



# **2023** POTOMAC STATE COLLEGE **ANNUAL SECURITY AND FIRE SAFETY REPORT**

Reflects statistics from January 1, 2020, through December 31, 2022

*A printed copy of this report is available upon request.*



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# I. PREPARATION OF THIS REPORT

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

Preparation of this report is primarily the responsibility of the Clery Act Coordinator in conjunction with a variety of other units on-campus, including the West Virginia University Potomac State Police Department (WVU-PSC PD), Student Life, including but not limited to the Offices of Student Rights and Responsibilities and Housing and Residence Life; Division of Diversity, Equity and Inclusion/Title IX Coordinator; Athletics; Leasing and Land Transactions; University Relations; and Environmental Health and Safety. The University prepares and publishes this report to inform the WVU-PSC community about campus security policies and procedures, programs designed to prevent and respond to certain crimes, and specific statistics for Clery-Reportable incidents occurring on its Clery Act Geography that are reported to Campus Security Authorities or certain outside police agencies throughout the previous three calendar years. A searchable map containing all of WVU-PSC's Clery countable locations can be found here: [police.wvu.edu/clery-act/overview](https://police.wvu.edu/clery-act/overview) and clicking on the "Clery reportable locations" tab.

The Campus Community includes all persons who work at or attend the University. The distribution email includes the web address where the report is posted and information on how to obtain a hard copy of the report. The link to the report is also distributed to prospective students and prospective employees. Anyone, including prospective students and prospective employees, may obtain a hard copy of this report by calling WVU-PSC Police at 304-788-6931, or by visiting the WVU-PSC Police Office at 171 Fort Avenue, Keyser, West Virginia, 26726. The Clery Act statistics published in this report are also provided to the Department of Education electronically.





## II. ROLE, AUTHORITY AND TRAINING OF WVU-PSC PD

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

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

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

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





### **III. RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL ENFORCEMENT AGENCIES**

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

To that end, WVU-PSC PD has entered written Memoranda of Understanding with agencies in the county to provide mutual aid when requested. WVU-PSC has established a Memorandum of Understanding with the Keyser Police Department, Mineral CO. Sheriff’s Dept., and The West Virginia State Police to provide specialized investigative assistance upon request and other services when required.

Additionally, if a WVU-PSC Police Officer is not available to respond to a call, an Officer from the Keyser Police Department, Mineral County Sheriff’s Department or the State Police will be dispatched.

### **IV. SECURITY, ACCESS, AND FACILITIES MAINTENANCE**

We strive to make our facilities available to students, faculty, and staff so they may pursue their educational goals and missions. This availability requires a balance with security needs. It is not our desire to lock down all our facilities, giving a military appearance to University facilities. For this reason, many of our academic and administrative buildings are accessible during all hours with appropriate clearance. WVU-PSC PD proactively patrols the campuses and property in Keyser. The residence halls are staffed 24 hours a day, seven days a week during the semester, by trained professional and student staff who serve as resource persons for each resident. The residence halls are open during the day from 8:00 a.m. to 8:00 p.m. The Night Staff supervises security and safety in the residence halls and the outside entrances are locked and the buildings are patrolled randomly until the residence hall staff unlocks them in the morning. No person may enter the residence halls after 8:00 p.m. without presenting a valid resident identification card. WVU-PSC PD, Facilities Management, and others are committed to maintaining a safe environment by evaluating lighting, shrubs and bushes and facility design. We encourage you to report any hazards or concerns to our housing, facilities, or police department at 304-788-6931.

### **V. CRIME PREVENTION PROGRAMS / SECURITY AWARENESS PROGRAMS**

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

WVU-PSC has taken prudent steps to promote a safe and secure environment that is compatible with the University community’s educational mission. We solicit your support in making our campus community safe and secure by accepting responsibility for your actions and committing to participate in programs to assist others.

No institution can guarantee the total safety and security of all its members. Only through community support and involvement can we be successful in achieving our goal. We ask you to help us by not taking unnecessary risks, by locking your door and securing facilities when you leave and reporting any suspicious activity or crime immediately. Together, we can help make WVU-PSC a safe and secure environment for the community.



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

<i>Programs Organized by West Virginia University Potomac State College Police Department</i>			
PROGRAM TITLE	TYPE/DESCRIPTION	FREQUENCY	AUDIENCE
<b>Protect Self Defense</b>	PROTECT is a women's self-defense program. The course includes lecture, discussion and self-defense techniques suitable for women of all ages and abilities.	When requested and scheduled.	Students and employees
<b>Operation ID</b>	Documents make, model, description, and serial number, in case of theft. The concept is simple: using an engraving pen, an officer will etch an identification number (usually your driver's license number) into the item or valuable. That etching makes the item harder for thieves to sell and much easier for officers to identify and return to you.	Beginning of Semesters available online all year.	Students and employees
<b>Bike Registration</b>	Documents bicycles make, model, description, and serial number, in case of theft. Also provided theft prevention tips to owners.	Beginning of Semesters available online all year.	Students and employees
<b>Alcohol/Drug Awareness</b>	Provides safety tips, promoted drug and alcohol awareness.	At least twice a semester and as requested.	Students
<b>Crime Prevention through community policing</b>	Officer conducted foot patrols of high traffic areas to encourage community members to discuss safety concerns with WVU-PSC PD.	Weekly and daily during high profile days or events and in person per requests for events.	Students and employees
<b>LiveSafe</b>	Provides a resource to report anonymous tips, video, images, to University Communications and allows virtual safety walks.	Promoted daily when speaking to campus community.  Included in every Active Shooter/ Workplace Violence course taught.	Students and employees
<b>Party Safety and Alternatives</b>	Give alternatives to drinking and educate on safety.	Each semester and as requested.	Students



<b>Police Interactions</b>	Educate on what to expect during police interactions.	Each semester and as requested.	Students and employees
<b>Stop The Bleed</b>	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.	By request.	Students and employees
<b>Violence Against Women Prevention</b>	Educate about prevention of Dating/ Domestic violence, sexual assault and stalking.	Each semester and as requested.	Students and employees

*Programs Organized by the Divisions of Diversity, Equity & Inclusion, & Student Life*

PROGRAM TITLE	TYPE/DESCRIPTION	FREQUENCY	AUDIENCE
<b>Student Title IX Training</b>	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.	Students
<b>Meridians Title IX Training (Get Inclusive)</b>	Online Title IX and Diversity, Equity, and Inclusion training for new employees.	Once and as requested.	New employees
<b>Employee Title IX Training</b>	Training defining Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Stalking, and Retaliation. This training also covers bystander intervention, campus resources, and reporting options. Additional focus on mandatory reporting.	By request and invitation as limited by capacity; goal is to reach each department or unit every three years.	Employees
<b>How Harassment and Microaggressions Limit Opportunity</b>	Training focusing on leadership and violence within organizations.	By request.	Students and employees
<b>Children on Campus</b>	On-line training focuses on identifying warning signs of child abuse and neglect, as well as reporting procedures.	By request and required every three years for any employee who works with minors.	Employees, Students, and Volunteers



# VI. REPORTING CRIMES AND 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 the WVU-PSC PD or the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Crimes and incidents should be reported as soon as possible so that the University may assess the need for a timely warning or emergency notification and assess the need for inclusion in the annual statistical disclosure.

## B. Where and How to Report

At WVU-PSC, we are members of the 911 Emergency Services Network. To report a crime in progress or an emergency, dial 911 from on campus or direct dial the duty officer at 304-788-6931. For non-emergencies, you can contact the non-emergency department cell phone at 304-813-0920.

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

If you would like to stop by the department to file a report, the department is located behind Davis Hall at the corner of State St. and Fort Ave (171 Fort Avenue). Also, for your safety, we encourage the use of our LiveSafe app.

# VII. REPORTING CRIME TO WVU-PSC PD

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

# VIII. REPORTING TO DESIGNATED CAMPUS SECURITY AUTHORITIES

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

**STUDENT CODE ADMINISTRATOR, OFFICE OF STUDENT CONDUCT**

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Reynolds Hall, Room 104D  
Keyser, WV 26726  
(304) 788-6910  
[KaAnderson@mail.wvu.edu](mailto:KaAnderson@mail.wvu.edu)

**TITLE IX COORDINATOR/DIRECTOR OF EQUITY ASSURANCE, DIVISION OF DIVERSITY, EQUITY AND INCLUSION**

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1085 Van Voorhis, Suite 250  
Morgantown, WV 26506-6202  
304-293-5600 (phone)  
[diversity@mail.wvu.edu](mailto:diversity@mail.wvu.edu)

**SGT. MICHAEL CANNON, WVU-PSC PD**

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171 Fort Ave  
Keyser, WV 26726  
(304) 929-2677  
[MTCannon@mail.wvu.edu](mailto:MTCannon@mail.wvu.edu)

In addition to reporting incidents to WVU-PSC PD, CSA's can report directly to the Clery Act Coordinator using the CSA reporting form on the WVU-PSC PD website, found here: [CSA Reporting Form](#)

## IX. CONFIDENTIAL REPORTING / LIVESAFE APP

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

For more information, please visit: [studentexperience.potomacstatecollege.edu/university-police](https://studentexperience.potomacstatecollege.edu/university-police).

WVU-PSC 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.

## X. WVU-PSC NOTIFICATIONS

There are three types of notifications utilized by the University as it relates to crime and emergency issues. The following chart<sup>1</sup> generally summarizes those notifications and then the following two sections discuss Timely Warnings (Campus Warnings) and Emergency Notifications (WVU Alerts) in much greater detail.

	EMERGENCY NOTIFICATIONS/ WVU-PSC ALERT	TIMELY WARNING/CAMPUS WARNING	COMMUNITY NOTICE <sup>2</sup>
<b>Scope</b>	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 <b>and</b> considered by the University to represent a serious or continuing threat to students and employees.	No Requirement for Issuance – Sole Discretion of University
<b>Where Event Occurs?</b>	Event that is currently occurring on or imminently threatening campus	Anywhere on Clery Geography	Anywhere
<b>How Soon to Issue?</b>	Immediately upon confirmation of situation	As soon as pertinent information is available	As Appropriate – Sole Discretion of University
<b>Method of Communication?</b>	Text messaging through the WVU-PSC ALERT System; Infostations, posted on social media	E-mail	Manner Consistent with its Objective – Sole Discretion of University

<sup>1</sup> 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, [fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2020-10-09/rescission-and-replacement-2016-handbook-campus-safety-and-security-reporting-updated-jan-19-2021](https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2020-10-09/rescission-and-replacement-2016-handbook-campus-safety-and-security-reporting-updated-jan-19-2021)

<sup>2</sup> Community Notices are not required and are solely issued at the discretion of the University.



# XI. TIMELY WARNINGS (CAMPUS WARNINGS)

## A. Statement of Policy

WVU-PD 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; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) weapon law violations.

**Clery Act geography**, in general, means: on-campus buildings or property, including residence and other student housing complexes, which are owned or controlled by the University; non-campus 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. A searchable map containing all of WVU-PSC's Clery countable locations can be found here: [police.wvu.edu/clery-act/overview](https://police.wvu.edu/clery-act/overview) and clicking on the "Clery reportable locations" tab.

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

## B. Statement of Procedures

**Circumstances for a Timely Warning (Campus Warning).** A Timely Warning (Campus Warning) will be issued when table Crime is considered to represent a serious or continuing threat to University students or employees; and (4) the Timely Warning (Campus Warning) will aid in the timely prevention of similar acts.

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

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

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

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

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

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

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

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

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

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

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<sup>3</sup>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.



## XII. EMERGENCY NOTIFICATIONS (WVU-PSC 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-PSC 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 the WVU-PSC PD. 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 University Police Captain (or designee), or in their absence, the highest-ranking officer in WVU-PSC PD.

The University Police Captain (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-PSC ALERT) is warranted. If time permits, the University Police Captain (or highest-ranking officer) may consult with other senior administrators at the University. If the consultation would result in a significant delay in disseminating the information, WVU-PSC PD will send alerts on its own initiative, using predetermined templates.

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

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

**Determining the Contents of the Emergency Notification:** The content of an Emergency Notification (WVU-PSC 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 WVU-PSC ALERT, and campus-wide or portions of the campus emergency e-mail. The University may also use:

- Audio and visual alert messages on the [InfoStations](#) around campus.
- Alerts posted to various WVU-PSC social media channels including Facebook : <https://www.facebook.com/PotomacStateCollege/> and X (formerly Twitter): [twitter.com/PotomacState](https://twitter.com/PotomacState).
- Alert messages posted for current students via MIX email.

How to Sign Up for WVU-PSC ALERTS: The service is free, and sign-up can be accessed from the WVU-PSC Website or via this link: [studentexperience.potomacstatecollege.edu/university-police](https://studentexperience.potomacstatecollege.edu/university-police).

## **XIII. PROCEDURES FOR TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES: DRILLS, EXERCISES, AND TRAINING**

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

## **XIV. EMERGENCY PLANNING, RESPONSE, AND EVACUATION**

West Virginia University Potomac State College has developed an emergency response plan that complies with the National Incident Management System and provides facility-specific planning assistance. We encourage all community members to become familiar with their building plans and campus plan. If officials order the evacuation of the campus, leave as soon as possible (preferably during daylight hours). Avoid flooded roads and watch for washed-out bridges. Roads and bridges frequently become crowded and traffic moves slowly. Evacuation will probably take longer than expected, so give yourself plenty of time.

If a fire occurs in a WVU-PSC building, community members should begin the evacuation process immediately and should call 911 as soon as it is safe to do so. Fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshal can levy fines and penalties to individuals who fail to evacuate a building promptly—but a more important reason for evacuating is for safety reasons! When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to the Mineral County 911 Center where a WVU-PSC PD officer is notified.

## **XV. DAILY CRIME AND FIRE LOG**

WVU-PSC PD maintains a Daily Crime and Fire Log of all incidents reported to it. This includes all crimes that occur on campus, in areas patrolled by WVU-PSC PD, in non-campus buildings or properties, on the public property running through or immediately adjacent to the campuses. Given it includes all incidents, it also includes fire information. The Crime and Fire Log will post the previous days approved incidents daily at 5:30 p.m., Monday – Friday. All weekend incidents will post on Monday. Case numbers with prefix “CSA” are incidents that are reported 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](https://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 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. WVU-PSC PD posts specific incidents in the Daily Crime Log within two (2) business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law. The most current 90 days of information is available online at the WVU-PSC PD web page, or at the WVU-PSC PD Building located at 171 Fort Avenue. The log can be found online here: [studentexperience.potomacstatecollege.edu/university-police/clery-act-3](https://studentexperience.potomacstatecollege.edu/university-police/clery-act-3)



## XVI. DRUG AND ALCOHOL POLICIES

WVU-PSC PD enforces compliance with West Virginia laws and University policies regarding the possession, use, and sale of illegal drugs on campus.




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

[well.wvu.edu/files/d/1bd1d462-85ca-4859-a706-3c0466bffcbb/2023\\_drug-free-schools-and-communities-act-booklet.pdf](http://well.wvu.edu/files/d/1bd1d462-85ca-4859-a706-3c0466bffcbb/2023_drug-free-schools-and-communities-act-booklet.pdf)

Additionally, that booklet is attached as Appendix 1.

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

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

-  **Primary Prevention Programs:** WVU implements programming, initiatives, and strategies, informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of prohibited conduct through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
-  **Primary Awareness Programs:** WVU implements comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent prohibited conduct, promote safety, and reduce the perpetration of prohibited conduct.
-  **Ongoing Prevention and Awareness Campaigns:** WVU implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing prohibited conduct using a range of strategies with audiences throughout WVU.

## In these Prevention Programs, WVU

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

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

**JAMES GOINS JR.,  
DIRECTOR OF EQUITY ASSURANCE, TITLE IX COORDINATOR**

1085 Van Voorhis, Suite 250  
Morgantown, WV 26506-6202  
(304) 293-5600  
[james.goins@mail.wvu.edu](mailto:james.goins@mail.wvu.edu)

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

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

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

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

## XIX. IMPORTANCE OF PRESERVING INFORMATION

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



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

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

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

Medical care may be obtained from the following:

**POTOMAC VALLEY HOSPITAL** | 100 Pin Oak Ln, Keyser, WV 26726 | 304-597-3500

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## XX. WHERE AND HOW TO REPORT THE INCIDENT

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

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

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

**JAMES GOINS JR.** | Director of Equity Assurance, Title IX Coordinator

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1085 Van Voorhis, Suite 250, Morgantown, WV 26506-6202 | (304) 293-5600 | [james.goins@mail.wvu.edu](mailto:james.goins@mail.wvu.edu)

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

**OFFICE OF EQUITY ASSURANCE** | 1085 Van Voorhis, Suite 250, P.O. Box 6202, Morgantown, WV 26506

## XXI. OPTIONS ABOUT THE INVOLVEMENT OF LAW ENFORCEMENT

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

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

- ✓ WVU-PSC Police Department: 304-788-4106 or 911
- ✓ Keyser Police Department: 304-788-1311
- ✓ Mineral County Sheriff's Office: 304-788-0441
- ✓ West Virginia State Police: 304-788-1101

Upon the Complainant's request, the Title IX Coordinator will assist the Complainant to contact WVU-PSC PD 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 WVU-PSC PD law enforcement officer also will conduct a thorough interview to record as many details as possible, as precisely as possible. The law enforcement interview may take as long as several hours, depending on the circumstances of the case. Due to the traumatic effect of sexual assaults on survivors, multiple interviews may be required to get all the pertinent details of the assault. However, when possible, the University will strive to prevent duplicative interviews by either sitting in on (or listening to and then following up in a limited fashion) other interviews.

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

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



## XXII. 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:

### **MINERAL COUNTY PROSECUTING ATTORNEY'S OFFICE**

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150 Armstrong Street  
Keyser, WV 26726  
(304) 788-0300

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

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

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

### **JAMES GOINS JR., DIRECTOR OF EQUITY ASSURANCE, TITLE IX COORDINATOR**

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1085 Van Voorhis, Suite 250  
Morgantown, WV 26506-6202  
(304) 293-5600  
[james.goins@mail.wvu.edu](mailto:james.goins@mail.wvu.edu)



## XXIII. INFORMATION ABOUT PROTECTING CONFIDENTIALITY IN RECORDKEEPING

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

**Clery Act:** The Clery Act requires the University to issue three types of public documents:

First, this report, which contains crime statistics. Statistics published in this report **do not personally identify Complainants or Respondents**. Second, in addition to this report and in compliance with the Clery Act, the WVU-PSC PD 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 WVU-PSC PD. 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 WVU-PSC PD or Campus Security Authorities. WVU will undertake reasonable efforts to avoid disclosing a Complainant's name and other identifying information, while still providing enough information for community members to make safety decisions considering the potential danger.

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

### Requests for Accommodations or Supportive Measures

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

### Written Notifications That Will Be Made Available

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

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<sup>4</sup>See *West Virginia Sexual Violence Benchbook*, p. 4-1,

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

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

#### **COUNSELING AND MENTAL HEALTH SERVICES**

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Behavioral Health Therapist  
Reynolds Hall 104A  
(304) 788-6976  
or 304-788-6977  
Crisis Text Line: Text WVU to 741741

#### **VICTIM ADVOCACY SERVICES**

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Mineral County Family  
Resource Network  
251 ½ W. Piedmont St.  
Keyser, WV 26726  
(304) 788-9099

#### **WV FOUNDATION FOR RAPE INFORMATION SERVICES**

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[fris.org/home.html](http://fris.org/home.html)

#### **VISA AND IMMIGRATION ASSISTANCE**

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

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

The Board of Immigration Appeals ([www.justice.gov/eoir/board-of-immigration-appeals](http://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: [justice.gov/eoir/list-pro-bono-legal-service-providers](http://justice.gov/eoir/list-pro-bono-legal-service-providers). The American Immigration Lawyers Association ([www.aila.org/](http://www.aila.org/)) offers an online immigration lawyer referral service ([www.ailalawyer.org/](http://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: [americanbar.org/groups/legal\\_services/flh-home/](http://americanbar.org/groups/legal_services/flh-home/).

#### **STUDENT FINANCIAL AID**

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WVU Hub, Administration Building, Room 101  
101 Fort Avenue, Keyser, WV 26726  
(304) 293-1988  
[admissions.potomacstatecollege.edu/cost-and-aid/financial-aid](http://admissions.potomacstatecollege.edu/cost-and-aid/financial-aid)

#### **WVU ACCESSIBILITY SERVICES/ADA COORDINATOR**

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

## **XXIV. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION**

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

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

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



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

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

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

Of particular importance, a disciplinary complaint may be filed by filling out the online complaint form found here: [wvu.qualtrics.com/jfe/form/SV\\_0IKdelGf4QeEUxT](https://wvu.qualtrics.com/jfe/form/SV_0IKdelGf4QeEUxT). The standard of proof in all cases is a preponderance of the evidence, which is defined as “evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not.” Additionally, the sanctions available for students found responsible include:

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

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

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

In cases of non-students, the following is a list of potential corrective 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.<sup>5</sup>

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

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

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:

[diversity.wvu.edu/equity-assurance/resources-and-reporting-options](https://diversity.wvu.edu/equity-assurance/resources-and-reporting-options)

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

- |  |   |
|--|---|
| /// Access to counseling services      | /// Temporary suspension to 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                       |

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

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

## XXV. ADDITIONAL INFORMATION ABOUT SEX OFFENSES

### Release of Disciplinary Outcome to Certain Crime Victims:

WVU-PSC 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.

## XXVI. REGISTERED SEX OFFENDER INFORMATION

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](https://apps.wv.gov/StatePolice/SexOffender)

## XXVII. MISSING STUDENT PROCEDURES FOR STUDENTS RESIDING IN ON-CAMPUS HOUSING FACILITIES

**Where to Report Missing On-Campus Student:** If anyone has reason to believe that a student who lives in on-campus student housing has been missing from campus, the WVU-PSC Police Department should be contacted at (304) 788-6931 (twenty-four hours a day/seven days a week), 171 Fort Ave, Keyser, West Virginia 26726.

**Mandatory Referral:** If anyone receives a report of a missing on-campus student, regardless of how long that on-campus student is believed to have been missing, that report must be referred immediately to the WVU-PSC Police Department by contacting (304) 788-6931 (twenty-four hours a day/seven days a week), 171 Fort Ave, Keyser, West Virginia 26726.

**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/312BE6F2/1/1/Home-MyHousing\\_at\\_West\\_Vi](https://myhousing.wvu.edu/student/312BE6F2/1/1/Home-MyHousing_at_West_Vi). For students living in university apartments, they are contacted and given the option to register one or more individuals to be a contacted strictly for missing persons purposes. On-campus students are offered this option each year, regardless of whether the student has identified a missing person contact in previous years. WVU-PSC PD shall notify the student’s missing person contact within twenty-four hours of the determination by the WVU-PSC PD that the student is missing.

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

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

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



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

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

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

## XXVIII. CLERY ACT STATISTICS

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

OFFENSES	Year	On-Campus Clery Geography		Non-Campus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Murder/ Nonnegligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	1	1	0	0	1
	2020	2	3	0	0	3
Fondling	2022	1	1	0	0	1
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Aggravated Assault	2022	1	1	0	0	1
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	0	1	0	0	1
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
VAWA OFFENSES	Year	On-Campus Clery Geography		Non-Campus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Domestic Violence	2022	0	1	0	0	1
	2021	0	0	0	0	0
	2020	2	3	0	0	3 <sup>7</sup>
Dating Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	3	4	0	0	4
	2021	0	0	0	0	0
	2020	0	0	0	0	0

<sup>7</sup> After review, two dating violence incidents from 2020 were moved into the domestic violence category.

ARRESTS	Year	On-Campus Clery Geography		Non-Campus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Liquor Law Violation	2022	2	2	0	0	2
	2021	13	13	0	0	13
	2020	12	12	0	0	12
Drug Abuse Violation	2022	0	0	0	1	1
	2021	1	1	0	6	7
	2020	12	15	0	0	15
Weapon Law Violation	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
REFERRALS	Year	On-Campus Clery Geography		Non-Campus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Liquor Law Violation	2022	37	38	0	0	38
	2021	28	28	0	0	28
	2020	44	44	0	0	44
Drug Abuse Violation	2022	12	12	0	0	12
	2021	11	11	0	2	13
	2020	32	33	0	0	33
Weapon Law Violation	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

## Hate Crime Reporting

- 2022: There were 0 reportable hate crimes.
- 2021: There were 0 reportable hate crimes.
- 2020: There were 0 reportable hate crimes.

## Unfounded Crime Reporting

- 2022: There were 0 reportable hate crimes.
- 2021: There were 0 reportable hate crimes.
- 2020: There were 0 reportable hate crimes.



# XXIX. DEFINITIONS OF OFFENSES WITHIN THE CLERY ACT

## OFFENSES

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

**NEGLIGENT MANSLAUGHTER:** The killing of another person through gross negligence.

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

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

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

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

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

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

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

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

**WEAPON LAW VIOLATIONS:** The violation of laws or ordinances dealing with weapon 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.

## SEX OFFENSES

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

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

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

**STATUTORY RAPE:** Sexual intercourse with a person who is under the statutory age of consent.

## HATE CRIMES

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

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

**LARCENY-THEFT:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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

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

## XXX. WVU-PSC FIRE SAFETY REPORT

### Overview

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

## General Statement

West Virginia University Potomac State College is committed to providing a fire-safe environment for its faculty, staff, students, and visitors and to protecting the property through effective fire prevention, protection, and response program. All WVU-PSC residence halls have approved fire alarm, and fire suppression sprinkler systems that are inspected and tested annually per the National Fire Protection Association (NFPA). The fire alarm and suppression systems are electronically monitored 24 hours/day, seven days/week and notify the 911 system automatically upon actuation of an alarm situation.

## Training

WVU-PSC Residence Hall Coordinators receive comprehensive hands-on fire safety training at the beginning of each academic year by Environmental Health and Safety and the Keyser Fire Department. Additionally, each RHC and RA provide training to each student floor in their respective residence hall and. The emergency evacuation procedures are as follows:

### If a fire is detected, you should:

- ✓ Activate the nearest alarm.
- ✓ Evacuate the building safely, and do not use the elevator. When a fire alarm sounds, you should:
- ✓ Turn on the overhead lights in your room.
- ✓ Close your windows.
- ✓ Close and lock your door.
- ✓ You must leave the building via the nearest stairway on your floor.
- ✓ Walk calmly to the exterior of the building. It is very important that you become familiar with this route of exit. If you are unable to leave the room, “Shelter in Place” and place a towel or clothing in the crack at the bottom of the door, move to the window, and alert rescue personnel by calling 911. Do not jump.
- ✓ Await rescue personnel. If possible, open the window at the top and bottom to let fresh air in and heat and smoke out. Keep your room door closed.
- ✓ Be sure the stairway door is closed behind you if no other residents are following you.
- ✓ Do not return to the building until the signal is given to reenter by the staff member in charge. If you are a person with a disability (even temporarily), notify your RA before a possible emergency; Contact rescue personnel by calling 911 during an emergency. Treat every fire alarm as though it is real. You will have no indication whether the alarm is real or a drill. If you detect even a minor fire, you must pull the nearest alarm and follow the procedures described above. All fires should be reported immediately by calling 911 so that a professional can make certain that the fire is out and will not recur, and so that the fire extinguisher can be refilled promptly. University officials take false alarms seriously. Persons found responsible for pulling false fire alarms are subject to removal from their University residence hall, suspension from WVU, and prosecution to the full extent of the law.

## Emergency Evacuation Maps:

Emergency evacuation maps are posted on each floor and in each student room to direct residents to approved exits. Resident Assistants conduct periodic floor meetings and discuss fire safety evacuation procedures. Additional training is conducted upon request.

## Mandatory Fire Drills:

Fire Drills in the residence halls will be conducted annually to familiarize students with our emergency system. This activity is coordinated with Mineral County 911, Keyser Fire Department, WVU-PSC Police, and Facilities Management group. The Residence Hall Coordinator/ and or WVU-PSC maintains records of the dates and times of all fire drills.



## Fire Prevention Policies:

It is the policy of WVU-PSC to provide a fire-safe environment. WVU's goal is to recognize hazardous conditions and take appropriate action before such conditions result in a fire. This is accomplished by conducting annual safety inspections of all university buildings with the State Board of Risk Management, Environmental Health, and Safety and the Keyser Fire Department. Fire Investigations are coordinated by Environmental Health and Safety and conducted in conjunction with the WV State Fire Marshal, Keyser Fire Department and the State Board of Risk and Insurance Management. Violations are identified and corrective action is addressed. To minimize the potential fire fires, West Virginia University has specific policies and procedures that students are required to follow. Noncompliance with these measures will be considered a student conduct/disciplinary matter.

### The following items are prohibited:

- ✦ Toasters
- ✦ Electric Ovens
- ✦ Waffle irons
- ✦ Sandwich makers
- ✦ Crockpots/Instant Pots
- ✦ Live trees – if the bulb is not attached – are prohibited
- ✦ Flammable or Combustible materials
- ✦ Portable heaters (electric, kerosene, etc.)
- ✦ Electric or charcoal grills
- ✦ Any appliance/item with an open flame or open coils
- ✦ Candles
- ✦ Incense / Hookahs
- ✦ Microwave ovens (unless approved by the University)
- ✦ Electric and kerosene heaters
- ✦ Extension cords or multi-receptacle outlets (UL listed power strips with surge protectors are permitted)
- ✦ Gasoline, lighter fluid, or any combustible or flammable material
- ✦ Halogen lamps

## Decorations:

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

- ✦ Use electrical decorations that are UL approved only;
- ✦ Do not use lights on metallic trees;
- ✦ Use decorations made from flame-retardant materials only;
- ✦ Do not place decorations on light fixtures, sprinklers, smoke detectors, etc.;
- ✦ Do not hang tapestries or other decorations from ceiling or doorway;
- ✦ Do not use live pine, extension cords, candles (oil or wax-based), candle, warmers, or incense;
- ✦ Do not use live Christmas trees;

## Room Safety

- ✦ Use or possession of open flame (i.e., burning candles, burning incense) or open element appliances, including toasters, hot plates, and hot pots in residence hall rooms or other unauthorized areas is not permitted.
- ✦ Cooking in residence hall rooms or other unauthorized areas is prohibited.
- ✦ Residents and guests may not devise any unsafe situation in which a member of the residence hall community can be injured.

## Smoking

Smoking nor vaping is not permitted in residence halls. WVU-PSC is designated a smoke-free area. This includes but is not limited to residence halls rooms, common areas, bathrooms, sidewalks, patios, stairways, and any other walkway that directly leads to a building entrance.

## 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, the student will be removed from University Housing

## Fire Log

- WVU maintains an incident fire log, including the nature, date, time, and general location of each fire in our residence halls.
- The University's fire incident log will be posted on WVU Environmental Health and Safety and University Police website for public viewing.

## Plans for future improvements in fire safety

- WVU will provide future improvements as needed.
- WVU continually work closely with occupants of our student housing facilities. From the students, and visitors, to the contractors and vendors working in the facility to assure the work being conducted, is monitored and the fire detection systems are checked and maintained.

## XXXI. WVU – PSC RESIDENCE HALL FIRE STATISTICS

WEST VIRGINIA UNIVERSITY - POTOMAC STATE COLLEGE - 2022						
LOCATION	OCCURRENCES	DATE/TIME	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Catamount Place - 167 S Mineral Street	0	N/A	0	0	0	N/A
Davis Hall - 30 Campus Drive	0	N/A	0	0	0	N/A
Friend Hall - 165 Campus Drive	0	N/A	0	0	0	N/A
Memorial Hall - 190 Campus Drive	0	N/A	0	0	0	N/A
Reynolds Hall - 145 Campus Drive	0	N/A	0	0	0	N/A
University Place - 20 Arnold Street	1	10/28/22 10:42 PM	0	0	\$100-\$999	Unintentional/ Electrical



**WEST VIRGINIA UNIVERSITY - POTOMAC STATE COLLEGE - 2021**

LOCATION	OCCURRENCES	DATE/TIME	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Catamount Place - 167 S Mineral Street	0	N/A	0	0	0	N/A
Davis Hall - 30 Campus Drive	0	N/A	0	0	0	N/A
Friend Hall - 165 Campus Drive	0	N/A	0	0	0	N/A
Memorial Hall - 190 Campus Drive	0	N/A	0	0	0	N/A
Reynolds Hall - 145 Campus Drive	0	N/A	0	0	0	N/A
University Place - 20 Arnold Street	0	N/A	0	0	0	N/A

**WEST VIRGINIA UNIVERSITY - POTOMAC STATE COLLEGE - 2020**

LOCATION	OCCURRENCES	DATE/TIME	INJURIES	DEATHS	DAMAGE VALUE	CAUSE OF FIRE
Catamount Place - 167 S Mineral Street	0	N/A	0	0	0	N/A
Davis Hall - 30 Campus Drive	0	N/A	0	0	0	N/A
Friend Hall - 165 Campus Drive	0	N/A	0	0	0	N/A
Memorial Hall - 190 Campus Drive	0	N/A	0	0	0	N/A
Reynolds Hall - 145 Campus Drive	0	N/A	0	0	0	N/A
University Place - 20 Arnold Street	0	N/A	0	0	0	N/A



**WVU PSC RESIDENCE HALL FIRE SAFETY EQUIPMENT - 2022**

<b>BUILDING NAME</b>	<b>BUILDING ADDRESS</b>	<b>FIRE ALARM PULL STATIONS</b>	<b>FIRE ALARM HORNS (OR) BELLS</b>	<b>FIRE ALARM STROBE LIGHTS</b>	<b>ILLUMINATED EXITED SIGNS</b>	<b>EMERGENCY LIGHTING</b>
Catamount Place	167 S Mineral Street	Yes	Yes	Yes	Yes	Yes
Davis Hall	30 Campus Drive	Yes	Yes	No	Yes	Yes
Friend Hall	165 Campus Drive	Yes	Yes	No	Yes	Yes
Memorial Hall	190 Campus Drive	Yes	Yes	No	Yes	Yes
Reynolds Hall	145 Campus Drive	Yes	Yes	No	Yes	Yes
University Place	20 Arnold Street	Yes	Yes	Yes	Yes	Yes
<b>BUILDING NAME</b>	<b>BUILDING ADDRESS</b>	<b>FIRE ALARM SMOKE DETECTORS</b>	<b>FIRE ALARM DUCT DETECTORS</b>	<b>WET SPRINKLER</b>	<b>DRY SPRINKLER</b>	<b>PRE-ACTION SPRINKLER</b>
Catamount Place	167 S Mineral Street	Yes	Yes	No	No	Yes
Davis Hall	30 Campus Drive	Yes	No	No	No	No
Friend Hall	165 Campus Drive	Yes	No	No	No	No
Memorial Hall	190 Campus Drive	Yes	No	No	No	No
Reynolds Hall	145 Campus Drive	Yes	No	No	No	No
University Place	20 Arnold Street	Yes	Yes	Yes	Yes	No
<b>BUILDING NAME</b>	<b>BUILDING ADDRESS</b>	<b>WET STANDPIPE</b>	<b>DRY STANDPIPE</b>	<b>COMBINATION STANDPIPE</b>	<b>FIRE PUMP</b>	<b>EMERGENCY GENERATOR</b>
Catamount Place	167 S Mineral Street	No	No	Yes	Yes	Yes
Davis Hall	30 Campus Drive	No	No	No	No	No
Friend Hall	165 Campus Drive	No	No	No	No	No
Memorial Hall	190 Campus Drive	No	No	No	No	No
Reynolds Hall	145 Campus Drive	No	No	No	No	No
University Place	20 Arnold Street	Yes	No	No	Yes	Yes

BUILDING NAME	BUILDING ADDRESS	SMOKE MANAGEMENT SYSTEM	FIRE DOORS AND WALLS
Catamount Place	167 S Mineral Street	Yes	Yes
Davis Hall	30 Campus Drive	No	Yes
Friend Hall	165 Campus Drive	No	Yes
Memorial Hall	190 Campus Drive	No	Yes
Reynolds Hall	145 Campus Drive	No	Yes
University Place	20 Arnold Street	No	Yes



# **APPENDIX 1**





# **Drug-Free Schools and Communities Act Booklet**

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Fall 2023



# Introduction and Overview

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

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

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

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

## **Division of Talent and Culture**

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

## **Division of Student Life**

Elizabeth Moore Hall  
(304) 293-5811  
[studentlife@mail.wvu.edu](mailto:studentlife@mail.wvu.edu)

Thank you for your cooperation in assuring 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. § 23.504; 48 C.F.R. § 52.223-6; the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i; 34 C.F.R. Part 86); the Drug-Induced Rape Prevention and Punishment Act of 1996 (21 U.S.C. § 841(b)(7)(A)-(B); see also 21 U.S.C. § 801); and the Federal Motor Carrier Safety Regulations (49 C.F.R. §§ 382.101 to 382.727).*

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

# **I. Standards of Conduct<sup>1</sup> and Policies of Maintaining a Drug and Alcohol-Free Workplace<sup>2</sup>**

## **A. Employees – Controlled Substances**

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

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

## **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,

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<sup>1</sup> 20 U.S.C. § 1011i(a)(1)(A).

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

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

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

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

## **C. All Members of University Community - Alcoholic Beverages**

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

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

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

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

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

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

Morgantown: [studentresponsibility.wvu.edu/campus-student-code](https://studentresponsibility.wvu.edu/campus-student-code)

Potomac State College: [studentexperience.potomacstatecollege.edu/student-life/office-of-student-conduct](https://studentexperience.potomacstatecollege.edu/student-life/office-of-student-conduct)

WVU Tech: [students.wvutech.edu/bear-facts/student-code-of-conduct](https://students.wvutech.edu/bear-facts/student-code-of-conduct)

## II. Disciplinary Sanctions<sup>5</sup> and Penalties Imposed for Violations<sup>6</sup>

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

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

### A. Range of Sanctions

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

#### *Range of Sanctions for Students<sup>7</sup>*

##### **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.

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<sup>5</sup> 20 U.S.C. § 1011i(a)(1)(E).

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

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



**Deferred Suspension**

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

**Probation**

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

**Warning**

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

**Loss of Privileges**

Denial of specified privileges for a designated period of time.

**Restitution**

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

**Other Sanctions**

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

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

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

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

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

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

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

Additional resources for alcohol and other drug education, can be found here:

[safety.wvu.edu/safety-on-campus/medical-amnesty](https://safety.wvu.edu/safety-on-campus/medical-amnesty)

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

[legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47](https://legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47)

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

### **Resources for Students**

#### *i. Counseling and Treatment*

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

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

#### *ii. Recovery Support*

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

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

#### *iii. Substance use education*

##### **a. Voices for Change**

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

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

ii. This program is facilitated by WELLWVU

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

b. ScreenU

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

c. eCheckup To Go

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

d. WELLWVU Substance Use Education

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

## **Resources for Staff and Faculty**

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

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

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

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

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

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**WVU Morgantown Campus and Bridgeport Nursing Campus<sup>8</sup>**

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

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**WVU HSC Charleston Division**

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

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**WVU HSC Eastern Division**

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

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

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**Potomac State College of WVU**

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

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

PSC Student Health Center: (304) 788-6913

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

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**WVU Institute of Technology**

WVU Tech Counseling Services: (304) 929-1237

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

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

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

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

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

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

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

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

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<sup>8</sup> 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)<sup>9</sup>

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
<b>Alcohol</b>	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
<b>Cannabis (Marijuana)</b>	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
<b>Central Nervous System Depressants (Benzos)</b>	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
<b>Cocaine</b>	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

<sup>9</sup> National Institute on Drug Abuse, *Commonly Used Drug Charts*, [nida.nih.gov/research-topics/commonly-used-drugs-charts](https://nida.nih.gov/research-topics/commonly-used-drugs-charts) (last visited Aug. 18, 2023).

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
<b>Gamma Hydroxy Butyrate (GHB)</b>	Euphoria, drowsiness; nausea; vomiting; confusion; memory loss; unconsciousness; slowed breathing decreased body temperature; lowered heart rate; lowered blood pressure; seizures; coma; death	Unknown
<b>Heroin</b>	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
<b>Inhalants</b>	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
<b>Ketamine</b>	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
<b>LSD</b>	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
<b>MDMA (Methylenedioxy-methamphetamine)</b>	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
<b>Mescaline (Peyote)</b>	Enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature; elevated heart rate and blood pressure; sweating; problems with movement	Unknown

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
<b>Methamphetamine</b>	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
<b>Morphine/Opiates</b>	Pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death	Increased risk of overdose or addiction if misused
<b>Over-the-Counter Medicines – Dextromethorphan (DXM)</b>	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
<b>PCP</b>	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
<b>Prescription Stimulants</b>	Increased alertness, attention, and energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages  <u>High doses</u> : dangerously high body temperature and irregular heartbeat; heart disease; seizures	Heart problems; psychosis; anger; paranoia

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



SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
<b>Tobacco/Nicotine and Vaping</b>	<p>Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device.</p> <p>Other health-related issues:            Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning]            Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths</p>	<p>Greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia</p>

## V. Description of Applicable Legal Sanctions for Unlawful Possession and Distribution of Illicit Drugs and Alcohol<sup>10</sup>

### A. Local Ordinances

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

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<sup>10</sup> 20 U.S.C. § 1011i(a)(1)(D) (2020).

<sup>11</sup> City Code of Morgantown, West Virginia, which can be found at the following website: [library.municode.com/wv/morgantown/codes/code\\_of\\_ordinances](http://library.municode.com/wv/morgantown/codes/code_of_ordinances).

<sup>12</sup> Agenda, Morgantown City Council (Feb. 4, 2020), the link to which can be found at the following website: [morgantownwv.gov/AgendaCenter/ViewFile/Agenda/\\_02042020-1270](http://morgantownwv.gov/AgendaCenter/ViewFile/Agenda/_02042020-1270).

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

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

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.”<sup>15</sup> 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.”<sup>16</sup>

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.<sup>17</sup> If violated, the penalty is a fine of not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.<sup>18</sup>

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.<sup>19</sup>

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<sup>13</sup> Beckley Code of Ordinances, [library.municode.com/wv/beckley/codes/code\\_of\\_ordinances](http://library.municode.com/wv/beckley/codes/code_of_ordinances).

<sup>14</sup> Codified Ordinances of Keyser, West Virginia, Part Five, Article 501, [codelibrary.amlegal.com/codes/keyserwv/latest/overview](http://codelibrary.amlegal.com/codes/keyserwv/latest/overview).

<sup>15</sup> 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](http://library.municode.com/wv/charleston/codes/code_of_ordinances).

<sup>16</sup> Id. § 78-383.

<sup>17</sup> 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](http://codelibrary.amlegal.com/codes/martinsburg/latest/martinsburg_wv/0-0-0-1).

<sup>18</sup> Id. § 501.99.

<sup>19</sup> Codified Ordinances of Bridgeport, § 521.14 Illegal Possession of Controlled Substances and Marijuana , which can be found at the following website: [portal.laserfiche.com/Portal/DocView.aspx?id=2939&repo=r-e2c66e5a](http://portal.laserfiche.com/Portal/DocView.aspx?id=2939&repo=r-e2c66e5a).

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. Lastly, 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 fifteen 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 fifteen grams of any controlled substance, including marijuana or possessing paraphernalia typically associate with eh consumption of a controlled substance, including marijuana, will be fined not more than five hundred dollars (\$500.00), plus all court costs.<sup>20</sup>”

## **B. West Virginia Law**

Chapter 60A of the West Virginia Code sets forth the applicable state laws regarding controlled substances. It is known as the West Virginia Uniform Controlled Substance Act and is modeled after the Uniform Controlled Substance Act, which is similar to portions of the Federal Comprehensive Drug Abuse Prevention and Control Act, 21. U.S.C. § 801.<sup>21</sup>

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).<sup>22</sup> Furthermore, “is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by” the Act. W. Va. Code § 60A-4-401 (c).<sup>23</sup>

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

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<sup>20</sup> Id. § 521.99 (k).

<sup>21</sup> Chapter 60A, Notes to Decisions, Derivation of chapter (Lexis 2020).

<sup>22</sup> 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.

<sup>23</sup> This also applies to counterfeit and imitation controlled substances in some circumstances. See W. Va. Code § 60A-4-401(b), (d).

## C. Federal Statutes

The possession and distribution of illegal drugs under federal law is primarily governed by, among other statutes, 21 U.S.C. § 841 and 21 U.S.C. § 844. Under 21 U.S.C. § 841, it is unlawful for any person knowingly or intentionally “to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance” or “to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance,”<sup>24</sup> whereas 21 U.S.C. § 844 provides that it 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 . . .”<sup>25</sup>

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, 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.<sup>26</sup> The penalties range from probation/supervised release, to mandatory minimum sentences of not less than ten years or more, to life in prison. The mandatory minimum increases for factors such as whether death or serious bodily injury results, and whether there have been two or more prior convictions.<sup>27</sup>

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<sup>24</sup> 21 U.S.C. § 841(a)(1)-(2).

<sup>25</sup> 21 U.S.C § 844(a).

<sup>26</sup> See, e.g., U.S.S.G. §§ 2D1.1 to 2D3.2 (2018), [ussc.gov/guidelines/2018-guidelines-manual-annotated](https://www.ussc.gov/guidelines/2018-guidelines-manual-annotated).

<sup>27</sup> 21 U.S.C. § 841(b)(1); see also 21 U.S.C. § 844(a).