



**West Virginia School of Osteopathic Medicine
Annual Security Report
And
Fire Safety Report**

September 23, 2022



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Introduction

The West Virginia School of Osteopathic Medicine (“WVSOM”) has taken prudent steps to promote a safe and secure environment. The support of students and employees is key to making the WVSOM community safe and secure by accepting responsibility for each person’s individual 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 WVSOM be successful in achieving its goal. Please report any suspicious activity or crime immediately. Working together, WVSOM will be a safe and secure environment for the community.

Why WVSOM Reports

The Jeanne Clery Act, a consumer protection law, requires all institutions participating in student financial aid programs, under Title IV of the Higher Education Act of 1965, to disclose information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around university facilities. This information is made publicly accessible through WVSOM’s website and Annual Security and Fire Safety Report.

The Clery Act was named in memory of Jeanne Clery, a student at Lehigh University who was raped and murdered in her dorm room in 1986. Her attacker, whom Jeanne did not know prior to the attack, was also a student at the University. Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter’s name was enacted in 1990. The Clery Act requires colleges and universities to keep records and report on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security-related protocols for emergency response procedures, timely notifications for on-campus crimes and missing students, and fire incident reporting.

The Act is intended to provide current and future students, their families and university employees, as higher education consumers, with accurate, complete, and timely information about safety on campus so they can make informed decisions. Choosing an institution of higher learning is a major decision for students and their families. The issue of campus safety is a vital concern, which drives this nationwide law. In principle, the law requires colleges, universities, and graduate schools to collect, report, and disseminate crime information to the campus community with the goal of maintaining a safe environment for students to learn, faculty to teach, and staff and administrators to work by increasing the awareness of crimes committed on campus.



1. Overview of the Annual Security Report

1.1 Preparing the Annual Security Report

WVSOM's Institutional Compliance Officer, Assistant Dean for Student Affairs/Title IX Coordinator, Vice President for Finance and Facilities, and WVSOM Security Department jointly prepare the Annual Security Report ("ASR") to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act). These individuals, working in collaboration with relevant campus officials and law enforcement agencies, author the ASR based upon:

- Information collected by and solicited from local law enforcement (Lewisburg Police Department)
- Information collected by and solicited from WV State Police
- Information provided and maintained by the Campus Security Office
- Information collected from the daily crime log
- Information provided by the Office of Student Affairs
- Information gathered from Campus Security Authorities ("CSAs")
- Information gathered from the Family Refuge Center, and
- Institutional policies and procedures

The Annual Security Report ("ASR") includes statistics for crimes defined under the Clery Act which are reported for all on-campus buildings, public property adjacent to campus buildings, and off-campus property owned by WVSOM or used for WVSOM activity during the time in use.

The Assistant Dean for Student Affairs and Vice President for Human Resources provide the disciplinary statistics for the report concerning alcohol, drug, and weapon violations of the Campus Use and Restrictions Policy (WVSOM Institutional Policy PP-03), Drugs, Alcohol, Testing and Treatment Policy (WVSOM Institutional Policy GA-08), and the Student Handbook. The Assistant Dean for Student Affairs/Title IX Coordinator provides statistics regarding reported incidents of dating violence, domestic violence, sexual assault, and stalking incidents alleged to have occurred within Clery Geography.

The ASR is distributed annually, via email notification, to all students and employees providing the web link to the Annual Security Report; the ASR is made available in both printable and downloadable form via WVSOM's public website.

If information is unavailable from police, a notation will be made at the time of reporting if the information is not provided. A written request for statistical information is made to all Campus Security Authorities (as defined by federal law).

1.1.1 Crime Reporting Statistics Collection & Reporting

The Campus Security collect and report statistics for murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, domestic violence, dating violence, stalking, theft, simple assault, intimidation, and destruction of property when the victim is intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.



A) Clery Act Crime Definitions (including VAWA)

Crime Definitions

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

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

Robbery: The taking of anything of value from the control, custody, or care of another person by force or threat of force and/or by putting the victim in fear of immediate harm.

Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a dangerous weapon or displays it in a threatening manner or the victim suffers obvious severe or aggravated bodily injury, or where there was a risk for serious injury/intent to seriously injure.

Burglary: The unlawful entry into a building or some other structure to commit a felony or a theft.

Motor Vehicle Theft: The theft of a motor vehicle.

Arson: To unlawfully and intentionally damage or attempt to damage any real or personal property of another person or entity by fire or incendiary device.

Illegal Weapons Possession: 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.

Drug Law Violations: The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled substance.

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Sex Offenses

Rape: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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

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

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

Hate Crimes

WVSOM 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 (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

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 harm through the use of threatening words and/or other conduct 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 dangerous 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.

Other Offenses

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.

(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed

(1) By a current or former spouse or intimate partner of the victim.

(2) By a person with whom the victim shares a child in common.

(3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

(4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(5) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

(1) Fear for the person's safety or the safety of others; or

(2) Suffer substantial emotional distress.

(3) For the purpose of this definition, Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means



significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(4) Report the location as where a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking.

(5) Report any additional behaviors that meet the above definition of Stalking if they occur or continue to occur after an official intervention has been put in place, including, but not limited to, an institutional disciplinary action or the issuance of a no contact order, restraining order or any warning by the institution or a court.

B) West Virginia Code Crime Definitions

Domestic Violence: WVSOM has determined, based on good-faith research, that West Virginia law does not define the term Domestic Violence.

However, W. Va. Code § 61-2-28 does provide penalties for Domestic Violence. The following criminal acts are punishable under the Domestic Violence statute:

- Domestic battery - any unlawful and intentional physical contact of an insulting or provoking nature with his or her family or household member, or unlawfully and intentionally causing physical harm to his or her family or household member.
- Domestic assault - any unlawful attempts to commit a violent injury against his or her family or household member, or unlawfully committing an act that places his or her family or household member in reasonable apprehension of immediately receiving a violent injury.

Dating Violence: WVSOM has determined, based on good-faith research that West Virginia law does not define the term Dating Violence.

However, the definition of “family or household member” for Domestic Violence under W. Va. Code § 61-2-28 includes “persons who are or were dating: Provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship”. (See W. Va. Code § 48-27-204 (4))

Sexual Assault: WVSOM has determined, based on good-faith research, that West Virginia law does not define the term Sexual Assault.

However, W. Va. Code does provide penalties for the following sexual offenses:

- Sexual assault in the first degree - A person is guilty of sexual assault in the first degree when 1) the person engages in sexual intercourse or sexual intrusion with another without the person's consent, and the lack of consent results from forcible compulsion; or 2) the person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than twelve years old and is not married to that person. (§ 61-8B-3)
- Sexual assault in the second degree - A person is guilty of sexual assault in the second degree when 1) the person engages in sexual intercourse or sexual intrusion with another person and, in so doing inflicts serious bodily injury upon anyone; or employs a deadly weapon in the



- commission of the act; or 2) the person engages in sexual intercourse or sexual intrusion with another person who is physically helpless. (§ 61-8B-4)
- Sexual assault in the third degree - A person is guilty of sexual assault in the third degree when 1) the person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or 2) the person, being sixteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than sixteen years old and who is at least four years younger than the defendant and is not married to the defendant. (§ 61-8B-5)

Consent (in reference to sexual activity): WVSOM has determined, based on good-faith research, that West Virginia law does not define the term Consent.

However, W. Va. Code § 61-8B-2 does define Lack of Consent in reference to sexual activity.

- a) Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim.
- b) Lack of consent results from: 1) Forcible compulsion; 2) Incapacity to consent; or 3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
- c) A person is deemed incapable of consent when such person is: 1) Less than sixteen years old; 2) Mentally defective; 3) Mentally incapacitated; 4) Physically helpless; or 5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of this code.

Stalking: WVSOM has determined, based on good-faith research, that West Virginia law does not define the term Stalking.

However, W. Va. Code § 61-2-9a does provide penalties for Harassment.

- a) Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third person to so act, is guilty of a misdemeanor.
- b) Any person who harasses or repeatedly makes credible threats against another is guilty of a misdemeanor

1.1.2 Daily Crime Log

Campus Security maintains a Daily Crime Log of all incidents reported. This includes all crimes that occur on campus, in areas patrolled by campus security, in non-campus buildings or properties, and/or on public property running through or immediately adjacent to the campus.

The Daily Crime 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. The Campus Security 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.



1.2 Security and Access

WVSOM strives to make its facilities available to students, faculty, and staff so they may pursue their educational goals and missions. This availability requires a balance with security needs. It is not WVSOM's desire to lock down all its facilities, giving a military appearance to WVSOM. Buildings on campus are unlocked during the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. Buildings are locked on weekends and holidays. Locked buildings are accessible by prox cards which are issued to students and employees. For this reason, many academic and administrative buildings are accessible during all hours with appropriate clearance. Throughout the COVID-19 pandemic, WVSOM's campus has been closed to the public and buildings are locked, but are open to students, faculty, and staff via prox cards.

WVSOM's Campus Security proactively patrols the campus and surveillance cameras are placed around campus to record activity. There are nine emergency phones, identified by blue lights, located throughout campus which can summon emergency help quickly.

The Campus Security Office, Facilities Management, and others are committed to maintaining a safe environment by evaluating lighting, shrubs and bushes, and facility design. WVSOM encourages the reporting of any hazards or concerns by dialing 6203 on campus phones, or 304-647- 6203 on non-campus phones.

1.3 Law Enforcement and Jurisdiction; Authority to Arrest and Relationships

Campus Security for WVSOM is provided by the West Virginia State Police pursuant to authority given in West Virginia Code § 18B-4-5, a Memorandum of Understanding, and an Agreement for Contracted Police and/or Security Services. WVSOM security officers have the authority to make arrests on WVSOM owned, leased, or controlled property and on property immediately adjacent to WVSOM facilities. Campus Security is well-respected by all local, state, and federal law enforcement agencies and has developed very effective and cooperative working relationships with these agencies. Campus Security for WVSOM is charged with the responsibility for investigation, follow-up, apprehension, and resolution of any incident reported to it. For the department to achieve its mission, it is critical that all members of the community report crimes promptly and accurately.

The Campus Security, through news releases, brochures and publications, presentations, and one-on-one encounters encourage the accurate and prompt reporting of not only crimes on campus, but any suspicious activity or security breach that may be witnessed by the public.

The Campus Security believe in and practice Community-Based Policing. Community involvement and support are critical to its success. Information concerning security is provided to new employees during their orientation and to new students through orientation presentations. Information is also available in the Employee and Student Handbooks, telephone directories, and the WVSOM website.

1.4 Monitoring and Reporting of Criminal Activity

WVSOM does not currently have any recognized organizations which are housed off campus. Additionally, there are no WVSOM student organizations that own or control property as an organization. WVSOM organizations sponsoring off-campus events are subject to the applicable WVSOM Code of Conduct standards and any crimes reported during those events will be reported to the local police authorities.



2. Reporting

2.1 Accurate and Prompt Reporting

WVSOM is a member of the 911 Emergency Services Network. To report a crime in progress or an emergency, WVSOM Campus Security may be contacted by dialing 9-911 from any campus phone or for non-emergencies by dialing (304) 647-8911. To file a report in person, the security department is located across from the James R. Stookey Library in the Main Building, Room E126. Also, for student and employee safety, there are 9 emergency phones located across campus.

2.2 Reporting of Criminal Offenses

Pursuant to the Safety and Security section of the Employee Handbook, "WVSOM employees shall immediately report any suspicious person, behaviors, or circumstances to his/her supervisor or notify 911." Further, pursuant to the Emergency Guidelines in the Student Handbook, "Students should notify the Greenbrier County Emergency Dispatch Center of any emergency situation on WVSOM's campus." Crimes should be reported 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.

WVSOM's Emergency Response Plan includes a list of titles of persons or offices to which students and other members of the community should report crimes for the purposes of making timely warning reports in the annual statistical disclosure. The Emergency Response Plan may be viewed at <https://www.wvsom.edu/safety/emergency-response-manual>.

On Campus Emergency Contact Numbers

Campus Emergency Number	9-911
WVSOM Security (Office)	Ext. 6219
(Cell)	304-647-8911
WVSOM Phone Operator	Ext. 0
Maintenance Service	Ext. 6203

Off Campus Emergency Contact Numbers

Greenbrier County Emergency Services	304-645-5444
W.V. State Police, Lewisburg	304-647-7600
Greenbrier County Sheriff	304-647-6634
Lewisburg City Police	304-645-1626

2.3 Voluntary Confidential Reporting

WVSOM must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including conduct of any investigation, hearing, or judicial proceeding arising thereunder. <https://www.wvsom.edu/policies/ga-14>



Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure that the institution meets its obligations under Title IX. The institution may be limited in its response and investigation if confidentiality is requested. <https://www.wvsom.edu/title-ix>

During the investigation process, and in accordance with existing policies and laws, WVSOM will make every reasonable effort to protect the privacy of all parties involved in the investigation, and to keep the information confidential to the extent required by law. However, WVSOM cannot guarantee that any or all of the information will remain confidential. <https://www.wvsom.edu/title-ix>

2.4 Procedures for Confidential Reporting

WVSOM does not have reporting procedures that encourage pastoral and professional counselors, if and when it is deemed appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

3. Timely Warnings

In the event a Clery crime (murder, manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, hate crimes, domestic violence, dating violence, and stalking) has occurred within Clery geography and constitutes a serious or ongoing threat to students and employees, a timely warning will be written and issued by the Vice President for Finance and Facilities or designee. The Vice President for Finance and Facilities, or a designee, writes the Crime Alerts to the WVSOM campus. The alerts are immediately distributed to the WVSOM community using blast email and text systems, unless there is a request by law enforcement to delay notification.

Crime notices are distributed for the Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: criminal homicide and robbery. Instances of arson will be assessed on a case-by-case basis and a warning will be issued if there is an on-going serious threat to the community. Aggravated assaults and sex offenses are considered on a case-by-case basis depending on the facts of the case and the information known by the WVSOM Security.

Complainants of Clery crimes should be aware that WVSOM's administrators must issue timely warnings to the school community for incidents reported to them that pose an ongoing or continuing threat to members of the WVSOM community. No such warning will identify a complainant or contain information that could do so unless permitted by the complainant.

4. Emergency Notification and Evacuation

4.1 Emergency Planning, Response, and Evacuation

WVSOM realizes that an emergency typically occurs with very little notice. Therefore, a defined approach to responding to an emergency may vary depending on the specific conditions at the time of the emergency. It is also possible that an emergency may occur that has not been identified in this plan.

WVSOM has developed its Emergency Response Manual that complies with the National Incident Management System and provides facility-specific planning assistance. All community members are



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encouraged to become familiar with their building plans and campus plan. The Emergency Response Plan may be viewed at <https://www.wvsom.edu/safety/emergency-response-manual>.

Upon confirmation that there is a significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees, the situation is communicated to the campus public safety officer at 304-647-8911 or 9-911 who immediately responds to the call. Notifications are immediately made to the Vice President for Finance and Facilities, the Campus Safety Officer, and Director of Facilities who make further notifications as needed. Depending on the type of situation, assessment will be made by the public safety officer, Campus Safety Officer, Director of Facilities, or Vice President for Finance and Facilities.

If officials order evacuation of the campus, individuals should leave as soon as possible. In the event of severe weather conditions, 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 students and employees should give themselves plenty of time.

If a fire occurs in a WVSOM building, occupants 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. The nearest stairwell and/or exit should be used 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.

When a fire alarm is activated, the elevators will recall to the first floor in all buildings. Occupants should use the stairs to evacuate the building. If caught in an elevator, push the emergency phone button. The emergency phones in elevators on campus will ring to the Greenbrier County E- 911 Communications Center. WVSOM follows up with emails after a fire alarm is used.

WVSOM regularly tests its emergency response procedures. A log is maintained of each test conducted of the emergency response procedures. The WVSOM Campus Safety Officer performs tests of fire safety systems throughout the year along with conducting drills. These include, but are not limited to the fire suppression systems and fire alarm systems in every building. Fire drills are conducted in every building along with chemical spill drills, and hazardous waste contamination drills in specific areas. These drills include the City of Lewisburg's fire department.

4.2 Emergency Notification

WVSOM Alert, text messages, and email are the delivery methods of the WVSOM Emergency Notification System. The WVSOM Alert system allows WVSOM to quickly communicate health and safety-related information through a combination of various communication methods. In the event that information needs to be communicated to students and employees immediately, WVSOM will use several information delivery methods to make sure the pertinent information reaches them.

WVSOM Alert will be used solely for the purpose of alerting the WVSOM community in an emergency. These emergency notices can be delivered via phone calls, text messages to mobile devices, and email. All



students, faculty and staff can manage their own contact information and choose the contact method(s) that they prefer (<https://www.wvsom.edu/safety/alert-system>).

Emergency notifications will be limited to those concerning health and safety concerns for WVSOM students, faculty or staff; or disruption of normal school functions due to severe weather, crime, or other concerns. Taking into account safety of community, the Vice President for Finance and Facilities, without delay, will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. These notices are also limited to situations or events within the boundaries of the WVSOM campus in Lewisburg, WV.

If an emergency occurs, the emergency management operations team, in consultation with the senior administration will determine the need for a WVSOM Alert message. The system allows segmentation by administration, class, faculty, and staff, depending on the emergency. Unless the emergency affects only one segment of the campus population, messages are sent to all students and employees.

The Emergency Notification System will communicate and dispense important information for:

- situations threatening the safety and security of our campus
- campus closures due to emergency situations threatening the safety and security of campus
- class cancellations due to severe weather <https://www.wvsom.edu/safety/alert-system>

5. General Prevention and Awareness Programs

5.1 Security Awareness Programs

The mission of the WVSOM campus security department is to provide a safe and secure environment for everyone at WVSOM. Orientation sessions for students and employees include information on safe and positive options for bystander intervention and the Title IX Coordinator is trained on Green Dot and such strategies are used in orientation sessions for students. Additionally, the Title IX Coordinator distributes informational emails to students and employees in conjunction with Stalking Awareness Month, Dating Violence Awareness Month, Sexual Assault Awareness Month, Red Zone/Consent Bystander Intervention, Domestic Violence Awareness Month, Risk Reduction, and Reporting.

WVSOM has taken prudent steps to promote a safe and secure environment that is compatible with the WVSOM community's academic and co-curricular pursuits. The support of students and employees is essential to making the WVSOM community safe and secure by accepting responsibility for his or her 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 WVSOM be successful in achieving its goal. Students and employees are encouraged to help by not taking unnecessary risks, by locking doors and securing the facilities when leaving, and reporting any suspicious activity or crime immediately. Working together, WVSOM can be a more safe and secure environment for the community.



5.2 Crime Prevention Programs

WVSOM does not currently offer programs designed to inform students and employees about crime prevention.

6. Drug, Alcohol, and Substance Abuse

6.1 Alcohol and Drugs

In compliance with the Federal Drug Free Schools and Communities Act, WVSOM Institutional Policy GA-08, Drugs, Alcohol, Testing and Treatment and WVSOM's Drug Awareness and Prevention Program, prohibit the manufacture, possession, use, sale, trading, distribution, receipt or transportation of a prohibitive substance (as defined by policy) during an educational activity or at any time, whether on or off campus or being under the influence of a Prohibited Substance during an educational activity or at any time. Alcoholic Beverages may be distributed or consumed in campus locations as expressly authorized in advance by the President of WVSOM. Positive actions shall be taken to ensure that no persons under age 21 are served alcoholic beverages. <https://www.wvsom.edu/policies/ga-08>

6.2 WVSOM Sanctions

Any student or employee found to have participated in a Prohibited Activity is subject to administrative action, up to and including dismissal from WVSOM or termination of employment, respectively. Administrative action may include, but is not limited to, monitoring of the student or employee, requiring the student or employee to submit to additional Drug Tests, and requiring the student or employee to undergo a substance abuse treatment program approved by the Vice President of Human Resources or the Vice President for Academic Affairs and Dean, respectively. The cost of any required additional Drug Tests or substance abuse treatment program shall be the responsibility of the student or employee and shall not in any way be borne by WVSOM.

6.3 Legal Sanctions and Penalties for Drug and Alcohol Violations

Local, state, and federal laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of illicit drugs and alcohol. Federal Trafficking Penalties include substantial fines and imprisonment up to life. The most recent and complete federal penalties information is available at the U. S. Drug Enforcement Administration <https://www.dea.gov>.

West Virginia law provides penalties dependent upon the classification of the controlled substance, the particular activity, and whether multiple convictions are involved. West Virginia Code § 60A-4-401 contains penalties for prohibited acts involving scheduled substances. The most recent and complete West Virginia Penalties are available at the website of the West Virginia Legislature at <http://www.legis.state.wv.us>.

6.4 Drug-Free Workplace Policy

WVSOM recognizes the importance of a safe, healthy, and efficient work and educational environment. Being under the influence of any illegal drug or alcohol on campus or at institution sponsored functions poses serious risks to a person's health and safety, and jeopardizes the public trust that has been placed in the institution. In recognition of the serious effects of alcohol and drug abuse on the safety, health, and performance of individuals, this program provides standards of conduct and clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the property of the institution. This program will meet legal requirements to provide a "drug-free workplace".



WVSOM recognizes its students and employees as adults and expects them to obey all applicable laws and to take personal responsibility for their conduct. This program applies to the entire college community, including faculty, staff, administrators, students, contractors, subcontractors, volunteers, service providers, and visitors. The program is located on the WVSOM website located at <https://www.wvsom.edu/about/heoa-disclosures/drug-awareness> under Maintaining a Drug Free Workplace.

7. Sexual Assault, Domestic Violence, Dating Violence, & Stalking

7.1 Prevention

Sexual assault, domestic violence, dating violence, and stalking are prohibited by WVSOM. The administration offers educational programs to prevent such incidents and training to properly handle them should they occur. <https://www.wvsom.edu/title-ix>

As noted in Institutional Policy GA-14, section 24, WVSOM has educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking. The policy states:

“WVSOM has educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.”

7.1.1 Initial Prevention Programs

WVSOM conducts primary prevention and awareness programs for all incoming students and new employees.

Orientation is conducted on an annual basis for all students starting year 1, year 2 and year 3, as well as for all new WVSOM employees. Presentations (year 1, year 2 and year 3 students) and a WVSOM-produced video (year 1 and year 2 students and employees) include statements that WVSOM prohibits dating violence, domestic violence, sexual assault, and stalking. WVSOM Institutional Policy GA-14 also includes a statement that prohibits sexual harassment (Section 9.1). New employees are provided an overview and information concerning WVSOM Institutional Policy GA-14. Additionally, the prohibition of dating violence, domestic violence, sexual assault, stalking, sexual harassment, and bystander intervention are addressed in annual Title IX and employee compliance training. These terms are defined in WVSOM Institutional Policy GA-14, Section 4 (<https://www.wvsom.edu/policies/ga-14>) as follows:

“Consent” means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity.

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not



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limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

“Domestic violence” means a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

“Sexual Assault” means an offense classified as a sex offense under the uniform crime reporting system of the FBI (<https://www.fbi.gov/file-repository/ucr/ucr-2019-1-nibrs-user-manual.pdf/view>). The following offenses are classified as sex offenses:

- Rape (except statutory rape): The carnal knowledge of a person, 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 or physical incapacity.
- Sodomy: Oral or anal sexual intercourse with another person, 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 or physical incapacity.
- Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical 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.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.



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- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

These definitions are also included in a live classroom presentation that occurs during Orientation for both year 1 and year 2 students.

All student orientation sessions and the video (which is part of student orientation sessions and new employee orientation) include a description of safe and positive options for bystander intervention as well as “things you can do to avoid sexual assault” and “things you can do to reduce the risk of being assaulted”. The Title IX Coordinator has been trained on Green Dot, an evidence-based bystander intervention program, the aim of which is to stop violence before it occurs. Theory, resources, and tools from the Green Dot curriculum are used during the Orientation presentations with year 1 and year 2 students.

During a session on bystander intervention that occurs during Year 1 Orientation and is reprised during Year 2 Orientation, students are informed of three options for safe and positive intervention, should they anticipate or see an act of violence. These options are introduced as “The 3Ds” (for Direct, Distract and Delegate), so that students can easily recall each of them in what is likely to be a highly stressful situation. In using the Direct option, students think through options they can say in speaking to the potential victim or perpetrator in that moment to disrupt the course of action. For example, “Hey, this party is getting really old, let’s go check out one that my buddy is having tonight,” or “You’re not looking so good; let’s go outside for some air”. In Distract, students imagine what they might do to cause a shift in attention. For example, one might spill a drink or inform the potential perpetrator that he or she thinks their car may be getting towed. In Delegate, students are encouraged to inform someone with the authority to address the situation, such as a bar tender, bouncer, or law enforcement, that there may be an issue. Through the use of case studies, students are able to generate a response to various scenarios using each of the 3D options. This practice allows them to think through what each response would ideally look like before they get into a situation in which a response will be required. In a critical moment, their practiced response will hopefully occur automatically.

Orientation sessions, Power Point slides, and the video for year 1 and year 2 students also include information on risk reduction which is defined, according to 34 CFR 668.46 (j)(2)(v) as, “the options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.”. These presentations include safety tips for all students, along with discussion of and case studies exploring consent as well as a discussion of barriers to effective implementation of bystander intervention, “things you can do to avoid sexual assault,” “things you can do to avoid the risk of being assaulted,” and brainstorming and practice on how those barriers could be effectively addressed. New employees are provided an overview and information concerning WVSOM Institutional Policy GA-14. Additionally, the prohibition of dating violence, sexual assault,



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stalking, sexual harassment, and bystander intervention are addressed in annual Title IX and employee compliance training.

All orientation sessions, the video, and the policy also address the procedures to be followed when WVSOM receives notice. These procedures are covered in WVSOM Institutional Policy GA-14, Section 12, Grievance Process.

All orientation sessions, the video and the policy discuss rights within disciplinary proceedings. These rights are covered in WVSOM Institutional Policy GA-14, Section 17, Hearings.

7.1.2 Ongoing Prevention Programs

WVSOM also has ongoing prevention and awareness campaigns for all students and employees. Each year, the Title IX Coordinator develops an informational email for each of the three main awareness months for Domestic/Dating Violence (October), Stalking (January) and Sexual Assault (April) as well as the Red Zone (Orientation – Thanksgiving Break). The goals of these informational campaigns are to increase knowledge about these prohibited behaviors and share resources for addressing them including those that are confidential (ASPIRE, Family Refuge Center and National Hotlines) and those that result in an investigation (Title IX Coordinator and Law Enforcement).

7.2 Procedures for Victims

If sexual misconduct occurs, it is the victim's decision regarding how, when, and to whom s/he would like to report. For issues related to sexual assault, domestic violence, dating violence and stalking, WVSOM has outlined response procedures a victim should follow. Victims are provided a copy of WVSOM Institutional Policy GA-14 and a copy of the Resources, Rights, and Options document which includes information on procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking should occur. These may be found at the WVSOM Title IX webpage at: <https://www.wvsom.edu/title-ix> and <https://www.wvsom.edu/policies/ga-14>.

7.2.1 Reporting Sexual Harassment

A) Reporting to WVSOM

To make a report for investigation on campus, contact the Title IX Coordinator. The Title IX Coordinator can also assist students and employees in accessing the accommodations listed below, regardless of where they choose to report. The Procedure for WVSOM Institutional Policy GA-14, at Section 8, articulates how and to whom an issue with domestic/dating violence, stalking or sexual assault should be reported:

8.1 Formal complaints of sexual harassment or allegations of sexual harassment must be filed with the Title IX Coordinator. Individuals wishing to file a formal complaint are encouraged to complete a Sexual Harassment Complaint Form, which may be obtained from the Office of Student Affairs, the Office of Human Resources, or on the WVSOM website. If requested, the Title IX coordinator shall provide assistance in completing the form.

8.2 Formal complaints should be submitted to the Title IX Coordinator as soon as possible after the incident. If a formal complaint is against the Title IX Coordinator, Vice President for Academic Affairs/Dean, President, or Chair of the WVSOM Board of Governors, then the formal complaint



shall be submitted to the appropriate administrator specified in Section 6.1 above, who will immediately designate investigators to begin an investigation consistent with these grievance procedures.

B) Reporting to Law Enforcement

Students and employees may choose to report to law enforcement for investigation, or they can decline to notify law enforcement. The Title IX investigators can assist students and employees in contacting law enforcement. Campus Security is provided by the West Virginia State Police. A report may be made to:

West Virginia State Police
381 Greenbrier Road
Lewisburg, WV 24901
(304)-647-7600

Copies of any orders of protection, no contact orders, restraining orders or similar lawful orders issued by a criminal, civil, or tribal court should be provided to the Title IX Coordinator and WVSOM Campus Security which is provided by the West Virginia State Police.

7.2.2 Preserving Evidence

In the event of a sexual assault, if possible, victims should not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. Save items the individual was wearing, sheets, or towels in a paper bag. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of sexual assault, dating violence, domestic violence, or stalking. The year 1 and year 2 Orientation sessions also include a discussion of the importance of preserving evidence. The Resources, Rights, and Options page which is provided to victims includes this information. <https://www.wvsom.edu/title-ix/written-notification-checklist>

Having a forensic exam does not require a police report, but a forensic exam can help preserve evidence. Such evidence may be useful in obtaining a protection order or in proceeding with a criminal investigation should an individual choose to do so.

Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy.

Victims are often concerned about how the costs of a sexual assault forensic examination will be covered. The West Virginia Forensic Medical Examination Fund was established by the state legislature (W. Va. § 61-8B-16) to pay for "all reasonable and customary costs of a forensic medical examination." No payment from the fund is provided for non-forensic procedures or treatment—therefore, victims will most likely be responsible for any medical treatment, either through private pay or private insurance. Victims who report the assault to law enforcement within 72 hours (unless just cause exists) can apply to the West Virginia Crime Victims Compensation Fund for reimbursement of out-of-pocket medical costs. Victims may contact the Greenbrier Valley Medical Center (304-647-4411) to obtain a sexual assault forensic examination.



7.2.3 Victim Confidentiality

WVSOM Institutional Policy GA-14 and its Procedure outlines procedures with regard to victim confidentiality.

All publicly available record-keeping (e.g., timely warnings, daily crime log) will be maintained in accordance with WVSOM Institutional Policy ST-02: Privacy Rights of Students. This policy affirms WVSOM's adherence to the Family Educational Rights and Privacy Act of 1974, as amended, and students' rights including, but not limited to: confidentiality of communication; respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters; confidentiality of academic and disciplinary records; and legitimate evaluations made from student records.

As noted in WVSOM Institutional Policy GA-14, Section 21.1.3 and the accompanying procedure at Section 17, "WVSOM must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including conduct of any investigation, hearing, or judicial proceeding arising thereunder".

Further, as noted in WVSOM Institutional Policy GA-14, Section 4.9, "WVSOM must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of WVSOM to provide the supportive measures."

7.2.4 Supportive Measures

WVSOM will provide supportive measures upon notice of an alleged issue. As noted in WVSOM Institutional Policy GA-14, Section 9.6, "The Title IX Coordinator, or other applicable administrator listed in Section 9.4 above or his/her designee, shall promptly contact the complainant to:

- 9.6.1 Discuss the availability of supportive measures;
- 9.6.2 Consider the complainant's wishes with respect to supportive measures;
- 9.6.3 Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- 9.6.4 Explain to the complainant the process for filing a formal complaint."

As noted in the Procedure for WVSOM Institutional Policy GA-14, Section 6.4, "Supportive measures, as defined in WVSOM Institutional Policy GA-14, Section 4.9, are designed to restore or preserve equal access to WVSOM's education program or activity."

- 6.4.1 The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator shall implement initial supportive measures upon actual knowledge of sexual harassment that falls under the scope of Institutional Policy GA-14. Supportive measures are available to complainants and respondents.



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6.4.2 Supportive measures are intended to address the short-term effects of sexual harassment, i.e., to redress harm to the alleged victim and the community and to attempt to prevent further violations. Supportive measures may include, but are not limited to:

- Referral to counseling and health services;
- Education to the WVSOM community;
- Altering work arrangements for employees;
- Increased security and monitoring of certain areas of campus;
- Implementing contact limitations between the parties, including mutual no contact;
- Offering adjustments to academic deadlines, course schedules, leaves of absence, etc.”

Supportive measures are defined in Institutional Policy GA-14 as “...non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to WVSOM’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or WVSOM’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. WVSOM must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of WVSOM to provide the supportive measures.”

WVSOM will provide to victims written notification about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

7.2.5 Campus Title IX Resources

A written explanation of a victim’s rights and options is provided when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus.

WVSOM Title IX Coordinator

Rebecca Morrow, PhD, Assistant Dean for Student Affairs

Campus Office Address: B Building, Room 217-A

Email Address: rmorrow@osteo.wvsom.edu

Office Telephone Number: 304-793-6591

WVSOM Institutional Policy GA-14: Title IX, Sexual Harassment, and Discrimination

<https://www.wvsom.edu/policies/ga-14>

WVSOM Title IX Webpages

<https://www.wvsom.edu/title-ix>



Within the Institution – Resources for Students

Counseling & Mental Health

ASPIRE

4th Floor, Quad Suite 420

Ginger Conley, Julianna Quick & Kelley Sills, Licensed Professional Counselors/Learning Specialists

ASPIRE@osteo.WVSOM.edu

304-647-6324 (office line) 304-520-5856 (after hours crisis line)

Student Financial Aid

B Building, Rooms B223 & B224

Lisa Spencer, Director of Financial Aid

lspencer@osteo.wvsom.edu

304-647-6369

Deborah Montgomery, Associate Director

dmontgomery@osteo.wvsom.edu

304-647-6231

Within the Community – Resources for Students & Employees

Counseling & Mental Health

Seneca Health Services, Inc.

804 Industrial Park Road, Maxwelton, WV 24957

<https://shsinc.org/>

304-497-0500

Health

Robert C. Byrd Clinic

1464 Jefferson Street North, Lewisburg, WV 24901

<https://www.rcbclinic.com/>

304-645-3220

Greenbrier Valley Medical Center

1320 Maplewood Avenue, Ronceverte, WV 24970

<https://www.gvmc.com/>

304-647-4411

Victim Advocacy

Family Refuge Center

540 North Jefferson Street, Lewisburg, WV 24901

<https://www.familyrefugecenter.org/>

304-645-6334

National Domestic Violence Hotline 800-799-7233

National Sexual Assault Hotline 800-656-HOPE (4673)



Legal Assistance & Visa and Immigration Assistance

Legal Aid of WV

125 Green Lane, Lewisburg, WV 24901

<https://www.lawv.net/>

304-645-3131

Other Services Available for Victims

Please see the complete list of resources available on the WVSOM website at:

<https://www.wvsom.edu/students/health-resources>

7.3 Administrative Procedures

WVSOM Institutional Policy GA-14 explains the procedures that are used to determine whether a violation of the policy took place. The process is conducted by Title IX Coordinators, investigators, and decision makers who receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, as addressed in WVSOM Institutional Policy GA-14, Section 12.3.1. In 2020, this annual training was provided by the SUNY Student Conduct Institute (SUNY SCI), with those involved in the process either completing eight hours of training either through Live@Distance online scheduled trainings with a live trainer over Zoom or through the completion of pre-recorded content through the SUNY SCI online training platform.

7.3.1 Grievance Process

Institutional Policy GA-14-8 notes “Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.”

Institutional Policy GA-14-12.5 provides that WVSOM’s grievance process shall: “Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

In response to a formal complaint, WVSOM shall follow a grievance process that complies with the Title IX regulations, § 106.45 as set out in WVSOM Institutional Policy GA-14.

Section 16 Investigation of a Formal Complaint. When investigating a formal complaint and throughout the grievance process, WVSOM must:



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16.1 Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on WVSOM and not on the parties, provided that WVSOM cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless WVSOM obtains that party's voluntary, written consent to do so for a grievance process under Section 7 above (if a party is not an "eligible student" as defined in 34 C.F.R. § 99.3, then WVSOM must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. § 99.3).

16.2 Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

16.3 Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

16.4 Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, WVSOM may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

16.5 Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

16.6 Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which WVSOM does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

16.6.1 Prior to completion of the investigative report, WVSOM must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

16.6.2 WVSOM must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.



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16.7 Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Section 17 Hearings.

17.1 WVSOM's grievance process must provide for a live hearing.

17.2 At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

17.2.1 Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of WVSOM under Section 16.4 above to otherwise restrict the extent to which advisors may participate in the proceedings.

17.2.2 Only relevant cross-examination and other questions may be asked of a party or witness.

17.2.3 Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

17.2.4 If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

17.3 At the request of either party, WVSOM must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

17.4 If a party does not have an advisor present at the live hearing, WVSOM must provide without fee or charge to that party, an advisor of WVSOM's choice to conduct cross-examination on behalf of that party.

17.5 Questions and evidence about the complainant's sexual predisposition or prior sexual behavior is not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.



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17.6 Live hearings may be conducted with all parties physically present in the same geographic location or, at WVSOM's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

17.7 WVSOM must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Section 18 Determination Regarding Responsibility

18.1 The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility.

18.2 To reach a determination, WVSOM must apply the preponderance of the evidence standard.

18.3 The written determination must include the following:

18.3.1 Identification of the allegations potentially constituting sexual harassment as defined in Section 4.8 above;

18.3.2 A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

18.3.3 Findings of fact supporting the determination;

18.3.4 Conclusions regarding the application of WVSOM's code of conduct, handbooks, and/or policies and procedures to the facts;

18.3.5 A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions WVSOM imposes on the respondent consistent with Section 18.4 below, and whether remedies designed to restore or preserve equal access to WVSOM's education program or activity will be provided by WVSOM to the complainant; and

18.3.6 WVSOM's procedures and permissible bases for the complainant and respondent to appeal.

7.3.2 Timeframe for Resolution

As noted in WVSOM Institutional Policy GA-14, Section 12.5, WVSOM's grievance process shall, "include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a



party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.”.

7.3.3 Sanctions

WVSOM Institutional Policy GA-14 explains the disciplinary sanctions that may be imposed upon those found responsible for a violation of the policy. Section 18.4 lists all possible sanctions for violations of WVSOM Institutional Policy GA-14:

18.4 Sanctions may be imposed upon any person under WVSOM's jurisdiction who is found to have violated this policy. Any employee or student who is found to have violated this policy will be subject to administrative action, up to and including termination of employment or dismissal from WVSOM, as applicable.

18.4.1 Typical student sanctions that may be imposed singly or in combination include, but are not limited to the following (as defined in Institutional Policy ST-01):

- a. Admonition
- b. Warning
- c. Disciplinary Probation
- d. Restitution
- e. Suspension
- f. Expulsion

18.4.2 Typical employee sanctions that may be imposed singly or in combination include, but are not limited to the following (as defined in the Employee Handbook):

- a. Discussion
- b. Verbal Warning
- c. Written Warning
- d. Suspension
- e. Termination of Employment

18.4.3 Any person found responsible for violating the Sexual Harassment prohibitions in this policy will likely face a sanction ranging from an admonition/discussion to expulsion/termination of employment, depending on the severity of the incident, and taking into account any previous disciplinary violations.

18.4.4 The range of sanctions may be broadened or lessened in the case of serious mitigating circumstances or egregiously offensive behavior. WVSOM will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

7.4 Written Notification

WVSOM Institutional Policy GA-14 provides for notification throughout the grievance process.

Section 12.5 WVSOM aims to bring all allegations to a resolution within reasonably prompt time frames, with a process that allows for temporary delays and the limited extension of time for good cause with written notice to the complainant and the respondent.

Section 13.1 Upon receipt of a formal complaint, provide to the parties who are known written notice of WVSOM's grievance process and a detailed account of the allegations of sexual harassment.



Section 14.3 Upon a dismissal of the complaint, WVSOM must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Section 16.5 Provide to a party who is expected to participate in the investigation, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Section 18 Upon completion of the investigation, the Title IX Coordinator shall provide a written report of investigation, which will set forth the final determination of the complaint on the basis of a preponderance of the evidence. Parties will be notified simultaneously and in writing of the disposition of the complaint and the process for appeal.

Section 19.2.1 For all appeals, WVSOM must notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

Section 19.2.6 Once an appeal is completed, the parties will be notified, simultaneously, of the final determination and any changes that result.

7.5 Appeal

The Procedure for WVSOM Institutional Policy GA-14, Section 12 provides for the steps in the appeal process.

12.1 Both parties may appeal WVSOM's dismissal of a formal complaint or any allegations therein and the Decision-Making Panel's written determination regarding responsibility.

12.2 Appeals may only be considered on the following bases:

12.2.1 A procedural irregularity that affected the outcome of the matter;

12.2.2 New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

12.2.3 The Title IX Coordinator, investigator(s), or a member of the Decision-Making Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

12.3 The party requesting the appeal has the burden of proving the error, as the Decision-Making Panel's written determination regarding responsibility is presumed to have been decided reasonably and appropriately.

12.4 A party wishing to appeal under Section 12.1 above must submit a written, signed appeal to the President of WVSOM ("Appeals Officer") within five (5) business days of receiving the dismissal or the written determination regarding responsibility, as applicable. If the complaint is against the President, the party wishing to appeal must submit the written, signed appeal to the Chair of the WVSOM Board of Governors, who will immediately designate a person to assume the duties of Appeals Officer. The appeal must either be hand-delivered or emailed in pdf format to the Appeals Officer or designee.



- 12.5 When an appeal is filed, the Appeals Officer or designee must:
- 12.5.1 Notify the other party in writing of the appeal;
 - 12.5.2 Provide a copy of the written appeal to that party; and
 - 12.5.3 Provide that party an opportunity to respond in writing to the appeal. For a response to be considered, the response must be:
 - a. In writing, signed by the responding party;
 - b. Hand-delivered or emailed in pdf format to the Appeals Officer or designee; and
 - c. Received by the Appeals Officer or designee within five (5) business days of the responding party's receipt of the written appeal.
- 12.6 The Appeals Officer will then review all appeals and responses to determine if the appeal request meets the limited grounds set forth in Section 12.2 above and is timely as required by Section 12.4 above.
- 12.6.1 If the appeal does not meet the limited grounds or is untimely, the Appeals Officer will dismiss the appeal. In such case, the Decision-Making Panel's written determination regarding responsibility will stand and the decision is final.
 - 12.6.2 If the appeal does meet the limited grounds and is timely, the Appeals Officer will consider the appeal.
- 12.7 Within ten (10) business days of the deadline for submitting a response to the Appeals Officer, the Appeals Officer will simultaneously provide to both parties a written Memorandum of Decision describing the result of the appeal and the rationale for the result.
- 12.7.1 If the Appeals Officer determines that a procedural irregularity affected the outcome of the matter, the Appeals Officer shall return the matter to the Decision-Making Panel to correct the irregularity. Correcting the irregularity may require a new investigation, a new hearing, or other steps as the Appeals Officer deems appropriate. In any such case, the Decision-Making Panel shall issue a new written determination regarding responsibility.
 - 12.7.2 If the Appeals Officer determines that new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter, the Appeals Officer shall return the matter to the original investigators or the Decision-Making Panel, as the Appeals Officer deems appropriate, to reconsider in light of the new evidence only. Consideration of the new evidence may require a new investigation, a new hearing, or other steps as the Appeals Officer deems appropriate. In any such case, the Decision-Making Panel shall issue a new written determination regarding responsibility.
 - 12.7.3 If the Appeals Officer determines that the Title IX Coordinator, investigator(s), or a member of the Decision-Making Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, then the Appeals Officer may order a new investigation on the complaint with new investigators, a new hearing with a new member or members of the



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Decision-Making Panel, or other steps as the Appeals Officer deems appropriate. In any such case, the Decision-Making Panel shall issue a new written determination regarding responsibility.

12.8 As to all appeals, the Appeals Officer or designee must:

12.8.1 Apply the appeals procedures set forth in these grievance procedures equally for both parties;

12.8.2 Comply with the conflict of interest/bias and training standards set forth in WVSOM Institutional Policy GA-14, Section 12.3;

12.8.3 Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Decision-Making Panel;

8. Other Sex Offense Policy Areas

8.1 Registered Sex Offenders

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

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

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

8.2 Disclosure of Results of Disciplinary Proceedings

WVSOM will, upon written request, disclose to the alleged victim of a crime of violence (as defined in Section 16 of Title 18, United States Code), or any non-forcible sex offense, the report on the results of any campus disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the alleged victim for the purpose of this policy.



9. Missing Students

WVSOM does not have on-campus student housing facilities.

10. Counting Clery Act Crimes

The Clery Act requires that institutions of higher education must include four distinct categories of crime in their ASR crime data. Please note: WVSOM does not have on-campus student housing facilities. These categories are as follows:

Criminal Offenses

- Murder/Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Liquor Law Arrests
- Liquor Law Referrals for Disciplinary Action
- Drug Law Arrests
- Drug Law Referrals for Disciplinary Action
- Weapons: Carrying, Possessing, etc. Arrests
- Weapons: Carrying, Possessing, etc. Referrals for Disciplinary Action

Hate Crimes

- Murder/Non-negligent Manslaughter
- Sex Offenses
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property
- Larceny-theft



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VAWA Offenses

- Dating violence
- Domestic violence
- Stalking

January 1, 2019 to December 31, 2021		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
RAPE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
FONDLING	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
INCEST	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
STATUTORY RAPE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ROBBERY	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
AGGRAVATED ASSAULT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
BURGLARY	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
MOTOR VEHICLE THEFT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ARSON	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DOMESTIC VIOLENCE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DATING VIOLENCE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0



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January 1, 2019 to December 31, 2021		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
STALKING	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSION, ETC	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2021	0	0	0
	2020	0	0	0
	2019	0	0	0

HATE CRIMES				
January 1, 2019 to December 31, 2021		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
RAPE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
FONDLING	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
INCEST	2021	0	0	0
	2020	0	0	0
	2019	0	0	0



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HATE CRIMES				
January 1, 2019 to December 31, 2021		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
STATUTORY RAPE	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ROBBERY	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
AGGRAVATED ASSAULT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
BURGLARY	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
MOTOR VEHICLE THEFT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
ARSON	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
SIMPLE ASSAULT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
INTIMIDATION	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
LARCENY-THEFT	2021	0	0	0
	2020	0	0	0
	2019	0	0	0

UNFOUNDED CRIMES				
January 1, 2019 to December 31, 2021		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
UNFOUNDED CRIMES	2021	0	0	0
	2020	0	0	0
	2019	0	0	0
Total		0	0	0



11. Fire Safety Report and Statistics

11.1 Overview

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

11.2 General Statement

WVSOM is committed to providing a fire safe environment for its faculty, staff, students, and visitors and to protecting the property through an effective fire prevention, protection and response program. All WVSOM buildings 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.

11.3 Training

WVSOM students and employees receive comprehensive hands on fire safety training at the beginning of each academic year by the WVSOM Office of Campus Safety. The emergency evacuation procedures used are outlined in the Emergency Response Manual. The emergency evacuation procedures are as follows:

1. If a Fire is detected a student or employee should:
 - a) Pull nearest Campus Fire Alarm and evacuate the facility.
 - b) Call the fire department immediately following evacuation.
 - **Campus Phones.....dial, 911**
 - **Cellular Phonesdial, 911**
 - **Campus Wide Emergency Phones: Blue Light**
(These phones automatically dial **911** when button is depressed)
 - c) Give name, nature of fire or smoke and exact location.

2. Evacuation
 - a) Know two ways out – see Evacuation Route Maps.
 - b) If in doubt, evacuate – **Get Out**
 - c) Do not use elevators.
 - d) Assist the handicapped.
 - e) Close doors when leaving.
 - f) In the event of an evacuation, all employees will assemble as soon as practical in the designated assembly areas. (*see page 1 for designated Assembly Points*).
 - g) Ensure all disabled personnel are evacuated and accounted for.
 - h) Once all employees have congregated at the meeting place, there will be an accounting of employees, to ensure everyone has been evacuated.
 - i) If someone is missing, do not attempt to reenter the building. Notify the firefighters or emergency personnel at the scene, and describe where the person was last seen.
 - j) **DO NOT RE-ENTER THE BUILDING FOR ANY REASON**, unless emergency personnel have given the **“ALL CLEAR”** signal.
 - k) Occupants should remain at a safe distance up wind from the building to ensure the:



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- Safe performance of firefighting and rescue operations.
 - Treatment and removal of the injured.
3. Campus Fire Alarm and Paging Announcements
 - a) Know what the alarm sounds like.
 - b) Evacuate.
 - c) Paging may not be available in all buildings.
 4. Emergency Evacuation Maps
Emergency evacuation maps are posted on each floor to direct occupants to approved exits. Additional training is conducted upon request.
 5. Mandatory Fire Drills
Fire Drills are conducted twice per year, each academic semester, to familiarize students with WVSOM's emergency system. This activity is initiated by the Safety Compliance Officer, Campus Security, and Facilities Management.
 6. Fire Prevention Policies
It is the policy of WVSOM to provide a fire safe environment. WVSOM'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 campus buildings with the State Board of Risk Management, Office of Campus Safety and the West Virginia State Fire Marshal's Office.

Fire Investigations are coordinated by the Office of Campus Safety and conducted in conjunction with the WV State Fire Marshal, Lewisburg Fire Department and the State Board of Risk and Insurance Management. Violations are identified and corrective action is addressed.
 7. Smoking
Smoking is not permitted on WVSOM property. This includes but is not limited to common areas, bathrooms, sidewalks, patios, stairways, and any other walkway that directly leads to a building entrance.
 8. 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 investigated by Campus Security and the West Virginia State Police.

11.4 Plans for future improvements in fire safety

WVSOM will provide future improvements as needed.

WVSOM continually works closely with occupants of its facilities. This includes students, visitors, contractors, and vendors working in the facility to assure the work being conducted is monitored and the fire detection systems are checked and maintained.