



INSTITUTIONAL POLICY: GA-15

Category: General Administration
Subject: Safety and Security
Effective Date: ~~November 8, 2022~~
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GA 15-1. Authority

- 1.1 W. Va. Code § 18B-1-6
- 1.2 34 C.F.R. § 668.46

GA 15-2. Purpose

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (“Clery Act”), the purpose of this policy is to set forth the process by which the requirements of the Clery Act will be implemented.

GA 15-3. Definitions¹

- 3.1 “Business day” means Monday through Friday, excluding any day when the West Virginia School of Osteopathic Medicine (“WVSOM”) is closed.
- 3.2 “Campus” means
 - 3.2.1 Any building or property owned or controlled by WVSOM within the same reasonably contiguous geographic area and used by WVSOM in direct support of, or in a matter related to, WVSOM’s educational purposes, including residence halls;
 - 3.2.2 Any building or property that is within or reasonably contiguous to the area identified in Section 3.2.1, that is owned by WVSOM but controlled by another person, is frequently used by students, and supports WVSOM purposes.
- 3.3 “Campus Security Authority” means
 - 3.3.1 A campus police department or a campus security department of WVSOM.
 - 3.3.2 Anyone who has responsibility for campus security but who does not constitute a campus police department or campus security department under Section 3.3.1 (ie., individual responsible for monitoring entrance into WVSOM property).
 - 3.3.3 Any individual or organization specified in WVSOM’s statement of campus security policy as one to which students and employees should report criminal offenses.

¹ 34 C.F.R. 668.46(a)

- 3.3.4 An official of WVSOM who has significant responsibility for student and campus activities, including, student discipline and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.
- 3.4 “Clery geography” means
- 3.4.1 For the purposes of collecting statistics on the crimes listed for the submission to the Department of Education and inclusion in WVSOM’s annual security report, Clery geography includes:
- (a) Buildings and property that are part of WVSOM’s campus;
 - (b) WVSOM’s noncampus buildings and property; and
 - (c) Public property within or immediately adjacent to and accessible from the campus.
- 3.4.2 For the purposes of maintaining the crime log required, Clery geography includes areas within the patrol jurisdiction of the campus police or the campus security department.
- 3.5 “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.
- 3.5.1 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.
- 3.5.2 For the purposes of this definition
- (a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (b) Dating violence does not include acts covered under the definition of domestic violence.
- 3.5.3 For the purposes of complying with the requirements of this policy and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- 3.6 “Domestic violence” means
- 3.6.1 A felony or misdemeanor crime of violence committed
- (a) By a current or former spouse or intimate partner of the victim;
 - (b) By a person with whom the victim shares a child in common;
 - (c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3.6.2 For the purposes of complying with the requirements of this policy and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

3.7 “Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program” means a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to 34 C.F.R 668.46 and the requirements for classifying crimes in this policy.

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

3.9 “Hierarchy Rule” means a requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

3.10 “Noncampus building or property” means

3.10.1 Any building or property owned or controlled by a student organization that is officially recognized by WVSOM; or

3.10.2 Any building or property owned or controlled by WVSOM that is used in direct support of, or in relation to, WVSOM's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of WVSOM.

3.11 “Pastoral counselor” means a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

3.12 “Professional counselor” means person whose official responsibilities include providing mental health counseling to members of WVSOM's community and who is functioning within the scope of the counselor's license or certification.

3.13 “Programs to prevent dating violence, domestic violence, sexual assault, and stalking” means

- 3.13.1 Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that
- (a) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
 - (b) Consider environmental risk and protective factors as they occur on the individual, relationship, WVSOM, community, and societal levels.
- 3.13.2 Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in Section 11.3 of this policy.
- 3.14 “Public property” means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- 3.15 “Referred for campus disciplinary action” means the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
- 3.16 “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.
- 3.17 “Stalking” means
- 3.17.1 Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
- (a) Fear for the person's safety or the safety of others; or
 - (b) Suffer substantial emotional distress.
- 3.17.2 For the purposes of this definition
- (a) “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.
 - (b) “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
 - (c) “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 3.17.3 For the purposes of complying with the requirements of this policy and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

3.18 “Test” means regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

GA 15-4. Preparing the Annual Security Report

WVSOM must prepare an Annual Security Report (“ASR”) reflecting its current policies on an annual basis no later than October 1 (or whatever date required by law) each year. The ASR must reflect WVSOM’s current policies and contain, at a minimum²:

- 4.1 Crime statistics described in Section 6³.
- 4.2 A statement of policies regarding procedures for students and others to report criminal actions⁴ or other emergencies occurring on campus. The statement must include WVSOM’s policies concerning its responses to the reports, including
 - 4.2.1 Policies for making timely warning reports to members of the campus community, as required by Section 7, regarding the occurrence of crimes described in Section 6.1;
 - 4.2.2 Policies for preparing the annual disclosure of crime statistics;
 - 4.2.3 A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in Section 6.1 for the purposes of making timely warning reports and the annual statistical disclosure; and
 - 4.2.4 Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
- 4.3 A statement of policies⁵ concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- 4.4 A statement of policies⁶ concerning campus law enforcement. The statement will
 - 4.4.1 Address the enforcement authority and jurisdiction of security personnel;
 - 4.4.2 Address the working relationship of campus security personnel with State and local police agencies, including
 - (a) Whether those security personnel have the authority to make arrests; and
 - (b) Any agreements, such as written memoranda of understanding between WVSOM and such agencies, for the investigation of alleged criminal offenses.
 - 4.4.3 Encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.
 - 4.4.4 Describe procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are

² 34 CFR 668.46 (b)

³ 34 CFR 668.46 (b)(1)

⁴ 34 CFR 668.46 (b)(2)

⁵ 34 CFR 668.46 (b)(3)

⁶ 34 CFR 668.46(b)(4)

counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

- 4.5 A description⁷ of the type and frequency of programs 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.
- 4.6 A description⁸ of programs designed to inform students and employees about the prevention of crimes.
- 4.7 A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at non-campus locations of student organizations officially recognized by WVSOM, including student organizations with non-campus housing facilities.
- 4.8 A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.
- 4.9 A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.
- 4.10 A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989. For purposes of meeting this requirement, WVSOM may cross-reference the materials it uses to comply with section 120(a) through (d) of the HEA.
- 4.11 A statement of policy regarding WVSOM's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in Section 3 and of procedures WVSOM will follow when one of these crimes is reported. The statement must include
 - 4.11.1 A description of WVSOM's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by Section 11.
 - 4.11.2 Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about
 - (a) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
 - (b) How and to whom the alleged offense should be reported;
 - (c) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to
 - (i) Notify proper law enforcement authorities, including on-campus and local police;
 - (ii) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

⁷ 34 CFR 668.46(b)(5)

⁸ 34 CFR 668.46(6)

- (iii) Decline to notify such authorities.
 - (d) Where applicable, the rights of victims and WVSOM's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by WVSOM.
- 4.11.3 Information about how WVSOM will protect the confidentiality of victims and other necessary parties, including how WVSOM will
 - (a) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
 - (b) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of WVSOM to provide the accommodations or protective measures.
- 4.11.4 A statement that WVSOM will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within WVSOM and in the community.
- 4.11.5 A statement that WVSOM will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. WVSOM must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- 4.11.6 An explanation of the procedures for WVSOM disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by Section 12.
- 4.11.7 A statement that, when a student or employee reports to WVSOM that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, WVSOM will provide the student or employee a written explanation of the student's or employee's rights and options, as described in Sections 4.11.2 through 4.11.6.
- 4.12 A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained such as the law enforcement office of WVSOM, a local law enforcement agency with jurisdiction for the campus, or a computer network address; and
- 4.13 A statement of policy regarding emergency response and evacuation procedures;
- 4.14 A statement of policy regarding missing student notification procedures, as required by Section 10 (if applicable).

GA 15-5. Distributing the ASR

WVSOM will distribute the ASR to current students and employees via a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, and a statement that the campus will provide a paper copy of the report upon request. WVSOM will also notify prospective students and employees about the availability of the ASR and post to the WVSOM website.

GA 15-6. Collecting Crime Statistics⁹

6.1 WVSOM must report to the Department of Education statistics for the three most recent calendar years concerning the number of each of the crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority.

6.1.1 Primary crimes, including

- (a) Criminal Homicide
 - (i) Murder and nonnegligent manslaughter
 - (ii) Negligent Manslaughter
- (b) Sex Offenses
 - (i) Rape
 - (ii) Fondling
 - (iii) Incest
 - (iv) Statutory Rape
- (c) Robbery
- (d) Aggravated Assault
- (e) Burglary
- (f) Motor vehicle theft
- (g) Arson

6.1.2 Arrests and referrals for disciplinary actions, including

- (a) Arrests for liquor law violations, drug law violations, and illegal weapons possession
- (b) Persons not included in Section 6.1.2.a. who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

6.1.3 Hate crimes, including

- (a) The number of each type of crime in Section 6.1.1 that are determined to be hate crimes; and

⁹ 34 CFR 668.46(c)(1)

- (b) The number of the following crimes that are determined to be hate crimes:
 - (i) Larceny-theft
 - (ii) Simple assault
 - (iii) Intimidation
 - (iv) Destruction/damage/vandalism of property

6.1.4 Dating violence, domestic violence, and stalking as defined in Section 3.

6.2 All reported crimes must be recorded.

6.2.1 WVSOM must include in its crime statistics all crimes listed in Section 6.1 occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

6.2.2 WVSOM may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

6.2.3 WVSOM may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this policy. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

6.2.4 WVSOM must report to the Department and disclose in its annual security report statistics the total number of crime reports listed in Section 6.1 that were “unfounded” and subsequently withheld from its crime statistics pursuant to Section 6.2.3 during each of the three most recent calendar years.

6.3 Crimes must be recorded by calendar year.

6.3.1 WVSOM must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

6.3.2 When recording crimes of stalking by calendar year, WVSOM must follow the requirements in Section 6.6.

6.4 WVSOM must record hate crimes by category of bias. For each hate crime recorded under Section 6.1.3, WVSOM must identify the category of bias that motivated the crime. For the purposes of this policy, the categories of bias include the victim's actual or perceived

6.4.1 Race;

~~6.4.1~~6.4.2 Color;

- ~~6.4.26.4.3~~ Gender;
- ~~6.4.36.4.4~~ Gender identity;
- ~~6.4.46.4.5~~ Religion;
- ~~6.4.56.4.6~~ Sexual orientation;
- ~~6.4.6~~ Ethnicity;
- 6.4.7 National origin; and
- 6.4.8 Disability.

6.5 WVSOM must record crimes by location.

- 6.5.1 WVSOM must specify whether each of the crimes recorded under Section 6.1 occurred
 - (a) On campus;
 - (b) In or on a noncampus building or property; or
 - (c) On public property.
- 6.5.2 WVSOM must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus (if applicable).
- 6.5.3 When recording stalking by location, WVSOM must follow the requirements in Section 6.6.

6.6 Recording reports of stalking.

- 6.6.1 When recording reports of stalking that include activities in more than one calendar year, WVSOM must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.
- 6.6.2 WVSOM must record each report of stalking as occurring at only the first location within its Clery geography in which:
 - (a) A perpetrator engaged in the stalking course of conduct; or
 - (b) A victim first became aware of the stalking.

6.7 Identification of the victim or the accused. The statistics required under Section 6 do not include the identification of the victim or the person accused of committing the crime.

6.8 Pastoral and professional counselor. WVSOM is not required to report statistics under Section 6 for crimes reported to a pastoral or professional counselor.

6.9 Using the FBI's UCR program and the Hierarchy Rule.

- 6.9.1 WVSOM must compile the crime statistics for murder and nonnegligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal

weapons possession using the definitions of those crimes from the “Summary Reporting System (SRS) User Manual” from the FBI's UCR Program.

- 6.9.2 WVSOM must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI's UCR Program.
 - 6.9.3 WVSOM must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI's UCR Program.
 - 6.9.4 WVSOM must compile the crime statistics for dating violence, domestic violence, and stalking using the definitions provided in Section 3.
 - 6.9.5 In counting crimes when more than one offense was committed during a single incident, WVSOM must conform to the requirements of the Hierarchy Rule in the “Summary Reporting System (SRS) User Manual.
 - 6.9.6 If arson is committed, WVSOM must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.
 - 6.9.7 If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, WVSOM must record both the sex offense and the murder in its statistics.
- 6.10 Use of a map. In complying with the statistical reporting requirements under this Section 6, WVSOM may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.
- 6.11 Statistics from police agencies.
- 6.11.1 In complying with the statistical reporting requirements under Section 6, WVSOM must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within its Clery geography and may rely on the information supplied by a local or State police agency.
 - 6.11.2 If WVSOM makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.
- 6.12 Separate campus¹⁰. WVSOM must comply with the requirements of this policy for each separate campus (if applicable).

GA 15-7. Timely Warning and Emergency Notification¹¹

- 7.1 WVSOM must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes, report to the campus community on crimes that are

¹⁰ 34 CFR 668.46(d)

¹¹ 34 CFR 668.46 (e)

- 7.1.1 Described in Section 6.1;
 - 7.1.2 Reported to campus security authorities as identified under WVSOM's statement of current campus policies pursuant to Section 4.2 or local police agencies; and
 - 7.1.3 Considered by WVSOM to represent a threat to students and employees.
- 7.2 WVSOM is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.
- 7.3 If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in Section 9.1, WVSOM must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

GA 15-8. Crime Log¹²

- 8.1 WVSOM must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred within its Clery geography, as described in the definition of Clery geography in Section 3.4, and that is reported to the campus police or the campus security department. This log must include
- 8.1.1 The nature, date, time, and general location of each crime; and
 - 8.1.2 The disposition of the complaint, if known.
- 8.2 WVSOM must make an entry or an addition to an entry to the log within two business days, as defined under Section 3, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.
- 8.3 WVSOM
- 8.3.1 may withhold information required under Sections 8.1 and 8.2 if there is clear and convincing evidence that the release of the information would
 - (a) Jeopardize an ongoing criminal investigation or the safety of an individual;
 - (b) Cause a suspect to flee or evade detection; or
 - (c) Result in the destruction of evidence.
 - 8.3.2 WVSOM must disclose any information withheld under Section 8.3.1 once the adverse effect described in that section is no longer likely to occur.
- 8.4 WVSOM may withhold under Sections 8.2 and 8.3 only that information that would cause the adverse effects described in those sections.
- 8.5 WVSOM must make the crime log for the most recent 60-day period open to public inspection during normal business hours. WVSOM must make any portion of the log older than 60 days available within two business days of a request for public inspection.

¹² 34 CFR 668.46(f)

GA 15-9. Emergency Response and Evacuation¹³

WVSOM must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. The statement must include

- 9.1 The procedures WVSOM will use to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus;
- 9.2 A description of the process WVSOM will use to
 - 9.2.1 Confirm there is a significant emergency or dangerous situation as described in Section 9.1;
 - 9.2.2 Determine the appropriate segment or segments of the campus community to receive a notification;
 - 9.2.3 Determine the content of the notification; and
 - 9.2.4 Initiate the notification system.
- 9.3 A statement that WVSOM will, without delay, and taking into account the safety of the community, 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;
- 9.4 A list of titles of the person or persons or organization or organizations responsible for carrying out the actions;
- 9.5 WVSOM's procedures for disseminating emergency information to the community;
- 9.6 The procedures WVSOM will use to test the emergency response and evacuation procedures on at least an annual basis, including
 - 9.6.1 Tests that may be announced or unannounced
 - 9.6.2 Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
 - 9.6.3 Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

GA 15-10. Missing Student Notification¹⁴

- 10.1 An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must
 - 10.1.1 Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;

¹³ 34 CFR 668.46(g)

¹⁴ 34 CFR 668.46(h)

- 10.1.2 Require that any missing student report must be referred immediately to WVSOM's police or campus security department, or, in the absence of WVSOM police or campus security department, to the local law enforcement agency that has jurisdiction in the area;
 - 10.1.3 Contain an option for each student to identify a contact person or persons whom WVSOM shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by WVSOM police or campus security department, or the local law enforcement agency;
 - 10.1.4 Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;
 - 10.1.5 Advise students that if they are under 18 years of age and not emancipated, WVSOM must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and
 - 10.1.6 Advise students that WVSOM will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
- 10.2 The procedures that WVSOM must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include
- 10.2.1 If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;
 - 10.2.2 If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and
 - 10.2.3 Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

GA 15-11. Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking¹⁵

- 11.1 As required by Section 4.11, WVSOM must include in its annual security report a statement of policy that addresses WVSOM's programs to prevent dating violence, domestic violence, sexual assault, and stalking.
- 11.2 The statement must include
 - 11.2.1 A description of the WVSOM's primary prevention and awareness programs for all incoming students and new employees, which must include

¹⁵ 34 CFR 668.46(j)

- (a) A statement that WVSOM prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in Section 3;
- (b) The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction;
- (c) The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction;
- (d) A description of safe and positive options for bystander intervention;
- (e) Information on risk reduction; and
- (f) The information described in Sections 4.11 and 12.1.2; and

11.2.2 A description of WVSOM's ongoing prevention and awareness campaigns for students and employees, including information described in Section 11.2.1.a. through f.

11.3 For the purposes of this Section 11:

11.3.1 “Awareness programs” means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

11.3.2 “Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding WVSOM structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

11.3.3 “Ongoing prevention and awareness campaigns” means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout WVSOM and including information described in Section 11.2.1.a. through f.

11.3.4 “Primary prevention programs” means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

11.3.5 “Risk reduction” means 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.

11.4 WVSOM's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information described in Section 11.2.

GA 15-12. WVSOM Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking¹⁶

12.1 As required by Section 4.11.6, WVSOM must include in its annual security report a clear statement of policy that addresses the procedures for WVSOM disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in Section 3, and that

12.1.1 Describes or lists

- (a) each type of disciplinary proceeding used by WVSOM; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how WVSOM determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;
- (b) the standard of evidence that will be used during any WVSOM disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- (c) all of the possible sanctions that WVSOM may impose following the results of any WVSOM disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and
- (d) the range of protective measures that WVSOM may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking.

12.1.2 Provides that the proceedings will

- (a) Include a prompt, fair, and impartial process from the initial investigation to the final result;
- (b) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- (c) Provide the accuser and the accused with the same opportunities to have others present during any WVSOM disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- (d) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or WVSOM disciplinary 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; and
- (e) Require simultaneous notification, in writing, to both the accuser and the accused, of
 - (i) The result of any WVSOM disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;

¹⁶ 34 CFR 668.46(k)

- (ii) WVSOM's procedures for the accused and the victim to appeal the result of WVSOM disciplinary proceeding, if such procedures are available;
- (iii) Any change to the result; and
- (iv) When such results become final.

12.2 For the purposes of this Section 12

12.2.1 A prompt, fair, and impartial proceeding includes a proceeding that is

- (a) Completed within reasonably prompt timeframes designated by WVSOM's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- (b) Conducted in a manner that
 - (i) Is consistent with WVSOM's policies and transparent to the accuser and accused;
 - (ii) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - (iii) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- (c) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

12.2.2 “Advisor” means any individual who provides the accuser or accused support, guidance, or advice.

12.2.3 “Proceeding” means all activities related to a non-criminal resolution of a WVSOM disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

12.2.4 “Result” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within WVSOM. The result must include any sanctions imposed by WVSOM. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

GA 15-13. Prohibition on Retaliation¹⁷

WVSOM, or an officer, employee, or agent of WVSOM, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this policy.

¹⁷ 34 CFR 668.46(m)

GA 15-14. Implementation of Policy

This policy will be implemented using applicable WVSOM policies and procedures, and WVSOM faculty, staff, and student handbooks.