

GREEK LIFE HANDBOOK



FAIRMONT STATE
UNIVERSITY™

Office of Residential and
Student Life

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OFFICE OF RESIDENTIAL & STUDENT LIFE (ORSL)

Greek Life is overseen by the ORSL as part of the Student Life division

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Student Life Vision

The Student Life office at Fairmont State University will be renowned for providing a transformative collegiate experience beyond the classroom.

Student Life Mission

The mission of the Student Life office is to promote student success & retention through co-curricular involvement. The office provides enriching and impactful opportunities that help to build an inclusive community and further student development.

****IMPORTANT INFORMATION****

This handbook, along with the "Registered Student Organization Handbook" is not intended to be printed. These documents do frequently change and develop over time. Please feel free to bookmark them on your internet browser for easy access.

When accessing these handbooks, any additions or changes that are made will be highlighted yellow. At the end of each academic year (Spring semester), all highlighted changes will be removed. New highlighted additions or changes will then be identified starting the beginning of the Fall semester.

Greek chapters are considered a type of Registered Student Organization (RSO) and are therefore subject to all RSO policies, requirements, and guidelines outlined in the RSO Handbook in addition to the following information in this Handbook.

Registration

AUTHORITY OF REGISTRATION & POLICY

Fairmont State University's President, Vice President of Student Affairs, Executive Director of Residential & Student Life, Coordinator of Student Organizations & Greek Life, and Assistant Director of Student Life have the authority to make exceptions or changes to any policy, procedure, rule, regulation in this handbook or that is overseen by the department at any time.

The ORSL reserves the right to register all student organizations. The ORSL serves as Fairmont State University registrant of all student organizations and maintains current information on each registered student organization, its officers or authorized representatives, its purpose and its advisor.

It is the policy of Fairmont State University that registered student organizations shall be in full compliance with all federal and state nondiscrimination and equal opportunity laws, orders and regulations. Registered Student Organizations at Fairmont State University will not practice any discrimination on the basis of age, color, disability, national origin, race, religion, sex, gender, gender identity, sexual orientation, citizenship status, genetic information, status as a veteran, or any other characteristic that is protected by applicable state or federal law in its operations, employment opportunities, educational programs and related activities.

The responsibility for establishing and enforcing policy concerning organizations and activities, including the requirement that they function in accordance with their constitutions, is vested in the ORSL. All student organizations are subject to the rules and regulations governing Fairmont State University, including, but not limited to the and the . Information from the Student Codes are used and referred to throughout this handbook. The ORSL strongly recommends that all student leaders and student organizations become familiar with these documents.

A student wanting to contact an organization can find that information on the Student Organization website by clicking or by navigating through the following path:
Fairmont State Homepage -> Campus Life -> Student Organizations

GREEK CHAPTER INFORMATION



Sororities:

Delta Zeta: Epsilon Iota Chapter
Founded: October 24th, 1902; Miami University, Oxford, OH
Chartered: January 6, 1956
Colors: Rose and Green
Symbol: Roman Lamp
Motto: "Love that is ever steadfast."

Delta Xi Omicron

Founded: 1990 Fairmont State, Fairmont, WV
Colors: Peach and Teal
Symbol: Teddy Bear, Peach Rose
Motto: "Sisterhood is Forever"

Zeta Phi Beta: Iota Phi Chapter
Founded: January 16, 1920 Chartered: April 13, 2018
Colors: Royal Blue and White
Symbol: Dove
Motto: A community-conscious, action-oriented organization

Fraternities:

Alpha Phi Alpha (WVU Extension Chapter): Pi Mu Chapter
Founded: December 4, 1906
Colors: Old Gold and Black
Symbol: Great Sphinx of Giza
Motto: "First of all, servants of all, we shall transcend all."

Sigma Omega Beta
Founded: Fairmont State Fairmont, WV
Colors: Black and Orange
Motto: "Honor, Respect, Brotherhood"

Tau Kappa Epsilon: Theta Delta Chapter
Founded: 1899, Illinois Wesleyan University
Colors: Cherry and Grey
Symbol: Equilateral Triangle
Motto: "Better Men, For a Better World."

To contact individual chapters, please reach out to the Coordinator of Student Orgs & Greek Life: Sara.Davis@fairmontstate.edu



INTRODUCTION

At Fairmont State University we are proud to offer Greek Life - a community comprised of select fraternities and sororities. The long-standing terms "fraternity" and "sorority" refer to groups of men and women (respectively) who join together to offer fellowship, academic support, an outlet for philanthropic service to the community and institution, and the opportunity to network for future careers. They are referred to as Greek chapters because they are named according to the ancient Greek alphabet.

Greek Life has a strong and rich tradition at hundreds of colleges and universities across the United States and Canada, as well as here at Fairmont State University. The Greek system offers many opportunities to meet and connect with people, contribute to the community, and develop leadership skills. The academic benefits are significant as well. Research indicates that students who are affiliated with a club or organization are more likely to achieve academically with persistence.

The purpose of this Handbook is to reaffirm the relationship between the University and the fraternities and sororities that are recognized by Fairmont State University. Therefore, Fairmont State University recognizes student rights to free association and the tradition of a fraternity/sorority presence on campus, defines and promotes a positive relationship between Fairmont State University and recognized Greek-letter organizations, reaffirms Fairmont State University commitment to a strong and visible Greek Life option for students, and identifies standard expectations for recognition. Fraternities and sororities make tremendous contributions to Fairmont State University by complementing the academic co-curricular facets of the University community. In addition, the Greek community serves as a source of leadership development, scholarship, and social support for members while they pursue their educational goals. The Greek community recognizes that it is the responsibility of the undergraduate chapter members to encourage an atmosphere conducive to the intellectual, emotional, and moral development of its members. In recognition of the important role fraternities and sororities play, Fairmont State University will continue to assist in fostering their growth. The University is committed to assisting each chapter in promoting personal and academic excellence.

MISSION STATEMENT OF THE GREEK COMMUNITY

To create and support an environment where the students of Fairmont State University can enhance their college experience through community, lifelong friendships, scholarship, leadership, and service.

VISION STATEMENT OF THE GREEK COMMUNITY

The Greek Life community at Fairmont State University will be a community that is (1) respected, (2) influential, and (3) known for its contributions to the university and local community.

GUIDELINES & EXPECTATIONS

SEVEN BASIC EXPECTATIONS FOR GREEK MEMBERSHIP

A Statement of Greek Values and Ethics

1. I will know and understand the ideals expressed in the mission of my organization's charter and will strive to incorporate them in my daily life.
2. I will strive for academic achievement and practice academic integrity.
3. I will respect the dignity of all persons; therefore, I will not physically, mentally, psychologically, or sexually abuse, or haze any human being.
4. I will protect the health and safety of all human beings.
5. I will meet my financial obligations in a timely manner.
6. I will neither use nor support the use of illegal (or un-prescribed) drugs; I will neither misuse nor support the misuse of alcohol.
7. I will challenge my members to abide by these Greek membership expectations and confront those who violate them.

ROSTERS / LEADERSHIP CHANGES / ELECTIONS

Each chapter is responsible to ensure that the ORSL has the most up-to-date roster of their members. (Any changes to the roster must be reported to the ORSL within 48 hours.) This information should be readily available and easily requested by the Chapters President and/or Recruitment Chair. Send updated rosters to the **Coordinator of Student Organizations & Greek Life** or submit a Leadership/Roster Update Form on Presence with the following required information:

- First and Last Name
 - F#
 - Year (if graduating senior)
 - Leadership Position held (If applicable)
 - Campus Email
 - Cell Phone Number
- Once a PNM receives their full-membership status from their chapters, the ORSL needs to be notified of this status change.
 - If and when the Chapters President or RSO Advisor changes, a **Change of Leadership** Form must be completed within 48 hours.

SCHOLASTICS

- Members of the Greek Community at Fairmont State University recognize that the first priority of attending college is to attain a well-rounded education.
- Greek organizations support their member's academic success through tutoring, mentoring, educational seminars, and other helpful programs. Each chapter must maintain minimum academic requirements for active membership.
- If under the chapter's required C.G.P.A., the chapter must then enforce their minimum C.G.P.A. requirements and procedures.
- Greeks shall strive to attain the highest level of academic achievement possible.
- Encourage fraternity and sorority members to be active on campus, keep up their grades, and help members live up to their potential.

YEARLY EVENTS & CONFERENCES

Greek organizations will be given the opportunity throughout the year to attend conferences and special events aimed to support, enhance and increase memberships for their chapters. The following is a non-comprehensive list of events and conferences that may either be required

or highly encouraged for their respective chapters to attend:

- Fall Move-In Volunteering: **REQUIRED** (1-day minimum)
 - Must sign-up with the Housing Office
- Welcome Weekend Events: **REQUIRED**
- Organization/Resource Fair
- Greekapalooza / Meet & Greek (Fall Recruitment Events) – **REQUIRED**
- Falcon LEAD Student Leadership Conference: **2 EXECUTIVE OFFICERS REQUIRED**
 - (President, Recruitment Chair, Treasurer, Chapters Choice) – A maximum of (4) members will be allowed to attend.
- Homecoming Court & Parade: Highly Encouraged
- Student Organization Fairs (at least one per semester): **REQUIRED**
- Maroon & White Day (one per semester): **REQUIRED**
- National Leadership Conferences: E-Boards Highly Encouraged
 - NGLA, UIFI, AFLV, etc.

GREEK LIFE GOVERNANCE

All-Greek-Council (AGC):

Advised by the **Coordinator of Student Organizations & Greek Life**, The All-Greek-Council is an official governing board comprised of select representatives from each of the active fraternities and sororities on campus. The voting group is responsible for policies and decisions that affect the entire

joint Greek community (men and women alike). The group is furthermore responsible for coordinating joint Greek events and programs, such as the annual Greek Week event series. The council meets bi-monthly to establish communication between Greek organizations as well as to serve as a liaison between the organizations and faculty/administration and establish a system of self-governance that promotes the healthy state of the Greek system. The All-Greek-Council shall seek to establish better relations, further the spirit of unity, and increase the sense of responsibility among the fraternities and sororities at Fairmont State University. The All-Greek-Council provides service, educational, and leadership opportunities for the Greek community. The council is led by an executive board consisting of a President, Vice President, and Secretary. The positions of Vice President and Secretary shall be elected annually.

National Affiliation:

Fraternities shall follow best practices, guidelines, and policies of the North-American Inter-Fraternity Conference (NIC)

Sororities shall follow best practices, guidelines, and policies of the National Panhellenic Conference (NPC)

Historically Black chapters shall follow best practices, guidelines, and policies of the National Pan-Hellenic Council (NPHC)

MEMBERSHIP

This section outlines the requirements for sustaining a Greek organization and its members.

MAINTAINING AN ACTIVE CHAPTER

A Chapter remains in good standing if they:

1. Submit their Organization Registration Form within each registration cycle:
 - a. Fall Registration Cycle: August 1 – September 1
2. *Updated chapter governing documents need to be given to the ORSL to be kept on file within (7) days of the chapter's approval. Maintain a minimum of (5) active Fairmont State University student members.*
3. Have a Full-time Fairmont State University Staff/Faculty RSO Advisor.
4. The entire chapter must maintain a minimum C.G.P.A of: 2.50 (Spring 2020 onward)
5. Participate in at least one (1) All-Greek Philanthropy Event per academic term (SOAR/Volunteer MTC form must be submitted)
6. Complete (60) hours collectively of on-campus community service hours per semester. (SOAR/Volunteer MTC form must be submitted) – Effective Spring 2020
7. Complete at least one (1) on campus philanthropy event per semester (SOAR/Volunteer MTC form must be submitted)
8. Complete (3) United Way Community service projects per semester. (SOAR/Volunteer MTC form must be submitted) - Effective Spring 2019
9. Schedule and attend their Chapter Review with the Assistant Director of Student Life at the end of both the Fall and Spring semester.

CHAPTER INSURANCE REQUIREMENTS

The fraternity or sorority must submit current proof of general liability insurance, including a Certificate of Insurance evidencing the coverage.

General liability insurance must include:

- \$1,000,000 Each Occurrence
- \$2,000,000 General Aggregate
- \$1,000,000 Products/Completed Operations
- \$1,000,000 Personal and Advertising Injury
- \$50,000 Fire Damage (any one fire) unless otherwise approved by the Fairmont State University

Fairmont State University must be named as an Additional Insured. The policy must contain no significant exclusions and must include coverage for host liquor liability, which should be explicitly stated on the Certificate of Insurance. The University's status as Additional Insured must also be specifically stated on the Certificate of Insurance. This insurance must be Primary and Non-Contributory as to the University's vicarious liability.

MAINTAINING ACTIVE MEMBERSHIP

A student that has been formally initiated into a Greek organization remains an active member in good standing if they:

1. Maintain a minimum Cumulative Grade Point Average (C.G.P.A.) of: 2.50 (Spring 2020 onward)
 - a. *Chapters with higher minimum C.G.P.A. requirements will be followed instead.
2. Are not on academic probation.
3. Are listed on the Official Greek Life Roster that resides with the Assistant Director of Student Life

*If a chapter or member falls below the minimum academic requirement that of the chapter or of the ORSL, they shall be placed on ACADEMIC PROBATION status which is outlined below:

ACADEMIC PROBATION

If any chapter or member falls below the minimum C.G.P.A requirement either that of the chapters by-laws or the ORSL, the following policy will be enforced:

***Minimum C.G.P.A. requirement: 2.50 (Spring 2020 onward)**

The chapter:

- Will be placed on academic probation through the ORSL.
 - Fall C.G.P.A. denotes Spring Probation
 - Spring C.G.P.A. denotes Fall Probation
- Will not be allowed to participate in any Greek Life events/activities (Greek recruitment, Greek Week, Homecoming etc.) that the ORSL oversees.

The member:

- Will be placed on academic probation through the ORSL.
 - Fall C.G.P.A. denotes Spring Probation
 - Spring C.G.P.A. denotes Fall Probation
- Cannot hold an executive/leadership role in the chapter or on any councils.
- *Additional restrictions/policies may be mandated by each chapter
 - The chapter will be strongly recommended to reduce the number of "required" events for the member to attend or participate in and establish an academic improvement plan with the member (e.g. tutoring system with someone of the same major, grade check-ins, etc.)

If the chapter or individual member's C.G.P.A rises above the minimum C.G.P.A, the academic probation will be lifted, and activity may resume as the chapter and individual sees fit.

If the member's C.G.P.A falls below a 2.0, removal or short-term disaffiliation is strongly encouraged by the ORSL. Disaffiliation means that the individual cannot be involved within the chapter what so ever. Disaffiliation is encouraged until the member's C.G.P.A. rises above a 2.0.

Failure to maintain minimum academic requirements for more than one consecutive semester may result in loss of all privileges and/or recognition, subject to a hearing with the Assistant Director of Student Life.

CHAPTER ACADEMIC PLAN

All chapters must have an Academic Plan/Support System in place for their members in the event any member is found to have below the minimum C.G.P.A requirement of either the chapter itself or of the ORSL.

This plan and its processes need to be in writing and incorporated into the chapter constitution or by-laws. The ORSL must have an updated copy that includes this requirement.

LOW MEMBERSHIP POLICY

If at any time, a chapter falls below five (5) active members, the organization will be placed on probation with the following stipulations:

- The organization will participate in Fall or Spring Recruitment (whichever is the current semester) to bring their membership up to five (5) active members. If they fail to do so, the following policy will be implemented:
 - The group's charter will be suspended for one full semester of the following academic year and the group will lose all privileges of an active organization.
 - Any group wishing to reactivate their charter must submit a membership list to the

Coordinator of Student Organizations & Greek Life. On the list must be a minimum of five (5) full-time enrolled Fairmont State University students. These students must be in good standing and have a minimum C.G.P.A. of: 2.50 (Spring 2020 onward)

- The group must provide the ORSL with a revised constitution.
- The group must provide the ORSL with the name of one Fairmont State University faculty or staff member who is willing to act as an advisor. A written statement from the advisor explaining their goals for involvement with the organization must also be submitted.



- The organization must submit a membership recruitment plan and membership involvement plan. These plans should outline how the organization plans on combating the problems that brought about their low membership status.
- The organization will remain on provisional status with full privileges for one year with reactivation of chartered status contingent on review by the All-Greek-Council and the ORSL.

If no reapplication for a charter is made within two years from the time of suspension, the organization's charter will be revoked.

GREEK REINSTATEMENT PROCESS (REASONS OTHER THAN LOW MEMBERSHIP)

Any Greek Alumni Organization wishing to petition the ORSL to reinstate their charter will need to follow the following process with the ORSL:

- A letter of approval from their national organization giving permission to reinstate their charter must be provided.
- The Alumni Group Chair who will serve as the primary contact for Fairmont State University and the ORSL during the reorganization process along with a minimum of two other alumni who will serve as support for the Alumni Chair during this reorganization process. Once these names are submitted to the Coordinator of Student Organizations & Greek Life, the reorganization process will begin between the institutions and the Greek alumni group.
- Any alumni group wishing to reactivate their charter must submit a comprehensive plan that includes action-oriented planning for membership recruitment, campus involvement, community service, membership development, and academic success prior to consideration for reinstatement by the institutions. This plan should also outline how the organization will work to combat the problems that brought about their suspension from the university. The plan is due to the Coordinator of Student Organizations & Greek Life by September 15th of the Fall semester they are eligible to return to the Fairmont State University campus and prior to any approved recruitment activities on campus.
- A constitution is also due by September 15th of the semester the group is eligible to return to the Fairmont State University campus.

- The group must provide the ORSL with the name of one Fairmont State University faculty or staff member who is willing to act as an RSO Advisor by September 15th of the semester they are eligible to return to the Fairmont State University campus. A written statement from the Advisor explaining their goals for involvement with the organization must also be submitted prior to any recruitment activities being held by the organization.
- Once the plans are received and approved by the ORSL, the alumni will be allowed to hold information sessions during the fall in order to recruit the minimum five (5) members (sophomores, juniors, & seniors) necessary to participate in spring recruitment activities.
- In order to participate in spring recruitment, there must be a minimum of ten full-time enrolled Fairmont State University students. These students must be in good standing and have a minimum C.G.P.A. of: **2.50** (Spring 2020 onward)
- The organization will remain on provisional status for one year with reactivation of chartered status contingent on review by the All-Greek-Council and the ORSL. During this year of provisional status, the organization is to focus on recruitment, campus involvement, community service and academic success. No on-campus social functions will be approved during the first year of provisional status by the college.

If no reapplication for a charter is made within two years of eligibility to return to campus, the organization's charter may be revoked.

OVERVIEW OF THE TIMELINE FOR REACTIVATION OF CHARTER

The Alumni Group wishing to re-charter must first select an Alumni Chair and establish an advisory board. The names must be submitted to the Coordinator of Student Organizations & Greek Life prior to the start of the reorganization process.

September 15: Submitting the following documents to the ORSL:

- Comprehensive Reorganization Plan;
- Revised Constitution;
- One Advisor (faculty/staff) identified and their name.

December 1:

Minimum of five (5) Fairmont State University enrolled students who have the minimum C.G.P.A. requirements and in good standing with the college identified by the alumni organization and names given to the Coordinator of Student Organizations & Greek Life for verification.

REMOVAL OF A MEMBER

The process of removing a member from a chapter roster is as follows:

- An email from the Chapters President needs to be sent to the Assistant Director of Student Life explaining why the member(s) are being removed.
- The Assistant Director of Student Life will verify the chapters reasoning for the members removal and will respond within 72 hours.
- A copy of the chapters official letter to the member(s) being removed must be sent to the Assistant Director of Student Life for documentation and to update the Official Greek Life Roster.

Additional information:

- In the event the chapters reasoning to remove a member from the organization is found to be unjustified or if there is reason to believe bias or discriminating actions took place, an inquiry of the chapter may result.
- Based on the findings of the inquiry and its severity, actions may result in but not limited to sanctions given to the chapter and/or temporary suspension.

GREEK RECRUITMENT/INTAKE

This process is where Fairmont State University students interested in joining a Greek organization are invited to attend recruitment events designed to introduce them to select organizations. All recruitment events must be alcohol and substance free. (For more information, see the **Recruitment and Alcohol** section of this handbook.)

ORGANIZATION STANDARDS & PHILOSOPHY STATEMENT

The emphasis of all programs and organizations with any members shall be on development

of the spirit and understanding of the dignity and worth of each individual. The ORSL prohibits any activities by individuals or organizations that subjects individuals to physical pain, indignity or humiliation. Prohibited activities and practices include, but are not limited to; physical exercises, deprivation of normal sleep or rest, any form of corporal punishment, the placing of anyone in actual or simulated peril or jeopardy of health, illegal activities, any indecent activity, the public wearing of degrading apparel, any humiliating activities or any promiscuous sexual activity or event designed to promote sexual activity.

MEMBERSHIP DEVELOPMENT

All organizations and their members shall follow membership and initiation procedures. No organization is allowed to conduct an initiation program that will target newly added members to the organization. All organizations must be in compliance with Federal, State, and Local laws as well as Fairmont State University policies regarding hazing, alcohol, sexual assault, etc. when conducting activities. Organizations must rather focus on a comprehensive, continual membership development programs with the mission of unifying and growing the organization without creating an environment that could be considered harmful and/or degrading or condone activities that could be considered "hazing."

MINIMUM REQUIREMENTS TO PARTICIPATE IN RECRUITMENT

Fairmont State University students who do not meet the minimum requirements will not be allowed to participate in recruitment.

First Semester Freshmen:

- Be an enrolled and full-time Fairmont State University student.
- Freshmen must start their second semester with the following minimum C.G.P.A (unless stated higher by chapter by-laws) to maintain good standing within the ORSL: **2.50** (Spring 2020 onward)

Continuing Students:

- Be an enrolled and full-time Fairmont State University student.
- Have a minimum C.G.P.A (unless stated higher by chapter by-laws) of: **2.50** (Spring 2020 onward)
- Are not on academic or disciplinary probation.
- **The Recruitment Verification Form MUST be submitted prior to the start of the recruitment process. This form can be found on the Greek Life page. To fill out the form, the student will have to sign-in with their student UCA. By submitting this form, the student acknowledges and agrees to the terms. Any student who has not completed the form may not be extended a bid to join a chapter.**

**These requirements also apply to Continuous Open-Bidding (COB) recruitment.*

REQUIREMENTS OF POTENTIAL NEW MEMBERS (PNM's)

- Highly encouraged to attend Greekapalooza and Meet & Greek events. (Fall Recruitment)
- Men must attend at least one (1) Fraternity Smoker.
- Women must attend at least (1) Sorority Recruitment Night event for each sorority chapter in order to accept any bid. Attendance will be taken at each Recruitment Night event. **(No exceptions, Fall Recruitment ONLY)**
- Women must attend Preference Night for their preferred sorority.
- **On the morning of Bid Day, between 7:30AM and 11:00AM, each Fraternity and Sorority PNM must stop by 315 Colebank Hall to see if they have received a bid and sign their Bid Acceptance form. (No exceptions; arrangements for any hardship must be made prior to Bid Day.)**
- Sorority PNM's that have received a bid must participate in Bid Day Reveal. **(No exceptions; arrangements for any hardship must be made prior to Bid Day.)**

CONTINUOUS OPEN BIDDING

Fraternities and sororities are allowed to continuously recruit throughout the academic year if they choose, and must abide by all applicable recruitment policies

Each sorority chapter that has not met total following the Formal Recruitment period has the opportunity to do so through continuous open bidding. Total is set within 72 hours following the conclusion of the Formal Recruitment Period. Total will be based on the largest sorority chapter's membership number. In the case that the difference in chapter membership is greater than eight, an average will be instituted. This is to keep the number of new members needed to recruit to total at a reasonable and attainable level.

The intent of COB is to provide maximum opportunities for membership to the greatest number of chapters possible.

COB is not intended to precede or take the place of the regular membership recruitment period, nor is it intended that COB begin prior to the Fall/Spring recruitment period.

*Every semester a quota/total will be determined by the ORSL for each sorority to meet.

GENERAL RECRUITMENT RULES

- Fraternity and sorority members may not degrade another organization by written, spoken, or implied word or deed at any point in the presence of a non-affiliated student.
- Fraternity and sorority members may not promise a bid for membership to any non-affiliated student.
- Fraternity and sorority members shall not commit such acts which may impede a non-affiliated student's free choice of association such as, but not limited to, discouraging away from or encouraging towards, any particular organization.
- Fraternities and sororities may sponsor activities during the fall semester and spring semester where non-affiliated students are invited to meet current members, but alcohol may not be present during any part of the activity.
- Active members may not entertain (dinners, athletic events, etc.) or socialize with prospective members of the same gender during the designated recruitment process "Formal Recruitment Week", except during their Formal Recruitment Party.
- Alcohol may not be present during any Recruitment activity.
- There will be a designated period from when recruitment will start and end.
- All Greeks must remain dry during the official recruitment period. This includes recruitment parties, smokers, and the Bid day.
- Continuous open bidding process begins right after the Bid day till the chapters have reached quota.
- Members may not speak negatively about another chapter in front of or with a Potential New Member (PNM).
 - There will be a Strict Silence Period in place from the time bids are submitted/extended to when the bids have been accepted or declined. Strict silence is a period of time during which there is no conversation or contact between active/alumni members and potential new members. This includes all references to fraternities/sororities (verbal, written, typed or printed).
- The purpose of silence period is to help PNMs to make their own decision, free from pressure or influence for members.
- Pictures may be taken at recruitment events, but they may not be posted or used in any way until after Recruitment Week has concluded.
 - As per the NPC national policies and guidelines, sorority members may not participate in any part of fraternity recruitment, and sororities are not allowed to have any men participate in any of their membership recruitment process/events. **No Exceptions.** (NPC Manual of Information p.40, 104)
- Sororities are not allowed to have any fraternities at their recruitment events. No Exceptions.
- No favors may be given to PNM during recruitment events.
- Greeks may not penalize their members for missing recruitment activities due to classes, exams, or work that take place during the time of the activity.

- Open bids are only for women who have not completed or participated in formal recruitment.
- Right after the open bids have been accepted by PNMs, all chapters must send their new rosters to the Greek Life Office.
- Multiple bids may be received by the same PNM.
- Alums may attend recruitment events of that chapter and only at the discretion and approval of the active members of the chapter.
- Criticism of an organization's method of recruitment or complaints filed about a recruitment rule (i.e., "Dirty Recruitment") should be submitted in writing to the Vice President of the Greek Council for review. All recommendations made by the Greek Council will be forwarded through the Greek Review Board process. Organizations in violation of the Recruitment and initiation process will risk sanctions, including Charter Revocation.

RECRUITMENT AND ALCOHOL

1. No alcohol may be served, possessed or consumed at any location where these recruitment events are held.
2. During recruitment, no organization or member of an organization can fraternize either formally or informally with any prospective member where alcohol is served, possessed or consumed by any organization member or prospective member. Prospective members, Greek members, and the organization will be held accountable for violations of this policy.

SAMPLE STRUCTURED FORMAL RECRUITMENT SCHEDULE

- **Day 1** — Greekapalooza/Chapter Fair.
 - The PHC/IFC hosts an open event or simultaneous events on campus in centrally located areas. Greeters are council officers or representatives and the AD of Student Life. Displays, discussions and a schedule of events offered by the chapters are available.
- **Day 2** — Chapters have events of their choice during the week (two to three events).
 - Events are scheduled for potential new members' convenience (after classes/evenings).
 - Potential new members sign in at each event, so a record of attendance is kept.
 - One fraternity/sorority chapter event scheduled at a time
- **Day 3** — Chapters have events of their choice during the week (two to three events).
 - Events are scheduled for potential new members' convenience (after classes/evenings).
 - Potential new members sign in at each event, so a record of attendance is kept.
 - One fraternity/sorority chapter event scheduled at a time
- **Day 4** — Invitational preference events/smokers are scheduled.
 - Chapters call or give invitations to their guests.
 - Potential new members may attend a specified number of events
 - After the conclusion of preference events, sororities must submit all their bid cards to the AD of Student Life
- **Day 5** — Bid Day.
 - Fraternities may extend bids and must notify the Greek Life office of acceptances
 - All potential new members for the sororities are given the opportunity to sign a membership recruitment acceptance binding agreement (MRABA) with their choices in order and submit it to the AD of Student Life. (8AM-4PM)
 - Sorority Bid matching takes place. PNMs will only receive the top bid card available based on their preference order on the MRABA.
 - Sorority Bid Reveal: All sorority members and PNMs gather. Sororities do their chapter cheer/song. PNMs rush to the chapter they are joining.
 - Chapters have events to welcome their new members

*All Formal Recruitment events are scheduled sometime between 7-9PM unless stated otherwise

FINANCIAL REQUIREMENTS

TREASURER'S RESPONSIBILITIES

Treasurer's report must be consistent with their Student Organization Activity Report (SOAR)/Volunteer MTC and bank statements (Treasurers reports, and documentation may be requested at any time from the ORSL or Fairmont State University).

FUNDRAISING

All fundraising activities must be approved by the ORSL at least (14) days in advance of the event by submitting their Fundraiser Request form.

Chapters must submit their SOAR/Volunteer MTC with the amount collected or raised for all fundraising activities no later than (7) days after the event.

FUNDING AND REIMBURSEMENT

Each chapter may request funding up to \$100.00 per Fall and Spring recruitment.

To make a funding request please fill out the Funding Request Form.

A detailed invoice of items purchased will need to be attached to this request in order for it to be processed.

RSO HOMEROOMS AND STORAGE

Any RSO that has designated/reserved Homerooms or Meeting Spaces must comply with the following conditions:

- Random and unannounced inspections will be conducted at the will of the University.
- Storage units, closets, or any other storage container is subject to unannounced inspections.
- If a lock has been used for security reasons, a spare key must be kept with the Assistant Director of Student Life.
 - Failure to provide a spare key or provide notice of a new lock will result with the lock being removed.
 - The University is not liable for reported missing or stolen items.
- Homerooms/Meeting spaces must be kept clean, organized and arranged in the same way it was found.
- Costs of any damages and/or cleaning that are reported will be the responsibility of the RSO.
 - Failure to cover costs may result in sanctioning including but not limited to being suspended or being removed from campus.

CHAPTER REVIEWS

Each fraternities and sororities e-board and RSO Advisor will be required to meet with the Assistant Director of Student Life at the end of the Fall and Spring semesters. The purpose of the Chapter Review is to collaboratively reflect on the chapter's activities of the past year to identify their strengths and where there is room for improvement. Chapters will also have the opportunity to express any and all concerns, ideas, or needed discussions during this meeting.

APPENDIX A

STUDENT ORGANIZATION STANDARDS OF CONDUCT

Introduction

Fairmont State University is committed to supporting student organizations which permit and foster the student's ability to freely associate and express themselves. The support is formalized through a registration system, placed to serve the interest of both Fairmont State and the student organizations. Student organizations that choose to be registered by Fairmont State University, accept the rights and responsibilities outlined in this policy. Within Fairmont State, schools, colleges, funding sources, student governing bodies or other entities have developed policies regarding the operation of student organizations. The Standards of Conduct for registered Student Organizations do not replace those standards, limit the procedures and sanctions provided by those policies, federal, state, or local laws, nor contradict or lessen those standards.

Purpose

The Standards of Conduct for Student Organizations registered under Fairmont State University protects the interest of both Fairmont State University, Student Organizations, the campus community, and those outside the institution by fostering a safe environment through expectations to act consistently with the values of Fairmont State University's Code of Conduct. Code of Conduct refers to the Student Code of Conduct issued by the Office of Student Conduct under Fairmont State University.

Standards of Conduct

Student organizations are collectively responsible for any action committed by members on behalf of the organization that violates University Code of Conduct. Disciplinary action against student organizations is separate from action taken against individuals. Facts of incidents may necessitate action against both a student organization and the individual members of that organization who were found to have violated the University policy.

Criteria used to determine whether the allegation is an organization violation; a student organization may be charged with violating a University policy when:

1. One or more officers, acting within the scope of their duties, commit a violation;
2. One or more members commit a violation as part of an activity or assignment voted on by the organization and/or approved by the local, regional, or national leadership;
3. The violation is committed at an activity funded by the organization or by an individual in the name of the organization;
4. The violation is committed by members attending a function as a representative of the University, including, but not limited to, competitions, conferences, and conventions;
5. Members or officers permit, encourage, aid, or assist, in committing a violation;
6. Members or officers fail to report to appropriate University authorities' knowledge or information about a violation(s);
7. Members or alumni commit a violation in the name of the organization;

Prohibited Conduct

Any registered student organization found to have committed or having attempted to commit the following misconduct is subject to the disciplinary sanctions.

Alcohol Possession/Use: Use, possession, manufacturing, furnishing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Student organizations may not furnish alcohol to a person under the age of twenty-one. Student organizations may not operate a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol.

Drug Possession/Use: Students may not possess, use or distribute controlled substances. Students may not possess or use drug paraphernalia. Students may not use any prescribed drug in a manner inconsistent with the prescription, nor may a student distribute drugs to others. Students

may not intentionally or recklessly inhale or ingest substances (e.g., nitrous oxide, glue, paint, etc.) that will alter one's mental state, or use products in a manner inconsistent with their intended and lawful use.

Failure to Comply/Uncooperative Behavior: Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify to these persons when requested to do so.

Disorderly Conduct: Conduct which is disorderly, lewd, or indecent; breach of peace.

Disruption and/or Noise: Leading or inciting others to disrupt or obstruct, teaching, research, administration, disciplinary proceedings, other University activities, including their public-service functions on or off campus, or other authorized activities occurring on the campus but are not under the direct control of the University.

Fire Safety: Actions which cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or intentionally failing to evacuate university buildings during a fire alarm.

Federal, State, or Local Law Violations: A violation of any federal, state, or local law.

Forgery, Misrepresentation, or Fraud: Forging or altering, or causing to be altered, the record of any grade in a grade book or other educational record;

1. Use of university documents or instruments of identification with intent to defraud;
2. Presenting false data or intentionally misrepresenting one's records for admission, registration, or withdrawal from the university or from a university course;
3. Knowingly presenting false data or intentionally misrepresenting one's records for personal gain;
4. Knowingly furnishing the results of research projects or experiments for the inclusion in another's work without proper citation;
5. Knowingly furnishing false statements in any university academic proceeding

Hazing: No student shall, individually or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community.

Hazing may be defined as follows:

- a. To subject to cruel horseplay
- b. To harass or punish by the imposition of disagreeable tasks
- c. To frighten, scold, beat, or annoy by playing abusing tricks upon an individual

Fairmont State University prohibit any action, which subjects a new member, initiate, or member of a student organization to activities, which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiations, and informal activities. Hazing may also include but is not limited to any brutality such as:

- a. Paddling
- b. Whipping
- c. Forced calisthenics
- d. Exposure to the elements
- e. Forced consumption of food, liquor, or other substance
- f. Any other forced physical activity which could adversely affect the physical health or safety of the individual
- g. Any activity which would subject the individual to extreme mental stress such as: sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment or adversely affect the individual. Students involved in hazing activities are subject to institutional disciplinary action and criminal prosecution.

Financial Stewardship: Student Organizations may not use or account for student organization funds in violation of university financial and accounting procedures. Violations include but are not limited to:

1. Breaching contractual obligations.
2. Using student organization funds for purposes not authorized by the student organization and/or not in accordance with the University Policy
3. Failing to provide accounting of all contribution and reporting said contribution to the proper University official.
4. Failing to follow Fairmont State University governing board policies on allocations and student fee usage.
5. Monies must be maintained in an account at Fairmont State University's Office of Student Activities
6. Misuse of Student Fees.

Health and Safety: Student Organizations may not foster, promote, or participate in activities that unreasonably threaten the safety and well-being of their members, other people, or animals.

Theft or Property Damage: The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the University or any person both on and off campus.

Violation of Student Organization's Constitution and/or governing documents: including but not limited to:

- Student Organization Constitution
- Student Organization Bylaws

Harassment: Repeated, unwelcomed, verbal, written, physical, or any other conduct that disrupts or interferes with a student organization's rights to a healthy environment.

Jurisdiction and Authority

The Office of Student Conduct will oversee the process for addressing cases of Student Organizations misconduct that involve violations of written University policies. Students whose actions in the alleged incident may violate University policy or federal, state, or local law or municipal laws may also be subject to individual disciplinary action under procedures set for in the Fairmont State University Code of Conduct.

Student Organization's Rights in the Conduct Process

Registered Student Organizations have a right to expect that all disciplinary proceedings will be handled fairly. Fairmont State University grants registered student organizations the following rights in the conduct process:

1. Organizations have the right to have their complaint heard by unbiased individuals. Organizations can object to a conduct case manager, hearing officer or hearing board member with cause. The validity of the objection will be determined by the Campus Judicial Officer or his/her designee.
2. Organizations have the right to have an advisor present at all disciplinary meetings or hearings. The advisor may not actively participate in any proceedings. It is the responsibility of the organization to insure attendance of the advisor at any proceeding, as meetings and hearings will not be rescheduled to accommodate advisers.
3. Organizations' have the right to written notice of the charges placed against them and the time and place of any meeting or hearing. Proper notification is defined as delivery of mail to the organization's address or mailbox. Notice will be also be sent through email to the president's established student email account.
4. Organizations have the right to receive a copy of all information to be used against them at hearings. This information will be provided to the organization at least two business days prior to a hearing.
5. Organizations have the right to present information and witnesses on their behalf. Character statements and witness statements should be submitted in writing before the hearing. Character statements will not be considered when determining a violation.
6. Organizations have the right to written notification of the results of the hearing no later than five business days after the hearing.
7. Organizations have the right to appeal the outcome of the hearing no later than five business days after notification of the decision. Holidays and University breaks will be the only exception.

Interim Disciplinary Action for Student Organizations:

In certain circumstances, it may become necessary to impose interim action(s) against an organization while a conduct matter is being addressed. Interim action will be imposed:

1. To ensure the continued safety and well-being of members of the University community or preservation of the University or;
2. The organization's continued presence posed a threat to the safety and well-being on members of the University community.

Types of Interim Actions:

Suspension of Organization Activity: the organization is prohibited from participating in any University activity and promoting University programs without express permission from the Campus Judicial Officer or his/her designee.

Suspension of the New Member Program: All meetings and activities of the New Member program must cease. Chapter officers and all members are restricted from communicating with the New Members.

**** Please Note:** Any violation of these directives may lead to further sanctioning. This is inclusive of violations from the organization's leadership outside of the University community (i.e. local and national offices). **

Student Organization Sanctions

When an organization violates University policies, sanctions are put in place to inform the organization that the behavior(s) exhibited are unacceptable and are not aligned with the values of the University. Where possible (and necessary), sanctions put in place can be a combination of punitive, educational, and/or restorative. Failure to complete these sanctions may result in fines.

University Warning

A notice in writing to the student organization that the student organization is violating or has violated Board of Governors policies, institutional rules and regulations, or the Student Code of Conduct. Any further prohibited conduct may result in more severe disciplinary action.

Written plan for reconstruction of the organization

A plan of action, which outlines various actions the organization must take in order to enhance itself and be a benefit to the University community.

Restitution:

Required compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

Class/Workshop Attendance:

Attendance and completion of a class or workshop that will assist the student organization avoid future non-compliance with the Standards of Conduct.

Educational Project:

Completion of a project specifically designed to assist the organization avoid future non-compliance with the Standards of Conduct.

Community Service:

Performance of a task, or tasks, designed to benefit the community and that also assists the student organization avoid future non-compliance with the Standards of Conduct. These hours must be done at any non-profit agency. Verification of hours complete must be faxed to the Student Conduct Office. Failure to complete your service hours will result in a \$20 per hour fine.

Inability to access University Funds:

This includes generated revenue as well as student fees allocated to the organization. In addition, the organization may not participate in fundraising or request funds provided by SGA. *This sanction is typically imposed when there are concerns regarding the appropriate use of funds by the organization.*

Restricted Activities:

Restricting the student organization's ability to access University controlled benefits and resources.

Disciplinary Probation:

A formal written notice that the organization is not in good standing with the University and its actions will be monitored for a period no less than one semester. During this period, any further violations of the Standards of Conduct may result in further sanctioning.

Disciplinary Probation II:

A formal written notice that the organization is not in good standing with the University and has now lost certain privileges for a period no less than one semester. During this period, any further violations of the Standards of Conduct may result in Disciplinary Suspension. During this period members of the organization may be restricted from holding leadership roles within their respective governing organizations (i.e. Interfraternity Council, Panhellenic Council).

Disciplinary Suspension:

Separation of the organization from the University for a period no less than one semester. During this period, any further violations of the Standards of Conduct may result in further sanctioning.

Loss of Registration:

Temporary separation of a student organization from the University. Organizations are not eligible to apply for a period up to five years. The length of time is determined at the discretion of the Office of Student Conduct. During this period, any further violations of the Standards of Conduct may result in further sanctioning.

Permanent Loss of Registration:

Permanent separation of a student organization from the University. Organizations that are permanently de-registered are not eligible to apply for registration. Any change to this must be approved by the Vice President of Student Affairs or his/her designee.

Drug or Alcohol Education:

Student organizations will be required to complete Alcohol or Drug Education/E Checkup online course. Failure to complete this sanction will result in a \$150 fine.

Record Keeping:

The Office of Student Conduct will maintain records regarding all actions taken under the Standards of Conduct for Registered Student Organizations for a period of seven years, after which they will be destroyed to protect the identities of all parties involved.

Administrative Hearing:

This hearing is led by a University Official (i.e. Executive Director of Student Life/Campus Judicial Officer), known as the Campus Judicial Officer. This format for this hearing is similar to the Disciplinary Conduct Hearings. Organizations charged with hazing, or other violations of the Code of Conduct, especially those that may lead to suspension or removal of University recognition, will be required to utilize this process.

An Administrative Hearing is a formal administrative meeting between an accused organization, the Coordinator for Student Activities and Greek Life, and the Campus Judicial Officer. The Campus Judicial Officer will consider information from both parties and determine whether the organization is responsible for the charges. The Campus Judicial Officer will also determine sanction(s) if the organization is found to be responsible.

The format for the Administrative Hearing is as follows:

1. All participants are assembled and the Campus Judicial Officer explains the procedures to be followed.
2. The Campus Judicial Officer reads the charges and asks the accused organization to answer each charge with "responsible" or "not responsible."
3. The Coordinator for Student Activities and Greek Life presents their report summarizing the review and introduces any physical evidence.
4. The accused student organization introduces their narrative and any physical evidence
5. The Campus Judicial Officer questions both parties, then allow the Coordinator for Student Activities and Greek Life and the accused student organization to ask questions of one another.
6. If there are any factual witnesses, they are called one at a time. Each witness gives a narrative, describing his or her knowledge of the event in question. The Campus Judicial Officer questions the witnesses, then the accused organization and finally the Coordinator for Student Activities and Greek Life. If a witness cannot appear at the conference, he or she may submit a written statement. However, this statement can be used only to supplement or explain other information; it cannot support a finding by itself.
7. In the event the accused organization is found responsible, the Campus Judicial Officer determines the recommended sanctions.
8. The Campus Judicial Officer notifies the parties of the outcome of the Administrative Hearing in writing. The organization will be notified within 48 business hours.
9. Accused organizations have the right to appeal the outcome of an Administrative Hearing (see appeals process).

Appeal Process:

An accused organization has the right to appeal all disciplinary findings and/or sanctions. The organization must submit a letter of appeal and any supporting documentation to the Vice President (VP) of Student Affairs within five (5) business days of the imposed sanctions. The complaint party, Campus Judicial Officer, and Hearing Officer (if applicable) have the right to submit a response to the appeal. Once the appeal is filed the following actions will take place:

The VP of student affairs will meet to consider the organization's appeal:

If the organization accepts the findings and appeals only the sanction, the VP may:

1. Uphold the original sanction; or
2. Modify the sanction

If the organization appeals both the finding and the sanction, the VP may:

1. Uphold both finding and sanction;
2. Uphold the finding and modify the sanction; or
3. Dismiss the finding and send the case to the Campus Judicial Officer for re-evaluation.

Please Note: a new Hearing is only granted if

1. The finding of responsibility is not supported by the facts of the case
2. There is significant new evidence that was not available at the time of the original proceeding; or
3. There was a procedural error so significant that is deprived the organization of a fair disciplinary process.

The VP will modify a sanction only if it is found to be severely disproportionate to the offense. The organization is notified in writing of the committee's decision.

APPENDIX B CODE OF CONDUCT AND CAMPUS POLICIES

ALCOHOL POLICY

Alcohol is strictly prohibited at all on-campus events and functions unless given written permission from the ORSL and the President of Fairmont State University. The advertisement of alcohol for all on/off campus events or activities, whether verbal, electronic or printed, is prohibited on Fairmont State University's property, unless given written permission from the ORSL and the President of Fairmont State University.

NONDISCRIMINATION POLICY

Fairmont State University neither affiliates knowingly with nor grants recognition to any individual, group, or organization that has policies in place or takes action that discriminates on the basis of race, color, gender, sex, sexual orientation, gender identity, gender expression/association, national origin, age, height, weight, religion, creed, genetic information, disability or veteran's status, as identified and defined by law in employment, admissions, and educational programs and activities.

WEST VIRGINIA STATE HAZING POLICY

Chapter 18. Education.
Article 16. Antihazing Law.

§18-16-1. Short title.

This article shall be known and may be cited as the "Antihazing Law".

§18-16-2. Definitions.

(a) "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove 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 an institution of higher education. The term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual or individuals, and includes any activity which would subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual or individuals, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a

person or persons to hazing shall not be a defense under this section.

(b) "Institution of higher education" or "institution" means any public or private institution as defined in section two, article one, chapter eighteen-b of this code.

§18-16-3. Hazing prohibited.

Any person or persons who causes hazing is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in a county or regional jail, not more than nine months, or both fined and imprisoned: Provided, That if the act would otherwise be deemed a felony as defined in this code, the person committing such act may be found guilty of such felony and be subject to penalties provided for such felony.

§18-16-4. Enforcement by institution.

(a) *Antihazing policy.* -- The university of West Virginia board of trustees created pursuant to article two, chapter eighteen-b of this code and the board of directors of the state college system created pursuant to article three of said chapter shall by the first day of August, one thousand nine hundred ninety-five, promulgate guidelines for antihazing policies.

(b) *Enforcement and penalties.*--

(1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

(2) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include recession of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(3) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section three of this article or of any of the criminal laws of this state or for violation of any other institutional rule to which the violator may be subject.

(4) Rules adopted pursuant hereto apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

Punishment: misdemeanor

Fine of \$100 - \$1,000 or confinement to jail, not more than 9 months, or both fine and imprisonment. (§18-16-3)

HAZING POLICY

No student shall, individually or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community.

Hazing may be defined as follows:

- To subject to cruel horseplay
- To harass or punish by the imposition of disagreeable tasks
- To frighten, scold, beat, or annoy by playing abusive tricks upon an individual

Fairmont State University prohibits any action, which subjects a new member, initiate, or member of a student organization to activities, which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiations, and informal activities.

Hazing may also include but is not limited to any brutality such as:

- paddling
- whipping
- forced calisthenics
- exposure to the elements
- forced consumption of any food, liquor, or other substance
- or any other forced physical activity which could adversely affect the physical health or safety of the individual
- and shall include any activity which would subject the individual to extreme mental stress such as:
 - sleep deprivation
 - forced exclusion from social contact
 - forced conduct which could result in extreme embarrassment or adversely affect

Students involved in hazing activities are subject to institutional disciplinary action and criminal prosecution.

SEXUAL MISCONDUCT POLICY

Notice Of Non-Discrimination

Fairmont State University is committed to equal opportunity and does not discriminate on the basis of age, color, disability, national origin, race, religion, sex, gender, gender identity, sexual orientation, citizenship status, genetic information, status as a veteran, or any other characteristic that is protected by applicable state or federal law in its operations, employment opportunities, educational programs and related activities.

The Fairmont State University Policy for Sexual Misconduct and Harassment ("Sexual Misconduct Policy") applies to all applicants, students, faculty, administrators' staff, guests and third parties. Furthermore, the institutions forbids retaliation and/or any form of harassment against an individual as a result of filing a complaint of discrimination or harassment or as a result of participating in an investigation of a complaint of discrimination or harassment.

The Human Resources Director has been designated to handle discrimination or harassment inquiries concerning the non-discrimination policy.

Title IX of the Educational Amendments of 1972 provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

The Title IX Coordinator has been designated to handle sex or gender-based inquiries regarding the non-discrimination policy

POLICY STATEMENT – SEXUAL MISCONDUCT

Discrimination on the basis of sex or gender to include sexual misconduct (sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual violence and sexual exploitation), domestic violence, dating violence, stalking, or other forms of sexual violence or sex or gender-based harassment is a violation of The Sexual Misconduct Policy and will not be tolerated by the institutions. Furthermore, the institutions forbids retaliation and/or any form of harassment against an individual as a result of filing a complaint of discrimination or harassment or participating in an investigation of a complaint of discrimination or harassment.

This Sexual Misconduct Policy applies to all applicants, students, faculty, staff, and third parties and applies regardless of the sexual orientation or gender identity of the parties. If you believe you have been subjected to sexual misconduct, you may report such conduct or file a complaint with the Title IX Coordinator.

FAIRMONT STATE UNIVERSITY SEXUAL HARASSMENT POLICY

TITLE: SEXUAL HARASSMENT

SECTION 1. GENERAL

1. SCOPE

This rule defines sexual harassment and sex and gender discrimination and provides guidelines for filing complaints regarding sexual harassment and sex and gender discrimination.

2. AUTHORITY

This policy complies with federal, state and local laws and regulations. Specifically, this policy upholds: West Virginia Code § 18B-1-6; Title IX of the Education Amendments of 1972, including accompanying regulations and guidance provided by the U.S. Department of Education' Office for Civil Rights; Title VII of the Civil Rights Act of 1964, including accompanying regulations and guidance provided by the Equal Employment Opportunity Commission (EEOC); Applicable federal court decisions. This policy replaces policies 09, "Sexual Harassment," and 42, "Consensual Romantic or Sexual Relationships."

3. INVESTIGATION AND RESOLUTION

All alleged violations of this policy will be promptly, thoroughly and impartially addressed using the Fairmont State University Title IX Investigation and Resolution Procedures.

4. EFFECTIVE DATE May 1, 2017, or upon passage

SECTION 2. POLICY

It is the policy of the Fairmont State University Board of Governors to maintain a work and educational environment free from all forms of sexual harassment and sex or gender discrimination of any employee, applicant for employment, student, guest or visitor. Sexual harassment is expressly prohibited. It is the responsibility of Fairmont State University to strive to maintain an environment free of such conduct and to take prompt, thorough and impartial measures to stop the harassment, remedy its effects and prevent its recurrence once the institution receives notice of sexual harassment or sex or gender based discrimination.

SECTION 3. DEFINITIONS

1. SEXUAL HARASSMENT

Sexual harassment is *unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.*

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator, Title IX Investigator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational [and/or employment], social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Romantic or sexual relationships between a faculty member and current student, or between a supervisor and employee or between two people where one has authority or power over the other are by their nature discriminatory and are prohibited.

Exceptions are recognized for employees or students in established marriages, partnerships or relationships.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in an employee's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- The use of force is not “worse” than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but charges under the code for the additional assaultive behavior.
- Any other intentional bodily contact in a sexual manner.

3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse, however slight:
 - with any object,
 - by a person upon another person,
 - that is without consent and/or by force².
- Intercourse includes:
 - Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. SEXUAL EXPLOITATION

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

5. ADDITIONAL APPLICABLE DEFINITIONS:

Consent:

- Consent is clear, knowing, voluntary, affirmative and conscious, words or actions, that give permission for specific sexual activity.
- Consent is active, not passive.

- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
- Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
- The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.]

Force:

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).
- Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.
- Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.
- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.
- For reference to the pertinent state statutes on sex offenses, please see Appendix.

6. RELATED MISCONDUCT OFFENSES (WILL FALL UNDER THIS POLICY WHEN SEX OR GENDER-BASED)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior

- Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
- That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other:
- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.
- Stalking
 - Repetitive and menacing,
 - Pursuit, following, harassing, and/or interfering with the peace and/or safety of another.
- Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

7. RETALIATION

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of University policy.

SECTION 4. SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in [as appropriate] the Student Handbook, ; the ; and the . The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

1. STUDENT SANCTIONS (LISTED BELOW AND DEFINED IN STUDENT HANDBOOK)

- Warning
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

2. EMPLOYEE SANCTIONS (LISTED BELOW AND DEFINED IN FACULTY AND EMPLOYEE HANDBOOKS)

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of/Ineligibility for Raise or Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure
- Termination

3. SANCTIONING FOR SEXUAL MISCONDUCT

Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).*

Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

**The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.*

SECTION 5. ADDITIONAL POLICY PROVISIONS

ATTEMPTED VIOLATIONS

In most circumstances, the University will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

FALSE REPORTS

The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct and the Faculty and Staff handbooks to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

3. AMNESTY FOR VICTIMS AND WITNESSES

The University community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The University pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

PARENTAL NOTIFICATION

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

SECTION 6. REPORTING AND FILING COMPLAINTS

1. REPORTING REQUIREMENTS

All University employees (faculty, staff, administrators) are expected to immediately report

actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate University officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the University:

2. CONFIDENTIAL REPORTING

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional psychologists, counselors and staff
- On-campus health service providers and staff
- On-campus Victim Advocate
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit timely anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client or patient.

3. MANDATORY REPORTING

All University employees have a duty to report sexual harassment or discrimination of which they become aware, unless they fall under the “Confidential Reporting” section below. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal University action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, Title IX Investigator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will also be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Reports or complaints may be filed with, as appropriate, the Title IX Coordinator or Title IX Investigator. Reports can be made via email, phone, in writing or in person. Reports may also be made online at title-ix-information-report-sexual-discrimination-assault-or-misconduct.

TITLE IX COORDINATOR

The Title IX Coordinator oversees the University's compliance with Title IX, including the resolution process described in the *Title IX Investigation and Resolution Process*. Inquiries about and reports regarding sexual harassment issues and/or these procedures may be made internally to:

Jessica Kropog-Furgason, Chief Title IX Investigator
Title IX Coordinator
Wallman Hall 102
1201 Locust Avenue
Fairmont, WV 26554

Individuals may also contact the Department of Education's Office for Civil Rights, who oversees enforcement of Title IX:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Phone: (877) 521-2172
Fax: (202) 453-6012
Email:
Web:

Employees may also contact the Equal Employment Opportunity Commission (EEOC)

Contact:
U.S. Equal Employment Opportunity Commission
Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Phone: 412-395-5902, Fax: 412-395-5749

SEXUAL MISCONDUCT AND OTHER IMPORTANT DEFINITIONS

Fairmont State University reaffirms its commitment to a campus community free from sexual misconduct in all of its forms. This commitment involves continuing efforts to eliminate all forms of harassment, sexual misconduct, and interpersonal violence. These efforts include education and preventative programming, personnel training, establishment of procedures which ensure the protection of individual rights, and resources for those who believe they have experienced such conduct. Sexual misconduct may occur across a broad spectrum and between persons of the same or opposite sex. The institution prohibits all variations of sexual misconduct.

The following is a non-exhaustive list of prohibited sexual misconduct, as well as important definitions.

Sexual Harassment

Sexual Harassment includes "sex-based harassment" and "gender-based harassment" and is any unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

Unwelcome Conduct

Conduct is considered "unwelcome" if a person did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Hostile Environment

Hostile Environment exists when sexual harassment/misconduct is sufficiently serious to deny or limit a person's ability to participate in or benefit from the College's programs or activities. A hostile environment can be created by anyone involved in the College's programs or activities. The College will work to make a reasonable determination if a hostile environment exists.

Quid Pro Quo Harassment

Quid Pro Quo Harassment may occur when anyone in a position of power or authority over another uses any academic or supervisory reward to subject such other person to unwanted sexual attention or subject such other person to verbal or physical conduct of a sexual nature. In general, quid pro quo sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal and physical conduct of a sexual nature by one in a position of power or influence when:

1. Submission by an individual is made either as an explicit or implicit term of condition of employment or of academic standing; or
2. Submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that student or employee.

Sexual Assault

Sexual Assault involves actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or rape, which consists of penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual assault can be committed by persons of the same sex as well as those of the opposite sex.

Students, faculty members and staff members should understand that forced or unwanted sexual intercourse or sexual contact (as defined above), whether it involves a stranger or an acquaintance, is sexual assault.

Sexual Exploitation and Intimidation

Sexual Exploitation and Intimidation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples could include prostitution, recording and/or distributing and/or viewing of images/audio of another person without their consent, and voyeurism. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned. Students, faculty members and staff members should understand that apparently consensual sexual relationships, particularly those between individuals of unequal status, may be (or may become) a violation of the Sexual Misconduct Policy.

Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

Domestic and Intimate Partner Violence

Domestic and Intimate Partner Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas, 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 Texas.

Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic nature or intimate nature with the victim; and, whereas the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, and the frequency of interaction between the persons involved in the relationship.

Consent

Consent is knowing, voluntary, and clear permission to engage in sexual activity or contact. Each party is responsible for making certain consent is given and continued throughout the encounter. A person can withdraw consent at any time, through words or actions. Silence or

absence of resistance does not constitute consent. Past consent does not confirm future consent; consent to specific activity does not imply consent to other activity; and consent with one person does not constitute consent with another person. Current or past relationships do not sufficiently constitute consent. Texas State law requires persons be 17 years of age to give consent. Consent cannot be given if force or threat of force has been used to coerce sexual activity or if a party is incapacitated.

Incapacitation

A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Such reasons for incapacitation include the use of drugs or alcohol either voluntarily or involuntarily, being asleep or unconscious, or an intellectual or other disability that prevents a party from having the capacity to consent. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct.

False Accusations

A false complaint of sexual misconduct can place a permanent stigma on a member of the Austin College community, regardless of the outcome of an investigation. Therefore, false accusations are prohibited and are violations of College policy. The College reserves the right to redress through appropriate College protocol any complaint, accusation, or testimony found through an investigation to be brought in bad faith or knowingly false. This provision does not apply to reports made in good faith, even if the allegations in the report are not substantiated through an investigation.

Retaliation

Retaliation is defined as any adverse action taken against a person either bringing a complaint of misconduct or accused of misconduct. Retaliation could include, but is not limited to, threats, intimidation, coercion or discriminatory action. Retaliation against an individual who brings a complaint, participates in an investigation, or pursues a criminal charge is prohibited, and will not be tolerated. Retaliation against those accused of sexual misconduct is also prohibited.

CONFIDENTIALITY

Fairmont State University is committed to protecting the privacy of any individual(s) involved in allegations of sexual misconduct. Should a reporter/complainant choose to make a report/bring a formal complaint, investigations of sexual misconduct are done so with respect for confidentiality. Every effort will be made to ensure confidentiality to the extent feasible in order to allow the institutions to conduct a thorough review of allegation(s). Names and details of the incident will not be shared with anyone outside of the investigative effort, hearing process, and will only be shared with those who must know in order to assist in the review, investigation or resolution of a report. If the complainant requests confidentiality, the Title IX Coordinator will weigh the request for confidentiality or no investigation against the institution's ability to conduct an investigation without revealing identifiable information, the seriousness of the alleged conduct, and the threat to the campus community.

It is important to remember when sharing an incident that different employees have different responsibilities regarding confidentiality. As noted herein, responsible employees are required to report all details of an incident (including the identities of both the complainant and the alleged perpetrator) to the Title IX Coordinator.



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