

# Davis & Elkins College

## POLICY MANUAL

### VOLUME VI

## **Student Life Policies**

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**Volume VI**  
**Student Life Policies**

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# Volume VI Student Life Policies

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## 6.0 Introduction

Volume VI of the Davis & Elkins College Policy Manual outlines the College's student policies and regulations, student services, student rights and responsibilities, student due process and procedures. Academic policies appear in Volume V of the Davis & Elkins College Policy Manual. Policies pertaining to all members of the College community, including students, appear in Volume II of the Davis & Elkins College Policy Manual.

Davis & Elkins College has made this edition of Volume VI as comprehensive as possible; however, it is not possible to foresee every situation that may occur. Accordingly, the College reserves the right in its sole judgment to improve, modify, revise, supplement, rescind, suspend, terminate, or make any changes of any kind to its student life policies whenever it is deemed necessary or desirable.

The provisions of this Volume VI of the Davis & Elkins College Policy Manual are not intended as an irrevocable contract between the student and the College. The College reserves the right to change provisions and requirements, including fees, contained in this volume at any time, with or without notice. Moreover, circumstances not specifically addressed in any of the volumes of the Davis & Elkins College Policy Manual will be handled on a case-by-case basis.

## 6.1 Campus Student Life Resources and General Information

### 6.1.1 Academic Policies

The College's academic related policies are set forth in the current College [Catalog](#). Students are expected to familiarize themselves with the academic policies, procedures, and guidelines published in the Catalog, on [My D&E](#), as well as in other College and departmental and division publications and electronic postings. Below are some key academic policies reprinted for ease of reference.

#### 6.1.1.1 Academic Honesty

The College expects its students to pursue their academic careers with integrity. Academic dishonesty as defined by the College's Academic Honesty Code is a serious offense that threatens the College's core educational mission. Allegations of academic dishonesty will be investigated and resolved pursuant to the College's Academic Honesty Code. See the for additional information.

#### 6.1.1.2 Attendance

Regular and punctual class attendance is required throughout the semester or term in accordance with the policy specified by the instructor. Students are responsible for any course work missed during an absence (whether excused or not). Absences generated through a student's participation in officially sanctioned college activities shall be considered excused. Absences in classes immediately before and after holidays are unexcused.

#### 6.1.1.3 Class Cancelations and College Closings

In the event of extreme weather conditions or other emergency situations, including power or water outages, the decision to cancel classes and/or close the College will be made by the President or his or her designee in consultation with the Vice President for Academic Affairs. Decisions to close the College will be made and communicated as follows:

- D&E Main Switchboard (304) 637-1900
- Internet ([www.dewv.edu](http://www.dewv.edu))

- Nixle
- TV and Radio

#### **6.1.1.4 Leave of Absence**

Should a student experience serious injury or illness (or other extenuating circumstances) that makes it difficult or impossible to complete academic work, the student may apply for a leave of absence from the College. To be considered for a leave, the student must properly complete and submit the required form to the Office of the Registrar. Should a request be granted, the student will receive an 'IP' or 'W' for the courses in which he or she was enrolled the semester in which the leave was taken, depending upon the particular situation in each course. Students who have received a leave under such circumstances may be entitled to return to the College with an approved return plan in place at the beginning of the following semester (or following year) without reapplying for admission.

Residential students on leave may not live in College residence halls during the period of their leave. Nor may they participate in and/or hold leadership positions in a registered student organization or athletic team. Residential students who file for a leave of absence must clean out their room, inform their Resident Assistant and return their key to the Student Life Office.

See the [Catalog](#) for more information.

#### **6.1.1.5 Withdrawing from the College**

Students who find it necessary to withdraw from the College during the course of a semester (or term) must follow the official withdrawal procedure, which begins by obtaining the required withdrawal form in the Office of the Registrar. The student's official date of withdrawal will be recorded as the last day on which he or she attended class, and the grade of "W" will be assigned to courses on the withdrawing student's schedule unless other specific arrangements have been made. The final day for withdrawing from College is the last day of classes as identified on the academic calendar for a given semester or term.

Students who leave the College without officially withdrawing may receive failing grades in those courses they have stopped attending. The act of withdrawing from the College terminates all relationships with the institution after financial accounts have been cleared. Students who are required to withdraw from the College for disciplinary reasons prior to the last designated day of classes for a given semester or term will receive a "W" in each course in which they are enrolled.

Students required to withdraw for disciplinary reasons after the last day of classes for a given semester or term may receive failing grades for those courses in which they are enrolled.

By withdrawing from the College, the student terminates all relationships with the institution after his or her financial accounts have been cleared. As such, students must understand that a withdrawal is a permanent decision, unlike a temporary leave of absence. Students who withdraw from the College will need to re-apply should they wish to return, and re-admission is not guaranteed.

### **6.1.2 Academic Support Services**

Academic Support Services offers a rich menu of services in an effort to address the academic needs of all the College's students. Peer tutoring, study groups, and classes and workshops are all coordinated and supported by The Naylor Learning Center staff.

#### **6.1.2.1 The Naylor Center for Teaching and Learning**

Located in Albert Hall, The Naylor Learning Center was established through the generosity of Howard and Audrey Naylor. The mission of The Naylor Learning Center is three-fold: to support the heightened performance of students and faculty campus-wide; to transform the learning experience of students with learning disabilities; and to facilitate greater access to higher education. Three distinct programs exist under The Naylor Learning Center: The Academic Support Program, the Supported Learning Program, and Disability Services.

### 6.1.2.2 Disability Services

It is a student's responsibility to inform the College of their disability, register with D&E Disability Services, and request accommodations in accordance with their documentation. D&E Disability Services within the Naylor Learning Center provides reasonable accommodations in the academic setting for students with disabilities (ADA, 504 & 508 accommodations). The disability must be documented based on the College documentation criteria. Students are not required to apply for or join the fee-based Supported Learning Program to receive reasonable accommodations. Students seeking more information regarding reasonable academic, housing, or dietary accommodations or any other related issues should contact D&E Disability Services within the Naylor Learning Center at 304-637-1435.

Should a student feel they have not been provided or have been denied an appropriate, reasonable accommodation under the Americans with Disabilities Act (ADA), they may appeal any accommodation decision in full or in part.

#### Appeal Procedures

The appeal process is intended to provide students with the opportunity to bring forward questions regarding substantive or procedural errors or evidence of bias that occurred during the accommodation review process. The appeal process is not intended to initiate a new accommodation review process at a higher level.

**General dissatisfaction with an accommodation decision is not grounds for an appeal. Individuals wishing to appeal decisions regarding accommodation should first try to resolve the issue with Disability Services.** An appeal from an accommodation decision must be based on one or more of the following grounds:

1. There was a procedural error made during the accommodation review process that substantially impacted the outcome of the decision (e.g. you were not given an opportunity to participate in an "interactive process," or the collaborative effort to arrive at a reasonable accommodation).
2. There was a substantive error (such as a misunderstanding of your accommodation request) made during the accommodation review process that impacted the outcome of the decision. To submit an appeal based on substantive errors, you must demonstrate that you already attempted to address the error with Disability Services.
3. There is evidence of bias on the part of Disability Services, which made the decision that prevents them from considering your accommodation request objectively and completely.

Appeals can be made to the Dean of Students, Ms. Kate Garlick.

Kate Garlick  
Dean of Students  
Liberal Arts Hall, 1st Floor  
(304) 637-1241 | [garlickk@dewv.edu](mailto:garlickk@dewv.edu)

Appeals must include the following:

- A copy of your accommodation decision or notification letter,
- A written statement explaining the accommodation you originally requested, and,
- An explanation of the grounds for appeal listed above. Appeals are written and do not often include an interview, so you need to make sure all the necessary information is contained in your written submission.

The appeal window begins on the day you receive your accommodations decision. You have ten (10) business days to appeal accommodation decisions in whole or in part. Decisions regarding appeals will typically be made in five (5) business days. Appeals can be:

- Granted, in which case Disability Services will be instructed to revisit your accommodations request and will receive information on how to address the information provided in your appeal;

OR

- Denied, in which case the Dean of Students has determined that your initial accommodation decision was not the result of error or bias, and you are required to follow the information provided in your accommodations decision.

Failure to accommodate is considered a form of discrimination under College policy. Any student currently enrolled at the College who believes they have been discriminated against or harassed on the basis of disability may contact the Title IX/Section 504 Coordinator at:

**Amy Kittle**  
Title IX/Section 504 Coordinator  
Liberal Arts Hall 209  
Phone: 304-621-1316 | [kittleamy@dewv.edu](mailto:kittleamy@dewv.edu)

Please see [Davis & Elkins College Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) for more information.

### **6.1.2.3 Supported Learning Program**

Since 1989, Davis & Elkins College has offered a fee-based supplemental program to provide individualized support to college students with disabilities. This comprehensive fee-for-service program moves far beyond federally mandated accommodations by taking a holistic approach to supporting students with disabilities. The program includes regular, weekly, one-hour sessions with one of the Supported Learning Program instructors. During these weekly meetings, strategies for time management, organizational skills, learning strategies, and various study skills strategies are learned, implemented, and monitored. Specialized technology along with specialized assistance provides students with support for success in academics, social interaction, and independent living.

To participate in the Supported Learning Program, a student must meet the admission requirements of the College, qualify as a student with a disability eligible for legal accommodations at no cost from Davis & Elkins College Disability Services, and complete a separate Supported Learning Program application, along with a face-to-face interview

All students in the Supported Learning Program have access to the following services and forms of support:

- Weekly one-hour meetings with a Supported Learning Program instructor;
- Five hours of supervised study hall each week;
- Pre and post exam study review sessions;
- A one-credit class for all in-coming students, “Study Skills for Success”;
- Regular monitoring of progress throughout semesters focusing on student-specific goals and objectives;
- Support and guidance in identifying learning strengths and weaknesses;
- Help in implementing effective time management and organizational skills;
- Strategies for effective test-taking, note-taking, studying, etc.;
- Guidance in balancing the social and academic dimensions of college life;
- Proofreading and editing support for academic writing assignments;

To learn more about the Supported Learning Program, visit the [D&E Educational Support](#) webpage, or contact the Naylor Learning Center at 304-637-1435.

#### **6.1.2.4 Writing Center**

Students at the College can depend on getting the writing support they need, and the service is available for all students. Writing assistance is available for all stages of the writing process, and is not just for English essays, but also business theses, science lab reports, history, political science, psychology, and sociology research papers and article reviews; take-home essay exams, job and graduate applications, resumes and projects.

#### **6.1.3 Athletics**

The College realizes that intercollegiate and intramural athletic programs provide an opportunity for students to develop both as individuals, and as members of society.

Intercollegiate Athletics: “Student-athlete” is more than a moniker for students participating in intercollegiate programs at the College. In addition to having above-average athletic skills, they must also maintain a strong grade point average in order to participate. Students may win positions on one of the following intercollegiate sports programs – men: baseball, basketball, cross country, golf, lacrosse, tennis, soccer and swimming; women: basketball, cross country, lacrosse, softball, soccer, swimming, tennis, volleyball and acrobatics and tumbling. The College holds membership for both men’s and women’s programs in the Mountain East Conference (MEC) and the National Collegiate Athletic Association (NCAA) Division II. Please note that the men’s and women’s swim teams compete in the Bluegrass Mountain Conference at this point in time.

The College athletic teams have a tradition of excellence. The teams play schedules that enable them to compete on a regular basis for regional and national honors. Athletic scholarships are awarded in all sports and are based solely on athletic ability.

Intramural Sports: Intramural programs for both men and women provides exercise, recreation, and an opportunity to develop skills with life-long value. Contact the Office of Student Life for a listing of current intramural offerings.

### **6.1.4 Augusta Heritage Center**

The Augusta Heritage Center of the College is a unique, nationally acclaimed program for the promotion of traditional music, arts, and crafts arts. Year-round activities include workshops, concerts, and dances open to the public, as well as Roads Scholar programs, a statewide Folk Arts Apprenticeship Program, archived folk music, and audio and video documentation of West Virginia folk life.

A major activity of the Center is a series of one-week summer sessions. Students come from all over the world each year to participate in classes in traditional folk music, dance, crafts, and folklore. In addition to intensive daily classes, evening activities feature traditional music concerts, square dances, films, lectures, and jam sessions. The annual Augusta Festival offers a professional juried craft fair, folk life displays and demonstrations, special workshops on traditional music and dance, and concert performances by nationally renowned artists. Augusta classes are open to anyone older than eight years of age. On-campus housing is offered in the summer, and the College offers optional undergraduate college credit for Augusta classes.

### **6.1.5 Booth Library**

Booth Library, opened in 1992, is the centerpiece of the campus. Spanning the College glen to connect the northern and southern areas of the campus, the Library combines an award-winning design with the services and resources needed to meet the information needs of the College community. The collection numbers 130,000 items and is accessed through an online catalog. The library currently subscribes to more than 200 periodicals and has access to numerous electronic resources. Many of these electronic resources are provided through the College's membership in the Appalachian College Association, including hundreds of full-text journals, thousands of electronic books, and many reference databases. Librarians provide research consultation and classroom instruction.

The facility is an inviting place to work, with every type of student space available including quiet study, seminar rooms for group projects, and a 24-hour computer lab and lounge. The Library features a community room that is available for group meetings and a student lounge. The 24-hour computer lab, College's TRIO Programs and Information Services are also housed in the Booth Library.

### **6.1.6 Business Office**

The Business Office, which receives student tuition and fee payments, as well as issues work-study checks, is located on the second floor of Liberal Arts Hall.

**Payment of Charges:** Tuition and fees are due and payable on the first day of classes. Students are responsible for payment or other satisfactory financial arrangements before they will be admitted to classes, the residence halls, or Benedum Dining Room.

**Student Employment Checks:** Student employment checks are available on the last working day of the month. See the cashier in the Business Office. The Business Office can be contacted at (304) 637-1281.

### **6.1.7 Campus Mail Room**

The Mail Room is located in Madden Student Center and is open Monday-Friday 10 a.m. – 2 p.m. There is no mail service on weekends.

Mail Room personnel will assign a mailbox to residential students prior to the start of classes. Students will keep

the same mailbox each year they are at Davis & Elkins. Mail Room personnel will provide students with the combination to their mailbox and offer assistance in mailing letters or packages. Students will receive a note in their mailbox if mail or a package cannot be placed in their assigned mailbox. Students may receive their packages at the Mail Room window.

Student Name  
Campus Box #  
Davis & Elkins College  
100 Campus Drive  
Elkins, WV 26241

Postage stamps are available for purchase at the Mail Room and the College Bookstore. The campus telephone numbers for the Campus Mail Room are (304) 637-1205 and (304) 637-1265.

Also see the description of the Campus Mail Room in Volume II of the Davis & Elkins College Policy Manual for additional information.

### **6.1.8 Office of Public Safety**

For the safety and security of the students, faculty, staff and property, the College operates its own Office of Public Safety to provide a safe and secure living environment for members of the College community. The Office of Public Safety is located in the Gatehouse. Officers are available seven days a week, 24 hours a day.

Davis & Elkins College's Office of Public Safety is dedicated to enhancing the quality of life for the College community through policy enforcement, education, and a team approach to creative problem solving. The College Office of Public Safety is committed to honesty, integrity, and professionalism. They work in tandem with the members of the Office of Student Life and other members of the College community to make the College a safe and secure place for all members of the College community to work, learn, and live, including working with local police in crime prevention efforts, and referral for crime investigation. The Office of Public Safety also provides a general safety escort service and cooperates with Residence Life staff in promoting a safe and secure residential life environment.

The College's security operation is designed to provide leadership to the community on safety issues. The Office of Public Safety has a good working relationship with local law enforcement and can be helpful in many situations. Public Safety officers must be informed of emergency situations that arise and can assist local emergency service providers (police, fire, medical personnel) with quick response.

Additional information, including annual [Campus Crime Statistics](#), the College's comprehensive safety and security policies, and the [Emergency Response and Safety Plan](#) can be found on the College [website](#), in the Office of Student Life, and in the Office of Public Safety.

### **6.1.9 Nixle-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. Notifications are also posted on the College [website](#) and social media. The notification system will be used in an urgent or emergency situation only. All members of the campus community are automatically enrolled in this service. Family members or other individuals may contact the Office of Public Safety for more information or register [online](#).

### **6.1.10 Food Services and Meal Plans**

The room and board fee covers meals in Benedum Dining Room, located on the upper floor of Madden Student Center (Benedum Hall).

All freshmen automatically receive the 19-Meal Plan, which includes 19 meals every week in the Dining Room plus cash-value dollars (per semester) to be used at Cadillac Daddy Café or the Campus Store. Upperclassmen also have the option of selecting the 14-Meal Plan or 10-Meal Plan.

Cash-value dollars may not be carried over from one semester to the next. Students are urged to spend their cash-value dollars every semester. Second semester cash-value credit on ID cards begins in early January on the date specified by the Office of Student Life.

The last day to change a student residential meal plan for the fall and spring semesters coincides with the Drop/Add deadline as published in the Academic Calendar. Any changes or special requests after the deadline must be coordinated through the Office of Student Life.

Students will not be allowed to eat without their College photo ID, so students must present their ID each time they go to Benedum Dining Room or Cadillac Daddy Café.

Commuter students also have meal plan options available to them. “Senator Bucks” may be purchased at any time and can be used at Benedum Dining Room and Cadillac Daddy Café.

### **6.1.11 Financial Aid Office and Financial Aid Programs**

The College offers a complete range of financial planning services and financial assistance programs. Approximately 88 percent of the College’s students receive scholarships and/or some type of financial assistance. The purpose of the College’s financial planning program is to help students and their parents identify all the sources of assistance and funding for which they are eligible. Types of financial assistance vary according to the source of funding, whether it is federal, state, institutional, or private agency. See the College’s Financial Aid Policies in the [Catalog](#) and on the College [website](#) for additional information.

### **6.1.12 George A. Myles Pool**

Located on the main level of the Hermanson Center, the swimming pool was dedicated in memory of the late George A. Myles. While there is no charge to D&E students or the campus community, access memberships are available to the general public for lap and open swim hours.

### **6.1.13 Harper-McNeeley Auditorium**

Harper-McNeeley Auditorium is a 1,140-seat performance hall which serves the community and the region as the largest performance venue in the area.

### **6.1.14 Myles Center for the Arts/Hermanson Center**

Myles Center for the Arts serves the community and the region as the largest performance venue in the area with the 1,140-seat Harper-McNeeley Auditorium. Also included in the Center is the Senate Commons. Upstairs, Paull Gallery enhances the Center with open dance and exhibit space, and downstairs, the studio art area encompasses nearly 7,000 square feet of improved offices, technology labs and studio space.

### **6.1.15 International Student Program**

The College is committed to the enhancement of international understanding. All international students must be English proficient prior to attending the College. Throughout the year, international students are invited to participate in community activities and serve as informal resource people to local schools, churches, and other social and civic organizations in international affairs. The College is authorized under federal law to enroll nonimmigrant alien students.

### **6.1.16 Lactation Accommodations**

The Women's Lounge in Liberal Arts Hall offers a convenient private space on campus for breastfeeding. Students are encouraged to use these spaces to breastfeed or express breast milk.

### **6.1.17 The McDonnell Center for Health, Physical Education and Athletics**

The McDonnell Center for Health, Physical Education, and Athletics is a 41,335-square-foot home for D&E's intercollegiate sports, physical education, recreation, and fitness programs. Key spaces within the facility include the 1,220-seat arena, Hilda and Robert R. Butler Lobby, the D&E Athletic Hall of Fame, and Myles Ahead indoor walking and jogging track.

### **6.1.18 Myles Ahead Walking Track**

Myles Ahead walking and jogging track is equipped with a shock-absorbent surface and circles the upper level of the arena, providing a safe, comfortable place for students and community members alike to exercise regardless of weather. A pair of clean shoes is required.

### **6.1.19 Orientation**

Orientation gives students a chance to meet other new students, upper-class students, faculty and staff, enjoy outdoor activities, face and overcome challenges, solve problems, and develop leadership skills. Students will learn about the campus, computer resources and accounts, Madden Student Center, and Booth Library. During the fall orientation, students will participate in musical, social, recreational, and traditional events, including a picnic, as well as begin their academic life at D&E by meeting many faculty members in informal settings. New Student Orientation is required of all newly matriculated students. Students will receive information in their admission materials on the time and place of orientation activities. Any questions about orientation should be directed to the Office of Student Life.

### **6.1.20 Paintball Course**

The Paintball Course is located on the back campus and provides an exciting activity for both students and the community.

### **6.1.21 Parent Relations**

The [Parent Relations](#), located in the Office of Student Life, is a valuable resource for parents of current or prospective students. In addition to answering questions and offering support, seasonal, birthday, and get-well care packages are available for purchase for students.

### **6.1.22 Recreation Area**

The recreation area in Madden Student Center is a gathering space designed for socializing. Students can enjoy a game room that offers music, pool tables, flat screen TVs, and comfortable lounge chairs.

### **6.1.23 Registrar's Office**

The Office of the Registrar coordinates course scheduling and student registration, verifies and maintains all grade reports, student academic records and transcripts, and assists institutional research and reporting activities. The Office of the Registrar works to provide services to students and faculty in a prompt, equitable, and courteous manner.

### **6.1.24 Robert E. Urban Nature Trail**

Robert E. Urban Nature Trail is located in approximately 30-acre area that provides a resource for nature study, teaching, scientific research, recreation, and quiet reflection. It is also an important feature in the campus aesthetic and a link to its historical and cultural heritage.

Located on the ridge above Roxanna Booth and Gribble residence halls, the area has been maintained in a forested condition since the time that the Davis and Elkins families were living in the Graceland and Halliehurst mansions.

The nature trail area includes several different ecosystem types, including a stand of old-growth Appalachian hardwood forest with a number of trees, mostly oaks. Another small part of the area was planted in white pine in the 1940s. A smaller portion is essentially an old-field successional sequence. That area is traversed by the self-guiding S. Benton Talbot Nature Trail.

The nature trial area is open during daylight hours only and the following is expressly prohibited unless permission is explicitly granted by the College faculty/staff: any use of trails or facilities after dark, any open fires, alcoholic beverages, camping, use or possession of firearms or fireworks, hunting, littering, picking or harvesting plants and specimens, tampering with scientific equipment, and the off-road use of motorized vehicles.

### **6.1.25 Robbins-Madden Fitness Center**

Robbins-Madden Fitness Center offers a variety of cardiovascular equipment, CYBEX strength equipment, and a complete free weight area with Olympic benches and racks.

### **6.1.26 Robbins Memorial Chapel**

The Walter S. Robbins and Elisabeth Shonk Robbins Memorial Chapel, constructed in 1972, has been refurbished thanks to the generosity of the late William S. Robbins. Seating for 120 people is available in three round descending tiers.

The beautiful abstract stained-glass windows echo the chapel's spire-shaped structure which reaches 80 feet above the ground. The orange glass at the bottom represents the flame of the Holy Spirit, while the blue hues above symbolize the waters of Christian baptism.

### **6.1.27 Seybolt Indoor Golf Academy**

The academy course, located in the Martin Field House mezzanine, includes seven different grass heights, a sand

trap and ‘tough putts,’ all designed to develop good playing habits. Built on a contoured base of gravel, limestone dust and sand to help players master their ‘short’ game, there is an adjacent chipping and driving area as well. A computer-controlled golf simulator provides the challenge of playing on six of the world’s renowned championship courses. Golf clubs are available for use.

### **6.1.28 Spiritual Life**

In keeping with its relation to the Presbyterian Church (U.S.A.), the College strives to sustain an ongoing conversation between faith and learning. In addition to academic courses in religion, the College encourages experiences in faith and spirituality. Services of praise and worship take place on Sunday at 8 p.m. in Robbins Memorial Chapel. Students can find a church home at one of the many Christian churches of different denominations in Elkins.

#### **6.1.28.1 Local Places of Worship**

A list of local worship places is located on the Spiritual Life and Church Relations [web page](#).

#### **6.1.28.2 Office of the Chaplain**

The Chaplain strives to assist students in their individual and corporate spiritual, religious, and moral growth. The Office of the Chaplain sponsors a variety of activities in which students, faculty, and staff are encouraged to participate. There is a voluntary worship service each week in the College Chapel. The service is interdenominational, and all members of the College community are welcome. The Chaplain welcomes visits from all members of the College community.

Note: The College Chaplain is not considered to be a “campus security authority” and is, therefore, not required to report crimes for inclusion into the College’s annual disclosure of crime statistics without the client’s express consent.

### **6.1.29 The Stirrup Gallery**

Located in Halliehurst, Stirrup Gallery is open for the campus community and the public. In 1942, Hosea M. Darby, a local builder, donated his collection which he titled “Darby’s Prehistoric and Early Pioneer’s Art Museum” to the College. For years Darby had collected American, European, Inuit, and Native American artifacts dating back to the Stone Age, often through the mail from dealers’ advertisements. He described his collection as “interesting items as used by mankind in past ages, of warfare and home life, in obtaining clothing, food, grinding, cooking, enjoyment, and worship as their belief.”

The Smithsonian calls his collection of more than 200 Spanish, French, English, and American powder horns, dating from the early 1600s, one of the finest on the East Coast. The collection also includes an impressive collection of antique firearms, many dating back to the pre-Revolutionary War—some lushly decorated, others inscribed with revolutionary battle dates. More than 10,000 items are in the collection which ranges from carved pre-historic effigies to three nine-inch bellows used by Amos Holliday to “powder his wig.”

The Stirrup Gallery has continued to grow to include nine additional collections—the Lincoln Collection, Howard-Sudbrink Collection, Eleanor Gay Collection, Foster Collection, Senator Davis Collection, Swezy Collection, Gary North Collection, J. Richard & Dotty S. Kendig Collection and Reckling Collection.

Contact the coordinator of special collections at (304) 637-1980 for more information.

## **6.1.30 Student Health Services**

Student health and wellness services support the College mission, *to prepare and inspire students for success and for thoughtful engagement in the world*, by providing prevention-focused, accessible and high quality health care and counseling for a diverse student population.

We are dedicated to encouraging behaviors that change or eliminate health-related barriers to learning, and to promoting optimal physical, intellectual, emotional, spiritual and community wellness.

Davis & Elkins College has partnered with Community Care of West Virginia to offer a school-based health center. The clinic is located in the Robert C. Byrd Center for Hospitality and Tourism. For information on hours and medical staffing, click [here](#).

### **Emergencies**

In the case of a medical emergency, call 911 or go to the Davis Medical Center Emergency Room. In the case of mental health emergencies or crises after hours, students may contact the Appalachian Community Health Center at 304-636-3232. Students can also call Centers Against Violence at 304-636-8433.

### **Referrals**

Referrals may be made to the Office of Student Life (304-637-1211) by faculty, staff, parents and students if there are concerns about a student. Referrals may also be made to Community Care of West Virginia at 304-473-5626 by faculty, staff, parents, and students if there are concerns about a student. Please note that unless the student consents, information cannot be shared about the student with the person making the referral.

### **Confidentiality**

The content of Student Health Services visits will be kept confidential. Information shared will not be given to individuals who are not on the professional staff without knowledge and written permission. There are some exceptions arising from ethical and legal requirements, such as imminent harm to a student or someone else (including child abuse or elder abuse), and certain legal situations which require disclosure. These limitations will be discussed at the first appointment.

#### **6.1.30.1 Counseling and Wellness Services**

D&E's Office of Counseling and Wellness Services has transitioned to Community Care of West Virginia's D&E school-based health center, located on the first floor of the Robert C. Byrd Conference Center. Community Care of West Virginia offers behavioral health counseling services by appointment from 8 a.m. – 6 p.m., Monday through Friday. Walk-in appointments are based on availability. Students can schedule an appointment with a professionally credentialed counselor by calling Community Care of West Virginia at 304-473-5626. All conversations with professionally credentialed counselors are confidential.

In the case of an emergency or crisis after hours, students may contact the D&E Office of Public Safety at 304-704-9111. Students can also call 911, report to the Davis Medical Center Emergency Department, contact Appalachian Community Health Center on call 24/7 at 304-636-3232 or contact Centers Against Violence at 304-636-8433 or 24/7 at 1-800-339-1185. In addition, the Elkins Police Department may be contacted at 911.

Referrals may be made to Community Care of West Virginia at 304-473-5626 by faculty, staff, parents and students if there are concerns about a student. They may also call the enrollment coordinator at 304-637-1983 or email their concern via the website (click [here](#) for the At-Risk Student Reporting Form) to the enrollment coordinator and he/she or another appropriate staff member will attempt to make contact with the student to offer support. Please note that unless the student consents, the Office of Student Life will not be able to share information about the student with the person making the referral. See the College Student of Concern Policy for additional information.

The content of the meetings with a professionally credentialed counselor will be kept confidential. Information shared will not be given to individuals without the student's knowledge and written permission. There are some exceptions arising from ethical and legal requirements such as imminent harm to a student or someone else (including child abuse or elder abuse) and certain legal situations, which require disclosure. These limitations will be discussed at the first appointment.

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the College community (including those who act in that role under the supervision of a licensed counselor) 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 written permission. Please visit the [College's Gender-based Discrimination, Harassment, and Sexual Misconduct Policy](#) for information regarding confidentiality and sexual offenses.

The College psychologists/counselors are not considered "campus security authorities" and are, therefore, not required to report crimes for inclusion into the College's annual disclosure of crime statistics without the client's express consent.

For complete information about the services offered through Community Care of West Virginia's D&E school-based health center, please visit the [CCWV D&E School-Based Health Center](#) website.

### **6.1.30.2 Suicide Recognition and Awareness**

Depression and suicide are serious public health problems that cause immeasurable pain, suffering, and loss to individuals, families, and communities nationwide. Davis & Elkins College is committed to working with its state and federal partners, public and private organizations, community partners, and others to provide the assistance and prevention resources needed.

Depression is a debilitating mental illness that can cause an individual to feel persistently sad or hopeless, experience decreased energy, lose interest in activities he or she used to enjoy, feel irritable, experience difficulties with sleep, have trouble concentrating, experience changes in appetite, and/or feel unexplained aches and pains. In some cases, individuals may think about death or suicide.

These warning signs may indicate that someone is thinking about suicide:

1. They talk about wanting to die or wanting to kill themselves.
2. They look for ways or means to kill themselves, such as searching online.
3. They are isolating themselves or withdrawing from others.
4. They are sleeping too much or too little.
5. They say they feel “hopeless” or that they have “no reason to live.”
6. They say they feel “stuck,” “trapped” or “in unbearable pain.”
7. They say that they feel like they are a burden to others.
8. They are behaving more recklessly or engaging in more risk-taking behaviors.
9. They are using an increased amount of alcohol or drugs.
10. They demonstrate unusual changes in mood or behavior.
11. They are act anxious, irritable or aggressively.
12. They are giving away important or treasured possessions.
13. They are visiting, calling, or writing messages to people to say goodbye.
14. If you or someone you know is thinking about suicide, is in crisis or is seeking mental health or substance abuse treatment, below are resources that are available to help.

### **Crisis Intervention**

In an emergency, go to the nearest emergency room or call 911 for immediate assistance. You can also access the following resources 24/7:

Davis & Elkins College Office of Public Safety: 304-704-9111 (on-call 24/7)

Appalachian Community Health Center Crisis Line: 304-636-3232

United Summit Center Crisis Line: 1-800-786-6480

Centers Against Violence Hotline: 1-800-339-1185

Suicide Prevention Lifeline: 1-800-273-8255 or 988

Online Chat: [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

Text START to 741-741

Help4WV Helpline: 1-844-435-7498

### **Campus and Local Resources**

Below is a list of additional campus and local resources that you can contact for support:

D&E Office of Public Safety: 304-704-9111 (on call 24/7)

Community Care of West Virginia at 304-473-5626

Davis Medical Center: 304-636-3300

Appalachian Community Health Center: 304-636-3232 (on call 24/7)

United Summit Center: 304-623-5661

Centers Against Violence: 304-636-8433

Life- Reflections Counseling: 304-637-1002

Arbor Community Health Center: 304-636-0133

Students can also talk with a member of the Office of Student Life staff at any time by calling 304-637- 1211. They are available to listen and help guide students through the many challenges of college life. Please note, however, that Office of Student Life staff, with the exception of the College chaplain, are required to report incidents of sexual misconduct, including sexual offenses, to the College’s Title IX coordinator. Moreover, as a “Campus Security Authority,” Office of Student Life staff are also required to report incidents of certain crimes to the Office of Public Safety for inclusion in the College’s campus crime statistics.

### **State and National Resources:**

[www.preventsuicidewv.org](http://www.preventsuicidewv.org) [www.sprc.org/states/west-virginia](http://www.sprc.org/states/west-virginia) [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

[www.ulifeline.org](http://www.ulifeline.org)

[www.jedfoundation.org](http://www.jedfoundation.org)

[www.thetrevorproject.org](http://www.thetrevorproject.org) (LGBTQ) [www.afsp.org](http://www.afsp.org) [www.recovery.org](http://www.recovery.org) Ask the Question Video Train - Give It All Video

#### **Additional Depression and Mental Health Resources:**

[www.activeminds.org](http://www.activeminds.org)

[www.learnpsychology.org/mental-health](http://www.learnpsychology.org/mental-health)

[www.nami.org](http://www.nami.org) [www.adaa.org](http://www.adaa.org)

[www.apa.org/topics/depression](http://www.apa.org/topics/depression)

#### **6.1.30.3 Care Team**

The College is committed to supporting student well-being and to maintaining continuity of its educational mission at all times. In that regard, the College provides a procedure for the referral, evaluation, and appropriate disposition of students of concern. Faculty, staff, and students at all levels of the College may identify students of concern, including students displaying disruptive behavior, and bring them to the attention of the Office of Student Life, the Office of Public Safety or the Office of Student Success. Additionally, reports can be made online via [Incident Reporting](#) and [Student of Concern](#).

#### **6.1.30.4 Immunizations**

Immunizations, including, but not limited to, Hepatitis B, Meningococcal, Measles Mumps Rubella (MMR), Polio, Varicella, and T-DAP, are required of all students.

#### **6.1.31 Office of Student Life**

The Office of Student Life, located on the first floor of Liberal Arts Hall, employs a full staff of trained personnel to ensure a comfortable and positive living and learning experience. The staff, under the supervision of the Dean of Students is composed of professionals who coordinate room assignments, maintenance, staffing, and programs.

The Office of Student Life's mission is to provide services and programs that engage students in active learning, build a supportive and inclusive community, support the emotional growth and personal development of students, and make a positive contribution to the quality of student life.

#### **6.1.32 Title IX and Deputy Coordinators**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. The College is committed to maintaining a healthy and safe learning, living and working environment that promotes responsibility and respect in all matters 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 ("sex discrimination"). This commitment includes the adoption of the College's [Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) which prohibits any conduct that can be construed as sexual and gender-based misconduct, which is a broad term that includes sexual harassment, sexual violence (non-consensual sexual contact and non-consensual sexual intercourse), sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and aiding or facilitating the commission of such acts. The College also prohibits hostile environment harassment, which includes acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, gender identity, or gender expression, even if those acts do not involve conduct of a sexual nature. In

addition, the College strictly prohibits retaliation against anyone who files a complaint, serves as a witness, or otherwise participates in the enforcement of the College's Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment.

At the College, the Title IX Coordinator has been charged with overseeing the College's compliance with Title IX, as well as other applicable laws such as the Violence Against Women Act as reauthorized by the Campus SAVE Act. The Title IX Coordinator's oversight responsibilities include the review, investigation, and resolution of concerns relating to discrimination on the basis of sex, including incidents of sexual and gender-based misconduct. The Title IX Coordinator is assisted and supported by Title IX Deputy Coordinators. All are accessible to members of the College community for consultation and guidance regarding Title IX matters on a non-confidential basis.

Amy Kittle  
Title IX Coordinator  
Office: (304) 637-1244 | Cell: (304) 621-1316  
209 Liberal Arts Hall  
[kittleamy@dewv.edu](mailto:kittleamy@dewv.edu)

Kate Garlick  
Dean of Students  
Deputy Title IX Coordinator  
Liberal Arts Hall 102  
Office: (304) 637-1241 | Cell: (304) 276-2033  
[garlickk@dewv.edu](mailto:garlickk@dewv.edu)

Jane Corey  
Deputy Title IX Coordinator  
Director of Human Services  
Liberal Arts Hall, Room 203  
Office: (304) 637-1344  
[coreym@dewv.edu](mailto:coreym@dewv.edu)

Mike Mattison  
Deputy Title IX Coordinator  
Vice President for Academic Affairs  
Liberal Arts Hall, Suite 106  
Office: (304) 637-1292  
[mattisonm@dewv.edu](mailto:mattisonm@dewv.edu)

Nikki Rose  
Head Swim Coach, Director of Aquatics & Fitness, Senior Woman Advisor  
Deputy Title IX Coordinator  
Hermanson Center / George A. Myles Pool  
Office: (304) 637-1202  
[rosen@dewv.edu](mailto:rosen@dewv.edu)

Mary Jo DeJoice  
Director of Booth Library  
Section 504 Coordinator

Booth Library  
Office: (304) 637-1359  
[dejoicem@dewv.edu](mailto:dejoicem@dewv.edu)

See the College's [Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) for detailed information regarding how to obtain immediate assistance if you have been a victim of or have witnessed an incident of sexual or gender-based misconduct, how to file confidential and/or non-confidential reports within the College and/or with law enforcement, an explanation regarding the College's grievance procedures, and a listing on-and-off campus support services.

### **6.1.33 Davis and Elkins College Policy on Pregnancy and Related Conditions for Students and Employees Purpose and Summary**

Davis and Elkins College is committed to fostering a diverse and inclusive culture by creating and maintaining living, learning, and working environments that are free from discrimination and harassment which is consistent with the stated mission to prepare and inspire students for success and for thoughtful engagement in the world.

Davis and Elkins College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law, to include Title Vi, Title IX, Section 504, and the Age Discrimination Act, in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs.

Davis and Elkins College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. Davis and Elkins College hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

The Director of the Naylor Center for students and/or the Director of Human Resources for employees, with oversight of the Title IX Coordinator, have the authority to determine that such modifications or accommodations are necessary and appropriate, and to inform faculty members and supervisors of the need to adjust academic and work parameters accordingly. As with disability accommodations, information about requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary.

#### **I. Scope and Enforcement & Reporting**

This policy applies to all aspects of Davis and Elkins College's programs and activities, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Any member of the Davis and Elkins College community may report a violation of this policy to any Responsible Employee, Deputy Title IX Coordinators, or to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the resolution of complaints of discrimination, which includes failure to accommodate, involving pregnant and parenting students under the Policy and Procedure on Discrimination and Harassment. Reports may be made to the Title IX Coordinator in person, by mail, electronic mail, by phone, or online at: <https://dewv.guardianconduct.com/>.

Responsible Employees and Deputy Title IX Coordinators must promptly forward such reports to the Title IX Coordinator.

**Amy Kittle**  
Title IX Coordinator  
Liberal Arts Hall, Room 209  
304-621-1316

[detitleix@dewv.edu](mailto:detitleix@dewv.edu)  
[www.dewv.edu/consumer-information/title-ix-reporting-form/](http://www.dewv.edu/consumer-information/title-ix-reporting-form/)

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In addition to Davis and Elkins College's internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited discrimination. This agency may be contacted as follows:

**Office for Civil Rights (OCR), Headquarters**  
400 Maryland Avenue, SW Washington, DC 20202-1100  
Customer Service Hotline: 800-421-3481 TDD: 877-521-2172 Facsimile: (202) 453-6012  
Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

**Office for Civil Rights, Philadelphia Office U.S. Department of Education**  
The Wanamaker Building 100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541 Facsimile: (215) 656-8605  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the reported victim believes was discriminatory. There is no time limit for making a report to the Davis and Elkins College. Complaints involving employee on employee misconduct may be reported to the Equal Employment Opportunity Commission. The EEOC has jurisdiction over some Title IX employment claims.

U.S. Equal Employment Opportunity Commission Headquarters  
131 M Street, NE Washington, DC 20527  
Phone: 800-669-4000 TTY 800-669-6820

U.S. Equal Employment Opportunity Commission, Pittsburg Area Office  
William S. Moorhead Federal Building  
1000 Liberty Ave, Suite 1112

### **Anonymous Reporting**

Reports can also be made anonymously by telephone, in writing, or electronically via the Title IX Incident Report Form (<https://www.dewv.edu/consumer-information/title-ix-reporting-form/>). Depending on the level of information available about the incident or the individuals involved, Davis and Elkins College's ability to respond to an anonymous report may be limited. Davis and Elkins College will, however, take whatever steps it deems appropriate and in the best interests of the overall Davis and Elkins College community, consistent with the information available.

### **Information Sharing**

All employees are required to provide to any person making a disclosure of pregnancy or pregnancy related condition the Title IX Coordinator's contact information, the location of this policy, and communicate that the Director of the Naylor Learning Center/Director of Human Resources can help take provide specific modifications and/or accommodations to ensure equal access to Davis and Elkins' programs and activities. If the employee has a reasonable belief that the individual is already receiving modifications and/or accommodations or that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

## **II. Definitions**

**Birth Parent:** refers to the person who is or was pregnant This policy and its pregnancy related protections apply to all pregnant persons regardless of gender identity or expression.

**Caretaking:** Acts of caring and providing for the needs of a child connected to birth and nursing.

**Essential Functions:** the fundamental responsibilities of a job that must be completed to hold the position

**Medical Necessity:** A determination made by an appropriate health care provided of a student's or employee's choosing.

**Pregnancy and Pregnancy Related Conditions:** These may include, but are not limited to, pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, the recovery from any of these conditions in accordance with federal law.

**Pregnancy Discrimination:** Includes treating an individual affected by pregnancy or a pregnancy related condition less favorably than similar individuals not so affected and/or failure to provide legally mandated leave or accommodations.

**Programs or Activities:** All operations of Davis & Elkins College, including those locations, events, and circumstances where Davis & Elkins College exercises substantial control and any building owned or controlled by a student organization recognized by Davis & Elkins College.

**Reasonable Accommodations:** Changes in academic or employment environments that enables pregnant people or people with pregnancy related conditions to continue to fully participate in the College's Programs or Activities. May require documentation

**Reasonable Modifications:** Adjustments to academic and employment environments that allows pregnant people or people with pregnancy related considerations to fully participate in the College's Programs or Activates. May not required documentation and may include, but is not limited to, increased desk sizes, water, or more frequent restroom breaks.

**Responsible Employees:** are those employees in a leadership or supervisory position or who have significant responsibility for the welfare of students or employees. Responsible Employees include faculty, staff, coaches, directors, resident assistances, and advisors.

## **III. Reasonable Modifications and Accommodations**

Davis and Elkins College and its faculty, staff, and other employees, will not require students to limit their studies or participation in activities as the result of pregnancy or pregnancy related conditions. Likewise, Davis and Elkins College will not require employees to limit their employment as the result of pregnancy or pregnancy related conditions. The accommodations provided to students and employees affected by pregnancy will be no less than those provided to those with temporary medical conditions.

Administrative responsibility for these accommodations lies with the Director of the Naylor Center and/or the Director of Human Resources (or designees) under oversight from the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations. Students and employees with pregnancy related disabilities, like others with a short-term disability, are entitled to reasonable modifications and/or accommodations so that they will not be disadvantaged

in their studies, research, or career, and may seek assistance from Disability Services, Human Resources, and the Title IX Coordinator.

Students are encouraged to work with the Director of the Naylor Center and/or Director of Human Resources for support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic and employment impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

No artificial deadlines or time limitations will be imposed on requests for modifications or accommodations, but Davis and Elkins College is limited in its ability to impact or implement modifications or accommodations retroactively.

Reasonable modifications and accommodations are determined by examining the needs of the pregnant person in relationship to the campus environment. Reasonable accommodations will not include removing essential job functions or academic standards, creating new jobs, waiving required or essential course components, providing personal needs items, or anything that might pose an undue hardship by Davis and Elkins College.

Not every modification or accommodation is reasonable for all academic or employment settings. Each situation will be assessed on a case by case basis in consideration of the educational requirements and/or employment responsibilities in conjunction with the documentation provided. Reasonable modifications and accommodations may include, but are not limited to:

- Requests to protect the health and safety of the pregnant person and/or the pregnancy (e.g. such as allowing the student to maintain a safe distance from hazardous substances)
- Modifications to the physical environments such as accessible seating
- Mobility support
- Excused absences for pregnancy related absences
- Extending deadlines and/or allowing make up tests and assignments to be submitted due to pregnancy related absence
- Granting leave per the College's medical leave policies
- Issuing Incomplete grades for classes or work that will be resumed at a future date
- Remote learning options
- Allowing lactating parents reasonable time and space to express milk in a location that is private, clean, and reasonably accessible. Bathrooms and bathroom stalls do not satisfy this requirement.

If necessary and in situations such as clinical rotations, performances, labs, internships, and group work, the institution will work with the student to devise an alternative path to completion, if possible.

In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, provided pre-requisites are met, substitute similar courses, or join a subsequent cohort when returning from leave.

Nothing in the policy requires modification to the core learning outcomes of any academic course or program, essential functions of a job, or a waiver of requirements third party agencies (e.g. state licensing requirements).

### **Leave of Absence**

As long as pregnant and parenting students can maintain appropriate academic progress and/or fully participate in the activity, faculty, staff, or other College employees will not require them to take a leave of absence or withdraw from or limit their students or participation in activities as the result of pregnancy, childbirth, or related conditions.

Davis and Elkins College Leave of Absence Policy is located in the [Davis and Elkins College Policy Manual Volume V](#). The leave term may be extended in the case of extenuating circumstances or medical necessity.

Davis and Elkins College policies on Family Medical Leave and other employment specific pregnancy policies are located in the [Davis and Elkins College Policy Manual Volume III](#).

Students and employees taking leave should provide notice of the intent to take leave thirty (30) calendar days prior to the initiation of leave, or as soon as practicable. Intermittent leave may also be taken with the advance approval of the Director of the Naylor Center/Director of Human Resources.

To the extent possible, Davis and Elkins College will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began, with no penalty.

Continuation of College funded scholarships, wages, or similar College sponsored funding during the leave term will depend on the pregnant person's status and the policies of the program regarding their registration or employment status.

Students and employees will not be negatively impacted by or forfeit their future eligibility by exercising their rights under this policy.

#### **IV. Retaliation and Harassment**

Faculty, staff, and other College employees are prohibited from interfering with a pregnant person taking leave, seeking reasonable modification and accommodations, or otherwise exercising their rights under this Policy. Faculty, staff, and other College employees are prohibited from retaliating against a pregnant or parenting person for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational or employment outcomes because they request leave or accommodations, files a complaint, or otherwise exercises their rights or seeks assistance from the Title IX Coordinator regarding this policy.

#### **V. Dissemination of the Policy**

A copy of this policy shall be made available to faculty, staff, and students on an annual basis and shall be posted on the institution's Title IX page of the website (<https://www.dewv.edu/title-ix/>). The Title IX Coordinator shall work with all members of the campus community to ensure compliance with this policy and familiarity with the relevant procedures.

## **6.2 Student Financial Policies**

### **6.2.1 Tuition and Fees**

#### **6.2.1.1 Expenses**

Charges paid by students only partially cover the costs involved in their education. Gifts made by individuals, foundations, business establishments, and government agencies, as well as appropriations from the supporting Presbyterian churches, make up the substantial difference.

The cost of attendance for a full-time residential student is found on the College website, as well as in the current Catalog.

Room and board charges include a furnished two-student room and a meal plan (options to be selected by the student). A limited number of single rooms may be available at an annual rate, including board. Information about housing assignments, including single room applications, may be obtained from the Office of Student Life.

All traditional students are required to live on campus, except those students living at home with their parents, married students, students with children, students with a disability who need facilities the College is unable to provide, and independent students over 23 years of age. Living off campus without proper approval will result in billing for room and board at the cost of a double occupancy room.

The Student Association Fee covers all student organization funding, admission to athletic events, and many of the social and cultural activities. Students taking from 6.0 to 9.0 credits will be assessed one-half of the full Student Association Fee; while students taking 9.5 credits and above are assessed the full fee.

Tuition costs at Davis & Elkins College are based on credit load enrollment each semester. These costs, the costs for room and board, and the Student Association Fee for the fall and spring terms are outlined in the current Catalog, as well as on the Davis & Elkins College website. Students who enroll for more than 18 credit hours in any semester will be billed at a per credit hour rate in addition to the regular semester charge. Students at the sophomore level and above with a cumulative grade point average of 3.8 or above on a 4.0 scale may take 19 credit hours per semester without the overload charge (see the College Catalog for further details).

#### **6.2.1.2 Payment of Charges**

Tuition and fees are due and payable on or before deadlines published in the current Catalog. Students are responsible for payment or other satisfactory financial arrangements before they will be admitted to classes, dormitories, or the dining hall.

The College offers an automatic payment option through Sallie Mae Tuition Pay. This plan provides for the monthly payment of tuition and fees and is interest-free. Information is available

upon request from the Business Office. In addition to Tuition Pay, the College offers monthly payment plans. Please contact the Student Accounts Coordinator for further information. All past- due accounts and/or defaulted payment arrangements are subject to a late fee per month.

In addition to late fees, students who are delinquent in the settlement of their accounts with the College shall forfeit their College privileges, including the right to preregister, to attend, classes and to room and board at the College. The College reserves the right of Administrative Withdrawal of any student for non-payment of financial obligations. Diplomas will not be issued to students who have an outstanding financial obligation to the institution, which is due at the time of graduation.

Semester grade reports and/or transcripts will not be issued to those who have outstanding financial obligations.

### **6.2.1.3 Transcripts**

Transcripts must be requested by [Parchment](#), via the College's website, or in person from [the Office of the Registrar](#). A fee will be charged for each official transcript. No official transcript will be issued for a student who is under any financial obligation to the College.

### **6.2.1.4 Refunds**

The College must arrange well in advance for its year's academic services to students. When a student withdraws for any reason, the cost to the College is not reduced. Therefore, when a student withdraws from attendance of all classes, Davis & Elkins College prorates only a portion of its tuition, thereby sharing with students the losses caused by their withdrawal. In order to withdraw from the College and officially from attendance of all classes, a student must report to the Office of the Registrar and complete the proper withdrawal forms. The forms may be obtained from the Office of the Registrar.

Students who withdraw from Davis & Elkins College on or after the first day of an academic term, but before sixty percent (60%) of the academic term has been completed, will have all tuition and room and board charges pro-rated. The proration amount is based on the percentage of the academic term that the student has completed as of the student's official withdrawal date (e.g., a student who has completed 5% of the term will be refunded 95% of the student's tuition and room & board charges). No prorating of tuition or room and board will occur after 60% of the term has been completed.

There may be situations that occur which impact the College's operations but are outside of the control of the College, including disruptions resulting from local, state, or national emergencies, acts of God, health pandemics or other emergencies as declared by the Board of Trustees. Where these situations occur, tuition and room and board charges may be prorated as appropriate, depending on the severity, duration and economic impact of the event. The College's Board of Trustees will make final decisions regarding (1) whether to prorate tuition and room and board charges in light of the emergency circumstances; and (2) the amount of any proration.

Students who fail to observe regulations for withdrawal, students who withdraw without permission, students who are advised to withdraw for disciplinary reasons, and students who are suspended, expelled, or administratively withdrawn by the College for any reason are not entitled to any refunds. Mandatory fees, advance deposits, auto registration fees, and class charges (such as lab fees) are nonrefundable.

Federally funded grants and loans will be adjusted according to applicable Title IV regulations based on withdrawal date. These adjustments may create a student account balance for which the departing student is personally liable. Davis & Elkins College grants and aid will be adjusted in step with Federal Title IV regulations.

For students receiving financial aid, the following rules will apply with regard to refunds:

1. Funds will be returned to federal, state, and institutional financial aid programs before any funds are returned to the student.
2. Return of Title IV (Federal) Funds: Funds received from the Federal financial aid programs will be aggregated and refunded to the programs using the same percentage as calculated above. After 60% of the academic term has been completed, federal financial aid funds are viewed as "earned" in their entirety, and no refund will be made. Funds will be returned in the order prescribed by the US Department of Education.
3. Grant/Scholarship aid from D&E will be refunded to the source from which it came using the same prorated percentage as above.
4. State Grants will be refunded in accordance with the guidelines of the appropriate state grant agency.

#### **6.2.1.5 Issuance of Blue Cards to Students**

Blue cards are only issued to students who have paid more on their accounts than owed, or whose grants and other aid exceed what they owe the College. Exceptions to this will be reviewed on an individual basis.

The following criteria must be met to make an exception for a new student:

1. This must be the student's first term at Davis & Elkins College;
2. The Financial Aid Office expects the student to receive full financial aid for their educational expenses;
3. The student has applied late, so that financial aid is not yet in place; and
4. The student agrees to complete a promissory note covering the additional amount borrowed for books.

### **6.2.2 Financial Aid**

Davis & Elkins offers a complete range of financial assistance programs. More details on the College's financial aid policies and procedures are provided in the College Catalog and Financial Aid Manual.

#### **6.2.2.1 Scholarships Awarded by the College**

Scholarships awarded by the College span a wide range. More details on the current scholarships awarded are provided in the College Catalog.

#### **6.2.2.2 Gift-Supported and Annual Fund Scholarships**

Gift Supported and Annual Fund Scholarships are awarded from funds donated each year for the purpose of providing assistance to students. More details on the current scholarships awarded are provided in the College Catalog.

#### **6.2.2.3 Student Loans**

Davis & Elkins College participates in the William D. Ford Federal Direct Loan Program allowing students to utilize Direct Subsidized/Unsubsidized Stafford Loans and Parent PLUS Loans based upon their eligibility as

determined by the results of their FAFSA. The Financial Aid Office also maintains a listing of recommended private student loan lenders.

#### **6.2.2.4 Employment**

Many students are offered opportunities for on-campus and off-campus employment in a variety of positions through the Federal Work-Study Program based upon their eligibility as determined by the results of their FAFSA. Students not qualifying for Federal Work-Study awards may still find employment opportunities from a limited selection of departmental employment positions.

#### **6.2.2.5 Federal and State Programs**

The College participates in several federal and state aid programs. A current listing of those programs is provided in the College Catalog. To be considered for any Federal aid, a student must file a Free Application for Federal Student Aid (FAFSA). To be considered for West Virginia State aid, the student should file the FAFSA by March 1<sup>st</sup>.

#### **6.2.2.6 Veterans' Benefits**

Some armed service veterans and their dependents are eligible to receive educational benefits from the United States Department of Veterans Affairs. The application for VA Education Benefits or survivors' and dependents' Educational Assistance is available on-line. Individuals seeking educational benefits may complete an online application at the [U.S. Department of Veterans Affairs](#) or download a paper copy. The completed paper application and enrollment certification will be sent to the Department of Veterans Affairs. Subsequent certifications will be processed by a College Certifying Official on notification from the student of his/her intention to re-enroll. Any questions or comments regarding VA benefits should be directed to the College's Certifying Official.

Students who receive VA benefits and who are placed on academic probation will be required to achieve a 2.0 cumulative GPA during the subsequent grading period. Failure to do so will result in the termination of VA monetary educational benefits. Failure to do so will not, however, result in dismissal, provided the student has met the requirements for Satisfactory Academic Progress.

A student intending to use VA benefits should contact the College's Certifying Official and should also be aware of the following policies:

1. It is the student's responsibility to notify the College's Certifying Official immediately when the student increases or decreases semester credit hours taken, when the student withdraws from a course, or when the student takes a leave of absence. It is also the student's responsibility to inform the College's Certifying Official every semester as to the number of semester credit hours for which he or she enrolls.
2. The student is responsible for paying the tuition fee. Students receive a monthly entitlement based on the number of credit hours they are pursuing each semester. This entitlement may not necessarily cover the cost of tuition and fees. It usually takes six to eight weeks from the time a student's papers are processed by the Certifying Official until a check is received.
3. Appropriate credit for previous education will be awarded. A maximum of four (4) semester hours of credit may be awarded for military service (two semester hours for basic training and two semester hours for first aid).

A student using VA benefits must make satisfactory academic progress. In general, unsatisfactory progress as it pertains to veteran's benefits is considered the attainment of less than a 2.0 grade point average for two

consecutive semesters. A student who withdraws from college may have his/her benefits terminated as of the beginning of the semester of withdrawal. If a student is dismissed for academic reasons, benefits will be terminated as of the date of dismissal. A student who has had benefits terminated in this manner must be counseled by the Certifying Official before the benefits will be restored. A student who fails to complete all courses attempted in a semester will have his/her benefits adjusted accordingly.

#### **6.2.2.7 Financial Aid Rights and Responsibilities**

Rights: Each financial aid applicant and recipient has the right to know:

- What financial aid programs are available at Davis & Elkins College.
- Application deadlines, procedures, and forms for available financial aid programs.
- How financial aid is distributed and the basis for those decisions.
- How financial need and budgets (including costs for tuition, fees, room, board, books, supplies, personal and miscellaneous expenses) are determined.
- What resources (such as parental contribution, other financial aid, student assets, etc.) are considered in the calculation of need.
- The College's Title IV refund policy.
- How the College determines whether the recipient is making satisfactory academic progress and what happens if he/she is not.
- What portion of the financial assistance received must be repaid and what portion is grant or scholarship aid.
- The interest rate, total amount to be repaid, and repayment procedures (including when repayment begins and the length of repayment) for any loan awarded.
- An explanation of each program in the student's aid package.

Responsibilities: Each applicant and recipient is responsible for:

- Completing all application forms accurately and honestly and providing the Financial Aid Office with correct information. Reporting incorrect information is a violation of the law.
- Being aware of, and complying with, deadlines for assistance applications and reapplication.
- Keeping the Financial Aid Office informed of any changes in the student's financial situation and/or enrollment status.
- Promptly returning or submitting all documentation, corrections and/or new information requested by the Financial Aid Office.
- Notifying the Financial Aid Office of any assistance (scholarships, grants, stipends, etc.) received from outside sources.
- Maintaining satisfactory academic progress as specified by the College's Satisfactory Academic Progress Policy.
- Knowing the costs of attending the College.
- Knowing the College's Title IV refund policy.
- Knowing the appeal procedure for financial assistance.
- Notifying the College of address changes.

#### **6.2.2.8 Application Procedure**

The College offers a simple, streamlined application process. Complete details on applying are provided in the College Catalog.

### **6.2.2.9 Eligibility Requirements for Title IV Funds**

In order to meet general Title IV eligibility requirements for financial aid, the student must:

1. Be enrolled as a student in an eligible program of study;
2. Not be enrolled simultaneously in elementary or secondary school;
3. Have a high school diploma or a recognized equivalent;
4. Have a valid Social Security number, if required;
5. Be a U.S. citizen or eligible noncitizen;
6. Sign a Statement of Educational Purpose, which certifies that he or she will use federal student financial aid only to pay educational costs;
7. Not be in default on a Title IV loan or, if in default, have made satisfactory repayment arrangements with the loan holder;
8. Have not obtained loan amounts that exceed annual or aggregate loan limits made under any
9. Title IV loan program;
10. Not be liable for an overpayment of a Title IV grant or Federal Perkins Loan or, if liable, have made satisfactory repayment arrangements with the holder of the debt;
11. Be making Satisfactory Academic Progress (SAP);
12. Not have property which is subject to a judgment lien for a debt owed to the U.S. or, if subject to a judgment lien, have made satisfactory repayment arrangements with the debt holder;
13. Have completed repayment of funds to either the Department of Education or the holder of a loan, as applicable, if the student has been convicted of, or plead nolo contendere or guilty to, a crime involving fraud in obtaining Title IV aid.

The Admission Office is responsible for certifying, upon admission, that a student is enrolled in an eligible program and that he or she has a high school diploma or recognized equivalent. When an admitted student files the Free Application for Federal Student Aid (FAFSA) and an Institutional Student Information Record (ISIR) is received by the College, the Financial Aid Office documents that the student has a valid Social Security number and is a U.S. citizen. Upon receipt of an ISIR, the Financial Aid Office staff also verifies, through the National Student Loan Data System (NSLDS), that a student is not in default on a title IV loan, has not exceeded annual or aggregate loan limits and is not liable for an overpayment of a Title IV grant or loan. The ISIR also indicates whether or not a student has property that is subject to a federal lien and whether or not the student has completed repayment of funds if previously convicted of Title IV fraud.

### **6.2.2.10 Financial Aid Package**

Upon receipt of the Institutional Student Information Record (ISIR), the Financial Aid Office will determine which aid programs and what amounts of assistance are available for the student. More details on the composition of a Financial Aid Package are provided in the College Catalog.

#### **6.2.2.11 Renewal of Financial Aid and Scholarships**

To be eligible for renewal of financial aid awards, the student must demonstrate satisfactory academic progress as outlined in the College Catalog and meet all renewal and eligibility requirements for each award. Students should also file a FAFSA each year no later than May 1<sup>st</sup> (earlier if required for renewal/eligibility requirements).

#### **6.2.2.12 Satisfactory Academic Progress**

Federal regulations require that all students who receive any form of federal or state assistance make measurable, satisfactory progress toward a degree at Davis & Elkins College. Complete details on the College's Satisfactory Academic Progress policy are provided in the College Catalog.

#### **6.2.2.13 Cancellation of Awards**

The College reserves the right to review the record of a student receiving financial assistance at the close of any semester or term and to cancel the unused portion of the award if the student's academic or citizenship record fails to meet the required standards.

#### **6.2.2.14 Verification**

Verification is the process of confirming the accuracy of student reported data on financial aid applications. Complete details on the College's Verification policy are provided in the College Catalog.

#### **6.2.2.15 Return of Title IV Funds**

The Financial Aid Office is required by federal statute to recalculate federal financial aid eligibility for students who withdraw, drop out, are dismissed, or take a leave of absence prior to complete 60% of a payment period or term. Complete details on this process are provided in the College Catalog.

#### **6.2.2.16 Title IV Fraud**

Institutions must refer applicants who are suspected of having engaged in fraud or other criminal misconduct in connection with the Title IV programs to the Department of Education's Office of Inspector General (OIG). The regulations require only that the institution refer the suspected case for investigation, not that it reaches a firm

conclusion about the propriety of the applicant's conduct.

Examples of student fraud include:

1. Falsified documents or forged signatures on an application, verification documents, or loan promissory notes;
2. False statements of income;
3. False statements of citizenship;
4. Use of false or fictitious names or aliases, addresses, or Social Security numbers;
5. False claims of independent status.

If Davis & Elkins College suspects that a student, employee, third-party servicer or other individual has misrepresented information and/or altered documentation to increase student aid eligibility or to fraudulently obtain federal funds, it must report those suspicions and provide any evidence to the Department of Education's OIG by calling the toll free number (1-800-MIS- USED) or sending an email message to the OIG. The director of financial aid is responsible for making referrals to the OIG. In addition, Davis & Elkins College will pursue appropriate disciplinary action against College students or employees engaging in conduct that violates this policy.

#### **6.2.2.17 Appeals Process for Financial Exceptions**

Appeals of the application of institutional financial policies by parents or students who feel that individual circumstances may warrant exceptions from the published policy must be addressed in writing to:

##### **Director of Financial Aid**

Davis & Elkins College  
100 Campus Drive  
Elkins, WV 26241-3996

#### **6.2.2.18 Financial Aid Consortium**

Davis & Elkins College participates in a Financial Aid Consortium. Students who plan to enroll at Davis & Elkins College and another institution of higher learning during the same semester are eligible for a financial aid consortium agreement if they meet the following requirements:

1. Davis & Elkins College is the student's college of record (i.e., the college from which he/she is seeking a degree);
2. The course the student plans to attend at the other institution is not offered at Davis & Elkins College but will apply toward graduation requirements at Davis & Elkins College; or
3. Davis & Elkins College offers the course the student plans to take at the other institution, but it is not available at Davis & Elkins College in a timely manner to meet graduation requirements.

The Vice President for Academic Affairs determines if the required course may be taken by special arrangement at Davis & Elkins College, if a different course may be substituted for the required course not available, or if it would be in the student's best interest to complete the course at another institution.

Students approved to receive a consortium agreement should be referred to the Office of Financial Aid to complete the appropriate paperwork.

#### **6.2.2.19 Financial Planning Program Audits**

Federal regulations require a compliance audit every fiscal year. Each audit must cover the time period since the last audit. Davis & Elkins College's fiscal year ends June 30 and is audited annually by a private auditor. Auditors review a sample of student files to ensure the Financial Aid Office is in compliance with federal, state and institutional policies. Any exceptions found during the audit will be addressed. The auditor then submits an Independent Auditor's Report including any findings to the President and the Board of Trustees. The College's Vice President or Business and Administration then uploads the report to the government using the online submission site of eZ-Audit. Federal reviews are conducted by the United States Department of Education on a basis determined by the department.

Preparation for the audit is done in cooperation with the auditor's requests. Typically, the auditors will randomly select a specific number of students from each of the Title IV programs. The files are pulled and given to the auditors. Any additional assistance requested is responded to promptly.

#### **6.2.2.20 Student Lending Code of Conduct**

In compliance with Section 493(e) of the Higher Education Opportunity Act (HEOA), Davis & Elkins College has developed and enforces the following Student Lending Code of Conduct:

1. Davis & Elkins College does not solicit or participate in any fee, revenue or profit-sharing arrangements with any lender;
2. Davis & Elkins College does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any gifts of greater than a nominal value from any lender, guarantor or servicer;
3. Davis & Elkins College does not permit a family member of any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any gifts if:
  - a. The gift is given with the knowledge and acquiescence of the College's officer, employee, or agent; or
  - b. The College officer, employee, or agent has reason to believe the gift was given because of that person's official position with the College.
4. Davis & Elkins College does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any fee, payment or other financial benefit (including a stock purchase option) from a lender or affiliate of a lender as compensation for any type of consulting arrangement or contract to provide services to a lender or on behalf of a lender relating to education loans;
5. Davis & Elkins College does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept anything of value from a lender, guarantor, or group of lenders and/or guarantors in exchange for service on an advisory board, commission or other group established by such a lender, guarantor group of lenders

and/or guarantors. Davis & Elkins College does, however, allow for the reasonable reimbursement of expenses associated with participation in such boards, commissions or groups by lenders, guarantors, or groups of lenders and/or guarantors;

6. Davis & Elkins College does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office to serve on or otherwise participate in a lender's, lender servicer's, or guarantor's board of directors. Moreover, the College does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to serve on or otherwise participate in a lender's, lender servicer's, or guarantor's board of directors if he or she will participate in any decision of the board with respect to private education loans offered to students that attend the College;
7. No officer, employee, agent, or contractor of a lender, lender servicer, or guarantor may serve on the Davis & Elkins College Board of Trustees, if that individual will participate in any decision of the Board with respect to private education loans offered to students that attend the College;
8. Davis & Elkins College does not assign a lender to any first-time borrower through financial aid packaging or any other means;
9. Davis & Elkins College recognizes that a borrower has the right to choose any lender from which to borrow to finance his/her education. Davis & Elkins College will not refuse to certify or otherwise deny or delay certification of a loan based on the borrower's selection of a lender and/or guarantor;
10. Davis & Elkins College will not request or accept any offer of funds to be used for private education loans to students from any lender in exchange for providing the lender with a specified number or volume of Title IV loans, or a preferred lender arrangement for Title IV loans;
11. Davis & Elkins College will not request or accept any assistance with call center or Financial Aid Office staffing.
12. Davis & Elkins College will not accept philanthropic contributions from a lender, lender servicer, or guarantor that are related to the educational loans provided by the lender, lender servicer, or guarantor to the College, or that are made in exchange for any advantage related to educational loans. In addition, the College will not accept financial aid funds under any Title IV, state, or private program from a guarantor based on an agreement to use the guarantee agency for processing loans, or to provide a specified volume of loans using the agency's guarantee. The College is permitted, however, to accept philanthropic contributions from a lender, lender servicer, or guarantor that are not related to the education loans provided by the lender, lender servicer, or guarantor, and that are not made in exchange for any advantage to the lender, guarantor, or servicer;
13. Students working in the Financial Aid Office must not in any way process, award, or certify their own or any relative or associate's application for financial aid:
  - a. Records (both electronic and hard copy) that need to be updated in relation to a student's financial aid application are not to be updated or altered in any way by a student employee assigned to the Financial Aid Office;
  - b. Student employees may, however, accept favorable terms, conditions, and borrower benefits on an education loan if the terms, conditions, and benefits on the employee's loan are comparable to those provided to all of the College's students.
14. Financial Aid Office officers, employees or agents assigned to work on loan processing matters may not

be debarred or suspended by a federal agency. Any staff member that has been found to be suspended or debarred by a federal agency is subject to a range of administrative actions to include termination of employment;

15. The College will not permit a lender or guarantor to print and distribute the College's Catalogs and other non-counseling or non-student financial aid-related materials at reduced or no cost. Moreover, the College will not permit a lender with whom it has a preferred lender arrangement for private education loans to use the Davis & Elkins College name, emblem, mascot, logo, other words, pictures or symbols readily identified with the College in the marketing of private education loans to students or parents in a way that implies that the loan is offered or made by the College instead of the lender. The College will ensure that the name of the lender is displayed on all information and documentation relating to the lender's private education loans;
16. The College will not accept from a Federal Family Education Loan Program (FFELP), private lender, lender servicer, or guarantor, computer hardware or computer software at below market rental or purchase cost that is unrelated to education loan processing or financial aid. In addition, the College will not accept free data transmission services from a FFELP lender or guarantor that is unrelated to electronic loan processing or, for FFELP loans, student status confirmation data.

## **6.3 Student Rights and Responsibilities**

### **6.3.1 Definition of a Student**

Any individual who is not an employee of the College and who is either: (1) admitted as a student to the College and has been moved to deposited status (2) an enrolled student (includes students auditing courses); (3) a Davis & Elkins student between academic terms or on a Leave of Absence; (4) a graduate awaiting a degree (note: students are classified as such until they receive their degree; students who petition the College to complete their degree via distance or some other arrangement forfeit their student status if they do not complete their degree during the period of time specified in their agreement with the College); or (5) a Davis & Elkins student who withdraws from the College while a disciplinary matter (including an investigation) is pending. A student ceases to be a student when they graduate; in the event that they are expelled for academic or conduct reasons; or in the event that the student formally withdraws from the College and there is no pending disciplinary investigation. Solely for purposes of this definition, the term "employee of the College" does not include students who are employed by the College through a work-study or similar program.

### **6.3.2 Student Rights**

#### **6.3.2.1 General Student Rights**

At the College, students are afforded certain rights that ensure their ability to fully participate as members of the College community. Specifically, students have the right:

1. To have all College policies applicable to them made accessible in whatever format is necessitated by the student's disability or personal situation;
2. To understand the requirements of their academic programs and receive timely, useful, and regular information and advising about relevant academic program requirements;
3. To be provided with sufficient course information in order to be able to make informed course selections;
4. To be informed in writing (typically a syllabus) of the specific requirements and expected learning

outcomes of the courses in which they are enrolled at the beginning of the term and to expect that course requirements will not be changed without notice;

5. To have clear indication of their educational progress in those courses in which they are enrolled and to know how the various assignments are weighted;
6. To receive a fair, transparent and impartial assessment of their performance as a student;
7. To have their grades kept private from other students, and to have final examinations held at the appointed times;
8. To have the privacy of their personal information and records protected by the administration in accordance with the College's Student Records (FERPA) Policy;
9. To find their instructors available during posted office hours or by special arrangement;
10. To have their instructors arrive for classes punctually;
11. To have their complaints and grievances addressed through the College Student Grievance Policy or other established policies and procedures;
12. To appear before a College administrator when disciplinary charges have been alleged in accordance with the College Student Discipline Policy or the College Discrimination and Harassment Policy as applicable;
13. To be provided with relevant information concerning financial assistance (see Financial Aid Rights and Responsibilities);
14. To reasonably express any view which is relevant to a classroom discussion or written material in a manner consistent with the College's Freedom of Expression Policy;
15. To participate in College approved student organizations and activities for which the student is eligible and qualified. No student shall be penalized for any such participation, but neither shall any student claim any indulgence from academic obligations by virtue of such participation.
16. To participate in institutional governance through Student Assembly and attendance at the fall and spring Board of Trustees meetings.

#### **6.3.2.2 Demonstrations**

Demonstrations by members of the College community must be registered and approved in writing 72 hours in advance by the President's Office, which will then notify the Office of Public Safety of the approval.

For purposes of the policy, "demonstrations" includes the presence of one or more persons on the College campus with the intent to express a particular point of view in a manner that attracts attention, as in protests, rallies, sit-ins, vigils, or similar forms of expression.

All approved demonstrations (and expression of any form) at the College must be peaceful and orderly and confined to campus. Demonstrations may be organized and led only by members of the College community. Demonstrations or other forms of expression may not compromise the rights of other members of the College community, nor interfere materially with the general operation of the College. Free speech is a cherished foundation of academia. Forms of expression, however, may not be contrary to the College mission or demean or

degrade individuals on the basis of a protected class as set forth in the College's Equal Opportunity and Non-Discrimination Statement.

### **6.3.2.3 Freedom of Expression**

The College values the freedom of expression and assembly. At the same time, the College recognizes that such freedom must exist within the context of the law, common decency, and responsibility for one's actions. The College has therefore established the following freedom of expression guidelines, which seek to preserve the integrity of freedom of speech, thought, assembly and expression, including artistic expression, while at the same time preserving the right of the College to make fair, balanced and considered judgments not to permit or exhibit expressions which are either not appropriate within the context of the mission of the College and its Presbyterian Church (U.S.A.) affiliation or in violation of federal or state law or established College policies.

#### **Freedom of Expression Guidelines:**

1. The College students, administrators, staff, faculty, and organizations are generally free to exercise the rights to assemble and engage in expressive activity, whether on campus or in the electronic information environment, in a constitutionally protected manner, provided the activity is expressed in an appropriate manner consistent with the College's mission, Presbyterian Church (U.S.A.) affiliation, federal and state laws, and College policies.
2. An individual's expression must not:
  - a. Interfere with his or her academic responsibilities to the College;
  - b. Interfere materially with the general operation of the College;
  - c. Infringe upon the safety or rights of members of the College community;
  - d. Be obscene, slanderous, or inappropriate within the context of the College's mission or Presbyterian Church (U.S.A.) affiliation; and/or
  - e. Demean an individual(s) on the basis of race, color, gender, sex, sexual orientation, sexual identity, gender identity, gender expression, religion, ancestry, national origin, age, disability, veteran status, genetic information or any other characteristic protected by federal, state or local law.
3. Expressions uttered on campus or via the College's information technology network must recognize the diversity of people and points of view. Planned demonstrations, lectures, exhibits or artistic performances, whether presented on campus or via the College's information technology network, that may be potentially offensive or controversial, if deemed appropriate and approved in advance in accordance with established approval procedures, must be advertised as such so people can make an informed decision before attending the event. (See the College's Demonstrations and Guest Speakers and Performers policies respectively for relevant approval procedures.)
4. Faculty, administrators, staff, and students of the College are citizens and members of an educational institution. When they speak, write or create art, they are free from institutional censorship or discipline within the guidelines above. Moreover, as members of the College, faculty, staff, and students, who freely choose to be part of the College, have additional obligations imposed upon them. They should remember that the public might judge their institution by their words and works. They should at all times exercise appropriate sensitivity, show respect for the opinions of others, and recognize that their words, actions and expressions will reflect on the College. They are also responsible for making clear that they are

participating in such activities only as individuals and not on behalf of, at the direction of, or with the encouragement of the College. See the College's Academic Freedom Policy for additional information.

Inevitably there will be differing opinions or doubt regarding whether the College should permit a planned assembly, demonstration, lecture, exhibit or artistic performance. At such times and in situations not specifically addressed in the College Policy Manual, the President will decide whether to approve the proposed assembly, demonstration, lecture, exhibit or artistic performance since no individual's right to freedom of expression is unfettered.

In permitting freedom of expression within the guidelines set forth above, the College does not endorse, or relieve any person from legal liability for actions that amount to libel, slander, or obscenity. Moreover, by supporting the exercise of freedom of expression on campus, the College does not sanction the messages that are being declared or the methods of expression used, unless expressly stated otherwise. Finally, the College reserves the right to (a) adopt and enforce rules and regulations as it may deem necessary and proper in order to serve the interest of health and safety, prevent disruption of the educational process or working environment, and to protect against the invasion of the rights of others; and (b) may cancel any planned assembly, demonstration, lecture, exhibit or artistic performance that creates a public health or safety concern, disrupts the educational or working environment, or uses the College as a platform to disparage the Presbyterian Church (U.S.A.) or mission of the College.

#### **6.3.2.4 Program Integrity Complaints**

United States Department of Education Regulation 34 CFR 600.9, the "Program Integrity Rule," was adopted to ensure that students have the opportunity to voice concerns relating to programs offered by postsecondary educational institutions authorized under Title IV of the Higher Education Act, as amended. The regulations require states to provide the opportunity for students to lodge the following types of complaints:

1. Allegations of state consumer protection violations, including, but not limited to fraud and false advertising;
2. Allegations that state laws or rules addressing the licensure of postsecondary institutions have been violated;
3. Allegations regarding the quality of education or other accreditation requirements.

In compliance with the Program Integrity Rule, the College has listed multiple alternatives for individuals who wish to submit complaints regarding the above. The College expects that any student complaint will be filed in accordance with any procedures currently in place at the institution before resolution is sought from a state agency or the College's accreditation body. In the absence of a procedure, the complaint should be filed with the Office of the President for appropriate referral.

#### **Filing a Complaint**

The College has adopted a general Student Grievance Policy to address and resolve questions and concerns students may have relating to the Program Integrity Rule. Please refer to the Student Grievance Policy for additional information.

The College summarizes the number and type of complaints received pursuant to the Student Grievance Policy and tracks their resolutions.

## **For Complaints Alleging Consumer Fraud**

West Virginia Attorney General's Consumer Protection Division  
<https://ago.wv.gov/consumerprotection/Pages/default.aspx>

The West Virginia Attorney General Consumer Protection Division is committed to regulating industries and protecting consumers who use goods and services from those industries. The state of West Virginia ensures fair competition and the free flow of truthful information in the marketplace.

## **For Complaints Regarding State Licensing of Postsecondary Institutions**

Higher Learning Commission-A Commission of the North Central Association  
230 South LaSalle Street, Suite 7-500  
Chicago, IL 60604-1413  
Ph: (803) 737-2260 and Fax No: (803) 737-2297 <https://www.hlcommission.org/Student-Resources/complaints.html>

## **Accreditation Association Contact Information**

The College is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. The Higher Learning Commission is located at 30 North LaSalle Street, Chicago, IL 60602-2504. The website is [www.ncahlc.org](http://www.ncahlc.org). The toll-free number is 800-621-7440.

For a complete listing of accreditations and affiliations, please refer to the current Catalog. Consumer protection information is available on the College's website: [www.dewv.edu/consumer-information](http://www.dewv.edu/consumer-information).

## **Complaints Arising Outside of West Virginia**

Students participating in the College educational program outside the state of West Virginia, such as through distance learning, may choose to avail themselves of state processes for complaints related to institutional licensure and consumer protection in that state. The following website provides contact information to various states:

[www.shceo.org](http://www.shceo.org)

Please note, however, that many states require a showing that an attempt was made to resolve the complaint with the institution directly.

### **6.3.2.5 Student Grievances**

The College extends the right to petition for redress of grievance to all students. The right to petition may be initiated at any time when a student has a grievance against a College employee, or the misapplication or misinterpretation of a College policy or procedure.

An action or decision is grievable pursuant to this policy only if it involves a misapplication or misinterpretation of the College policy, regulation, or rule, or a violation of state or federal law. This procedure may not be used to grieve:

1. Claims based on purchases or contracts;
2. Claims against a College employee on matters that are unrelated to the employee's job or role at the College;

3. Student disciplinary decisions, since there is a separate procedure for them;
4. Formal complaints of harassment or discrimination, since there is a separate procedure for them; or
5. Where another College policy or procedure could have been used for the matter being grieved (e.g., grade grievances, FERPA grievances, etc.).

Any other concern will be treated as a complaint and students are invited to express their viewpoints in an appropriate manner to any College official. Upon request from any student, the Dean of Students will provide guidance about the appropriate system for redress of a particular complaint.

### **Grievance Procedures**

The procedures set forth below may be used by grievants who are enrolled as College students, or who are participating in a College-sponsored event at the time of the incident being grieved. The person or persons filing the grievance must be directly involved in the matter being grieved. A grievance cannot be filed on behalf of another person or organization in which the grievant is not a member. The existence of this procedure does not bar a grievant from filing claims in other forums to the extent permitted by state or federal law.

The College makes every effort to ensure that all grievances are handled fairly and equitably and that all complaints and grievances are treated confidentially. The procedures allow students to exhaust every administrative level in an effort to ensure a fair and complete hearing of their grievance.

These are College-level procedures for resolving problems and should not be viewed as legal proceedings. Students should understand that pursuing a grievance through consecutive phases does not ensure a different outcome. The outcome of Phases II through IV may be to uphold the recommendations initially made in phase I.

Students wishing to file a grievance, and all parties to the grievance, must adhere to the following procedures:

#### **PHASE I—Informal Resolution:**

Prior to filing a formal grievance, the student must contact the Office of Student Life. A member of the Office of Student Life will be assigned to discuss the student's concern(s), meet with other parties relevant to the student's complaint as necessary, and work with the student to arrive at an informal resolution to the problem.

If the grievance cannot be resolved in this phase, the student may proceed to phase II after informing the relevant person(s) (including the assigned Office of Student Life staff member) of his or her intention to file a formal grievance. A formal grievance must be filed within forty-five (45) days of the incident, or occurrence, precipitating the complaint or grievance.

#### **PHASE II—Filing a Formal Grievance:**

Having failed to satisfactorily resolve a complaint or grievance in phase I, the student may file a "Formal Grievance Petition" (available in the Office of Student Life). The Vice President for Academic Affairs will serve as an ombudsman in order to objectively examine all sides of the issue. The Vice President for Academic Affairs will meet with other parties relevant to the student's complaint as necessary. At the conclusion of phase II, the Vice President for Academic Affairs, within ten (10) business days of the formal grievance petition being filed, will provide the student and other relevant parties with a written summary of his or her findings and proposed resolution of the complaint or grievance. If the grievance has not been resolved to the complainant's satisfaction at the conclusion of phase II, the student may proceed to phase III.

NOTE: If the grievance involves the Vice President for Academic Affairs, the President will designate a different regulator.

### **PHASE III-Arbitration:**

The student, within five (5) business days of receiving the written report from the Vice President for Academic Affairs or other Cabinet member may submit a written request to the Vice President for Academic Affairs or other Cabinet member for a meeting of an ad hoc Arbitration Committee.

The Arbitration Committee consists of:

1. An appropriate Vice President or Cabinet member;
2. Faculty Member; and
3. A member of the Cabinet.

Within ten (10) business days of receiving a written request to convene an ad hoc Arbitration Committee, the Vice President for Academic Affairs or other appropriate Cabinet member shall convene the committee (which he or she shall chair) and meet, as necessary, with all parties relevant to the complaint or grievance in an effort to arbitrate the matter.

Within ten (10) business days, the decision and proposed action(s) of the Arbitration Committee will be communicated, in writing, to the following:

1. Grievant;
2. Arbitration Committee members;
3. College President; and
4. Other person(s) involved with the grievance.

### **PHASE IV: Resolution**

If either the grievant or other parties are not satisfied with the decision or action of the Arbitration Committee, a written appeal to the President's Office may be filed within five (5) business days of receiving the written decision of the Arbitration Committee. Once the College President has reviewed the complainant's appeal and the written communication from the Arbitration Committee, the President will schedule a private meeting with the complainant to discuss the matter. The College President has discretionary power to uphold, reverse, or modify the action taken by the Arbitration Committee. The President's decision will be delivered to the grievant/student in writing with copies to the appropriate individuals involved.

NOTE: The Office of Student Life summarizes the number and type of complaints received pursuant to the Student Grievance Policy and tracks their resolutions.

### **6.3.3 Student Responsibilities**

The College encourages students to exercise their individual freedoms and rights but expects that students will also recognize the responsibilities that accompany enrollment.

### **6.3.3.1 Statement of Responsibility**

The College believes that students should have attained a level of maturity that will enable them to conduct themselves as responsible members of the community. They are expected to familiarize themselves with the Student Life Policies. In addition, students are responsible for adhering to College policies, procedures, and guidelines published in the [Catalog](#), on [My D&E](#), as well as in other College and departmental and division publications and electronic postings. The College requires new and transfer students in the fall and spring terms to participate in an orientation covering various aspects of the College community and to become knowledgeable of its policies and practices.

To ensure a harmonious college community, a student's scholarship and conduct are expected to meet the standards and ideals of the College. Exclusion for reasons of misconduct does occur, but only after thorough investigation and action by the duly constituted authority in accordance with institutional disciplinary processes.

### **6.3.3.2 Change of Name or Address**

Students are responsible for keeping the College informed of their current name, address and phone numbers. Changes in either name or address must be reported to the Registrar's Office.

A driver's license, marriage certificate, Social Security card, etc. that supports a name change must be brought to the Registrar's Office and the appropriate form completed.

Information about D&E's Chosen Name Policy can be found in [Davis & Elkins College Policy Manual Volume II: Community Policies](#).

### **6.3.3.3 Protection of Minors**

#### **Purpose and Scope**

Davis & Elkins College is committed to protecting minor children on the College's premises or involved in College sponsored programs by providing guidance on reporting requirements for Child Abuse and Neglect and providing guidelines for appropriate supervision of children.

#### **Policy Applicability**

This policy applies to any programs, activities, or events on campus whether sponsored by Davis & Elkins College, a student organization, a member of the campus community, or by third parties, that are expected to include one or more Visiting Child as part of the program or activity except as provided below.

- Events, performances, or spaces on campus open to the general public, which minor children may attend, where parents/guardians are expected to provide supervision.
- Events or programs offered by the College in which Visiting Children are invited to participate, and the expectation is that Visiting Children are accompanied by their parents/guardian during the event or program.
- Minors employed by the College.
- Minors who are enrolled students of the College.
- Student recruitment activities, including admissions tours, which involve Visiting Children accompanied by a parent, guardian, or any other adult acting as a guardian for the activity or a recruitment activity that is scheduled to last no longer than one day and does not include an

- overnight stay.
- Kindergarten through 12<sup>th</sup> grade school groups (accompanied by teachers and/or chaperones) visiting campus as member of a campus tour or field trip.

### **Reporting Child Abuse and Neglect**

If a Responsible Employee of the College observes, or has reasonable cause to suspect any type of Child Abuse or Neglect, including molestation, physical or sexual abuse, occurring on campus or in a College program or activity, they must immediately report the circumstances to the Title IX Coordinator at:

**Amy Kittle**  
Title IX Coordinator  
304-621-1316

[Kittleamy@dewv.edu](mailto:Kittleamy@dewv.edu) or [detitleix@dewv.edu](mailto:detitleix@dewv.edu)

Students and guests to Davis & Elkins College may also report actual or suspected Child Abuse and Neglect, including molestation, physical or sexual abuse, occurring on campus or in a College program or activity to the Campus Conduct Hotline. The Campus Conduct Hotline is a service utilized by the College that allows for anonymous reporting of concerns to a trained specialist. Responsible Employees and those with mandatory reporting obligations under West Virginia State law must still report to the Title IX Coordinator and as required by the law.

**Campus Conduct Hotline: 866-943-5787**

Under West Virginia State law, some individuals are considered Mandatory Reporters. Mandatory Reporters are required by West Virginia law to report any type of Child Abuse or Neglect, including physical or Sexual abuse in accordance with [WV Code §§49-2-801-814](#).

In cases involving a Mandatory Reporter, reports of Child Abuse or Neglect should be reported immediately to each of the following:

- West Virginia Department of Health and Human Resources by contacting the Child Abuse and Neglect Hotline (1-800-352-6513), seven days a week, 24 hours a day. You can learn more by visiting: <https://dhhr.wv.gov/bss/services/Pages/Centralized-Intake-for-Abuse-and-Neglect.aspx>.
- West Virginia State Police Crimes Against Children Unit at 304-293-6400 or the Randolph County Detachment at 304-637-0203.
- If the reporter is a Responsible Employee of the College and/or the incident occurred at or was disclosed during a College program or activity or on the College's premises, the Title IX Coordinator at 304-621-1316 or [detitleix@dewv.edu](mailto:detitleix@dewv.edu).

Upon receiving the report, the Title IX Coordinator or designee shall take immediate action in order to protect the children present on the College's campus or participant in a College program or activity.

Davis & Elkins College's reporting requirements within this policy do not supersede the requirements placed on individuals by law.

Under West Virginia law, an individual that reports an incident of Child Abuse or Neglect in good faith is immune from civil or criminal liability.

Additionally, no person may retaliate against any person who makes a good faith report of Child Abuse or Neglect, any person who assists in an investigation of a report of Child Abuse and Neglect, or a witness to Child Abuse or Neglect.

### **Davis & Elkins College Sponsored Programs and Activities in which Visiting Children will Participate**

When a College sponsored program or activity, either on or off campus, will involve Visiting Children participating in that program, the appropriate coordinator or director of that program shall notify the Events Coordinator at a minimum forty-five (45) days prior to the first day of the event as possible.

Events Coordinator  
(304) 637-1464 or (304) 637-1205  
[events@dewv.edu](mailto:events@dewv.edu)

Upon notification of a program involving Visiting Children, the Events Coordinator shall:

- Inform the person registering the program or activity that all adults participating in the program who will have contact with minors about this policy and West Virginia law about reporting incidents of Child Abuse and Neglect.
- Require that all College employees, students, volunteers, and third parties who are staffing College sponsored programs and activities and who will have Supervising Responsibility of Visiting Children be subject to an adequate and timely background check, which means completion of a background check before an individual's initial participation in a program and then again, annually;
- Require that all College employees, students, volunteers, and third parties who are staffing College sponsored programs and activities and will have Supervising Responsibility of Visiting Children receive training in accordance with this policy before an individual's initial participation in a program and then again, annually;
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to meet the training obligations outlined in this policy.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to have protocols in place to adequately monitor and limit certain circumstances with Visiting Children, including, private one on one contact, unless critical to the program as in the case of licensed medical professions and counselors providing services to children; shared private space between children and adults, including housing, locker rooms, and bathrooms, and a minimum adult to child ratio depending on age and activity. Only Appropriately Vetted Staff Members or Volunteers may have Supervising Responsibility for Visiting Children.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to take reasonable measures to prevent any sexual or inappropriate behavior between or in the presences of children; verbal or otherwise abusive behavior towards children; inappropriate electronic communication with children; and, inappropriate visitation by adults who do not serve as the child's legal guardian.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to have developed written documents to be distributed to program staff, volunteers, and parents or legal guardians for dealing with any emergencies; allowing parents or legal guardians to contact Visiting Children during the program; to whom and how Visiting Children will be released to an appropriate parent or legal guardian, medical authorizations or other special needs, access to emergency services; appropriate disciplinary measures if

necessary, and protocols regarding necessary transportation.

### **Programs and Activities in which Visiting Children will Participate Not Sponsored by Davis & Elkins College**

When there will be a program or activity that involves Visiting Children participating in that program held on campus, the appropriate coordinator or director of that program shall notify the Events Coordinator.

Events  
(304) 637-1464 or (304) 637-1205  
[events@dewv.edu](mailto:events@dewv.edu)

Upon notification of a program involving Visiting Children, the Events Coordinator shall:

- Ensure that the program or activity is provided D&E's Facility Use Policy, completes D&E's Group Contract, and provides a Certificate of Insurance or other acceptable evidence or insurance coverage.
- Inform program leaders supervising or coordinating programs with Visiting Children on campus that all who will have Supervising Responsibility of Visiting Children are required to have current background checks annually and are notified about this policy and West Virginia state law about reporting incidents of Child Abuse and Neglect.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to meet the training obligations outlined in this policy.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to have protocols in place to adequately monitor and limit certain circumstances with Visiting Children, including, private one on one contact, unless critical to the program as in the case of licensed medical professions and counselors providing services to children; shared private space between children and adults, including housing, locker rooms, and bathrooms, and a minimum adult to child ratio depending on age and activity. Only Appropriately Vetted Staff Members or Volunteers may have Supervising Responsibility for Visiting Children.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to take reasonable measures to prevent any sexual or inappropriate behavior between or in the presences of children; verbal or otherwise abusive behavior towards children; inappropriate electronic communication with children; and, inappropriate visitation by adults who do not serve as the child's legal guardian.
- Inform program leaders supervising or coordinating programs with Visiting Children that they are required to have developed written documents to be distributed to program staff, volunteers, and parents or legal guardians for dealing with any emergencies; allowing parents or legal guardians to contact Visiting Children during the program; to whom and how Visiting Children will be released to an appropriate parent or legal guardian, medical authorizations or other special needs, access to emergency services; appropriate disciplinary measures if necessary, and protocols regarding necessary transportation.

### **Overnight Visiting Children**

No minor under the age of twelve (12) is permitted for an overnight visit, including camps, unless accompanied by a parent or legal guardian. All overnight visits by minors, including camps, must be approved in advance by the Events Coordinator or Athletic Director for sports camps.

### **Transportation of Visiting Children**

No minor is permitted in a Davis & Elkins College vehicle without a release executed by the minor's parent or legal guardian. In the case of transportation of a minor, two staff members must be present in the vehicle at all times.

### **Pick up of a Visiting Child**

At the conclusion of a sponsored program or activity or other program with Visiting Children, minor children must be picked up by a parent or legal guardian. The parent or legal guardian may give written permission for the minor to depart the campus of Davis & Elkins College with another specifically named individual.

### **Training**

Sexual abuse takes place when there is a power imbalance. A sound abuse prevention training program prioritizes awareness directly tied to prevention of the sexual abuse of minors and adult students, along with strategies for a proactive response once a warning sign emerges. Training will also include required internal reporting and mandated reporting under West Virginia State law.

Sexual abuse prevention training, including training related to the reporting requirements described in this policy, is required for members of the Davis & Elkins campus community according to the following schedule:

- New faculty and staff, within six months of hire;
- All faculty and staff, annually;
- All College employees, students, volunteers and third parties who are staffing a D&E sponsored programs or activities with Visiting Children to be completed prior to performing the duties or participating in the qualifying activity, annually; and,
- Volunteers who come into contact with programs and activities sponsored by D & E with Visiting Children annually.

All third-party users of campus facilities, including summer and athletic camps, are responsible by contract for ensuring that all staff and volunteers who will have Supervising Responsibility of Visiting Children are training on child abuse and sex abuse prevention and reporting obligations annually.

All third-party contactors and vendors are responsible by contract for ensuring that all staff and volunteers who will have Supervising Responsibility Visiting Children are trained on child abuse and sex abuse prevention and reporting obligations annually.

### **Background Checks**

The College performs pre-employment background checks on all new employees as a condition of employment. The College performs background checks on adjunct faculty and part-time employees (such as coaches, athletic trainers, etc.) whose work involves contact with students and/or minors as soon as possible after they have been appointed and prior to any contact with students or Visiting Children.

Background checks are not required on current employees with the exception of those employees changing positions. For current employees changing positions, including those filling interim positions, a background check is only required when the new position increases the impact of the perceptible risk factor. If an employee experiences a position change within the same or greater perceptible risk factor, a new background check will be conducted if it has been five or more years since their last background check.

The College performs background checks on all College employees, students, volunteers, and third parties who are staffing College sponsored programs and activities with Visiting Children and who will have Supervising Responsibility prior to any College related contact with Visiting Children at least annually.

All third-party users of campus facilities, including summer and athletic camps, are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors who will have Supervising Responsibility of Visiting Children and will occur at least annually.

All third-party contactors and vendors are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors who will have Supervising Responsibility of Visiting Children and will occur at least annually.

### **Policy Enforcement**

Davis & Elkins College will review and respond to all reported incidents in accordance with D & E's Policy on Discrimination, Harassment, and Sexual Harassment, or other appropriate policies depending on the nature of the allegations and the parties involved.

Any faculty, staff, or College volunteer who fails to abide by the requirements within this policy shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.

Any student who fails to abide by the requirements within this policy shall be subject to appropriate disciplinary action, including, in accord with the Student Code of Conduct, suspension, expulsion, or other disciplinary action as may be appropriate.

Others, including volunteers, third-party contractors or vendors, who fail to abide by the requirements of this policy shall be subject to appropriate corrective action, including but not limited to an issuance of trespass or cancellation of relationship with the College.

In addition, any member of the College Community, whose conduct constitutes a criminal law violation of [West Virginia Code WV Code §61](#) pertaining to Child Abuse and Neglect, will be referred to the appropriate authorities for prosecution.

Furthermore, if reported conduct does not violate this policy, it may still be prohibited by a different College policy, and the College reserves the ability to take any necessary action accordingly.

### **Definitions**

The definitions within this section are applicable to this policy. However, these definitions do not supersede or supplant the definitions of these terms provided under West Virginia state law which may provide other obligations upon individuals.

**Appropriately Vetted Staff Members or Volunteers:** means staff member and volunteers who have completed the training and background checks prior to participating in a program or activity with Visiting Children. Only Appropriately Vetted Staff Members or Volunteers will have Supervising Responsibility for Visiting Children.

**Child:** means any person under the age of eighteen (18).

**Child Abuse or Neglect:** means sex abuse, physical injury, mental or emotional injury, sale or attempted sale, negligent treatment or maltreatment of a child by an adult, any other act that endangers or attempts to endanger the health, safety, or well-being of a child, or anything else that is otherwise prohibited by a West Virginia state law intended to protect children.

**Supervising Responsibility:** means an adult who is Appropriately Vetted in accordance with this policy and responsible for the care, supervision, or control of a Visiting Child. Visiting Children may never be left in the care of an adult who does not have Supervising Responsibility.

**Mandatory Reporters:** means any individual obligated by West Virginia state law to report any type of Child Abuse or Neglect, including physical or sexual abuse. Under WV law, this includes: any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or any other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach, or volunteer of an entity that provides organized activities for children, commercial film or photographic print processors who has reasonable cause to suspect Child Abuse or neglect or observes the child being subjected to conditions that are likely to result in Child Abuse or Neglect. For the purposes of this policy, all College faculty and staff are considered Mandatory Reporters.

**Responsible Employee:** means an employee of Davis & Elkins College in a leadership or supervisory position or who has significant responsibility for the welfare of students or employees. Responsible Employees include faculty, staff, coaches, directors, resident assistants, advisors, and those with Supervising Responsibility.

**Visiting Child(ren):** means any person under the age of eighteen (18) who is attending a Davis & Elkins program or activity or any person under the age of eighteen (18) that is attending a program or activity held on College premises.

#### **6.3.3.4 Community Statement**

The faculty, staff, and students of the College are a multicultural community of individuals encompassing a broad spectrum of religious traditions, political beliefs, ethnicities, cultures, genders, sexual orientations and gender identities. The College community is unique in that it strives to work and live together. In the process, members of the College community learn from one another in an atmosphere of positive contact and mutual respect. The College community is committed to behaving and expecting others to behave in ways that demonstrate its beliefs about the respectful treatment of each member of the College community. Davis & Elkins College believes that members of the College community are individually and collectively responsible for their behavior and are fully accountable for their actions. Davis & Elkins College students must take initiative and responsibility for their own learning and awareness of the differences which exist in the community and avoid all actions that negatively impact others. Davis & Elkins College is committed to these principles which are an integral part of the College's purpose, values, and daily activities. Individuals engaging in behavior that is believed to violate these policies will be held accountable through the appropriate disciplinary process.

#### **6.3.3.5 Departures**

Resident students who leave campus overnight or for any extended period of time should inform their Resident Assistant as to where they may be reached in the event of an emergency.

Students who experience an emergency that requires leaving campus should call the Office of Student Life at (304) 637-1211; and, should the emergency require missing multiple classes, students should also notify the Office of Student Success (304) 637-1983 so that instructors can also be notified. Students who are not able to return to campus as planned should also notify the College.

#### **6.3.3.6 Disclaimer of Liability**

The College disclaims liability for any injuries to or property damages suffered by a student regardless of cause. This liability disclaimer is a matter of contract between the College and each student and it applies to, but is not limited to, the following:

1. Any injury or damage sustained on property owned by or under the control of the College, its subsidiaries or affiliated institutions (such as classrooms, residential units, structures, buildings, public areas and grounds, vehicles, etc.);
2. Any injury or damage incurred while attending a classroom or related activity, whether for credit or non- credit and regardless of cause;
3. Any injury or damage suffered in an intercollegiate or intramural contest or event (athletic or otherwise) as a participant, spectator or other; this includes transportation to and from a contest or event;
4. Any injury or damage resulting from fire, theft, the elements, roof leaks, mechanical failures or other cause;
5. Any injury or damage as a result of any act or omission by any College personnel (faculty, staff,

employee, officer, trustee), student or contractor.

Students accept the foregoing disclaimer and agree, as a matter of contract, to be bound thereby upon admission, re-admission or continued enrollment at the College. The relationship between Davis & Elkins College and its students is non-custodial in nature and nothing in these policies, the College [Catalog](#), on [My D&E](#), or in any other College, department or division publication or electronic posting shall be construed to place the College in the position of being custodian, guardian or surrogate parent of any student or to otherwise establish any special relationship between the College and any student.

Upon being admitted, a student is bound to follow all of the College's rules and regulations. Davis & Elkins College students who fail to read [Student Life Policies](#), the College [Catalog](#), or College policies and procedures published on My D&E or any other College, department or division publication or electronic posting will not be excused from compliance with the policies and requirements herein. The College may disseminate additional information and policies directly to students via their Davis & Elkins College email account. It is imperative for students to read their email.

### **6.3.3.7 Health Insurance Portability and Accountability Act (HIPAA)**

The College complies with all laws that govern employee and student medical records, their review, and their dissemination. The College will not require individuals to waive their health privacy rights as a condition for treatment, payment, enrollment in the health plan, and/or eligibility for benefits. Nor will the College intimidate, threaten, coerce, discriminate against, or take other retaliatory action against an individual for exercising health privacy rights. For more detailed information, please refer to the website for the United States Department of Health and Human Services at [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa).

### **6.3.3.8 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 Office of Public Safety (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 the Office of Public Safety. A determination will be made at that time by Public Safety 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, Public Safety 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 ages 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.

### **6.3.3.9 Off-campus Behavior and Notification of Criminal Arrests**

Although the College is not responsible or liable for students' behavior off campus, it does reserve the right, in the interests of protecting students from harm, to take action in response to behavior off campus that violates College expectations and policies and/or when the College's interests as an academic community are clearly involved. Generally, the College expects its members to demonstrate respect and regard for the rights, property, and dignity of all individuals and to take responsibility for their own actions.

### **Notification of Criminal Arrest**

A student is responsible for notifying the Dean of Students of any off-campus arrest. When the Dean of Students is informed of the arrest of a student, the College will send a letter to the student requiring him or her to make an appointment for an interview with the Director of Public Safety. During this interview, the facts involved in the student's arrest, the student's obligation to keep the College informed of the progress of the possible criminal charge(s), and the student's obligation to advise the College of the final disposition of the criminal charge(s) will be discussed with the student.

As outlined in the Student Disciplinary System, College disciplinary proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceedings. The alleged commission of a felony as named in local, state, or federal law is a serious violation of the Student Code of Conduct and may necessitate an interim suspension or other appropriate disciplinary action from the College.

When a Davis & Elkins College student is involved in an off-campus offense, Public Safety officers may assist with the investigation in cooperation with local, state or federal law enforcement. Local law enforcement routinely works and communicate with Public Safety 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, Public Safety officers may respond to student-related incidents that occur in close proximity to campus. As noted earlier, the Office of Public Safety 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.

### **6.3.3.10 Student Motor Vehicle Use and Parking**

Davis & Elkins College is pleased to extend to students, faculty, staff, and guests parking facilities on its campus. For safety and convenience, strict compliance with these rules and regulations is required. The Office of Public Safety directly oversees all campus parking and traffic. The College shall not be held liable for any damage to motor vehicles parked on the campus. All parking and traffic rules apply to students, employees, and visitors.

All students are eligible to have a vehicle on campus. Please note that having a vehicle on campus is not a right,

and therefore it is within the jurisdiction of the College to prohibit the use of a motor vehicle by any student who proves irresponsible in the observance of College policy.

### **Vehicle and Parking Regulations**

1. All vehicles on campus must display a parking permit, which can be obtained after completing the proper application form at the Office of Public Safety.
2. The registered student per College records will be responsible for all citations incurred against a vehicle, even if another person is operating it
3. The College is not liable for any damage to motor vehicles parked or operated on the campus
4. Do not park in designated handicapped spaces (unless you have a state-issued permit), fire lanes, in the green space areas, or in the visitor parking in front of Halliehurst or the guest parking at Graceland.
5. Tickets, resulting in fines, will be issued for violations.
6. Parking on campus is by zone: signs designate if the parking is for residential students, commuter students, faculty, staff, or visitors.
7. The possession of the required parking permit and/or state- issued handicapped permit does not guarantee a parking space.
8. Pedestrians have the right of way in all crosswalks.
9. The speed limit on campus is 15MPH.
10. All traffic laws and standard rules of the road for the City of Elkins, Randolph County, and the state of West Virginia must be observed at all times on College campus property. Elkins City Police Officers, Randolph County Sheriff Deputies or West Virginia State Troopers may enforce and cite violators of these laws and rules.
11. The responsibility of finding a legal parking space rests with the vehicle operator. A lack of space where a person would like to park is not a valid defense for violation of any parking regulation.
12. All motor vehicle regulations and penalties apply to motorcycles and motorbikes. Motorcycles and motorbikes may only be parked in the areas designated for vehicle parking. Bicycles must be parked in areas not impeding pedestrian or vehicular traffic flow. Bicycles must follow all moving regulations when operated on campus roadways. Bicycles may be driven safely and responsibly on campus sidewalks.

### **Vehicle Registration**

1. A vehicle registration fee of \$100.00 is added to all student accounts during the fall and the spring semester of each school year that the student registers for classes.
2. A student auto registration fee is listed in Tuition and Fees and can be removed from the student's account if they do not park a vehicle on campus by completing the Request to Remove Auto Registration Fee from
3. Student Account form in the Office of Student Life.
4. To obtain a parking permit, you must have your vehicle license plate number and VIN number.
5. Individuals registering a vehicle with the College must have a valid State vehicle registration and license

and insurance.

6. Parking permits must be displayed on the driver's side of the rear window.

### **Violations of Motor Vehicle and Parking Regulations**

Violations of any of the stated parking or moving regulations can cause the offender to be cited. The citation can result in monetary fines, towing of vehicle at owner's expense, disciplinary action, suspension of campus driving or parking privileges and/or other sanctions. Monetary fines should be paid at the Business Office. Monetary fines for each violation, unless otherwise specified in the parking violation section, are \$20.00. Monetary fines for students will be posted to the student's account.

### **Violation(s) Sanctions**

The following practices are prohibited on campus and are subject to the minimum citations:

- Basic parking violations (includes parking at: yellow curb; no parking area; on/or over a line separating spaces; wrong parking area) - \$20.00
- Parking on lawns, sidewalks, or in loading areas - \$50.00
- Parking in spaces designated for handicapped drivers if not authorized - \$150.00
- Parking in a fire lane - \$100.00
- Parking in Visitor Parking spaces- \$20.00
- Blocking a Dumpster - \$100.00
- Moving the wrong way on one-way streets - \$50.00
- Driving on lawns or sidewalks - \$50.00
- Driving in any manner that could be deemed reckless, inattentive, or dangerous - \$50.00

### **Residential Parking**

Residents of Roxanna Booth and Gribble Halls will have a parking permit sticker (on the driver's side of the rear window) valid for:

- In front of Roxanna Booth Hall – Upper-class
- Madden Student Center lot – Upper-class
- Sig Ep Lodge Side of the Moyer Hall lot - First-year
- Either Side of the McDonnell Center lot – First-year & Upper-class

Residents of Darby Hall will have a parking permit sticker (on the driver's side of the rear window) valid for:

- Darby Hall back lot – Upper-class
- Sig Ep Lodge Side of the Moyer Hall lot- First-year
- Either Side of the McDonnell Center lot – First-year & Upper-class

Residents of Byrd Hall will have a parking permit sticker (on the driver's side of the rear window) valid for:

- Byrd Hall back lot – Upper-class
- Sig Ep Lodge Side of the Moyer Hall lot- First-year
- Either Side of the McDonnell Center lot – First-year & Upper-class

Residents of Moyer and Presidential Halls will have a parking permit sticker (on the driver's side of the rear window) valid for:

- Moyer Hall lot

- Presidential Hall lot
- Either Side of the McDonnell Center lot

### **Commuter Parking**

Commuters will have a parking permit sticker (on the driver's side of the rear window) valid for:

- Boiler House Theatre lot
- Robbins Memorial Chapel lot
- Either Side of the McDonnell Center lot
- Memorial Gymnasium/Martin Field House lot

### **Appeals of Parking Citations**

Any person who feels that a parking citation was unjust may file a written letter of appeal to the Assistant Director of Public Safety within three business days of the when the citation was issued. Appeal letters must include the citation number and outline the reason(s) for an error or leniency. The decision of the Assistant Director of Public Safety will be final.

### **Parking on Campus**

All vehicles on campus must display a parking permit, which can be obtained after completing the proper application form at the Office of Public Safety. To obtain a parking pass, you must have your vehicle license plate number and VIN number. A student auto registration fee is listed in Tuition and Fees and can be removed from the student's account if they do not park a vehicle on campus. Do not park in designated handicapped spaces (unless you have a state-issued permit), fire lanes, in the green space areas, or in the visitor parking in front of Halliehurst or the guest parking at Graceland. Tickets, resulting in fines, will be issued for violations. Parking on campus is by zone: signs designate if the parking is for residential students, commuter students, faculty, staff, or visitors. Also, please note that the possession of the required parking permit and/or state- issued handicapped permit does not guarantee a parking space.

#### **6.3.3.11 Personal Emergencies**

Should a student experience an emergency that requires him or her to need to leave campus, he or she should call the Office of Student Life at (304) 637-1211 (leave voicemail message if not during regular office hours); also, call the Office of Academic Affairs at (304) 637-1292 so that instructors can be alerted. Students who are unable to return to campus as planned are also expected to contact the Student Life and Academic Affairs offices.

## **6.4 Student Life Policies**

### **6.4.1 Alcohol and Drug Use**

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.

#### **6.4.1.1 Alcohol Policy**

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, the College maintains the following student regulations regarding alcohol on College property or at any College sponsored activity:

1. The possession and/or use of hard liquor in any form is prohibited;
2. 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 residential unit with the door closed, but only if they reside in a private room, or unit with roommates of legal age;
3. Students (and/or guests) under the legal age of drinking shall not buy, drink, or possess alcoholic beverages;
4. Students (and/or guests) shall not act belligerently, or be visibly intoxicated;
5. The possession and consumption of alcohol shall not infringe upon the privacy or peace of other individuals;
6. 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;
7. 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;
8. Drinking games in any form are prohibited (beer pong, flip cup, etc.); and
9. 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 have an event with alcohol 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 ensuring 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 Events Team.

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.

#### **6.4.1.2 Consequences for Alcohol Policy Violations**

Please note that these are the minimum sanctions for alcohol violations per academic year.

Student Sanctions: Students found responsible for violating the College Alcohol Policy are subject to the jurisdiction of the city of Elkins, Randolph County, and the State of West Virginia, see chart for possible penalties:

| <b>Alcohol Use and Abuse Minimum Sanctions</b>                  |  |   |   |
|---|--|---|---|
| <b>Violation</b>  | <b>1<sup>st</sup> Offense</b>  | <b>2<sup>nd</sup> Offense</b>   | <b>3<sup>rd</sup> Offense</b>   |
| Underage possession/use of alcohol of any kind                  | <b>Fine:</b> \$100<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions completed within 30 days<br><b>Counseling Appointment:</b> Hearing Officer’s discretion<br><b>Parent Notification:</b> Hearing Officer’s discretion<br><b>Restorative Justice:</b> 10 hours completed within 30 days | <b>Fine:</b> \$200<br><b>Education:</b> In-person meeting with Student Life <b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes<br><b>Restorative Justice:</b> 20 hours completed within 30 days            | <b>Fine:</b> \$300<br><b>Education:</b> In-person meeting with Student Life <b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed                                |
| Providing alcohol to an underage student or person (21 or over) | <b>Fine:</b> \$100<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions completed within 30 days<br><b>Restorative Justice:</b> 10 hours completed within 30 days  | <b>Fine:</b> \$200<br><b>Education:</b> In-person meeting with Student Life<br><b>Restorative Justice:</b> 20 hours completed within 30 days  | <b>Fine:</b> \$300<br><b>Education:</b> In-person meeting with Student Life and Student Success<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed  |
| Hard liquor – possession/use                                    | <b>Fine:</b> \$100<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions completed within 30 days<br><b>Restorative Justice:</b> 10 hours completed within 30 days  | <b>Fine:</b> \$200<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions<br><b>Restorative Justice:</b> 20 hours completed within 30 days  | <b>Fine:</b> \$300<br><b>Education:</b> In-person meeting with Student Life<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed  |
| Visible/public intoxication                                     | <b>Fine:</b> \$100<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions completed within 30 days<br><b>Counseling Appointment:</b> Hearing Officer’s discretion<br><b>Parent Notification:</b> Hearing Officer’s discretion<br><b>Restorative Justice:</b> 10 hours completed within 30 days | <b>Fine:</b> \$200<br><b>Education:</b> In-person meeting with Student Life <b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes (under 21)<br><b>Restorative Justice:</b> 20 hours completed within 30 days | <b>Fine:</b> \$300<br><b>Education:</b> In-person meeting with Student Life and Student Success <b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes (under 21)<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed |
| Possession/consumption of alcohol outside of residential unit   | <b>Fine:</b> \$100<br><b>Restorative Justice:</b> 10 hours completed within 30 days  | <b>Fine:</b> \$200<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions<br><b>Restorative Justice:</b> 20 hours completed within 30 days  | <b>Fine:</b> \$300<br><b>Education:</b> In-person meeting with Student Life<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed  |

|  |   |   |   |
|--|---|---|---|
| Items used for the mass consumption of alcohol           | <b>Fine:</b> \$100 individual / \$200 suite<br><b>Restorative Justice:</b> 10 hours completed within 30 days  | <b>Fine:</b> \$200 individual / \$400 suite<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions<br><b>Restorative Justice:</b> 20 hours completed within 30 days   | <b>Fine:</b> \$300 individual / \$600 suite<br><b>Education:</b> In-person meeting with Student Life and Student Success<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed   |
| Drinking Games / Unauthorized party with alcohol present | <b>Fine:</b> \$100 individual / \$200 suite<br><b>Education:</b> Alcohol Awareness Course via Vector Solutions completed within 30 days<br><b>Counseling Appointment:</b> Hearing Officer's discretion (under 21)<br><b>Parent Notification:</b> Hearing Officer's discretion (under 21)<br><b>Restorative Justice:</b> 10 hours completed within 30 days | <b>Fine:</b> \$200 individual / \$400 suite<br><b>Education:</b> Refresher Course and/or in-person meeting with Student Life<br><b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes (under 21)<br><b>Restorative Justice:</b> 20 hours completed within 30 days | <b>Fine:</b> \$300 individual / \$600 suite<br><b>Education:</b> In-person meeting with Student Life and Student Success<br><b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes (under 21)<br><b>Restorative Justice:</b> 30 hours completed within 30 days<br><b>Social Probation:</b> Until Restorative Justice hours are completed |
| Display of empty alcohol bottles                         | Written Warning; removal of items   | <b>Fine:</b> \$100 individual / \$200 suite<br>Removal of items   | <b>Fine:</b> \$200 individual / \$400 suite<br>Removal of items   |

Minimum sanctions for each individual violation may be stacked at the discretion of the Hearing Officer.

Third offenses are independently evaluated based on the circumstance of the incident and may include suspension from the College.

Students who do not complete the mandatory alcohol education course within 30 days, complete restorative justice hours within 30 days, pay fines, or attend recommended counseling will have a hold placed on their account and will not be permitted to register for classes or receive transcripts until the requirements have been met.

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 counselor shall be a certified alcohol and drug counselor in the state of West Virginia or the equivalent if the counseling is completed out of state.

### **Criminal Penalties for Alcohol**

Students and employees found responsible for violating the College Alcohol Policy are subject to the jurisdiction of the city of Elkins, Randolph County and the state of West Virginia. Underage purchase of alcohol is subject to up to a year of probation, or a fine of up to \$500 and/or up to three days in jail or a detention facility. Underage misrepresentation of age for the purpose of purchasing alcohol is subject to up to a year of probation, or a fine of up to \$100 and/or up to three days in jail or a detention facility. Purchase of alcohol for those underage is subject to a fine of up to \$100 and/or up to 10 days in jail. Public intoxication is subject to a fine of up to \$100 and up to 60 days in jail and/or completion of an alcohol education program or counseling. Driving under the influence of alcohol or other drugs, depending on the circumstances, is subject to incarceration of from 24 hours to 15 years, a fine of \$100 to \$3,000, and license suspension of from six months to life.

#### **6.4.1.3 Alcohol: Health Risks**

As students and employees 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 to 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.

#### **6.4.1.4 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:

1. The Office of Residence Life, including the Assistant Dean of Students, Resident Directors and Resident Assistants, is a valuable resource and provides much of the alcohol education programming on campus.
2. 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.
3. Student Health Services is available to assist individuals with situations involving alcohol that affect the physical well-being of a student.

#### **6.4.1.5 Drug-Free Schools and Community Act Compliance**

In accordance with state and federal laws, it is illegal for students and employees to possess, use or sell illegal drugs, as well as to 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 or employee is not constructively engaged in academic or work-related endeavors, respectively.

**Students:** Students convicted for selling drugs or 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 the 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 Public Safety.

CBD use is prohibited on Davis & Elkins campus property, in all college-owned facilities, and in all college-owned or leased vehicles. The promotion, sale and/or distribution of CBD on campus or at any College-sponsored events is also prohibited. Please contact the Office of Public Safety if you should have any questions regarding this matter.

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

#### **6.4.1.6 Drug Use Consequences**

*Please note that these are the minimum sanctions for drug use and abuse violations per academic year.*

**Student Consequences:** Students found responsible for violating the College Drug Use and Abuse Policy are subject to the jurisdiction of the state of West Virginia, U.S. Federal Law Enforcement. See Appendix for possible penalties.

| <b>Drug Use and Abuse Minimum Sanctions</b>   |   |  |  |
|---|---|--|--|
|   | <b>1<sup>st</sup> Offense</b>   | <b>2<sup>nd</sup> Offense</b>  | <b>3<sup>rd</sup> Offense</b>  |
| Convicted for selling/distributing drugs or found in possession of significant quantities | Expulsion from the College  |  |  |
| Use or abuse or possession of illegal controlled substances                               | <b>Fine:</b> \$100 - \$300<br><b>Education:</b> Drug Awareness and Abuse Course via Vector Solutions<br><b>Counseling Appointment:</b> Hearing Officer's discretion<br><b>Parent Notification:</b> Hearing Officer's discretion<br><b>Restorative Justice:</b> 20 hours – 30 hours completed within 30 days | <b>Fine:</b> \$300 - \$500<br><b>Education:</b> In-person meeting with Student Life<br><b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes<br><b>Restorative Justice:</b> 30 hours – 40 hours completed within 30 days | <b>Fine:</b> \$500 - \$700<br><b>Education:</b> In-person meeting with Student Life and Student Success<br><b>Counseling Appointment:</b> Mandatory<br><b>Parent Notification:</b> Yes<br><b>Restorative Justice:</b> 40 hours – 50 hours completed within 30 days<br><br><b>Possible Expulsion from the College</b> |
| Possession and/or presence of paraphernalia   | <b>Fine:</b> \$100 - \$300<br><b>Restorative Justice:</b> 20 hours – 30 hours completed within 30 days  | <b>Fine:</b> \$300 - \$500<br><b>Education:</b> Drug Awareness and Abuse Course via Vector Solutions<br><b>Restorative Justice:</b> 30 hours – 40 hours completed within 30 days   | <b>Fine:</b> \$500 - \$700<br><b>Education:</b> In-person meeting with Student Life<br><b>Restorative Justice:</b> 40 hours – 50 hours completed within 30 days  |
| CBD use   | <b>Fine:</b> \$50<br><b>Restorative Justice:</b> 10 hours completed within 30 days  | <b>Fine:</b> \$100<br><b>Education:</b> Drug Awareness and Abuse Course via Vector Solutions<br><b>Restorative Justice:</b> 20 hours completed within 30 days  | <b>Fine:</b> \$200<br><b>Education:</b> In-person meeting with Student Life<br><b>Restorative Justice:</b> 30 hours completed within 30 days   |

Minimum sanctions for each individual violation may be stacked at the discretion of the Hearing Officer.

Third offenses are independently evaluated based on the circumstance of the incident and may include suspension from the College.

Students who do not complete the mandatory drug education course within 30 days, complete restorative justice hours within 30 days, pay fines, or attend recommended counseling will have a hold placed on their account and will not be permitted to register for classes or receive transcripts until the requirements have been met.

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 counselor shall be a certified alcohol and drug counselor 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, law enforcement notification, and immediate suspension and or dismissal.

#### **6.4.1.7 Criminal Penalties for Psychoactive Drugs**

Students and employees 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.

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. A federal or state drug conviction may disqualify a student for federal student aid and a criminal record for drug possession may prevent professional licensing and/or certification.

Under West Virginia state law, conviction for possession of a controlled substance is subject to incarceration for up to six months and/or a fine of up to \$1,000. Sentences can be double for second or subsequent offenses. Manufacture, possession, or delivery with the intent to manufacture or deliver 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 within 1,000 feet of a private or public school or a private or public college, junior college or university. Mandatory prison terms can also result for convictions involving distribution of controlled substances to minors.

Federal sanctions for illegal possession of a controlled substance vary with the conviction, substance possessed, and the quantity of the substance. According to the Title 21 Controlled Substances Act, possession of a controlled substance could be subject to:

- up to a year in prison and/or a minimum \$1,000 fine
- with a prior conviction, 15 days to up to 2 years in prison and a minimum \$2,500 fine
- with two or more prior convictions, 90 days to up to 3 years in prison and a minimum fine of \$5,000

See the Appendix in Student Life Policies for more detailed information regarding federal drug trafficking penalties.

In situations where drugs and/or drug paraphernalia, weapons, or other dangerous or potentially dangerous items are found in plain view, Office of Public Safety 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 Dean of Students, Director of Human Resources or Vice President for Academic Affairs or his/her designee may authorize a search in writing. The Dean of Students and/or Assistant Dean of Students must be present at any such residence life room search. Only Office of Public Safety Officers can perform residence life room searches.

#### **6.4.1.8 Drug Use and Abuse: Health Risks**

As students and employees 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* are 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, trophies, roofies, GHB, Ketamine, etc.) may incapacitate a person, particularly when used with alcohol. Rohypnol and GHB (gammahydroxybutyrate) 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* (X, Adam, MDMA, XTC, etc.) 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* (pot, grass, hash, cannabis sativa, etc.) 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) is highly addictive, and, according to the Surgeon General, is a major cause of stroke and is 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 tobacco and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than are other smokers. Pregnant women who smoke tobacco 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) 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, high 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” and 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.

(Source: National Institute on Drug Abuse, National Institutes of Health, [www.nida.nih.gov](http://www.nida.nih.gov))

#### **6.4.1.9 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.

Additionally, individuals may be hesitant to report conduct which they have experienced or witnessed, to participate in an investigation and/or grievance proceeding, or to speak truthfully because they fear College disciplinary action due to their own consumption of alcohol or other drugs at or near the time of the incident. While the College does not condone illegal drinking or drug use, the College may extend limited immunity from College sanctioning in the case of illegal drug and alcohol use to victims, witnesses and those reporting incidents and/or assisting the victims of sexual offenses, provided that they are acting in good faith in such capacity.

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 the Office of Student Life or the Office of Public Safety. 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.

#### **6.4.1.10 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, including the Assistant Dean of Students, Resident Directors and Resident Assistants, is a valuable resource and provides 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 provide information and education about drug use.
3. Student Health Services is available to assist individuals with situations involving drugs.

#### **6.4.1.11 Biennial Review**

Davis & Elkins College conducts a biennial review of its alcohol and drug prevention program to determine its effectiveness and implement changes to the program if they are needed and takes steps to ensure that disciplinary sanctions for alcohol and drug policy violations are consistently enforced. As part of this review, the College determines:

1. The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of College activities that are reported to campus officials; and
2. The number and types of sanctions the College has imposed on students or employees as a result of such violations or fatalities.

#### **6.4.1.12 Serving Alcohol on Campus**

Davis & Elkins College strives to promote legal, informed, and healthy choices about the use of alcohol on and off campus by all members of the community. Davis & Elkins College is subject to the same local, and state laws that govern all citizens, including those in the College's Alcohol Policy concerning the possession, use, sale, and distribution of alcohol; acts that violate these laws are in direct conflict with College regulations. Suspected student violations of the College Alcohol and Illicit Drug Use Policy are processed through the student conduct system under the direction of the Dean of Students or their designee. They will be subject to sanctions, including dismissal from the College.

All activities at which alcoholic beverages will be present must be approved in advance as follows:

1. Student Sponsored Events: Any student or student organization seeking to have an event with alcohol 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 sponsor will attend and assume the responsibility for adhering to College policies and state law, and ensuring that appropriate behavior is maintained at all times;
2. 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;
3. Third Party Events: Third party events must be coordinated with and approved by the Events Team.

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 is not obtained.

At any approved event where alcohol will be served, all policies and procedures set forth in the College's Alcohol Policy must be strictly observed, including the following:

1. No College event can charge for alcohol without proper licensing, whether or not the event is held at the College.
2. All events must terminate by 12:00 a.m. Sunday through Thursday and by 2:00 a.m. on Friday and

Saturday.

3. Alcoholic beverages are to be consumed only in the designated room(s) or areas approved for the event.
4. Proof of legal drinking age will be required prior to service.

5. 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.
6. 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.
7. Drinking games will not be allowed.
8. 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.
9. Non-alcoholic beverages and food must be made available for the duration of any activity where alcoholic beverages are served.
10. 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.
11. The College will discourage the inappropriate use of alcohol by any member of its community.

Except for 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 the Icehouse 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.

#### **6.4.1.13 Sharps (Needles and Syringes) Waste Disposal**

People who use “sharps” (syringes with needles and lancets for finger sticks) and have a need for on-campus disposal of used sharps are to dispose of them in a labeled, approved container designed for this purpose. Sharps or sharps containers are not to be placed in regular trash. Contact the Office of Public Safety.

#### **6.4.2 Care Team Behavioral Assessment**

Under the auspices of the Office of Student Life and the leadership of the Dean of Students, the Care Team will meet at least bi-weekly to review and evaluate the behavior of all Students of Concern. The core members of the Care Team are the Director of Student Recruitment and Success, the Director for Public Safety, and others at the discretion of the Dean of Students.

The College is committed to supporting student well-being and to maintaining the continuity of its educational mission at all times. In that regard, the College provides a procedure for the referral, evaluation, and appropriate response to concerns related to disruptive or potentially dangerous student conduct. Anyone may bring concerns regarding disruptive or potentially dangerous student conduct to the attention of the Office of Student Life, the Office of Public Safety, the Office of Student Success, or online through the [Student Of Concern Reporting Form](#).

#### **Terms and Definitions**

##### **Student of Concern**

A Student of Concern is any student about whom the Care Team has received a Referral. A Student of Concern may display disruptive behavior or other behavior that causes those around him/her to become concerned and

wish to make a referral.

**Disruptive Behavior**

Disruptive behaviors are overt actions, omissions to act, or verbal or written statements that are not consistent with the actions or statements of a reasonable student under similar circumstances. Disruptive behaviors may pose a potential harm to the student's well-being, the well-being of others, and/or cause disruption to the normal

operations of the College. Disruptive behavior may consist of a student's online or other electronic behavior (e.g. email, social networking, postings to electronic classrooms, etc.).

### **Referral**

A Referral is any report of a potential Disruptive Behavior received by the Care Team. Referrals can originate from any source, including faculty members, staff members, or fellow students. Referrals can be made anonymously using the Student of Concern Reporting Form found on the College's website. All members of the community will receive information on how to identify and refer students of concern.

### **Student of Concern Reporting Form**

The Student of Concern Reporting Form is a form developed by the College and made available to the public to facilitate the referral of students exhibiting Disruptive Behavior. To report life-threatening or immediate danger situations, please call 911 and, only after calling 911, the Office of Public Safety at (304) 704-9111. The Student of Concern Reporting Form is available here: <https://www.dewv.edu/consumer-information/student-of-concern-form/>.

### **Leaves of Absence**

If a student demonstrates Disruptive Behavior, the student may be placed on a Voluntary or Involuntary Leave of Absence. An Involuntary Leave of Absence is a situation in which the College temporarily prohibits a student from visiting campus or otherwise participating in some or all of the College's programs or activities. Involuntary Leaves of Absence are not punitive, though they may coincide with sanctions imposed for student misconduct as set forth in the Code of Conduct. They are meant to support the Student of Concern and the wellness of the College community. A Voluntary Leave of Absence is a situation in which the student and College agree that the student will temporarily not visit campus or otherwise participate in some or all of the College's programs or activities.

### **Return to Campus Plan**

The Return Plan specifies the conditions under which a student may return to campus from a leave of absence. Moreover, the Return Plan will specify any follow-up actions the student may be obliged to take for a successful return to campus.

### **The College's Goals in Responding to a Student of Concern**

The College is committed to protecting the rights of students of concern and giving them the respect and care they deserve. Accordingly, the Care Team will endeavor to recommend interventions that minimize intrusiveness and protect privacy. The Care Team will consider recommending lower-level interventions, such as referring the student to their adviser or other support network, before moving on to consider recommending more intrusive interventions, such as restricting specific behaviors or a Leave of Absence. If the Care Team reviews a report of concerning behavior and, as a result, decides that a Leave of Absence is necessary to prevent disruptions to the campus community environment, every effort will be made to facilitate the student's voluntary leave in accordance with the College's Leave of Absence Policy. However, if the student is unwilling to leave voluntarily, then the Care Team may recommend an Involuntary Leave of Absence and suggest that specific conditions be put in place for the student's return to the College.

### **Care Team Evaluates the Situation and Develops a Recommendation**

Once reports of concerning behavior is reviewed by the Care Team, the team will recommend a course of action. The Care Team will make one of the following four intervention recommendations in each case:

- No action deemed necessary. While all Referrals of Students of Concern will be taken seriously, not all Referrals will require intervention by the Care Team. That is, some Referrals may reflect inaccurate data, misunderstandings, or concerns that are better addressed at other levels of the College. In addition, some situations will naturally be resolved in the course of time and without the help of the Care Team, as when

a Student of Concern seeks appropriate help before coming to the attention of the Care Team. In such situations, the Care Team will issue a “No action deemed necessary” recommendation.

- Referral to faculty member or staff member. Referral is directed to a faculty member, staff member, or other individual. The Care Team may approach such individuals with a request for assistance with the student and, if the person agrees to assist the Care Team, the Care Team will consult with this individual to help them and the student work out an appropriate plan of action. Following referral, the Care Team will periodically review progress toward any identified goals and recommend any appropriate changes to the plan. Faculty members and staff members recruited to assist in this way will be empowered with appropriate tools and strategies, as needed, by the Care Team and Office of Student Life.
- Referral to a credentialed mental health counselor. Referral is provided to Community Care of West Virginia, who may employ the following interventions/tools/strategies, among others, to help meet the student’s needs and ensure the safety of the community:
  - Intake and safety assessment;
  - Outpatient counseling;
  - Referral for a psychological or psychiatric evaluation; and,
  - Hospitalization.
- Recommendation to other relevant interventions. The Care Team may recommend other intervention(s) appropriate to the circumstances. This may include referrals to other areas or departments, such as Student Conduct or the Office of Public Safety. In appropriate circumstances, the Care Team may recommend a Return Plan.

### **Dean of Students’ Decision, Notification, and Appeals Process**

While the Care Team makes intervention recommendations, the ultimate decision regarding whether and how to intervene in any situation is made by the Dean of Students or his or her designee. The Dean of Students may adopt the Care Team’s recommendation, reject it, amend it, or request additional information before making a final decision. Only a Care Team recommendation that results in a decision to place a Student of Concern on an Involuntary Leave of Absence may be appealed.

If the Dean of Students or his or her designee decides to place a Student of Concern on an Involuntary Leave of Absence, the student shall be notified of that decision in a timely fashion, together with the terms and conditions associated with the Leave of Absence. A copy of the signed and dated letter will be included in the student’s file. The decision letter will contain a summary of the situation and specific mention of the right to appeal within five (5) business days.

The Student of Concern must leave campus within the time period set forth by the Dean of Students or his or her designee. For the duration of the leave, the Student of Concern may visit campus or participate in College programs or activities only if authorized in writing by the Dean of Students or his or her designee.

The Student of Concern may be assisted during this process by an advisor of his or her choosing (e.g. a family member, health professional, friend, or other member of the College community). The advisor’s only function shall be to accompany the Student of Concern and/or consult with the student. The advisor may not act as a spokesperson

Appeals may be approved by the Vice President for Academic Affairs on the following basis: new information is presented, where there is a serious defect in procedure causing a serious prejudice to the student, or where the decision of the Care Team was patently unreasonable. The student shall be notified of the outcome within ten (10) business days of having filed the request for an appeal.

### **Return to Campus Procedures**

A student returning to campus or to participation in College programs or activities from a Leave of Absence must first demonstrate his or her readiness to return to full participation in the College community. To do so, the student

seeking to return should submit a written request to the Care Team in the form of a Return Plan. Additionally, the student should provide any relevant documentation supporting his or her request to return. Consideration of requests to return will be conditional on the following: evidence that all terms and conditions associated with a Leave of Absence have been met, and evidence that all current outstanding disciplinary sanctions have been completed or have been dealt with under this Policy or there is a plan in place for fulfilling these sanctions. The Care Team will consider requests to return in the most expeditious manner reasonably possible.

The Student of Concern's request to return to the College, along with supporting documentation, must be received by the Care Team by July 15 for the fall semester or December 15 for the spring semester. These deadlines are designed to provide the College with sufficient time to evaluate the documentation and the student's request to return as well as to ensure that the student does not present a potential threat to health and safety or demonstrate behavior that is disruptive to the campus community.

The Care Team may consult with the Dean of Students to recommend follow-up actions the student may be obliged to take or any College intervention that may be required in order to facilitate a successful return to campus. In instances where the Care Team evaluates a request, a recommendation regarding whether the student should be permitted to return to campus and any return to campus procedures shall be forwarded to the Vice President of Student Affairs, or his or her designee, normally within ten (10) business days after receipt of a completed application. The Dean of Students, or his or her designee, shall inform the student in writing in a timely fashion whether the request to return has been approved.

### **Policy & Case Review**

The Care Team will meet annually to review the number and types of incidents addressed by the Care Team, as well as to review this Policy and the Care Team procedures manual.

### **6.4.3 Access to Campus and Buildings**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The College 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. 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, Office of Student Life, or Office of Public Safety.

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 room door key to their specific residence hall room. There are Resident Assistants (RA) on every floor of all the residence halls. Resident Assistants are a valuable and energetic part of our residence hall supervision and security. Resident Assistants patrol the halls and at least one RA is on duty every night. Security cameras are also utilized as part of the overall security system. Cameras are located at every entrance, exit, hallway, and public lounge space within the residence halls. These are monitored by members of the Office of Public Safety team. See the College's Security Camera Policy for additional information.

### **6.4.4 Bicycles, Skateboards, Roller Skates/Blades**

Every person riding a bicycle within the campus has all the rights and is subject to all the duties of a driver of an automobile. Bicycles must be operated in a safe manner and may not be ridden in campus buildings. Bicycles can be stored in offices or locked on bike racks located outside of buildings. Bicycles may not be secured to trees, light poles, posts, handrails, or buildings.

In addition to the above, the following regulations have been established for the safety of the

College community:

1. Riding bicycles, roller blades, skateboards, or other conveyances in rooms, hallways, courtyards, lounges, and lobbies, as well on all steps and stairways, is prohibited;
2. Skateboards, roller blades, and bicycles may not be ridden on sidewalks or walkways where there is a likelihood that such operation will duly interfere with pedestrian traffic; caution is to be exercised at all times and the right of way yielded to pedestrians;
3. Unauthorized motorized vehicles, other than wheelchairs, may not be operated on sidewalks;
4. Bicycles, roller blades, skateboards, and other conveyances may not be ridden on any artificial or specially prepared surface (i.e., running tracks and basketball courts);
5. All persons operating bicycles, roller blades, skateboards, or other conveyances on campus are expected to comply with and are subject to state and local ordinances, including adhering to all posted warning, caution, or speed limit signs. In the absence of posted speed limits, operators are expected to act in a responsible manner and in respect of local conditions.

#### **6.4.5 Clery Act Compliance**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, requiring colleges and universities across the United States to disclose information about crimes on and around their campuses. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires colleges and universities to:

1. Publish an Annual Security Report (ASR) every year 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 on-campus facilities and remote classrooms. The statistics must be gathered from campus security, local law enforcement, and Campus Security Authorities.
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 College Office of Public Safety 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 and arrest and referral statistics include those reported to the Office of Public Safety, local law enforcement agencies, and Campus Security Authorities. The Annual Security Report is compiled and submitted by the Director of Public Safety. For more information, contact the Office of Student Life or the Office of Public Safety.

#### **6.4.6 Code of Conduct**

All students, faculty members, and staff are charged with the responsibility for referring violations of the Code of

Conduct and/or residence hall contract to the Office of Student Life and/or the Office of Public Safety for possible disciplinary action.

Generally, institutional discipline is limited to conduct that adversely affects the College community's pursuit of its educational objectives. The College strongly believes that students are adults who are expected to take personal responsibility for their own conduct. The College has determined that the following behaviors constitute a violation of College norms. This listing is not to be considered exhaustive but, rather, suggestive of forms of inappropriate behavior:

1. Intentionally or recklessly causing physical harm to any person on College premises or at College-sponsored activities. This includes engaging in any form of fighting.
2. Intentionally or recklessly placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment, improper use of campus communication network, hazing, bullying, intimidation, threats or other conduct which threatens or endangers that person's emotional, mental or physical safety and well-being. A violation will be considered aggravated if it occurs in connection with an actual or pending disciplinary proceeding.
3. Engaging in sexual misconduct, criminal sexual behavior, sexual exploitation, dating violence, domestic violence, stalking and other related behaviors on College premises or at College-sponsored activities, or against a member of the campus community off-campus as outlined in the College [policy](#). Criminal sexual behavior shall include, but not be limited to the use or threatened use of force to engage in any sexual act against the person's will and/or engaging in such behavior with a person who is unconscious or substantially mentally impaired (including an intoxicated individual); intentionally touching another person or making physical advances in a sexual way without the person's knowing consent.
4. Unauthorized use or possession of any weapon (licensed or otherwise) on College premises or at College-sponsored activities. This includes, but is not limited to, possession or use of BB guns, hunting knives, bows, etc.
5. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on College premises or at College-sponsored activities.
6. Intentionally or recklessly interfering with normal College or College-sponsored activities, including, but not limited to, teaching, research, College administration, and/or city fire, police or emergency services.
7. Public intoxication or possession of an open container of alcoholic beverage on College premises except in specific areas or at pre-approved special events.
8. Providing alcohol to a person under 21 years of age.
9. Failure of an individual or group to comply with the College Alcohol Policy.
10. Use or possession of any controlled substance or illegal drug paraphernalia on College premises or College-sponsored activities in violation of the College Drug Policy.
11. Unauthorized distribution or possession for purposes of distributing any controlled substances or illegal drug on College premises or at College-sponsored activities.
12. Intentionally or recklessly misusing or damaging fire safety equipment.
13. Intentionally furnishing false information to College personnel or an agent of the College.

14. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.
15. Intentionally and substantially interfering with the freedom of expression of others on College premises or at College-sponsored activities.
16. Theft of property or of services on College premises or at College-sponsored activities; possession of stolen property on College premises or at College-sponsored activities.
17. Unauthorized presence in, or use of, College premises, facilities or property. This includes unauthorized presence in another student's room, any College building or roof, or other College premises or property. This also includes unauthorized access or attempted access to any computer file, program, or facility or the unauthorized
18. Possession, duplication or use of keys or access cards to any College premises.
19. Intentionally or recklessly destroying, damaging, or defacing College property or personal property found on College premises or at College-sponsored activities.
20. Intentionally or recklessly causing physical abuse or any form of suffering to animals on College premises or at College-sponsored activities.
21. Failure to comply with the directions of College officials, including, but not limited to, campus public safety officers, student life administrators, residence life staff or faculty members, acting in the performance of their duties.
22. Unauthorized use or possession of fireworks on College premises.
23. Intentional littering in residence halls and on campus property. This includes throwing any items out of residence hall windows/doors (bottles, cans, paper, trash, furniture, clothing, etc.).
24. Public or semi-public nudity.
25. Violating any policy, procedure, notification, regulation, or condition established in the residence halls, including published and non-published materials. This also includes rules established by resident directors and/or building leadership.
26. Presence when and where a violation of the Code of Conduct is occurring and failing to leave the scene and not notifying campus authorities of a violation of the Code of Conduct.
27. Off-campus behavior that violates College expectations and policies and/or when the College's interests as an academic community are clearly involved, including violation of any local, state or federal law classified as felonies, misdemeanors or citations.
28. Representing oneself as having the authority to enter into contracts or agreements that affect the College in any way.
29. Misusing a College identification card including, but not limited to, transferring and/or copying ID cards, possession of another person's ID card, or using the ID card in a fraudulent manner.
30. Using another person's parking sticker (unauthorized provision of a sticker to another student).

31. Engaging in unauthorized soliciting on campus.
32. Playing or engaging in any illegal gambling activity while on College property is not acceptable behavior or permitted.
33. Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants.
34. Violation of the College Smoking and Tobacco Use Policy.
35. Violation of any College Information Resource policy.
36. Violation of the College's copyright policies, including illegal peer-to-peer file sharing.
37. Violation of other published College regulations or policies, as approved and compiled by the Office of Student Life and Dean of Students not listed herein. Such regulations or policies include, but are not limited to, the College policies on alcohol and illegal drugs, the College policy on Discrimination and Harassment (including acts of retaliation), the Student Housing Contract, which includes policies pertaining to visitation, alcohol, quiet hours, security, pets, keys, room capacity, health and cleanliness, as well as those regulations relating to entry and use of College facilities, use of motor vehicles, use of amplifying equipment, postings on campus, and misuse of identification cards.
38. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.

*Note: In conjunction with misconduct governed by other policies, the College reserves the right to determine on a case-by-case basis whether a charge of misconduct should be investigated as a Code of Conduct violation.*

#### Code of Conduct Violation Sanctions

Violations to the Code of Conduct may result in conduct sanctions administered by the Administrative Hearing Officer. Sanctions may include but are not limited to written warning; minimum fine of \$25 per violation; activities restriction; social probation; residence hall removal; dismissal or expulsion. Each situation is evaluated on a case-by-case basis. Sanctions are administered at the discretion of the Administrative Hearing Officer.

### **6.4.7 Consensual Relations**

Pursuant to the College Consensual Relations Policy, full or part-time employees of the College are prohibited from engaging in a romantic and/or sexual relationship or conduct with any student of either gender while the student is enrolled at the College. In rare instances, exceptions to this policy may be considered by the Vice President for Academic Affairs, Dean of Students or Director of Human Resources on a limited, case-by-case basis. When this occurs, procedures will be implemented to avoid or reasonably manage conflicts of interest.

It is the duty of anyone with concerns or questions about the application of this policy to an existing or potential relationship to consult with any of these persons.

In keeping with this policy, the existence of a consensual relationship shall not be a defense in any proceeding that may result from charges of sexual harassment. Individuals who violate this provision are subject to the range of discipline as outlined in the College's [Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#). This policy is in addition to existing College policies and does not alter or modify any existing policy.

### **6.4.8 Copyright Compliance**

The College students are required to comply with the provisions of the United States Copyright Law, which regulates the reproduction of copyrighted material. The College as an institution, and individual College students, may be held liable for infringements of the Copyright Law, including but not limited to the use of Peer-to-Peer file sharing.

Questions concerning the Copyright Law should be directed to the Librarian or the Chief Information Officer.

### **6.4.9 Crime and Fire Log**

The Office of Public Safety maintains a combined Crime and Fire Log of all incidents reported to the department, which is available for inspection during normal business hours. This includes all crimes reported to the department, 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 Office of Public Safety posts specific incidents in the Crime and Fire Log within two business days of receiving the report.

### **6.4.10 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, visitors and neighbors of the campus community. Crime Prevention brochures and other printed materials are available at the Office of Public Safety 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/Office of Public Safety 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 Office of Public Safety 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 on via email, text, student newspaper, and other means in the office's continual effort to help keep the College community safe.

In addition to the above, the Office of Public Safety regularly disseminates safety and crime prevention policies and procedures to students and employees through the Annual Security & Fire Safety Report. When time is of the essence, information is released to the College community through timely warnings (see Timely Warning Notice Policy) and emergency notifications (see Emergency Notification Policy).

### **6.4.11 Criminal Activity Off Campus**

When a College student is involved in an off-campus offense, Office of Public Safety officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Local law enforcement routinely works and communicate with Office of Public Safety 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, Office of Public Safety officers can and do respond to student-related incidents that occur in close proximity to campus. Office of Public Safety

enjoy a close working relationship with local law enforcement when violations of federal, state, or local laws surface.

#### **6.4.12 Destruction of Property**

Whether intentional or unintentional, students who are found to be responsible for destruction of property will be required to make restitution as well as face College sanctions. Examples of destructive behavior that may result in a student making restitution include damages to property, stolen items, disruption of services, etc.

#### **6.4.13 Disclosures to Alleged Crime Victims**

The 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 the student or employee who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### **6.4.14 Discrimination and Harassment**

Davis and Elkins College, in compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the West Virginia Human Rights Act, is an equal opportunity institution that does not discriminate on the basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or any other characteristic protected by federal, state, or local law. This policy applies to all terms and conditions of employment, admission to and enrollment with the College, athletics, and all other College administered programs and activities. For inquiries regarding Civil Rights compliance and/or the filing of a complaint, contact the College's Title IX Coordinator at [detitleix@dewv.edu](mailto:detitleix@dewv.edu) or the [College's 504 Coordinator at \[dejoicem@dewv.edu\]\(mailto:dejoicem@dewv.edu\)](#) or by filing a report online at <https://www.dewv.edu/consumer-information/title-ix-reporting-form/>.

##### **Amy Kittle**

Title IX Coordinator  
Liberal Arts Hall, Room 209  
304-621-1316 | [kittleamy@dewv.edu](mailto:kittleamy@dewv.edu)

##### **Jane Corey**

Deputy Title IX Coordinator  
Director of Human Resources  
Liberal Arts Hall, Room 203  
304-637-1344 | [coreym@dewv.edu](mailto:coreym@dewv.edu)

##### **Kate Garlick**

Deputy Title IX Coordinator  
Dean of Students  
Liberal Arts Hall, First Floor  
304-637-1241 | [garlickk@dewv.edu](mailto:garlickk@dewv.edu)

##### **Mike Mattison**

Deputy Title IX Coordinator  
Provost, Vice President for Academic Affairs  
Liberal Arts Hall, Room 106  
304-637-1292 | [mattisonm@dewv.edu](mailto:mattisonm@dewv.edu)

**Nicole Rose**  
Deputy Title IX Coordinator  
Senior Women's Administrator  
Hermanson Campus Center, Natatorium  
304-637-1202 | [rosen@dewv.edu](mailto:rosen@dewv.edu)

Questions regarding 504 Compliance may be directed to Section 504 Coordinator, **Mary Jo DeJoice**, Booth Library, by calling 304-637-1359 or emailing [dejoicem@dewv.edu](mailto:dejoicem@dewv.edu) and the filing of a 504 complaint should be referred to the College's Title IX Coordinator as above.

Under the supervision of the Title IX Coordinator, with assistance from the Deputies and their expertise and oversight over the different areas of campus, Davis and Elkins College will respond to and remedy all reports of discrimination, harassment, and Title IX Sexual Harassment in accordance with the College's Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment. Questions and concerns may also be addressed to:

**Office of Civil Rights**  
United States Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
215-656-9541

#### **6.4.15 Dress Code**

Students are required to abide by the following dress code:

1. All students must wear appropriate upper and lower garments and shoes or sandals at all times in classrooms, College offices, and College facilities.
2. Appropriate attire is required for formal convocations, formal receptions/meals, and other formal occasions of a ceremonial nature.

#### **6.4.16 Emergency Notifications**

Davis & Elkins College recognizes 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, loudspeakers, mass notification system, the College website, social media, and regional media outlets.

The College's mass notification system is through Nixle and all students and employees are automatically enrolled in this service.

The President (or his designee) along with the Director of the Office of Public Safety and the Dean of Students 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 Cabinet members in accordance with the College's Emergency Response and Safety Plan.

#### Nixle 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. Notifications are also posted on the College [website](#) and social media. The notification system will be used in an urgent or emergency situation only. All members of the campus community are automatically enrolled in this service. Family members or other individuals may contact the Office of Public Safety for more information or register online at <https://www.dewv.edu/student-life/campus-services/public-safety/>.

### **6.4.17 Emergency Response and Safety Plan**

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

Annually, the Office of Public Safety sends students, faculty and staff an email reminding them to review the Emergency Response and Safety Plan. 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.

### **6.4.18 Environmental Security Inspections**

The College strives to maintain a safe and secure working and learning environment. Ongoing checks are made by Office of Public Safety, as well as select employees from Student Life and the Physical Plant, and other concerned areas, to routinely examine select campus areas for security issues such as landscaping, locks, alarms, lighting, and communications.

### **6.4.19 Family Notification**

Davis & Elkins College recognizes the privacy rights of students to control what information about them is disclosed while protecting the safety and well-being of the campus community. In accordance with the Family Educational Rights and Privacy Act (FERPA), Davis & Elkins College reserves the right to notify families in emergencies to protect the health or safety of students or others. Emergency situations may include instances where a student presents a serious risk of harm to self and/or others; hospitalization or hospital transport; serious health concerns (physical or mental) or, an official missing person report.

Davis & Elkins College may also notify parents of students under the age of 21 in cases of serious or repeated violation of laws or policies involving drugs or alcohol.

The Dean of Students or his or her designee is responsible for emergency family notification. Every situation is different, and the circumstances of the incident will guide College officials in determining whether family notification is appropriate depending on the nature and severity of the situation.

Students are encouraged to maintain ongoing communication with their families. When possible, College officials will attempt to communicate with the student before contacting family in order to discuss the possible benefits and challenges of the notification.

#### **6.4.20 Federal Education Rights and Privacy Act Notice to Students**

The [Family Educational Rights and Privacy Act](#) (FERPA) afford eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student’s education records within 45 days after the day the College receives a request for access. A student should submit to the Registrar or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student’s education records that the student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the school to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed and specify why it should be changed.

If the school decides not to amend the record as requested, the school will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the College discloses personally identifiable information (PII) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student’s prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service of function for which the College would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. FERPA requires the College to make a reasonable attempt to notify each student of these disclosures.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within the College whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the College has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as a state postsecondary authority that is responsible for supervising the university's state-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the College has designated as "directory information" under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible

sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

- To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the College, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## 6.4.21 Fire Safety

The [Higher Education Opportunity Act](#) (Public Law 110-315) requires all United States of American academic institutions to produce an annual fire safety report outlining fire safety practices, standards and all fire-related statistics pertaining to on-campus residence buildings.

### 6.4.21.1 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 Response & Safety 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.

### 6.4.21.2 Campus Fire Safety Policies

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 and incense holders, lighters, candle/wax warmers, hot plates, space heaters, toasters, toaster ovens, Crock-Pots, electric skillets, rice steamers, woks, deep fryers, air fryers, grills, electric bikes, 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 in the residence hall rooms. 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 perform 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 on to the individual student or employee.

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 resident students on 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 Office of Public Safety at (304) 704-9111.

None of our residence halls have sprinkler systems. However, all of residence housing is in masonry, noncombustible, fire resistive structures.

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. 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.

#### **6.4.21.3 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 and Safety Plan, which is available to all students, faculty and staff. At the beginning of each academic year, Office of Public Safety sends students, faculty and staff an email reminding them to review the [Emergency Response and Safety Plan](#).

#### **6.4.21.4 Campus Fire Statistics**

The Director of Office of Public Safety is responsible for collecting the following 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 College student housing facility;
2. The number of deaths related to the fire in a College student housing facility;
3. The number of injuries related to the fire in a College student housing facility that resulted in treatment at a medical facility;
4. The value of property damage related to the fire at the College student housing facility. These statistics are published in the Annual Security and Fire Safety Report and on the College website. A fire, for the purposes of this policy, is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **6.4.21.5 Campus Guidelines for Fire Pits and Grills**

Students or student groups periodically request the opportunity to use fire pits or grills as the center of social gatherings. In order to match student's legitimate requests with related laws governing this activity, the Office of Student Life has worked with the Elkins Fire Department to develop the following procedure:

1. Student(s) or student organizations must make a request for a ***fire pit*** at least **FIVE** full working days in advance.
2. Student(s) or student organizations must make a request for a ***grill permit*** a minimum of **24 working hours** in advance.
3. Submit permit requests to the Office of Student Life Liberal Arts 102. Approval/denial will be provided within 24 hours of the request. Failure to receive appropriate approval signifies denial of request.
4. The area must be cleaned of all trash within eight (8) hours of the completion of the event.

The laws and rules of West Virginia and the City of Elkins hold precedent over these guidelines. These guidelines are not valid during periods when the Fire Department or other authorities post burning bans.

#### **6.4.22 Fundraising Activities**

To avoid conflicts, it is the policy of the College that no employee or College organization solicit an outright donation or gift-in-kind in the name of Davis & Elkins College without clearance in advance from the Development Office. This includes the solicitation of ads for ad books, sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a "donation." See the College's fundraising policies in Volume II of the College Policy Manual for additional information.

### 6.4.23 Gambling

Playing or engaging in any non-College sponsored, illegal or unauthorized gambling activity or games of chance, including but not limited to gambling on College-athletic and professional sporting events, while on College property is not acceptable behavior or permitted. Violators shall be subject to appropriate disciplinary action. The Dean of Students and the Vice President for Institutional Advancement must jointly approve all raffles and sales for charitable purposes.

### 6.4.24 Hazing and Organization Misconduct Policy

Davis & Elkins College seeks to promote and provide a safe environment where students may participate in activities and organizations without compromising their emotional or physical health, safety, or welfare. Each organization, as well as each individual, must uphold the basic community values of being just, civil, and respectful of the rights of others. Respect for College policies, procedures, and community expectations is also critical to the health and well-being of our community.

Davis & Elkins College is committed to fostering a safe, respectful, and inclusive campus environment through a comprehensive hazing prevention program. The College provides ongoing education and awareness initiatives for all students, faculty, and staff to promote understanding, encourage accountability, and empower individuals to report incidents promptly and responsibly.

At a minimum, all students receive dedicated training on hazing during their time at Davis & Elkins College, ensuring they are equipped with the knowledge and resources necessary to recognize, prevent, and address hazing-related behaviors.

An act of hazing or organization misconduct covered under this policy may also intersect with other institutional policies, including, but not limited to the Student Code of Conduct or Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment. The College reserves the right to refer reported incidents of Hazing or Organization Misconduct for adjudication under other policies or procedures where applicable.

#### Hazing

Hazing will not be tolerated at Davis & Elkins College. All Davis & Elkins College student organizations and individual students are prohibited from hazing. The impact of hazing activities can result in irrevocable harm to its victims, their families, and the College community, undermining the value of these experiences for many individuals. Prevention of hazing is the responsibility of every member of the College community.

**Hazing:** any action or situation created by a member of the College community against another member of the College community for the purpose of initiation, affiliation, or membership with a group or organization that:

- a) Is negligent, reckless, or humiliating in nature;
- b) Recklessly or intentionally endangers or adversely affects the mental or physical health or safety of an individual or individuals;
- c) Causes another individual or individuals to destroy or remove public or private property; or
- d) Unreasonably interferes with scholastic or employment activities

Hazing may occur regardless of the individual's willingness to participate. It is not a defense to a charge of hazing that the express or implied consent of the individual was obtained, the conduct or activity was not part of an official organizational

event or was not otherwise sanctioned or approved by the organization, or the conduct or activity was not a condition of membership or affiliation with the organization. Hazing is prohibited in any form both on campus and off campus.

Examples of hazing include but are not limited to, the following:

- Humiliating, intimidating, or demeaning treatment;
- The destruction or removal of public or private property;
- Behavior involving the coercive consumption of alcohol, other drugs, or other substances;
- Rituals or systems that encourage the violation of any College policies or procedures or local laws and statutes.

Any acts of hazing, as defined in the West Virginia Anti-Hazing Law, will also constitute hazing per this policy. A violation of this policy may also amount to a violation of state law, which considers hazing a misdemeanor subject to penalties of jail time, a fine up to \$1000, or both.

**Alcohol Consumption and Hazing:** Any consumption of alcohol, other drugs, or other substances that is “an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization” is also considered hazing and subject to discipline under this policy.

### **Other Organization Misconduct**

The behaviors listed below are specifically applied to the behaviors of student organizations by virtue of the conduct of the members of the student organization.

**Aiding in Academic Misconduct:** The student organization aids, abets, organizes, approves, or otherwise participates in behaviors that would constitute cheating, plagiarism, misrepresentation (e.g. having another student organization member check into a class or take an exam) and/or other forms of Academic Misconduct. Evidence of a violation of this policy must demonstrate systemic participation and or knowledge of misconduct beyond 1-2 student organization members participating in the violation.

**Alcohol:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of the College alcohol policy.

**Arrest Policy:** The student organization leadership fails to notify the Dean of Students within 48 hours if a member of the student organization is arrested and detained as a result of any actions or behaviors taking place at or arising out of a student organization-sponsored event.

**Bullying/Cyberbullying:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute bullying and/or cyberbullying, which are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

**Civil Rights-Based Harassment/Discrimination or Sexual Misconduct:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of the Davis & Elkins College Policy and Procedure on Discrimination, Harassment, and Title IX Sexual Harassment.

**Damage/Destruction of Property:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that causes damage/destruction of property.

**Disruptive Activity/Disorderly Conduct:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that is a disruptive activity/disorderly conduct.

**Drugs or Other Controlled Substances:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of the College drug policy.

**Endangerment:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any activity that would constitute physical abuse or would endanger the safety, health, or well-being of other individuals or groups or would cause reasonable apprehension of such harm. For the purposes of this policy, endangerment would include observation of activities that might endanger the safety, health, or well-being of individuals by student organization members in a position to intervene but who fail to intervene.

**Failure to Comply:** The student organization or its representatives fail to comply with the reasonable directives of College officials or designees or law enforcement officers during the performance of their duties. This would include failure to comply with any interim measures instituted during any investigation/adjudication process, or failure to comply with any outcomes assigned to a student organization at the completion of the conduct process.

**Financial Obligations:** Failure to promptly meet financial responsibilities to the College, including, but not limited to; knowingly passing a fraudulent check or money order in payment to the College or to an official of the College acting in an official capacity or misusing funds obtained through the College (i.e. student activity fees).

**Harassment:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of any of the College harassment policies.

**Retaliation:** The student organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute retaliation under this policy. Retaliation includes but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), or any other action intended to create a hostile environment for the intended target of the retaliation.

**Violations of College Policies:** Violating, attempting to violate, or assisting in the violation of any other College policy, contract, rule, bylaw and/or regulation of the College may constitute a violation of the Code of Student Organization Conduct.

### **Additional Definitions**

**Organization:** an athletic team, association, order, society, cooperative, club, student organization, fraternity, sorority or other similar group that is affiliated with the College and whose membership consists primarily of students enrolled at the College. "Organization" includes a local chapter, unit or other local division consisting primarily of students, regardless of the nature of the membership of the larger public or private organization. "Organization" also includes groups of students affiliated with any College activity or program, including Residence Halls, D&E Off-Campus Housing, class, or any other group.

**Organizational Leadership:** the leadership of an organization, including, but not limited to: coach, advisor, associated employee, organization president, captain, or other individuals in leadership roles based on the organizational structure.

### **Jurisdiction**

The Hazing and Organization Misconduct Policy applies to the conduct of student organizations. Student organizations have the ability and are encouraged to address behavior within their organization according to their own existing and defined policies and procedures (i.e., Panhellenic/Greek Council, Athletic Department/Team Policy, etc.). In addition to organizational-specific conduct processes, the College reserves the right to address student organization behavior according to this policy when deemed appropriate and necessary by the Hazing and Organization Misconduct Committee. Any action taken through organization-specific processes will be considered by the Hazing and Organization Misconduct Committee in the decision to proceed under this policy, as well as in any potential sanctioning by the Hazing and Organization Misconduct Committee.

Student organizations that have lost College recognition may still be subject to provisions in this code.

Individual students who are members of a student organization are still subject as individuals to the Student Code of Conduct and may be held individually accountable for behaviors also attributed to the student organization.

The Hazing and Organization Misconduct Policy applies to behaviors that take place on the campus of Davis & Elkins College, at College or student organization-sponsored events, or off-campus.

The Student Code of Conduct may be applied to behavior conducted online, via email or other electronic medium.

## **Reporting**

### ***Expectations of Reporting***

Any faculty, staff, student, or volunteer of Davis & Elkins College, with knowledge or suspicion of hazing or other organizational misconduct, is expected to report the activity to appropriate officials as indicated below or complete the Hazing and Organization Misconduct Report Form.

### ***How to Report***

Complaints or reports of activities believed to be hazing or organizational misconduct should be reported to the Dean of Students, Public Safety, or by completing the Hazing and Organization Misconduct Report Form.

### ***Rights of Those Who Report***

Individuals who are victims of hazing or organizational misconduct and who truthfully report the activities shall not be individually charged with a violation of this regulation.

Individuals who have knowledge of a hazing or organization misconduct incident, but who did not participate, and who truthfully report the activities, shall not be individually charged with a violation of this regulation in relation to that particular incident.

An organization that seeks assistance in preventing hazing or organizational misconduct from occurring within the organization, even if past behaviors have included hazing or other organizational misconduct, shall not be charged with a past violation of this regulation.

Any organization that self-reports a hazing or organizational misconduct behavior to an appropriate College official shall be given the opportunity to change those behaviors without immediate threat of being charged with a violation of this regulation. An organization that self-reports shall identify those individuals responsible for the hazing or organizational misconduct behaviors. If evidence is presented in subsequent semesters that hazing or organization misconduct behaviors have continued within the organization, that organization may be held responsible for past behaviors.

### ***Policy and Disciplinary Oversight of Reported Incidents***

The Hazing and Organization Misconduct Committee will oversee the investigation of reports concerning alleged hazing or organization misconduct activities. The Hazing and Organization Misconduct Committee will consist of the following: Dean of Students (Chair), Title IX Coordinator, Associate Dean of Students, Director of Athletics, and one faculty member. In instances when the alleged incident occurs in an organization advised/administered by a member of the Hazing and Organization Misconduct Committee, that member will be recused from the process. Although the Hazing and Organization Misconduct Committee may call on the advisor/administrator to provide additional information to be determined on a case-

by-case basis. If a member of the Hazing and Organization Misconduct Committee is recused, the committee will proceed with the remaining members, and no additional individuals will be added.

Upon receiving a report of alleged hazing or organization misconduct, the Dean of Students or designee will notify the Hazing and Organization Misconduct Committee. The Committee will review the report of the alleged incident and conduct a preliminary inquiry to determine if a formal investigation should commence. During the preliminary inquiry, the Committee will consider any organizational processes that have occurred, as well as organizational sanctions that may have already been imposed. Additionally, the Hazing and Organization Misconduct Committee may, at its discretion, assign interim actions. The Committee may refer reported incidents of Hazing or Organization Misconduct for adjudication under other policies or procedures, where applicable, for example, under the Davis & Elkins College Policy and Procedure on Discrimination, Harassment, and Title IX Sexual Harassment.

If the preliminary inquiry results in the Hazing and Organization Misconduct Committee launching a formal investigation, the Committee will then assign the case to an independent investigator. The investigator will be appointed by the Hazing and Organization Misconduct Committee and will not be a member of the committee. The use of an internal or external investigator will be determined at the discretion of the Hazing and Organization Misconduct Committee.

As part of the investigation, the College will:

1. Notify the organization leadership.
2. Make contact (if possible) with the individual(s) bringing forward the allegations;
3. Make contact with the individual(s) alleged to have perpetrated the incident.
4. Conduct interviews with all parties, including victims, the accused student(s), and any witnesses. The investigator may, at their discretion, provide updates to the Hazing and Organization Misconduct Committee and/or recommend interim actions to the Committee at any point during the investigation. All members of the campus community shall cooperate in an investigation of hazing or organization misconduct.
5. The investigator may, at their discretion, require students, or a select group of students (i.e. all new members of an organization) to participate in an investigatory meeting at a pre-determined time and location and may exercise discretion regarding the communication of students during the investigation process.
6. The investigator will provide a written investigative report to the Hazing and Organization Misconduct Committee. Upon receipt of this report, the Hazing and Organization Misconduct Committee will determine if a violation of policy has occurred.
7. The Hazing and Organization Misconduct Committee will, on a case-by-case basis, determine whether any policy violations are individual or organizational in nature and whether, as a result, sanctions are warranted on an individual or organizational level. In determining whether a violation is organizational or individual in nature, the Committee will consider the following:
  - How many members were present when the alleged violation occurred or had specific knowledge of the alleged violation?
  - What knowledge did the appropriate organizational leadership have of the alleged violation?
  - What action did the appropriate organizational leadership take in addressing/preventing the alleged violation?
  - Were members acting in concert, or did the individual's membership in the organization serve as an impetus for the alleged violation?

- Did the violation arise out of a organization sponsored, financed or endorsed event?
  - Is there a pattern of individual violations that have occurred without proper action by the organization?
8. If after completing the procedures outlined herein and finding that individual sanctions are warranted, the Hazing and Organization Misconduct Committee will refer the case to the Student Conduct Hearing Officer, who will determine and implement appropriate sanctions on the individual student(s). For more information about possible individual sanctions, review the Student Code of Conduct in the Student Handbook. If, after completing the procedures outlined herein and finding that individual sanctions against an employee of the College are warranted, the Hazing and Organization Misconduct Committee will refer the case to Human Resources, who will determine and implement appropriate sanctions on the individual employee. For more information about possible individual sanctions, please contact the Director of Human Resources.
9. Sanctions for violations of this regulation by a group or organization shall be administered by the Hazing and Organization Misconduct Committee. The Committee will request, if available, additional information for sanctioning purposes from individuals outside of the Committee structure, including, but not limited to, previous records of group misconduct, current organization standing, organization processes that have occurred, organizational-specific sanctioning that may have already been imposed. etc.

### ***Sanctions***

Organization sanctions may include, but are not limited to:

**Warning:** A Warning is given to notify a student organization that the behavior and conduct has been inconsistent with the expectations of the College. A warning has no immediate effect upon a student organization's status at the College and may be specified for a period of time. However, once given a warning, a student organization should expect different outcomes or sanctions to result from any subsequent violations, especially while on a current warning status when/if similar behaviors occur.

**Restriction of Privileges:** Restriction of Privileges precludes a student organization from participating in certain activities or may require a student organization to forfeit specific privileges. A student organization under the status of Restriction of Privileges is not in good standing with the College. Restriction of Privileges may include, but is not limited to, loss or limitation of social events or limitation of ability to participate in College events or activities.

**Disciplinary Probation:** Disciplinary Probation serves to notify a student organization that it must avoid any further violations for a specified period of time in order to avoid additional disciplinary action. Student organizations on probation are not in good standing with the College. A student organization may be prohibited from participating in certain activities or forfeit specific privileges while on probation. If a student organization on probation is found responsible for any subsequent violations, the outcomes may escalate. Disciplinary Probation may include Restriction of Privileges.

**Deferred Suspension:** Deferred Suspension is a status for a specified period of time during which any subsequent finding of Responsibility for a violation of the Hazing and Organization Misconduct Policy or any other College policy shall result in the Outcome of Suspension for the student organization. Deferred Suspension may include Restriction of Privileges.

**Suspension:** Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the College's registration of the student organization for a stated or an indeterminate period of time, cessation of College

funding, restriction of all operations at the College, and restriction of use of College resources. If the student organization also holds a charter from a inter/national organizational governing body, the College may also request that the inter/national organizational governing body revoke the charter of the student organization.

A student organization placed on Suspension is prohibited from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus. A suspended student organization may not solicit or initiate any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension should be for a specific and determined period of time, and will include a written return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the Dean of Students or designee.

**Educational Outcomes:** Educational Outcomes may include, but are not limited to, educational programming, restorative justice, interventions, restrictions, workshops, or other outcomes determined to help develop the culture and community of the student organization.

**Structural Outcomes:** Structural Outcomes are related to the structure, membership, or governance of the organization. Structural outcomes, developed in collaboration with the organizational governing body or department (if applicable), may include, but are not limited to, changes to student organization operating procedures, a review of student organization membership/leadership, an external student organization review, and changes to student organization advisor support.

### *Appeals*

Any outcome of the Hazing or Organization Misconduct process may be appealed.

The following are acceptable grounds for appeal:

- The evidence presented does not support the verdict;
- The sanction(s) is/are excessively severe;
- New or newly discovered evidence is of character that may substantially affect the outcome of the hearing;
- There was a procedural error that substantially affected the outcome of the hearing.

Organizations requesting an appeal must submit a letter to the Office of Student Life within three (3) business days from receipt of the written decision. All information to be considered with the appeal must be included at this time. Failure to request an appeal within the designated time will render the original decision final and conclusive.

Appeals shall be decided upon findings of fact and upon written briefs submitted by the parties. If a key point is in contention, the Appellate may call witnesses or seek other processes/methods through which to determine the facts. If the Appellate determines there is merit for an appeal, the facts of the incident will be reviewed with the student within ten (10) business days of receiving the student's written appeal.

The Appellate will be the Provost and Vice President for Academic Affairs or designee. The Appellate may:

- Deny the appeal
- The original sanction will be upheld.
- The original sanction will be modified. The standard of preponderance of evidence will be used in all decision-making.

Once an appeal has been submitted, the imposition of sanctions will be deferred pending the outcome of the appeal unless the Dean of Students determines that it is against the best interest or safety of the campus community.

## **Training and Education for Faculty, Staff, and Students**

Davis & Elkins College requires all members of the campus community—students, faculty, and staff—to participate in regular hazing prevention education. Training, both online and in person, is designed to provide a shared understanding of the risks and consequences of hazing, clarify reporting responsibilities, and strengthen the community’s ability to recognize, intervene, and prevent hazing behaviors. Faculty and staff receive specific instruction on their roles as mandatory reporters and advisors to student organizations, while students receive training appropriate to their level of involvement. Together, these efforts ensure a consistent and proactive approach to hazing prevention across the College.

### **6.4.25 ID Cards**

All students are required to have a current college photo ID. ID pictures are taken at the Information Desk located in Booth Library. A fee is charged for replacement ID cards. The charge will be added to the student’s account. If a College ID card is broken or will not scan, Information Services Staff will issue a new ID card free of charge. IDs must be used for admission to Benedum Dining Room, Residence Halls, College events, and Booth Library 24-hour study lab. The College ID is also the student’s library card. Borrowed library material is the student’s responsibility until returned through the library system. Fines and fees for Library material not returned or returned excessively late will be billed to the student’s account.

Misuse of a College photo ID including, but not limited to transferring or/or copying ID cards, possessing of another person’s ID card, or using the ID card in a fraudulent manner, is considered a violation of the Student Code of Conduct.

### **6.4.26 Missing Students**

Any student residing in College residence hall, who is determined to be missing for more than 24 hours, should be reported to a resident director, the Office of Student Life (304) 637-1211 and/or the College Office of Public Safety (304) 704-9111. Upon receipt of a report, the College will adhere to the procedures set forth in the College’s Missing Student Policy.

Reports made to Residence Life Staff or Office of Student Life will be forwarded to the Office of Public Safety. A determination will be made at that time by the Office of Public Safety 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 within 24 hours, 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 Student Life Office 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, the Office of Public Safety 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.

### **6.4.27 Off-Campus Behavior**

Although the College is not responsible or liable for students' behavior off campus, it does reserve the right, in the interest of protecting students from harm, to take action in response to behavior off campus that violates College expectations and policies and/or when the College's interests as an academic community are clearly involved. Generally, the College expects its members to demonstrate respect and regard for the rights, property and dignity of all individuals; and to take responsibility for their own actions.

#### **6.4.27.1 Notification of Criminal Arrest**

1. A student is responsible for notifying the Dean of Students.
2. When the Dean of Students is informed of the arrest of a student, the College will send a letter to the student requiring him or her to make an appointment for an interview with a Student Life staff member. During this interview, the facts involved in the student's arrest, the student's obligation to keep the College informed of the progress of the criminal charge(s), and the student's obligation to advise the College of the final disposition of the criminal charge(s) will be discussed with the student.

As outlined in the Student Disciplinary policy, College disciplinary proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceeding. The alleged commission of a felony as named in local, state or federal law is a serious violation of the Student Code of Conduct and may necessitate an interim suspension or other appropriate disciplinary action from the College. See the Administrative Authority clause for additional information.

### **6.4.28 Ownership of Student Intellectual Property**

For the most part, students own the intellectual property they generate in the course of their studies at the College. There are a few exceptions to this such as:

1. If the student was paid by the College to produce the work in question, as part of College employment or through grant or contract funding secured through the College, then that intellectual property would be owned by the College; or
2. The student and the College entered in an agreement defining ownership of student intellectual property as being owned by the College. Such an agreement would need to have been entered into before any work started. This is done in certain cases where there is a corporate sponsor of student class projects. For such cases the student needs to be aware what rights they have to use the intellectual property they generate as part of the sponsored project.

#### **Use of Student Intellectual Property**

The College cannot use student-owned intellectual property without first obtaining permission from the student other than, of course, reviewing and providing feedback and marking assignments the student submits as part of course and other project work.

#### **Students as Creators of D&E Intellectual Property**

There are situations where intellectual property developed by a student would be owned by the College. This would occur if the student was paid by the College to perform certain work and were the inventor or author of a creative work that came from that paid work. Students, as the inventor or author of College-owned intellectual property, would be covered by the College's Intellectual Property Rights and Ownership Policy in such cases.

## 6.4.29 Pets

Due to health and safety concerns, pets and other animals, with the exception of service or comfort animals, are not permitted in College buildings. This applies to all students and employees as well as visitors and guests. Visitors and guests should be made aware of the policy to prevent misunderstanding. In addition, absolutely no pets are allowed in the residence halls. This includes fish and other pets housed in aquariums. All occupants of the room or suite housing an illegal pet will be subject to an immediate fine for deep cleaning charges (entire room/suite: carpet, tile floors, walls and furniture) with possible additional charges at checkout, depending upon the condition of the room or suite. Any pet “reappearances” will be subject to additional charges and possible contract revocation.

Pets (normally of the canine variety) are welcome on the grounds of the campus. As provided by city ordinance, they must be on a leash. The College does ask that owners clean up after their pets. Members of the College community are requested to report strays and violations to Office of Public Safety or the Office of Student Life.

## 6.4.30 Service and Support Animals in Residence Halls

While it is the College’s policy to generally prohibit privately-owned animals on campus, the College reasonably accommodates persons with disabilities who require the assistance of Service or Support Animals, as appropriate. This policy and the following requirements are designed to facilitate a process for assuring equal access while addressing health and safety concerns. Moreover, this policy supports the College’s commitment to comply with state and federal laws, rules, and regulations pertaining to the Americans with Disabilities Act of 1990, as amended and related laws, rules, and regulations, including, without limitation, Section 504 of the National Rehabilitation Act of 1973 and the Fair Housing Amendments.

### **Definition of Service Animal**

A service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.

### **Definition Support Animal:**

A Support Animal is an animal that a College student with a disability requires due to their disability, for use in their College residence, in order to have an equal opportunity to use and enjoy their residence/dwelling or to participate in the residence life program. The animal provides support, which alleviates one or more identified symptoms or effects of the student’s disability. The animal does not need to be specifically trained to perform tasks for a person with a documented disability. There must, however, be an identifiable relationship between the individual’s disability and the assistance the animal provides. **Unlike a service animal, a Support Animal is not granted access to places of public accommodation, and they are not permitted in other areas of the College (e.g., libraries, academic buildings, classrooms, dining areas, labs, work areas, student centers, etc.).**

### **Support Animal Approval Process**

Under the Fair Housing Amendments, a student with a disability may request to keep a Support Animal, commonly referred to as an Emotional Support Animal (ESA) or sometimes called an assistance animal, as a reasonable accommodation in housing facilities as a modification to the College’s Pet Policy, which generally prohibits animals on campus. In order to qualify for such accommodation, the Support Animal must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the residential life program. Further, there must be a relationship, or connection, between the individual’s disability and the assistance the animal provides.

Application and Approval Procedures:

1. Students requesting to have a Support Animal residing in college housing must register with D&E Disability Services and provide documentation of a disability which also describes the support the animal provides and the

need for this form of accommodation. Documentation provided must meet the D&E Disability Services Documentation Criteria as required for all reasonable accommodations provided by the College. A copy of the D&E Disability Services Documentation Criteria can be provided by the Director of the Naylor Learning Center.

2. Determination of reasonable accommodation will be made on a case-by-case basis and includes, but is not limited to, consideration of the following: does the animal pose a direct threat to the health and safety of others; would the animal pose an undue financial and administrative burden on the College; or would the animal fundamentally alter the nature of any of the College's programs or operations. Animals that may pose a health risk or danger to others or fundamentally alter the nature of any of the College's programs or operations will not be permitted.
3. The director of the Naylor Learning Center reviews all requests and determines whether the necessary information or documentation is present. Alternative accommodations may be discussed during this process and offered where appropriate.
4. Upon approval, the student will be notified, and a plan must be made with the Office of Student Life for proper care and control of the animal.

#### Approval Considerations:

The College may consider the criteria below in determining whether the presence of the animal is reasonable in the making of housing assignments for individuals with a Support Animal. Such criteria may include, but is not limited to:

1. Whether the documentation provided meets the D&E Disability Documentation Criteria and shows a clear rationale for a Support Animal as a reasonable accommodation;
2. Whether the animal poses or has posed in the past a direct threat to the safety or health of the individual or others, such as aggressive behavior towards or injuring the individual or others, or the potential transmission of zoonotic diseases;
3. Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
4. Whether the size of the animal is too large for available assigned housing space;
5. Whether the animal is housebroken;
6. Whether the animal is at least one year of age;
7. Whether the animal has received all required vaccinations (determined by species);
8. Whether the animal would pose an undue financial and administrative burden on the College;
9. Whether the animal would cause or result in a fundamental alteration of the College's program(s); and/or
10. If the student does not comply with the guidelines set forth in the Rules for Approved Animals on Campus and in Residence Halls.

Please note: The College is aware of website services offering to create "Emotional Support Animal (ESA) letters" for a set price, usually based only upon answers to an online survey. Such letters rarely provide sufficient documentation to support a request, and the College generally requires additional information from your established mental health care provider.

Please note: A Support Animal may not be brought to campus housing without approval. Failure to obtain approval prior to bringing the Support Animal to campus will result in disciplinary action and a fine of \$500.00 for animals that are found on campus without approval.

#### **End of Support**

The approved animal is allowed in College housing only as long as it is necessary because of the student's disability. The student must notify both D&E Disability Services and the Office of Student Life, writing within 24 hours, if the Support Animal is no longer needed or is no longer in residence. Replacing one animal for another is not permitted. Each animal is considered a new request and will be treated as such. To replace a Support Animal, the new animal must be necessary because of the student's disability, and the student must follow the same process when requesting a different animal prior to the replacement animal being brought to campus.

#### **Abandoned Animals**

If an animal is considered abandoned by the student, the College will make an effort to notify the emergency contact(s)

listed by the student. The emergency contact must make arrangements to remove the animal from on-campus housing within 24 hours. If the animal is not removed within 24 hours, the College will board the animal at a local facility, at a cost to the student commensurate with the current boarding rates.

### **Untimely Passing of an Animal**

If a circumstance occurs where an animal passes away while living in on-campus housing, the student is responsible for promptly and humanely removing all remains from campus property within 24 hours and must notify their Resident Assistant and/or Residence Director immediately.

### **One Animal per Residential Housing Unit**

In general, only one animal is approved per residential housing unit. If a circumstance occurs where a student living in a shared residential unit has a Service Animal or has been approved for a Support Animal and a roommate makes a request for, and is approved for, a Support Animal, the newly approved student will work directly with the Office of Student Life to secure a different housing unit. The Support Animal may not move to campus until the newly approved student has relocated.

### **Emergency Situations**

Animals can become disoriented and confused from the smell of smoke, fire, or from the noise of alarm systems or sirens. College personnel and first responders are not responsible for removing a Support Animal during emergency events or fire alarm drills and may not be held responsible for the care, damage, or loss of the animal. **Please note:** the first priority of emergency personnel is to the student(s), and there may be situations that may necessitate leaving the animal behind in an emergency. Students should make reasonable efforts to keep the animal securely with them in the event of an emergency evacuation or drill.

### **Conflicts**

The Office of Student Life will work to address any conflicts related to Service and Support Animals in the assigned housing unit prior to and/or during the semester as needed. Prior to moving in, Roommates assigned to a unit living with a Service or approved Support Animal should contact D&E Disability Services if they have a medical condition, chronic illness, or are concerned that contact with an animal will result in a health or safety concern. If a need for an accommodation is determined, the Office of Student Life will communicate and coordinate the appropriate accommodation or reasonable relocation options. In some cases, the student with the newly approved Support Animal may be reassigned to a suitable residential unit by the Office of Student Life. After moving in, if a roommate assigned to a unit living with a Service Animal or an approved Support Animal discloses or develops a condition after the move-in process, they will work with D&E Disability Services to discuss their medical need, and if approved, the Office of Student Life will assist with relocation. If a Service Animal is acquired or a Support Animal is approved after move-in, and a conflict occurs, the student with the newly acquired Service Animal or newly approved Support Animal may be reassigned to a suitable residential unit by the Office of Student Life.

### **Procedure for Support Animals**

- Student will register with D&E Disability Services within the Naylor Learning Center (NLC) and provide documentation from a qualified professional, making them eligible for a Support Animal as a reasonable accommodation.
- Student will meet in person with the director of the NLC and decide what communication is needed with the Office of Student Life to review pertinent College policies that may relate to the animal
- Student will complete the Animal Registration and Roommate Acknowledgement Forms annually.
- At the start of each semester, the animal lives on campus, the student will review the information in Rules for Approved Animals on Campus and in Residence Halls.
- The College encourages responsible pet ownership. Large breed mammals, such as dogs and cats, must be

neutered or spayed before they are allowed in housing, unless it is not advised medically. If a female animal cannot be spayed due to documented medical recommendation and that animal becomes pregnant, upon birth, the female animal and offspring must be removed from College housing within 48 hours. The approved Support Animal cannot return to campus until the offspring have been weaned and a veterinarian confirms in writing that the offspring can live separately from the mother.

- The student must verify the animal is in good health and has been vaccinated against diseases common to that breed of animal as recommended by the American Veterinary Medical Association. Veterinary records attesting to that fact must be submitted, and a copy of the records provided to the Office of Student Life prior to an animal moving into a unit. Updated records must be provided annually while the animal remains on campus.

### **6.4.31 Posting on Campus**

The College recognizes the rights of all individuals including freedom of expression. This policy establishes procedures for the posting of advertisements and all other types of printed materials on campus.

1. All printed materials must be reviewed by the Office of Student Life for approval prior to being posted.
2. All printed materials must be posted on community bulletin boards.
3. No printed material may be posted on departmental bulletin boards without departmental permission.
4. The organization sponsoring the event will clear all community bulletin boards following the date of the program or activity.
5. No posters, flyers or printed materials of any type may be posted on walls (interior or exterior), windows, doors, or stairwells of any campus buildings. Community bulletin boards are the only locations for the posting of materials in campus buildings. All improperly posted materials will be immediately removed and destroyed.
6. No posting of any type of printed materials is permitted on trees, utility poles, signs, building exteriors, or any structure on the campus. Any materials posted in such areas will be immediately removed and destroyed. Those groups may also be penalized.
7. All postings are subject to a standard of “not socially offensive” (such as no personal attacks or obscenity) and consistency with the College mission.
8. Postings may not depict characterization of alcohol or other drugs or otherwise violate the College policy or local laws.
9. The name of the sponsoring organization(s) must appear on the posted material.
10. All pertinent information regarding the activity (who, what, when, where) must appear on the posted material.

11. Individuals who post materials are responsible for removing these materials by the expiration date stamped on the flyer. The College will remove electronic postings in a timely manner.
12. Courtesy dictates that organizations may not cover or remove any other approved poster(s) if the expiration date has not passed.

#### **6.4.32 Roof Access**

Students are strictly prohibited from going onto the roofs of residence halls or any other College buildings; nor may objects (bikes, chairs, etc.) 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 to this prohibited act.

#### **6.4.33 Sexual Misconduct**

All available College students, staff, faculty, and volunteers, as well as contractors, consultants, and vendors doing business or providing services to the College (third Parties) should be aware that the College will not tolerate any acts of sexual assault, dating violence, domestic violence and stalking (collectively referred to as “Sexual Misconduct”).

The College’s prohibition applies not only in the College’s educational and working environment, but also to all other College work-related and educational life settings, such as business trips and business-related social functions, as well as educational field trips, athletic trips, and internship placements. Further, the College reserves the right to respond to conduct that occurred off campus but not a College-sponsored program or activity if both parties are members of the College community when the off-campus conduct could have an on-campus impact or impact a victim’s ability to participate in College activities or programs.

If it is determined that sexual misconduct has occurred, the College will take appropriate disciplinary and responsive action. Allegations and incidents of sexual offenses will be investigated pursuant to the process outlined in the College’s [Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#).

Students who are victims of a sexual offense incident are urged to get to a safe place as soon as possible seek immediate medical attention. Please see the College’s [Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) for additional information.

#### **6.4.34 Smoking and Tobacco**

Pursuant to the College’s Smoking and Tobacco Use Policy (see Volume II of the Davis & Elkins College Policy Manual), Davis & Elkins College has adopted a smoke-free and tobacco-free campus policy to provide a safe and

healthy working and learning environment for our students, faculty, and staff. This policy prohibits both smoking and the use of smokeless tobacco products on campus property, in all college-owned facilities, and in all college-owned or leased vehicles. The possession, promotion, sale and/or distribution of smoking and tobacco products on campus or at any College-sponsored events is also prohibited.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking or vaping device which creates an aerosol or vapor, in any manner or in any form.

“Smokeless tobacco products” means any substance containing tobacco that is not smoked per the definition above including but not limited to chewing tobacco, snuff, snus, dipping tobacco, smokeless tobacco pouches, and dissolvable tobacco such as lozenges.

The College wants to support all individuals who wish to discontinue their smoking and tobacco use. There are a number of resources available to help with any smoking cessation questions or concerns.

1. Counseling and Wellness Services is available to address individual concerns, provide assessments and referrals for counseling treatment on and off campus, and provide information and education about smoking and tobacco use and cessation.
2. Student Health Services is available to assist individuals with questions or concerns and/or provide education regarding the physical effects of smoking and tobacco use.
3. The WV Tobacco Quitline can provides free or low-cost tobacco cessation services to residents of West Virginia including educational materials, coaching calls, and nicotine replacement therapy such as nicotine patches, lozenges, gum and/or medication. To contact the WV Tobacco Quitline call 1-800-QUIT-NOW or 1-877-966-8784. Individuals can also enroll in this program online at <https://wvtobaccoquitline.com/enroll>.

Individuals that violate this policy will be sanctioned with a \$50.00 fine and/or other appropriate campus disciplinary procedures.

### **6.4.35 Student Record Confidentiality**

Davis & Elkins College intends to comply with the Federal “Family Educational Rights and Privacy Act of 1974 (FERPA). Davis & Elkins College collects and retains information about students for designated periods of time. The College recognizes the privacy rights of individuals in exerting control over what information may be disclosed, and, at the same time, attempts to balance that right with the institution’s need for information. For more information see Volume II of the Davis & Elkins College Policy Manual (Section 2.1.15).

### **6.4.36 Student Transportation**

There is no public transportation to/from Elkins. The College does arrange for shuttle service at specific times of the year to the Dulles and Pittsburgh airports. Students must reserve a seat on the shuttle in advance. Space is limited, reservations are made via the Office of Student Life. For scheduled shuttles, students will be charged the same amount each way of the trip. These charges will be added to the student’s account in the Business Office. If a student reserves a seat on the shuttle and then fails to show up, the student’s account will be charged. Students who require transportation on dates other than the predetermined shuttles dates/times will be charged additional fees for a one-way trip.

## 6.4.37 Student Travel

The College seeks to promote safe travel to events and activities occurring beyond the boundaries of College property by currently enrolled students and recognized student organizations that are representing the College. As such, this policy applies to individual student and recognized student organization travel, both in cases where the travel is sponsored by the College and in cases where an individual student or recognized student organization travels on behalf of, or with the financial support of the College. This policy does not apply to travel undertaken by individual students attending out-of-town athletic/recreational events as a non-participant (except when traveling on behalf or with the financial support of a recognized student organization as described above), engaging in study abroad travel, student teaching, internships, observations or research, or participating in intercollegiate athletics competitions under the auspices of the Department of Athletics.

### Definitions

*Currently Enrolled Student:* A student who is currently registered at the College, whether on a full- or part-time basis.

*Recognized Student Organization:* An organization that has been formed for educational, professional, social, recreational, or other lawful purposes, derives the majority of its membership and all of its leadership from the student body of the College, has been approved for recognition and maintain a current registration status with the Office of Student Life.

*College Sponsored Event or Activity:* An event or activity that is initiated, actively managed, planned and arranged by a member of the College faculty or staff, or by members of a recognized student organization that has been granted sponsorship by the College, and is approved by the Office of Student Life and/or an event or activity that the College actively manages, is involved with, or oversees financially, physically, or administratively.

### Travel Requirements

All student and recognized organization related travel falling within this Policy must meet the following requirements:

1. Recognized student travel must be consistent with the College and organization's mission statement.
2. Travel must not create an undue interference with academic responsibilities.
3. An individual student must register the proposed trip with the Office of Student Life no later than five (5) business days before the scheduled trip. In the case of organizations and clubs, there must be concurrence by the department or division head and the Dean of Students. A list of students participating in the above activities must be submitted to the Dean of Students or a designee, no later than five (5) business days prior to departure. Any trip taken without formal approval as outlined above may result in individual and/or organizational discipline.
4. All students traveling must complete and submit an executed Waiver of Liability Form to the Office of Student Life no later than five (5) business days before the scheduled trip. The Waiver of Liability Form is available in the Office of Student Life.
5. Faculty or staff employees are encouraged to accompany students on off-campus trips covered under this Policy but are not required to do so unless a College vehicle or a rental car is utilized.
6. Participants in activities involving student travel are responsible for their own behavior and any resulting consequences. The College shall not be liable for any loss, damage, injury or other consequence resulting

from a participant's failure to comply with College policies and procedures, the direction of College employees, or applicable law. Without limiting the foregoing, all trip participants are required to:

- a. Comply with applicable College policies, procedures, rules and regulations, understanding that such compliance is important to the success of the trip and to the College's willingness to permit future similar activities; and
  - b. Conform their conduct to the standards surrounding the trip and assume responsibility for their own actions, understanding the circumstances of an off-campus activity may require a standard of decorum which may differ from that applicable on campus.
7. Violations of the foregoing requirements may subject participants and sponsoring organizations to disciplinary action pursuant to the College's Disciplinary System.

Any trip taken without formal approval by the Dean of Students or other violations of this policy may result in individual and/or organizational discipline.

The following additional guidelines also apply to all travel:

1. **Pre-trip Meeting:** The faculty member, staff member, and/or recognized student organization in charge of the trip, whether sponsored or not sponsored, must hold a pre-trip planning meeting with all participants to discuss the planned itinerary, behavioral expectations, and transportation details.
2. **Transportation:** The sponsoring department or student organization must be prepared to arrange for transportation by official College vehicle(s), rental vehicle(s), chartered service, regularly scheduled transportation service, or, if necessary, personal vehicles. The following rules apply to the use of vehicles:
  - a. **College Vehicles -** Only College employees can drive. If a College vehicle is utilized, a faculty or staff employee must chaperone the trip.
  - b. **Rental Vehicles -** If rented with College funds, only College employees can drive; all terms of the rental contract must be complied with.
  - c. **Contract Bus Service -** Adequate insurance coverage for the bus company must provide personal injury and property damage.
  - d. **Regularly Scheduled Carriers -** Regular scheduled transportation service providers (e.g., Greyhound) may be utilized for transportation.
  - e. **Personal Vehicles -** Personal vehicles should only be used on a voluntary basis. The owners/drivers must provide their own insurance coverage. All student participants choosing to ride in a private automobile do so voluntarily and at their own risk. The College shall not insure or accept liability for any damage, loss or injury resulting from the use of a private vehicle. The College does not provide comprehensive or collision (physical damage) insurance for private vehicles driven on College business, and the owner is responsible for primary liability insurance. The College does carry non-owner excess liability coverage to protect the College and employee in the event of a suit resulting from an automobile accident in which an employee was driving on College business.
3. **Non-Student Participation:** Except with the permission of the Dean of Students, friends and family of students are not eligible to participate in travel opportunities falling under this Policy.

### **Study or Travel Abroad**

A student who wishes to enroll in a College-sponsored course or program, either of which involves travel or study abroad, must first secure no less than \$50,000 of emergency medical, medical evacuation and repatriation of remains insurance coverage. The medical insurance policy must be in effect for the duration of the study abroad program in which the student is enrolled.

Proof of coverage must be presented to the sponsoring office and the Business Office at the time of payment for the study abroad or travel program. No student can matriculate in a course or a program involving study abroad or participate in a College-sponsored international activity until proof of insurance coverage is provided and until applicable tuition and fees have been paid.

Students are advised to consult personal and family medical insurance policies to determine whether such coverage is provided by their existing policy. In the absence of such coverage, the student must assume responsibility for obtaining the required coverage.

#### *Orientation*

All study abroad programs and College-sponsored international activities involving students must include pre-departure orientation for all participants.

The department or division sponsoring the activity will conduct or arrange for the pre-departure orientation session and will ensure that all participants attend or receive the materials in written or electronic formats.

At a minimum, the pre-departure orientation must include a discussion of appropriate and expected behavior for participants; potential social, political, economic and legal risks involved in the experience; and emergency procedures in case of individual or group incidents. This includes providing emergency contact numbers.

Participants will be subject to the laws and customs of the locations they visit. The College is not responsible for the violation of any laws and customs by participants.

The Student Code of Conduct, Academic Honesty Code, and other academic policies or rules apply to all College-sponsored activities abroad.

Davis & Elkins College departments and divisions that sponsor international activities are required to provide re-entry orientation to students returning from abroad.

#### *Emergencies*

In the event of an emergency while participating in a Davis & Elkins College international activity, the participant must immediately contact the nearest U.S. consular service for direct assistance and the Davis & Elkins College on-site program director or chaperoning staff member. If medical attention is needed, the injured Davis & Elkins College student or employee (or a designated emergency contact) must contact the international travel insurance provider.

### **6.4.38 Use of College Logo**

Use of the College logo by students or student organizations must be reviewed and approved by the Office of Communications and Marketing.

### **6.4.39 Use of College Vehicles**

College vans, college cars, and automotive vehicles rented by the College may only be operated by College faculty or staff. Students are not permitted to drive College vehicles with the occasional exception of the College golf carts. Students may only drive golf carts when specified by their supervisors (College faculty or staff) and upon the successful completion of the Cart Operator Safety Training. See the College Motor Vehicle Use and Rules Governing the use of College Golf Carts policies at [My D&E](#) for additional information.

### **6.4.40 Vandalism/Damage/Restitution**

Vandalism is defined as destruction, damage to, or defacement of property belonging to the College whether

intentional or unintentional. If vandalism is found to have occurred, Office of Public Safety will be contacted, and the responsible person(s) will be subject to both Student Life and College sanctions. Students may be asked to make restitution for the damage they have caused if deemed necessary by residence hall staff or administration as applicable. Examples of destructive behavior that may result in a student(s) making restitution include damages to property, stolen items, disruption in services, etc.

#### **6.4.41 Violence on Campus**

The College prohibits violence on its campus and in connection with College programs. Acts or threats of physical violence against members of the College community will not be tolerated. Appropriate disciplinary action will be administered up to and including dismissal or termination pursuant to the College's disciplinary systems as applicable.

1. Conduct prohibited by this policy includes, but is not limited to: Intentionally injuring or attempting to injure another person physically;
2. Engaging in verbal or physical behavior and/or communications (including by electronic means) that create(s) a reasonable fear of injury to an identifiable person or persons; threatening by any means to injure another person or person(s);
3. Committing injurious or threatening acts related to sexual assault, stalking, dating or domestic violence or sexual or other prohibited harassment;
4. Brandishing a firearm or other weapon;
5. Retaliating against any individual who, in good faith, reports a violation of this policy, seeks help in addressing concerns about conduct that falls within the scope of this policy, or participates in a related investigation;
6. Conspiring to inflict physical harm upon any person; or
7. Taking any reckless, but not accidental, action that results in physical harm.

All students, faculty and staff should be committed to ensuring the safety and security of the campus and workplace environment. As such, anyone who believes that an individual has committed or may commit an act of violence, is engaging in behavior or making statements that generate concern about the potential for violence, or otherwise may pose an imminent threat to the health or safety of any member of the College community should call the Office of Public Safety immediately or local law enforcement by dialing 911.

##### **6.4.41.1 Voluntary Anonymous Reporting**

The College encourages anyone who is the victim or witness of any crime to promptly report the incident to the police, Office of Public Safety, or other campus authorities.

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

1. File an anonymous complaint on the form contained on the College website;

2. Call the Campus Conduct Hotline at 1 (866) 943-5787;
3. Leave a private message anonymous voice message for Office of Public Safety, Compliance and Ethics Officer, or other authority;
4. Mail an anonymous letter to Office of Public Safety, Compliance and Ethics Officer or other campus authority.

This encouragement is done to maintain and enhance the safety and security of the entire 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.

#### **6.4.41.2 Weapons and other Dangerous Instruments**

The possession or use of firearms, ammunition, fireworks of any description, explosive devices, or any dangerous weapon is prohibited on College premises or at any College-sponsored function. Dangerous weapons shall include, but are not limited to: firearms of any description, paintball in permitted areas, carbon dioxide and spring propelled guns, swords, dirks, knives, brass knuckles, blackjacks, bow and arrows or crossbows or other devices designed or intended to propel a missile of any kind, stun guns, stun batons, tasers or other electronic or electric weapons or other implement for the infliction of serious bodily injury, or any other instrument deemed to be a weapon. This list is not intended to list all possible weapons; final determination is at the discretion of the College.

No students, staff, or faculty members and no contract workers, interns, volunteers or guests are allowed to bring a firearm to College-owned or leased property or keep a firearm locked inside their vehicle in any College-owned or leased parking lot. Exceptions to this policy are active sworn law enforcement officers.

There may be theatrical productions, displays, props used in plays, props used in class presentations or educational workshops that may appear to violate the letter of this policy, but this is not the intent of this policy. In such cases, written approval granting permissible use of the props from the Director of Office of Public Safety is required before the activity may take place. Those responsible for the activity must remove the props from the College property at the end of the term of the permission. The Director of Public Safety will undertake to notify the campus community that a weapon will be allowed on campus for the purpose and duration of the permission granted.

#### **6.4.41.3 Other Weapons**

The possession or personal use of fireworks of any description, explosive devices, or any dangerous weapon is prohibited on the College premises or at any College-sponsored function. Weapons and other dangerous instruments include, but are not limited to: swords, dirks, knives, brass knuckles, blackjacks, bow and arrows or crossbows or other devices designed or intended to propel a missile of any kind, stun guns, stun batons, tasers or other electronic or electric weapons or other implement for the infliction of serious bodily injury, or any other instrument deemed to be a weapon. This list is not intended to list all possible weapons; final determination is at the discretion of the College.

## **6.5 Residential Life Policies**

### **6.5.1 Residence Life Program**

#### **6.5.1.1 Residence Hall Staff**

Each residence hall has a full-time, live-in, trained resident director, who is responsible for the smooth operation of each residential facility. He/she supervises the building staff members, coordinates hall functions, provides counseling and disciplinary referrals when necessary, and performs administrative functions. Each wing of the residence hall has a designated resident assistant who serves as the primary resource to the residents for information and assistance. They help in planning programs for the wing and the building and work with residents and the Office of Student Life to create and to maintain an environment conducive to academic, personal, and social growth. Resident assistants are selected on the basis of academic achievement, leadership ability, and commitment to the benefits of on-campus living. All area coordinators, residence directors, and resident assistants report to the Assistant Dean of Students.

#### **6.5.1.2 Residence Halls**

There are six residence halls on campus:

Roxanna Booth Hall: women

Darby Hall: men

Gribble Hall: men and women (by floor)

Moyer Hall: men and women (by section)

Presidential Center: men and women (by suite; upper-class restrictions)

Robert C. Byrd Center for Hospitality & Tourism: men and women (by room; upper-class restrictions)

#### **6.5.1.3 Residency Policy**

The College is a residential institution that believes in the educational value of the residence life experience. For this reason, all traditional students (i.e., non-distance learners) are required to live on campus, except those students living at home with their parents, married students, students with children, and students with a disability who need facilities the College is unable to provide, and independent students over 23 years of age. Application is made, in writing, through the Office of Student Life.

In order to be eligible for student housing, a student must be enrolled as a full-time student (minimum of 12 credit hours each for the fall and spring Semesters) undergraduate degree candidate of the College and be designated as a residential student. Individual housing is non-transferable. The College does not offer housing for spouses or children. A student who withdraws from the College or ceases to attend classes must vacate housing and cease using his/her meal card within 24 hours. A student who fails to do so may be held liable for the charges incurred after the withdrawal date or last date of attendance in classes. Any student who does not complete registration, fails to comply with College policies, fails to provide necessary documentation or health forms, or whose class load does not meet the College definition of a full-time student may be required to vacate his or her room immediately and will be responsible for any accrued charges. Assignment of a room and/or receipt of keys does not constitute acceptance by the College of a student's residency status.

Application to live off campus is made through the Office of Student Life. Approval to live off campus may be granted only to those who meet all three of the following criteria:

1. 90 or more semester hours earned;
2. 21 years of age or older;

3. A 2.50 or above cumulative GPA.

In the spring and fall semesters, deadlines will be set 30 days before the last day of class for applications for off-campus housing to be submitted to the Office of Student Life. Students who live off campus should not expect the College to assist them regarding any difficulties that may arise with landlords or other businesses.

Living off campus without proper approval will result in billing for board and the cost of double occupancy in the residence hall system.

The Office of Student Life assigns students to rooms. Students may mutually select their roommates and designate a preference for a particular residence hall. The Office of Student Life, Resident Directors, and undergraduate Resident Assistants provide administrative, advising, and programming services in the residence halls. While these staff members have an important impact on the group living environment, the most significant influence comes from the residents themselves.

Students are encouraged to assume an active role in their hall governance. Hall Councils, floor units, and the Student Assembly discuss, for example, policies regarding visitation, quiet hours, security, and discipline. This approach is designed to promote the development of an active learning community in the halls and encourage individual students to make responsible decisions about themselves and others. Student initiative is also the stimulus for most residence hall programming. Educational, recreational, and social activities are as varied as residents' interests and backgrounds. These events, both planned and impromptu, provide breadth and quality to the total learning experience.

## **6.5.2 Residence Life Services**

### **6.5.2.1 Housekeeping**

Housekeeping staff cleans common areas including bathrooms, lobbies, hallways and study/television lounges. The College provides no housekeeping services for individual student's rooms. Students are responsible for the cleanliness of their own rooms.

### **6.5.2.2 Laundry**

Washers and dryers are provided in each residence hall for the use of the residents at no charge. Please report any problems with the machines on the CSC ServiceWorks Service Request Smart Device Application.

### **6.5.2.3 Maintenance Issues**

If a maintenance problem exists, students should submit a SchoolDude request or ask their Resident Assistant to submit one for them. Please do not call the Maintenance Office directly. Students should report maintenance problems before they become emergency situations. Maintenance personnel prioritize repair problems based on the urgency of the situation. As a general rule, the maintenance staff is not able to inform students of the time the issue will be corrected. The maintenance staff reserves the right to enter students' rooms in order to fulfill maintenance and repair requests.

### **6.5.2.4 Storage**

The College does not provide storage facilities for students' belongings. Students must arrange to have their belongings stored off campus after student checkout.

## **6.5.3 Residential Life Policies and Procedures**

### **6.5.3.1 Check-in and Checkout**

Upon checking into the residence hall, residents will be given a Room Condition Report (RCR) initiated by a resident assistant. Residents are responsible for completing and signing the form. It is important to accurately complete the report as it will serve as the basis for any check-out charges.

Students must follow all College-established dates, deadlines and standards in regard to the check-out process. In order to check out properly, residents should first remove all personal belongings. Nothing is to be left in the room. All areas under contract must be cleaned thoroughly. Resident students are required to contact their Resident Assistant or Residence Director who will inventory the room, collect keys, assess any damages, and issue a clearance receipt. Residents who fail to check out properly will be responsible for any damage or loss in their residence.

### **6.5.3.2 Care of Rooms**

Residents are responsible for the cleanliness and care of their rooms. Each student will be held accountable for any damage beyond normal wear and tear and will be charged accordingly. Housekeeping will remove trash from the bathrooms and common areas of the residence halls.

1. It is the student's responsibility to keep his/her building and campus community clean and free from waste. Trash, food containers, and unsanitary situations can attract pests (rodents, cockroaches, ants, etc.), as well as create an unpleasant living environment for the community.
2. Residents and their guests are required to keep trash inside their rooms and suites until proper disposal is made. Any trash (litter or in bags) in the breezeway or hallway is a violation of this policy and will result in a judicial hearing and/or sanction. Residents of suites are required to transport personal trash to the nearest dumpster. Improper trash disposal may result in additional cleaning charges as well as disciplinary action.

### **6.5.3.3 Damages**

Resident students are responsible for their room and its furnishings. Rooms will be inspected prior to a student's arrival and departure. Cost of damages or cleaning will be charged to the resident student's account after final inspection. Cooking is permitted only in designated areas.

Should a common area within a residence hall be damaged, persons responsible will be billed for damages if they can be identified; otherwise a minimum fee of \$20.00 may be assessed to all who reside within that specific hallway or building.

### **6.5.3.4 Emergencies**

In the residence halls, a toilet overflowing, or a fire alarm or smoke detector screaming represents an emergency. After the Student Life office closes, students should call Office of Public Safety at (304) 704-9111 to report an emergency only. If a light bulb burns out in student's room, that does not constitute an emergency. Please submit a [SchoolDude](#) request.

### **6.5.3.5 Entrances and Exits at the Residence Halls**

Security cameras cover the entrances, exits, hallways, and common lounge spaces of Darby, Roxanna Booth, Gribble, Byrd, Presidential, and Moyer residence halls. An alarm will sound if an outer door is propped open. Each resident of the residence hall will receive keys and/or access devices to their rooms and residence hall. Presidential Center suite residents have the ability to lock their suites as a security measure.

### **6.5.3.6 Entry of Resident Rooms and/or Vehicles by College Personnel**

The College reserves the right to enter and inspect any student's room or vehicle at any time. College personnel are authorized to enter a student's room to determine occupancy, inspect its contents for health and safety reasons, provide for maintenance and/or make repairs, and for routine and random inspections. Routine scheduled institutional-wide maintenance programs will be announced to the campus community in advance.

College staff may also enter rooms if there is reason to believe a violation of College Policy or Code of Conduct is occurring or has occurred. Except in situations involving violation of policy, maintenance, or safety concerns which require immediate attention, the personal belongings of students are not disturbed. College staff may enter rooms when emergency situations exist or with law enforcement officials to determine whether a violation of law has occurred. The evidence gathered from this entry may be used in College disciplinary proceedings and in a court of law.

### **6.5.3.7 Fire Safety in Residential Housing**

Smoking is not permitted in any form in the residence halls. This includes the use of 'electronic cigarettes.' Also not allowed is anything that requires or creates an open flame, such as candles, burning incense, lighters, candle warmers, hot plates, space heaters, toasters, toaster ovens, Crock-Pots, slow cookers, electric skillets, rice steamers, woks, deep fryers, air fryers, grills, electric bikes, wax warmers, 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 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 in the residence hall rooms. 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 perform unannounced spot checks on our campus as part of their job duties. Violations discovered will be subject to fines, the cost of which will be passed on the individual student.

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 as you are exiting the building. All resident hall rooms have an exit diagram posted on the inside of the door. 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 the Office of Public Safety 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.

### **6.5.3.8 Housing Disability Accommodations**

The College is committed to providing accessibility to all residential students with documented disabilities in both the housing and dining environments. To request accommodations, a student must contact D&E Disability Services and apply for their requested services. Along with this application, a student must submit required documentation meeting the D&E Disability Services Documentation Criteria. A copy of this criterion can be provided by contacting Disability Services at 304-637-1435. All documentation is kept confidential in accordance with guidelines set forth by FERPA. Students are encouraged to submit these materials as soon as an acceptance letter from the Admission Office is received.

Each request is reviewed and determined on a case-by-case basis. Determinations of reasonable accommodations are based on the documentation and information received by D&E Disability Services. Completed applications for reasonable housing accommodations should be submitted by the identified housing selection deadline date to ensure the provided housing location fully meets the needs identified on a student's application. An application that is incomplete or received after the deadline may result in a housing assignment that does not meet fully the applicant's needs.

Factors given consideration for reasonable housing accommodation requests:

1. Is the impact of the condition life-threatening if the request is not met?
2. Is the request an integral component of a treatment plan prescribed by a qualified professional for the condition in question?
3. Is there space or dining alterations available to meet the students' need?
4. Can space be adapted without creating a safety hazard?
5. Are there other effective means that would achieve similar benefits as the requested accommodation?
6. How does meeting the documented need impact dining or housing commitments for other students?
7. Is the cost of meeting the need prohibitive?

Analyzing these factors, the College then makes every attempt to find reasonable accommodations for those conditions that are covered under the ADA.

Students approved for housing accommodations must meet with D&E Disability Services staff annually to renew their request. All questions regarding this application process or accommodations should be directed to D&E Disability Services at 304-637-1435.

Failure to accommodate is considered a form of discrimination under College policy found in section. Any student currently enrolled at the College who believes he or she has been discriminated against or harassed on the basis of disability, may contact the Title IX/Section 504 Coordinator at:

**Amy Kittle**  
Title IX/Section 504 Coordinator  
Liberal Arts Hall 209  
Phone: 304-621-1316 | [kittleamy@dewv.edu](mailto:kittleamy@dewv.edu)

Please see [Davis & Elkins College Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) for more information.

#### **6.5.3.9 Leaving Campus Overnight**

Students are requested to advise their residence assistant when planning to be absent from the campus overnight when the College is in session. See also the College's Personal Emergencies Policy.

#### **6.5.3.10 Lockouts**

A resident locked out of his/her room should call their Resident Assistant then their Residence Director and then the Office of Public Safety at (304) 704-9111 at last resort. Habitual offenders may be subject to a fine.

#### **6.5.3.11 Lost Keys and Access Devices**

The keys and access devices to rooms and hall entrances are the students' responsibility. They are not transferable. If a key is lost, notify the Resident Assistant or Residence Director. Resident students will be assessed a fee for key or access device replacement.

#### **6.5.3.12 Personal Property**

The College takes reasonable precautions to safeguard the private property of students in the residence halls. Davis & Elkins College assumes no liability for private property lost, damaged, or stolen. Please take reasonable care by locking residence hall rooms and windows. Do not prop open the outer doors of the residence halls. Keep room doors, as well as exterior doors, closed and locked at all times. Residents should keep room their keys and/or access devices with them at all times.

#### **6.5.3.13 Property Abandonment**

Items left in the residence hall room by a vacating resident will be removed at the resident's expense. Removal and storage fees may be charged to the student's account.

#### **6.5.3.14 Quiet and Courtesy Hours**

Quiet hours in all residence halls will be from 12:00 a.m. until 8:00 a.m. Sunday through Thursday; and 2:00 a.m. until 8:00 a.m. Friday and Saturday. Excessive noise is inappropriate at any time as it disturbs others. Starting at midnight on the last day of classes before exams, 24-hours quiet hour are in effect.

Courtesy hours are in effect at all times. Noise should not be disruptively audible within the building or outside. During courtesy hours, a resident may ask another resident to reduce the noise. Compliance is necessary to ensure an environment for academic success.

#### **6.5.3.15 Room Assignments**

Davis & Elkins College reserves the right to place all students and make all room assignments. Assignment of a room does not guarantee College acceptance. Assignments are based on room availability and determined on the basis of the dated receipt of application and deposit. The Student Life Office cannot guarantee a student's first choice of room assignment or roommate, but requests will be honored when possible. Single rooms are limited and are assigned on an availability basis. The College assigns roommates without regard to race, creed, sexual orientation, gender identity, or national origin. See the Assignment of Housing Spaces section of the Room & Board Contract for additional information.

### **6.5.3.16 Friendly Move**

Friendly Move will be held the first 3 weeks of the fall and spring semesters. During Friendly Move, students can request to move to an open space on campus without providing a reason. Students will complete a Room Change Request form with their Residence Life Staff. Students will only be allowed to move to a vacant double room if they agree to pay the single occupancy rate or if they have a roommate that will be moving with them. All moves must be completed within 72 hours of completing and submitting the Room Change Request form. If a move has not been completed within the 72-hour timeframe, approval for the move will be revoked. If a student moves to another room without completing and submitting the Room Change Request form, they will be subject to additional housing charges and/or disciplinary action.

### **6.5.3.17 Consolidation**

Students who have not been granted or purchased a designated single room but find themselves without a roommate will be subject to room consolidation at the start of the following semester and will be notified by the Office of Student Life. Students who consolidate must complete the move within 72 hours of completion and submission of the Room Change Request form. Students who fail to consolidate may be billed retroactively for a single room, and/or may be subject to disciplinary action.

No room changes for any reason, except in emergency situations, will occur after the completion of Room Consolidation. If a student moves to another room without completing and submitting the Room Change Request form, they will be subject to additional housing charges and/or disciplinary action.

### **6.5.3.18 Roommate Issues**

Students are encouraged to change rooms only as a last resort during the academic year outside of Friendly Move. Students who are experiencing conflict with others in their living space must have two documented mediation sessions with both a Resident Assistant and Resident Director in attendance before submitting a Room Change Request form to the Office of Student Life. Students who elect to move without completing mediation will be charged a \$150 moving fee. In cases where the student requesting to move has attempted mediation on at least two occasions and the other living mate(s) has not cooperated, the \$150 moving fee will be assessed to the non-cooperating student(s). Students will only be allowed to move to a vacant double room if they agree to pay the single occupancy rate. If a student moves to another room without completing and submitting the Room Change Request form, they will be subject to additional housing charges and/or disciplinary action.

### **6.5.3.19 Semester Breaks**

Students may not stay on campus during semester breaks when the campus is closed. All residence hall agreements operate on a nine-month academic year and/or summer term basis. Select holidays and breaks are not included in the room and meal fees, as the residence halls officially close and meal plans are inactive during these particular College holidays. See the College Room & Board Contract for additional information.

**Fall Semester:** Only Resident Assistants, athletes required to report early, Bridge Program students, and those receiving specific permission are allowed to check-in earlier than the opening dates published by the Student Life Office.

**Thanksgiving Break:** Residence halls are closed during Thanksgiving break.

**Christmas Break:** Residence Halls are closed during the Christmas break and students are expected to leave their rooms 24 hours after their last exam. Residence halls will re-open for the spring semester.

**Spring Break:** Residence halls are closed during spring break.

**End of Spring Semester:** Residence halls are closed at the end of the spring semester for those students who are

not graduating. Students must vacate their rooms within 24 hours of their last final exam. For those students participating in Commencement, the residence halls will close following the Commencement ceremony.

**Summer Term(s):** Students may live on campus only if they are taking classes during the summer term(s) or if

they are employed by the College.

There are no storage facilities available on campus. However, there are several located in the Elkins area. The Office of Student Life has a list of storage facilities available for students who desire to store items when the residence halls are closed.

#### **6.5.3.20 Unauthorized Occupancy**

Residence halls are for Davis & Elkins College students only. A student may not occupy a room that has not been assigned to him or her.

#### **6.5.3.21 Visitors**

##### **Visitation Hours in Residence Halls**

###### First-Year students and First-Year Halls:

- 8:00 a.m.-midnight on days preceding class days
- 8:00 a.m.-2:00 a.m. on days not preceding class days

There is no co-ed overnight visitation allowed in first-year halls. Likewise, first-year students are not permitted to stay overnight in any campus residence other than their own.

###### Upper-Class Students and Upper-Class Hallways (sophomores, juniors, seniors):

- 8:00 a.m.-2:00 a.m. on days preceding class days
- 24 hours on days not preceding class days

##### **Overnight Visitation**

First-year residents are not permitted to be, or to host, an overnight co-ed guest at any time.

Upper-class students may only have two off-campus overnight guests on days not preceding class days and must accept responsibility for the actions of his/her guest(s). No guest may stay more than two consecutive nights.

##### **Children Visitors**

Students are not allowed to perform babysitting responsibilities in the residence halls or other buildings on campus nor may minor children be admitted to the residence halls as “overnight guests” without the approval of Residence Life staff. Any student who babysits in the residence halls will be subject to disciplinary action.

##### **Host Responsibilities**

Visitors are permitted only at the request of the residents, who then become responsible for their visitors’ conduct and familiarity with College policies and procedures. Residents are not permitted to assign or allow the use of any assigned space to another person and/or guests.

Visitors are expected to observe all College policies and procedures. Residents are expected to accompany their guests within the residential areas at all times. Authorized or unauthorized guests not in compliance with College’s policies and procedures may be removed from College property and issued a trespass warning.

Visitation privileges are to be exercised with concern for others’ rights to privacy. No student shall be denied access to his/her room at any time or be placed under undue hardship by the presence of a visitor. Visitors must

use bathroom facilities designated for their gender. At no time may visitors use shower facilities or restrooms designated for the opposite sex.

Enforcement of the visitation policy is the responsibility of the resident students as well as the residence hall staff. Visitation privileges may be revoked for individuals or groups of residents who violate the visitation policy.

Any non-resident must be escorted within the building at all times by a resident of that facility. Guests must sign in and out when visiting all residence halls. Sign in sheets will be posted on each hallway in the residence halls. Failure to sign a guest in or out result in loss of visitation privileges.

#### **6.5.4 Residence Life Standards of Conduct**

In a shared living environment, there exists a need for balance between the rights of individuals and the general order of the community. The establishment of approved policies, standards of conduct and behavioral expectations serve to maintain such a balance. With an eye toward creating and managing an environment that supports reasonable and responsible behavior, the following policies and standards of conduct have been established to protect the rights of all members of the College community. These policies and standards are published to provide students with general notice of accepted behavior. They should be interpreted broadly and are not designed to define conduct in exhaustive terms. Violations will be considered a violation of the Student Code of Conduct and may result in termination of the College Housing Agreement and/or any sanction(s) described in the Student Disciplinary System.

##### **6.5.4.1 Alcohol and Drugs**

All students residing in the residence halls are required to comply with the College's Alcohol and Drug Policy.

##### **6.5.4.2 Amplified Instruments/Musical Instruments**

Students living on campus are entitled to an environment conducive to sleep and study. Amplified and all other musical instruments are not to be used or played in student rooms or public residential areas without prior approval.

##### **6.5.4.3 Decorations**

Students are welcome to decorate their residence as long as they adhere to the following guidelines:

1. Any decoration that violates West Virginia Fire Codes is prohibited;
2. Alcohol bottles/cans may not be displayed;
3. Students are not permitted to paint or paper the walls, woodwork or ceiling, nor refinish any of the furniture;
4. Items may not be hung from the ceiling at any time or in any fashion;
5. Contact paper is not permitted on any surface;
6. Use or installation of wood paneling, wood structures and/or tile is prohibited;
7. Plastic tape around window or closet areas is not permitted; staples/nails on doors, walls, ceilings, closets or any other surface are not permitted due to the damage caused upon removal;

8. Live or cut trees are not allowed in student rooms;
9. Smoke machines are not allowed;
10. The use of tape, glue, paste, nails, tacks, chalk, markers, hooks, screws and other fixtures on the walls, ceiling, furniture, doors or glass that causes damage is prohibited. The use of blue painter's tape is permitted;
11. Any business, highway, city, state, community or College signs or property that has not been legally obtained.

Any exceptions to these policies must be submitted in writing to the Office of Student Life, or a designee, and approved prior to any changes. When making any public display that can be seen from the exterior of room doors or windows, a resident student may not have:

1. Any clothing, towels, shoes, etc., hanging out of windows;
2. Any signs, flyers or messages that slander, threaten, intimidate, harass or embarrass any member of the College community;
3. Any message which elevates one group above another;
4. Any message that stimulates violence, promotes sex or any harassment or "hate" language or symbols;
5. Any message that promotes drugs or alcohol or use thereof; and
6. Any commercially sold or personal business-related product advertisement or promotion.

The Office of Student Life will review any resident or staff complaints due to offensive or questionable decorations. Appeals of decisions will be at the discretion of the Dean of Students.

#### **6.5.4.4 Doors**

All fire doors and exterior doors in all residence halls must remain closed. Door-propping can lead to problems with safety, pest control, and climate control.

#### **6.5.4.5 Furniture**

All rooms are furnished, and residents are responsible for all furnishings provided in their rooms. Furniture owned by the College may not be removed from the room or from the lounge/lobby space of the dorms.

Alterations and/or damage to furnishings will result in charges for replacements or restoration to original condition. College furniture may not be placed outside the room. Waterbeds, pools, Jacuzzis, lofts or homemade bunk beds are not permitted. Due to limited space and safety reasons, students are discouraged from bringing in additional furnishings. The College reserves the right to have students remove personal furnishings from a room if those furnishings are believed to pose a safety risk, create roommate conflicts, impede movement within the room, or pose a fire hazard. Community/lounge furniture may not be removed or relocated. Personal furniture may be allowed if space permits and with roommate consent.

#### **6.5.4.6 Gambling**

Illegal gambling, as outlined in the College's Gambling Policy, is not allowed in the residence halls. Any student found in violation may be mandated to seek counseling and/or face disciplinary action.

#### **6.5.4.7 Hall Meetings**

Hall meetings are held periodically, and attendance is expected. Unexcused absences from a mandatory hall meeting may result in disciplinary action.

#### **6.5.4.8 Prohibited Items**

Large appliances such as refrigerators over 4.0 cubic feet, toaster ovens, and portable heaters are not permitted as they present too great a drain on the electrical circuitry. Window air conditioning units are strictly prohibited. Additionally, space heaters, waterbeds, hotplates, toasters, toaster ovens, Crock-pots, slow-cookers, electric skillet, rice steamers, woks, deep fryers, air fryers, grills, electric bikes, candles or candle/wax warmers, incense or incense holders, lighters, firearms (including paintball guns, bb and pellet guns), ammunition, or weapons of any kind, flammable liquids (e.g. bottles of propane gas, lighter fluid, and dangerous chemicals), and explosives (including fireworks) are prohibited in the residence halls. Please note, to meet fire safety codes, students are only permitted to use surge protected power strips instead of extension cords or grounded in-wall adapters in the residence hall rooms. Extension cords in rooms are subject to removal by the fire marshal during random inspections. Cleaning game or fish on campus is prohibited. This list of prohibited items is not all inclusive. Items not included that are deemed to be hazardous will be evaluated on a case-by-case basis and may be subject to removal. For quick reference for the items listed above and in other sections throughout this policy, refer to the items below:

##### **Prohibited Items**

- Toaster Ovens
- Space Heaters
- Window AC Units
- Hotplates
- Toasters
- Crockpots/Slow Cookers
- Electric Skillet
- Rice Steamers
- Deep Fryers
- Air Fryers
- Candles (with wick)
- Lighters
- Hotplate Wax Warmers
- Coffee Pots w/Hotplate
- Incense
- Firearms/weapons
- Ammunition
- Electric Bikes
- Flammable liquid (e.g. lighter fluid)
- Explosives
- Extensions cords (ungrounded)
- Pets
- Liquor
- Beer & Wine (underage)

Public Displays of:

Signs that slander, threaten, harass, etc.  
Message that promotes sex or violence  
Message that promotes drug or alcohol use

College signs (property of D&E)

Decorations:

Alcohol Bottles

Permanent Wallpaper

Any items hung from the ceiling

Smoke machines

Any business, highway, city, state, community, or College signs, or property that has not been legally obtained

### **Prohibited Item Violation Sanctions**

Prohibited items may be removed or confiscated and disposed of by College officials (i.e. Student Life, Residence Life and Public Safety) during room checks or when there is probable cause and/or reasonable suspicion. In normal circumstances, students will be given notice to remove the items either verbally or in writing. In hazardous circumstances (such as fire safety violations) students will not be given a warning or notice to remove the items, but instead may be subject to the judicial process. Violations may result in conduct sanctions administered by the Administrative Hearing Officer. Sanctions may include but are not limited to written warning; minimum fine of \$25 per violation; activities restriction; social probation; residence hall removal; dismissal or expulsion. Each situation is evaluated on a case-by-case basis. Sanctions are administered at the discretion of the Administrative Hearing Officer.

#### **6.5.4.9 Railings, Balconies, Roofs, and Stairwells**

Sitting on, standing on, climbing or hanging from a balcony, railing, stairwell or roof is prohibited. Clothing, bikes, banners, signs, plants or other items may not be hung or placed outside of rooms including on balconies, roofs and/or windows.

#### **6.5.4.10 Repairs**

Student may not perform repair work on College property.

#### **6.5.4.11 Restricted Areas and Items**

Some areas and items in the residential community are restricted and not intended for student use or tampering. These include electrical and mechanical closets, air conditioning units, cable and telephone units, wireless access points, and storage rooms. Trespassing in a restricted area or tampering with these items is a violation of the Student Code of Conduct.

#### **6.5.4.12 Room Alterations**

A student may not make any alterations to the interior or exterior of the residence areas without first receiving permission of the Director of Campus Life & Housing.

#### **6.5.4.13 Room Occupancy**

Residential students are not permitted to have more than eight people in their rooms at any one time (including the resident(s) of that assigned room).

#### **6.5.4.14 Sales, Solicitation, and Canvassing**

Door-to-door solicitation, sales, and canvassing are not permitted in any area within the residential community unless approved by the Dean of Students. In addition, any fundraising activities by College students or student organizations in the residence halls must be approved by the Vice President for Institutional Advancement. Door-

to-door distribution of flyers or leaflets or the placement of these items on cars is prohibited. Students may not

engage in any sales or business activities in their room or within any public area of the residential community.

**6.5.4.15 Screens**

All window screens must remain in the assigned room windows at all times.

**6.5.4.16 Smoking**

Davis & Elkins College has adopted a smoke-free campus policy to provide a safe and

healthy working and learning environment for our students, faculty, and staff. This policy prohibits smoking on campus property, in all college-owned facilities, and in all college-owned or leased vehicles. The possession, promotion, sale and/or distribution of smoking products on campus or at any College-sponsored events is also prohibited.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking or vaping device which creates an aerosol or vapor, in any manner or in any form.

The College wants to support all individuals who wish to discontinue their smoking and tobacco use. There are a number of resources available to help with any smoking cessation questions or concerns.

1. Counseling and Wellness Services is available to address individual concerns, provide assessments and referrals for counseling treatment on and off campus, and provide information and education about smoking and tobacco use and cessation.
2. Student Health Services is available to assist individuals with questions or concerns and/or provide education regarding the physical effects of smoking and tobacco use.
3. The WV Tobacco Quitline can provide free or low-cost tobacco cessation services to residents of West Virginia including educational materials, coaching calls, and nicotine replacement therapy such as nicotine patches, lozenges, gum and/or medication. To contact the WV Tobacco Quitline call 1-800-QUIT-NOW or 1-877-966-8784. Individuals can also enroll in this program online at <https://wvtobaccoquitline.com/enroll>.

Individuals that violate this policy will be sanctioned with a \$50.00 fine and/or other appropriate campus disciplinary procedures.

#### **6.5.4.17 Sports and Activities**

In order to create a safe living environment, the playing or participating in sporting events or activities in rooms, hallways, balconies, courtyards, lounges and lobbies is prohibited. The use of athletic equipment in rooms is prohibited due to the disruption and damage it may cause. Bouncing or throwing athletic equipment at or off buildings, rooms, hallways, balconies, courtyards, lounges and lobbies is also prohibited.

#### **6.5.4.18 Windows, Balconies, and Hallways**

Throwing or hanging objects from windows, hallways, stairwells and balconies, or placing objects on the ledge outside the window is hazardous and infringes on the rights of others.

## **6.6 Student Discipline Policies**

The Board of Trustees of the College has entrusted the President of the College with the responsibility and authority to develop and supervise the operation of a disciplinary policy. The President has designated the Dean of Students as the primary officer in charge of maintaining and supervising the disciplinary policy as it relates to social conduct of students. Academic standards are developed by the faculty and are under the supervision of the Vice President for Academic Affairs. Rare occasions may arise when conduct is so inherently dangerous to the individual and/or to others in the community, and/or so violates the fundamental ideals and standards of the College, that extraordinary action must be taken.

The College reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including disciplinary warning, disciplinary probation for a specific period, suspension, dismissal, and/or removal from campus. Should this type of action become necessary by either the Vice President for Academic Affairs or the Dean of Students, the President shall be informed prior to the action being taken. Appeals of such extraordinary action is to the President of the College.

NOTE: Any allegation of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and stalking made by or against a student of the College, regardless of where the alleged conduct occurred, will be investigated and resolved pursuant to the College's Gender- Based Discrimination, Harassment and/or Sexual Misconduct Policy.

### **I. Student Warnings**

In keeping with best safe practices and understanding that the College students deserve and need to grow in many different areas, the College has instituted a policy of progressive discipline for students. These warnings are

issued for minor offenses and small administrative infractions. Initial warnings are to be utilized mainly for first-year students and beginning of the year situations where students are growing socially. These warnings are issued in an effort to familiarize the students with the College's policies, procedures, rules and regulations; but it is also an effort to turn a potentially unsafe situation into a teachable moment. These warnings can be issued by any Residence Life Staff member, the Office of Student Life and/or any Office of Public Safety officer. Students are encouraged to report potentially unsafe situations knowing there is a very good likelihood that a warning will be issued, and no one will be subject to the disciplinary process. The College reserves the right to enforce Code of Conduct violations and the disciplinary process on first-time offenders if the offense is not considered minor in nature.

## **II. Violations of the Code of Conduct**

Violations of the Code of Conduct or other College policies may be dealt with by members of the Student Life staff and/or Office of Public Safety. Any Student Life staff member can respond to a problem or situation.

### **A. Initiating a Complaint**

#### **1. Incident Reports**

Charges of a violation of the Code of Conduct or a request to investigate an alleged Code of Conduct violation may be filed in writing via a written [Incident Report](#) within a reasonable period following Policy [and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment](#) shall be reported in any manner listed in those respective policies to the Title IX Coordinator or Deputy Coordinators. All complaints involving incidents of gender-based discrimination, harassment, and sexual misconduct will be investigated and resolved pursuant to the College's Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment

Incident Report Forms on which complaints may be filed are available on the [college's website](#), or reports can be made directly to the Office of Student Life or Office of Public Safety. In completing the form, as much detail concerning the alleged violation as possible should be included, as well as specific references to the part of the Code the reporting individual believes has been violated and current contact information. Perceived criminal activity should be reported immediately to the Office of Public Safety, which will submit a report of a student violation to the Office of Student Life.

#### **2. Absence of a Formal Complaint**

Regardless of whether a formal complaint is filed (including where a complainant is unwilling to participate in the investigation process), if the College has credible notice – either direct or indirect – of a possible Code of Conduct violation, it will take immediate and appropriate steps to evaluate what occurred, determine if further action is required, and prevent any further recurrence. Any response to such notice may be limited if the events giving rise to such notice cannot be verified by independent facts.

#### **3. Violation of Law**

Any criminal violation of law (whether on campus or off campus) is at the same time a violation of the College's Student Code of Conduct. Therefore, any student charged with a criminal offense may become the subject of a Student Code of Conduct complaint. Conduct review proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceeding.

#### **4. Administrative Action**

As stated in the College Administrative Authority Policy, the College reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including disciplinary warning, disciplinary

probation for a specific period, suspension\*, dismissal, and/or removal from campus. Should this type of action become necessary by either the Vice President for Academic Affairs or the Dean of Students, the President shall be informed prior to the action being taken. Any appeals of such extraordinary actions must be made in accordance with applicable appeal procedures.

NOTE: During a suspension, a student will be denied access to the residence halls, and/or to the campus and/or all other College activities or privileges for which the student might be otherwise eligible, as the Dean of Students or designee determines to be appropriate.

## 5. Mediation

Mediation is possible, with the approval of the College administrator charged with resolving the complaint as appropriate when all parties involved (accuser and accused) voluntarily agree to engage in the mediation process. If mediation fails, the case will be resolved under normal conduct resolution proceedings.

### **B. Review and Referral**

Disciplinary complaints are reviewed preliminary by the Preliminary Response Team, Office of Public Safety, and Office of Student Life to determine whether the complaint has merit and whether the alleged misconduct might result in sanctions, suspension or expulsion from the College.

Following initial review and a determination that the complaint has merit, the appropriate Conduct Officer will issue a written Citation and Summons to the accused student(s) or student organization (“student”) informing the student of the charges. The notice will state the time and date of the occurrence. Additionally, the Office of Student Life or Office of Public Safety will arrange an Administrative Hearing with the student(s) and Administrative Hearing Officer to discuss the case.

If there is a possibility that a student may be suspended or expelled from the College, the case is deemed to involve a major infraction. In such cases, an immediate administrative hearing conducted by the Dean of Students (or designee) will occur.

#### 1. Administrative Hearing

An administrative hearing will take place after reasonable attempts to schedule all parties involved, but no later than ten (10) business days after the issuance of the notice. Notice of the hearing will be issued by the Office of Student Life or Public Safety and be delivered to the student either in person or via email. There will be no second notice delivered to the accused. Computer problems or failure to check email are not an excuse. The written notice will include:

- A description of the acts of the accused;
- The particular section of the Student Code of Conduct alleged to have been violated; and
- The name(s) of any witnesses.

In the administrative hearing setting, a member of the Student Life Staff may present the information collected concerning the incident to the Director of Public Safety or designee, who will serve as the Administrative Hearing Officer. If a charged student fails to appear for the scheduled hearing, the information and support of the charges may be presented by a Student Life staff member and considered by the hearing officer. The Administrative Hearing Officer will conduct the hearing in accordance with procedural rules agreed upon prior to the hearing. At a minimum, the Administrative Hearing Officer will review all materials, hear all information pertinent to the case from the accused and any witnesses brought forth, clarify issues raised, and render a decision in writing based upon information presented. Student responsibility will be determined through the hearing by the Administrative Hearing Officer.

If the student is held responsible, the sanction will be set by the Administrative Hearing Officer, who will notify the accused student in writing. The student has the right to appeal the Administrative Hearing Officer's decision to the Dean of Students. The initial appeal must be made within three (3) business days of the penalty being set.

If the student admits culpability during the Administrative Hearing, the Judicial Affairs Officer will determine an appropriate sanction(s). The student has the right to appeal the decision to the Dean of Students. The initial appeal must be made within three (3) business days of the penalty being set.

### 3. Official Notices:

Students are expected to respond to official correspondence from faculty or administrative personnel. Failure to do so may jeopardize a student's current and/or subsequent enrollment.

### 4. Standard of Evidence:

The standard of evidence for proceedings before an Administrative Hearing Officer is "preponderance of evidence" ("more likely than not"). For this reason, the student is found "responsible" or "not responsible," as opposed to guilty or not guilty.

## III. Appeals

An appeal of the decision by the Administrative Hearing Officer may be made by either party within three (3) business days after receipt of the official written notification of the Administrative Hearing Officer's decision. A student must make such a request in writing via the Office of Student Life.

The student must state the specific grounds for the appeal. These grounds are limited to:

- The evidence presented at the hearing does not support the verdict;
- The sanction(s) is/are excessively severe;
- New or newly discovered evidence is of character which may substantially affect the outcome of the hearing;
- There was a procedural error which substantially affected the outcome of the hearing.

If the Dean of Students determines there is merit for an appeal, the facts of the incident will be reviewed with the student within ten (10) business days of receiving the student's written appeal. Appeals can result in one of the following ways:

- The student will be found not responsible for the violation of the Student Code of Conduct.
- The student's original sanction will be upheld.
- The student's original sanction will be modified.

The standard of preponderance of evidence will be used in all decision-making. Once the Dean of Students has rendered a decision, the student will receive a written notice of the outcome.

Pending the Dean of Students decision, the College reserves the right to enforce the original imposed sanctions pending the outcome of the appeals process.

Only in cases of suspension or expulsion will the student have the right to appeal to the President. This final appeal may be filed in writing with the President within three (3) business days of the student's receipt of the Dean of Students decision. The appeal will then be reviewed/considered by the President. The President's decisions will be rendered within ten (10) business days after the receipt of the appeal and the President's decision

shall be final.

NOTE: The timeframes in this policy may be extended by the Office of Student Life based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks, and complexity of the complaint.

#### **IV. Sanctions**

The Administrative Hearing Officer, Director of Public Safety, or the Dean of Students may impose a single or multiple sanction for violations of the Student Code of Conduct. Factors to be considered when determining sanctions include: present demeanor and past disciplinary record of the student/organization/team, penalties resulting from a corresponding court case, the nature of the violation, and the severity of any damage, injury or harm resulting from it as perceived by the victim and/or appropriate College officials. There will be no refund of tuition/fees/housing deposit/escrow/meal plan fees if suspension or withdrawal from courses and/or College Housing is affected because of violations of the Student Code of Conduct. The following sanctions may be imposed upon any student/group/team found to have violated the Student Code:

**Official Written Warning:** A written notice to the student indicating a violation of the Student Code of Conduct has occurred and a warning that a subsequent violation will likely be treated more severely.

**Restorative Justice:** Completion of required restorative justice hours, either on or off campus as designated.

**Educational Task:** Completion of tasks that benefit the individual, the campus and/or the community.

**Fine:** The student is required to pay a fine within a specific period of time as designated.

**Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.

**Suspension of Residence Hall Visitation Privileges** for a defined period of time.

**No Contact Order:** A signed agreement between two parties to cease all forms of communication, including physical, verbal, written, electronic, through any third parties, as well as any other means. A violation of this order may result in suspension from the College.

**Activities Restrictions:** A defined period of time indicating that a student cannot participate in any extracurricular activities, including student clubs and organizations, student assembly, athletics, theatre, etc. Restrictions start after the appeal window has closed or after the appeal decision has been rendered.

**Disciplinary Probation:** A defined period of time (minimum of one term) indicating that the student is no longer in good social standing within the College. A student on Disciplinary Probation may face specific restrictions on his or her participation in College events, organizations or representation in an official College sponsored organization or team. Any subsequent violation while in this status may result in suspension or expulsion from the College.

**Residence Hall Disciplinary Probation:** A defined period of time indicating that the student is no longer in good social standing within the Residence Halls. A student who is put on Residence Hall Disciplinary Probation may not reside in the residence halls during any College break period.

**Residence Hall Suspension/Expulsion:** The student's privilege to live in College-owned housing and to visit the residence areas of campus is suspended for a defined period of time or permanently.

**Suspension:** Separation of the student from the College for a defined period of time (minimum of one semester). During this period, the student may not be registered for classes, may not attend classes, may not receive grades from the institution, may not be present on campus nor at a College sponsored event for any reason whatsoever.

**Expulsion:** Permanent separation of the student from the College. The student may never again register for classes or attend classes or receive grades from the institution. The student may never be present on campus or at a campus sponsored event for any reason whatsoever.

**Minimum Mandatory Sanctions for Alcohol and Other Drug Violations:** It is College Policy to enforce the alcohol and other drug policies with a series of minimum mandatory sanctions. These sanctions are designed to educate the student and emphasize the serious consequence of alcohol and drug abuse on the individual and the community. The minimum mandatory sanctions for alcohol and other drug violations are set forth in the College Alcohol and Drug Use Policy.

## **6.7 Information Technology Resource Policies**

See Volume II of the Davis & Elkins College Policy Manual.

## **6.8 Student Activities, Organizations and Clubs**

### **6.8.1 Student Activities**

#### **6.8.1.1 Campus Extracurricular Activities**

Through involvement in extracurricular activities, students have opportunities to develop leadership skills to supplement and enrich their academic experiences. In fact, the College has many opportunities for students to become involved in significant activities that determine its direction. The student voice can be strong if students choose to exercise it.

Students who are interested in journalism, writing, or photography may become staff members on one of three campus media outlets:

- The Senator, a student newspaper
- Senatus, the College yearbook
- Aurora, the award-winning literary magazine

Students are also active in the community by becoming involved with local festivals, activities, and service projects. Working through local churches, civic groups or campus organizations, students have served as tutors, been involved in ecology programs, and sponsored fund-raising campaigns for worthy causes.

#### **6.8.1.2 Creative Arts**

At the College, the fine arts complement the liberal arts. Through the Division of Creative Arts, the College offers students the opportunity both to exercise creativity and to appreciate it. The College's art program encourages students to exhibit their work on and off campus. The College Choir tours locally and regionally, performing a broad range of music for small ensemble in various styles and genres ranging from madrigals to jazz. All students have the opportunity to participate in one of the three or four plays produced each year in the Boiler

House Theater. Besides this facility, rustic in design yet equipped with a fully flexible stage, the theater program uses its studio theater for several small or experimental productions every year.

In addition, professional performers on tour make the College a frequent stop. Both the Wheeling and the West Virginia Symphony orchestras have performed in Harper-McNeeley Auditorium. Chamber groups and soloists visit the school as well. The College's Office of Student Life, in conjunction with the student-led Campus Activities Board (CAB), arranges concerts and band dates for campus activities.

The Augusta Heritage Center of the College maintains a vibrant schedule of workshops, concerts, and classes in Appalachian crafts and culture. Its annual festivals draw traditional performers from all over the world. The larger community of Elkins affords further cultural resources. In town, a community playhouse stages several productions a year, and the city is home to regular events, such as the Mountain State Forest Festival, which every fall transforms Elkins into a capital of crafts and music.

### **6.8.1.3 Volunteer and Service Activities**

There are many opportunities for students to volunteer both on and off-campus. The College students have a long history of volunteering and have assisted the local community with city-wide organizations and activities. See the Office of Student Life or the Chaplain for more information.

## **6.8.2 Student Clubs and Organizations**

The College has many clubs and organizations that enable students to get involved. Clubs include those with an emphasis on academics, Communication, community service, entertainment, special interest and student government. In addition, honorary fraternities and social fraternities are available.

### **6.8.2.1 Campus Club Accounts**

The College is committed to student involvement and self-management. Likewise, the College is also dedicated to high standards of fiscal responsibility for all revenues received and distributed by the College. Therefore, this policy is implemented with the intention of assisting student led clubs and organizations in the pursuit of their activities.

Clubs and organizations receiving funding through student association fees are required to utilize the services offered by the Business Office for accumulation and distribution of funds. All fundraising efforts can be acknowledged and separated from Student Assembly distributed funds to allow for building funds for larger projects. This would take place through two related accounts that are maintained in the name of the organization but administered individually.

All Student Assembly distributed funds must meet the following criteria (additional criteria developed by the Student Assembly may add limitations but cannot supersede these guidelines)

- Funds can be obtained in the form of a check request presented to the Business Office. This form is used to obtain a cash advance, reimbursement for expenses incurred, or request payment to a vendor. Check requests should be submitted at least 7-10 business days prior to the expressed need.
- Cash advance – Only one cash advance per organization is allowed at any given time. Once a cash advance is cleared (receipts & cash totaling the advance amount) another is possible.
- Reimburse for expense – Receipts are required. On the occasion that a receipt is lost a written statement can suffice but this cannot be a regular occurrence.

Charge to vendors – certain vendors accept purchase orders from the College for required purchases of materials and supplies and/or services. With proper planning, a club/organization or advisor may submit a purchase order to a vendor. Invoices will then be processed through the College’s Accounts Payable department when received from the vendor.

### **6.8.2.2 Current Student Organizations**

The following list identifies selected, recognized campus organizations.

#### **Academic Emphasis**

- Accounting Club
- Art Club
- Davis & Elkins College Student Nurses Association (DESNA)
- Debate Club
- Hospitality Club
- Student Education Association (SEA)
- STITCH
- POLIS
- Psychology Club

#### **Communication**

- Aurora – Campus literary magazine
- The Senator – College newspaper
- The Senatus – College yearbook

#### **Community Service**

- Rotaract

#### **Entertainment**

- Senator Entertainment

#### **Honorary Societies**

- Chi Beta Phi- National Science Honorary
- Delta Alpha Pi Students with Learning Disabilities
- Kappa Delta Phi- International Honor Society in Education
- Sigma Alpha Pi - National Society of Leadership and Success
  
- **Social Fraternity**
- Alpha Sigma Phi
- Phi Omega Mu
- Sigma Phi Epsilon
- Zeta Kappa Xi

#### **Special Interest**

- Appalachian Dance & Music Club
- Baptist Campus Ministry
- Dance Club
- The Defenders
- Fellowship of Christian Athletes

- Fitness Center Club
- GreenWorks!
- International Student Organization
- Madden Center
- Otaku League
- Outdoor Adventure Club
- Paintball Club
- Student Athlete Advisory Committee (SAAC)
- Student Veterans Association (SVA)
- The Icehouse Club
- Taboo

#### Student Government

- Student Assembly

#### **6.8.2.3 Student Assembly**

The College Student Assembly is the representative body of the student body and is responsible for selecting students to serve on shared governance groups. Its composition and responsibilities are outlined in its Constitution and Bylaws, which is available on My D&E. The Student Assembly reports its advisory recommendations to the Dean of Students.

#### **6.8.2.4 Honorary Fraternities**

**Chi Beta Phi - National Science Honorary:** Chi Beta Phi is a National Science Honorary whose goals are to encourage interest in mathematics and science and to recognize scholarly achievement. The Zeta Chapter at the College was founded in 1925. To be eligible for regular membership, a student must have completed a minimum of 20 hours in mathematics and the natural sciences with a 3.0 or higher GPA overall, as well as in mathematics and natural science courses.

**Delta Alpha Pi - Local Chapter:** Delta Alpha Pi recognizes students with disabilities for their academic achievements. Students must complete a minimum of 24 credits and earn an overall GPA of 3.1 on a 4.00 scale. Students must present a documented disability to Disability Services and demonstrate an interest in disability issues

**Kappa Delta Pi - International Honor Society in Education:** The mission of Kappa Delta Pi is to sustain an honored community of diverse educators by promoting excellence and advancing scholarship, leadership, and service. To be eligible for membership, a student must have at least 12 credit hours in education completed, a 3.0 or higher GPA overall, and be invited to join.

**Psi Chi - National Honor Society in Psychology**

**Sigma Alpha Pi - National Society of Leadership and Success**

**Sigma Beta Delta - International Honor Society in Business, Management, and Administration:** The purposes of Sigma Beta Delta are to encourage and recognize scholarship and promote aspirations toward personal and professional improvement. To be eligible for membership, a student must rank in the upper 20 percent of the junior or senior class and be invited to membership by the faculty officers.

### **6.8.2.5 Approval of New Student Organizations**

Each student organization must have an advisor who is a faculty member or staff member and at least eight student body members to charter the organization. A New Student Organization request must be completed and submitted to the Student Assembly and then the Dean of Students for approval. The following information must be included:

1. Proposed Constitution and Bylaws of the student organization;
2. A description of how the student organization would be beneficial to the student body and College community;
3. The names, addresses, contact numbers and emails of at least eight (8) dedicated members;
4. The name, position and work number of the advisor(s).

The Student Assembly will approve or reject the proposed Constitution and Bylaws of the student organization within one month after the proposal is submitted and reviewed. The decision must then be submitted for final approval by the Vice President for Student Affairs, who will notify the president of the student organization, in writing, of his or her decision regarding the request for recognition. The Dean of Students' decision is binding and final for the semester in which the Constitution and Bylaws is submitted.

#### **Student Organization Code of Conduct**

All students and student organizations are subject to applicable College policies, including the Student Code of Conduct. Moreover, all organizational activities must be consistent with the organization's overall mission and goals. Violations may result in revocation of recognition by the College.

#### **Discrimination**

Membership must be nondiscriminatory. No club or organization may possess a title that makes use of words and/or symbols generally understood to be indicators of bias.

#### **Hazing**

The College opposes and will not tolerate any form of hazing by any student organization.

#### **Apparel, Publicity, Logos and Publications**

Logo approval from Communications and Marketing is required prior to ordering any apparel or publication of other printed materials. Student organization members must also be familiar with the College's Communications Standard Manual.

#### **College Liability**

The College shall not be liable for any loss, damage, injury, or other consequence resulting from weather or acts of nature or a student council or society participant's failure to comply with College rules and regulations, the direction of College employees, or applicable law.

#### **Advisors' Responsibilities**

Recognized student organizations are required to have an advisor who is faculty member or permanent full-time staff personnel. Advisors are an important asset to student organizations and can assist the group in obtaining its goal by providing support and leadership. Advisors must assume the following responsibilities:

1. Mentoring of students;
2. Meeting with the organization's officers, as needed;

3. Attending all events and trips;
4. Auditing finances;
5. Assisting with election concerns;
6. Discussing and approving goals, objectives, and mission statement;
7. Keeping members motivated.

### **Student Leadership Roles**

The following is a list of criteria for holding a leadership office of a student organization:

1. Students may be nominated for or hold only one office within an organization and must meet the requirements as stated by the position description or constitutional requirements.
2. Officers must meet and maintain a minimum grade point average requirement of a semester grade point of 2.0 and a cumulative grade point of 2.2. Student organizations may require higher grade point averages for officers and membership.
3. Officers should not be involved in any disciplinary or academic suspensions. Should a suspension or dismissal occur, the student organization will designate another student to fill the existing position in accordance with its bylaws.

### **End of Year Report**

The president of each student organization is responsible for the composition of an End of Year Report, which must be submitted annually to the Student Assembly and the Dean of Students. This report must include:

- A recap of the events and fundraisers that were held during the year;
- A recent list of all members;
- An accounting of all revenue and expenses for the year;
- Preliminary plans for events and fundraising activities for the next school year;
- The name of the advisor.

### **6.8.3 Greek Life**

All active members must maintain a minimum cumulative grade point average of 2.5. In addition, students interested in pledging must have minimum cumulative grade point average of 2.5 to receive a bid. “Pledges” must maintain a 2.5 grade point average at the end of the semester of pledging to be eligible for activation. Therefore, a current member/proposed new member in academic jeopardy is not permitted to participate in Greek activities until his or her grade point average is above a 2.5.

The College practices a “deferred joining” policy, which prohibits first-semester freshmen from pledging a Greek organization.

To be eligible, a potential new member must:

- Be a regularly enrolled, full-time student at the College;
- Have earned at least 12 college credits; and
- Have at least a 2.5 College G.P.A.

Commonly referred to as “rush,” fraternity and sorority recruitment activities and events occur both formally and

informally throughout the year. Recruitment is an opportunity to learn more about each organization and to get to know the members, seeking out an organization that best fits your values, personality and interests.

In order to preserve the integrity of the first-year residence halls, first-year pledges will not be allowed to move into the fraternity/sorority hall until the beginning of the following academic year. Upperclassmen are allowed to join a chapter at any time provided they meet the eligibility requirements stated above.

No chapter, colony, student, or alumni shall conduct or condone hazing activities.

#### 6.8.4 Student Role in College Governance

The governance system of the College promotes student participation in determining the academic and social policies of the College. As they weigh issues of student life and institutional direction, students prepare themselves to act responsibly as leaders in a democratic society. Students elect representatives to the Student Assembly, which has jurisdiction over student activities and organizations and manages an activities budget. Students meet twice yearly with the Board of Trustees to express opinions, ask questions, and discuss common concerns.

## Appendix

## Federal Drug Trafficking Sanctions

### FEDERAL TRAFFICKING PENALTIES—MARIJUANA

| DRUG                     | QUANTITY   | 1st OFFENSE   | 2nd OFFENSE *  |
|--------------------------|--|---|--|
| Marijuana (Schedule I)   | 1,000 kg or more marijuana mixture;<br>or 1,000 or more marijuana plants   | Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. | Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | 100 kg to 999 kg marijuana mixture;<br>or 100 to 999 marijuana plants  | Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  | Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | More than 10 kgs hashish;<br>50 to 99 kg marijuana mixture<br><br>More than 1 kg of hashish oil;<br>50 to 99 marijuana plants                | Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.                                     | Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.                                   |
| Marijuana (Schedule I)   | Less than 50 kilograms marijuana<br>(but does not include 50 or more marijuana plants regardless of weight)<br><br>1 to 49 marijuana plants; | Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.   | Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.   |
| Hashish (Schedule I)     | 10 kg or less  |   |  |
| Hashish Oil (Schedule I) | 1 kg or less   |   |  |

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

United States Drug Enforcement Administration. (2017). Federal trafficking penalties. Retrieved from [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf).

## FEDERAL TRAFFICKING PENALTIES

| DRUG/SCHEDULE   | QUANTITY                                  | PENALTIES   | QUANTITY   | PENALTIES   |
|---|---|---|--|---|
| Cocaine (Schedule II)   | 500-4999 grams mixture                    | <b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.<br><br><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | 5 kgs or more mixture                              | <b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.<br><br><b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.<br><br><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. |
| Cocaine Base (Schedule II)  | 28-279 grams mixture                      |   | 280 grams or more mixture                          |   |
| Fentanyl (Schedule II)  | 40-399 grams mixture                      |   | 400 grams or more mixture                          |   |
| Fentanyl Analogue (Schedule I)  | 10-99 grams mixture                       |   | 100 grams or more mixture                          |   |
| Heroin (Schedule I)   | 100-999 grams mixture                     |   | 1 kg or more mixture                               |   |
| LSD (Schedule I)  | 1-9 grams mixture                         |   | 10 grams or more mixture                           |   |
| Methamphetamine (Schedule II)   | 5-49 grams pure or 50-499 grams mixture   |   | 50 grams or more pure or 500 grams or more mixture |   |
| PCP (Schedule II)   | 10-99 grams pure or 100-999 grams mixture |   | 100 gm or more pure or 1 kg or more mixture        |   |
| PENALTIES   |   |   |  |   |
| Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) | Any amount                                | <b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.<br><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.   |  |   |
| Flunitrazepam (Schedule IV)   | 1 gram                                    |   |  |   |
| Other Schedule III drugs  | Any amount                                | <b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.   |  |   |
| All other Schedule IV drugs   | Any amount                                | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.<br><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.   |  |   |
| Flunitrazepam (Schedule IV)   | Other than 1 gram or more                 |   |  |   |
| All Schedule V drugs  | Any amount                                | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.  |  |   |

United States Drug Enforcement Administration. (2017). Federal trafficking penalties. Retrieved from [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf).