

Southern West Virginia Community and Technical College

2021 Crime Awareness
and Campus Security Report

CRIME AWARENESS & CAMPUS SECURITY REPORT for 01/01/2020 to 12/31/2020

INTRODUCTION

Southern West Virginia Community & Technical College (Southern) has taken prudent steps to promote a safe and secure environment that is compatible with the College community's academic and co-curricular pursuits. We solicit your support in making our College community safe and secure by accepting responsibility for your actions and committing to participate in programs to assist others. No institution can guarantee the total safety and security of all its members. Only through community support and involvement can we be successful in achieving our goal. We ask you to help us by reporting any suspicious activity or crime immediately. Together, we can make Southern a safe and secure environment for the community.

JEANNE CLERY ACT & ANNUAL SECURITY REPORT

The Student Right-to-Know and Campus Security Act was signed into law in November 1990. Title II of this Act is known as the (Jeanne Clery) Crime Awareness and Campus Security Act. It requires institutions participating in student financial aid programs, under Title IV of the Higher Education Act of 1965, to disclose information about campus safety policies and procedures, and to provide statistics concerning certain crimes that occurred on campus.

PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Annual Security Report (ASR) includes statistics for crimes defined under the Clery Act which are reported for all Southern on-campus buildings, public property adjacent to campus buildings, and off-campus property owned by the College or used for College activity during the time in use. Statistics are requested from local and state police for reporting in each year's publication. If information is unavailable from police, a notation will be made at the time of reporting on information not provided. Information is also gathered from on-campus crime logs, which are available through each Director of Campus Operations. The crime logs include daily, weekly, and monthly statistics on all incidents reported at the College and its surrounding areas. The final reporting of statistics is provided by the Chief Student Services Officer at Southern. The ASR is also sent through campus email to all current students, faculty, and staff. Additionally, this information may also be found on the Southern website at <https://www.southernwv.edu/about-us/consumer-information-disclosure/#student-right-to-know>.

Based on 2020 COVID 19 Pandemic, the College implemented a COVID Task Force which met biweekly, or more often, to monitor and implement college policies and processes, infection rate, establish a Contact Tracing Team, including providing testing and vaccine events on each campus at various times. The COVID task force was in addition to the College's regular Campus Safety and Security initiatives. Additional and current information can be found on the College's webpage on a special Coronavirus

Update link at the top of the homepage. Information was also emailed to the college community as needed. The task force has continued into 2021.

Questions concerning campus safety and security may be directed to Campus Safety Officer David Lord. Contact information can be found below, and on the College Directory on the College's website. The Annual Security Report is compiled by the Chief Student Services Officer.

General Procedure for Crime Reporting and Crime Prevention

To report a crime, contact your Director of Campus Operations as follows:

Logan Campus

304-896-7366

Williamson Campus

304-236-7648

Boone/Lincoln Campus

304-307-0716

Wyoming/McDowell Campus

304-294-2010

SECURITY & ACCESS TO CAMPUS FACILITIES

During business hours (7:00AM - 6:00PM), the College is open to students, parents, employees, contractors, guests, and those seeking information and business with the College. Classroom areas, open computer labs, and student activity areas are open to all registered students, faculty and staff during business hours or class times. Office areas are available during posted hours of operation. The College's Libraries are available to the community during posted hours and patrons are required to follow policies for use of computers and other library materials, services and space. Southern does not operate any on-campus housing facilities. During non-business hours or during periods when the College is closed, access is limited to those with prior approval or with admittance by an approved College official. Emergencies or other College-determined needs may necessitate changes or alterations to any posted schedule.

STATEMENT ADDRESSING OFF-CAMPUS ACTIVITY

Southern does not currently have any recognized organizations which are housed off campus. Additionally, we do not have any student organizations that own or control property as an organization. College organizations sponsoring off-campus events are subject to the applicable College Code of Conduct standards and any crimes reported during those events will be reported to the local police authorities.

TIMELY WARNINGS

In the event that a Clery crime occurs, within Clery geography, and constitutes an ongoing or continuing serious threat, a timely warning will be issued. The warning will be issued through the College's e-mail system and Southern's Emergency Alert System to students, faculty, staff, and anyone who signs up for the service. Warnings will be issued by Bill France, Director of Communications. The College may also post a written notice on campus bulletin boards and near entrance ways to campus buildings. Coordination with local safety officials such as city or state police is done on an as needed basis. The College is in regular contact with local authorities. Complainants of Clery crimes should be aware that the College's administrators must issue timely warnings to the college community for incidents reported to them that pose an ongoing or continuing threat to members of the campus community. No such warning will identify a complainant or contain information that could do so unless permitted by the complainant.

EMERGENCY NOTIFICATIONS AND PROCEDURES

Southern West Virginia Community and Technical College will promptly alert the College community of potentially dangerous situations so that students, employees and building occupants have both the time and information to take appropriate precautions (such as evacuation, shelter, or other action on the part of the campus community). The President of the College, President's Cabinet members, and campus administrators have the authority to determine the content of the alert and to initiate the notification system and who needs to receive the alert. Southern's Emergency Notification system is a method to effectively communicate emergency information to a large number of people at virtually the same time. It allows the College to notify the college community in the event of an emergency by sending critical information via:

- Text message
- Voice message (mobile or land-line)
- Email
- Computer monitor and/or digital signage (if appropriate)
- Home page of website (www.southernwv.edu)
- Southern's social media channels

When an emergency occurs that requires attention or action, the emergency notification system will be activated and students, employees and building occupants will be notified by the methods noted above.

The system will not be used to send non-emergency, routine or spam messages. It is imperative that contact information is kept accurate and up to date in order to receive emergency notifications.

- Students can update their information through their mySouthern accounts.
- Faculty and Staff members can update their information through Human Resources.

If there is an immediate and ongoing threat to the health or safety of students or employees occurring on campus, the College will issue an emergency notification through the emergency notification system. Situations for which the Southern emergency notification system will be used, may include but are not limited to:

- Facility emergencies
 - Fire or explosions
 - Power outages
- Campus evacuations
 - Dangerous weather conditions
 - Tornado
 - Flooding
- Criminal behavior
 - Murder
 - Robbery
 - Active shooter
- Off campus incidents that may have an immediate threat to the health or safety of students or employees.
 - Chemical or hazardous material spills or accidents
 - Criminal behavior The following are conditions that will prevent emergency notification messages from being received:
 - If the recipient is not a registered student or an active employee at the time of notification
 - If the information provided to the College is not up-to-date
 - Issues with mobile device service providers
 - Spam filter may have blocked an e-mail or text from being delivered

Not every emergency can be anticipated; however, the College has developed some emergency messages that can be modified easily for use in a number of situations. This will allow notifications to be sent quickly. The messages are deliberately short.

The College will provide follow-up information to the students, employees and building occupants using the same systems used to send out the original alert when additional information is available or the emergency has ended. The method of Emergency notifications may change on a case-by-case basis if the notification compromises the efforts of the emergency or otherwise mitigates the emergency.

Privacy

Contact information collected by the College is for use in the emergency notification system only. The College will not use this Information for any other purpose than emergency notification.

Testing

The President of the College, President's Cabinet members, and campus administrators will designate when the emergency notification system will be tested each semester and over each summer. Additional testing may be conducted as part of drills and exercises, or as necessary.

EMERGENCY RESPONSE PLAN

Southern realizes that an emergency typically occurs with very little notice. Therefore, a defined approach to responding to an emergency may vary depending on the specific conditions at the time of the emergency. It is also possible that an emergency may occur that has not been identified in this plan. The Emergency Procedures chart is designed to prepare for campus emergencies and can be found in all classrooms either on the wall or near the telephone. The Emergency Procedures are campus specific and may have different steps based on the campus locations.

The College has initiated a written Emergency Evacuation and Safety Plan including definitions of terms, lines of authority, campus responsibility and emergency management team, resources and contacts. Annual emergency response tests are done on each campus and coordinated by the Safety Committee. This information is available to the College community through the Safety Committee. In the event of an emergency, the College will use a number of means to communicate including the Southern Rave Text Alert system, email, Southern website, classroom telephones, etc., as deemed appropriate for the given emergency. The College's Crisis Management team will meet after each event to review and summarize the occurrence and response.

HOW DRILLS ARE CONDUCTED

Periodic drills are conducted to review and assess student, faculty, and staff awareness of evacuation routes, procedures, and Emergency Team Members effectiveness. All such drills are conducted with the Director of Facilities, the Director of Campus Operations, and the Crisis Management Team Members. Fire Drill data are recorded and assessed by the Director of Campus Operations. Data included in the report consists of the date, the campus and building, the time of fire alarm activation, the time the fire alarm company reports the alarm to local emergency dispatch, time the Fire Department arrived, the time the building was cleared, and any issues that arose during the drill. The drill is monitored by a third party from another campus, or outside agency.

REPORTABLE CRIMES

The Clery Act requires that institutions of higher education must include four distinct categories of crime in their ASR crime data. These categories are as follows:

Criminal Offenses

Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence

Sexual assault: rape, fondling, incest, statutory rape
 Robbery
 Aggravated assault
 Burglary
 Motor vehicle theft
 Arson
 Hate Crimes (any of the above mentioned offenses, and any incidents of)
 Larceny-theft
 Simple assault
 Intimidation
 Destruction/damage/vandalism of property

VAWA Offenses

Domestic violence
 Dating violence
 Stalking

Arrests and Referrals for Disciplinary Action

Weapons law violations
 Drug abuse violations
 Liquor law violations

Southern requests crime figures from local and state law enforcement agencies whose jurisdiction includes the College campuses. This information is used to generate the statistics. All figures reported are for the three calendar years immediately preceding the publication year. Any questions can be addressed to the Director of Safety and Campus Operations—Wyoming/McDowell Campus.

Clery Crime Statistics

1/1/2020 to 12/31/2020		Geographic Location – Logan Campus		
Offense	Year	On-Campus Property	NonCampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter By Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Weapons: Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
	2020	0	0	0

Disciplinary Referrals: Drug Abuse Violations	2019	0	0	0
	2018	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

1/1/2020 to 12/31/2020		Geographic Location – Williamson Campus		
Offense	Year	On-Campus Property	NonCampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter By Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0

	2019	0	0	0
	2018	0	0	0
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Weapons: Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

1/1/2020 to 12/31/2020		Geographic Location – Boone/Lincoln Campus		
Offense	Year	On-Campus Property	NonCampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter By Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0

	2018	0	0	0
Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Weapons: Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

1/1/2020 to 12/31/2020		Geographic Location – Wyoming/McDowell Campus		
Offense	Year	On-Campus Property	NonCampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter By Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0

	2019	0	0	0
	2018	0	0	0
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Weapons: Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessions, Etc.	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

ALCOHOL AND DRUG-FREE WORKPLACE POLICY

Through SCP-2156 Drug and Alcohol Policy, Southern West Virginia Community and Technical College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of an illicit substance or abuse of a legal or controlled substance, including alcohol, by students and employees at any of its campuses or facilities, including leased or owned property or other sites at which off-campus activities are conducted. Prohibited acts under this policy also include failure to report a criminal conviction for a violation of any criminal drug law, based on conduct occurring in the workplace, and violations of any alcoholic beverage control law, or law which governs driving while under the influence of an intoxicant or substance, based on conduct occurring in or related to the workplace. Additional policy details for

students are available in the College catalog and employee documentation through the Human Resource Office.

Standards of Conduct: The unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and unauthorized use of alcohol on College property or as a part of any College activity is prohibited. It is prohibited to come to work, class or any College-sponsored function under the influence of alcohol or illicit drugs.

Disciplinary Sanctions: Consistent with College, local, State and Federal laws, the College will impose disciplinary sanctions for violation of the standards of conduct outlined above and prohibited in the Drug-Free Schools and Communities laws.

Violations could result in expulsion from school, termination of employment and/or referral to law enforcement agencies as is consistent with College rules. Federal trafficking penalties include substantial fines and imprisonment up to life. West Virginia law provides for penalties dependent on the classification of the substance, the activity involved and other convictions.

As required under the Drug-Free Schools and Communities Act of 1989, WVNCC provides students and employees with drug or alcohol abuse programming and resources. Information on alcohol and drug abuse and community resources can be found in student lounges and through the student service centers.

Drug or alcohol abuse prevention programs

Managing Stress, Decision Making, and Risks; February 25, 2020; Sherry Gross, STOP Coalition Region 5 Prevention Coordinator

Risk Reduction Strategies

There are many things we can do to assist us in lessening the chance for interpersonal violence. Always be alert and aware of your surroundings, especially at night. Walk in well lighted areas. Avoid walking close to alleys, doorways and bushes. If possible, walk in pairs or a group. If you must walk at night, wear clothes and shoes that don't restrict movement. If possible, avoid carrying bulky items. Always have your key in hand when approaching your parked vehicle. Before opening a car door, look into the vehicle. Check out both the front and back seat areas. Once in the car, lock the doors. Drive with the windows up or slightly open until you are safely on the open road.

Students and employees dealing with interpersonal violence can ask for special accommodations to help protect themselves while on campus. The college will implement a no contact arrangement if necessary. These will be handled by the Title IX Coordinator on a case-by-case basis.

Interim Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment, and Nondiscrimination

On August 14, 2020 President Pamela Alderman issued an Administrative Announcement that created the Equal Opportunity, Harassment, and Nondiscrimination Policy. Southern is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Southern has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Southern values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using the related Southern's procedures.

When the Respondent is a member of the Southern community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Southern community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal) means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

Confidential Resource means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Day means a business day when Southern is in normal operation, Monday through Thursday.

Education program or activity means locations, events, or circumstances where Southern exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Southern.

Final Determination: A conclusion by the preponderance of evidence standard of proof that the alleged conduct occurred and whether it did or did not violate policy.

Finding: A conclusion by the preponderance of evidence standard of proof that the conduct did or did not occur as alleged.

Formal Grievance Process means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

Grievance Process Pool includes any investigators, hearing officers, appeal officers, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision-maker or Panel refers to those who have decision-making and sanctioning authority within the Southern’s Formal Grievance process.

Investigator means the person or persons charged by Southern with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter means an employee of Southern who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA) means an employee of Southern explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Southern.

Parties include the Complainant(s) and Respondent(s), collectively.

Recipient means a postsecondary education program that is a recipient of federal funding.

Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College’s educational program.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution means the result of an informal or Formal Grievance Process.

Sanction means a consequence imposed by the College on a Respondent who is found to have violated this policy.

Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

Student means an individual subject to SCP-4470, *Student Rights and Responsibilities*.

Title IX Coordinator is at least one official designated by Southern to ensure compliance with Title IX and Southern's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Policy on Nondiscrimination

Southern adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education. Southern does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race
- Color
- National origin
- Ancestry
- Age
- Physical or mental disability
- Marital or family status
- Pregnancy
- Veteran status
- Service in the uniformed services (as defined in state and federal law)
- Religion
- Creed
- Sex
- Sexual orientation
- Genetic information
- Gender identity or gender expression
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Southern community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the Southern community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Southern policy on nondiscrimination.

When brought to the attention of Southern, any such discrimination will be promptly and fairly addressed and remedied by Southern according to the appropriate grievance process described below.

Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Southern's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections in 4.3 of this policy describe the specific forms of legally prohibited harassment that are also prohibited. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Southern's policy, though supportive measures will be offered to those impacted.

Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Southern is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Southern or any member of Southern's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Mandated Reporting

All Southern employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to the Title IX Coordinator immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them. More about mandated reporters may be retrieved from the policy.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Southern may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant

chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Southern, and to have the incidents investigated and properly resolved through these procedures.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Southern must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community and post those incidents in the College's daily crime log.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

Amnesty for Complainants and Witnesses

The Southern community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Southern officials or participate in grievance processes because they fear that they themselves may be in

violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Southern community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Southern maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the Executive Director of Student Services or designee).

The College maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the Recipient may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials.

The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Federal Statistical Reporting Obligations

All College employees have a duty to report the following for federal statistical reporting purposes (Clery Act) to :

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;

- VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to Directors of Campus Operations regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the College President. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the College President or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

Administrative Contact Information

Darrell Taylor
Chief Student Services Officer
P.O. Box 2900
Mount Gay, WV 25637
Office Number: B-205
Email: Darrell.Taylor@southernwv.edu
Office Phone: (304) 896-7432

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

For complaints involving employees:

Equal Employment Opportunity Commission (EEOC)

Web: <https://eoc.gov/>

If you see something, SAY SOMETHING!!

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 We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. 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 your 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, and 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.
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.

SEX OFFENDER INFORMATION

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

Per West Virginia State Police website, “This information is provided in the interest of public safety and should be used only in order to take appropriate precautions. The information accessed through the use of this website may not be used to threaten, intimidate or harass registered sex offenders and violation of law will be investigated by the West Virginia State Police.” The West Virginia State Police is responsible for maintaining this registry. Follow the link below to access the West Virginia State Police website <https://apps.wv.gov/StatePolice/SexOffender>.

CONSUMER INFORMATION

Information contained in this publication was correct at the time of printing. Southern reserves the right to make changes without prior notice or obligation to information contained in this publication.

Southern is accredited by The Higher Learning Commission.

Web address: hlcommission.org.

Phone number: 800-621-7440

Southern complies with the regulations of the Federal Educational Rights and Privacy Act (FERPA) of 1974, as amended. Any student who does not want certain information released must state it in writing to the Records Office each academic year. Students may obtain a Release of Information form from the Registrar.

Southern West Virginia Community and Technical College, pursuant to the requirements of Titles IV, VI, VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, does not discriminate against applicants, employees, or students on the basis of race, color, religion, sex, disability, age, gender, ancestry, marital or parental status or national origin in its employment policies and/or educational programs or activities, including admissions to such.

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following for immediate assistance:

a. Darrell Taylor, Title IX Coordinator at 304-896-7432, Monday-Thursday, 7:00a.m.-5:00p.m.

b. Directors of Campus Operations:

Boone/Lincoln Campus:	Brittany Bartram	307-307-0718
Logan Campus:	Joe Linville	304-896-7366
Williamson Campus:	Doug Kennedy	304-236-7648
Wyoming/McDowell Campus:	David Lord	304-294-2010

c. Academic Deans:

Dean, Arts and Sciences	Dr. Michael Jiles	304-896-7488
Dean, Professional and Technical Studies	Dr. David Lemmon	304-896-7404
Dean, Allied Health and Nursing	Russell Saunders	304-896-7365

d. Rape Crisis National 24 Hotline at 1-866-399-7273

e. Domestic Violence Shelter/Agency:

Boone County	YWCA Resolve Family Abuse Program	800-352-6513
	Boone County Outreach	304-369-4189
Logan County	Tug Valley Recovery Shelter	800-340-0639
	Victim Witness Assistance	304-792-8507
Lincoln	Branches Domestic Violence Shelter	888-538-9838
	Victim Witness Assistance Program	304-824-7919
McDowell County	McDowell County Commission	304-436-8553
		304-436-8117
		304-436-8553
Mingo County	Tug Valley Recovery Shelter	800-340-0639
Wayne County	Branches Domestic Violence Shelter	888-538-9838
Wyoming County	Victim Witness Assistance	304-732-8000

*Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the local police department's non-emergency line for Boone County-304-369-9913, Logan County-304-752-7662, Mingo County-304-235-8551, Wyoming County-304-732-6953.

4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the local medical facility, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.
5. Choose how to proceed. You have options, and are encouraged to contact the Campus Director or Title IX Coordinator to discuss your options:
 - 1) **Do nothing until you are ready**
 - 2) **Pursue resolution by the college**
 - 3) **Initiate criminal proceeding**
 - 4) **Initiate a civil process against the perpetrator**

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the college, students and/or employees should contact the Title IX Coordinator. College procedures will be explained. Those who wish incidents to be handled criminally should contact Campus Directors or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as crisis centers are also confidential and have no duty to report your information to the college.

MANDATED REPORTING and CONFIDENTIALITY REQUESTS

All college employees are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the college's resolution procedures, which are discussed in a later section of this document.

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the college will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the college will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the college decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the college to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as crisis centers also may be confidential and have no duty to report your information to the college.

INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement.

POLICY

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the college's Code of Conduct and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of West Virginia law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The college's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the college will impose serious sanctions, as noted on the next page.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The college has reporting responsibilities over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here: <https://www.southernwv.edu/about-us/consumer-information-disclosure/#student-right-to-know>

SEXUAL MISCONDUCT VIOLATIONS

The following are the definitions of conduct prohibited by the sexual misconduct policy.

SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

HOSTILE ENVIRONMENT

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational and/or employment, social, and/or residential program.

Sanctions range from warning through expulsion/ termination.

NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,

- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions range from warning through expulsion/termination.

NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions typically result in suspension or expulsion/termination.

SEXUAL EXPLOITATION

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

Sanctions range from warning through expulsion/ termination.

INTIMATE PARTNER VIOLENCE

Intimate partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate relationship toward each other;

Sanctions range from warning through expulsion/ termination.

STALKING

Stalking 1:

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

Sanctions range from warning through expulsion/ termination.

Stalking 2:

- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Sanctions typically result in suspension or expulsion/termination.

RETALIATION

Retaliation is:

- any adverse action,
- taken against a person participating in a protected activity,
- because of that person's participation in that protected activity subject to limitations imposed by the First Amendment and/or academic freedom.

Sanctions range from warning through expulsion/ termination.