



2025 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 2022, 2023, 2024

A printed copy of this report is available upon request



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Dear Campus Community,

On behalf of the Fairmont State University Police Department, we extend a warm welcome to all students, faculty, and staff as we begin another exciting academic year. Our department is committed to fostering strong relationships across campus and ensuring a safe, secure environment that supports academic excellence and personal growth.

We recognize that a safe campus is essential for learning, development, and success. That's why our University Police Officers are on duty 24 hours a day, seven days a week—dedicated to protecting and monitoring our campus community.

To further support safety and awareness, we offer training sessions upon request for student organizations and academic classes. These sessions provide valuable information and resources designed to empower individuals and promote a culture of preparedness and vigilance.

Safety is a shared responsibility, and we encourage everyone to report any concerns or information that may help us maintain a secure campus. The Annual Security and Fire Safety Report outlines important policies and procedures to guide reporting and enhance understanding of how each of us can contribute to a safer environment.

We look forward to partnering with you in creating a campus where everyone feels safe, supported, and ready to thrive. Best wishes for a successful and enriching academic year.

Soar Falcons!

Sincerely,

A handwritten signature in blue ink, appearing to read "James McGahan", written in a cursive style.

Chief of Police

James "Bil" McGahan

Preparation of this Report

Fairmont State University provides this Annual Security and Fire Safety Report in compliance with the Jeanne Clery Campus Safety 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	(304) 367-4157 or (304) 367-4357
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
Housing.....	(304) 367-4216
Fairmont Medical Center.....	(304) 367-7100



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 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 Fairmont State 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. Additionally the completion of annual in-service training hours are required 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; police escorts; traffic enforcement; police presence for events; and patrols throughout the campus.

Student Employment

The University Police Department offers students employment opportunities, frequently hiring student security officers who can work up to 20 hours per week. While many participants are criminal justice majors, students from all academic backgrounds are encouraged to apply. These uniformed student officers, often operate in pairs, or alongside police officers, equipped with radio communication, and are regularly assigned to provide security escorts, assist with locking and unlocking doors, enforce parking regulations, patrol the campus, and support parking management and event security.

Their responsibilities include observing and reporting campus activities, assisting officers, and enhancing security presence to help reduce crime at Fairmont State University. As 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, speaking with office walk-ins, processing parking tickets, taking payments, processing appeals, processing parking decals and dispatching officers to calls for service.

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 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, Brittany Bonnell
- Patrol Officer, Alexander Wallace

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, Assistant Vice President for Student Wellbeing and Housing, Director of Residence Life and Housing, and Resident Directors of Housing, for purposes of assessing the incident, for issuing Timely Warning Notifications (Crime Alerts) and Emergency Notifications when deemed necessary and for inclusion of the incident into the daily crime log and the annual statistical disclosure.

University Police

Pence Hall Lobby
(304) 367-4157 (Main Line)
(304) 367-HELP (4357)
publicsafety@fairmontstate.edu

Office of Title IX

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

Vice President of Student Affairs

Dr. Janna Bredeson
307 Turley Center
(304) 367-4937
Janna.Bredeson@fairmontstate.edu

Assistant Vice President for Student Wellbeing & Housing

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317 Turley Center
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Director of Residence Life & Housing

Christopher Heaton

University Terrace Lobby Office

20 Squibb Wilson Blvd.

Fairmont, WV 26554

(304) 367-4949

Christopher.Heaton@fairmontstate.edu

Resident Director of Housing

Morrow Hall, Prichard Hall, Pence Hall

Cody Haskiell

100 Falconcrest Lane,

Fairmont, WV 26554

2nd floor Morrow Office

(304) 368-7230

Cody.Haskiell@fairmontstate.edu

Resident Director of Housing

Bryant Place

Sav Overstreet

1120 Bryant St.

Fairmont, WV 26554

626 Bryant Place

(304) 368-7253

Savanna.Overstreet@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, and Judicial Conduct.

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.

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.

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 can 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.

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 2024, the department performed 12 active shooter trainings, trainings regarding safety awareness and procedures and one University Police Overview training. 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, and drug and alcohol abuse awareness are some examples of programs offered during the academic year. In addition, the Office of Title IX and Compliance conduct trainings, on sexual assault awareness and prevention throughout the 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 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 2024 including: Alcohol Awareness Programs, Learning Healthy Boundaries, where residents received information on stalking awareness, and Wellness and Resilience Programs which target a variety of topics, such as, coping with stress, healthy habits, and mindfulness practices. Topics are often discussed at floor meetings and information is distributed through social media and e-mails. During early October, Student Affairs hosts a day 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 adjacent 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 Crime Alerts), 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, or 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 transmits 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 (Emergency Notification), on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. 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 University Police at (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, faculty, and staff 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 maybe 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 issues 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) 367-4157 or (304) 367-4357 (HELP) .

- 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 &	Primary Message Sender	Backup Sender
911 Cellular (text & e-mail)	UPD	CMCS	L/CMCS	CMCS	IT
Mass e-mail	UPD	CMCS	L/CMCS	CMCS	IT
Secondary	Facilities				
IP Phone Connected in	UPD	CMCS	L/CMCS	CMCS	IT
Public Address System (in limited Facilities)	UPD	CMCS	L/CMCS	CMCS	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.

All student and employee campus emails are enrolled in our emergency communication system. Updating your emergency contact information to include a cell phone number ensures individuals will also receive a text message. The information is essential to help keep the campus community informed of emergency and weather updates. Event and promotional text messages will NOT be sent using this information.

To opt-in for emergency text alerts and voice messaging, students, faculty, and staff can do so by logging on to the myfairmontstate.edu website. Then, select Emergency Notifications on the University Quick Access Card, and update and enter the new or existing cell phone information, and save the information. Only cell phone numbers entered into the Banner System marked “Cell Phone” will be included in the Emergency Alerts System.

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 Departments.

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 Bryant Place and University Terrace, students are provided with metal keys to enter their individual apartment rooms. 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.



Student Code of Conduct

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

The Student Code of Conduct outlines the expectations, standards, and policies that guide student behavior at Fairmont State University. As members of the Falcon community, students are expected to act with integrity, respect, and responsibility-both on campus and in the broader community. This Code exists not only to uphold community values, but also to foster personal growth, accountability, and educational development.

The Student Code of Conduct applies to all students of Fairmont State University. This includes undergraduate and graduate students, fully online students, early college participants, and any student organization officially recognized by the University. By choosing to enroll at Fairmont State, students accept the rights and responsibilities that come with being a member of this academic and social community.

The Code applies to: all enrolled students, full-time or part-time; students participating in online, in-person, or hybrid programs; students involved in early college or dual enrollment programs; student organizations and groups registered with the University; students between terms, on suspension, or on official leave if the conduct occurred while they were enrolled; and students employed by the University, in conduct matters not otherwise governed by employment policies.

The Student Code of Conduct applies to behavior that occurs: on University-owned or controlled property; in residence halls and dining facilities; at University-sponsored or affiliated events, whether on or off campus; in digital environments connected to academic or campus life, including learning management systems, class discussion boards, video calls, and, in certain circumstances, social media; during clinical placements, internships, student teaching, or off-campus study (including study abroad); while attending conferences or representing the University in an official capacity; off campus when the behavior - presents a potential threat to the safety or well-being of the campus community, interferes with University operations or learning environment, or violated law in a way that reflects poorly on the University or its students.

The Code follows the student, not just the location. When students are acting as representatives of Fairmont State University-formally or informally-their behavior is subject to the expectations outlined in this Code.

The Code of Conduct complements, and does not replace, other institutional policies, including but not limited to: The Academic Integrity Policy; Title IX Sexual Harassment and Misconduct Procedures; Residence Life and Housing Guidelines; University employee handbooks, where applicable; or Local, State, and Federal laws.

A student may be accountable under this Code regardless of the status of any civil or criminal legal proceedings. The University's process is separate and may proceed even if charges are reduced, dismissed, or resolved externally.

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.

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 within Student Affairs at 304-333-3708 or contact by email at: studentconduct@fairmontstate.edu

To make a report of potential misconduct online, visit:

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

Sanctions and Educational Outcomes

When a student or student organization is found responsible for violating the Student Code of Conduct, the University may assign sanctions or educational outcomes intended to promote accountability, repair harm, and support student development.

Sanctions are designed to be fair, consistent, and proportional to the nature and severity of the violation. In determining an appropriate outcome, the University considers: the seriousness of the conduct; the student's or organization's conduct history; the impact on others and the community; opportunities for education and growth; and whether the student took responsibility or demonstrated genuine reflection.

Types of Sanctions

Sanctions may be assigned individually or in combination and may include, but are not limited to:

1. Status-Based Sanctions

- **Warning:** A written notice that the behavior is inconsistent with University expectations and that future violations may result in more serious outcomes.
- **Conduct Probation:** A period of time during which further violations may result in suspension or more severe sanctions.
- **Deferred Suspension:** The student remains enrolled under specific conditions. A subsequent violation will likely result in immediate suspension.
- **Suspension:** Temporary removal from the University for a defined period, with conditions for return.
- **Expulsion:** Permanent separation from the University.

2. Educational and Reflective Outcomes

- Reflective essays or learning projects
- Alcohol, drug, or wellness education
- Community Service
- Apology letters or facilitated conversations
- Attendance at workshops or trainings (e.g., conflict resolution, bystander intervention)

3. Restorative and Reparative Actions

- Restitution for damaged or stolen property
- Participation in a restorative justice process
- Required mediation or community re-engagement

4. Housing and Access-Related Outcomes

- Relocation within University housing
- Loss of housing eligibility
- Restriction from specific buildings, programs, or campus activities
- No-contact directives with specific individuals

5. Organizational Sanctions

- Probation or loss of University recognition
- Event restrictions or loss of privileges
- Required training for officers or members
- Policy revision or community service initiatives

Failure to Comply with Sanctions

Failure to complete assigned outcomes by the stated deadline may result in additional disciplinary action, including registration holds, additional sanctions, or escalation of status (e.g., probation to suspension).

Educational Philosophy

Sanctions at Fairmont State University are rooted in a developmental and student-centered philosophy. While consequences are necessary to maintain community standards, they are also opportunities to reflect, grow, and re-engage with integrity. The conduct process is not just about what happened—it's about who the student is becoming.

Appeals

Fairmont State University is committed to a fair and transparent conduct process. Students and student organizations found responsible for violations of the Student Code of Conduct have the right to request an appeal of the decision or the assigned sanctions, provided they meet the criteria outlined below.

Appeals are not automatic re-hearings, but a focused review of the original decision based on limited grounds.

An appeal may be submitted by: the respondent (student or organizations) found responsible; and the complainant, in cases involving harm to others (e.g., harassment, assault, discrimination).

An appeal will be considered only if it is based on one or more of the following grounds:

1. Procedural Error: A significant error occurred in the process that affected the outcome.
2. New Information: Substantial new evidence has become available that was not reasonably available at the time of the original decision.
3. Disproportionate Sanction: The sanction(s) imposed were clearly excessive in relation to the violation.

Appeals that do not clearly meet one of these criteria may be dismissed without further review.

Submitting an Appeal

Appeals must be submitted in writing within five (5) business days of receiving the written outcome. The appeal must clearly state the grounds for appeal and provide any supporting documentation. Appeals should be submitted to the office identified in the outcome letter, typically the Office of Student Conduct or appropriate designee in the Division of Student Affairs.

Appeal Review Process

1. **Initial Review:** The designated appeal officer or panel reviews the written appeal to determine whether it meets the accepted grounds.
2. **Investigation or Clarification (if needed):** If further context or documentation is required, the appeal officer may consult involved parties or request additional information.
3. **Decision:** The appeal officer may:
 - Uphold the original decision and sanction(s)
 - Modify the sanction(s)
 - Remand the case for a new hearing or review
 - Overturn the decision, if a significant error is found

The decision of the appeal officer is final, and no further appeal is available within the University.

Appeal of Fines or Fees

Students may request a review of fines or fees related to conduct outcomes (e.g., housing damage charges, cleaning fees) by following the same appeal process outlines above. These appeals must also be submitted within five (5) business days of notification and must include supporting documentation or justification.

Exception: Appeals will not be considered if the student has previously signed an agreement waiving the right to appeal specific charges-such as an Express Checkout Agreement in Housing. By signing such a waiver, the student agrees in advance to accept final inspection findings and associated charges.

Appeal Routing

Appeals are reviewed by the next appropriate level of institutional authority who was not involved in the original decision. The table below outlines the typical appeal structure.

Initial Decision Maker	Appeal Reviewed By
Residence Director/Conduct Officer	Director of Residence Life or Designee
Director of Residence Life	Assistant Vice President for Student Wellbeing & Housing
Assistant Vice President (AVP)	Vice President for Student Affairs

Residence Halls have the following sanctions:

[https://www.fairmontstate.edu/ files/housing-reslife/residence life guide to success.pdf](https://www.fairmontstate.edu/files/housing-reslife/residence%20life%20guide%20to%20success.pdf)

Notice of Policy Violation

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 University Police have verified 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, and
- Contact the student's confidential missing person contact no later than 24 hours after the student is determined.

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.

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 students 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: 2024

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 2024

Name of Program	Date Held	Location Held	Which Prohibited Behavior
RA Training	1/16/24 8/15/24	Turley Center	Campus SaVe Act, Bystander Intervention
SafeColleges	Available from admission to throughout the year	Online	Campus SaVe Act, Bystander Intervention Alco- hol Awareness
Welcome Weekend	8/23/24	Falcon Center	Campus SaVe Act, Title IX, Bystander Intervention
Athletics	1/17/2024 8/28/2024	Feaster 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 continuously throughout the year.

The University offered the following Ongoing Awareness and Prevention Programs for Employees and Students in 2024

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
Sexual Assault Awareness	4/30/2024	Falcon Center Main Street	Sexual Assault
Domestic Violence Awareness	Available throughout the academic year for all staff / faculty	Online	Sexual Assault Awareness, Domestic Violence
Domestic Violence Awareness	10/17/2024	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 utilizes procedures that are 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 complainant 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.

Incident Being	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

<p>Stalking</p>	<ol style="list-style-type: none"> 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
<p>Dating Violence</p>	<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 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
<p>Domestic Violence</p>	<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 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 or at Mon General Hospital located at 1200 J.D. Anderson Drive, Morgantown, WV 26505. In West Virginia, evidence may be collected even if you choose not to make a report to law enforcement³. 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 contact law enforcement, at that time. 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 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.

³Under 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 or Mon General Hospital.

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

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 may 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.

West Virginia State Code R. §149-11-3, (beginning in January 2026) regarding the treatment of sexual assault victims, requires that a hospital shall have available 24 hours a day, seven days a week: a qualified healthcare provider to perform medical forensic services. In lieu of this requirement, a signed written agreement with a hospital that is in compliance with the requirements, a hospital is permitted to have a signed agreement with another hospital to provide medical forensic services for an adult, a child, or both.

Fairmont Medical Center

(304) 534-7810
1325 Locust Ave.
Fairmont, WV 26554

Mon Health Marion Neighborhood Hospital

(304) 333-1150
140 Middletown Loop
Whitehall, WV 26554

Mon Health Medical Center

(304) 598-1200
1200 J.D. Anderson Drive
Morgantown, WV 26505

Ruby Memorial Hospital

(304) 598-4000
1 Medical Center Drive
Morgantown, WV 26505

United Hospital Center

(681) 342-1000
327 Medical Park Drive
Bridgeport, WV 26330

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 at ti-tleix@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 assault, in a paper, not plastic, bag.

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 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

Valley HealthCare (Local)

1-800- 232-0020

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) 367-4155 counseling@fairmontstate.edu
Mental Health	REACH Employee Assistance (800) 950-3434	Falcon Center Suite 340 Phone: (304) 367-4155 counseling@fairmontstate.edu
Health Services	Wellness Programs Falcon Center (304) 367-7222 FalconCenter@fairmontstate.edu	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	Director of Global Engagement Turley Center 216 Phone: (304) 368-7111	Director of Global Engagement Turley Center 216 Phone: (304) 368-7111
Student Financial Aid	Turley Center 303 Financial Aid Office Phone: (304) 367-4141 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 211 Phone: (304) 367-4101	Provost and Vice President of Academic Affairs Hardway Hall 211 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 (304) 366-9280 Dispatch: (304) 366-4200 911	500 Quincy Street, Fairmont, WV 26554 (304) 366-9280 Dispatch: (304) 366-4200 911

Off-Campus	Employees	Students
Health	Fairmont Medical Center (304) 367-7100	Fairmont 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. 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

Suite 340 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. 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 Campus Safety Act*. Furthermore, if a Timely Warning Notification (Crime Alert) 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, University Student Conduct with Luke Kopp and Residence Life Student Conduct, with Christopher Heaton..

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 of evidence utilized.

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 warnings, no contact orders, fines, community service, completion of educational classes, require written essays, or apology letters, loss of privileges, restitution, revocation, restorative justice actions, mediation, housing relocation, restriction from buildings, event restrictions, probation, deferred suspension, suspension, and expulsion.

The University may refer the incident to the Prosecuting Attorney or may contact law enforcement regarding obtaining 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 involved⁴. 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.

⁴Applicable 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, classes or housing while allowing the accused to remain.

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>.

Stop Campus Hazing Act

Hazing within American colleges and universities has remained a deeply entrenched problem for several decades. According to a 2008 national study titled *Hazing in View: College Students at Risk*²³, approximately 55% of students involved in campus clubs, organizations, and athletic teams reported experiencing some form of hazing during their college tenure. Alarming, 95% of those students did not report the incidents to campus authorities, citing a range of reasons including fear of retaliation, normalization of the behavior, and lack of trust in institutional response.

Even more troubling are the fatal consequences associated with hazing. Data compiled by *Campus Safety Magazine*²⁷ through its College Hazing Death Database reveals that 122 hazing-related deaths have occurred over the past 25 years—averaging five deaths annually since the year 2000. These statistics underscore the urgent need for comprehensive prevention strategies, transparent reporting mechanisms, and stronger enforcement of anti-hazing policies across higher education institutions²⁴.

Hazing remains a pervasive and enduring issue across institutions of higher education in the United States. It spans a broad spectrum of student organizations, including varsity athletic teams, club and intramural sports, military-affiliated groups, recreational and service clubs, fraternities and sororities, performing arts ensembles, honor societies, academic associations, and other student-identified groups.

The impact of hazing on students can be profound and long-lasting, often extending beyond physical harm to include psychological, emotional, and social consequences. Over time, hazing practices have evolved and, in many cases, become normalized within campus culture—posing significant risks not only to individuals but also to the integrity of student organizations and the reputation of the institutions themselves.

In response to alarming statistics and the urgent need to safeguard students from hazing-related harm, the federal government enacted the **Stop Campus Hazing Act (SCHA)** in December 2024. This legislation mandates that institutions of higher education:

- Include hazing incidents in their **Annual Security Report**
- Develop and implement **research-based prevention and awareness programs**
- Publish a **Campus Hazing Transparency Report** at least twice annually, making it publicly accessible via the institution's website.

The SCHA represents a critical step toward fostering safer campus environments and promoting accountability, transparency, and cultural change within higher education.

²³ Allen, E.J., & Madden, M. (2008, March). *In View: College Students at Risk*

²⁴ Rock, A. (2025, June 16). *College Hazing Death Database: 122 People Have Died in last 15 Years*

Campus Hazing Transparency Report

The Campus Hazing Transparency Report provides a summary of findings related to any student organization determined to be in violation of Fairmont State University's Hazing Policy. This report is published at a minimum of twice annually, and may be updated more frequently if new case determinations occur.

Only cases that have undergone a formal conduct process—including a completed investigation, formal charges, and a finding of responsibility—will be included in the report. In the absence of qualifying cases, the report webpage will display a notice indicating that no cases met the criteria for inclusion.

For organizations found responsible, the report will include the following details:

- A description of the violation
- Date of the incident
- Date the investigation was initiated
- Date the investigation concluded
- Date the organization was notified of the outcome
- Whether the violation involved drugs or alcohol
- Sanctions imposed on the organization

Hazing Data Collection and Reporting

Beginning January 2025, Fairmont State University initiated the systematic collection of data and statistics related to hazing incidents. These records serve to enhance transparency and support ongoing prevention efforts across campus.

Hazing-related statistics for the calendar year 2025 will be formally included in the University's 2025–2026 Annual Security and Fire Safety Report, in accordance with institutional policy and federal reporting requirements.

How to Report Hazing

Fairmont State University encourages all individuals who have knowledge of, or wish to self-report, any activity that may constitute hazing to promptly contact the appropriate campus authorities.

Reports may be made to:

- **University Police Department** Phone: (304) 367-4157 Location: Pence Hall, First Floor Lobby
- **Office of Title IX and Compliance** Phone: (304) 367-4689
Email: Jessica.Kropog@fairmontstate.edu
- **Office of Student Affairs** Location: 307 Turley Center Phone: (304) 367-4937
- **Director of Residence Life and Housing** Phone: (304) 367-4949
- **Assistant Vice President for Student Wellbeing & Housing** Phone: (304) 333-3708

Additionally, hazing allegations may be submitted through the university's online reporting form, available at:

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

All reports are handled with care and in accordance with university policies and procedures to ensure the safety and well-being of the campus community.

Federal Definitions

Hazing is defined as “any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that— “(I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and “(II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including— “(aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity; “(bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; “(cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; “(dd) causing, coercing, or otherwise inducing another person to perform sexual acts; “(ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; “(ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and “(gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.” (§485(f) (20 U.S.C. 1092(f))

Federal Definition of Student Organization

Student Organization is defined as, “an organization at an institution of higher education (such as a club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government) where two or more members of the organization are students enrolled at the university, whether the organization is established or recognized by the institution”. 20 U.S.C. 1092(f) (6)(A).

Fairmont State University Policy on Hazing

Fairmont State University prohibits hazing, in any University organization, program or activity. This policy applied to all individuals participating including faculty, staff, students, organizations, volunteers, and others. The University has adopted the federal and state definitions of hazing. The institution prioritizes the prevention of and transparency of hazing at Fairmont State University. Fairmont State University’s Anti-Hazing Policy can be found at

http://www.fairmontstate.edu/_files/policies/1201-admin-policy-antihazing.pdf

Fairmont State University Hazing Policy

SECTION 1. PURPOSE & SCOPE

- 1.1. PURPOSE: To comply with the Stop Campus Hazing Act (SCHA) enacted on December 23, 2024, which amends the Jeanne Clery Campus Safety Act of the Higher Education Act of 1965.
- 1.2. SCOPE: This policy applies to hazing in any form, committed by any person in a University program or activity, including faculty, staff, individual students, student organizations, volunteers, and others.

SECTION 2. APPROVAL, DELEGATION & APPLICABILITY

- 2.1. AUTHORITY: Office of Title IX and Compliance.
- 2.2. DELEGATION: The President delegates the Administrative Policy Committee the authority to adopt additional policies and procedures to effectuate the implementation of this rule.
- 2.3. APPLICABILITY: Any person participating in an organization at Fairmont State University, including, but not limited to: club, student organization, society, association, athletic team, club sports team, fraternity, sorority, band, student government, in which two or more of the members are students enrolled at Fairmont State University, whether or not the organization is established or recognized by the institution.

SECTION 3. DEFINITIONS

- 3.1. HAZING: any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:
 - 3.1.1. Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
 - 3.1.2. Endangers the mental or physical health or safety of another person or persons, causes or creates a risk, above the reasonable risk encountered in the course of participation in the University or organizations (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, or extreme embarrassment, or causes another person or persons to destroy or remove public or private property, including but not limited to:

- 3.1.2.1. Whipping, beating, branding, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- 3.1.2.2. Causing, coercing, or otherwise inducing sleep deprivation, forced exclusion from social contact, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- 3.1.2.3. Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- 3.1.2.4. Causing, coercing, or otherwise inducing another person to perform sexual acts;
- 3.1.2.5. Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- 3.1.2.6. Any activity against another person that includes, or that induces, causes, or requires another person to perform a duty or task that involves, a criminal violation of local, State, or Federal law.

3.1.3. A person cannot consent (expressly or implicitly) to hazing for purposes of this policy.

3.1.4. This definition encompasses both the West Virginia and federal definitions of "hazing."

3.2. **STUDENT ORGANIZATION:** An organization at the University (including but not limited to: club, society, association, athletic team, club sports team, fraternity, sorority, band, student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

3.3. **RETALIATION:** To intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege at the University because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or process under this policy. Allegations of retaliation will be the same as allegations under this policy and in conjunction with Policy GA-01: Policy Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Stalking, Retaliation, and Relationships and Policy GA06: Title IX Sexual Harassment.

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

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

SECTION 4. POLICY

4.1. POLICY: It is the policy of Fairmont State University that hazing, as defined below, is prohibited in all University organizations, programs, and activities.

4.2. REPORT HAZING: Hazing presents a serious risk to the health and safety of the campus community. To create a campus environment where every student feels respected, safe, and supported, it is expected that any member of the campus community with knowledge of hazing report the incident. Reports should be made to the Office of Title IX and Compliance in person, via phone, or by accessing the Hazing Report Form located at <http://www.fairmontstate.edu/titleix>.

4.3. DETERMINING VIOLATIONS AND SANCTIONS: The Office of Title IX and Compliance is responsible for investigating reports and determining violations of the Anti-Hazing Policy. Allegations under this policy will be investigated pursuant to Procedures for Rules GA-01, GA-06, and Anti-Hazing.

4.3.1. Sanctions for students and organizations can be found in the Student Code of Conduct.

4.3.2. Sanctions for faculty and staff can be found in Policy 64: Progressive Discipline and Separation from Employment.

4.3.3. Volunteers or others not affiliated with the University may lose access to University programs and/or property.

4.3.4. State law provides for criminal prosecution and punishment pursuant to WV Code § 18-16-3.

4.4. AMNESTY: The University encourages individuals to report allegations of hazing. Therefore, good faith reports of alleged Anti-Hazing Policy violations and those who cooperate fully in the process may not be subject to sanctioning for hazing or other allegations of policy violation that may be revealed in connection with the incident (egregiousness of the allegations will be taken into consideration). Amnesty will not be granted if it is requested after the University becomes aware of an allegation of hazing.²⁵

²⁵If the behavior is reported to law enforcement, the University cannot guarantee criminal action will not be taken against individuals for unlawful acts.

4.5. PREVENTION AND PROGRAMMING: In accordance with the Stop Campus Hazing Act, the University will offer research-based prevention and awareness programs related to hazing to students, faculty, and staff. Additional training throughout the academic year will be detailed and published annually in the University's Annual Security Report (ASR).

SECTION 5. COMPLIANCE

5.1. The Stop Hazing Act (SCHA), enacted on December 23, 2024, as amended in the Jeanne Clery Act of the Higher Education Act of 1965; WV State Code Article 16 ANTI HAZING LAW: § 18-16-1; § 18-16-2; § 18-16-3; § 18-16-4.

Fairmont State University Hazing Prevention & Awareness Statement

Fairmont State University is committed to fostering a safe and respectful campus environment by actively preventing hazing through comprehensive, year-round education initiatives. The Office of Title IX and Compliance offers a range of hazing prevention and awareness programs designed to educate students, faculty, and staff on the risks and consequences associated with hazing.

One such initiative includes the evidence-based SafeColleges online training, available throughout the academic year. This program equips the campus community with critical knowledge and skills to recognize the physical and psychological dangers of hazing, understand its underlying causes, assess associated health and legal risks, and identify and prevent hazing behaviors.

To access this training, please contact the Office of Title IX and Compliance at Jessica.Kropog@fairmontstate.edu.

In addition to online education, in-person hazing awareness training is provided to Campus Security Authorities by the Title IX Coordinator and Clery Compliance Coordinator. These sessions cover key topics including hazing identification, reporting procedures, and strategies for prevention.

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 entity⁵.

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,⁶ 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.

⁵W. 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")

⁶W. 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,⁷ all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations⁸:
- 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;

⁷See, W. Va. Code §61-7-14(c)

⁸W. 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 employment⁹.

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;¹⁰ 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.¹¹

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.¹²

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.

⁹W. Va. Code § 18B-4-5b(c).

¹⁰See, W. Va. Code §§ 61-7-6 and 61-7-14(c)

¹¹Id.

¹²W. Va. Code § 61-7-14(d)(1)(A)-(D).

Section 3: Violations

- 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.¹³
- 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.¹⁴

¹³W. Va. Code § 18B-4-5b(g)

¹⁴W. 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.¹⁵ 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.¹⁶
- 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.¹⁷
- 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.¹⁸
- 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;

¹⁵See W. Va. Code § 61-7-2(3)(defining the term)

¹⁶See W. Va. Code § 61-7-2(5)(defining the term)

¹⁷See generally W. Va. Code § 61-7-2 (5).

¹⁸See 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.¹⁹

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.²⁰

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.²¹

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.²²

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.

¹⁹W. Va. Code § 18B-4-5b(b)(11)

²⁰W. Va. Code § 18B-4-5b(i)

²¹W. Va. Code § 61-7-2 (13)

²²W. 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 a fire alarms sounds, University policy states, all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting 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 participation in a fire drill 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** should gather on the 3rd floor of the 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 proceed to the parking area on the lower side of the building that faces the Folklife Center.

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

The Fairmont State University 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	Yes	No	No	No	2
Bryant Place 1120 Bryant St. Fairmont, WV 26554	Yes	Yes	Yes	Yes	Yes	2
University Terrace 20 Squibb Wil- son Blvd. Fairmont, WV 26554	Yes	Yes	Yes	Yes	Yes	2

Fire Statistics 2022

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	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

Fire Statistics 2023

Residential Facilities	Number of Fires	Cause of Each Fire Intentional,; Unintentional; Or Undeter- mined)	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	N/A	N/A	N/A
University Terrace 20 Squibb Wilson Blvd. Fairmont, WV 26554	0	N/A	N/A	N/A	N/A

Fire Statistics 2024

Residential Facilities	Number of Fires	Cause of Each Fire Intentional;; Unintentional; Or Undeter- mined)	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	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

Projected upgrades for the upcoming year include: Upgrades to the Fire Alarms and modifications to the Sprinkler system for the Musick Library Modernization Project, and replacements of the Fire Alarm system at the Feaster Center. All upgrades and adjustments are provided by the University in a safe manner with as little disruption as necessary.

PRIMARY CRIMES FOR 2022, 2023, & 2024						
CRIMINAL OFFENSES PRIMARY CRIMES (REPORTED BY HIERARCHY)	YEAR	ON-CAMPUS TOTAL	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
MURDER/NON- NEGLIGENT MAN- SLAUGHTER	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
RAPE	2024	1	1	0	0	1
	2023	1	1	0	0	1
	2022	3	3	0	0	3
FONDLING	2024	1	1	0	0	1
	2023	0	0	0	0	0
	2022	1	1	0	0	1
STATUTORY RAPE	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
INCEST	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

PRIMARY CRIMES FOR 2022, 2023, & 2024						
CRIMINAL OFFENSES PRIMARY CRIMES (REPORTED BY HIERARCHY)	YEAR	ON-CAMPUS TOTAL	ON CAMPUS STUDENT HOUSING	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
ROBBERY	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
AGGRAVATED ASSAULT	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
BURGLARY	2024	1	2	0	0	2
	2023	3	0	0	0	3
	2022	3	0	0	0	3
MOTOR VEHICLE THEFT	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	0	0	1
ARSON	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

VAWA OFFENSES FOR 2022, 2023, & 2024						
VAWA OFFENSES	YEAR	ON-CAMPUS TOTAL	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS	PUBLIC PROPER- TY	TOTAL
DOMESTIC VIOLENCE	2024	1	1	0	0	1
	2023	0	0	0	0	0
	2022	1	1	0	0	1
DATING VIOLENCE	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
STALKING	2024	5	3	0	0	5
	2023	4	2	0	0	4
	2022	2	0	0	0	2

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

ARRESTS FOR 2022, 20223, & 2024						
OFFENSE	YEAR	ON-CAMPUS TOTAL	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS	PUBLIC PROPER- TY	TOTAL
LIQUOR LAW ARREST	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	1	0	0	1
DRUG LAW ARREST	2024	2	2	0	0	2
	2023	0	0	0	0	0
	2022	1	0	0	0	1
WEAPONS LAW ARREST	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

REFERRALS FOR 2022, 2023, & 2024						
OFFENSE	YEAR	ON-CAMPUS TOTAL	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
ALCOHOL LAW REFERRALS	2024	21	19	0	0	21
	2023	19	18	0	0	19
	2022	21	21	0	0	21
DRUG LAW RE- FERRALS	2024	1	1	0	0	1
	2023	0	0	0	0	0
	2022	11	11	0	0	11
WEAPONS LAW REFERRALS	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Hate Crime Statistics

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.

2024: Zero (0) Hate Crimes, as defined by applicable federal law, were reported.

Unfounded Crimes

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

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

2024: There were Zero (0) Unfounded Crimes for this Calendar year.