



**Alderson  
Broaddus  
UNIVERSITY**

2022-2023 STUDENT HANDBOOK

The Alderson Broaddus University Handbook provides students with an overview of the policies and procedures related to being a student at AB as well as a wealth of information on the many opportunities and resources available to students on our campus. **Please be aware that all students are responsible for reading and knowing the contents of this handbook.** Students should be aware that policies and regulations may change during the school year. Students will be notified of any such changes. Any questions regarding the content of this handbook should be directed to the Office of Student Affairs.

## NOTICE OF NON-DISCRIMINATION

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:

**Amy Kittle, Title IX Coordinator**

101 College Hill P.O. Box 2126

Philippi, WV 26416

[kittleal@ab.edu](mailto:kittleal@ab.edu)

304-621-1316

Additionally, you may contact the United States Department of Education, Office for Civil Rights:

U.S. Department of Education, Office for

Civil Rights Lyndon Baines Johnson

Department of Education Bldg. 400

Maryland Avenue, SW Washington, DC

20202-1100

Telephone: 800.421.3481

FAX: 202.453.6012; TDD: 877.521.2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **PRESIDENT'S WELCOME**

As we begin another exciting academic year at Alderson Broaddus University, I am pleased to welcome you to campus. You are part of a talented student body that is known for its academic excellence, energy, and creativity. You will quickly find that AB is the ideal place to learn, grow, and prepare for a bright future.

I encourage you to envision all the ways you can make a difference. Alderson Broaddus is a place for realizing potential and possibility; your talents and abilities, your dreams and aspirations – all are welcome here.

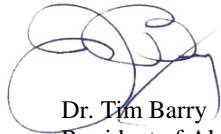
I invite you to be involved and to stay active! AB provides numerous opportunities to volunteer and join clubs of interest. Whatever your gifts and talents may be, you can make a difference by participating in local, national and international service, and performance activities.

I promise, dedicated faculty and staff will support you throughout your academic journey and life experience at AB. This Student Handbook is intended to acquaint new students and remind returning students about all that the University has to offer. In these pages, you will see descriptions of the many services and activities available to students. Please take special note of the Disciplinary Policies and Procedures. This Student Handbook reflects the caring culture of AB and our strong commitment to the concept of community.

As a valued AB student, you have joined a wonderful academic community.

**I am glad you are here, and I look forward to meeting you and sharing this wonderful journey together.**

May you enjoy a successful and abundantly blessed year at Alderson Broaddus University!

A handwritten signature in blue ink, appearing to read "Tim Barry", with a stylized flourish above it.

Dr. Tim Barry  
President of Alderson Broaddus University

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## **MISSION STATEMENT**

Alderson Broaddus University is an independent institution of higher learning, committed to serving the region as an academic, cultural, and religious resource, with programs based on a strong liberal arts foundation. The University is rooted in historic and continuing relationships with the West Virginia Baptist Convention and the American Baptist Churches, U.S.A.

The mission of Alderson Broaddus University is to provide our students with the highest quality education, striving to prepare students to succeed in their chosen disciplines and to fulfill their roles in a diverse society as well-rounded and responsible citizens.

## **VISION STATEMENT**

Alderson Broaddus University will:

- prepare graduates for success and service to humanity;
- embody its Christian heritage by caring for each student in a faith-based learner-centered environment;
- be renowned as a leader in health-related and professional higher education;
- educate students in the tenets of civic engagement, communication, critical thinking, diversity, and ethics to provide the foundation of a liberal arts education;
- enhance the quality of life and economic viability of the region.

## **DIVERSITY STATEMENT**

Alderson Broaddus University (“AB”) is a diverse community that is inclusive, equitable, and supportive of all faculty, staff, and students. All members of the AB community are and will continue to be exposed to different ideas, perspectives, backgrounds, and cultures, including but not limited to all aspects of race/ethnicity, sexual/gender orientation/identity, disability, age, religious beliefs, economics, and citizenship status. AB will continue to embrace and nurture diversity throughout our community.

## **ABOUT ALDERSON BROADDUS UNIVERSITY**

For nearly 150 years, Alderson Broaddus University as an independent institution of higher learning has been providing a quality education for its students. Overlooking the picturesque Tygart River Valley in Philippi, West Virginia, Alderson Broaddus University students learn and grow in a faith-based community affiliated with the American Baptist Churches USA and the West Virginia Baptist Convention. As a health-related and professional education institution, Alderson Broaddus University educates students in the tenets of civic engagement, communication, critical thinking, diversity, and ethics which form the foundation of a liberal arts education.

## **THE HISTORY OF ALDERSON BROADDUS UNIVERSITY**

In 1932, two institutions, Broaddus University and Alderson Academy & Junior College, were united to form Alderson- Broaddus College. Each of the institutions passed on a rich Christian heritage. The older of the two, Broaddus University, was founded in Winchester, Virginia in 1871 by Edward Jefferson Willis, a Baptist minister who named the new college after Rev. William Francis Ferguson Broaddus, a prominent Baptist minister at the time of the Civil War. In 1876, Broaddus University was moved across the Alleghenies to Clarksburg, West Virginia. The college was moved again to the town of Philippi, West Virginia in 1901. Alderson Academy and Junior College, was founded in Alderson, West Virginia in 1901 by Emma Alderson, a committed Baptist laywoman. The sharing of a common identity as Baptist and liberal arts institutions led to the merger of the two colleges forming Alderson-Broaddus College.

Eighty-one years later, on June 27, 2013, AB gained university status and changed its name to Alderson Broaddus University to reflect its status in higher education. A campus-wide celebration was held on September 2, 2013, and an updated version of the mascot, Skirmish the Battler, was unveiled.

Today, Alderson Broaddus University maintains four colleges: The College of Business; The College of Health, Science, Technology and Mathematics; The College of Humanities, Education, and Social Sciences; and The College of Medical Science.

## CHURCH RELATEDNESS STATEMENT

American Baptist Churches USA and the West Virginia Baptist Convention. We fulfill our educational mission as a faith-based learning community through an ethically informed curriculum from a Christian perspective. Alderson Broaddus University seeks to provide a caring community, reflective of the diversity present in society and in the body of Christ, but united in mutual respect and understanding. We embrace Christian values, including moral integrity, service, trust, justice, and compassion, among others. Within a nurturing environment, we seek to support and empower all members of our community to explore and carry out these values. As part of this commitment, we support religious freedom and respect diverse expressions of faith.

## COMPLAINT PROCEDURES INFORMATION

All students have the right to file a complaint to the University. Complaints must be filed using the Complaint Form found on the Alderson Broaddus University website. All complaints are forwarded to appropriate University administrators. Students can contact the Dean of Students or the Director of Campus Safety if they have questions, comments, or concerns.

## OFFICIAL MEANS OF COMMUNICATION

Alderson Broaddus University communicates with students utilizing a variety of methods, including postal services, campus mail, and email. Email is the University's primary form of official communication. Students should check their University email accounts and campus mailbox (if applicable) often so that important information is received in a timely manner.

## ACADEMIC INFORMATION

Academic Information can be found in the Alderson Broaddus institutional catalogs, which are available on the University's website.

### Academic Integrity

Faculty has primary responsibility for upholding ideals and standards of independent work and academic integrity.

- A. Creativity of thought and originality of effort on the part of students should be encouraged and recognized.
- B. Specific penalties for dishonesty are set by the individual instructor. The penalties should be stated on syllabi or announced at the beginning of each course. Any clear case of dishonesty should be promptly, firmly, and fairly dealt with by the instructor. The instructor should report the incident, in writing, to the school chairperson (if applicable), college dean and to the Provost/Executive Vice President for Academic Affairs. When students dispute the charge of dishonesty, a written appeal will be made first to the instructor, then to the appropriate chair or dean, and then, if the matter is not resolved, to the Provost/Executive Vice President for Academic Affairs. If the matter is still not resolved, the Deans' Council will affect a final resolution. Plagiarism is generally defined as the use of ideas or words of another without documentation. Citations must be given, therefore, not only for direct quotations but for paraphrasing as well. Paraphrasing should not imitate the wording of the original passage; more than three or four important words quoted in sequence as they occur in an original passage should be enclosed in quotation marks. Students should be taught that whether they use direct quotations or paraphrasing, all material which comes from a source other than their own knowledge or experience must be properly documented.
- C. Software and Intellectual Rights: The following is from EDUCOM, "Using Software: A Guide to the Ethical and Legal Use of Software for members of the Academic Community," 1987: Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms for publication and distribution. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations may be grounds for sanctions against members of the academic community.

Plagiarism is defined as using others' original ideas in one's written or spoken work without giving proper credit. Plagiarism can be either intentional and unintentional and can include the following:

- Turning in someone else's work as your own
- Copying words or ideas from someone else without giving credit
- Giving incorrect information about the source of a quotation
- Changing words but copying the meaning and sentence structure of a source without giving credit
- Copying so many words or ideas from a source that it makes up the majority of your work, whether giving credit or not
- Repurposing one's own work or submitting the same work for two different classes without the permission of the instructors
- Trying in good faith to document your academic work, but failing to do so accurately and/or thoroughly

Grading standards are set by the instructors within the course syllabi, but may be appealed in accordance with the Process for Appeal of a Final Grade.

In addition to cheating and plagiarism, academic misconduct also includes, but is not limited to:

- A. *Fabrication*: A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citation to the sources of information. *Forgery/Misrepresentation* and *Falsification of University Records* are specifically defined in the Student Handbook
- B. *Interference*: A student must not steal, change, destroy, or impede another student's work, nor should the student unjustly attempt, through a bribe, a promise of favors or threats, to affect any student's grade or the evaluation of academic performance. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain. For additional information see the *Disregard for Individual Rights* and the *Theft* policies in the Student Handbook.
- C. *Violation of Course Rules*: A student must not violate course rules established by a department, the course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.
- D. *Facilitating Academic Dishonesty*: A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use their work or resources to commit an act of misconduct.

## The Honor Code

"As a member of the Alderson Broaddus University community, I will maintain academic and professional integrity while respectfully supporting and encouraging my fellow Battlers."

## Policies and Procedures of the Honor Code

It is part of the mission of Alderson Broaddus University to prepare students to fulfill their roles in a diverse society as well-rounded and responsible citizen. Outstanding personal integrity must be the hallmark of a community which depends on mutual trust and respect for satisfactory relationships. In order to support its mission, the University has instituted this Academic Honor Code, Policy and Procedures.

The Honor Code applies to all students, staff, and faculty, regardless of academic standing, from the moment they enter the campus environment, physically or online. It is the responsibility of every member of Alderson Broaddus University to understand the rights and expectations listed in the Honor Code. Every member of the Alderson Broaddus community is not only responsible for their own behavior but also for reporting infractions of the Honor Code. Individual syllabi may impose stricter rules or regulations than this Honor Code and are the final authority in such cases of stricter rules or regulations. In all other cases, the Honor Code is the final authority.

## Rights and Responsibilities

Alderson Broaddus University community members have the following Rights and Responsibilities according to their status:

### Student's Rights:

- A. Have reasonable access to faculty and staff (during posted office hours or by appointment), existing academic technology, library resources, and other support services necessary for the learning process.
- B. Receive course syllabus in a timely manner.
- C. Expect to interact with community members who act professionally, provide clearly stated goals, provide clear expectations for performance and evaluation, meet classes as scheduled, and are accessible for consultation.
- D. Have the freedom to raise relevant issues pertaining to classroom discussion (including personal and political beliefs), offer reasonable doubts about data presented, and express alternative opinions without concern for any academic penalty.

### Rights and Responsibilities of all University Community Members:

- A. Have decisions related to their education or career made in a clear manner.
- B. Learn and work in an environment that supports the freedom of self-expression and association.
- C. Participate in the exchange of ideas free from conduct that impedes either an employee's ability to work, an instructor's ability to teach, nor other students' ability to learn.
- D. Expect all community members will be respectful of others' beliefs and observances in accordance with Alderson Broadus University's Policy Prohibiting Discrimination and Harassment in the Student Handbook.

In the event of an academic related violation of the Honor Code, course instructors have the right to enact discipline procedures as outlined in their course syllabi. Likewise, supervisors have the right to discipline their employees as outlined in Alderson Broadus University policies. However, circumstances may arise where the students, faculty, or staff may desire an appeal of those decisions. In such circumstances, an ad hoc Honor Council will be convened (see the Appeal Process above for details on the Honor Council).

### Procedures for Violations of the Honor Code

Instructors have the authority to handle any issues regarding Academic Integrity in their classroom, according to the policies of the Student Handbook and the syllabi, and to determine if a violation warrants being reported to a higher authority. Instructors are encouraged to seek the advice and help of their respective Deans, the Provost and/or the Office of Student Affairs in making this determination. Otherwise, if a community member has a reason to believe that another community member may have violated the Honor Code, they are expected to report the alleged violation directly to the Provost or to the Dean of their respective College who would then report it to the Provost. Failure to report a known violation of the Honor Code, or to make false accusations, may in itself be a violation of the Honor Code. The Dean and/or Provost will gather evidence and notify the accused community member within two business days of discovery. The Provost and the Deans' Council will determine if the Honor Code has been violated, select any appropriate disciplinary actions, and inform the respondent of their decision within thirty days. The respondent has the right to appeal the decision within ten days.

### Appeal of Violations of the Honor Code

The Appeal Process begins once a formal written appeal has been received by the Provost. In the case of a student's appeal of a Violation of Academic Integrity, the Deans' Council will first decide if the appeal has merit based on the acceptable grounds for appeal detailed in the Student Handbook, prejudicial error, penalties in excess of those specified, substantial violation of hearing process, and violation of procedural Doctrine of Fairness standards). Student appeals found without merit will require a letter to the student informing them of the Deans' Council decision with explanation of reasons for the decision. Student appeals found to have merit will proceed to the Appeal Process. Any Dean serving as the complainant or respondent will recuse themselves from the decision-making process in their respective case. The decision of the Deans' Council to proceed to the Appeal Process below should take no more than fifteen business days from filing of the appeal to the decision, unless usual or complex circumstances exist. If additional time is needed, the Provost may grant a one-week extension to any part of the process. Any extensions over one week must be approved by the Deans' Council. Both the complainant and respondent must be included on all communication regarding extensions.



### Appeal Process for Violations of the Honor Code:

- A. During an appeal process, respondent students should continue to attend class and do all assigned work, and respondent faculty or staff should continue to work until a decision is rendered.
- B. Once the Provost receives the formal appeal, an ad hoc Honor Council consisting of four faculty members, two student members, and a representative from the Office of Student Affairs will be formed within five business days to hear the appeal, unless usual or complex circumstances exist. If the appeal comes from an infraction during a shortened course, the timeframe for forming the Honor Council will be reduced to three business days whenever feasible. The faculty members will each be appointed by the Deans' Council and must come from outside of the respondent's supervisory chain. The Chair of the Honor Council, appointed by the Honor Council itself, must be from a different College than the accused, when appropriate. The two student members will consist of the Vice President of the Student Government Association (SGA) plus one other student Senator-at-Large to be determined by the SGA. If either of these students have conflicts of interest, the SGA shall appoint different representatives for the case.
- C. Once the membership of the Honor Council is determined, it shall discuss the appeal within five business days before convening a final hearing within fifteen business days of forming the Honor Council. (If the appeal comes from an infraction during a shortened course, the overall timeframe for the Honor Council to discuss the appeal and convene a final hearing will be reduced to five business days for five week classes and eight business days for eight-week classes.) Timelines may be adjusted if unusual or complex circumstances exist.
- D. In cases of Violations of Academic Integrity, the Honor Council is recommended to use the attached Guidelines for Academic Dishonesty to determine the appropriate infractions and consequences but may choose to use their own rubric.
- E. The complainant or respondent will both be allowed to attend any hearing where witnesses are present. They may not attend the final deliberations.
- F. The Honor Council's decisions will be made by simple majority. In case of a deadlocked vote, due to absent Honor Council members, the appeal will be dismissed, and the original decision will be upheld. Each member of the Honor Council's vote has equal weight. The Council shall apply a preponderance of the
- G. evidence standard when determining whether a basis for an appeal has been met.
- H. The complainant or respondent will be notified of the decision by the Chair or their designee, and the decision will be recorded in the permanent record of the community member who violated the Honor Code.

Decisions reached by the Honor Council are final and not subject to appeal.

It is recognized that there may be times that, due to illness, travel, scheduled breaks, etc., the precise schedules indicated in the preceding paragraphs may not be achievable. In such cases, all participants must make good faith efforts to come as close to the schedule as possible. Hearings for alleged integrity violations that occur at the end of the spring semester present special challenges, but returning students shall have the preceding schedule remain in effect. A graduating senior suspected of violating academic integrity may walk at graduation if all other academic requirements have been met, but they will not receive a diploma until the integrity matter has been resolved.

### Honor Council Guidelines for Academic Dishonesty:

- A. Minor Infraction
  - a. Examples include but are not limited to:
    - i. repetitive improperly formatted citations
    - ii. omission of reference(s)
    - iii. partial paraphrase, makes an attempt to properly cite but lacks understanding
  - b. Consequences
    - i. first infraction - training
    - ii. second infraction - failure of assignment or exam
    - iii. third and all subsequent minor infractions - See B-c-i

- B. Standard Academic Violations
  - a. Cheating, Fabrication, Plagiarism, Interference, Violation of Course Rules, and Facilitating Academic Dishonesty
  - b. Examples include but are not limited to:
    - i. methodical omission of sources
    - ii. “cutting and pasting” without proper citation
    - iii. cheating on an exam
    - iv. giving away answers
    - v. false insertion of citation
    - vi. third minor infraction
  - c. Consequences
    - i. First infraction (or third minor infraction) - Failure of course with dishonor. A student may repeat the course. Only the best grade will be calculated into their GPA; however, the failing grade with dishonor will stay on the transcript.
    - ii. second infraction - See C-c
- C. Egregious Academic Violations
  - a. Above and beyond standard academic violations
  - b. Examples include but are not limited to:
    - i. second Standard Academic Violation
    - ii. providing exams or class work for the purpose of cheating
    - iii. stealing/copying exams
    - iv. impersonating another student
    - v. buying work from another student or source and using as own
    - vi. widespread collusion of student violators
  - c. Consequences
    - i. Failure of course and possible expulsion from Alderson Broaddus University

## Release and Disclosure of Information from Student Records

### Introduction

The University maintains education records related to students, the release and disclosure of which is governed by the Family Educational Rights and Privacy Act (FERPA). The University adheres to all FERPA requirements in maintaining the confidentiality of student education records. Any questions relating to the inspection or disclosure of records should be directed to the Registrar.

### Notice of Rights

Students shall be provided with written notice on an annual basis of their rights under FERPA.

### Access to Student Education Records:

- A. Right to Inspect Contents of Education Records – FERPA provides students with the right to inspect and review their education records, with the following exceptions:
  - Financial records of the student’s parents;
  - Confidential letters and statements of recommendation placed in the education records of a student before January 1, 1975, as long as they are only used for the purposes for which they were specifically intended;
  - Confidential letters and statements of recommendation placed in the student’s education records after 1975 and relating to the student’s University admission, application for employment or receipt of an honor or honorary recognition, if the student has waived his or her right to inspect the letters and/or statements;
  - For records containing information regarding more than one student, the student may only inspect or review the specific information in the record relating to the inquiring student;
  - Requests for review of education records must be made in writing and should be directed to the Registrar. Records which may be inspected in accordance with FERPA requirements will be made available within 45 days of the request. With certain exceptions (e.g., records placed on a financial hold), students may obtain a copy of these records at the student’s own expense at rates to be

determined by the University.

- B. Right to Challenge Contents of Education Records - If a student believes that the student's education records contain information that is inaccurate, misleading, or in violation of the student's right of privacy, the student may make a written request to the University Registrar for amendment of the record at issue. The University shall decide whether to amend the record as requested.

If the University decides not to amend the record as requested, the University will inform the student of the decision and of the student's right to request a hearing challenging the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. Requests for a formal hearing must be made in writing to the Provost, who within a reasonable period of time after receiving the request, will inform the student of the date, place, and time of the hearing. The student may present evidence relevant to the issues raised in the request for amendment of the education records. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney. A hearing panel, convened by the Provost, will preside over the hearing and make a determination on the request for amendment. The hearing panel will make the decision in writing within a reasonable period of time after the hearing, and the decision will be based upon the evidence presented at the hearing and include a summary of the evidence and the reason for the decision.

If the hearing panel decides in favor of the student, the University will amend the record accordingly and inform the student of the amendment in writing. If the hearing panel denies the request for amendment, the University will inform the student of the right to place a statement in the record stating why he or she disagrees with the decision.

C. Limits on Disclosure - The University will not release or allow access to information from a student's education records to anyone outside of the University without the written consent of the student, with the following exceptions allowable under FERPA:

- The disclosure to other University officials, including teachers, with a legitimate educational interest (this may include a contractor, consultant, volunteer or other party to whom the University has outsourced institutional services or functions);
- The disclosure to officials of another school or institution where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- The disclosure to authorized federal, state, or local authorities for the purposes of audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to such programs;
- The disclosure to others in connection with financial aid for which the student has applied or received related to eligibility for the aid, the amount of the aid, the conditions of the aid, or enforcement of the terms and conditions of the aid;
- The disclosure to state and local officials relating to the juvenile justice system;
- The disclosure to organizations conducting studies for or on behalf of the University to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction;
- The disclosure to accrediting organizations to carry out their accrediting functions;
- The disclosure to parents of dependent students, as defined in Section 152 of the Internal Revenue Code;
- The disclosure necessary to comply with a judicial order or lawfully-issued subpoena;
- The disclosure in connection with a health or safety emergency;
- The disclosure of Directory Information;
- The disclosure to the victim of an alleged perpetrator of a crime of violence or non-forcible sex offense of the final results of the disciplinary proceeding conducted by the University;
- The disclosure to a parent of a student at the University who is under the age of 21 regarding the student's violation of any federal, state, or local law or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance;
- The disclosure of information relating to sex offenders and other persons required to register under the Violent Crime Control and Enforcement Act of 1994;
- The University may also disclose or release education records for reasons not specifically listed above in accordance with FERPA.

**Directory Information:**

A. In general, Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

B. Directory Information includes, but is not limited to, the following student information:

- name
- address
- telephone listing
- electronic mail address
- photograph
- date and place of birth
- major field of study
- grade level
- enrollment status (e.g., undergraduate or graduate, full-time or part-time)
- dates of attendance
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- degrees, honors and awards received
- the most recent educational agency or institution attended by the student

Directory Information also includes a student identification (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.

Directory Information does not include a student's social security number or student identification number, except as described above.

Students shall be informed annually, at the time of their first registration within the academic year, of their rights under FERPA. The University will also provide notice that Directory Information may be publicly released unless the student specifically requests in writing, by the last day of registration, that all or part of the information not be subject to disclosure. The Registrar's Office shall both collect and file such written statements, which shall be in effect for one academic year. Once a student is no longer enrolled or has graduated, Directory Information may be released in accordance with the last release authorization/request for non-disclosure on file in the Office of the Registrar unless and until such authorization is revoked by the student in writing or the request for non-disclosure is rescinded.

## **HEALTH AND WELLNESS POLICIES**

### **AIDS and Hepatitis B Policies**

The University will not exclude students, staff, or faculty who are HIV positive or who have AIDS or Hepatitis B from any University-sponsored benefit, function, or activity solely on the basis of their medical condition. The University will not segregate people who are HIV positive or who have AIDS or who have Hepatitis B from any position or environment, including employment, athletic participation, the academic environment, recreational areas, residence halls, and dining facilities.

The University will not tolerate discrimination against any student, faculty member, or staff member infected with HIV or with Hepatitis B. Consideration of the existence of HIV infection or of Hepatitis B infection will not be part of any admission decision for those applying to Alderson Broaddus University or employment decisions.

Members of the Alderson Broaddus University community who are infected with HIV, AIDS, or Hepatitis B have rights as members of this community. Such persons also have a responsibility to the community and are expected to act in accordance with known medical advice to prevent the spread of infection to others. Individuals infected with HIV, AIDS, or Hepatitis B are strongly urged to seek expert clinical care from a qualified health care provider. The University will take action based on guidelines from qualified health

providers (County Health Department, the Centers for Disease Control, the American College Health Association, etc.) if it is reported that someone who is HIV positive or who has AIDS or Hepatitis B is putting other members of the University at risk.

## Communicable Infections and Diseases Policy

Members of the Alderson Broaddus University community who have a communicable infection or disease have rights. Such persons also have a responsibility to the community and are expected to alert the University of their condition and to act in accordance with known medical guidance to prevent the spread of infection/disease to others. Individuals who suspect they are infected, or who test positive for being infected, with a communicable infection or disease should seek expert clinical care from a qualified healthcare provider. The University will take action based on guidelines from qualified health professionals (County Health Department, the Centers for Disease Control, the American College Health Association, etc.) if it is reported that someone has a communicable infection or disease that may put others at risk. When determining the course of action, the University will strive to balance the rights of the individual(s) affected with its duty to protect the health, safety, and collective rights of the University community.

## Student Health Assessment

New students must submit Student Health Assessment information by the advertised deadlines before they can attend classes or move into campus housing. The health assessment includes medical history, immunization/vaccinations documentation, emergency contact, and insurance information. The Student Health Assessment is collected by the Office of Student Affairs and/or the Athletic Department. More information about the Student Health Assessment can be obtained from those departments.

**NOTE:** The University assumes no responsibility/liability for injuries resulting from accidents except those which occur while the student is engaged in a University-sponsored intercollegiate sport.

## Alcohol and Drug Policies and Programs

Alderson Broaddus University, for the health and safety of its students and employees, prohibits the possession, use, distribution, and sale of alcoholic beverages except at approved events. The use of alcoholic beverages at approved events must remain in compliance with University policies and the laws of the state of West Virginia. The possession, use, distribution, and sale of controlled substances and illegal drugs as defined by State Law and Federal Code on the premises of Alderson Broaddus University and at all University-sponsored activities is strictly prohibited.

Alderson Broaddus University, in compliance with the Higher Education Opportunity Act (Public Law 110-315) and Drug Free Schools and Community Act Amendments of 1989 (Public Law 101-226), annually publishes and distributes, to each student and employee, information regarding University policies and Federal Code. This information is available from the Director of Campus Safety to prospective students, parents, and other interested persons upon request.

Please see the *Alcohol and Drug Policy Handbook* at the end of this document for full policies regarding the statements below.

## Philosophy & Standard of Conduct

Alderson Broaddus University is concerned with both the welfare of the University community and the academic and personal development of each student. The University strives to create a healthy environment where the illegal and/or improper use of alcohol and drugs does not interfere with learning, performance, or development. The abuse of alcohol and/or drugs disrupts the environment and places the well-being of the members of the University community at risk. It is important for all members of the community to take responsibility for preventing the illegal and/or improper use of alcohol or drugs from adversely affecting the community's learning environment and the academic, physical, spiritual, and emotional well-being of its students.

## Alcohol Policy

The unapproved use or possession of alcoholic beverages on University premises or at University-sponsored activities is strictly prohibited. Any student in the presence of the possession and/or use of unapproved

alcoholic beverages on campus premises or at unapproved University-sponsored activities will be held accountable in the same manner as the possessor and/or user of the alcohol. Additionally, possession of unapproved alcoholic paraphernalia is prohibited on University premises or at University-sponsored activities. Examples of alcoholic paraphernalia include, but are not limited to, kegs and common containers, beer bongs/funnels, and excessive empty alcohol containers. The University Personal Counselor and University Chaplain are available to confidentially discuss matters concerning alcohol use.

Personal Counseling Services: 304.457.6320

University Chaplain: 304.457.6243

### Approved Events with Alcohol

Members of the Alderson Broaddus University community and affiliated organizations may apply to host events where alcohol is present. Undergraduate students and undergraduate student organizations are not eligible to host events where alcohol is present. Information about the event approval process and event application is available from the Office of Student Affairs. Applications must be submitted at least two weeks in advance of the event.

### Tailgating Events with Alcohol

Alcoholic beverages are allowed at approved tailgating events provided that they comply with University policies and as required by law. Tailgating events with alcohol may only be held in the multi-sports stadium lot and may not interfere with the safe flow of vehicle and pedestrian traffic. Tailgating hosts must be 25 years of age or older and must register in advance or on the day of the event. Hosts are responsible for ensuring that tailgating events are in compliance with University policies and as required by law. Undergraduate students and undergraduate student organizations are not eligible to host tailgating events where alcohol is present. Undergraduate students and individuals under 21 years of age are prohibited from using alcohol at tailgating events.

### Drug Policy

Use or possession of any controlled substance or illegal drug defined by state law or federal code and/or drug paraphernalia is strictly prohibited. Students found to be involved in the possession, use, distribution, or transportation of illegal drugs or paraphernalia on-campus will be subject to disciplinary action, which may include dismissal or immediate suspension from the University. Anyone in the presence of the possession and/or use of controlled substances on campus or at University-sponsored activities will be held accountable in the same manner as the possessor and/or user of the controlled substance. The use of any substance in a manner that it is not originally intended is strictly prohibited. The University Personal Counselor and University Chaplain are available to confidentially discuss matters concerning drug use.

Personal Counseling Services: 304.457.6320

University Chaplain: 304.457.6243

### Medical Amnesty Policy

Community health and safety are primary concerns at Alderson Broaddus University. As such, the University encourages individuals to seek emergency medical assistance for themselves or others when there is concern for the health or welfare as a result of alcohol or other substances.

If emergency medical assistance is sought, the Office of Student Affairs will not pursue conduct charges against the following individuals for violations of the University's Alcohol and/or Drug Policies:

- A. Person(s) in need of emergency assistance.
- B. Person(s) actively assisting the person(s) in need of emergency assistance.
- C. If a person(s) takes all of the following steps, the Office of Student Affairs will not pursue violations of the Alcohol and/or Drug Policy of the University:
  - a. Remains with the person who reasonably appears to be in need of emergency medical assistance until such assistance is provided;
  - b. Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;
  - c. Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an emergency medical need;

Under the Medical Amnesty Policy, the University will refer students to appropriate post-emergency care

resources. Although the University will not pursue conduct charges, students may still be subject to non-disciplinary educational mandates such as counseling, online educational task, or similar activities.

This provision only applies to violations of this Handbook. For information regarding any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W.Va. Code §§ 16-47-1 to -6, which can be found online.

### **Application of Medical Amnesty to Student Organizations**

In circumstances where an organization is found to be hosting an event where emergency medical assistance is sought for a person(s) in need, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy and/or Drug Policy. However, the organization's willingness to seek emergency medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol and/or Drug Policy.

Under the Medical Amnesty Policy, the University will refer students to appropriate post-emergency care resources.

This provision only applies to violations of this Handbook. For information regarding any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W.Va. Code §§ 16-47-1 to -6, which can be found online.

### **Tobacco**

The use of all forms of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookahs), bidis, kraters, vaporizers, electronic cigarettes, smokeless tobacco, snuff, and chewing tobacco are prohibited in the residence halls and in all other buildings and facilities on campus.

In order to promote tobacco-free areas at the entryway of University facilities and to recognize the rights of tobacco users to participate in tobacco activities outdoors, individuals who wish to participate in tobacco related activities must be at least 25 feet away from all University facilities.

Alderson Broaddus University is committed to the education of students, faculty, and staff regarding tobacco use through the periodic offering of programming aimed at prevention and early intervention.

### **Judicial Actions**

Except as otherwise provided in the amnesty provisions above, if convicted of violating criminal laws or found in violation of campus regulations concerning alcohol or drugs, students may be subject to both civil and University disciplinary action (see Disciplinary Procedures and Policies section). Students must notify the Director of Campus Safety and Security, in writing, within 24 hours of returning to campus that they have been arrested for breaking any local, state, or federal law that involves alcohol or drugs.

### **Assistance Programs for Substance Abuse Concerns**

The Personal Counseling Services Office in Burbick Hall is available for initial dialogue and for those concerned about an alcohol or drug use. Counseling Services personnel will assist students in obtaining substance abuse treatment services if needed and requested.

## **SERVICES FOR STUDENTS WITH DISABILITIES**

The Academic Center for Educational Success (ACES) coordinates services for students with disabilities. Because services for students with disabilities are individualized based on category of disability and documentation provided, please contact ACES for consultation and assistance.

### **Equal Opportunity for Students with Disabilities**

In accordance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fair Housing Act, and the West Virginia Human Rights Act, Alderson Broaddus University is committed to educating qualified students with disabilities. It is the policy of Alderson Broaddus University that no qualified student with a disability shall, on the basis of such disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity provided, sponsored, offered, or required by the University. The University shall operate programs and activities in the most integrated setting appropriate. This policy is issued in compliance with the applicable laws and is

intended and shall be construed to afford the protections and rights provided by those laws. Questions or concerns regarding this section should be directed to the Office of the Provost.

## **ADMINISTRATIVE WITHDRAWAL OF STUDENTS WITH SAFETY CONCERNS**

### **Standards for Administrative Withdrawal:**

1. A student will be subject to administrative withdrawal from the University and/or from University housing if it is determined, by a preponderance of evidence, that the student is not capable of functioning safely and is presenting behaviors that represent a real danger to others (physically or emotionally) or significant disruption to the learning environment or activities on campus. Descriptions of circumstance that are applicable to this policy include, but are not limited to:
  - a. Instances where a student engages, or threatens to engage, in behaviors which pose a danger of physical or emotional harm to others and/or an inability to care for themselves adequately;
  - b. Engagement in behaviors which would cause significant property damage or would directly and substantially impede the lawful activities of others;
  - c. Self-harm or suicide threats or attempts that impact the safety, physical or emotional well-being, or environment of others and their successful role as members of the campus community;
  - d. Instances of inappropriate behaviors that cause a chronic, inordinate use of University resources including, but not limited to, staff time, security detail, psychological and counseling services, emergency services, and monitoring thereby resulting in an unreasonable burden to the University, and/or which exceed the capabilities of the University to ensure safety to all.
2. These standards do not preclude removal from the University, or University housing, in accordance with provisions of the Student Handbook or other University rules and regulations.

### **Referral for Evaluation:**

1. The Chief Student Affairs Officer or designee may refer a student for evaluation by an independent licensed psychiatrist or psychologist approved by the University if the Chief Student Affairs Officer or designee reasonably believes that the student may meet the criteria set forth in Standards for Withdrawal.
2. Students referred for evaluation in accordance with Referral for Evaluation, (Part 1 above) shall be so informed in writing, either by mail or University email, and shall be given a copy of these standards and procedures. The evaluation must be completed within five business days from the date of the referral letter unless unusual or complex circumstances exist. The Chief Student Affairs Officer or designee may grant an extension on a case-by-case basis.
3. A student who fails to complete the evaluation in accordance with these standards and procedures may be subject to an Interim Administrative Withdrawal.

### **Interim Administrative Withdrawal**

The Chief Student Affairs Officer or Presidential designee may impose an interim administrative withdrawal to become immediately effective and without prior notice if a student fails to complete an evaluation as provided above or if the Chief Student Affairs Officer or designee determines that a student's behavior poses an imminent danger of:

1. causing serious physical harm or emotional harm to others, or
2. causing significant property damage, or
3. directly and substantially impeding the lawful activities of others.

A student placed on interim administrative withdrawal shall be accorded an informal hearing before the Chief Student Affairs Officer or designee within five business days from the effective date of the interim administrative withdrawal. The University reserves the right to request a continuance for information-gathering purposes. The informal hearing shall be held on the following issues only:

1. The reliability of the information concerning the student's behavior;
2. Whether the behavior and the surrounding circumstances pose an imminent danger of causing serious physical harm or emotional harm to others, causing significant property damage, or directly and substantially impeding the lawful activities of other members of the University community.



### Informal Hearing Regarding an Administrative Withdrawal:

1. Students subject to an administrative withdrawal shall be accorded an informal hearing before the Chief Student Affairs Officer or designee.
2. A written decision shall be rendered by the Chief Student Affairs Officer or designee within five business days after the completion of the informal hearing. The written decision, which will be mailed or emailed to the student's University account, will contain a statement of reasons for any determination leading to involuntary withdrawal. The student will also be advised as to when an application for readmission will be considered, along with any conditions for readmission.
3. A decision for administrative withdrawal requires review and approval by the President of the University and may be altered, deferred, or suspended by that officer.

### Course Grades

At the time of administrative withdrawal, a determination, in accordance with the established academic policies of the University, will be made by the Provost/Executive Vice President for Academic Affairs or their designee as to the grade which the student will receive in the courses in which the student is currently enrolled.

### Refunds

Refunds of tuition, fees, room and board, as well as adjustments in financial aid, will be made in accordance with the refund policies of the University as published in the University Catalog in effect at the time of withdrawal.

### Deviations from Established Procedures

Reasonable deviations from these procedures, not affecting fundamental fairness, will not invalidate a decision or proceeding unless significant prejudice to a student can be shown to have resulted.

### Requirements to Apply for Readmission from Administrative Withdrawal

An administrative withdrawal will remain in effect until the student can adequately demonstrate that they are capable of no longer constituting a direct threat to self or others as defined in Section I. This will be determined based on several factors, including, but not limited to, direct observation by administration involved regarding the student's ability to function upon return, including any plan for return offered by the student, and a psychological evaluation from an independent mental health professional approved by the University. After receiving the evaluations and assessments, the Chief Student Affairs Officer or designee will make a decision about the student's status, which may include the following options:

1. Immediate approval to apply for readmission, providing the student adheres to the additional requirements determined by The Chief Student Affairs Officer or designee, such as:
  - a. Student must have a plan for care under the supervision of a doctor and/or mental health professional and provide attendance verification from the provider.
  - b. Student must have a support system defined and in place, including family, friends, and professionals on and off campus.
2. Student's request for readmission deferred until additional assessment or treatment can be obtained.
3. Student's request for readmission deferred indefinitely due to significant and specific concerns about continued danger and/or disruption to the campus community.

The above administrative withdrawal provisions do not apply to cases handled under the University's Title IX Policy section entitled *Emergency Removal of a Student-Respondent*.

## SOCIAL MEDIA GUIDELINES

### Purpose

This document outlines the publication policy for Alderson Broaddus University's page(s) on social media, including, but not limited to, Facebook, Twitter, Instagram, YouTube, LinkedIn, Snapchat, Tumblr, Flickr, as well as anonymous social networking apps. These all are online social utilities that allow individuals or groups to create a place for a group of people to come together online to post information, news and events. Alderson Broaddus University's social media presence is intended to provide the University community with a venue to share thoughts, ideas, and experiences through discussions, postings, photos, and videos. Publication guidelines will be similar to any other media.

The Alderson Broaddus University pages will provide students and other constituents with up-to-date University information and the opportunity to communicate with page administrators and other page users. This policy is intended to outline proper usage guidelines in order to ensure the most effective use of the pages.

This policy addresses the University's official presence on social media sites. In general, individual pages are not included in this policy; however, if an employee or student group (i.e. athletic team, student organization, class, academic department, etc.) at the University creates a page that could be affiliated with the University, the Marketing and Communications Office must be notified. The Marketing and Communications Office also holds the right to ask for username and password information of such pages. The University does not take any responsibility for pages developed by others.

The University would also like to remind faculty, staff, and students to be mindful of the content posted on personal pages. It is also the recommendation of Alderson Broaddus University that faculty and staff refrain from using their personal social media pages to interact with current students.

Contributors to the Alderson Broaddus University pages will follow the general guidelines found at [www.ab.edu](http://www.ab.edu). Oversight of all Alderson Broaddus University-affiliated pages is the responsibility of the Marketing and Communications Office, which will periodically review pages to ensure University policies are followed and that the pages are being produced in accordance with the best interests of the University. Contributors must also follow the terms of service for the social media platform being used.

Because the technology that drives web communication changes rapidly, this policy may be adjusted to reflect issues that may arise in the management and implementation of the page or for any other reason that supports the University's priorities for the page.

### Department Social Media Sites

Individual departments wishing to develop a social media presence MUST contact the University's Marketing and Communications Office at [marketing@ab.edu](mailto:marketing@ab.edu) before developing any pages and/or accounts. The Marketing and Communications Office must also be notified of all current social media accounts being used.

### Responsible Parties

The Marketing and Communications Office is the primary administrator for the University's main pages on any social media sites. Those who wish to contribute information or make suggestions for the Alderson Broaddus University pages should e-mail [marketing@ab.edu](mailto:marketing@ab.edu).

Student organizations are encouraged to develop a social media presence. When associated with the University, these pages should adhere to University policies. Developing "friendships" with the official University pages and other student group pages is encouraged!

### Content Development

All content must relate directly to University business, programs, and/or services. Content placed by administrators cannot promote individual opinions or causes which are not directly related to University purposes. Content should be short and written in active voice. Remember to consider the audience; the style and tone of content should be direct and student-oriented.

### Photos and Videos

Uploaded photos and videos must relate directly to the University and/or student life and should not be used as a promotional tool for programs, products, or services outside the University. All photos and videos must adhere to existing University policies which can be found in the Student Handbook and Employee Handbook.

### Updating and Adding Content

The page should be maintained and as up-to-date as possible. In general, the more frequent the content is updated, the more users will access the page. Dated material needs to be removed as soon as reasonably possible.

### “Likes”

The term “Like” refers to a member of Facebook who decides to “like” a particular page. This means that the person is a recognized follower on the page, is able to interact on the page, and receives updates sent out about events, including status and posts, on their newsfeeds.

Those who “like” the page cannot be censored by administrators, unless explicit, vulgar, or defamatory language is used. They will be censored by the terms and conditions of Facebook.\* Facebook does establish many guidelines in regards to language, posting pictures and videos, and various other topics. Be sure to read the guidelines carefully and report followers that violate any terms or conditions.

Existing policies governing student and employee behavior apply to the University’s social media pages. The University takes no responsibility for content developed by nonemployees.

### Photography/Videography Policy

Alderson Broaddus University and its representatives often take photographs and/or videos in public spaces on campus or at University-sponsored events for the University’s use in print, electronic publications, and social media outlets. This policy serves as public notice of the University’s intent. It also serves as all students’ permission for the University to use such images to promote the University and sponsored events. Students give implicit permission and authorization to Alderson Broaddus University to use any photograph, video content, or likeness that is taken or is authorized by an Alderson Broaddus University staff member for instructional or promotional purposes unless a written statement to the contrary is filed with the Office of Marketing and Communications. By granting permission, students release all claims for payment, damages for libel, slander, or invasion of the right of privacy.

### Other

Because the Alderson Broaddus University pages on social media sites are interactive tools, administrators should monitor pages closely and frequently to supervise user conduct.

Any questionable conduct should be reported to the Marketing and Communications Office.

Revised May, 2022

## CAMPUS FACILITIES

### Bookstore

The Bookstore is located on the ground floor of Hamer Campus Center. The primary purpose of the Bookstore is to make books and supplies required for course work available to students. In addition, University memorabilia, clothing, greeting cards, personal supplies, paperbacks, and gifts are available. Hours of operation are posted.

For online and distance education students, a link to the bookstore is available on the AB website. The bookstore will mail requested materials to the student.

### Textbook Purchase and Rentals

Students should bring their class schedules when visiting the Bookstore. The textbooks are arranged on the shelves by class code numbers. For each course, a card is affixed to the shelves indicating the books for the course and whether they are required or optional. Each card will indicate the department and course number. Some textbooks are available to rent. See the Bookstore for more information.

Textbooks are selected by the faculty and prices are established by the publishers. The bookstore will accept personal checks, money orders, travelers’ checks, and bank checks (which must be validated by University ID). Visa, MasterCard, Discover, and American Express cards are also accepted.

### Textbook Returns

Receipts are required. Refunds on textbooks can be obtained through the first three classes for the semester. A cash refund cannot be issued unless the following conditions are met:

- A new book cannot have been written in.

- Books must be in the same condition as purchased.
- Cash register receipt and student ID card must be presented.

**No cash refund will be issued without a receipt.**

### Hamer Campus Center

The Hamer Campus Center is the location of the following student services: EJ & Emma's at the Cave, Heiner Dining Hall, Crim Dining Room, Jazzman's Cafe & Bakery, Sub Connection, the Bookstore, the Office of Student Affairs, the Post Office, the Campus Safety Office, and the Campus Center Fitness Center. The Campus Center also has game tables, lounge areas, and a meeting room.

### Coliseum Fitness Center

The Coliseum Fitness Center is located on the ground floor of the Coliseum. Hours of operation are scheduled and managed by the Athletics Department. Patrons must follow all posted weight room rules.

### Campus Center Fitness Center

The Campus Center Fitness Center is located on the ground floor of the Hamer Campus Center and is open to students and employees. Hours of operation are scheduled and managed by the Office of Student Affairs. Patrons must follow all posted Fitness Center rules.

### Swimming Pool

The AB Swimming Pool is located in the Coliseum and maintains open swim hours for students and employees. Hours of operation are scheduled and managed by the Athletics Department. Patrons are required to abide by posted rules.

### Pickett Library

All the resources needed to complete coursework can be found in the library or on the library website. Research assistance is provided via email and in the library. Librarians are available days, evenings, and weekends to assist students. There is seating for 200 students and additional group study areas are available within the library. The library has wireless Internet access and multiple computer labs.

The library's website can be accessed via the University website. It provides access to many online academic databases, 150,000 electronic books, 11,000 electronic journals, magazines and newspapers, and the music content of 70,000 CDs. The library also houses 40,000 books and 1,500 audio-visual items.

The Pickett Library operates year-round. Hours of operation are posted.

### Campus Post Office

The Campus Post Office is located on the ground floor of the Hamer Campus Center. Most residential students are assigned a mailbox and key when they enroll. Students must return their key upon graduation or departure from the University. Both incoming mail and on-campus mail are distributed through the Campus Post Office. Students can purchase stamps and mail parcels as well.

## DINING SERVICES

Dining services are managed and operated by Sodexo Dining Services. Campus dining facilities are open during academic semesters and may offer limited hours during break periods and summer sessions. Undergraduate residential students are required to maintain an active board plan. There are optional plans available for commuters, faculty, and staff available for purchase as well. Commuter students, faculty, staff, and guests without meal plans may purchase meals at any dining facility.

To-go containers are available to customers in some locations but are for take-out only and are not refillable.

### Student ID Card Usage

All students must have their Student ID card present when using their meal plan and may not use another student's ID card.

### Rules of Conduct in the Dining Facilities

Patrons are expected to adhere to University policies along with the following rules when visiting any campus dining facility:

- Refrain from touching foods with hands that are not taken and are left for others to eat.
- Refrain from removing dishware, etc. from dining facilities or removing food without proper payment. Theft of dining services property or food will result in disciplinary action.
- Refrain from entering any dining facility without proper clothing and shoes. Shirts and shoes are required.

Please note that the management of Sodexo Dining Services has an open door policy. Any student or other patron is always welcome to approach the General Manager for discussion, questions, concerns, etc.

### Board Plan Waiver Policy

Undergraduate students who are living on campus in the University residence halls **are required** to participate in the University's board plan. Exemptions for this requirement may be granted for students who are participating in an academic program that requires them to be away from campus for a majority of days (for example: student teaching) and to students who have a documented medical condition that requires a diet that AB Dining Services cannot provide. Board Plan Waiver applications are available in the Office of Student Affairs. Board plan waiver applications must be submitted to the Office of Student Affairs no later than two weeks after the first day of classes. Students who request a waiver must also visit the Financial Aid Office to evaluate how a granted waiver may affect their aid package.

## STUDENT SERVICES

### Career Planning and Placement Services

The mission of the Office of Career Services is to help students find their career path, to educate students and alumni about career development, and to support students and alumni in the vocational exploration, identification, pursuit, and integration of personal and professional career goals.

Services for Students:

- Career guidance and counseling
- Workshops on interview skills and resumes
- Resume writing
- Mentorship opportunities with Alumni
- Internship opportunities
- Preparation for Graduate school
- Professional development
- Career Closet
- Job fairs

### The Office of Instructional Design

The Office of Instructional Design offers a variety of services related to students' use of the University's Learning Management System (LMS), Moodle. Students and faculty are expected to use Moodle. The Office of Instructional Design offers assistance to students and faculty for using Moodle and its features for both campus and online courses. These include: assignment submission, use of forums, downloading and sharing of classroom information, live chat, and many other features.

The office is located on the third floor of Burbick Hall, within the Academic Resource Center, and maintains business hours. Additionally, online support is offered via email and most issues are addressed quickly. Video tutorials can be found on the Moodle LMS webpage, [www.moodle.ab.edu](http://www.moodle.ab.edu).

### Personal Counseling Services

The Personal Counseling Services office offers the services of licensed professional counselors to provide confidential personal counseling, crisis management, and adjustment/coping skills enhancement at no cost to students. Emphasis is placed on providing a safe, nonjudgmental setting for self-development and personal growth, and an effort is made to be responsive to the needs of traditional and non-traditional students as well as sensitivity and respect to everyone, regardless of race, gender, sexual orientation, religious beliefs, or physical/emotional disabilities. Common issues addressed in counseling include: stress management, general or social anxiety, panic attacks, test anxiety, depression, grief, sexual assault or abuse (past or recent), trauma recovery, improvement of relationships, lack of confidence/assertiveness, addictions to substance, technology, or self-harm behaviors, helping others in distress, suicidal thoughts or attempts, and other general

life issues. Personal Counseling Services offers outreach programming throughout the academic year based on problems/issues particularly relevant to university students.

Students are encouraged to email the director, Chad Hostetler, at [hostetlercs@ab.edu](mailto:hostetlercs@ab.edu) or call 304.457.6320 to schedule an appointment. Students may also visit the Personal Counseling Services office at 219 Burbick Hall, but scheduling ahead by phone or e-mail is recommended. For online and distant students, email sessions or video-chat can also be arranged as needed.

Referrals to other local agencies for counseling or medication management can also be arranged if desired. Please note that outside agencies may charge a fee for services.

## Office of Financial Aid

The Office of Financial Aid is located on the second floor of Burbick Hall and maintains regular hours throughout the year and may also be reached at 304.457.6354 or [fa@ab.edu](mailto:fa@ab.edu) to schedule an appointment if needed.

### Satisfactory Academic Progress (SAP)

All students are required to complete and file a Free Application for Federal Student Aid (FAFSA) each year. Applications open on October 1<sup>st</sup> each year and students are encouraged to complete it as soon as possible.

Financial Aid SAP is required by federal regulations. SAP monitoring is intended to assure that students are able to complete their academic program in a timely manner through achieving minimum academic standards. To maintain Financial Aid SAP, students must:

- Complete the required percentage of attempted credit hours and,
- Earn the minimum cumulative GPA based on their total credit hours attempted, as well as,
- Complete their academic program within the maximum number of credits permitted (150% of the required course credits)

### Number of Credit Hours Attempted by Student

#### Percentage of Credit Hours Attempted that must be completed

#### Minimum cumulative GPA

1-23	
67%	
1.60	
24-47	
67%	
1.80	
48-71	
67%	
1.90	
72+	
67%	
2.00	

Please note that for Financial Aid SAP purposes, Hours Attempted are calculated as follows:

Grades: A, B, C, D, S, P, H are all passing grades and count as hours attempted. A student who receives a grade of Incomplete (I) or Failure (F, U, NF) are considered to have attempted those credit hours. Successful completion will be measured by the number of semester credit hours passed or the number of semester hours earned, whichever is greater

Withdrawal: Any course that is withdrawn from will still count as credit hours attempted

Attempted Repeated Classes: All course repetitions will count as hours attempted

\*See the complete Satisfactory Academic Progress Policy available in the Financial Aid Office or online at: <https://ab.edu/financial-aid/academic-progress/>

### Federal/University Work Program

Students may earn up to \$1,500 a year (\$750 a semester) from the Federal/University Work Program. These students earn an hourly wage equal to minimum wage or slightly above depending on the department in which the student works. Hourly students can do a “share.” This means the student can obtain more than one Federal/University Work Program position. However, the student will not be permitted to earn more than \$1,500.00 per year (\$750 per semester).

The Federal/University Work Program is awarded based upon eligibility when the Financial Aid Office received a student’s completed FAFSA form.

A student must have been awarded Federal/University Work Program, have a signed authorization form, completed a W-4 form and state withholding form, and completed the requirements for I-9 before they can begin working. Federal/University Work Program is not credited to a student’s bill until the student earns the money and applies it to their student account.

A student employment handbook outlining the policies and procedures of the Federal/University Work Program and available positions is available in the Financial Aid Office or on the department’s website.

West Virginia Financial Aid Programs information is available at:

[https://secure.cfww.com/Financial\\_Aid\\_Planning/Scholarships/Scholarships.aspx](https://secure.cfww.com/Financial_Aid_Planning/Scholarships/Scholarships.aspx)

## Academic Resource Center

The mission of the academic resource center is to support our students and help them reach their goals by creating a comprehensive approach to learning so our students can reach their highest academic and personal potential. The resource center is to guide, engage and empower students in their quest for academic success. This includes peer tutoring, study groups, and academic coaching. These services are free to all AB students.

Goals and Objectives for the Resource Center:

- Provide and expand on programs for effective learning through a model that invites thoughtful and engaged participation
- Collaborate with faculty to help drive teaching styles and methods, advising assistance and to help them respond more effectively to the individual learning needs of all our students.
- Promote and encourage meaningful connections among and between students and faculty
- Provide a supportive environment for studying, a place to foster growth and become a self-directed learner

Services for Students:

- Peer tutorial services
- Computer lab
- Individualized academic assistance
- Assisting undecided students
- Mentoring-support system working with alumni
- Student and faculty workshops
- Academic coaching
- Study skill technique consult
- Writing Lab

## Disability Resources Center

The mission of the Disability Resource Center is to help students, faculty and staff with documented disabilities get the resources they need to succeed, from testing and housing accommodations to assistive technology.

How to request Disability support:

1. Fill out application for services
2. Provide appropriate documentation
  - Educational records such as high school accommodation plan (IEP, 504 plan, etc..)
  - Neuropsychological evaluation
  - Documentation from physician, psychologist, or psychiatrist
3. Meet with Disability Services Counselor/Coordinator to discuss accommodations
4. Sign and complete Self Disclosure Form and Disability Services Agreement
5. Notify instructors of students' eligibility and accommodations

## THE OFFICE OF STUDENT AFFAIRS

### Mission

The Office of Student Affairs is committed to furthering the mission of Alderson Broaddus University by creating a safe and vibrant campus life for all students, preparing them to become leaders and global citizens. This is done by encouraging the cognitive, personal, social, and spiritual growth of each AB student through providing opportunities for community and civic engagement, co-curricular involvement, and residential living.



## Housing and Residence Life

### Preamble

Alderson Broadus University is committed to creating an environment that is supportive of students' personal, spiritual, emotional, physical, social, and academic growth in a residential setting.

In order to fulfill this purpose, Alderson Broadus University is primarily a residential institution and **full-time undergraduate students are required to reside on campus during their enrollment**. Special circumstances may permit students to apply for exemption from this policy; see *Off-Campus Residency Requests*.

Residence hall policies and procedures exist to help facilitate safety, community, and student success.

### Housing and Residence Life Staff

Residence halls are managed by professional staff who have responsibility for the day-to-day operations of the residence halls and for cultivating a community conducive to student learning and success.

Assistant Resident Directors (ARDs) and Resident Assistants (RAs) are trained student leaders who educate, inform, and provide assistance to residents through programming and service. They are essential to the development of a health community environment within each residence hall.

### Roommate Bill of Rights

Alderson Broadus University recognizes that success in a residential learning environment requires thoughtful consideration of others and mature, responsible behavior by each and every student. To this end, the following Roommate Bill of Rights is applicable to each resident:

1. The right to read and study in one's room free from undue interference.
2. The right to sleep without undue disturbance from noise, guests of roommates (suite mates), etc.
3. The right to expect that a roommate will respect one's personal belongings.
4. The right to a clean environment in which to live.
5. The right to free access to one's room and facilities without pressure from roommates or suite mates.
6. The right to privacy.
7. The right to host guests in one's room or suite with the expectation that guests are to respect the rights of roommates or suite mates and other hall residents.
8. The right to have grievances addressed.
9. The right to be free from fear of intimidation, physical harm, and emotional harm.
10. The right to expect reasonable cooperation and the use of shared facilities and equipment and a commitment to honor agreed-upon payment procedures.

Residents are encouraged to create roommate agreements with Residence Life Staff at the beginning of each school year to determine how they will ensure that these rights are upheld. If an issue arises, residents should communicate concerns directly to those involved. If this communication does not resolve the concern, Residence Life Staff members are available for mediation assistance.

## General Residence Life Policies and Procedures

### Temporary Policies

The University may institute temporary policies to enhance the health and safety of resident students and the campus community. These will be communicated to students via official channels such as AB email and the AB website.

### Air Conditioners

The installation of portable or window air conditioners is not permitted without written permission from the Office of Student Affairs.

### Electrical Appliances

The use or possession of unauthorized electrical appliances is prohibited and subject to removal and/or confiscation by University staff. Stereos, television sets, amplification equipment, musical instruments, etc., while permitted in the residence halls, will be confiscated if they are used to contribute to excessive noise or disruption of the community.

Residents whose authorized cooking appliances set off the fire alarm system in the residence hall may have said appliances removed by University staff.

All electrical appliances must be UL approved. Refrigerators must be no larger than 4.5 cubic feet. Multi-plug adapters and power strips must have a built-in circuit breaker, must be UL approved, and are subject to approval by the State Fire Marshal. Per the State Fire Marshal, refrigerators must be plugged directly into a wall electrical socket. They may not be plugged into a power strip or similar item.

### Event Publicity

Any student or group wishing to publicize an event on campus, including within the residence halls, must adhere to the *Promotions Materials Policy*.

### Internet Access

Residential students can obtain high speed internet access and/or Wi-Fi in their rooms at no additional charge. Some restrictions to resources such as internet file-sharing may apply as necessary to manage bandwidth and comply with state and federal regulations. Networking equipment such as routers, switches, wireless, access points, etc., or any computers serving as such devices, may not be connected to the network without the explicit permission of the Office of Information Technology (OIT). (See *the Computing and Networking Resources Acceptable Use Policy*)

### Key Distribution

Students are responsible for their residence hall room key(s). Keys will be distributed when a student checks into a space and students are responsible for returning their key(s) when they check out. Students who lose or do not return their key(s) will be billed for a lock replacement and new keys to be made. Students are prohibited from giving their key(s) to other students or guests.

### Living Conditions and Expectations

Students are responsible for maintaining clean and orderly rooms that are free from garbage and refuse. The University provides a housekeeping staff to empty floor trash containers, vacuum hallway and lobby carpets, and maintain common area bathrooms. Students are responsible for taking their personal trash to their building's designated dumpster. A cleaning fee is charged in the event an occupied room/suite or vacated room is left in disarray. All residents of a building or area may be billed for trash left in common areas.

### Lock-outs, Key Responsibility, and Door Usage

Students should keep their doors locked and carry their keys and AB ID Card with them at all times. Students who are locked out of their rooms should contact the AB Master Number (304.457.7777) to gain access to their rooms. Repeated lock-outs and improper use of keys may result in student conduct action. Students who lose their key(s) will be billed for a lock replacement and new keys to be made.

Students are not allowed to enter or exit buildings through windows except in case of emergency. Facility doors may not be propped open as such action creates a health and safety hazard to the community.

### Guests

Students are responsible for their guests and their guests' behavior. Guests are expected to observe all policies and regulations of the University. **The University may limit guest visitation options due to health and safety concerns.** The University reserves the right to remove and/or place visitation restrictions on guests who are disruptive to the community or who violate University policies and regulations.

The University may limit the number of overnight guests a student may have at one time or during the semester. No guest may stay more than two consecutive nights. Residents cannot exceed the maximum occupancy of their room/suite as noted below:

#### Residence Hall

##### Maximum occupancy

Blue Hall

2 people per bedroom; maximum 10 people per suite

Benedum Hall

4 people

Kincaid Hall

4 people per bedroom; maximum 10 people per suite

Priestley Hall

4 people per bedroom; maximum 10 people per suite

Battler Hall

4 people

Gold Hall

2 people per bedroom; maximum 10 people per suite

University Hall

4 people

**Moving In - Start of the Semester**

The University establishes specific periods for residential students to move into the residence halls. These periods are communicated to students via AB email and other methods. Students are not allowed to move in or otherwise occupy a residence hall space until their designated move-in period. The Office of Student Affairs only approves early move-in requests for exigent circumstances. Students who move in or otherwise occupy a residence hall space early without permission may be subject to student conduct action and will be billed \$125.00 per day to their student account.

**Moving Out**

A student is expected to properly check out with a Residence Life staff member and vacate their room within 24 hours after completion of their final exams or if the student is no longer enrolled, including if the student has withdrawn or has been suspended, or dismissed, from the University. Residence halls are closed when the University is not in regular session, except to provide for students whose course of study, campus work, or other University-sanctioned activity requires them to remain on campus. Such students must obtain permission from the Office of Student Affairs to remain on campus, must observe all University regulations, may be charged a fee, and may be required to live in a room other than the one they occupy during the regular session. The University retains the right to immediately remove students who are living on campus when the residence halls are closed due to safety concerns or for disciplinary reasons.

**Students moving out of the Residence Halls must complete the check-out process as communicated to by the Office of Student Affairs.** A member of the Residence Life staff will check the student's room to ensure that everything is in order and will document any damage, etc. If the student does not properly

complete the checkout process, an \$85.00 fee will be billed to their student account.

### Abandoned Property

Any property remaining in a residence hall after the designated move out period has ended or a resident moves out will be considered abandoned after 30 days and will be disposed of by the University unless prior approval and arrangements are made in advance in writing with the Office of Student Affairs. The University is not responsible for any damage incurred to the personal property of a student or any loss of personal property of a student. Each student is encouraged to carry appropriate personal insurance.

### Repairs and Damages

Damage to residence halls and student rooms is the responsibility of the residents of that hall. In determining who will be charged, the following policies will be followed:

- Damage to individual rooms will be assigned to the occupant(s) of the room. If the responsibility for damages is not that of the occupant(s), it is the responsibility of the occupant(s) to identify the responsible person(s).
- Damage to property common to suites and/or hallways will be assigned to all residents of the suite and/or hallway. If responsibility for damages is not to be shared by all the residents of the suite and/or hallway, it is the responsibility of the suite and/or hallway residents to identify the responsible person(s). Damage to common facilities of the residence hall (lounges, study area, kitchen, etc.) will be assigned to the entire group residing in the residence hall. If responsibility for damages is not to be shared by all the residents of the hall, it is the responsibility of the residents to identify the responsible person(s).
- Charges for damages will be assessed as a part of the bill issued by the Business Office for each student. Such charges are due and payable at the time they are assessed. Failure to fulfill this financial obligation may result in the inability to register for subsequent semesters. Students who have made a damage/reservation deposit will have that amount remain on deposit until they leave the University. At that time, any unpaid damage charges and any other unpaid fines (e.g., library fines, disciplinary fines, etc.) will be charged against the deposit. Rooms are checked upon arrival, upon departure, and during the academic year for health and safety purposes.
- **The University is not responsible for any damage incurred to the personal property of a student or any loss of personal property of a student. Each student is encouraged to carry appropriate personal insurance and/or renters insurance.**
- Deposits are refundable when a student leaves the University via withdraw, leave of absence, or graduation. A Room Deposit Refund Request must be received by the Office of Student Affairs within ten business days of vacating his/her residential room. Room deposits will only be refunded when the proper checkout procedure is followed.

### Trash Removal

Residents are required to remove their own trash on a regular basis. Trash is to be thrown away in their building's designated dumpsters. Students may not leave bags or bins of trash outside of their room/suite or dispose of their room/suite trash in public area trash cans in lobbies, kitchens, lounges, etc. Doing so may result in financial or student conduct charges. All residents of a building or area may be billed for trash left in common areas.

### Residential Eligibility

In order to fulfill its educational purposes, Alderson Broaddus University is primarily a residential institution and requires all unmarried, full-time undergraduate students to reside in residence halls, unless an exemption is approved (see *Off-Campus Residency Requests*). Part-time students and students who are not in good standing with the University are not eligible to live on campus unless granted permission in writing from the Office of Student Affairs. The University does not offer family housing.

### Quiet Hours

In consideration of others, students should maintain reasonable levels of quiet at all times in all residence halls. Additional quiet hours will be announced and posted each semester. During quiet hours, no noise should be heard outside of one's room. Excessive noise will not be tolerated at any time. **Strict quiet hours are observed 24 hours a day during final exams.**

Group activities in and around the residence halls must be approved by the Office of Student Affairs at least

24 hours prior to their occurrence. Efforts should be made by each group to keep the level of noise to a minimum. Regularly scheduled meetings of groups in and around the residence halls need to be approved only once per year. Any additional activities need to be approved by the Office of Student Affairs on a case by case basis.

### Room Entry

The University understands that each student has a natural desire for privacy. This may be especially true in a group living situation as found in residence halls. However, there may be occasions when University staff (staff members of Student Affairs/Residence Life, the Department of Campus Safety, or the Facilities Department) have to enter and/or search a student's room/suite.

The University reserves the right to enter and/or search rooms for suspected policy infractions, maintenance, emergencies, student health and safety needs, and to turn off radios, stereos, alarm clocks, etc. that are causing a disturbance. When possible, two staff members will be present when a room is entered in the absence of an occupant. Room searches will be performed in accordance with the Procedures for Room/Suite Search.

Rooms may be entered only after knocking on the individual's door. Sufficient time for an occupant to open the door must be allowed before entering. Staff may enter rooms without knocking in case of emergency or if a policy violation is suspected.

If a room has been entered in the absence of a resident, they must be notified and given the reason for entry in a timely manner.

Students/residents who are not staff members are not allowed to enter a student's room in their absence unless prior written permission has been given to the Office of Student Affairs.

### Room Inspections

University staff perform routine inspections of residence halls, including student living areas, for maintenance, health, and safety needs. At least two staff members will be present during room inspections. Staff will inspect for policy violations, safety concerns, and maintenance issues. Students will be notified if any violations or issues were discovered during the inspection, if any action was taken by the staff, and if the student is required to take any corrective action. Students will be notified in a timely manner if their room was inspected in their absence.

### Pets & Unapproved Animals

Pets and unapproved animals are not allowed in the residence halls with the exception of fish kept in an aquarium (maximum of one 20-gallon tank or equivalent per room). Students with unauthorized animals must remove the animal immediately and will be charged \$250.00 to their student account. Repeat offenders may be charged a higher amount. The responsible student(s) will additionally be billed for extermination fees, cleaning services, and any damage caused by the animals.

Resident students who are required to have an animal (e.g. service animals or emotional support animals) should contact the Office of Student Affairs.

### Procedure for a Room/Suite Search

Rooms/suites may be searched only with "reasonable cause," and the occupants must be notified of the reason for the search and the objects being sought in the search.

- The search must be completed by a professional staff member of the Office of Student Affairs or the Department of Campus Safety.
- No professional staff member will search a resident's room/suite without the approval of the Dean of Students, Director of Housing and Residence Life, Chief Student Affairs Officer, the Director of Campus Safety, or the Assistant Director of Campus Safety, except as noted below.
- Only items which are specifically prohibited by the University or which represent a danger to the health and safety of the residents may be taken from the resident's room. The student must be informed that the item has been removed and, if it can be legally possessed by the student, they may claim it from the Student Affairs Office or Campus Safety Office. They will be told at that time that the item cannot be kept in the residence hall.

- The resident may be requested to open all drawers, luggage, refrigerators, etc., during the search. If they refuse to do this, if the resident is not present, or if there is a safety concern, the University official doing the search will open all drawers, luggage, etc.
- General room/suite searches (searching a number of rooms/suites in a given area in the absence of “cause” to search a specific room/suite) will be authorized only by the Chief Student Affairs Officer or their designee. The Chief Student Affairs Officer, Dean of Students, Director of Housing and Residence Life, the Director of Campus Safety, or the Assistant Director of Campus Safety must be present during general room/suite searches.
- In cases of suspected alcohol or other drug violations, University staff may check any area in the residence halls. When reasonable suspicion exists to suspect unauthorized visitors, University staff may check closets, under beds, refrigerators etc. Approval for these searches from the Chief Student Affairs Officer, Director of Campus Safety, the Assistant Director of Campus Safety, the Dean of Students, or the Director of Housing and Residence Life is **NOT** required.
- If a resident believes their privacy has been unduly violated, they may report their concerns to the Dean of Students.

### Personalizing a Room

The condition of walls in the room is the student’s responsibility. When hanging pictures on the wall, it should be noted that thumbtacks, nails, and screws will cause holes which the student will be responsible for repairing. Students should be aware of the possible charges for such repairs. Fees are determined by the amount and seriousness of the damage.

Residence hall room furnishings may not be removed from the room. **In no case may furniture be removed from the room without written permission from the Office of Student Affairs.** Furniture removed with permission must be returned to the room by the student before the student checks out of the Residence Hall. Room furniture which is removed without the permission or which is not returned to the room when the student checks out of the Residence Hall will be considered room damage and will be charged to the student account (see *Repairs and Damages*).

Students wishing to place couches, chairs, or other upholstered furniture in their rooms may be required to provide proof of material fire/smoke ratings upon request from University officials. At no time may furniture block or otherwise obstruct exits.

Alcohol paraphernalia, empty or full, and all drug paraphernalia are prohibited and may not be used for decorating a residence hall room/suite.

### Room Security

The security for students’ rooms is the responsibility of the occupants. **The University is not responsible for the personal belongings and property of students living in the residence halls or of their guests. Students are, therefore, encouraged to carry appropriate personal property insurance.** Such insurance may be included in the homeowner’s/renters policy of a parent/guardian. Students should limit the number of valuables they bring to campus and only bring those that are necessary. Students should keep doors and windows locked at all times. Unauthorized entry into another student’s room and/or University facilities is subject to disciplinary and legal action. If a loss of property is suspected, the student should immediately report it to the Department of Campus Safety. Residence Life staff can assist students in filing a theft report with the Department of Campus Safety and a police report if desired.

### Storage Space

The University does not offer students storage space other than what is available within individual suites and rooms to which a student is assigned. Students cannot store items in their rooms during the summer months, even if they are assigned to live in the same space the following year.

## Room Assignments and Off-Campus Exemptions

All students planning to return for the following academic year must participate in the housing selection process each year. The housing selection process is held annually in the spring semester according to the schedule published by the Office of Student Affairs.

The Office of Student Affairs typically allows returning students to retain their current room and residency status during consecutive years if they wish to do so; however, this may not always be possible. Students wishing to change rooms or their residency status for the following academic year will be assigned dates and times to make these requests.

Students living in double-occupancy rooms should expect to have a roommate. If students do not request a roommate, or if that roommate is unable to live in that assignment, the Office of Student Affairs may assign a roommate. Students may request single room should one become available. Single room requests will be granted based on seniority status and are assigned based on availability after the housing selection process has been completed, which includes assigning rooms for incoming new students.

### Roommate Change Requests

A “room freeze” is in effect during the first two weeks of a new semester. Students will not be allowed to change rooms during this time except for exigent circumstances and with approval from the Director of Housing and Residence Life. Students must file a Room Change request before a change will be considered. The Office of Student Affairs retains the right to deny any request.

A student whose assigned roommate withdraws, is no longer enrolled, or whose room assignment has been changed during the summer or between semesters may be reassigned to a new room or assigned a new roommate at the discretion of the Office of Student Affairs.

Students whose roommate leaves the institution or whose roommate’s housing was reassigned during an academic semester will be given at least two weeks to identify a new roommate, move to another space, or request to keep the room as a Single Room, if space allows. If no action is taken by the student during this two-week period, the student may be assigned a new roommate or may be reassigned to a new room by the Office of Student Affairs.

In the meantime, the student is responsible for keeping the room/suite move-in ready until the space is filled. This means that the room/suite is clean and presentable for a potential new roommate. The bed, closet, and furniture designated for a roommate are to be clear of personal items and debris. The beds must remain separate or bunked. **Students who do not keep their room move-in ready will be billed for a single room.**

It is the student’s responsibility to find a roommate should they choose to do so and avoid having a roommate assigned to them or be reassigned to another room by the Office of Student Affairs.

A list of students seeking roommates will be made available upon request to students seeking new roommates by the Office of Student Affairs.

### Off-Campus Residency Requests

In order to fulfill its educational purposes, Alderson Broadus University is primarily a residential college and requires all unmarried, full-time undergraduate students to reside in residence halls. Exceptions to this requirement may be made for students who meet at least one of the following requirements:

1. Residing with parents, grandparents, or a legal guardian within a 50-mile radius of Philippi (must complete and submit a *Parental Statement Form*);
2. Enrolled for an off-campus experience at least 50 miles from Philippi as part of graduation requirements;
3. Married (must provide documentation);
4. 24 years of age or older;
5. Honorably discharged military veteran (must provide documentation);
6. Holder of a baccalaureate degree from an accredited institution of higher education;
7. Employed by a church and choosing to live in housing provided by that church;
8. Having children who live within your household;
9. Having completed at least 105 hours of undergraduate work.

Students desiring to be exempted from the on-campus residency requirement must submit a completed *Off-Campus Residency Application* which is available in the Office of Student Affairs and on the University’s website. Students are also required to meet with the Financial Aid Office to review potential financial impacts of moving off campus prior to submitting their application. The Director of Housing and Residence Life will review all applications. All information may be verified by contacting the landlord listed in the application.

Any falsification of information on the application will automatically result in rejection of the application, or if approval has occurred, revocation of the approval and will further result in a penalty of the single room charge for the semester the student was in violation. Furthermore, the student may be subject to disciplinary action. Applications must be renewed each year and must meet the established submission deadlines.

If application is denied, the student may appeal to the Dean of Students, who will review the appeal and notify the student of the decision. The decision of the Dean of Students is final.

Students are responsible for submitting the *Off-Campus Residency Application* in a timely manner to avoid being billed for room and board. Students who submit their application after the Add/Drop period may be billed a pro-rated room and/or board rate.

## COMMITTEE ON STUDENT AFFAIRS

### Purpose:

1. The committee functions in an advisory capacity to Student Affairs staff and is involved in the development and support of Student Affairs policies, in the implementation of programs designed to achieve the desired goals, and in the regular review and evaluation of Student Affairs policies.
2. Acts as a hearing body regarding alleged violations of the disciplinary policies and procedures of the University by student organizations.
3. Reviews and approves/disapproves requests for Student Organization charters.

### Membership

Members of the Committee on Student Affairs are appointed by the Faculty Committee on Committees.

### Channels of Communication and/or Accountability

The Committee of Student Affairs reports on programs and/or recommendations to the Student Government Association, faculty/staff, or to the President's Cabinet as appropriate.

### Disinterestedness

Any member of the committee who serves as a witness, brings charges against the student, or has a demonstrable interest in the case will dismiss themselves from that particular hearing. A vacancy resulting from such action will be filled by the appropriate alternate.

## CAMPUS ORGANIZATIONS

The University seeks to give its students opportunities for participation and leadership in campus organizations, interest groups, professional societies, and organized activities. Campus organizations are open to all current students, with the exception of Greek-letter organizations who have authority to select their membership. If interested in joining a student organization, you can contact the Office of Student Affairs at [studentaffairs@ab.edu](mailto:studentaffairs@ab.edu) for further information.

### Social Organizations:

- *A.C.E. Self Defense* – A.C.E. Self Defense's purpose is to enhance one's self defense capabilities and to increase situational awareness, leadership training, building self-confidence, making new friends, and aiding in student retention.
- *AB Theatre Club* – A student-run organization that rehearses, writes, directs, and performs theatrical events and showcases. All AB students are invited to join and participate in the organization.
- *Black Student Union (BSU)* - The Black Student Union is an organization open to people of all races and promotes awareness and unity of African American culture. They pledge to provide insight of the Black experience to all races and strive to unite Black students. The BSU wants to strengthen the Black image on campus and in the town of Philippi by promoting community service and stressing academic excellence.
- *Campus Activities Board (CAB)* – The mission of CAB is to provide AB with cultural, social, and educational programs that are responsive to the diverse needs of the campus community.
- *Gay-Straight Alliance (GSA)* – The purpose of GSA is to help create a better sense of community between all students on campus and educate them about the LGBTQ community. GSA strives to create an environment where LGBTQ students can be open and feel safe to be themselves.



- *International Student Organization (ISO)* – The goal of ISO is to establish a community where international students can support one another, learn from their different cultural backgrounds and experiences, and share their global diversity with the rest of the campus community.
- *Sexual Assault Peer Representatives (SAPR)* – A student organization that strives to help members of the campus community feel safe through education and support. Members work to educate the community about sexual misconduct and violence, direct victims to resources and support systems, and advocate for those who request it.
- *Student Athletic Advisory Committee (SAAC)* – The SAAC is made up of student-athletes assembled to provide insight about the student athlete experience and input on the rules, regulations, and policies that affect them.
- *Student Government Association (SGA)* – The SGA is the student body government and serves as the voice of the student body and strives to enhance students' University experience.

### Academic Organizations

The University seeks to give students opportunities for participation and leadership in campus organizations, interest groups, professional societies, and organized activities. Professional and honor societies reinforce the student's academic purposes within their major and include:

- *Alpha Beta Nu (Student Nurse Association)* – An organization to bring Alderson Broaddus nursing students together to provide support, education, and to promote AB nursing to the community.
- *Hu C. Myers Society (American Academy of Physician Assistants)* – The student physician assistant professional organization; membership is open to all physician assistant students.
- *Criminal Justice Interest Club* – An organization to provide students with educational and networking opportunities in the academic, criminal justice, and law enforcement communities.
- *The Battler Columns* – The official campus newspaper and is open to all students.
- *Enactus* – The AB Enactus Chapter is part of an international organization that promotes entrepreneurial action to improve the lives of others and is open to all AB students.
- *Kappa Delta Pi (KDP)* – The AB chapter of the honor society for educators. It strives to educate, support, and inspire future educators.
- *Natural Resources Club* – The Natural Resources Club (NRC) provides extracurricular learning experiences for students in academic and personal interest areas such as ecology, natural resource management and environmental science. Members also have opportunities to meet with natural resource professionals and attend professional conferences.
- *Student Education Association (SEA)* – The SEA's purpose is to develop an understanding of the teaching profession in prospective educators; to advance the interest and welfare of students preparing for careers in education; to provide professional preparation and growth in the teaching profession; and to provide a professional service to AB and to the local community.
- *Student Psychology Association* – The Student Psychology Association is a general interest psychology organization that provides members with educational and social experiences; to increase interest in the field of psychology; and to encourage, stimulate, and maintain scholarship of the individual members in all fields, particularly psychology and social interaction.

### Religious Organizations:

Religion plays a significant role in the life of many members of the campus community. Although an American Baptist University, AB's religious programming is nonsectarian and strives to provide opportunities for worship, fellowship, and religious activities in addition to mission and other service opportunities.

- *Baptist Campus Ministries (BCM)* – BCM provides opportunities for worship and fellowship through service and ministry; guides students in Christian growth and discipleship; and promotes involvement in responsible church membership.

### Service Organizations:

Service is a core component of the University's mission and one of five Institutional Student Learning Objectives. AB is also proud to be a member of the West Virginia Campus Compact, a national coalition of more than 1,100 college and university presidents – representing over six million students – who are committed to fulfilling the civic purposes of higher education.

- *AB Cleanup Crew* – The AB Cleanup Crew is dedicated to volunteering time to beautify the AB campus and the surrounding community. The organization is open to all students, faculty, and staff.

- *AB Mission Team* – The AB Mission Team seeks to provide opportunities to engage students in cross-cultural missions. Past mission trips have sent students, faculty, and staff to Nicaragua, Puerto Rico, and disaster sites West Virginia.

### Greek-letter Organizations

Alderson Broaddus University is home to six Greek-letter organizations. All Greek-letter organizations are governed by the All Greek Council.

- *All Greek Council* – The purpose of the All Greek Council is to establish effective and worthwhile relationships among the fraternities and sororities to help maintain Greek customs and to provide general supervision of Greek activities. Membership consists of two representatives from each Greek organization. The Council plans recruitment, oversees new member education, and coordinates the events for Greek Week. It also helps to plan inter-fraternity/sorority functions (trips, parties, money-making projects, newsletter, etc.).
- *Epsilon Tau Eta Sigma Fraternity* is a local social and academic leadership fraternity whose purpose is to promote friendship and to encourage the principles of cooperation and companionship among the members and the AB community. The organization works to provide a social and religious atmosphere on campus.
- *Lambda Sigma Phi Sorority* is a local academic Greek organization that promotes friendship, participation in campus activities, and scholarship among members
- *Phi Kappa Delta Sorority* is a local organization who promotes academic achievement, opportunities for leadership, integrated fellowship, and social activities.
- *Sigma Delta Nu* is a local organization that hosts social activities for its brothers and organized service projects around campus and the surrounding community. The brothers volunteer and raise money for the American Legion throughout the year.
- *Zeta Eta Theta* is a local sorority whose primary mission is to foster growth, education, and sisterhood among its members while benefiting the AB and local community.
- *Lambda Omega Mu* is a local fraternity that strives to promote fellowship among its brothers as they seek to serve their community.

## CAMPUS ACTIVITIES

### Athletics

Alderson Broaddus University provides a well-rounded athletic program, including instruction in physical education and intercollegiate athletics. AB is a member of the Mountain East Conference (MEC) and the National Collegiate Athletic Association (NCAA) Division II. AB competes with members of the MEC and other nearby institutions in men's and women's soccer, baseball, men's and women's cross country, men's and women's basketball, women's volleyball, softball, football, men's and women's lacrosse, men's and women's track and field. AB sponsors men's wrestling, men's volleyball, and men's and women's swimming at the NCAA Division II level, but athletes compete as independents. acrobatics and tumbling and men's and women's rugby are also a part of the athletic department.

### Band and Choirs

There are opportunities for students to participate in musical ensembles and exercise their talents in this area.

### Religious Life and Fellowship

Religion plays a significant role in the life of many members of the campus community. Although an American Baptist University, AB's religious programming is nonsectarian and strives to provide opportunities for worship, fellowship, and religious activities in addition to mission and other service opportunities.

All students are welcome to participate in the weekly chapel service on Thursdays at 11:00 a.m. in Wilcox Chapel, with outstanding speakers and programs brought to the campus. Chapel is voluntary and is actively supported by faculty, staff, and students. The University also encourages students to become actively involved in local churches. Wilcox Chapel provides space for quiet prayer and meditation and houses the Chaplain's office.

## ORGANIZATION RULES AND REGULATIONS

### Chartering of Student Organizations

Only chartered student organizations may host activities and reserve facilities. However, the Office of Student Affairs may sponsor activities/events in partnership with potential new organizations for the purposes of raising awareness and interest for the proposed organization among the student body. Students interested in chartering a new student organization should contact the Office of Student Affairs. Applications for new student organizations and sample organization documents are available. The process for recognition is as follows:

1. The student group submits a completed application for a new student organization along with the required documentation to the Office of Student Affairs.
2. These documents are reviewed and voted on by the Committee on Student Affairs and then by President's Cabinet.
3. If approved, the Office of Student Affairs will work with the organization to complete the formal recognition process.

### Maintaining Recognition as a Student Organization

All organizations must abide by the following policies and procedures in order to maintain their recognition:

1. Maintain an updated copy of their constitution and bylaws on file in the Office of Student Affairs. Any proposed changes to these documents must be approved by the Committee on Student Affairs.
2. Submit semester reports and membership rosters to the Office of Student Affairs by the stated deadline each semester.
3. Maintain an active Faculty/Staff Advisor.
4. All organizations who receive funding from the Student Government Association are required to submit copies of all financial transactions (receipts, etc.) as requested by the SGA.

If the organization has incurred debts, members shall assume liability for such obligations. Advisors are likewise responsible for financial obligations if they have given consent for the transaction.

### Probation Status

Any organization that fails to carry out its stated functions or fails to follow all organization policies will be placed on probation status for one academic semester.

### Inactive Status

An organization may be placed on Inactive Status if it is on probation status for two consecutive semesters and is still not able to meet all requirements. A defunct, inactive, or unchartered student organization cannot schedule activities, receive funding, or use University facilities. Activities which violate University policy may result in the loss of the organization's charter. If an organization elects to dissolve, the organization's President and Faculty/Staff Advisor shall submit a written statement of such action to the Office of Student Affairs giving reasons for the discontinuance.

### Requirements for Student Organization Officers

A student must be enrolled in a full-time course of study to be eligible to hold office in a student organization, is required to maintain a 2.0 cumulative grade point average, and cannot be on disciplinary probation.

### Faculty/Staff Advisor

Each organization will have a Faculty/Staff Advisor who shall be a member of the University staff or faculty. The advisor shall be responsible for:

- Regularly attending meetings of the organization;
- Assisting the organization in developing programs and projects;
- Insuring that the organization's operations are consistent with University policies;
- Assisting the organization in the proper handling of organizational funds, including approving expenditures and assisting in completing required organization reports.

### Organization Membership

Organizations must maintain at least eight active student members at all times. Any organization which

drops below this requirement will be placed on charter probation for the following academic year. During this probationary period, the organization will be given the opportunity to increase its membership. If the organization does not meet the membership requirement at the end of the probationary period, the charter of the organization will be revoked, the organization will disband, its treasury will be dispersed per its constitution, and any tenancy with the University will be declared available to other organizations.

### **Greek-letter Organization Membership**

First-semester students may participate in the recruitment process and may join a fraternity or sorority. Students who have been enrolled at the University for at least one semester must have a minimum cumulative GPA of 2.0. However, individual organizations may have higher GPA requirements. Potential new members must submit to a grade check before receiving a bid from a Greek organization. All Greek-letter organizations must submit a Hazing Compliance Form, and all members and potential new members must attend a hazing education session.

### **Non-University-Sponsored Activities**

The University assumes no responsibility for chartered organizations for their off-campus events or behavior unless the activity is expressly authorized and supervised by the University.

### **Responsibility for Organizational Space**

Organizations are responsible for facilities provided by the University and are required to sign an Organizational Space Agreement annually. These agreements are available from the Office of Student Affairs.

### **Financial Responsibility**

Organizations, groups, and/or individuals sponsoring any activity are financially responsible for any damage incurred to the facilities or other University property during, or as a result of, the activity.

### **Facility Reservations**

Facility reservations can be made by employees, students, and recognized student organizations. Please contact the Office of Registrar, Office of Advancement, or the Office of Student Affairs for reservations assistance.

### **Table Reservations for Campus Center Lobby**

The Office of Student Affairs manages table reservations for the Hamer Campus Center lobby. Reservation requests can be emailed to [studentaffairs@ab.edu](mailto:studentaffairs@ab.edu) or made in person. It is recommended that requests be submitted at least one week in advance. Reservations are made on a first-come-first-served basis.

### **Fundraising**

All fundraising activities must comply with University policies and guidelines, which are available from the Office of Student Affairs.

### **Student Government Association SAFARi**

A SAFARi (Student Activity Fee Allotment Request) can be submitted to the Student Government Association to request funding for a specific purpose. SAFARi forms are available in the Office of Student Affairs.

### **Decorations**

All decorations and materials used in decorating must meet safety standards as determined by the Office of Student Affairs and the Facilities Department. Organizations using University facilities for activities are responsible for cleaning these facilities immediately following the activity. Failure to do so may result in organizational restrictions or disciplinary sanctions.

## DISCIPLINARY PROCEDURES FOR STUDENT ORGANIZATIONS

Violations of the Disciplinary Procedures and Policies at Alderson Broaddus University by a student organization are acted upon by the Committee on Student Affairs. The University operates under the evidentiary standard of preponderance of evidence.

The Committee on Student Affairs will carefully review each case on the basis of its individual characteristics. When the Committee on Student Affairs has evidence indicating that a student organization may have violated University policy and deems disciplinary action to be appropriate, it will promptly institute conduct proceedings.

### Summons to Student Organization Conduct Hearing

The Chairperson of the Committee on Student Affairs will summon representatives of the student organization to a hearing via written or electronic communication after receiving a report or other information and determining that there is evidence that a violation may have occurred. This summons will be sent to the President of the organization and its Advisor and will also include:

1. The nature of the charge(s) against the organization;
2. The date, time, and location of when the hearing will occur, or instructions for how a hearing can be scheduled by the organization;
3. Instructions for how the organization may reschedule the hearing if necessary.

The organization will be given sufficient time to prepare for the hearing. The organization may request to reschedule the hearing within three business days of the date the summons was sent. The Chairperson of the Committee on Student Affairs will make a reasonable effort to accommodate the organization's request, but may limit how long the proceedings may be delayed.

Under no circumstances will the organization be confronted with new or additional charges for the first time at the hearing. If new or additional charges are to be levied, the Chairperson of the Committee on Student Affairs will reschedule the hearing so that the organization is notified of such charges and has sufficient time to prepare.

### Findings

The findings of fact and the decision will be based solely on the hearing record. Evidence improperly collected under coercion or harassment will not be admitted to the proceedings. The Chairperson of the Committee on Student Affairs must take reasonable steps to safeguard against improper disclosure of privileged or uncommonly personal material being entered into evidence.

### Student Organization Conduct Hearing Proceedings

If any member of the Committee on Student Affairs desires to appear against a student organization, they must recuse themselves from the hearing proceedings and any related discussion and decisions. The Chairperson of the Committee on Student Affairs will begin the hearing as indicated in the organization's summons. If a representative of the organization does not attend a scheduled hearing, it will be held in their absence. The organization will be sanctioned if found responsible for violating a University policy.

If there is intimidation of any witness, participant of the hearing, or other persons by the accused or any other person(s) for or against the accused, the person(s) guilty of such intimidation will be removed from the proceedings and may face student conduct action. In any case where intimidation or harassment is suspected, the primary hearing will be postponed while the intimidation or harassment charges are investigated and brought to a conference or hearing.

The hearing will proceed as detailed below:

1. Everyone participating in the hearing will identify themselves and their role in the hearing (respondent, complainant, witness, etc.).
2. The Chairperson of the Committee on Student Affairs will then explain how the hearing will be conducted.
3. The Chairperson of the Committee on Student Affairs will read the charge(s) aloud and will ask if the respondent(s) understands the nature of the charge(s). The Chairperson of the Committee on Student Affairs will answer any questions from the respondent(s) regarding the nature of the charge(s).

4. The complainant(s), respondent(s), and witness(es) will be given an opportunity to speak and present evidence.
5. The Committee on Student Affairs, the respondent(s), and the complainant(s) will be able to ask questions during the hearing.
6. The complainant(s) and the respondent(s) will be given an opportunity, but are not required, to give a closing summary.
7. The Chairperson of the Committee on Student Affairs will dismiss the complainant(s) and witness(es) at the end of the hearing.

The Committee on Student Affairs will then make a decision via vote regarding whether the organization is responsible or not responsible for violating a University policy. This decision will be communicated in writing via written or electronic communication to the organization's President and Advisor.

If the Committee on Student Affairs finds the organization is responsible for violating a University policy, the organization will be sanctioned accordingly (See Consequences/Sanctions).

If the organization admits responsibility for violating a University policy, the organization will be sanctioned accordingly (See Consequences/Sanctions).

If the Committee on Student Affairs finds the organization is not responsible for violating a University policy, the case will be closed and the organization will not be sanctioned.

### Role of the Faculty/Staff Advisor

A student organization accused of violating a University policy has the right to be assisted at their hearing by their Faculty/Staff Advisor. The Faculty/Staff Advisor may sit in the conference or hearing and quietly confer with organization members, but cannot address the Committee on Student Affairs or other participants of the proceedings. If the organization does not have an advisor, another member of the University community may serve in this role. If the organization is unable to identify someone for this role, they may request that one be appointed by the Chairperson of the Committee on Student Affairs. The Chairperson will make a reasonable effort to fulfill the request.

### Disclosure of Violations and Proceedings

The Committee on Student Affairs and the Office of Student Affairs may disclose student organization conduct information including alleged violations, findings, and sanctions to other University officials as determined appropriate by the Chief Student Affairs Officer or Presidential designee.

### Appeals

Any disciplinary action may be appealed to the Chief Student Affairs Officer or Presidential designee. The imposition of sanctions will normally be deferred during the appeals process. This may not apply to sanctions that are imposed due to concern for the safety of the campus community or the normal functioning of the University.

### Grounds for Appeal

The following are acceptable grounds for appeal:

- Bias or prejudice that affected the outcome;
- Procedural error that substantially affected the outcome;
- New evidence that could not have been known or available at the time of the conference/hearing;
- Sanctions are disproportionate to the findings.

### Requests for Appeal

Appeals of all decisions and sanctions imposed by the Committee on Student Affairs may be appealed. Appeals must be submitted in writing to the Chief Student Affairs officer within ten business days of the date it was notified of the decision or sanction(s). All decisions will be considered final after this period has expired.

This request must include:

- The findings and original decision made by the Committee on Student Affairs;
- The specific policies which the organization was found responsible for violating and which the

- organization wishes to appeal (if applicable);
- The sanction(s) the organization wishes to appeal (if applicable); and,
- The grounds for which the organization is appealing

### Appeal decisions

After receiving a written appeal, the Chief Student Affairs officer will review the case and consider the merits of the appeal. They may choose to take one of the following actions:

1. Determine that there is insufficient basis for appeal, in which case the original decision and sanction(s) will stand;
2. Affirm the original decision and sanction(s);
3. Affirm the original decision and change or modify the sanction(s);
4. Re-hear the case and make a determination of responsibility. The organization may be sanctioned if found responsible.

**The decision of the Appellate Officer is final and will be communicated in written or electronic communication to the organization's President, Faculty/Staff Advisor, the Committee on Student Affairs, and others as appropriate.**

### Consequences/Sanctions

One or more of the following sanctions may be imposed for violations of University policies by student organizations. These are examples and are intended to be suggestive but do not encompass a complete list of possible sanctions.

*Charter Revocation* – Charter Revocation is the permanent separation of an organization from the University community. The organization will disband, its treasury will be dispersed as per its constitution, and any tenancy with the University will be declared available to other organizations.

*Unpaid Service Hours* – A student organization may be assigned to work a specific number of hours at the University. These work hours will normally be required to be completed within a specific time frame and will be monitored by a supervisor. The supervisor will notify the Chair of the Committee on Student Affairs when the hours have been successfully completed.

*Organizational Suspension* – Organizational suspension lasts for up to one calendar year. Suspended organizations cannot conduct business, recruit or add new members, participate in campus activities, or represent the University.

*Organizational Restriction* – Organizational restriction is a specified period of evaluation during which the organization will forfeit the right to accrue new members.

*Financial Restitution* – The student organization will be required to make payment to the University or to others for damage incurred as a result of a violation of University policies.

*Educational Project* – An educational project is a developmental sanction meant to educate members of the organization. Common examples include mandatory attendance at an educational program or for the organization to sponsor an educational event of their own.

## ALDERSON BROADDUS UNIVERSITY'S POLICY PROHIBITING HAZING

**Alderson Broaddus University prohibits hazing in all forms.** Hazing is defined as any action taken or situation created, whether on or off University premises, which recklessly or intentionally endangers the mental or physical health or safety of a student, or which willfully destroys or removes public or private property for the purpose of initiation, or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by Alderson Broaddus University. The term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, tattooing, paddling, forced/coerced calisthenics, exposure to the elements, activities which require the use of or consumption of alcohol or drugs, or the forced/coerced consumption of any food, liquid or other substance, or any other physical activity which could adversely affect the physical health and safety of the individual, and includes any activity which would subject the individual to extreme

mental stress, such as sleep deprivation, the creation of excessive fatigue, forced/coerced exclusion from social contact, running errands or acts of servitude, dressing in outfits that would be undignified, forced/coerced conduct which could result in extreme embarrassment, or any other forced/coerced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. It also includes any activity that would be deemed illegal at the local, state, or federal level

In addition, the term includes late work sessions intended to interfere with scholastic activities and any other activities which are inconsistent with fraternal law, ritual or policy or with the regulations and policies of Alderson Broaddus University.

For the purposes of this definition, any activity as described in this definition upon which the initiation or admission into an affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be forced/coerced activity, the willingness of an individual to participate in such activity notwithstanding.

The West Virginia State Hazing Code can be found at:

<http://www.wvlegislature.gov/WVCODE/Code.cfm?chap=18&a%20rt=16#16>

To report hazing or for more information about this policy, please contact the Office of Student Affairs.

## **ALDERSON BROADDUS UNIVERSITY'S POLICY PROHIBITING DISCRIMINATION AND HARASSMENT**

For more information or to report violations of this policy, please contact:

**Amy Kittle, Title IX Coordinator**

101 College Hill P.O. Box 2126

Philippi, WV 26416

kittleal@ab.edu

304-621-1316

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 prohibits discrimination or harassment on the basis of sex, age, race, color, national origin, ancestry, blindness, disability, religion, veteran status or any other characteristic protected by federal, state and local law.

Such discrimination or harassment will not be tolerated from anyone, including faculty members, staff members, students, visitors, contractors, vendors or any other individuals providing services to the University. Any student or employee of the University who has a complaint of discrimination or harassment prohibited by this policy should use the complaint procedure set forth in this document.

This policy applies to all forms of illegal harassment and discrimination except those that are prohibited by the Alderson Broaddus University *Policy Prohibiting Title IX Sexual Harassment*.

**Definitions:**

**Unlawful Discrimination** – Unlawful discrimination includes treating an individual differently than another individual with respect to the terms and conditions of employment or education on the basis of the individual's sex, age, race, color, national origin, ancestry, blindness, disability, religion, veteran status or any other characteristic protected by federal, state and local law.

**Harassment** – Harassment includes any type of unwelcome conduct, whether written, verbal or physical,



that has the effect of creating a hostile, intimidating or offensive environment based upon a person's sex, age, race, color, national origin, ancestry, blindness, disability, religion, veteran status or any other characteristic protected by federal, state and local law.

*Sexual Harassment* – Sexual harassment is defined as sexual advances, requests for sexual favors, and other inappropriate verbal, written or physical conduct of a sexual nature where such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive work or educational environment.

*Complainant* – The individual who was allegedly subject to unlawful discrimination or harassment.

*Respondent* – The individual who is accused of subjecting the Complainant to unlawful discrimination or harassment.

*Business Days* – Includes days when the University is open and excludes weekends and holidays when the University is closed.

## DISCRIMINATION AND HARASSMENT COMPLAINT 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 ensure that the institution meets its obligation under the University's Non-Discrimination Policy. 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/AA/EEO Coordinator. If the complaint involves the Title IX/AA/EEO Coordinator, or if the person raising the complaint does not feel comfortable addressing it to the Title IX/AA/EEO Coordinator, the complaint should be reported in writing to the Provost. Any questions regarding Title IX compliance should be directed to the Title IX/AA/EEO Coordinator.

If a Complainant fears for his or her safety on campus, the Complainant should notify the Title IX/AA/EEO Coordinator. The Title IX/AA/EEO 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 Broadbudd 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/AA/EEO Coordinator or the Provost, 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/AA/EEO Coordinator or the Provost 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.

### **Investigation**

If an informal resolution is unsuccessful or if the Complainant opts not to participate in informal resolution, the Title IX/AA/EEO Coordinator or the Provost 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 ten 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 Executive Vice President for Academic Affairs for appropriate corrective and disciplinary action to be taken, with the exception of discrimination cases involving third-party companies, in which case the investigator will make a recommendation to the President of the University. The Executive Vice President for 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/AA/EEO Coordinator or the Provost.

### **Retaliation**

Retaliation in all forms is prohibited by this policy and is defined as:

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 discrimination and/or harassment; an individual's or group's participation, including testifying or assisting in the University's prohibited discrimination and/or harassment process; an individual's or group's refusal to participate in the University's prohibited discrimination and/or harassment process; or other form of good faith opposition to what an individual reasonably believes to be prohibited discrimination and/or harassment under this policy.

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

To be a policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition. Charging an individual with a policy violation for making a materially false statement in bad faith in the course the University's prohibited discrimination and/or harassment process does not constitute retaliation. The exercise of rights protected under the First Amendment also does not constitute retaliation.

**Appeal**

If either the Complainant or Respondent objects to the findings of the investigator, he/she may file a written appeal to the Provost or the Title IX/AA/EEO Coordinator, whomever did not investigate the complaint, within ten business days of receiving the written findings. After receiving the written appeal, the Provost or the Title IX/AA/EEO Coordinator shall convene a Hearing Committee comprised of the following persons: The Provost or Title IX/AA/EEO 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.

## TITLE IX POLICY AND PROCEDURES

### I. POLICY STATEMENT

Alderson Broaddus University ("the University") is committed to creating and maintaining a learning and work environment that is free from discrimination based on sex.

This Title IX Sexual Harassment Policy (the "Policy") prohibits sex-based discrimination, including sex-based harassment, in all operations of the University. The Policy is intended to meet the University's obligations under Title IX of the Education Amendments of 1972 ("Title IX"); 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.

The Policy does not address other forms of discrimination. Please see the University's Policy of Non-Discrimination and Non-Discrimination Policy Procedures.

The University is committed to the principles of academic freedom and freedom of expression and the Policy should be interpreted, and will be applied, consistent with both of these principles.

The Policy also prohibits retaliation against an individual:

- 1) who makes a report or files a Formal Complaint of Title IX Sexual Harassment;
- 2) about whom a report is made or against whom a Formal Complaint is filed;
- 3) who participates in the reporting, investigation, or adjudication of possible violations of this Policy; or,
- 4) who engages in good faith opposition to what another individual reasonably believes to be Title IX Sexual Harassment under this Policy.

The University's Title IX Coordinator is responsible for administering the Policy and related procedures. Any inquiries about the Policy or procedures should be referred to the University's Title IX Coordinator who may be contacted as follows:

**Amy Kittle, Title IX Coordinator**

101 College Hill P.O. Box 2126

Philippi, WV 26416

kittleab@ab.edu

304-621-1316

## II. APPLICABILITY AND SCOPE

This Policy applies to all members of the University community. This includes, but is not limited to, full and part-time students; full and part-time employees, including faculty members, staff, student employees, and temporary and contract employees; and certain third parties, including applicants for admission and employment, visitors, employees of University contractors, and individuals who are participating in a University Education Program or Activity, but who are neither enrolled in an academic program/course at the University nor employed by the University (e.g. individuals participating in a University summer camp or attending a University Education Program or Activity by invitation or that is open to the public). The Policy applies regardless of the gender, gender identity, or sexual orientation of the parties.

This Policy prohibits Title IX Sexual Harassment committed against any member of the University community in the United States and within a University Education Program or Activity.

Alleged incidents of discrimination or other misconduct on the basis of sex that are not covered by this Policy may be governed by other University policies, including but not limited to:

- Student Handbook
- Employee Handbook
- Non-discrimination policy procedures

This Policy supersedes any conflicting information in any other University policy with respect to the definitions and procedures applicable to alleged Title IX Sexual Harassment. This Policy and the related procedures provide the exclusive remedy for alleged Title IX Sexual Harassment.

## III. DEFINITIONS

### A. Definitions of Conduct Prohibited by this Policy

**Title IX Sexual Harassment:** conduct on the basis of sex that satisfies one or more of the following –

- A University employee (including a faculty member) conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. *Also known as quid pro quo sexual harassment.*
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University Education Program or Activity.

**Sexual assault:** any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.<sup>1</sup> Sexual assault can occur between individuals of the same or different sexes and/or genders.

Sexual Assault includes the following:

- **Rape:** the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her/their temporary or permanent mental or physical incapacity;
- **Sodomy:** oral or anal sexual intercourse with another person, 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 temporary or permanent mental or physical incapacity;
- **Sexual Assault with an Object:** to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 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.
- **Domestic violence:** a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of West Virginia or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of West Virginia.
- **Dating violence:** an act 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:** a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others, or (2) suffer substantial emotional distress.

**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 Title IX Sexual Harassment; an individual's or group's participation, including testifying or assisting in the University's Title IX Procedures; an individual's or group's refusal to participate in the University's Title IX Procedures; or other form of good faith opposition to what an individual reasonably believes to be Title IX Sexual Harassment under this Policy.

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

To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition.

Charging an individual with a Policy violation for making a materially false statement in bad faith in the course the University's Title IX process does not constitute Retaliation. The exercise of rights protected under the First Amendment also does not constitute Retaliation.

## B. Additional Definitions

**Official with Authority:** an official of the University with the authority to institute corrective action on behalf of the University and notice to whom causes the University to respond to Title IX Sexual Harassment. For a full list of University officials that meet this definition, see [Appendix A](#) attached to this Policy.

**Complainant:** an individual who is alleged to be the victim of Title IX Sexual Harassment.

**Consent:** An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

- An individual is unable to freely give consent when the individual is incapacitated (arising, for example, from the use of alcohol or other drugs or when the individual is passed out, asleep, unconscious, or mentally or physically impaired) (Defined further below). An individual is unable to freely give consent when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, sexual activity must cease. The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for Prohibited Conduct.

**University Education Program or Activity:** all operations of the University, including (1) those locations, events, and circumstances where the University exercises substantial control and (2) any building owned or controlled by a student organization recognized by the University. Conduct that occurs on-campus occurs within the University's Education Program or Activity. Conduct that occurs off campus in locations or at events with no connection to the University is unlikely to occur in the University's Education Program or Activity.

**Formal Complaint:** a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by email.

**Incapacitation:** a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

- Indicators that an individual may be *incapacitated* include, but are not limited to, inability to communicate coherently, inability to dress or undress without assistance, clumsiness, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, emotional volatility, difficulty walking without assistance, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.
- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.
- An individual who is incapacitated is unable to give Consent to sexual activity. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual conduct is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual activity.
- In evaluating *Consent* in cases of alleged incapacitation, the University asks two questions: (1) *did the person initiating sexual activity know that the other party was incapacitated? And if not,* (2) *should a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is "YES," Consent was absent and the conduct is likely a violation of this Policy.
- No matter the level of an individual's intoxication, if that individual has not agreed to engage in sexual activity, there is no Consent.

**Report:** formal notification to the Title IX Coordinator or an Official with Authority, either orally or in writing, of the belief that Title IX Sexual Harassment occurred.

**Respondent:** the person or office, program, department, or group against whom an allegation or complaint is made; i.e., the individual(s), organizational unit(s), or group(s) who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

**Responsible Employee:** an individual designated by University policy who is required to report information regarding Title IX Sexual Harassment to the Title IX Coordinator. These employees include:

- Security Staff
- Residential Life Staff, including Assistant Resident Directors and Resident Assistants (student positions)
- Faculty members
- Deans
- Members of the University Administration
- Coaching staff, including assistant coaches
- Athletic Trainers
- Administrative Assistants
- All other University employees (not including University Chaplain and Counselors)

**Student:** an individual who was selected for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at the University.

#### IV. REPORTING AND RESOURCE OPTIONS

##### A. Reporting Title IX Sexual Harassment to the University

The University encourages all individuals to report allegations of Title IX Sexual Harassment directly to the Title IX Coordinator or to an Official with Authority (see Appendix A for a complete list of Officials with Authority). Any person, whether or not they are the Complainant, may report Title IX Sexual Harassment to the Title IX Coordinator.

Reporting an incident of Title IX Sexual Harassment to the Title IX Coordinator or an Official with Authority allows the University to provide Supportive Measures (as described below), but does not necessarily result in the initiation of a grievance procedure.

A report may be made in person, in writing, by telephone, by email. To make a report, contact the Title IX Coordinator at:

**Amy Kittle, Title IX Coordinator**  
 101 College Hill P.O. Box 2126  
 Philippi, WV 26416  
 kittleal@ab.edu  
 304-621-1316

A report can also be made anonymously by telephone, in writing, or online at <https://ab.edu/confidential-reporting-form/>. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited. The University will, however, take whatever steps it deems appropriate and in the best interests of the overall University community, consistent with the information available.

***Only a report to the Title IX Coordinator or an Official with Authority will trigger the University's obligation to respond to an allegation of Title IX Sexual Harassment.***

Any report involving a minor will be shared with law enforcement agencies and child protective services.

##### B. Required Reports by Responsible Employees

Responsible Employees are expected to be discreet, but are required by the University to promptly consult with Title IX Coordinator by telephone and email to share known details of an incident of alleged Title IX Sexual Harassment.

A Responsible Employee's receipt of information will not automatically trigger an obligation to respond to an allegation of Title IX Sexual Harassment. Only a report to the Title IX Coordinator or an Official with Authority will trigger the University's obligation to respond to an allegation of Title IX Sexual Harassment.

### C. Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

**Law Enforcement Assistance:** Members of the University community who believe their safety or the safety of others is threatened or who have experienced or witnessed Title IX Sexual Harassment that may be criminal in nature should immediately call Campus Safety & Security at 304.709.2696, or call 911 to reach local law enforcement.

**Emergency Medical Assistance:** The University 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.

Emotional care, counseling, and crisis response are available on and off campus:

- Centers Against Violence – Off Campus – Victim support services
  - barbour@waicwv.edu
  - 304.457.5020
- Campus Counseling – On Campus – Reporting party or responding party support services
  - counselingservices@ab.edu
  - 304.457.6320
  - 2<sup>nd</sup> Floor Burbick Hall
- AB Wellness Center – On Campus – Medical Services
  - Bottom Floor of Burbick Hall
  - 304.457.0400
- Broadus Hospital – Off Campus – Medical Services

### D. Confidential Resources

Confidential Resources are employees or offices who are available to provide individuals with assistance, support, and additional information.

Confidential Resources are prohibited from disclosing confidential information unless (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to the Department of Campus Safety & Security for Clery Act crime reporting purposes.

The following University resources can provide counseling, information, and support in a confidential setting:

- Campus Counseling – On Campus – Reporting party or responding party support services
  - counselingservices@ab.edu
  - 304.457.6320
  - 2<sup>nd</sup> Floor Burbick Hall
- Campus Chaplain – On Campus – Reporting party or responding party support services

### V. TIMEFRAME FOR REPORTING

In order to maintain and support a community that is respectful and free from Title IX Sexual Harassment and to maximize the University's ability to respond promptly and effectively, the University urges individuals to come forward with reports of Title IX Sexual Harassment as soon as possible. The sooner a report is made, the more effectively it can be investigated, e.g. while witnesses are still available, memories are fresh, and documentation may still be available. *There is, however, no time limitation for reporting*



***Title IX Sexual Harassment.*****VI. AMNESTY**

Sometimes students are reluctant to seek help after experiencing Title IX Sexual Harassment, or may be reluctant to help others who may have experienced Title IX Sexual Harassment, because they fear being held responsible by the University or law enforcement for drug use or underage alcohol consumption.

The University generally will not pursue disciplinary action against a student who makes a good faith report to the University, or who participates as a party or witness in the grievance process related to Title IX Sexual Harassment, for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Student Code of Conduct or Employee Handbook, provided the misconduct did not endanger the health or safety of others. The University may, however, engage in an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

**VII. PARTICIPANT PRIVACY AND CONFIDENTIALITY**

The University recognizes that privacy is important. The University will attempt to protect parties' privacy to the extent reasonably possible. The Title IX Coordinator, investigators, advisors, facilitators of informal resolution, hearing officers, and any others participating in the process on behalf of the University shall keep the information obtained through the process private and, to the extent possible, confidential. All other participants in the process (including the Complainant, Respondent, non-University 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 the University is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include, but are not limited to, the following:

- When the University 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 investigation of the claim.
- When confidentiality concerns are outweighed by the University's interest in protecting the safety or rights of others.
- When a Formal Complaint is filed.

**VIII. INTAKE PROCESS FOR REPORTS OF TITLE IX SEXUAL HARASSMENT**

Once a report of Title IX Sexual Harassment is made to or received by the Title IX Coordinator, the Title IX Coordinator shall review the report to determine appropriate next steps.

If the allegations reported, if true, would not constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator will not proceed under this Policy and its Procedures. Instead, if the allegations reported, if true, would not constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator may take one of the following actions:

- (1) address the report under Policy Prohibiting Discrimination, Employee Handbook, and Student Handbook;
- (2) refer the matter to Office of Student Conduct, Human Resources; or
- (3) if the reported conduct would not constitute a violation of any University Policy, take no further action.

The Title IX Coordinator will notify the Complainant of the action or referral. After receiving a report of conduct that, if true, would constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator will promptly contact the Complainant and:

- discuss the availability of Supportive Measures;
- explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment;
- inform the Complainant of the process for filing a Formal Complaint of Title IX Sexual Harassment; and
- inform the Complainant that even if they decide not to file a Formal Complaint of Title IX Sexual Harassment, the Title IX Coordinator may do so by signing a Formal Complaint.

The Title IX Coordinator will also ensure that the Complainant receives a written explanation of available resources and options, including the following:

Support and assistance available through University resources, including the Complainant's option to seek Supportive Measures regardless of whether they choose to participate in a University or law enforcement investigation;

- The Complainant's option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- The process for filing a Formal Complaint of Title IX Sexual Harassment, if appropriate;
- The University's procedural options including Formal and Informal resolution;
- The Complainant's right to an advisor of the Complainant's choosing;
- The University's prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and any reporting parties, along with a statement that the University will take prompt action when Retaliation is reported (and how to report); and
- The opportunity to meet with the Title IX Coordinator in person to discuss the Complainant's resources, rights, and options.

## **IX. SUPPORTIVE MEASURES**

Supportive Measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the University offers and may put in place, without fee or charge, after receiving notice of possible Title IX Sexual Harassment via a report to the Title IX Coordinator or an Official with Authority. Supportive Measures are designed to restore or preserve access to the University's Education Program and Activity, protect the safety of all parties and the University's educational environment, or deter Title IX Sexual Harassment, while not being punitive in nature or unreasonably burdening any party.

Supportive Measures are available regardless of whether the matter is reported to the University for the purpose of initiating any formal grievance proceeding 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, either at the time the Supportive Measure is requested or at a later date. Any Complainant that requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint pursuant to this Policy.

The Title IX Coordinator will contact a Complainant after receiving notice of possible Title IX Sexual Harassment

- (1) to discuss the availability of Supportive Measures and
- (2) to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment.

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 University 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, the University conducts an individualized assessment based on the unique facts and circumstances of a situation. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination made by the University in its discretion that takes into account the 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 University employment);
- Changes in work or housing location;
- An escort to ensure safe movement on campus;

- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- Mutual no contact directives (to instruct individuals to stop all attempts at communication or other interaction with one another);
- Placing limitations on an individual's access to certain University facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for University 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.

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

## **X. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE**

**Emergency Removal of a Student-Respondent.** Where there is an immediate threat to the physical health or safety of any students or other individuals arising from reported Title IX Sexual Harassment, the University can remove a Student-Respondent from the University's Campus Program or Activity and issue any necessary related no-trespass and no-contact orders. The University will make the decision to remove a Student-Respondent from the University's Education Program or Activity based on an individualized assessment and risk analysis. If the University makes such a decision, the Student-Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

**Administrative Leave of an Employee/Faculty-Respondent.** The University may place an Employee/Faculty-Respondent on administrative leave during the pendency of a Formal Complaint. An employee alleged to have committed Title IX Sexual Harassment will not be placed on administrative leave unless and until a Formal Complaint has been filed with the University. The University, 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.

## **Title IX Sexual Harassment Grievance Procedures**

### **XI. FORMAL COMPLAINTS OF TITLE IX SEXUAL HARASSMENT**

#### **A. Filing a Formal Complaint**

A Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Sexual Harassment and requesting that the University investigate those allegations. In order to file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign the University's Formal Complaint form. This may be done online, in person, or by email by contacting 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 by signing the Formal Complaint form. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not the Complainant or otherwise a party. While the Complainant may choose to not participate in the grievance process initiated by the Title IX Coordinator's signing of a Formal Complaint of Title IX Sexual Harassment, 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. At no time will the University coerce or retaliate against a Complainant in order to convince the Complainant to participate in the grievance process.

After a Formal Complaint is filed, the matter will proceed to either the Informal Resolution process or Formal Resolution process, as described below. A Formal Complaint must be filed before the University can commence an investigation or the Informal Resolution process under the Title IX Sexual Harassment Procedures.

#### **B. Mandatory Dismissal of Formal Complaint for Title IX Purposes**

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 University's programs and activities; and
- At the time of the filing or signing of the Formal Complaint, the Complainant is participating in or attempting to participate in the University's programs or activities.

If the Title IX Coordinator determines that all of the above conditions are satisfied, the University will address the Formal Complaint of Title IX Sexual Harassment under these Procedures.

If the Title IX Coordinator determines that the allegations in the Formal Complaint do not meet the definition of Title IX Sexual Harassment or that not all of the conditions above are satisfied, the University will dismiss the Formal Complaint for Title IX purposes. However, if the University dismisses the Formal Complaint for Title IX purposes, it may, in its discretion, address the Formal Complaint under student code of conduct or employee handbook, or other policies addressing discrimination and harassment, as appropriate.

Additionally, if the Title IX Coordinator investigates a matter as Title IX Sexual Harassment 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 University will dismiss the Formal Complaint for Title IX purposes and instead pursue the matter under student code of conduct or employee handbook, or other policies addressing discrimination and harassment as appropriate and applicable, or will dismiss the Formal Complaint in its entirety.

If the Title IX Coordinator determines that a Formal Complaint of Title IX Sexual Harassment will not be adjudicated under the Title IX Procedures, either at the outset after reviewing the Formal Complaint or during the course of the investigation, the parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal.

Either party may appeal the decision to dismiss a Formal Complaint as explained below in Section XVI.

#### **C. Discretionary Dismissal of Formal Complaint for Title IX Purposes**

In addition to the reasons discussed above in Section XI(B) regarding mandatory dismissals, the University may, in its discretion, choose to dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- 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 the recipient; or
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The University 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 the University will automatically dismiss the Formal Complaint for Title IX purposes as is the case with respect to the conditions listed in the "Mandatory Dismissal" section above. Instead, the University will determine if such a decision is appropriate under the circumstances.

If the University dismisses a Formal Complaint for Title IX purposes, it may in its discretion address the Formal Complaint under student code of conduct or employee handbook, or other policies addressing discrimination and harassment as appropriate.

The parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Either party may appeal the decision to dismiss as explained below in Section XVI.

#### **D. Consolidation of Formal Complaints**

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). If Formal Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information being considered; including as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The decision to consolidate Formal Complaints is not subject to appeal.

#### **E. 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 University resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
- Notice of the University's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that the University will take prompt action when Retaliation is reported; and how to report acts of Retaliation; and,
- Notice that the definition of *Misrepresentation* within the Student Code of Conduct 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.

#### **XII. TIMELINES**

Throughout these Procedures, the University designates timelines for different steps of the process. 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; or the need for language assistance or accommodation of disability. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, including the reason(s) for the extension.

The phrase "business days" shall refer to those days ordinarily recognized by the University administrative calendar as workdays.

#### **XIII. ADVISORS**

Throughout the resolution process (whether informal or investigative), the Complainant and a Respondent may each have an advisor of their choice to provide support and guidance. An advisor may accompany the Complainant/Respondent to any meeting with the Title IX Coordinator, the investigator, or to a hearing.

Prior to the hearing, 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. And, at the hearing, 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 below. 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.

The University (including any official acting on behalf of the University such as the Hearing Officer) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. For example, the University will not tolerate an advisor questioning a witness in an abusive, intimidating, or disrespectful manner. The University has the right to take appropriate steps to ensure compliance with the Policy and Procedures, including by placing limitations on the advisor's ability to participate in future meetings and proceedings.

#### **XIV. INFORMAL RESOLUTION**

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 University community. Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent. Additionally, the Informal Resolution process may not commence unless and until a Formal Complaint of Title IX Sexual Harassment is filed. Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility.

The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case. Before the Title IX Coordinator commences the Informal Resolution process, both parties must provide informed consent in writing. In addition, where both parties and the University determine that Informal Resolution is worth exploring, the University will provide the parties with a written notice disclosing:

- the allegations,
- the requirements of the Informal Resolution process, and,
- any consequences resulting from participating or withdrawing from the process, including the records that may be maintained by the University.

At any time prior to reaching a resolution, either party may withdraw from the Informal Resolution process and proceed with the formal grievance process for resolving the Formal Complaint.

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 formal grievance process related to that Formal Complaint. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

#### **XV. FORMAL RESOLUTION PROCESS**

##### **A. The Investigation**

An investigation affords both the Complainant and the Respondent 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 the University. When the formal resolution process is initiated, the Title IX Coordinator will designate an investigator who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Specifically, the investigator will be trained on

- (1) issues of relevance;
- (2) the definitions in the Policy;
- (3) the scope of the University's Education Program or Activity;
- (4) how to conduct an investigation; and
- (5) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

A Complainant or a Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to the Title IX Coordinator, who will assess the circumstances and determine whether a different investigator should be assigned to the matter.

### **1. Investigation Timeframe**

The investigation of a Formal Complaint will be usually concluded within 90 days of the filing of the Formal Complaint. The parties will be provided with updates on the progress of the investigation, as needed, and will be alerted if the process will go beyond the 90-day timeframe.

### **2. Interviews and Gathering Evidence**

**Interviews.** The investigator will interview the Complainant and Respondent 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. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Title IX Sexual Harassment 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.

**Evidence.** During the interview, and as the investigator is gathering evidence, each party will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although the University 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. Such information shared by the parties with the investigator may include both inculpatory and exculpatory evidence.

The investigator 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 below.

### **3. Draft Investigative Report and Opportunity to Inspect and Review Evidence**

After all the evidence is gathered, and the investigator has completed witness interviews, the investigator will prepare a draft investigative report. The investigator will send each party, and the party's advisor, if any, the draft investigative report.

The investigator 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 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; 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.

The University may require that parties and their advisors sign a non-disclosure agreement that permits review and use of the evidence only for purposes of the Title IX grievance process if deemed appropriate by the Title IX Coordinator.

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 during the course of the investigation will be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the Hearing Officer must be provided to the investigator 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. The investigator will review the feedback to the report, interview additional relevant witnesses (as the investigator deems appropriate).

#### **4. Final Investigative 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 completes any additional investigation, the investigator will complete a final investigative report. The investigator will submit the final investigative report of relevant information to the Title IX Coordinator. 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 Complainant and Respondent. The investigator 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 about a Complainant's prior or subsequent sexual activity, unless such information about the Complainant's prior sexual behavior 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 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.

### **B. Hearing Procedure**

#### **1. The Hearing Officer**

The Hearing Officer will be selected by the University

All Hearing Officers receive annual training on the following: how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues. The Hearing Officer will also be trained on any technology that might be used during a hearing.

#### **2. Notice**

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 and the Hearing Officer's CV at least 5 (five) calendar 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. The Hearing Officer will receive the names of the Complainant and the Respondent at the same time.

#### **3. Bias and Conflict of Interest**

The Hearing Officer 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 the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer may



report those concerns to the Title IX Coordinator and a different Hearing Officer will be assigned. A Complainant and/or Respondent may challenge the participation of the Hearing Officer because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within 48 hours of notification of the name of the Hearing Officer.

At their discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a Hearing Officer should be replaced. Postponement of a hearing may occur if a replacement Hearing Officer cannot be immediately identified.

#### **4. Pre-Hearing Procedures and Ground Rules**

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 participants who are unwilling to observe rules of decorum.

#### **5. Participation of Advisors**

Both parties must be accompanied by an advisor to the hearing. If a party does not have an advisor for the hearing, the University will provide an advisor of the University'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.

#### **6. Participation of Parties and Witnesses**

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 or witness elects to not participate in the live hearing, or participates in the hearing but refuses to answer questions posed by the other party through their advisor, the Hearing Officer will not rely on any statement of the non-participating party or witness in reaching a determination regarding responsibility. The Hearing Officer will never draw any inferences based solely on a party's or witness's absence or refusal to answer questions.

"**Statements**" for purposes of the hearing means factual assertions made by a party or witness. Statements might include factual assertions made during an interview or conversation, written by the individual making the assertions (including those found in a Formal Complaint), and memorialized in the writing of another (e.g. in an investigative report, police report, or medical record). Where evidence involves intertwined statements of both parties (e.g. a text message exchange or an email thread) and one party refuses to participate in the hearing or submit to questioning about the evidence while the other does participate and answer questions, the statements of only the participating party may be relied on by the Hearing Officer.

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, the University will appoint an advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the non-participating 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.

#### **7. Witnesses**

The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative. The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

#### **8. Electronic Devices and Record the 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.) into a hearing room, 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 and kept

on file by the University 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.”.

### **9. Hearing Location and Use of Technology**

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. A 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.

### **10. 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;
- Respondent’s statement accepting or denying responsibility;
- Opening Statement from the Complainant;
- Opening Statement from the Respondent;
- 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;
- Closing comments from the Complainant; and,
- Closing comments from the Respondent.

A Complainant or Respondent may not question each other or other witnesses directly; they must conduct the cross-examination through their advisors. Before a party or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant.

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.

### **C. Determination Regarding Responsibility**

Following the hearing, the Hearing Officer will consider all relevant evidence and make a determination, by preponderance of the evidence whether the Respondent has violated the Policy.

A preponderance of the evidence standard means that, based on the information acquired during the investigation and the hearing, it is more likely than not the Respondent engaged in the alleged.

### **D. Remedies and Sanctions**

In the event the Hearing Officer finds the Respondent responsible for a violation of the University’s policies, appropriate remedies and sanctions will be determined by the Hearing Officer. Remedies are designed to resort or preserve equal access to the University’s Education Program or Activity and may be disciplinary or punitive.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the University’s educational and employment programs and activities.

Sanctions for a finding of responsibility for Student Respondents include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions. In determining (a) sanction(s), the Hearing Officer will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (expulsion) or temporary (suspension). 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 (shared only upon a finding of responsibility for the allegation), previous University response to similar conduct, and University interests (e.g., in providing a safe environment for all).

Sanctions for findings of responsibility for Employee and Faculty Respondents include, but are not limited to, progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent's personnel file; restrictions on a Respondent's access to University programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from the University, or a recommendation that a separate process required to impose such action be commenced.

#### **E. Written Notice Regarding Outcome and, if applicable, Sanctions/Remedies**

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, the Complainant and Respondent 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 of fact supporting the determination;
- Conclusions regarding the application of the University's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal. 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.

#### **XVI. APPEALS**

A Respondent and Complainant both have the right to appeal (1) The Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment; and (2) the Hearing Officer's decision regarding responsibility.

A party wishing to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment must file a written appeal statement within five business days of the date the decision to dismiss is communicated to the parties.

A party wishing to appeal a Hearing Officer's decision must file a written appeal statement within five business days of the date the written decision is sent to the parties. Appeal statements are limited to five pages. 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/hearing that could affect the outcome of the matter;
- The Title IX Coordinator, investigator, Hearing Officer, or 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; and/or
- Procedural error(s) that affected the outcome of the matter.

An appeal is not a re-hearing of the case. The University may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

**Appellate decision-maker.** If the University does not summarily deny the appeal, the University will appoint an appellate decision-maker. The appellate decision-maker'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 other party ("Appellee"), and information presented at a meeting of the appellate decision-maker, if convened.

**Conflict of interest.** The University will notify the Appellant and Appellee of the name of the appellate decision-maker. The Appellant and/or Appellee may challenge the participation of an appellate decision-maker because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to the University no later than 48 hours after notification of the name of the appellate decision-maker. The University will determine whether such a conflict of interest exists and whether an appellate decision-maker should be replaced.

**Response to Appeal.** The appellate decision-maker will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellee may submit a written response to the appeal ("response"). The response is due 3 business days from the date the University provides written notice of the appeal to the Appellee. The University will provide the Appellant an opportunity to review the response; however, the Appellant will not have an additional opportunity to respond.

**Written Decision.** The appellate decision-maker will provide written notification of the final decision to the Appellant and Appellee simultaneously.

The appellate decision-maker will typically notify the parties of its decision regarding an appeal in writing within 2 business days from receipt of the appeal statement. If the decision will take longer, the parties will be informed. The decision of the appellate decision-maker will be final and no subsequent appeals are permitted.

## **XVII. CONFIDENTIALITY**

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or other proceeding arising thereunder.

## **XVIII. RECORD RETENTION**

The University shall retain for a period of seven years after the date of case closure: the official file relating to a formal resolution, including any investigation hearing, sanctioning, and/or appeals processes involving allegations of Title IX Sexual Harassment. In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, the University may retain such official case files indefinitely.

## **APPENDIX A**

The following is a list of University officials designated as "Officials with Authority." An Official with Authority, as defined in this Policy, refers to an official of the University with the authority to institute corrective action on behalf of the University, and notice to whom causes the University to respond to Title IX Sexual Harassment.

Title IX Coordinator  
Dean of Students  
Vice President-level administrators

## SEXUAL MISCONDUCT POLICY

### Background Checks for Employees

This policy defines background checks as, but not limited to, the following:

1. A search for sex-related offenses in an individual's counties of residence for the past seven years;
2. A search of the state registry of sex offenders; and
3. A database search for criminal activity in the individual's states of residence for the past seven years.

See the Disclosure regarding Background Investigations that complies with Federal and State Laws in the Employee Handbook.

Alderson Broaddus University performs pre-employment background checks on all new employees as a condition of employment.

Alderson Broaddus University performs background checks on adjunct faculty as soon as possible after they have been appointed and before they commence working.

Background checks are not required for current employees with the exception of those 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 (e.g., contact with protected persons, etc.). If an employee experiences a position change with the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since the last background check. Alderson Broaddus University performs background checks on all camp counselors and program leaders prior to their performing the duties or participating in the activity qualifying them for this requirement.

All third-party users of campus facilities, including summer camps, are responsible by contract for complying with these background check standards in regards to their employees, volunteers and subcontractors.

### Definitions:

*Camp Counselors and Program Leaders* – This policy defines Camp Counselors and Program Leaders as students, faculty, staff, and volunteers who, in the course and scope of their employment or service to Alderson Broaddus University, conduct activities at or on behalf of Alderson Broaddus University and come in contact with protected persons.

*Protected Persons* – This policy defines Protected Persons to include minors, developmentally disabled individuals, regardless of age, and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause including, but not limited to, intoxication, drugs, or mentally incompetence.

*Minors* – A person aged 17 years and younger.

## POLICY ON PREVENTION OF SEXUAL ABUSE OF MINORS BY FACULTY, STAFF, CAMP WORKERS, AND VOLUNTEERS AFFILIATED WITH ALDERSON BROADDUS UNIVERSITY

For more information, contact:

**Amy Kittle, Title IX Coordinator**  
101 College Hill P.O. Box 2126  
Philippi, WV 26416  
kittleal@ab.edu  
304-621-1316

## I. STATEMENT OF POLICY

This policy is to prevent and prohibit:

- Sexual abuse of minors by faculty, staff, and volunteers affiliated with Alderson Broaddus University; and
- Sexual abuse of minors by medical personnel working at the Alderson Broaddus University's athletic facility, or similar facilities.

Sexual abuse is unacceptable and will not be tolerated at Alderson Broaddus University. Alderson Broaddus University urges an individual to make a formal report to the University's Title IX Coordinator if that individual is the victim of sexual abuse, has knowledge of another person in Alderson Broaddus University's community being the victim of sexual abuse, or believes in good faith that they have witnessed a possible warning sign of sexual abuse by or against someone in Alderson Broaddus University's community. A report of sexual abuse will be investigated promptly. Confidentiality will be maintained to the greatest extent possible.

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. Referral to other policies of Alderson Broaddus University may occur. Prosecution by civil or criminal authorities may also occur.

## II. SCOPE OF POLICY

All members of Alderson Broaddus University's community regardless of role, tenure, or compensation, including, but not limited to students, student-employees, faculty, staff, medical personnel, volunteers, and independent contractors are subject to this policy.

All on-campus activities and institution-sponsored activities off-campus are subject to this policy.

This policy does not address sexual harassment or sexual misconduct that is not considered sexual abuse under this policy. That conduct is addressed in a separate policy titled "POLICY PROHIBITING TITLE IX SEXUAL HARASSMENT" located in the University's employee and student handbooks as well as online at [https://ab.edu/wp-content/uploads/2020/08/Title-IX-Policy-2020-2021\\_Final-1.pdf](https://ab.edu/wp-content/uploads/2020/08/Title-IX-Policy-2020-2021_Final-1.pdf). This can be confusing. Please do not let this stop you from reporting. Any report of suspected sexual abuse can be made to the Title IX Coordinator who can assist in assessing the application of Alderson Broaddus University's policies.

## III. CONDUCT PROHIBITED BY THIS POLICY

### A. Prohibited Sexual Abuse

Alderson Broaddus University prohibits sexual harassment and sexual assault under other policies located in the University's employee and student handbooks as well as online at [https://ab.edu/wp-content/uploads/2020/08/Title-IX-Policy-2020-2021\\_Final-1.pdf](https://ab.edu/wp-content/uploads/2020/08/Title-IX-Policy-2020-2021_Final-1.pdf). In addition to conduct prohibited under those policies, this policy specifically prohibits sexual abuse of minors, which includes serial sexual misconduct and child molestation:

- **Serial Sexual Misconduct.** Serial Sexual Misconduct is any actual or alleged illegal or otherwise wrongful sexual conduct: (a) with more than one victim and (b) committed by or alleged to have been committed by any perpetrator who is covered by this policy.
- **Child Molestation.** Child molestation means actual or alleged illegal or other sexual abuse with a minor by a person who is covered by this policy.

Sexual abuse with respect to a Protected Person includes the intent to arouse or satisfy the sexual desires of either the Protected Person or the perpetrator. This policy also prohibits sexual abuse defined by state law. For more information, see the West Virginia Foundation for Rape Information Services (FRIS) at the following website: <https://www.fris.org/SexualViolence/ChildVictims.html>.

### B. Retaliation

Alderson Broaddus University prohibits retaliation against any individual who in good faith reports an incident of sexual abuse or the possible witnessing of the warning signs of sexual abuse.

Alderson Broaddus University prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

### C. Improper Conduct During an Investigation

Any member of Alderson Broaddus University's community who provides knowingly false information or who refuses to cooperate in an investigation related to this policy will be subject to disciplinary action, up to and including expulsion, suspension, termination, removal from campus, cancellation of contract, or any other means necessary to address the behavior.

#### **IV. CONFIDENTIALITY OF INFORMATION**

Alderson Broaddus University will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported. The degree to which confidentiality can be protected, however, depends upon the Alderson Broaddus University's legal duty to respond to the information reported and the professional role of the person being consulted. The person being consulted should make these limits clear before the disclosure of any facts.

As required by law, all disclosures to any Alderson Broaddus University employee of an on-campus act of sexual abuse are tabulated for statistical purposes without personally-identifiable information. Further information regarding disclosure is set forth below.

#### **V. WHAT TO DO FOLLOWING AN ACT OF SEXUAL ABUSE**

A member of Alderson Broaddus University's community who is the victim of sexual abuse, has knowledge of another person being the victim of sexual abuse, or believes in good faith that he/she has witnessed a possible warning sign of sexual abuse as defined by this policy is urged to make a formal report to the police and/or the Title IX Coordinator. All victims of sexual abuse are urged to seek appropriate help, which may include a medical evaluation and obtaining information, support, and counseling, either on or off campus. The resources listed in this policy may be used to assist in accessing the full range of services available.

##### **A. Medical Treatment**

A person who is the victim of sexual abuse is urged to seek appropriate medical evaluation as promptly as possible. For life-threatening conditions, call 911.

AB Wellness Center – On Campus – Medical Services  
Bottom Floor of Burbick Hall  
304-457-0400

Broaddus Hospital - Off Campus – Medical Services  
1 Healthcare Dr, Philippi, WV 26416  
304-457-1760

##### **B. Medical-Legal Evidence Collection**

A person who is the victim of sexual abuse is encouraged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and filing of a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. The local police department (304-457-3700) or the Centers Against Violence (304-457-5020) can identify locations in the area where medical-legal evidence can be collected.

##### **C. Obtaining Information, Support, and Counseling**

Whether or not one makes a formal report, a person who is the victim of sexual abuse is encouraged to obtain information, counseling, and support. Counselors at a variety of agencies, both on and off campus, can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, or filing a report with authorities.

Information, support, and advice are available for anyone who wishes to discuss issues related to sexual abuse, whether or not an act of sexual abuse has actually occurred, and whether or not the person seeking information has been assaulted, accused of an act of sexual abuse, or is a third-party.

The degree to which confidentiality can be protected depends upon whether Alderson Broaddus University has a legal duty to respond and investigate formal and informal allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed.

Centers Against Violence – Off Campus – Victim support services  
barbour@waicwv.edu  
304-457-5020

Campus Counseling – On Campus – Able to direct persons to outside counseling services  
counselingservices@ab.edu

## **VI. REPORTING SEXUAL ABUSE**

### **A. Confidential Reporting**

Alderson Broadus University has approved policy and procedures in place for the confidential reporting by faculty, staff, and students of ethics-related issues such as sexual abuse, which includes:

- A report may be made in person, in writing, by telephone, by email to the Title IX Coordinator at:  
Amy Kittle  
(304)-621-1316  
kittleal@ab.edu
- A report may be made using the University's online confidential reporting form located at <https://ab.edu/confidential-reporting-form>.
- Any report involving a Protected Person will be shared with law enforcement agencies and child protective services.

### **B. Internal Reporting**

Any employee regardless of role, tenure, or compensation, and any volunteer or contractor who has knowledge of a minor or student being the victim of sexual abuse, or believes in good faith that he/she has witnessed a possible warning sign of sexual abuse is required to make a formal report, as soon as possible, to:

- The designated Title IX Coordinator, campus administrator; and/or campus police.
- Local law enforcement authorities.
- Campus Security – Dial 304-709-2696
- Philippi Police Department – Dial 304-457-3700

To the extent consistent with state and federal regulations, medical personnel will also report any suspected or reported sexual abuse of minors and students.

### **C. External Mandatory Reporting**

Consistent with state law, any employee, regardless of role, tenure, or compensation, or any volunteer or contractor who has knowledge of alleged or actual sexual abuse involving a minor or believes in good faith that they have witnessed a possible warning sign of sexual abuse, is required to make a formal report, as soon as possible, to local law enforcement, child protective services, or similar government agency, as well as to the Title IX Coordinator.

Additionally, the employee must comply with any applicable state laws requiring reporting of allegations or conduct constituting sexual abuse. The minor's parent or guardians will be notified. Any report of serial sexual abuse will be reported to campus administrators.

### **D. Failure to Report**

A failure of an employee or volunteer to report sexual abuse as required by this policy may result in discipline up to and including termination.

## **VII. POLICY ENFORCEMENT**

### **A. Disciplinary Action for Sexual Abuse**

All reported alleged incidents of sexual abuse will be reviewed and investigated, if necessary, by the Title IX Coordinator and Director of Campus Safety.

Depending on the nature of the allegations and the parties involved, reports of sexual abuse will be investigated pursuant to this policy, or the procedures set forth in Alderson Broadus University's "POLICY PROHIBITING TITLE IX SEXUAL HARASSMENT."

Alderson Broadus University may resolve complaints at the investigation stage if the facts warrant resolution. However, if the evidence supports the allegation, the applicable Alderson Broadus University judicial procedures as described in the applicable handbook for students, faculty, and staff will be initiated. For policy violations, possible sanctions may include, but are not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination. Other members of Alderson Broadus University's community who are not subject to an explicit judicial procedure, upon a finding of a violation, shall be subject to adverse actions such as removal from campus, cancellation of contract, or any other means necessary to address the behavior.



## **B. Title IX Compliance**

Where applicable, any actions under this policy shall be consistent with Alderson Broaddus University's obligations under the "POLICY PROHIBITING TITLE IX SEXUAL HARASSMENT."

## **VIII. INSTITUTIONAL DISCLOSURES OF INFORMATION**

### **A. Request from the Public**

All requests from the media, the campus community at large, or the general public for information concerning an alleged incident of sexual abuse should be directed to the Director of Marketing & Communications (email: PR@ab.edu, Phone: (304) 457-6323). It is critical to protect the privacy of those involved, particularly minors. Failure to comply with this requirement may be subject to possible sanctions including, but not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination.

### **B. Public Notification of Incidents**

As required by law, Alderson Broaddus University collects and annually reports statistical information concerning sexual abuse occurring within its jurisdiction. To promote public safety, Alderson Broaddus University also alerts the campus community to incidents and trends of immediate concern.

## **IX. EDUCATION AND PREVENTION EFFORTS**

### **A. Title IX Coordinator**

Alderson Broaddus University's designated Title IX Coordinator is:

**Amy Kittle, Title IX Coordinator**

101 College Hill P.O. Box 2126

Philippi, WV 26416

kittleal@ab.edu

304-621-1316

### **B. Educational Programs**

Alderson Broaddus University provides resources for education about and prevention of sexual abuse. Members of Alderson Broaddus University's community are urged to take advantage of the following on-campus prevention and educational resources available through online training available through Safe Colleges Training. Contact the Title IX Coordinator or the Director of Human Resources for more information about the available training.

### **C. Background Checks**

Alderson Broaddus University performs pre-employment background checks on all new employees as a condition of employment.

Alderson Broaddus University performs background checks on adjunct faculty and part-time employees (such as coaches, athletic trainers, etc.) whose work involves contact with students, minors, or other Protected Persons as soon as possible after they have been appointed and prior to any contact with students or Protected Persons.

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 (contact with Protected Persons). If an employee experiences a position change within the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since their last background check.

Alderson Broaddus University performs background checks on all Key Students, Camp Counselors, and Program Leaders prior to any Alderson Broaddus University-related contact with Protected Persons.

All third-party users of campus facilities, including summer camps, are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors.

All third-party contractors and vendors are responsible by contract for complying with these background check standards for their employees, volunteers, and subcontractors.

## **D. Training**

Sexual abuse often takes place when there is a power imbalance. A sound sexual 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 state law (for sexual abuse of minors.)

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

- Title IX Coordinators and campus safety personnel/law enforcement, within 30 days of hire;
- New faculty and staff, within six months of hire;
- All faculty and staff who come in contact with Protected Persons, annually;
- All faculty and staff who do not come in contact with protected persons, annually;
- Administrative staff or faculty members who are considered state mandated reporters for sexual abuse of minors, annually;
- Key students, camp counselors, and program leaders prior to performing the duties or participating in the qualifying activity,
- Volunteers who come in contact with Protected Persons, biennially; and
- Independent contractor who come in contact with Protected Persons, biennially.

## **X. OTHER DEFINITIONS**

### **A. Background Checks**

This policy defines background checks as including, but not limited to, the following:

- A search for sex-related offenses in an individual's counties of residence for the past seven years;
- A search of the state registry of sex offenders; and
- A database search for criminal activity in the individual's states of residence for the past seven years.

### **B. Key Students**

This policy defines Key Students as those students who are in practicum involving Protected Persons or the medical field, student teachers, resident assistants, and employed students working with Protected Persons.

### **C. Camp Counselors and Program Leaders**

This policy defines Camp Counselors and Program Leaders as those students, faculty, staff, and volunteers who in the course and scope of their employment or service to Alderson Broaddus University conduct activities at or on behalf of Alderson Broaddus University and come in contact with Protected Persons.

### **D. Minors**

This policy defines minors are those individuals who have not yet reached the age of majority, defined by the State of West Virginia as 18, and are participating in any programs or activities of Alderson Broaddus University.

### **E. Protected Persons**

This policy defines Protected Persons to include minors and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause, including, but not limited to, intoxication, drugs, or mental incapacity.

## **COMPUTING AND NETWORKING RESOURCES ACCEPTABLE USE POLICY**

The Alderson Broaddus University Acceptable Use Policy (AUP) promotes the efficient, ethical, and lawful use of Alderson Broaddus University's computing and networking resources. The University's computing systems, networks and associated facilities are intended to support the University's mission and to enhance the learning environment. Alderson Broaddus University's policy regarding the appropriate use of University computing and networking facilities and the ethics of personal behavior apply to the use of all forms of electronic communication and access.

Email is the University's official form of communication. Students are expected to check their email daily.

## **Rights and Responsibilities**

Faculty, staff, and students may use University-owned computing equipment for instructional, research, or administrative purposes. Access to and use of Alderson Broaddus University computer facilities, campus telephone and data networks, electronically stored data, software, and the internet shall comply with all federal and West Virginia state laws as well as the rules and regulations of the University. Misuse of these computer facilities, networks, software, and the internet are violations of law and may be charged as such. By using Alderson Broaddus University's computing facilities, resources, networks, and the internet, all users agree to the rules, regulations, and guidelines contained in this Acceptable Use Policy.

Computers and networks can provide access to resources on and off-campus, as well as the ability to communicate with other users worldwide. Such open access is a privilege, and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations. The University's computers and networks are a shared resource, for use by all faculty, staff and students. Any computer or network use that inhibits or interferes with the use of this shared resource by others is prohibited. The University will routinely scan access logs, collect and analyze traffic data, and monitor network utilization to ensure reasonable use. Violations will result in immediate loss of computer and/or network privileges.

Students and employees may have rights of access to information about themselves contained in computer files stored in University-owned systems, as specified in federal and state laws. In addition, system administrators may access user files stored on University-owned systems as required to protect the integrity of the computer systems. Following organizational guidelines, system administrators may access or examine files or accounts that are suspected of unauthorized use or misuse, or that have been corrupted or damaged.

Students and employees shall be responsible for the backup and security of all user-created files. The Office of Information Technology (OIT) will regularly backup all files stored on designated file servers allowing for recovery of most lost or damaged files. However, the University will not be responsible for any user-created files that are unrecoverable.

It is a violation of this policy to:

- Intentionally and without authorization, access, alter, interfere with the operation of, damage or destroy all or part of any computer, computer system, computer network, computer software, computer program, or computer database.
- Give or publish a password, identifying code, personal identification number or other confidential information about a computer, computer system, computer network or database.
- Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, disclose, or take possession of a computer, computer system, computer network or any other University computing facility.
- Willfully, fraudulently and without authorization gain or attempt to gain access to any computer, computer system, computer network, or to any software, program, documentation, data or property contained in any computer, computer system or computer network.
- Use another person's name, password, identifying code or personal identification to access a computer system, network, or to send electronic mail.

## University Provided Computer Resources

The following guidelines apply to anyone using computing resources provided by the University, including but not limited to computer labs, campus network, and Internet access:

- Loading of third-party software on any University owned computer system is subject to authorization by the OIT
- The transfer of copyrighted materials to or from any system, or via the University network without the express consent of the owner of the copyrighted material may be a violation of Federal Law, and is classified as a felony under State Law.
- University developed or commercially obtained network resources may not be re-transmitted outside of the University. Examples include newsgroups and Library databases such as ProQuest.
- It is the responsibility of each individual to protect his/her login and password for any computer related account. The account holder is responsible for all activities to and from his/her account. The account holder may not share his/her account with anyone else and should never disclose his/her password to anyone for any reason.
- Any attempt to circumvent system security, uncover security loopholes, guess other passwords or

access codes, or in any way gain unauthorized access to local or network resources is strictly forbidden and violation is grounds for immediate expulsion from the University.

- Under no circumstances will any individual be permitted to use their network connection or computing privileges for commercial purposes. You may not advertise any commercial products. Any commercial use of University facilities is explicitly prohibited by the University and is grounds for the loss of network privileges.
- Inappropriate mass mailing is forbidden. This includes multiple mailings to newsgroups, mailing lists, or individuals, e.g. “spamming,” “flooding,” or “bombing.”
- Displaying obscene, lewd, or sexually harassing images or text (those without serious literary, artistic, political, or scientific value) in a public computer facility or location that can be in view of others is forbidden. Access to sexually explicit and other materials will be limited to no greater degree than access to print and visual materials found in most academic library collections.
- Interfering with, interrupting, or obstructing the ability of authorized users to use the University’s computer or networking systems is prohibited.
- Networking equipment such as routers, switches, wireless access points, etc., or any computers serving as such devices may not be connected to the network without the explicit permission of OIT.

### Private Computers Connected to the University Network

The following guidelines apply to anyone connecting their private computer to the University network.

- You, the owner of the computer, are responsible for compliance with all of the guidelines in the AUP as well as the behavior of all users on your computer, and all network traffic to and from your computer, whether or not you knowingly generate the traffic.
- A private computer connected to the network may not be used to provide access to the network for others who are not authorized to access the University systems. The private computer may not be used as a router or bridge between the University network and external networks, such as those of an Internet Service Provider.
- Should the networking staff of the University have any reason to believe that a private computer connected to the University network is using network resources inappropriately, network traffic to and from that computer will be monitored. If justified, the system will be disconnected from the network, and action taken by the appropriate authorities.
- Any residential student, with an authorized network account may use their Residence Hall connection for scholarly purposes, for official University business, and for personal use, so long as the usage: (1) does not violate any law or this policy, (2) does not involve extraordinarily high utilization of University resources, or substantially interfere with the performance of the University network, and (3) does not result in commercial gain or profit.
- Due to the possibility of a breach in the University’s computer network security, students and employees are not permitted to connect a computer to the University’s network and an external Internet Service Provider at the same time. Students who prefer to use an external ISP must notify OIT prior to connecting their computer to the external ISP network.
- Users are responsible for the security and integrity of their systems. In cases where a computer is compromised, it is recommended that the system be either shut down or be removed from the campus network as soon as possible in order to localize any potential damage and to stop the attack from spreading. **If you suspect electronic intrusion or hacking of your system and would like assistance contact OIT immediately.**
- The following types of servers should never be connected to the University network: DNS, DHCP, BOOTP, WINS, or any other server that manages network addresses. In addition, computers or devices providing web, FTP or other services designed to share files and/or content may be connected to the University network only with the permission of OIT.
- The University will not be responsible for any damage to private computers, including hardware systems, software systems, files, and/or data that may result from connecting to the University Network
- In addition to all the guidelines contained in the AUP, users of the Residence Hall Network must comply with the following regulations:
  - Use of a connection shall be limited to one computer at a time. Insuring proper use of the connection shall be the sole responsibility of the student to whom the connection has been assigned.
  - Software which allows “sniffing” of network packets is explicitly prohibited.
  - The student is responsible for defense against any and all viruses which may be propagated

via the network, and it is recommended that an anti-virus program be loaded for protection. Problems with network connections should be reported immediately to OIT.

### Cooperative Use

The Alderson Broaddus University computing environment is a shared resource. As such, all users of the University computer and network resources are urged to follow some basic guidelines to help enhance the work and learning of all who are a part of the University community.

- Users should refrain from overuse of information storage space, printing facilities, processing capacity, and/or bandwidth.
- Users should refrain from overuse of interactive network utilities (video conferencing, gaming, etc.).
- Users should refrain from use of sounds and visuals, or any other activity, which might be disruptive to others.
- Users should refrain from use of any computing resource in an irresponsible manner.

### Legal and Ethical Use

It is important that members of the University community be aware of the intellectual rights involved in the unauthorized use and copying of computer software. Alderson Broaddus University endorses the following statement of Software and Intellectual Rights that was developed through EDUCAUSE, a non-profit consortium of colleges and universities committed to the use and management of information technology in higher education:

*Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.*

*Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.*

Computer facilities and files owned by others should be used or accessed only with the owner's permission. Viewing or using another person's computer files, programs or data without authorized permission is unethical behavior and will not be tolerated. Such behavior, if used for personal gain, is plagiarism. Ethical standards apply even when the material appears to be legally unprotected. Improper use of copyrighted material may be illegal. The unauthorized copying of any software that is licensed or protected by copyright is theft.

Illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing and other means of sharing and distribution are strictly prohibited.

A list of acceptable legal sites for downloading and using content is maintained by EDUCAUSE at <http://www.educause.edu/legalcontent>.

### Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than

\$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

### Electronic Communications

The University provides e-mail (Gmail) and other communication tools through its learning management system (LMS). Users should note that e-mail systems are not private secure communications. As such, email users cannot expect privacy. By using the University LMS, each user acknowledges:

- The use of the LMS and electronic mail is a privilege not a right. The LMS is for University communication, research, or campus business. Transmitting certain types of communications is expressly forbidden. This includes chain letters, pyramids, and other messages of a similar nature; the use of vulgar, obscene or sexually explicit language and messages; sending harassing or threatening material; sending derogatory, defamatory or sexual or other harassment via electronic mail; or the use of the electronic mail for discriminatory communication of any kind; the use of e-mail for commercial or political purposes; or, the use of e-mail in conjunction with or as part of any criminal activity.
- Under the Electronic Communications Privacy Act, tampering with electronic mail, interfering with or intercepting the delivery of mail and the use of electronic mail for criminal purposes may be felony offenses, requiring the disclosure of messages to law enforcement or other third parties without notification.
- E-mail messages and other electronic communications should be transmitted only to those individuals who have a need to receive them. Distribution lists should be constructed and used carefully. E-mail distribution lists should be kept current and updated regularly. Spamming is strictly forbidden.

### Waiver of Rights

All users that access AB University computing resources, waives any right to privacy and consents to access and disclosure by authorized University personnel of any electronic files, email, or any other transmissions created, stored, or transported using University computing resources. The University reserves the right to monitor and, if necessary, disclose the contents on a need-to-know basis of any electronic transmission, file, or communication for the purposes of troubleshooting, preventing system misuse, assuring compliance with policies, and complying with legal and regulatory requests for information. Users should recognize that under some circumstances, as a result of investigations, subpoenas or lawsuits, the University might be required by law to disclose the contents of electronic communications.

### Disclaimer

The University may adopt further rules and regulations to implement this policy provided that no such rules or regulations shall be inconsistent with policy set forth above.

### Reporting Violations of Computer Use Regulations

Violations of these regulations should be reported immediately to the Director of Information Technology Services. The University will make every effort to maintain confidentiality to the extent possible consistent with other obligations.

### Disciplinary Action

Violations of these regulations will result in the appropriate disciplinary action, which may include loss of computing privileges, suspension, termination, or expulsion from the University, or legal action.

## CAMPUS SAFETY POLICIES AND PROCEDURES

Alderson Broaddus University is concerned about the safety and security of all members of the University community and all visitors to the campus. Therefore, the following safety and security policies and procedures have been adopted by the University.

## Campus Safety

A campus safety force is in operation for the welfare and benefit of students, faculty, staff and guests. Students and employees are required to cooperate with Campus Safety Officers and to report crimes and other emergencies to safety personnel.

Safety personnel are on duty 24 hours a day, 365 days a year, and are available to assist students, employees, and guests. Safety personnel are not authorized to make arrests but have the right to detain. Their responsibilities include enforcement of traffic and parking regulations, enforcement of University policies and behavioral expectations, investigation of crimes on campus and the making of rounds, and inspection of the campus for safety and maintenance concerns. Safety personnel cooperate with local and state law enforcement agencies and have access to direct and immediate communication with these agencies. Each Resident Director or Resident Assistant on duty in each Residence Hall also has direct and immediate communication with both University safety personnel. Local law enforcement officers patrol the campus.

## Campus Crime Log

The Campus Safety Office of Alderson Broaddus University will maintain a written daily crime log which records any reported incident that occurs on campus, in a non-campus building, on property owned or controlled by the University, on public property within the campus, or immediately adjacent to and accessible from the campus. This Campus Crime Log will include the nature, date, time, and general location of each incident and the disposition of the complaint, if known. The Campus Safety Office will make an entry or an addition to an entry to the log within two business days of the report of the information to the Campus Safety Office, unless that entry is prohibited by law.

Alderson Broaddus University will make the Campus Crime Log for the most recent 60-day period open to public inspection during normal business hours and will make any portion of the Campus Crime Log older than 60 days available for public inspection within two business days of a request for public inspection. The Director of Campus Safety is responsible for the Campus Crime Log and should be contacted to view the log. No copies of the log are permitted.

## Emergency Response Team

Alderson Broaddus University has appointed an Emergency Response Team, chaired by the Director of Campus Safety and Security, consisting of the Provost/Executive Vice President for Academic Affairs, Executive Vice President for Administration/Vice President for Enrollment Management, Director of Personal Counseling Services, Dean of Students, Director of Housing and Residence Life, Director of Marketing and Communication, Director of Facilities, Director of Institutional Technology, as well as one faculty representative. It is the responsibility of the Emergency Response Team to periodically review and revise, if necessary, campus security policies and emergency response procedures. This review will also include an evaluation of campus lighting and campus buildings and grounds so as to increase the likelihood of crime prevention.

## Timely Warnings

If a murder, rape, robbery, aggravated assault, burglary, arson, manslaughter, motor vehicle theft, or violent crime directed against an individual because of race, gender, religion, ethnicity, sexual orientation or disability is reported to have occurred on campus, in or on non-campus buildings or property owned or controlled by the University, or on public property adjacent to a facility used by the University, Alderson Broaddus University will issue a timely report of such an occurrence to the campus community for the purpose of aiding in the prevention of similar occurrences. Such a report may withhold sensitive information that would jeopardize a criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in destruction of evidence. However, this information may be released two days after it is no longer deemed to be sensitive.

The campus community is defined, in this instance, as all students enrolled for at least one course for credit, all full-time and part-time employees of the University, and other persons who may have an interest in or benefit from such a report, e.g., parents of enrolled students. It shall be the responsibility of the Emergency Response Team to issue such reports and to determine the most appropriate means for the dissemination of the report, based upon the likelihood of the incident posing an immediate threat to others. If the Emergency Response Team determines that the most appropriate means for the dissemination of the report involves a press

release to campus and local press, radio, TV, and other media, the Director of Marketing and Communications will coordinate the release of the information to the media through legal counsel. Issues and information discussed by the Emergency Response Team are confidential and should not be disclosed to others.

### Release of Information

The names of victims of violent crimes or non-violent sexual offenses, and the name of witnesses to violent crimes or non-violent sexual offenses will only be disclosed with the written consent of the victim(s) and/or witness(es).

As noted above, the University will withhold information that would jeopardize a criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in destruction of evidence. However, this information may be released two days after the reasons for non-release no longer apply.

### Crime Prevention and Sex-Offense Programs

Alderson Broaddus University provides programs designed to inform students and employees about campus safety procedures and practices, about crime prevention, and to encourage students and employees to be responsible for their own safety and the safety of others. In addition, Alderson Broaddus University provides education programs designed to promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses. Such programs are provided at least once each semester through orientation programs, residence hall education programs, safety awareness programs, and employee training programs. Finally, security, crime prevention, and sex-offense information is provided through both student and employee handbooks.

### Safety and Security Considerations Used in the Construction and Maintenance of Campus Facilities

The concern of the University for the safety and security of all students, employees, and guests of the University is considered in all renovation and new construction on campus. This concern extends, but is not limited to, such matters as the placement of shrubbery, campus lighting, the security of doors and windows, fire alarm systems, and fire escape routes. In addition, maintenance problems that might affect the safety and security of students, employees and guests are given the highest priority for correction. Such maintenance matters include, but are not limited to, lock and key replacement, the installation and maintenance of door security alarms, and the maintenance of fire alarm systems and extinguishing mechanisms.

### Reporting Criminal Actions and Other Emergencies

Students and employees that are a witness to an incident are required to report any crimes or other emergencies. Those who may be the victim of a crime are strongly encouraged to report a crime and of other emergencies are encouraged to voluntarily and on a confidential basis, promptly report such occurrences to Campus Safety Officers, the Philippi Police Department, the Director of Housing and Residence Life, the Resident Director of their Residence Hall, the Resident Assistant on duty in their Residence Hall, or the Chief Student Affairs Officer. It is the responsibility of the persons receiving such a report to, in turn, notify their immediate supervisor who will then report the incident to Campus Safety.

### Off-Campus Criminal Activity

Alderson Broaddus University assumes no responsibility for off-campus events sponsored by student organizations or for the behavior of individual students off-campus unless the activity is expressly authorized by the University and supervised by official University personnel. Students are encouraged to report criminal activity which occurs at off-campus events which are not expressly authorized and/or supervised by the University to local law enforcement agencies.

### Missing Student Notification

While college life allows a large amount of freedom, members of the Alderson Broaddus University community are encouraged to report any and all unusual behavior of individuals. Specifically, federal law requires that a report be made if any student, staff, or faculty member knows of any student who has been missing from on-campus housing for 24 hours.



For purposes of this policy, an on-campus resident may be considered a “missing person” if the resident’s absence is different to their usual pattern of behavior and/or unusual circumstances may have caused the absence. If a student has been missing for 24 hours from on-campus housing, a missing student report must be made to the Office of Student Affairs or Department of Campus Safety and Security.

Once a report of a missing student is received, efforts to contact the student by known means of communication will be attempted. If the attempts are successful, the contact will be noted and the student will not be considered missing. If the attempts are unsuccessful, the missing student’s emergency contact(s) will be contacted. If the student reported missing is under 18 years of age and not emancipated, custodial parents/guardians will be contacted immediately after initial communication attempts to contact the student are deemed unsuccessful, regardless of who is listed as the emergency contact person.

In all cases where the institution has determined a student is missing, local law enforcement will be notified.

### Bomb Threats

It is a felony offense to convey or impart, or cause to be conveyed or imparted, false information concerning the presence of a bomb or other explosive devices in, at, or near buildings, bridges, etc. A student violating this law is subject to state prosecution as well as University disciplinary action in any case involving University buildings, facilities, or at University sponsored activities.

### Weapons

The use or possession of knives, firearms including CO2 and spring-propelled weapons, explosives, explosive substances, or other weapons, as defined by the West Virginia Code, Section 61 -7-2; Section 61-7-2 which can be found through the following link, <http://www.legis.state.wv.us/wvcode/code.cfm?chap=61&art=7>, fireworks, flammable liquids, bows and arrows, or CO2 and spring-propelled weapons is prohibited on all University property and University sponsored activities. Any person carrying or possessing a firearm or other deadly weapon on the premises of the University or at a University-sponsored activity, even if licensed to possess such a firearm or other deadly weapon, who refuses to temporarily relinquish possession of such firearm or other deadly weapon, upon being requested to do so, or to leave such premises or activity while in possession of such firearm or other deadly weapon, shall be prosecuted according to the provisions of West Virginia Code Section 61-7-14. The same procedure is to be followed for bows and arrows and for CO2 and spring-propelled weapons. A weapon can also be considered as any item that is used to launch a projectile such as Orbeeze Gun (Splatter Ball Gun). Any device that uses an electrical current to incapacitate an individual such as a stun gun or Taser.

The storage of any weapon as defined above is **not allowed in a person’s vehicle** which is on University property.

Any item not listed above but used with intent to cause bodily harm or used to intimidate another person is considered a weapon. An item which may directly construct a deadly weapon is also prohibited on campus or at campus sponsored activity.

### Fire Drills

Fire drills are held periodically during each semester. Fire Marshal regulations require student and employee participation. Tampering with fire equipment and the sounding of false alarms are prohibited by state law and by University rules and regulations. Students and employees should evacuate the building immediately upon hearing the alarm. Students who fail to evacuate are subject to the disciplinary policies of the University.

### Smoking in Residence Halls

Per WV Code **16-9G-6**, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies and hallways of a building used, in whole or in part, as a student dormitory that is owned and operated or otherwise used by a public or private institution of higher education.

1<sup>st</sup> Offense = \$100.00 Violation

2<sup>nd</sup> Offense = \$150.00 Violation and student conduct referral to Chief Student Affairs Officer

3<sup>rd</sup> Offense = \$250.00 Violation and student conduct referral to Chief Student Affairs Officer

A \$500.00 room cleaning fee will be charged to all students who are in violation of the smoking policy. All students who reside in the room will be responsible for the payment of the fine.

### Remotely Piloted Aircrafts (Drones)

For the privacy and safety of all members of the Alderson Broaddus community, the unapproved use of unmanned aerial vehicles or remotely piloted aircrafts is not permitted on campus owned or operated property or at University sponsored events. The Director of Campus Safety and Security may give approval for the use of unmanned aerial vehicles or remotely piloted aircrafts for academic or official University business.

## PARKING AND TRAFFIC POLICIES

Alderson Broaddus University is pleased to extend to students, faculty, staff, and guests parking facilities on its campus. For safety and convenience, strict compliance with these rules and regulations is required. The Department of Campus Safety is directly in charge of all campus parking and traffic.

The University shall not be held liable for any damage to motor vehicles parked on the campus. All parking and traffic rules apply to students, employees, and visitors.

### Eligibility

All students are eligible to have a car on campus. However, first-year students are discouraged from having motor vehicles on campus or in any nearby location in order to assure concentration on the academic aspects of college life. Please note that having a vehicle on campus is not a right, and therefore it is within the jurisdiction of the Chief Student Affairs Officer, Director of Campus Safety and Security, or the Assistant Director of Campus Safety and Security to prohibit the use of a motor vehicle by any student who proves irresponsible in the observance of University regulations.

## Motor Vehicle Regulations

### Responsibility:

- The registered owner per University records will be responsible for all citations incurred against a vehicle, even if another person is operating it.
- Violators are responsible for each citation issued. Filing an appeal on one citation does not automatically shield the violator from any later citations received for the same type of offense. All citations will be kept on record even if the monetary charge from the citation has been successfully appealed.
- Alderson Broaddus University shall not be held liable for any damage to motor vehicles parked or operated on the Alderson Broaddus University Campus.

### General Parking and Traffic Regulations:

- All faculty, staff, and students who operate or park a motor vehicle on the Alderson Broaddus University campus must register their vehicle with the University.
- Any vehicle registered with the University by a faculty or a staff member or a student must be legally registered to them or a member of their immediate family by their home state.
- Regulations regarding designated parking areas will be in force between 7:00 a.m. and 7:00 p.m., Monday - Friday except for special events. All other parking and traffic regulations including handicapped parking spaces, visitor parking spaces, fire lanes, and other no parking areas are enforced seven days a week, 24-hours a day.
- All registered vehicles must have their parking permit tag clearly displayed.
- Student parking permits are valid for a one-year period from the start of school in the fall until the start of school the following fall. Faculty and staff permits are valid as long as the faculty or staff member is employed with the University. Students, faculty, and staff are required to park in the location designated by their parking permit.

Parking permit locations are as follows:

Blue Student Permit – Any parking space on campus unless otherwise designated such as Faculty / Staff,

Reserved, etc.

Yellow Student Permit – Commuter Lot only

White / Red Permit – Faculty / Staff / Employee

- Vehicles should not be parked such that they are pointed against the flow of traffic.
- Vehicles should only be parked in clearly marked parking spaces.
- Pedestrians have the right of way in all crosswalks.
- The speed limit on campus is 15MPH.
- All traffic laws and standard rules of the road for the City of Philippi, Barbour County, and the state of West Virginia must be observed at all times on University campus property. Philippi City Police Officers, Barbour County Sheriff Deputies or West Virginia State Troopers may cite violators of these laws and rules.
- The responsibility of finding a legal parking space rests with the vehicle operator. A lack of space where a person would like to park is **not** a valid defense for violation of any parking regulation.
- Handicap Parking will strictly follow WV code 17C-13-6. A Handicap placard must be issued to the driver of the vehicle and not to a family member. If it is determined the driver of the vehicle is not issued the handicap permit, they will be found to be in violation of policy and WV Code. Parking privileges or operating a motor vehicle on campus maybe suspended by the Director or the Assistant Director of Campus Safety and Security due to repeated parking violations or outstanding violations of \$250.00 or more per semester.

### Vehicle Registration:

- A vehicle registration fee of \$105.00 is added to all student accounts during the fall and the spring semester of each school year that the student registers for classes.
- The vehicle registration fee is for one vehicle.
- It is the responsibility of the student to register their vehicle, receive a registration tag, and to properly display the tag.
- Students who do not operate/park a vehicle on campus need to complete a vehicle registration fee waiver form at the Business Office in order to have this fee removed.
- Students who fail to register their vehicle within the first week of their first semester each year will be charged a \$250.00 fee. Upon notification, the student will have two business days to register the vehicle and have the \$250.00 charge removed from his or her account. Failure to register will result in the charge remaining on the student's account as well as the owner of the vehicle being subject to additional judicial sanctions
- Vehicles can be registered at the Campus Safety Office between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday or during the specified times during New Student Orientation.
- Individuals registering a vehicle with the University must have a valid State vehicle registration and license.
- Any student who has an outstanding balance of \$250.00 or more each semester, will not be issued a registration for the next year until the balance is resolved. Their privilege to operate a motor vehicle on campus will be suspended until the balance is resolved.

### Registration Tag Location

The registration tag is to be placed on the bottom, passenger side of the rear windshield. If your vehicle is designed in such a way that the registration sticker is not visible in this location, please contact the Director of Campus Safety for instructions regarding an alternate location.

### Motorcycles, Motorbikes, and Bicycles

All motor vehicle regulations and penalties apply to motorcycles and motorbikes. Motorcycles and motorbikes may only be parked in the areas designated for vehicle parking. Bicycles must be parked in areas not impeding pedestrian or vehicular traffic flow. Bicycles must follow all moving regulations when operated on campus roadways. Bicycles may be driven safely and responsibly on campus sidewalks.

### Visitor Parking

Visitor parking is available around Burbick Hall and at the Erickson Alumni Center. Visitors must pick up a visitor registration pass at the Office of Admissions.

### Replacement Permits

The Department of Campus Safety will issue a replacement tag for current University-registered vehicles provided that a major portion of the old permit is returned. Replacement permits cost \$5.00.

### Snow Removal

In order to facilitate snow removal, parking is not permitted in Faculty/Staff or Commuter lots between midnight and 7:00 a.m. The University is not responsible for damage to vehicles due to snow removal in these lots during the indicated periods.

### Violations of Regulations

Violations of any of the stated parking or moving regulations can cause the offender to be cited. The citation can result in monetary fines, disciplinary action, suspension of campus driving or parking privileges and/or other sanctions. Monetary fines should be paid at the Business Office.

Monetary fines for each violation, unless otherwise specified in the *parking violation section*, are \$25.00. Monetary fines for students, if unpaid, will be posted to the student's account with the Business Office at the end of each month.

Vehicles that are parked illegally or in violation of University policies are subject to towing or booting. **The university reserves the right to tow or boot vehicles without additional notice at the owner's expense.**

### Parking Regulation Violations

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

- Parking at yellow curb - \$25.00
- Parking in No Parking area - \$25.00
- Parking on or over a line separating spaces - \$25.00
- Parking in wrong parking area - \$20.00
- Parking on lawns, sidewalks or driveways (exception allowed for Facilities Department and Campus Safety vehicles while transferring heavy or large items) - \$50.00
- Backing or pulling through a parking space such that the vehicle is pointed against traffic flow - \$25.00
- Parking in spaces designated for handicapped drivers if not so authorized - \$ \$200.00
- Parking in fire lane - \$200.00
- Parking in manner that impedes traffic flow - \$100.00
- Parking in a reserved space - \$75.00
- Vehicle boot - \$150.00
- Unauthorized Removal of boot - \$200.00
- Parking in Visitor Parking - \$50.00
  - Blocking a Dumpster - \$100.00
  - 1st Offense for Handicap, Fire Lane, Dumpster = Violation Cost
  - 2nd Offense for Handicap, Fire Lane, Dumpster = Violation Cost + Boot Cost
  - 3rd Offense for Handicap, Fire Lane, Dumpster = Violation Cost + Boot Cost & Towed

### Moving Regulation Violations

The following moving regulations are prohibited and are subject to the minimum citation:

- Moving wrong way on one-way streets - \$50.00
- Driving on lawn or sidewalks - \$50.00 (exception allowed temporarily to Facilities vehicles while transferring heavy or large items and the Office of Admissions; only designated University vehicles may be driven on sidewalks).
- Driving in any manner that could be deemed reckless, inattentive, or dangerous - \$100.00
- Failure to stop for school bus lights/signs. - \$250.00

### Appeals of Parking Citations

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

## DISCIPLINARY POLICIES AND PROCEDURES

### Rationale for Discipline

By applying for and accepting admission to or employment by Alderson Broaddus University, members of the Alderson Broaddus community voluntarily make a decision to become a part of a living and learning community which exists in a covenant relationship.

To maintain such a system, each member of the University community accepts responsibility for personal actions and adheres to the general regulations of the University as well as to municipal, state, and federal laws. When individuals or organizations fail to accept these responsibilities, the University will confront such behavior and impose sanctions. The primary purpose of the imposition of discipline at Alderson Broaddus is to protect the campus community and its standards while educating the student on how their actions affect themselves and their community.

### Administrative Authority

The Board of Trustees is the policy making body for Alderson Broaddus University and it possesses, by legal charter, ultimate authority for the institution. The trustees have entrusted the President of the University with the responsibility to supervise disciplinary functions. The President, in turn, has designated various persons to maintain and to supervise the judicial process.

### Code Definitions:

*Student* – refers to a person enrolled on either a full or a part-time basis or auditing courses at the institution.

*Guest* – refers to person who is present on campus at the request of a student. Students are responsible for their guests and their guests' actions.

*Distribution* – is the sale or the exchange of goods with or without benefit of personal profit.

*Institution and University* – refers to Alderson Broaddus University.

*Organization* – is a chartered, student-led group or organizing activity has been authorized or supervised by the University.

*Reckless* – is conduct which one should reasonably be expected to know to constitute a substantial risk of harm to persons or to property, or which would otherwise be likely to result in interference with normal University activities.

*University premises* – refers to buildings or grounds owned, leased, or operated by the University.

*Weapon* – is any object or substance designed to or used to inflict a wound, cause injury or incapacitate. Examples of weapons include, but are not limited to, bows and arrows, all firearms, pellet guns, knives with blades three and a half inches or longer in length, Tasers, stun guns, and chemicals such as mace. Any item that is used to launch a projectile such as Orbeez Gun (Splatter Ball Gun).

*University sponsored activity* – is any activity, on- or off-campus, which is expressly authorized or supervised by the University. The University assumes no responsibility for off-campus events or behavior unless the activity is expressly authorized and supervised by the University.

*Will and shall* – are terms used in the imperative sense.

*Coercion* – is the practice of persuading someone to do something by using force or threats with words or actions by the complainant, respondent or by third parties.

*Intimidation* – is to compel or deter by threatening words or actions by complainant, respondent or by third parties.

*Social Media* – refers to websites and applications that enable users to create and share content or to participate in social networking.

*Conference* – refers to a meeting between the Chief Student Affairs Officer or Presidential designee to review charges against a student to determine if the student is responsible or not responsible for violating a University policy.

*Hearing* – refers to the official proceedings where the Chief Student Affairs Officer or Presidential designee hears all evidence from the respondent, witnesses, and/or complainant(s) to determine if the student is responsible or not responsible for violating a University policy.

## Social Responsibility

All individuals and/or organizations which are a part of the Alderson Broaddus University community are expected to speak and act with respect for the human dignity of others, both in the classroom and outside of it and in social, recreational, and academic activities either on-campus or off-campus.

Alderson Broaddus University will not tolerate any act or communication causing emotional stress specifically addressed to individuals or groups intended to harass, intimidate or humiliate because of race, religion, creed, gender, age, ethnicity, national origin, physical disability, gender expression, or sexual orientation. Such acts or communications include, but are not limited to, verbal abuse, physical gestures, or digital communication causing reasonable apprehension of harm. Attempts to coerce or intimidate that interfere with a person's basic rights are also a form of harassment.

Alderson Broaddus University is also committed to the moral and legal principle that every member of the community enjoys academic freedom and the constitutional right to free speech. As members of the Alderson Broaddus community, students, faculty, and staff share the responsibility to ensure that the rights of all are protected. Respect for these rights requires a tolerance for expressions of opinions that differ from one's own or that might be found abhorrent. (See *Notice of Non-Discrimination*)

Alderson Broaddus University values every University member's right to free speech and right to free expression. However, the value of free expression is undermined by acts of racial, gender, or other forms of bias-related behavior that harasses, intimidates, or humiliates members of the community or creates a hostile or offensive campus environment. Free speech and expression will always be allowed, however, there are consequences that accompany any free speech or expression that infringes upon the rights of others.

## Prohibited Conduct

The following conduct is viewed as potentially damaging to the Alderson Broaddus community and is subject to disciplinary action:

1. *Alcohol Consumption:* Unapproved use of alcoholic beverages or intoxication on University premises or at University-sponsored events.
2. *Alcohol Distribution:* Providing alcohol to others in exchange for money, goods, or services, or giving unapproved alcohol to others as a gift without approval. Allowing others to consume alcohol on University property or at University-sponsored activities without approval.
  - a. *Distributing to an underage person:* Providing alcohol to others under the age of 21, but over the age of 18.
  - b. *Distribution to a minor:* Providing alcohol to others less than 18 years of age.
3. *Alcohol Possession or Presence:* The possession of unapproved alcoholic beverages on campus premises or at University-sponsored activities. Those in the presence of unapproved alcoholic beverages on campus premises or at University-sponsored activities will held accountable in the same manner as those who possess it.
4. *Alcohol Paraphernalia:* Possession or any equipment, product, or material which is primarily intended or designed to conceal, prepare, transport, hold, or aid in ingesting or otherwise introducing

alcohol into the body.

5. *Attempt to Commit Prohibited Acts:* Any attempt to commit acts prohibited by this code will held accountable in the same manner as if the act were committed.
6. *Bicycles & Motorcycles:* Bicycles and motorcycles are not permitted inside the residence halls or in other University facilities.
7. *Disorderly Conduct:* Disruption of normal University or University-sponsored activities. Acting in a manner which can reasonably be expected to disturb the academic pursuit or infringe upon the privacy, rights, privileges, health, or safety of others.
8. *Disregard for Individual Rights:* Acting in ways which are morally and/or intellectually degrading or injurious to others. Holding a person against his or her will. Intentionally or substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.
9. *Disregard for Property of Others:* Intentionally or recklessly destroying, damaging, or misusing University property or the property of others on University premises or at University-sponsored activities. This includes acts of vandalism
10. *Drugs Distribution:* Providing any controlled substance or illegal drug defined by state law or federal code to others in exchange for money, goods, or services, or giving drugs to others as a gift on University premises or at University-sponsored activities.
11. *Drug Paraphernalia:* Possession of any equipment, product, or material which is primarily intended or designed to conceal, prepare, transport, hold, or aid in ingesting or otherwise introducing any controlled substance or illegal drug defined by state law or federal code into the body. Items which violate this policy will be confiscated and destroyed by the Department of Campus Safety and Security or will be turned over to law enforcement.
12. *Drug Possession or Presence:* The possession of any controlled substance or illegal drug as defined by state law or federal code on University premises or at University-sponsored activities. Those in the presence of any controlled substance or illegal drug will be held accountable in the same manner as those who possess it. Substances which violate this policy will be confiscated and destroyed by the Department of Campus Safety and Security or will be turned over to law enforcement.
13. *Drug Use:* Unauthorized use of any controlled substance or illegal drug defined by state law or federal code on University premises or at University-sponsored activities. This also includes failing a University drug/substance test.
14. *Exceeding Maximum Occupancy:* Exceeding the maximum occupancy of a room, suite, or facility.
15. *Failure to Comply:* Failing to comply with the directions of University officials, including residence hall staff or any other administrator, faculty person, or student acting in an official capacity or verbally abusing a University official acting in an official capacity. Failing to comply with guidance set forth by University or government authorities and/or organizations regarding public health and/or safety.
16. *Failure to Evacuate:* Failing to evacuate a facility when a fire alarm is sounding, during a fire drill or other emergency, or when directed by University personnel acting in an official capacity.
17. *Failure to Identify:* Failing to identify oneself or produce identification upon request of a University official acting in official capacity. (See “*Campus Identification Policy*”)
18. *Falsification of University Records:* Unauthorized alteration or use of any University document.
19. *Firearms or Weapons:* Unauthorized use, possession, or storage of any weapon on University premises or at a University-sponsored activity.
20. *Fire Hazards:* Unauthorized use or possession of incendiary devices, items with an open flame or heating element, or other devices deemed to be a fire hazard by the Office of Student Affairs on University premises or at a University-sponsored activity. Failing to comply with fire safety policies and/or directives. There is positively no smoking in any of the buildings, to include residence halls, located on any property owned or operated by Alderson Broaddus. No person may cover, alter or disconnect a smoke alarm in any building or residence hall.
21. *Games & Hall Sports:* Activities that include throwing, hitting, or kicking of objects within University facilities (except athletic facilities).
22. *Harassment:* Violating the University’s Discrimination and Harassment policy. (See “*Policy Prohibiting Discrimination and Harassment*”)
23. *Hazing:* Violating the University’s Hazing policy. (See “*Policy Prohibiting Hazing*”)
24. *Interference with Emergency Personnel:* Intentionally and/or recklessly interfering with fire, police or Emergency Services.
25. *Misrepresentation:* Intentionally furnishing false information to the University. This includes forgery.
26. *Misuse of Social Media:* Any use of social media sites to harass or stalk others or cause any

- disruption to the normal functions of the University.
27. *Pets*: Violating the University's pet policy. (See "*Pets and Unapproved Animals*")
  28. *Physical Harm*: Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities. Intentionally or recklessly causing reasonable apprehension of such harm.
  29. *Public Alarm*: Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University-sponsored activities
  30. *Roof Access*: Unauthorized access to the roof of any University facility.
  31. *Solicitation*: Commercial solicitation without written approval from the Chief Student Affairs officer or their designee.
  32. *Tampering with Safety Equipment*: Intentionally or recklessly misusing, damaging, or tampering with safety equipment. This includes fire safety equipment (smoke detectors, fire extinguishers, etc.), AEDs, security cameras, warning signs, and road cones/barriers. No person may cover, alter or disconnect a smoke detector in any building or residence hall.
  33. *Theft*: Theft of property or of services on University premises or at University-sponsored activities. Knowing possession of stolen property on University premises or at University-sponsored activities.
  34. *Unapproved Promotion*: Posting items in violation of the University's *Promotional Materials Policy*.
  35. *Unauthorized Entry or Use of Facilities*: Unauthorized presence in or use of University premises, facilities, computer system, or services. This includes trespassing.
  36. *Violating Disciplinary Sanction*: Knowingly violating the terms of any disciplinary sanction imposed in accordance with this handbook.
  37. *Violations of Law*: Acts which violate local, state, or federal law or statutes.
  38. *Violations of University Policy*: Acts with violate University policy.
  39. *Weightlifting Equipment*: The use or possession of weight-lifting equipment weighing in excess of 25 lbs. within the residence halls.

## Additional Policies and Procedures:

### Photography Policy

Alderson Broaddus University and its representatives occasionally take photographs in public spaces on campus or at University-sponsored events for the University's use in print and electronic publications. This policy serves as public notice of the University's intent to do so. It also serves as all students' permission for the University to use such images for these purposes. Students give implicit permission and authorization to Alderson Broaddus University to use any still photograph of themselves that is taken or is authorized by an Alderson Broaddus University staff member for instructional or promotional purposes unless a written statement to the contrary is filed with the Office of Marketing and Communications. By granting permission, students release any and all claims for damages for libel, slander, or invasion of right of privacy.

### Campus Identification Policy

All students are required to have their University ID card on them at all times. Failure to produce University ID may result in disciplinary action. All students must provide their University ID or Driver's License to Campus Safety and Security when requested to do so in their lawful course of duties.

### Confiscated Items

All items confiscated by the Office of Campus Safety and Security will be destroyed if found to be a prohibited item per student policy. If an item is requested to be returned, it must be submitted in writing to the Director of Campus Safety and Security, no later than 5 days after the item is confiscated. No items will be returned until after the disciplinary hearing and a final judgement has been made. The Director of Campus Safety and Security has the final say on what items may or may not be returned.

### Posting Policy

Alderson Broaddus University has designated posting areas throughout the campus for advocacy, to promote events and programs of student organizations, University academic and administrative offices, and off-campus groups. This policy provides guidelines, procedures, and the approval process for the posting of materials such as signs, flyers, posters, banners, digital signage, calendar events, and other similar materials on campus.

1. All posted materials must be stamped approved by The Office of Student Affairs prior to being posted.



Posted materials should be submitted to The Office of Student Affairs at least two business days before approval is needed. Submitted materials will be approved for content of the materials. The Office of Student Affairs reserves the right to deny approval of any materials. Academic and administrative offices, co-curricular groups and AB athletic teams do not need to have flyers approved/stamped.

2. Materials may only be posted in designated locations and only after receiving approval. The Office of Student Affairs maintains a list of approved posting areas. Materials posted without approval or posted in unapproved areas will be removed and destroyed.
3. No items can be placed on glass doors, dry wall, telephone or light poles, trees, or vehicles. Items must be hung in a neat and orderly fashion and should not interfere with other campus postings.
4. All promotional materials must be removed by the sponsor within 24 hours following an event. Repeated violations of this policy may result in loss of permission to post materials.
5. Any banners hung on campus are also subject to the approval process. Additionally, the Facilities Department must approve of and place any banner to be hung on buildings.
6. No materials may promote or imply the unauthorized use of alcohol, tobacco, or other controlled substances.
7. The wording or images on signs is to be in good taste. Obscene or defamatory signs or signs creating a "hostile environment" in violation of state or federal human rights statutes or the educational mission of the University are prohibited.

### Consequences/Sanctions

One or more of the following consequences may be imposed for violations of disciplinary regulations. These examples are intended to be suggestive and do not encompass all of possible sanctions.

**Unpaid Service Hours:** A student may be assigned to work a specific number of hours at the University with facilities, housekeeping, food services, or a community agency. These work hours will normally be required to be completed within a specific time frame and will be monitored by a supervisor. The supervisor will confirm that the hours have been successfully completed with the Office of Student Affairs.

**Disciplinary Expulsion:** Disciplinary Expulsion is permanent dismissal of the student from the University. The student may also be barred from University premises permanently or for a specified time period. A copy of the notice of expulsion will be sent to the individual and to appropriate University personnel. The student's parents/guardians may also be notified.

**Disciplinary Probation:** Disciplinary probation is a specified period of evaluation which may include imposition of conditions or restrictions such as loss of privileges or eligibility to represent the University in extracurricular activities. The probationary period will be determined by the student conduct officer. A copy of the notice of disciplinary probation will be sent to the individual and to appropriate University personnel. The student's parents/guardians may also be notified.

**Short-term Disciplinary Suspension:** Short-term Disciplinary Suspension is the temporary separation of a student from the University for a specific period of time. During the suspension, the student cannot attend classes, cannot make up missed academic work, cannot participate in any University sponsored activities, and is barred from University premises. The Chief Student Affairs Officer or Presidential designee may adjust the specific terms of the suspension at their discretion. A copy of the suspension notice will be sent to the student and to the appropriate University personnel. The student's parents/guardians may also be notified.

**Long-term Disciplinary Suspension:** Long-term Disciplinary Suspension is the separation of a student from the University for a period of time not less than the remainder of the semester. A student who is subject to Long-term Disciplinary Suspension will be withdrawn from the University when the suspension is implemented and must apply for readmission through the Admissions Office if they wish to return to the University. If readmitted, the student may be placed on disciplinary probation or subject to other disciplinary action for a period of time as determined by the Chief Student Affairs Officer or Presidential designee. A copy of the suspension notice will be sent to the student and to the appropriate University personnel. The student's parents/guardians may also be notified.

**Interim Suspension:** See policy on *Interim Suspension*.

**Educational Project:** A developmental sanction requiring attendance or participation in an approved class, program, or activity designed to educate about a topic related a policy violation or concerning behavior.

**Warning:** A written or verbal warning rebuke given to a student stating that their conduct violates University policy or does not meet the acceptable standards of the University community.

**Parent/Guardian Notification:** The student's parents/guardians may be notified of any disciplinary action taken against a student.

### Doctrine of Fairness Standards

Individuals subject to student conduct action will be accorded a student conduct conference or hearing (See *Disciplinary Procedures*). Students have the right to appeal any student conduct decisions (See *Appeals*). Except in the case of organizations, all charges will be dealt with on an individual basis.

### Violations of Law and Disciplinary Regulations

Students may be accountable both to civil authorities and to the University for actions which constitute violations of law and University policy. The University will not substitute its penalties for those appropriate to civil law. Local authorities will hold students responsible in all ways that apply to all citizens. Penalties imposed by civil authorities, however, will not exempt students from University discipline for the same offenses. Students who commit illegal acts are subject to student conduct action. Disciplinary action at the University is independent of any civil or criminal proceedings and will normally proceed in the course of civil and criminal actions and will not be subject to challenge or reduction on the grounds that civil charges involving the same offense have not been filed, have been dismissed, have been reduced or are still in process.

### Interim Suspension

The Chief Student Affairs Officer or Presidential designee may impose interim suspension to become immediately effective and without prior notice whenever there is evidence that the continued presence of the student on University premises or at a University-sponsored activity constitutes a substantial threat to themselves, to others, or to the stability and continuance of normal University functions. A student suspended on an interim basis will be given the opportunity to receive a hearing before the Chief Student Affairs Officer or Presidential designee within five business days from the effective date of the interim suspension. The University reserves the right to request a continuance for investigative purposes. The hearing shall then be held on the following issues only:

- A. The reliability of the information concerning the student's conduct, including the matter of his/her identity;
- B. Whether the conduct and the surrounding circumstances reasonably indicate that the continued presence of the student at the University poses a substantial threat to themselves, or others, or to the stability and continuance of normal University functions or to the basic ideals and standards the University seeks to maintain.

The above Interim Suspension provisions do not apply to cases handled under the University's Administrative Withdrawal policy or the University's Title IX Policy section entitled *Emergency Removal of a Student-Respondent*.

### Disciplinary Procedures

Violations by a student of the Disciplinary Procedures and Policies at Alderson Broaddus University are acted upon by the Chief Student Affairs Officer or other officials designated by the President of the University. The University operates under the evidentiary standard of preponderance of evidence. If an incident falls under the Title IX Policy, that policy is primary.

The Chief Student Affairs Officer or the Presidential designee will carefully review each case on the basis of its individual characteristics. When the Chief Student Affairs Officer or Presidential designee has evidence indicating that a student may have violated University policy and deems disciplinary action to be appropriate, he/she will promptly institute student conduct proceedings or issue a student conduct waiver. Students who no longer enrolled at the University will still be held accountable for actions that occurred while they were enrolled.

A **Student Conduct Board** is a deliberative body composed of faculty, staff, and/or students. Students accused of violating a University policy may be assigned meet with a Student Conduct Board in place of an individual student conduct officer. The board will review charges against the student and will determine if the student is responsible or not responsible for violating a University policy. The board will also meet with students who have accumulated enough Points to warrant sanctions. Student conduct boards generally meet with students in person, but they may meet with students via phone or video conference if deemed necessary by the Chief

Student Affairs Officer or Presidential designee

A **Student Conduct Conference** refers to a meeting between the Chief Student Affairs Officer, Presidential designee, or Student Conduct Board and a student accused of violating a University policy to review charges against them and determine if the student is responsible or not responsible for violating a University policy. Conferences are also held with students who have accumulated enough Points to warrant sanctions. Student conduct conferences are typically held in person, but may be held via phone or video conference if deemed necessary by the Chief Student Affairs Officer or Presidential designee.

A **Student Conduct Hearing** refers to formal proceedings where the Chief Student Affairs Officer, Presidential designee, or Student Conduct Board hears all evidence from a student accused of violating a University policy, witnesses, and/or complainant(s) and reaches a decision whether the student is responsible or not responsible for violating a University policy. Hearings are also held with students who have accumulated enough Student Conduct Points to warrant sanctions. Student conduct hearings are typically held in person, but may be held via phone or video conference if deemed necessary by the Chief Student Affairs Officer or Presidential designee.

## Student Conduct Points System

Violations of policy are determined by a student conduct officer or conduct board. Rather than assigning sanctions based on the violations, the student is assigned points based on the infraction. Points are cumulative. Sanctions are assigned when a student reaches specific point levels.

Some violations are serious and concerning enough to warrant disciplinary action regardless of the Point system. Situations like these may result in serious sanctions, including loss of privileges, suspension, or even dismissal (even if they are a first offense).

### Point Levels:

#### LEVEL 1: 3 POINTS

If a student accumulates 3 points, they will typically receive a sanction waiver letter or will meet with a student conduct officer. Sanctions generally may include:

- Educational task
  - Online module
  - Write a paper
- Letter of warning

#### LEVEL 2: 5 POINTS

If a student accumulates 5 points, they will typically be called to meet with a conduct officer to discuss their action(s) and to determine the appropriate sanction(s). Sanctions generally may include:

- Education task
  - Online module
  - Write a paper
  - Create educational posters
- Unpaid service hours (5 - 9 hours)
- Disciplinary fine or charge
- Athletic department notification
- Parental/Guardian notification
- Loss or Reduction of privileges (housing, parking, etc.)

#### LEVEL 3: 8 POINTS

If a student accumulates 8 points, they will be called to meet with a conduct officer or conduct board to discuss their action(s) and to determine the appropriate sanction(s). Sanctions generally may include:

- Unpaid service hours (10+ hours)
- Loss of Privileges (housing, parking, etc.)
- Disciplinary fine or charge
- Required attendance at Educational Program

- Campus Speaker
- OSA seminar (decision making, etc.)
- Athletic department notification
- Social probation
- Parental/Guardian notification

#### LEVEL 4: 10 POINTS

If a student accumulates 10 points, they will be called to meet with a conduct officer or conduct board to discuss their action(s) and to determine the appropriate sanction(s). Sanctions generally may include:

- Disciplinary suspension
- Dismissal from the University
- Mandated counseling or participation in a treatment program

### Point Forgiveness

Provided that a student commits no subsequent violations, 1 Point will be forgiven each semester. The minimum number of Points is 0. Students also have the opportunity to have Points forgiven by attending specified educational programs and activities hosted by the University. These events will be announced in advance. Student conduct officers and boards may also offer Point forgiveness to other relevant activities on a case-by-case basis.

### Violations & Point Ranges:

#### Type A Violations: 1 Point

Type A Violations are those which primarily affect an individual or have minimal effect on the community. In some cases, Points may not be assessed in lieu of an informal conversation, a verbal or written warning, or other means as determined by the conduct officer or board.

Type A Violations may include, but are not limited to:

- Possession of alcohol in small quantities or alcohol paraphernalia
- Consumption of alcohol
- Quiet Hours violations
- Exceeding maximum occupancy of a room/suite
- Minor fire hazards such as candles
- Failing to comply with campus community health measures

#### Type B Violations: 3 Points

Type B Violations are those which have a greater impact on the individual or community. They may also include more serious or repeated Type A Violations.

Type B Violations may include, but are not limited to:

- Public Intoxication
- Disorderly Conduct
- Vandalism and disregard for others' property
- Failure to comply with a staff member

#### Type C Violations: 5 Points

Type C Violations are serious infractions of the Student Handbook and community expectations. They are more intentional, malicious, have a greater likelihood of causing harm, and/or can have a potentially large impact on the community. They may also include more serious or repeated Type A and B Violations. Type C Violations may include, but are not limited to:

- Disorderly Conduct
- Distribution of Alcohol
- Intentionally furnishing false information to the University or its officials
- Trespassing or Unauthorized use of University facilities or resources

#### Egregious Violations

Egregious Violations are very serious infractions of the *Student Handbook* and community expectations.

They are particularly egregious and concerning enough to warrant disciplinary action regardless of the Point system. **Violations of this nature may result in suspension or dismissal from the University, even if it is a first offense.**

Egregious Violations may include, but are not limited to:

- Possession of Firearms or Weapons
- Hazing
- Threats or acts of violence or physical harm
- Initiating a public alarm or emergency
- Intentionally/recklessly misusing or damaging fire safety equipment
- Sexual misconduct
- Possession and/or Distribution of controlled substances
- Harassment
- Stalking

### Conduct Conference Waiver

In situations deemed minor by the Chief Student Affairs Officer or Presidential designee, a student may receive a conduct conference waiver. This waiver will include the alleged policy infraction(s) and resulting sanctions. The student can choose one of the following:

1. Accept responsibility for violating the policy; or,
2. Plead no contest to the accusation; or,
3. Request a student conduct conference regarding the allegations.

If the student chooses to accept responsibility or plead no contest, they are responsible for completing the sanction(s) as stated in the waiver.

It is the student's responsibility to contact the Chief Student Affairs Officer or Presidential designee to schedule a conference if they choose that option.

### Summons to Student Conduct Conference or Hearing to Determine if a Violation Occurred

The Chief Student Affairs Officer or Presidential designee will generally summon the student to a conference or hearing via written or electronic communication after receiving a report or other information and determining that there is evidence that a violation may have occurred. This summons will also include:

1. The nature of the charge(s) against the student;
2. The date, time, and location of the conference or hearing or instructions for how the conference or hearing can be scheduled by the student;
3. Instructions for how the student may reschedule the conference or hearing if necessary.

The student will be given sufficient time to prepare for the conference or hearing. The student may request to reschedule the conference or hearing within 48 hours of the date the summons was sent. The Chief Student Affairs Officer or Presidential designee will make a reasonable effort to accommodate the student's request, but may limit how long the proceedings may be delayed.

A student may request a hearing in place of a conference after receiving a summons or at the beginning of a conference. The request must be done in writing. The student cannot request a hearing once a student conduct conference has started.

Under no circumstances will the student be confronted with new or additional charges for the first time at the conference or hearing. If new or additional charges are to be levied, the Chief Student Affairs Officer or the Presidential designee will reschedule the hearing until the student is notified of such charges and has sufficient time to prepare.

### Findings

The findings of fact and the decision will be based solely on the conference or hearing record. Evidence improperly collected will not be admitted to the proceedings. The Chief Student Affairs Officer or Presidential

designee must take reasonable steps to safeguard against improper disclosure of privileged or uncommonly personal material being entered into evidence.

### Student Conduct Conference Proceedings

If the Chief Student Affairs Officer desires to appear against any student, the case must be heard by a Presidential designee. The Chief Student Affairs Officer or the Presidential designee will begin the conference at the time and date indicated in the student's summons. **If a student does not attend a scheduled conference, it will be held in their absence.** The student will be sanctioned if found responsible for violating a University policy, even if they did not participate.

If there is intimidation of any witness, member of the conference, or other persons by the accused or any other person(s) for or against the accused, the person(s) guilty of such intimidation will be removed from the proceedings and may face conduct action. In any case where intimidation or harassment is suspected, the primary conference will be postponed while the intimidation or harassment charges are investigated and brought to a conference or hearing as a separate charge.

If the student admits responsibility for violating a University policy during a conference, the student will be sanctioned accordingly (see Consequences/Sanctions).

The Chief Student Affairs Officer or Presidential designee will open the conference by detailing the basis of the charge(s) and presenting the evidence against the student. The student will then be given the opportunity to present evidence on their behalf, including the testimony of witnesses. In no case will statements or affidavits against the student be considered unless the student is given time and opportunity to rebut them.

The Chief Student Affairs Officer or the Presidential designee will then make a decision regarding whether the student is responsible or not responsible for violating a University policy.

If the Chief Student Affairs Officer or the Presidential designee finds the student is responsible for violating a University policy, the student will be sanctioned accordingly (see Consequences/Sanctions).

If the Chief Student Affairs Officer or the Presidential designee finds the student is not responsible for violating a University policy, the case will be closed and the student will not be sanctioned.

All decisions will be communicated to the student in writing or electronic communication in a timely manner.

### Student Conduct Council

A student accused of violating a University policy has the right to be assisted at any student conduct conference or hearing by counsel of his/her choice. The council must be a member of the University community and may not be a lawyer. The counsel may not participate in the conference or hearing. The counsel may sit in the conference or hearing, but cannot address the Chief Student Affairs Officer or Presidential designee or other participants of the proceedings. If the student is unable to obtain counsel and requests counsel, one will be assigned by the Chief Student Affairs Officer or Presidential designee.

The Chief Student Affairs Officer or Presidential designee may require the counsel to demonstrate knowledge of their role before the conference hearing begins.

### Student Conduct Hearing Proceedings

If the Chief Student Affairs Officer desires to appear against any student, the case must be heard by a Presidential designee or Student Conduct Board. The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board Chair will begin the hearing as indicated in the student's summons. If a student does not attend a scheduled hearing, it will be held in their absence. The student will be sanctioned if found responsible for violating a University policy.

If there is intimidation of any witness, member of the hearing, or other persons by the accused or any other person(s) for or against the accused, the person(s) guilty of such intimidation will be removed from the proceedings and may face judicial action. In any case where intimidation or harassment is suspected, the primary hearing will be postponed while the intimidation or harassment charges are investigated and brought to a conference or hearing as a separate disciplinary case.

The hearing will proceed as follows:

1. Everyone participating in the hearing will identify themselves and their role in the hearing [respondent, complainant, witness, etc.]
2. The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board Chair will then explain how the hearing will be conducted.
3. The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board Chair will read the charge(s) aloud and will ask if the respondent(s) understands the nature of the charge(s). The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board Chair will answer any questions from the respondent(s) regarding the nature of the charge(s).
4. The complainant(s), respondent(s), and witness(es) will be given an opportunity to speak and present evidence.
5. The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board members, the respondent(s), and the complainant(s) will be able to ask questions during the hearing.
6. The complainant(s) and the respondent(s) will be given an opportunity, but are not required, to give a closing summary.
7. The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board Chair will dismiss the complainant(s) and witness(es) at the end of the hearing.

The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board will then make a decision regarding whether the student is responsible or not responsible for violating a University policy.

The Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board finds the student is responsible for violating a University policy, the student will be sanctioned accordingly (see Consequences/Sanctions).

If the student admits responsibility for violating a University policy, the student will be sanctioned accordingly (see Consequences/Sanctions).

A decision for expulsion requires administrative review and approval by the President of the University and may be altered, deferred, or suspended by that officer.

If the Chief Student Affairs Officer, the Presidential designee, or Student Conduct Board finds the student is not responsible for violating a University policy, the case will be closed and the student will not be sanctioned.

All decisions will be communicated to the student in writing or electronic communication in a timely manner.

## Disclosure of Violations and Proceedings

The Office of Student Affairs may disclose student conduct information, including alleged violations, decisions, and sanctions to other University officials as determined appropriate by the Chief Student Affairs Officer or Presidential designee.

## Summons to Student Conduct Conference or Hearing to Determine Sanctions

The Chief Student Affairs Officer, Presidential designee, or Student Conduct Board will summon a student to a conference or hearing via written or electronic communication after a student accumulates enough Points to warrant sanctions be imposed. This summons will also include:

1. The Points the student has accumulated to warrant the conference/hearing;
2. The date, time, and location of when the conference/hearing will occur; and,
3. Instructions for how the student may reschedule the conference/hearing if necessary.

## Proceedings of Student Conduct Conference or Hearing to Determine Sanctions

The hearing/conference will proceed as follows:

1. Everyone participating in the hearing will identify themselves and their role in the hearing.
2. The Chief Student Affairs Officer, Presidential designee, or Board chairperson will then explain how the hearing will be conducted.

3. The Chief Student Affairs Officer, Presidential designee, or Board chairperson will inform the student of their total accumulated Points and related violation(s).
4. The Chief Student Affairs Officer, Presidential designee, or Board chairperson will review the relevant *Point Level* section with the student, including the typical sanctions.
5. The student will be given an opportunity speak on their behalf.
6. The conduct officer or Board members may ask the student questions.

The Chief Student Affairs Officer or the Presidential designee will then make a decision regarding how the student should be sanctioned (see Consequences/Sanctions).

A decision for expulsion requires administrative review and approval by the President of the University and may be altered, deferred, or suspended by that officer.

All decisions will be communicated to the student in writing or electronic communication in a timely manner.

## Appeals

Any disciplinary decisions may be appealed. Appeals for decisions made by a Presidential designee may be heard by the Chief Student Affairs Officer, another Presidential designee, or by a Student Conduct Board.

The imposition of sanctions will normally be deferred during the appeals process. This may not apply to sanctions that are imposed due to concern for the safety of members of the campus community or normal functioning of the University.

### Grounds for Appeal:

- A. The following are acceptable grounds for appeal:
  - Bias or prejudice that affected the outcome;
  - Procedural error that substantially affected the outcome;
  - New evidence that could not have been known or available at the time of the conference/hearing;
  - Sanctions are disproportionate to the findings.

### Requests for Appeal:

- A. The student requesting an appeal must submit their appeal in writing to the Chief Student Affairs Officer or Presidential designee within five business days of the date they were notified of the decision and/or sanction(s). Any decisions will be considered final after this period has expired.

This request must include:

- The name of the staff member who made the original decision;
- The specific policies which the student was found responsible for violating and which the student wishes to appeal (if applicable);
- The sanction(s) which were imposed which the student wishes to appeal (if applicable);
- The grounds for which the student is appealing (see Grounds for Appeal).

## Appeal Decisions

After receiving an appeal, the appellate officer or body will review the case, consider its merits, and will take one of the following actions:

1. Determine that there is insufficient basis for appeal, in which case the original decision and sanction(s) will stand;
2. Affirm the original decision and sanction(s);
3. Affirm the original decision and change or modify the sanction(s);
4. Re-hear the case and make a determination of responsibility and, if the student is found responsible, assign sanctions.

**The decision of the appellate officer or body is final and will be communicated in writing or electronic communication to the student, the original student conduct officer, and others as appropriate.**



## ALCOHOL AND DRUG POLICY HANDBOOK

### Alderson Broaddus University Special Notice to Students and Employees

The following information must be provided annually to each student and employee under the auspices of the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). The alcohol and drug policy will be reviewed annually to determine its effectiveness, to implement any needed changes, and to ensure sanctions are consistently enforced. The policy will be reviewed by Presidential designees.

### Philosophy & Standard of Conduct

Alderson Broaddus University is concerned with both the welfare of the University community and the academic and personal development of each student. The University strives to create a healthy environment where the illegal and/or improper use of alcohol and drugs does not interfere with learning, performance, or development. The abuse of alcohol and/or drugs disrupts this environment and places the well-being of the members of the University community at risk. It is important for all members of the community to take responsibility for preventing the illegal and/or improper use of alcohol or drugs from adversely affecting the community's learning environment and the academic, physical, spiritual, and emotional well-being of its students.

### The Regulation

Alderson Broaddus University as an entity supports the laws and regulations of the United States, the State of West Virginia, Barbour County, and the City of Philippi. Each student and employee as a responsible member of the community, is expected to do the same. The unapproved or unlawful possession, use, or distribution of alcohol, illicit drugs, or any other controlled substance on campus or as a part of any University related employment or activity is prohibited.

The unapproved use or possession of alcoholic beverage on University premises or at University-sponsored activities is strictly prohibited. Any student in the presence of the possession and/or use of unapproved alcoholic beverages on campus premises or at unapproved University-sponsored activities will be held accountable in the same manner as the possessor and/or user of the alcohol. Additionally, possession of unapproved alcoholic paraphernalia is prohibited on University-premises or at University-sponsored activities. Examples of alcoholic paraphernalia include, but are not limited to, kegs and common containers, beer bongs/funnels, and excessive empty alcohol containers.

The University Counselor and University Chaplain are available to discuss in confidence matters concerning alcohol use.

Counseling Services Office: 304.457.6320

University Chaplain Office: 304.457.6243

### Approved Events with Alcohol

Members of the Alderson Broaddus University community and affiliated organizations may apply to host events where alcohol is present. Undergraduate students and undergraduate student organizations are not eligible to host events where alcohol is present. Information about the event approval process and event application is available from the Office of Student Affairs. Applications must be submitted at least two weeks in advance of the event.

### Tailgating Events with Alcohol

Alcoholic beverages are allowed at approved tailgating events provided that they comply with University policies and as required by law. Tailgating events with alcohol may only be held in the multi-sports stadium lot and may not interfere with the safe flow of vehicle and pedestrian traffic. Tailgating hosts must be 25 years of age or older and must register in advance or on the day of the event. Hosts are responsible for ensuring that tailgating events are in compliance with University policies and as required by law. Undergraduate students and undergraduate student organizations are not eligible to host tailgating events where alcohol is present. Undergraduate students and individuals under 21 years of age are prohibited from using alcohol at tailgating events.

### Drug Policy

Use or possession of any controlled substance or illegal drug defined by state law or federal code and/or drug paraphernalia is strictly prohibited. Students found to be involved in the possession, use, distribution or transportation of illegal drugs or paraphernalia, on-campus will be subject to disciplinary action which may

include dismissal or immediate suspension from the University. Anyone in the presence of the possession and/or use of controlled substances on campus or at University- sponsored activities will be held accountable in the same manner as the possessor and/or user of the controlled substance. The use of any substance in a manner that it is not originally intended is strictly prohibited. The University Counselor and University Chaplain are available to discuss in confidence matters concerning drug use.

Counseling Services Office: 304.457.6320

University Chaplain Office: 304.457.6243

## Athletics Department Drug Policy

Student athletes are subject to the Department of Athletics Drug Policy, which includes policies and procedures for drug testing and sanctions for violations. The Department of Athletics maintains a manual of these policies and procedures.

## Alcohol Policy Violations

Students and student organizations who violate the University's alcohol policy will be referred for disciplinary action as stated in the *Student Handbook*.

Students and student organizations who violate the University's drug policy will be referred for disciplinary action as stated in the *Student Handbook*.

## Distribution

This document will be distributed annually through the *Student Handbook*, *Employee Handbook*, and by request to the Office of Student Affairs.

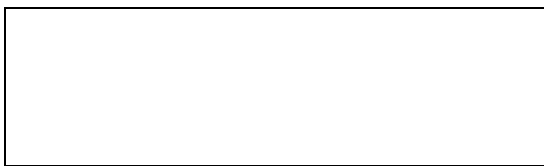
## State of West Virginia Laws Regarding the Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol

### Alcohol Violations

Misrepresentation of age or illegally attempting to purchase non-intoxicating beer and wine or alcoholic liquor under the age of 21.

Misdemeanor

Maximum penalty - imprisonment in county jail for up to 72hr and fine up to \$50.



Persons not related by blood marriage furnishing non- intoxicating beer, wine, or alcoholic liquor to a person under 21.

Misdemeanor

Maximum penalty - imprisonment in county jail for up to 10 days and fine up to \$100.



A Person Who:

1. Appears in a public place in an intoxicated condition.

Misdemeanor

For violation of 1, up to 60 days in jail and a fine up to \$100 (Option of alcohol education or counseling may apply.)

2. Drinks alcoholic liquor in a public place.

Misdemeanor

Up to 60 days confinement in jail and a fine of \$1,000.

3. Drinks alcoholic liquor in a motor vehicle.

Misdemeanor

Up to 60 days confinement in jail and a fine of \$1,000.

4. Tenders an alcoholic drink to another person in a public place.

Misdemeanor

Up to 60 days confinement in jail and a fine of \$1,000.

5. Possesses alcoholic liquor in an amount in excess of one gallon in a container not having the commissioner's stamp or seal.

Misdemeanor

Confinement in jail for up to 12 months and a fine of \$500.

## Controlled Substances/Drug Violations

Except as authorized by law, it is unlawful for a person to manufacture, create, deliver or possess with intent to deliver controlled substances. (See below for the references to controlled substances.)

Federal, State, and Local Laws Related to Alcohol, Controlled Substances, and Other Drugs Federal Law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances") Controlled Substances Act 21 U.S.C. Sections 841, 843 [b], 844, 845, 846 (1988). The next page lists Federal Trafficking Penalties. (CSA stands for Controlled Substance Act Schedule).

West Virginia Code Sections 60 A-2-204, 206, 208, 210, and 212 provides Schedule I, II, III, IV, and V of Controlled Substances as referred to hereafter. In reviewing offenses involving these Schedules of Controlled Substances you may refer to the type drug in each schedule by looking up that section of the West Virginia Code.

Substances and the penalties for various offenses are as follows:

1. Offense involving Schedule I or Schedule II controlled substance which is a narcotic.

Felony

MAXIMUM PENALTY: Imprisonment in the penitentiary for 1 to 15 years and a fine of \$25,000.



2. Offense involving Schedule I or Schedule II controlled substance which is not a narcotic above in Schedules I, II, III.

Felony

Imprisonment in the penitentiary for 1 to 5 years and a fine of \$15,000.



3. Offense involving Schedule IV substance.

Felony

Imprisonment in the penitentiary for 1 to 3 years and a fine of \$10,000.



4. Offense involving Schedule V substance.

Misdemeanor

Confinement in county jail for 6 months to a year and a fine of \$5,000.



5. Offense involving possession of a controlled substance without valid prescription.

Misdemeanor

Confined in county jail not less than 90 days, not more than 6 months and a fine of \$1,000.



6. Offense involving an imitation controlled substance.

Misdemeanor

Imprisonment in the county jail for 6 months to a year and a fine of \$5,000.



7. Where a person 18 years or older commits any offense outlined in 1 through 4 above by distributing a narcotic to a person under 18 years of age and at least three years his junior.

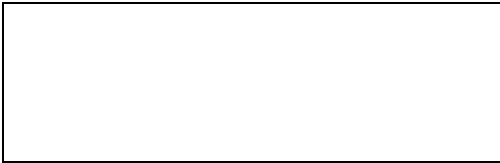
Misdemeanor

Fine same as 1 through 4, but may be subject to a term of imprisonment up to twice that authorized by 1 through 4 above.



8. Any person convicted of second or subsequent offense, except for those in 7 above.  
Misdemeanor

May be imprisoned for a term up to twice that otherwise authorized and fined an amount up to twice that otherwise authorized or both.



## Vehicular Offenses

Any person driving a vehicle in West Virginia while under the influence of alcohol, a controlled substance, any other drug, or any other combination of the above.

Anyone younger than 18 years of age found driving under the influence of alcohol is subject to the same penalties as an adult if their blood alcohol level is greater than 0.02% by weight.

A. Commits an act forbidden by law which results in the death of another.

Felony

Imprisonment in the penitentiary for 1 to 3 years and a fine of \$3,000.



B. Commits an act forbidden by law which results in bodily injury to another.

Misdemeanor

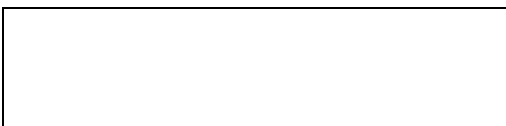
Imprisonment in the county jail for up to one year and a fine of \$1,000.



C. Driving under the influence as in 1 above with no deaths or injury resulting.

Misdemeanor

Imprisonment in the county jail for up to 6 months and a fine of \$500.



## Health Risks Associated with Alcohol/Illicit Drug Abuse

### Alcohol

Alcohol abuse is a primary concern on college campuses. Alcohol abuse significantly impacts the abuser and those around her/him in the campus community.

### Short-Term Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels. Risky sexual behaviors, including unprotected sex or sex with multiple partners.
- These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

### Long-Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance. Mental health problems, including depression and anxiety. Social problems, including lost productivity, family problems, and unemployment. Alcohol dependence, or alcoholism.

By not drinking too much, you can reduce the risk of these short- and long-term health risks.

Alcohol abuse and alcohol dependence have far-reaching consequences for the abuser and all those who come in contact with her/him. It is the most common of preventable illnesses that kill individuals. Most importantly it is a treatable disease.

### Marijuana

The use of marijuana negatively impacts critical neurological development, which continues until a person is in their mid-20s. Marijuana use, even if it is short-term, also can negatively affect learning abilities and memory.

Women who use marijuana during pregnancy can have babies with neurological deficits at birth and problems that can affect learning and attention as these children start school.

Marijuana contains 50 to 70 percent more carcinogenic hydrocarbons than tobacco smoke, which have been linked to increasing the likelihood of developing cancer.

## Drugs of Abuse/Uses and Effects

*From Commonly Abused Drugs --- National Institute on Drug Abuse*

### Substance

#### Intoxication Effects/Potential Health Consequences

### Marijuana

euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination/cough, frequent respiratory infections, impaired memory and learning; increased heart rate, anxiety, panic attacks, tolerance, addiction

### Stimulants

increased heart rate, blood pressure, metabolism; feelings of exhilaration, energy, increased mental alertness/rapid or irregular heartbeat, reduced appetite, weight loss, heart failure, nervousness, insomnia; also for amphetamine, cocaine, and nicotine.



a. Amphetamine

rapid breathing/tremor, loss of coordination; irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis



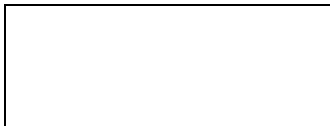
b. Cocaine

increased temperature/chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches, malnutrition, panic attacks



c. Nicotine

additional effects attributable to tobacco exposure: adverse pregnancy outcomes; chronic lung disease, cardiovascular disease, stroke, cancer; tolerance, addiction.



Hallucinogens

altered states of perception and feeling; nausea; flashbacks, increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness, numbness, weakness, tremors, persistent mental disorders



LSD

altered states of perception and feeling; nausea; flashbacks, increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness, numbness, weakness, tremors, persistent mental disorders

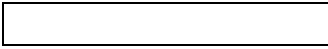


Depressants

reduced anxiety; feeling of well-being; lowered inhibitions; slowed pulse and breathing; lowered blood pressure; poor concentration/fatigue; confusion, impaired coordination, memory, judgment; addiction; respiratory depression and arrest; death; also in benzodiazepines, GHB, and rohypnol



Benzodiazepines  
sedation, drowsiness/dizziness



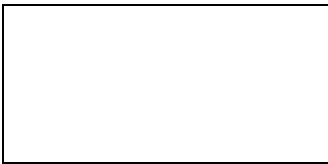
Rohypnol  
visual and gastrointestinal disturbances, urinary retention, memory loss for the time under the drug's effects



GHB  
drowsiness, nausea/vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death



Narcotics  
(heroin, morphine, opium, codeine, Meperidine, methadone, oxycodone (OxyContin), Hydrocodone (Vicodin)  
pain relief, euphoria, drowsiness/nausea, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death



PCP  
increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting



Anabolic steroids  
no intoxication effects/hypertension, blood clotting and cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne



Inhalants  
stimulation, loss of inhibition; headache; nausea or vomiting; slurred speech, loss of motor coordination, wheezing/unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death





A more comprehensive guide on commonly abused drugs and their risks can be found at [https://www.dea.gov/sites/default/files/2018-06/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf)

## Assistance Programs

If you are concerned that you or a friend might have an alcohol or drug problem, the offices of the Counseling Center in 219 Burbick Hall is available for initial dialogue and assistance in defining the extent of any problem. (See other off-campus resources below.) If a substance abuse problem is determined to exist, referral may be made to local substance abuse treatment services, or the student will be assisted, if they prefer, to receive follow up with a counseling or treatment program closer to home. The Counselor will assist students to obtain needed services. Listed below are local resources for alcohol/drug treatment, as well as phone numbers for local hotlines and support groups.

## Resources for Alcohol/Drug Treatment

### Emergency Resources

Broadus Hospital ER  
Phone: 304.457. 1760 Acute  
care/Assessment/Referral

United Hospital Center ER  
Phone: 681.342.1100 Acute  
care/Assessment/Referral

Outpatient Services - On-Campus  
Chad Hostetler LPC, Director of Counseling  
Services 219 Burbick Hall  
Phone: 304.457.6320  
Alcohol/Drug Assessment and Referral; Limited Addictions  
Counseling No cost to AB students

### Outpatient Services - Off-Campus

Appalachian  
Community Health  
Phone: 304.823.3873  
124 Greystone Court  
Belington, WV 26250

DUI Classes, Individual and Family Therapy, psychiatric services, recovery coach, drug and alcohol recovery counseling.

Barbour County Health Department  
Phone: 304.457.1670  
23 Wabash Avenue  
Philippi, WV 26416

Addictions Counseling and Referral  
Phoenix Associates  
Phone: 304.622.6404  
Quiet Dell, WV Individual Therapy  
Counseling and psychology services available in the local area.

United Summit  
Center  
Phone: 304.623.5666 x5855  
529 South Main St.  
Philippi, WV 26416 (next to United Hospital Center)  
Individual and group therapy; DUI services; longer term recovery groups; Intensive outpatient  
afternoon and evening program; adolescent program.

Valley Health Care  
Phone: 304.636.0133  
240 Allegheny Highway  
Elkins, WV 26241  
Behavioral health and substance abuse treatment.

**Addictions Hotlines**

Alcoholic Anonymous  
1.800.333.5051

Alanon-Alateen  
1.800.425.2666

Narcotics Anonymous  
1.800.766.4422