



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

**December 17, 2020**



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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 Vice President for Finance and Facilities, Assistant Dean for Student Affairs/Title IX Coordinator, Safety Compliance Officer, 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 (Institutional Policy PP-03), Drugs, Alcohol, Testing and Treatment Policy (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. The Vice President for Finance and Facilities prepares the ASR based on the statistics provided by campus security.



## A) Clery Act Crime Definitions (including VAWA)

### Crime Definitions

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

**Manslaughter by Negligence:** 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: 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.

**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 kind.

**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.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The 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.)

### Sex Offenses

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will



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where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental 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:*** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

***Vandalism:*** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

***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.

### **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, 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 facilities. 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. 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 and a Memorandum of Understanding. 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, contact WVSOM Campus Security 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 E126E. 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/sites/default/files/u16/ERM-2018-2020.pdf>.

#### **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**

The Title IX or AA/EEO Coordinator attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or harassment, including but not limited to, sex offenses will be considered in determining an appropriate response. However, such requests will be considered in the dual contexts of the institution's legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to insure that the institution meets its obligations under Title IX. The institution may be limited in its response and investigation if confidentiality is requested.

<http://www.wvsom.edu/OMS/TIX/TIX-overview>

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. <http://www.wvsom.edu/OMS/TIX/TIX-overview>

### **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, auto 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 encouraged to become familiar with their building plans and campus plan. The Emergency Response Plan may be viewed at <https://www.wvsom.edu/sites/default/files/u16/ERM-2018-2020.pdf>

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 and to 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, 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, 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. 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, loud speakers, 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 e-mail. All students, faculty and staff can manage their own contact information and choose the contact method(s) that they prefer (<https://www.wvsom.edu/About/safety/faq>).

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 <http://www.wvsom.edu/About/safety/faq>

## 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. This report is designed to provide information regarding the security awareness programs offered at this institution, and the responsibility of students and employees 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.

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, prohibits 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, except that 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.

[http://www.wvsom.edu/sites/default/files/u21/GA-08\\_Drugs\\_Alcohol\\_Testing\\_and\\_Treatment.pdf](http://www.wvsom.edu/sites/default/files/u21/GA-08_Drugs_Alcohol_Testing_and_Treatment.pdf)

## **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 termination of employment or dismissal from WVSOM, 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 Associate 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/HR/HR-policies> 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. <http://www.wvsom.edu/OMS/TIX/TIX-overview>

WVSOM conducts 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 7.2.2).. New employees are provided an overview and information concerning 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.

Additionally, these terms are defined in Institutional Policy GA-14: Section 2 (<https://www.wvsom.edu/About/policies/ga-14>) as follows:

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





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“Dating Violence/Domestic Violence/Intimate Partner Violence” means violence between those in an intimate relationship to each other, including dating, domestic and/or relationship violence.

“Non-Consensual Sexual Contact” means any intentional Sexual Touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.

“Non-Consensual Sexual Intercourse” means any Sexual Penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.

“Stalking” means a course of conduct (i.e., repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of another) directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.

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. 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 of what 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 and the video for year 1 and year 2 students also include information on risk reduction. 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 and brainstorming and practice on how those barriers could be effectively addressed.



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All orientation sessions, the video, and the policy also address the procedures to be followed when WVSOM receives notice. These procedures are covered in Section 10.4.2, Formal Resolution Processes.

All orientation sessions, the video and the policy discuss rights within disciplinary proceedings. These rights are covered in Section 10.4.2, Formal Resolution Processes.

The year 1 and year 2 Orientation sessions also include a discussion of the importance of preserving evidence.

### **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 a poster campaign and 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. These may be found at the WVSOM Title IX webpages at: <https://www.wvsom.edu/OMS/TIX/TIXoverview>.

### **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. In Institutional Policy GA-14, WVSOM articulates how and to whom an issue with domestic/dating violence, stalking or sexual assault should be reported (Section 10.3.2).

(i) To file a complaint of sexual misconduct or other violation of this policy falling under Title IX, an employee, student, or applicant may complete a Sexual Harassment Complaint Form. Forms may be obtained from the Office of Student Affairs, the Office of Human Resources, or on the WVSOM website. The Title IX Coordinator will provide assistance in completing the form.

(ii) Completed Sexual Harassment Complaint Forms shall be submitted to the Title IX Coordinator as soon as possible after the incident. If a complaint is against the Title IX Coordinator, the Sexual Harassment Complaint Form shall be filed with the Vice President for Academic Affairs and Dean, who will immediately designate a person to begin an investigation consistent with this policy.



(iii) A reporting party has the right, and can expect, to have reports taken seriously by WVSOM when formally reported, and to have those incidents investigated and properly resolved through this policy.

### **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. 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**

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.

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.

If possible, please do 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.

#### **7.2.3 Victim Confidentiality**

WVSOM Institutional Policy GA-14 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 Institutional Policy ST-02: Privacy Rights of Students.



As noted in Institutional Policy GA-14: Section 10.3.3, “If a victim does not wish for his or her name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, WVSOM will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow WVSOM to honor that request, WVSOM will offer interim support and remedies to the victim and the community, but will not otherwise pursue formal action.”

Further, as noted in Section 13.2, “WVSOM will maintain as confidential, to the extent possible, any accommodations or protective measures, provided confidentiality does not impair WVSOM’s ability to provide the accommodations or protective measures.”

#### **7.2.4 Supportive Measures**

WVSOM will provide accommodations and interim measures upon notice of an alleged issue. As noted in Institutional Policy GA-14: Section 10.4.2(i)(c)(2), WVSOM “investigators shall initiate and, on an ongoing basis throughout the investigation, monitor and modify, as needed, any necessary remedial actions.”

As noted in Section 13.1, “WVSOM will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation, or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the WVSOM community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. These remedies are intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to attempt to prevent further violations. These remedies may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the WVSOM community;
- Assisting with the identification of alternate housing;
- Altering work arrangements for employees;
- Providing campus escorts;
- Implementing contact limitations between the parties, including mutual no contact;
- Offering adjustments to academic deadlines, course schedules, etc.”

#### **7.2.5 Campus Title IX Resources**

This information 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: Room B316 Main Building

Email Address: [rmorrow@osteo.wvsom.edu](mailto: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/About/policies/ga-14>

**WVSOM Title IX Webpages**

<https://www.wvsom.edu/OMS/TIX/TIX-overview>

**Within the Institution – Resources for Students**

**Counseling & Mental Health**

ASPIRE

4<sup>th</sup> Floor, Quad Suite 420

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

[ASPIRE@osteo.wvsom.edu](mailto: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](mailto:lspencer@osteo.wvsom.edu)

304-647-6369

Deborah Montgomery, Associate Director

[dmontgomery@osteo.wvsom.edu](mailto: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/OMS/students-behavioral-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 officials who have received 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. In 2019, this annual training was provided by ATIXA trainer Joseph Vincent, MLS, on September 16 and 17.

**7.3.1 Grievance Process**

WVSOM will follow a set investigative process as outlined in Section 10.

Section 10.3.1 Receipt of Notice of Allegations. Regardless of whether a complaint is filed under Section 10.3.2, if an employee of WVSOM receives notice concerning alleged sexual misconduct or other violation of this policy falling under Title IX, then that employee shall report to the Title IX Coordinator that much of the information contained in the notice as that employee is permitted to report under applicable confidentiality laws or that has not been requested by the victim to be specifically withheld, unless an immediate threat of harm exists to self or others. If known, such information should include, at a minimum, the following: the name of the person impacted by the alleged incident, the name of the accused individual, other individuals involved in the alleged incident, as well as relevant facts, including the date, time and location. Upon receipt of the notice, the Title IX Coordinator shall investigate the information contained in the notice, determine what sexual misconduct or other violation of this policy occurred, if any, and respond appropriately.

Section 10.4.2 Formal Resolution Process. The Title IX Coordinator is designated to formally investigate notice or complaints of alleged violations of this policy.

(i) If the reporting party or the Title IX Coordinator, based upon an alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator shall appoint trained Title IX investigators (typically using a team of two investigators), to conduct a prompt, fair, thorough, reliable, and impartial investigation.

a. WVSOM is committed to ensuring that its resolution processes are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. The petition shall include



specifics as to the actual or perceived bias or conflict of interest, as to why the petitioner believes the bias or conflict could materially impact the outcome. Such petitions should be made to the Title IX Coordinator, or, in the event that the potential conflict or bias involves the Title IX Coordinator, to the President.

b. The Title IX Coordinator, Title IX Investigators, Appeals Officer and other implementing this policy will be trained at least annually. This training will include, but is not limited to: the content of this policy; how to appropriately remedy, investigate, render findings, and determine appropriate sanctions concerning alleged violations of this policy; confidentiality and privacy; and applicable laws, regulations, and federal regulatory guidance.

c. The investigators shall:

1. Determine the identity and contact information of the reporting party;
  2. Initiate and, on an ongoing basis throughout the investigation, monitor and modify, as needed, any necessary remedial actions as detailed in Section 13 below;
  3. Identify the exact policies allegedly violated;
  4. Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party and what policy violations should be alleged as part of the charge; if there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
  5. Meet with the reporting party to finalize their statement;
  6. Prepare the notice of charges on the basis of the initial inquiry;
  7. Provide the person impacted and the accused individual with notice of investigation;
  8. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party; both the person impacted and the accused individual shall have the opportunity to provide witnesses and evidence to the investigators during the investigation;
  9. Provide regular updates to the person impacted and the accused individual, as appropriate, throughout the investigation;
  10. Complete the investigation promptly; and
  11. Make a finding based on a preponderance of the evidence (whether a policy violation is more likely than not).
- (ii) The person impacted and the accused individual are each allowed to have an advisor of their choice who may assist them through the investigation process.
- (iii) Both the reporting party and the responding party will have the opportunity to provide witnesses and evidence to the investigators during the investigation.



(iv) If at any point during the investigation it is determined there is no reasonable cause to believe that this policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

(v) Both the person impacted and the accused individual will have the opportunity to review a summary of the evidence used to make a determination, with any necessary redactions, prior to the disposition of the complaint.

(vi) 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.

(vii) WVSOM may, depending upon the circumstances, choose to hold parties who participate in the investigation immune from disciplinary charges for minor violations that are discovered during the course of the investigation and related to the incident(s) being investigated.

### **7.3.2 Timeframe for Resolution**

As noted in Section 10.3.4 Timeframe for Resolution.

(i) WVSOM aims to bring all allegations to a resolution within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

(ii) WVSOM's administrative investigation and resolution process is entirely separate from a criminal investigation or proceeding undertaken by law enforcement. WVSOM's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, WVSOM may undertake a short delay (several days to a few weeks, but typically no longer than 10 calendar days) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated.

### **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 10.5 lists all possible sanctions for violations of Institutional Policy GA-14:

#### **10.5 Sanctions**

10.5.1 Sanctions may be imposed upon any person under WVSOM's jurisdiction who is found to have violated this policy.

(i) 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

(ii) 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

10.5.2 Any person found responsible for violating the Sexual Harassment prohibitions will likely face a recommended 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.

10.5.3 The range of recommended sanctions may be broadened or lessened in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the Title IX Coordinator nor the Appeals Officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

#### **7.4 Written Notification**

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

Section 10.4.2.(i)c7 Provide the person impacted and the accused individual with notice of investigation.

Section 10.3.4(i) WVSOM aims to bring all allegations to a resolution within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

Section 10.4.2.(vii) 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 10.6.1 The Appeals Officer shall share a copy of the written appeal with the other party, who will be given an opportunity to respond to the appeal. All responses to the appeal must be submitted in writing to the Appeals Officer within five (5) business days of receiving the copy of the appeal from the Appeals Officer.

Section 10.6.8 Once an appeal is completed, the parties will be notified, simultaneously, of the final determination and any changes that result.

#### **7.5 Appeal**

Institutional Policy GA-14, Section 10.6 provides for the steps in the appeal process.



## WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

10.6.1 Any party who wishes to appeal the recommendations contained in the report of investigation, as they relate to sexual misconduct or other violations of this policy falling under Title IX, including the sanctions imposed by the investigators, may do so by submitting that party's appeal in writing to the Vice President for Academic Affairs and Dean (hereinafter "Appeals Officer"). If a complaint is against the Vice President for Academic Affairs and Dean, the appeal shall be submitted to the President, who will immediately designate a person to assume the duties of Appeals Officer. Signed appeals should be hand-delivered or emailed in pdf format to the Appeals Officer within five (5) business days of the issuance of the final report of investigation. The Appeals Officer shall share a copy of the written appeal with the other party, who will be given an opportunity to respond to the appeal. All responses to the appeal must be submitted in writing to the Appeals Officer within five (5) business days of receiving the copy of the appeal from the Appeals Officer.

10.6.2 Recommendations not related to sexual misconduct or other violations of this policy falling under Title IX shall be addressed through applicable WVSOM policies and procedures, including handbooks, concerning employee and student conduct, as set forth in Section 17.

10.6.3 All appeals and responses are then reviewed by the Appeals Officer to determine if the appeal request meets the limited grounds and is timely. The original recommendations and sanctions will stand if the appeal is not timely or does not fall within the grounds for appeal set forth below, and the decision is final. The original recommendations and sanctions will also remain in effect pending the outcome of any appeal. If the appeal has standing, the Appeals Officer will consider the appeal. The party requesting the appeal has the burden of proving the error, as the original recommendations and sanctions are presumed to have been decided reasonably and appropriately. The only grounds for appeal are as follows:

- (i) A procedural or substantive error occurred that significantly impacted the outcome of the investigation, such as substantiated bias or material deviation from established procedures;
- (ii) To consider new evidence, unavailable during the original investigation, that could substantially impact the original recommendations or sanctions (a detailed description of this new evidence and its potential impact must be included); or
- (iii) The sanctions imposed are substantially disproportionate to the severity of the violation.

10.6.4 Within ten (10) business days of receiving the response(s) to the appeal(s), if any, the Appeals Officer will provide to both parties a Memorandum of Decision.

10.6.5 If the Appeals Officer determines that a material procedural or substantive error occurred, the Appeals Officer may return the matter to the original investigators with instructions to reconvene to cure the error. The results of a reconvened investigation cannot be appealed. In rare cases where the procedural or substantive error cannot be cured by the original investigators, as in cases of substantiated bias, the Appeals Officer may order a new investigation on the complaint with new investigators. The results of a new investigation can be appealed, once, on the applicable grounds for appeals.

10.6.6 If the Appeals Officer determines that new evidence should be considered, the Appeals Officer will return the matter to the original investigators to reconsider in light of the new evidence only. The reconsideration of the original investigators is not appealable.



10.6.7 If the Appeals Officer determines that the sanctions imposed are disproportionate to the severity of the violation, the Appeals Officer will return the matter to the investigators, who will modify the sanctions according to the directions of the Appeals Officer. The modified decision of the investigators is final.

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

## 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

### VAWA Offenses

- Dating violence
- Domestic violence
- Stalking



WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

January 1, 2019 to December 31, 2019	GEOGRAPHIC LOCATION – LEWISBURG CAMPUS			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
RAPE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
FONDLING	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
INCEST	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
STATUTORY RAPE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ROBBERY	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
BURGLARY	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARSON	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DOMESTIC VIOLENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DATING VIOLENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
STALKING	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC	2019	0	0	0
	2018	0	0	0
	2017	0	0	0



WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSION, ETC	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0

HATE CRIMES				
January 1, 2019 to December 31, 2019	GEOGRAPHIC LOCATION – LEWISBURG CAMPUS			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
RAPE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
FONDLING	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
INCEST	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
STATUTORY RAPE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ROBBERY	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0
	2018	0	0	0
	2017	0	0	0



WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

BURGLARY	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARSON	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DOMESTIC VIOLENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DATING VIOLENCE	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
STALKING	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSION, ETC	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2019	0	0	0
	2018	0	0	0
	2017	0	0	0

UNFOUNDED CRIMES				
January 1, 2019 to December 31, 2019		GEOGRAPHIC LOCATION – LEWISBURG CAMPUS		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
UNFOUNDED CRIMES	2019	0	0	0
	2018	0	0	0
	2017	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 Phones .....dial, 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:





## WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

- 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.