



2024 ANNUAL SECURITY & FIRE SAFETY REPORT

**For The Fairmont State University Campus, Robert C. Byrd National Aerospace Education Center, and
Middle College Program**

INCLUDES STATISTICS FROM 2021, 2022, 2023

A printed copy of this report is available upon request



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To the Fairmont State Falcon Community,

As the Chief of Police for the Fairmont State University Police Department, I would like to express a warm welcome to the campus. The university police department is committed to providing a safe and secure environment while serving a diverse population of students, faculty, and staff as well as visitors with an emphasis on the philosophy of community-oriented policing

In addition to law enforcement and parking control, the department participates in emergency management preparedness efforts and the University's Emergency Operations Plan that would be activated should a natural or man-made incident strike the campus. Coordination of the institution's Clery program is also provided by University Police.

The University Police Department is focused on your safety and well-being as members of our university community.

We believe the way to achieve the highest level of safety and security to the campus environment is by involving law enforcement, University administration, faculty, students and residents of the community.

At any time, you can contact our department at 304-367-4157 or publicsafety@fairmontstate.edu with questions, concerns or suggestions you may have regarding campus safety or visit our website at fairmontstate.edu/upd for additional safety information and resources.

Together, we can continue to make Fairmont State a great place!

Respectfully,

Chief J. W. "Bil" McGahan

Preparation of this Report

Fairmont State University provides this Annual Security and Fire Safety Report in compliance with the Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act 20 U.S.C. § 1092 (f) (Clery Act). The goal of this federal law is to provide transparency around campus crime policy and campus crime statistics.

The Procedures for preparing the annual disclosure of crime statistics include reporting statistics to the institution's community, obtained from the following sources: The City of Fairmont Police Department, other applicable police agencies for non-campus areas, and Campus Security Authorities (as defined in the **Procedures for Reporting Crimes**). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law).

All of the statistics are gathered, compiled, and reported to the Institution's community via this report, which is published by the University Police Department. The University Police Department submits the annual crime statistics published in this document to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department of Education website.



**FAIRMONT STATE
UNIVERSITY™**

Important Numbers

University Police EMERGENCY Line..... (304) 367-4357 (HELP)

University Police NON-EMERGENCY Line.....(304) 367-4157

Police/Fire/EMS.....911

Student Counseling.....(304) 367-4155

Information Technology Services.....(304) 367-4810

Accessibility Services(304) 367-4543

Health Services.....(304) 367-4155

Office of Title IX.....(304) 367-4689



Overview of the University Police Department

Purpose

The University Police Department was created to maintain law and order on the campuses of Fairmont State University by working to prevent crime and apprehending violators when crimes do occur. The department serves a diverse population of students, faculty, and staff with an emphasis on the philosophy of community-oriented policing. In addition to law enforcement and parking control, the department has an active role in emergency management preparedness efforts and is tasked in coordinating efforts regarding the University's Emergency Operations Plan that would be activated should a natural or man-made incident occur on campus.

Enforcement & Staff

The University Police Department provides law enforcement and a variety of community and benevolent services, enforces university policies, and state and local laws. The department is staffed with fully sworn police officers. All sworn police personnel are certified by the State of West Virginia as law enforcement officers and exercise full arrest powers. Graduation from the West Virginia State Police Academy, or Fairmont State University Police Academy is required, in addition to the completion of annual in-service training to maintain certification and competencies. The University Police Officers have jurisdiction to operate on Fairmont State University owned or controlled property.

The patrol jurisdiction of University Police officers is limited to any buildings or properties owned or controlled by Fairmont State University.

Mutual Aid

The University Police Department maintains a strong working relationship with state and local police agencies, including the City of Fairmont Police Department and the West Virginia State Police. The campus is located within the city limits of Fairmont, which allows University Police to work closely with the City of Fairmont Police Department through a Mutual Aid agreement that enables both departments to work together in one another's jurisdictions upon request. There is a memorandum of understanding (MOU) between Fairmont State University and Fairmont City Police Department, which states both law enforcement agencies agree to share law enforcement resources and provide mutual aid assistance to each other in situations including: emergencies manpower shortages, DUI Task Force and Sobriety Check Points, and Drug Task Force Interdiction. There is a written agreement between Fairmont State University Police Department and Fairmont City Police Department regarding responding to calls for service when needed.

Services

The University Police Department also provides various services to the campus community including: unlocking and jump-starting vehicles; security escorts; traffic enforcement; event security; and security patrols throughout the campus.

Student Employment

The University Police Department provides students with the opportunity for employment. The department often staffs a number of student security officers who may work as much as 20 hours per week. While many are criminal justice majors, students in any course of study are welcome to apply for the program. Uniformed student security officers work in pairs and/or with police officers, are radio equipped, and are routinely dispatched to provide security escorts, help lock and unlock doors, enforce parking regulations, patrol the campus, and assist in parking details and event security. Student security officers responsibilities are to observe and report what is occurring on campus, while assisting officers and providing an increased presence, decreasing crimes on the property of Fairmont State University. These students are non-sworn employees of the University Police Department. Student workers do not have the authority to arrest or detain individuals.

Programs and Projects

The University Police Department employs three full-time dispatchers. Dispatchers are responsible for answering emergency and non-emergency calls, speak with office walk-ins, process parking tickets, take payments, process appeals, parking decals and dispatching officers to calls.

All of the employees of the University Police Department are professional and highly motivated individuals dedicated to promoting a safe, secure, and an orderly learning environment for our students, employees, and visitors.

Mission

The Mission of the University Police Department is to protect, serve, and create a secure, safe, and academically sound learning environment, free of crime and disorder for the students, faculty, and staff of Fairmont State University. We will provide high quality, community-based police, security, and parking services while creating and maintaining the level of emergency preparedness necessary to meet the needs of today and the challenges of tomorrow. The department serves with integrity, discretion, and expediency in a fair, proper, and thorough manner. Our greatest asset is our personnel; our greatest strength is our partnership with the campus community.



University Police Department

700 Falconcrest Lane, Fairmont, WV 26554

Phone: (304) 367-4157 • Fax: (304) 367-4885

University Police Department Staff

- Chief James McGahan III
Phone (304)367-4157
james.mcgahan@fairmontstate.edu
- Jennifer Stackpole
- Clery Compliance Coordinator
(304) 333-3745
jstackpole@fairmontstate.edu
- Beth A. Martin
Communications
Phone (304)367-4157
Beth.Martin@fairmontstate.edu

Full Time Police Officers

- Lieutenant, Marshall L. Arnett
- Lieutenant, Jason Offutt
- Senior Patrol Officer, Steven Bohon
- Patrol Officer, Russell Miller Jr.
- Patrol Officer, Joshua Miller
- Patrol Officer, Ethan Darden
- Patrol Officer, Brittany Bonnell

Part-Time Police Officers

- Patrol Officer, A. Jason Beafore

University Police Dispatchers

- Chad Clayton
- Andee Wood

Procedures for Reporting Crimes

Students, faculty, staff, witnesses of crime, visitors, and community members are encouraged to accurately and promptly report all potential criminal incidents, suspicious behavior, any emergencies or circumstances that threaten the safety and security of the campus community or property, to University Police by calling 304-367-4157. Faculty, staff, students and members of the community are helpful when they immediately report crimes or emergencies to University Police and/or the Office of Title IX, Vice President of Student Affairs, Resident Directors of Housing, Assistant Director of Residence Life, and the Director of Resident/Student Life, for purposes of assessing the incident, for issuing Timely Warning Notices (Crime Alerts) when deemed necessary and for inclusion of the incident into the daily crime log and the annual statistical disclosure.

University Police

700 Falconcrest Lane
Fairmont, WV 26554
Pence Hall Lobby
(304) 367-4157 (main phone line)
(304) 367-HELP (4357) (phone)
publicsafety@fairmontstate.edu

Office of Title IX

Jessica Kropog Furgason
1201 Locust Avenue
Fairmont, WV 26554
231 Hardway Hall
(304) 367-4689
Jessica.Kropog@fairmontstate.edu

Resident Directors of Housing

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Resident Directors of Housing

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Resident Director of Housing

Sav Overstreet
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Fairmont, WV 26554
317 Turley Center
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Director of Housing and Residence Life

Jeremiah Kibler

1201 Locust Avenue

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Vice President of Student Affairs

Dr. Jana Bredeson

1201 Locust Avenue

Fairmont, WV 26554

307 Turley Center

(304) 367-4927

Jana.Bredeson@fairmontstate.edu

Any person in the campus community may report emergencies and criminal complaints to University Police 24 hours a day, seven days a week. The University Police Department contact information is (304) 367-4157, or (304) 367-HELP (4357). If you are experiencing an emergency, dial 911.

Campus Security Authorities (CSAs) are informed in trainings to report crimes to the University Police Department in a timely manner, so those crimes can be assessed for timely warning purposes and inclusion of incidents in the Daily Crime Log. The term Campus Security Authority is a Clery term that incorporates four groups of individuals within the institution. These four groups include:

- All employees of the University Police Department.
- Any individual responsible for security but who do not constitute a University Police Department employee. An example of this individual is an access monitor, controlling access into buildings, or any contracted security official.
- Any Official of the institution with significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.
- Any individual or organization specified in the institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

Primary campus security authorities include the entire University Police Department, Residence life staff, Title IX staff, General Counsel, and Judicial Conduct.

There are twenty-four auto-dial emergency phones on outdoor pedestals, located throughout the main campus, including on every floor of the parking garage that automatically dial 911, when the button is pushed. A 911 dispatcher from Marion County Central Communications will answer the phone and assist the caller. The dispatcher will contact University Police and notify them of the situation. Additionally, the 911 Center monitors all University Police radio traffic and may be asked to answer the main office phone number (304) 367-4157 in limited situations. In response to a call, University Police will take the required action, either dispatching an officer or request the victim to report to the University Police Department to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record.

Reports involving students are forwarded to Judicial Affairs for review and potential action, with exception to confidential reports and those reports alleging Title IX incidents. All reported crimes are investigated by the institution and may become a matter of public record. University Police will investigate a report when it is deemed appropriate. If assistance is required from the City of Fairmont Police Department or the City of Fairmont Fire Department, University Police will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including University Police, will offer the victim a wide variety of services., in addition to contacting the Office of Title IX.

Crimes should be accurately and promptly reported to the University Police Department or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

Middle College Reporting

Middle College staff are required to report illegal activity to the appropriate authorities, including the West Virginia Department of Human Services (DoHS,) if it should involve a Middle College student.

Middle College team members are trained on how to identify and report suspected abuse or neglect of youth. Any member of the Middle College team who suspects abuse or neglect of a youth will immediately report this suspected abuse or neglect to the Fairmont State University Police Department as well as the Centralized Intake Unit. In addition, Middle College staff must submit a written report to the Institutional Investigative Unit within forty-eight hours. The Institutional Investigative Unit (IIU) will inform the Middle College team if an investigation of the incident is conducted. If the IIU does not investigate the allegation, Middle College staff will investigate the complaint and document the outcome.

Minor issues that require staff intervention, such as roommate conflicts or minor rule infractions, may be reported to the DoHS in the monthly report regarding student conduct and discipline during their Middle College experience. Major issues, such as intoxication or physical violence, will be reported as Critical Incidents, which are events that pose significant physical, psychological, or emotional harm or threat of harm. KVC Behavioral Healthcare West Virginia, Inc. (KVC) will follow its Critical Incident Management Policy for all Critical Incidents involving Middle College youth. KVC will provide notification of the Critical Incident to the youth's DoHS worker within 24 hours of the Critical Incident.

In addition, the Middle College team will also complete a KVC Critical Incident Form documenting the reported allegations of abuse and neglect and a report must be made to Centralized Intake. This document will be completed prior to the end of the shift of the individual making the report. The Program Coordinator and/or Director will review and approve the report within 24 hours of the reporting of the allegation of abuse/neglect. The Critical Incident will be sent to the KVC Quality Assurance Department and printed and placed in the Middle College Critical Incident Binder in the Residence Hall.

All Middle College staff will immediately remove the youth from the presence of any known dangers. Middle College staff will complete a Critical Incident form for all incidents that have harmed or have represented potential harm to a youth or to multiple youth. These reports will be maintained in the youth(s)' file(s).

The Middle College team will mandate training on reporting these kinds of incidents for all employees, independent contractors, and volunteers for compliance with mandatory reporting requirements regarding allegations of abuse or neglect of children as described in **W. Va. Code §49-2-801**.

Middle College team members will cooperate fully in an investigation of any incident and shall provide all information requested by the DoHS.

All Middle College staff will use the same reporting procedures to immediately report crimes as Fairmont State University faculty, staff, students and community members.

Voluntary Confidential Reporting

Fairmont State University Police encourages anyone who is the victim or witness of any crime to promptly report the incident to the University Police Department. University Police does not have a voluntary confidential reporting process as police reports are public records under state law, thus University Police cannot hold reports of crime in confidence.

The Student Conduct website has a student conduct complaint form in which complaints about Title IX violations, criminal violations and other student conduct violations can be reported anonymously. The reporter of the incident does not need to fill out the portion of the report with a name in order to submit the form. This form can be found at the following address:

https://fsubehsci.sjc1.qualtrics.com/jfe/form/SV_1AH6rDEFhvSpskR

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics may be made to any campus security authority (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also responsible employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Coordinator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

Pastoral and Professional Counselors

As a result, of the negotiated rulemaking process, which followed the signing into law, the 1998 amendments to the 20 U.S.C. Section 1092(f), clarification was given to those considered campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered a campus security authority, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis to University Police for inclusion into the annual crime statistics. The rulemaking committee defines counselors as:

- **Pastoral Counselor**

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

- **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Higher Education Opportunity Act (HEOA) Notification to Victims of Crimes of Violence

Fairmont State University, upon written request, will disclose to the alleged victim of a crime of violence or non-forcible sexual assault, the report on results of a disciplinary proceeding conducted by such institution 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 shall be treated as the alleged victim for purposes of the paragraph.

Monitoring and Recording Criminal Activity – Non-Campus Locations of Recognized Student Organizations

Fairmont State University does not have officially recognized student organizations that own or control housing facilities outside the core campus of Fairmont State University. Therefore, the City of Fairmont Police Department is not used to monitor and record criminal activity, since Fairmont State University does not have any non-campus locations of student organizations.

When a Fairmont State University student is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. The City of Fairmont Police Department routinely works and communicates with university officers on any serious incidents occurring on campus or in the immediate neighborhood and business areas.

Fairmont State University Student Code of Conduct Section 2, 2.5a states the following:

The Student Code of Conduct shall apply to:

- A. All conduct that occurs on university premises, at university sponsored activities;
- B. To conduct that does not occur on University premises but adversely affects or interferes with the educational or orderly operation of the University, its mission, or the pursuit of its objectives;
- C. To conduct that does not occur on University premises but, in light of all the facts and circumstances, would endanger the health, safety, or property of the University, the University Community, or its neighboring communities;
- D. To conduct that occurs on or off of University premises or property which violates federal, state, or local laws, policies of the Fairmont State University Board of Governors, institution or campus rules or regulations, directives of University Officials, including failing to observe standards of conduct which are appropriate for an academic institution.
- E. To conduct from the time of application for admission through the actual awarding of a degree, even if conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, is subject to the Student Code of Conduct. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending, and even if the student's conduct is not discovered until after a degree is awarded.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

The Student Code of Conduct shall apply to conduct while a student as defined in this code, even if the student withdraws from school while a disciplinary matter is pending.

The Campus Judicial Officer or his/her designee shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis.

The students rights and responsibilities outlined in the Fairmont State University Academic Catalog and Student Code of Conduct apply to Middle College students.

Security Awareness and Crime Prevention Programs

An essential ingredient of any successful crime prevention program is an informed public. It is the intent of Fairmont State University to inform students of useful crime prevention and security awareness practices. University Police personnel assist in programs for student, faculty, and new employee orientations, student organizations, community organizations, in addition to programs for housing resident advisers and residents. The department provides a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. In 2023, the department performed six active shooter trainings, and ten trainings regarding safety awareness and procedures. If you would like to contact an officer about conducting trainings, you may call the University Police Department at 304-367-4157. If you would like to contact Residence Life about assisting in trainings, you may call 304-367-4216. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the academic year.

Informative programs on substance abuse and sexual assault

- Fairmont State University makes every effort to educate our campus communities about issues pertaining to alcohol and illicit drug abuse, as well as sexual assault. Our goal is to inform students, faculty, and staff about the impact of alcohol and drugs on their lives, their families, and the community. Similarly, sexual awareness type programs are designed to foster a culture where inappropriate sexual behavior (date rape, sexual harassment, etc.) is not tolerated and or condoned, to inform victims of their rights and proper procedures if such an act occurs, and to promote an atmosphere of sexual awareness.

- The residence halls conduct regular programs and activities designed to promote security awareness and education around issues such as substance abuse and sexual assault. Residence Life conducted many programs throughout 2023 including an Alcohol Awareness Programs, Learning Healthy Boundaries, where residents received information on stalking awareness, and Helping Your Future Self, to disseminate information on substance use. Topics are often discussed at floor meetings and information is distributed through social media and e-mails. During early October, Student Affairs hosts a week of activities focused on events that are specifically geared toward promoting student, faculty, and staff's awareness of alcohol, illicit drugs, and sexuality. Through the REACH program, coordinated by Human Resources, the institution offers special assistance for employees on a variety of concerns including substance abuse and sexual assault.

Participants in these programs are asked to be alert, security-conscious, involved and advised to call University Police to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at (304) 367-4157.

As part of the department's community-oriented policing philosophy, University Police offers crime prevention presentations to classrooms, campus clubs and student groups upon request. Topics of these presentations include: personal safety awareness, and Run, Hide, Fight training. Anyone interested in having a University Police Officer speak to his or her classroom or group should contact the department at (304) 367-4157.

Daily Crime Log

The University Police Department is required to maintain a public log of all crimes reported to them, or those of which they are informed. The log is required disclose the most recent, 60 days, information on crimes reported, that occur on campus, in non-campus properties, and on public property which is immediately adjoined to campus. Each entry in the log must contain the nature, date, time and general location of each crime and disposition of the complaint, if known. All log entries must be disclosed within two business days of receiving the report. Information in the log older than 60 days must be made available within two business days. Crime logs are retained for seven years. The Daily Crime Log can be viewed in the University Police Department, 1st floor Pence Hall from 7 a.m.- 3 p.m. Monday through Friday, excluding holidays.

Timely Warning Notifications (Crime Alerts)

Fairmont State University will issue a Timely Warning Notification (also referred to as a Crime Alert), to the entire campus community, for Clery reportable crimes that occur on the institution's Clery Geography (on-campus, on-campus residential, non-campus, public property), reported to a CSA or local police department that are considered a serious or continuing ongoing threat. The University Chief of Police, Clery Compliance Coordinator, or designee and in consultation with responsible authorities when time permits, will collaborate to make the judgement if a serious or continuing threat exists.

The Clery Compliance Coordinator, Chief of Police or a designee will develop Timely Warning Notifications for the institutions' communities. These warnings will be distributed if the incident is reported either to the University Police Department directly or to any other Law Enforcement Agency indirectly through a campus security authority.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- **Murder / Non-Negligent Manslaughter**
- **Aggravated assault** (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be a serious or on-going threat to the larger institution community).
- **Robbery** involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a timely warning, but will be assessed on a case by case basis).
- **Sexual Assault** (considered on a case by case bases depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the University Police Department). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notification (Crime Alert).
- A **string of Burglaries** or **Motor Vehicle Thefts** that occur in reasonably close proximity to one another;
- Major incidence of **arson**
- Other crimes as determined necessary by the Clery Compliance Coordinator, Chief of Police, or his/her designee in their absence.

Timely Warning Notifications may also be issued for other crime classifications and locations, even though it is not required by the law, at the sole discretion of University Police and the Clery Compliance Coordinator.

Timely Warning Notifications will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

A Timely Warning Notification will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- A brief description of the incident.
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description (s) when deemed appropriate and if there is sufficient detail.
- Police agency contact information.
- Other information as deemed appropriate by the Clery Compliance Coordinator, Chief of Police or his/her designee.
- Date and time or timeframe of the incident.

The description of suspects in a case will only be included in the notification if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, those descriptors will not be included in the notice.

The Clery Compliance Coordinator, or Chief of Police will draft an email containing the proposed Timely Warning and forward it to the Communications Department and General Council. The Communication Department and General Council will review and revise the text as needed, and transmit the email containing the Timely Warning (Crime Alert) to the institution's community as a blast email to all Fairmont State University assigned email accounts. Updates to the institutions community about any particular case resulting in a timely warning also may be distributed electronically via blast email or posted on the institutions web site.

Timely warnings may also be disseminated using some or all of the following methods of communication: to those individuals who chose to sign up for our "Emergency Text Message Program" as a secondary method of communication, or building posting by Building Administrators.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Emergency Operations Plan

Fairmont State University's Emergency Operations Plan (EOP) considers all phases of emergency management operations in order to minimize the impacts of natural and man-made disasters. The EOP includes response guidelines, operational procedures, building emergency plans, and notification procedures among other measures. The EOP is intended to ensure that Fairmont State University is prepared to respond to emergencies on their campuses. University departments are responsible for developing emergency response and continuity of operations plans for their areas and staff.

The EOP is located on the web site of Fairmont State University under the University Police icon at <https://www.fairmontstate.edu/about/university-police/emergency-operations-plan.aspx>

We must all prepare for the "unexpected" and be ready if disaster strikes our campus.

Fairmont State University conducts numerous emergency response drills and exercises each year, such as table top exercises, field exercises, and test of the emergency notification system, and the Emergency Text Messaging System (immediate notification), on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institutions. These tests may be announced or unannounced. University Police officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs which causes an immediate threat to the campus, the first responders to the scene are usually University Police, City of Fairmont Police Department, local fire responders, and emergency medical services. All departments typically respond and work together to manage the incident. Depending on the nature of the incident, other departments and other local or federal agencies may be involved in responding to the incident. Each test is documented and includes a description of the exercise, the date and the time of the exercise, and whether it was announced or unannounced. General information about the emergency response and evacuation procedures for Fairmont State University are publicized via email at least once each year in conjunction with a test as part of the institution's Clery Act compliance efforts, and that information is available on the web site.

Individuals can report emergencies occurring at Fairmont State University by calling (304) 367-4157 or (304) 367-4357.

Emergency Evacuation Procedures

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The University Police Department does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, University Police staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Fairmont State University evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

Shelter in Place: What it means to shelter in place

Sheltering provides protection from external hazards, minimizes the chance of injury and or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directive to shelter-in-place, do not walk outdoors, take refuge indoors immediately.

Basic "Shelter-in-Place" Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, Housing Staff members, other University employees, Local Police Department, or other authorities utilizing the University’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to the University Police Department so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

A shelter-in-place order may be issued for several reasons:

Severe weather	Hostage Situation
Hazardous Materials	Civil Unrest

Or any situation where it is best for you to stay where you are to avoid any outside threat.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify University Police at (304)367-4357 (HELP) or (304) 367-4157.

- Remain calm
- Do NOT use elevators, use the stairs
- Assist the physically impaired. If he/she are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform University Police or the responding Fire Department of the individual's location
- Proceed to a clear area at least 150 feet from the building. Keep walkways clear for emergency vehicles
- Make sure all personnel are out of the building
- Do not re-enter the building

Emergency/Immediate Notification

Fairmont State University has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples of emergencies that would warrant such notification and include, but are not limited to: an active shooter on campus, hostage/barricade situation, riot, bomb threat, tornado, fire/explosion, suspicious death, structural damage to a university-owned or controlled facility, biological threat, significant flooding, gas leak, or a significant hazardous material release.

In the event of an emergency, Fairmont State University will initiate and provide, without delay, an emergency notification to the appropriate segment (s) of the campus community, upon confirmation of a significant emergency or dangerous situations on campus involving an immediate threat to health or safety of students, staff and visitors.

The University Police staff is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with campus administrators, local first responders and/or the national weather center.

If the Chief of Police, Clery Compliance Coordinator, or designee, in conjunction with other university administrators, local first responders, public health officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Fairmont State University Community, the Clery Compliance Coordinator and Chief of Police along with other Fairmont State University staff will collaborate to determine the content of the message, and Communications, Marketing, and Creative Services will send out the message to the campus community. Some or all of the systems described below may be used to communicate the threat to the Fairmont State University or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The individuals responsible for initiating the notification system are Communications, Marketing, and Creative Services. The Clery Compliance Coordinator, and Chief of Police, and staff designees are responsible for making the determinations of the contents of the notification and what segment of the campus community will receive the notification.

Fairmont State University will, without delay, and taking into account the safety of the community, determine the content of notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, (including, but not limited to: University Police, City of Fairmont Police Department, and/or the City of Fairmont Fire Department and Emergency Medical Services) compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notification will be made by using some or all of the following methods depending on the type of emergency: University Alert System (which contains email, cell phone text, voice message alert); fire alarm (where available), public address systems (where available), social media, digital signage (where available), local media, webpage and/or in person communication. If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

Emergency Notification Messaging Systems and Department Responsibilities

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving & Sending	Primary Message Sender	Backup Sender
911 Cellular (text & e-mail)	UPD	CMCS	L/CMCS	CMCS	UPD/IT
Mass e-mail	UPD	CMCS	L/CMCS	CMCS	UPD/IT
Secondary					
IP Phone Connected in Classrooms/office	UPD	CMCS	L/CMCS	CMCS	UPD/IT
Public Address System (in limited Facilities)	UPD	CMCS	L/CMCS	CMCS	UPD/IT
Website	UPD	CMCS	L/CMCS	IT	N/A
Local Radio	UPD	CMCS	L/CMCS	CMCS	N/A
Digital Displays	UPD	CMCS	L/CMCS	AV	IT

CMCS– Communications, Marketing, & Creative Services IT- Information Technology

UPD- University Police Department AV- Audio Visual

L– Legal

A combination of some or all of the methods listed above may be used to notify the campus community of an emergency situation.

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so by logging on to the my.fairmontstate.edu website. Then, select the Emergency Notifications icon under Quick Links, update and enter the new or existing contact information, and save the information.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they may receive additional information.

Follow-up information will be distributed using email and the text system for providing updates on immediate threats to the health and safety of the campus community (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Fairmont State University homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees, occurring on campus, the institution will 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 will provide adequate follow-up information to the community as needed.

Security & Access to Campus Facilities

During normal business hours the administrative and academic facilities at Fairmont State University are open and accessible to students, staff, faculty and visitors. Campus facilities are secured at the end of each day's activities. Only those with proper authorization are permitted in facilities after they are secured.

Police officers, student security, and building service workers maintain surveillance over all buildings (including residential facilities) during these hours to monitor security and safety measures. For all others that need entry into a building after hours, contact University Police at (304) 367-4157.



Security Considerations Used in the Maintenance of the Campus Facilities

The campus environment is maintained in a manner that minimizes hazardous or unsafe conditions. University Police staff communicates with Facilities Management to address malfunctioning lights and door locks to repair those matters promptly. Employees at facilities also conduct walk-through inspections, throughout the year, to address any concerns. Other members of the community are helpful when they report equipment problems to the University Police or Facilities Management.

Residence Hall Access, Safety and Security

For safety and security reasons, residents and visitors must enter and exit the residence halls through the designated main entrances. Bryant Place, Morrow Hall, Pence Hall, Prichard Hall, and University Terrace residents, are required to swipe their student identification cards, at the designated main entrances, to gain access to the residence hall. In some residence halls, students are provided with metal keys to enter their rooms. Some residence halls have electronic locks on student doors where they utilize their student identification cards to gain access.

Emergency exit doors are secured and are only intended for use during an emergency. Residence hall entrances and exits are secured 24/7. Pence Hall lobby entrance is accessible from 7:00 a.m. to 9:00 p.m., which is the access entrance to the Fairmont State University Police Department, all other doors are secured and locked down.

All residence hall visitors must be registered guests of a resident and checked in at the main lobby desk in each building. ANYONE failing to register, or who violates Residence Life policies, is subject to disciplinary measures.

Security alarms are installed on the emergency doors of each residence hall. Door propping, tampering, or intentionally "setting off" the alarm will be considered a violation and breach of security. Delayed egress panic bars are provided on most exterior residence hall doors to further enhance security. Unauthorized use of emergency doors is considered a violation. Those involved will be subject to disciplinary sanctions. Revisions to security procedures may be implemented if deemed essential for the safety and security of residents.

Security cameras are installed at the main entrances of all residence halls. Additional security cameras are located in other high traffic areas in our public spaces. These cameras can be accessed by the University Police Department and by Residence Hall professional staff.

Doors to living areas should remain locked including when residents are elsewhere in the building, showering, or while sleeping. A locked door is the main deterrent to theft, as well as personal security. Should a theft or other incident occur, report it to a Residence Life staff member and University Police, located in Pence Hall 1st floor. The university is not responsible for stolen property.



Middle College Residence Hall Safety and Security

Prichard Hall is staffed by Student Success Specialist professionals (SSS) and Student Support Worker paraprofessionals (SSW) trained in the needs of youth who have experienced foster care. These members of the Middle College team will be available on-site, 24 hours per day, 365 days of the year.

Prichard Hall is equipped with safety measures and policies to ensure a safe, supportive living environment. Exterior doors are locked and alarmed at all times which prevents unauthorized persons from accessing the residence hall. These doors can be opened from the inside at any time to allow students immediate egress from the building. Cameras record public areas in the halls and exit points 24 hours a day. Students are provided with key cards and physical keys which are unique to them and allow them access to their specific residence hall room. A master key is retained by the Residence Hall Manager in case emergency access to a room is required. This key is stored in a secure location unknown and inaccessible to youth.

The residence hall consists of furnished semi-private residence hall rooms, a shared kitchen space, furnished communal living areas, and community-style restrooms typical of many college residence halls.

Youth enrolled in Middle College at Fairmont State University will live in Prichard Hall year-round, including during University breaks. Middle College staff will be present at all times to supervise and assist the youth with any needs that arise. The goal of youth living together in this hall is to encourage social cohesion, promote social-emotional skill building, and to prevent youth disconnection or loneliness. Arrangements may be made, based on KVC, Fairmont State University, and DoHS policy, to accommodate unique living needs, such as allowing service animals in the residence hall or implementing protocols to limit exposure to allergens.

By providing a stable, secure living environment for Middle College youth, the Middle College team hope to instill a sense of safety and trust in the youth.

To learn more about the Middle College program you can visit the website:

<https://www.fairmontstate.edu/middle-college/default.aspx>

Student Code of Conduct

Student Code of Conduct covers Fairmont State University Students, in addition to Middle College Students.

The Office of Student Conduct strives to foster the educational mission of the University by supporting the community standards set forth in the Student Code of Conduct.

By enrolling in or attending a course or program of study at Fairmont State University, all persons are deemed to have agreed to respect the rights of the University and its members, to abide by the provisions of this code and the rules and regulations of the University, and to be subject to any sanctions which may be imposed for their violation. The students rights and responsibilities outlined in the Fairmont State University Student Code of Conduct also applies to Middle College students.

The Student Code of Conduct is designed as a resource, to help make the most of your college experience. Within the Student Code of Conduct, we outline for you our policies, procedures, and expectations. It is our hope that while you are a member of our campus community that you uphold these expectations. The Code of Conduct is founded on principles of fairness and due process.

Any student, faculty, or staff member may report a violation of the Student Code of Conduct. Once the complaint is received, the Office of Student Conduct & the Campus Judicial Officer will review the complaint. The Student Code of Conduct is designed to be educational in nature and not punitive. Behavioral plans imposed with students can range anywhere from community service hours to expulsion. Please take the time to review the Code of Conduct.

<https://www.fairmontstate.edu/student-life/student-conduct/code-of-conduct.aspx>

It is the commitment of this office to ensure the educational development of students are being met while ensuring the campus community is safe. If you have any questions you may contact the Office of Student Conduct at 304-367-4216.

To make a report of potential misconduct online, visit:

https://fsubehsci.sjc1.qualtrics.com/jfe/form/SV_1AH6rDEFhvSpskR

Types of Sanctions

Expulsion: Permanent separation of the student from the University. Permanent notification will appear on the student's transcript. The student may be denied access to University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University.

Suspension: Separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to University premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return.

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

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

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

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

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

Revocation: Admission to the University may be revoked for a violation of the Student Code of Conduct if the violation was committed before the student arrives on campus. A degree awarded from the University may be revoked for a violation of the Student Code of Conduct if the violation was committed before the student graduates.

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

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

Residence Halls have the following sanctions:

https://www.fairmontstate.edu/files/housing-reslife/residence_life_guide_to_success.pdf

Notice of Policy Violation / Written Warning

Given to inform the student that a specific behavior does not meet minimum expectations for residence hall living. It is generally imposed following isolated and less serious incidents of misconduct or contract violations. It is not imposed for a specific length of time, but further misconduct may lead to other consequences.

Online Reflection Exercise

An exercise designed to allow the student to reflect on residence hall **violations** and the impact those violations have on oneself and others. Failure to complete this sanction will result in a fine of \$100.

Community Service

Mandated service assignments. Failure to complete this sanction will result in a fine of \$20 per hour of service not completed.

Creative Sanction

An **exercise** designed to allow the student to reflect on residence hall violations and the impact those violations have on oneself and others. Students may be required to research a specific topic, design and/or present community awareness programs, hall presentations, bulletin boards, or make restitution for damages through restorative work. The hearing officer will review assignments to determine if the student has successfully met the educational goals of the assignment. Failure to complete the sanction will result in a fine of \$150

Residence Hall Probation

A resident is not considered in good standing within the residence halls. Any further violations may result in additional consequences. Residence hall probation will be imposed, minimally, until the end of the academic year.

Residence Hall Deferred Suspension

Stipulation that subsequent disturbances to the residence hall community will typically result in removal from all institution-supervised housing. Deferred suspension will be imposed, minimally, until the end of the academic year.

Residence Hall Reassignment

A mandatory change of room assignment within the institution-supervised residence halls for inappropriate behavior or disruption to the residential community. Further behavior will generally result in more serious action including residence hall removal.

Residence Hall Contract Termination & Removal

Removal from the campus residence hall community for conduct which is a *serious* violation of residence hall rules or regulations. Removal may also result from less serious, but repeated incidents of misconduct. Serious violations are generally considered those behaviors that are dangerous or highly disruptive. Separation may range from the remainder of a given semester (regardless of the days remaining) to permanent removal. The housing contract states, "Failure to abide by the residence hall policies and procedures, may result in contract termination, removal from the residence hall, and forfeiture of all residence hall and dining fees for the remainder of the academic year." Residents who are removed from campus housing may or may not be permitted from returning in subsequent years.

Residence Hall Ban

Total separation from any or all residence halls. This includes all property surrounding the residence hall, all porches, all steps, etc. A banned student will not be eligible to reside, visit, or otherwise participate in activities in the residential facilities.

Parental Notification

Notification of a policy violation, student conduct meeting outcome (i.e., finding of responsibility), sanctions, etc., to a parent, guardian, or other designated contact in compliance with the Family Educational Rights and Privacy Act (FERPA).

Other Sanctions

Discretionary Sanctions

Other sanctions may be imposed to achieve specific educational outcomes.

Referral

A consequence which may require coordination with the counseling center (alcohol and drug referrals, online educational activities, assessments, and individual or group sessions), Campus Judicial Officer, other appropriate offices or university resources.

Restitution

Compensation for loss, damage, etc., which may include monetary or property replacement.

Suspension of Privileges

A resident may lose residence hall privileges. This includes but is not limited to loss of visitation, computer/network access, etc.

Alcohol and Drug Policies

Policy on Alcohol

Fairmont State University prohibits the unlawful sale, unlawful possession, unlawful use and consumption of alcoholic beverages on the campus. West Virginia State Law prohibits the sale of all alcoholic beverages to persons under the age of 21 and the purchase of alcoholic liquors by persons under the age of 21. University Police will enforce state and city ordinances for underage drinking laws (WV Code 60-3-22a & 61-8-27a / City Ordinance 521.14b)

Policy on Drugs

Fairmont State University is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The possession, use, manufacture, or sale/distribution of an illegal drug is prohibited on property owned or controlled by Fairmont State University. Members of the campus community are responsible for knowing and complying with the provisions of state and federal laws that prohibit the unlawful possession, sale, delivery, manufacture, or use of those drugs known as controlled substances. University Police also enforces all Federal and State drug laws. Fairmont State University, in coordination with the community organization and agencies, provide counseling and substance abuse education programs. These programs are available through the Office of Student Affairs and the Human Resources Office.

Alcohol and Drug awareness programs are administered through the SafeColleges program throughout the year.

Drug Free Schools and Communities Act

In compliance with the Drug Free Schools and Communities Act, Fairmont State University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Fairmont State University students and employees.

<https://www.fairmontstate.edu/about/university-police/policies-procedures/alcohol-drugs.aspx>

https://www.fairmontstate.edu/_files/bog/policies/fsu_policy_ga-07.pdf

Missing Student Policy

All missing student reports should be made to the University Police Department, in Pence Hall or by calling (304) 367-4157.

In accordance with the Higher Education Opportunity Act, Fairmont State University must develop and implement certain procedures to be followed when residential students are determined to be missing.

All students residing in Fairmont State University campus housing are informed annually of the option to identify a person designated as a confidential missing person contact. The contact may be any person the student chooses, and may be the same or different from the student's emergency contact. The missing person contact will be notified by Fairmont State University no later than 24 hours after the time the student is determined missing by the designated University officials authorized to make that determination (specifically, the University Police) or the local law enforcement agency in which the student went missing.

Missing person contact information is confidential and saved in a separate location from the student's emergency contact information. The information is only accessible by specific Fairmont State University Officials and the information is only released to law enforcement for the purposes of a missing student investigation.

In the event a missing student is under 18 years of age and not emancipated, Fairmont State University will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to contacting the provided missing person contact as designated by the student. Students are advised, Fairmont State University will notify local law enforcement agencies within 24 hours of the determination that the student is missing.

If anyone has reason to believe a student is missing, immediately notify the University Police Department. If anyone receives a report of a missing student, regardless of how long that student is believed to have been missing, a report must be made immediately to the University Police Department.

University Police will generate a missing person report and initiate an investigation. A student is determined to be missing when the University Police have verified that reported information is credible and circumstances warrant declaring the person missing. After investigating the report, should University Police determine that the student is missing, the following notifications will include:

- University Police will notify the Fairmont City Police Department or the agency that has jurisdiction in the area that the student is missing, regardless whether the student has a confidential contact person, is above the age of 18, or is an emancipated minor.
- Contact the student's confidential missing person contact no later than 24 hours after the student is determined.

Middle College Missing Student Procedure

Middle College follows Fairmont State University missing student procedures. In addition, the program has adopted increased measures for these students that are more rigorous.

If a youth's whereabouts are unknown or absent without consent, Middle College staff will immediately, and in no case greater than two hours, notify local law enforcement and request the youth be entered into the National Crime and Information Center (NCIC) database. The DoHS will also be notified at this time. If possible, Middle College team members will notify the youth's family and/or supportive adults unless there is a safety issue or that would create a breach in a court order.

Middle College staff will immediately notify local law enforcement, DoHS centralized intake, and the youth's family, as appropriate, when the youth is located and/or returned to Middle College staff's physical custody. A phone call and follow-up email will also be sent to the student's DoHS worker. The Missing Youth Risk Assessment (MYRA) will be completed again when the youth is found.

In addition to the steps above, the Middle College team will also complete a KVC Critical Incident Form documenting the student's absence from supervision and/or runaway once the student is found. This document will be completed within 24 hours of the student being found and will be sent to and approved by the Program Coordinator and/or Director. The Critical Incident will be sent to the KVC Quality Assurance Department, printed, and placed in the Middle College Critical Incident Binder in Prichard Hall. DoHS will also receive a copy of this critical incident.

Policy on Sexual Misconduct and Sexual Assault

Fairmont State University prohibits and will not tolerate, in any manner, any sexual assault, sexual harassment, domestic or dating violence, stalking, hostile environments or other forms of gender discrimination on campus or at any campus-related facility, or in any institution sponsored activity, program, trip or process and complies fully with all aspect of Title IX, including the Violence against Woman Act (VAWA) and Campus Sexual Violence Elimination Act (Campus SAVE) of VAWA. Violators will be prosecuted to the fullest extent of campus processes and/or the law.

See Board of Governors' policy GA-01 and GA-06, for definitions, contact information for institutional assistance, and steps on registering a complaint.

https://www.fairmontstate.edu/files/bog/policies/fsu_policy_ga-01.pdf

https://www.fairmontstate.edu/files/bog/policies/fsu_policy_ga-06.pdf

Fairmont State University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Fairmont State University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

• 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; or
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.
6. For the purposes of complying with the requirements of this section and **34 CFR §668.41**, any incident meeting this definition is prohibited and considered a crime for the purposes of Clery Act reporting.

• 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 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 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. For the purposes of complying with the requirements of this section and **34 CFR §668.41**, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting and is prohibited by the institution.

- **Sexual Assault**

An offense meeting the definition of rape, incest, statutory rape, and fondling as defined in the FBI's Uniform Crime Report (UCR). Per the National Incident-Based Reporting System User Manual from the FBI UCR Program defines a sex offense as, "any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent."

- **Rape** is defined as 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.
- **Fondling** is defined as the touching of the private parts of another for the purpose of sexual gratification, without the consent of the victim. This includes instances where the victim is incapable of giving consent because of age or because of mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related within the degrees where marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking** engaging in conduct directed at a specific individual that would cause a reasonable person to
 1. Fear for the individual's safety or the safety of others or
 2. Suffer substantial emotional distress.

For the purposes of this definition-

- A. Course of conduct means two or more acts, including, but not limited to, acts 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 emotion distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section **34 CFR 668.41**, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting and is prohibited by the institution.

Fairmont State University Board of Governors Policy #**GA-01 4.6.4.1** defines “Consent” as agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. Silence, by itself, cannot constitute Consent. Consent to one sexual act does not constitute or imply consent to a different sexual act. Previous consent cannot imply consent to future sexual acts. Consent is required regardless of the parties’ relationship status or sexual history together. This document can be found at the following address:

https://www.fairmontstate.edu/files/bog/policies/fsu_policy_ga-01.pdf

This definition of consent will be used in cases of Domestic Violence, Sexual Assault, Rape, and Fondling incidents.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Domestic Violence West Virginia Code §61-2-28

(a) **Domestic Battery** as defined in **West Virginia Code §61-2-28**, “any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with his or her family or household member, or unlawfully and intentionally causes physical harm to his or her family or household member.”

(b) **Domestic Assault** as defined in **West Virginia Code §61-2-28**, “any person who unlawfully attempts to commit a violent injury against his or her family or household member, or unlawfully commits an act that places his or her family or household member in reasonable apprehension of immediately receiving a violent injury.”

Family or household members are defined in West Virginia Code §61-8B-2

- (1) Are or were married to each other;
- (2) Are or were living together as spouses;
- (3) Are or were sexual or intimate partners;
- (4) Are or were dating: Provided, That a casual acquaintance or ordinary fraternization between person in a business or social context does not establish a dating relationship;
- (5) Are or were residing together in the same household;
- (6) Have a child in common regardless of whether they have ever married or lived together;
- (7) Have the following relationships to another person
 - (A) Parent;
 - (B) Stepparent;
 - (C) Brother or sister;
 - (D) Half-brother or half-sister;
 - (E) Stepbrother or stepsister;
 - (F) Father-in-law or mother-in-law;
 - (G) Stepfather-in-law or stepmother-in-law;
 - (H) Child or stepchild;

- (I) Daughter-in-law or son-in-law;
- (J) Stepdaughter-in-law or stepson-in-law
- (K) Grandparent;
- (L) Step grandparent;
- (M) Aunt, aunt-in-law or step aunt;
- (N) Uncle, uncle-in-law or step uncle;
- (O) Niece or nephew;
- (P) First or second cousin or
- (8) Have the relationships set forth in paragraphs (A) through (P), subdivision (7) of this section to a family or household member, as defined in subdivisions (1) through (6) of this section .

Lack of Consent as defined in **West Virginia Code §61-8B-2**

- (a) Whether or not specifically stated, it is an element of every offense defined 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 a 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 contract pursuant to **§61-8B-10** of this code.

Dating Violence

West Virginia does not have a statute specific for Dating Violence, therefore, the definitions for Domestic Violence are used.

Sexual Assault in the first degree West Virginia Code §61-8B-3

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

- (1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:
 - (A) Inflicts serious bodily injury upon anyone; or
 - (ii)(B) Employs a deadly weapon in the commission of the act, 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.

Sexual Assault in the second degree West Virginia Code §61-8B-4

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

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

Sexual Assault in the third degree West Virginia Code §61-8B-5

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

- (1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated or
- (2) The person, being sixteen years old and who is at least four years younger than the defendant and is not married to the defendant.

Sexual Abuse in the first degree West Virginia Code §61-8B-7

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

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

Sexual Abuse in the second degree West Virginia Code §61-8B-8

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

Sexual Abuse in the third degree West Virginia Code §61-8B-9

- (a) A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent, when such lack of consent is due to the victim's incapacity to consent by reason of being less than sixteen years old.
- (b) In any prosecution under this section it is a defense that:
 - (1) The defendant was less than sixteen years old; or
 - (2) The defendant was less than four years older than the victim.

Definition of Terms West Virginia Code §61-8B-1

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

- (1) "Forcible compulsion" means:
 - (A) Physical force that overcomes such earnest resistance that is reasonably expected under the circumstances;
 - (B) Threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person, or in fear that he or she or another person will be kidnapped; or
 - (C) Fear by a person under sixteen years of age caused by intimidation, expressed or implied, by another person who is at least four years older than the victim. For the purposes of this definition, "resistance" includes physical resistance or any clear communication of the victim's lack of consent.
- (2) "Mentally defective" means that a person suffers from a mental disease or defect which renders that person incapable of appraising the nature of his or her conduct.
- (3) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to that person without his or her consent or as a result of any other act committed upon that person without his or her consent.
- (4) "Physically helpless" means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act.

- (5) "Sexual contact" means any intentional touching, either directly or through clothing, of the breasts, buttocks, anus, or any part of the sex organs of another person, or intentional touching of any part of another person's body by the actor's sex organs and the touching is done for the purpose of gratifying the sexual desire of either party.
- (6) "Sexual intercourse" means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.
- (7) "Sexual intrusion" means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party
- (8) "Bodily injury" means substantial physical pain, illness, or any impairment of physical condition.
- (9) "Serious bodily injury" means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.
- (10) "Deadly weapon" means any instrument, device, or thing capable of inflicting death or serious bodily injury or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.
- (11) "Forensic medical examination" means an examination provided to a possible victim of a violation of the provisions of this article by medical personnel qualified to gather evidence of the violation in a manner suitable for use in a court of law, to include: An examination for physical trauma; a determination of penetration or force; a patient interview and the collection and evaluation of other evidence that is potentially relevant to the determination that a violation of the provisions of this article occurred and to the determination of the identity of the assailant.

Stalking, and Harassment West Virginia Code §61-2-9a

(A) Stalking - Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third party to so act.

(b) Harassment- Any person who repeatedly harasses or repeatedly makes credible threats against another.

For the purposes of this section the following terms are defined:

- (1) "Bodily Injury" means substantial physical pain, illness, or any impairment or physical condition;
- (2) "Course of conduct" means a pattern of conduct composed of two or more acts in which a defendant directly, indirectly, or through a third party by any action, method, device, or means:
 - (A) Follows, monitors, surveils, or threatens a specific person or persons;
 - (B) Engages in other nonconsensual contact and/or communications, including contact through electronic communication with a specific person or persons; or
 - (C) Interferes with or damages a person's property or pet;
- (3) "Credible threat" mean a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out;
- (4) "Harasses" means a willful course of conduct directed at a specific person or persons which would cause a reasonable person would believe that the threat could be carried out;
- (5) "Immediate family: means a spouse, parent, stepparent, mother-in-law, father-in-law, child, stepchild, sibling, or any person who regularly resides in the household or within the prior six months regularly resided in the household and;
- (6) "Repeatedly" means on two or more occasions.

Title IX

In accordance with Title IX regulations, the institution has designated Jessica Kropog, as the Title IX Coordinator, and is charged with monitoring compliance with these regulations. Questions regarding Title IX, as well as concerns and complaints of non-compliance, may be directed to, Jessica.Kropog@fairmontstate.edu.

The Title IX Coordinator oversees the dissemination of information regarding Title IX to students, staff and faculty; coordinates training for employees; maintains Title IX grievance/complaint files; monitors Title IX Deputies in the investigation and disposition of complaints; and answers inquiries.

In addition, the institution provides counseling to sexual assault victims . Counseling services are free of charge and appointments are made by phone at (304) 367-4155 or in person during regular hours of operation. The Counseling Center is located on the 3rd floor of the Falcon Center in suite 340, appointments may be scheduled online, or by email at

counseling@fairmontstate.edu .

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it”¹. Fairmont State University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list² of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. An example of this could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for you friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.

¹Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792

²Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.

14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- A. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- B. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to," is always a good enough reason. Do what feels right to you and what you are comfortable with.
- C. **Have a code word with your friends or family** so if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- D. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. **If you an/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Prevention Programming and Information

The University engages in educational programs consisting of primary awareness programs for all incoming students³ and new employees and ongoing awareness programs and prevention campaigns for students that are 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. Considers environmental risk and protective factors as they occur on the individual, relationship, institutional community and societal levels.

The Primary Prevention and Awareness programs, are offered by the Office of Title IX and Compliance. Fairmont State University contracts with the Association of Title IX Administrators (ATIXA) program. ATIXA provides online training for Title IX staff, in addition to providing online training for employees and students. Training educates faculty and staff on their responsibilities to report and prevent misconduct, establishing an all-inclusive work and educational environment. ATIXA trainings provide information on prohibited misconduct, how to prevent discrimination, harassment, sexual harassment, sexual misconduct, domestic misconduct, stalking and retaliation.

Information on healthy relationships and intervention strategies is a key in preserving a safe and thriving campus community. Any questions regarding the ATIXA program and training, may be addressed by the Title IX Coordinator, Jessica Kropog at Jessica.Kropog@fairmontstate.edu.

Fairmont State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Clery Act., which is covered in the following programs.

Title IX Regulations Program discusses the institution's responsibility to prohibit: discrimination, harassment, sexual harassment, sexual misconduct, domestic misconduct, stalking and retaliation. The definition of consent and Fairmont State University's definition of consent is discussed and applied in application examples.

The Campus SAVE Act discusses the prevention of rape, domestic violence, dating violence, sexual assault, and stalking.

Bystander Intervention discusses safe and positive options for Bystander Intervention. Options to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking are discussed. Being able to recognize a situation of potential harm, understanding institutional structure and cultural conditions that facilitate violence, overcoming barriers to intervening, and identifying safe intervention options are key in this program. Information on Risk Reduction is a topic covered in the program where information on options to decrease perpetration and increasing empowerment for victims to promote safety in communities is demonstrated.

All programs discuss the importance of confidentiality of victims and other parties involved.

The University offered the following primary prevention and awareness programs for all new employees in YEAR: 2023

Name of Program	Date Held	Location Held	Prohibited Behavior Covered
Title IX Regulations	On-Going	Online	Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation

The University offered the following Primary Prevention and Awareness Programs for all incoming students in 2023

Name of Program	Date Held	Location Held	Which Prohibited Behavior
RA Training	1/11/23 8/14/23	Turley Center	Campus SaVE Act, Bystander Intervention
SafeColleges	Available from admission to throughout the year	Online	Campus SaVe Act, Bystander Intervention Alcohol Awareness
Welcome Weekend	8/19/23	Falcon Center	Campus SaVe Act, Title IX, Bystander Intervention
Athletics	8/6/23 8/14/23 8/25/23 8/29/23	Falcon Center	Campus SaVe Act, Title IX, Bystander Intervention

The University provides ongoing prevention and awareness throughout the school year by partnering with Student Activities and off-campus resource centers. These activities are provided as needed and or requested. Online access to prevention education courses are available year round.

The University offered the following Ongoing Awareness and Prevention Programs for Employees in 2023

Name of Program	Date Held	Location Held	Prohibited Behavior Covered
Sexual Assault Awareness	Available throughout the academic year for all staff / faculty	Online	Title IX Regulations and Roles Overview, Clery Act Overview
Domestic Violence Awareness	Available throughout the academic year for all staff / faculty	Online	Sexual Assault Awareness, Domestic Violence
Safe Colleges	Throughout Year	Online	Campus Save Act, Bystander Intervention, Alcohol Awareness, Drug Awareness

The University offered the following Ongoing Awareness and Prevention Programs for Students in 2023

Name of Program	Date Held	Location Held	Prohibited Behavior Covered
Sexual Assault Awareness	10/3/2023	Falcon Center Main Street	Sexual Assault
Domestic Violence Awareness	10/03/2023 10/19/2023	Falcon Center Main Street & Campus Wide	Domestic Violence
Safe Colleges	Throughout Year	Online	Campus Save Act, Bystander Intervention, Alcohol Awareness, Drug Awareness

Sexual assault and domestic/dating violence and stalking can happen to anyone, no matter how prepared or cautious the person may be. Victims should not blame themselves or hesitate to report the incident. Whatever the circumstances, victims often fear being blamed, humiliated, or not believed. These feelings of fear, guilt, and helplessness can lead to depression, illness, and trouble with academics and relationships.

Remember, no one deserves or asks to be sexually assaulted or abused through domestic/dating violence and stalking. You are encouraged to report any incident to the University Police at (304) 367-4157. Victims of these crimes have the right to notify University Police and they will assist the student in notifying these authorities if the student requests assistance. Individuals may also report the incident to the institution's Title IX Coordinator. The Title IX Coordinator, Jessica Kropog, is responsible for coordinating the institution's compliance with Title IX and is located in 231 Hardway Hall (304-367-4689), Jessica.Kropog@fairmontstate.edu.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and or off campus as well as additional remedies to prevent contact between a complainant⁴ and an accused party, such as changes to housing academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. The Office of Title IX and Compliance assists with obtaining these accommodations and initiates contact if requested.

⁴EDITORIAL NOTE – NOT FOR PUBLICATION IN ASR: This document will use “victim” and “complainant” and “perpetrator” and “accused party” interchangeably. Each institution needs to use language consistent with their institutional policies.

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate

Stalking

6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Dating Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Domestic Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Procedures Victims of Rape, Sexual Assault, Domestic/Dating Violence, or Stalking should Follow

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at Ruby Memorial Hospital/WVU Medicine located at 1 Medical Center Drive, Morgantown, WV 26505. In West Virginia, evidence may be collected even if you choose not to make a report to law enforcement⁵. Pertinent information such as name, date of birth, and address must be given at the hospital. The victim can choose to contact law enforcement or not at that time. There is no statute on felony sex offenses. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/ or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Involvement of Law Enforcement and University Authorities

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including University Police law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Title IX and Compliance Department will assist any victim with notifying law enforcement if the victim so desires.

⁵Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

The department will also refer the victim to HOPE, Inc. and by request may accompany the victim to the location. A victim can contact the University Police Department by calling (304) 367-4157 or (304) 367-4357 or by visiting the University Police Department in

Pence Hall

700 Falconcrest Lane

Fairmont, WV 26554

When a victim of domestic violence, dating violence, sexual assault or stalking makes a report to the University Police Department, law enforcement officials ask the victim for a written statement. If there are any visible marks, cuts, bruises, etc. they are photographed and notated in the officer's report. If the victim needs emergency medical assistance, it will be rendered immediately. If there were any witness' to these acts, the officers note all names and ways to communicate with these witnesses. Law enforcement officials will provide safety options to the victims. This may include: help with transportation to the court to file a domestic violence protective order, information to contact the Title IX Coordinator, information to contact student health and counseling services through Fairmont State University, information on shelters, rides to shelters or family or friends' homes. The victim will be asked if they would like to press charges against the offender. If there is a crime of sexual assault, law enforcement will ask if the victim will consent to providing the hospital with a rape kit. This procedure is performed at Ruby Memorial Hospital.

Additional information about the University Police Department may be found online at: <https://www.fairmontstate.edu/about/university-police/default.aspx>

Ruby Memorial Hospital/WVU Medicine

1 Medical Center Drive

Morgantown, WV 26505

A victim may also report such crimes to Fairmont City Police Department by calling 911 or (304) 366-9280 or by visiting the Police Department at **500 Quincy St.** Fairmont, WV 26554

If the victim reports domestic violence, dating violence, sexual assault or stalking to the Fairmont City Police, the role of the officer remains same. The victim will need to give a written statement. If there are visible marks on the victim, those marks will be photographed and noted in the report.

If medical assistance is needed, the victim will be transported to the hospital via emergency medical services. Any witnesses to the crime will be notated. Fairmont City Police will also provide information on finding a safe place such as shelters or family and friends. Officers may arrange transportation to shelters or emergency housing as necessary. Officers will help victims with transportation to the court to file domestic violence protective orders. If there is a crime of sexual assault, law enforcement will ask if the victim will consent to providing a rape kit. This procedure is performed at Ruby Memorial Hospital located in Morgantown, WV at the address above.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault or stalking, you should report the incident promptly to the Title IX Coordinator, Jessica Kropog at 304-367-4689 or in person at 231 Hardway Hall or through email at jessica.kropog@fairmontstate.edu or titleix@fairmontstate.edu. Reports of all domestic violence, dating violence, sexual assault and stalking made to University Police will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges⁶.

Victims of Rape, Sexual Assault, Domestic/Dating Violence, and Stalking

If you are raped or sexually assaulted, you should take the following steps:

1. Get medical attention immediately.
2. Save your clothing.
3. Report the incident to the police even if you decide not to prosecute.
4. Take advantage of available support systems.
5. Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.

⁶EDITORIAL NOTE – NOT FOR PUBLICATION IN ASR: The Title IX Coordinator is regarded as a “Responsible Employee” under Title IX and also a “Campus Security Authority” under the Clery Act. Statistical information less the victims

If you are the victim of domestic violence:

1. Assess your immediate safety needs.
2. Call police or 911.
3. Take photographs of abuse and/or property damage.
4. Obtain a copy of your medical reports.
5. Obtain a copy of the police report.

If you are being stalked:

1. Documentation is needed – write down the details.
2. Keep e-mail messages or social media posts, voicemails, texts, etc.
3. Report to the police.
4. Obtain restraining orders through the courts.
5. Monitor your behavior – don't act out against the stalker by committing an illegal act.

Victims of domestic violence and stalking offenses are protected by law and should seek to report these incidents to the authorities, including University Police. If you, your family, or a friend is in immediate danger, you should call 911 or go to your nearest police station as soon as possible. If you are suffering from a pattern of violence, you have the right to request a restraining order against the abuser. The police can assist you in this process. If a restraining order is issued, the offender will be legally prohibited from contacting you. If you live with the abuser, he or she will be required to move out of the dwelling. The abuser will also be required to stay away from your place of work or your child's/children's school if you have children. Following this process will also introduce you to the networks that can help you recover and take control again. In addition, the resources below are available to victims to obtain a medical examination and take advantage of available support systems.

Fairmont State University Sexual Assault, Domestic Violence, and Stalking Resources

Fairmont State University Police Department

Pence Hall Lobby

304-367-4157 or

304-367-HELP

Title IX Coordinator

Jessica Kropog

231 Hardway Hall

304-367-4689

Jessica.kropog@fairmontstate.edu

Fairmont State University Counseling Services

Falcon Center Suite 340

304-367-4792

counseling@fairmontstate.edu

HOPE, Inc.

304-367-1100

National Sexual Assault Hotline

1-800-656-HOPE

RAINN (Rape, Abuse & Incest National Network)

202-544-3064 www.rainn.org

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Fairmont State University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

On-Campus	Employees	Students
Counseling	REACH Employee Assistance (800) 950-3434	Falcon Center Suite 340 Phone: (304) 367-4792 counseling@fairmontstate.edu
Mental Health	REACH Employee Assistance (800) 950-3434	Falcon Center Suite 340 Phone: (304) 367-4792 counseling@fairmontstate.edu
Health Services	Wellness Programs Falcon Center (304) 367-7222	Fairmont State University Health Services Falcon Center 3rd Floor (304) 367-4155
Title IX Coordinator	Hardway Building 231 Phone: (304) 367-4689	Hardway Building 231 Phone: (304) 367-4689
International Student Support and Services	Coordinator for Educational Pathways for International Centers and Students Turley Center 311 Phone: (304) 367-4490	Coordinator for Educational Pathways for International Centers and Students Turley Center 311 Phone: (304) 367-4490
Student Financial Aid	Turley Center 303 Financial Aid Office Phone: (304) 3674141 FinancialAid@fairmontstate.edu	Turley Center 303 Financial Aid Office Phone: (304) 367-4141 FinancialAid@fairmontstate.edu
Campus Police	700 Falconcrest Lane Fairmont, WV 26554, Pence Hall 1st Floor (304) 367-4157 or (304) 367-4357	700 Falconcrest Lane Fairmont, WV 26554, Pence Hall 1st Floor (304) 367-4157 or (304) 367-4357
Dean of Students	Provost and Vice President of Academic Affairs Hardway Hall 210 Phone: (304) 367-4101	Provost and Vice President of Academic Affairs Hardway Hall 210 Phone: (304) 367-4101

On-Campus	Employees	Students
Sexual Misconduct site	https://www.fairmontstate.edu/title-ix/default.aspx	https://www.fairmontstate.edu/title-ix/default.aspx
Victim Advocacy	Hope Inc. (304) 367-1100	Hope Inc. (304) 367-1100
Visa and Immigration Assistance	Travel.State.Gov http://travel.state.gov/content/travel.html	Travel.State.Gov http://travel.state.gov/content/travel.html

Off-Campus Resources

Off-Campus	Employees	Students
Counseling Mental Health	REACH 800-950-3434	Valley Crisis Line at 1-800-232-0020
Victim Advocacy	Hope Inc. (304) 367-1100	Hope Inc. (304) 367-1100
Fairmont City Police Department	500 Quincy Street, Fairmont WV, 26554	500 Quincy Street, Fairmont, WV 26554

Off-Campus	Employees	Students
Health	Fairmont Regional Medical Center (304) 367-7100	Fairmont Regional Medical Center (304) 367-7100
Mental Health	REACH 800-950-3434	Valley Crisis Line at 1-800-232-0020
Victim Advocacy	Hope Inc. (304) 367-1100	Hope Inc. (304) 367-1100
Legal Assistance	Legal Aid Clarksburg: (304) 623-6649 Morgantown (304) 296-0001	Legal Aid Clarksburg: (304) 623-6649 Morgantown: (304) 296-0001
Visa and Immigration Assistance	Travel.State.Gov http://travel.state.gov/content/travel.html	Travel.State.Gov http://travel.state.gov/content/travel.html
Student Financial Aid	Federal Student Aid 1-800-433-3243	Federal Student Aid 1-800-433-3243

Other resources available to anyone who reports victimization of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

Victim’s Bill of Rights

As required by law, in cases of sexual assault, other sex offenses, domestic/dating violence, and stalking offenses:

A victim of sexual assault, domestic/dating violence, or stalking, regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist the victim of sexual assault, domestic violence, dating violence, and stalking and shall be provided a written explanation of his or her rights will include:

- (a) The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- (b) Information about how the institution will protect the confidentiality of victims and other necessary parties;
- (c) A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- (d) A statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- (e) An explanation of the procedures for institutional disciplinary action.

Furthermore, the institution shall inform the victim in writing of options and resources available to obtain confidential assistance in changing academic, living, transportation, and working situations after an alleged sexual assault, other sex offenses, and domestic/dating violence and stalking offenses. The victim may contact the Director of Housing and Residence Life and the Title IX Coordinator to help assist requesting changes that will be accommodated when reasonably available.

Rights of Victims and the Institution'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 the Institution

Fairmont State University complies with West Virginia law in recognizing orders of protection by: Any person who obtains an order of protection from West Virginia or any reciprocal state should provide a copy to University Police and the Office of Title IX. The University cannot apply for a legal order of protection, no contact order or restraining order for the victim, however, the University Police Department may assist the victim on how to obtain those services.

Type of Order	Rights of Victims	Institution's Responsibility
Domestic Violence Protective Order	Individuals covered under domestic relations in WV may obtain Domestic Violence Protective Orders. If granted, it may be effective for 90 or 180 days, in which the respondent is ordered to have no contact with the petitioner.	University Police and Title IX will provide the information on how to file the Domestic Violence Protective Order.
Personal Safety Order	Individuals not covered under domestic protective orders (no domestic relationship as defined by WV) may obtain Personal Safety Orders. If a temporary Personal Safety Order is granted, a hearing within 10 days is scheduled. At the hearing the Order may be extended.	University Police and Title IX will provide the information on how to file Personal Safety Order.

Type of Order	Rights of Victims	Institution's Responsibility
Emergency Protective Order	The petitioner must show an immediate threat or danger to themselves or children. If granted, this protective order will be valid until the full court hearing and may be extended.	University Police will provide the information on how to file the Emergency Protective Order.

The victim is required to apply directly for these services in conjunction with the Magistrate.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, sexual assault or stalking, Fairmont State University will provide written notification to students and employees about accommodations available to them, including: academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university officials will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to University Police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc.

Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should request such accommodations by contacting the Office of Title IX and Compliance, who then initiates the assistance with other departments.

Title IX and Compliance Department—Jessica Kropog

231 Hardway Hall; (304) 367-4689; Jessica.Kropog@fairmontstate.edu

Other Departments may include:

Counseling Services/Student Health

3rd Floor Falcon Center; (304) 367-4155

counseling@fairmontstate.edu

Residence Life

317 Turley Center; reslife@fairmontstate.edu; (304) 367-4216

Human Resources - Ashley Maxey

225 Hardway Hall;

Ashley.Maxey@fairmontstate.edu; (304) 367-4113

University Police

1st floor Pence Hall Lobby; (304) 367-4157 or (304) 367-4357; PublicSafety@fairmontstate.edu;

Chief of Police James McGahan III; james.mcgahan@fairmontstate.edu;

Police Department Communications—Beth Martin; (304) 367-4157; Beth.Martin@fairmontstate.edu

Confidentiality

The request to withhold directory information can be made to the registrar. The office is located in Hardway Hall 218, and any questions can be directed to the phone number, (304) 367-4141 or registrar@fairmontstate.edu.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will 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 the institution to provide the accommodations or protective measures.

The University **does not publish** the names of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notification is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Student Conduct Procedure

As required by law, in cases of alleged sexual assault, other sex offenses, and domestic/dating violence and stalking offenses handled through on-campus disciplinary hearing, the following apply:

- The accuser and accused are entitled to simultaneous written notice of the charge and the hearing related to these offenses.
- The accuser and accused are entitled to the same opportunities to have others present during the proceedings.
- The accuser and accused are entitled to simultaneous written notification of any change to the result of the proceeding that occur prior to the result becoming final.

Institutional Disciplinary Action

When a complaint is made to Title IX or Student Conduct, typically Title IX and/or Student Conduct will meet with the complainant to assess the nature and egregiousness of the complaint. All proceedings will include a prompt, fair and impartial process from initial investigation to final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes, for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually, through the Association of Title IX Administrators (ATIXA) either by in person trainings or through an online web-based program, on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the institution 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.
5. The accuser and the accused will be notified simultaneously, in writing, of the initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding.

When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

The policy regarding disciplinary hearings for Domestic Violence, Sexual Assault and Stalking. (West Virginia does not have a specific code for Dating Violence, those incidents will be regarded as Domestic Violence.)

1. How to file a Disciplinary Complaint Under this policy

Reports alleging violations can be made online at

http://fsubehsci.sjc1.qualtrics.com/jfe/form/SV_1AH6rDEFhvSpskR

Complaints may be directed to the Title IX Coordinator, Jessica Kropog, as well as, Student Conduct with Jeremiah Kibler.

2. How the University Determines Whether This Policy will be used

Complaints related to Domestic Violence, Sexual Assault & Stalking received by Student Conduct are immediately referred to the Title IX Office. Incidents determined to be Title IX or VAWA offenses (Violence Against Women's Act) are investigated by that office.

3. Steps in the Disciplinary Process

Once a Title IX or VAWA case is completed by the Office of Title IX, the case is forwarded to Student Conduct and may include recommendations for disciplinary actions. An initial hearing is conducted with the respondent and recommended disciplinary action is discussed. If the respondent accepts responsibility, disciplinary action is subsequently taken immediately. If the respondent does not accept responsibility, a formal hearing is scheduled. The respondent may be found responsible or not responsible. If responsible, the respondent may appeal the Student Conduct Officer's decision.

4. **Anticipated Timelines**

Initial hearings are set within five days of receipt of completed Title IX investigation reports and findings of fact. Formal hearings are normally scheduled within 30 days. Any appeals must be filed within five business days of the Student Conduct decision, and an appeal is heard and delivery of a decision within 30 days of filing. If the adherence to such time period would be impracticable, the time period may be extended as warranted by the particular circumstances.

5. **Decision-Making Process**

Documentation including written and digital, witness/victim/accused statements, and testimony is gathered and the impartial Title IX Coordinator will make a finding or determination regarding all evidence.

6. **Standard of Evidence**

Preponderance of the evidence is the standard used.

All Possible Sanctions for Responsible Student

Residents Life may issue letters of warning, interim removal, immediate removal, refer to Student Conduct, residence hall probation, residence hall deferred suspension, residence hall reassignment, residence hall termination of contract and removal, residence hall ban, and parental notification.

Office of Student Conduct may take the following actions:

Student Conduct may issue no contact orders, fines, community service, completion of educational classes, loss of privileges, restitution, revocation, probation, deferred suspension, suspension, and expulsion.

The University may refer the incident to the Prosecuting Attorney or may obtain arrest warrants and seek prosecution under state statutes.

All Possible Sanctions for Responsible Employees

The possible sanctions for sex offenses, domestic/dating violence and stalking offenses by the institution following the progressive discipline process are verbal counseling, written warnings, suspension without pay, employment termination and, immediate termination (for serious violations and/or gross misconduct).

Range of Protective Measures Available to a Victim Alleging Misconduct

Protective measures may range from No-Contact directives, remote participation during hearings, safety escorts, and prohibitions against retaliation.

Fairmont State University Board of Governors Policy GA-01 applies to **Employees**, as well as **Students**, **Vendors** and **Visitors**, accused of Domestic Violence, Sexual Assault, and Stalking.

https://www.fairmontstate.edu/files/bog/policies/fsu_policy_ga-01.pdf

1. There are two types of complaints, a “Formal Complaint of Sexual Harassment (Quid Pro Quo), Sexual Harassment (Hostile Environment), Sexual Assault, Domestic Misconduct and Stalking and the second type of complaints refer to “All other complaints of Prohibited Conduct” within the University’s jurisdiction. These complaints may be filed with the Office of Title IX.
2. Any member of the University Community who believes they have been subject to any of the Prohibited Conduct may file a complaint and where appropriate, the Title IX Coordinator may also file a complaint. The Title IX Coordinator then investigates the and responds to all complaints regarding alleged misconduct. When an employee, vendor or visitor has been accused of Prohibited Conduct, the complaint will be handled in accordance with the Title IX grievance procedures.
3. The Office of Title IX follows Due Process protocols.
4. After a complete investigation, the Title IX Coordinator will make the final determination on the outcome of the complaint.
5. Results are based on preponderance of the evidence, which means that it is more likely than not, that a violation occurred.
6. Anyone who violates the policy set forth, will be subject to appropriate disciplinary actions, including suspension, termination, or other disciplinary actions that may be appropriate.
7. Victims are provided protective measures in writing. These measures include accommodations available to them, including transportation, protective orders and working situations.

If the complainant wishes to proceed with the Title IX and/or Student Conduct process, No Contact Directives are typically issued (at minimum for the course of the investigation), the respondent and any witnesses will be interviewed. Upon adjudication, if a respondent is found responsible, the institution moves forward with the conduct process in accordance with the Student Code of Conduct. If a respondent is found not responsible, No Contact Directives may remain in place and no further action is taken.

If the complainant does not wish to proceed or participate in the Title IX/Student Conduct process, Title IX officials will make a determination on whether or not to proceed with any action. No Contact Directives may still be issued and the institution may move forward with the conduct process, depending on the egregiousness of the complaint.

The decision of responsible or not responsible for Domestic Violence, Sexual Assault, Dating Violence and Stalking is determined by Title IX officials. Typically, decisions in the cases involving interpersonal violence are determined within 60 days.

A complaint may be filed by the victim or by third party. The complaint should be made to the Title IX Coordinator. If a complaint is made to another campus entity, the complaint should be forwarded to the Title IX Coordinator.

University-Initiated Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: A University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved⁷. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Fairmont State University.

⁷Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, clas-

Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In West Virginia, convicted sex offenders must register with the West Virginia State Police. More information may be found at the following website:

<https://apps.wv.gov/StatePolice/SexOffender/Disclaimer?continueToUrl=http%3A%2F%2Fapps.wv.gov%2FStatePolice%2FSexOffender>.

POLICY REGARDING WEST VIRGINIA CAMPUS SELF-DEFENSE ACT

The Fairmont State University Board of Governors Policy #GA-08, effective as of July 1, 2024, provides guidelines, regarding the Campus Self-Defense Act. The policy may be obtained by visiting: https://www.fairmontstate.edu/files/bog/policies/fsu_policy_ga-08.pdf

PURPOSE & SCOPE

- 1.1 This Policy provides Fairmont State University's guidelines regarding the University's implementation of W. Va. Code § 18B-4-5b, also known as the Campus Self-Defense Act, which, subject to certain limited exceptions set forth below, allows for carrying of a concealed pistol or revolver on campus by those holding a current and valid License to carry a Concealed Deadly Weapon.
- 1.2 This Policy applies to Fairmont State University's campus and in its buildings under the University's custodial possession but does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.⁸

Policy

- 2.1 Except as specifically provided for by this Policy or by law, Deadly Weapons are prohibited on Fairmont State University's campus and in its buildings.
- 2.2 Section 2.1 does not apply to a person holding a License to Carry a Concealed Deadly Weapon and who is carrying a concealed pistol or revolver on Fairmont State University's campus and in its buildings,⁹ except as set forth in section 2.3. This Policy and the Campus Self-Defense Act only apply to Concealed Pistols or Revolvers and not to any other firearms. The open carrying of any firearm or the Concealed carrying of any firearm other than a Pistol or Revolver as provided herein will subject the carrier to disciplinary action and possible legal action.

⁸W. Va. Code § 18B-4-5b(a)(providing that the West Virginia Campus Self-Defense Act "only applies to areas of the campus and buildings of a state institution of higher education under the custodial possession of the state institution of higher education and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity")

⁹W. Va. Code § 18B-4-5b(a)("a person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campus and in the buildings of a state institution of higher education").

- 2.3** As permitted by both the Campus Self-Defense Act and the Business Liability Protection Act,¹⁰ all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations¹¹:
- 2.3.1** At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;
 - 2.3.2** At a daycare facility located on Fairmont State Property;
 - 2.3.3** In the secure area of any building used by University Police or other law enforcement agency on Fairmont State Property;
 - 2.3.4** In an area of Fairmont State Property that has Adequate Security Measures, as defined in Subsection 5.1 below, to ensure that Deadly Weapons are not carried by the public into the area;
 - 2.3.5** In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;
 - 2.3.6** At a primary or secondary education school-sponsored function being held in a specific location on Fairmont State Property that is rented, leased, or under the exclusive use of the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;
 - 2.3.7** At a private function that is being held in a specific location on Fairmont State Property that is rented, leased, or under exclusive use of an entity that is not affiliated with the University for the actual period of time the function is occurring;
 - 2.3.8** In any area of Fairmont State Property where possession of a firearm is prohibited by State or federal law;
 - 2.3.9** In specifically designated areas in which patient-care or mental health counseling is being provided;
 - 2.3.10** In High Hazardous and Animal Laboratories, as defined in Subsection 5.4 below;

¹⁰See, W. Va. Code §61-7-14(c)

¹¹W. Va. Code § 18B-4-5b(b)(1)– (12)

2.3.11 In on-campus residence halls, except common areas such as lounges, dining areas, and study areas. This exception does not apply to Fairmont State University employees whose responsibilities require them to be in an on-campus residence hall and who would otherwise be able to carry a Concealed Revolver or Pistol on- or about their person while present in the residence hall for purposes of their employment.¹²

2.4 The University shall provide reasonable notice to the public and campus community about the exceptions set forth in Section 2.3

2.5 The exceptions set forth in Section 2.3 and the general prohibition against Deadly Weapons do not apply to the following persons, while acting in their official capacity: law enforcement officers or law enforcement officials or chief executives as defined in W. Va. Code § 30-29-1; West Virginia Department of Corrections employees duly appointed pursuant to W. Va. Code § 25-1-11c; federal law enforcement officers or federal police officers authorized to carry a weapon in the performance of the officer's duty; members of the United States armed forces, reserve, or National Guard; parole officers appointed pursuant to W. Va. Code § 62-12-14;¹³ any justice of the Supreme Court of Appeals of West Virginia, circuit judge, retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, family court judge, magistrate, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney.¹⁴

2.6 Consistent with the Business Liability Protection Act, the prohibitions of this Policy do not apply to legally owned firearms lawfully possessed, out of view, and locked inside or locked to a motor vehicle in a parking lot when an individual is lawfully allowed to be present in that area.¹⁵

2.7 To the extent anything in this Policy conflicts with the West Virginia Campus Self-Defense Act or the Business Liability Protection Act, the applicable act takes precedence.

¹²W. Va. Code § 18B-4-5b(c).

¹³See, W. Va. Code §§ 61-7-6 and 61-7-14(c)

¹⁴Id.

¹⁵W. Va. Code § 61-7-14(d)(1)(A)-(D).

- 3.1 Any University employee or student who fails to abide by the requirements of this Policy is subject to appropriate disciplinary action, including warning, suspension, termination, possible criminal charges, or other disciplinary action as may be appropriate.
- 3.2 Any other person who fails to abide by the requirements of this Policy is subject to appropriate action by University officials, including without limitation a request by Campus Police to leave campus or temporarily relinquish the prohibited item, referral to law enforcement for criminal action, issuance of a trespass notice, and a temporary or permanent ban from campus.
- 3.3 It is a violation of State law and this Policy to carry on Fairmont State Property a Pistol or Revolver (or any other firearm or Deadly Weapon) that is partially or wholly visible, or intentionally or knowingly display in plain view of another person, or in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered. This provision applies to individuals who possess a valid License to Carry a Concealed Deadly Weapon and any other person not expressly permitted or authorized by this Policy to carry a Concealed Pistol or Revolver. Anyone who violates this subsection may be subject to disciplinary action, including without limitation a campus ban and any applicable criminal charges.¹⁶
- 3.4 Although conduct may not violate this Policy, it may still be prohibited by the University under a different Policy or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

Definitions

- 5.1 “**Adequate Security Measures**” means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any Pistols or Revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that Pistols or Revolvers are not carried in those areas by members of the public.¹⁷

¹⁶W. Va. Code § 18B-4-5b(g)

¹⁷W. Va. Code § 18B-4-5b(b)(4).

- 5.2 **“Concealed”** means hidden from ordinary observation so as to prevent disclosure or recognition. A Deadly Weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the Deadly Weapon was being carried.¹⁸ For purposes of this Policy, a person is considered to be carrying on or about his or her person while in a designated University storage area or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.
- 5.3 **“Deadly Weapon”** means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use.¹⁹
- 5.3.1 The term **“Deadly Weapon”** includes, but is not limited to, firearms, antique fire arms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pepper spray, pistols, and revolvers, as defined in W. Va. Code § 61-7-2, or other deadly weapons of like kind or character which may be easily concealed on or about the person.²⁰
- 5.3.2 The term **“Deadly Weapon”** does not include a pocketknife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports, or other recreational uses, or a knife designed for use as a tool or household implement, unless the item is knowingly used or intended to be used to produce serious bodily injury or death.
- 5.3.3 The term **“Deadly Weapon”** does not include pepper spray when used by any person solely for self-defense purposes.²¹
- 5.4 **“High Hazardous and Animal Laboratories”** means laboratories with:
- 5.4.1 Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher
- 5.4.2 Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;

¹⁸See W. Va. Code § 61-7-2(3)(defining the term)

¹⁹See W. Va. Code § 61-7-2(5)(defining the term)

²⁰See generally W. Va. Code § 61-7-2 (5).

²¹See W. Va. Code § 61-7-2(5)

- 5.4.3 MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;
- 5.4.5 Large cylinders of acetylene; or
- 5.4.6 Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.²²
- 5.5 “**License to Carry a Concealed Deadly Weapon**” means a current and valid license, lawfully issued by the State of West Virginia pursuant to W. Va. Code § 61-7-4; W. Va. Code § 61-7-4a; or a current and valid license or permit recognized under W. Va. Code § 61-7-6a.²³
- 5.6 “**Pistol**” means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.²⁴
- 5.7 “**President**” means the President of Fairmont State University, or their designee.
- 5.8 “**Revolver**” means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.²⁵

Authority

- 6.1 W. Va. Code § 18B-2A-4; W. Va. Code § 18B-1-6; W. Va. Code § 61-7-14, Business Liability Protection Act; W. Va. Code § 18B-4-5b, Campus Self-defense Act.

Superseding Provisions

- 7.1 This Policy repeals, supersedes, and replaces any other internal University policy or procedure which relates to the subject matter contained within this Policy and supersedes and replaces any Policy of Higher Education Policy Commission which relates to the subject matter contained within this Policy.

²²W. Va. Code § 18B-4-5b(b)(11)

²³W. Va. Code § 18B-4-5b(i)

²⁴W. Va. Code § 61-7-2 (13)

²⁵W. Va. Code § 61-7 –2(14)

Annual Fire Safety Report

To obtain a copy of the Annual Security and Fire Safety Report, you can access the report online at: <https://www.fairmontstate.edu/about/university-police/jeanne-clery-act.aspx>. If you would like to receive a hard copy of the Annual Security and Fire Safety Report, you can stop by the University Police Department at Pence Hall or you can request that a copy be mailed to you by calling (304) 367-4157.

Residence Hall Fire Safety Information

Safety and health regulations prohibit the use of electric devices such as a hot plate, toasters, ovens, popcorn popper, air conditioners, dehumidifiers, electric grills, portable heaters, sandwich makers, crock pots, and microwaves (unless you have rented a Micro-Fridge Unit through our contract). Any open-flame object (e.g., candles or incense) and candle warmers, gasoline, lighter fluid, charcoal grills, or any combustible, explosive, or flammable material, along with extension cords or multi-receptacle outlets are also prohibited.

Fairmont State University is a tobacco-free campus. Smoking inside residence halls, academic halls or outside the premises, is strictly prohibited.

Procedures for Student Housing Evacuation in Case of a Fire

In the event of a fire, the University expects that all campus community members will evacuate to the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and University Police. Students and/or staff are informed where to relocate by staff if the circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in fire-fighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the University's fire safety policies. Everyone is also provided with maps of each University student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them. Fire safety education and training programs are taught by local fire authorities.

Regulations for Fire Drills and Student Housing Evacuations

When a fire alarm sounds, each resident will.

1. Dress appropriately.
2. Close the windows and leave the light on
3. Close the door as you leave the room.
4. Walk a safe distance from the building via the nearest available exit.

Fire Locations

A. Residents of BRYANT PLACE

- Floors 1-3: 2nd floor parking garage
- Floors 4-6: 6th floor parking garage

B. Residents of MORROW HALL should meet in the Falcon Center Quad area.

C. Residents of PENCE HALL should proceed to the parking lot area nearest the Feaster Center.

D. Residents of PRICHARD HALL should evacuate to the Falcon Center/Morrow Hall side walk area

E. Residents of UNIVERSITY TERRACE should evacuate to:

- West & East- Lot 6 (parking lot behind West Building)
- North- Lot 12 (next to practice field)

5. Follow the directions provided by the Residence Life Staff.

- Residents not in their rooms when the alarm sounds should leave by the nearest exit.
- Only upon approval from the University Police Official, Residence Life Staff, or authorized personnel, you should re-enter the building.
- Failure to vacate the residence halls during a fire drill may result in disciplinary action, such as dismissal from the residence hall or a disciplinary sanction.
- The unauthorized pulling or activation of a fire alarm may result in automatic suspension from the residence hall and/or prosecution by local authorities

Procedures Students and Employees Should Follow in Case of a Fire

Student Housing Evacuation Procedures in Case of a Fire

- If you hear the fire alarm, immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds, shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.

- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

Fire Safety Equipment

Tampering with or the misuse of fire safety equipment is prohibited. This includes removing or disabling the smoke detector or fire extinguisher. If the smoke detector or fire extinguisher needs replaced, students should contact the Residence Director, Physical Plant or University Police. Fire safety equipment includes, but is not limited to fire alarms, smoke detectors, fire extinguishers, and unit door closures. Anyone apprehended for vandalizing or using fire safety equipment for any purpose other than safety will be reported to University Police. Fire extinguishers are checked by safety personnel every quarter.

Fire alarms and smoke detectors are inspected and tested annually by the Physical Plant personnel.

Fire Log

A fire log is available for review at the University Police Department in Pence Hall, from 7a.m.– 3 p.m. Monday through Friday, excluding holidays. The information in the fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location of fires.

Description of Residence Hall Fire Safety Systems

Building Name	Alarm System	Digital Communications	Sprinkler System	Standpipe System	Sprinkler Coverage	# of Fire Drills
Pence Hall 700 Falconcrest Lane Fairmont, WV 26554	Yes	Yes	No	No	No	2
Prichard Hall 300 Falconcrest Lane Fairmont, WV 26554	Yes	Yes	No	No	No	2
Morrow Hall 100 Falconcrest Lane Fairmont, WV 26554	Yes	No	No	No	No	2
Bryant Place 1120 Bryant St. Fairmont, WV 26554	Yes	No	Yes	Yes	Yes	2
University Terrace 20 Squibb Wilson Blvd. Fairmont, WV 26554	Yes	Yes	Yes	Yes	Yes	2

Fire Statistics 2021

Residential Facilities	Number of Fires	Cause of Each Fire (Intentional; Unintentional; Or Undetermined)	Number of Injuries Related to Fire	Number of Deaths Related To Each Fire	Value of Property Damage
Pence Hall 700 Falconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Prichard Hall 300 Falconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Morrow Hall 100 Falconcrest Lane Fairmont, WV 26554	1	Unintentional Bag of Popcorn	0	0	\$0-\$99
Bryant Place 1120 Bry- ant St. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
University Terrace 20Squibb Wil- son Blvd. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A

Fire Statistics 2022

Residential Facilities	Number of Fires	Cause of Each Fire Intentional;; Un-intentional; Or Undetermined)	Number of Injuries Related to Fire	Number of Deaths Related To Each Fire	Value of Property Damage
Pence Hall 700 Falconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Prichard Hall 300 Falconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Morrow Hall 100 Falconcrest Lane Fairmont, WV 26554	0	N/A	0	0	N/A
Bryant Place 1120 Bryant St. Fairmont, WV 26554	0	N/A	0	0	N/A
University Terrace 20 Squibb Wilson Blvd. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A

Fire Statistics 2023

Residential Facilities	Number of Fires	Cause of Each Fire Intentional; Unintentional; Or Undetermined)	Number of Injuries Related to Fire	Number of Deaths Related To Each Fire	Value of Property Damage
Pence Hall 700 Falconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Prichard Hall 300 Flaconcrest Lane Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
Morrow Hall 100 Falconcrest Lane Fairmont, WV 26554	0	N/A	0	0	N/A
Bryant Place 1120 Bryant St. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A
University Terrace 20 Squibb Wilson Blvd. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A

Reporting Fires

Per federal law, Fairmont State University is required to annually disclose statistical data on all fires that occur in University student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. You should notify University Police at (304) 367-4157 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the Fairmont State University community discovers evidence of a fire that has been extinguished, and the person is not sure whether University Police has already responded, the community member should immediately notify University Police at (304) 367-4157 to investigate and document the incident for disclosure in the University's annual fire statistics.

Plans for Improvement to Fire Safety and Campus

There are no projected upgrades to the fire systems, however, Fairmont State University officials continuously test the fire systems and make adjustments when necessary. If an upgrade is needed, the University will provide the upgrade in a safe manner.

The previous upgrade to the PTAC units of Morrow Hall, Prichard Hall, Pence Hall and Bryant Place were completed. In addition, the completion of the new video scoreboard in the Feaster Center Gymnasium, upgrades to the Falcon Center Conference Terrace Seating, refinishing of the Feaster Center gym floor, upgrades to all residence halls, upgraded HVAC controls in University Terrace, Tennis Court crack repair resurfacing, Bryant Place elevator replacement, Library elevator upgrades, and Housing PTAC upgrades all completed by the Summer of 2024.

Projects still under construction projected through December 2024 include: upgrades to the garage storage door at Colebank Hall, classroom upgrades in Education Building rooms 105 and 105, remodeling of Hardway Hall rooms 305 and 320, new siding for the Kiln Building, upgrades to the Wallman Hall Theatre lighting, construction on the Shaw House outdoor living space, Education Nursing SIM renovation, and a feasibility study regarding the lower practice field .

Projects expected to commence in 2025 include: wireless card access for University Terrace, Bryant Place, Morrow Hall, Pence Hall, Prichard Hall, and partial Engineering Building, phase 3 of maintenance of the Parking Garage, Parking Garage elevator replacement for both elevators, and phase 1 of the modernization of the Library.

PRIMARY CRIMES FOR 2021, 2022, & 2023

CRIMINAL OFFENSES PRIMARY CRIMES (REPORTED BY HIER- ARCHY)	YEAR	ON- CAMPUS STUDENT HOUSING	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
MURDER/NON- NEGLIGENT MAN- SLAUGHTER	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
RAPE	2023	1	1	0	0	1
	2022	3	3	0	0	3
	2021	2	2	0	0	2
FONDLING	2023	0	0	0	0	0
	2022	1	1	0	0	1
	2021	0	0	0	0	0
STATUTORY RAPE	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
INCEST	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

PRIMARY CRIMES FOR 2021, 2022, & 2023						
CRIMINAL OFFENSES PRIMARY CRIMES (REPORTED BY HIERARCHY)	YEAR	ON-CAMPUS HOUSING	ON CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
ROBBERY	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
AGGRAVATED ASSAULT	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	1	0	0	0	1
BURGLARY	2023	0	3	0	0	3
	2022	3	0	0	0	0
	2021	3	1	0	0	0
MOTOR VEHICLE THEFT	2023	0	0	0	0	0
	2022	1	0	0	0	1
	2021	0	0	0	0	0
ARSON	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

VAWA OFFENSES FOR 2021, 2022, & 2023						
VAWA OFFENSES	YEAR	ON-CAMPUS HOUSING	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
DOMESTIC VIOLENCE	2023	0	0	0	0	0
	2022	1	1	0	0	1
	2021	0	0	0	0	0
DATING VIOLENCE	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
STALKING	2023	2	4	0	0	4
	2022	2	0	0	0	2
	2021	1	1	0	0	1

*West Virginia Code does not have a specific statute for Dating Violence, therefore, the statistics used will be located under Domestic Violence.

ARRESTS FOR 2021, 2022, & 2023						
OFFENSE	YEAR	ON-CAMPUS HOUSING	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
LIQUOR LAW ARREST	2023	0	0	0	0	0
	2022	1	1	0	0	1
	2021	0	0	0	0	0
DRUG LAW ARREST	2023	0	0	0	0	0
	2022	1	0	0	0	1
	2021	1	0	0	0	1
WEAPONS LAW ARREST	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

REFERRALS FOR 2021, 2022, & 2023						
OFFENSE	YEAR	ON-CAMPUS HOUSING	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
ALCOHOL LAW REFER-RALS	2023	18	19	0	0	19
	2022	21	21	0	0	21
	2021	0	0	0	0	0
DRUG LAW REFER-RALS	2023	0	0	0	0	0
	2022	11	11	0	0	11
	2021	6	4	0	0	6
WEAPONS LAW RE-FERRALS	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Hate Crime Statistics

2021: Zero (0) Hate Crimes, as defined by applicable federal law, were reported.

2022: Zero (0) Hate Crimes, as defined by applicable federal law, were reported.

2023: Zero (0) Hate Crimes, as defined by applicable federal law, were reported.

Unfounded Crimes

2021: There were Zero (0) Unfounded Crimes for this Calendar year.

2022: There were Zero (0) Unfounded Crimes for this Calendar year.

2023: There were Zero (0) Unfounded Crimes for this Calendar year.

Appendix

Middle College



Middle College

at FAIRMONT STATE UNIVERSITY

An on-campus, dual-degree academic program

for high school youth in foster care



MIDDLE COLLEGE

AT FAIRMONT STATE UNIVERSITY

PROVIDES YOUTH IN FOSTER CARE* WITH SAFETY, STABILITY, AND WELL-BEING SO THAT THEY CAN REACH THEIR ACADEMIC POTENTIAL.

Middle College at Fairmont State University is a specialized, on-campus, academic program created for West Virginia youth in foster care. If you or someone you know is 16 years old or older and prepared to embark on a life-changing academic journey, we invite you to explore Middle College at Fairmont State. Middle colleges are common in American education and are pathways for high school students to simultaneously earn a high school diploma and an associate degree (or college credit toward a bachelor's degree). Middle College at Fairmont State is unique in that it solely serves youth in foster care.

- The program is open to youth ages 16 and older across the state who are currently in foster care.
- Participants live on Fairmont State's cozy, safe campus seven days per week year-round.
- Tuition, fees and campus living are 100% supported by federal and state sources for attending students.
- Students earn both a high school diploma and a two-year associate degree (or 2 years of college credit toward a bachelor's degree) — students who graduate from Middle College will be better prepared to enter the job market or continue their college education.



- The curriculum follows West Virginia’s requirements, which require a minimum of 22 credits for high school graduation.
- Community based support services and 24/7 on campus support are provided at no cost for attending students.

WHO IS ELIGIBLE?

To participate in Middle College at Fairmont State University, a student must:

- be 16 years old or older;
- currently be in West Virginia foster care;
- be referred by Child Protective or Youth Services or another supportive adult (e.g., a Department of Health and Human Resources case worker, a parent or relative caregiver, a teacher, a school guidance counselor, and/or a child placing agency worker);
- meet academic requirements; and
- demonstrate interest in and ability to successfully complete Middle College.

BENEFITS OF MIDDLE COLLEGE

Students are treated as a whole person with one goal in mind—their long-term success and well-being.

- Safety & Security
- Academic Support & Advising
- Stability
- Supportive Physical & Emotional Development
- Trauma-Informed Care
- Mentorship & Empowerment
- Development of Life Skills
- Extracurricular Activities
- Community & Belonging
- Personalized Living Spaces
- Healthy Connections
- Weekend & Holiday Activities

MIDDLE COLLEGE IS A PARTNERSHIP BETWEEN FAIRMONT STATE UNIVERSITY AND KVC WEST VIRGINIA.

Fairmont State is a comprehensive, regional university that has been transforming lives and communities for over 150 years. Fairmont State offers over 40 degree programs and over 100 fields of study in the arts, humanities and sciences, aviation, engineering and technology, teacher education, nursing, and business administration.

KVC West Virginia is a private nonprofit organization and a leading foster care agency and mental health treatment provider. With over 20 years of experience, KVC has dedicated itself to enriching and enhancing the lives of children and families. We achieve this through a range of trauma-informed services, including foster care, adoption, outpatient mental health treatment, in-home family preservation, and educational support services. KVC is accredited by The Joint Commission, widely recognized as the gold standard in healthcare.

**“Foster youth” and “youth in foster care” refer to youths, 16 years of age or older, whose legal guardian is the West Virginia Department of Health and Human Resources.*

**LEARN MORE, ASK QUESTIONS, EXPLORE FAQs, OR MAKE A REFERRAL TO
MIDDLE COLLEGE**

If you want to learn more about Middle College, explore Frequently Asked Questions, or if you know a student who is ready to take on the challenges of Middle College AND who also has the potential to benefit from this unique program, please contact us or visit:

MIDDLE COLLEGE AT FAIRMONT STATE UNIVERSITY

FAIRMONTSTATE.EDU/middle-college middlecollege@fairmontstate.edu

1201 Locust Avenue | Fairmont, WV 26554



Curriculum

The curriculum follows West Virginia's requirements, which require a minimum of 22 credits for high school graduation. This includes credits in the areas of English, Mathematics, Science, Social Studies, Physical Education, Health, and the Arts, along with electives.

Through Fairmont State's Middle College, students have access to highly qualified instructors for courses that not only meet the state requirements for high school graduation, but also earn college credit at Fairmont State University.

Normalcy, Permanence, & Ensuring Health for the Whole Student

Young people in foster care regularly face enormous amounts of transition and trauma which pose threats to their overall health and wellbeing. In addition to the instability caused by frequent changes in living situations, youth who have experienced foster care are also likely to have been affected by death, abandonment, abuse, neglect, mental and emotional disorders, illness, substance use/abuse, food and housing insecurity, and other damaging and destabilizing experiences.

To equip youth with the skills they need to cope with past experiences, Fairmont State University has partnered with KVC West Virginia, a leading trauma-informed foster care agency and mental health treatment provider. KVC provides 24/7 on-campus support through a dedicated team of residence hall staff, case managers, therapists, and specialized supervisory staff, ensuring the safety, permanence, and well-being of participating students. KVC also advocates for students' academic and therapeutic needs, facilitating comprehensive educational and therapeutic planning.



Life at Fairmont State University

What is college life like at Fairmont State? Pretty great, actually. Middle College provides a college experience for high-school age students, and participants experience many of the same amenities and the same vibrant campus life atmosphere that our college-age population enjoys.

- Advanced academic programming
- On-campus, student life activities
- Access to performing arts and Fairmont State University athletic events
- Special student life programming (live music events, fairs, ice-cream socials, etc.)
- Use of Falcon Center recreational services (indoor track, swimming pool, treadmills, etc.)

Off-campus group trips to visual and performing arts venues, trips to cities like Pittsburgh or Washington, D.C., athletic events, and outdoor adventure, like skiing and whitewater rafting.



Learn More or Apply to Middle College

If you want to learn more about Middle College, or if you know a student who is ready to take on the challenges of Middle College AND has the potential to benefit from this unique program, [please fill out the form](#). You must be 18+ to fill out this form. If you're a student under 18, have your parent, caregiver or other supportive adult fill this form out for you.

Middle College at Fairmont State University

1-304-367-4593

middlecollege@fairmontstate.edu

1201 Locust Avenue

Fairmont, WV 26554

<https://www.fairmontstate.edu/middle-college/default.aspx>