Annual Security and Fire Safety Report

Fall 2015

A guide for current and prospective students and employees prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy & Crime Statistics Act
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Dear Davis & Elkins College Community,

Davis & Elkins College is committed to providing a safe learning, working and residential environment for students, faculty, staff and visitors. To that end and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), we offer this report. This report also offers a good faith effort to comply with requirements of the Violence Against Women Reauthorization Act of 2013 (VAWA). VAWA has amended the Clery Act to require institutions to compile statistics, policies, procedures and programs for incidents of domestic violence, dating violence, sexual assault and stalking.

We urge members of the campus community to use this report as a guide for safe practices on and off campus. This report is sent via email to enrolled students and current employees on an annual basis to notify them that the report is available for view. The email includes a brief summary of the contents of this report and the web address where the report can be found online (www.dewv.edu/campus-life/safety-security). A copy of the report can also be obtained from:

Office of Student Life  
100 Campus Drive  
Liberal Arts Hall Suite 102  
Elkins, WV 26241  
(304) 637-1211

We encourage you to read this information and consider how it can help you and the D&E community to prevent and protect yourself against crime. Thank you for taking the time to review this information and for helping to make Davis & Elkins College a safer community.

Sincerely,

Scott Goddard

Scott Goddard  
Vice-President of Student Affairs  
Davis & Elkins College  
goddards@dewv.edu  
(304) 637-1352
Clery Act and Violence Against Women Reauthorization Act Compliance

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092(f), is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crimes on and around their campuses. The Violence Against Women Reauthorization Action, or VAWA (2013), has amended the Clery Act to require institutions compile statistics, policies, procedures and programs for incidents of domestic violence, dating violence, sexual assault and stalking.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statics Act requires colleges and universities to:

1. Publish an annual report by October 1 that contains three years of campus crime and fire statistics and certain campus security policy statements.
2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus security, local law enforcement, resident assistants (RA), resident directors (RD) and other Davis & Elkins faculty/staff that have “significant responsibility for student and campus activities.”
3. Provide TIMELY WARNING NOTICES of crimes that have occurred on campus or in the local community and pose an ongoing “threat to students and employees.”
4. Disclose in a public crime log “any crime that occurred on campus or within the jurisdiction of campus security department and is reported to the security department.”
5. Disclose in a fire log “that records by date reported all fires in on-campus student housing facilities.”

The Davis & Elkins Campus Safety and Security Office is responsible for the annual security and fire safety report, timely warnings, and the crime and fire logs. The Annual Campus Security and Fire Safety Report is prepared in cooperation with local law enforcement agencies in Randolph County and the Office of Student Life. Campus crime, arrest and referral statistics include those reported to the Davis & Elkins Safety and Security Office, campus officials, RAs, RDs and local law enforcement agencies. The Annual Security and Safety Report is compiled and submitted by the Director of Campus Safety and Security. For more information, contact the Office of Student Life at 304-637-1211, or Campus Safety and Security at 304-704-9111.
Davis & Elkins College Mission, Vision, Values, Identity and History

The D&E Mission Statement
To prepare and inspire students for success and for thoughtful engagement in the world.

The D&E Vision Statement:
In a nurturing environment, students are challenged to:
- Communicate effectively.
- Think critically, creatively and independently.
- Prepare to live lives of perspective and meaning.
- Act responsibly as citizens of multiple communities.

The D&E Values Statement
We value the richness of place, the beauty of the natural world, and the importance of other countries, cultures and regions. D&E challenges students to participate in a vibrant and diverse campus while cultivating the intellectual, creative, ethical, physical and leadership skills the real world requires. As an affiliate of the Presbyterian Church (U.S.A.) and covenant partner with the Presbytery of West Virginia, the College affirms as special values: human dignity, social responsibility, participatory governance, and the unity of the intellectual, social and spiritual dimension of life.

The D&E Identity Statement
A private college of liberal arts and professional students, Davis & Elkins values curiosity and thoughtfulness while fostering social, emotional, spiritual and physical well-being. Toward those ends, the College provides a friendly and supportive environment for curious, engaged and freethinking students of diverse backgrounds. We emphasize “hands-on,” experiential learning through internships, practica, services projects, field research, travel and study abroad programs, and Winter Term classes that explore experimental subjects in unexpected locales. Some of our finest students arrive without direction only to find their path at D&E, thanks to the opportunities for intellectual growth that abound on our campus. These opportunities extend beyond the classroom. As one of the East’s premier mountain colleges, D&E offers unparalleled access to winter sport centers and other forms of extracurricular recreation including camping, biking, canoeing, hiking, skiing and snowboarding. Safe and supportive, stimulating and friendly, Davis & Elkins College encourages students to approach their adventure in education as a journey of self-discovery.

D&E History:
Founded in 1904, Davis & Elkins College was established through the influence and efforts of Henry Gassaway Davis and Stephen Benton Elkins, two United States Senators who were responsible for building the first railroad into the area. In 1901, the Senators donated land and money to establish a college and academy associated with the Presbyterian Church. Their gift was matched by donations from the citizens of Randolph County and the Presbyteries of Lexington and Winchester, Va. In 1902, the College’s Board of Trustees met for the first time. The first classes were held on September 21, 1904.

The original campus was located in south Elkins on a plot donated by Senator Elkins. Later, a gift of property from Mrs. Hallie Davis Elkins, the daughter of Senator Davis and the widow of Senator Elkins,
promoted the move of the College to its present location in 1926. This property included her home, Halliehurst, and the surrounding estate. In 1941, Senator Davis’ original estate, which included Graceland and the lands adjacent to Halliehurst, were acquired for the College.

Since its move to the old “Halliehurst Farm,” the physical plant of Davis & Elkins College has expanded to include 22 major buildings on a 170-acre campus that contains six landmarks on the National Register of Historic Places. From the beginning, Davis & Elkins College has sought to be of service to its students, and through them, to the state, the nation and the world — meeting the needs of each generation to the best of its ability.
Office of Safety and Security

The mission of the Davis & Elkins Campus Safety and Security Office is to provide a safe and secure learning, working and residential environment for students, staff and faculty. The office is dedicated to enhancing the quality of life for our community through policy enforcement, education and a team approach to creative problem solving. The office is also committed to honesty, integrity and professionalism. They value and treat each and every person with respect and compassion. They work in tandem with the members of our community to make Davis & Elkins College a safe and secure place for all of us to work, learn and live.

The College’s security operation is designed to provide leadership to the community on safety issues. All Campus Safety and Security officers work closely with all members of the campus community, especially the Office of Student Life. All officers have a good working relationship with the College counselors and interact with them frequently. Furthermore, the Campus Safety and Security Office staff has a good working relationship with local law enforcement and can be helpful in many situations. The staff must be informed of emergency situations in order to assist local emergency service providers (police, fire, medical personnel) with a quick response.

Davis & Elkins College is equipped with five Blue Light Emergency phones at various locations on campus. These phones, upon activation, contact the Randolph County E-911 Center automatically. Once activated, the user can communicate with the operator and the proper authorities can be sent to that location.

An escort service is provided by Davis & Elkins Security members for the safety of anyone walking or needing a ride. By calling 304-704-9111, an escort can be summoned to the location and transportation furnished anywhere on campus. This service can also be utilized for medical reasons.

The Campus Safety and Security offices are located in Memorial Gymnasium/Martin Field House. Officers are available seven days a week, 24 hours a day. Please call 304-704-9111 for assistance.

Security Officer Responsibilities:
- Monitoring and securing all campus-owned buildings, parking areas and walkways
- Compiling information from daily incident logs, residence hall reports and police data for annual fall reporting of crime statistics
- Working with local police in crime prevention efforts, referral for crime investigation and general safety escort service when requested
- Education
- Campus crime deterrence through regular patrols of College property
- Enforcement of College policies
- Investigation and documentation of policy violation
- Cooperation with Residence Life staff in promoting a safe and secure environment
- Traffic regulation
Officers are required to physically and diligently patrol the campus 365 days per year. During patrols of the campus grounds, officers are required to secure all buildings, gates and other structures to prevent theft, loss and vandalism. Officers also enforce Davis & Elkins College administrative policies and rules, violations of the Student Handbook and other College policies. Although the above listed rules and administrative regulations include offenses that also violate local, state and federal laws, Davis & Elkins Campus Safety and Security officers have no authority to enforce such laws and have no powers of arrest. Members of the Campus Safety and Security team have an excellent working relationship with the local, county and state law enforcement offices. Whenever needed on campus, local law enforcement officers have been quick to respond and have handled situations in a professional and understanding manner.

Officers document all their activities and patrols in a Daily Patrol Log. Officers are also required to report any incidents on an Incident Report to be submitted to the Director of Campus Safety and Security. These incidents range from injury to vandalism, weather, traffic, lost and found items, criminal violations and other matters. Incident Reports are to be submitted before the end of the officer’s shift, unless there are extenuating circumstances.
Access to Campus and Buildings

Access to campus buildings and grounds is a privilege extended to students, faculty, staff and authorized guests. D&E encourages an open environment with limited constraints to ensure a reasonable flow with the local community. Except for residence halls, most campus facilities are open during weekday business hours during the school year. Access to some areas within the campus facilities and after-hours access to many of the academic and administrative facilities is by key and/or a fob access control system. Individuals who wish to access buildings during non-business hours or for special events should contact the appropriate department head, D&E Office of Student Life or Office of Safety and Security.

Davis & Elkins College residence halls are designed to promote a safe and secure living environment for all residents. Residence halls are secured on a full-time basis and all exterior doors are kept in a locked position. Resident students are issued an exterior door key and/or another access control device. These are issued individually and are all uniquely numbered. Each resident is also issued an individual door key to their specific dorm room. There are Resident Assistants on every floor of all the residence halls. Resident Assistants are a valuable and energetic part of our residence hall supervision and security.

The Physical Plant office maintains the College’s academic, administrative and residential buildings and the grounds with a concern for safety and security.

Roof Access

Students and non-authorized employees are strictly prohibited from going onto the roofs of residence halls or any other College building; objects (bikes, chairs, etc.) may not be put on roofs. Students who allow others to access the roof from their room will also be held accountable. The College assumes no financial or legal responsibility for injury due to this prohibited act.
Criminal Activity Off-Campus

When a Davis & Elkins College student is involved in an off-campus offense, Campus Safety and Security officers may assist with the investigation in cooperation with local, state or federal law enforcement. Local law enforcement routinely work and communicate with Campus Safety and Security on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. While the College does not operate off-campus housing or off-campus student organization facilities, some students live in the neighborhoods surrounding the campus. While law enforcement agencies have primary jurisdiction in all areas off campus, Campus Safety and Security officers can and do respond to student-related incidents that occur in close proximity to campus. As noted earlier, Campus Safety and Security enjoy a close working relationship with local law enforcement when violations of federal, state or local laws surface. This cooperative team approach addresses criminal situations as they arise, as well as future concerns.

Emergency Response and Evacuation

Reporting Emergencies
Any individual on the Davis & Elkins College campus who feels unsafe, threatened, afraid or stalked at any time should call Campus Safety and Security at 304-704-9111. If a response is not forthcoming, Randolph County 911 should be contacted. Please note the location of the blue, free-standing tower units around campus. Pushing the emergency button on one of these towers will activate the integrated telephone, which will immediately connect the individual with the Randolph County E-911 Center.

Emergency Notifications
Davis & Elkins College has always recognized the need to be prepared for critical incidents and emergency situations. These situations can come in many forms ranging from weather emergencies to epidemics and acts of violence. The College works continuously to strengthen its capacity to prevent, prepare for, respond to and recover from emergency type situations.

Notifications are made through a variety of different means including, but not limited to, phone, email, text, word of mouth, mass notification system, the College website, social media and regional media outlets. The College’s mass notification system is through e2campus and all students and employees are encouraged to sign up for this free service.

The President (or his designee), along with members of the Senior Staff, will determine how, when and whether an emergency notification needs to be made. A determination will also be made as to whom the notification will be sent. These notifications, when deemed appropriate, will be sent without delay.

Any major evacuation plan that would involve moving large groups of the campus community around on campus (or, if necessary, off campus) would be a decision made by the President (or his designee) and members of the Senior Staff in accordance with the College’s Emergency Response Plan.

e2Campus Mass Notification System
Davis & Elkins College has a state-of-the-art notification system that is capable of sending notification instantly and simultaneously to all registered mobile devices and email addresses. These are also posted on the College’s website. Messages will be of an urgent or emergency nature only. To register for
e2Campus, members of the campus community must visit the Davis & Elkins College website, click on e2Campus, and complete the registration form. Alternatively, members of the College community can visit the MyD&E website (accessible via the D&E homepage) and search for e2campus for information on setting up an account.

**Emergency Response Plan**

The Clery Act requires the College to have and disclose emergency response and evacuation procedures in place significant emergencies or dangerous situations involving an immediate threat to the health or safety of students, employees or visitors occurring on its campus. The College’s Emergency Response Plan provides important information in the event of an emergency or the occurrence of a natural disaster within the general area of the College’s campus that impact academic or other operations. The basic emergency procedures contained in the Emergency Response Plan are designed to protect lives and property through effective use of College and community resources.

At the beginning of each academic year, Campus Safety and Security sends students, faculty and staff an email reminding them to review the Emergency and Safety Plan and how the e2Campus mass notification system works and alerting them that the system will be tested unannounced within two weeks of their receipt of the email. In addition, the College conducts numerous emergency response exercises each year, such as tabletop exercises and field exercises. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Analysis of these drills and exercises may be used to modify the Emergency Response Policy and Procedures as needed.

**Environmental Security Inspections**

Davis & Elkins College strives to maintain a safe and secure working and learning environment. Ongoing checks are made by Campus Safety and Security, as well as select employees from Student Life and the Physical Plant, and other concerned areas to routinely examine select campus areas for safety and security issues.

**Evacuations**

Before an emergency, determine the nearest exit at your location, the safest route to follow, and alternate exits. Evacuation routes are posted in campus buildings. Leave the immediate area, but remain available to emergency or security personnel. If time permits during an evacuation, secure your workplace and take personal items such as your keys, purse, medication and glasses. In case of a fire or other dangerous conditions, evacuate immediately leaving personal items behind.

When evacuating a building, remember the following general guidelines: walk, do not run; do not use elevators; when safety allows, seek out people with special needs and provide assistance; gather outside at designated building assembly areas; and, wait for instructions from the Campus Safety and Security office, other campus officials, or emergency personnel.

In the event of an immediate, life-threatening emergency during which the campus must be evacuated, the Safety and Security office, in collaboration with local emergency personnel, will discuss information about the location and route with civil authorities. Once determined, emergency personnel will discuss information about the evacuation location and route. Campus and community communication systems
will be used to provide information about this type of evacuation. Information about food, water, first-aid, shelter and other needed information will be discussed in accordance with the Emergency Response Plan and additional information will be provided at evacuation sites.

**Missing Students**

Any student residing in a Davis & Elkins College residence hall who is determined to be missing for more than 24 hours must be reported immediately to one of the following:

1. Residence Life staff
2. Office of Student Life (304-637-1211)
3. Davis & Elkins Campus Safety and Security (304-704-9111)
4. Any other designated Campus Security Authority

Reports made to Residence Life staff or the Office of Student Life will be forwarded to Campus Safety and Security. A determination will be made at that time by Campus Safety and Security if the student is indeed missing and, if so, an investigation will immediately begin to attempt to ascertain the whereabouts of the individual. Moreover, the appropriate law enforcement agency will be contacted and a cooperative effort will be made to find the student.

In addition to registering a general emergency contact, missing person contact information is collected by the Office of Student Life on an annual basis at the time the resident students move into the residence halls. The contact information will be kept confidential and will be disclosed only to authorized campus officials and law enforcement in furtherance of a missing person investigation or other appropriate purpose. The confidential contact person will also be notified within 24 hours if the student is determined to be missing. If a student is under the age of 18, Davis & Elkins College is required to notify a custodial parent or guardian within 24 hours of when the student is determined to be missing.

In situations in which the student has failed to designate a contact for missing student notification, Campus Safety and Security will continue to investigate utilizing established police investigative procedures, to include College resources and records. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

**Issuance of Amber Alert**

Suzanne’s Law requires law enforcement to notify the National Crime Information Center (NCIC) when someone between the age of 18 and 21 is reported missing, as part of the national “Amber Alert” bill.

**Resolution of Missing Student Status**

Missing student contacts will be advised of the resolution of a student’s missing status. These contacts will further be advised of law enforcement options in cases where the student is not contacted by the College.
Registered Sex Offenders

The State of West Virginia requires all persons convicted of a sexual offense to register with the West Virginia State Police. This information is made available to the public through the state police website. Interested persons can access this information through the West Virginia State Police website at: www.wvsp.gov and click the Sex Offender tab. Several national databases can also be searched using any internet search engine.

Reporting a Crime

By reporting alleged crimes and other suspicious circumstances, the alleged crime or suspicious circumstances will be included in the Safety and Security Office’s daily logs, the daily report of crimes or suspicious incidents and, if appropriate, in the Annual Security and Fire Safety Report. Additionally, if necessary, the College will be able to issue timely and appropriate warnings alerting the campus community to dangerous situations.

**Accurate and Timely Reporting of Criminal Offenses**

All students, employees and guests should immediately report any criminal incident/activity and any other emergency to the Randolph County E-911 Center. This office will dispatch the proper authorities to the scene whether it be the police, medical personnel or fire department. After contacting 911, the Davis & Elkins Campus Safety and Security Office should also be notified, at 304-704-9111. When a potentially dangerous threat to the College community arises involving a serious crime as defined by the Clery Act, a timely warning will be issued by the College to the community.

Individuals on campus may also report crimes to a designated Campus Security Authority (CSA). At Davis & Elkins College, the following individuals are designated as Campus Security Authorities:

- Vice Presidents, Department/Division Chairs, Directors and Coaches
- Any employee in a supervisory or management role
- Any faculty member responsible for supervising activities or programs that include direct contact with students outside of the classroom (including faculty advisors to recognized student organizations)
- Campus Safety and Security personnel
- Any staff member whose primary job description includes providing academic advice to students
- Residence Hall staff
- Student Affairs Office staff

These designated individuals have significant responsibility for student and campus activities, and as such are trained by Davis & Elkins College to report crimes to the Campus Safety and Security Office.

Exceptions to reporting crimes exist for licensed psychologists, members of the clergy and attorneys. Davis & Elkins College does not have a policy that addresses these professional counselors as it is covered under the umbrella of their license.

For non-emergencies and incidents that are not criminal in nature, students, employees and guests should contact the Davis & Elkins Campus Safety and Security Office at the above listed number. These non-emergency issues may also be reported in person to the Campus Safety and Security Office located in Memorial Gymnasium/Martin Field House, and to the Office of Student Life on the first floor of Liberal Arts Hall.
Davis & Elkins College is equipped with five blue light emergency phones at various locations on campus. These phones, upon activation, contact the Randolph County E-911 automatically. Once activated, the user can communicate with the operator and the proper authorities can be sent to that location.

In cases where reports concern allegations that also constitute violation of College policy, such reports will be forwarded to the office of the Vice President for Student Affairs or the Director of Human Resources for appropriate action. Moreover, all reports involving sexual misconduct will be forwarded to the College Title IX/Section 504 Coordinator or Deputy Coordinators.

**Voluntary, Anonymous Reporting**
Davis & Elkins College encourages anyone who is the victim of a crime or witnesses any crime to promptly report the incident to the police, Campus Safety and Security or a Campus Security Authority (“CSA”) (see Mandatory Crime Reports Policy).

Individuals, however, may anonymously report crimes and/or violations of the College’s administrative policies, procedures or rules. Students are often encouraged to anonymously report when reporting minor violations about other students. Confidentiality will be maintained. Anonymous reports may be filed pursuant to one of the following methods:

- Leave a private anonymous voice message for the Director of Campus Safety and Security or a CSA
- Mail an anonymous letter to the Director of Campus Safety and Security or a CSA
- File an incident report online at [https://secure.dewv.edu/form/incident-report-form](https://secure.dewv.edu/form/incident-report-form)

This encouragement is done to maintain and enhance the safety and security of the entire Davis & Elkins College campus and the surrounding community. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. With the exception of reports made to College counselors and pastors, reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

**Mandatory Crime Reporters**
There are two federal laws that establish responsibilities for employees of colleges and universities to report certain types of crimes and incidents- the Clery Act and Title IX. Pursuant to these laws, certain employees at Davis & Elkins College are required to report applicable criminal incidents to the Campus Safety and Security Office and/or the College Title IX Coordinator or Deputy Coordinator. In addition, College policy mandates that all employees, College volunteers and third party vendors report incidents of child abuse and neglect to the Campus Safety and Security Office. Moreover, West Virginia law requires certain employees to report incidents of child abuse and neglect to Child Protective Services. The guidelines below identify which employees are obligated to make a mandatory report to the appropriate College authority (and law enforcement, if applicable) and what types of crimes or incidents must be reported.

**Clery Crime Reporting**
The Clery Act requires colleges and universities receiving federal funds to report statistics concerning the occurrence of certain criminal offenses reported to the Campus Safety and Security Office or any official of the institution who is defined as a Campus Security Authority (“CSA”). At Davis & Elkins College, the following individuals have been designated as CSA’s:
• Vice Presidents, Department Chairs, Directors and Coaches
• Assistant Vice Presidents
• Any employee in a supervisory or management role
• Any faculty member responsible for supervising any activities or programs that include direct contact with students outside of classroom (including faculty advisors to recognized student organizations)
• Campus Safety and Security personnel
• Any staff member whose primary job description includes providing academic advice to students
• Residence Hall staff
• Student Life staff

Each of these individuals are required to report incidents of a Clery crime occurring on campus or at a College sanctioned event to the Davis & Elkins College Campus Safety and Security Office for inclusion in the College’s Annual Security and Fire Report prepared for the U.S. Department of Education. A detailed listing of the Clery Crimes that must be reported is set forth in the College’s Crime and Fire Statistics Policy. Due to the law’s complex reporting requirements, all position at Davis & Elkins College determined to be a CSA are required to participate in a mandatory training session that explain their role and expectations so that the College can be in compliance with the Clery Act.

Sexual Misconduct Reporting
Under Title IX, a College is required to take immediate and corrective action if a responsible employee knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment.

College employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty advisors to student organizations, coaches, administrators, Resident Assistants and other employees with a responsibility for student welfare. The College requires that all responsible employees share a report of alleged sexual misconduct violations with the Title IX Coordinator so the College can respond appropriately to end the conduct, prevent its recurrence and remedy its affects. See the Davis & Elkins College Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy for additional information.

Child Abuse and Neglect
As set forth in the College’s Child Abuse and Neglect Policy, all employees at the College, as well as key students,¹ student employees over the age of 18, camp counselors and program leaders,² and College volunteers and third party vendors who witness or suspect an incident of child abuse are obligated to make a report utilizing the following procedures:

1. Under West Virginia Law (WV Code 49-6A-2), certain persons are required to directly report incidents or suspicions of child abuse or neglect to Child Protective Services (see contact information below) immediately and not more than 48 hours after suspecting the abuse or neglect. These persons include: any medical, dental or mental health professional, religious

¹ Key Students: those students who are in practicum involving protected persons or the medical field, student teachers, students working with protected persons and resident assistants.
² Camp Counselors and Program Leaders: those students, faculty, staff and volunteers who in the course and scope of their employment or service to Davis & Elkins College conduct activities at or on behalf of Davis & Elkins College and come in contact with protected persons.
healer, school teacher or other school personnel, social service worker, child care or foster care
worker, emergency medical services personnel, peace officer or law enforcement official, youth
camp administrator or counselor, employee, coach or volunteer, or commercial film or
photographic print processor.

2. In any case where an employee, key students, student employees over the age of 18, camp
counselors and program leaders, College volunteers or third party vendors believes that a child
has suffered serious physical abuse, sexual abuse or sexual assault, the individual must also
immediately report (no more than 48 hours after suspecting the abuse or neglect) the incident
to the State Police and City Police (Elkins).

3. In addition to the above, individuals covered by this policy are also expected to immediately
report an incident of child abuse or neglect to the Campus Safety and Security Office
immediately at 304-704-9111.

Randolph County DHHR Office Contact Information
1027 N. Randolph Avenue
Elkins, West Virginia 26241
Phone: 304-637-5560
Fax: 304-637-0391
Hours: 8:30 a.m. to 5:00 p.m. - Monday through Friday

Timely Warnings

When Davis & Elkins College becomes aware of a phenomenon that in the judgment of the College
constitutes an ongoing or possible criminal threat to the College community, a Timely Warning Notice
will be issued. Depending on the particular circumstances, the warning will be disseminated by using
one, or a combination of, the following: email, the Davis & Elkins College website, phone calls (phone
tree), text messaging, campus bulletin boards and/or the e2campus mass notification system.

The President (or his designee), Vice President for Student Affairs and Director of Safety and Security will
analyze and evaluate relevant information and make a determination as to the issuance of a Timely
Warning Notice. A two-prong test will be applied to determine on a case-by-case basis if a Timely
Warning will be issued: Was the incident reported to the College or local law enforcement:

1. Identified as a Clery Act crime [see Crime Definitions (Reportable Crimes) section below]
2. Does the crime pose a serious or continuing threat to students, faculty, staff or visitors?

Timely Warning Notices typically contain in the subject line the phrase “timely notification” or “crime
alert” depending on the nature and severity of the threat. The body of each Timely Notice will include
information regarding the Clery Act requirement; a short description of the crime or incident giving the
time and date, location, reported offense, suspect description, weapon used (if any), suspect vehicle (if
any) and method of operation used to facilitate the crime. The notice will also include personal safety
information to aid members of the College community in protecting themselves from becoming victims
of a similar crime and to promote overall safety for the College community.
Alcohol Policy

Pursuant to the Federal Drug-Free Schools and Communities Act Amendments of 1989, the College has a drug and alcohol prevention program for its students and employees. The program includes an annual disclosure to each student and to all employees outlining the standard of conduct expected of students and employees in relationship to the possession, use or distribution of illicit drugs and alcohol on campus or as part of any College activity; a description of the applicable legal sanctions under local, state and federal law which may arise from the unlawful possession or distribution of illicit drugs; a description of the health risks associated with the use of illicit drugs; a description of the College’s Drug and Alcohol Abuse Prevention Program and a clear statement of the disciplinary sanctions which may be imposed upon students and employees for violations of the standard of conduct. The College’s program is reviewed biennially by the Office of Student Life in collaboration with Human Resources to determine effectiveness and to implement changes (if needed) to ensure that the College’s disciplinary sanctions (below) are consistently enforced. The College is subject to the laws of the State of West Virginia, those of Randolph County and the City of Elkins.

Consumption, purchasing, possession or transportation of any alcoholic beverages by people under the age of 21 on College property or at any College sponsored activity is illegal and a violation of College policy. It is also unlawful and a violation of College policy for any person to knowingly provide alcoholic beverages to anyone under the legal drinking age of 21. Students and employees are expected to obey the law and to take responsibility for their own conduct.

In addition, Davis & Elkins College maintains the following student regulations regarding alcohol on College property or at any College sponsored activity:

- The possession and/or use of hard liquor in any form is prohibited
- Students (and/or guests) of legal age (21 or over) may possess and consume alcoholic beverages (beer and wine) in the privacy of their own residence unit with the door closed, but only if they reside in a private room, or unit with roommates of legal age
- Students (and/or guests) under the legal age of drinking shall not buy, drink or possess (hold) alcoholic beverages
- Students (and/or guests) shall not act belligerently, or be visibly intoxicated
- The possession and consumption of alcohol shall not infringe upon the privacy or peace of other individuals
- Items used for the mass consumption of alcohol (beer bongs, kegs, pony kegs, punch bowls, beer balls, trash cans, or other common containers of alcoholic beverages of similar nature) are strictly prohibited
- Possession of an open container or consumption of alcoholic beverages in any area other than individual rooms is prohibited except in specified areas or at special events sponsored by, and posted accordingly, by the College
- Drinking games in any form are prohibited (beer pong, flip cup, etc.)
- Empty alcohol bottles are prohibited from being displayed in the residence halls

All activities at which alcoholic beverages will be present must be approved in advance as follows:
• Student Sponsored Events: Any student or student organization seeking to serve alcohol at an event must secure written approval from the Office of Student Life. Prior to approval, the student or student organization must designate a staff or faculty sponsor for the event. The staff or faculty sponsors will attend and assume the responsibility for adhering to College policies and state law, and ensure that appropriate behavior is maintained at all times.

• College Sponsored Events: Any non-student College organization, department or division seeking to serve alcohol at an event must secure written approval from the President’s Office.

• Third Party Events: Third party events must be coordinated via the College’s Conference and Catering Services. See the College Reservation of Facilities Policy for additional information.

With the exception of approved events, the consumption of alcoholic beverages is prohibited in all “public areas” of the College, including athletic facilities and outside grounds. Alcoholic beverages may not be included in organized membership recruitment activities. The advertising, promotion and sale of alcohol are prohibited (outside of licensed spaces or events). Individual students and student organizations are responsible for their conduct, and the conduct of their guests and for promoting compliance with West Virginia laws and College policy. College faculty and staff are expected to promote compliance with West Virginia laws and College policies regarding alcohol.

**Consequences for Alcohol Policy Violations**

**Student Sanctions:**

<table>
<thead>
<tr>
<th>College Sanctions**</th>
<th>1st offense</th>
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<tr>
<td>Parent Notification of Dependent Students</td>
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<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Probation</td>
<td>90 days</td>
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<td></td>
</tr>
</tbody>
</table>

**Please note that these are the minimum sanctions for alcohol violations.**

Third offenses are independently evaluated based on the circumstance of the incident and may include suspension from Davis & Elkins College. Community service will be completed by the end of the semester in which the offense took place unless the time remaining in the semester prohibits it. In that case, the community service will be completed by mid-term of the following semester. Students who do not participate in the mandatory alcohol education and/or recommended counseling will have a hold placed on their account and will not be permitted to register for classes until the alcohol education and counseling have been confirmed by the counselor. Students have the option to receive evaluation and services off campus at their own expense. Documentation of completed education, evaluation and treatment will be required from the community based counselor. The counselors shall be certified alcohol and drug counselors in the state of West Virginia or the equivalent if the counseling is completed out of state.
Legal Sanctions:
Students and employees found responsible for violating the Davis & Elkins College Alcohol Policy are subject to the jurisdiction of the City of Elkins, Randolph County and state of West Virginia.
Possible penalties:
Underage purchase of alcohol or misrepresentation of age is subject to a fine of up to $500 and three days in jail or probation. Purchase of alcohol for those underage is subject to a fine of up to $500 and up to 10 days in jail. Public intoxication is subject to a fine of up to $100 and up to 60 days in jail or completion of an alcohol education program or counseling. Driving under the influence of alcohol, or other drugs (includes DUI), depending on circumstances, is subject to incarceration of 24 hours to 10 years, a fine of $100 to $5,000, and suspension of license from six months to life.

Alcohol: Health Risks
As students make choices concerning the use of alcohol, it is important to consider the health risks associated with consumption. Alcohol is a depressant, although it may initially stimulate emotions. It slows heart rate and respiration and may cause intoxication, sedation, unconsciousness and death. Alcohol is generally metabolized at the rate of one drink per hour. Mixing alcohol with other drugs can be lethal. Food slows down the absorption of alcohol. Long term alcohol misuse can lead to liver disorders, heart disease, brain damage, sterility and dependency.

Approximately 1 in 10 drinkers becomes an alcoholic; children of alcoholics are 3-4 times more likely to become alcoholics themselves. BAC (Blood Alcohol Concentration) is affected by the amount consumed, rate of drinking, size and gender of drinker, and tolerance. Alcohol impairs judgment, performance, memory and motor skills. An impaired person is usually unable to recognize his/her own impairment. Tolerance, the need to use more of a substance to maintain the effectiveness of that substance, occurs with use over an extended period of time. Tolerance increases the risk of alcohol-related problems, including alcoholism and social problems.

Educational Resources and Treatment Options
It is recommended that any organization planning an event at which alcohol will be available to those of legal age formulate and implement a program to increase alcohol awareness and prevent alcohol misuse for those who will attend. There are a number of resources available on and off campus to provide alcohol education or assistance with alcohol concerns:

- The Office of Student Life, the campus nurse, and counselors are valuable resources and provide much of the alcohol education programming on campus.
- Counseling services are available to address individual concerns, provide assessments and referrals for treatment on and off campus, and provide information and education about alcohol use.
- Student Health Services is available to assist individuals with situations involving alcohol that affect their physical well-being.

Serving Alcohol on Campus
All activities at which alcoholic beverages will be present must be approved in advance as follows:
- Student Sponsored Events: Any student or student organization seeking to serve alcohol at an event must secure written approval from the Student Life Office. Prior to approval, the student or student organization must designate a staff or faculty sponsor for the event. The staff or faculty sponsors will attend and assume the responsibility for adhering to College policies and state law, and ensure that appropriate behavior is maintained at all times.
• College Sponsored Events: Any non-student College organization, department or division seeking to serve alcohol at an event must secure written approval from the President’s Office.
• Third Party Events: Third party events must be coordinated with and approved by Conference and Catering Services.

Prior to the event, the sponsoring individual or entity must secure and present any necessary permits and/or insurance to the approving authority listed above. The College will cancel the event if such licensure and/or insurance are not obtained. Any third party events in which alcohol will be served must be approved via the College’s Reservation of Facilities Policy.

At any approved event on campus where alcohol will be served, all policies and procedures set forth in the College’s Alcohol Policy must be strictly observed, including the following:
• No College event can charge for alcohol without proper licensing, whether or not the event is held at the College.
• All events must terminate by 12:00 a.m. Sunday through Thursday and by 2:00 a.m. on Friday and Saturday.
• Alcoholic beverages are to be consumed only in the designated room(s) or areas approved for the event.
• Proof of legal drinking age will be required prior to service.
• Only those beverages provided by the sponsoring organization of an event are to be consumed. Individuals are not permitted to bring their own beverages to an event.
• The College encourages low risk use of alcohol. No person will be served alcohol if they are already visibly intoxicated. No alcohol will be given away as a prize.
• Drinking games will not be allowed.
• No person may obtain alcohol for another person unless the person is present at the time of service, regardless of whether they are of legal drinking age.
• Soft drinks and food must be made available for the duration of any activity where alcoholic beverages are served.
• The sponsoring organization is responsible for establishing procedures to provide impaired guests or participants a ride home. Such procedures can include assigning one or more members of each group of guests or participants the responsibility of being a designated driver who will refrain from drinking. Another alternative is to provide a shuttle service.
• Davis & Elkins College will discourage the inappropriate use of alcohol by any member of its community.
Drug Policy

Drug-Free Schools and Community Act Compliance
In accordance with state and federal laws, it is illegal for students to possess, use or sell illegal drugs, as well as abuse or distribute prescription drugs. Prescription drugs are only legal if the individual possessing them is the patient to whom the medication is prescribed. Included in these categories are: opiates, barbiturates, amphetamines, marijuana, hallucinogens, illegal steroids, date-rape drugs, and other illegal or prescription drugs. Not only is it unlawful, but the presence, use and abuse of these drugs within the College is contrary to the intellectual and educational purposes of the College. Possession of these substances may well be an indication that the student is not constructively engaged in academic or work-related endeavors, respectively.

Students: Students arrested for selling drugs or who are found to be in possession of significant quantities shall be subject to immediate suspension pending final disposition of the case in the College judicial process. If the student is subsequently found responsible by the College, she or he will be expelled from Davis & Elkins College.

Use or abuse of illegal and controlled substances is a violation of College regulations. Students violating this policy should expect disciplinary action, which may include suspension from the College. Subsequent violations may result in suspension or expulsion.

The possession of paraphernalia, making no distinction between whether it has or has not been used for its intended purpose, is prohibited. Therefore, students should not possess hookahs, water pipes or bongs, pipes designed to smoke tobacco alternatives, or any other paraphernalia suspected or associated with drug use. Any items found will be confiscated and destroyed by the Office of Campus Safety and Security.

Student Life staff members are available to provide referrals to students with concerns about alcohol or drug use. Referrals to free on campus counseling services are available and a list of off-campus providers is also available. Students assume full financial responsibility for any off-campus services.

Drug Use Consequences

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** Please note that these are the minimum sanctions for drug violations
Third offenses are independently evaluated based on the circumstance of the incident and may include suspension from Davis & Elkins College. Community service will be completed by the end of the semester in which the offense took place unless the time remaining in the semester prohibits it. In that case the community service will be completed by mid-term of the following semester. Students who do not participate in the mandatory drug education and/or recommended counseling will have a hold placed on their account and will not be permitted to register for classes until the drug education and counseling have been confirmed by the counselor. Students have the option to receive evaluation and services off campus at their own expense. Documentation of completed evaluation and treatment will be required from the community-based counselor. The counselors shall be certified alcohol and drug counselors in the state of West Virginia or the equivalent if the counseling is completed out of state. Those who are found to have violations related to the manufacture, delivery, possession with intent to manufacture or deliver a controlled substance, or other violations that would be considered a felony offense will receive a minimum of parental notification and immediate suspension and/or dismissal.

Criminal Penalties for Psychoactive Drug Possession
Students found responsible for violating the Davis & Elkins College Drug Use and Abuse Policy are also subject to the jurisdiction of the state of West Virginia and U.S. federal law enforcement. See below for possible penalties.

Penalties for the use and possession of illicit drugs, along with illegal use of prescription drugs, vary greatly. Possession of a larger amount of a drug will typically result in charges of distribution, leading to much stiffer penalties.

Some examples of penalties:
- A federal or state drug conviction can disqualify a student for federal student aid.
- A criminal record for drug possession may prevent professional licensing and/or certification.
- Possession of up to 30 grams of marijuana: up to 30 days in prison, $500 in fines.
- Possession of any controlled substance, such as heroin: up to 1 year in prison, $5,000 in fines.
- Possession of 5+ grams of cocaine: 5-20 years in prison, $1,000 in fines.
- Manufacture, distribution, importation of any designer drug, such as ecstasy: up to 20 years in prison and $250,000 in fines.
- Those convicted of illegal possession of a controlled substance are also subject to disqualification for a commercial driver's license for up to one year for the first offense and for life for the second offense.

Under West Virginia state law, conviction for possession of a controlled substance is subject to incarceration of up to six months and a fine of up to $1,000. Sentences can be doubled for second or subsequent offenses. Manufacturing, possession or delivery with the intent to manufacture or delivery of a controlled substance is subject to, depending on the substance classification, up to 15 years imprisonment and/or a $25,000 fine upon conviction. Sentences can be doubled for subsequent offenses and mandatory prison terms result for convictions involving distribution of controlled substances to minors or within 1,000 feet of the College or other school.

Federal sanctions for illegal possession of a controlled substance vary with the conviction, substance possessed, and the quantity of the substance.
In situations where drugs and/or drug paraphernalia, weapons or other dangerous or potentially dangerous items are found in plain view, Campus Safety and Security Officers may perform a room or workplace search within legal limits.

If the College receives a report of a potential policy violation, particularly a violation of the College’s drug, health and safety, and/or weapons and explosive materials policies, the Vice President for Student Affairs, Director of Human Resources or Vice President for Academic Affairs or his/her designee may authorize a search in writing. The Vice President for Student Affairs and/or Student Life staff must be present at any such residence life room search. Only Campus Safety and Security Officers can perform residence life room searches.

**Drug Use and Abuse: Health Risks**

As students make choices concerning the use and misuse of drugs and controlled substances, it is important to consider the health risks associated with consumption.

**Cocaine and Crack**

Powerful central nervous system stimulants that constrict blood vessels, dilate pupils, increase blood pressure and elevate heart rate. Cocaine use may induce restlessness, irritability, anxiety, paranoia, seizures, cardiac arrest, respiratory failure and death. Cocaine is extremely addictive, both psychologically and physically. Great risks exist whether cocaine is ingested through inhalation (snorting), injection or smoking. Compulsive cocaine use may develop even more rapidly if the substance is smoked, and smoking crack cocaine can produce particularly aggressive paranoid behavior in users.

**Date Rape Drugs**

Rohypnol, rophies, roofies, GHB, Ketamine, etc. may incapacitate a person, particularly when used with alcohol. Rohypnol and GHB (gamma-hydroxybutyrate) are characterized as “date rape” drugs because they incapacitate users, thereby increasing vulnerability to sexual assault and other crime. Sedation, relaxation and amnesia are associated with Rohypnol use. Rohypnol may be psychologically and physically addictive and can cause death if mixed with alcohol or other depressants. GHB usage may result in coma and seizures and, when combined with methamphetamine, appears to cause an increased risk of seizure. Combining use with other drugs such as alcohol can result in nausea and difficulty in breathing. GHB may also produce withdrawal effects, including insomnia, anxiety, tremors and sweating. Ketamine may induce feelings of near-death experiences.

**Ecstasy**

AKA X, Adam, MDMA, XTC, etc. Ecstasy has amphetamine-like and hallucinogenic properties. Its chemical structure is similar to other synthetic drugs known to cause brain damage. Ecstasy use may cause psychological difficulties including confusion, depression, sleep problems, drug craving, severe anxiety, paranoia and even psychotic episodes. Similar difficulties may occur weeks after taking MDMA. Physical symptoms such as increases in heart rate and blood pressure may result from use of such substances. Other physical symptoms include muscle tension, blurred vision, nausea, rapid eye movement and involuntary teeth clenching.

**Hallucinogens**

Acid, PCP, LSD, psilocybin (mushrooms), dextromethorphan (dxin) are among the most potent mood-changing chemicals and may produce unpredictable effects that may impair coordination, perception and cognition. Some LSD users experience flashbacks, often without warning, without the user having taken the drug again. Violence, paranoia, delusions, hallucinations, convulsions, coma, cardiac arrest and respiratory failure may result from hallucinogen use.
Marijuana

AKA pot, grass, hash, cannabis sativa, etc. Marijuana may impair memory, attention, coordination, and learning. Short-term effects of smoking marijuana may include problems with memory, learning, distorted perception, difficulty in thinking and problem solving, loss of coordination, increased heart rate, anxiety, and panic attacks. Persons who smoke marijuana regularly may have many of the same respiratory problems as tobacco smokers, including daily cough and phlegm, chronic bronchitis, and more frequent chest colds. Because users of marijuana deeply inhale and hold marijuana smoke in their lungs, they incur a higher risk of getting lung cancer.

Narcotics

Heroin, opium, morphine, codeine, pain medication (Demerol, Percodan, Lortab, etc.) may produce temporary euphoria followed by depression, drowsiness, cognitive impairment, and vomiting. Narcotic use may cause convulsions, coma, and death. Tolerance and dependence tend to develop rapidly. Using contaminated syringes to inject drugs may result in contracting HIV and other infectious diseases such as hepatitis.

Nicotine

Tobacco, cigarettes, cigars, chewing tobacco, nicotine chewing gum and patches are highly addictive and according to the Surgeon General are a major cause of stroke and the third leading cause of death in the United States. Over time, higher levels of nicotine must be consumed to achieve the same effect. Nicotine consumption results in central nervous system sedation and after initial activation may cause drowsiness and depression. If women smoke cigarettes and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than are other smokers. Pregnant women who smoke cigarettes run an increased risk of having stillborn or premature infants or infants with low birth weight.

Sedative-hypnotics

Depressants, Quaaludes, Valium, Xanax, etc. depress central nervous, cardiovascular and respiratory functions. Sedative-hypnotic use may lower blood pressure, slow reactions and distort reality. Convulsions, coma and death are outcomes associated with sedative-hypnotic use. Consuming sedative-hypnotics with alcohol is especially dangerous.

Steroids

Anabolic-androgenic steroids may permanently damage liver, cardiovascular and reproductive systems. Possible side effects include liver tumors, cancer, jaundice, fluid retention and hypertension. In men, steroids may cause shrinking of testicles, reduced sperm count, infertility, baldness, breast development and increased risk for prostate cancer. In women, steroid use may cause growth of facial hair, male-pattern baldness, menstrual changes, enlarged clitoris and deepened voice.

Stimulants

Amphetamine, methamphetamine, speed, crystal, crank, Ritalin, ephedra, caffeine, various over-the-counter stimulants and diet aids are powerful central nervous system stimulants that may increase agitation, physical activity and anxiety. Stimulants may decrease appetite, dilate pupils and cause sleeplessness. Dizziness, higher blood pressure, paranoia, mood disturbance, hallucination, dependence, convulsions and death due to stroke or heart failure may also result from use.

Synthetic Drugs

Spice, K2, bath salts, etc. are synthetic substances produced in a laboratory. They are chemical cousins of other drugs. They are often found in retail stores and are marketed as “herbal incense,” “plant food” or “bath salts.” They generally come in small tea bag size packets and are labeled “not for human consumption.” They are marketed as a “legal high.” These substances have been outlawed in West Virginia. These may cause agitation, extreme nervousness, hallucinations, seizures, paranoia and violent behaviors which can be extremely dangerous to the person.
consuming them and to those around them. Suicide attempts are very common among people who consume these substances. Emergency treatment is critical if you suspect that someone has ingested them. The packaging should be taken to the emergency department if available.


**Amnesty Policy**

As partners with the College in promoting health and safety, all students have a responsibility and obligation to seek immediate assistance for any student known to be experiencing a serious health crisis, including one resulting from high risk drinking or the abuse of other drugs.

As such, students who seek assistance on behalf of a peer and are themselves under the influence of alcohol or drugs in violation of this Policy will not receive a Code of Conduct sanction for this action. Additionally, the student who is the subject of the report will not receive a Code of Conduct sanction for this action.

It is the College’s intention to partner with students in promoting health and safety. The College will provide students with the assistance needed to respond to high-risk drinking and other drug abuse. Students may seek such assistance by contacting Student Life or the Campus Safety and Security Office.

After the crisis is resolved, the student who experienced the health crisis, as a result of alcohol intoxication or other drug consumption, will be referred to the substance abuse prevention and treatment specialist. The substance abuse prevention and treatment specialist will provide further assessment, substance abuse education, counseling, recommendations and/or referral as applicable to the individual student’s need.

**Educational Resources and Treatment Options**

There are a number of resources available on and off campus to provide drug education or assistance with drug use concerns:

1. The Office of Student Life, the campus nurse and counselors, are valuable resources and provide much of the drug education programming on campus.
2. Counseling services are available to address individual concerns, provide assessments and referrals for treatment on and off campus, and to provide information and education about drug use.
3. Student Health Services is available to assist individuals with situations involving drugs.
Reporting of Crime Statistics

Each year the Davis & Elkins College Campus Safety and Security Office collects crime reports for the crimes listed below from campus security authorities within the institution, as well as from local law enforcement. The College then discloses these crime statistics annually to the United States Department of Education. In addition, the College publishes an Annual Security and Fire Safety report containing campus security policy disclosures and crime statistics for the previous three years. It is important to note that all crimes reported and documented include crimes that occur on campus including crimes that occur in residence halls.

Davis & Elkins College will report to the Department of Education in its Annual Security and Fire Safety Report the statistics for the total number of crime reports that were “unfounded” and subsequently withheld from the crime statistics reported in the Annual Security and Fire Safety Report. Unfounded reports are those that have been fully investigated by sworn law enforcement personnel and, based on the results of this full investigation and evidence, have made formal determination that the crime report is false or baseless. Recovery of stolen property, stolen property that is of low value, the refusal of a victim to cooperate with law enforcement or the failure to make an arrest do not justify classifying a report as “unfounded.”

**Crimes Reported**

**Arson**
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Criminal Homicide-Manslaughter by Negligence**
The killing of another person through gross negligence.

**Criminal Homicide-Murder and Non-negligent Manslaughter**
The willful (non-negligent) killing of one human being by another.

**Robbery**
The taking or attempt to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault**
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary**
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence**
Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type and frequency of interaction.
Domestic Violence

Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as all cases where automobiles are taken by persons not having lawful access including joyriding even though the vehicles are later abandoned including.)

Weapon Law Violations

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations

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

Liquor Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crimes

Hate crimes include offenses and crimes involving bodily injury reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias or because the perpetrator perceived the person to be in one of the protected group categories. The protected group categories include race, gender, religion, sexual orientation, ethnicity, disability, national origin and gender identity. For Clery purposes, hate crime offenses and crimes also include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter; forcible sex offenses; non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; destruction/damage/vandalism of property; domestic violence, dating violence and stalking.

Sex Offenses-Forcible

Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

1. Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

2. Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent

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3 Sex Offenses Definitions From the National Incident Based Reporting System Edition of the Uniform Crime Reporting Program.
because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

3. Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

4. Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-forcible
Unlawful, non-forcible sexual intercourse.

1. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

2. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses

Davis & Elkins College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any due process hearing conducted by the College against a student or employee who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the a crime of violence or non-forcible sex offense, Davis & Elkins College will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Crime Statistics
The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Davis & Elkins College submits the annual crime statistics published in this report 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.

In reading the crime statistics table, it is important to note the following:
- Crimes occurring on campus include crimes occurring in the residence halls.
- The College reports the number of persons who are charged with a violation of policy or law, not the number of persons who are found responsible for a violation of policy or law.

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**Hate Crimes**

There were no reported hate crimes for the years 2012, 2013 and 2014.
Crime Prevention

Crime Prevention Programs
Davis & Elkins College is dedicated to eliminating and/or minimizing criminal activities through the eyes and ears of the faculty, staff, students, friends and neighbors of the campus community. Crime Prevention brochures and other printed materials are available at the Campus Safety and Security Office, various locations on campus, and in every residence hall. Crime Prevention items are discussed with parents and students during orientation sessions. Resident Assistants and Resident Directors are given training by the Student Life Office and Campus Safety and Security Office on numerous security and crime prevention topics. These topics include, but are not limited to, sexual assault, date rape, drugs, alcohol, personal protection, fire safety and theft. In addition, all employees receive annual training on issues pertaining to sexual misconduct, including sexual criminal assaults.

The Davis & Elkins College Campus Safety and Security Office assigns one of its officers to be in charge of its Crime Prevention program. This officer stays in tune with growing trends on college campuses nationwide and criminal trends in the community. Updates are passed onto students, faculty and staff via email, text, the student newspaper and other means in the Office’s continual effort to help keep the College community safe.

Safety Tips
- Report all suspicious information to the Safety and Security Office immediately.
- Program the Safety and Security Office’s number into your cell phone: 304-704-9111.
- Sign up for e2campus alerts.
- Try to avoid walking alone at night, travel with friends, or use the escort services provided by Safety and Security Office.
- Be aware of your surroundings. Watch the cars and people around you.
- Carry your keys and ID card on you at all times. Do not lend them to anyone.
- Keep your residence hall room door closed and locked when you are not there.
- Do not prop doors open to residence halls or other protected locations.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Never leave valuables unattended or in your car.
Gender-based Discrimination, Harassment, and Sexual Misconduct Policy Statement

Davis & College is committed to maintaining a healthy and safe learning, living, and working environment that promotes responsibility and respect among all members and guests of the campus community and where no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any College program or activity on the basis of gender, sex, sexual orientation, sexual identity, gender identity, or gender expression.

Sexual and Gender-Based Misconduct comprises a broad range of behaviors focused on sex and/or gender that include Sexual Harassment, Hostile Environment caused by Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking. Sexual and Gender-Based Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship. Sexual and Gender-Based Misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sexes or genders. The College will not tolerate any form of Sexual and Gender-Based Misconduct, and all Sexual and Gender-Based Misconduct is prohibited by policy. This conduct, and any Retaliation or Intimidation associated with the investigation and/or sanctioning of such conduct, is prohibited by the College and may also violate federal and state law.

Davis & Elkins College’s Title IX Coordinator is Ms. Amy Kittle. Ms. Kittle may be contacted by phone at 304-637-1277 or by email at kittlea2@dewv.edu. She may also be visited in person at her office, which is located at Liberal Arts Hall, Room 209.

Davis & Elkins College’s full policy and procedures regarding gender-based discrimination, harassment and sexual misconduct is available in the Title IX Office (Liberal Arts Hall, Room 209) or online at http://www.dewv.edu/title-ix. This policy provides, in part, that the reported victim and the accused will each be allowed to choose one person to accompany them throughout the reporting and investigatory process. Both parties will be informed of their rights and the outcome of any institutional proceedings.

Davis & Elkins College recognizes that deciding how to respond to an incident of Sexual or Gender-Based Misconduct can be difficult and encourages all individuals to seek the immediate use and support of all available resources on and off campus, regardless of when or where the incident occurred. Confidential and non-confidential care and support resources, which are listed below, are available both on and off campus on an immediate and ongoing basis.

Immediate Assistance and Resources

It is the College’s goal to empower individuals who believe they have experienced an incident of Sexual or Gender-Based Misconduct to make the decisions that are best for them. Various campus and community advocates, counselors and emergency first responders are available to offer assistance in this regard. Moreover, seeking assistance and advice promptly from one of these resources may also be important to ensure one’s physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the College and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week.

Get to a Safe Place: First and foremost, an individual who is the victim of Sexual Assault (non-consensual sexual contact or non-consensual sexual intercourse), Domestic Violence, Dating Violence, Stalking or other violent actions is urged to get to a safe place away from the perpetrator or from any other
potential danger as soon as possible. Individuals on campus who are not in a safe place should contact Campus Safety and Security at 304-704-9111, 24 hours a day or Local Law Enforcement at 911 immediately (24 hours). Individuals off campus should contact Local Law Enforcement at 911 immediately (24 hours).

Seek Medical Care: Whether a member of the College community who has experienced an incident of Sexual Assault (non-consensual sexual contact and non-consensual sexual intercourse), Domestic Violence, Dating Violence, or other violent actions elects to report the incident or not, it is important that medical attention be sought as soon as possible. This will allow the individual to get care for any injuries that may have resulted from the assault, receive medications in order to prevent sexually transmitted infections in the event of a Sexual Assault and to properly collect and preserve evidence, if the patient consents to do so. A medical examination within 72 hours is critical in preserving evidence of Sexual Assault and proving a criminal or civil case against a perpetrator.

Preserve Evidence: Collecting evidence does not obligate an individual to any particular course of action but can assist law enforcement should criminal charges ultimately be pursued. For evidence collection purposes, it is important that, if possible, victims do not shower, bathe, wash, comb their hair, use the toilet, smoke, brush their teeth, eat or drink, or wash clothes, sheets, blankets or other items. Anything of evidentiary value should be placed in a paper bag (plastic bags are discouraged). Also, victims are urged to photograph visible injuries. Pictures of injuries should be taken in both close-up and wide-angle. A credit card, coin or dollar bill should be used in the pictures for reference of size.

Confidential Resources

Davis & Elkins College Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor) free of charge are not required to report any information about a Sexual or Gender-Based Misconduct incident to the Title IX Coordinator or Deputy Title IX Coordinators without the Reported Victim’s permission.

The following offices and individuals provide confidential mental health and/or pastoral counseling to members of the Davis & Elkins College community:

College Counselor
By Appointment
304-637-1234

College Chaplain
Liberal Arts Hall 102
Office: 304-637-1410
Cell: 304-704-7406
Email: starcherk@dewv.edu

Student Health Service Care Providers

The College nurse and physician at Student Health Services can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including
helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order.

While the College nurse and physician at Student Health Services are obligated to maintain confidentiality and not report an individual’s identity to the College, under West Virginia law, a medical provider may be required to notify law enforcement of a reported sexual assault involving minors and/or weapons. The individual, however, may decline to speak with a law enforcement officer or participate in a criminal prosecution.

The Davis & Elkins College Student Health Center is located in Gribble Hall and can be contacted at 304-637-1234. The Student Health Center may be visited in person during normal business hours or an appointment may be made. The Student Health Center’s normal hours of operation are:

Monday – Friday
11:00 a.m. to 3:00 p.m.

**Women’s Aid in Crisis**

Women’s Aid in Crisis (WAIC) offers confidential counseling, advocacy, health, mental health and sexual assault resources regardless of the gender of the victim. WAIC can provide and advocate who can accompany a victim to the hospital or any other provider. WAIC will not report to the College or Law Enforcement without the victim’s consent.

**Non-Confidential Reporting**

**Reporting to the Title IX Coordinator or Deputy Title IX Coordinators**

A report may be made to the Title IX Coordinator or Deputy Title IX Coordinators regardless of whether the reporting party is a Student, Employee, or Third Party:

**Davis & Elkins College Title IX Coordinator**

Amy Kittle  
Office: (304) 637-1277 | Cell: (304) 614-9203  
Email: kittlea2@dewv.edu  
Liberal Arts Hall Room 209  
100 Campus Drive, Elkins, WV 26241

**Davis & Elkins College Title IX Deputy Coordinators**

Jane Corey  
Director of Human Resources  
Office: 304-637-1344 | Cell: 304-940-3575  
coreym@dewv.edu  
Liberal Arts Hall, Room 203  
100 Campus Drive, Elkins, WV 26241

Scott Goddard  
Vice President for Student Affairs  
Office: 304-637-1352 | Cell: 304-642-1352
The Title IX Coordinator and Title IX Deputy Coordinators may be contacted in any of the following manners:

- File a complaint or report on the Gender-Based Discrimination, Harassment and Sexual Misconduct Incident Form, which is available on the Davis & Elkins website at https://secure.dewv.edu/form/incident-report-form
- Leave a private voice message for the Title IX Coordinator or a Title IX Deputy Coordinator;
- Send an email to the Title IX Coordinator or a Title IX Deputy Coordinator;
- Mail a letter to the Title IX Coordinator or a Title IX Deputy Coordinator; or
- Visit in person the Title IX Coordinator or a Title IX Deputy Coordinator.

**Reporting to the Office of Safety of Campus Safety and Security**

A report may also be made to the Campus Safety and Security department, regardless of whether the Reporting Party or Reported Victim is a Student, Employee, or Third party. The Campus Safety and Security office is located at the Memorial Gymnasium/Martin Field House. Campus Safety and Security personnel can be accessed at 304-704-9111, 24 hours a day.

Campus Safety and Security personnel will immediately report to the Title IX Coordinator (or in his or her absence a Title IX Deputy Coordinator) all relevant details about the alleged incident that the College will need to determine what happened – including the names of the victim and alleged perpetrator, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

**Reporting to a “Responsible Employee”**

Any member of the College community has the option to report an incident of Gender-Based Discrimination, Harassment and Sexual Misconduct and/or associated incidents of Retaliation or Intimidation to a “Responsible Employee” of the College.

A “Responsible Employee” is a College employee who either has the authority to redress Sexual and Gender-Based Misconduct, has the duty to report incidents of Sexual and Gender-Based Misconduct or
other student misconduct, or is an individual who a student could reasonably believe has this authority or duty.

When a member of the College community tells a Responsible Employee about an incident of Gender-Based Discrimination, Harassment and Sexual Misconduct and/or associated incidents of Retaliation or Intimidation, the individual has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee will immediately inform the Title IX Coordinator (or in his or her absence a Title IX Deputy Coordinator) all relevant details about the alleged incident that the College will need to determine what happened – including the names of the victim and alleged perpetrator, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. Any Responsible Employee who knew about a violation of this Policy and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report. A Responsible Employee will not share information with law enforcement without the Reported Victim’s consent or unless the Reported Victim has also reported the incident to law enforcement.

The following positions have been designated by the College to be Responsible Employees:

Board of Trustees Members; the President; the Vice-Presidents; the Deans; the Directors; Coordinators; Supervisors; All Athletic Department Coaches and Staff; All Admissions Staff; All Campus Safety and Security Staff; All Student Life Staff; All Resident Assistants; Resident Directors; Professional Academic Staff; and Faculty.

Before a Reported Victim or Reporting Party reveals any information to a Responsible Employee, a Responsible Employee should make reasonable efforts in light of the circumstances to ensure that the victim understands the employee’s reporting obligations – and, if the Reported Victim or Reporting Party wants to maintain confidentiality, direct the Reported Victim or Reporting Party to confidential resources.

If the Reported Victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the Responsible Employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the Reported Victim’s request for confidentiality.

Responsible Employees will not pressure a Reported Victim to request confidentiality, but will honor and support the Reported Victim’s wishes, including for the College to fully investigate an incident. By the same token, Responsible Employees will not pressure a Reported Victim to make a report or formal Complaint if the Reported Victim is not ready to do so.

Make a Report to Local Law Enforcement (Non-Confidential)

Any member of the College community who has experienced an incident of Sexual Misconduct or Gender-Based Misconduct involving potential criminal conduct has the option to report the conduct to the law enforcement agency that has jurisdiction over the location where the incident occurred by calling 911. In Elkins, the Elkins City Police Department may be contacted at 304-636-0678 or by calling 911. If the conduct is reported to the College, the individual will be informed of his or her option to also report any potential criminal activity to law enforcement. The College, however, may be obligated to report the matter to local law enforcement as required by law.
The College and the police/legal system work independently from one another. Individuals can file reports with the College, with law enforcement, with both systems, or with neither. Because the standards for finding a violation of criminal law are different from the standards in this Policy, neither the results of a criminal investigation nor the decision of law enforcement to investigate, or decline to investigate a matter, is determinative of whether a violation of this Policy has occurred.

Victim support and resources are available even if a Student, Employee or Third Party elects not to pursue criminal charges or file a report or Complaint with the College. Because Sexual Misconduct and Gender-Based Misconduct may, in some instances, constitute both a violation of College policy and a criminal activity, and because the College resolution process is not a substitute for instituting legal action, the College provides guidance and, if requested, assistance regarding how to report an incident to law enforcement authorities who have jurisdiction over the location where the incident occurred.

**Interim Measures**

Interim measures are those services (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, etc.), accommodations (academic, living, transportation and working situations), protective measures or other assistance that the College puts in place for Reported Victims after receiving notice of alleged Sexual or Gender-Based Misconduct but before any final outcomes – investigatory, disciplinary or remedial – have been determined. These services and accommodations are available regardless of whether the Reported Victim reports to law enforcement.

Upon learning of an incident of Sexual or Gender-Based Misconduct involving a member of the College community, the Title IX Coordinator will take immediate steps and interim measures to ensure the safety and well-being of the victim, such as the ability to move dorms, change work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Additional Interim Measures that may be implemented while the investigatory process is pending may include the issuance of no contact orders and changing the Respondent’s residential life housing assignment or course schedule.

### Sanctions for gender based-discrimination, harassment, and sexual misconduct policy violation

<table>
<thead>
<tr>
<th>Prohibited Behavior/Conduct</th>
<th>Range of Sanctions</th>
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<tbody>
<tr>
<td>Sexual/Gender Misconduct Constituting Sexual Assault</td>
<td>Dismissal/Termination</td>
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<tr>
<td></td>
<td>Probation</td>
</tr>
<tr>
<td>Unwanted Sexual Touching</td>
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<td>Probation</td>
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<tr>
<td></td>
<td>Educational/Counseling Consultation</td>
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<tr>
<td>Non-physical Sexual Harassment</td>
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<td>Retaliation/Intimidation False Allegations</td>
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<tr>
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<td>Educational/Counseling Consultation</td>
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</table>

### Prevention and Awareness Programs

The College is committed to preventing and eliminating discrimination and harassment of students, faculty, and staff. To that end, the College will broadly disseminate the Gender Based Discrimination, Harassment, and Sexual and Gender-Based Misconduct Policy, distribute a list of resources available to respond to concerns of sexual harassment and discrimination and related retaliation and intimidation, and develop and present appropriate primary prevention and awareness programs for new students and employees, as well as on-going prevention and awareness programs for students and employees as necessary and applicable.

### PREVENTION AND EDUCATIONAL RESOURCES

Davis & Elkins College provides resources for education about and prevention of Sexual and Gender-Based Misconduct. On-campus prevention and awareness resources regarding Sexual and Gender-Based Misconduct are available online, across campus, and at the following offices:

- **Campus Safety and Security**
  - 304-704-9111

- **Title IX Coordinator, Amy Kittle**
  - Liberal Arts Hall, Room 209

- **Deputy Title IX Coordinator, Scott Goddard**
  - Liberal Arts Hall 102
Deputy Title IX Coordinator, Jane Corley
Liberal Arts Hall, Room 203

Deputy Title IX Coordinator, Joseph Roidt
Liberal Arts Hall, Room 106

Deputy Title IX Coordinator, Mandi Larkin
Hermanson Center, Room C

The Office of Student Life
Liberal Arts Hall 102

Student Health Services
Ground Floor of Gribble Hall

College Counselor
304-637-1234

College Chaplain, Kevin Starcher
Liberal Arts Hall 102

TRAINING

Primary and ongoing Sexual and Gender-Based Misconduct prevention and awareness training, which includes training with respect to sexual assault offenses, is required for members of the Davis & Elkins College community according to the following schedule:

- All students - annually;
- New full-time faculty and staff - within six months of hire;
- All Responsible Employees - annually;
- All investigators – annually;
- Title IX Coordinator and Deputy Coordinators – annually;
- All Campus Safety and Security Officers - annually.

Employee Awareness and Prevention Programs

Training for employees includes practical information about how to prevent and identify Sexual and Gender-Based Misconduct, including same-sex Sexual and Gender-Based Misconduct; the behaviors that may lead to and result in Sexual and Gender-Based Misconduct; the attitudes of bystanders that may allow conduct to continue; the potential for re-victimization by responders and its effect on the Reported Victim; appropriate methods for responding to a Reported Victim who may have experienced an incident of Sexual and Gender-Based Misconduct, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The College’s training also specifically reviews the College’s Policy and prohibition of the crimes of Sexual Assault, Dating Violence, Domestic Violence, and Stalking; the definitions of these terms in West Virginia; the state of West Virginia’s definition of ‘consent’ in relation to sexual activity; and a review of safe and positive options for bystander intervention and information on risk reduction. It further explains Responsible Employees’ reporting obligations, including what should be included in a report, consequences for failing to report, procedures for responding to a victim’s request for confidentiality, and the contact information for the College’s Title IX Coordinator. The College also trains Responsible Employees to inform victims of the reporting obligations of Responsible Employees; the victim’s option to request confidentiality and available confidential advocacy, counseling, or other
support services; and the victim’s right to file a Title IX complaint with the College and to report a crime
to campus or local law enforcement.

Student Awareness and Prevention Programs
At a minimum, the following topics (as appropriate) are covered during the College’s Sexual and Gender-
Based Misconduct student training:

- Title IX and what constitutes sexual assault, including same-sex assaults, under the
  College’s Sexual and Gender-Based Misconduct Policy;
- The College’s definition of consent applicable to sexual conduct, including examples;
- How the College analyzes whether conduct was unwelcome under Title IX;
- How the College analyzes whether unwelcome sexual conduct creates a hostile
  environment;
- Reporting options, including formal reporting and confidential disclosure options;
- Identification of the offices or individuals with whom victims can speak confidentially and
  the offices or individuals who can provide resources such as victim advocacy, housing
  assistance, academic support, counseling, disability services, health and mental health
  services, and legal assistance;
- Identification of those employees who are considered “Responsible Employees”;
- The College’s investigation procedures and proceedings when a Sexual and Gender-Based
  Misconduct report is made;
- Sanctions relating to Sexual and Gender-Based Misconduct;
- Effects of trauma, including neurobiological changes;
- The role alcohol and drugs often play in Sexual and Gender-Based Misconduct incidents,
  including the deliberate use of alcohol and/or other drugs to perpetrate Sexual Assault and
  other forms of Sexual and Gender-Based Misconduct;
- Strategies and skills for bystanders to intervene to prevent possible Sexual Assault;
- How to report criminal Sexual and Gender-Based Misconduct incidents to campus or local
  law enforcement and the ability to pursue law enforcement proceedings simultaneously
  with a Title IX grievance;
- A review of the state of West Virginia’s definitions for the crimes of Sexual Assault, Dating
  Violence, Domestic Violence, and Stalking;
- A review of the state of West Virginia’s definition of ‘consent’ in relation to sexual activity;
- A review of safe and positive options for bystander intervention and information on risk
  reduction; and,
- Title IX’s protections against retaliation.

The College’s training also encourages students to report incidents of Sexual and Gender-Based
Misconduct and explains that students (and their parents or friends) do not need to determine whether
incidents of Sexual Assault or other Sexual and Gender-Based Misconduct created a hostile environment
before reporting the incident. The training also highlights that the College’s primary concern is student
safety, and the use of alcohol or drugs never makes the survivor at fault for an incident of Sexual and Gender-Based Misconduct.

**Sexual Assault, Dating Violence, Domestic Violence, and Stalking Risk Reduction Tips**

- Program the Office of Campus Safety & Security telephone number (304-704-9111) into your cell phone.
- Be aware that you are a potential victim of crime. Stay alert and attuned to people and circumstances around you.
- Immediately notify Campus Safety & Security of suspicious activity or people.
- Avoid the use of excessive alcohol and other drugs. Persons under the influence are much more likely to the victims of a serious crime.
- Do not allow non-residents into residential facilities.
- Lock your room when you are out - even for just a few minutes. Keep your door locked when sleeping.
- Never lend your room or apartment key to anyone.
- Keep your valuables in a safe place. Do not leave valuables in the open and unattended. Utilize GPS or “locate” software for your electronics.
- Do not prop open locked outside doors and stairwell doors; ensure they close and lock behind you. Do not allow anyone other than your personal guests to enter the building behind you.

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure you take your cell phone and it is charged. Also, ensure you take cab money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the event and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately by calling 911 or Campus Safety & Security.
- Don’t leave your drink unattended even while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, get a new one.
• 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, do not drink from the punch bowls or other large common open containers.

• 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.

• If you suspect you or a friend have been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

• If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  1. 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.
  2. 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 doing.
  3. Have a code word with your friends or family so that 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.
  4. 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.
  5. 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?
  6. If you and/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.

Safe and Positive Options for Bystander Intervention

Bystander Intervention is a helping behavior whereby an individual or individuals utilize safe and positive options in emergency or non-emergency situations to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence or stalking. Bystander intervention includes recognizing situations of potential harm, understanding conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene when it is safe to do so.

The most basic and best action an active bystander can take is to call Security or local law enforcement.

Additional ways to be an active bystander include:

• Being vigilant by watching out for your friends and fellow students or employees;
• If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely;
• Intervening and asking if a person needs help (e.g., “Do you need a ride?” or “Do you want me to call Security or the police?”);
• Confronting people who seclude, hit on, try to make out with or have sex with people who may be incapacitated;
• Speaking up when someone discusses plans to take sexual advantage of another person;
• Believing someone who discloses sexual assault, abusive behavior, or experience with stalking;
• Encouraging victims to self-report;
• Referring people to on- or off-campus resources listed in this document for support in health, counseling or with legal assistance.

(Bystander intervention strategies adapted in part from Old Dominion University and Stanford University).

Additional intervention strategies include:

• Trust your gut. If something looks like it might be a bad situation it probably is.
• Avoid using violence when intervening; approach in a friendly, honest and direct manner;
• Keep an eye on someone who has had too much to drink. Do not leave another person alone in a situation in which you feel uncomfortable; develop a buddy system;
• If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely;
• Create and negotiate possible solutions; maintain an open dialogue; communicate clearly;
• Be aware if someone is deliberately trying to intoxicate, isolate or corner someone else;
• Use distraction techniques such as humor, reframing, redirection or personalization to reduce tension between individuals and to stall for time in which to intervene;
• Recruiting help; group interventions can make individuals aware of patterns of behaviors of concern;
• Focusing on your feelings about the behavior rather than criticizing the person;
• Encourage respect; speak up if you find a behavior offensive (e.g., do not laugh at offensive jokes but rather indicate your disapproval); and
• Use body language that indicates disapproval of or concern about a behavior (e.g., silent stare, crossed arms, wrinkling of the nose, raised eyebrows and wide eyes, stepping between two people).
Fire Safety Report

Fire Safety Policies, Fire Statistics and Fire Log
The College annually provides a report to each student and current employee that discloses campus fire safety policies, fire prevention activity data, and any fire-related incident that occurs within on-campus housing. Additional information is available from the Campus Safety and Security Office. Prospective students and prospective employees receive a notice of the report’s availability. In addition to the above, the College fire safety policies are published in the Davis & Elkins College Policy Manual.

The Davis & Elkins Campus Safety and Security Office is responsible for the Annual Security and Fire Safety Report, Timely Warnings and the Crime and Fire Logs. The Annual Security and Fire Safety Report is prepared in cooperation with local law enforcement agencies in Randolph County and the Office of Student Life. Campus crime, arrest and referral statistics include those reported to the Davis & Elkins Safety and Security Office, campus officials, RAs, RDs, and local law enforcement agencies. The Annual Security Report is compiled and submitted by the Director of Campus Safety and Security. For more information, contact the Office of Student Life at 304-637-1211, Director of Campus Safety and Security, or Davis & Elkins Campus Safety and Security at 304-704-9111.

Crime and Fire Log
The Campus Safety and Security Office maintains a combined Crime and Fire Log of all incidents reported to the office, which is available for inspection during normal business hours. This includes all crimes reported to the office, as well as all fires in on-campus student housing facilities. The Crime and Fire Log includes the incident type, date incident is reported, date and time of occurrence, and general location of each reported incident type, as well as the disposition of the incident, if this information is known. The Campus Safety and Security Office posts specific incidents in the Crime and Fire Log within two business days of receiving the report.

Campus-Wide Fire Safety Practices
Fires result in serious injuries, deaths and property loss; all members of the College community must take precautions at all times to prevent a tragedy due to fire and smoke. In the event of smoke or fire, calmly exit the building using the nearest exit. If the building’s alarm system is not sounding, pull the fire alarm when exiting the building. All College buildings have posted exit diagrams and all building occupants should know the exit routes and be familiar with College fire evacuation procedures set forth in the Emergency Manual. Failure to exit the building at the sound of a fire alarm or warning is a violation of College policy, as well as a violation of state law. Also, tampering with or falsely activating a fire alarm is a violation of College policy and state law.

Campus Fire Safety Policies
All residence halls are equipped with fire extinguishers, smoke detectors, alarms and pull stations. Smoking is not permitted in any form in the residence halls or College buildings. This includes the use of electronic cigarettes. Also not allowed is anything with an open flame, such as candles, incense, candle warmers, hot plates, space heaters, toasters, toaster ovens, Crock-Pots, electric skillets, rice steamers, woks, deep fryers, grills, flammable liquids (e.g. bottles of propane gas, lighter fluid and dangerous chemicals), and explosives (including fireworks) and/or any other such item that can produce heat. To meet all fire safety codes, students and employees are required to use only electrical cords that are surge protector types and approved power strips instead of conventional extension cords or grounded
in-wall adapters. Flammables, combustibles and/or any toxic materials are not permitted in or around any College building. The College is subject to scheduled and regular inspections by the WV State Fire Marshal’s Office. The State Fire Marshal’s Office, as well as the local fire department, also performs unannounced spot checks on campus as part of their job duties. Violations discovered will be subject to fines, the cost of which will be passed onto the individual student or employee.

**Fire Safety Instruction**
In the event of smoke or fire, calmly exit the building using the nearest exit. If the building’s alarm system is not sounding, pull the fire alarm when exiting the building. All resident hall rooms have an exit diagram posted on the inside of the door. In addition, each College building has a posted exit diagram. Failure to exit the building at the sound of a fire alarm or warning is a violation of the College’s administrative rules, as well as a violation of state law. Also, tampering with or falsely activating a fire alarm is a violation of College rules and state law.

Fire safety training is given each year to the Resident Assistants, Resident Directors, Security Officers and other members of the Office of Student Life and/or College community. From this training, the RAs and RDs educate all the resident students on the proper fire evacuation procedures. All fire and smoke alarms along with emergency lighting is checked on a monthly basis. Fire extinguishers are also checked on a regular basis and areas in the kitchen are checked in accordance with National Fire Prevention Association guidelines. Fire drills, both announced and unannounced, are performed during each semester.

In case of an actual fire, individuals should call 911. For any type of alarm, or smoke, please contact Davis & Elkins Campus Safety and Security at 304-704-9111. It is absolutely essential for the corridor separations and stairwell doors to be closed at all times. Fire doors retard the travel of smoke, heat, toxic gases and fire. All stairwell doors must be closed at all times. Do not place any combustible material on these doors, absolutely no paneling, burlap, draperies, parachute netting, Styrofoam, nor any type of wood can be installed in the exit corridors or stairwells. Building fire equipment such as sprinkler heads, smoke detectors, fire hoses, extinguishers, stand pipes, and alarm boxes must remain in good working condition and must not be obstructed. Unauthorized use or tampering with this equipment will result in disciplinary and/or legal action.

**Fire Safety Training**
Resident Directors and Resident Assistants, along with Campus Safety and Security Officers, receive fire safety training from the Elkins Fire Department on an annual basis. In addition, procedures that should be followed in the case of a fire are set forth in the College’s Emergency Response Plan, which is available to all students, faculty and staff on the intranet homepage. At the beginning of each academic year, Campus Safety and Security sends students, faculty and staff an email reminding them to review the Emergency Response Plan.
Campus Fire Statistics
The following are fire statistics for each on-campus student housing facility at Davis & Elkins College:
1. The number of fires and the cause of each fire in a Davis & Elkins College student housing facility
2. The number of deaths related to the fire in a Davis & Elkins College student housing facility
3. The number of injuries related to the fire in a Davis & Elkins College student housing facility that resulted in treatment at a medical facility
4. The value of property damage related to the fire at a Davis & Elkins College student housing facility

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<tr>
<th>Residential Facilities</th>
<th>Sprinkler Systems</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/Placards</th>
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