Davis & Elkins College

POLICY MANUAL

VOLUME II

Community Policies

TABLE OF CONTENTS
Volume II
Community Policies

2.0 INTRODUCTION 1

2.1 General Institutional Policies 1
2.1.1 Equal Opportunity and Discrimination and Harassment Policies 1
2.1.1.1 Equal Opportunity and Non-Discrimination Statement 1
2.1.1.2 Davis & Elkins College Policy and Procedures on Discrimination and Harassment 2
2.1.2 Community Statement 46
2.1.3 Consumer Information 46
2.1.4 Policy on Protection of Minors 50
2.1.5 Constitution Day Celebration 57
2.1.6 Discounts for Vendor Employees 57
2.1.7 Freedom of Expression 57
2.1.8 Gambling 59
2.1.9 Guest Speakers and Performers 59
2.1.10 Information Security and Identity Theft Prevention Program 61
2.1.11 Institutional Research 65
2.1.12 Political Activities 65
2.1.13 Program Integrity Complaints 67
2.1.14 Solicitations 69
2.1.15 Student Record Confidentiality (FERPA) 70
2.1.15.1 Notice to all Students Regarding FERPA 76
2.1.16 Chosen Name Policy 79
2.1.17 Survey Administration 82
2.1.18 Tuition Discount Program for Alumni and Senior Citizens 83
2.1.19 Volunteers 84

2.2 Health, Environmental Safety and Risk Management 85
2.2.1 Campus Health 85
2.2.1.1 Drug and Alcohol Prevention Program 85
2.1.1.1.1 Alcohol Policy 86
2.1.1.1.2 Drug-Free Schools and Community Act Compliance 89
2.1.1.1.3 Drug Free Workplace 95
2.1.1.1.4 Serving Alcohol on Campus 96
2.2.1.2 Communicable Diseases 97
2.2.1.3 Disability Support (ADA) 100
2.2.1.4 Health Insurance Portability and Accountability Act (HIPAA) 101
2.2.1.5 Pets and Service Animals 101
2.2.1.6 Sharps (Needles and Syringes) Waste Disposal 106
2.2.1.7 Smoking and Tobacco Use 106

2.2.2 Environmental Safety and Risk Management 107
2.2.2.1 Environmental Safety 107
2.2.2.2 Enterprise Risk Management Program 107

2.3 Campus Safety 108
2.3.1 Clery Act Compliance 108
2.3.2 Campus Safety and Security 109
2.3.2.1 The Office of Public Safety 109
2.3.2.2 Campus Security Enforcement 110
2.3.2.3 Criminal Activity Off Campus 110
2.3.2.4 Accurate and Timely Reporting of Criminal Offenses 111
2.3.2.5 Voluntary, Anonymous Reporting 112
2.3.2.6 Mandatory Crime Reporters 112
2.3.2.7 Access to Campus and Buildings 113
2.3.2.8 No Trespass Policy 114
2.3.2.9 Missing Students 116
2.3.2.10 Emergency Response and Evacuation 116
2.3.2.11 Security Awareness Programs 118
2.3.2.12 Environmental Security Inspections 118
2.3.3 Communication About Campus Crimes 118
2.3.3.1 Timely Warning Notices 118
2.3.3.2 Annual Security and Fire Safety Report 119
2.3.3.3 Reporting of Crime Statistics 119
2.3.3.4 Crime and Fire Log 122
2.3.3.5 Crime Prevention Programs 122
2.3.3.6 Disclosures to Alleged Victims 122
2.3.4 Sexual Offenses 123
2.3.4.1 Sexual Offense Policy and Procedures 123
2.3.4.2 Registered Sex Offenders 123
2.3.5 Fire Safety 123
2.3.5.1 Campus-Wide Fire Safety Practices 123
2.3.5.2 Campus Fire Safety Policies 123
2.3.5.3 Employee Fire Safety Training 124
2.3.5.4 Campus Fire Statistics 124
2.3.6 Other Campus Safety Policies 125
2.3.6.1 Bicycles, Skateboards, Roller Skates/Blades 125
2.3.6.2 Demonstrations 125
2.3.6.3 Security Cameras 126
2.3.6.4 Violence on Campus 127
2.3.6.5 Weapons and other Dangerous Instruments 128
2.3.7 Vehicles and Parking 129
2.3.7.1 College Motor Vehicle Use 129
2.3.7.2 Driver Selection and Training 129
2.3.7.3 Rules Governing the Use of College Owned or Leased Vehicles 130
2.3.7.4 Rules Governing the Use of College Golf Carts 131
2.3.7.5 Parking 132

2.3.7.6 Vehicle Unlock and Jumpstart Policy 134
2.3.8 Key Control Policy 135

2.4 Technology Resources 137
2.4.1 Acceptable Use of College Information Technology Resources 137
2.4.1.1 Applicability 137
2.4.1.2 Ownership 138
2.4.1.3 Disclaimer and Limitation of Liability 138
2.4.1.4 Appropriate Use 138
2.4.1.5 Inappropriate Uses and Content 139
2.4.1.6 No Expectation of Privacy 141
2.4.1.7 User's Responsibility for Maintaining Privacy 143
2.4.1.8 College Email Systems 143
2.4.1.9 Enforcement 144
2.4.2 Artificial Intelligence Policy 145
2.4.2.1 Applicability 145
2.4.2.2 Definitions 146
2.4.2.3 Approved AI Tools 146
2.4.2.4 Acceptable Use 146
2.4.2.5 Prohibited Use 147
2.4.2.6 Academic Use 147
2.4.2.7 Training and Awareness 147
2.4.2.8 Exceptions 148
2.4.2.9 Review 148
2.4.2.10 Enforcement 148
2.4.3 Cloud Computing 148
2.4.4 Computer Lab Use 149
2.4.5 Hardware and Software Disposal 150
2.4.6 Information Services Change Control 150
2.4.6.1 Annual Technology Resources Review 150
2.4.6.2 Change Control Process 151
2.4.6.3 Approval and Schedule 151
2.4.6.4 Emergency Changes 152
2.4.7 Information Resource Maintenance 152
2.4.8 Information Resource Security Plan 152
2.4.8.1 Definitions 152
2.4.8.2 Risk Assessment and Safeguards 153
2.4.8.3 Securing Information 153
2.4.8.3.1 General Safeguarding Practices 153
2.4.8.3.2 Security of Information Services System Platforms 154
2.4.8.3.3 Security Standards for Desktop Computers, Laptop Computers, and Other Mobile Devices 156
2.4.8.4 Evaluation and Revision of Information Security Plan 157
2.4.9 Information Services Security Incident Response Plan 158
2.4.10 Network Access Authorization and Authentication 159
2.4.11 Peer-to-Peer File Sharing 160

2.4.12 Use of Mobile Electronic Devices 160
2.4.13 Wireless Access 164

2.5 Facilities Management 166
2.5.1 Facilities Management Department 166
2.5.1.1 Reporting Maintenance and Repair Service 167
2.5.2 Cooling and Heating Systems 167
2.5.3 Environmental Conservation 167
2.5.4 Facilities Use and Rentals 168
2.5.4.1 General Reservations and Conditions of Use 168
2.5.4.2 Use of Davis & Elkins College Facilities by Candidates for Political Office 169
2.5.5 Occupant Responsibilities 170
2.5.6 Postings on Campus 170
2.5.7 Third Party Advertising on Campus 171

2.6 Marketing and Public Relations 172
2.6.1 College Advertising 172
2.6.2 College Publications 172
2.6.3 Campus Event Flyers 174
2.6.4 Davis & Elkins College Website 174
2.6.5 College Use of Social Media 175
2.6.6 Photography and Filming on Campus 177
2.6.6.1 Photo Coverage 177
2.6.6.2 Professional Photography on the Davis & Elkins College Campus 178
2.6.7 Forward Magazine 178
2.6.8 Public Relations 179
2.6.8.1 Appearances Before Accreditation and Government Agencies 179
2.6.8.2 Media Relations and Press Releases 179
2.6.8.3 Authorized College Spokespersons 180
2.6.8.4 Media Communications 180
2.6.9 Davis & Elkins Communication Standards 180
2.6.9.1 The College Colors 180
2.6.9.2 Use of the College Seal 181
2.6.9.3 Use of the Davis & Elkins College Logo 181
2.6.9.4 Use of the Davis & Elkins College Senators Logos 182
2.6.9.5 Use of the Davis & Elkins College Stationery System 182
2.6.9.6 Use of College Identity System Advice and Approvals 182

2.7 Institutional Advancement 183
2.7.1 Office of Institutional Advancement 183
2.7.1.1 Types of Gifts and Fundraising Revenue Activities 183
2.7.2 Coordination and Approval of College Fundraising Solicitations 184
2.7.3 Management and Reporting of Gifts 185
2.7.3.1 Gift Acceptance 186
2.7.3.2 Outright Contributions 187
2.7.3.3 Pledges 191
2.7.3.4 Planned Gifts 191

2.7.3.5 Naming Opportunities....193
2.7.3.6 Gift Acknowledgment....196
2.7.4 Athletic Fundraising.... 196

2.8 Copyright and Intellectual Property.... 197
2.8.1 Copyright Protected Material.... 197
2.8.1.1 Application....197
2.8.1.2 Fair Use....198
2.8.1.3 File Sharing And Peer-to-Peer Software Programs....199
2.8.1.4 Software Generally Protected By Copyright Law....199
2.8.1.5 Violation of Copyright Laws....200
2.8.1.6 TEACH Act....200
2.8.1.7 Digital Millennium Copyright Act....201
2.8.2 Intellectual Property Rights.... 202

Appendix 1: Volunteer Forms.... 206
Appendix 1A: l Volunteer Registration Form.... 206
Appendix 1B: Volunteer Release and Waiver of Liability Form.... 208

APPENDIX FEDERAL DRUG TRAFFICKING SANCTIONS.... 209
Federal Drug Trafficking Sanctions_

2.0 Introduction

Volume II of the *Davis & Elkins College Policy Manual* outlines the College's community policies, procedures, and programs. The volume does not create an expressed or implied contract.

While Davis & Elkins College has made this edition of Volume II of the *Davis & Elkins College Policy Manual* as comprehensive as possible, it is not possible to foresee every situation that may occur. Therefore, the appropriate administrator will handle circumstances not specifically addressed in the *Davis & Elkins College Policy Manual* on a case-by-case basis.

As Davis & Elkins College continues to grow, the need may arise to improve, modify, revise, supplement, or rescind, suspend, terminate, or change policies, procedures, programs, or portions of this volume. Additionally, national and state laws affecting Davis & Elkins College operations may require changes to the volume. Therefore, Davis & Elkins College reserves the right to make any changes at its sole and absolute discretion as deemed necessary and the campus community may receive updated information concerning these changes from time to time.

2.1 General Institutional Policies

2.1.1 Equal Opportunity and Discrimination and Harassment Policies

2.1.1.1 Equal Opportunity and Non-Discrimination Statement

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. D&E's nondiscrimination polices may be accessed here. For inquiries about the application of these laws in D&E's programs activities or to file a report, contact the Title IX Coordinator at 100 Campus Drive, Elkins, WV detitleix@dewv.edu, or 304-621-1316.

Amy Kittle
Title IX Coordinator
Liberal Arts Hall 209
Cell: 304-621-1316 | **kittleamy@dewv.edu**

Kate Garlick
Deputy Title IX Coordinator
Dean of Students
Liberal Arts Hall, 1st Floor
(304) 637-1241 | **garlickk@dewv.edu**

Jane Corey
Deputy Title IX Coordinator
Director of Human Resources
Liberal Arts Hall, Room 203
(304) 637-1344 | **coreym@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**

Nicole Rose
Deputy Title IX Coordinator
Head Men's and Women's Swim Coach
Myles Center for the Arts
(304) 637-1202 | **rosen@dewv.edu**

Short Version: Davis and Elkins College does not discriminate on the basis of race, color, national origin, sex, ability, or age and prohibits discrimination in any education program or activity that it operates. Questions and concerns can be directed to the Title IX Coordinator at detitleix@dewv.edu, or 304-621-1316. Provide Link to Statement.

Shortest Version: Davis and Elkins College does not discriminate. Link to statement of nondiscrimination. (Not technically compliant).

2.1.1.2 Davis & Elkins College Policy and Procedures on Discrimination and Harassment

PURPOSE AND SCOPE
Davis & 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 of challenging its students to a life-long commitment to develop their intellectual, ethical, spiritual, and leadership potential and to set and uphold standards of excellence. Davis & 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 VII, 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.
This Policy sets forth the response and resolutions process for reports of discrimination, harassment, sexual harassment, sexual assault, dating and domestic violence, staking, and retaliation. Davis & Elkins College has developed this Policy and Procedures to ensure a prompt, fair, and impartial resolution of reports of Prohibited Conduct. The Policy is intended to meet Davis & Elkins College's obligations under Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 ("Title IX"); the American with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"), with respect to its application to sex-based misconduct; and other applicable law and regulations.

JURISDICTION, COORDINATION, AND ENFORCEMENT

Jurisdiction

This policy applies to Prohibited Conduct occurring within Davis & Elkins College's Programs and Activities or takes place on property owned or controlled by Davis & Elkins College to include College sponsored events and buildings owned or controlled by recognized student organizations. This policy applies to all Davis & Elkins College students, faculty, staff, volunteers, visitors, contractors, consultants, vendors providing services to Davis & Elkins College, and individuals who are participating in a Davis & Elkins College Education Program or Activity. The procedures may vary, depending on the status of the individual, the location of the incident, and the specific type of Prohibited Conduct. Volunteers, visitors, contractors, consultants and vendors visiting the campus or providing services to Davis & Elkins College may not be entitled to the full rights or processes set forth in this policy.

There are two types of jurisdiction covered by this policy: Title IX Jurisdiction and General Jurisdiction.

Title IX Jurisdiction

Formal Complaints of "Sexual Harassment (Quid Pro Quo)", "Sexual Harassment (Hostile Environment)", "Sexual Assault", "Domestic Misconduct", and "Stalking" that occur in a Davis & Elkins College Education Program or Activity on the basis of sex and within the United States brought by a "Complainant" against a "Respondent" will be covered by Title IX jurisdiction and subject to the grievance procedures discussed below in Section XVI. Those instances are referred to as "Title IX Sexual Harassment." Concerns of Sexual Assault, Domestic Misconduct, and Stalking that occur outside of Title IX jurisdiction will be handled under General Jurisdiction consistent with Davis & Elkins College's obligations under the VAWA amendments to the Clery Act.

General Jurisdiction

For conduct that does not meet the Title IX jurisdiction, Davis & Elkins College retains the discretion to determine that Prohibited Conduct, as defined in this policy, that occurs outside of the United States or outside of a College Education Program or Activity, including online conduct that is not part of a College Education Program or Activity, may fall within the scope of this Policy. This policy may also apply to the effects of off-campus Prohibited Conduct that effectively deprives a person of access to Davis & Elkins College's education Programs or Activities. Davis & Elkins College may also extend jurisdiction when the Title IX Coordinator determines that the conduct affects a substantial Davis & Elkins College interests. A substantial Davis & Elkins College interest may include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, stated, or federal law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the health or safety of any student, employee, or guest at Davis & Elkins College.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the educational interests or mission of Davis & Elkins College.

Alleged incidents of misconduct not covered by this Policy may be governed by other College policies, including but not limited to:

- **Davis & Elkins College Policy Manual Volume II: Community Policies**
- **Davis & Elkins College Policy Manual Volume III: Personnel Policies**
- **Davis & Elkins College Policy Manual Volume IV: Faculty Handbook**
- **Davis & Elkins College Policy Manual Volume V: Academic Policies**
- **Davis & Elkins College Policy Manual Volume VI: Student Life Policies**

Even if after a Formal Resolution Process, alleged misconduct may not be found to violate this Policy, the alleged misconduct may still be prohibited by the Davis & Elkins College under a different Rule, policy, or standard of behavior. Accordingly, Davis & Elkins College reserves the right to take additional action.

Coordination

The College's Title IX Coordinator is responsible for administering the policy and related procedures. Any inquiries regarding this policy and related procedures should be referred to Davis & Elkins College's Title IX Coordinator, Ms. Amy Kittle, who may be contacted as follows.

Davis & Elkins College Title IX Coordinator
Amy Kittle
Liberal Arts Hall, Room 209
304-621-1316
kittleamy@dewv.edu

The Title IX Coordinator is also responsible for developing appropriate training, education, and communication regarding this Policy and Procedure, including what constitutes Prohibited Conduct, the training required by the 2020 Title IX regulations, the Formal Complaint and Investigation process, and assisting with forms of preventative education. These efforts may be coordinated with Deputy Coordinators and with other units and groups on and off campus.

Enforcement

In addition to the authority of the Title IX Coordinator, those in supervisory positions at Davis & Elkins College have a special responsibility to discourage Prohibited Conduct, implement and enforce this Policy, and, as required by Section V, are Responsible Employees mandated to also report such behavior. In addition to discouraging Prohibited Conduct, Responsible Employees in a supervisory position are required to ensure that employees they supervise complete Title IX training upon hire and once annually.

PROHIBITED CONDUCT

Davis & Elkins College prohibits Discrimination; Bias Based Hostile Environment Harassment, Sex Based Harassment, which includes Sexual Assault and Sexual Exploitation; Domestic Misconduct, which includes

Dating and Domestic Violence; Stalking; and, Retaliation as defined below (collectively referred to as "Prohibited Conduct") by or against any student, employee, alum, independent contractors, trustees, or volunteers occurring or attempted in the Jurisdiction as defined in this Policy.

Discrimination: Discrimination is conduct that is based on an individual's race, color, national origin ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation in, denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a Davis & Elkins College program or activity. Policy and procedures that intentionally or unintentionally create a disparate impact on a protected group or person are also considered a form of discrimination if they result in an exclusion from a benefit or access to an education program or activity. This includes failure and refusal to provide reasonable accommodations, consistent with state and federal law, to persons with disabilities or who are pregnant.

Biased Based Harassment: Bias Based Harassment is a form of Discrimination that creates a Hostile Environment, as defined by this Policy, and is based upon an individual's race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression. Harassment, which is a form of Discrimination, may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of social media, text messages, email, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual Harassment: is a form of sex discrimination that creates a Hostile Environment (as defined in this Policy) based on sex, which includes, but is not limited to unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, harassment based on stereotypical notions of what is female/feminine and male/masculine or failure to conform to gender stereotypes. Sexual Harassment may occur between people of the same sex or people of different sexes. All conduct must meet the applicable definitions and create a Hostile Environment before rising to the level of Prohibited Conduct under this Policy.

Title IX Sexual Harassment: Title IX Sexual Harassment means Quid Pro Quo Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and severe, pervasive, and objectivity offensive Sexual Harassment that it effectively denies as student or employee unequal access to an Educational Program or Activity that occurs in the Title IX Jurisdiction. Note the standards required for Title IX Sexual Harassment are more than the standards for Sexual Harassment and Hostile Environment Harassment.

Quid Pro Quo Sexual Harassment: occurs when an authorized agent of Davis & Elkins College explicitly or impliedly conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

Hostile Environment: A hostile environment is created when a person is subjected to Bias Based or Sexual Harassment that is so severe, pervasive, *or* objectively offensive as determined by a reasonable person that it limits or denies a person's ability to participate in a Davis & Elkins College program or activity.

A Hostile Environment can be created by anyone involved in a College program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a Hostile Environment.

In determining whether a Hostile Environment exists, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as severe, pervasive, or objectively offensive. The following factors will be considered: the degree to which the conduct affected one or more students' education or individual's employment; the nature, scope, frequency, duration, and location of incident or incidents; and the identity, number, and relationships of persons involved.

Sexual Assault: any sexual act directed against another person, without the consent of the victim, including instances where the victim lacks the ability to Consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. Sexual Assault includes the following:

> ***Non-Consensual Penetration:*** Actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. This includes penetration forcibly and/or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
>
> ***Fondling***: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity;
>
> ***Incest***: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
>
> ***Statutory Rape:*** sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation: is an act or a failure to act that involved a member of the Davis & Elkins College community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual's own advantage or to benefit anyone other than the person being exploited. Sexual advantage may include, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third Parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; engaging in voyeurism, and intentionally exposing another to a sexually transmitted infection.

Domestic Violence: any felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of West Virginia and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including

verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or
- commits acts against a minor or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Dating violence: an act of violence or threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship is determined based on a consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

Stalking: Stalking means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to: fear for their safety or the safety of others; or suffer Substantial Emotional Distress.

- Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Substantial Emotional Distress for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation: an adverse action or other form of negative treatment, including but not limited to, intimidation, threats, coercion, discrimination or harassment, carried out in response to a good-faith reporting of or opposition to Prohibited Conduct; an individual's or group's participation, including testifying or assisting in the Davis & Elkins College resolution of Reports and Complaints of Prohibited Conduct, an individual's or group's refusal to participate in the Davis & Elkins College Policies and Procedures on Discrimination and Harassment; or other form of good faith opposition to what an individual reasonably believes to be Prohibited Conduct under this Policy.

Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion, pregnancy, or disability.

To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from reporting, participating, or opposing participation in activities described in this Policy.

Individuals who feel they are experiencing retaliation should report to the Title IX Coordinator immediately. This may be done online, in person, or by email to the Title IX Coordinator. Reports of Retaliation may be resolved under this policy in conjunction with the connected protected activity or may be resolved under the Student of Code of Conduct or through Human Resources.

Charging an individual with a Policy violation for making a materially false statement in bad faith in the course of the resolution of Prohibited Conduct Formal Complaint does not constitute Retaliation. The exercise of rights protected under the First Amendment also does not constitute Retaliation.

ADDITIONAL VIOLATIONS

The following actions are prohibited under this policy: unauthorized disclosures, false statements, and failure to report. Reported instances of these additional violations maybe resolved through an investigation occurring under the purview of this policy or resolved under either the Student Code of Conduct or through the Office of Human Resources at the discretion of the Title IX Coordinator.

Unauthorized Disclosure: Distributing or otherwise making public materials created or produced during an Investigation or Resolution Process except as required by law or as expressly permitted by Davis & Elkins College, or publicly disclosing a Party's identifiable information without consent. Unauthorized Disclosures may also be considered Retaliation.

False Statements: Making a materially false statement in bad faith in the course of the resolution of a Report or a Formal Complaint under this Policy is prohibited and does not constitute Retaliation as defined in this Policy, provided, however, that a determination regarding responsibility (or lack thereof), alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. Materially false statements or intentional misrepresentation will be resolved through the Student Code of Conduct process or through Human Resources.

Failure to Report: Unless otherwise noted by this policy, all employees of Davis & Elkins College are required to report instances of Prohibited Conduct that are disclosed or known to the employee. Failure to Report will be made known to the Director of Human Resources and the Cabinet member responsible for the functional area in which the employee works.

ADDITIONAL DEFINITIONS

Advisor: An individual that a Complainant or Respondent chooses to accompany them to meetings and/hearings that occur as part of the Resolution Process for Reports of Prohibited Conduct. Advisors can be a friend, parent, family member, or attorney, or any other person who is not a Confidential Employee.

Assigned Title IX Coordinator: The Title IX Coordinator may, at their discretion or in the case of a bias or a conflict of interest, designate one of the Deputy Title IX Coordinators as the Assigned Title IX Coordinator for resolution of a given complaint. This person will be referred to as the Assigned Title IX Coordinator.

Complainant: An individual who was reported to have experienced Prohibited Conduct as defined in this Policy.

Consent: An agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. Silence, by itself, cannot constitute Consent. Consent to one sexual act does not constitute or imply consent to a different act. Previous consent cannot imply consent to future acts, and Consent is required regardless of any current or previous relationship status or sexual history together. Consent can be withdrawn at any time.

A person is not competent and lacks the ability to consent when coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotion harm, undue pressure, isolation, or confinement. Individuals who are incapacitated cannot give consent.

Davis & Elkins College Program or Activity: All operations of Davis & Elkins College, including those locations, events, and circumstances where Davis & Elkins College exercises substantial control to include

any Davis & Elkins College sponsored events and any building owned or controlled by a student organization recognized by Davis & Elkins College.

Day(s): Refer to those days ordinarily recognized by the College as work or business days.

Employee(s): A person employed by Davis & Elkins College either full or part time. For the purposes of this Policy, an Employee may include Student Employees and Graduate Assistants when Prohibited Conduct is alleged to have occurred in the scope of their employment. For the purposes of this Policy, Student Employees are generally not required to report known or disclosed instances of Prohibited Conduct unless they serve in a supervisory capacity such as resident assistants.

Formal Complaint: A written statement made by a Complainant or the Title IX Coordinator that alleges Title IX Sexual Harassment or other Prohibited Conduct and requests an investigation or initiation of the resolution of the Formal Complaint as described in this Policy.

Hearing: A term to describe a meeting or a proceeding that is held to consider evidence that will be used to determine whether or not this Policy was violated. This policy references two types of hearings: Live Hearings and administrative hearings as described in sections XVII and XVIII.

Incapacitation: A state beyond drunkenness or intoxication in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress or undress without assistance, extreme clumsiness, slurred speech, vomiting, emotional volatility, difficulty in walking without assistance, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. States of incapacitation may also include sleep, unconsciousness, or any other state where the individual in unaware that sexual activity may be occurring.

Officials with Authority is an official of Davis & Elkins College with the authority to institute corrective action on behalf of the Davis & Elkins College and notice to whom causes Davis & Elkins College to respond to Title IX Sexual Harassment. Officials with Authority include the following: Title IX Coordinator, Title IX Deputy Coordinators, President, Vice Presidents, Cabinet Members, and Dean of Students. A list of Officials with Authority at Davis & Elkins College is located in Appendix D of this Policy.

Party(ies): Complainant(s) and Respondent(s), collectively.

Preponderance of the Evidence: A standard of proof used to determine whether or not the evidence provided indicates that is more likely than not that the alleged Prohibited Conduct occurred in order to find a Respondent responsible for violating a policy.

Relevant Evidence*:* Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, or retaliation occurred, or in determining the credibility of the Parties or witnesses

Respondent: An individual enrolled or employed, group, office program, or department who has been reported to have engaged in conduct that could constitute Prohibited Conduct as defined in this Policy and is a member of Davis & Elkins College. In some cases, at the Title IX Coordinator's discretion, Respondents may also be individuals providing services as a Volunteer, Vendor, Official Guest or Contractor for Davis & Elkins College. The procedural rights under this Policy will vary depending on one's status.

Reasonable Person: means a reasonable person under similar circumstances and with similar identities.

Report: Information received by Title IX Coordinator provided by a Responsible Employee, Third Party Reporter, or a Complainant that alleges Prohibited Conduct has occurred within the Davis & Elkins College's jurisdiction as defined in this Policy.

Responsible Employees: are 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 assistants, and advisors.

Student: Any individual who is not an employee of Davis & Elkins 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 College student between academic terms or on a Leave of Absence; or, (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). 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 Davis & Elkins College.

Third Party Reporter: An individual who is not a Complainant or a Respondent who reported instances of conduct that could constitute Prohibited Conduct as defined in this Policy.

Title IX Administrator: A title that collectively refers to the roles that are needed to implement this Policy and Procedures. It includes Title IX Coordinator, Deputy Coordinators, Investigators, Decision Makers, Appeal Officers, and Advisors appointed by Davis & Elkins College. This may include an internal employee, or an external professional retained for this purpose.

Davis & Elkins College Program or Activity: 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.

REPORTING

Anyone who has witnessed or is aware of any of Prohibited Conduct occurring in Davis & Elkins College's Program or Activities is strongly encouraged to report any concern or Prohibited Conduct to the Coordinator. Reports may be made to the Title IX Coordinator in person, by mail, electronic mail, by phone, or online at: https://dewv.guardianconduct.com/conduct-incidents.

Employee Reporting

Unless otherwise noted in this Policy all Employees must report incidents of Prohibited Conduct to the Title IX Coordinator.

Amy Kittle
Title IX Coordinator
Liberal Arts Hall, Room 209
304-621-1316
detitleix@dewv.edu
www.dewv.edu/consumer-information/title-ix-reporting-form/

Kate Garlick
Deputy Title IX Coordinator
Dean of Students
Liberal Arts Hall, 1st Floor
(304) 637-1241 | **garlickk@dewv.edu**

Jane Corey
Deputy Title IX Coordinator
Director of Human Resources
Liberal Arts Hall, Room 203
(304) 637-1344 | **coreym@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**

Nicole Rose
Deputy Title IX Coordinator
Senior Women's Administrator
Myles Center for the Arts
(304) 637-1202 | **rosen@dewv.edu**

Reports Involving Minors
Any report involving the abuse of a minor will be shared with law enforcement agencies and child protective services in accordance with West Virginia state law and Davis & Elkins College Policy on the Protection of Minors.[1]

Federal Reporting
In addition to Davis & Elkins College the 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 Web: 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

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 & 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
Pittsburg, PA 15222
Phone: 800-669-4000 TTY: 800-669-6820

Federal Statistical Reporting Obligations
The Clery Act requires that certain institutional officials have a duty to report the following for federal statistical reporting purposes and inclusion in the College's daily crime logs and Annual Security and Fire Safety Report[2].

- All "primary crimes" which includes criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidate, or destruction/damage/vandalism to property.
- Violence Against Women Act crimes which include sexual assault, domestic violence, dating violence, and stalking
- Arrests and referrals for disciplinary action for weapon law violations, liquor law violations, and drug violations
- Hazing

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on or off campus or surrounding area) will be included in the daily crime log and Annual Security and Fire Safety Report.

Confidential reporting
Some Employees or offices are available to provide individuals with assistance, support, and additional information without reporting to the Title IX Coordinator. Although not required to report to the Title IX Coordinator, all confidential employees will provide information about the Title IX Coordinator and how to make a report of Prohibited Conduct to Complainants. Confidential Employees are generally prohibited from disclosing confidential information unless:

- they given permission by the person who disclosed the information;
- there is an imminent threat of harm to self or others;

[2] https://www.dewv.edu/student-life/campus-services/public-safety/

- the conduct involves suspected abuse of a minor under the age of 18; or,
- as otherwise required or permitted by law or court order.

The following Davis & Elkins College resources can provide counseling, information, and support in a confidential setting:

College Chaplain: Tanner Capps
Liberal Arts Hall, Room 210: (304) 637-1222
Email: cappstf@dewv.edu

Student Ombudsperson, Chanda Collette
Campus Location: Halliehurst (304) 637-1429
Email: collettec@dewv.edu

Community Care of West Virginia
School Based Health Center
Campus Location: Robert C. Byrd Center
(304) 473-5626

The providers at Community Care of West Virginia can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specifically trained to collect evidence. Taking these steps promptly after an incident of sexual assault can be very helpful in later criminal proceedings and/or in seeking a protective order. Professionals at Community Care West Virginia are obligated to maintain confidentiality and not report an individual's identity to the College. Under West Virginia law, a medical provider may be required to notify law enforcement of a reported sexual assault involving minors and/or weapons. The individual, however, may decline to speak with a law enforcement officer or participate in a criminal prosecution

Some Confidential Resources may be required to report non-identifying information to the Director of Public Safety for Clery Act crime reporting purposes and may be required to release certain information under legal action or a court order. Please clarify the scope of confidentiality with the Confidential Employee before disclosing information to them.

Anonymous Reporting
Reports can also be made anonymously by telephone, in writing, or electronically via the Incident Report Form (https://dewv.guardianconduct.com/conduct-incidents). Depending on the level of information available about the incident or the individuals involved, Davis & Elkins College's ability to respond to an anonymous report may be limited. Davis & Elkins College will, however, take whatever steps it deems appropriate and in the best interests of the overall Davis & Elkins College community, consistent with the information available.

The Campus Conduct Hotline is a service utilized by Davis & Elkins College that allows individuals to anonymously report concerns that may impact the campus community to a trained specialist. Callers will be given a case number, and it is optional to identify yourself or to provide contact information. Concerns will then be submitted to the campus administration for Investigation. Using the provided case number, callers can check the status of the Investigation and learn of any actions that may have been happen.

Campus Conduct Hotline
www.campusconduct.com
Phone: 866-943-5787

Off-campus Reporting
Off campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless requested and a Complainant signs a consent or waiver form. Confidential off campus resources include:

Centers Against Violence
(www.centersagainstviolence.org)
P.O. Box 2062 Elkins, WV 26241
Phone: (304) 636-8433 Fax: (304) 636-5564
Hotline: (800)-339-1185
Texting Line: (304) 840-SAFE (7233)

RAINN: Rape, Abuse & Incest National Network
(https://www.rainn.org/resources)
Hotline: (800) 656-4673

National Domestic Violence Hotline
(https://www.thehotline.org/)
Hotline: (800) 799-SAFE (7233)

Employee Assistance Program (For Full-time Employees)
(www.healthadvocate.com/standard3)
Toll-Free: 1-888-293-6948 For TTY Users: Dial 711

Davis Medical Center
812 Gorman Avenue Elkins, WV 26241
(304) 636-8080

Davis & Elkins College encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Call 911, visit the Emergency Department, or contact your regular provider for off campus medical care.

While these off-campus providers and advocates may agree not to share confidential information with Davis & Elkins College, they may have reporting or other obligations under state law.

Reporting to Law Enforcement
Emergency medical assistance and law enforcement assistance are available 24 hours a day seven day a week. Members of the College community who believe their safety or the safety of others is threatened should call the Public Safety Office at 304-704-911 or call 911 to reach local law enforcement. Any member of the Davis & Elkins College's community who has experienced Prohibited Conduct or behaviors that are potentially criminal in nature has the option to report the conduct to law enforcement agency that has

jurisdiction over the location where the incident occurred. If requested, Davis & Elkins College will provide assistance in reporting to the law enforcement agency with appropriate jurisdiction.

Elkins City Police: 304-636-0678

Randolph County Sherriff's Office: 304-636-2100

West Virginia State Police: 304-637-0200

Davis & Elkins College and the police/legal system work independently from one another. Individuals can file reports with the College, with law enforcement, with both systems, or with neither. Because the standards for finding a violation of criminal law are different from the standards in this Policy, neither the results of a criminal Investigation nor the decision of law enforcement to investigate, or decline to investigate a matter, is determinative of whether a violation of this Policy has occurred.

Supportive Measures are available even if a student, employee or third-party elects not to pursue criminal charges or file a report or Formal Complaint with Davis & Elkins College. Because Prohibited Conduct, in some instances, constitute both a violation of College policy and a criminal activity, and because the College Resolution Process is not a substitute for instituting legal action, Davis & Elkins College will provide guidance and, if requested, assistance regarding how to report an incident to law enforcement authorities who have jurisdiction over the location where the incident occurred. Reporting to law enforcement or other local authorities may facilitate obtaining personal safety orders or other similar lawful orders issued by a criminal or civil court. See Section XV of this Policy for more information about Supportive Measures.

Timeframe for reporting

Davis & Elkins College does not limit the timeframe for filing a Formal Complaint of Prohibited Conduct. Reports can be submitted at any time following an incident. In order to maintain and support a community that is respectful and free from Prohibited Conduct and to maximize the College's ability to respond promptly and effectively, the College urges individuals to come forward with reports of Prohibited Conduct as soon as possible. The longer the period of time from the incident until the time when it is reported may make it more difficult for Davis & Elkins College to take action as memory fades, people graduate, leave the campus community, or physical evidence, such as text messages or video camera footage, may no longer be available.

PARTICIPANT PRIVACY, CONFIDENTIALITY, ACCOMODATIONS

Davis & Elkins College recognizes that privacy is important. Davis & Elkins College will attempt to protect Parties' privacy to the extent reasonably possible. The Title IX Coordinator, Investigators, Advisors, Facilitators of Informal Resolution, Decision Makers, and any others participating in the process on behalf of Davis & Elkins College shall keep the information obtained through the process private and, to the extent possible, confidential. This means that information will be disclosed on a need-to-know basis. All other participants in the process (including the Complainant, Respondent, Advisors, and witnesses) are encouraged to respect the privacy of the Parties and the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know.

While Davis & Elkins College is committed to respecting the confidentiality of all Parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which absolute confidentiality cannot be maintained include, but are not limited to, the following:

- when Davis & Elkins College is required by law to disclose information (such as in response to a subpoena or court order);
- when disclosure of information is determined by the Title IX Coordinator to be necessary for conducting an effective resolution or Investigation of the allegations;
- when confidentiality concerns are outweighed by Davis & Elkins College interest in protecting the safety or rights of others; and/or,
- when a Formal Complaint is filed.

Davis & Elkins College is committed to providing reasonable accommodations and support to qualified individuals. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with the Director of the Naylor Center and/or the Director of Human Resources and in consultation with the person requesting the accommodation, determine what accommodations are reasonable and appropriate for full participation under procedures in this Policy.

RECORDINGS AND COMMUNICATION

No unauthorized audio or video recording of any kind is permitted during any meeting, interview, or hearing that occurs in respect to this Policy. All investigative interviews will be recorded by the College, and participants will be notified if additional meetings are to be recorded by Davis & Elkins College, which is at the sole discretion of Davis & Elkins College.

A Davis & Elkins College assigned email account shall be the official means of communication with Parties and witnesses to schedule interviews, meetings, and Administrative Hearings and to provide information regarding Notices, Dismissals, Appeals, Informal Resolutions, and Outcome Decisions. Davis & Elkins College Students and Employees are expected to check their email on a frequent and consistent basis in order to stay informed of the progress of the resolution of Reports and/or Complaints. Students and Employees have the responsibility to recognize that communications related to this Policy and Procedure may be time critical. Once emailed, the communication is considered delivered.

BIAS AND CONFLICT OF INTEREST

All Title IX Administrators participating in a Resolution Process must be impartial and free from bias or conflict of interest, including bias for or against a specific Complainant or Respondent or for or against complainants and respondents generally. If an acting Title IX Administrator has concerns that they cannot conduct a fair or unbiased process, they must report those concerns to the Title IX Coordinator.

A Complainant and/or Respondent may challenge the participation of a specific Title IX Administrator because of perceived conflict of interest, bias, or prejudice. Such challenge, including the rationale must be made in writing to the Title IX Coordinator as soon as possible or within 48 hours of notice of the name of the Title IX Administrator.

At their discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether that Title IX Administrator should be replaced. Postponement of an Investigation or hearing may occur if it determined that Title IX Administrator has bias or a conflict of interest and a replacement cannot be immediately identified. In some instances, involving an Administrative or Live Hearing in which there are multiple Decision Makers, a Title IX Administrator may not be replaced.

AMNESTY

Sometimes students are reluctant to seek help after experiencing Prohibited Conduct and may be reluctant to help others who may have experienced Prohibited Conduct because they fear being held responsible by the Davis & Elkins College or law enforcement for drug use or underage alcohol consumption.

While Davis & Elkins College does not control the decisions of law enforcement, Davis & Elkins College generally will not pursue disciplinary action against a student who makes a good faith report to the Davis & Elkins College or who participates truthfully as a Party or witness in the Resolution Process related to Prohibited Conduct, for personal consumption of alcohol or other drugs (underage or illegal) or other minor misconduct which would otherwise be a violation of the Davis & Elkins College Student Handbook, provided the misconduct did not endanger the health or safety of others. Davis & Elkins College may, however, engage in an assessment or educational discussion or pursue other non-disciplinary options regarding the ancillary misconduct, including alcohol or other drug use.

ADVISORS

Throughout the Resolution Processes for Prohibited Conduct as defined in this Policy, the Complainant and a Respondent may each have an Advisor of their choice, who may be, but is not required to be an attorney, to provide support and guidance. An advisor may accompany the Complainant/Respondent to any meeting with the Title IX Coordinator, the Investigator, or Decision Makers.

With the exception of the Live Hearing described in section XVI, a Party's advisor has an exclusively non-speaking role, and may not otherwise present evidence, argue, or assert any right on behalf of the Party. An Advisor may not be called as a witness for the purposes of sharing information that their advisee has told them while serving in the role as an Advisor unless the Party consents in writing to that information being shared.

During the Live Hearing as described in section XVII, an advisor's role is limited to quietly conferring with the Complainant/Respondent through written correspondence or whisper. An advisor may not speak for the party they are supporting or address any other participant or the Hearing Officer except as necessary to conduct cross-examination as explained in the Resolution of Title IX Sexual Harassment Reports, Section XVII. Advisors must conduct the cross-examination of all witnesses directly, orally, and in real time at the hearing. Neither party may conduct cross-examinations personally.

If a Party does not have an advisor, the College will, upon request, appoint an Advisor who will be selected from a group of trained employees. Advisors appointed by the institution cannot be Confidential Employees as defined by this Policy. Advisors should not disclose details of their interactions with their advisees to institutional officials or Decision Makers absent an emergency or a health and safety concern.

Davis & Elkins College, which includes any official acting on behalf of Davis & Elkins College, has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. Advisors who are disruptive, disrespectful, or refuse to follow this Policy will be removed. Davis & Elkins College has the right to take appropriate steps to ensure compliance with the Policy including by placing limitations on the advisor's ability to participate in future meetings and proceedings.

Advisors, whether Davis & Elkins College appointed or not, are expected to maintain the privacy of the records shared with them and will be required to execute a non-disclosure agreement. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Davis & Elkins College. Unauthorized Disclosures is a violation of this Policy and may also be considered Retaliation. Davis & Elkins College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by privacy expectations.

TIMELINES
Davis & Elkins College will make a good faith effort to complete the resolution of reports of Prohibited Conduct as promptly and thoroughly as circumstances permit and will communicate regularly with the Parties to update them on progress and timing of the process to ensure a fair process.

Davis & Elkins College anticipates the following timelines for different steps of the process and procedures.

Initial Evaluation: The Initial Evaluation typically takes five (5) to ten (10) Days.

Supportive Measures: Supportive Measures are available when Prohibited Conduct is reported and whether or not a Formal Complaint is filed. Supportive Measures are available throughout the entire Resolution Process, and in some cases after a Resolution Process; however, Supportive Measures are first offered during the Initial Evaluation which typically takes five (5) to ten (10) Days. See Section XV for more information about Supportive Measures.

Informal Resolution: Informal Resolutions can occur at any time prior to a Decision Outcome, and typically take anywhere from five (5) to twenty (20) Days to complete after the request to pursue an Informal Resolution has been made. See Section XVI for more information about Informal Resolutions.

Formal Resolution: The overall Formal Resolution Process takes between sixty (60) and ninety (90) Days depending on how long each step from Report to Formal Complaint to Decision Outcome takes. See Section XVII and XVIII for more information about Formal Resolutions.

Investigation: Investigations typically take approximately sixty (60) Days to complete.

Live Hearing: The Live Hearing, which includes, a ten (10) day review period of the evidence and another ten (10) day review period of the final investigation report, typically takes twenty (20) to forty (40) Days to complete.

Administrative Hearing: The Administrative Hearing, which includes, the final review and questioning process, take twenty to (20) to thirty (30) Days to complete.

Decision Outcome: Once an Administrative or Live Hearing has concluded, it takes approximately five (5) Days for a Decision to be rendered and communicated to the Parties in writing.

Appeals: Appeals are possible at several stages in the Resolution Process: each time a Dismissal is made and after a Decision Outcome has been made. Each appeal window is five (5) Days and may take longer in instances where Appeals are challenged. See Section XX for more information about Appeals.

Davis & Elkins College will make a good faith effort to complete the procedures outlined in this Policy within in sixty (60) to ninety (90) Days, including any appeals, which can be extended as necessary. The Title IX Coordinator has authority to extend such timelines for good cause. Good cause may include, but is not limited to, considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; health conditions of a Party or Title IX Administrator, or the need for language assistance or accommodation of disability. The Parties will receive regular updates on the progress of the Resolution Process to explain any extension or delays and next steps in the process.

Davis & Elkins College's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

INITIAL EVALUATION OF REPORTS OF PROHIBITED CONDUCT

Once a report of Prohibited Conduct is received by the Title IX Coordinator, the Title IX Coordinator shall review the report to determine the appropriate next steps. After receiving a report of conduct that, if true, would constitute a violation of this Policy, the Title IX Coordinator will contact the Complainant, request to meet with Complainant to discuss the resources, rights, and options available and provide a copy of this Policy and (when relevant) Davis & Elkins College's VAWA brochure which:

- explains the availability of Supportive Measures and on campus resources that provide support;
- provides information about off campus resources that provide mental health support, victim advocacy, and legal assistance;
- explains that Supportive Measures are available with or without filing a Formal Complaint with Davis & Elkins College or law enforcement;
- informs the Complainant that even if they decide not to file a Formal Complaint, the Title IX Coordinator may do so by filing a Formal Complaint;
- explains that they have the option to seek Supportive Measures regardless of whether they choose to participate in a Davis & Elkins College related proceeding or Investigation;
- explains the option to seek medical treatment and information on preserving potentially key forensic and other evidence that may be helpful in obtaining an order of protection or in other legal processes;
- explains the process for filing a Formal Complaint of and the Resolution Processes for Prohibited Conduct;
- includes Davis & Elkins College's procedural options for Formal and Informal Resolutions;
- explains the right to and Advisor of their choosing; and,
- includes Davis & Elkins College's prohibition of Retaliation against the Complainant, Respondent, the witnesses, reporting Parties, and that Davis & Elkins College will take prompt action when Retaliation is reported.

If the allegations reported, if true, would **not** constitute Prohibited Conduct as defined in this Policy, the Title IX Coordinator will not proceed under this Policy. Instead, if the allegations reported, if true, would **not** constitute Prohibited Conduct as defined in this Policy, the Title IX Coordinator may take one of the following actions: implement a remedy that is not punitive to the Respondent, an Informal Resolution (contingent upon the voluntary agreement of both Parties to participate), refer the matter to the appropriate office for discussion, education, or resolution under a different policy or process, or if the reported conduct would not constitute a violation of any Davis & Elkins College Policy, take no further action. The Title IX Coordinator will notify the Complainant of any referral.

EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

Where there is an immediate threat to the health or safety of any students or other individuals arising from reported Prohibited Conduct, Davis & Elkins College can remove a Student Respondent, partially or entirely, on an emergency basis from the Davis & Elkins College's education Program or Activity. Davis & Elkins College will make the decision to remove a Student-Respondent from the Davis & Elkins College Education Program or Activity based on an individualized assessment and risk analysis completed by the appropriate members from the CARE Team (or trained designee) in conjunction with the Title IX Coordinator. If the Davis & Elkins College makes such a decision, the Student Respondent will be provided

with written notice and an opportunity to appeal the decision immediately following the removal as specified in Section XX below.

Davis & Elkins College may place an Employee Respondent on administrative leave during the pendency of a Complaint. Student Employees may also be placed on administrative leave from their employment during the pendency of a Formal Complaint in circumstances in which the Prohibited Conduct was alleged to have occurred in the scope of their employment.

All others who are subject to this Policy may also be subject to administrative leave or removal during the pendency of the resolution of a Formal Complaint.

The College, in its discretion and based on the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.

SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, nonpunitive individualized services, accommodations, and other assistance that Davis & Elkins College offers and may put in place, without fee or charge, after receiving notice of Prohibited Conduct via a report to the Title IX Coordinator. Supportive Measures are designed to restore or preserve access to Davis & Elkins College's Education Program and Activity, environment, to protect the safety of all Parties and Davis & Elkins College's environment, and/or to deter Prohibited Conduct, while not being punitive in nature or unreasonably burdening any Party.

Supportive Measures are available regardless of whether the matter was reported to Davis & Elkins College for the purpose of initiating any Formal Resolution Process and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Formal Complaint of Title IX Sexual Harassment, either at the time a Supportive Measure is requested or at a later date.

The Title IX Coordinator will contact a Complainant after receiving a report of possible Prohibited Conduct to discuss the availability of Supportive Measures and to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Prohibited Conduct. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures. Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the Davis & Elkins College community.

The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures. To determine the appropriate Supportive Measure(s) to be implemented, Davis & Elkins College will conduct an individualized assessment based on the unique facts and circumstances of a situation. The Title IX Coordinator may work with other administrators and offices when necessary to determine and implement Supportive Measures. Whether a possible Supportive Measure would unreasonably burden the other Party is a fact determination made by the Davis & Elkins College in its discretion that takes into account the specific nature of the education programs, activities, opportunities and benefits in which an individual is participating.

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

- Academic support services and accommodations, including the ability to reschedule classes, exams and assignments, transfer course sections, or withdraw from courses without penalty;
- Academic schedule modifications (typically to separate Complainant and Respondent);

- Work schedule or job assignment modifications (for Davis & Elkins College employment);
- Changes in work or housing location;
- An escort or transportation to ensure safe movement on campus;
- Safety Planning;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- Student Financial Aid Counseling;
- VISA and immigration assistance;
- No contact directives (to instruct individuals to stop all attempts at communication or other interactions with one another);
- Placing limitations on an individual's access to certain Davis & Elkins College facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for Davis & Elkins College positions);
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absence;
- Increased monitoring and security of certain areas of the campus; or,
- A combination of any of these measures.

Davis & Elkins College will maintain Supportive Measures provided to the Complainant or Respondent as confidential to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures.

Davis & Elkins College is committed to providing reasonable accommodations and support to qualified individuals. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with the Director of Disability Services and/or the Director of Human Resources and in consultation with the person requesting the accommodation, determine what accommodations are reasonable and appropriate for full participation under procedures in this Policy.

INFORMAL RESOLUTIONS

Informal Resolution is an alternative Resolution Process that does not include an Investigation or Hearing. Informal Resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the Davis & Elkins College community. Informal Resolutions can include, but are not limited to, Education, Mediation (including shuttled mediation), Restorative Practice, Supportive Resolution, and instances when a Respondent accepts responsibility for Prohibited Conduct.

Informal Resolution may be administered by the Title IX Coordinator or their designee.

Admission of responsibility for a policy violation is not required for participation in Informal Resolution Processes, but Parties must agree to end the behavior, prevent its recurrence, and address its effects through Informal Resolution.

Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility through a Formal Resolution Process. It is not necessary to pursue an Informal Resolution prior to an Investigation or Formal Resolution Process.

When the reported allegations are of Title IX Sexual Harassment, Informal Resolution process may not begin unless and until a Formal Complaint of Title IX Sexual Harassment is filed and Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent.

The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case. The Title IX Coordinator may consider the following factors to assess whether or not an Informal Resolution is appropriate:

- the likelihood of potential resolution;
- power dynamics between the Parties;
- the nature and severity of the misconduct;
- Respondent's disciplinary history;
- whether an emergency removal or other interim actions are needed;
- the skill of the Informal Resolution facilitator with the type of Complaint;
- the Formal Complaint complexity; and,
- goals of the Parties.

Before the Title IX Coordinator begins the Informal Resolution Process, both Parties must provide informed consent in writing. In addition, where both Parties and the College determine that Informal Resolution is worth exploring, the College will provide the Parties with a written notice disclosing:

- the allegations;
- the requirements of the Informal Resolution Process;
- any consequences resulting from participating or withdrawing from the process; and,
- information about the records relating to an Informal Resolution that may be maintained by the College.

At any time prior to reaching a resolution, either Party may withdraw from the Informal Resolution Process and proceed with the appropriate Formal Resolution Process. The Complainant may also request that a Compliant be dismissed.

Once an Informal Resolution is agreed to by all Parties, the resolution is binding, and the Parties generally are precluded from resuming or starting the applicable formal grievance process related to specific misconduct that was alleged. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

The Title IX Administrator facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision Maker, or an Appeal Officer in the same case. In instances when a Title IX Administrator has a conflict of interest or bias, the Informal Resolution will be facilitated by the Vice President of Student Affairs.

FORMAL RESOLUTION OF REPORTS OF TITLE IX SEXUAL HARASSMENT

Formal Complaints of Title IX Sexual Harassment
After a report has been received by the Title IX Coordinator, a Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Sexual Harassment and requesting that Davis & Elkins College investigate those allegations. In order to file a Formal Complaint, the Complainant must notify the Title IX Coordinator in writing of the allegations and request that West Virginia investigate or otherwise resolve those allegations in accordance with this Policy and Procedures. This may be done online, in person, or by email to the Title IX Coordinator.

When a Complainant does not wish to File a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, file a Formal Complaint.

When deciding to File a Formal Complaint, the Title IX Coordinator will consider the risk that the Respondent might commit additional acts of Prohibited Conduct; whether or not there have been additional reports against the same Respondent for the same or similar conduct; whether or not the Prohibited Conduct was committed by multiple Respondents; the seriousness of the alleged misconduct; and, whether or not the Complainant is a minor.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the resolution process. While the Complainant may choose not to participate in the resolution process initiated by the Title IX Coordinator signing a Formal Complaint, the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome.

For reports of Title IX Sexual Harassment, a Formal Complaint **must** be filed before Davis & Elkins College can commence the investigation or the Informal Resolution process.

In instances in which there is no Formal Complaint, Davis & Elkins College may still be obligated to stop, remedy, or prevent any concerns or possible hostile or discriminatory environments. However, individual discipline may not be issued unless the Investigation and Hearing have occurred.

Dismissal
Mandatory Dismissal of Formal Complaints of Title IX Sexual Harassment
When the Title IX Coordinator receives a Formal Complaint alleging conduct, which if true, would meet the definition of Title IX Sexual Harassment, the Title IX Coordinator will evaluate the allegations in the Formal Complaint to determine whether the allegations satisfy the following conditions:

- The Title IX Sexual Harassment conduct is alleged to have been perpetrated against a person in the United States;
- The Title IX Sexual Harassment conduct is alleged to have taken place within the College's Programs and Activities; and,
- At the time of the filing or signing of the Formal Complaint, the Complainant is not participating in or attempting to participate in the Davis & Elkins College's programs or activities.

If the Title IX Coordinator determines that **all** of the above conditions are satisfied, Davis & Elkins College will address the allegations in the Formal Complaint under these procedures for Formal Resolution of Reports of Title IX Sexual Harassment. If the Title IX Coordinator determines that the allegations in the Formal Complaint do not meet the definitions of Title IX Sexual Harassment or that not all of the conditions

above are satisfied, the Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes. However, if the Title IX Coordinator dismisses the Formal Complaint for Title IX purposes, it may resolve the Formal Complaint under this Policy as Prohibited Conduct that is not Title IX Sexual Harassment or other Davis & Elkins College policy and procedures as appropriate.

Additionally, if the Title IX Coordinator initiates the investigative process as a Title IX Sexual Harassment matter based on the allegations in the Formal Complaint, but, during the course of the investigation, the Title IX Coordinator determines that all of the above conditions are no longer satisfied, The Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes and instead pursue the matter under this Policy as Prohibited Conduct that is not Sexual Harassment, other Davis & Elkins College Policy and procedures as appropriate, or as appropriate and applicable, dismiss the Formal Complaint in its entirety.

If the Title IX Coordinator determines that Formal Complaint of Title IX Sexual Harassment will not be adjudicated under the Formal Resolution of Reports of Title IX Sexual Harassment for one or more of the reasons outlined above, either at the outset after reviewing the Formal Complaint or during the course of the investigation, the Parties will receive written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint as explained below in Section XX.

Discretionary Dismissals of Formal Complaints of Title IX Sexual Harassment
In addition, the reasons discussed above under Mandatory Dismissals, Davis & Elkins College may, in its discretion, choose to dismiss a Formal Complaint or any allegations therein, if at any time during the Formal Resolution of Title IX Sexual Harassment Report, if:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by Davis & Elkins College; or,
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The Title IX Coordinator retains discretion on a case by case basis to determine if it will dismiss a Formal Complaint for Title IX purposes based on any of the above reasons. Just because one or all of the conditions above are satisfied, does not mean that the Title IX Coordinator will automatically dismiss the Formal Complaint; instead the Title IX Coordinator will determine is appropriate under the circumstances.

The Parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint as explained below in Sections XX.

Consolidation of Formal Complaints of Title IX Sexual Harassment
In their discretion, the Title IX Coordinator may consolidate multiple Formal Complaints for resolution under this Policy. Consolidation might involve a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected (even where some of that alleged conduct is not Title IX Sexual Harassment or where the above conditions are not met with respect to some of the alleged conduct). The decision to consolidate Formal Complaints is not subject to appeal.

Counterclaims

Davis & Elkins College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Davis & Elkins College may permit the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith.

Counterclaims may also be resolved through the same investigation as the underlying Formal Complaint or investigated separately, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

Notice of Allegations
If a Complainant files, or the Title IX Coordinator signs, a Formal Complaint of Title IX Sexual Harassment within the scope of this Policy, the Title IX Coordinator will simultaneously send both Parties a written Notice of Allegations that contains the following:

- Notice that the Informal and Formal Resolution processes comply with the requirements of Title IX;
- Notice of the allegations potentially constituting Title IX Sexual Harassment, providing sufficient detail for a response to be prepared before any initial interview, including (1) identities of the Parties, if known; (2) the conduct allegedly constituting Title IX Sexual Harassment; and (3) the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that each party may have an Advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
- Information regarding the availability of support and assistance through College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
- Notice of the College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that the College will take prompt action when Retaliation is reported; and how to report acts of Retaliation; and
- Notice that the Student Handbook prohibits knowingly making false statements and knowingly submitting false information during the grievance process.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide an amended Notice of Allegations to the Parties.

Investigation of Title IX Sexual Harassment Allegations
Once a Formal Complaint has been signed, and there is no Informal Resolution, an investigation will be conducted. An investigation affords Complainants and Respondents an opportunity to submit information and other evidence and to identify witnesses. Although the Parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the investigation is with Davis & Elkins College.

When the Formal Resolution process is initiated, the Title IX Coordinator will designate an investigator or an investigative team who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment.

Notice of a Title IX Sexual Harassment Investigation
If there is no Informal Resolution, a Notice of Investigation will be issued simultaneously to Complainants and Respondents. That correspondence will include the following:

- An overview of the Investigation/Formal Resolution process;
- A reminder that Informal Resolution process is available until which time a finding of responsibility is rendered;
- Information about Complainants and Respondents Rights, which includes a right to an Advisor;
- A reminder that the burden of proof and burden of evidence gathering sufficient to reach a determination regarding responsibility rests on Davis & Elkins College and not on the Parties;
- That Davis & Elkins College cannot access, consider, disclose, or otherwise use a Complainant's or Respondent's records that are made or maintained under legal privilege without voluntary written consent from the person who is protected by that privilege;
- That Complainants and Respondents will have equal opportunity to present witnesses, including fact and expert witnesses, and other evidence;
- Notice that while Parties are expected to respect the private and serious nature of the Resolution Process and to refrain from engaging in behavior that could be seen as Retaliation, neither Complainants or Respondents are restricted from discussing the allegations or gathering or presenting evidence; and,
- The Investigator (s) name and contact information.

Notice of Allegations and Notice of Investigation may be combined as appropriate at the discretion of the Title IX Coordinator.

Interviews and Gathering Evidence in a Title IX Sexual Harassment Investigation

Interviews. The Investigator(s) will interview the Parties and relevant witnesses in order to review the disciplinary process and to hear an overview of each party's account of the incident. Before any interview, Complainants and Respondents being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the Party to prepare for the interview. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Title IX Sexual Harassment (or other Prohibited Conduct if the Formal Complaint has been consolidated) under the Policy. Following the interview, each party will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. The Parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the Investigator(s).

Evidence. During the interview, and while gathering evidence, Complainants and Respondents will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although Davis & Elkins College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all Parties are expected to share any relevant information and/or any information that is requested by the Investigator(s). Such information shared by the Parties with the Investigator(s) may include both inculpatory and exculpatory evidence.

The Investigator(s) will review all information identified or provided by the Parties, as well as any other evidence they obtain. Evidence obtained as part of the investigation that is directly related to the allegations

in the Formal Complaint will be shared with the Parties for their review and comment, as described more fully below.

All evidence must be provided to the investigator during the scope of the investigation.

Draft Investigation Report and Opportunity to Inspect and Review Evidence of Title IX Sexual Harassment

After all the evidence is gathered, and the Investigator has completed witness interviews, the Investigator will prepare a draft investigative report. Each party, and the party's Advisor, if any, will receive the draft investigative report.

The Investigator(s) will also provide the Parties, and their Advisors, if any, with copies of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. Before doing so, the Investigator(s) may redact information in the evidence that is not directly related to the allegations of the Formal Complaint; information prohibited from disclosure pursuant to a recognized legal privilege; information about the Complainant's sexual predisposition or prior sexual behavior (unless such evidence about the Complainant's prior sexual behavior are offered to prove someone other than the Respondent committed the alleged conduct, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respond to the Respondent and are offered to prove consent), and/or a party's medical or mental health information/records unless the party consents in writing to the disclosure. The evidence may be provided in either an electronic format or a hard copy. Parties and their Advisors may not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. Disseminating evidence in such a way could be considered Retaliation under this Policy.

The Parties will have ten (10) days to review the draft investigative report and evidence and to submit a written response. The Parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigation. Any Party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The Parties' feedback will be attached to the final investigation report.

Generally, only information that is provided to, or otherwise obtained by, the Investigator(s) during the course of the investigation will be considered in the determination of whether the alleged Prohibited Conduct occurred and whether a Policy violation occurred. Any and all information for consideration by the Hearing Panel must be provided to the Investigator(s) prior to the final investigation report and will not be allowed during the hearing unless it can be clearly demonstrated that such information was not reasonably available to the Parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the party's delay in providing or identifying the evidence. At the Title IX Coordinator's discretion, new evidence submitted after the Draft Investigation Report is issued, may result in additional investigation.

The Investigator(s) will review the feedback to the report, interview additional relevant witnesses (as deemed appropriate) and create an updated Draft Investigative Report. If there is new evidence, the Parties will be permitted to review the updated Draft Investigation Report following the procedures above.

Final Investigation Report
After the time has run for both Parties to provide any written response to the draft investigative report and evidence, and after the Investigator(s) complete(s) any additional investigation, the Investigator(s) will complete a Final Investigative Report. The Investigator(s) will submit the Final Investigative Report of relevant information to the Title IX Coordinator. The Title IX Coordinator will review the Final Investigative Report for completeness and relevance, and direct further investigation as necessary before the Final Investigative Report is provided to the Complainant and Respondent.

The Investigator(s) and/or Title IX Coordinator, as appropriate, may exclude and/or redact information or evidence from the Final Investigative Report as follows:

- Information that is not relevant to the allegations raised in the Formal Complaint;
- information prohibited from disclosure pursuant to a recognized legal privilege;
- Information about a Complainant's prior or subsequent sexual activity, unless such information about the Complainant's prior sexual behavior unless it is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- Medical or mental health information, treatment and/or diagnosis, unless the party voluntarily consents.

After the Title IX Coordinator reviews the report and any further investigation, if necessary, is completed, the final report will be shared with the Complainant, Respondent, and their Advisors. The Parties will have ten (10) business days to respond in writing to the final investigative report. The Complainant and Respondent must also submit in writing by that time the names of any witnesses the Complainant/Respondent wishes to testify and a summary of information each witness would provide through their testimony. Names of witnesses provided by the Complainant/Respondent will be shared with the other party.

After the ten-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the ten-business-day window. The Hearing Officer determines whether to grant exceptions to this ten-business-day deadline.

The Title IX Coordinator will determine what, if any, final changes or additions are made to the final investigative report based upon its review of the report and feedback as described above from the Complainant and Respondent. The matter will then be referred to a Hearing Officer.

Live Hearings on Title IX Sexual Harassment Allegations
Hearings that occur for the purpose of formally resolving Formal Complaints of Title IX Sexual Harassment will be live and occur in real time. Complainants, Respondents, and Witnesses will answer questions posed by the Hearing Officer and Advisors in front of the Hearing Panel. Questions regarding Prohibited Conduct that does not constitute Title IX Sexual Harassment but is also being heard by the Hearing Panel during the same hearing will be handled at the discretion of the Hearing Officer.

Hearing Panel
The Hearing Officer Panel will be formed by the Title IX Deputy Coordinators minus the Deputy Coordinator who is designated as the Appeal Officer. See Section XX on Appeals for more information.

The Title IX Deputy Coordinators at Davis & Elkins College are:

Kate Garlick
Deputy Title IX Coordinator
Dean of Students
Liberal Arts Hall, 1st Floor
(304) 637-1241 | **garlickk@dewv.edu**

Jane Corey
Deputy Title IX Coordinator
Director of Human Resources
Liberal Arts Hall, Room 203
(304) 637-1344 | **coreym@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**

Nicole Rose
Deputy Title IX Coordinator
Senior Women's Administrator
Myles Center for the Arts
(304) 637-1202 | **rosen@dewv.edu**

The Chair will be determined by the following:

- If the Respondent is a student: The Chair will be the Dean of Students.
- If the Respondent is an employee: The Chair will be the Director of Human Resources.
- If the Respondent is a member of Faculty: The Chair will be the Vice President for Academic Affairs.

The Deputy Coordinator that will serve the designated appellate decision-maker will not participate in the hearing.

Notice of Title IX Sexual Harassment Hearing
Both the Complainant and the Respondent will be notified in writing of the date and time of the hearing and the name of the Hearing Officer at least five business days in advance of the hearing, with the hearing to occur no fewer than ten days after the Parties are provided with the Final Investigative Report.

Pre-hearing Procedures and Ground Rules for Title IX Sexual Harassment Hearing
The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, witness and Advisor participation and identification, and advance determination of the relevance of certain topics. The Hearing Officer will communicate with the Parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input.

The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process any participants who are unwilling to observe rules of decorum

Participation of Advisors in a Title IX Sexual Harassment Hearing
Both Parties must be accompanied by an Advisor to the hearing. If a party does not have an Advisor for the hearing, the Davis & Elkins College will provide an Advisor of Davis & Elkins College's choice for that party. Each party's Advisor must conduct any cross-examination of the other party and any witnesses. Apart from conducting cross-examination, the Parties' Advisors do not have a speaking role at the hearing; an Advisors' participation is limited to conferring with the party at intervals set by the Hearing Officer.

Participation of Parties and Witnesses in a Title IX Sexual Harassment Hearing
A party or witness who elects to participate in the process is expected, although not compelled, to participate in all aspects of the process (e.g., a witness who chooses to participate in the investigation is expected to make themselves available for a hearing if requested to do so).

If a party does not appear for the hearing, their Advisor may still appear for the purpose of asking questions of the other party and witnesses. If a non-participating party's Advisor also does not appear for the hearing, Davis & Elkins College will appoint an Advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the nonparticipating party.

Parties are reminded that, consistent with the prohibition on Retaliation, intimidation, threats of violence, and other conduct intended to cause a party or witness to not appear for a hearing are expressly prohibited.

The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant, duplicative, or prohibited (such as prior sexual history or privileged information). The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

Recording the Title IX Sexual Harassment Hearing
A Respondent, Complainant, Advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) to a hearing, unless authorized by the Hearing Officer.

The Title IX Coordinator will arrange for there to be an audio recording, or audiovisual recording, or transcript (or combination) of the hearing, which will be made available to the Parties for review upon request and kept on file by Davis & Elkins College for seven years.

Reasonable care will be taken to create a quality recording or transcript and if making recording minimize technical problems, however, technical problems that result in no recording or an inaudible recording are not a valid basis for appeal.

Hearing Location and Use of Technology in a Title IX Sexual Harassment Hearing
The hearing will be live, with all questioning conducted in real time. Upon request, the Parties may be located in separate rooms (or at separate locations) with technology enabling the Hearing Officer and the Parties to simultaneously see and hear the party or witness answering questions. At the discretion of the Title IX Coordinator, a Live Hearing may be conducted entirely virtually through the use of remote technology so long as the Parties and Hearing Officer are able to hear and see one another in real time.

Title IX Sexual Harassment Hearing Structure

The Hearing Officer has general authority and wide discretion over the conduct of the hearing. Although the Hearing Officer has discretion to modify the hearing structure, the general course of procedure for a hearing is as follows:

Introductions;

- Opening Statement from the Complainant (optional);
- Opening Statement from the Respondent (optional);
- Questioning of the Complainant by the Hearing Officer;
- Cross-examination of the Complainant by the Respondent's Advisor;
- Questioning of the Respondent by the Hearing Officer;
- Cross-examination of the Respondent by the Complainant's Advisor;
- Hearing Officer questioning of other witnesses (if applicable);
- Cross-examination of other witnesses by the Parties' Advisors;
- Additional question of the Complainant and Respondent by the Hearing Officer at their discretion;
- Closing comments from the Complainant (optional); and,
- Closing comments from the Respondent (optional).

The evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are not admissible, unless the person holding the privilege has waived the privilege.

Determination Following a Title IX Sexual Harassment Hearing
Following the Hearing, the Hearing Panel, by way of a majority vote, will consider all relevant evidence and make a determination, by Preponderance of Evidence standard, whether the allegations of Prohibited Conduct occurred and, if so, whether Respondent has violated the Policy. While the Title IX Coordinator will be present, they are not a decision-maker.

Written Notice Regarding an Outcome of a Title IX Sexual Harassment Hearing
After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, Complainants and Respondents will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will include the following:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint of Title IX Sexual Harassment, with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings supporting the determination using a preponderance of the evidence standard;

- Conclusions regarding the application of Davis & Elkins College Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Davis & Elkins College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by Davis & Elkins College to the Complainant; and
- Davis & Elkins College's permissible basis for the Complainants and Respondents to appeal, and instructions on how to do so. The written notification of outcome becomes final seven days after it is sent to the Parties, unless an appeal is filed on or before that day.

FORMAL RESOLUTION OF REPORTS OF PROHIBITED CONDUCT THAT IS NOT TITLE IX SEXUAL HARASSMENT

Complaints Of Prohibited Conduct That Is Not Title IX Sexual Harassment
Once a report of Prohibited Conduct has been received by the Title IX Coordinator, and when Informal Resolution is not elected or is unsuccessful, a Complainant has the option to file a Formal Complaint against a Respondent alleging Prohibited Conduct and requesting that Davis & Elkins College resolve those allegations through an Investigation. To file a Complaint, the Complainant may do so orally, in writing, online, in person, or by email to the Title IX Coordinator.

If the Complainant does not wish to File a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, file a Formal Complaint if they determine that Davis & Elkins College is on notice that it would be legally required to respond.

When deciding to File a Complaint, the Title IX Coordinator will consider the following:

- the College's legal obligations to provide a safe, non-discriminatory educational or work environment;
- risk that the Respondent might commit additional acts of Prohibited Conduct;
- whether or not there have been additional reports against the same Respondent for the same or similar conduct;
- the scope of the alleged Prohibited Conduct, including possible patterns, possible ongoing discrimination or harassment, and/or whether or not the alleged Prohibited Conduct impacts multiple individuals;
- whether or not the Prohibited Conduct was committed by multiple Respondents;
- the seriousness of the alleged misconduct;
- The age and relationship of the Parties, including whether or not the Respondent is a Davis & Elkins College employee;
- the Complainant's request not to proceed;
- the Complainant's reasonable safety concerns about initiating a Complaint; and,
- the availability of evidence to assist a Decision-Maker reaching a determination.

When the Title IX Coordinator files a Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party to the Resolution Process. When the Complainant may choose not to participate in the resolution initiated by the Title IX Coordinator, the Complainant may still be treated as a Party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome. At no time, will Davis & Elkins College retaliate against a Complainant to force participation in the grievance process.

If a Party chooses not to participate in the Resolution Process or becomes unresponsive, the Recipient reserves the right to continue without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process. Employee witnesses may be compelled to participate.

In instances in which there is no Complaint, Davis & Elkins College may still be obligated to stop, remedy, or prevent any concerns or possible hostile or discriminatory environments.

Dismissal of Complaints Of Prohibited Conduct That Is Not Title IX Sexual Harassment
If a Complainant files a Complaint, Davis & Elkins College may, in its discretion, choose to dismiss a Formal Complaint of Prohibited Conduct or any allegations therein, if at any time during the Resolution Process:

- Davis & Elkins College is unable to identify the Respondent after taking reasonable steps to do so;
- the Respondent is no longer enrolled or employed by Davis & Elkins College;
- specific circumstances prevent the recipient from gathering the evidence sufficient to reach a determination in regards to the allegations in the Complaint; and/or,
- Davis & Elkins College determines the conduct alleged would not constitute a policy violation, if proven.

Dismissal decisions are appealable by the Parties.

Consolidation of Complaints of Prohibited Conduct That Is Not Title IX Sexual Harassment
In their discretion, the Title IX Coordinator may consolidate multiple Complaints for resolution under this Policy. Consolidation might involve a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that are logically connected (even where some of that alleged conduct is not Prohibited Conduct). The decision to consolidate Complaints is not subject to appeal and at the discretion of the Title IX Coordinator.

Counterclaims of Prohibited Conduct That Is Not Title IX Sexual Harassment
Davis & Elkins College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Davis & Elkins College permits the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith.

Counterclaims may also be resolved through the same Investigation as the underlying Formal Complaint or investigated separately, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

Notice of Allegations of Prohibited Conduct That Is Not Title IX Sexual Harassment
If a Complainant or the Title IX Coordinator files a Formal Complaint of Prohibited Conduct within the scope of this Policy, the Title IX Coordinator will simultaneously send both Parties a written Notice of Allegations that contains the following:

- sufficient detail for a person to be prepared before any initial interview, including identities of the Parties, if known; the conduct allegedly constituting Prohibited Conduct; the date and location of the alleged incident, if known;
- the specific policies and offenses implicated;

- a statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement that the Parties are entitle to an equal opportunity to assess the relevant and not otherwise impermissible evidence;
- a statement the Parties are entitled to an Advisor of their choosing who may accompany them throughout all steps of the Formal Resolution Process;
- instructions to preserve any evidence that is directly related to the allegations;
- notice that Davis & Elkins College prohibits knowing making false statements, including submitting false information during the Formal Resolution Process;
- information about the confidentiality of the process, including the expectations of the Parties and their Advisors regarding information learned through the process;
- information regarding the availability of support and assistance through Davis & Elkins College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options; and,
- notice of Davis & Elkins College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that Davis & Elkins College will take prompt action when Retaliation is reported; and how to report acts of Retaliation.

In instances institutional discrimination, disparate policies, or in which climate or culture Investigations are required and that do not have an identifiable Respondent, the Notice of Allegations will be provided to the Cabinet Member that oversees the area being investigated.

If, during the course of an Investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide an amended Notice of Allegations to the Parties.

Investigation of Complaints Of Prohibited Conduct That Is Not Title IX Sexual Harassment
Once a Formal Complaint has been filed, and there is no Informal Resolution, an Investigation will be conducted. An Investigation affords Complainants and Respondents an opportunity to submit information and other evidence and to identify witnesses. Although the Parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the Investigation is with Davis & Elkins College.

When the Formal Resolution Process is initiated, the Title IX Coordinator will designate an Investigator or an investigative team, one of whom may be the Title IX Coordinator, who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Prohibited Conduct.

Interviews. The Investigator(s) will interview the Parties and relevant witnesses in order to review the disciplinary process and to hear an overview of each Party's account of the incident. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. Following the interview, each Party will be provided with a draft summary of their statement and provided an opportunity to comment on the summary and ensure its accuracy and completeness. The Parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the Investigator(s).

Evidence. During the interview, and while gathering evidence, Parties will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and

other evidence. Although Davis & Elkins College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all Parties are expected to share any relevant information and/or any information that is requested by the Investigator(s).

The Investigator(s) will review all information identified or provided by the Parties, as well as any other evidence they obtain. Evidence obtained as part of the Investigation that is relevant to the allegations in the Formal Complaint will be shared with the Parties for their review and comment, as described below.

All evidence must be provided to the Investigator during the scope of the Investigation.

Draft Investigation Report and Opportunity to Inspect and Review Evidence and Pose Additional Questions

After all the evidence is gathered, and the Investigator has completed witness interviews, the Investigator will prepare a draft investigative report. The primary Decision Makers will receive a copy of the draft investigative report.

- If the Respondent is a student: The primary Decision Maker will be the Dean of Students.
- If the Respondent is an employee: The primary Decision Maker will be the Director of Human Resources.
- If the Respondent is a member of Faculty: The primary Decision Maker will be the Vice President for Academic Affairs.

The Parties, and their Advisors, if any, at a minimum will be provided with descriptions of all evidence directly related to the allegations of the Formal Complaint that was gathered during the Investigation. Before doing so, the Investigator(s) may redact information in the evidence that is not relevant to the allegations of the Complaint; information prohibited from disclosure pursuant to a recognized legal privilege or other statutory or regulatory prohibition; and/or a Party's medical or mental health information/records unless the Party consents in writing to the disclosure.

Complainants, Respondents, and Decision Makers may not disseminate, in whole or in part, any part of the draft investigative report or descriptions of evidence or use such evidence for any purpose unrelated to the formal Resolution Process as described in this Policy. Disseminating evidence in such a way could be considered Retaliation under this Policy.

The Parties will have five (5) Days to review the draft investigative report or descriptions of the evidence and to submit a written response. The Parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional Investigation, names of additional witnesses, additional questions to be asked, or any other information they deem relevant to the Investigation. The Parties will submit their written responses, including additional questions to be asked, to the primary Decision Maker and Title IX Coordinator.

The Decision Maker will have five (5) Days to review the draft report, descriptions of the evidence, and the written responses and additional questions the Parties requested to be asked. After assessing the requests for permissibility and relevance, the Decision Maker may direct the Investigators to conduct follow up interviews if necessary.

Any Party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided so that the primary Decision Maker can determine relevance. The Parties' feedback will be attached to the final Investigation report.

Only information provided prior to the final Investigation report will be considered in a determination of whether a policy violation occurred. Any and all information for consideration by Decision Makers must be provided prior to the final Investigation report.

Once the review and request period are complete, the Investigator will any incorporate the information into the final investigative report which will be provided to the Title IX Coordinator for review.

Administrative Hearing
The Title IX Coordinator will review the report for completeness and relevance, and direct further Investigation as necessary before the report is provided to the Decision Makers.

After the Title IX Coordinator reviews the report and any further Investigation, if necessary, is completed, the final report will be provided to the Decision Makers which is comprised of the Deputy Coordinators (minus the Deputy Coordinator who will serve as the Appeal Officer). The lead Investigator will present the report to the Title IX Coordinator and Hearing Panel.

While Complainants and Respondents will be notified in advance of the Administrative Hearing, they will not be present.

The Decision Makers, by way of a simple vote will consider all relevant evidence and make a determination, by preponderance of evidence standard, whether the Respondent has violated the Policy or if institutional discrimination or disparate polices are substantiated. While present, the Title IX Coordinator is not a decision-maker in the Administrative Hearing.

If it is determined that the preponderance of evidence standard cannot be met or that there is no reasonable cause to determine a policy violation, the matter will be closed subject to a final appeal.

Written Notice Regarding an Outcome
As soon as possible, but within in five (5) Days after an Administrative Hearing and after a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, the Parties will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will include the following:

- Identification of the allegations potentially constituting Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations.
- Findings supporting the determination using a preponderance of the evidence standard;
- Conclusions regarding the application of this Policy to the evidence;
- A statement of and rationale for the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions imposed on the Respondent that Davis & Elkins College is permitted to share pursuant to state or federal law;
- Whether or not remedies will be provided; and,
- Davis & Elkins College's procedures and permissible bases for the Complainants and Respondents to appeal.

The written notification of outcome becomes final five (5) Days after it is sent to the Complainants and Respondents, unless an appeal is filed on or before that day.

REMEDIES AND SANCTIONS FOR POLICY VIOLATIONS

In the event the Decision Makers find the Respondent responsible for a violation of Davis & Elkins College's policies, appropriate remedies and sanctions will be determined by the Deputy Title IX Coordinator as listed below in conjunction the Title IX Coordinator. Remedies are designed to restore or preserve equal access to the College's Education Program or Activity and may be disciplinary or punitive.

- If the Respondent is a student: The sanction will be administered by the Dean of Students.
- If the Respondent is an employee: The sanction will be administered by the Director of Human Resources.
- If the Respondent is a member of Faculty: The sanction will be administered by the Vice President for Academic Affairs.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the College's educational and employment Programs and Activities.

Sanctions for a finding of responsibility for Student Respondents include any of the sanctions outlined in the Davis & Elkins College Student Handbook, education, growth plans, community service, referral to counseling, warnings, probation, suspension, suspension from participation in activities or privileges, suspension from the College or the residence halls, or expulsion. In determining (a) sanction(s), the designated Deputy Coordinator will consider whether the nature of the conduct at issue warrants removal from the College, either permanent (expulsion) or temporary (suspension).

Sanctions for the finding of responsibility for student groups and organizations include any of the sanctions outlined in the Davis & Elkins College Student Handbook, warnings, probation, suspension, termination of the group, expulsion, loss of privileges, or other actions determined to be appropriate.

Sanctions for findings of responsibility for Employee and Faculty Respondents include education, referral to counseling, and disciplinary actions such as warnings, reprimands, withholding of a promotion or pay increase, reassignment, restriction in activities or privileges, temporary suspension without pay, compensation adjustments, or termination.

Other factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent, previous Davis & Elkins College response to similar conduct, and Davis & Elkins College interests (e.g., in providing a safe environment for all).

Third Parties, such as visitors, contractors, consultants, vendors providing services to Davis & Elkins College may be subject to appropriate corrective action, including, but not limited to, issuance of a no trespass order or cancellation of relationship with the Davis & Elkins College.

APPEALS

A Complainant and Respondent both have the right to appeal the following:

- Title IX Coordinator's decision to dismiss a Formal Complaint of Prohibited Conduct;
- Emergency Removal decisions; and,
- decisions regarding responsibility for policy violation or outcome.

Appeals may only be made by Complainants and Respondents and not Advisors or other third Parties.

A Party wishing to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint of Prohibited Conduct must file a written appeal statement within five (5) business Days of the date the decision to dismiss is communicated to the Parties.

A Party wishing to appeal a decision regarding responsibility or outcome must file a written appeal statement within five (5) business Days of the date the written decision is sent to the Parties.

The written appeal statement must identify the ground(s) upon which the appeal is being made. The only grounds for appeal are:

- new information not reasonably available at the time of the decision that could affect the outcome of the matter;
- the Title IX Coordinator or other Title IX Administrator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter;
- the Sanction is excessively severe considering the cumulative conduct/disciplinary record of the Respondent; and/or,
- procedural error(s) that affected the outcome of the matter. An appeal is not a re-hearing of the case.

Davis & Elkins College may deny an appeal if it is not based on one of the grounds for appeal outlined above.

Appeal Officer

- If the Respondent is a student: The written appeal shall be submitted to the Vice President for Academic Affairs.
- If the Respondent is an employee: The written appeal shall be submitted to the Dean of Students for Student Affairs.
- If the Respondent is a faculty member: The written appeal shall be submitted to the Director of Human Resources.

The Appeal Officer's role is limited to reviewing the underlying record of the Investigation and hearing, the appealing Party's ("Appellant") written appeal statement, any response to that statement by the non-appealing Party.

Response to Appeal
The Appeal Officer will provide written notice to the non-appealing Party that an appeal has been submitted and will give the non-appealing party an opportunity to review the appeal statement. The non-appealing Party may submit a written response to the appeal. The written response is due two (2) Days from the date Davis & Elkins College provides written notice of the appeal to the non-appealing Party. Davis & Elkins College will provide the Appellant an opportunity to review non-Appealing Party's response, but no further submissions are permitted.

Written Decision
The Appeal Officer will provide written notification of the final decision to the Appellant and non-appealing Party simultaneously. The Appeal Officer will typically notify the Parties of its decision regarding an appeal in writing within five (5) business Days from receipt of the appeal statement. If the decision will take longer,

the Parties will be informed. The decision of the Appeal Officer will be final, and no subsequent appeals are permitted.

WITHDRAWAL OR RESIGNATION PRIOR TO RESOLUTION

Should a Respondent withdraw or resign from Davis & Elkins College, the Resolution Process typically ends with a Dismissal, as Davis & Elkins College has lost primary disciplinary jurisdiction over the Respondent. However, Davis & Elkins College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the Prohibited Conduct or determine whether a degree should be issued or revoked.

The Student Respondent who withdraws or leaves while the process is pending may not return to Davis & Elkins College in any capacity. The Office Admissions and/or Human Resources will be notified accordingly.

The Employee Respondent who resigns with unresolved allegations pending is not eligible for academic admission or rehire at Davis & Elkins College. The Office of Admissions and Human Resources will be notified accordingly.

All records retained by the Title IX Coordinator will reflect the withdrawal and resignation status of the Respondent.

All responses to future inquiries regarding employment references or information requests related to the NCAA attestation process will include that the Respondent left Davis & Elkins College pending a disciplinary matter and may include disclosure of the status of the matter, including any disciplinary sanctions as part of the NCAA attestation process.

RECORD RETENTION

Davis & Elkins College shall retain for a period of seven (7) years after the date of case closure: the official file relating to a Informal Resolution or Formal Resolution, including any Supportive Measures, Investigation, Administrative Hearing, Sanctioning, and/or Appeals processes involving allegations of Prohibited Conduct as defined in this Policy.

TRAINING AND PREVENTION PROGRAMS

Davis & Elkins College is committed to creating a safe and respectful campus environment by implementing comprehensive prevention programs that address sexual assault, domestic violence, dating violence, and stalking. In accordance with the Jeanne Cleary Act requirements, the College provides ongoing education and awareness initiatives for all students, faculty, and staff, including bystander intervention training with the goal of promoting healthy relationships and a safe campus environment that empowers individuals to report incidents promptly.

All Title IX Administrators and individuals who are responsible for the implementation, modification, or termination of Supportive Measures will be trained on the following on an annual basis:

- definitions of Prohibited Conduct;
- how to apply those definitions consistently and impartially;
- issues related to Prohibited Conduct;
- scope of Davis & Elkins College's Education Program and Activities;
- Jurisdiction of this Policy;
- Reporting, confidentiality, and privacy requirements;

- Supportive Measures and Reasonable Modifications;
- Informal Resolutions;
- the Investigation process and how to conduct an investigation process that protects the safety of Complainants;
- how to assess credibility;
- Administrative Hearings;
- Remedies and Sanctions;
- Appeals;
- Relevance and Permissibility of Evidence;
- Record Keeping requirements related to this Policy; and,
- how to serve equitability and impartially to avoid Bias and Conflicts of Interest.

If needed, Decision Makers will also be trained on any technology that might be used during an Administrative Hearing.

All Confidential Employees will be trained on the following on an annual basis:

- to provide the Title IX Coordinator's contact information when a student or employee discloses information that may involve Prohibited Conduct; and,
- how to provide and document any Supportive Measures or off campus resources that are offered or provided.

At a minimum, all employees will be trained on the following on an annual basis:

- Davis & Elkins College obligation to address Discrimination and Harassment in its Education Program or Activity;
- definitions of Prohibited Conduct;
- scope of Davis & Elkins College's Education Program and Activities;
- how to report instances of Prohibited Conduct to the Title IX Coordinator; and,
- to provide the Title IX Coordinator's information to an individual who discloses pregnancy.

At a minimum, all students are trained on the following during their time as a student at Davis & Elkins College[3]:

- Title IX Sexual Harassment and related issues specific to Dating & Domestic Violence, Sexual Misconduct, Stalking;
- Consent;
- Hazing;
- Bystander Intervention;
- Alcohol & Other Drugs; and,
- Active Shooter.

All training materials are available upon request and do not rely on sex stereotypes.

[3] While students are assigned trainings on an annual basis, not all topics are assigned to each student each year.

Appendix A

Complainant's Rights

- To be treated with respect, dignity, and sensitivity throughout the process;
- To seek and receive appropriate support services at Davis & Elkins College;
- To have the presence of an Advisor throughout the process;
- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA);
- To be informed of Davis & Elkins College's Policy and Procedures on Prohibiting Discrimination and Harassment;
- To participate or decline to participate in Davis & Elkins College's Resolution Processes; however, Davis & Elkins College may move forward resolving the report with or without participation in accordance with this Policy.
- To have Complaints investigated and resolved within the time frames establish in Davis & Elkins College's Policy and Procedures on Discrimination and Harassment;
- To challenge any Title IX Administrator taking part in the Resolution of Reports of Prohibited Conduct due to a conflict of interest or bias;
- To refrain from making self-incriminating statements;
- To choose to report incidents of criminal misconduct to law enforcement;
- To discuss this matter with your Advisor and others so long as these discussions do not result in retaliation; and,
- To understand that information collected under this Policy may be subpoenaed in criminal or civil proceedings.

Appendix B

Respondent's Bill of Rights

- To be treated with respect, dignity, and sensitivity throughout the process;
- To seek and receive appropriate support services at Davis & Elkins College;
- To have the presence of an Advisor throughout the process;
- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA);
- To be informed of Davis & Elkins College's Policy and Procedures on Discrimination and Harassment;
- To have Complaints investigated and resolved within the time frames establish in Davis & Elkins College's Policy and Procedures on Discrimination and Harassment;
- To challenge any Title IX Administrator taking part in the Resolution of Reports of Prohibited Conduct due to a conflict of interest or bias;
- To participate or decline to participate in Davis & Elkins College's Resolution Processes; however, Davis & Elkins College may move forward resolving the report with or without your participation in accordance with this Policy which could still result in a finding of responsibility;
- To refrain from making self-incriminating statements;
- To report incidents of criminal misconduct to law enforcement if they wish to do so;
- To discuss this matter with your Advisor and others so long as these discussions do not result in retaliation; and,
- To understand that information collected under this Policy may be subpoenaed in criminal or civil proceedings.

Appendix C

In compliance with Violence Against Women Reauthorization Act of 2013, the local definitions of the crimes of sexual assault, domestic violence and stalking, as well as the definition of consent, are set forth below. These are the criminal definitions – not the Policy definitions required under Title iX. **The decision to investigate and sanction an incident under the College's Policy does not constitute a determination that the incident is a criminal offense. The decision to criminally charge an incident as a "sexual assault" or "domestic violence" is determined by local law enforcement authorities.**

Sexual Assault
In the State of West Virginia, Sexual Assault is legally referred to as a Sexual Offense and law enforcement will utilize the legal definitions set forth below to determine whether criminal charges will be pursued. See W.V.S. §61-8B (Sexual Offenses). Below is a listing of Sexual Offenses crimes in the State of West Virginia.

§61-8B-3. Sexual assault in the first degree.

(a) A person is guilty of sexual assault in the first degree when:
(1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:
(i) Inflicts serious bodily injury upon anyone; or
(ii) Employs a deadly weapon in the commission of the act; or
(2) The person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than twelve years old and is not married to that person.

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years, or fined not less than one thousand dollars nor more than ten thousand dollars and imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years.

(c) Notwithstanding the provisions of subsection (b) of this section, the penalty for any person violating the provisions of subsection (a) of this section who is eighteen years of age or older and whose victim is younger than twelve years of age, shall be imprisonment in a state correctional facility for not less than twenty-five nor more than one hundred years and a fine of not less than five thousand dollars nor more than twenty-five thousand dollars.

§61-8B-4. Sexual assault in the second degree.

(a) A person is guilty of sexual assault in the second degree when:
(1) Such person engages in sexual intercourse or sexual intrusion with another person without the person's consent, and the lack of consent results from forcible compulsion; or
(2) Such person engages in sexual intercourse or sexual intrusion with another person who is physically helpless.

(b) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than ten nor more than twenty-five years, or fined not less than one thousand dollars nor more than ten thousand dollars and imprisoned in the penitentiary not less than ten nor more than twenty-five years.

§61-8B-5. Sexual assault in the third degree.

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

(1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or

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

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in a state correctional facility not less than one year nor more than five years.

§61-8B-7. Sexual abuse in the first degree.

(a) A person is guilty of sexual abuse in the first degree when:
(1) Such person subjects another person to sexual contact without their consent, and the lack of consent results from forcible compulsion; or
(2) Such person subjects another person to sexual contact who is physically helpless; or
(3) Such person, being fourteen years old or more, subjects another person to sexual contact who is younger than twelve years old.

(b) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in a state correctional facility not less than one year nor more than five years.

(c) Notwithstanding the provisions of subsection (b) of this section, the penalty for any person violating the provisions of subsection (a) of this section who is eighteen years of age or older and whose victim is younger than twelve years of age, shall be imprisonment for not less than five nor more than twenty-five years and fined not less than one thousand dollars nor more than five thousand dollars.

§61-8B-8. Sexual abuse in the second degree.

(a) A person is guilty of sexual abuse in the second degree when such person subjects another person to sexual contact who is mentally defective or mentally incapacitated.
(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than twelve months, or fined not more than five hundred dollars and confined in the county jail not more than twelve months.

§61-8B-9. Sexual abuse in the third degree.

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

(c) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than ninety days, or fined not more than five hundred dollars and confined in the county jail not more than ninety days.

Consent
§61-8B-2. Defines lack of consent as:

(a) Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim.
(b) Lack of consent results from:
(1) Forcible compulsion;
(2) Incapacity to consent; or
(3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
(c) A person is deemed incapable of consent when such person is:
(1) Less than sixteen years old;
(2) Mentally defective;
(3) Mentally incapacitated;
(4) Physically helpless; or
(5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of this code.

Domestic Violence
Please note that the state of West Virginia does not legally define Dating Violence.

§48-27-202 defines Domestic Violence as: §48-27-202. "Domestic violence" or "abuse" means the occurrence of one or more of the following acts between family or household members, as that term is defined in section two hundred four of this article:

(1) Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;
(2) Placing another in reasonable apprehension of physical harm;
(3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts;
(4) Committing either sexual assault or sexual abuse as those terms are defined in articles eight-b and eight-d, chapter sixty-one of this code; and
(5) Holding, confining, detaining or abducting another person against that person's will. West Virginia law enforcement agencies will utilize the above in determining whether to pursue criminal Domestic Violence charges.

Stalking
§61-2-9a. defines Stalking and Harassment as**:**

(a) Stalking. — Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third person to so act, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, confined in jail for not more than six months, or both fined and confined.

(b) Harassment. — Any person who harasses, or repeatedly makes credible threats against another is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months, or fined not more than $1,000, or both fined and confined.
(1) "Bodily injury" means substantial physical pain, illness, or any impairment of physical condition;
(2) "Course of conduct" means a pattern of conduct composed of two or more acts in which a defendant directly, indirectly, or through a third Party by any action, method, device, or means:
(A) Follows, monitors, observes, surveils, or threatens a specific person or persons;
(B) Engages in other nonconsensual contact and/or communications, including contact through electronic communication, with a specific person or persons; or
(C) Interferes with or damages a person's property or pet;
(3) "Credible threat" means a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out;
(4) "Harasses" means a willful course of conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress and which serves no legitimate or lawful purpose;
(5) "Immediate family" means a spouse, parent, stepparent, mother-in-law, father-in-law, child, stepchild, sibling, or any person who regularly resides in the household or within the prior six months regularly resided in the household; and
(6) "Repeatedly" means on two or more occasions.
(i) Any person convicted under the provisions of this section who is granted probation or for whom execution or imposition of a sentence or incarceration is suspended, shall have as a condition of probation or suspension of sentence that he or she participate in counseling or medical treatment as directed by the court.
(j) Upon conviction, the court may issue an order restraining the defendant from any contact with the victim for a period not to exceed 10 years. The length of any restraining order shall be based upon the seriousness of the violation before the court, the probability of future violations, and the safety of the victim or his or her immediate family. The duration of the restraining order may be longer than five years only in cases when a longer duration is necessary to protect the safety of the victim or his or her immediate family.
(k) It is a condition of bond for any person accused of the offenses described in this section that the person is to have no contact, direct or indirect, verbal or physical, with the alleged victim.
(l) Nothing in this section may be construed to preclude a sentencing court from exercising its power to impose home confinement with electronic monitoring as an alternative sentence.
(m) The Governor's Committee on Crime, Delinquency, and Correction, after consultation with representatives of labor, licensed domestic violence programs, and rape crisis centers which meet the standards of the West Virginia Foundation for Rape Information and Services, is authorized to promulgate legislative rules and emergency rules pursuant to §29A-3-1 *et seq*. of this code, establishing appropriate standards for the enforcement of this section by state, county, and municipal law-enforcement officers and agencies.

Appendix D
Officials with Authority
President, Chris Wood
Vice President for Business & Administration, Diana White
Vice President for Academic Affairs & Deputy Coordinator, Mike Mattison
Vice President for Advancement, Scott Goddard
Director for Human Resources & Deputy Coordinator, Jane Corey
Dean of Students & Deputy Coordinator, Kate Garlick
Assistant Dean of Students, Brian Wilson
Director of Athletics, Jennifer Riggleman

Senior Women's Administrator & Deputy Coordinator, Nicole Rose
Director of Public Safety, Casey Kopp
Senior Director of Enrollment, Angie Scott
Title IX Coordinator, Amy Kittle

2.1.2 Community Statement

The faculty, staff, and students of Davis & Elkins College are a multicultural community of individuals encompassing a broad spectrum of religious traditions, political beliefs, ethnicities, cultures, genders and sexual orientations. 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 Davis & Elkins 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.

2.1.3 Consumer Information

The Higher Education Opportunity Act (HEOA), as well as other federal regulations, requires colleges and universities that participate in federal student financial aid programs to disclose certain information to current and prospective students, and employees. In compliance with the HEOA, Davis & Elkins College posts the consumer information set forth below on the College's website.

1. General Institutional Information:

Academic Programs: Davis & Elkins College provides information regarding its educational programs in the College Catalog, as well as on the College website at www.dewv.edu/academics/academic-programs.

Accreditation: A list of all agencies that accredit Davis & Elkins College and its specific programs is provided in the College Catalog, as well as on the College website at:

www.dewv.edu/academics/de-education/office-academic-affairs/accreditation-assessment

College Navigator: Consumer information regarding Davis & Elkins College is available on the College Navigator website at:

nces.ed.gov/collegenavigator/?q=Davis+and+Elkins+College&s=all&id=237358

Peer-to-Peer File Sharing/Copyright Infringement Policies and Sanctions: Davis & Elkins College Copyright policies are set forth in Volume II of the *Davis & Elkins College Policy Manual*.

Facilities and Services for Students with Disabilities: Information regarding College campuses and facilities is available in the College Catalog, as well as on the College website. The Naylor Center provides support services to students with documented disabilities. See the College Catalog and the Volume VI of the Davis & Elkins College Policy Manual, as well as the College website for additional information regarding the Naylor Learning Center.

Faculty: A listing of College instructional personnel and their academic credentials is available in the College Catalog, as well as the College website

Student Diversity: Davis & Elkins College annually calculates information relating to the diversity of its students, including the percentage of enrolled, full-time students in the following categories: male, female, self-identified members of a major racial or ethnic group, and federal Pell Grant recipients. This information is posted on the College website.

Net Price Calculator: Davis & Elkins College provides a net price calculator on the College website that assists students in estimating their net cost of attendance:

www.dewv.edu/calculator/npcalc.htm.

Price of Attendance: Information regarding the costs of attending Davis & Elkins College is posted on the College's website at:

www.dewv.edu/future-students/afford

Privacy of Educational Records - FERPA: Davis & Elkins College annually publishes to enrolled and prospective students a notice of FERPA rights in Volume II and Volume VI of the *Davis & Elkins College Policy Manual*, the College Catalog, as well as the College website.

Refund and Withdrawal Information: Davis & Elkins College policies regarding refunds and withdrawal are available in the College Catalog.

Student Activities: A listing of available student activities is provided in Volume VI of the *Davis & Elkins College Policy Manual* as well as the College website.

Textbook Information: The Campus Store provides information on what textbooks students will need for the classes they select. Textbook information is organized by Course Title, Section Number and Instructor, and the information provided regarding textbooks includes Title, Author, Edition, ISBN # and pricing information.

Online Students Textbook Information: See the College's Bookstore website at: www.bkstr.com/decstore.

Transfer of Credit Policy/Articulation Agreements: Policies addressing the transfer of credit are available in the College Catalog, as well as on the College website at:

www.dewv.edu/future-students/getting-started/transfer-students.

Articulation Agreements: Davis & Elkins College publicly discloses and makes available a list of institutions with which it has articulation agreements. Such information is available in the Office of the President and on the College website at: www.dewv.edu/future-students/explore/transfer-students.

2. Financial Assistance Information and Related Policies

Notice of Availability of Financial Aid: Contact information for assistance in obtaining institutional or financial aid is available in the College Catalog, as well as on the College website at:

www.dewv.edu/future-students/afford

Assistance Available from Federal, State, Local and Institutional Programs: Information regarding the various types of financial assistance available to Davis & Elkins College students may be found in the College Catalog and on the College website at:

www.dewv.edu/future-students/afford

Federal Student Financial Aid Penalties for Drug Law Violations: Davis & Elkins College provides to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student that a conviction for any offense, during a period of enrollment for which the student was receiving Title IV, HEA program funds, under any federal or state law involving the possession or sale of illegal drugs will result in the loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance. In addition, the College includes this information in Volume II of the *Davis & Elkins College Policy Manual.*

Terms and Conditions of Accepting Financial Aid Award: Terms and conditions of accepting financial aid awards are set forth in the College Catalog.

Academic Progress and Financial Aid Eligibility: Davis & Elkins College policies regarding academic progress and financial aid eligibility are set forth in Volume V of the *Davis & Elkins College Policy Manual* and the College Catalog.

Initial Loan Counseling for Student Borrowers: Before receiving a student loan, borrowers must complete an entrance counseling session with a member of the Financial Aid Office. This session will provide useful tips and tools to help borrowers develop a budget for managing their educational expenses and help them understand their loan responsibilities.

Exit Counseling for Student Borrowers: Prior to graduating or leaving school, loan borrowers must complete exit counseling. During the exit counseling, financial aid staff explain borrower's rights and responsibilities as loan borrowers.

Preferred Lender Information: Information regarding preferred private loan lenders may be found at:

www.elmselect.com/link/Query?SchoolID=178&utm_campaign=ES1&utm_medium=Redirect&utm_source=School.

3. Health and Safety Information

Drug and Alcohol Abuse Prevention Program: Davis & Elkins College annually prepares and distributes to all students, faculty, and staff information regarding its alcohol and drug abuse prevention programs. This information is included in Volume II and VI of the *Davis & Elkins College Policy Manual*, the College website and other designated College publications.

Vaccination Policies: College policies regarding required student vaccinations and immunizations are set forth in Volume VI the *Davis & Elkins College Policy Manual* and the College Catalog.

Campus Security Policies, Crime Statistics, and Crime Log: The College annually provides a report that provides a detailed disclosure of information regarding campus security practices

(including Emergency Response and Safety Plan, Timely Warnings, Emergency Warnings, Missing Persons and Crime Log policies), as well as crime statistics for the preceding year. Additional information and the College's crime log are available in the Office of Public Safety.

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

4. Student Outcomes

Retention Rate: The College provides retention rates for students, which are available on the College website.

https://nces.ed.gov/collegenavigator/?q=davis+%26+elkins+college&s=WV&id=237358#retgrad

Graduation Rates: The College provides graduation rates, which are available on the College website.

https://nces.ed.gov/collegenavigator/?q=davis+%26+elkins+college&s=WV&id=237358#retgrad

Intercollegiate Athletics Graduation Rates: The College reports annually on the graduation rates of students receiving grant-in-aid support for their participation in intercollegiate athletics. For more information regarding the data included in this report, contact the College's Department of Athletics.

Post Graduate Survey (Placement in Employment, Job Placement, and Graduate and Professional Education): The College gathers data from graduates, such as survey response rates, employment rates, and graduate/professional school attendance rates, that it hopes will be helpful to current and prospective students.

5. Intercollegiate Athletic Program Participation Rates and Financial Support Data:

The Equity in Athletics Disclosure Act requires co-educational institutions of postsecondary education that participate in a Title IV federal student financial assistance program and have an intercollegiate athletic program, to prepare an annual report to the U.S. Department of Education. This report includes information on athletic participation, staffing, and revenues and expenses.

Athletic Program Participation Rates and Financial Support Data Report:

http://ope.ed.gov/athletics/

A copy of this report may be requested by contacting the Director of Athletics

6. Teacher Preparation Program Report

To request a copy of the College's Teacher Preparation Program Report, please contact Desiree Carlyle, (304) 637-1299 or carlyled@dewv.edu.

7. Voter Registration

The Student Life Office sends an electronic notice to all enrolled students that includes information regarding how students can obtain West Virginia voter registration forms prior to the deadline for registering to vote for all Federal and State elections.

2.1.4 Policy on 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 12th 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 or 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.

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

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

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.

2.1.5 Constitution Day Celebration

In accordance with federal law, Davis & Elkins College annually recognizes and celebrates Constitution Day on September 17. Announcement of the scheduled event is communicated to the public.

2.1.6 Discounts for Vendor Employees

Davis & Elkins College recognizes employees with whom the College has an outsourced contractual agreement for on campus services as an important part of the campus community and encourages them to participate in College activities. The College therefore offers the following discounts:

- Athletic and Cultural Events, Fitness Center, Outdoor Resource Center, College Bookstore, Swimming Pool, Library and Media Center. The same benefits/discounts are offered to vendors' employees as are listed in Volume III of the *Davis & Elkins College Policy Manual*.
- Graceland Inn and Mingo Room - Offers various discounts on food purchases and for accommodations at the Inn depending on the room requested.
- Augusta - Same as Davis & Elkins College employees for public concerts and dances. (This does not include discounts for Augusta classes.)

When the above-identified employees attend any of the referenced activities/events, they may be asked to present their employee identification in order to receive the discount.

2.1.7 Freedom of Expression

Davis & Elkins 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 (USA) affiliation or in violation of federal or state law or established College policies. Artistic expression includes, but is not limited to the fine arts, the performing arts, the graphic arts or less traditional forms of creative expression, i.e., electronic, computer, etc.

Freedom of Expression Guidelines:

1. Davis & Elkins 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 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 affiliation; and/or,
    e. Demean an individual(s) on the basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or 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 Davis & Elkins 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 *Davis & Elkins 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, Davis & Elkins 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 or mission of the College.

2.1.8 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 Vice President for Student Affairs and the Vice President for Institutional Advancement must jointly approve all raffles and sales for charitable purposes.

2.1.9 Guest Speakers and Performers

Davis & Elkins College encourages the hosting of outside speakers and performers on campus and its online resources. The intent of this policy is to provide a broad exposure to a diversity of issues and perspectives, and to ensure that all members of the College community engage those issues and perspectives in a manner consistent with the Mission of the College. Sponsorship of off-campus speakers or performers is restricted to academic and co-curricular departments, the administration, and officially registered student and employee organizations.

The reservation of the College facilities for guest speakers or performers is required to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to the academic community. Reservation of College facilities and spaces must be made in accordance with the College's Facilities Reservations and Rental Policy once approval of the event is received from the President (see Approval Guidelines below).

Sponsoring of guest speakers or performers does not necessarily imply approval or endorsement of the views expressed by the speaker, the attendees, or the sponsoring party or organization. The College realizes that some among the invited speakers or performers will espouse ideas that individuals and groups within the College community consider hostile to their interests, values, or feelings. Speakers or performers that may be potentially offensive or controversial, if deemed appropriate and approved in advance in accordance with established approval procedures below, must be advertised as such so people can make an informed decision before attending the event.

The College also reserves the right to adopt and enforce rules and regulations as it may deem necessary and proper in regard to the issuance of invitations to outside or off- campus speakers or

performers 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. Moreover, the President may cancel any event or lecture that creates a public health or safety concern, disrupts the educational or working environment, or uses the College as a platform to disparage the Mission of the College. See the College's Freedom of Expression Policy for additional information. Finally, an invitation to speak at the College does not include license for unlawful activity or activity that endangers or imminently threatens to endanger the safety of any member of the community or any of the community's physical facilities, nor any activity that disrupts or obstructs the functions of the College or imminently threatens such disruption or obstruction.

Note: This policy and procedure does not apply to speakers invited by faculty to address students enrolled in a course they are teaching, or to internal faculty and/or staff seminars, workshops, conferences, or colloquia. The Vice President for Academic Affairs or the appropriate Vice President must approve speakers or visitors in individual classes and/or seminars, workshops, conferences, or colloquia.

Approval Guidelines:

Individuals or organizations at Davis & Elkins College intending to invite a speaker or performer to campus must:

1. Determine who would be an appropriate speaker or performer given the College's mission statement;
2. Consult with the appropriate Vice President with oversight responsibility for the individual or organization sponsoring the speaker or performer concerning the qualifications and appropriateness of the proposed speaker or performer and receive preliminary approval;
3. Prepare a budget (include speaker's fees, reception costs, transportation costs, etc.) and submit a funding request to the appropriate department or division head;
4. Receive final approval from appropriate Vice President. The written request to the appropriate Vice President must include the following:
    a. The name of the individual(s) to be invited, the group(s) to be addressed, and the subject and title of the presentation or performance;
    b. If a speaking engagement, a professional vita or description of the qualifications of the speaker to address the subject of the presentation;
    c. The purpose, time and date of the presentation or performance, facility requirements, audio-visual needs, food service needs, etc.; and
    d. Any associated costs of the presentation (speaker fees, food costs, travel expenses, rental expenses, housing costs, etc.).
5. If the speaker or performance is approved by the Vice President, a contract rider and/or performance agreement will need to be drafted by the appropriate Vice President for the College's outside legal counsel;
6. Send copy of the contract rider and/or performance agreement to the speaker;

7. Once a signed contract and contract rider are received, the appropriate Vice President signs the final contract.

2.1.10 Information Security and Identity Theft Prevention Program

Davis & Elkins College has adopted an Information Security and Identity Theft Prevention Program in compliance with the Gramm-Leach-Bliley Act of 2000 (GLB) and the Federal Trade Commission's Red Flag Rule.

Gramm-Leach-Bliley Act and Red Flag Rule Requirements

GLB mandates that Davis & Elkins College designate an officer to coordinate the information security program, conduct a risk assessment of likely security and privacy risks, institute a training program for all employees and volunteers who have access to customer's sensitive information, oversee service providers and related contracts, and evaluate and adjust the program periodically. The Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003, has similar requirements, including mandating Davis & Elkins College to have a program to identify, detect and respond appropriately to relevant "red flags."

Definitions

Identity Theft – fraud committed or attempted using the identifying information of another person without authority.

Covered Account – an account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions.

Red Flag – a pattern, practice or specific activity that indicates the possible existence of identity theft.

Sensitive Information (whether stored in electronic, printed, or other format)

- Credit card information;
- Tax identification numbers;
- Payroll information;
- Cafeteria plan check requests and associated paperwork;
- Student, parent, and employee tuition and loan accounts information;
- Student educational records as defined by FERPA;
- Photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry);
- Medical or financial information for any employee, temporary worker, or student;
- Other personal information to include date of birth, address, phone numbers, maiden names, customer numbers, social security numbers.

Covered Accounts – a covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program.

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or

2. Business, personal and household accounts for which there are reasonably foreseeable risks to the safety or soundness of the College from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Safeguarding Sensitive Information

With respect to the safeguarding provisions of the GLB Act, the Davis & Elkins College Information Security and Identity Theft Prevention Program ("program") is designed to promote the security, integrity, and confidentiality of non-public sensitive information, protecting it against anticipated threats, and guarding it against unauthorized access or use. Covered under the program are safeguards used in the collection, distribution, processing, protection, storage, use, transmission, handling, or disposal of non-public sensitive information. The program covers actions by both Davis & Elkins College employees, volunteers, and outside vendors.

Physical Safeguards: Davis & Elkins College uses direct personal control or direct supervision to control access to and handling of all sensitive information. Whether the information is stored in paper form or any electronically accessible format, sensitive information is maintained, stored, transmitted and otherwise handled under the direct personal control of an authorized employee of Davis & Elkins College. Sensitive information is collected, processed, transmitted, distributed and ultimately disposed of with constant attention to its privacy and security. Conversations concerning non-public customer information are held in private. Papers with non-public customer information are mailed via official campus mail, U.S. mail, or private mail carrier. When best practices or the Davis & Elkins College Record Retention Schedule permit the disposal of sensitive information, it is shredded or destroyed. Confidential material is kept secure. Most offices have locked windows and locked doors with restricted access. For those that do not, materials are kept in locked filing cabinets or other locked storage areas. Non-public customer information that is stored off campus by remote hosting and systems administrators is locked and secured by 24-hour security.

Technical Safeguards: The Information Services Department provides network security and administrative software password access security according to industry standards and pursuant to College Information Technology policies. All information, including institutional data and sensitive information is stored on secured servers. In addition, sensitive information is encrypted when transmitted electronically over networks or when stored online. Additional technical safeguards such as firewalls, antivirus software and all applicable updates and patches are utilized to secure the Davis & Elkins College network.

Employee, Volunteer and Vendor Safeguards: Davis & Elkins College employees, volunteers, and outside vendors contracted with the College must use common sense judgment in securing sensitive information. Examples of common mitigation techniques utilized by Davis & Elkins College personnel, volunteers, and vendors include but are not limited to:

1. Maintaining physical security by locking rooms and file cabinets where customer and sensitive information is stored;
2. Maintaining adequate key control and limiting access to sensitive areas to those individuals with appropriate clearance who require access to those areas as result of their job;

3. Securing personal work areas to discourage casual viewing of sensitive information by unauthorized individuals;
4. Holding conversations concerning sensitive information in private;
5. Complying with the Davis & Elkins College Information System Security, Educational Records, Confidentiality, and HIPAA policies;
6. Referring calls, emails, texts, mail, and other communications requesting customer information to those individuals who are familiar with safeguarding information;
7. Shredding and erasing sensitive information when no longer needed; and
8. Reporting suspicious activity to supervisors and law enforcement authorities.

Identity Theft Protection

In addition to safeguarding sensitive information, the Program also includes policies and procedures designed to:

1. Identify and detect relevant red flags for new and existing covered accounts;
2. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
3. Ensure the Program is updated periodically to reflect changes in risks associated with identity theft.

Identification of Red Flags: When appropriate, Davis & Elkins College will consider the following risk factors when identifying red flags:

1. Alerts, notifications or warnings from credit reporting agencies;
2. The presentation of suspicious documents;
3. Notices from customers, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts; and
4. Unusual use of, or suspicious activity related to, a covered account.

Detection of Red Flags: Davis & Elkins College will attempt to detect red flags in connection with the opening of covered accounts and existing covered accounts by:

1. Obtaining identifying information about, and verifying the identity of, a person opening a covered account;
2. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts; and
3. Rejecting any application for a service or transaction that appears to have been altered or forged.

Responding to Red Flags: All potentially fraudulent activity must be reported to the Vice President for Business and Administration. When appropriate, Davis & Elkins College will take the following steps to prevent identity theft:

1. The Vice President for Business and Administration (or a designee) and relevant personnel will gather all related documentation;
2. The Vice President for Business and Administration (or a designee) and relevant personnel will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic and will respond appropriately. Appropriate responses may include, but are not limited to:
    a. Terminating a transaction;
    b. Contacting the customer;
    c. Changing passwords, security codes, or other security devices that permit access to a covered account;
    d. Not opening a covered account;
    e. Closing an existing covered account;
    f. Notifying and cooperating with appropriate law enforcement; and/or
    g. Determining that no response is warranted under the particular circumstances.

Program Administration: Administration, oversight, and responsibility of the Davis & Elkins College Information Security and Identity Theft Prevention Program will include the following:

1. Involvement of Management:
    a. The Information Security and Identity Theft Prevention Program is the responsibility of the Audit Committee of the Board of Trustees.
    b. Operational responsibility of the program is delegated to the Vice President for Academic Affairs (or a designee), who is designated as the Davis & Elkins College Information Security and Identity Theft Prevention Program Officer, in collaboration with the Cabinet.
2. Training: All employees, volunteers, and vendors for whom it is reasonably foreseeable that they may come into contact with covered accounts or sensitive information will receive appropriate training. Department and division heads are responsible for ensuring all requisite employees, volunteers, and vendors in their respective departments receive training as needed in all elements of this program. This includes appropriate FERPA training for those employees, volunteers, and vendors who have access to student educational records.
3. Oversight of Service Provider Arrangements: Davis & Elkins College is responsible for ensuring that the activities of service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. When appropriate, contractual arrangements with service providers will require the service provider to maintain its own information security and identity theft prevention program.

Periodic Updates to the Plan: At periodic intervals, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment. Periodic reviews will include, at a minimum, an assessment of:

1. The types of covered accounts offered or maintained;

2. The methods provided to open covered accounts;
3. The methods provided to access covered accounts and sensitive information;
4. The physical, technical, and departmental methods to safeguard covered accounts and sensitive information;
5. Previous experience with identity theft;
6. Red flags as identified above and the need to define new red flags;
7. Response procedures defined above and their efficacy to reduce damage to the College and its customers.

2.1.11 Institutional Research

The Office of Institutional Research is responsible for compiling data and submitting various reports required by Federal and State agencies, professional organizations, and private agencies. These reports may not be completed and submitted without the consent and knowledge of the Office of Institutional Research. The Office of Institutional Research is available for research, analysis, and consultation on all reports submitted by College departments and division to professional organizations and private agencies. The Office of Institutional Research must be contacted for the integration of data gathering, analysis, and dissemination that supports planning, assessment, and decision-making both College-wide and for program studies.

2.1.12 Political Activities

Davis & Elkins College reserves the right to support or oppose issues that affect its values, welfare, the institution itself, and/or values and the welfare of higher education. In addition, Davis & Elkins College encourages its faculty, staff, trustees, students, and campus organizations to participate actively in political activities on an individual basis. Political activities on Davis & Elkins College property, however, must be conducted in a neutral and nonpartisan manner and in furtherance of the College's legitimate not-for-profit function (education).

To protect the neutrality of Davis & Elkins College in political contests, the College has established the following guidelines to assist members of the campus community in determining which political activities are appropriate:

1. In order to preserve Davis & Elkins College's not-for-profit (IRS § 50l(c)(3)) status, the Internal Revenue Service requires that the College refrain from participating in or intervening in any political campaign on behalf of (or in opposition to) any candidate for public office;
2. Davis & Elkins College is not permitted to endorse or oppose, expressly or impliedly, any candidate for political office or political party. In addition, Davis & Elkins College must not make any financial contributions to a political campaign fund, a political party, or political action committee (PAC). Contributions to a PAC supporting specific issues pertinent to Davis & Elkins College's tax-exempt purposes, particularly if it has a track record of commenting on such issues in non-election years, are exempted;
3. Davis & Elkins College also is prohibited from commenting on specific actions, statements, or positions taken by candidates for public office, including incumbents, in the course of their

campaigns. Similarly, Davis & Elkins College may not promote action (voting) with respect to issues that have become highly identified as dividing lines between candidates for political office. Comments pertaining to specific issues pertinent to Davis & Elkins College's tax-exempt purposes, particularly if it has a track record of commenting on such issues in non-election years, are exempted;

4. All address lists used by Davis & Elkins College are considered confidential and may not be shared with political candidates, parties, or PACS. Individuals may personally deliver campaign literature, but Davis & Elkins College mail facilities and computer technology resources are not to be used for addressing, emailing or otherwise distributing political materials;
5. Campaign posters may not be posted in or on any of Davis & Elkins College buildings or on any Davis & Elkins College owned grounds prior to or during election times, with the exception of those used for historical displays or educational purposes;
6. Campus organizations may use campus communications to announce political forums and discussions sponsored by officially constituted campus groups;
7. No campus political activities, including services and materials, may be paid for with Davis & Elkins College funds;
8. Use of Davis & Elkins College properties is subject to the Davis & Elkins College Facility Use by Candidates for Political Office procedures;
9. Funds or contributions for political candidates or campaigns, political parties, or PACS may not be solicited in the name of Davis & Elkins College or on any Davis & Elkins College facility, and College resources may not be used in soliciting such funds. If Davis & Elkins College students, faculty, or staff make political contributions, they must do so as individuals and not on behalf of Davis & Elkins College. Davis & Elkins College will not reimburse students, faculty, or staff for such contributions;
10. Davis & Elkins College communication and support systems, including any postal service, phone system, computer network or technologies, or office machinery (photocopier, fax machine, etc.), may not be used in support of one particular candidate, political party, or PAC free of charge. If such systems are rented or sold to a candidate or campaign, the items must be made available to all other candidates on the same terms and at fair market prices;
11. Using message boards and forums affiliated with the Davis & Elkins College website to support particular candidates, if the statements of the provider of the information can be reasonably attributed to the institution, are prohibited. A disclaimer that states that the opinions are neither those of Davis & Elkins College nor sanctioned by Davis & Elkins College is required in those public discussion areas where the information could reasonably be attributed to Davis & Elkins College;
12. Providing hyperlinks to web pages or other space on Davis & Elkins College's website of one or more candidates for public office in a manner that favors one candidate over another is prohibited;

13. Davis & Elkins College students are free to express their individual and collective political views provided they understand and make clear they are not speaking for or in the name of Davis & Elkins College;
14. Davis & Elkins College's name, logo, and insignia may not appear on stationery or any other material used or intended for support of a particular candidate, political party, or PAC. This prohibition also applies to any Davis & Elkins College entities supported in whole or part by Davis & Elkins College funds, such as registered student organizations;
15. Davis & Elkins College will not publish ratings of candidates running for public office, particularly in situations where the ratings could be viewed as reflecting the views of the institution. Similarly, Davis & Elkins College resources may not be used in connection with the preparation or publication of such ratings without reimbursement at the usual and normal charge;
16. Davis & Elkins College may not coordinate voter education or registration activities with political campaign events. Non-partisan voter education and registration activities on campus, however, are permitted.

2.1.13 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 Federal Program Integrity Rule, Davis & Elkins 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

Davis & Elkins 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
www.wv.gov/residents/consumerprotection

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,
Fax No: (803) 737-2297

www.che.sc.gov/AcademicAffairs/License/Complaint_procedures_and_form.pdf

Accreditation Association Contact Information

Davis & Elkins is accredited by the **Higher Learning Commission of the North Central Association of Colleges and Schools**.

The Higher Learning Commission

30 North LaSalle Street

Chicago, IL 60602-2504.

Ph: (800)621-7440

www.ncahlc.org

Davis & Elkins College holds full approval from the West Virginia Board of Education (WVBE) as an Education Preparation Provider (EPP). Additionally, the College's Educator Program was accepted as a candidate for national accreditation by the **Council on Accreditation of Educator Preparation** (CAEP).

CAEP

1140 19th St NW, Suite 400

Washington, D.C. 20036

(202) 223-0077

http://caepnet.org/

The Business Education program has also been accredited by the **National Association for Business Teacher Education**.

The Associate Degree Nursing Program is a member of the National League for Nursing and is accredited by the **Accreditation Commission for Education in Nursing (ACEN)**.

ACEN

3343 Peachtree Road N.E., Suite 850

Atlanta, GA 30326.

Ph: 404-975-5000

www.acenursing.org.

The program is also accredited by the West Virginia Board of Examiners for Registered Nurses.

Davis & Elkins College is an accredited institutional member of the **National Association of Schools of Theatre (NAST)** and the **International Assembly for Collegiate Business Education (IACBE)**.

Complaints Arising Outside of West Virginia

Students participating in a Davis & Elkins 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.sheeo.org/stateauth/Complaint%20Process%20Links.pdf.

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

2.1.14 Solicitations

In order to avoid disruption in the workplace and academic setting, Davis & Elkins College has developed the following guidelines regarding the solicitation of products or services, distribution of product or service related literature or information, and collection of monies on Davis & Elkins College property, whether it be in person or by means of Davis & Elkins College's network systems, supplies, services, or equipment (i.e., telephones, voice mail, email, computer systems, FAX, interoffice mail, and bulletin boards):

1. Individuals not employed by Davis & Elkins College or currently enrolled as students are prohibited from any form of solicitation or distribution of product or service related literature on Davis & Elkins College property at any time and in any manner unless granted specific authorization by the appropriate Vice President;
2. Employees are generally prohibited from soliciting products or services, distributing literature or information, and collecting of monies during working time. Work time does not include break periods, meal times, or other specified periods during the workday when employees are not engaged in performing their work tasks. The appropriate Vice President however, may make an exception to this prohibition.
    a. Fund-raising activities by employees may not conflict with Davis & Elkins College's own efforts to raise funds for the institution as a whole. Soliciting alumni and outside business, industry, government, or foundations is generally prohibited except with written approval from the Vice President for Institutional Advancement.

3. In general, individual students may not engage in solicitation for personal profit on Davis & Elkins College property in person or by means of Davis & Elkins College systems, supplies, services, and equipment including telephones, voice mail, email, computer systems, FAX, interoffice mail, and bulletin boards. The appropriate Vice President, however, may make an exception to this prohibition.

    a. Fundraising activities by students and student organizations must obtain approval from the Vice President for Student Affairs and the Vice President for Institutional Advancement (see the Davis & Elkins College Guest Speakers and New Groups Policy in Volume VI of the *Davis & Elkins College Policy Manual*).

2.1.15 Student Record Confidentiality (FERPA)

Preamble

The intent of this section is to comply with the Federal "Family Educational Rights and Privacy Act of 1974," as amended. 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.

Definitions

For the purpose of this policy, Davis & Elkins College has adopted the following definitions of terms:

Attendance includes, but is not limited to—

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a student is working under a work-study program.

College Official—A College Official is one of the following individuals:

1. A person employed by Davis & Elkins College in an administrative, supervisory, academic, research or support staff position;
2. A person elected to the Board of Trustees;
3. A person employed by or under contract to Davis & Elkins College to perform a special task (such as an attorney or auditor);
4. A contractor, consultant, volunteer or other outside party providing services that would otherwise be provided by a Davis & Elkins College employee; or
5. A student serving on an official Davis & Elkins College committee or assisting a College official in the performance of his or her tasks.

Dates of Attendance—the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year or a

spring semester. The term does not include specific daily records of a student's attendance at an educational agency or institution.

Disciplinary Action or Proceeding—the investigation, adjudication, or imposition of sanctions by the College with respect to an infraction or violation of the internal rules of conduct applicable to Davis & Elkins College students.

Disclosure—to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records.

Educational Record—those files, documents, and other materials (in handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) that contain information directly related to a student which are maintained by Davis & Elkins College or by a person acting for the College pursuant to College or departmental policy. Information that is captured as a result of a student's various activities at the Davis & Elkins College is part of the student record. This information includes, but may not be limited to, logs, databases or other records of: websites the student has visited, purchases made at Davis & Elkins College facilities, entry day/time into Davis & Elkins College facilities, library use and biometric records.

The term "Student Record" **does not** include:

- Notes belonging to a faculty or staff member and intended for the faculty/staff member's own use are not subject to inspection, disclosure, or challenge unless the person maintaining the notes disclosed the information to a person in the College community other than the student named in the notes. (Upon such a disclosure, the records are then open for review by the student);
- Records of the Office of Public Safety or Title IX pertaining to an investigation when the record is maintained solely for campus safety and security purposes, is revealed only to law enforcement agencies of the same jurisdiction, and is maintained separately from education records;
- Student employment records, provided the record is maintained in the normal course of business and is used only in relation to the student's employment;
- Educational records that are made or maintained by a physician, counselor, psychologist, or other recognized professional acting in that capacity are not subject to the provisions of access, disclosure, and challenge when the records are used only for treatment of a student and are made available only to persons providing the treatment;
- Records which contain only information about an individual after he or she is no longer a student at Davis & Elkins College, such as alumni records; and
- Grades on peer-graded papers before they are collected and recorded by a teacher.

Parent—a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Student—an individual currently or previously matriculated in any course offering of the College. An individual will be considered in attendance when he or she has formally enrolled in a class.

Public/Directory and Non-Directory Information

Davis & Elkins College from time to time makes public certain kinds of information about students, such as the names of those who receive scholarships, who hold offices, or who are members of athletic teams. Various kinds of campus directories are published throughout the year to help members of the College community locate and communicate with each other. The commencement programs publish the names of those who have received degrees during the year.

The Family Educational Rights and Privacy Act of 1974, as amended, defines the term "directory information" to include the following categories of information: the student's name, address, telephone number, email address, date and place of birth and citizenship, major field of study, participation in officially recognized activities and sports, photographs, weight and height of members of athletic teams, date of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student and classification. Directory information does not include the student's Social Security number or student identification (ID) number. Exception: Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The College will limit information that is made public to these categories but will not necessarily publish all such information in every listing. Students who do not wish to have such directory published without their prior consent must submit the "Prevent Disclosure of Directory Information" form available in the Office of the Registrar and the College website. The form should be submitted before the sixth-class day of the spring or fall semester or the fourth class day of the summer term.

Davis & Elkins College will not disclose non-directory information from a student's education record without the written consent of the student. A student may request that non-directory information or educational records be released to a third party by submitting the "Release of Student Information" form available in the Office of the Registrar and the College website.

Disclosure of Educational Records

Students are accorded the right to inspect, in the presence of a staff member, official College records, files, and data primarily and directly related to themselves. This right includes an explanation of any information contained in these records. Students are entitled to exercise this right within a reasonable time (no later than 45 days) after they personally appear in the appropriate College office to initiate such a request in writing. If students cannot appear personally, they must submit a notarized request to the appropriate office, authorizing a designated individual to receive a copy of the record. The College records custodian will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records custodian to whom the request was submitted does not maintain the records, the record custodian will advise the student of the correct custodian to whom the request should be addressed.

Where any such records, files, or data contain information about a third person, the student may inspect and review only the records that relate to him or her.

Records Not Accessible:

There are some records, however, to which the student has no right of access under FERPA. These are:

1. Financial information furnished by the student's parents in support of an application for financial aid;
2. Confidential letters and statements of recommendation for which the student has waived in writing his or her right to access, or which were placed in the student's education record prior to January 1, 1975;
3. Any and all records connected with an application to attend Davis & Elkins College if that application was denied, or accepted and the applicant never enrolled (FERPA rights are provided only to applicants upon actual acceptance and subsequent enrollment); or
4. Records excluded from the definition of "Educational Records" by this policy.

Copies of Education Records:

A student may obtain copies of his or her records at a cost not to exceed the actual cost to Davis & Elkins College. The student is entitled to a response from Davis & Elkins College to reasonable requests for explanations and interpretations of the student's records and to an opportunity for a hearing to challenge the contents of those records (see Challenge of Record Entry section below).

All requests for Educational Records, whether granted or not, must be made in writing in a form which becomes part of the student record. This does not apply to requests for directory information.

Withholding Information: There may be conditions such as financial obligations, violations of non-academic regulations, etc., under which Davis & Elkins College will withhold transcripts, certifications, or other information about a student. The Registrar's Office notifies students of holds placed on their records and directs them to the office that placed the hold.

Disclosure of Education Records

Generally, Davis & Elkins College must have written permission from the student in order to release any information from a student's education record. A student desiring to release information from the education record must submit the Grade Disclosure Request Form to the appropriate record custodian. (Forms are available at the Office of the Registrar or the College website.) However, FERPA allows schools to disclose records, without consent, to the following parties:

1. School employees who have a need to know: One exception that permits disclosure without a student's consent is disclosure to Davis & Elkins College officials with legitimate educational interests. A Davis & Elkins College official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including safety personnel and health staff); a person or company with whom Davis & Elkins College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing official tasks.
    a. Davis & Elkins College officials have a legitimate educational interest if they need to review an education record in order to fulfill their professional responsibilities.

b. Additionally, education records may be released to contractors, consultants, volunteers, and other outside service providers used by Davis & Elkins College to perform institutional services and functions, that it would otherwise use employees of the College to perform.

c. Davis & Elkins College must use "reasonable methods" to ensure that the school official obtain access to only those education records—paper or electronic—in which they have legitimate educational interests and the burden falls to the institution to justify access if questioned.

2. Other schools to which a student is transferring: The authority to disclose or transfer education records to a student's new school does not cease automatically the moment a student has enrolled in the new school and continues to be enrolled at any future point in time so long as the disclosure is for purposes related to the student's enrollment or transfer. This means that a school may disclose any records or information, including health and disciplinary records, that the school could have disclosed when the student was seeking or intending to enroll in the new school.
3. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954 as amended;
4. Certain government officials in order to carry out lawful functions;
5. Appropriate parties in connection with financial aid to a student as necessary to determine eligibility for, amount or conditions of the aid, or to enforce the terms and conditions of the aid.
6. Organizations doing certain studies for the school if such studies are conducted in a manner that does not permit personal identification of parents and students as individuals other than representatives of the organization.
7. Accrediting organizations;
8. Individuals who have obtained court orders or lawfully issued subpoenas;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities to whom disclosure is required by state laws adopted before November 19, 1974.
11. An alleged victim of any crime of violence or a non-forcible sex offense and concerns the final results of any disciplinary proceeding conducted by Davis & Elkins College with respect to that crime or offense against the alleged perpetrator of that crime or offense;

In addition, the College may release an educational record when the disclosure is to a court when a parent or eligible student has initiated legal action against the College or the disclosure is of records which are returned to the apparent creator of the records.

While Davis & Elkins College reserves the right under the above stated circumstances to disclose information from a student's education records without the student's written consent, Davis & Elkins College is under no obligation to do so.

Davis & Elkins College offices maintaining educational records keep records of all parties requesting or obtaining access to the contents of educational records (except in case of requests by

school officials; or by parties requesting directory information). These records of request must identify the legitimate interest the person(s) had in seeking or obtaining information contained in a record and may be available for inspection by the student identified by the record.

Challenge of Record Entry

The student is entitled to challenge and/or add to the factual basis of any record entry contained in records, files, and/or data. The purpose of this challenge is to ensure that such entries are not inaccurate, misleading, or otherwise contain inappropriate data. The challenge should be submitted in a timely manner to the appropriate College official in whose area of responsibility the questioned material is kept. The College official is authorized to rectify the entry and so notify the student without a hearing if such a course of action is warranted. The designated official will provide the student with an opportunity to present both a verbal and written challenge to the questioned entry, and will determine whether or not the material is defective in a manner justifying its correction or removal from the records. The student's written statement of challenge will remain part of the record, regardless of the outcome of the challenge.

The student may appeal in writing an adverse decision to the next level of administrative authority. Such a hearing will be conducted pursuant to the following guidelines:

1. The hearing will be conducted and decided within a reasonable period of time following the request for the hearing. The student will be notified as to the time and place of any hearing. For distance learners, the hearing may be held electronically;
2. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised;
3. Davis & Elkins College will be afforded the opportunity to present testimonial and/or documentary evidence in response to any evidence presented by the student;
4. The hearing will be conducted, and the decision rendered, by a Davis & Elkins College official or other party who does not have a direct interest in the outcome of the hearing. The appropriate Vice President with oversight over the record in question is responsible for appointing such official or other party;
5. The decision will be rendered in writing within a reasonable period of time after the conclusion of the hearing;
6. The record of the hearing and decision will be preserved in the student's file.

Annual Notification

All students are notified of this policy prior to the beginning of the Fall Semester each year. New students who enroll beginning in the Spring Semester are notified prior to that semester's start date.

Parental Access

At the postsecondary level, parents have no inherent rights to inspect a student's education record. The right to inspect is limited solely to the student. Records may be released to parents only under the following circumstances:

- Through the written consent of the student.

- In compliance with a subpoena.
- If a health or safety emergency involves their son or daughter.
- If a student under age 21 has violated any law or policy concerning the use of possession of alcohol or a controlled substance.

Student Right to File a Complaint

Students have the right to file written complaints with the Office of the Secretary of the U. S. Department of Education concerning the Davis & Elkins College's alleged failure to comply with FERPA or the regulations promulgated therein. The address is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C.20202-4605
(202) 260-3887

Training

Employees, volunteers, and vendors who are authorized to access student educational records are required to participate in the Davis & Elkins College FERPA online training program. Appropriate department heads are responsible for ensuring that employees and volunteers under their supervision have participated in the training program.

2.1.15.1 Notice to all Students Regarding FERPA

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 Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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, Davis & Elkins 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 Davis & Elkins 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 Davis & Elkins 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))

2.1.16 Chosen Name Policy

A Chosen Name is a name an individual wishes to be called or known by as an alternative to that person's legal name.

A Legal Name is the name that appears on a person's governmental documents such as birth certificates, social security cards, driver's licenses, tax forms, and other official documentation.

Davis and Elkins College is committed to promoting and providing a safe and inclusive learning environment for all students. It acknowledges the need and preference for those that identify themselves by a first name other than their legal first name. This could include individuals who may:

- Prefer being known by a nickname
- Use a different first name that better represents an individual's gender identity or expression
- Use a shortened version of their legal first name
- Use their middle name as their first name
- Have a first name that a person is in the process of legally changing.

Individuals can also update their name in college databases to match their legal name when changed for marriage, divorce, or other circumstances.

Davis and Elkins College will use a chosen name where possible in college systems and records and in the course of normal college business, except when the use of an individual's legal name is required by law, and as long as the use of chosen name is not intended for the purposes of avoiding obligations, misrepresentation, or as otherwise prohibited below.

Currently, Davis and Elkins College allows for Chosen Names to be used in the following circumstances.

- D&E Issued email addresses (Upon Request)
- ID Cards (Upon Request)
- Class Rosters
- Grade Rosters
- Degree Audits (upon request) [4]
- Registrar internally produced Reports, unless legal names are necessary
- Campus Directory, unless a FERPA block has been requested
- Sakai, SafeColleges, Guardian, Rave Course Evaluations, Handshake, Pharos 360 or Senator Success Link
- College Awards and Certificates
- Press releases/website

[4] Students should consider the intended audience of the degree audit.

- Diploma (upon request)[5]

At Davis and Elkins College, only a first name may be changed or designated as a Chosen Name. The last name must remain the same as the individual's legal last name.

Davis and Elkins College uses multiple systems, application, and forms to manage its operations, and it is continually updating software and incorporating new electronic and other files. In other words: the process of modifying College systems and records is ongoing. The College will make a good faith effort to ensure that a person's Chosen name will be used consistently; however, not all systems, databases, records, and forms will support the display of a Chosen Name. It may be necessary for individuals who uses a Chosen Name to always be prepared to reference or be referred by their legal name as necessary.

Davis and Elkins College will always use legal names for the following purposes:

- reporting to state and federal agencies
- federal and state tax forms and reporting, including W2, W4, 1099, 1095C, and 1098T
- immigration and visa records
- international student reporting
- financial aid records
- student accounts, billing, and cashiering records
- medical and health records
- insurance enrollment and other records
- student conduct records
- campus police and security records
- student employment, payroll, and benefits records
- official transcripts
- professional licensures
- enrollment and degree verification
- National Student Clearinghouse reporting
- NCAA reporting and databases

The College reserves the right to refuse the use of a chosen name. Instances that may result in this prohibition include arbitrary, random, or repeated chosen name changes; chosen names used for the purpose of avoiding legal obligations or for misrepresentation or fraud; or chosen names used in any other manner that violates College policy or federal, state, or local law.

Chosen names may not include symbols (except apostrophes, periods, or hyphens) or numbers or reference illegal activity. Further, chosen names may not include words whose usage may be

[5] International students should continue to use legal names on diplomas since the diploma is considered a legal document internationally.

hurtful to others or may be considered vulgar, offensive, derogatory, or obscene, including words and terms commonly perceived as slurs against an individual or group on the basis of race, gender, ethnicity, sexual orientation, gender identity, national origin, religion, age, disability, or other protected characteristics.

The Registrar has the authority to deny any chosen name request or to suspend or remove a chosen name in extreme cases — including, but not limited to, the reasons noted above.

Privacy
Any individual who directs an outside agency to correspond with Davis and Elkins College bears the responsibility to clarify their name with all agencies if using a Chosen Name at D&E.

Under the Family Educational Rights and Privacy Act (FERPA), a student's name, including Chosen Name, sex and gender may be disclosed to the public as "directory information" unless the student opts not to permit such disclosure by requesting a FERPA information block with the Office of the Registrar.

Procedures for Chosen, Legal Name, Gender Identity (Pronouns), and Sex Designation Changes
If any student wishes to use a Chosen Name or specify pronouns, they must do so through the Office of the Registrar. If any employee wishes to use a Chosen Name or specify pronouns, they must do so through Human Resources.

If an individual wishes to change their legal name, they must do so through the Office of the Registrar if a student or the Human Resources Office if an employee and should be prepared to provide legal documentation of the change such as a driver's license, marriage certificate, social security card, etc. that supports a name change must be brought to the appropriate office and the appropriate form completed.

Individuals may also change their sex designation in the College's records system by submitting legal documentation to the Office of the Registrar if a student or Human Resources Office if an employee. Legal documentation may include a valid driver's license, birth certificate, court documents, or a person's passport on which the sex designation is indicated.

Notification of Name Changes
The appropriate office will automatically notify all campus faculty and staff of name changes unless the individual requests that only College officials who have an immediate need to know of name change. This could include Human Resources, Supervisors, Student Affairs, Information Technology, Financial Aid, Payroll, Billing, Athletics, Alumni Relations, International Student Services, Enrollment Management, Academic Advisors, Academic Affairs, and if the name change occurs in the middle of a semester, current faculty.

2.1.17 Survey Administration

Davis & Elkins College recognizes the important role that survey research can play in collecting information for evaluative and decision-making purposes. The College recognizes its responsibilities:

- to ensure the privacy and confidentiality of all survey respondents;
- to prevent the over-surveying of the campus community; and
- to ensure surveys are administered in as efficient a fashion as possible.

In support of these objectives Davis & Elkins College has established a review process for proposed surveys as well as a set of criteria used to determine whether surveys shall be administered.

Definition of a Survey

A survey is as an instrument specifically designed to elicit information for analysis. Any survey (whether administered online, via email, on paper, or in an interview format) must be approved by the Office of Institutional Research in conjunction with the Office of Academic Affairs if it is to be administered to any of the following groups:

- Currently Enrolled Students
- Formerly Enrolled Students
- Alumni
- Faculty
- Staff

Any research involving human subjects requires review and action by the College's Institutional Review Board (IRB). IRB guidelines are available on the Office of Institutional Research webpage. Only the IRB may determine if a project is exempt from their review. Registering a survey with the Office of Institutional Research in conjunction with Office of Academic Affairs does not constitute review by the IRB.

The Director of Institutional Research reviews exempt survey proposals.

Criteria for the Evaluation of Surveys

The following criteria will be used when making decisions about administering surveys to the campus community:

1. *Importance*: The survey provides information tied to the mission, goals, and future planning of the College that addresses questions of academic performance and/or evaluates services currently being provided to students or other constituencies. The survey does not excessively duplicate information collected via other surveys on the College survey calendar.
2. *Protection of Research Subjects*: All survey responses are to remain anonymous. Every survey response is to be held in strictest confidence. No one is to identify anyone individually or include any identifying characteristics in any kind of reports, written or verbal.
3. *Survey Design and Administration*:

- The survey is well-designed, of reasonable length, and follows sound survey methods and practices.
- The survey should state its goal or purpose, how the data will be utilized, incentives for participation if any (e.g. class credit, prize drawing, etc.), and include a statement regarding confidentiality and the protection of research subjects.
- The administration of the survey is not overly burdensome to the sample population being studied. As far as possible, surveys should not overlap with other surveys of the same population.

4. *Access*: All survey results are to be shared with the Office of Institutional Research. The Office of Institutional Research will be free to share those results with other campus offices as appropriate.
5. *Compliance with College Policy and Legal Requirements*: All surveys must comply with College policy and not violate of federal, state or local laws.

In summary a survey cannot:

- Violate privacy or confidentiality rules;
- Be burdensome to the surveyed population;
- Overtax the College resources;
- Duplicate other survey(s);
- Interfere in the administration of another survey on the College's survey calendar; and
- Violate College policy.

Process

The Office of Institutional Research in conjunction with the Office of Academic Affairs will serve as the oversight office for the administration of surveys at Davis & Elkins College. Requests to administer surveys to the College community will be submitted for review and consideration using the appropriate form and, if approved, added to the College survey calendar. Review forms are available at the Office of Institutional Research and on the College website.

2.1.18 Tuition Discount Program for Alumni and Senior Citizens

Alumni: Alumni who have graduated from Davis &Elkins with a bachelor's degree will be eligible to enroll for regular courses at the College at the special tuition of $100 per credit hour. To participate in this program, an alumnus/alumna:

- Must have earned a bachelor's degree from Davis & Elkins College;
- Must have been out of school three or more years prior to entering the program; and
- May enroll for up to nine credit hours during either the fall or spring semester on a space-available basis.

This program does not apply to mentor-assisted (MAP) courses, courses offered by special arrangement, summer school classes, or private music instruction. However, all other courses offered by the College are covered by this special tuition offer.

Once a Davis & Elkins graduate enrolls under the program, he or she may take courses as frequently or infrequently as desired, so long as the program continues. Work taken may apply to an additional degree or may simply satisfy a desire to be in a Davis & Elkins College classroom again.

Seniors: Senior citizens, defined as persons fifty-five years of age or older, will be eligible to enroll under the same conditions, whether or not they graduated from Davis & Elkins, and even if they have taken courses on campus more recently than three years ago.

This special program is valid until notice of termination. It does not constitute a permanent entitlement for alumni and seniors and may be cancelled at any time at the discretion of Davis & Elkins College.

2.1.19 Volunteers

Davis & Elkins College has developed the following policy and procedures pertaining to volunteers performing work, services, or activities under the direction and control of an authorized College employee. Volunteers perform such work, services, or activities without promise, expectation or receipt of any compensation, future employment, or any other tangible benefit.

Responsibilities and Rights of Davis & Elkins College Volunteers

1. Davis & Elkins College volunteers must comply with College and department policies and procedures, as well as legal requirements that govern their actions. These include, but are not limited to those relating to employee conduct, safety, confidentiality, sensitive information, protected health information, information technology use, financial responsibility, and drug or alcohol use. Department heads are responsible for making certain volunteers comply with all applicable policies, procedures, and laws.
2. Volunteers are not covered by the Fair Labor Standard Act and therefore are not considered employees for any purpose. As such, they are not eligible for compensation or benefits.

Eligibility

Anyone, including retirees, students, alumni, or others, may provide volunteer services to Davis & Elkins College, with the following restrictions:

1. Individuals under the age of fifteen may not become volunteers;
2. An individual under the age of eighteen must obtain parental or guardian consent to volunteer;
3. A current employee may not become a volunteer at Davis & Elkins College in any capacity in which the employee is presently employed at the College, or which is essentially similar to or related to the individual's regular work at Davis & Elkins College.
4. **Selection and Assignment**

When selecting and engaging a volunteer, it is the department's responsibility to be certain the individual has adequate experience, qualifications, and training for the assigned task(s). The

following procedures are required to engage a volunteer:

1. Departments desiring to engage volunteers must complete a description of the duties and services to be performed by the volunteer and obtain approval from the appropriate Vice President;
2. Each potential volunteer (or their parent/guardian) must complete a Volunteer Registration Form available on the College website and, if working with protected persons satisfactorily complete a background check (see the College's Background Check Policy in Volume III of the *Davis & Elkins College Policy Manual).* The form must be filed with Human Resources upon completion;
3. Each volunteer must complete a Release and Waiver of Liability Form available on the College website. Non-Davis & Elkins College students under the age of eighteen must have a parent or guardian sign the form prior to beginning their service. The completed form is then forwarded to Human Resources for filing;
4. Appropriate training must be completed for all volunteers prior to beginning service at Davis & Elkins College;
5. All completed forms and description of service must be submitted to the department head for approval and then to Human Resources;
6. If the individual is a returning volunteer but the break in their service is greater than one year, all applicable forms, background checks and processes described above must be completed once again;
7. If the individual is a current volunteer but their duties are changed, all applicable forms and process described above must be completed once again.

Dismissal

A volunteer's term of service may be terminated at any time and without prior notice by the supervisor or the appropriate Cabinet member.

2.2 Health, Environmental Safety and Risk Management

2.2.1 Campus Health

2.2.1.1 Drug and Alcohol Prevention Program

Pursuant to the Federal Drug-Free Schools and Communities Act Amendments of 1989, Davis & Elkins 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

Director of Counseling and Wellness in collaboration with Student Life and Human Resources to determine effectiveness and to implement changes (if needed) to ensure that the College's disciplinary sanctions (below) are consistently enforced. Davis & Elkins College is subject to the laws of the State of West Virginia, those of Randolph County and the City of Elkins.

2.1.1.1.1 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, Davis & Elkins 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 residence 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 (hold) 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.);
9. Empty alcohol bottles are prohibited from being displayed in the residence halls;
10. Employees may not report to work, perform work, be on a published/scheduled on-call shift, return to work after being off-site, or operate equipment, machinery, or vehicles for the College while under the influence of drugs or alcohol. Failure to comply will result in appropriate disciplinary action up to and including expulsion or dismissal, cancellation of their contract, or other appropriate responsive action.

See the College Reservation of Facilities Policy for additional information.

With the exception of approved events, the consumption of alcoholic beverages is prohibited in all "public areas" of the College, including athletic facilities and outside grounds. Alcoholic beverages may not be included in organized membership recruitment activities. The advertising, promotion, and sale of alcohol are prohibited (outside of licensed spaces or events). Individual students and student organizations are responsible for their conduct, and the conduct of their guests

and for promoting compliance with West Virginia laws and College policy. College faculty and staff are expected to promote compliance with West Virginia laws and College policies regarding alcohol.

Consequences for Alcohol Policy Violations

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:

Alcohol Use and Abuse Minimum Sanctions			
	1st Offense	**2nd Offense**	**3rd Offense**
Underage possession/use of alcohol of any kind	**Fine**: $150 **Education**: Alcohol Awareness Course via Vector Solutions **Counseling Appointment**: Hearing Officer's discretion **Parent Notification**: Hearing Officer's discretion **Activities Restriction:** 9 days	**Fine:** $300 **Education:** In-person meeting with Student Life **Counseling Appointment:** Mandatory **Parent Notification:** Yes **Activities Restriction:** 18 days	**Fine**: $500 **Education**: In-person meeting with Student Life **Counseling Appointment**: Mandatory **Parent Notification**: Yes **Activities Restriction:** 30 days
Providing alcohol to an underage student or person (21 or over)	**Fine:** $150 **Education:** Alcohol Awareness Course via Vector Solutions **Activities Restriction:** 9 days	**Fine:** $300 **Education:** In-person meeting with Student Life **Activities Restriction:** 18 days	**Fine:** $500 **Education:** In-person meeting with Student Life and Student Success **Activities Restriction:** 30 days
Hard liquor (21 or over) – possession/use	**Fine:** $100 **Activities Restriction:** 6 days	**Fine:** $200 **Education:** Alcohol Awareness Course via Vector Solutions **Activities Restriction:** 12 days	**Fine:** $300 **Education:** In-person meeting with Student Life **Activities Restriction:**18 days
Visible/public intoxication	**Fine:** $150 **Education**: Alcohol Awareness Course via Vector Solutions **Counseling Appointment**: Hearing Officer's discretion **Parent Notification**: Hearing Officer's discretion **Activities Restriction**: 9 days	**Fine:** $300 **Education:** In-person meeting with Student Life **Counseling Appointment:** Mandatory **Parent Notification:** Yes (under 21) **Activities Restriction:** 18 days	**Fine**: $500 **Education**: In-person meeting with Student Life and Student Success **Counseling Appointment**: Mandatory **Parent Notification**: Yes (under 21) **Activities Restriction**: 30 days
Possession/consumption of alcohol outside of residential unit (21 or over)	**Fine:** $50 **Activities Restrictions:** 3 days	**Fine:** $100 **Education:** Alcohol Awareness Course via Vector Solutions **Activities Restrictions:** 6 days	**Fine:** $200 **Education:** In-person meeting with Student Life **Activities Restrictions:** 12 days
Items used for the mass consumption of alcohol	**Fine:** $100 / $200 suite **Activities Restriction:** 6 days	**Fine:** $200 / $400	**Fine:** $300 / $600

		Education: Alcohol Awareness Course via Vector Solutions **Activities Restriction:** 12 days	**Education:** In-person meeting with Student Life and Student Success **Activities Restriction:**18 days
Drinking Games / Unauthorized party with alcohol present	**Fine**: $150 individual / $300 suite **Education**: Alcohol Awareness Course via Vector Solutions **Counseling Appointment**: Hearing Officer's discretion (under 21) **Parent Notification**: Hearing Officer's discretion (under 21) **Activities Restriction:** 9 days	**Fine:** $300 individual / $600 suite **Education:** Refresher Course and/or in-person meeting with Student Life **Counseling Appointment:** Mandatory **Parent Notification:** Yes (under 21) **Activities Restriction:** 18 days	**Fine**: $500 individual / $900 suite **Education**: In-person meeting with Student Life and Student Success **Counseling Appointment**: Mandatory **Parent Notification**: Yes (under 21) **Activities Restriction:** 30 days
Display of empty alcohol bottles	Written Warning; removal of items	**Fine:** $50 / $100 suite Removal of items	**Fine:** $100 / $200 suite Removal of items

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

Students who do not participate in the mandatory alcohol education or attend recommended counseling will have a hold placed on their account and will not be permitted to register for classes 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.

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

Educational Resources and Treatment Options

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

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.

In addition, full-time employees may utilize the College's Employee Assistance Program at (please see the Davis & Elkins College Policy Manual Volume III – Personnel Policies for more information about the College's Employee Assistance Program for Full-Time Employees):

888.293.6948
(TTY Services: 711)
24 hours a day, seven days a week

healthadvocate.com/standard3

2.1.1.1.2 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 arrested 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 free, on campus counseling services are available and a list of off campus providers is also available. Students assume full financial responsibility for any off-campus services.

Drug Use Consequences

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.

Drug Use and Abuse Minimum Sanctions			
	1st Offense	**2nd Offense**	**3rd Offense**
Arrest for selling/distributing drugs or found in possession of significant quantities	Expulsion from the College		
Use or abuse or possession of illegal controlled substances	**Fine:** $300 **Education:** Drug Awareness and Abuse Course via Vector Solutions	**Fine:** $500 **Education:** In-person meeting with Student Life **Counseling Appointment**: Mandatory	**Fine:** $750 **Education:** In-person meeting with Student Life and Student Success

	Counseling Appointment: Hearing Officer's discretion **Parent Notification:** Hearing Officer's discretion **Activities Restrictions:** 18 days	**Parent Notification:** Yes **Activities Restrictions:** 30 days	**Counseling Appointment:** Mandatory **Parent Notification:** Yes **Activities Restrictions:** 45 days **Possible Expulsion from the College**
Possession and/or presence of paraphernalia	**Fine:** $100 **Activities Restrictions:** 6 days	**Fine:** $200 **Education:** Drug Awareness and Abuse Course via Vector Solutions **Activities Restrictions:** 12 days	**Fine:** $300 **Education:** In-person meeting with Student Life **Activities Restrictions**: 18 days
CBD use	**Fine:** $50 **Activities Restrictions:** 3 days	**Fine:** $100 **Education:** Drug Awareness and Abuse Course via Vector Solutions **Activities Restrictions:** 6 days	**Fine:** $200 **Education:** In-person meeting with Student Life **Activities Restrictions**: 12 days

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

Students who do not participate in the mandatory drug education or attend recommended counseling requirements will have a hold placed on their account and will not be permitted to register for classes 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 and immediate suspension and or dismissal.

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 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.

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, rophies, 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/CBD (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 cigarettes and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than

are other smokers. Pregnant women who smoke cigarettes run an increased risk of having stillborn or premature infants or infants with low birth weight.

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

Steroids (anabolic-androgenic) 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." They are marketed as a "legal high". These substances have been outlawed in West Virginia. These may cause agitation, extreme nervousness, hallucinations, seizures, paranoia, and violent behaviors which can be extremely dangerous to the person consuming them and to those around them. Suicide attempts are very common among people who consume these substances. Emergency treatment is critical if you suspect that someone has ingested them. The packaging should be taken to the emergency department if available.

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

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 underage 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 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.

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.

In addition, full-time employees may utilize the College's Employee Assistance Program at (please see the Davis & Elkins College Policy Manual Volume III – Personnel Policies for more information about the College's Employee Assistance Program for Full-Time Employees):

888.293.6948
(TTY Services: 711)
24 hours a day, seven days a week
healthadvocate.com/standard3

2.1.1.1.3 Drug Free Workplace

In compliance with the Drug Free Workplace Act of 1988, Davis & Elkins College has developed a comprehensive Drug Free Workplace Policy, which prohibits the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by any employee, volunteer, or other individual participating in the College workplace. See Volume III of the *Davis & Elkins College Policy Manual* for additional information.

2.1.1.1.4 Serving Alcohol on Campus

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

- Student Sponsored Events: Any student or student organization seeking to serve alcohol at an event must secure written approval from the Student Life Office. Prior to approval, the student or student organization must designate a staff or faculty sponsor for the event. The staff or faculty sponsors will attend and assume the responsibility for adhering to College policies and state law, and insuring that appropriate behavior is maintained at all times.
- College Sponsored Events: Any non-student College organization, department, or division seeking to serve alcohol at an event must secure written approval from the President's Office.
- Third Party Events: Third party events must be coordinated with and approved by Hospitality Services.

Prior to the event, the sponsoring individual or entity must secure and present any necessary permits and/or insurance to the approving authority listed above. The College will cancel the event if such licensure and/or insurance is not obtained.

At any approved College-sponsored 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. Soft drinks 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.

Davis & Elkins College discourages the inappropriate use of alcohol by any member of its community.

2.2.1.2 Communicable Diseases

The purpose of this policy is to establish guidelines for the effective and appropriate management of issues relating to communicable diseases affecting members of the Davis & Elkins College campus community.

A **communicable disease** for the purposes of this policy is any disease that can be transmitted from one individual directly to another individual. Some communicable diseases can be spread by casual contact. For example, colds, flu, and tuberculosis can be spread from respiratory droplets that may be transmitted through coughing, sneezing, or a runny nose. Other communicable diseases require contact with an infected individual's blood, body fluids, or genitalia, such as Hepatitis B, the Human Immunodeficiency Virus (the virus that causes AIDS), chlamydia, genital herpes, and syphilis. This policy is concerned only with those communicable diseases that pose a significant threat to the life or health of others, and all references to "communicable diseases" herein are to be understood as having that more restricted meaning.

Actions taken by Davis & Elkins College regarding individuals with communicable diseases will comply with applicable laws, will be guided by medical advice that is current and well-informed, and will seek to protect the rights and well-being of both the College community at large and the infected individual. The harassment of individuals with or suspected of being infected with any disease is not acceptable behavior at Davis & Elkins College and will be strictly censored. Finally, Davis & Elkins College will treat all medical information obtained from students or employees diagnosed with a communicable disease or any of its related conditions confidentially in accordance with applicable law. Confidentiality will be superseded only by life-threatening circumstances.

Infected Individuals: An individual who either has or reasonably suspects a communicable disease infection is expected to obtain expert medical advice about the known or suspected health condition and, if indicated, to obtain follow-up treatment. Such individual is obligated, ethically and legally, to act responsibly in light of such knowledge, so as to protect other members of the Davis & Elkins College community. If an official of Davis & Elkins College becomes aware that a student or employee is infected, and that student or employee fails to respond to counseling and engages in risky conduct likely to infect others, Davis & Elkins College will seek expert legal and medical advice prior to taking any action. When Davis & Elkins College becomes aware that a student or employee is infected with a communicable disease through voluntary admission, the appropriate College staff will help the individual in seeking recommended treatment and appropriate counseling. Compassion and understanding will guide efforts in assisting individuals with a communicable disease.

Consistent with its commitment to maintain a safe and healthy environment, Davis & Elkins College will treat those infected with a communicable disease the same as other illnesses in terms of employee and student policies and benefits, such as group health and life insurance, disability leaves of absence, and other disability benefits. A medical judgment that limitations are necessary for the health or welfare of the infected individual and/or other members of the Davis & Elkins College community (e.g., an employee is contagious or is demonstrating behaviors that are

inappropriate in the workplace and cannot be reasonably accommodated) will be rendered on a case by case basis. All reasonable consideration will be given in order to determine if reasonable accommodations can be made by Davis & Elkins College to allow the individual to participate in a normal course of study or work without risk to the individual or others.

Davis & Elkins College Reporting Requirements: Davis & Elkins College will comply with legal requirements regarding the reporting of communicable diseases to appropriate health authorities.

Public Health Emergencies and Pandemics: Should a pandemic outbreak occur, the College will begin to activate its Emergency Response and Safety Plan. A pandemic is a global disease outbreak in which the disease spreads easily from person to person, causes serious illness, and can spread around large distances in a short amount of time.

Steps will be taken to (a) help faculty, staff and students depart the College before national and international travel restrictions begin; (b) maintain a reduced level of key campus operations through remote or online interaction; (c) implement payment of wages and other payments through direct deposit and other electronic means; (d) communicate contingency responses; and (e) begin the recovery process once the outbreak has been controlled.

The College's Pandemic Response Plan may be activated in several escalating levels and in consonance with guidance received from the World Health Organization, the U. S. Department of Health and Human Services, the Center for Disease Control, and local health departments. The following list describes the stages of movement of a pandemic.

Operating principles:

- If students or employees are suspected of carrying pandemic flu, they should not remain on campus.
- The College will designate Emergency Response Team main areas for suspected carriers and prepare to support them when necessary.
- Spread of disease is to be avoided.
- As the College closes for an undetermined amount of time, it will attempt to provide alternative instruction based on its ability to do so.
- The College will keep the community informed of the status of the College via traditional notification procedures.

Level 1. First cases of efficient human-to-human transmission internationally

1. The Emergency Response Team will meet to monitor the event and prepare emergency resources.
2. Communication will be established with the local health department to discuss upcoming events.
3. The Emergency Response Team will determine whether College students abroad are at risk and bring them home if necessary.
4. Student Health Services will:
    - Distribute current information on good-practice guidelines for infection control hygiene;

- Inventory and take stock of infection prevention supplies;
- Take steps to identify critical health supplies in case of a surge in need.

5. The Emergency Response Team will prepare the College to respond to liberal leave of students and employees.
6. The Emergency Response Team and Student Health Services will broadcast and communicate the policy that employees and students with known or suspected pandemic illness should not remain on campus and should return only after their symptoms resolve and they are physically ready to return to campus.
7. The Emergency Response Team will prepare for possible evacuation.
8. The Emergency Response Team will test communications among the College community and to the outside community.

Level 2: First verified case is reported in North America AND one or more other triggering events.

The criteria of events that will trigger moving to Level 2 include (a) the World Health Organization declaration reflecting an increased and sustained transmission in the general U.S. population, (b) confirmation of a high rate of infectivity, morbidity (rate of infection) and/or mortality (death rate), (c) rate/speed of disease spreading, (d) local public health recommendation to curtail/cancel public activities in county or state, (e) falling class attendance and/or students departing the campus, (f) rising employee absenteeism, (g) other regional schools and school systems closing, (h) transportation systems closing or curtailing interstate travel, and (i) cases in the local southeast area occurring early in the overall U.S. experience with the unfolding pandemic.

In the event of a Level 2, the Emergency Response Team will implement the following procedures:

1. Monitor the progress of infection and collaboration with regional emergency response organizations is intensified.
   - Attend local emergency response meetings to be informed of local preparations.
2. Prepare for likely evacuation.
   - Assist bringing home the abroad students who may want to return home.
3. Work with human resources and department heads to activate and assign essential/non-essential employees.
4. Communicate the possibility of a long term closure of the College.
5. Activate preparations for alternative instruction and liberal leave.
6. Activate preparations to maintain the health of the business and financial responsibilities of the College.
7. Activate in collaboration with the Student Health Services preparations for the care and isolation of those who may become sick.

Level 3. Suspected/confirmed case is reported within a 250-mile radius of the campus.

1. The Emergency Response Team will:
   - Attend local emergency response meetings to be informed of local preparations;
   - Ready the evacuation process;

- Ready the alternative instruction delivery;
- Ready the maintenance of the financial and business functions of the College in response to an extended closure;
- Continue to educate on good practices for infection control;
- Canvass the campus population to determine who may be feeling ill.

2. Provide ongoing information to the College community and concerned outsiders through traditional notification procedures.

Level 4: Suspected/confirmed case is reported on campus.

1. The Emergency Response Team will:
    - Attend local emergency response meetings to be informed of local preparations;
    - Activate the campus evacuation process.
2. The Emergency Response Team will provide ongoing information to the College community and concerned outsiders through traditional notification procedures.
3. Facilities are monitored and maintained by essential personnel.
4. Campus security is enforced and monitored.
5. Decision of refunds for tuition and housing is made by the President.

Recovery level: The pandemic is under control.

Once the danger of the pandemic has passed, the campus will reopen for business.

2.2.1.3 Disability Support (ADA)

Davis & Elkins College is committed to complying with all applicable provisions of the Americans with Disabilities Act of 1990 ("ADA"), the Rehabilitation Act of 1973, and state and local disability laws, as applicable. Accordingly, Davis & Elkins College provides reasonable accommodations to qualified students, employees, and applicants who have disabilities where such accommodations would not cause the College undue hardship. Davis & Elkins College strives to foster a culture where such students, employees, and applicants feel no hesitation about requesting accommodations that will enable them to participate in employment, social, academic, and College-sponsored extracurricular programs.

Definitions

Disability: An individual with a disability is defined as any person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment.

Reasonable Accommodations: Davis & Elkins College will reasonably accommodate a qualified individual with a disability, provided that the accommodation does not impose an undue burden on Davis & Elkins College. Reasonable accommodations will be provided only when qualified individuals with a covered disability identify themselves and provide appropriate documentation. Davis & Elkins College is not required to provide an accommodation that will have the effect of eliminating an essential function of the job in question or an essential requirement of an academic or student life program, activity, or service.

In the **employment setting**, a reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. A qualified applicant or employee is a person who, with or without reasonable accommodations, is able to perform the essential functions of the position.

In the **student setting**, a reasonable accommodation is an adjustment or modification to a course, program, service, activity or facility that allows the qualified student with a disability to participate as fully as possible in the programs and activities offered by Davis & Elkins College inside or outside of the classroom. A qualified student is a person who "meets the academic and technical standards requisite to admission or to participation in the educational program or activity, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services."

Employees with Disabilities

Applicants with Disabilities It is Davis & Elkins College's policy not to discriminate against qualified individuals with disabilities and to provide reasonable accommodation as required by law to otherwise qualified applicants or employees with disabilities in all employment practices, including job application procedures, hiring, advancement, job assignments, leaves of absence, transfers, layoffs, demotions, discipline, discharge, compensation, fringe benefits and job training. Employment opportunities will not be denied to an otherwise qualified applicant or employee because of the need to make reasonable accommodations to the physical or mental impairment of such individual. Employees and applicants seeking an accommodation should do so pursuant to the Davis & Elkins College Employees with Disabilities Policy in Volume III of the Davis & Elkins College Policy Manual.

Students with Disabilities

Davis & Elkins College does not discriminate on the basis of disability in the administration of its educational services and programs, dining services, housing programs, or activities, and is committed to making reasonable accommodations for qualified applicants for admission and enrolled students with disabilities. 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 204-637-1435.

2.2.1.4 Health Insurance Portability and Accountability Act (HIPAA)

Davis & Elkins College complies with all laws that govern employee and students' medical records, their review, and their dissemination. Davis & Elkins 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 Davis & Elkins 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.

2.2.1.5 Pets and Service Animals

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.

I. Definitions

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.

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.).**

Pet: A pet is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an emotional Support Animal, and therefore, it is not covered by this policy. Due to health and safety concerns, pets and other animals are not permitted in College buildings for long periods of time. 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. College employees residing in College-owned properties are permitted to have pets (i.e., in Hearthstone, in other College properties surrounding campus, and in Resident Director apartments).

Owner: An owner is a member of the College community with a disability who has received approval for use of a service or emotional Support Animal as an accommodation on the College's campus.

II. Service Animals

Service Animals, as defined by the Americans with Disabilities Act (see Definitions), are generally permitted in campus buildings, residence halls, and on the College campus. The College, however, may prohibit the use of Service Animals in certain locations due to health or safety hazards, where Service Animals may be endangered, or where their use may compromise the integrity of research or fundamentally alter the nature of a program or activity. Restricted locations may include, but are not limited to: research laboratories, classrooms with demonstration/research animals present, medical areas, mechanical rooms or custodial closets, workshops with operating machinery, and food preparation areas. The safety of locations will be considered by D&E Disability Services. In making its decision, D&E Disability Services will consult with the appropriate department and/or laboratory representative regarding the nature of the restricted area and any ongoing research. If a location is determined to be unsafe for the use of a Service Animal, alternative reasonable accommodations will be explored and provided as appropriate to ensure the individual equal access to the activity.

Voluntary Registration:

- Employees desiring to register a Service Animal with the College may contact Human Resources at 304-637-1344.
- Students residing in the College resident halls desiring to register a Service Animal with the College may contact D&E Disability Services within the Naylor Learning Center at 304-637-1435.
- All other persons bringing Service Animals onto the campus who desire to register a Service Animal with the College should contact the Section 504 Coordinator and/or the Office of Public Safety for assistance and further guidance. The Section 504 Coordinator's office is located in Room 209 of Liberal Arts Hall, or the individual may call (304) 621-1316. The Office of Public Safety is located in the Gatehouse, or the individual may call (304) 704-9111.

In situations where it is not obvious that the dog or miniature horse is a Service Animal, College staff may inquire whether: (1) the animal is a Service Animal required because of a disability, and; (2) what work or task the animal has been trained to perform. College staff maynot request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability.

Owners accompanied by a Service Animal on campus must comply with the Service and emotional Support Animal Owner's Responsibilities rules set forth in Section IV below. Failure to adhere to these rules may result in the removal of the Service or emotional Support Animal from campus and other discipline as applicable.

III: Support Animals in College Housing

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.

Residence Hall Responsibilities:

1. Support Animals must be kept in student residence hall rooms and are not allowed in public areas of the residence hall, except to enter or exit the building, and are not allowed in other campus buildings. All roommates or suitemates of the owner must sign an agreement allowing the approved animal to be in residence with them. In the event that one or more roommates or suitemates do not approve, either the owner and animal or the non-approving roommates or suitemates, as determined by the Office of Student Life, may be moved to a different location.
2. Approved animals may not be left overnight in College housing to be cared for by another student. Animals must be taken with the student if they leave campus for more than one day.
3. The owner must notify the director of the Naylor Learning Center and Office of Student Life in writing if the approved animal is no longer needed or is no longer in residence. To replace an approved animal, the owner must file a new request in writing to the Office of Student Life. If this request varies from the original species of animal, the student will be required to reapply for this support through D&E Disability Services with updated documentation.
4. If fleas, ticks, or other pests are detected, the residence will be treated using approved fumigation methods by a college-approved pest control service. The owner will be billed for the expense of any pest treatment above and beyond regularly scheduled pest management in the residence halls (the first Friday of every month).
5. The College reserves the right to inspect the owner's residence to ensure it is being properly cleaned and that sanitary and safe conditions are maintained.
6. Owners are responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to College premises that are assessed after the student and animal vacate the residence. The College has the right to bill the student account of the owner for cleaning and repairs.
7. Owners are financially responsible for the actions of the animal, including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpeting, windows, wall coverings, and the like. The owner is expected to cover these costs at the time of repair and/or when they move out.
8. The Office of Student Life has the ability to relocate the owner and approved animal as necessary according to current contractual agreements.
9. Reasonable accommodation, which may constitute an exception to a policy that otherwise would prohibit having an animal, does not constitute an exception to any other policy.
10. Any violation of the above responsibilities may result in immediate removal of the animal from the College and may be considered under the Student Conduct process.
11. Should the approved animal be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract, unless a waiver is granted. Alternative accommodations and support may be discussed with the student as appropriate.

IV. Service and Support Animal Owner's Responsibilities

1. Service and Support Animals must be licensed in accordance with county and state laws.
2. Service and Support Animals must be housebroken prior to coming onto campus and/or staying in residence halls. Support Animals must be spayed or neutered.
3. All shots and vaccinations must be kept current. Rabies vaccination tags must be displayed at all times.
4. Service and Support Animals must be under the owner's control at all times.
5. When on campus grounds and in other campus buildings, Service Animals must be on a leash, harness, or other type of control device unless the owner is prevented from this due to the nature of the disability or task the animal performs. Support Animals must be kept in the owner's residence hall rooms and are not allowed in public areas of the residence hall except to enter or exit the building and are not allowed in other campus buildings. When entering or exiting the building, the Support Animal must be on a leash, harness, or other type of control device.
6. The Service or Support Animal is expected to display reasonable behavior and not be disruptive. If disruptive behavior occurs, owners are expected to utilize appropriate techniques to deal with the behavior. Disruptive behavior can be grounds for removal of the Service or Support Animal from campus.
7. Service and Support Animals are expected to be in good health. Owners must take steps to address any health issues that occur in a reasonable time frame.
8. Owners are expected to maintain at their expense the animal's hygiene and keep the animal clean and well groomed. Flea/tick treatments are essential, and preventative methods should be given on a routine basis. The College is not responsible for grooming or bathing Service or Support Animals. If the College facilities are used to bathe the animal, the owner or a designee will clean the area when done.
9. The care of the animal is solely the responsibility of its owner. The animal must be housebroken. The owner shall always carry equipment sufficient to clean up the animal's waste and immediately remove and dispose of the waste in the proper manner. Members of the College community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. The College is not responsible for this task.

V. Complaints and Exclusion of a Service or Support Animal

The College may remove a Service or Support Animal from campus for the following reasons:

1. The animal is not under the direct physical control of the owner;
2. The animal's behavior is disruptive to its surroundings or other members of the College community;
3. The animal poses a direct threat to the health and safety of others;
4. The animal's presence fundamentally alters the nature of a program or activity. and/or,
5. The owner fails to comply with any of their responsibilities under this policy.

Any member of the College may submit a complaint about a service or support animal, identifying one or more concerns in the areas listed above. Persons with concerns are to contact a member of the Office of Student Life, Human Resources, and/or the Office of Public Safety. An investigation will be commenced by the appropriate department, and a determination will be made with respect to any alleged violations of

this policy. The determination will be provided to the owner and the individual submitting the complaint. If the investigation determines that any provision of this policy has been violated by a student, the matter will be referred to the Office of Student Life for proceedings consistent with the provisions of the Student Conduct process. In addition to the warnings and sanctions outlined in the Student Discipline Process, a finding substantiating the violation of this policy may also lead to the exclusion of the animal. If the investigation determines that any provision of this policy has been violated by an employee, the matter will be referred to Human Resources for further investigation. Individuals may file disability related grievances with the Section 504 Coordinator pursuant to the procedures set forth in the College Discrimination and Harassment Policy.

2.2.1.6 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.

2.2.1.7 Smoking and Tobacco Use

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 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.

In addition, full-time employees may utilize the College's Employee Assistance Program at (please see the Davis & Elkins College Policy Manual Volume III – Personnel Policies for more information about the College's Employee Assistance Program for Full-Time Employees):

888.293.6948
(TTY Services: 711)
24 hours a day, seven days a week
healthadvocate.com/standard3

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

2.2.2 Environmental Safety and Risk Management

2.2.2.1 Environmental Safety

Davis & Elkins College is committed to maintaining a safe environment for faculty, staff, students, and visitors that does not adversely affect their health. Faculty, staff, and students have an obligation to take all reasonable precautions to prevent foreseeable injury to themselves and others within the facilities of Davis & Elkins College, and to make the safety of colleagues a priority. It is incumbent upon the Davis & Elkins College community to avoid unsafe conditions or acts while on campus or at other affiliated facilities or sites, and to avoid conditions resulting in environmental hazards.

In an effort to maintain a safe environment, Davis & Elkins College has developed a comprehensive set of policies, programs, handbooks, and environmental safety practices outlined in the Emergency Response and Safety Plan. These policies and procedures are made available in hard copy in the Office of Public Safety as well the College website.

2.2.2.2 Enterprise Risk Management Program

Enterprise risk management ("ERM") at Davis & Elkins College is a coordinated approach to assessing, managing and monitoring risks that may adversely impact the attainment of the College's mission and strategic goals and objectives.

At Davis & Elkins College, risk is categorized as follows:

1. Operational – Affects ongoing management processes and procedures
2. Financial – Affects assets, technology, financial reporting and auditing
3. Compliance – Affects compliance with federal, state and local laws, rules and regulations
4. Strategic – Affects achievement of strategic goals and objectives

5. Reputational – Affects public perception and reputation
6. Research – Affects the success and efficacy of programs

Operational Risk Areas: Davis & Elkins College's Enterprise Risk Management activities primarily focus on the following operational risk areas:

- Facilities
- Finance and Investment
- Human Resources
- Campus Health, Security and Safety
- Student Affairs
- Academic Affairs and Research
- Information Technology
- External Relations
- Government and Regulation Compliance
- Accreditation Compliance

Enterprise Risk Management Committee: The Enterprise Risk Management Committee has primary operational responsibility for the Davis & Elkins College ERM program. The President appoints committee members, which include campus leaders broadly representative of the institution, its operational and mission areas, and faculty and staff communities. The ERM Committee is specifically charged with establishing campus-wide methodologies for identifying, prioritizing and managing risks across the entire organization. In this role, the Committee routinely collaborates with representatives of the College family and other standing committees to identify, assess, prioritize and respond to risks, as well as ensure that approved strategies are implemented effectively. It also reviews and makes recommendations to the Cabinet on priority risks and risk mitigation programs, including the recommendation of policies and procedures to help ensure that the institution responds to risks as intended. In addition, the ERM Committee makes recommendations to the President and Cabinet for appropriate changes to enhance and improve the ERM program, and report on any concerns on an ongoing basis. Finally, the Committee educates the College community on the benefits of managing risk and the opportunities that risk presents and oversees appropriate training programs.

2.3 Campus Safety

2.3.1 Clery Act Compliance

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092(f), is the landmark federal law, originally known as the Campus Security Act, 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 Statics Act requires colleges and universities to:

1. Publish an annual report every year by October 1 that contains three years of campus crime and fire statistics and campus security policy statements.

2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and non-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 Office of Public Safety.
5. Disclose in a fire log that records by date reported all fires in on-campus student housing facilities.

The Davis & Elkins 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/Fire Safety Report is prepared in cooperation with local law enforcement agencies in Randolph County and the Office of Student Life. Campus crime, arrest and referral statistics include those reported to the Office of Public Safety and all Campus Security Authorities. The Annual Security Report is compiled and submitted by the Director of the Office of Public Safety. For more information, contact the Office of Student Life at (304) 637-1211, Director of the Office of Public Safety (304) 704-9111.

2.3.2 Campus Safety and Security

2.3.2.1 The Office of Public Safety

Davis & Elkins College operates its own Office of Public Safety to provide a safe and secure 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. Please call (304) 704-9111 for assistance.

The Office of Public Safety is dedicated to enhancing the quality of life for our community through policy enforcement, education, and a team approach to creative problem solving. The Office of Public Safety is committed to honesty, integrity, and professionalism. They value and treat each and every person with respect and compassion. They work in tandem with the members of our community to make the College a safe and secure place for all of us to work, learn, and live.

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

Public Safety Officer Responsibilities:

- Monitoring and securing all campus-owned buildings, parking areas, and walkways
- Compiling information from daily incident logs, residence hall reports, and police data for annual fall reporting of crime statistics

- Working with local police in crime prevention efforts, referral for crime investigation, and general safety escort service when requested
- Education
- Campus crime deterrence through regular patrols of College property
- Enforcement of College policies
- Investigation and documentation of policy violation
- Cooperation with Residence Life Staff in promoting a safe and secure environment
- Traffic regulation

2.3.2.2 Campus Security Enforcement

Public Safety Officers are required to physically and diligently patrol the campus 365 days per year. During patrols of the campus grounds, officers are required to secure all buildings, gates and other structures to prevent theft, loss and vandalism. Officers enforce all College policies and rules. Although these policies and rules include offenses that also violate local, state and federal laws, Public Safety officers have no authority to enforce such laws and have no powers of arrest. Members of the Public Safety team have an excellent working relationship with the local, county and state law enforcement offices. Whenever needed on campus, local law enforcement officers have been quick to respond and have handled situations in a professional and understanding manner.

Officers document all their activities and patrols in a Daily Patrol Log. Officers are also required to submit Incident Reports to the Director of the Office of Public Safety. Incidents include injury, vandalism, weather, traffic, lost and found items, criminal violations, and other matters. Incidents Reports are to be submitted before the end of the officer's shift, unless there are extenuating circumstances.

All Public Safety officers work closely with all members of the campus community, especially the Office of Student Life. All officers have a good working relationship with the College counselors and have interaction with them frequently.

2.3.2.3 Criminal Activity Off Campus

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 work 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 can and do respond to student-related incidents that occur in close proximity to campus. As noted earlier, the Office of Public Safety enjoys a close working relationship with local law enforcement when violations of federal, state, or local laws surface. This cooperative team approach promptly addresses criminal situations as they arise.

2.3.2.4 Accurate and Timely Reporting of Criminal Offenses

All students, employees, and guests should immediately report any criminal incidents/activity and any other emergencies to the Randolph County E-911 services by dialing 911. This office will dispatch the proper authorities (police, rescue or fire) to the scene. After calling 911, please contact the Office of Public Safety at (304) 704-9111. When a potentially dangerous threat to the College community arises involving a serious crime as defined by the Clery Act, a Timely Warning Notice will be issued by the College to the community.

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

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

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

There are exceptions to reporting crimes that exist for licensed psychologists, members of the clergy, and attorneys. Davis & Elkins College does not have a policy outside of the Gender-based Discrimination, Harassment, and Sexual Misconduct Policy that addresses these professional counselors as they are covered under the umbrella of their license.

For non-emergencies and incidents that are not criminal in nature, please contact the Office of Public Safety at (304) 704-9111. These non-emergency issues may also be reported in person to Office of Public Safety located at the Gatehouse, or the Office of Student Life on the first floor of Liberal Arts Hall.

Davis & Elkins College is equipped with five Blue Light Emergency phones, located across campus. These phones, upon activation, contact the Randolph County E-911 Office automatically. The caller can then communicate details about the emergency and the proper authorities can be sent.

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

discrimination, or harassment will be forwarded to the College Title IX/Section 504 Coordinator or Deputy Coordinators for investigation.

2.3.2.5 Voluntary, Anonymous Reporting

Davis & Elkins College encourages anyone who is the victim of a crime or witnesses any crime to promptly report the incident to local law enforcement, the Office of Public Safety or a Campus Security Authority ("CSA") (see Mandatory Crime Reports Policy).

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

- File an anonymous complaint on the form on the College website (https://www.dewv.edu/form/csa-incident-report-form);
- Leave a private anonymous voice message for the Director of the Office of Public Safety;
- Mail an anonymous letter to the Director of the Office of Public Safety.

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

2.3.2.6 Mandatory Crime Reporters

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

Clery Crime Reporting

The Clery Act requires colleges and universities receiving federal funds to report statistics concerning the occurrence of certain criminal offenses reported to the Office of Public Safety or any official of the institution who is defined as a Campus Security Authority (CSA). For a list of CSA's see the list above.

Each of these individuals are required to report incidents of a Clery crime occurring on campus or at a College sanctioned event to the Office of Public Safety for inclusion in the College's Annual Security and Fire Report prepared for the U.S. Department of Education. A detailed listing of the

Clery Crimes that must be reported is set forth in the College's Crime and Fire Statistics Policy. Due to the law's complex reporting requirements, all positions at Davis & Elkins College determined to be a CSA are required to participate in a mandatory training session that explains their role and expectations so that the College can be in compliance with the Clery Act.

Title IX Reporting

All College community members are strongly encouraged to report information regarding any incident of gender-based discrimination, harassment, or sexual misconduct directly to the Title IX/Section 504 Coordinator or Deputy Title IX Coordinators. The College cannot take appropriate action unless incidents are reported to a Responsible employee of the College. In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a Responsible employee knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment.

A Responsible employee is someone with the authority to take action to redress the harassment, someone whose job it is to report other types of misconduct, and/or someone a student could reasonably believe has this responsibility.

See the Davis & Elkins College Gender-based Discrimination, Harassment, and Sexual Misconduct Policy for additional information.

Child Abuse and Neglect

The College's Child Abuse and Neglect Policy in Volume VI of the Davis & Elkins College Policy Manual provides a complete description of the College's policies and procedures.

2.3.2.7 Access to Campus and Buildings

Campus and Building Access

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. Davis & Elkins 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 during the school year. Access to some areas within the campus facilities and after-hours access to many of the academic and administrative facilities is by key and/or an access control system. Individuals who wish to access buildings during non-business hours or for special events should contact the appropriate department head, the Office of Student Life, or the 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 door key to their specific dormitory 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 and exit within the residence halls. These are monitored by members of the Office of Public Safety.

Roof Access

Students and non-authorized employees are strictly prohibited from going onto the roof of any College building. Objects (bikes, chairs, etc.) may not be stored – temporarily or permanently - on roofs. Students or employees who allow others to access a roof from their room or office will also be held accountable. The College assumes no financial or legal responsibility for injuries resulting from this prohibited act.

2.3.2.8 No Trespass Policy

Purpose

The purpose of this policy is to establish guidelines for Davis & Elkins College's issuance of a no-trespass order to a person who has been or is present on College property and who has engaged, or is reasonably likely to engage, in criminal activity, a violation of College policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, or violent. A no-trespass order constitutes an official prohibition against entering College property. Any person who violates a no-trespass order will be arrested and charged with criminal trespass.

Policy

Davis & Elkins College has substantial and meaningful ties to the surrounding communities and, indeed, the rest of the world. For this reason, even though the entire campus is private property, most outdoor areas and some buildings on campus are, in a general sense and during normal business hours, "open to the public." At the same time, the College is committed to safeguarding the people who learn, live, work and visit here, ensuring the safe operation of College activities, and to protecting College assets. The College thus can, and does, restrict access to buildings and some outdoor areas during non-business hours.

Additionally, from time to time, the College exercises its right to deny access to some or all of College property after a reasoned and documented determination has been made that a person has engaged, or is reasonably likely to engage, in criminal activity, a violation of College policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, or violent. A no-trespass order remains in effect as notified or withdrawn in writing by an authorized College official. Regardless of whether a no-trespass order has been issued, any person who is deemed to have committed a crime may be arrested by law enforcement and referred for prosecution. For purposes of this policy, "College property" includes all indoor and outdoor spaces owned or leased by or from the College.

Review

A person who has received a no-trespass order may make a written petition for the review of the issuance of or the need for the order to the Vice President for Business and Administration or his or her designee. The petition must include the reasons for the review request, a complete and

candid explanation for the conduct that precipitated the no-trespass order, the basis for the desire to be on College property, and any other information the person wishes to be considered. Normally, a substantive determination of the petition will be made and communicated in writing within thirty days of receipt. The no-trespass order will remain in effect during and after the review process, unless the order is modified or withdrawn.

Davis & Elkins College has the authority as a private campus, exercised in its reasoned judgment, to ban any individuals, including employees and students, from campus using the existing processes. For example, under the College's disciplinary systems, any student who is found to have engaged in misconduct and is suspended or expelled may be automatically banned from College property and prohibited from using all College resources. Likewise, the College may ban an employee, or a former employee, on an interim basis if he or she is deemed to pose an imminent threat to College property or operations, to the safety or wellbeing of others, or otherwise has engaged in unacceptable or disruptive conduct.

Process

Persons who have engaged, or are reasonably likely to engage, in criminal activity, a violation of College policy, or conduct that is or may reasonably be deemed to be threatening, disruptive, or violent may be issued a no-trespass order. The order may be given orally or in writing at the time of the concerning conduct and later via a written notification sent to the banned person via a read receipt email and/or certified mail from the Office of Public Safety.

Generally, a written no trespass order will contain the following:

- that the individual is barred from all College property or parts of College property;
- the duration of the ban;
- the reason for the ban;
- how to request a review of the ban;
- notice that if the individual returns to College property (or the designated portion) he/she will be subject to arrest for criminal trespass; and,
- the signature of the Assistant Director or the Director of the Office of Public Safety and the Vice President of Business and Administration or the Vice President of Academic Affairs.

No-trespass orders are effective immediately. Officials within the following College administrative units are authorized to issue a no-trespass order: Director of Public Safety, Title IX Coordinator, Director of Human Resources, and Vice President for Student Affairs. Other College community members who experience a situation with a group or individual that might warrant a no-trespass order must report the incident to the Office of Public Safety who will investigate the threat to the safety and security of campus and issue a no-trespass order as appropriate.

2.3.2.9 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. Office of Public Safety (304) 704-9111; and/or,
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 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 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.

2.3.2.10 Emergency Response and Evacuation

Reporting Emergencies

Any individual on the Davis & Elkins College campus that feels unsafe, threatened, afraid, or stalked at any time, should call the Office of Public Safety at (304) 704-9111. If a response is not forthcoming, the Randolph County E-911 service should be contacted. Please note the location of the Blue Light Emergency phones around campus. Pushing the emergency button on one of these

towers will activate the integrated telephone, which will immediately connect the individual with the Randolph County E-911 Center.

Emergency Notifications

Davis & Elkins College 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 messaging, 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 Vice President for Student Affairs 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's website. The notification system will only be used in an urgent or emergency situation. To enroll visit www.dewv.edu/campus-life/safety-security. Individuals may contact the Office of Public Safety for more information.

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.

2.3.2.11 Security Awareness Programs

The Davis & Elkins College security strategy rests on a multilayered foundation of proactive patrols of the campus, education and ongoing training. This approach relies on dual concepts of eliminating or minimizing criminal opportunities and encouraging campus members to take responsibility for their own and others' actions.

An escort service is provided by Public Safety officers for the safety of anyone walking or needing a ride. By calling (304) 704-9111, an escort can be summoned to a particular location and transportation furnished anywhere on campus. This service can also be utilized for medical reasons.

2.3.2.12 Environmental Security Inspections

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

2.3.3 Communication About Campus Crimes

2.3.3.1 Timely Warning Notices

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

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

1. Identified as a Clery Act crime (see Crime Definitions section below); and
2. Is the crime considered to pose a serious or continuing threat to students, faculty, staff, or visitors?

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

2.3.3.2 Annual Security and Fire Safety Report

The Office of Public Safety posts an Annual Security and Fire Safety Report to the Davis & Elkins College website on or before October 1st so that it is reasonably accessible to enrolled students and current employees. Included in the report is a summary of the College's security and fire safety policies, as well as campus crime and fire statistics. Davis & Elkins College will notify the campus community when the Annual Security and Fire Safety Report is posted to the website. The following information will be included in the notice:

1. A statement of the report's availability;
2. A list and brief description of the information contained in the report;
3. The exact address (URL) of the website at which the report is posted; and
4. A statement that Davis & Elkins College will provide a paper copy upon request free of charge.

In addition, Davis & Elkins College will also make the Annual Security and Fire Safety Report available to prospective students and employees. Such notice, which includes the exact URL where the report is posted or where the report may be obtained, a brief description of the report, and a statement that Davis & Elkins College will provide a paper copy of the report upon request, is typically provided with other pertinent information Davis & Elkins College routinely provides to these constituents.

2.3.3.3 Reporting of Crime Statistics

Each year the Office of Public Safety collects crime reports for the crimes listed below from Campus Security Authorities within the institution, as well as from local law enforcement. The College then discloses these crime statistics annually to the United States Department of Education. In addition, the College publishes an annual security report containing campus security policy disclosures and crime statistics for the previous three years.

Clery Act Crime Definitions

Arson

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

Criminal Homicide-Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide-Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Robbery

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

Aggravated Assault

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

Burglary

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

Dating Violence

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

Domestic Violence

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

Stalking

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

Motor Vehicle Theft

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

Weapon Law Violations

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

Drug Abuse Violations

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

Liquor Law Violations

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging;

operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crimes

Hate crimes include offenses and crimes involving bodily injury reported to local police agencies or to a Campus Security Authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias or because the perpetrator perceived the person to be in one of the protected group categories. The protected group categories include: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. For Clery purposes, hate crime offenses and crimes also include any of the following offenses that are motivated by bias: Murder and Non-negligent manslaughter; Forcible sex offenses; Non-forcible sex offenses; Robbery; Aggravated Assault: Burglary; Motor Vehicle Theft; Arson; Larceny-theft; Simple Assault; Intimidation; Destruction/Damage/Vandalism of Property; Domestic Violence, Dating Violence and Stalking.

Sex Offenses-Forcible

The following definitions are taken from the National Incident Based Reporting System Edition of the Uniform Crime Reporting Act.

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

1. Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
2. Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
4. Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Nonforcible

Unlawful, nonforcible sexual intercourse.

1. Incest - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. Statutory Rape - Nonforcible sexual intercourse with a person who is under the statutory age of consent.

2.3.3.4 Crime and Fire Log

The Office of Public Safety maintains a combined Crime and Fire Log of all incidents reported, 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.

2.3.3.5 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).

2.3.3.6 Disclosures to Alleged 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.

2.3.4 Sexual Offenses

2.3.4.1 Sexual Offense Policy and Procedures

See the College's Gender-based Discrimination, Harassment, and Sexual Misconduct Policy.

2.3.4.2 Registered Sex Offenders

The State of West Virginia requires all persons convicted of a sexual offense to register with the West Virginia State Police. This information is made available to the public through the WV State Police website at: http://www.wvsp.gov (click the *Sex Offender* tab). Several national databases can also be searched using any Internet search engine.

2.3.5 Fire Safety

The Higher Education Opportunity Act (Public Law 110-315) requires all U.S. academic institutions to produce an annual fire safety report outlining fire safety practices, standards and all fire related statistics pertaining to campus residence buildings. Pursuant to this act, the following details the College's fire safety practices and standards.

2.3.5.1 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 and Safety Plan. 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. Tampering with or falsely activating a fire alarm is a violation of College policy and state law.

2.3.5.2 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.' Anything with an open flame or heating element is also not allowed, e.g., candles, incense, candle warmers, hot plates, etc.

To meet all fire safety codes, students and employees are required to use only electrical cords with built-in surge protectors and approved power strips; conventional extension cords and/or grounded in-wall adapters are not allowed.

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, 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 (RA), Resident Directors (RD), the Office of Public Safety Officers, and other members of the Student Life Office and/or College community. From this training, the RAs and RDs educate all 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. Do not place any combustible material on the doors, exit corridors or stairwells: no paneling, burlap, draperies, parachute netting, Styrofoam, or any type of wood. 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.

2.3.5.3 Employee Fire Safety Training

Resident Directors, Resident Assistants, and Public Safety Officers receive fire safety training from the Elkins Fire Department on an annual basis. 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 on the College website. Annually, the Director of Public Safety sends students, faculty and staff an email reminding them to review the Emergency Response and Safety Plan.

2.3.5.4 Campus Fire Statistics

The Director of the 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 a 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.

2.3.6 Other Campus Safety Policies

2.3.6.1 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 appropriately outside of buildings.

In addition to the above, the following regulations have been established for the safety of the Davis & Elkins College community:

1. Riding bicycles, roller skates/blades, skateboards, or other conveyances in rooms, hallways, courtyards, lounges, and lobbies, as well on all steps and stairways is prohibited;
2. Skateboards, roller skates/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 skates/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 skates/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.

2.3.6.2 Demonstrations

Demonstrations by members of College community must be registered and approved in writing 72 hours in advance by the President or his or her designee, 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 Davis & Elkins 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 Davis & Elkins College must be peaceful and orderly and confined to campus. Demonstrations may be organized and led only by members of the Davis & Elkins 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 Davis & Elkins 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.

In the event or threat of a non-approved demonstration or an approved demonstration that is not peaceful or orderly or otherwise violates this policy, the emergency demonstration procedures set forth in the Davis & Elkins College Emergency Response and Safety Plan will be implemented.

2.3.6.3 Security Cameras

Security cameras have come into increasing use on college and university campuses, principally as part of crime prevention strategy, to aid in the protection of public safety and personal property. Because Davis & Elkins College respects the privacy of all of the members of the community, this policy has been developed to govern the use of College authorized security cameras on campus, to ensure that such cameras are used judiciously.

Responsibility for determining the appropriateness of installing Davis & Elkins College authorized security cameras on campus that will be used for non-instructional purposes, and for disseminating and implementing this policy is delegated to the Office of Public Safety.

Appropriate Use of Security Cameras on Campus

Security camera use on campus for non-instructional purposes is considered appropriate when it enhances:

1. The protection of individuals, equipment and facilities;
2. The monitoring of public areas;
3. The monitoring of building entrances and exits;
4. The investigation of criminal activity.

Security camera use on campus is considered inappropriate when it entails:

1. Infringement on a person's reasonable expectations of privacy; and
2. Filming as a means of surreptitiously evaluating employee performance.

Principles Regarding the Use of Security Cameras for Non-Instructional Purposes

1. All recording or monitoring of the activities of individuals or groups by Davis & Elkins College authorized security cameras will be conducted in a manner consistent with existing College policies, and will never be based on the subjects' personal characteristics, including basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law.
2. All recording or monitoring of video records will be conducted in a professional, ethical, and legal manner. The Office of Public Safety, as well as any other staff assigned to monitor video records as determined by the Vice President for Student Affairs, will receive training in the effective, legal and ethical use of the monitoring equipment.
3. All recording or monitoring of public areas for security and safety purposes by Davis & Elkins College authorized security cameras is limited exclusively to practices that will not violate the standard of a reasonable expectation of privacy as defined by law.
4. Recorded images made by Davis & Elkins College authorized security cameras will be archived for the College in a secure location for a specific predetermined period of time by the Office of Public Safety, and will be accessible to authorized personnel on an as needed basis only. Upon expiration of the predetermined time period for storage, all recorded images will

be destroyed except if they are being used as part of an ongoing investigation of criminal or disciplinary activity. The alteration of previously recorded images is strictly prohibited.

5. Recorded materials are available only to duly authorized officials of Davis & Elkins College and appropriate law enforcement agencies, as provided in this policy. These materials may be used only in connection with:
   a. Disciplinary proceedings involving a student(s) or Davis & Elkins College employees or agents;
   b. Actual or potential litigation involving Davis & Elkins College, in the event the material may be relevant to the issues involved in such litigation;
   c. Any other action taken by Davis & Elkins College in which the material may be relevant to the action; or made available for use by a law enforcement agency in connection with criminal proceedings in the event the material may be relevant to the issues involved in such proceedings;
   d. Such other lawful and legitimate purposes as determined by the President or his or her designee.
6. In public areas, signage giving notice of monitoring by security camera will be posted as deemed appropriate by the President.
7. To maintain an informed campus community, the Office of Public Safety will make available a list of the locations of all authorized security cameras used for the recording and monitoring of public areas.
8. An audit of the location, use, and effectiveness of all security cameras used for the recording and monitoring of public areas for non-instructional purposes will be conducted by Davis & Elkins College under the guidance of the Office of Public Safety on a regular basis.
9. Security cameras installed by authorized financial institutions to monitor ATM machine usage on campus are exempt from this policy.
10. Any persons who tamper with or destroy video security equipment will be subject to criminal proceedings and/or campus disciplinary action.

2.3.6.4 Violence on Campus

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

Conduct prohibited by this policy includes, but is not limited to:

1. Intentionally injuring or attempting to injure another person physically;
2. Engaging in verbal or physical behavior and/or communications (including by electronic means) that creates a reasonable fear of injury to an identifiable person or persons; threatening by any means to injure another person or persons;

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 Davis & Elkins College community should call the Office of Public Safety at (304) 704-9111 immediately or local law enforcement by dialing 911.

2.3.6.5 Weapons and other Dangerous Instruments

The possession or use of firearms, 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 not be limited to: firearms of any description, paintball guns 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. (Note: Paintball gun use is permitted in the paintball course. Paintball guns must be stored with the Office of Public Safety.) This list is not intended to include 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 that is not the intent of this policy. In such cases, written approval granting permissible use of the props from the Director 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 the Office of Public Safety will decide to notify the campus community that a weapon will be allowed on campus for the purpose and duration of the permission granted.

Other Weapons: The possession or personal use of fireworks of any description, explosive devices, or any dangerous weapon is prohibited on Davis & Elkins College premises or at any

College-sponsored function unless permission is granted in advance by the Director of the Office of Public Safety and/or the President or his or her designee. Vehicles and Parking

2.3.7 Vehicles and Parking

2.3.7.1 College Motor Vehicle Use

This policy will help the College maintain safety for students and staff while traveling as well as ensure that only qualified drivers are allowed to operate College vehicles.

- Each driver will be required to go through a registration process that determines eligibility before being allowed to drive for the College. Employees will have to renew their registration every three years. Employees are notified when their eligibility is about to expire and are given a grace period of 30 days to submit updated information.
- Students are not permitted to drive College vehicles with the exception of the College golf carts. Students may drive golf carts when specified by their supervisors (College faculty or staff) and upon the successful completion of the Cart Operator Safety Training. Students have to renew their eligibility every academic year.
- Registered drivers will be listed in a Driver Database by the Business Office, and drivers must be checked against database information before each trip. Changes in status and eligibility will be listed in the database, as will restriction information.
- Vehicle inspections are to be done before and after each trip.
- Fleet Coordinators in Admission, Athletics, Physical Plant, and the Business Office will maintain this information regarding the status of the vehicles and assist with registration and reporting.

For training on use of the Driver Data base, Vector Solutions, or any questions about forms or the vehicle policy, please contact the Business Office.

2.3.7.2 Driver Selection and Training

The following guidelines have been established to help control the operation of the Davis & Elkins College vehicle fleet to provide safer, more effective transportation.

Driver Selection and Evaluation

As part of the eligibility determination and registration, every driver will have to complete evaluation and training. This information is to be recorded on the Driver Database. Training is currently available online at Vector Solutions. Evaluation/training will need to be repeated at each registration/renewal.

1. All drivers must have a current driver's license and must provide a current Motor Vehicle Record to the Business Office.
2. Davis & Elkins College will allow only drivers with three points or less to operate institution vehicles. (This rule may be temporarily over-ridden by specific authorization of the President

or his/her designee). The driver's reports may be verified against Division of Motor Vehicles records on a random basis.

3. Any student whose duties may require him/her to operate a College golf cart will meet the same criteria as an employee driver, plus renew eligibility each academic year.

Driver Training

1. Training may include individual instruction and audio-visual methods as appropriate. The need for training may be determined through the use of the road test, online evaluation, or written test. In addition, the training may include an in-vehicle evaluation by an instructor licensed by the state.
2. Employees who operate institutional vehicles will complete safe driving instruction every three years and provide a new MVR every three years. This training will be coordinated through the Fleet Coordinator or Human Resources.
3. All student drivers should receive safe driving instruction each academic year, which must be completed prior to their first use of the vehicle that year.
4. All training shall be documented in the Driver Database, including driving history and licensing information.
5. Drivers are responsible for reporting any changes to their driving history, including accidents, moving violations or changes in licensing. Failure to do so may result in revocation of driver eligibility.

2.3.7.3 Rules Governing the Use of College Owned or Leased Vehicles

The rules governing the use of College owned vehicles are:

1. Only designated College employees, students and guests are permitted as passengers in these vehicles;
2. Drivers must obey all driving laws at all times and drive with a valid driver's license with the proper class rating in their possession;
3. The use of alcohol, drugs, or any other substances, prescribed or otherwise, that could impair normal functions are prohibited;
4. All accidents must be reported to the Office of Public Safety;
5. The use of cell phones while driving is prohibited;
6. Drivers will be responsible for paying all traffic citations for moving and parking violations;
7. When transporting any heavy equipment or chemicals, drivers are to ensure that items are packed properly for safe transporting and are within the maximum weight capacity of the vehicle;
8. Drivers are to lock the vehicle every time they leave it and take the keys with them;
9. Report any vehicle which requires repair to the Vice President for Business and Administration;

10. All College vehicle keys and gas credit cards must be returned to the Fleet Manager immediately after completion of vehicle use.

Note: Employees using personal vehicles for College business use must follow applicable rules listed above.

2.3.7.4 Rules Governing the Use of College Golf Carts

The rules governing the use of College golf carts are:

1. **Student operators of these carts must be a minimum of 18 years old and possess a valid driver's license**. Department and division heads are responsible for ensuring student workers possess a valid driver's license.
2. **Never leave the keys in the ignition when unattended**. When the cart is not in use the operator must place the cart control lever in the park or neutral position, remove and secure the key and set the parking brake. Cart operators are responsible for ignition keys for the period of time in which they are using the vehicle.
3. Use common sense while using carts – they are not toys. No horsing around is permitted. Anyone found violating safe and proper use of carts will be prohibited from using them until further notice and re-training has been completed.
4. On campus, the pedestrian has the right-of-way at all times. Operators of carts will permit this right-of-way. If the cart is being operated on a sidewalk, the operator will pull off of the sidewalk to pass the pedestrians or stop the unit when approaching pedestrians until they pass.
5. When traveling from one end of the campus to the other, use the black asphalt roads to avoid pedestrian traffic on the campus pathways.
6. A cart should be operated on campus at a speed equivalent to a well-paced walk and no faster than 10 mph. This maximum speed may be subject to the terrain over which it is being driven, the weather conditions, and the total weight of the golf cart and passengers and any equipment being carried.
7. Carts are not to be operated with more passengers than seating is provided.
8. All occupants in the cart shall keep hands, arms, legs and feet within the confines of the cart at all times when the cart is in motion. Where seatbelts are available, the operator and all passengers must be restrained.
9. When using the cart to carry packages or merchandise, be sure to not overload the cart. It is recommended that loads not extend more than one foot from either side or front of the cart.
10. If workers must ride in the back of the cart when the seat is folded down to stabilize equipment, workers must be seated with backs against the cab/seat of the cart.
11. Never back up without making sure there is no person or obstruction behind the cart.
12. Never shift gears while the vehicle is in motion.
13. Avoid operating a cart on lawns.
14. Keep the cart on the pavement – avoid cutting corners.

15. Reduce speed to compensate for inclines, pedestrians, and weather conditions.
16. Maintain adequate distance between vehicles and pedestrians.
17. Approach sharp or blind corners with caution and reduce speed.
18. Use extreme care at building entrances and upon entering/exiting enclosed areas.
19. Carts shall not block exits, entrances, stairs, sidewalks, fire hydrants, fire lanes, or handicap ramps.
20. Use of cell phones, pagers, and radios are prohibited while driving a cart. Operators must pull over and stop to make or receive calls or messages.

Additional guidelines may be implemented by individual departments.

Equipment and Safety Checklist: Before operating the cart, the operator will check the following items:

1. Proper tire condition and inflation;
2. Proper operation of brakes;
3. Indication of battery fluid leaks such as wet spots under the unit;

If the cart is in need of repair or maintenance, it should not be driven. Contact a supervisor who will arrange for servicing.

Training: Methods of training may include any combination of hands-on training, email distribution, and video/online. Training will be coordinated by the Compliance & Ethics Office or the Business Office.

1. **Student Workers** – upon implementation of this policy, all student workers must receive training. Thereafter, returning student workers will be required to review the policy and sign an acknowledgement sheet. All sheets will be maintained by the department owing the cart.
2. **Faculty and Staff** – affected departments shall be provided a copy of the policy via email upon implementation of this policy. In departments and divisions where carts are used on a regular basis, additional training may be implemented.

2.3.7.5 Parking

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 added to the student's account. Please 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: color-coded 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.

Residential Parking

Residents of Darby, Booth, and Gribble Halls will have a Color Coded Parking Permit Sticker (on the driver's side of the rear window) valid for:

- Lower Graceland lot
- Darby Hall back lot
- Behind and front of Roxanna Booth Hall lots
- McDonnell Center lot

Residents of Moyer and Presidential Halls will have a Colored Coded Parking Permit Sticker (on the driver's side of the rear window) valid for:

- Moyer Hall lot
- Presidential Center lot
- McDonnell Center lot

Commuter Parking

Commuters will have a **Color-Coded Parking Permit Sticker** (on the driver's side of the rear window) valid for:

- Boiler House Theatre lot
- Myles Center for the Arts lot
- McDonnell Center lot
- Memorial Gymnasium lot

Employee Parking

Faculty, Staff, Administrators, and Coaches will have a Color-Coded hang tag on rear view mirror valid for:

- Memorial Gymnasium lot
- McDonnell Center lot
- Myles Center for the Arts lot
- Boiler House Theatre lot
- Parallel parking on one side of the Booth Library access road
- Slant hill parking across from Liberal Arts Hall and Albert Hall as well as front and side of Halliehurst

Visitor Parking

Visitors will have a Yellow hang tag valid for:

- Graceland lot
- Four Admission/Guest parking spots in front of Halliehurst

Special Notes:

- Parking is an ongoing challenge. The College does have enough parking spaces for everyone – the spaces may not be available when and where one wants.
- There is one reserved parking space on campus: for the Campus Postman, which is located in the Madden Student Center employee parking lot. There is a sign posted on this space. Violators will be ticketed.
- There is a two-hour parking limit and no overnight parking in the Madden Student Center parking lot.
- If parked illegally, warning tickets will be given until drop/add day, after which a minimum fine of $10.00 per incident will be levied. Note: Warning tickets will not be given to individuals parking in handicap designated areas.

The College suggests that residential students leave their vehicles parked in the designated parking area for their residence hall and walk to class and/or the Madden Student Center (post office, dining hall, bookstore) and that commuter students give themselves sufficient time to locate a parking space prior to the start of their classes. Please keep in mind the large number of parking spaces located behind Myles Center for the Arts and The McDonnell Center for Health, Physical Education, and Athletics. To enter that parking area, bypass the main entrance to the College, follow Harpertown Road, and make the 4th left – there will be signs for the Athletic Fields and drive up behind Myles Center. Then just walk through Myles Center for the Arts and onto the Claude King Davis Memorial Plaza to access the main campus area.

Vehicular Accidents on Campus:

In the event of a vehicular accident occurring on the Davis & Elkins College campus, contact the Office of Public Safety at (304) 704-9111, or report the accident directly to any Public Safety Officer. If emergency services are required, contact 911.

Stay at the scene until Public Safety arrives. Provide a statement describing how the accident happened and other data including make/model/year of vehicle, names of witnesses, and license, registration, insurance information, etc.

Routinely, the Elkins Police Department will not be summoned unless there is a personal injury. If either party desires the Elkins Police Department to respond, the Office of Public Safety will make such a request.

The Office of Public Safety will prepare a report of the accident and principals may obtain a copy from the Office of Public Safety within 72 hours after the accident.

2.3.7.6 Vehicle Unlock and Jumpstart Policy

The Davis & Elkins College Office of Public Safety will attempt to assist any College student, employee, guest of a student located on campus property with the possible opening of their vehicle should it accidently have the keys locked inside. A Waiver of Liability Form will be filled out prior to receiving assistance from Davis & Elkins College Public Safety Officers. The form releases Davis & Elkins College as a whole, as well as Public Safety officers, from liability for services rendered should the unlikely event of damage occur. If the vehicle owner is not prepared

to fill out the Waiver of Liability Form, Public Safety officers will attempt to assist individuals in making arrangements for off campus services. Please note that any service provided by individual vendors from off campus is the sole responsibility of the vehicle owner.

Another service offered by the Davis & Elkins College Office of Public Safety is the jumpstarting of vehicles. The Waiver of Liability Form will also be utilized for this service. In the event a College student or employee have issues with their vehicle's battery, Public Safety Officers will respond and attempt to assist. Again, the individual owner must fill out the Waiver of Liability Form for services to be rendered. In the event that jumpstarting the vehicle fails, Public Safety officers will attempt to assist with making arrangements for off campus services. Please note that any service provided by individual vendors from off campus is the sole responsibility of the vehicle owner.

2.3.8 Key Control Policy

Purpose
The purpose of the key control policy is to protect the property and privacy of Davis & Elkins College and campus community members, by limiting access to facilities to those as assigned. National Management Resources, Inc. (National) has responsibility for the maintenance and care of all spaces and shall be granted access as such. National has the responsibility to effectively manage and control distribution of keys on campus; although, College keys are the property of Davis & Elkins College and may be recovered at any time.

Scope
This policy applies to all Davis & Elkins College employees, visiting faculty, students, and contractors working for the College. It appeals to all facilities owned, leased, or otherwise control by Davis & Elkins College.

Issuing Keys
Keys to the appropriate work and access spaces will be requested by the hiring supervisor and approved by the corresponding senior staff member. Once the appropriate keys have been identified and approved, the employee must sign the Key Form upon receipt of the key(s). Each key issued to College employees, contractors, or students shall be consistently documented by National. Keys issued to National employees must be approved by the Director of the Physical Plant and the Vice President for Business & Administration. No key shall be transferred from one person to another without the appropriate approval and receipt signature. The individual to whom the keys are issued is responsible for the use and care of those keys until returned to National at the Physical Plant.

Building Master keys will only be issued to an individual when National shop receives written authorization from the Department Supervisor, corresponding Cabinet member, and the Vice President for Business & Administration.

Grand Master Keys will only be issued to an individual when National receives written authorization from the Vice President for Business & Administration and the President of the College.

Key Retrieval
Upon termination of employment all keys must be immediately to National either through Human Resources, corresponding supervisor, or the individual. Keys that are returned will be documented on the originating key request form. Failure to return keys upon separation may result in the responsible individual be charged for the cost to re-key a lock. Failure to return issued keys will result in a minimum of $100 fee per key.

Lost or Stolen Keys
Lost or stolen keys should be reported immediately to the Office of Public Safety and the appropriate supervisor. An incident report will be generated documenting the circumstances of the loss. Replacement keys may be requested under the same requirements that all keys are issued. If an area must be re-cored to protect access, the responsible individual may be charged $100.00.

Contractors
Keys required by contractors to access areas on campus to conduct their work by be authorized by National and the Vice President for Business & Administration. Upon approval, these keys will be stored at the Gatehouse under the care of the Office of Public Safety. Only pre-approved individuals will be authorized to receive the keys. The keys must be signed out and returned each day; keys may not be kept overnight. Record of who issued, received, and returned the keys will be kept in the Office of Public Safety.

Students
Students should not be issued keys other than those to their on-campus living spaces. However, in some cases, where a student works for a department and access is required, they may be issued by request of the supervisor and approved with by the corresponding senior staff member. These keys may only be issued for one semester at a time. All keys must be returned at the end of the academic year and re-issued at the beginning of the next. Keys that cannot be accounted for may result in an administrative hold on the student's records until the matter is resolved and/or a fine of $100 billed to the student's account. Duplicate requests for unaccounted for keys may not be issued.

Residence Halls
Keys issued to students for access to residence halls and dorm rooms are under control of the Office of Student Life. These keys are issued and returned to the Office of Student life as part of the housing registration process. Lost and stolen keys need to be reported to the Office of Student Life as soon as possible. New keys will be issued by National upon a written request from the Coordinator of Residence Life and Vice President for Student Affairs. To protect the safety of our students and the residence halls; each lock will be "re-cored" when lost and stolen keys are reported. Students will be charged $100.00 for lost or stolen keys and keys not returned during the check-out procedures at the end of each academic year. Administrative holds on the student's records or direct bills to the student's account may be automatically implemented.

To promote the greatest degree of safety under our current key system, the cores of each lock in the residence halls will be rotated during the summer to a different building. The documentation

of the core rotation and the corresponding keys will be the joint responsibility between National and the Office of Student Life.

Enforcement
This policy implementation is the responsibility of National and is enforced by the Vice President for Business & Administration. All College faculty, staff, and administrators shall ensure that keys are not issued to individuals which would provide access to areas other than those two which the person issued the key would ROUTINELY need access. National shall have the responsibility to ensure that key requests and all appropriate authorizations have been obtained prior to issuing or transferring keys or re-keying an area. National shall have the responsibility to ensure that key requests procedures are followed to ensure that all keys issued are accounted for.

Duplication of a key, possession of a duplicate key, or the misuse of an authorized key will result in a referral to the corresponding senior staff and the Office of Human Resources for possible discipline sanctions. Individuals found to be in possession of unauthorized keys will have the keys in question confiscated, and the individual may be removed from campus and/or be formally separated from the Campus Community.

2.4 Technology Resources

2.4.1 Acceptable Use of College Information Technology Resources

Users of the Davis & Elkins College network and computer resources have a responsibility to properly use and protect those information technology resources and to respect the rights of others. Use of Davis & Elkins College computing, information technologies, and network resources is a privilege that assumes the appropriate use of those resources. Users who violate the law or College policy regarding the use of computing resources, information technologies, and networks are subject to loss of access to those resources as well as to Davis & Elkins College disciplinary and/or legal action as outlined in this policy.

2.4.1.1 Applicability

This policy applies to all Davis & Elkins College employees, student employees, students, faculty, contractors, entities, third party hosting contractors, volunteers and all others who (a) use computing resources, information technologies, networks, voice messaging equipment, computer software, or data networking systems, including remote and wireless and electronically stored institutional data and messages ("information technology resources") owned or managed by Davis & Elkins College or any third parties contracting with Davis & Elkins College for the provision of hosting, network or other technology services; or (b) are given electronic access to Davis & Elkins College's institutional data (hereinafter "users").

All such users, by virtue of their use of Davis & Elkins College computer resources, information technologies, and networks, accept the responsibility for using these resources only for appropriate activities consistent with the Davis & Elkins College mission. Users are responsible for reading, understanding, and behaving in a manner consistent with this policy and other related policies such

as the Davis & Elkins College administrative data security policy (if applicable) and the Davis & Elkins College copyright policy.

User accounts, which provide access to College computing resources, information technologies, and networks, will be terminated in accordance with account timelines established by the College.

2.4.1.2 Ownership

Davis & Elkins College information technology resources are not owned by any individual, division or department at Davis & Elkins College. Any Davis & Elkins College information resource that is leased, licensed, or purchased under research contracts or grants must be administered under the terms of this policy and the Davis & Elkins College Information Resource Security Plan for as long as they remain within the lawful possession, custody, and/or control of Davis & Elkins College. In addition, users must use Davis & Elkins College information technology resources in a manner consistent with U.S. copyright law.

Note: Information technology resources developed and patented by a Davis & Elkins College employee in accordance with the College's Intellectual Property Policy are exempt from this policy provision.

2.4.1.3 Disclaimer and Limitation of Liability

Davis & Elkins College makes no representations as to the performance, accuracy, or reliability of the College information technology resources. Davis & Elkins College disclaims all warranties of any kind, expressed or implied, to the fullest extent permissible pursuant to applicable law, including, but not limited to the implied warranties of merchantability and fitness for a particular purpose.

By using Davis & Elkins College information technology resources, users agree that Davis & Elkins College, its Trustees, or employees shall have no liability whatsoever for damages in any form under any theory of liability or indemnity in connection with a user's use of Davis & Elkins College information technology resources, even if Davis & College has been advised of the possibility of such damages. Users further recognize that Davis & Elkins College has no control over the content of information servers on external electronic systems or the Internet. Davis & Elkins College, therefore, disclaims any responsibility and/or warranties for information and materials residing on non-College information servers on external electronic systems or the Internet. Such materials do not necessarily reflect the attitudes, opinions, or values of Davis & Elkins College.

2.4.1.4 Appropriate Use

Davis & Elkins College information technology resources may be used for legitimate College purposes only. While Davis & Elkins College makes information technology resources available primarily to achieve its goals of education and research, and for administrative activities, it recognizes—given the ubiquity of computing—that employees may use College computers for incidental personal purposes. Thus, it is reasonable to allow the use of information services resources for email, document preparation, personal or course web page publication, or other activity that can facilitate convenience or enhance productivity, to the extent that the activity is within the limits prescribed by this policy.

Appropriate uses of Davis & Elkins College information services resources include:

1. Use by students related to completion of Davis & Elkins College class assignments or their education at Davis & Elkins College;
2. Use by faculty, administrators, staff, and contractors directly related to instruction, research, and scholarly, professional, and administrative endeavors on behalf of Davis & Elkins College or within the scope of Davis & Elkins College employment;
3. Appropriate use of resources (e.g. any such work is completed outside of College time and does not utilize shared resources such as CPU cycles or network bandwidth to a degree that adversely impacts academic or research activities);
4. Appropriate use of licenses (e.g. do not use software procured with academic use licenses for commercial applications or development, unless the license explicitly permits such use).

If a user is not clear on what constitutes an appropriate use, the user should contact the Chief Information Officer to determine whether a particular activity is permissible.

2.4.1.5 Inappropriate Uses and Content

Davis & Ekins College information technology resources shall not be used for:

1. Violating intellectual property laws, including:
   a. Violating copyright law pursuant to the Davis & Elkins College Copyright Policy;
   b. Copying of software in violation of a license or when copying is not authorized;
   c. Violating trademark or patent law;
   d. Violations of any local, state or federal laws relating to intellectual property rights, such as the distribution of copyright-protected materials (e.g. the distribution of commercial software, music or films in electronic format without appropriate permissions by the owner, even if the user distributing the materials notifies others of their copyright status).
2. Any prohibited uses, including:
   a. Supporting, establishing, or conducting any private business operation or commercial activity;
   b. Conducting personal activities unrelated to any Davis & Elkins College or student educational purpose unless otherwise allowed by this policy. Using any College information technology resources, including a computer system, hardware (such as printers, monitors, etc) or networks without proper authorization or exceeding authorized use;
   c. Concealing one's personal identity, or assuming the identity of another (e.g., by sending forged electronic mail). Keeping one's personal identity private either by not setting an identity in one's browser or by using a web-anonymizer in order to protect oneself from being put onto mailing lists is not a violation of this policy;
   d. Unauthorized sharing of a user's password or account;

e. Unauthorized use of Davis & Elkins College information technology resources or another person's computer account, user ID, files, or data;

f. Intentionally damaging, destroying or disrupting the electronic networks or information systems or the integrity of electronic information or intentionally wasting of human or electronic resources as they relate to Davis & Elkins College information technology;

g. Negligence leading to the damage of electronic information, computing/networking equipment, and resources;

h. Unauthorized use of a wireless router or other routing or electronic device that has not been authorized for use on a Davis & Elkins College network or in conjunction with other Davis & Elkins College information technology resources;

i. Deleting or tampering with another user's files or with information stored by another user on any information-bearing medium. Even if the user's files are unprotected, with the exception of files obviously intended for public reading, such as web pages, it is improper for another user to read them unless the owner has given permission (e.g. in an announcement in class or on a computer bulletin board);

j. Attempting to circumvent system security;

k. Releasing programs such as viruses, trojan horses, worms, etc., that disrupt other users, damage any Davis & Elkins College information technology resources, including software or hardware, disrupt network performance, or replicate themselves for malicious purpose;

l. Sending mass mailings or commercial solicitations (i.e. spamming) to individuals, or to newsgroups or mailing lists where such advertising is not part of the purpose of the group or list or for the purpose of Davis & Elkins College business (see Use of College Email Systems section for additional information);

m. Bullying or otherwise intimidating another person (such as by repeatedly sending unwanted mail or broadcasting unsolicited mail);

n. Tampering with, willful destruction of or theft of any Davis & Elkins College information technology, including computer equipment, whether it belongs to the College or to an individual;

o. Any conduct that is likely to result in retaliation against the College's network or website, or the College's employees, officers or other agents, including engaging in behavior that results in any server being the target of a denial of service attack (DoS);

p. Violating Davis & Elkins College's policy of prohibiting discrimination and harassment (cyber harassment) against individuals on the basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law;

q. Intentionally disseminating, accessing, or providing a hyperlink to obscenity, as that term is defined by the law, unless such activities are directly related to a user's legitimate research or scholarship purpose or completion of an academic requirement;

r. Using Davis & Elkins College information technology resources with the purpose of intentionally interfering with another user's use of Davis & Elkins College information technology resources;

s. Using Davis & Elkins College information technology resources to solicit or proselytize for political activities (supporting the nomination of any person for political office or attempting to influence the vote in any election or referendum);

t. Unauthorized access to, interception, alteration, possession, copying or reading of electronic mail or other electronic documents or websites;

u. Compromising the privacy of users of Davis & Elkins College information technology; and

v. Violation of any federal, state or local law.

3. Any prohibited content, including:

a. Using Davis & Elkins College information technology resources in a fashion that a reasonable person might perceive offensive by other persons;

b. Sending or distributing sexually explicit messages, cartoons, or jokes; unwelcome propositions of a sexual nature; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on their race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law;

c. Downloading non-academic or non-College business related data or programs, including but not limited to freeware and shareware, unless explicitly authorized by the College such as:

i) Software that allows external access to any Davis & Elkins College hardware;

ii) Peer-To-Peer (P2P) or similar software that enables content sharing;

iii) Software that tracks user Internet or online activities or habits;

iv) Software that sends information outside Davis & Elkins College, unless expressly approved;

v) Software that sends automatic updates from the Internet to hardware on the Davis & Elkins College network;

vi) Application programs (which may contain embedded viruses and/or may interfere with the functioning of standard applications); and

vii) Downloading of music, video or any other material, in violation of copyright laws.

2.4.1.6 No Expectation of Privacy

Although Davis & Elkins College does not routinely inspect or monitor use of computing and networking resources, Davis & Elkins College does not guarantee the security and privacy of any user's electronic mail and/or electronic files or a user's use of any Davis & Elkins College

information technology resources. Davis & Elkins College information technology resources are the property of Davis & Elkins College and have been installed by Davis & Elkins College to facilitate the legitimate purposes of Davis & Elkins College. Although Davis & Elkins College students, employees, and others may have direct or password encoded access to Davis & Elkins College information service resources, they belong to Davis & Elkins College and the contents of all communications and stored messages are accessible at all times by Davis & Elkins College for legitimate purposes.

A user's documents, files and electronic mail stored on Davis & Elkins College information technology resources are normally accessible only by that user. However, system managers or third parties contracting with Davis & Elkins College to host or manage Davis & Elkins College information service resources have the ability to monitor traffic and directly view any file as it moves across the network, and they must occasionally do so to manage campus network resources. By way of example, files may be monitored without notice in the ordinary course of business to ensure the smooth operation of the network.

More specifically, by using Davis & Elkins College information technology resources (including electronic mail, files and documents), whether accessed on site or via remote locations, users consent to Davis & Elkins College's monitoring, accessing, searching, blocking, copying, deleting, reviewing and disclosing, both in real time, and after the fact, any documents or messages which they create, send, store or receive on, as well as websites visited via Davis & Elkins College information technology resources.

All staff, faculty, third party hosting providers and others working with Davis & Elkins College information technology resources are obligated to follow the Davis & Elkins College Information Resources Security Plan, the Davis & Elkins College Educational Records Policy (if applicable), the Davis & Elkins College Information Security and Identity Theft Prevention Program (if applicable), and subsequent information technology resources related policies and laws duly enacted. Such policies create a framework for the physical, technical and administrative management, storage and transmission of data. These policies have clear guidelines that prohibit violations of privacy and confidentiality. Users should be aware that authorized personnel can and will take appropriate steps to investigate when there is a suspicion of inappropriate use of campus computing or networking resources. This may include monitoring network traffic, its contents, and examining files on any computer system which is connected to the network.

The maintenance, storage, access and transmission to such back-up files and data is operated in accordance with the Davis & Elkins College Information Resources Security Plan and the Davis & Elkins College Information Security and Identity Theft Prevention Program and/or agreements created pursuant to those policies that require the same level of physical, technical and administrative care, and subsequent policies and laws duly enacted.

In addition, Davis & Elkins College may access such electronic mail or files for a number of reasons, including but not limited to the following:

1. **Spam Blocking.** Davis & Elkins College protects email as a viable communication and business medium by supporting measures to reduce the amount of unsolicited email spam that invades its networks, while ensuring that legitimate email reaches its destination. To

accomplish this task, spam filtering software is utilized to quickly identify and separate spam from legitimate email.

2. **Requests for Public Disclosure.** The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) expands the authority of local, state and federal law enforcement to gain access to stored electronic data and communications. The USA PATRIOT Act is applicable to all users.
3. **Retention of Electronic Mail.** Electronic mail is backed up and retained in accordance with Davis & Elkins College data security policies. Even after erasing an electronic message from a hard drive, such materials continue to exist and may be subject to disclosure at a future time.
4. **Access for Davis & Elkins College Business**. Faculty, staff and other approved users will only access a user's electronic files or email in accordance with the Davis & Elkins College Educational Records Policy and Davis & Elkins College Information Security and Identity Theft Prevention Program. Any such access will be for a legitimate business purpose only and shall be limited to that purpose.
5. **Monitoring of Accounts.** An account may be inspected or monitored when:
    a. Activity from an account prevents access to Davis & Elkins College information technology, such as computing or networking resources by others;
    b. General usage patterns indicate that an account is responsible for illegal activity;
    c. There are reports of violations of Davis & Elkins College policy or any local, state or federal law;
    d. It is necessary, in the judgment of Davis & Elkins College administration, to do so to protect Davis & Elkins College from liability or undue harm;
    e. Davis & Elkins College receives a public records request or a valid subpoena; or
    f. It is required by, and consistent with, any other law.

2.4.1.7 User's Responsibility for Maintaining Privacy

Users are responsible for maintaining appropriate access restrictions for their files, as well as protecting their passwords. Any user who knowingly allows another person to use one's username or password may be found responsible for any inappropriate use on the part of that person.

2.4.1.8 College Email Systems

A campus email account is the official means of communication between the College and the student or employee. Users are expected to read email on a regular basis and manage their accounts appropriately, as well as to use their accounts in accordance with the acceptable use guidelines outlined above.

Record Retention

Emails are subject to the same retention policy as paper records, as outlined in the College's Record Retention Policy. Users who receive a notice of a legal hold are responsible for keeping copies of all relevant documents, including email.

System Backups

The College's email systems are backed up for disaster recovery and business continuity purposes only pursuant to a schedule established by Information Services. Due to the nature of the backup system and its purpose for disaster recovery, not mailbox maintenance, it is generally not possible to restore from the backups individual emails that may have been accidently deleted by a user.

2.4.1.9 Enforcement

Inappropriate behavior in the use of Davis & Elkins College information technology resources is punishable under the general College policies regarding faculty, students and staff. The offenses mentioned in this policy range from relatively minor to extremely serious, though even a minor offense may be treated severely if it is repeated or malicious. Certain offenses may also be subject to prosecution under federal, state or local laws.

Appropriate disciplinary action depends not only on the nature of the offense, but also on the intent and previous history of the offender. The range of possible penalties includes reprimands, loss of computing privileges, course failures for students, disciplinary probation, suspension or dismissal from the College and/or criminal prosecution.

Offenses that are minor or appear to be accidental in nature are often handled in a very informal manner such as through electronic mail. More serious offenses may involve formal procedures pursued through the processes in the *Student Life Policies*, the *Faculty Handbook* and the *Personnel Handbook* as applicable.

Any user who suspects a violation of the Davis & Elkins College Acceptable Use Policy or any other Davis & Elkins College policy or regulation related to data security or who has knowledge of potential vulnerabilities or security loopholes in a system or network at Davis & Elkins College should immediately notify the Chief Information Officer or the Compliance Officer.

Restrictions of Privileges During Investigations: During the course of an investigation of alleged inappropriate or unauthorized use, it may be necessary to temporarily suspend a user's network or computing privileges, but only after determining there is at least a prima facie case against the individual, as well as a risk to Davis & Elkins College information technology resources if privileges are not revoked. In these cases, it is important to recognize that the restriction of network or computing privileges is intended to protect the system rather than to punish the individual. For example, if a computer account has been used to launch an attack on another system, then that account will be rendered inactive until the investigation is complete. This is a necessary action taken to prevent further misuse and does not presume that the account holder initiated the misuse. Unsubstantiated reports of abuse will not result in the suspension of a use'sr account or network access unless sufficient evidence is provided to show that inappropriate activity occurred. For example, if someone reports that their computer was "attacked" by an account, the burden will be upon the complainant to provide sufficient data logs or other evidence to show that the incident did, indeed, at least appear to be an attack.

Adverse Impact on Shared Systems: Davis & Elkins College reserves the right to discontinue communication with external systems that are known to harbor spammers or account crackers, despite the fact that this may restrict certain acceptable communications. When deemed necessary, this action will be taken to protect the security and safety of Davis & Elkins College systems.

Similarly, there may be cases where a particular service or activity on a given Davis & Elkins College system will, by the very nature of its legitimate operation, tend to generate attacks from other Internet sites. If these attacks are frequent and severe enough to cause service interruptions for larger parts of the campus community, it may be necessary to remove these systems from the campus network temporarily or permanently. In cases where such an action is deemed necessary, Information Services will work with the maintainers of the system to identify alternative methods of network access. In cases where Davis & Elkins College restricts access to external sites or removes network access for internal sites, the purpose of the action is to maintain the security and reliability of the computer systems and networks rather than to punish an individual or a site, or to restrict the free expression of ideas.

Questions concerning this policy or its intent should be directed to the Chief Information Officer.

2.4.2 Artificial Intelligence Policy

The purpose of this policy is to establish governance, compliance, and response use requirements for Artificial Intelligence (AI) technologies at Davis & Elkins College. This policy ensures AI tools are used in a secure, ethical, legally compliant, and academically appropriate manner while protecting institutional data, student privacy, and intellectual property. Davis & Elkins College supports the responsible use of Artificial Intelligence to enhance teaching, learning, research, and administrative efficiency. The College requires that AI technologies be used in a manner that:

- Protects student privacy
- Safeguards institutional data
- Complies with applicable laws and regulations
- Maintains academic integrity
- Ensures transparency and accountability
- Mitigates bias and risk
- Preserves human oversight of decisions

AI use may not compromise compliance with local, state, and federal laws such as FERPA, GLBA, HIPAA, other privacy laws, data protection regulations, and intellectual property laws. AI users are responsible for complying with all application policies and regulations.

2.4.2.1 Applicability

This policy applies to faculty, staff, administrators, students, contractors and third parties, all AI powered software and services, locally hosted and cloud-based AI tools, and any AI embedded in enterprise applications. This policy covers AI use in teaching and learning, administrative operations, research, student services, advising, admissions, financial aid, disciplinary processes, human resources, facilities, information technology operations, healthcare/clinical settings, marketing and communications, software development, and data analysis. This policy applies to Generative AI (text, image, audio, code), predictive analytics, machine learning, automated decision systems, chatbots, proctoring tools, and algorithmic tools.

2.4.2.2 Definitions

Artificial Intelligence (AI)
Systems capable of generating content, predictions, recommendations, or decisions using machine learning, large language models, or similar technologies.

Generative AI
AI systems that create new content including text, images, audio, video, and code.

Institutional Data
Any data owned, licensed, or maintained by Davis & Elkins College including student, employee, financial, and operational information.

Sensitive Data
Data classified as confidential or restricted including:

- Student education records
- Financial information
- Personally identifiable information (PII)
- HR records
- Legal documents
- Research data
- Security information
- Medical Information

2.4.2.3 Approved AI Tools

Approved enterprise AI solutions may be used with appropriate safeguards. An approved and more secure AI platform is Microsoft Copilot which is part of the College's Microsoft tenant. For a complete list of approved AI tools, please contact the Chief Information Officer in Information Services.

All AI tools must undergo review by Information Services prior to institutional adoption. The review will include: data security evaluation, privacy assessment, contract review, data ownership review, FERPA compliance review, security controls verification, and a generalized risk assessment.

Approved AI tools must support secure authentication, protect data in transit, protect data at rest where applicable, restrict data re-use for model training when possible, provide administrative controls, and maintain audit capabilities where feasible.

Departments may not independently use or purchase AI systems that process institutional data without approval.

2.4.2.4 Acceptable Use

AI tools may be used for drafting communications, research assistance, data summarization, coding assistance, administrative efficiency, tutoring and writing support, accessibility

improvements, process automation. Users must review and validate any AI generated content before use.

AI generated outputs must be reviewed by a human, validated for accuracy, checked for bias.

2.4.2.4.1 Transparency and Disclosure

Users must disclose AI use when AI generated content is published externally, AI is used in official College communications, AI was used to support decision making, and AI is used in research.

Disclosures are required when a user interacts with a chatbot or automated customer service agent, when it is required by community guidelines on specific platforms (e.g. YouTube or Instagram).

Disclosures must include which tool was used and how it was used.

Disclosures are not needed when AI is used for routine internal use and a human completely reviews and takes responsibility for the final output or are part of basic tools such as simple spelling and grammar checkers (like basic Grammarly features).

2.4.2.5 Prohibited Use

AI users may not upload sensitive institutional data into public AI tools. This includes without limitation, student educational records, personnel records, financial aid or financial data, or confidential business information. AI users may not enter the following into Public AI systems: student records, social security numbers, financial aid data, employee information, contracts, legal documents, budget data, donor information, authentication credentials, or security architecture information. AI may not be used to make fully automated decision impacting students or employees, generate discriminatory or biased outcomes, impersonal individuals without disclosure, or in violation of academic integrity policies.

AI may not be relied upon as a decision-making authority. Human decision-making must be retained for decisions related to admissions, financial aid, hiring, disciplinary actions, and academic evaluation.

2.4.2.6 Academic Use

Faculty may allow AI use in class or coursework at their discretion. Faculty must clearly define permitted AI use, provide citation requirements, define academic integrity policies and expectations, and clearly communicate prohibited uses.

Students and academic support staff must follow instructor guidance regarding AI use.

Faculty must disclose when AI is used for pedagogical purposes (e.g. designing a syllabi, assignments, or grading).

2.4.2.7 Training and Awareness

Mandatory annual training for staff, faculty, and student employees will be required. Training will highlight the need for protecting college data and using AI tools responsibly. Training will be delivered using KnowBe4, which captures who have and have not completed the required training.

2.4.2.8 Exceptions

Any exceptions to this policy must be approved and documented by Cabinet.

2.4.2.9 Review

To monitor emerging AI technologies and risks, this policy will be evaluated annually to ensure and maintain AI governance oversight.

2.4.2.10 Enforcement

Violations of this policy may result in removal of technology systems access, disciplinary action, student conduct action, or contract termination.

2.4.3 Cloud Computing

Davis & Elkins College has adopted the following Cloud Computing Policy to protect Confidential and Private Information placed into a cloud environment that is not directly controlled by Davis & Elkins College.

Definitions

Cloud computing encompasses utilizing any external computing, software services, or hosting environment that is not directly controlled by Davis & Elkins College.

Confidential and Private Information includes:

- Credit card information;
- Tax identification numbers;
- Payroll information;
- Cafeteria plan check requests and associated paperwork;
- Student, parent, and employee tuition and loan accounts information;
- Student educational records as defined by FERPA;
- Photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry);
- Medical or financial information for any employee, temporary worker, or student;
- Other personal information to include date of birth, addresses, phone numbers, maiden name, customer numbers, Social Security number;
- College contracts;
- College research data;
- Alumni and donor records;
- Personnel records;
- College financial data;
- Computer passwords;
- College proprietary information/data; and
- Any other information for which access, use, or disclosure is not authorized by: a) federal, state, or local law; or b) College policy or operations.

Encrypted data refers to information that has been converted through software into a non-human readable form typically via a password or phrase (which is also used to decrypt the file when the information is to be accessed). All encryption referred to within this Policy must conform to prevailing industry standards.

Policy

Confidential and Private Information entrusted to the College shall not reside within any cloud computing environment unless Davis & Elkins College has entered into a legally binding agreement with the service provider to ensure that the data is protected and managed in accordance with standards and procedures required by law and acceptable to the College.

Davis & Elkins College is responsible for ensuring the integrity and security of Confidential and Private Information maintained by it in the regular course of business, regardless of the form or location of such data. The obligation to maintain the privacy of this data is not only governed by College policies, but also by various federal, state and local laws and regulations. The College takes steps to limit access to this information on a need to know basis. In accordance with established College policies, access to Confidential and Private Information is granted only to those individuals who have undergone proper training in the handling of such data and who have acknowledged the confidentiality of the data. Anyone viewing, updating, or releasing data of this type for any reason other than officially authorized College business may be held personally liable and subject to criminal and civil penalties.

Any College data residing within a cloud computing environment must be retrievable by the institution and not solely by the individual who placed the data in the cloud environment, and must conform to the College Record Retention Policy and Schedule.

Confidential and Private Information placed into a cloud environment must be encrypted in transit and encrypted at rest. Moreover, the cloud service provider's contract must indicate that they conform to all relevant federal, state and local laws and regulations.

2.4.4 Computer Lab Use

The College provides access for students to the departmental and College computer labs and network for academic, research, or study purposes only. The labs and network are a valuable but limited resource which must be shared with others. It is the user's responsibility to use the facilities in an efficient, ethical, legal, and responsible manner in accordance with the Davis & Elkins College Acceptable Use Policy. Improper behavior may be grounds for termination of access to the labs or may subject the offender to other penalties and/or restrictions, which could include disciplinary actions. Individuals must carry a College ID at all times while using the labs. Information Services staff have the right to deny access to the labs to anyone without proper identification.

Laboratory Etiquette:

1. Guidelines for food and drink vary between computer labs. Each computer lab will have signage to clarify the rules for that space.
2. Avoid excessive noise and/or loud or obscene language.
3. Be considerate of others who are waiting for stations.

4. Be courteous to staff and fellow users.

2.4.5 Hardware and Software Disposal

In the event a College department or division possesses technology hardware or software that is no longer required due to excess of useful life, lack of continued need, inability to upgrade required hardware or software, damage; excessive maintenance cost, or incompatibility with new hardware, all such equipment must be sent to Information Services for evaluation.

Based on the assessment of the equipment by Information Services, the following process will be followed, irrespective of what budget originally purchased the item:

1. Redistributed: If a computer meets current minimum standard requirements, it may be redistributed to a location within the College. Recommendations from the originating department or division will be considered when redistributing the technology, but the final location will be based on the overall needs of the College as determined by the Chief Information Officer;
2. Donated: Any hardware considered no longer in service to the College can be donated. Information Services will ensure the hardware is cleared of all software licensed to the College and any data left by the previous user;
3. Salvaged: Any hardware that can no longer be used, but has useful parts, will be salvaged for its parts. Those parts could be used by Information Services or sold; or
4. Disposed: Computer hardware and peripherals, which cannot meet the above categories, will be disposed. This equipment will be picked up by a reputable environmentally certified recycling company in compliance with all laws.

Any capitalized equipment, which is donated, parted, or disposed, will have a completed disposal record form with description, serial number, date discarded, method of disposal, and purchase value, if any.

2.4.6 Information Services Change Control

The dependence on Information Services to support Davis & Elkins College's constantly changing business and academic environment necessitates that technology operations be properly protected and controlled. Any changes to the Davis & Elkins College network infrastructure hardware, system software, operating systems, and security policies will be controlled and managed by this Change Control Policy. Once approval is acquired, all related purchase requests (including hardware and software related purchases) must adhere to current Davis & Elkins College purchasing procedures.

2.4.6.1 Annual Technology Resources Review

For general-purpose technology resources, it is the responsibility of the Chief Information Officer to review on an annual basis the status of technology resources and make recommendations directly to the Cabinet Team. The recommendations for replacement/upgrade of hardware resources are based on the following:

1. Age of the equipment;

2. Its maintainability; and
3. Ability to meet changed / new user requirements.

There are certain software products for which maintenance charges are paid annually. New releases are made available to the College as and, when they are available, with the final installation schedule to be determined by Information Services in consultation with the Cabinet.

2.4.6.2 Change Control Process

In addition to the annual review undertaken by the Chief Information Officer, Davis & Elkins College constantly assesses its technology resources and will consider changes as necessary. Steps leading up to and involving the change control process include the following:

1. Request for change (i.e., new version of software, bug fix, hardware purchases, etc.) triggers the change control process;
2. Steps required to make the change are identified;
3. Initial risk and impact on Davis & Elkins College is determined and documented;
4. Test plan is created;
5. Date of implementation is estimated based on who is affected and how long it will take to complete the change;
6. Appropriate approval is obtained (see below).

Requests for additional reviews of technology resources should be submitted to the Chief Information Officer.

2.4.6.3 Approval and Schedule

Low and Medium Impact Changes: Low and medium impact changes include installation of new systems or reconfiguration of existing systems where the procedure impacts only a minimal amount of Davis & Elkins College departments/divisions and can be reversed easily and quickly with minimum downtime. Low and medium impact changes must be approved by the Chief Information Officer to ensure that the proposed change to Davis & Elkins College's system, equipment and/or software will function properly with the College's network configuration and that there is no duplication in equipment or services. Once approval is obtained, all technology resource related purchase requests (including hardware and software related purchases) must adhere to current Davis & Elkins College purchasing procedures. Changes can be made as soon as the change control request is approved.

High Impact Changes: High impact changes include installation of new systems or reconfiguration of existing systems that affect the entire College. The changes may also require significant down time. The Chief Information Officer must initially approve the change request to ensure that the proposed change to the system, equipment and/or software will function properly with Davis & Elkins College's network configuration and that there is no duplication in equipment or services. The request then must be presented to the Cabinet Team and then the President for final approval. Once final approval from the President is obtained, all technology resource related purchase requests (including hardware and software related purchases) must adhere to current

Davis & Elkins College procurement procedures. Changes can be made on the agreed upon date after approval as described above, proper notification, and testing.

2.4.6.4 Emergency Changes

There are situations where in order to support the continuity of Davis & Elkins College operations an emergency production change will be required. An "Emergency" includes any change, which if not implemented, would greatly impede College productivity or cause unacceptable additional costs. The President or his or her designee will be identified as expeditiously as possible in the event of any and all emergency changes.

Notification Requirements

Upon approval, notification of changes is required as part of the change control process. The individuals notified will depend on several things including: department/divisions affected by the change, the level of risk involved, and the amount of downtime needed to make the change. Outside of emergency changes, the timing of notifications must be reasonable to allow for a response and any alternate plans that need to be made by those affected by the changes.

2.4.7 Information Resource Maintenance

Information Services conducts regular network/systems maintenance. This schedule allows for maintenance work to be performed and the campus to be appropriately notified. Communication to the campus goes out prior the scheduled maintenance indicating what systems will be affected by the maintenance window. The maintenance window may be adjusted on the basis of institutional needs.

2.4.8 Information Resource Security Plan

The College has appointed the Chief Information Officer as the Information Security Plan Coordinator ("ISO") to conduct a risk assessment of likely information technology security risks; institute a training program for all employees who have access to Confidential and Private Information on the College's information technology systems; oversee service providers and contracts; and evaluate and adjust the Information Resource Security Plan periodically. The ISO works closely with the Cabinet Team and Information Services staff, as well as all relevant academic and administrative departments and divisions throughout the College.

Note: The College's Information Resource Security Plan should be considered a subset of the College's various policies regarding information security, which include but are not limited to the College's Educational Records (FERPA), Information Security and Identity Theft Prevention Program, Employee Confidentiality, and HIPAA policies.

2.4.8.1 Definitions

For purposes of this policy, "Confidential and Private Information" includes, but is not limited to:

- Credit card information;
- Tax identification numbers;
- Payroll information;
- Cafeteria plan check requests and associated paperwork;

- Student, parent, and employee tuition and loan accounts information;
- Student educational records as defined by FERPA;
- Photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry);
- Medical or financial information for any employee, temporary worker, or student;
- Other personal information to include date of birth, addresses, phone numbers, maiden names, customer numbers, Social Security number;
- College contracts;
- College research data;
- Alumni and donor records;
- Personnel records;
- College financial data;
- Computer passwords;
- College proprietary information/data; and
- Any other information for which access, use, or disclosure is not authorized by: a) federal, state, or local law; or b) College policy or operations.

2.4.8.2 Risk Assessment and Safeguards

The ISO, in collaboration with the Cabinet, works with all relevant areas of the College to identify potential and actual risks to the security of the College's information technology systems. Each department or division head, or a designee, will conduct an annual security review, with guidance from the ISO and the Cabinet. In addition, Information Resource staff will conduct an annual review of procedures, incidents of actual or attempted attacks to unlawfully obtain access to Confidential and Private Information via the College's information resource systems, and responses.

In order to protect the security and integrity of the College's network and its data, Information Services staff maintains a registry of all computers attached to the College network. Information Services staff will ensure that all electronic Confidential and Private Information is encrypted in transit and that the central databases are strongly protected from security risks. In addition, Information Services staff utilizes event logs that are built into the system to monitor any actual or attempted attacks. Information Services also provides network security and user account security that prevents actual or attempted unauthorized access to Confidential and Private Information. Finally, the ISO will periodically review the College's Information Resource Security Plan and present corresponding recommendations, as applicable, to the Cabinet.

2.4.8.3 Securing Information

2.4.8.3.1 General Safeguarding Practices

General safeguarding practices followed by the College include:

1. Maintaining physical security by locking rooms and windows;
2. Maintaining adequate key/access card control and limiting physical access to sensitive areas;

3. Securing the personal work area to discourage casual viewing of Confidential and Private Information by unauthorized individuals;
4. Using and frequently changing passwords to access automated systems that process sensitive information;
5. Protecting the confidentiality of personal passwords by not sharing or posting such personal passwords;
6. Using firewalls and encrypting information when feasible;
7. Protecting the confidentiality of electronic Confidential and Private Information that might be accessed remotely either from home or in travel status. Under no circumstances shall safeguarded information be "viewable" by unauthorized individuals;
8. Encouraging employees to report suspicious activity to supervisors;
9. Ensuring that agreements with third-party contractors contain safeguarding provisions and monitoring those agreements to oversee compliance.

In addition to these general guidelines, the College has also developed detailed procedures addressing the security of its information resource system platforms and desktops/laptops.

2.4.8.3.2 Security of Information Services System Platforms

Information Services system platforms are managed and operated by the Information Services Office.

Physical Security: The following standards of physical security of the College's Information Services platforms must be met:

1. Premises must be physically strong and free from unacceptable risk from flooding, vibration, dust, etc.
2. Air temperature and humidity must be controlled to within acceptable limits.
3. Platforms must be electrically powered to provide the following:
    - Minimum of 15 minutes operation in the event of a power blackout;
    - Adequate protection from power surges and electrical brown outs;
    - Trigger an orderly system shutdown when deemed necessary.

Physical Access:

1. External doors remain locked in accordance with campus policies and local city fire codes.
2. Security screens are installed on all external windows where applicable.

User Access:

New Users: New account I.D.s will be handled as follows:

Employees: Employee user accounts, including email accounts, are created upon employment in accordance with internal College procedure.

Contractors and Volunteers: Request for email and other user accounts for contractors and

volunteers will be addressed on a case-by-case basis by Information Services and the applicable Cabinet member.

Students: A student email account is created for an incoming student when that student submits a deposit.

The new user ID and password will be given electronically to the applicant. The new user's password will expire upon initial login. The applicant will be required to create a new password.

See also the College's Authentication and Authorization Policy.

Account Expiration: The de-activation process for email and other user accounts differs depending on the user's role at the College as set forth below. If an employee leaves the College for cause, email and other user privileges will be immediately terminated without notice. In such cases, Human Resources will notify Information Services.

Full-time Faculty– Faculty who leave before retirement will have their email and other user accounts deactivated on their last payday. Full-time faculty who retire in good standing with Davis & Elkins College will maintain email privileges for a minimum of one year unless other arrangements are made with the Office of Academic Affairs.

Part-time and Special Status Faculty – Part-time and Special Status faculty will maintain email privileges on a case-by-case basis as determined by the Vice President for Academic Affairs. All other accounts will be terminated on the last payday.

Staff, Contractors and Volunteers – Staff members, contractors and volunteers who terminate their relationship with the College will have their email and other account privileges removed effective on their last work day.

Students who leave before graduation – Students who withdraw from the College will have email privileges removed on the official date of withdrawal. Students who take a leave of absence will retain their email privileges until they graduate or withdraw from the College.

Students who are dismissed - If a student is dismissed from the College, email privileges will be terminated immediately upon notification to Information Services by the Student Life Office or Registrar as applicable.

Fire Detection and Control:

There are smoke detectors on the premises where applicable, following local fire code and regulations.

Data Integrity:

1. Backups of data systems will be performed based on the system backup procedures.
2. The backup procedures:
   a. Enable recovery to the start of business on any weekday of a failure.
   b. Provide at least one more level of backup to a previous time, to cover the case of the failure of the primary backup media.
   c. There is offsite storage of security backup media to enable a full data system recovery.

Password Aging:

If the operating system provides the facility, automatic Password Aging will be enforced. The life of a password should be no less than 30 days and no more than 90 days.

2.4.8.3.3 Security Standards for Desktop Computers, Laptop Computers, and Other Mobile Devices

Hardware Security:

1. Lock offices. Office keys are registered and monitored to ensure they are returned when the employee or student leaves the College. Office and access keys are facilitated by the Physical Plant.
2. Secure Desktop/Laptops and other mobile devices in public areas. Do not leave mobile devices unattended in public locations (e.g. airport lounges, meeting rooms, restaurants, etc.).
3. Locate computers and mobile devices away from environmental hazards.

Access Security:

1. Utilize password facilities to ensure that only authorized users can access the system. Auto lockout should be enabled on all mobile devices. The password should block all access to the device until a valid password is entered. The password used must be as strong a password as the device will support.
2. Users will be assigned accounts on the appropriate domains.
3. Users will be assigned to personal single event login rights. In order to maintain trusted login no users will be given more than one login except in the event of documented business needs. If additional logins are granted to a user, the Chief Information Officer will inventory and monitor logs.
4. Do not circumvent security features or otherwise "jailbreak" a College-owned mobile device.
5. Personally-owned laptops or mobile devices must be configured with proper accounts, passwords, screensaver locks, and re-authentication when waking from hibernation to discourage unauthorized use. See the College Use of Mobile Devices Policy.

Data and Software Security:

1. Request immediate assistance from Information Services staff if you believe you have software problems or suspect data loss or corruption.

Confidential Information:

1. Encrypt Confidential and Private Information where appropriate.
2. Monitor printers used to produce Confidential and Private Information.
3. Enable a "remote wipe" feature if available. This also includes features that delete data stored on a desktop, laptop, or mobile device if a password is not entered correctly after a certain number of tries.

Software: Software is protected by copyright law. Unauthorized copying is a violation of the College Copyright Policy. Anyone who uses software should understand and comply with the license requirements of the software.

Viruses: Computer viruses are self-propagating programs that infect other programs. Viruses and worms may destroy programs, corrupt data or deplete the computer's memory and processing power. Viruses, worms, and Trojan horses are of particular concern in networked and shared resource environments because the possible damage they can cause is greatly increased. Some of these cause damage by exploiting holes in system software. Fixes to infected software must be made as soon as a problem is found.

To decrease the risk of viruses and limit their spread:

1. Periodically run anti-virus software scans.
2. Do not block or cancel automatic updates to the virus scan files.

In addition to the above, do not circumvent security features or otherwise "jailbreak" a College-owned mobile device.

Networked Computers: Networked computers may require more stringent security than stand-alone computers because they are connected to the College's primary computer network(s). While Information Services is directly accountable for setting up and maintaining appropriate security procedures on the network, each individual is responsible for operating their own computer with ethical regard for others in the shared environment.

The following considerations and procedures must be emphasized in a network environment:

1. Check all files downloaded from the Internet.
2. With the support of Information Services, software should be thoroughly tested before it is installed to ensure it does not contain a virus/worm that could have serious consequences for other personal computers and servers on the College network.
3. Choose passwords with great care to prevent unauthorized use of files on networks or other personal computers and change them at least every 30 days and no more than every 90 days.
4. Use (where appropriate) encrypting/decrypting and authentication services to send confidential information over a College network.

Wireless Connections

Remote access to the College's non-public-facing systems will be protected via secure or encrypted protocols. Only those employees and contractors whose job duties require this level of access will be granted remote access.

2.4.8.4 Evaluation and Revision of Information Security Plan

The Information Security Plan is subject to periodic review and adjustment by the ISO after consultation with and the approval of the Cabinet Team. The plan itself will be re-evaluated periodically in order to ensure ongoing compliance with best practices and applicable, existing laws and regulations.

2.4.9 Information Services Security Incident Response Plan

The Davis & Elkins College Information Technology Security Incident Response Plan (the "plan") defines standard methods for identifying, documenting and responding to data security incidents.

Identification of Incident: Any user, individual or organization not affiliated with the College may refer a data security incident to the College's designated Information Security Plan Coordinator ("ISO"). The ISO and designated personnel can identify a data security incident through proactive monitoring of the College's network and information system activities.

Establishment of Incident Response Team: The ISO shall assemble, manage, maintain, train, and lead the incident response team.

Containing Damage and Preserving Evidence: Following a data security breach the incident response team will:

1. Review the circumstances and the actions taken;
2. Assign roles;
3. Create a plan of action to contain damage and gather evidence; and
4. Ensure that wherever possible, a forensic copy of the effected computer hard drive or server database is created.

The incident response team will work with the appropriate staff to take whatever actions are necessary to ensure that no additional institutional data is lost or taken and/or that no additional information technology is further exploited.

Incident Response Report: The incident response team will ensure that data security incidents are appropriately logged and archived. To that end, following any data security incident, the incident response team will produce an incident response report (henceforth referred to simply as a "report") as outlined herein. The incident response team will be responsible for communicating the incident to appropriate College personnel and maintaining contact, for the purpose of update and instruction, for the duration of the incident.

Each report must include at a minimum the following:

1. A description of the data security incident;
2. Type of institutional data or other information exposed and/or potentially at risk of exposure from the data security incident;
3. Type of College information technology damaged or potentially at risk of damage or loss due to the data security incident;
4. Steps taken for containment of the data security incident;
5. Steps taken for remediation of the data security incident;
6. Logging of all internal and external communications issued, including all emails and phone calls regarding the data security incident;
7. Interactions with law enforcement and disciplinary authorities regarding the data security incident; and

8. The College's legal obligations and any actions taken to satisfy those legal obligations regarding the data security incident.

Additional Obligations of the Incident Response Team: Simultaneous with the creation of the report and containment of the data security incident, the incident response team must:

1. Determine how the data security incident occurred and take immediate remedial action to prevent it from occurring again;
2. Collaborate with legal counsel to determine and then perform the College's obligations to affected persons and parties;
3. Collaborate with the President and his or her designee(s) and the College spokesperson to manage public relations communications effectively regarding the data security incident; and
4. Rebuild all compromised College information technology and closely monitor the rebuilt systems.

Incident Prevention: Wherever possible and in conjunction with the application of other College policies relating to information security, the College will prevent data security incidents by monitoring and scanning its own network for anomalies, and developing clear protection procedures for the configuration of its information technology and other related resources.

Plan Modifications and Adjustments: This plan and its procedures will be reviewed periodically to adjust processes, identify new risks and remediations.

Use of Personal Devices: Any personally-owned mobile or electronic devices (i.e., laptop/notebook/tablet computers, mobile/cellular phones, smartphones, Personal Digital Assistant (PDA); home or personal computers used to access institutional resources, any mobile device capable of storing College data and connecting to an unmanaged network) which have been used to store institutional data and are determined to have contributed to a data security incident, may be subject to seizure and retention by College authorities until the data security incident has been remediated, unless the custody of these devices is required as evidence for a court case. By using these devices within the College network for business or academic purposes, individuals are subject to the College's Conditions of Use and Acceptable Use policies, as well as the Davis & Elkins College Use of Mobile Electronic Devices policies.

2.4.10 Network Access Authorization and Authentication

Identification, authentication, and authorization are controls that facilitate access to and protect the College's information technology resources (i.e., hardware, software, wireless access, network bandwidth, mobile devices, electronic Information Services, printers) and data. Access to non-public College Information Services at Davis & Elkins College is achieved by unique network identifiers (user account ID) and will require authentication.

Davis & Elkins College will assign a unique network identifier (user account ID) and user credentials (i.e., usernames, passwords, tokens, smartcards, biometric data, or digital certificates) for identification and authentication purposes to each individual that has a business or educational need to access the College's technology resources.

Authorization for College technology resources is dependent on the individual's relationship, or

relationships, to Davis & Elkins College and the requirements associated with that relationship. In all cases, only the minimum privileges necessary to complete required tasks are assigned to that individual. Privileges assigned to each individual will be reviewed on a periodic basis and modified or revoked upon a change in status with the College.

Encrypted Authentication. All Davis & Elkins College information technology resources must use only encrypted authentication and authorization mechanisms unless otherwise authorized by Information Services. All requests to encrypt hard drives, files, databases or any other information technology resource must be submitted and approved by Information Services. In addition, all College and departmental websites collecting personal information require the use of SSL certificates. SSL certificates are assigned and implemented by Information Services.

Compliance: Violations of this policy may result in the revocation or limitation of information technology resource privileges, as well as other disciplinary actions, or may be referred to appropriate external authorities.

2.4.11 Peer-to-Peer File Sharing

In accordance with the Higher Education Opportunity Act (HEOA), Davis & Elkins College must make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Also, the HEOA requires colleges and universities to take steps to detect and punish users who illegally distribute copyrighted materials. In an effort to comply with these requirements, the College prohibits the installation and use of peer-to-peer file-sharing programs on computers and mobile devices using the College's network(s). Moreover, the installation or operation of any program or service that assists others in the use of peer-to-peer file sharing programs is likewise prohibited. Users will be considered in violation of this policy if their Internet traffic is identifiable as using peer-to-peer programs or protocols. The College reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe, as well as institute appropriate disciplinary action. Likewise, network access will be suspended if any use is impacting the operations of the network. Repeat or severe violations are also subject to appropriate corrective action and may be reported to appropriate authorities for criminal or civil prosecution.

2.4.12 Use of Mobile Electronic Devices

The purpose of this policy is to set out the permitted manner of use of mobile devices on the Davis & Elkins College network(s) by its employees, students, guests and contractors, and the use of College-issued mobile devices in any environment in order to maintain the security and integrity of the College's network and data infrastructure, and maintain the confidentiality of College data which may be accessed or placed on mobile devices. This policy applies, but is not limited to, all devices and accompanying media that fit the following device classifications:

- Laptop/notebook/tablet computers
- Smartphones
- Personal Digital Assistant (PDA)

- Any mobile device capable of storing College data and connecting to an unmanaged network

College Policies Pertaining to the Use of Mobile Devices on the College's Network

The following policies govern the use of any mobile devices on the College's network(s), regardless of whether or not the device was purchased with College funds or is a personally owned device:

1. Each user of a mobile device must adhere to the College's Conditions of Use and Acceptable Use of Information Services policies;
2. Storing information on a mobile device in ways that may violate laws and regulations regarding Confidential and Private Information is prohibited and must be accessed via a secure and encrypted means if the mobile device is not directly connected to a College network. For purposes of this Policy, Confidential and Private Information includes:
    - Credit card information;
    - Tax identification numbers;
    - Payroll information;
    - Cafeteria plan check requests and associated paperwork;
    - Student, parent, and employee tuition and loan accounts information;
    - Student educational records as defined by FERPA;
    - Photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry);
    - Medical or financial information for any employee, temporary worker, or student;
    - Other personal information to include date of birth, addresses, phone numbers, maiden name, customer numbers, Social Security number;
    - College contracts;
    - College research data;
    - Alumni and donor records;
    - Personnel records;
    - College financial data;
    - Computer passwords;
    - College proprietary information/data; and
    - Any other information for which access, use, or disclosure is not authorized by: a) federal, state, or local law; or b) College policy or operations.
3. Unauthorized access to Confidential and Private Information utilizing a mobile device is prohibited;
4. Users are prohibited from using mobile devices utilizing the College's network(s) to violate copyrights including, but not limited to, copyrighted music, movies, software and publications;
5. Photographing or videoing individuals with any mobile device that has photographic or video capturing capabilities in areas such as bathrooms, locker rooms, or other areas where there is

a reasonable expectation of privacy, and/or taking photographs or video of an individual against his or her will is prohibited. Electronic transmission of photographs or video of any person without the subject's express permission is also prohibited.

5. Mobile devices may not be used to record conversations unless all parties to the conversation give their consent.

Security Requirements

The following security requirements govern the use of any mobile device that is used on the College's network(s), regardless of whether or not the device was purchased with College funds:

1. Remote access to the College's non-public-facing systems will be protected via secure or encrypted protocols. Only those employees and contractors whose job duties require this level of access will be granted remote access.
2. All mobile devices accessing the College's network(s) must be updated to the latest device operating system with the latest security patches;
3. All applications must be updated with the latest security patches;
4. All devices must be configured with a PIN, pattern, or password-enabled lock screen configured to activate at no more than five minutes of inactivity;
5. All devices with built-in encryption capability must have the device's onboard encryption enabled;
6. All devices must have "remote wipe" enabled through a third party application or the manufacturer's website;
7. All devices that have been used to store, access and/or process Confidential and Private Information will be wiped to remove such data before they are transferred to someone else through sale or gifting. Moreover, a device may be remotely wiped if 1) the device is lost, or 2) Information Services detects a data or policy breach, a virus or similar threat to the security of Confidential and Private Information and/or the College's technology infrastructure;
8. In the event that a device which has been used to store, access and/or process sensitive information becomes lost, stolen or compromised, the owner must contact Information Services;
9. Rooted (Android) or jailbroken (iOS) devices are strictly forbidden from accessing the College's network(s).

Use of Personal Mobile Devices

College employees, including student employees, may use their personal mobile devices to access the College's network and network services as needed to perform the College's business and for other College-approved tasks. In addition to complying with the general use and security provisions set forth in this policy, each user accessing the College's network is responsible for ensuring that the mobile device is used only in compliance with the College's Acceptable Use policies and the College Information Resource Security Plan.

In accessing the College's network(s) with a personal mobile device, the user understands and agrees that Davis & Elkins College will not reimburse or otherwise compensate the user for any costs associated with accessing the Davis & Elkins College network with a personal mobile device. Such costs may include, but are not limited to, monthly call and data plans, long distance calling charges, additional data or roaming fees, charges for excess minutes or usage, equipment, surcharges and any applicable fees or taxes. The user also understands that he/she may be held liable for any criminal and/or civil penalties that may result from loss, theft or misuse of the confidential information accessed and/or stored on the personal device. Users also acknowledge that Davis & Elkins College does not provide support for personally-owned devices. Configuration of any personally owned device is the user's responsibility.

Upon termination of affiliation with Davis & Elkins College, users agree:

- To immediately delete all institutional data stored on the device; and
- To remove the Davis & Elkins College email account and Wi-Fi settings from the device.

Failure to comply with the above may result in the device being auto-wiped by Information Services.

Use of College-Issued Mobile Devices

College-issued mobile devices may use the College's network and network services as needed to perform the College's business and for other College-approved tasks. Users of College-issued mobile devices may use the device for normal personal use like email, social networking and web browsing, subject to limitations contained in this and other College policies. Excessive personal use or careless actions that lead to the compromise of the device may result in revocation of use privileges and/or disciplinary actions.

In addition to complying with the policies set forth in this policy, each user is responsible for ensuring that the College-issued mobile device is used only in compliance with the College's Acceptable Use policies and the College Information Resource Security Plan. The user is responsible for ensuring that personal use does not expose a College-issued mobile device to malware, malicious websites, or other security risks.

Each user is responsible for the physical security of the College-issued device assigned to them and must immediately report any theft, loss, damage, or vandalism of the unit to Information Services. See the Security section above. Immediate notice concerning a lost or stolen mobile device is critical so that unauthorized and/or inappropriate access can be minimized. The assigned user is responsible for any unauthorized and/or inappropriate access to College information that occurs from the misuse, loss or theft of mobile devices.

Employees with College-issued devices should consult with Information Services prior to downloading, installing and using any application not installed by Information Services.

The College may, at its discretion, change the method by which a device connects to the network and change the configuration of the device without the user's consent or knowledge in order to prevent unauthorized use or access to College data. These configuration changes include, but are

not limited to, upgrading to the device's operating system and software, locking the device to prevent use, changing the device's access code, and deleting of all data/files on the device.

The use of any College-issued mobile device other than a hands-free cell phone is prohibited while the user is operating a motor vehicle, whether or not on College business. Drivers must use their judgment regarding the urgency of the situation and the necessity to use a cell phone while driving, but should generally make every effort to move to a safe place off the road before using a cell phone.

The College uses technologies such as encryption, identity management, anti-malware, anti-virus, and remote administration to protect all of the mobile device's data whether that data is at rest, in use, in transit or being destroyed.

Student Use of Mobile Devices in the Classroom: Cellular phones, PDAs, computers, tablets and other electronic devices must not be used in a manner that causes disruption in the classroom or library. Moreover, Davis & Elkins College does not allow the use of such devices to photograph or video any classes without instructor permission. Abuse of devices with photographic or video capabilities, including cameras, recorders, cell phones and tablets, for purposes of violating the College's Academic Integrity Policies represents a violation of those policies.

Device Support

1. Connectivity issues are supported by Information Services.
2. Owners of personal devices not issued by the College should contact the device manufacturer or their carrier for operating system or hardware-related issues.
3. College-issued devices will be configured by Information Services.

Risks/Liabilities/Disclaimers

1. While Information Services will take every precaution to prevent the user's personal data from being lost in the event it must remote wipe a device, it is the user's responsibility to take additional precautions, such as backing up notes, documents, application data, etc.
2. The College reserves the right to disconnect devices or disable services without notification.
3. The user is personally liable for all costs (beyond a base, College-approved stipend) associated with a non-College issued device.
4. The user assumes full liability for risks including, but not limited to, the partial or complete loss of College and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.
5. The College reserves the right to take appropriate disciplinary action for noncompliance with this policy.

2.4.13 Wireless Access

The purpose of this policy is to provide guidelines for wireless connections to the Davis & Elkins College network. It applies to approved Davis & Elkins College employees, students, contractors, consultants, guests, and other workers.

The goal of this policy is to protect Davis & Elkins College's technology-based resources from unauthorized use and/or malicious attack that could result in loss of information, damage to critical applications, or damage to the College's public image. All users employing wireless methods of accessing College technology resources must adhere to the College's defined processes for doing so by using Davis & Elkins College approved access points. Unauthorized access to the wireless network is not allowed.

Wireless networks are not a replacement for a wired network as the College's wireless network is an extension to the existing wired network. Wireless access should not be used for work sessions that require the transfer of large amounts of data (e.g., backups or file downloads) or for access to sensitive organizational data (except where access is secure).

In order to provide wireless access to authorized users, Information Services installs "access points" in and around the campus. These access points are generally small, antenna-equipped boxes that connect directly to the local area network (LAN), converting the LAN's digital signals into radio signals. The radio signals are sent to the network interface card (NIC) of the mobile device (e.g. PDA, laptop, etc.), which then converts the radio signal back to a digital format the mobile device can use.

"Rogue" access points are antennas that are installed without the knowledge or permission of Davis & Elkins College and used by individuals to gain unauthorized access to the College's network.

Policy and Appropriate Use of Wireless Network

1. All wireless access points within the College's firewall must be approved and centrally managed by Information Services. The addition of new wireless access points within campus facilities will be managed at the sole discretion of Information Services. Non-sanctioned installations of wireless equipment (i.e., rogue access points) or use of unauthorized equipment on campus premises are strictly forbidden.
2. Information Services will periodically conduct sweeps of the wireless network to ensure there are no rogue access points present.
3. Information Services reserves the right to turn off without notice any access point connected to the network that it feels puts the College's systems, data, and users at risk.
4. All wireless clients and devices shall be required to be fully patched and have installed the College's supplied anti-virus software. The user shall update these applications as required, and will not reconfigure them in any way.
5. Access point broadcast frequencies and channels shall be set and maintained by Information Services. Any device or equipment found to be interfering with access point signals may be subject to relocation or removal, including cordless phones, microwave ovens, cameras, light ballasts, etc.
6. All computer equipment and devices used to connect to the College's network must display reasonable physical security measures. Users are expected to secure their College-connected devices when they are physically at their machines as well as when they step away.
7. Wireless access users agree to immediately report to Information Services any incident or

suspected incidents of unauthorized access point installation.

8. Use of the wireless network is subject to the same guidelines as the College's Acceptable Use Policy.

Failure to comply with the Wireless Access Policy may result in the suspension of wireless access privileges and possible disciplinary action.

2.5 Facilities Management

2.5.1 Facilities Management Department

Maintenance, Grounds and Housekeeping are responsible for the maintenance of campus buildings, facilities and grounds. The overall responsibilities of these departments include:

1. **Custodial and Related Services**: Routine cleaning (vacuuming, dusting, emptying trash containers and outside ashtrays, dusting, mopping, restroom cleaning, stripping, waxing and spray buffing); supplying items such as toilet tissue, paper towels, hand soap, trash can liners, door matting and runners, light bulbs and tubes; cleaning of elevator interiors and minor cleaning of vents in the ventilating system; interior window washing; floor cleaning; removal of non-hazardous waste and recyclable materials; etc.
2. **Building Maintenance and Repair**: Minor repairs and maintenance to buildings, both interior and exterior.
3. **Minor Renovations and Alterations**: Minor renovations and alterations (i.e., painting; changes in facilities configuration; fabrication, modification, removal, or installation of hardware and equipment; signs; erection, relocation, or removal of partitions, doors, and windows; etc.) to any facility on campus.
4. **Maintenance of Mechanical and Electrical Systems**: Maintenance and repair of ventilation, air conditioning and refrigeration systems; maintenance and repair of plumbing systems; installation of plumbing involved with minor repairs, alterations, and renovations; electrical repair and maintenance within the buildings; maintenance of secondary electrical systems which include switchgear, interior circuitry, panels, etc.; installation of interior electrical wiring; maintenance of emergency generators; oversees the operation of all campus elevators; maintenance of exterior lighting connected to and adjacent to Davis & Elkins College buildings; maintenance and repair of bells and clocks; maintenance and repair of fire alarm systems; installation, testing and maintenance of equipment and new installations; etc.
5. **Campus Lighting**: Includes repairs to existing lighting, as well as the routine and preventative maintenance and lighting of Davis & Elkins College buildings, as well as the installation or the addition of special lighting.
6. **Landscape Maintenance**: Routine campus clean-up, including: trash and garbage removal from dumpsters, outside trash receptacles, and grounds; maintenance and repair to steps, walks, etc.; cleaning, grading and repairs to roads, sidewalks, parking lots, ditches, and campus street sweeping; maintenance of athletic fields; planting of shrubs, trees and plants around buildings; pest management (i.e. spraying, fertilization of shrubs, trees, ground covers and lawns);

mowing of campus lawns, removal of leaves, limbs and other debris from campus; sign installation and hanging of banners.

Note: The installation and maintenance of data and television cables within the building walls and telephone repairs and line checks for noise or other problems is the responsibility of Information Services.

2.5.1.1 Reporting Maintenance and Repair Service

Situations observed which appear to require immediate maintenance or repair attention must be reported to either the Housekeeping Supervisor or Director of the Physical Plant. Issues may be reported by calling the department, emailing the appropriate staff member, or submitting a work order form in person depending upon the nature of the request and general instructions provided by each department.

Emergencies must be reported to the Office of Public Safety and will be addressed pursuant to the Davis & Elkins College Emergency Response and Safety Plan.

The maintenance of data and television cables within the building walls and telephone repairs and line checks for noise or other problems must be reported to Information Services.

2.5.2 Cooling and Heating Systems

Most academic and administrative building thermostats that control cooling and heating systems are secured in a manner so that only Physical Plant personnel can set or adjust them. In buildings that are thermostatically controlled, Davis & Elkins College employees must not attempt to adjust thermostats without the express permission of Physical Plant personnel. Requests for an adjustment by Physical Plant staff should be made if there is evidence that the thermostats have malfunctioned. If this is the case, a repair request must be submitted, so that Physical Plant personnel may correct the problem.

2.5.3 Environmental Conservation

Davis & Elkins College is committed to conservation and protecting the environment. The Davis & Elkins College community is encouraged to:

1. Recycle: Paper, plastic, aluminum, and cardboard;
2. Conserve Energy:
    a. Carefully use electricity; turn off lights and appliances when not in use;
    b. Responsibly use heat in the winter;
    c. Save water;
    d. Minimize hot water use;
    e. Minimize waste of water in daily living;
    f. Refrain from dumping toxic products down the drain;
    g. Maintain good indoor air quality.

3. Abide by the Davis & Elkins College Smoking and Tobacco Use Policy;
4. Allow for proper ventilation;
5. Avoid the use of toxic products (i.e., use laundry products that are non-toxic).

2.5.4 Facilities Use and Rentals

2.5.4.1 General Reservations and Conditions of Use

Davis & Elkins College facilities are held and made available for internal College use as the first priority. Academic space is assigned by the Office of the Registrar, athletic space is assigned by the Athletic Department, and Hospitality Services is responsible for assigning all other space on campus. Requests to reserve space from individuals not affiliated with the College will be considered and, when appropriate, efforts will be made to accommodate requests as received. Hospitality Services is the primary point of contact for space requests and reservations for outside groups and organizations. The College reserves the right to accommodate or deny availability at its sole discretion.

Individuals who are not affiliated with the College and outside groups and organizations must complete a Facility Use Agreement and abide by all terms included in the agreement. These terms may include, but are not limited to, requirement for background checks, sexual abuse awareness training, waivers of liability reservation deposits, and certificates of insurance. Terms of the agreement also include restrictions on use of food and beverage products on campus as well as eligibility criteria for deposit refunds. In addition to or in conformity with the Facility Use Agreement, the following conditions also apply:

General Conditions of Use: College and campus policies, rules, and regulations must be respected and followed by all users of facilities. These include, but are not limited to, the following:

1. Users may not engage in activity that interferes with the College mission, programs, and freedom of movement by the campus community;
2. The College logo, insignia, trade, and service marks may not be used in conjunction with events that are not sponsored or co-sponsored by the College;
3. The College reserves the right to dismiss any event if deemed necessary;
4. The College reserves the right to impose additional or special restrictions on facility usage as needed;
5. Organizations are responsible for leaving all facilities used in neat and orderly condition. Failure to do so may result in a service charge to the organization for cleaning or re-setting the facility;
6. Only those facilities assigned on the dates and times specified may be used;
7. The number of participants must not exceed the authorized room capacity;
8. The sponsoring organization must be responsible for the conduct of its members;

9. Requests to move special properties, decoration, or scenery, etc. into the College or onto the grounds prior to or on the date of the event must be approved in writing by the department authorizing use of the facility.
10. Signage may be provided by the sponsoring organization to direct participants to the event, but must be removed immediately after the event;
11. Furniture may not be relocated during the event. Furniture setups will be handled by the department authorizing use of the facility with the assistance of Maintenance and Grounds, as needed, if advance notification is given;
12. Parking is restricted to designated areas only.

Alcohol Service: Prior to any event where alcohol will be served, the sponsoring individual or entity must secure and present any necessary permits and/or insurance to the approving authority. The College will cancel the event if such licensure and/or insurance is not obtained. Moreover, the sponsoring entity must agree to comply with the College's Serving Alcohol on Campus Policy.

Promotional Disclaimer: External users may not state or imply Davis & Elkins College sponsorship or endorsement of their activities without the College's consent. Promotional material and advertising for non-College sponsored activities must include a disclaimer that the event is not a College program.

Use Fees: The use of Davis & Elkins College facilities by non-College related groups may be subject to a fee to cover utilities, maintenance, security (if necessary), parking, and other costs. If the use requires special services or equipment from the College, additional charges may be made for these services. Fees are determined and approved by the Vice President for Business and Finance.

2.5.4.2 Use of Davis & Elkins College Facilities by Candidates for Political Office

In service to its local community, its students and its employees, Davis & Elkins College may offer declared candidates for local, regional, state and national office the opportunity to utilize its facilities during a campaign to engage and educate supporters, opponents and undecided voters, including the campus community. However, such events must conform to the requirements stated below:

1. The appearance of a candidate for public office on the Davis & Elkins College campus must be for an educational or informational forum or talk to the Davis & Elkins College community (as opposed to campaign rallies or events) and must be sponsored by a registered student, faculty, or staff organization. Appearances must be coordinated with the President of the College, who will ensure that opportunities to appear on campus are extended to all legally qualified viable candidates running for the particular public office and that none of the candidates are favored in relation to the appearance activity. The moderator also will make it clear that the institution does not support or oppose the candidate(s) appearing. Moreover, campaign fundraising at the event will not be permitted.
2. Inviting candidates to appear in a non-candidate capacity is permitted at Davis & Elkins College, provided that the individual is chosen to speak solely for reasons other than the

candidacy, the individual speaks only in his or her non-candidate capacity, and no reference to the election is made. Such appearances must be sponsored by a registered student, faculty, or staff organization and coordinated with the President's Office, which will ensure that a nonpartisan atmosphere is maintained during the event and that campaigning will be prohibited. The moderator of the event must also make it clear the capacity in which the candidate is appearing and shall not mention the candidacy or the upcoming election in any communications announcing the candidate's attendance.

3. All events held on the Davis & Elkins College campus featuring candidates for public office will be open to the general College community. An "open" event is defined as one for which no fewer than one-half the available seats or spaces are available to the general College community based on a non-biased distribution of tickets (such as first-come, first-served).
4. Davis & Elkins College will consider all requests for facility use by campaigns to be rental requests. Though Davis & Elkins College may waive all regular rental fees for approved campaign appearances, a candidate/campaign will be responsible for any costs related to their proposed events (including staging, security, catering, etc.).
5. Davis & Elkins College buildings and grounds are not permitted to be rented or used for political fundraising. For example, a meeting on campus with an organizer for a specific candidate that is focused on recruiting campaign workers from the student population would be a violation of these guidelines. On the other hand, a Davis & Elkins College graduate now working for a particular candidate speaking on campus to a group of students about what it has been like to be in the political arena, and what the candidate's particular experience has been, would be allowable.

2.5.5 Occupant Responsibilities

Divisions/Departments occupying Davis & Elkins College buildings are responsible for turning off lights, locking doors, and securing the buildings in general at the end of the working day. When leaving classrooms, faculty members are responsible for turning off lights.

2.5.6 Postings on Campus

Davis & Elkins 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 Davis & Elkins 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. Davis & Elkins 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.

2.5.7 Third Party Advertising on Campus

Outside establishments wishing to solicit products or services or advertise on campus property (other than the athletic facilities) must have all flyers, announcements and advertisements approved by the Office of Student Life.

Outside establishments that are approved to advertise on campus will be charged a fee for each piece of advertising. This fee must be paid at the time of approval by the appropriate office, and the advertisement will then be sent to the Office of Student Life for posting. The fee amount is subject to change without notice.

All advertising must conform to the practices currently in place with regard to alcohol and propriety: no alcoholic beverages may be mentioned; no drink specials or drinking games such as "sink or swim" may be included; and all advertising must have appropriate images and language.

All outside announcements, flyers or advertisements allowed on campus must follow and adhere to the College Posting on Campus Policy.

Any outside establishment failing to follow the procedures outlined in this policy statement will be given one letter of warning. If subsequent violations occur, the establishment will be invoiced for the unauthorized advertising and all other advertising for which the establishment may have contracted, e.g. *Forward* magazine and The Senator newspaper, will be suspended until the charges associated with the unauthorized advertising have been paid. The establishment listed on the advertising is responsible for any advertisement bearing its name.

Note: Advertising in the College's athletic facilities must be approved by the Director of Athletics in accordance with established Athletic Department advertising procedures.

2.6 Marketing and Public Relations

2.6.1 College Advertising

Davis & Elkins College's Advertising Policy ensures a consistent public image for the College that reflects its mission and promotes its key marketing messages and maximizes the impact of the College's advertising resources.

Davis & Elkins College places all advertising through the Office of Communications & Marketing. All advertising desired by, departments, offices and sanctioned organizations of the College must be coordinated through this office. This includes all forms of paid and free advertising, including print (newspaper, magazine, etc.), broadcast (radio and television), online, billboards and signage. Moreover, no advertising commitment may be executed on the College's behalf without consulting one of these individuals or entities.

For campus event and academic program advertising that has assigned funding, the Vice President for Institutional Advancement must be contacted. To begin the ad planning process, members of the College community will need to provide: a clear statement of the advertising objectives, information on the size of the budget and applicable account number, the specific details of the event, and any graphics or photography needed for the advertisement. Based on this information, an advertising schedule can be developed, an appropriate size can be selected, and creative can begin. It is important to allow adequate time for advertising planning, creation and placement. Please contact the Vice President for Institutional Advancement as soon as possible to discuss any advertising.

Employment advertising placed by the Office of Human Resources and Office of Academic Affairs is exempt from this policy. However, advertisements must comply with the Davis & Elkins College Communications Standard Manual. Posters, signs, notices, flyers and banners intended exclusively for on campus audiences also are excluded from this policy.

2.6.2 College Publications

All publications prepared or supervised by the College faculty or staff members, financed through the expenditure of College funds (to include agency funds), and bearing the College seal and/or name are considered to be College publications. Accordingly, they must be prepared under the direction of a designated member of the College faculty or staff, and all such publications shall be the direct responsibility of a designated office, department or division as follows:

Student Recruitment Materials

Recruitment of students is the responsibility of the Office of Enrollment Management. Based on data provided by the Office of Institutional Research, the Office of Enrollment Management annually reviews published student recruitment materials to ensure that Davis & Elkins College publications and electronic postings accurately reflect the College's programs and admissions standards and that all student related data made public by the College is otherwise accurate and complete, including student achievement of learning and student persistence, retention, and completion data.

Specifically, the Office of Enrollment Management reviews all printed and electronically published student recruitment content with the Office of Institutional Research, the appropriate

academic department and then the Vice President for Academic Affairs for accuracy when appropriate. This review process ensures that printed recruitment materials accurately represent Davis & Elkins College and its policies, practices and programs. All official Davis & Elkins College printed and electronically posted student recruitment materials prepared for external distribution must meet certain standards regarding editorial and graphic style, and consistency with the College's image as defined and directed by the Davis & Elkins College Communications Standards Manual. This final review is conducted by the Vice President for Enrollment Management.

In addition to printed recruitment materials, the Office of Academic Affairs is responsible for preparing the College's Catalog, which is revised each year to accurately represent Davis & Elkins College admission practices, policies and program offerings. Current and prospective students, as well as the general public, can access the catalog on the College's website to obtain information regarding: (a) educational programs and degrees, (b) enrollment and financial aid and (c) student services. A printed copy of the catalog is also available upon request.

The Davis & Elkins College website (www.dewv.edu) is also utilized in the recruitment of prospective students and it represents the most current and comprehensive source of information about the College, including but not limited to student achievement of learning and student persistence, retention, and completion data. Admission content on the website is subject to review and approval by the Office of Enrollment Management to ensure the accurate representation of institutional policies and procedures. Once approved for accuracy, the material is posted to the website pursuant to the Davis & Elkins College website policy.

Social media is also used by the College to recruit prospective students. Similar to the processes note above, all social media postings related to student recruitment are approved by the admissions office to ensure accuracy. Once approved, the Office of Enrollment Management confers with the Online Communications Coordinator for final approval prior to posting.

Finally, the Office of Enrollment Management makes periodic visits to high schools, junior colleges, and other sites to present information about Davis & Elkins College and its academic programs. These staff members participate in training programs that familiarize them with the College's policies, programs, and facilities, and they accurately and ethically portray these aspects of Davis & Elkins College in their presentations.

Other College Publications

All other non-student recruitment related publications prepared or supervised by the College faculty or staff members, financed through the expenditure of College funds (to include agency funds), and bearing the College logo and/or name must be prepared and approved under the direction of the Office of Communications & Marketing.

College publications are prepared and distributed for the purpose of accomplishing specific administrative and/or educational goals. College publications will be governed by the College's Communication Standards Manual and otherwise be consistent with the Davis & Elkins College mission and objectives. Final authority as to the nature of the material to be published and the distribution of the publications is reserved to the appropriate area Vice President as needed.

The assignment of direct responsibility to the Office of Communications & Marketing does not preclude the selection of a faculty or staff adviser assigned to another office or department. In such cases, the original office does not relinquish the basic responsibility for the preparation and distribution of the publication.

Budget allocations are provided in the approved budgets for the office, department or division directly responsible for the publication.

Any College publication that is intended for external distribution must be approved by the Executive Vice President prior to contracting for the printing process. This directive is designed to ensure that all publications intended for external audiences are consistent with College policies and publication standards. Any publication printed without this approval will not be funded with College resources.

If such publications are to be supported or sponsored by advertisements from local merchants, the solicitation for such support must be approved in advance by the Office of Institutional Advancement. Defraying the cost of publication by advertisements does not negate the requirement for approval by the Executive Vice President.

2.6.3 Campus Event Flyers

Davis & Elkins College campus community members are strongly encouraged to produce and post flyers or posters to promote a College-approved event.

Please contact the Office of Communications & Marketing on how to proceed with the production of promotional materials.

Flyers must be approved by the Office of Student Life before posting on campus unless produced by the Office of Communications & Marketing. Contact the Office of Student Life for information on approvals and the quantity of flyers recommended for posting.

2.6.4 Davis & Elkins College Website

www.dewv.edu is the official website of Davis & Elkins College. It is designed to communicate the College's message to key audiences around the world. It is a highly visible marketing tool as well as a portal to the online services for the campus community.

The Davis & Elkins College website is maintained by the College's Online Communications Coordinator, who is charged with working with the content management system to post new content and also is responsible for keeping photography up to date. Many College offices and departments provide content to the Office of Communications & Marketing. The Online Communications Coordinator works with stakeholders and the Executive Vice President to decide on the links and menu options on pages for each area of the College. In addition, the Online Communications Coordinator makes sure that the site operates correctly, and monitors the programming that controls the user experience. The Online Communications Coordinator is the key contact for adding or changing functionality to the site and consults with others for assistance and approval prior to making changes. In this regard, all "official" Davis & Elkins College web page revisions and additions must receive final approval from the appropriate Cabinet member prior to submission to the Online Communications Coordinator for posting. The Executive Vice President will confirm the proposed postings are consistent with Davis & Elkins College policies

and guidelines, including but not limited to the Davis & Elkins College Communications Standard Manual, as well as local, state, and federal law. Before Davis & Elkins College policies are posted to the official College website, such policies must have been vetted and approved through the policy approval process outlined in Volume I of the *Davis & Elkins College Policy Manual*.

Department, Division and Office Pages:

Websites and social media sites that have been developed in direct support of and sponsored by Davis & Elkins College offices, departments, divisions and programs are considered official Davis & Elkins College web media and are subject to review and approval by the Davis & Elkins College Office of Communications & Marketing.

Page designs, graphics (including logos), text and photography created for Davis & Elkins College's websites or other promotional material are intellectual property reserved for Davis & Elkins College and may not be reused, copied or duplicated in whole or in part without permission from the Office of Communications & Marketing.

New websites and online pages should not be created without the involvement and approval of the Office of Communications & Marketing, as well as the President or his or her designee. Approved biographies and official sites may be linked to the College's websites by the Office of Communications & Marketing.

2.6.5 College Use of Social Media

Social media sites that have been developed in direct support of and sponsored by Davis & Elkins College offices, departments, divisions and programs are considered official Davis & Elkins College web media and are subject to review and approval by the Davis & Elkins College Office of Communications & Marketing.

Page designs, graphics (including logos), text and photography created for Davis & Elkins College promotional material are intellectual property reserved for Davis & Elkins College and may not be reused, copied, or duplicated in whole or in part without permission from the Office of Communications & Marketing.

Social media accounts should not be created without the involvement and approval of the Office of Communications & Marketing, (as well as the College President.) Approved biographies and official sites may be linked to the College's websites by the Office of Communications & Marketing.

These guidelines are intended to guide and enable faculty, staff, students and alumni who create and administer social networking pages on behalf of Davis & Elkins College. They do not pertain to, nor do they constrain, scholarly, academic or pedagogical use of social media.

Usage by Campus Offices, Student Organizations and Alumni Organizations

Davis & Elkins College recognizes that campus offices, student organizations and alumni organizations may use various online media to communicate, promote and inform others about programs, services and activities. The guidelines herein apply to all Davis & Elkins College-affiliated online information. Groups choosing to use online services need to be aware that they are using the College's name and that this can impact the image and reputation of specific individuals, the group, and the College.

Purposes of College Social Networking Sites

For the College as a whole:

- To support and enable recruiting, retention and alumni relations
- To develop virtual Davis & Elkins College communities
- To foster interactivity
- To share information

For academic departments and divisions:

- To maintain connections to alumni and help foster connections among alumni and donors
- To assist with assessment
- To find opportunities (internships, job leads) for current students
- To engage current students in special projects and opportunities

For admission:

- To create community among admitted and prospective students
- To assist in the enrollment process

For student groups (ex. GreenWorks!):

- To communicate with members (events, announcements, photos)
- To recruit members

For alumni affinity groups, such as reunion classes:

- To share information, foster attendance, reconnect

Main Davis & Elkins College social media sites (Facebook, Twitter, LinkedIn, etc.):

- To push news, keep Davis & Elkins College top of mind, stay connected
- Friend-raising

In addition to the above, the following criteria will be considered when there is a request to establish an official College presence on social media site or to participate in social media on behalf of Davis & Elkins College:

1. Whether or not Davis & Elkins College's involvement can be carried out in such a manner that positively supports the institution's values, missions and goals;
2. Whether or not the engagement with the audience adds value to both Davis & Elkins College and the audience;

3. Whether or not the approach is as effective or efficient as other approaches that might be used (i.e. would an existing Davis & Elkins College social media initiative or the Davis & Elkins College website accomplish the same goals);
4. Whether or not the use of social media enables the College to offer services it might not otherwise be able to offer; and
5. Whether or not sufficient resources exist to appropriately manage the interactions.

At least one College employee will be designated to monitor the medium, identify problems that emerge, take action when necessary, and ensure timeliness and accuracy of content.

Approval Process: A request for College presence or participation on social media sites on behalf of Davis & Elkins College must be approved by the department or division head responsible for the area seeking to use the medium.

Once departmental or division approval is obtained, the request will be forwarded to the Office of Communications & Marketing for approval.

The level of editorial control for Davis & Elkins College presence or participation on social media sites will be identified and agreed upon with the Office of Communications & Marketing during the approval process.

Updating and Monitoring Accounts: Social media should be updated on an ongoing basis to enable rapid response to any problems that may arise and to ensure an engaging, interesting environment for visitors. To be effective, pages must be dynamic and require consistent updating.

Employee use of approved social media on behalf of the College should be consistent with College policy, including but not limited to Davis & Elkins College's guidelines and acceptable use, copyright and student record policies, the Communications Standards Manual and Social Media Guidelines. The Office of Communications & Marketing is charged with the responsibility to monitor Davis & Elkins College's social media initiatives, counsel those who represent Davis & Elkins College online regarding College policy, and take action to restrict or remove an employee's ability to "publish" should efforts to correct the situation fail.

2.6.6 Photography and Filming on Campus

2.6.6.1 Photo Coverage

Photo coverage of College events or to accompany College press releases can be provided through the Office of Communications & Marketing. The Office of Communications & Marketing also can arrange a pre-event photo opportunity, as well as post-event photo coverage for use on the College website or in media relations. The Office of Communications & Marketing can either take photos or work with provided quality images. Photo needs should be discussed with the Office of Communications & Marketing as soon as event planning begins.

Providing Photos: Individuals planning on providing their own photos must be sure that they are digital files with a resolution of at least 300 dpi. In addition, image size should be set for at least 4" x 6". Larger images are even better.

Using Existing Davis & Elkins College Photography: Individuals who would like to use photography that the College already has on file should not download photos from the website. The website photos are set to load fast, thus, the files are small and they will not reproduce well in print. In most cases, a high resolution file of images is on online through the D&E Flickr account or through the Office of Communications & Marketing. Individuals who would like to use an image for a project should contact the Online Communications Coordinator to discuss photo needs.

Usage Rights: Photography that is taken by a Davis & Elkins College employee in their professional capacity is the property of the College. Photography taken by a hired professional may have restricted usage rights, depending on the terms of the College's contract with that photographer. The Office of Communications & Marketing keeps a copy of all contracts on file and can advise what rights the College owns for all photos.

Release Forms: It is strongly recommended that all people in photos used for College publicity sign release forms. In addition, they should be informed as to how the photos may be used. A release form gives the College the right to use that person's image and it states the intended uses for the image. It is a short form and may be obtained from the Office of Communications & Marketing.

2.6.6.2 Professional Photography on the Davis & Elkins College Campus

Professional photographers or videographers, organizations, and companies, including representatives from the media, wishing to engage in still photography, videotaping, or filming on the Davis & Elkins College campus must first contact the Office of Communications & Marketing with requests.

Upon approval, such individuals may photograph, videotape or film only in those areas and during the time frames authorized by the Office of Communications & Marketing. In addition, such individuals must obtain the permission of the subjects of their photography, videotaping or filming. Finally, such activities must be conducted in a non-disruptive manner and in compliance with Davis & Elkins College policies.

Note: Photography at events coordinated via the College's Hospitality Services do not require approval from the Office of Communications & Marketing.

2.6.7 Forward Magazine

The Forward magazine is the College's primary means of communicating with key constituents, including alumni, donors, parents, the Presbyterian Church, other colleges and institutions and the media. The publication has a circulation of approximately 10,000 and is mailed to individuals two times each year.

The content of the magazine is selected and approved by the President, the Executive Vice President and the Communications & Marketing team. Individuals who would like to submit a story should contact the Office of Communications & Marketing.

The publication has an eight-week planning cycle. As such, individuals with story ideas should contact the Office of Communications & Marketing in advance so that the needed interviews and photography can take place.

2.6.8 Public Relations

2.6.8.1 Appearances Before Accreditation and Government Agencies

Subject to specific control by the Board of Trustees, all official dealings on behalf of Davis & Elkins College with government or accreditation offices, boards and agencies are subject to the direction of the President or an authorized designee. Individuals seeking to make an appearance on behalf of Davis & Elkins College before such offices, boards and agencies must obtain permission from the President's Office.

2.6.8.2 Media Relations and Press Releases

The Office of Communications & Marketing develops and maintains relationships with the news media and is responsible for final editing and review of material prepared for release to the news media from all areas of the College.

Davis & Elkins College public relations services include:

- News writing and editing;
- Distribution to media;
- Planning and follow-up with editors and reporters;
- Hometown press releases for individual students;
- Radio or television interviews;
- Coverage in college publications;
- Photo coverage; and
- Website coverage.

To get news out, please start by contacting the Media Relations Coordinator as early as possible when beginning to plan an event or story idea. It is essential that adequate lead-time be given to receive publicity for the event, accomplishment or idea.

It is extremely helpful for individuals to provide something in writing, preferably an email or other computer-generated document that does not have to be retyped and that serves as both a reminder and the basis for a story. If a photo is available, it should be included with the submitted materials. If a digital file is not available, a print may be sent for scanning.

Please be advised that the amount or timeliness of media coverage will depend on the amount of competing news items and projects going on. Again, please allow adequate planning time – not only for colleagues, but also for the editors and reporters. A one-week notice may result in a story not running, even if it is released.

How to Check on a Release

Campus community members who want to know if a requested story has been released are urged to check the Davis & Elkins College website. College stories are posted on the home page on the day of release. Then they are moved to the News Room Headlines section and archive, where the release date is verified. Digital photos are also included with the releases online.

2.6.8.3 Authorized College Spokespersons

In instances of crisis, the President or his or her designee is the only authorized spokesperson for the College. In the event another member of the College community would be a more appropriate spokesperson on specific campus matters, the President or his or her designee will designate other administrators or staff to speak to the media on a case-by-case basis. Additional information can be found in the Emergency Response and Safety Plan.

2.6.8.4 Media Communications

Members of the faculty, administration, and staff are free to respond to requests from the media regarding their research, scholarship, teaching or professional expertise. However, the Office of Communications & Marketing should be notified as soon as possible regarding the contact. This is important to ensure a coordinated, consistent response if needed. Media inquiries which involve issues with College-wide significance and/or are of a controversial or sensitive nature must always be referred to the Vice President of Institutional Advancement who will then inform the Media Relations Coordinator.

Guidelines for communicating with the media include the following:

1. Media inquiries should originate with the Office of Communications & Marketing. However, when that does not occur, obtain the name of the person calling, the media organization and, if available, the anticipated time of release of information in print or broadcast. This information should be included when the notification is made to the Media Relations Coordinator;
2. Be prompt, helpful and honest with the media member;
3. When interviewed by a member of the media, understand each question before answering. If uncomfortable providing a response, inform the media member that the Media Relations Coordinator will follow up on the matter. The Media Relations Coordinator can also assist and be present for the interview if desired. Standard interview protocol for the Office of Communications & Marketing is that either the Media Relations Coordinator is on hand for video interviews.
4. Do not offer speculations or gossip;
5. Issues that should not be discussed with reporters are legal issues, personnel issues, questions that involve College integrity, such as ethics or issues that may result in harm to others, or a campus crisis or emergency. In addition, media inquiries that involve information about specific students or employees should be directed to the President's Office.

2.6.9 Davis & Elkins Communication Standards

2.6.9.1 The College Colors

The official colors of Davis & Elkins College are red and white.

Davis & Elkins College red is specified as PMS 186 and should be used as the dominant color or as a strong accent on all materials designed to promote and identify Davis & Elkins College. An approximate match of this color should be selected for non-paper items, such as apparel, banners, cups, or other promotional items.

Matching the Color Standard

A PMS 186 sample is included with the Communications Standards Manual. That is the official color standard that should be referenced for purchasing any College item that features the school color.

Printed materials should be an exact match, including four-color pieces.

Apparel and other pre-manufactured, imprinted items (such as pens) should match as closely as possible. Color samples should be reviewed and approved prior to purchase to ensure that the selection approximates PMS 186.

A color standard provided by the Office of Marketing and Communications should be given to all suppliers of items that need to match PMS 186.

PMS 186

PMS 186 is a standard color developed by the Pantone Company, which is dedicated to creating standardized, reproducible colors for use in branding programs. PMS 186 is not a "custom" color. It is a "matched" color that printers and designers around the world can mix. PMS stands for the Pantone® Matching System.

Controlling Color in Fabric and Other Media

The College's printed standard is an approved ink drawdown of PMS 186 that can be given to suppliers as a reference. The standard shows acceptable levels of minimum and maximum ink coverage as well as the accepted hue for PMS 186. Printed jobs that do not meet the standard must be rejected.

2.6.9.2 Use of the College Seal

The Davis & Elkins College seal must be used sparingly and reserved for official College uses, preferably for events and materials associated with the academic program and to authenticate official College documents. Usage of the College seal must be approved by the President.

2.6.9.3 Use of the Davis & Elkins College Logo

The Davis & Elkins College logo is the foundation of the College's visual identity and is to be used on all communications materials. Using it consistently will enhance recognition of the College.

The logo can be used in three formats: stacked, linear, and circle.

Colors

In its complete, two-color form, the logo features black and Davis & Elkins College red (PMS 186) type and a gray ampersand created with a 50% screen of black. The logo also may be produced in one color, with a 50% screen of the single color being used for the ampersand.

Usage Guidelines

The Davis & Elkins College logo serves as the branded trademark for Davis & Elkins College. It must appear on all College advertising and promotional literature, particularly as part of the signature block.

There are no restrictions on how large or small the logo must be use. It should be used according to principles of good design: prominent, easy-to-read and sized for pleasing proportions relative to adjacent typography. It does not have to be the dominant graphic on a page; however, it must be treated as an important graphic element, surrounded by sufficient white space, and marked by the trademark symbol.

The logo is not meant to serve as a headline. If the name of the College is used within a headline or as text, the logo must not be used. The logo must only be used as a "stand-alone" design element that brands the College.

Usage of the College logo must be reviewed and approved by the Office of Communications & Marketing.

To obtain graphics files of the College logo contact the Office of Communications & Marketing.

The official Davis & Elkins College logo may be used alone or within the approved circle design that features the words "Founded 1904."

The Davis & Elkins College logo is not a substitute for the College's official seal, but it may be used as a primary graphic on College pieces. On printed or narrative pieces, the official logo must be used.

The Davis & Elkins College logo may be used in the color combinations set forth in the Davis & Elkins College Communications Standards Manual.

2.6.9.4 Use of the Davis & Elkins College Senators Logos

The Davis & Elkins College Senators logos are for use in direct association with Athletics only. The Senators logos are not to be substituted for the College logo for institutional or academic purposes.

Use of the Athletics logos must be approved by the Director of Athletics and may only be used to promote Davis & Elkins College Intercollegiate Athletics.

2.6.9.5 Use of the Davis & Elkins College Stationery System

The Davis & Elkins College letterhead features the College logo and is to be used by all persons or departments. The stationery is available in a standard size logo letterhead with matching #10 envelopes or an Executive size letterhead with matching executive envelope.

Matching business cards are also available.

Stationery may be purchased in minimum quantities of 250 for business cards and 500 for letterhead and envelopes through Office Services.

2.6.9.6 Use of College Identity System Advice and Approvals

All materials that feature components of the Davis & Elkins College identity system must be approved by the Office of Communications & Marketing.

2.7 Institutional Advancement

2.7.1 Office of Institutional Advancement

The Office of Institutional Advancement is responsible for overseeing all institutional fundraising for Davis & Elkins College.

1. The D&E Fund, which supports institutional and departmental operating budgets, is the primary vehicle through which funds are raised. All other fundraising activities are secondary.
2. Units of the College are encouraged to help raise funds through The D&E Fund by engaging in fundraising to help underwrite their budgets.
3. On occasion, certain units of the College, or volunteers who seek to support that unit, may engage in fundraising activities to help supplement the unit's budgets.
4. To avoid confusion among constituencies and/or unintended and possibly undesired overlap among units of the College (e.g., Augusta Heritage Center, Athletics, academic centers, student organizations, alumni groups raising money for the benefit of a College unit, etc.), all solicitations must be approved by the Vice President for Institutional Advancement prior to their launching. See the College Coordination and Approval of College Fundraising Solicitations Policy for additional information.
5. The Director of each unit engaging in fundraising, or a person designated by the Director, will serve as liaison to the Office of Institutional Advancement and will provide ongoing communication concerning the results of the solicitation and coordination of recording and acknowledgment of all gifts received.
6. Any proposed contracts with external agencies or vendors must be reviewed and approved by the supervising member of the Cabinet and the Vice President for Business and Administration with copies to the Executive Assistant to the President.

2.7.1.1 Types of Gifts and Fundraising Revenue Activities

1. Unrestricted gifts to The Davis & Elkins College Fund are the College's first priority. All such gifts are tax deductible.
2. "Designated" gifts (tax deductible) may also be encouraged within The D&E Fund to help underwrite departmental and programmatic budgets (salaries, scholarships, and the expense budget for each unit) as well as budgeted equipment and facilities enhancement. These are solicited as part of The D&E Fund by the Advancement staff with encouragement to donors by faculty, staff and volunteers.
3. "Restricted" gifts (tax deductible) for capital purposes are not included within the operating budget. These are solicited by the Advancement staff in collaboration with faculty and staff in individual units. Recent examples are the Allen Athletic Fields, Seybolt Indoor Golf Academy, and Myles Center for the Arts.
4. "Memberships" (tax deductible for whatever value is not represented by goods or services provided to the donor) Senator Nation or other "booster" organizations. Invitations to membership are handled by the programmatic unit in coordination with and approval of the

Advancement. Funds from memberships provide funding over and above departmental budgets and are managed at the discretion of the Director of the unit and Vice President for Business and Administration.

5. Group- or Team-based Appeals (tax deductible) may be conducted by individual groups with approval by the Office of Institutional Advancement. Appeals will be approved if they represent Davis & Elkins College in a professional manner and do not compete directly with other College-sponsored appeals (i.e., they approach constituents who do not normally receive College appeals, or are timed to avoid other College appeals).
6. Fundraisers include a charitable gift component (may be partially tax deductible) sponsored by various teams or groups (fundraising events such as a golf tournament or sales of items at a cost substantially above fair market value). These generally are to fund projects/expenses over and above the College or unit operating budgets. These are the responsibility of the various groups but must be carefully coordinated with the Office of Institutional Advancement to ensure proper recording and acknowledgment of the charitable gift portion of the transaction.
7. "Ads" appearing on the website, in printed programs and schedules (not tax deductible). These are the responsibility of the Director of the unit in coordination with the Office of Communications & Marketing.
8. Fundraisers with no solicitation for gifts (not tax deductible) may also be sponsored by various teams or groups (bar-b-ques, car parking, car washes, etc., in which participants purchase goods or services at a fair market value). These generally are to fund projects/expenses over and above the College or unit operating budgets. These are the responsibility of the various groups, coordinated to the extent appropriate with the Office of Communications & Marketing.
9. Gifts collected by external agencies do not qualify for a charitable tax deduction through Davis & Elkins College. However, the College can issue "soft" (i.e., recognition) credit to donors if provided with information about the gifts.

2.7.2 Coordination and Approval of College Fundraising Solicitations

2.7.2.1 Coordination and Approval of College Fundraising Solicitations

The purpose of the College's Coordination and Approval of College Fundraising Solicitations Policy is:

1. To maximize gift income to the College through coordination of all fundraising appeals on behalf of the College or any unit of the College;
2. To provide a mechanism for establishing fundraising priorities and approving solicitations;
3. To promote goodwill among donors and prospective donors by assuring that all solicitations and communications with donors and prospective donors from the College are consistent with College standards and free of unnecessary or inappropriate duplication, overlap, or confusion about the intended use of gifts.

Policy Statement

The Office of Institutional Advancement is responsible for planning and carrying out all institutional fundraising for Davis & Elkins College, including The D&E Fund, which supports institutional and departmental operating budgets. Units of the College may engage in fundraising to supplement their budgets or to engage in College-sanctioned activities not covered in their budgets. To avoid confusion among constituencies and/or unintended and possibly undesired competition among units of the College (e.g., Augusta Heritage Center, Athletic Department, academic centers, student organizations, and alumni groups using the name of the College in fundraising campaigns), all solicitations must be approved by the Vice President for Institutional Advancement prior to their launching.

Implementation/Procedures

1. The Institutional Advancement staff will provide guidelines for fundraising initiatives and assist units of the College in preparing solicitations insofar as staff time permits.
2. Constituency lists will be reviewed by the Office of Institutional Advancement to assure that communications are directed to appropriate constituencies.
3. All monetary contributions must be submitted to the Office of Institutional Advancement so that proper gift credit may be issued and a gift receipt and acknowledgment letter sent.
4. Any College employee who receives an in-kind contribution in support of a unit, department or division of the College shall submit information concerning the gift to the Office of Institutional Advancement so that proper gift credit may be issued.
    a. The Office of Institutional Advancement is then required to remit all in-kind contributions to the Business Office along with information regarding the contribution and restrictions placed upon the use of the funds by the donor.
    b. The Business Office is responsible for recording all cash transactions, maintaining permanent records, reviewing all expenditures, issuing checks, and generating the College's financial reports.
5. When fundraising involves applying for grants, all grant applications must be submitted to and approved by the appropriate Vice President who in turn will inform the Vice President for Institutional Advancement in cases that potentially affect the College's overall fundraising efforts.
6. Any proposed contracts with external agencies or vendors must be reviewed and approved by the supervising member of the Cabinet and the Vice President for Business and Finance, with copies to the Executive Assistant to the President. Please Note: Gifts collected by external agencies may not be qualified for a charitable tax deduction. Davis & Elkins College can issue "soft" (i.e., recognition) credit to donors if provided with information about the gifts.
7. Detailed guidelines concerning athletic fundraising may be found in the Athletic Fundraising Policy.

2.7.3 Management and Reporting of Gifts

Davis & Elkins College reserves the right to treat each gift on an individual basis, and thereby reserves the right to accept, reject or modify any agreement and/or gift. In general, Davis & Elkins

College will not accept gifts that (a) would result in the College violating its corporate charter, (b) would result in College losing its status as a § 501(c)(3) not-for-profit organization, (c) are too difficult or too expensive to administer in relation to their value, (d) would result in any unacceptable consequences for the College, or (e) are for purposes outside the College's mission. Moreover, the College's management and reporting of gifts will be guided by the standards of accounting and reporting established by the Internal Revenue Service (IRS), the Council for Advancement and Support of Education (CASE) and the National Association of College and University Business Officers (NACUBO).

The College accepts gifts in a number of forms as outlined below. Outright gifts of cash and marketable securities are preferable to less liquid assets. Other assets may be accepted with appropriate consideration. For some donors, substantial gifts are best made by bequest, through a life-income arrangement, retained life estate, or other planned gift.

2.7.3.1 Gift Acceptance

As a general rule, a solicitation for a gift or bequest stresses the advantages of an unrestricted gift in the form of cash or liquid securities. Other forms of giving, such as planned gifts, are acceptable and may offer qualified donors an attractive alternative. Such gifts may enable donors to significantly increase the level of their gifts while taking advantage of some meaningful commemorative or named gift opportunities.

Tax and Legal Advisers:

1. Donors: Individuals should consult their tax advisers concerning the treatment of these specialized gift techniques for their individual circumstances. The College advises all donors to seek their own tax and legal counsel and does not render tax, legal or financial advice.
2. College: Davis & Elkins College will seek the advice of a tax and/or legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:
    a. Gifts of securities that are subject to restrictions or buy-sell agreements;
    b. Documents naming the College as trustee or requiring the College to act in any fiduciary capacity;
    c. Gifts requiring the College to assume financial or other obligations;
    d. Transactions with potential conflicts of interest;
    e. Gifts of property which may be subject to environmental or other regulatory restrictions.

Gift Valuation: Gifts are valued on the date the donor relinquishes control of the assets in favor of Davis & Elkins College. The College adheres to the rules of gift acceptance required by the IRS:

1. Mail: the postmark date;
2. Hand delivery: the date of physical receipt;
3. Wire/electronic transfer: the date received in the brokerage account of the College;
4. Journal entry: the date of transfer into the College's account;

5. Charitable remainder trusts, charitable lead trusts and charitable gift annuities are created on the date they are funded according to the above rules. No payments may be made to an income beneficiary until that date.

Miscellaneous Provisions:

1. When a gift is given to Davis & Elkins College, it is not considered legally consummated until Davis & Elkins College agrees to the conditions and notifies the donor of acceptance of the gift. If a gift or bequest is received without disclaimer by Davis & Elkins College, the College assumes the legal obligation to administer the gift or bequest in a manner consistent with the terms specified by the donor.
2. Prior to acceptance, a restricted gift must be appraised to assure it does not place unreasonable constraints on Davis & Elkins College.
3. Scholarship gifts may not be accepted by Davis & Elkins College if they are offered on the condition, or with the understanding, that the award will be made to a student of the donor's choice.
4. As a condition of gift acceptance, Davis & Elkins College pays no fees to any person in consideration of directing a gift or for the completion of a gift instrument to Davis & Elkins College.

2.7.3.2 Outright Contributions

Davis & Elkins College will generally accept outright gifts for current operations (unrestricted or restricted for a particular department, athletics or other purposes); capital purposes (buildings, improvements to facilities and equipment), and endowment funding (unrestricted or restricted).

Outright gifts may be given as follows:

Cash – Gifts in the form of cash and pledges are recorded in the amount of the actual gift.

- Any amount is welcomed.
- Unrestricted contributions are encouraged. A donor has the option to restrict some or all of a gift to a specific program or department.
- The donor is credited with the full amount of the cash gift. In cases where the donor receives something of value in return for the donation, the donor is made aware of the cost of the benefit received. In these cases, the gift processor deducts the cost of the benefit received against the donation.
- Gifts of cash may be made in the form of currency, personal check, credit card charge, cashier's check or money order. All checks are made payable to Davis & Elkins College and not to an employee, agent, or volunteer for the credit of the College. Checks are deposited in the ordinary course of business and no employee or agent of the College is permitted to delay deposit of such.
- Donors may make gifts to Davis & Elkins College through donor-advised funds or charitable checking accounts. Receipts are not generated for gifts from donor-advised

funds or charitable checking accounts, however, acknowledgment letters are completed as requested by the organizations or charities administering the accounts.

- Donors whose gifts are matched by a company receive soft credit for the matching amount. The donor is recognized for the combined total of the donation and the matching gift in any donor listing. A tax receipt is sent to the matching gift company.

Marketable, Publicly Traded Securities – Stocks, bonds and other negotiable securities that are regularly traded on a public stock exchange.

- Marketable, publicly-traded securities are receipted at the average of the high and low market value on the date the donor relinquishes control of the assets in favor of Davis & Elkins College or other valuation techniques approved by the IRS.
- Stock certificates mailed to Davis & Elkins College are recorded according to the postmark date.
- Stock certificates sent to Davis & Elkins College via a third party provider, such as UPS or Federal Express, are considered to be legal gifts as of the date of receipt by the College.
- Stock shares transferred electronically are considered legal gifts as of the date the stock is credited to the account of the College.
- Davis & Elkins College's policy is to immediately liquidate any gifts of publicly-traded securities unless retention of the specific security is consistent with the College's investment practices.
- If a donor is an officer or director of the issuing corporation, the College inquires as to whether any Securities and Exchange Commission (SEC) Rule 144 restrictions apply that limit the College's ability to sell the donated securities.
- Davis & Elkins College does not receive or process proposed transfers of stock that have no current market value (i.e., "worthless stock") at the time a transfer to the College is proposed.
- Securities controlled under SEC Rule 144 are held until the restriction on the sale expires and then they are immediately sold in the matter indicated above.
- If the fair market value of gifted securities is greater than $500, the donor must complete Section A of Form 8283 and attach such to the donor's current tax return.

Closely-Held Stocks – A gift of stock of a private or family-held corporation, which includes not only debt and equity positions in non-publicly traded companies, but also interests in limited partnerships and limited liability companies or other ownership funds.

- Any amount is welcomed, provided the stock may be readily sold or is likely to be redeemed.
- The donor is credited with the appraised fair market value of the stock, or an estimated value if an appraisal is not available in accordance with IRS regulations.

- All such gifts of closely-held stock will be held until liquidated, at which time the funds are used consistent with the gift intentions of the donor and the established policies of the College.

Gifts of Real Estate – Gifts of real estate pose special legal and financial considerations and, therefore, may be accepted only with the approval of the Vice President for Business and Finance and the President of Davis & Elkins College, in consultation with the Vice President for Institutional Advancement. Whenever feasible, a prospective donor will be encouraged to sell the real estate in contemplation for donation to the College.

Prior to approval, the following items must be completed to the satisfaction of the Vice President for Business and Administration and Vice President for Institutional Advancement:

- Phase I Environmental Audit;
- Certified appraisal to establish the value of the property within sixty (60) days of the date of gift;
- Legal description of the property;
- Photographs of the property and/or a site visit;
- Title Insurance binder for the property within thirty (30) days of the date of the gift naming the College as the insured, at standard rates, subject to a legal opinion as to exceptions from coverage.
- The above should be provided at the donor's expense. The donor is ultimately responsible for substantiating the value of any charitable deduction. The College reserves the right to cover certain expenses if the value of the gift is a substantial amount.

Bargain Sales – A donor may elect to sell a piece of real estate to Davis & Elkins College at a price less than fair market value. The IRS considers the difference between the fair market value and the selling price to be a gift and therefore produces an income tax deduction for the donor. Davis & Elkins College benefits by acquiring property or by selling the property to a third party at market value.

Bargain sales are receipted, reported and recognized at fair market value (less any encumbrances) at the time the asset is transferred to Davis & Elkins College. The fair market value of real estate gifted through a bargain is determined by an independent, qualified appraiser in the employ of the donor.

Gifts of mortgaged real estate are treated as bargain sales are accepted only on prior approval of the President, Vice President for Business and Finance, and the Vice President for Institutional Advancement. Generally, the College does not accept a gift of mortgaged real estate unless:

- There is an assurance that the stated property can be sold within a reasonable period of time.
- There is substantial equity in the property that will be realized at the time of sale.

Gifts of Tangible Personal Property (gifts-in-kind) – All gifts of tangible personal property must further the College's mission or be readily marketable. The final determination of need rests with

the Vice President for Business and Finance and the Vice President for Institutional Advancement in consultation with the appropriate department and the President. In addition, the following guidelines must be met:

- The donor is responsible for establishing and documenting the value of such gifts for tax purposes.
- Davis & Elkins College provides donors with copies of the appropriate IRS. forms and instructions and advises the donor to seek competent tax advice before claiming a charitable deduction.
- No gift value will be assigned on the College's records without the requisite documentation.
- The donor is responsible for packing, insuring, and transporting the gift to the College.
- The College will not accept gifts with the sole purpose of selling them unless that is clearly the donor's intent and the donor is informed of the potential tax consequences of such sales.

Books: Books that add significant value to the College's collection may be accepted with the approval of the Director of Booth Library or his/her designee. The Assistant Director of Booth Library will carefully consider the cost of cataloguing, repairing, preserving, and storing the proposed books before accepting such items. Whenever possible, the Assistant Director of Booth Library will obtain from the donor prior to acceptance:

- A description of the book (author, title, date of publication, condition);
- An estimate or appraisal of the value of the gift.

Fine Art: Gifts of fine art may be accepted with the approval of the Vice President for Business and Administration and Vice President for Institutional Advancement, and the President. The following items will be needed for evaluation purposes by the donor:

- Description of the work and photograph;
- Resume of the artist, if appropriate;
- Appraisal or estimate of value;
- Any special arrangements or prescriptions requested by the donor.

Furniture and other Decorative Arts: Gifts of furniture and other decorative arts may be accepted with the approval of the Vice President for Business and Administration, Vice President for Institutional Advancement and the President. Whenever possible, a description, photograph, and estimate of the item's value should be sent prior to consideration. The College will carefully consider the costs of cataloguing, repairing, preserving, and storing the proposed gifts before accepting them.

Computers and Other Technology: Gifts of computers and other technology may be accepted with the approval of the Chief Information Officer.

Gifts of Equipment (gifts-in-kind) – Gifts of equipment may be accepted by the College. However, when such equipment requires additional and/or ongoing maintenance that is not

yet budgeted, prior approval must be received from the Vice President for Business and Finance and Vice President for Institutional Advancement. All gifts of equipment are governed by the policies and procedures applicable to the acceptance of Gifts of Tangible Property as outlined above.

Challenge Gifts or Pledges – Challenge gifts, grants or pledges requiring matching funds by the College are accepted and acted upon only through collaboration with the College's President and the Vice President for Institutional Advancement and, where appropriate, other College administrators.

2.7.3.3 Pledges

1. **Written Pledges** – A donor may stipulate the amount, purpose and payment period in a written pledge form to the College. A letter of intent from Davis & Elkins College to the donor may outline the same details based on a conversation held with the donor. The pledge form or letter of intent requires the signature of the donor. Copies of the signed pledge form or letter of intent are provided for the donor's and the College's records.
2. **Oral Pledges** – Oral pledges may be made through an authorized telephone solicitation program. These pledges are counted and reported in annual Davis & Elkins College fund totals. A confirmation notice that includes a thank you and a pledge amount is mailed to the donor immediately following the solicitation.
3. **Pledge Write-offs** – The Vice President for Institutional Advancement, in consultation with the President and the Vice President for Business and Administration, makes the final determination regarding write-offs of pledges greater than $5,000.
4. **Capital and Endowment** – Once a year the Office of Institutional Advancement reviews all "old" pledges, including:
    a. Partially paid pledges dated two or more years prior to the end of the last fiscal year and for which payments should have been, but were not, received.
    b. Pledges for which no payments at all have been received.
    c. The Vice President for Institutional Advancement determines whether these pledges should remain open or be written off.
5. **Annual Fund Pledges** – The purpose of the annual fund is to generate operating support to the institution for the current fiscal year.
    a. A review of annual pledges of more than $1,000 is conducted by the Vice President for Institutional Advancement or his or her designee.
    b. Within 30 days after the close of the fiscal year, all open pledges of less than $1,000 are automatically written off.

2.7.3.4 Planned Gifts

Deferred gifts, also called "planned gifts" or "future commitments," are different from outright gifts, as Davis & Elkins College does not realize an asset until some point in the future. It is for

this reason – the uncertainty of timing of realization – that the College records deferred gifts separately from outright gifts. The College reports the planned gift's face value and present value.

Planned gifts may be made through the following:

Bequest by Will or Living Trust – A donor may name Davis & Elkins College as beneficiary in his/her will or trust directing that Davis & Elkins College receive an outright distribution or annual payments from the donor's estate.

Gifts of Retirement Plan Assets – A donor may contribute retirement plan assets to Davis & Elkins College by means of testamentary bequests and transfers to charitable remainder trusts.

Charitable Trusts (irrevocable) – Trusts are legal documents and are not the property of the College.

Charitable Remainder Unitrust – This trust pays a set percentage of the trust's principal, as calculated annually, to the income beneficiary for life or a set term of years (i.e., the amount of the annual payments fluctuate). Additional gifts may be made to the trust at any time. When the income beneficiary dies or the term of years expires, the principal goes to the College and perhaps additional charitable beneficiaries. Trust assets must be managed separately for each trust. Proposed charitable remainder annuity trusts for which Davis & Elkins College is trustee and/or administrator are funded initially with assets of at least $100,000.

Charitable Remainder Annuity Trust – This trust differs from the unitrust in that the annual income payment is a set dollar amount determined when the trust is established. No additions to the trust are allowed after the trust is established. Trust investments are managed separately for each trust.

- Proposed charitable remainder annuity trusts for which Davis & Elkins College is trustee and/or administrator shall be funded initially with assets of at least $100,000.
- Davis & Elkins College recommends that trusts be limited to one or two income beneficiaries.
- Donors are encouraged to name a trust company, the trust office of their bank, or their community foundation as trustee.
- Charitable remainder annuity trust funds for which Davis & Elkins College is named as trustee are managed by professional investment managers selected and advised by the board of trustees (or a committee thereof).

Charitable Lead Trust – This trust pays to Davis & Elkins College (and perhaps another charitable organization) a stream of payments for a specified period of years, at the end of which time the assets of the trust are distributed to non-charitable designees (e.g., the donor's children or grandchildren). The assets of this trust must also be managed separately.

- Proposed charitable lead trusts shall normally be funded initially with assets of at least $200,000.
- Income received by Davis & Elkins College as the result of a charitable lead trust is used and/or invested by the College for the purposes specified in the trust agreement.

In those cases where the trust agreement indicates no specific purpose, income received is treated as an unrestricted asset of the College.

- **Charitable Gift Annuities** (irrevocable) – Annuities are owned by the College and are managed by professional investment managers selected and advised by the Board of Trustees (or a committee thereof). Proposed charitable gift annuities are funded initially with assets the fair market value of which is at least $10,000.
- **Immediate Payment of Gift Annuity** – In exchange for a gift, the donor/annuitant is guaranteed a fixed annual income during each annuitant's life. Upon the death of the annuitant(s), the funds are directed to the College as designated by the donor. The annuity ends with the death of the last income beneficiary.
- Annuity payments are made at the donor's choice: quarterly, semi-annually or annually. In order to control the cost of annuity administration, the College prefers to make payments annually and by direct deposit.
- **Deferred Payment Gift Annuity** – A deferred payment gift annuity is governed by the same rules described in the preceding paragraph, with the exception that the first annuity payment to the annuitants is delayed for one or more years following the effective date of the agreement. The interest earned in the interim is credited to the contract, which increases the amount of the annuity.

Retained Life Estates in Real Property – In such an arrangement the donor gives a remainder interest in a personal residence, second home or farm. The property is gifted to Davis & Elkins College but the donor retains the right to occupy the property until death, at which time all rights to the property pass to Davis & Elkins College. The donor usually pays all expenses related to the property during his/her lifetime, but various alternative arrangements may be negotiated by the College President and the Vice President for Institutional Advancement.

Gift of Life Insurance: Davis & Elkins College accepts gifts of new and existing whole life insurance (no term or non-dividend policies). The donor or insured designates the College as the sole owner and irrevocable beneficiary. Davis & Elkins College will not accept gifts of life insurance policies that have a loan against the value without the consent of the President. All policies will provide for waiver of premiums in case of disability. There will be no automatic loan provisions. If the donor does not respond to a premium bill by the due date, the College will cash it in for the surrender value. At all times, Davis & Elkins College reserves the right to cash in the policy or retain it as an investment. The policy's fair market value (approximate cash value) is available to the donor as a charitable contribution deduction.

2.7.3.5 Naming Opportunities

Davis & Elkins College welcomes the opportunity to honor those who have rendered extraordinary service or support to the College. Facilities, spaces, endowments, or programs may be named for individuals or entities whose accomplishments or generosity advance the academic mission of the College, further the capacity of Davis & Elkins College to meet its teaching and scholarly objectives and to serve its community, and enhance the growth and reputation of the institution. A decision to construct or renovate a building, establish a chair or create a program is to be taken on the basis of established academic and other operational criteria and approved in keeping with

Davis & Elkins College's established practices and mission. In all instances, naming will be independent of all appointment, admission, and curriculum decisions. To ensure the appropriateness of the honor, Davis & Elkins College will follow the guidelines listed in this policy as it makes decisions on a case-by-case basis with regard to naming facilities, spaces, endowments, or programs.

Criteria for Selection of Honorees

Naming a facility, space, endowment or program for an individual, organization, or corporation is one of the highest honors that Davis & Elkins College can bestow. This recognition is a lasting and powerful affirmation of the honoree's connection to Davis & Elkins College's mission. As such, honorees must have exemplary character, an unqualified reputation for honesty, personal integrity, and the highest standards of personal and professional ethics.

Extraordinary Service

Honorees who have been employed by Davis & Elkins College must have given extraordinary service to the institution in a teaching, research, service, or administrative field with such exceptional distinction that their contributions are widely recognized by their peers, both at Davis & Elkins College and elsewhere. The recognition afforded the honoree may also include private financial contributions related to the naming opportunity. Honorees may not be in active service at Davis & Elkins College or hold elected office at the time of the naming, unless the circumstances are exceptional and approved by the Board of Trustees.

Private Financial Support

Individuals who have not been Davis & Elkins College employees, corporations, and other organizations may be considered for naming recognition if they have made significant financial contributions to the College related to the naming opportunity. Decisions regarding such recognition are made on a case-by-case basis in accordance with the guidelines below and also take into consideration the total cost of the project, the availability of other funds, and the level of financial contribution.

In order for a facility, space, endowment, or program to be named based upon a contribution, the following conditions will normally be met:

1. The gift must be in irrevocable form, e.g., trust, contract for will (with present value being used for all deferred commitments), or to be paid over a period of no longer than five years based upon a signed commitment. A deferred gift is not normally acceptable for a facility where construction is dependent upon the gift;
2. A bequest or legacy gift from a donor who is still alive will not normally be considered for a naming opportunity;
3. The person for whom the name is assigned has some reasonable connection to the facility, space, endowment, or program being so designated;
4. Unless the gift is required to construct or equip the facility to be named, the gift normally must be used to establish a program endowment restricted to an appropriate department or program closely associated with the facility;

5. If a school, college, department or program is to be named, a restricted endowment supporting that school, college, department or program normally will be established.

In special circumstances, the Board of Trustees may make exceptions to the above guidelines.

Levels of Financial Support: The following guidelines must be taken into consideration in determining a significant level of financial support in a given situation:

1. New Facilities: a minimum of fifty percent (50%) of construction costs.
2. Renovation of Facilities: a minimum of seventy-five percent (75%) of the cost of renovating a facility.
3. Existing Facilities without Renovation: a minimum of seventy-five percent (75%) of the fair market value of the facility.
4. Collections: donation of the collection or at least fifty percent (50%) of the value of the collection.
5. Tribute Markers: fifty percent (50%) of the cost or value of associated items (e.g. trees, gardens).
6. Endowed Chairs and Professorships: full funding of the endowment.
7. Endowed Scholarships, Fellowships Awards, and Grants-in-Aid: full funding of the endowment.
8. Programmatic Entities: determined on a case-by-case basis.

Request for Approval

Since naming facilities, spaces, endowments, and programs has a long-term impact on Davis & Elkins College, the approval process is designed to ensure such action is in the best interest of the College.

1. The Vice President for Institutional Advancement will review all naming requests. In the best interest of Davis & Elkins College and prospective honorees, information relating to any naming request or plan will remain confidential until appropriate approvals have been obtained.
2. The Vice President for Institutional Advancement will discuss the potential naming with the President and other appropriate Cabinet Officers and administrative staff.
3. Upon receiving general approval from the President, the Board of Trustees will be notified for initial clearance.
4. Upon commitment by the donor, the Board of Trustees as a whole will be asked to approve the naming.

Duration of Name

Naming of facilities, spaces, endowments and programs in honor of individuals is generally expected to last the lifetime of the facility, space, endowment or program. Naming of facilities, spaces, endowments, and programs in honor of corporations or other organizations will have a set number of years attached to the naming which will be determined on a case-by-case basis and

listed in the signed gift agreement. Naming associated with a particular facility, space, endowment, or program will not preclude further naming within the facility, space, endowment, or program.

If at any time following the approval of a naming circumstances change substantially so that the continued use of that name may compromise the public trust, the President will consult with the Board of Trustees regarding future action. Davis & Elkins College reserves the right to remove any name that would not reflect positively on the College or would conflict with the purpose or mission of Davis & Elkins College.

2.7.3.6 Gift Acknowledgment

The Vice President for Institutional Advancement is responsible for the processing, recording, acknowledging, and maintenance of records and files and related correspondence and documents for all gifts of cash, securities, gifts-in-kind, pledges, and grants from private sources including individuals, corporations and private foundations. Any employee reviewing such a gift or grant will promptly forward it and all pertinent correspondence to the Vice President for Institutional Advancement for deposit, accounting, and acknowledgment. Only the Vice President for Business and Administration, after consulting with the Vice President for Institutional Advancement, may issue the official tax receipt for a monetary gift to Davis & Elkins College. All acknowledgements letters must include language thanking the donor.

After the recording of such gifts, securities and original documents (such as wills, trusts, deeds, annuity agreements, contracts and correspondence) establishing restrictions on such gifts will be deposited into the custody of the Treasurer of the Board of Trustees.

All personal gift records identifying a donor will be treated with professional discretion and will be subject to the normal listings and uses of the College. Gift records of donors requesting confidentiality or anonymity will be accorded such. However, the Vice President for Institutional Advancement may disclose such information or documentation as authorized by such a donor or as may be required by law.

2.7.4 Athletic Fundraising

In addition to the College budget, the Athletic Program is funded in five ways:

1. "Designated" gifts (tax deductible) within The D&E Fund to help underwrite the departmental and specific sports' budgets (coaches' salaries, student-athlete scholarships and the expense budget for each sport) as well as budgeted equipment and facilities enhancement. These are solicited as part of The D&E Fund by Institutional Advancement staff with encouragement to donors by the coaches and volunteers.
2. "Restricted" gifts (tax deductible) for capital purposes not included within the operating budget. These are solicited by the Institutional Advancement staff in collaboration with the coaching staff. Examples are tennis court improvements, playing fields regrading, Memorial Gymnasium renovation, and the Golf Academy.
3. "Memberships" (tax deductible) in Senator Nation. Invitations to membership handled by the Athletic department in coordination with and approval of the Office of Institutional Advancement Office. Funds from Senator Nation memberships provide funding over and

above Athletic Department budgets and are managed at the discretion of the Director of Athletics.

4. "Ads" on the athletic website, in printed sports programs and schedules (not tax deductible). These are the responsibility of the Athletic Department in coordination with the Office of Communications & Marketing.
5. "Fundraisers" (not tax deductible and with no solicitations for gifts) sponsored by the various teams (bar-b-ques, car parking, car washes, etc.) These generally are to fund projects/expenses over and above the College or team operating budgets. These are the responsibility of the various athletic teams, coordinated to the extent appropriate with the Office of Communications & Marketing.
6. Team-based Appeals (tax deductible) may be conducted by the coaches of individual teams with approval by the Office of Institutional Advancement. Appeals will be approved if they represent Davis & Elkins College in a professional manner and do not compete directly with other College-sponsored appeals (i.e., they approach constituents who do not normally receive College appeals, or are timed to avoid other College appeals).
7. Any proposed contracts with external agencies or vendors must be reviewed and approved by the Athletic Director, supervising member of the Cabinet and the Vice President for Business and Finance, with copies to the Executive Assistant to the President. Please note: Gifts collected by external agencies may not be qualified for a charitable tax deduction. Davis & Elkins College can issue "soft" (i.e., recognition) credit to donors if provided with information about the gifts.

2.8 Copyright and Intellectual Property

2.8.1 Copyright Protected Material

The copyright policy of Davis & Elkins College affirms its commitment to comply with United States law relating to copyright; to respect the property rights of authors and their assignees; to educate members of the campus community about copyright law; and to exercise vigorously the rights and responsibilities granted under this law.

The policy adheres to the long-standing academic tradition that creators of works own the copyrights in works resulting from their scholarly, pedagogical, and creative activities. This principle is the foundation of this policy on copyright. This principle also underlies the commitment of the College to fostering an environment of respect for and responsible use of the intellectual property of others. The College is committed to helping members of the community comply with copyright laws by providing resources to help individuals make informed, careful, and situation-sensitive decisions about the lawful and fair use of work created by others.

2.8.1.1 Application

This policy applies to all College employees, students, adjunct faculty, contractors, and volunteers and all others who use computing resources, information technologies, networks, voice messaging equipment, computer software, data networking systems, including remote and wireless and electronically stored institutional data and messages owned or managed by the College or any third

parties contracting with the College for the provision of hosting, network or other technology services (hereinafter "users"). Any person that has agreed to follow the Davis & Elkins College Acceptable Use Policy has, in effect, agreed to this copyright policy.

It is the policy of the College that all users must comply with U.S. Copyright Law. Copyrighted materials may be copied freely by the owner of the copyright on the materials. In addition, copyright holders such as scholarly publishers, may explicitly release their published materials from strict observance of copyright laws for stated classroom or research purposes.

2.8.1.2 Fair Use

Davis & Elkins College expects users to make a reasonable effort in good faith to comply with copyright laws in their use of copyrighted materials. The College encourages users to take full advantage of the "fair use" exception to the exclusive rights of copyright owners. Before relying on the fair use exception, users should educate themselves regarding the limits of fair use and should, in each instance, perform a careful, good faith fair use analysis based on the factors identified in Section 107 of the federal Copyright Act.

Faculty and staff are permitted to use and duplicate copyrighted materials of other parties for educational and classroom uses, provided such activities are within the fair use standard, 17 U. S. C. sect. 107. The fair use standard requires consideration and balancing by users of the following factors to determine if duplication or use by a third party constitutes a fair use:

Fair Use Factors

1. *The Purpose and Character of the Use Including Whether the Use is of a Commercial Nature or is for Nonprofit Educational Purposes:* A nonprofit or noncommercial use weighs in favor of a fair use. Non-profit educational purposes, such as duplication for classroom purposes rather than commercial purposes, generally tend to support a finding of fair use.
2. *Nature of the Copyrighted Work:* Works fall into categories such as published or unpublished, fact or fiction. Published factual works, such as form books, dictionaries or other factual works, by their nature more readily support a finding of fair use than do unpublished works or non-factual, fictional, creative works.
3. *Amount and Substantiality of the Portion Used in Relation to the Copyrighted Work as a Whole:* If the portion of the work copied or used in relation to the entire work is quantitatively and qualitatively insignificant, that supports a finding of fair use. No specific number of words or percentage copied of the work is set as being permissible. However, see the "safe harbor" guidelines discussed. Copying of a minor portion of a work may be found to be other than a fair use if the portion constitutes the essence or critical part of the copied or used work. Users should post links to articles and materials whenever possible rather than duplicating complete works.
4. *The Effect of the Use Upon the Potential Market for or Value of the Copyrighted Work:* This factor is considered the most important element to be considered under the fair use analysis. Duplication or use of a copyrighted work that is not detrimental to and does not diminish the potential market for the work will support a finding of fair use.

Examples of Acts That Do Not Constitute Fair Use:

1. Duplication of materials for profit.
2. Duplication of material from published textbooks.
3. Duplication of unpublished materials.
4. Duplication of computer software for multiple use.
5. Duplication of the same materials for classroom use term after term.

2.8.1.3 File Sharing And Peer-to-Peer Software Programs

Current technology easily allows personal computers to duplicate and distribute copyrighted video images, audio recordings and other digital materials. Unfortunately, this makes it is easy to violate College policy and US copyright law. For this reason, the use of popular and freely distributed file sharing programs to download copyrighted music and video material, in almost every case, creates a violation of Davis & Elkins College policy and U.S. law.

Most of these programs by default allow Internet users to copy files from a computer. Most programs do not provide alerts in advance or even ask the user's permission before turning a computer into an Internet file server. Some of these programs also install hidden components that allow file sharing to run in the background on a computer. As a result, whenever a computer is turned on, the file sharing application is also enabled, even if the application is not opened or actively used. Such an application places a user at a high risk of violating College policy and copyright law by becoming an unlawful distributor of copyrighted material.

Davis & Elkins College does not monitor computer use on the College network to look for copyright violations; however, in the process of investigating network congestion or troubleshooting technical problems, the College may become aware of policy violations. In such cases immediate action may be taken by the College, including disconnection of network access.

Enforcement agencies, the Recording Industry Association of America (RIAA), and other copyright holders of digital media are actively monitoring the Internet for users who are actively distributing copyrighted material. The recording, film and software industries have recently become very aggressive in their active pursuit of copyright infringement. Millions of dollars have been spent to develop and maintain software which is able to search the Internet and identify unauthorized distribution of their protected titles. This active monitoring is specifically designed to search for distribution of materials using the most commonly used software packages.

2.8.1.4 Software Generally Protected By Copyright Law

The vast majority of all computer software is protected by copyright law. The exceptions to this rule are so few that users should assume that all software on the College's computer system, on third party systems, or available through the Internet is protected by copyright, unless there is a clear indication to the contrary.

Simply stated, copyright laws allow a user of software to use the software, load it onto the hard drive of a computer, and retain the original disk as an archive copy. Users are not allowed to modify the software, make more copies of it, simultaneously use a single copy on both a home and a campus computer, or distribute the software through the Internet, unless the license agreement explicitly permits those activities.

Possessing software for which an individual does not own a license is a violation of the Copyright Act, and may subject both the College and individual users to sanctions as set forth in the Copyright Act. For all practical purposes, the fair use exception does not apply to operating system and application software.

In addition to application software and operating systems, federal copyright protection also extends to the data files (content) created for use with or by applications and operating systems (e.g., spreadsheets, databases, QuickTime video files, and scanned images). Unauthorized creation, copying and distribution of these materials are violations of the federal copyright statute, unless they can be construed as fair use.

2.8.1.5 Violation of Copyright Laws

Upon obtaining knowledge that material residing on its systems or networks is infringing or that its systems or networks are being used for infringing activities (or upon becoming aware of circumstances from which infringing activity is apparent), the College will act expeditiously to remove or disable access to the infringing materials and may deny the users responsible further access to its systems or networks. In addition, users who willfully disregard or violate copyright law may be subject to disciplinary action in accordance with applicable disciplinary policies and procedures.

The Davis & Elkins College Acceptable Use and Copyright policies state that the receipt of, possession of, or distribution of copyrighted material without the permission of the copyright holder is prohibited. Such acts are a violation of the laws of the United States (Title 17, U.S. Code). Violators of copyright law could be subject to felony charges in state or federal court, and may also be sued by the copyright holder in civil court. Such civil suits could subject the violator to liability for infringement with damages up to $100,000 per work.

2.8.1.6 TEACH Act

The Technology, Education and Copyright Harmonization Act (TEACH Act) (Section 110(2) of the U.S. copyright law) is a copyright exemption that addresses teaching conducted through digital transmission.

Under the TEACH Act, instructors may use the following copyrighted materials when teaching a class through a digital transmission:

1. Performances of non-dramatic literary works;
2. Performances of non-dramatic musical works;
3. Performances of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions"; and,
4. Displays of any work "in an amount comparable to that which is typically displayed in the course of a live classroom session."

When using the copyrighted materials listed above in a digital transmission, the instructor has the following obligations under the TEACH Act:

1. The performance or display is made by or under the supervision of an instructor;

2. The use is limited to performances and displays. The TEACH Act does not apply to materials that are for students' independent use and retention, such as textbooks or other readings;
3. The work is part of systematic mediated instructional activities;
4. The transmission must be made solely for and limited to students officially enrolled in the course;
5. Only lawfully acquired material may be used;
6. The instructor should use reasonable efforts to prevent copying and retention of the work (e.g., streaming for video; thumbnails, watermarks and disabling right click copy function for images);
7. The materials to be used should not include those primarily marketed for the purposes of distance education (i.e. an electronic textbook or a multimedia tutorial);
8. A digital copy may be made from an analog copy when no digital version is available or when the digital version is technologically protected; and
9. The work must carry a notice to students that the work is copyrighted.

2.8.1.7 Digital Millennium Copyright Act

The purpose of this policy statement is to set forth Davis & Elkins College's procedures pertaining to the receipt and response to reports of alleged copyright infringement utilizing the Davis & Elkins College network in accordance with the Digital Millennium Copyright Act (P.L. 105-304).

The Digital Millennium Copyright Act (DMCA) provides an opportunity for college and universities such as Davis & Elkins College to shield themselves from liability for the actions of users that infringe on the copyrights of others. Any use of the Davis & Elkins College network, computers, technology equipment, email system, or websites to illegally transfer copyrighted material including, but not limited to, software, text, images, audio and video is strictly prohibited and will lead to serious consequences, including disciplinary action, suspension, and possible lawsuits resulting in substantial financial penalties.

In accordance with the DMCA, Davis & Elkins College has designated the following individual to receive and respond to reports of alleged copyright infringement:

Coordinator of Information Services

Booth Library
(304) 637-1273
mattinglya@dewv.edu

This designation will be listed in the Davis & Elkins College website.

The Digital Millennium Copyright Act specifies that all infringement claims must be in writing (either on paper or electronic mail) and must include the following elements:

1. A physical or electronic signature;
2. Description of the work claimed to be infringed;

3. Description of the allegedly infringing work and the location on the Davis & Elkins College website;
4. Contact information for the complaining party;
5. A statement that the complaining party has a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner or law;
6. A statement that the information contained in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

For more information on United States Copyright Laws, see: The US Copyright Office.

2.8.2 Intellectual Property Rights

I. Introduction

Davis & Elkins College is committed to providing an environment that supports the learning, teaching, scholarship, and creative activity of its faculty, staff, and students. Guided by this commitment, the College's Intellectual Property Rights Policy is intended to serve the following purposes:

- To encourage excellence and innovation in teaching, scholarship, and creative activities by identifying and protecting the intellectual property rights of faculty, staff, and students of the College;
- To encourage the concept that creative and scholarly works produced at Davis & Elkins College should advance the state of knowledge and contribute to the public good;
- To acknowledge and protect the traditional property rights of scholars with respect to products of their intellectual endeavors;
- To guide policy and process for commercial uses of employee or student created intellectual property other than traditional products of scholarly work.

II. Coverage

This policy applies to all full-time and part-time Davis & Elkins College faculty, staff, and administrators and students, working with or without monetary compensation, on any project under the direction and control of the College; and anyone using College facilities or conducting activities under the supervision of College personnel. Contracts and subcontracts will generally include language that determines the ownership of intellectual property that is developed by those working under the terms of the contract or subcontract. This is also true for those hired as independent contractors.

The policy covers all intellectual property including but not limited to anything that is patentable, copyrightable, or otherwise marketable. This includes, but is not limited to, inventions, books, articles, study guides, syllabi, workbooks or manuals, bibliographies, instructional packages, tests, video or audio recordings, films, slides, transparencies, charts, other graphic materials, photographic or similar visual materials, film strips, multi-media materials, three-dimensional materials, exhibits, courses delivered using course management systems, and computer software.

III. Exclusions

If any portion of this policy conflicts with any agreement signed by the College, the provisions of the agreement will prevail. If any portion of this policy conflicts with a signed agreement between the College and a creator (or a person who assists in the creation of intellectual property) or between the College and an external funding agency, the terms of the signed agreement will prevail.

IV. Policy

A. Works by Employees

The College owns the rights to all works, discoveries, inventions, findings, innovations, writings, and other intellectual contributions and products created by employees whose creation involves substantial use of College equipment, services, or resources or whose creation involves funds attracted by the College. Historically the College has not and does not now assert claim or ownership interest in traditional scholarly or academic works. Such works include but are not limited to books, articles, manuscripts, plays, writings, musical scores, and works of art. Ownership of such categories of faculty endeavor is waived by the College in favor of the faculty member, and these are exempt from the provisions of this policy.

For the purposes of this Policy, "substantial use" refers to use of resources other than those ordinarily available to most or all faculty and/or staff. At the present time, such ordinarily available resources include, for example, office space and personal office equipment, office computer workstations, library and other general use information services, and the means of network access to such resources.

When employee-created intellectual property results from third-party grants, contracts, or awards made to the College, the intellectual property is owned by the College unless written agreement involving the College, the employee, and the sponsor establishes an alternative ownership arrangement. Sabbatical leave support will not be covered by the preceding provision unless funding in addition to the sabbatical salary is provided.

All projects funded by Appalachian College Association grants will conform to the ACA Intellectual Property Policy, namely, "to encourage proposals and practices that promise to yield products for a broad public use and to discourage those that involve or promote proprietary interest except to the extent that a charitable end may also be served." All products developed with ACA funds shall remain the property of Davis & Elkins College or if other colleges are involved in the project, ACA shall retain ownership.

The College wishes to encourage excellence and innovation in teaching, scholarship, and creative activities and to support the concept that works produced at Davis & Elkins College should be used for the greatest possible public benefit. Guided by these aims, the College endorses the legitimate expectation of employee authors/creators to share in any net revenues produced by licensing or other development of intellectual property.

Likewise, given the College's substantial cost involved in supporting scholarship and research, the College is entitled to share in any such royalties. Accordingly, for any work in which the College asserts ownership interest under this Policy, the College and the author/creator(s) will share any annual net revenue (i.e., revenues less recovery of all legal and other costs involved in protecting the intellectual property rights of the work, licensing costs, and other directly related administrative

costs) in the following percentages, unless different contractual agreements have been reached in relation to particular works:

Net Revenue	Author/Creator	Davis & Elkins College
<$5000	100%	0%
$5,000-25,000	75%	25%
$25,001-$100,000	60%	40%
>$100,000	50%	50%

If a work involves more than one employee as author/creator, the authors/creators will divide their share equally unless they provide the College with an alternative revenue distribution arrangement agreed upon by them. Use of net revenues received by the College under this Policy shall be restricted to the support of scholarly, research, or creative activity on the part of the faculty and staff.

Recognizing that the issue of intellectual property rights is complex and rapidly evolving, Davis & Elkins College remains open to the possibility of arriving at special agreements as the need may arise in relation to particular projects.

B. Works by Independent Contractors

Works by independent contractors are considered works for hire and are owned by the College in accordance with the contract under which the work was created. The College will endeavor to ensure that there is a written contract for work by an independent contractor specifying College ownership.

C. Works by Students

"Student works" are papers, computer programs, theses, artistic and musical works, and other creative works made by students. Ownership of the copyright to these works belongs to the student unless the work falls within one of the exceptions described below:

a. **Sponsored or Externally Contracted Works:** Ownership shall be in accordance with the section of this policy on sponsored or externally contracted works made by faculty or other employees.

b. **Works for Hire:** Student works created by students in the course of their employment with the College shall be considered to fall within the scope of Work for Hire in accordance with the section of this policy on works for hire made by staff.

For any student work in which the College asserts ownership interest under this Policy, the College and the student author/creator(s) will share any annual net revenue (i.e., revenues less recovery of all legal and other costs involved in protecting the intellectual property rights of the work, licensing costs, and other directly related administrative costs) in the accordance with the percentages outlined in Section IVA above unless different contractual agreements have been reached in relation to particular works.

V. Reporting a Discovery or Invention

When any person makes a discovery or invention to which this policy applies, a report of the invention must be made promptly to the Vice President for Academic Affairs. If ownership of the

invention or discovery resides with the College, the inventor(s) will be requested to assign all intellectual property rights to the invention to the College upon the College's request.

The College, through the President or his or her designee, shall have the sole right to determine the disposition of inventions in which the College has a proprietary interest. A decision to exercise this right shall be transmitted in writing to the inventor within 60 days of the date of disclosure of the invention. If the College decides to pursue a patent, it may recommend that the College alone, or with the assistance of an external organization, such as a technology transfer company, make applications for letters of patent. Title to all such patent applications and resulting patents shall be held by the Board of Trustees of the College.

If the College decides not to patent an invention, or not to commercialize a patented invention, the College will release to the inventor its interest in the invention.

VI. Dispute Resolution

In the event of any dispute regarding a decision of the College under this policy, including, without limitation, the ownership of an invention or the allocation of the inventor's share of net revenues, the President shall have the final decision concerning the College's position in the matter.

VII. Policy Review and Revision

This policy shall be reviewed and revised as deemed necessary by the Faculty Assembly of the College and is subject to final approval by the President and Board of Trustees.

Appendix 1: Volunteer Forms

Appendix 1A: I Volunteer Registration Form

VOLUNTEER REGISTRATION FORM

This portion of the form to be filled out by the Volunteer:

Social Security No.: _____ Last Name: _____

First Name:_____Middle Name:_____

Preferred First Name:_____Date of Birth: _____

Gender: o Female o Male

Permanent Address: _____
City: _____ State: _____Zip Code: _____
Telephone #: _____

Do you have health insurance? Yes ___ No ___

Medical Insurance Carrier:
(Optional)_____

EMERGENCY CONTACT INFORMATION:

Contact
Last Name: _____ First:_____Middle:_____
Relationship: _____
Address
Street: _____City: _____State:_____
Zip: _____
Phone:(____) _____Ext:_____

I have carefully read the Davis & Elkins College Volunteer Policy and information above and understand their contents. The above information provided by me is accurate.

_____
Volunteer's Signature Date

This portion of the form is to be filled out by the Department Supervisor:

Department Head	Title	Email Address
Unit	**Telephone Number**	**Begin and End Dates**

Description of Volunteer Duties:

_____

_____

_____ _____

Department Head Signature **Date**

Please submit this form to Human Resources.

Appendix 1B: Volunteer Release and Waiver of Liability Form

Davis & Elkins College VOLUNTEER RELEASE AND WAIVER OF LIABILITY

Please read this document carefully before signing

I,_____, desire to voluntarily participate without compensation in the Department of_____ at Davis & Elkins College (Davis & Elkins College). Therefore, I hereby covenant with Davis & Elkins College that I shall not sue or bring any legal action or proceeding against Davis & Elkins College or its Board of Trustees, employees, agents, officers, faculty, students, or representatives on account of any injury or damage, including death, that I may sustain by virtue or arising out of my work as a volunteer and/or use of the equipment of Davis & Elkins College.

I acknowledge that my work as a volunteer and/or use of the equipment of Davis & Elkins College shall be at my sole risk and that Davis & Elkins College, its Board of Trustees, employees, agents, officers, faculty, students, or representatives shall not have any responsibility whatsoever with respect thereto.

I acknowledge that I have read this document carefully and that I fully understand and accept all provisions of the waiver.

I certify I am at least eighteen years of age and voluntarily sign this waiver.

Signature_____ Date_____

Witness_____ Date_____

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; 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; 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, $75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 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 (but does not include 50 or more marijuana plants regard-less of weight) 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.

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	**First Offense:** 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. **Second Offense:** 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	**First Offense:** 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. **Second Offense:** 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. **2 or More Prior Offenses:** 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	**First Offense:** 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. **Second Offense:** 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	**First Offense:** Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual. **Second Offense:** 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	**First Offense:** Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual. **Second Offense:** 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	**First Offense:** Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. **Second Offense:** 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.