

2019 Annual Security Report

Department of Campus Safety and Security

A Message from the Director

I am pleased to present the 2019 Alderson Broaddus University Annual Security Report. This report is a collaborative effort between the Office of Student Affairs, the Department of Campus Safety and all members of the Alderson Broaddus Community. The report was prepared in compliance with the Jeanne Clery Disclosure of Campus Security Police and the Violence against Women Reauthorization Act which requires an annual report to disclose the crime and fire statistics from the 2018 calendar year.

The publication of this report is also to inform students, perspective students, employees, and guests of security measures available to them provided by the University. Students and employees are strongly encouraged to familiarize themselves with the contents of this report and to utilize all services that the University offers.

Campus Safety operates 24 hours a day and 365 days a year. The department includes full time trained security professionals. The Department of Campus Safety continues to work strongly with the Philippi Police Department (located only minutes from campus) to ensure a safe and strong learning environment. If you have any questions please feel free to contact me.

Matthew Sisk
Director of Campus Safety & Security
Title IX Coordinator
Alderson Broaddus University
304-457-6356
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Brief Summary of the Jeanne Clery Act

The Jeanne Clery Act, known originally as the Campus Security Act, is a significant and important federal law that requires colleges and universities across the country to disclose information about crime on and around the campus. The law is applicable only to institutions which receive federal financial aid programs. The Jeanne Clery Act is enforced by the United States Department of Education and the Department of Justice.

One of the many things that the Act requires is that institutions with either a police or a security department keep a running **public crime log**. This log should be accessible to the public during normal business hours; remain open for at least 60 days and, must be made available within two

business days upon request. The Alderson Broaddus University public crime log is located in the Office of Campus Safety in the Heiner-Hamer Campus Center. Please contact Matthew Sisk for the log.

The University must disclose a number of different crimes as required by the Act. The list of crimes disclosed are as follows: criminal homicide (including murder, non-negligent manslaughter, and negligent manslaughter), sex offenses (including forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, dating violence, domestic violence, and stalking. Schools are required to also include in the report disciplinary referrals and arrests made for the following: liquor law violations, drug law violations, and illegal weapons possession.

The report must include any hate crimes. Hate crimes are prejudicial crimes that were committed against a race, gender, religion, sexual orientation, ethnicity, and disability. The report must include any crimes committed by prejudice of any above listed crimes as well as: larceny/theft, simple assault, intimidation, and destruction of property.

Finally the report must include fire statistics. All fire statistics are reported at the time of the incident to the West Virginia State Fire Marshall Office.

Alderson Broaddus University uses the Federal Uniform Crime Reporting (UCR) Handbook definitions of crimes. For more information on the UCR Handbook please visit <https://www2.fbi.gov/ucr/handbook/ucrhandbook04.pdf>.

Notice of Nondiscrimination

Alderson Broaddus University is committed to providing and maintaining a learning and working environment that is free from any form of illegal discrimination or harassment in accordance with federal, state and local law, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Americans with Disabilities Amendments Act, the Age Discrimination in Employment Act, the West Virginia Human Rights Act, and their implementing regulations. Specifically, the University does not discriminate on the basis of sex, age, race, color, national origin, disability, religion, veteran status, or any other characteristic protected by federal, state and local law in recruitment, admission, educational programs, University activities or employment. There will be no retaliation against any individual who makes a good faith report of discrimination or harassment or participates in or cooperates with any investigation of alleged discrimination or harassment.

The following person has been designated to handle inquiries regarding the University's non-discrimination policies:

Matthew Sisk, Director of Campus Safety
Title IX Coordinator
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Your Role in Campus Safety

The University wants everyone in our community and all guests to report crimes and other emergencies promptly to the Department of Campus Safety. The contact number for the on-duty Campus Safety Officer is (304)-709-2696.

Q: How do I report a crime?

A: There are several different ways to report crime on campus. (a) You can call Campus Safety directly at (304)-709-2696 or by calling 911 emergency services. (b) You can contact your Resident Assistant or Resident Director who are trained staff members prepared to assist you. (c) You can report any crime to any employee of Alderson Broaddus University. All employees are required to then forward the information to the Department of Campus Safety.

Q: Can I remain anonymous?

A: Yes. AB counseling services includes a confidential reporting system that allows victims of crimes to remain anonymous. Also the Department of Campus Safety will have on the Campus Safety section of the website starting in the spring of 2016 an anonymous reporting option on our web page.

Alcohol and Drug Policies

Alderson Broaddus University is a drug and alcohol free campus for students. Consumption, purchasing, possession, or transportation of any alcoholic beverage, for students or illegal drug is prohibited on campus. It is also unlawful for any person over the age of 21 to knowingly provide alcohol under the legal drinking age. Students are expected to obey the laws of the State of West Virginia and the University's policies.

Consequences. AB tries to take an educational approach to students found responsible for alcohol or drug abuse on campus when possible. All offenses are independently evaluated through the University judicial system based on the evidence presented in a hearing with the student. Multiple or severe violations of the University drug or alcohol policy may result in suspension or expulsion from the University.

Reporting Crime & Campus Security Authority

Alderson Broaddus University trains all staff and faculty on an annual basis to be Campus Security Authorities. A Campus Security Authority is an employee that is trained to understand that criminal reports must be filed with the Department of Campus Safety.

Resident Assistants, who are a student staff member in the residential facilities, are trained to also be a Campus Security Authority.

Confidential Reporting

The Department of Campus Safety understands that victims or bystanders may not always be willing to file a report. Therefore, the Department provides everyone to report criminal activity of any kind on the Alderson Broaddus Website at: <http://ab.edu/confidential-reporting/>

Also an individual may report criminal activity to the counselor on campus. The counselor is still required to report the criminal information but will not release the name of the individual who made the report.

Timely Warning Notices

In an effort to provide timely notice to the campus community, and in the event of a serious incident which may pose a threat to the Alderson Broaddus Community or guests the Department of Campus Safety works in conjunction with the Department of Communications and the Office of the President to notify the community in a timely manner about certain crimes around campus.

Missing Persons

Persons who are reported missing for more than 24 hours should be reported to either the Department of Residence Life or the Department of Campus Safety. Campus Safety will investigate all reports of a person missing for more than 24 hours in conjunction with the Philippi Police Department. If the investigation shows that a student has been missing for more than 24 hours, the Department of Campus Safety will notify the student's emergency contact, or custodial parent or legal guardian. If the student is over the age of 18 the Department will contact the student's registered contact. If the student is under the age of 18 the Department will contact the legal guardian of the student.

Weapons, Fire Arms, and Explosive Devices

The possession of any weapon or lookalike as defined by the West Virginia State Code, all fire arms, and all explosive devices are prohibited on University owned or operated property. For

more information please see the Alderson Broaddus Student Handbook or contact the Department of Campus Safety.

Sexual Misconduct Policy

Sexual misconduct is unacceptable and will not be tolerated at Alderson Broaddus University. Accordingly, Alderson Broaddus University urges an individual to make a formal report if that individual is the victim of sexual misconduct, has knowledge of another person being the victim of sexual misconduct, or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct. A report of sexual misconduct will be dealt with promptly. Confidentiality cannot be guaranteed, but will be maintained to the greatest extent possible. All members of the Alderson Broaddus University community, including but not limited to students, faculty (including adjunct faculty), staff, volunteers and independent contractors, are subject to this policy. Violators will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions or any other means necessary to address the behavior. Prosecution by local authorities may also occur. Sexual Misconduct Policy For purposes of this policy, “sexual misconduct” is defined as any attempted or actual act of non-consensual or forcible sexual touching at the expense of another such as inducing fear, shame, or mental suffering. This would include, but is not limited to, fondling, kissing, groping, attempted intercourse (whether oral, anal, or genital), penetration or attempted penetration with a digit or any other object. The victim of sexual misconduct may be anyone, including but not limited to, adults, adolescents, minors, the developmentally disabled, and vulnerable individuals regardless of age.

Sexual misconduct may include, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling, threat of sexual assault, sexual violence, domestic violence, dating violence, sexual harassment and stalking. Below are additional definitions.

Sexual Violence – Physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion, domestic violence, dating violence, and stalking.

Domestic Violence – Abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, a person similarly situated under domestic or family violence law, anyone else protected under domestic or family violence law, or someone with whom the abuser has a child, has an existing dating engagement relationship, or has had a former dating or engagement relationship.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with

consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking – Defined as behavior in which a person repeatedly engages in conduct directed at a specific person that places that person (1) in reasonable fear of his or her safety or the safety of others; or (2) to suffer substantial emotional distress.

Consent - Silence does not in and of itself constitutes consent. “Consent” requires speech or conduct indicating a freely given, un-coerced agreement to engage in sexual contact. Consent may not be inferred from silence or passivity alone and a current or previous relationship is not sufficient to constitute consent. Consent may be withdrawn at any time prior to or during a specific sexual act by either person. To be valid, the person giving consent must be physically and mentally able to:

- understand the circumstances and implication of the sexual act;
- make a reasoned decision concerning the sexual act; and
- communicate that decision in an unambiguous manner.

There are a number of factors which may limit or negate a person’s ability to consent to a sexual act. These include impairment due to the influence of alcohol or drugs (illegal or prescription), a person’s mental or physical impairment of which the other person is aware or should reasonably have been aware, unconsciousness, and fear or coercion. Victims of sexual misconduct should not be discouraged from coming forward due to illicit drug use or alcohol consumption. The University’s first priority in these cases is to investigate and resolve complaints.

Sexual Misconduct Procedures

Confidentiality

In order to comply with Family Educational Rights and Privacy Act (FERPA), Title IX, other state and federal laws and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the investigation process is not open to the general public. Accordingly, documents prepared during the investigation may not be publicly disclosed, except, as may be authorized/required by law or per the terms of these procedures and/or if necessary to provide for the defense of the University. The Title IX/AA/EEO Coordinator attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace.

Confidentiality is an aspiration, but is not always possible or appropriate. An individual’s request regarding the confidentiality of reports of discrimination or harassment, including, but not limited to, sex offenses, will be considered in the dual contexts of the institution’s need to conduct a thorough investigation and ensure a working and learning environment that is free from discrimination, harassment or sexual misconduct and the rights of the accused to be

informed of the allegations and their source. Some disclosure will be necessary to ensure a complete and fair investigation and to insure that the institution meets its obligation under Title IX. The institution may be limited in response and investigation if confidentiality is requested.

Complaint Procedure

Any suspected incidents of discrimination or harassment should be immediately reported in writing to the University's Title IX Coordinator. If the complaint involves the Title IX Coordinator, or if the person raising the complaint does not feel comfortable addressing it to the Title IX Coordinator, the complaint should be reported in writing to the Vice President for Administration. Any questions regarding Title IX compliance should be directed to the Title IX Coordinator. If a Complainant fears for his or her safety on campus, the Complainant should notify the Title IX Coordinator. The Title IX Coordinator will assess the necessity of any interim remedies or accommodations to protect the safety of the Complainant or the community, including changing class schedules or living arrangements, or more serious measures such as interim suspensions or no-contact orders.

Informal Resolution

Alderson Broaddus University allows informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of University policy as determined by the Title IX Coordinator, but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation. Informal resolution includes, but is not limited to, options such as referral to another campus office or program, mediation, separation of parties, referral of the parties to counseling programs, or conducting targeted educational and training programs. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to ensure that resolution has been implemented effectively. Steps taken by the Title IX Coordinator to help the parties achieve informal resolution will be documented. A Complainant has the right to end the informal resolution process at any time and request a formal investigation. Allegations of sexual misconduct cannot be resolved through the informal resolution process.

Investigation

If informal resolution is unsuccessful or if the Complainant opts not to participate in informal resolution, the Title IX Coordinator or the Vice President for Administration shall conduct a prompt, thorough and impartial investigation into the complaint allegations. The investigation shall include interviewing the Complainant, the Respondent and any witnesses who are likely to have knowledge regarding the allegations. The investigator shall also review any documents or other tangible forms of evidence relating to the complaint allegations. Both the Complainant and Respondent may present any witnesses or other forms of evidence to be considered by the investigator. This investigation shall be completed within 60 business days of receiving the complaint, unless extenuating circumstances exist which make this timeframe unreasonable. In the event of such extenuating circumstances, to be determined in the sole discretion of the

investigator, the Complainant and Respondent shall be informed in writing of the need for an extension of time to complete the investigation, not to exceed an additional 10 business days. Upon the conclusion of the investigation, the investigator shall issue a written determination stating that either the information gathered through the investigation does indicate that it is more likely than not that discrimination, harassment or other inappropriate misconduct occurred OR that the information gathered through the investigation does not indicate that discrimination, harassment or other inappropriate misconduct occurred. A copy of this determination shall be provided to both the Complainant and the Respondent within the same 24-hour period. If the investigator determines that there was a violation of the University's Policy Prohibiting Discrimination and Harassment, the investigator shall make a recommendation to the Provost/Executive Vice President of Academic Affairs for appropriate corrective and disciplinary action to be taken, with the exception of discrimination cases involving thirdparty companies, in which case the investigator will make a recommendation to the President of the University. The Provost/Executive Vice President of Academic Affairs or the President, as applicable, shall decide the appropriate corrective and disciplinary action to be taken within five business days of receipt of the recommendation from the Title IX Coordinator. Refer to the Student Handbook for a list of possible sanctions.

Retaliation

There will be no retaliation against any individual who makes a good faith report of discrimination or harassment or participates in or cooperates with any investigation of alleged discrimination or harassment.

Appeal

If either the Complainant or Respondent objects to the findings of the investigator, he/she may file a written appeal to the Vice President of Administration or the Title IX Coordinator, whomever did not investigate the complaint, within 10 business days of receiving the written findings. After receiving the written appeal, the Vice President of Administration or the Title IX Coordinator shall convene a Hearing Committee comprised of the following persons: Vice President of Administration or Title IX Coordinator (whomever was not involved in the underlying investigation), Hearing Committee Chairperson; two faculty members to be appointed annually by the University President to serve on the Hearing Committee; and two staff members to be selected by the University President. The Hearing Committee Chairperson shall schedule a hearing on the appeal within ten business days of receiving the written appeal. At the hearing, both parties will be given an opportunity to make an opening statement, present witnesses, submit documents or other forms of tangible evidence and make a closing statement. Within five business days of the conclusion of the hearing, the Hearing Committee shall submit a written determination to the University President reflecting the Committee's determination that either (1) the evidence presented does indicate that it is more likely than not that discrimination, harassment or other inappropriate misconduct occurred; (2) that the evidence presented does not

indicate that it is more likely than not that discrimination, harassment or other inappropriate misconduct occurred; or (3) that the sanctions imposed were disproportionate to the scope of the discrimination. If the Hearing Committee determines that there was a violation of the University's Policy Prohibiting Discrimination and Harassment, the Committee shall make a recommendation to the University President for appropriate corrective and disciplinary action to be taken. The University President shall make the final decision as to the appropriate corrective and disciplinary action to be taken, if any, within 10 business days of receiving the Hearing Committee's recommendation. Both parties will receive written notification of the Hearing Committee's decision within the same 24-hour period. Where a violation of this policy is found, the University will take necessary action to prevent further discrimination and/or harassment. The University will also remedy any discriminatory effects on a Complainant and others, as appropriate.

Disclosure of Fire Statistics

During the calendar 2018 year there were no reported fires in any campus facilities.

Disclosure of Crime Statistics

On the following pages please take note of the *reported* crimes that occurred on or around campus.

For additional information regarding how to report crimes or prohibited conduct such as sexual misconduct please see the Student Handbook located:

<https://ab.edu/wp-content/uploads/2019/09/Student-Handbook-2019-20.pdf>

If you have questions regarding the crime statistics please contact:

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