrol jurisdiction of the UPD. The crime log does not include personally identifying information about the Complainant or the Respondent. Third, the Clery Act requires WVU to issue Timely Warnings for certain crimes reported to the UPD or Campus Security Authorities. WVU will undertake reasonable efforts to avoid disclosing a Complainant's name and other identifying information, while still providing enough information for community members to make safety decisions considering the potential danger. Last, the Clery Act requires the publication of the Hazing Transparency Report on a bi-annual basis if any established or recognized student organization is found to be violation of standards of conduct relating to hazing, as defined in the WVU Student Code. In these cases, additional information about the complaint, investigation, and sanctioning of each case will be published. Complainant or respondent personal information will not be published.*

West Virginia Freedom of Information Act: *The West Virginia Freedom of Information Act provides access to the public of certain non-exempt public records. See W.Va. Code §§ 29B-1-1 through -7. However, certain records may be exempt from disclosure if they meet one of the enumerated exemptions set forth in the FOIA. Among them include the following: "Information of a personal nature . . . if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance"; and "Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement." See W. Va. Code § 29B-1-4(a)(2), (4)(A). Thus, determining whether records are ultimately subject to disclosure is determined on a case-by-case basis considering the totality of the circumstances.¹⁴*

Requests for Accommodations or Supportive Measures

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

G. Written Notifications That Will Be Made Available

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

Likewise, when a student or employee reports to the University that the student or employee has been a victim of sexual assault, domestic violence, dating violence, or stalking, the University provides the victim with a written notice of rights. For example, below is a non-exhaustive list provided to complainants, notifying them they have the right:

- /// To be entitled to a fair and impartial investigation of the complaint.
- /// To be protected from further prohibited conduct through supportive measures during an investigation.

¹⁴ See West Virginia Sexual Violence Benchbook, p. 4-1, www.courtswv.gov/sites/default/pubfiles/mnt/2023-06/SexualViolenceBenchbook2021.pdf (last visited May 22, 2026). ("In West Virginia, there are no statutes or rules specific to the filing of sensitive information of a sexual assault victim in criminal files that are presumptively open to public inspection.").

- /// To have the complaint investigated within prompt and reasonable time frames.
- /// To be protected from retaliation.
- /// To be notified of the outcome of an investigation and any sanctions that relate to them.
- /// To have a lawyer and/or advocate participate in any stage of the process.
- /// To have a copy of the WVU Board of Governor's Governance Rule 1.6.

It should be emphasized that both complaints and respondents are entitled to a fair and impartial investigation of the complaint and are both provided with the same supportive measures and written notice of rights, including the right to have a lawyer and/or advocate of their choice participate in any stage of the process.

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

Specific contact information follows:

Counseling and Mental Health Services:

Carruth Center for Counseling
and Psychological Services
Health and Education Building
390 Birch Street, Morgantown, WV 26506
304-293-4431

Student Legal Services:

Elizabeth Moore Hall - Room 5-G
P.O. Box 6411, Morgantown, WV 26506
304-293-4897
sls@mail.wvu.edu

Victim Advocacy Services and Private Legal Assistance:

The Rape and Domestic Violence Information Center (RDVIC)
P.O. Box 4228, Morgantown WV, 2650
RDVIC 24-hour crisis hotline: 304-292-5100

Visa and Immigration Assistance:

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

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

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

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

Student Financial Services

Morgantown — Mountaineer Hub

62 Morrill Way; 2nd Floor Evansdale Crossing
P.O. Box 6004; Morgantown, WV 26506
Phone: 304-293-1WVU (1988)
Fax: 304-293-4890
financialaid.wvu.edu/contact-us

Morgantown — Health Sciences Center Campus

Medical Center Drive; Robert C. Byrd Health
Sciences Center North, Suite 117
P.O. Box 9810; Morgantown, WV 26506
Phone: 304-293-3706
Fax: 304-293-6861
Email: hscfinaid@mail.wvu.edu

WVU Accessibility Services/ADA Coordinator:

ADA Coordinator

Office of Compliance and Prevention Education
886 Chestnut Ridge Road, Suite 309
Morgantown, WV 26506
Phone: 304-293-5600
<https://compliance.wvu.edu/americans-with-disabilities-act/>

XVII. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION

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

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

The procedure for handling such cases depends on whether the conduct is covered by Title IX and whether the accused individual is a student. Links to the specific University processes and procedures are provided below; however, a summary of the process and grievance procedure flow chart is attached as Appendix 2 and Appendix 3.

For cases covered by Title IX jurisdiction against non-students, the following procedures are applicable: compliance.wvu.edu/title-ix/non-student-title-ix-process/.

For non-Title IX cases of sexual assault, domestic violence, dating violence, and stalking against non-students, the following procedures are applicable: compliance.wvu.edu/title-ix/non-student-bog-rule-1-6-process/.

For allegations of sexual assault, domestic violence, dating violence, and stalking against a student, the following procedures are applicable: policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-6-rule.

Additional FAQs relating to Student and Employee Title IX and B.O.G Rule 1.6 can be found here: **Student:** compliance.wvu.edu/title-ix/frequently-asked-questions-students/.

Employee: compliance.wvu.edu/title-ix/frequently-asked-questions-employees/

At West Virginia University, any individual involved in the grievance process, including investigators and hearing examiners for complaints that fall within Title IX or B.O.G Rule 1.6, including sexual assault, domestic violence, dating violence, and stalking are required to attend an annual training. For this, the Title IX Coordinator utilizes the training below, which covers the following areas:

- | | |
|---|----------------------|
| /// Title IX Scope | Hearings |
| /// Title IX Sexual Harassment, Board of Governors | Appeals |
| /// Governance Rule, 1.6 and other Codes of Conduct | Informal Resolution |
| /// Jurisdiction | Confidentiality |
| /// Institutional Response | Impartiality |
| /// Investigations | Scenario Discussions |

This training in its entirety is available to view on the Office of Compliance and Prevention Education webpage here: compliance.wvu.edu/title-ix/frequently-asked-questions-employees/.

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

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

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

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

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

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

f) **Loss of Privileges:** Denial of specified privileges for a designated time period.

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

h) **Revocation:** Admission to the University may be revoked for a violation of the Code if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the University may be revoked for a violation of the Code if the violation was committed before the student graduates.

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

j) **No Contact Order:** Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

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

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

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

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

Protective or supportive measures that the University may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking may be found here: compliance.wvu.edu/title-ix/reporting-options-and-resources/

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

- | | |
|--------------------------------------|---|
| ✓ Access to counseling services | ✓ Temporary suspension from campus facilities/housing |
| ✓ On-Campus No Contact Directive | ✓ Limit access to certain privileges and events |
| ✓ Rescheduling exams/assignments | ✓ Medical care |
| ✓ Providing alternate course options | ✓ Tutoring |
| ✓ Changing class/work schedules | ✓ University-imposed leave or suspension |
| ✓ Changing work/job assignments | ✓ Alternative housing options |

To request more information about or to inquire about obtaining protective or supportive measure, please contact:

James Goins Jr.

Executive Director of Compliance, Title IX Coordinator
886 Chestnut Ridge Road, Suite 309, Morgantown, WV 26506
304-293-5600
James.Goins@mail.wvu.edu

XVIII. ADDITIONAL INFORMATION ABOUT SEX OFFENSES

A. Release of Disciplinary Outcomes to Certain Crime Victims

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

B. Sex Offender Registry

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

XIX. STOP CAMPUS HAZING ACT¹⁵ INFORMATION

A. Statement of Policy

WVU is committed to fostering a safe and inclusive campus community. Hazing, in any form, both on and off campus is prohibited by both the WVU Student Conduct Code and West Virginia State Criminal Code. WVU Student Groups (e.g. registered student organizations, intramural, club and varsity athletic teams, and other recognized student groups) and individual students are prohibited from hazing.

¹⁵ Stop Campus Hazing Act Public Law 118-173: www.congress.gov/bills/118/congress/house-bills/5646/text

B. How and Where to Report Hazing

Any person having knowledge of, or who wants to self-report any activity or conduct which may constitute hazing is encouraged to do so and can report their concerns to the WVU Police Department at 304-293-3136.

Allegations of hazing can also be reported to the Office of Student Rights and Responsibilities (304-293-8111) or [online here: wvu-advocate.symplcity.com/public_report/index.php/pid460633?](http://wvu-advocate.symplcity.com/public_report/index.php/pid460633?); Fraternity and Sorority Life (304-293-8201); or the Office of Compliance and Prevention Education (304-293-5600).

A Clery CSA reporting form, which is found here: go.wvu.edu/CSAreport, can be used to report hazing for inclusion into the WVU Annual Security Report, but, if you wish to report the incident for investigation, please use one of the aforementioned reporting structures.

Any allegation of hazing will be referred to the WVU Office of Student Rights and Responsibilities for review, investigation, and sanctioning, when applicable. In cases where the University Police were not the initial report takers, the Office of Student Rights and Responsibilities will likely share the complaint with UPD for investigation, and, after investigation, criminal charges may be filed.

C. Investigating Allegations of Hazing

All complaints alleging hazing by an individual or an organization are taken seriously by West Virginia University. Hazing allegations are investigated the same as other allegations of prohibited conduct under the Campus Conduct Code (Section 9.2) and both individuals and Student Organizations, consistent with Section 16 of the Conduct Code, may be investigated. Similarly, interim measures may be appropriate pending the outcome of an investigation. The WVU Student Conduct Code in its entirety and outlining this process can be found here: studentresponsibility.wvu.edu/campus-student-code#heading-number--0

Additional information about the WVU Student Conduct Process and FAQs can be found here: studentresponsibility.wvu.edu/student-conduct/process

D. WVU Code of Conduct Hazing Definition

The WVU Student Code of Conduct, Section 6.2 (x), defines hazing as:

“Hazing” means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization the members of which are primarily students. Hazing includes but is not limited to, acts of a physical nature, such as whipping, beating, branding, required consumption of any food, liquor, drug, or other substance, or any other required physical activity which may reasonably be deemed to adversely affect the physical health and safety of the person or persons so treated, and includes any activity that would subject the person or persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, required conduct that could result in extreme embarrassment, or any other required activity that may reasonably be deemed to adversely affect the mental health or dignity of the person or persons so treated, or any willful destruction or removal of public or private property. Hazing, whether with or without another’s consent, is prohibited. See generally West Virginia Code §18-16-2(1)(stating “implied or expressed consent or willingness of a person or persons to hazing may not be a defense . . .”).

E. Applicable State and Local Hazing Laws

West Virginia law, specifically, W.Va. Code §18-16-2, defines hazing as follows:

[T]o cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization the members of which are primarily students or alumni of an institution of higher education. The term includes, but is not limited to, acts of a physical nature, such as whipping, beating, branding, required consumption of any food, liquor, drug, or other substance, or any other required physical activity which could reasonably be deemed to adversely affect the

physical health and safety of the person or persons so treated, and includes any activity which would subject the person or persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, required conduct which could result in extreme embarrassment, or any other required activity which could reasonably be deemed to adversely affect the mental health or dignity of the person or persons so treated, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a person or persons to hazing may not be a defense under this section.

Furthermore, W.Va. Code §18-16-3 provides: “[a]ny person who causes hazing is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in jail for not more than nine months, or both fined and confined.”

F. Hazing Prevention and Awareness Programs at WVU

WVU is committed to educate the campus community on the issues surrounding hazing. A list of hazing prevention programming, designed to reach students, staff, and faculty can be found below:

- **Hazing:** What You Need to Know-In November 2025, this eLearning course was created and is required for first-semester WVU Students at all campuses and student organizations. This course covers the definition of hazing, how to identify hazing behaviors, strategies for prevention, how to report hazing incidents, and the University’s process for investigating allegations and handling disciplinary actions.

While completion of this training is required for certain student groups, it is strongly recommended that all members of the campus community — including faculty and staff — take the training as well, which can be found here: share.articulate.com/lcSD2GkUZTErq8yZFP2El.

- **Prevention Summit:** Held annually, the Prevention Summit focuses on various areas of harm reduction including but not limited to alcohol and other drug education, medical amnesty, hazing prevention, emergency onlooker response, and sexual misconduct/bystander intervention.
- **Hazing Prevention Week:** Has been held annually during the last week in September. WVU engages with the National Hazing Prevention Week by promoting virtual education offered by the Hazing Prevention Network and the StopHazing Organization. Original programming includes:
 - **Faces of Hazing Exhibit:** A silent walk-through exhibit highlights the real stories of various students who have died by hazing. These stories include deaths within fraternities and sororities, varsity athletics, club sports and intramurals, general student organizations, marching bands, and military programs.
 - **Is This Hazing?:** This interactive workshop highlights common traditions in fraternity and sorority life and explains when such traditions develop into hazing rituals. Participants discuss the appropriate engagement in traditions as opposed to using them as a means of hazing.
- **IFC Hazing Prevention Training:** Annually before recruitment, each IFC chapter participates in a presentation put on by the Office of Fraternity and Sorority Life on recognizing what is hazing and providing alternative programming instead. This training also covers federal, state, and WVU regulations around hazing.
- **IFC New Member Orientation:** As part of New Member Orientation, a strong commitment to hazing prevention is emphasized by educating members on recognizing, preventing, and reporting hazing in all forms. This session reinforces that true brotherhood and sisterhood are built on respect, inclusion, and accountability, not harmful traditions. Together, this group works to create a culture where every member feels safe, valued, and supported.
- **FSL Presidents Leadership Program:** The Presidents Leadership Program equips chapter presidents with the tools, knowledge, and network to lead with integrity and purpose. In addition to developing leadership and decision-making skills, presidents engage in proactive hazing prevention education, learning how to identify, address, and eliminate harmful behaviors within their chapters. This program empowers leaders to foster a culture of safety, accountability, and genuine brotherhood and sisterhood across the community.
- **Nolan Burch Advocacy Academy:** The Nolan Burch Academy is designed for students passionate about fostering a safer, more inclusive environment at West Virginia University. To learn more about Nolan’s story, please visit: nmbfoundation.com.
- **C.H.A.P.T.E.R.:** Offered by WellWVU upon request, this program focuses on peer accountability and intervention with acts of hazing in fraternity and sorority life.

- New Member Bill of Rights:** This list of rights are to be bestowed upon new members who join a fraternity or sorority. Each organization agrees to uphold the Bill of Rights during the membership intake process. The document also includes strictly prohibited activities that are outlined in detail.
- Fraternity and Sorority Scorecard:** This document lists academic, demographic, and disciplinary information per recognized organization. It is updated at the end of each semester and shared publicly on the WVU Fraternity and Sorority Life website.
- Hazing Prevention Task Force:** Established in 2017, the Task Force exists to increase an active awareness and understanding of hazing in the University community. It is a collaborative body of faculty, staff and students committed to strategizing the intentional eradication of hazing at West Virginia University. It includes representation from all major facets of student life as well as WVU System campuses.

XX. MISSING STUDENT POLICY AND PROCEDURES

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

University Police Department
 304-293-3136
 (24/7 Operations)
 886 Chestnut Ridge Road
 Morgantown, WV 26505

A. Statement of Policy

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

As set forth below, WVU will identify where such reports can be made and require those reports to be immediately referred to the University Police Department. Furthermore, missing student contact information will be used in accordance with the procedures and notifications as set forth below.

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

Where to Report a Missing On-Campus Student. If anyone has reason to believe that a student who lives in on-campus student housing has been missing from campus, the University Police Department should be contacted at 304-293-3136 (24/7 Operations), 886 Chestnut Ridge Road, Morgantown, WV 26505.

Mandatory Referral. If anyone receives a report of a missing on-campus student, regardless of how long that on-campus student is believed to have been missing, that report must be referred immediately to the University Police Department at 304-293-3136 (24/7 Operations), 886 Chestnut Ridge Road, Morgantown, WV 26505.

Contact Information. Each student residing in on-campus housing, regardless of age, shall have the option to register a contact person or persons to be used strictly for missing persons purposes (referred to in this Policy as a “missing person contact”). This contact can be anyone and can be the same or different from the person identified as the student’s general emergency contact. For students living in the residence halls, students can register and update their missing person contact information by logging into My Housing/Housing Portal, which is located at the following site: myhousing.wvu.edu/student. For students living in University Apartments, they are contacted and given the option to register one or more individuals to be a contacted strictly for missing persons purposes. On-campus students are offered this option each year, regardless of whether the student has identified a missing person contact in previous years. WVU shall notify the student’s missing person contact within 24 hours of the determination by the University Police Department that the student is missing.

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

XXI. CLERY ACT STATISTICS

A. Morgantown Campus

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder/Nonnegligent Manslaughter	2025	0	0	1	0	1 ¹⁶
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	11	11	1	0	12 ¹⁷
	2024	17	20	0	0	20 ¹⁸
	2023	13	18	1	0	19 ¹⁹
Fondling	2025	12	21	4	0	25 ²⁰
	2024	7	19	0	0	19 ²¹
	2023	5	14	0	0	14 ²²
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2025	0	3	0	1	4
	2024	0	1	0	0	1 ²³
	2023	0	2	0	0	2
Aggravated Assault	2025	2	12	1	3	16
	2024	4	13	0	0	13
	2023	2	10	2	0	12 ²⁴
Burglary	2025	17	20	8	0	28
	2024	9	19	6	0	25 ²⁵
	2023	5	7	3	0	10 ²⁶

¹⁶ Morgantown Police Department investigated a vehicle accident on non-campus geography in which it was determined that the driver of the vehicle had died as a result of ingesting a combination of illegal narcotics. MPD labeled this report as a Murder / Nonnegligent Manslaughter for NIBRS reporting purposes, citing the WV Criminal Statue – 60A-4-416(a) Drug Delivery Resulting in Death.

¹⁷ Three of the reportable rapes were reported to have occurred in previous years. Two in 2024 and one in 2022.

¹⁸ Two of the reportable rapes reported in 2024 were reported to have occurred in previous years. One in 2018 and one in 2023.

¹⁹ Four of the reportable rapes received in 2023 were reported to have occurred in previous years. One in 2021 and three in 2022.

²⁰ Three reportable fondlings were reported to have occurred in 2024. Additionally, one reported fondling was an attempt.

²¹ One of the reportable fondlings reported in 2024 was reported to have occurred in 2023.

²² One reportable fondling was an attempt.

²³ The one reported robbery in 2024 was an attempt.

²⁴ One of the reported aggravated assaults is also counted in the hate crime category of this report.

²⁵ One of the reported burglaries in 2024 was an attempt.

²⁶ Two of the reported burglaries were attempts.

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Motor Vehicle Theft	2025	1	7	0	0	7
	2024	1	6	0	0	6
	2023	0	5	0	0	5
Arson	2025	0	1	0	0	1
	2024	0	2	0	0	2
	2023	1	2	0	0	2

VAWA Offenses

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Domestic Violence	2025	16	30	2	2	34
	2024	12	30	2	0	32 ²⁷
	2023	9	24	0	0	24 ²⁸
Dating Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	1	1	0	0	1
Stalking	2025	13	37	3	0	40
	2024	17	41	0	1	42
	2023	10	24	0	0	24

Hazing

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Hazing	2025 ²⁹	0	0	3	0	3

²⁷ Nine of the reportable domestic violence reports occurred at J.W. Ruby Memorial Hospital.

²⁸ Eleven of the reportable domestic violence reports occurred at J.W. Ruby Memorial Hospital.

²⁹ 2025 is the first year hazing was considered a Clery reportable crime and counted on the Annual Security Report.

Arrests

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	29	62	3	49	114
	2024	36	85	2	88	175
	2023	19	43	1	61	105
Drug Abuse Violation	2025	19	31	0	4	35
	2024	8	28	0	10	38
	2023	3	10	0	1	11
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	1	0	0	1

Referrals

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	429	487	4	20	511
	2024	388	448	2	12	462
	2023	467	549	7	18	574
Drug Abuse Violation	2025	62	78	2	0	80
	2024	70	80	0	2	82
	2023	66	74	0	1	75
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hate Crime Reporting

- 2025: There were 2 reportable hate crimes. One public property assault characterized by sexual orientation bias and 1 vandalism characterized by national origin bias.
- 2024: There were 2 reportable hate crimes. Both of the crimes were on-campus vandalisms, characterized by national origin bias.
- 2023: There were 2 reportable hate crimes. One on-campus aggravated assault characterized by sexual orientation bias and one on-campus student housing vandalism of property characterized by religious bias.

Unfounded Crime Reporting

- 2025: There were 5 unfounded crimes (4 vehicle thefts and 1 domestic violence).
- 2024: There was 1 unfounded crime (1 vehicle theft).
- 2023: There were 3 unfounded crimes (1 aggravated assault and 2 burglaries).

B. WVU Health Sciences — Charleston Division

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder/Nonnegligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Fondling	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

VAWA Offenses

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Domestic Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hazing

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Hazing	2025	0	0	0	0	0

Arrests

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Referrals

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hate Crime Reporting

/// **2025:** There were 0 reportable hate crimes.

/// **2024:** There were 0 reportable hate crimes.

/// **2023:** There were 0 reportable hate crimes.

Unfounded Crime Reporting

/// **2025:** There were 0 reportable hate crimes.

/// **2024:** There were 0 reportable hate crimes.

/// **2023:** There were 0 reportable hate crimes.

C. WVU Health Sciences — Eastern Division

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder/Nonnegligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Fondling	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2025	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder/Nonnegligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hazing

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Hazing	2025	0	0	0	0	0

VAWA Offenses

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Domestic Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Arrests

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Referrals

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hate Crime Reporting

2025: There were 0 reportable hate crimes.

2024: There were 0 reportable hate crimes.

2023: There were 0 reportable hate crimes.

Unfounded Crime Reporting

2025: There were 0 reportable hate crimes.

2024: There were 0 reportable hate crimes.

2023: There were 0 reportable hate crimes.

D. WVU Nursing School — Bridgeport

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder/Nonnegligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Fondling	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	1	0	0	1

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hazing

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Hazing	2025	0	0	0	0	0

VAWA Offenses

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Domestic Violence	2025	0	1	0	0	1
	2024	0	1	0	0	1
	2023	0	3	0	0	3
Dating Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Arrests

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Referrals

OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NONCAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Liquor Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Abuse Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Weapon Law Violation	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Hate Crime Reporting

2025: There were 0 reportable hate crimes.

2024: There were 0 reportable hate crimes.

2023: There were 0 reportable hate crimes.

Unfounded Crime Reporting

2025: There were 0 reportable hate crimes.

2024: There were 0 reportable hate crimes.

2023: There were 0 reportable hate crimes.

XXII. DEFINITIONS OF OFFENSES WITHIN THE CLERY ACT

It is important to note that the crime classifications for which colleges and universities must provide statistics to comply with the Clery Act differ under state and federal law. The crime statistics reported under the Clery Act include the following crimes, as defined under the Clery Act:

A. Offenses

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

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

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

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

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

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

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

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

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

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

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

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

Liquor Law Violations: violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.) Do not count referrals based solely on institutional policy where there is no alleged violation of law.

B. Sex Offenses

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

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

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

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

C. Hate Crimes

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

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

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

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

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

Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

D. Hazing

West Virginia University tracks and investigates allegations of hazing on and off campus pursuant to the Stop Campus Hazing Act signed into law in 2024. Starting in 2026, statistics on allegations of hazing reported to have occurred on Clery Geography will be included in the University's Annual Security Report.

The Stop Campus Hazing Act defines hazing as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that —

- /// is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- /// causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including —
 - /// *whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;*
 - /// *causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;*
 - /// *causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;*
 - /// *causing, coercing, or otherwise inducing another person to perform sexual acts;*
 - /// *any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;*
 - /// *any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and*
 - /// *any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.*

The law also defines student organization for reporting purposes as an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which 2 or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

E. Definitions of Geography within the Clery Act

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

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

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

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

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

XXIII. WVU FIRE SAFETY REPORT

A. General Statement

West Virginia University is committed to providing a fire safe environment for its faculty, staff, students, and visitors and to protecting the property through an effective fire prevention, protection, and response program. All WVU residence halls have approved fire alarm and fire suppression sprinkler systems. Per the National Fire Protection Association (NFPA), WVU conducts annual fire alarm inspection and testing, quarterly sprinkler inspection and testing, and annual fire pump inspection and testing. The fire alarm and suppression systems are electronically monitored 24 hours a day, 7 days a week by the University Police.

B. Training

Each on-campus residence hall building has Residence Life Specialists who provide fire safety training to each student floor. The emergency evacuation procedures are as follows:

i. If smoke or fire are detected, or if an alarm sounds, you should:

- ii. Activate the nearest alarm.
- iii. Go to the nearest stairwell.
- iv. Leave the building.
- v. Do not use the elevator.
- vi. Walk calmly to your designated area.
- vii. Do not re-enter the building.
- viii. Return to the building when you get the signal by a staff member.

ii. If, you are unable to leave your room:

1. Shelter in place
 - a. Place a towel or clothing in the space at the bottom of the door.
 - b. Move to the window, and alert rescue personnel by calling 911.
 - c. Keep your door closed until the rescue team arrive.
- x. If you are a person with a physical disability (even temporarily), notify your RA before a potential emergency.
- xi. Treat every fire alarm as if it is real. You have no indication whether the alarm is real or a drill.

All fires should be reported immediately by calling 911 so professional firefighters can verify the fire is completely out and will not restart.

University officials take false alarms seriously. Persons found responsible for initiating false alarms are subject to removal from their University residence hall, suspension from WVU, and prosecution where appropriate.

C. Emergency Evacuation Maps

Emergency evacuation maps are posted on each floor where students gather and on the back of each student door. Resident Assistants conduct periodic floor meetings and discuss fire safety evacuation procedures. Additional training is conducted upon request.

D. Mandatory Fire Drills

Fire drills are conducted annually in the residence halls to familiarize students with our emergency system. This activity is initiated by the Residence Life Specialist in each facility and coordinated with WVU Residence Life, Facilities Management, University Police (UPD), Morgantown Fire Department, (MFD) and Monongalia County Emergency Management (MECCA). The Residence Life Specialist maintains records of the dates and times of all fire drills.

E. Fire Prevention Policies

It is the policy of WVU to provide a fire safe environment. The University's goal is to recognize hazardous conditions and take appropriate action before such conditions result in a fire. This is accomplished by conducting annual Life Safety inspections of all University buildings with special emphasis on WVU residence halls and apartments. Inspections are conducted by the West Virginia State Fire Marshal and the State Board of Risk Management, and Environmental Health and Safety.

Fire investigations, if necessary, are coordinated by Environmental Health and Safety and conducted in conjunction with the West Virginia State Fire Marshal, Morgantown Fire Department, and the State Board of Risk and Insurance Management. Violations are identified and corrective action is addressed.

To minimize potential fires, WVU has specific policies and procedures that students are required to follow. Noncompliance with these measures will be considered a Student Rights and Responsibilities/disciplinary matter.

Specific policies applicable to the residence halls can be found here: housing.wvu.edu/policies/residence-halls/community-standards-of-conduct.

Specific policies applicable to the University Apartments can be found here: universityapartments.wvu.edu/faq/university-apartments-handbook.

The following items are prohibited in University residence halls:

- | | |
|--|---|
| i. Hot plates | xiv. Electric heaters |
| ii. Toasters | xv. Kerosene heaters |
| iii. Electric ovens | xvi. Extension cords or multi-receptacle outlets (UL listed power strips with surge protectors are permitted) |
| iv. Waffle irons | xvii. Gasoline, lighter fluid, or any combustible or flammable material |
| v. Sandwich makers | xviii. Halogen lamps |
| vi. Crock-Pots | xix. Smoking |
| vii. Live trees — if bulb is not attached — are prohibited | xx. Vaping |
| viii. Electric grills | xxi. Any other flammable or combustible materials not listed here |
| ix. Any appliance with an open flame heating element | xxii. Indoor storage and charging of e-mobility devices (Such as E-bikes, E-scooters, and hoverboards) |
| x. Candles | |
| xi. Incense | |
| xii. Plug-ins for scented oils or scented wax warmers | |
| xiii. Microwave ovens (unless approved by the University) | |

F. Decorations

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

- | | |
|--|--|
| i. Use electrical decorations that are UL or ETL listing only. | iv. Do not place decorations or tapestries on light fixtures, sprinklers, smoke detectors or ceilings. |
| ii. Use decorations made from flame-retardant materials only. | v. Do not use live pine, extension cords, candles (oil or wax-based), candle warmers, or incense. |
| iii. Do not use lights on metallic trees. | vi. Do not use live Christmas trees. |

G. Room Safety

- i. Use or possession of open flame or open element appliances in residence hall rooms or other unauthorized areas is not permitted.
- ii. Cooking in residence hall rooms or other unauthorized areas is prohibited.
- iii. Residents and guests may not devise any unsafe situation in which a member of the residence hall community can be injured, example:
 1. covering smoke detectors, obstructing, or hanging items from sprinkler system heads, or maliciously discharging fire extinguishers.

H. Smoking/Vaping

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

West Virginia University is a tobacco-free and smokeless environment as WVU BOG Finance and Administration Rule 5.6, Tobacco and Smoke Free Campus, prohibits “the use of Tobacco Products and any form of Smoking, including the use of Electronic Smoking Devices and vapor products, . . . on University property.”³⁰

I. Explosive Devices

A student may not make, possess, or threaten to make or use a bomb, explosive incendiary device, or fireworks. If found responsible for such a violation, a student may be removed from University housing and is also subject to suspension or expulsion from WVU. In addition, a student is subject to prosecution to the fullest extent of the law.

J. Fire Log

WVU receives fire incident data from the Morgantown Fire Department each month and tracks the calls to verify charges made to the University. Additionally, WVU maintains the fire incident fire log, including the nature, date, time, and general location of each fire in our residence halls, from the MFD reports submitted to WVU along with the University Police Department reports. All incidents involving the University Police Department can be found on its Crime and Fire Log, which is located here: police.wvu.edu/clery-act/campus-safety/crime-log.

K. Continual Improvements in Fire and Life Safety

- i. WVU provides fire alarm and sprinkler updates during renovations and as needed to ensure the University maintains state-of-the-art compliant equipment.
- ii. WVU continually works closely with occupants of student housing facilities — from students and visitors, to the contractors and vendors working in the facility — to ensure the work being conducted is monitored and the fire detection systems are checked and maintained.
- iii. WVU personnel conduct planned biannual Fire and Life Safety Inspections of the facility.
- iv. WVU is proud to have all its residence halls monitored by the University Police Department, and when an alarm activates will initiate immediate notification to 911 for a quick response to our buildings.

XXIV. 2025 WVU MORGANTOWN ON-CAMPUS STUDENT HOUSING FIRE STATISTICS

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Boreman North – 602 North High St.	0	N/A	0	0	0	N/A
Boreman South – 600 North High St.	0	N/A	0	0	0	N/A
21 College Park Apartments – 21 Newton Ave.	0	N/A	0	0	0	N/A
37 College Park Apartments – 37 Newton Ave.	0	N/A	0	0	0	N/A
48 College Park Apartments – 48 Newton Ave.	0	N/A	0	0	0	N/A
49 College Park Apartments – 49 Newton Ave.	0	N/A	0	0	0	N/A
70 College Park Apartments – 70 Newton Ave.	0	N/A	0	0	0	N/A

³⁰ See West Virginia University, BOG Finance and Administration Rule 5.6 - Tobacco and Smoke Free Campus, policies.wvu.edu/finalized-bog-rules/bog-finance-and-administration-rule-5-6-tobacco-and-smoke-free-campus.

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
79 College Park Apartments – 79 Newton Ave.	0	N/A	0	0	0	N/A
80 College Park Apartments – 80 Newton Ave.	0	N/A	0	0	0	N/A
89 College Park Apartments – 89 Newton Ave.	0	N/A	0	0	0	N/A
90 College Park Apartment – 90 Newton Ave.	0	N/A	0	0	0	N/A
Dadisman Hall – 693 North High St.	0	N/A	0	0	0	N/A
Bennett Tower – 1061 Evansdale Dr.	0	N/A	0	0	0	N/A
Braxton Tower – 1047 Evansdale Dr.	1	2/9/25	0	0	\$0-\$99	Intentional / Poster set on fire.
Brooke Tower – 1031 Evansdale Dr.	0	N/A	0	0	0	N/A
Lyon Tower – 1067 Evansdale Dr.	0	N/A	0	0	0	N/A
Honors Hall – 250 Second St.	0	N/A	0	0	0	N/A
Lincoln Hall – 1014 Rawley Ave.	0	N/A	0	0	0	N/A
Stalnaker Hall – 691 North High St.	0	N/A	0	0	0	N/A
Summit Hall – 211 Grant Ave.	0	N/A	0	0	0	N/A
University Park Apts. (North) – 475 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (East) – 480 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (West) – 442 Oakland St.	0	N/A	0	0	0	N/A
Oakland Hall – 438 Oakland St.	0	N/A	0	0	0	N/A
University Place Apts. – 2161 University Ave.	0	N/A	0	0	0	N/A
Seneca Hall – 2151 University Ave.	0	N/A	0	0	0	N/A
University Place Townhomes North – 256-290 Grant Ave.	0	N/A	0	0	0	N/A
University Place Townhomes South – 216-254 Grant Ave.	0	N/A	0	0	0	N/A
Sigma Nu – 617 Spruce St.	0	N/A	0	0	0	N/A
Sigma Nu – 633 Spruce St.	0	N/A	0	0	0	N/A
Vandalia Blue – 51 Falling Run Rd.	0	N/A	0	0	0	N/A
Vandalia Gold – 49 Falling Run Rd.	0	N/A	0	0	0	N/A

XXV. 2024 WVU MORGANTOWN ON-CAMPUS STUDENT HOUSING FIRE STATISTICS

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Boreman North – 602 North High St.	0	N/A	0	0	0	N/A
Boreman South – 600 North High St.	0	N/A	0	0	0	N/A
21 College Park Apartments – 21 Newton Ave.	0	N/A	0	0	0	N/A
37 College Park Apartments – 37 Newton Ave.	1	3/2/24	0	0	\$0-\$99	Unintentional / Cooking Fire on Stovetop
48 College Park Apartments – 48 Newton Ave.	0	N/A	0	0	0	N/A
49 College Park Apartments - 49 Newton Ave.	0	N/A	0	0	0	N/A
70 College Park Apartments – 70 Newton Ave.	0	N/A	0	0	0	N/A
79 College Park Apartments – 79 Newton Ave.	0	N/A	0	0	0	N/A
80 College Park Apartments – 80 Newton Ave.	0	N/A	0	0	0	N/A
89 College Park Apartments – 89 Newton Ave.	0	N/A	0	0	0	N/A
90 College Park Apartment – 90 Newton Ave.	0	N/A	0	0	0	N/A
Dadisman Hall – 693 North High St.	0	N/A	0	0	0	N/A
Bennett Tower – 1061 Evansdale Dr.	0	N/A	0	0	0	N/A
Braxton Tower – 1047 Evansdale Dr.	0	N/A	0	0	0	N/A
Brooke Tower – 1031 Evansdale Dr.	0	N/A	0	0	0	N/A
Lyon Tower – 1067 Evansdale Dr.	0	N/A	0	0	0	N/A
Honors Hall – 250 Second St.	0	N/A	0	0	0	N/A
Lincoln Hall – 1014 Rawley Ave.	0	N/A	0	0	0	N/A
Stalnaker Hall – 691 North High St.	0	N/A	0	0	0	N/A
Summit Hall – 211 Grant Ave.	0	N/A	0	0	0	N/A
University Park Apts. (North) – 475 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (East) – 480 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (West) – 442 Oakland St.	0	N/A	0	0	0	N/A
Oakland Hall – 438 Oakland St.	0	N/A	0	0	0	N/A
University Place Apts. – 2161 University Ave.	1	6/17/24	0	0	\$50,000-\$99,999	Unintentional / Open Flames Candle
Seneca Hall – 2151 University Ave.	0	N/A	0	0	0	N/A

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
University Place Townhomes North – 256-290 Grant Ave.	0	N/A	0	0	0	N/A
University Place Townhomes South – 216-254 Grant Ave.	0	N/A	0	0	0	N/A
Sigma Nu – 617 Spruce St.	0	N/A	0	0	0	N/A
Vandalia Blue – 51 Falling Run Rd.	0	N/A	0	0	0	N/A
Vandalia Gold – 49 Falling Run Rd.	0	N/A	0	0	0	N/A

XXVI. 2023 WVU MORGANTOWN ON-CAMPUS STUDENT HOUSING

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Boreman North – 602 North High St.	0	N/A	0	0	0	N/A
Boreman South – 600 North High St.	1	9/20/23	0	0	\$0-\$99	Intentional / Paper lit on fire inside a toilet
21 College Park Apartments – 21 Newton Ave.	0	N/A	0	0	0	N/A
37 College Park Apartments – 37 Newton Ave.	0	N/A	0	0	0	N/A
48 College Park Apartments – 48 Newton Ave.	0	N/A	0	0	0	N/A
49 College Park Apartments - 49 Newton Ave.	0	N/A	0	0	0	N/A
70 College Park Apartments – 70 Newton Ave.	0	N/A	0	0	0	N/A
79 College Park Apartments – 79 Newton Ave.	0	N/A	0	0	0	N/A
80 College Park Apartments – 80 Newton Ave.	1	10/25/23	0	0	\$50,000-\$99,999	Unintentional / Grease fire on stovetop
89 College Park Apartments – 89 Newton Ave.	0	N/A	0	0	0	N/A
90 College Park Apartment – 90 Newton Ave.	0	N/A	0	0	0	N/A
Dadisman Hall – 693 North High St.	0	N/A	0	0	0	N/A
Bennett Tower – 1061 Evansdale Dr.	0	N/A	0	0	0	N/A
Braxton Tower – 1047 Evansdale Dr.	0	N/A	0	0	0	N/A
Brooke Tower – 1031 Evansdale Dr.	0	N/A	0	0	0	N/A
Lyon Tower – 1067 Evansdale Dr.	0	N/A	0	0	0	N/A
Honors Hall – 250 Second St.	0	N/A	0	0	0	N/A
Lincoln Hall – 1014 Rawley Ave.	0	N/A	0	0	0	N/A
Stalnaker Hall – 691 North High St.	0	N/A	0	0	0	N/A
Summit Hall – 211 Grant Ave.	0	N/A	0	0	0	N/A

LOCATION	FIRE OCCURRENCES	DATE	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
University Park Apts. (North) – 475 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (East) – 480 Oakland St.	0	N/A	0	0	0	N/A
University Park Apts. (West) – 442 Oakland St.	0	N/A	0	0	0	N/A
Oakland Hall – 438 Oakland St.	0	N/A	0	0	0	N/A
University Place Apts. – 2161 University Ave.	0	N/A	0	0	0	N/A
Seneca Hall – 2151 University Ave.	0	N/A	0	0	0	N/A
University Place Townhomes North – 256-290 Grant Ave.	0	N/A	0	0	0	N/A
University Place Townhomes South – 216-254 Grant Ave.	0	N/A	0	0	0	N/A
Sigma Nu – 617 Spruce St.	0	N/A	0	0	0	N/A
Vandalia Blue – 51 Falling Run Rd.	0	N/A	0	0	0	N/A
Vandalia Gold – 49 Falling Run Rd.	0	N/A	0	0	0	N/A

XXVII. 2025 WVU MORGANTOWN ON-CAMPUS HOUSING FIRE SAFETY SYSTEMS

Building Name	Address	Fire Alarm Pull Stations	Fire Alarm Horns (or) Bells	Fire Alarm Strobe Lights	Illuminated Exit Signs	Emergency Lighting	Fire Alarm Smoke Detectors	Fire Alarm Duct Detectors	Wet Sprinkler	Dry Sprinkler	Pre-action Sprinkler	Wet Stand-pipe	Dry Stand-pipe	Combination Stand-pipe	Fire Pump	Emergency Generator	Smoke Management System	Fire Doors and Walls
Boreman North	602 North High St.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	NO	YES	NO	YES
Boreman South	600 North High St.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO	YES
21 College Park Apartments	21 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
37 College Park Apartments	37 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
48 College Park Apartments	48 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
49 College Park Apartments	49 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
70 College Park Apartments	70 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
79 College Park Apartments	79 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
80 College Park Apartments	80 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
89 College Park Apartments	89 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES
90 College Park Apartment	90 Newton Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES

Building Name	Address	Fire Alarm Pull Stations	Fire Alarm Horns (or) Bells	Fire Alarm Strobe Lights	Illuminated Exit Signs	Emergency Lighting	Fire Alarm Smoke Detectors	Fire Alarm Duct Detectors	Wet Sprinkler	Dry Sprinkler	Pre-action Sprinkler	Wet Stand-pipe	Dry Stand-pipe	Combination Stand-pipe	Fire Pump	Emergency Generator	Smoke Management System	Fire Doors and Walls
Dadisman Hall	693 North High St.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES	NO	YES
Bennett Tower	1061 Evansdale Dr.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	NO	YES
Braxton Tower	1047 Evansdale Dr.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	NO	YES
Brooke Tower	1031 Evansdale Dr.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	NO	YES
Lyon Tower	1067 Evansdale Dr.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	NO	YES
Honors Hall	250 Second St.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	NO	YES	YES	YES
Lincoln Hall	1014 Rawley Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	NO	YES
Oakland Hall	438 Oakland St.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
Sigma Nu ³¹	617 Spruce St.	YES	YES	YES	YES	YES	YES	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Sigma Nu ³²	633 Spruce St.	NO	YES	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Stal-naker Hall	691 North High St.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES	NO	YES
Summit Hall	211 Grant Ave.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	NO	YES
University Park Apts. (West)	442 Oakland St.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
University Park Apts. (East)	480 Oakland St.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
University Park Apts. (North)	475 Oakland Str.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
University Place Apts.	2161 University Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
Seneca Hall	2151 University Ave.	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES
University Place Townhomes North	256-290 Grant Ave.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
University Place Townhomes South	216-254 Grant Ave.	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Vandalia Blue	51 Falling Run Road	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	NO	NO	NO	YES
Vandalia Gold	49 Falling Run Road	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	NO	NO	NO	YES

³¹ Equipment and systems are present where "Yes" is noted. Lessee/Tenant is responsible for maintenance.

³² Equipment and systems are present where "Yes" is noted. Lessee/Tenant is responsible for maintenance.

APPENDIX 1

Drug-Free Schools and Communities Act Booklet

Fall 2026

INTRODUCTION AND OVERVIEW

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

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

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

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

Division of Talent and Culture

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

Division of Student Life

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

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

The purpose of this booklet is to comply with the applicable provisions of the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101 to 8106; 22 C.F.R. Part 513; 48 C.F.R. § 26.504; 48 C.F.R. § 52.223-6; the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i; 34 C.F.R. Part 86); the Drug-Induced Rape Prevention and Punishment Act of 1996 (21 U.S.C. § 841(b)(7)(A)-(B); see also 21 U.S.C. § 801); and the Federal Motor Carrier Safety Regulations (49 C.F.R. §§ 382.101 to 382.727).

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

I. STANDARDS OF CONDUCT¹ AND POLICIES OF MAINTAINING A DRUG AND ALCOHOL-FREE WORKPLACE²

A. Employees – Controlled Substances

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

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

B. Students – Controlled Substances

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

(1) possessing; (2) manufacturing; (3) producing; (4) distributing; (5) selling; (6) possessing with the intent to distribute or sell; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; (9) driving or operating a vehicle while under the influence of any illicit drug, synthetic drug, or other controlled substance; or (10) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound.

Failure to abide by these standards of conduct will result in disciplinary sanctions consistent with local, state, and federal law.⁴

¹ 20 U.S.C. § 1011i(a)(1)(A).

² 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(ii); see generally 48 C.F.R. § 26.504(a).

³ If the University is operating under a grant, it must notify the granting agency within 10 days after receiving notice from an employee. See 41 U.S.C. § 8103(a)(1)(D), (E). See also 48 C.F.R. § 26.504(a)(4), (5).

⁴ This provision is found in all 3 campus codes of conduct, which can be found at the following websites:

Morgantown: studentresponsibility.wvu.edu/campus-student-code

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

WVU Tech: students.wvutec.edu/bear-facts/student-code-of-conduct

C. All Members of University Community — Alcoholic Beverages

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

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

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

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

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

II. DISCIPLINARY SANCTIONS⁵ AND PENALTIES IMPOSED FOR VIOLATIONS⁶

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

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

A. Range of Sanctions

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

⁵ 20 U.S.C. § 1011i(a)(1)(E).

⁶ 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(iv); see generally 48 C.F.R. § 26.504(a)(2)(iv).

Range of Sanctions for Students⁷

Expulsion	Permanent separation of the student from the University. Permanent notification will appear on the student's transcript. The student may be denied access to University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity.
Suspension	Separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to University premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity that may not rise to the level of expulsion.
Deferred Suspension	The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Code.
Probation	A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, or with directives issued by any University official acting in the course of his or her authorized duties.
Warning	A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Campus Student Code, and that any further prohibited conduct may result in more severe disciplinary action.
Loss of Privileges	Denial of specified privileges for a designated period of time.
Restitution	Students may be required to make payment to the University or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Campus Student Code. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Office of Student Conduct.
Other Sanctions	Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from University housing for disciplinary violations that occur in the residence halls. Likewise, community service, educational classes, fines (if such fines are established by the Office of Student Conduct), and other work or research projects may also be assigned.

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

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

Bystander: Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all of the following:

- a) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- b) Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;
- c) Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose;
- d) Completes any additional conditions imposed on the student or student organization by the Campus Student Code Administrator.

Distressed Student: If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Campus Student Code Administrator in order to receive amnesty.

Additional resources for alcohol and other drug education, can be found here:
well.wvu.edu/educational-resources/alcohol-and-other-drugs.

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W.Va. Code §§ 16-47-1 to -6, which can be found here: code.wvlegislature.gov/16-47/.

III. CAMPUS PROGRAMMING AND RESOURCES FOR STUDENTS, STAFF, AND FACULTY

Resources for Students

i. Counseling and Treatment

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

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

ii. Recovery Support

a. Collegiate Recovery Program; 304-293-2547

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

iii. Substance Use Education

a. AlcoholEdu

- i. Incoming first-year and transfer students under the age of 24 are required to complete an online education module entitled "AlcoholEdu" by Vector Solutions. This program covers safer substance use strategies for college students. It is evidence-based and listed on the College Alcohol Intervention Matrix.

ii. This program is facilitated by WELLWVU.

iii. WVU requires students complete a second online training, "AlcoholEdu Part 2" approximately 45 days after arriving on campus. This is provided by the same vendor.

b. ScreenU

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

c. eCheckup To Go

i. Online prevention interventions for alcohol and cannabis. Programs provide students with personalized feedback regarding their substance use. Available through the SAP Program and the Office of Student Rights and Responsibilities.

d. WELLWVU Substance Use Education

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

Resources for Staff and Faculty

i. Faculty and Staff Assistance Program (FSAP)

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

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

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

Below is a list of support and treatment centers available to students and employees at West Virginia University:

WVU Morgantown Campus and Bridgeport Nursing Campus⁸

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

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

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

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

WVU Potomac State College

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

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

PSC Student Health Center: 304-788-6913

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

WVU HSC Charleston Division

**WVU Behavioral Medicine and Psychiatry
Department:** 304-341-1500

WVU HSC Eastern Division

**WVU Behavioral Medicine and Psychology
Department:** 304-264-1230

WVU Institute of Technology

WVU Tech Counseling Services: 304-293-1237

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

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

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

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

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

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

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

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

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

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

IV. HEALTH RISKS ASSOCIATED WITH THE MISUSE OF ALCOHOL AND OTHER DRUGS (TAKEN FROM THE NATIONAL INSTITUTE ON DRUG ABUSE)⁹

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Alcohol	Slurred speech; drowsiness; lowered inhibitions; impaired reactions; impaired judgment; blackouts; distorted vision and hearing; decreased perception and coordination; vomiting; difficulty breathing; passing out; blackouts; potential alcohol poisoning	Trouble learning; cirrhosis of the liver; high blood pressure; memory loss; diminished gray and white matter in the brain; sexual dysfunction; loss of attention span; cancer; cardiomyopathy; stroke; steatosis (fatty liver); hepatitis; irregular heartbeat
Cannabis (Marijuana)	Slowed reaction time; problems with balance and coordination; increased heart rate; increased appetite; problems with learning and memory; anxiety; enhanced sensory perception and euphoria followed by drowsiness/relaxation	Mental health problems; chronic cough; frequent respiratory infections
Central Nervous System Depressants (Benzos)	Drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory; lowered blood pressure; slowed breathing In combination with alcohol: Further slows heart rate and breathing, which can lead to death.	Unknown
Cocaine	Euphoria; dilated pupils; elevated body temperature; increased heart rate; increased energy, alertness; insomnia; restlessness; anxiety; erratic and violent behavior; increased blood pressure; heart attack; seizure; stroke; nausea	Loss of sense of smell; nosebleeds; nasal damage and problems with swallowing; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking
Gamma Hydroxy Butyrate (GHB)	Euphoria, drowsiness; nausea; vomiting; confusion; memory loss; unconsciousness; slowed breathing; decreased body temperature; lowered heart rate; lowered blood pressure; seizures; coma; death	Unknown
Heroin	Euphoria; dry mouth; itching; nausea; vomiting; analgesia; slowed breathing and heart rate	Collapsed veins; abscesses; infection of the lining and valves in the heart; constipation; stomach cramps; liver or kidney disease; pneumonia; higher risk of HIV, hepatitis and other diseases from shared needle use; deterioration of the brain's white matter

⁹ National Institute on Drug Abuse, *Drugs A to Z*, nida.nih.gov/research-topics/drugs-a-to-z (last visited May 15, 2026).

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Inhalants	Confusion; nausea; slurred speech; lack of coordination; dizziness; drowsiness; lowered inhibitions; lightheadedness; hallucinations/delusions; headaches; sudden sniffing death; asphyxiation; suffocation; convulsions; seizures; coma; choking Nitrites: enlarged blood vessels; enhanced sexual pleasure; increased heart rate; brief sensation of heat and excitement; dizziness; headache	Liver and kidney damage; bone marrow damage; limb spasms; brain damage resulting in problems with thinking, movement, vision, and hearing Nitrites: increased risk of pneumonia
Ketamine	Problems with attention, learning, and memory; hallucinations; confusion; loss of memory; raised blood pressure; unconsciousness; dangerously slowed breathing	Ulcers and pain in the bladder; kidney problems; stomach pain; depression; poor memory
LSD	Rapid mood swings; distortion of reality; hinders rational thinking; raised blood pressure; elevated heart rate; elevated body temperature; dizziness; loss of appetite; tremors; enlarged pupils	Frightening flashbacks; ongoing visual disturbances; disorganized thinking; paranoia; mood swings
MDMA (Methylenedioxy-methamphetamine)	Lowered inhibitions; enhanced sensory perception; increased heart rate; elevated blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature that could lead to kidney failure or death	Long-lasting confusion; depression; problems with attention, memory, and sleep; increased anxiety; increased impulsiveness; less interest in sex
Mescaline (Peyote)	Enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature; elevated heart rate and blood pressure; sweating; problems with movement	Unknown
Methamphetamine	Increased wakefulness and activity; decreased appetite; increased breathing rate; elevated heart rate; elevated blood pressure; elevated body temperature; irregular heartbeat	Anxiety; confusion; insomnia; mood problems; violent behavior; paranoia; hallucinations; delusions; weight loss; several dental problems; intense itching leading to skin sores; decreased sexual function in men
Morphine/Opiates	Pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death	Increased risk of overdose or addiction if misused

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Over-the-Counter Medicines – Dextromethorphan (DXM)	Cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting Other health-related issues: Breathing problems, seizures, and increased heart rate may occur from other ingredients in cough/cold medicines	Unknown
PCP	Delusions; hallucinations; paranoia; problems thinking; anxiety; dissociative experiences <u>Low doses</u>: slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of hands and feet; problems with movement. <u>High doses</u>: nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures; coma; death	Memory loss; problems with speech and thinking; loss of appetite; anxiety
Prescription Stimulants	Increased alertness, attention, and energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages <u>High doses</u>: dangerously high body temperature and irregular heartbeat; heart disease; seizures	Heart problems; psychosis; anger; paranoia
Psilocybin	Hallucinations; altered perception of time; inability to tell fantasy from reality; panic; muscle relaxation or weakness; problems with movement; enlarged pupils; nausea; vomiting; drowsiness Other health-related issues: risk of poisoning if poisonous mushroom is accidentally used.	Risk of flashbacks and memory problems

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Rohypnol (Roofies)	Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation; impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate In combination with alcohol: severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death	Unknown
Salvia	Short-lived but intense hallucinations; altered visual perception, mood, and body sensations; mood swings; feelings of detachment from one's body; sweating	Unknown
Steroids	Builds muscles; improved athletic performance; acne; fluid retention; oily skin; yellowing of the skin; infection	Kidney damage or failure; liver damage; high blood pressure; enlarged heart; changes in cholesterol leading to increased risk of heart attack or stroke; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment
Synthetic Cannabinoids (K2/Spice)	Increased heart rate; vomiting; agitation; confusion; hallucinations; anxiety; paranoia; increased blood pressure	Unknown
Tobacco/Nicotine and Vaping	Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device Other health-related issues: Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning] Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths	Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device Other health-related issues: Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning] Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths

V. DESCRIPTION OF APPLICABLE LEGAL SANCTIONS FOR UNLAWFUL POSSESSION AND DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL¹⁰

A. Local Ordinances

i. **Morgantown.** Intoxication or drinking in public places and illegal possession of alcoholic liquor or beer is prohibited by 521.06 of the Morgantown Municipal Code. A violation of this provision is a misdemeanor for a first offense. Section 529.03 of the Municipal Code addresses controlled substances and provides, in relevant part as follows: “Except as authorized by West Virginia Code Chapter 60A, no person shall manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance[.]” Notably, whoever violates this provision, since there is no specific penalty provided, shall be fined not more than \$500.00,¹¹ with the exception of possessing no more than 15 grams of marijuana, which, pursuant to Section 529.99, has a penalty of a fine of no more than \$15.00.¹²

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

iii. **Keyser.** The City of Keyser also prohibits the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule V under West Virginia Code 60A-2-211 or 60A-2-212. If found guilty, Section 501.99 provides that the individual shall be fined not more than \$500.00 or imprisoned not more than 30 days, or both.¹⁴

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

v. **Martinsburg.** The City of Martinsburg also prohibits the manufacture, delivery, or possession with intent to manufacture or deliver, or knowingly or intentionally possession a controlled or counterfeit controlled substance, except as authorized by W.Va. law.¹⁷ If violated, the penalty is a fine of not more than \$500.00 or imprisoned not more than 30 days, or both. Each day such violation continues shall constitute a separate offense.¹⁸

¹⁰ 20 U.S.C. § 1011i(a)(1)(D).

¹¹ City Code of Morgantown, West Virginia. which can be found here: library.municode.com/wv/morgantown/codes/code_of_ordinances.

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

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

¹⁴ Codified Ordinances of Keyser, West Virginia, § 529.03, codelibrary.amlegal.com/codes/keyserwv/latest/overview.

¹⁵ Id. § 501.99.

¹⁶ Code of the City of Charleston, West Virginia § 78-373, which can be found at the following website: library.municode.com/wv/charleston/codes/code_of_ordinances.

¹⁷ Id. § 78-383.

¹⁸ Codified Ordinances of the City of Martinsburg, West Virginia § 529.06, which can be found at the following website: codelibrary.amlegal.com/codes/martinsburg/latest/martinsburg_wv/0-0-0-1.

vi. Bridgeport. Finally, the City of Bridgeport prohibits the consumption or use of any controlled substance, including marijuana, on any public place, or in a motor vehicle, while in a public place.¹⁹ In addition, the City prohibits the possession of any controlled substance, including marijuana and substances that were manufactured or acquired in violation of the provisions of West Virginia Code Chapter 60A. Last, the City prohibits the possession of “any paraphernalia as listed in West Virginia Code 60A-4-403a, typically associate with consumption of any controlled substance, including marijuana.” Any person found in violation of “possessing any controlled substance, including marijuana, in which the amount recovered is less than 15 grams as referenced in 521.14 (d) and (e) and/or is in violation of the possession of paraphernalia as referenced in section 521.14 (f), is guilty of a misdemeanor, and will be referred to Bridgeport Municipal Court.” Similarly, “[a]ny person convicted of violation of Section 521.141 above by possession less than 15 grams of any controlled substance, including marijuana or possessing paraphernalia typically associate with the consumption of a controlled substance, including marijuana, will be fined not more than \$500.00, plus all court costs.”²¹

B. Marijuana Disclaimer

Although Marijuana and extract have been moved to Schedule III controlled substances, as defined by 21 U.S.C. 802(16) and 21 C.F.R. 1308.11(d)(58), respectively, they are still classified as controlled substances and have legal consequences if used illegally.²²

C. West Virginia Law

Chapter 60A of the West Virginia Code sets forth the applicable state laws regarding controlled substances. It is known as the West Virginia Uniform Controlled Substance Act and is modeled after the Uniform Controlled Substance Act, which is similar to portions of the Federal Comprehensive Drug Abuse Prevention and Control Act, 21. U.S.C. § 801.²³

In general, except as authorized by the Act, “it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.” W.Va. Code § 60A-4-401(a).²⁴ Furthermore, “[i]t is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by” the Act. W.Va. Code § 60A-4-401(c).²⁵

1. Punishment

The punishment for violations of the Act range from imprisonment in a state correctional facility for not less than 1 year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned for Schedule I or II controlled substances, which is a narcotic drug or which is methamphetamine. Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than 1 year nor more than 5 years, or fined not more than \$15,000, or both fined and imprisoned. W.Va Code § 60A-4-401(a)(ii). Confinement in jail for not less than 6 months nor more than 1 year, or fined not more than \$5,000, or both fined and confined for Schedule V controlled substances.

Notably, W.Va. Code § 60A-4-401(a)(i) makes it unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver fentanyl either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned.

W.Va. Code § 60A-4-409(b)(c) prohibits any person to transport, or cause to be transported into this state 5 or more grams of fentanyl, and is guilty of a felony if violated and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 15 years nor more than 30 years.

¹⁹ Id. § 501.99.

²⁰ Codified Ordinances of Bridgeport, § 521.14 Illegal Possession of Controlled Substances and Marijuana, which can be found here: codelibrary.amlegal.com/codes/bridgeport/latest/bridgeport_wv/0-0-0-8.

²¹ Id. § 521-99.

²² Alphabetical listing of controlled substances, United States Drug Enforcement Administration, dea.gov/drug-information/drug-scheduling (last visited May 26, 2026).

²³ Chapter 60A, Notes to Decisions, Derivation of chapter (Lexis 2024).

²⁴ Under the Act, there are three types of prohibited acts, A, B, and C. For purposes of this booklet, prohibited acts A contains the prohibitions on possession and distribution, which is based on the schedule of drug involved. See W.Va. Code § 60A-4-402 and -403.

²⁵ This also applies to counterfeit and imitation controlled substances in some circumstances. See W.Va. Code § 60A-4-401(b), (d).

D. Federal Statutes

The possession and distribution of illegal drugs under federal law is primarily governed by, among other statutes, 21 U.S.C. § 841 and 21 U.S.C. § 844. Under 21 U.S.C. § 841, it is unlawful for any person knowingly or intentionally “to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance” or “to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance,”²⁶ whereas 21 U.S.C. § 844 provides that is unlawful “for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice . . .”²⁷

Specifically, the following controlled substances are mentioned in 21 U.S.C. § 841: heroin, cocaine, ecgonine, cocaine base, phencyclidine (PCP), lysergic acid diethylamide (LSD), N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide, fentanyl-related substance, mari[j]uana, and methamphetamine, its salts, isomers, and salts of its isomers.

The penalties for violating federal laws governing controlled substances depends on a variety of factors, such as the controlled substances involved, the amount of controlled substances, where the alleged offense took place, and any other relevant factor under the United States Sentencing Guidelines.²⁸ The penalties range from probation/supervised release, to mandatory minimum sentences of not less than 10 years or more, to life in prison. The mandatory minimum increases for factors such as whether death or serious bodily injury results, and whether there have been 2 or more prior convictions.²⁹



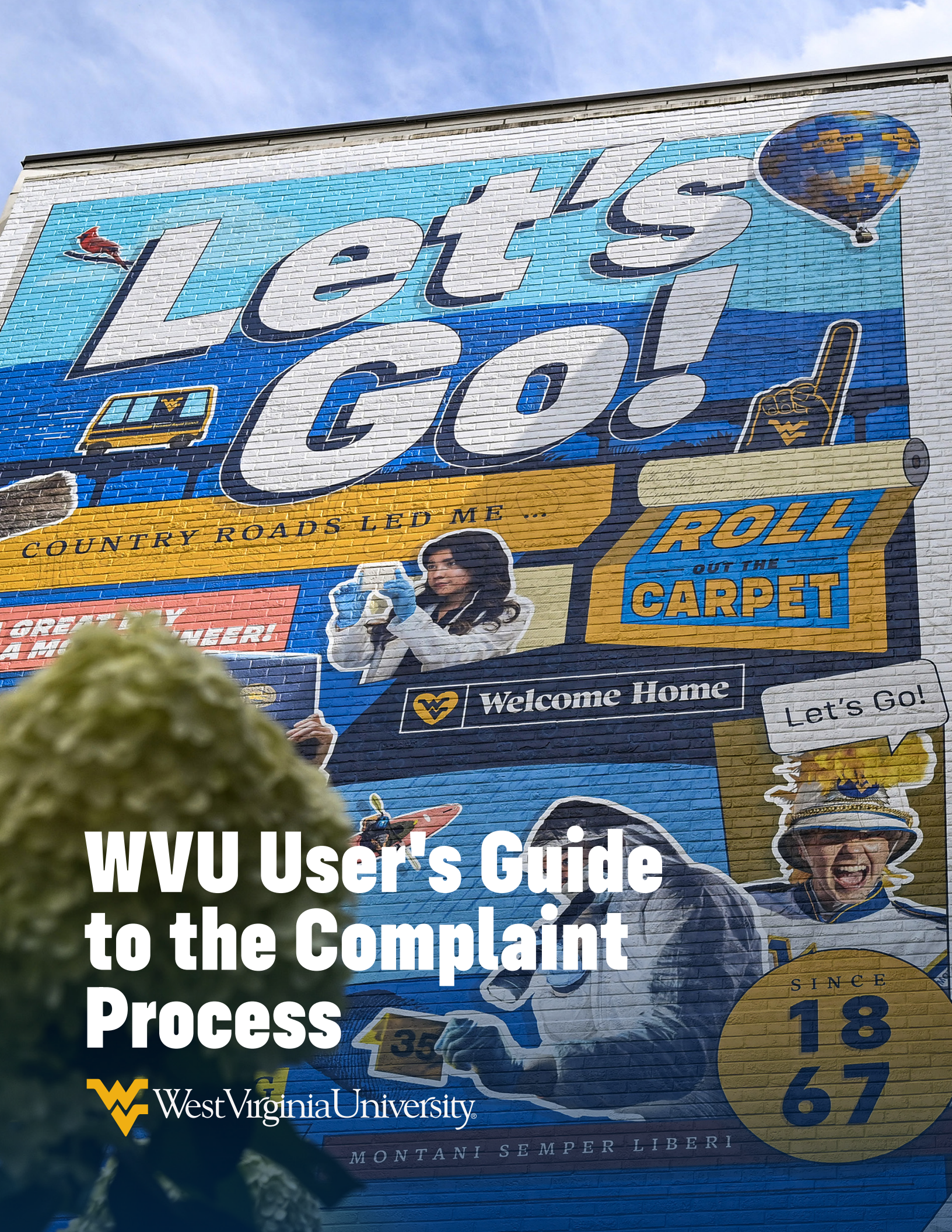
²⁶ 21 U.S.C. § 841(a)(1)-(2).

²⁷ 21 U.S.C § 844(a).

²⁸ See, e.g., U.S.S.G. §§ 2D1.1 to 2D3.2 (last visited May 25, 2026), ussc.gov/guidelines/2025-guidelines-manual.

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

APPENDIX 2



WVU User's Guide to the Complaint Process

 West Virginia University®

MONTANI SEMPER LIBERI

INTRODUCTION

If you've tried to read the University's new procedures for addressing behavior that is prohibited under [Board of Governor's Rule 1.6](#), we can't blame you if it's been a challenge to understand some of their complexity. This brief guide is intended to help explain the changes and make the new resolution process more transparent to you.

A BRIEF HISTORY

In 2011, the Obama-era Department of Education (ED) perceived that colleges needed to be more victim-centered in addressing sexual violence and should have more transparent and accessible policies and procedures for addressing complaints. At the instigation of then Vice-President Joe Biden, ED issued a set of guidelines for colleges under Title IX in what is known as the Dear Colleague Letter. That letter resulted in investigation-centered approaches that were trauma-informed, confidential, and relatively informal. Almost immediately, accused students and employees began to sue colleges for violations of their due process rights. By 2017, ED under the Trump administration had taken a different perspective and withdrew the 2011 Dear Colleague Letter while also announcing that new Title IX regulations were needed to better safeguard the due process rights of accused individuals. The regulatory process took 2 years, with new regulations published in May 2020 that took effect on August 14, 2020.



NEW POLICIES AND PROCEDURES

The 2020 Title IX regulations required all colleges to revise or rewrite their policies and procedures for addressing sex offenses, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. West Virginia University has worked diligently to ensure that its newly revised policies and procedures are now compliant with these regulations. This was not an easy process. The regulations include 15 pages of new requirements, and more than 2,000 pages of explanation of the provisions within those 15 pages. They are complex and legalistic. Just trying to explain parts of this new process to you here requires a document that is 7 pages long. The bottom line is that the University's policies are not all that different than before — the same types of offenses are still against University policy — but the procedures for resolution of complaints are substantially changed.

To summarize:

- Title IX protects students and employees who are impacted by sexual harassment, sexual assault, domestic violence, dating violence, and stalking. When these behaviors occur, and a formal complaint is made, the University is obligated to address and remedy them and ensure that no one is denied effective access to the educational program of WVU.
- West Virginia University has jurisdiction requirements that must be followed to determine whether a complaint falls within Title IX or is to be addressed within other University policies and procedures.
- Complainants are well-protected by the regulations in terms of supportive measures that are offered by the University to try to address the impact of sex offenses.
- Complainants and respondents are each entitled to an advisor of their choosing (who can be an attorney) throughout the resolution process, and WVU can provide this advisor to each party, if needed.
- The regulations have now created options for informal resolution that were discouraged by the Dear Colleague Letter.
- To protect the due process rights of respondents, colleges are required to use a formal grievance process for certain types of allegations. That formal process includes an investigation, a live hearing, questioning of the parties through their advisors, a determination by an objective decision-maker, and an appeal.

As a result of these changes, the WVU Office of Compliance and Prevention Education has worked hard to balance the rights of all parties, and to create a process that is fair and compliant. However, it isn't an ideal process and isn't particularly user-friendly, and we acknowledge this. This may not be the policy or process WVU would have created if we had the flexibility to define misconduct and the process to respond, but the government has intervened, and the University must comply. To offset the more complex aspects of the process, the University has trained a pool of advisors to help parties through every step of the process. They can guide and advise all parties on how to best protect rights to educational access. We've also created guides like this, and the flowchart in Appendix 3, to help make the process more accessible and understandable.

One last key point to understand is that Title IX isn't the only governing law here. WVU must also comply with the North v. West Virginia Bd. Of Regents, the West Virginia Human Rights Act, the Jeanne Clery Act, and a federal law called the Violence Against Women Act (VAWA), Section 304, which also protects University community members when they experience sex offenses.

NAVIGATING THE NEW RULES TOGETHER

When the Office receives a complaint, there are 4 possibilities that you should be aware of because they govern how the University will proceed:

1. The complaint falls within Title IX AND is covered by the 2020 Title IX regulations.
2. The complaint falls within Title IX but is not covered by the 2020 Title IX regulations.
3. The complaint falls within VAWA Section 304¹.
4. The complaint does not fall within Title IX or VAWA Section 304.

¹ This could be an overlay with 1 or 2, above, or a stand-alone status.

Depending on which of these 4 possibilities the complaint falls within, the University must apply different policies and/or procedures, accordingly. As shorthand, we call the procedures that comply with the 2020 Title IX regulations (36 CFR Part 1211.100) "Process A" and the alternate process to resolve complaints outside of Process A we term "Process B." Like Process A, Process B is a civil rights-based process that is compliant with Title IX and VAWA Section 304 but is less formal because it is outside the jurisdiction requirements of the newly imposed regulations.

Processes A and B cannot both be simultaneously applied by the University. The regulations mandate that if both can apply, Process A must be applied, not B. Thus, if A applies, B cannot. Further the regulations specify that Process B cannot be used to make an end-run to avoid Process A if Process A applies, regardless of what process each party might prefer. For a University to choose Process B when Process A applies would be considered a form of retaliation against the respondent.

Let's take each in turn to better explain this.

1. The complaint falls within Title IX AND is covered by the 2020 Title IX regulations

The complaint will fall in this category when it alleges sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking (as defined by University policy, if proven) AND the conduct:

- /// Happened in the United States;
- /// Occurred where the University controls the context of the incident (a University program or property, typically);
- /// The school has jurisdiction over the respondent as a student or employee; and
- /// Happened to a complainant who at the time of the complaint was participating in or attempting to participate in the University's educational program.

These jurisdictional requirements are spelled out by the 2020 Title IX regulations and are rigid. If any of these requirements fails to be met, the Executive Director of Compliance/Title IX Coordinator is required to "technically" dismiss the complaint. More in a bit on what happens if there is a technical dismissal, because that is not the end of the process. If these requirements are met, the resolution process will be the Formal Grievance Process described in Process A (ccdham.wvu.edu/ocpe-office-of-compliance/BOG%20Rule%201.6%20Grievance%20Process.pdf).

2. The complaint falls within Title IX but is not covered by the 2020 Title IX regulations

The complaint will fall in this category if it does not involve sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking, but the allegations pertain to sex discrimination more broadly, such as:

- /// Disparate treatment, e.g., discrimination against a pregnant student; denial of access to a program; inequitable funding on the basis of sex);
- /// Forms of sexual orientation discrimination; or
- /// Forms of gender identity/expression discrimination [based on sex stereotypes].

When a complaint is filed under Title IX, the regulations require these types of allegations to be technically dismissed. The University will then address them under Process B. If there is no formal complaint made, they can be addressed using Process B without needing to go through a dismissal first with respect to Process A. A formal complaint is a new requirement of the regulations and is different than a report. For example, responsible employees will still file reports with the WVU Office of Compliance and Prevention Education/Title IX office, but under the new regulations the complainant (or in some cases the Title IX Coordinator) are required to sign a formal complaint for the matter to continue in Process A.

3. The complaint falls within VAWA Section 304 (this could be an overlay with 1 or 2, above, or a stand-alone status)

The complaint will fall in this category if it is not within the Title IX jurisdiction above (see 4 bullet points), but still involves sexual violence, dating violence, domestic violence, or stalking. In this case, the University must address the conduct under procedures that comply with VAWA Section 304, and the complaint can be then addressed under Process B. If there is no formal complaint made, the allegations can be addressed using Process B without needing to go through a dismissal first with respect to Process A.

4. The complaint does not fall within Title IX or VAWA Section 304

Finally, in instances when the complaint does not fall within Title IX nor VAWA Section 304, the University is not required by the new Title IX regulations to act on the complaint. However, there will still be instances in which WVU will act with discretionary jurisdiction because it is important to address to maintain safety or action must be taken to remedy any on campus effects the misconduct may have caused. The complaint can be then addressed under Process B. If there is no formal complaint made, the allegation can be addressed using Process B without needing to go through a technical dismissal first with respect to Process A.

Hopefully, what you now understand from this section is that the incidents that fall within Process A occur within a narrow range. They must fit the description of sexual harassment, sexual assault, domestic violence, dating violence, or stalking (as defined by University policy, if proven) in the United States, where the University controls the context of the incident and has control over the respondent and the complainant is participating in or attempting to participate in the university's educational program. Outside of that, all sex offenses or sex discrimination complaints will fall within Process B, including those, for example, that happen between 2 students, off-campus, on private property. All other forms of discrimination, harassment, and retaliation as prohibited by the WVU Board of Governor's Governance Rule 1.6 will be resolved under Process

The last part of jurisdiction to understand is dismissal. As noted above, the Title IX Coordinator is mandated to and must dismiss a formal complaint or any allegations therein if, at any time during the Process A investigation or hearing, it is determined that:

- /// The conduct alleged in the formal complaint would not constitute sexual harassment, sexual assault, dating violence, domestic violence or stalking as defined in policy, even if proved; and/or
- /// The conduct did not occur in an educational program or activity controlled by the school (including buildings or property controlled by recognized student organizations), and/or the school does not have control of the respondent; and/or
- /// The conduct did not occur against a person in the United States; and/or
- /// At the time of filing a formal complaint, a complainant was not participating in or attempting to participate in the education program or activity of the University.²

Then there are 3 permissive dismissal provisions. The Title IX Coordinator may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- /// A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
- /// The respondent is no longer enrolled in or employed by WVU; or
- /// Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

² Unless this complaint is one initiated by the Title IX Coordinator themselves because of some serious risk to the campus community.

Upon any dismissal, the Title IX Coordinator will send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the University's procedures for appeal. The effect of a dismissal (permissive or mandated) is either that the complaint is done, or that the school reinstates it, usually within Process B. Even if a complaint is done, supportive measures are still made available to the parties. Understanding these mechanisms can be helpful, but we know they're complex, so don't hesitate to call on the Title IX Coordinator for further explanation.

University-provided advisors may be called on to help determine if someone wants a complaint to be reinstated, or even under what process it should be filed in the first place. Where dismissed, advisors will be able to advise the parties on whether they want to appeal (for example, a complainant may be pleased by a Process A dismissal if they would prefer Process B, whereas the respondent may feel the opposite) and what the effect of dismissal/reinstatement may be.

LIVE HEARINGS

We'll conclude with a short section about live hearings under Process A. The live hearing component has received a lot of attention, so we wanted to take a moment to clarify some important details and hope they will help anyone making a decision about whether to file a formal Title IX complaint. The University has designed the process to be as humane and nonadversarial as possible, while ensuring fairness to all participants.

- There are informal resolution options offered by the University. The University cannot and will not force or coerce any student or employee into an informal resolution. Although it is true that a formal complaint must first be filed, that does not mean a live hearing must occur. A formal complaint can also lead to an informal resolution and should an informal resolution fail, the formal resolution process is always still available.
- Live hearings do not have to happen with all parties in the same room. Any or all parties can opt for virtual participation at any time. Even with a virtual hearing, all participants will be able to see and hear each other throughout the hearing.
- Although there is "cross-examination" during the hearing, it may not work the way you think. The parties cannot question each other directly, at all. The advisors to the parties ask the questions, and before they do, the Chair of the hearing rules on each question first. So, there is really only indirect questioning, not a true "cross examination" like you might find in a courtroom.
- Even though advisors get to ask questions of parties and witnesses, you may find that most of the questions are posed by the neutral decision-makers. Once those questions are posed, they cannot be asked again by the advisors, so in most cases, the questions come to the parties from the decision-makers, not from the other party's advisor.
- A written decision is issued, based on the preponderance of the evidence standard (whether a policy violation is more likely than not), and offers a clear rationale for the decision.
- The decision is appealable by all parties.
- The hearing process is kept confidential by the University.

WVU has designed the process to be as humane and non-adversarial as possible, while meeting our obligations under this new law and ensuring fairness to all participants. For questions or confidential discussion about any options and University processes, please contact James Goins, Jr. at james.goins@mail.wvu or 304-293-8363.

APPENDIX 3



BOG Rule 1.6

Grievance

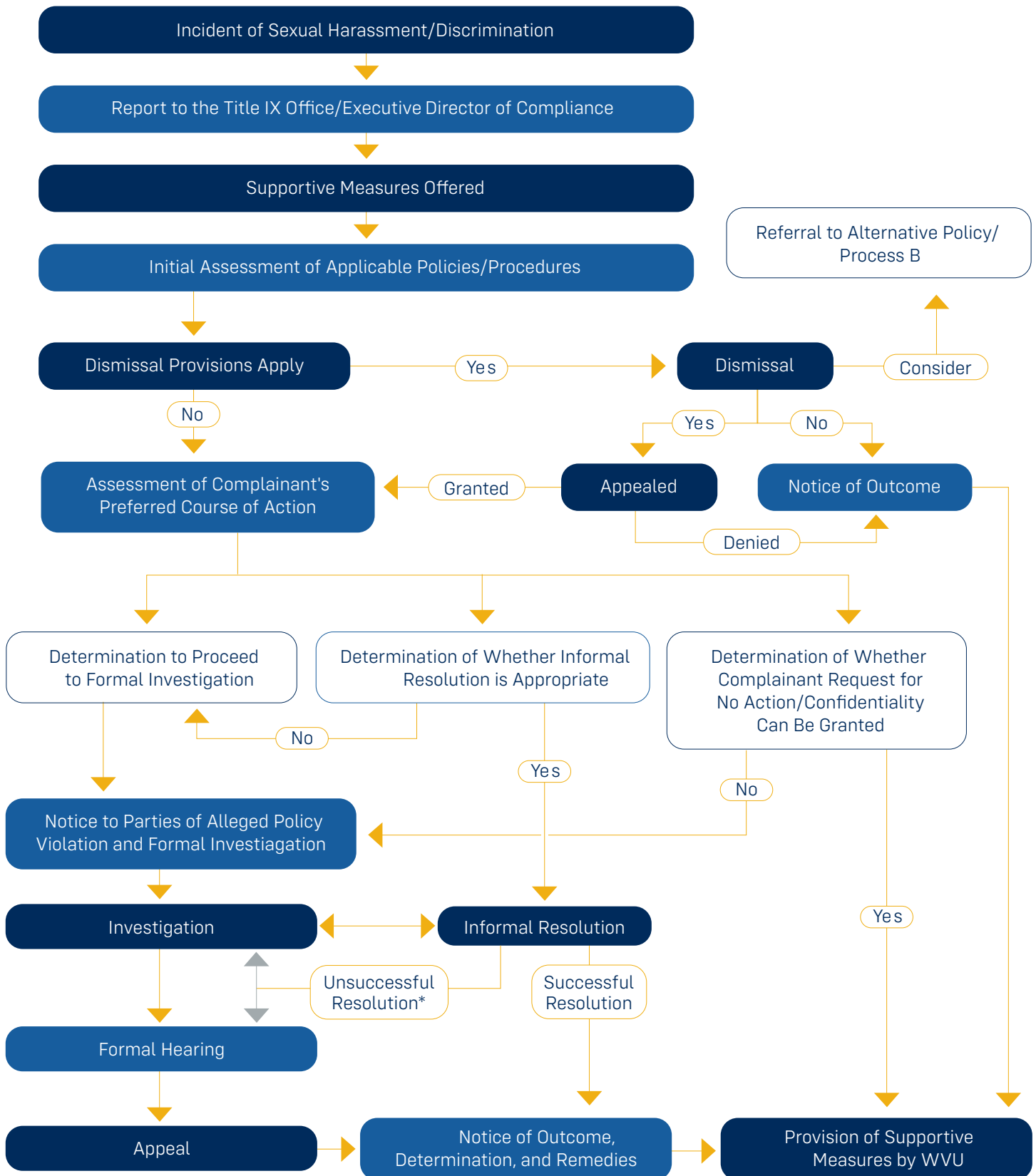
Process

Title IX Sexual Harassment



If you would like to be walked through the processes outlined in this document,
please contact Title IX Executive Coordinator, James Goins, at james.goins@mail.wvu.edu.

BOG 1.6 GRIEVANCE – PROCESS A:



*Informal resolutions cannot be used in cases where a student has made allegations against an employee.

BOG 1.6 GRIEVANCE – PROCESS B:

