



# Bethany

*A Small College of National Distinction*

POLICY MANUAL

VOLUME II

## **Campus Community Policies**

*Approved by the Bethany College Board of Trustees  
May 16, 2018*

**Policy dictates that the Officers of Bethany College are:**

**President of the College  
Chief Academic Officer  
Chief Financial Officer  
Chief Advancement Officer**

**Specific titles for the latter three may vary according to organizational structure. For the purpose of Bethany College policy documents for the 2018-19 academic year, the Chief Academic Officer is the Vice President for Academic Affairs and Dean of the Faculty; the Chief Financial Officer is the Vice President for Finance; and, the Chief Advancement Officer is the Senior Vice President. Titles for these three positions may change at the discretion of the President of the College.**

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alcohol as well as the bartender. The on-campus food provider has first right of refusal for any event that is held on campus that will have food served. If you have any more questions regarding the food and alcohol policy for student organizations, please stop in to the Student Life Office. All forms are available at <http://www.bethanywv.edu/students/event-planning/>

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## **Volume II**

### **Campus Community Policies**

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## **2.0 Introduction**

The policies provided in this Volume II pertain to all members of the College community. This Volume II of the Policy Manual was developed to describe some of the expectations of members of the College community and to outline the policies and programs available.

## **2.1 General Institutional Policies**

### **Equal Opportunity and Affirmative Action Policies**

#### **2.1.1.1 Equal Employment Opportunity and Affirmative Action Employment Policy**

Our goal at Bethany College is to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is not only good business – it is the law and applies to all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits.

As an equal employment opportunity employer, Bethany College does not discriminate in its employment decisions on the basis of race, religion, color, national origin, gender, sexual orientation, age, disability, disabled veteran status, or on any other basis that would be in violation of any applicable federal, state, or local law. Furthermore, Bethany College will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

An employee who believes that rights under the EEO/AA policy have been violated may report such in writing directly to the administrative officer over the department.

#### **2.1.1.2 Equal Educational Opportunity and Affirmative Action**

Bethany College does not discriminate on the basis of race, religion, color, national origin, gender, sex, sexual orientation, age, disability, disabled veteran status, or on any other basis that would be in violation of any applicable federal, state, or local law in the administration of its educational policies, admissions policies, and scholarship and loan programs. The College is committed to creating a community in which a diverse student population can live and work with tolerance and respect for the rights of each individual. Area Affirmative Action Officers (AAOs) are the administrative officers over each area of College life (President's Cabinet). Individuals who suspect improper actions by other members of the Bethany College community shall report these actions to the AAO of the relevant area. Someone who suspects that an area AAO has acted improperly shall contact the Chief Affirmative Action Officer.

#### **2.1.2 Institutional Policy on Discrimination and Harassment**

The College is committed to upholding standards that promote respect and human dignity in an environment fostering learning and professionalism. It is the policy of the College to maintain

an educational and work environment free from all types of discrimination and harassment, an open environment which values and protects individual dignity and the integrity of human relationships. Accordingly, all forms of discrimination against or harassment of any member of the College community, whether based on race, religion, color, national origin, gender, sexual orientation, age, disability, disabled veteran status, or on any other basis that would be in violation of any applicable federal, state, or local law, are prohibited.

The educational process at the College is based on mutual trust, freedom of inquiry, freedom of expression, and the absence of intimidation and exploitation. Such an atmosphere of respect and regard for individual dignity among members of the academic community is essential if the College is to function as a center of academic freedom and intellectual advancement. In addition, the College has a compelling interest in assuring the provision of an environment in which learning and work may thrive. Such an environment requires free and unfettered discussion of the widest possible nature, one which encourages expression of all points of view. The College recognizes that the academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material. Assertions regarding any of the characteristics listed above, however, should be directly related to the exchange of ideas, ideologies or philosophies. Any such assertions in the teaching context that are persistent, pervasive, and not germane to the subject matter may constitute sexual or another form of harassment and will not be tolerated.

#### **2.1.2.1 Harassment**

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion to an individual's race, religion, color, national origin, gender, sexual orientation, age, disability, disabled veteran status, or on any other basis that would be in violation of any applicable federal, state, or local law if the conduct also includes one or more of the following:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance;
3. Otherwise adversely affects an individual's employment opportunities;
4. Has the purpose or effect of creating an intimidating, hostile, or offensive study or learning environment;
5. Has the purpose or effect of unreasonably interfering with an individual's study or learning experience; and/ or
6. Otherwise adversely affects an individual's educational opportunities.

#### **2.1.2.2 Appeals**

If either party disputes the findings or is dissatisfied with the procedures or recommendations of the investigator's report, the party may appeal such findings by filing a written appeal with the President of the College within 15 calendar days of receipt of the written report. The President of the College will review the record of the matter and will reach a final determination as to any action to be taken within 10 calendar days of receipt of the appeal.

The determination of the President of the College is final and may only be addressed further by petition to the appropriate grievance committee of the party who remains dissatisfied or who continues to be accused. Rules governing the grievance committees of faculty, staff, administrators and students are provided in their respective volumes in this Policy Manual.

#### **2.1.2.3 Anti-Retaliation Statement**

Retaliation of any kind against anyone filing a complaint of harassment or discrimination is prohibited. Initiating a complaint of harassment or discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status.

Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory work or educational effect requires a determination based on all of the facts pertaining to the situation. False accusations of harassment or discrimination can seriously injure innocent people. Initiating a false harassment or discrimination complaint or initiating a harassment or discrimination complaint in bad faith may result in disciplinary action. A finding for the accused does not constitute a finding the complaint was in bad faith.

#### **2.1.2.4 Hostile Environment in Absence of Complaint**

If the College has credible notice – either direct or indirect – of possible discrimination, harassment, or sexual harassment of a member of its community or notice of a sexually hostile, harassing or discriminatory environment, then it will take immediate and appropriate steps to investigate or otherwise determine what occurred and take steps reasonably calculated to end any harassment and/or discrimination, eliminate a hostile environment if one has been created, and prevent harassment and/or discrimination from occurring again.

### **2.1.3 Family Educational Rights and Privacy Act**

The Federal Educational Rights and Privacy Act of 1974, last amended on December 2, 2011, protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The Higher Education Reauthorization Act of 1998 allows, but does not require, colleges and universities to contact the parents of students in disciplinary cases involving drugs and alcohol (please see the Parental Notification Policy in Volume VII, Subsection 7.2.15). The Family Education and Privacy Act was enacted by Congress to protect the privacy of student educational records. This privacy right is a right vested in the student.

Pursuant to FERPA, eligible students (those over 18 years of age) and parents<sup>1</sup> have the right to inspect and review their education records maintained by the school. Bethany College is not

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<sup>1</sup> According to the Buckley Amendment, information contained in the educational records of students who are eighteen years of age or older or enrolled in post-secondary institutions may be sent to the parents without the written consent of the student only if the student is a financial dependent of the parents. (The term dependent is defined in Section 152 of the Internal Revenue Code as an individual's son, daughter, stepson, or stepdaughter of a taxpayer who receives over half of the individual's support from the taxpayer during the given calendar year.)

required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Bethany College may charge a fee for copies.

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

1. Professional mental health treatment records to the extent necessary, in the judgment of the attending physician or professional counselor, to avoid detrimental effects to the mental health of the student or of others. These records may, however, be reviewed by a physician or other appropriate professional of the student's choice.
2. Financial information furnished by the student's parents in support of an application for financial aid.
3. Confidential letters of recommendation that were placed in the student's file prior to January 1, 1975.
4. Confidential letters of recommendation concerning admission, employment, or honorary recognition, for which the student has waived access. (The College may not require a student to sign a waiver in order to obtain services, but a person writing a recommendation may insist on a waiver as a condition for writing it.).
5. Personal notes made by a faculty member or counselor that are accessible only to that person and are not shared with others.
6. Materials in any admissions files, until the student has been admitted to, and has attended the College.

Eligible students have the right to request that Bethany College correct records that they believe to be inaccurate or misleading. If the College decides not to amend the record, the student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the student has the right to place a statement with the record setting forth the student's view about the contested information.

Bethany College is not required to consider requests for amendment under FERPA that:

1. Seek to change a grade or disciplinary decision; or
2. Seek to change the opinions or reflections of a school official or other person reflected in an education record.

Generally, schools must have written permission from the student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR §99.31):

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Specified officials for audit or evaluation purposes;
4. Appropriate parties in connection with financial aid to a student or the result of a judicial or quasi-judicial hearing;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;

7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies; and
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Bethany College may disclose, without consent, “directory” information. This includes: (1) name, (2) permanent and local address and telephone, (3) The division/department attended at the College, (4) class level, (5) major field, (6) dates of attendance at the College, (7) degree received and date awarded, (8) honors and awards received, (9) participation in recognized activities, (10) previous school(s) attended, and (11) height and weight of members of intercollegiate athletic teams. The College may disclose directory information for any purpose, without the prior consent of a student, unless the student has forbidden its disclosure in writing. Students wishing to prevent disclosure of the designated directory information must file written notification to this effect with the Registrar’s Office. In the event that such written notification is not filed, the College assumes that the student does not object to the release of the directory information.

At the College, information about student rights and responsibilities under FERPA is available at the Office of the Registrar.

Students have the right to file a complaint with the Family Policy Compliance Office, Department of Education, 600 Independence Ave., SW, Washington, DC 20202-4605, concerning any alleged failure by the College to comply with FERPA.

#### **2.1.3.1 Student Record Release under the Solomon Amendment**

The Solomon Amendment (10 USC §983, effective January 2000) is a federal law that mandates colleges and universities receiving federal financial aid funding to provide student recruiting information upon request to military recruiting organizations. The request and information released by the College is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following military organizations:

1. Air Force;
2. Air Force Reserve;
3. Air Force National Guard;
4. Army;
5. Army Reserve;
6. Army National Guard;
7. Coast Guard;
8. Coast Guard Reserve;
9. Navy;
10. Navy Reserve;
11. Marine Corps; and
12. Marine Corps Reserve.

The release of student recruiting information follows the FERPA guidelines defining student directory information (see above). Students are not permitted under federal law to restrict the release of this information specifically to military organizations, but if students withhold the release of directory information generally, then the College may not release this information to military organizations. The directory information released is limited to the current semester or the previous semester. If the request is received between semesters, the requestor must specify previous semester or upcoming semester. Further, students must be in an enrolled status (incomplete and complete registration status).

#### **2.1.4 Institutional Policies on Disability (ADA)**

The College complies with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act for its employees, students and campus visitors.

##### **2.1.4.1 Employees with Disabilities**

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. Under ADA, a person has a disability if the person has a physical or mental impairment that substantially limits a major life activity. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and State and local civil rights enforcement agencies that work with the Commission.

Further information is available from the Human Resources Department.

##### **2.1.4.2 Students with Disabilities**

Those students needing special accommodations for housing, meals, classes, or other scholastic needs shall provide documentation from their primary care provider as to the specific nature of those needs, and how Bethany College can work with the student to provide the best possible environment. If a student does not disclose the need for special accommodations, the College is not responsible for those needs. The College Registrar serves as the 504 Coordinator for Bethany College. Any student, faculty, staff, or guest who requires special accommodations should contact the Registrar for medically necessary needs regarding classroom or special event locations.

Director of the McCann Learning Center serves as the coordinator for students who need special educational accommodation such as testing, note taking, or other educational support.

#### **2.1.5 Risk Management**

Risk management is an ongoing process that includes identifying risks to achieving institutional objectives, analyzing the risks, and deciding how to respond to them. Proper management of risk is considered a core leadership function, and risk management processes are expected to be an integral part of the College's management systems and processes. The Vice President for

Finance is the College officer assigned the responsibility of coordinating the development and annual updating of a formal risk management plan.

#### ***2.1.5.1 Identifying Risks***

The College's risk management planning should consider potential events relevant to the College and its activities in the context of such factors as reputation, size, operations, and regulatory constraints. Categories of risk include financial, operational, human resource, legal, environmental, technology, safety, ethical, and compliance.

#### ***2.1.5.2 Analyzing Risks***

The analysis of risks should be based on impact, probability, and timing. Impact encompasses financial as well as non-financial costs of an event happening including: loss of assets (cash, property and human resources); lost opportunities (ongoing operations, enrollment, revenue streams, external funding); reputational damage; and external sanctions, fines, etc. Probability and timing address if and when such an event is likely to occur.

#### ***2.1.5.3 Responding to Risks***

When deciding how to respond to each risk, management should consider the availability and effectiveness of controls as well as the cost/benefits of implementing such controls. Risk responses normally fall within four categories, dependent upon the outcome of the associated risk analysis.

1. Avoidance – discontinuing or not starting a particular activity
2. Reduction – implementing strategies to reduce the severity of losses resulting from a risk by changing operational procedures, adding controls, etc.
3. Transfer – sharing or turning over risk via insurance or outsourcing
4. Acceptance – acknowledging that the risk exists and is at an acceptable level

#### **2.1.6 Document Retention**

The records of Bethany College and its subsidiaries (hereafter the “College”) are important assets. College records include essentially all records you produce as an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires the College to maintain certain types of business records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject you and the College to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place the College in contempt of court, or seriously disadvantage the College in litigation.

The College expects all employees to fully comply with any published records retention or destruction policies and schedules, provided that all employees should note the following

general exception to any stated destruction schedule: If you believe, or the College informs you, that College records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the College's General Counsel determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records.

From time to time the College establishes retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

#### **2.1.6.1 Student Records**

State and federal statutes require the College to keep certain records pertaining to student admission, academic, financial aid and other records maintained by the Office of the Registrar. The College should also keep any correspondence relating to students written to or from the College or individual employees under applicable state and federal statutes. Student records should be retained in perpetuity.

#### **2.1.6.2 Accounting**

Accounting records include, but may not be limited to, documents concerning taxes, payroll, operating expenses, accounting procedures, and other documents concerning the College's revenues, expenses and property. Accounting records should be retained for at least four years from the date of filing the applicable return or completion of the respective audit.

#### **2.1.6.3 Employment Records/Personnel Records**

State and federal statutes require the College to keep certain recruitment, employment and personnel information. The College shall also keep personnel files that reflect performance reviews and any complaints brought against the College or individual employees under applicable state and federal statutes. The College shall also keep all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel in the employee's personnel file. Employment and personnel records should be retained for a minimum of six years after the employee terminates from the College, and in certain instances such records may, at the discretion of the College, be retained indefinitely. Post-termination benefit records should be retained for a minimum of four years after the benefit terminates.

#### **2.1.6.4 Board and Board Committee Materials**

Meeting minutes should be retained in perpetuity in the College's minute book. A clean copy of all Board and Board Committee materials should be kept for no less than three years by the College.



#### **2.1.6.5 Press Releases/Public Filings**

The College should retain permanent copies of all press releases and publicly filed documents under the theory that the College shall have its own copy to test the accuracy of any document a person or governmental agency can theoretically produce against that College.

#### **2.1.6.6 Legal Files**

The College's General Counsel should be consulted to determine the retention period of particular documents, but legal documents shall generally be maintained for a period of ten years.

As to the contracts, leases, licenses and other legal documents, these documents should be kept for at least ten years beyond the life of the agreement (see 2.1.6.9 below).

#### **2.1.6.7 Recruiting and Promotional**

The College should keep final copies of recruiting and promotional documents for the same period of time it keeps other business files, generally three years.

As to the contracts, leases, licenses and other legal documents, these documents should be kept for at least six years beyond the life of the agreement (see 2.1.6.9 below).

#### **2.1.6.8 Development/Intellectual Property and Trade Secrets**

Development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to the College and are protected as a trade secret where the College:

1. Derives independent economic value from the secrecy of the information; and
2. The College has taken affirmative steps to keep the information confidential.

The College should keep all documents designated as containing trade secret information for at least the life of the trade secret.

#### **2.1.6.9 Contracts**

Final, execution copies of all contracts entered into by the College should be retained. The College should retain copies of the final contracts for at least ten years beyond the life of the agreement, and longer in the case of contracts and other materials filed with governmental and regulatory agencies.

#### **2.1.6.10 Electronic Mail**

The College is the owner of the electronic mail system to which access is provided for the performance of the employee's duties. Email is to be used by employees for business purposes

only, unless the employee is contractually authorized to use the system for non-College purposes. (See 2.4.2.5)”

E-mail that needs to be saved should be either:

1. Printed in hard copy and kept in the appropriate file; or
2. Downloaded to a computer file and kept electronically or on disk as a separate file.

The retention period depends upon the subject matter of the e-mail, as covered elsewhere in this policy.

Failure to comply with this Document Retention Policy may result in disciplinary action against the employee, including suspension or termination. Questions about this policy should be referred to General Counsel who is in charge of administering, enforcing and updating this policy.

## **2.2 Health Related Policies**

### **2.2.1 Alcohol and Drug Policies for Students**

#### **2.2.2 Alcohol and Illegal Drugs**

Bethany College complies with federal, state, and local laws which regulate the possession, use, and sale of alcoholic beverages and controlled substances. The College also complies with all regulation of the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act of 1998. The following activities, among others as detailed in the Bethany College Alcohol Policy, are prohibited on College premises or at College sponsored activities:

1. Distributing, possessing, or using any illegal drug or controlled substance;
2. Providing alcoholic beverages to individuals under 21 years of age or possessing alcoholic beverages by individuals under 21 years of age; and
3. Illegally possessing of open container of alcoholic beverage, public intoxication, driving while intoxicated, or under the influence of illegal drugs or controlled substances, and drinking alcoholic beverages in an unlicensed public place.

Every Bethany student must agree to abide by the policies and standards of the College as defined by the most current edition of the *Student Handbook* and *Code of Student Conduct*. Moreover, Bethany College and the Town of Bethany have policies that specify compliance with West Virginia State Law. It is illegal for anyone under the age of 21 to possess or consume alcoholic beverages; it is illegal to knowingly provide alcoholic beverages to anyone under the age of 21; and it is illegal for anyone of any age to possess, use, or distribute illicit drugs.

Since the primary objective of Bethany College is to contribute to the growth and development of students, it strives to maintain an environment free from conditions that may hinder that development. The use or misuse of alcohol often inhibits a student from achieving optimal academic success, reduces productive participation in a wide variety of enriching activities, and increases factors creating risks to healthy living. Therefore, Bethany College has

adopted strict alcohol use policies, as seen in the *Student Handbook* and *Code of Student Conduct*.

#### **2.2.2.1 Alcohol Policy**

1. The possession or consumption of alcoholic beverages by any student under the age of 21 is strictly prohibited.
2. Knowingly providing alcoholic beverages to anyone under the age of 21 is prohibited.
3. The possession or consumption of alcoholic beverages in any public area is prohibited unless permission has been granted for students over 21 years of age for a social event by the Office of Student Life, Department of Safety and Security and Director of Student Activities. Public areas include, but are not limited to, athletic facilities, campus grounds, academic buildings, and common lounge areas.
4. Use or possession of alcoholic beverages by any student, regardless of age, in any residential facility designated as alcohol free by the Dean of Students is prohibited; including those designated as housing freshmen.
5. Persons aged 21 and over are permitted to possess and consume alcoholic beverages in moderation and in the privacy of their individual rooms or apartments, if in buildings NOT designated as alcohol-free. Students may be permitted to have in their possession, a maximum amount of one six pack or less of beer or four bottles of wine coolers per person for personal consumption.
6. The purchase or use of a bulk quantity of alcoholic beverages, except when purchased from, supplied and staffed by licensed third party vendors, is prohibited in any facility. Bulk quantity is defined as kegs, pony kegs, beer balls, or cases. Any quantity of beer or wine coolers in excess of the amount stated in previous guideline is considered a bulk quantity.
7. Excessive Drinking, on-campus or off-campus, is considered irresponsible use of alcohol and a violation of the College's alcohol policies. *Excessive drinking* includes, but is not limited to, intoxication, binge drinking, drinking games (such as beer pong, flip cup, beer bongs, funnels, etc.), and drinking to the point of physical illness or incapacitation.
8. Students are not permitted to display alcohol-related paraphernalia in plain view (empty bottles, signs, etc.) at any time. Alcoholic beverage containers of any kind should not be in view of the public. Violations of this regulation may result in disciplinary action to the housing unit and/or the individuals involved.
9. Serving, possessing, or consuming hard liquor or grain alcohol is strictly forbidden.
10. Alcoholic beverages (beer or wine only) may be served at social events, only through third party vendors, approved by the Office of Student Life. The officers of a student

organization sponsoring a social event where alcoholic beverages are to be served are required to sign a statement accepting full responsibility for compliance with the laws of the State of West Virginia and with Bethany College policies. Registration forms for events and guidelines for parties are available in the Office of Student Life and at <http://www.bethanywv.edu/students/event-planning/>.

11. Students and student organizations are responsible for the conduct of their guests and for compliance with State law and College policy.
12. Violations of the alcohol policy will result in student disciplinary action and/or legal action.

#### **2.2.2.2 Alcohol Amnesty Policy**

Student health and safety are of primary concern at Bethany College. As such, in cases of intoxication, alcohol poisoning, or other drug-related medical emergencies, Bethany encourages individuals to seek medical assistance for themselves or others.

1. Students who seek emergency medical attention for themselves related to consumption of drugs or alcohol will not be charged with violations of the Bethany College Code of Student Conduct related to that consumption provided that the student subsequently completes an assessment and any recommended treatment from the Dean of Students, Director of Student Engagement and Responsibility, the Counseling Services Office, or their designee within 15 business days. Failure to complete this assessment may result in charges being filed.
2. Students who seek emergency medical attention for someone else will not be charged with violations of the Bethany College Code of Student Conduct related to consumption of alcohol or drugs, provided that the student subsequently completes an educational task provided by Dean of Students, Director of Student Engagement and Responsibility, the Counseling Services Office, or their designee within 15 business days. Failure to complete this task may result in charges being filed.

This Policy applies only to those students who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by College employees (e.g., Campus Security, Residential Life Staff, and College Administrators).

This Medical Amnesty Policy does not excuse or protect students who repeatedly violate the College's Code of Student Conduct. In cases where repetitive violations of the College's Code of Student Conduct occur, Bethany College reserves the right to take judicial action on a case-by-case basis regardless of the manner in which the incident was reported. Additionally, the College reserves the right to adjudicate any case in which the violations are flagrant violations of the Code of Student Conduct.

The Dean of Students, Director of Student Engagement and Responsibility, or their designee reserves the right to contact any student to discuss an incident whether or not the Amnesty Policy is in effect.

Bethany College reserves the right to notify parents as per The Parental Notification Policy found in the Code of Student Conduct.

#### **2.2.2.3 Illegal Drug Policy**

1. It is illegal for anyone of any age to possess, use, or distribute illicit drugs.
2. Possession of prescription drugs by those other than the named prescription holder is prohibited.
3. Distribution of prescription drugs to anyone other than the named prescription holder is prohibited.
4. Possession with intent to distribute will result in immediate expulsion from Bethany College.
5. Possession and/or consumption will result in immediate suspension for at least one semester from Bethany College.
6. Possession of drug paraphernalia is prohibited and will result in student disciplinary action and/or legal action.
7. Violations of the Illegal Drug Policy will result in student disciplinary action and/or legal action.

#### **2.2.2.4 Employee Drug and Alcohol Policies**

Bethany College is committed to providing a safe, healthy, and efficient working environment for all employees. To help achieve this goal, employees are prohibited from:

1. Possessing, distributing, selling, manufacturing, or being under the influence of any illegal substance;
2. Consuming alcoholic beverages while on College premises (except at a College function where the alcohol is provided by the College), in College vehicles, or bringing alcohol to work [unless specifically approved]; and
3. Abusing prescription drugs or possessing prescription drugs that have not been properly prescribed for the employee by a physician.

Use of drugs may be detectable for several days or weeks, or even longer. Detection of such drugs or the presence of alcohol is considered being “under the influence.” Refusal to submit to a drug and/or alcohol screen upon the College’s lawful request is grounds for immediate termination.

Employees using prescription drugs according to a physician's instructions or using over-the-counter drugs for medicinal purposes shall, in the event such drugs may impair their physical, mental, emotional, or other faculties, notify the Director of Human Resources.

The College's substance abuse program includes several components to support its efforts to remain drug-free, including:

1. Supervisory training;
2. Employee awareness program;
3. Drug testing for accidents involving injury and/or property damage; and
4. Drug testing when a supervisor reasonably suspects that an employee is "under the influence" during working hours.

All information related to drug and/or alcohol screening is to be kept strictly confidential. The information will be kept in each employee's medical file, which is maintained separately from the employee's personnel file. These medical files will be kept locked and secured, and access will be limited to the Human Resources Department. Under no circumstances shall the results of a drug and/or alcohol screen be discussed with individuals who do not have a work-related need to know.

If employees are involved in an accident during working hours causing damage to property or which requires medical attention away from the premises, they may be screened to determine whether they test positive for drugs and/or alcohol.

If a supervisor suspects that an individual is at work and under the influence of alcohol and/or drugs, the supervisor shall notify the Director of Human Resources and/or an officer of the College to seek authorization to test the employee. The supervisor will be granted permission to have the employee tested if sufficient objective symptoms exist to indicate the employee may be under the influence of drugs and/or alcohol.

While the College does not condone the abuse of alcohol, prescription drugs, and/or use of illegal drugs, Bethany College does recognize that addiction to drugs and/or alcohol can be treated. If an employee recognizes a personal addiction or abuse problem and seeks assistance from the College in advance of detection, the organization will assist the employee in seeking treatment. The confidential nature of the employee's counseling and rehabilitation for drug and/or alcohol abuse will be preserved.

### **2.2.3 Exposure to Blood Borne Pathogens Policies**

#### **2.2.3.1 Infection Risk Exposure Control Plan**

In accordance with the Occupational Safety and Health Administration's (OSHA) federal standard for Blood Borne Pathogens, those members of the campus community identified at high risk for the transmission of infectious disease include some department heads, members of the Physical Plant, Athletic Department, the Wellness Center, the Department of Safety and Security, and Student Life.

These members of the campus community must comply with all segments of this policy. Failure to do so may result in discipline leading up to and including dismissal.

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

#### **2.2.3.1.1 Labeling**

Warning labels shall be attached to containers of regulated waste; refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials.

Labels required by this section shall include the biohazard legend. Red bags or containers may be substituted for labels where appropriate. Red bags or labeled waste must be disposed of in accordance with applicable regulations.

#### **2.2.3.1.2 Hazard Control**

All identified members of the campus community must take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments after use in procedures. To prevent needle stick injuries, needles will not be recapped, purposely bent or broken by hand. After they are used, disposable syringes and needles, scalpel blades, and other sharp items must be placed in puncture resistant containers for disposal. The puncture resistant containers shall be located as close as practical to the use area. Observe containers regularly and replace when full.

Eating and drinking are not allowed in areas where there is a reasonable likelihood of occupational exposure to blood or body fluids. Each immediate supervisor shall designate work areas and eating areas.

#### **2.2.3.1.3 Personal Protective Equipment**

The employer shall clean, launder and dispose of equipment at no cost to the employee.

#### **2.2.3.1.4 Disposable Gloves (Single Use)**

Replace when torn, punctured or contaminated. Replace when their ability to function as a barrier is compromised. Do not wash or decontaminate for reuse.

#### **2.2.3.1.5 Masks, Eye Protection and Face Shields**

Wear combination of masks with eye protection devices whenever splashes, spray, splatters or droplets of blood or other potentially infectious materials may be generated.

#### **2.2.3.1.6 Gowns, Aprons, Protective Body Clothing**

Wear in occupational exposure situations. The type and characteristic depends upon the task and degree of exposure anticipated.

#### **2.2.3.1.7 Cleaning Schedule**

All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

Contaminated work surfaces shall be immediately decontaminated with an appropriate disinfectant after completion of procedures, or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious material and at the end of the work shift if the surface may have been contaminated since the last cleaning.

All bins, pails, cans and similar receptacles intended for reuse, which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated immediately or as soon as feasible upon visible contamination.

Broken glassware that may be contaminated shall not be picked up directly with the hand. It shall be cleaned up using mechanical means, such as brush and dustpan, tongs or forceps.

#### **2.2.3.2 Signs and Labels**

Warning labels shall be affixed to containers of infectious waste to assure that members of the campus community are aware that hazardous materials are in or near the work area.

#### **2.2.3.3 Post-Exposure Procedures**

Immediate response procedures for Exposure to Blood or Bodily Fluids are set forth as Appendix A. Students having direct exposure to blood or bodily fluids must report the incident immediately to the Safety and Security Department.

The College must establish and maintain confidential, accurate records for each member of the campus community with regards to exposure.

If an employee of the College reports an exposure incident (specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that resulted from the performance of job duties), the following are to be provided free of charge: a confidential post-exposure medical evaluation, medical follow-up, including post exposure prophylaxis, and counseling.

The College must provide, for the collection of the blood to establish HBV and HIV, serological status from the exposed member of the campus community and, if applicable, the source individual. (The person may not grant the collection of blood for the HIV testing if so desired. This also applies to the source.)

Documentation of the exposure incident and medical records must be developed.

##### **2.2.3.3.1 Investigation of the Exposure Incident**

All exposure incidents must be reported by the member of the campus community immediately to the Vice President for Academic Affairs and Dean of the Faculty and the Director of Human Resources.

All exposure incidents will be reported to the supervisor by the investigator at the time of notification.

Information that must be obtained:

1. Type of exposure (blood, mucus, body fluids, vomit);
2. Location of the incident;
3. Time and date of incident exposure;



4. The person that the member of the campus community was exposed to;
5. Safety equipment member of the campus community was wearing at the time of the exposure;
6. Other person(s) who may have been exposed and/or who may have been providing treatment;
7. Date and time reported;
8. Name of person who documented the report of exposure; and
9. Proper disposition of contaminated equipment (laundry or disposal as appropriate).

A copy of the medical evaluation or the exposure results will be sent to the exposed person by the Human Resources Department within 15 days after the completion of the evaluation.

#### **2.2.3.4 Medical Records Maintenance**

Medical Records will be established for each identified person, and the Human Resources Office will retain these records for at least the duration of employment. These records must include the following information:

1. Employee's name and social security number;
2. Record of hepatitis B vaccination status, including dates of vaccination or proof declination; and
3. A copy of all results of medical exams, testing, etc. done in connection with post-exposure follow-up.

The medical record is strictly confidential and cannot be disclosed or reported without the express written consent of the person to which the report pertains.

#### **2.2.3.5 Training Records Maintenance**

Training records shall be maintained by the Director of Human Resources for three years from the date on which the training occurred, and contain the following information:

1. Dates of training sessions;
2. A summary outline of the contents of the session;
3. The names and qualifications of persons conducting the sessions; and
4. The names and job titles of all persons attending.

#### **2.2.4 Hazard Communication**

The Employee Right to Know Act of 1983 defines handling procedures for working with and handling hazardous and toxic chemicals. The College complies with the provisions of the Act. A copy of the Act in its entirety may be obtained from the Human Resources Department. The following summarizes the provisions of the Act:

1. Provides for occupational safety and health;
2. Defines hazardous substance;

3. Defines harmful physical agent;
4. Requires employers using hazardous substances and harmful physical agents to provide employees with certain training information;
5. Requires that hazardous substances and harmful physical agents must be labeled under certain circumstances;
6. Creates a right to refuse work under conditions violating any applicable State Occupational Safety and Health Act;
7. Creates a right to refuse to work with a hazardous substance or harmful physical agent under certain conditions; and
8. Provides penalties.

Please consult with the Human Resources Department for additional information.

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

The College complies with all laws that govern employee and students' medical records, their review and their dissemination. For a copy of the College's entire HIPAA policy, please visit the College's website at: <http://www.bethanywv.edu/files/3813/8142/8861/6344HIPAApolicy.pdf>

Bethany College will not require individuals to waive their health privacy rights as a condition for treatment, payment, enrollment in the health plan, and/ or eligibility for benefits.

Bethany College will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against an individual for exercising health privacy rights.

### **2.2.6 Hepatitis B Vaccine (HBV)**

Hepatitis B Vaccine (HBV) vaccinations will be offered on a voluntary basis to all identified persons. These vaccinations will be offered free of charge by the College.

Education will be provided to inform identified persons about the Hepatitis B Vaccine and how it can protect their health.

Each person will be required to sign an informed consent form prior to receiving the vaccination as provided in Appendix B. Identified individuals who refuse the vaccine will be required to sign the declination set forth at the end of Appendix B.

The person will receive a schedule for follow-up injections at one month and six months. A reminder will be sent before each scheduled injection. It is each individual's responsibility to report for the injection.

Additional information regarding the Hepatitis B vaccine is set forth in Appendix B.

### **2.2.7 Serious Disease**

Employees, faculty, or students with infectious, long-term, life-threatening, or other serious diseases may continue their work or attendance at the College as long as they are physically and mentally able to perform the duties of their job or meet their academic responsibilities without undue risk to their own health or the health of other employees or students.

Serious diseases for the purposes of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus (HIV), and acquired immune deficiency syndrome (AIDS). The College will support, where feasible and practical, educational programs to enhance employee and student awareness and understanding of serious diseases.

The mere diagnosis of HIV, AIDS, , or AIDS virus antibodies, or any other serious communicable disease is not, in itself, sufficient basis for imposing limitations, exclusions or dismissal. Harassment of individuals with or suspected of being infected with any disease is not acceptable behavior at the College and will be strictly censored. The diagnosis of the condition, as any other medical information, is confidential.

In working with faculty, employees or students diagnosed with HIV, AIDS or any other serious communicable disease, the College will proceed on a case-by-case basis. With the advice of medical professionals, these factors will be considered:

1. The condition of the person involved and the person's ability to perform job duties or academic responsibilities;
2. The probability of infection of co-worker's or other members of the College community based on the expected interaction of the person in the College setting;
3. The possible consequences to co-workers and other members of the College community, if infected;
4. Possible reasonable accommodations and modifications to the individual's job or other obligations to take account of the condition;
5. Risk to the person's health from remaining on the job or in the College community; and
6. Other appropriate factors.

Any determination with respect to an employee or student will be made following consultation with the affected employee or student, the employee or student's treating physician (if available), and such other persons as need to be involved in such a situation.

Disclosure will take place only if deemed medically advisable and legally permissible. The appropriate Health Department will be informed.

### **2.2.8 Tobacco Use Policy**

The use of tobacco products including, but not limited to cigarettes, cigars, pipes, smokeless tobacco, electronic or e-cigarettes and vaporizers intended to provide nicotine delivery, is prohibited inside any of the College's facilities or vehicles. The use of tobacco products is allowed in designated areas outside any facility. Appropriate signage will be placed at entrances to all buildings advising employees and visitors that Bethany College maintains a tobacco-free environment. Designated tobacco-use areas will be located at least 25 feet away from any building entry way or ventilation intake. This policy relates to all work areas at all times, including before and after normal working hours.

## **2.3 Campus Safety and Security Information and Policies**

The Bethany College Department of Safety and Security exists to provide leadership in the Bethany College community's efforts for a safe and secure environment in which all community

members can live, learn, and work. The Department takes a community-service approach, developing and instituting methods and approaches which enhance the protection of people and property, promote the prevention of crime, and support the enforcement of College policy. A truly safer campus can be achieved only through the combined efforts of students, faculty, and staff. By coordinating the efforts of the College community in cooperation with local law enforcement agencies, the Department of Safety and Security can achieve its commitment to a safer environment.

### **2.3.1 Department of Safety and Security**

The Department of Safety and Security is located in the Cummins Community Center. The Department is open and provides protection and services, 24 hours a day, 365 days a year. The Department is staffed by both full-time and part-time officers. All of the officers are trained in general security practices, standard first aid, and CPR. The Department cooperates with and works closely with the Bethany Police Department and the Brooke County Sheriff's Department, by coordinating any necessary police responses or arrests on campus. All of the officers are radio equipped for an efficient response to community needs. The department has designated patrol vehicles.

#### **2.3.1.1 Community Services**

The Department of Safety and Security is responsible for security and emergency response at Bethany College. It is also responsible for providing support services tailored to the specific needs of the Bethany community. The following are some of these services:

1. Operating the escort service for students and workers from dusk until dawn;
2. Assisting campus motorists who have vehicle lockouts or are in need of jump-starts;
3. Responding to all campus emergencies;
4. Issuing parking permits for students, faculty, and staff;
5. Distributing crime-prevention materials and information;
6. Providing lost and found services;
7. Coordinating the monitoring and testing of all fire prevention, burglary, and panic alarm systems and equipment on campus, (in conjunction with College Physical Plant personnel);
8. Making inspections of buildings and grounds for fire, safety, and security hazards (in conjunction with College Physical Plant and Office of Student Life personnel).

#### **2.3.1.2 Emergency Telephone Numbers**

To report a crime or emergency or to request service, students or employees must call the Department of Safety and Security at 304.830.3924. If for some reason the Department cannot be reached, 9-911 can be called to reach the Brooke County Sheriff's Department dispatch center. (The 9-911 number is for emergencies only).

### **2.3.1.3 Crime Prevention**

The Department of Safety and Security is committed to the prevention of crime and is pro-active in its efforts to prevent any potential problems. Crime prevention services include the following:

1. Responding rapidly to all calls for service and emergencies;
2. Investigating all reported crimes;
3. Cooperating with the Bethany Police Department and Brooke County Sheriff's Department;
4. Offering a wide variety of crime prevention materials through the Campus Safety and Security Office and the Office of Student Life, including drug and alcohol information and personal security brochures; and
5. Sponsoring a variety of crime prevention and personal safety programs with the Office of Student Life, including RA training, personal safety, fire extinguisher training, CPR, and fire drills.

### **2.3.1.4 Crime Reporting (Clery Act)**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, numerous efforts are made to provide members of the Bethany community with timely information about crime occurring on campus and in nearby areas. These efforts include the following:

1. Annual Report: A comprehensive report of crime-related information is compiled and published each year. The most recent Annual Report is published on the College's website ([www.bethanywv.edu](http://www.bethanywv.edu))

#### **2.3.1.4.1 Timely Warning Policy**

In the event that a situation arises, either on or off campus, that, in the judgment of the President or designated Vice President, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through, postings, the college supported e-mail system, and other means of communication deemed necessary by Bethany College.

### **2.3.1.5 Residential Facilities and Access Policies**

The College provides on-campus housing for more than 900 students. Access to residence areas is restricted. Residence Hall Policy requires that exterior doors be locked evening and weekends in all buildings and at all times, except for evening classes, activities, or events authorized by the proper faculty or administrator. All residents are issued a key or key card for personal access. A resident must accompany all guests entering a residence hall. More information on residence options, roommates, and policies and procedures is described in Volume VII, as well as in the Student Handbook which is available in the Student Life Office and on the web at <http://www.bethanywv.edu/students/>.

## 2.3.2 Title IX/Sex Discrimination Policy

### Title IX/Sex Discrimination Policy

*Recommended section within the Policy Manual: 2.3.3 (following 2.3.2, Campus SaVE Act)*

1. **Introduction:** Bethany College, a small college of national distinction, is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's civil rights and personal dignity, as well as the Christian values upon which Alexander Campbell founded the College in 1840. Teaching and learning form the mission of Bethany College, and sex discrimination fundamentally interferes with this mission. Therefore, Bethany College considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.
2. **Title IX Statement on Non-Discrimination:** Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the College has developed policies and procedures that prohibit sex discrimination in all of its forms. Bethany College does not discriminate on the basis of race, color, creed, age, gender, sex, sexual orientation, gender identity, religion, national origin, veteran status, physical or mental disability, genetic information or any other basis of prohibited discrimination in any of its programs and activities.
3. **Jurisdiction:** This policy applies to all members of the Bethany College community, including but not limited to faculty, staff, students, and visitors. Under this policy individuals are deemed to be students from the time they accept the College's offer of admission until one month after the end of the term in which they graduate, withdraw, or are dismissed. This policy will apply to on-campus and off-campus conduct of which the College is made aware. This policy extends to employment with and admission to the College.
4. **Campus Title IX Contact Information:** The following people have been designated to handle inquiries regarding the College's sex-based nondiscrimination policies:

Amber Shipley, Director of Student Conduct/Title IX Coordinator/Section 504 Coordinator  
31 E. Campus Drive, #5, Bethany College, , Bethany, WV 26032  
Office Location: Student Life – Bethany House  
Phone: 304.829.7064  
E-mail: [titleix@Bethanywv.edu](mailto:titleix@Bethanywv.edu)

Helen Brancazio, Director of Human Resources, Deputy Title IX Coordinator  
31 E. Campus Drive, Bethany College, Bethany, WV 26032  
Office Location: Business Affairs – Cramblet Hall

## 5. Definitions

- a. **Sex Discrimination:** Behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex, sexual orientation, gender identity, status as a pregnant or lactating mother, or actual or perceived status in any sex-based category.
  - i. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment, sexual misconduct, failure to provide equal opportunity in education programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.
- b. **Sexual Harassment:** unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the College's learning or working programs and/or activities or creates an intimidating, hostile or offensive learning or working environment. Sexual harassment also includes unwelcome sexual conduct when submission to such conduct is made (explicitly or implicitly) a term or condition of an individual's employment or education; or submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual.
  - i. Sexual harassment can involve people of any sex being harassed by members of any sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.
  - ii. Sexual harassment can be physical, verbal and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.
  - iii. Examples of sexual harassment include, but are not limited to:
    - 1. Promising, directly or indirectly, any campus community member a reward, if the person complies with a sexually oriented request.
    - 2. Threatening, directly or indirectly, retaliation against a campus community member, if the student or employee refuses to comply with a sexually oriented request.
    - 3. Denying, directly or indirectly, any employment or education related opportunity, if the other party refuses to comply with a sexually oriented request.
    - 4. Engaging in sexually suggestive conversations or unwelcome physical contact or touching another campus community member.
    - 5. Displaying pornographic or sexually oriented materials.
    - 6. Engaging in indecent exposure.
    - 7. Making sexual or romantic advances toward a campus community member and persisting despite the other party's rejection of the advances.

8. Physical conduct such as sexual assault, unwelcome touching, or blocking normal movement.
9. Retaliation for making harassment reports or threatening to report harassment.
10. An attempt to coerce an unwilling person into a sexual relationship; being repeatedly subject to 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; and gender-based bullying.

c. **Hostile Environment:** includes any situation in which there is harassing conduct of a sexual nature that is sufficiently severe, pervasive and objectively offensive. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include, but are not limited to:

- i. the frequency of the conduct;
- ii. the nature and severity of the conduct;
- iii. whether the conduct was physically threatening;
- iv. whether the conduct was humiliating;
- v. the effect of the conduct on the alleged victim’s mental or emotional state;
- vi. whether the conduct was directed at more than one person;
- vii. whether the conduct arose in the context of other discriminatory conduct;
- viii. whether the conduct unreasonably interfered with the alleged victim’s educational or work performance;
- ix. whether the statement is a mere utterance or an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
- x. whether the speech or conduct deserves the protections of academic freedom or the 1<sup>st</sup> Amendment.

d. **Sexual Misconduct** is a broad term encompassing any sexual behaviors that violate Bethany College’s Code of Conduct and/or Title IX/Sex Discrimination Policy. In general, any non-consensual physical contact of a sexual nature may constitute Sexual Misconduct. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under College policy. Prohibited conduct under this Sexual Misconduct Policy includes:

- i. **Non-Consensual Sexual Activity:** Intentional contact with the breasts, buttock, 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; any intentional bodily contact in a sexual manner, without consent. Intercourse however slight, meaning vaginal penetration by a penis, object, mouth or finger; anal penetration by a penis, object, mouth, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), without consent.
- ii. **Non-Consensual Sexual Contact:** any intentional sexual touching, however slight with any object or body part, by a man or a woman upon a man or a woman, without consent.
- iii. **Non-Consensual Sexual Intercourse:** any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a man or woman upon a man or a woman, without consent.



1. **Forced Sexual Intercourse:** Unwilling or non-consensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware. Forced sexual intercourse is a type of Non-Consensual Sexual Intercourse where some sort of physical or coercive mental force is used to subdue the victim.
  2. **Coercion:** Unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. 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.
- iv. **Sexual Exploitation:**
1. Occurs when a student 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 the other sexual misconduct offenses.
  2. Examples of sexual exploitation include, but are not limited to: non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting an STD or HIV to another, invasion of sexual privacy, and exposing one's genitals in non-consensual circumstances.
- v. **Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state.
- vi. **Dating Violence:** Dating violence is violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.
- vii. **Stalking:** defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear for his or her safety or the safety of others; or to suffer substantial emotional distress. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site, as well as physical stalking.
- viii. **Prostitution:** is defined as the business of engaging in sexual relations for payment or some other benefit. Prostitution of any member of the Bethany College community is in violation of this policy.
- ix. **Human Trafficking:** is the trade of humans most commonly for the purpose of forced labor, sexual slavery, or commercial sexual exploitation. Members of the Bethany College community shall not engage in human trafficking.

- x. **Threats:** Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a sex-based protected class.
  - xi. **Intimidation:** defined as implied threats or acts that cause an unreasonable fear of harm in another of actual or perceived membership in a sex-based protected class.
  - xii. **Hazing:** defined as any planned/executed action or activity by or against an active member, associate member, new member, pledge or potential member of an organization or group that inflicts physical or mental harm, distress, anxiety, or which may demean, degrade, embarrass or disgrace any person, regardless of location, consent or intention of participants, is prohibited. Examples of hazing include but are not limited to forced consumption of food, alcohol, drugs or any other substance, forced physical activity, deprivation of food or sleep, and physical acts such as hitting, branding or paddling. Students may not imply that a person be shunned, removed, or unable to join/participate in the maintenance, affiliation or initiation of membership for failing to partake in any form of a hazing activity. Any actions or situations that intentionally or unintentionally endanger a student who is attempting admission into or affiliating with any student organization is prohibited. Hazing is also prohibited under West Virginia law. Hazing that falls outside this policy (i.e., is not based on membership in a protected sex-based class) may nonetheless violate other College policies.
  - xiii. **Bullying:** defined as repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a sex-based protected class. Bullying that falls outside this policy (i.e., is not based on membership in a sex-based protected class) may nonetheless violate other College policies.
- e. **Retaliation:** is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection with the making and investigation of the reported violation.
- i. Bethany College strictly prohibits retaliation against any person for, in good faith, using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving alleged violations of this policy. Bethany will take steps to prevent retaliation and will also take strong responsive action if the College finds that retaliation has occurred, up to and including termination of employment or expulsion from school.
- f. **Effective Consent:** Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct. Effective consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter. Effective consent is active, not passive. Effective consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable.
- i. **Silence and consent:** Silence, in and of itself, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure

they understand fully what the person with whom they are involved wants and does not want sexually.

- ii. **Transferability of consent:** Effective consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or consent do not imply consent to future sexual acts.
- iii. **Consent and force:** Effective consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion
- iv. **Inability to consent:** Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol. If you have sexual activity with someone you know to be--or should know to be--mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because he or she lacks the ability to understand the “who”, “what”, “when”, “where”, “why” or “how” of his or her sexual interaction.
- v. **Consent and drugs/alcohol:** This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. 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 for the purpose of inducing incapacity is a violation of this policy. Administering alcohol to another person for the purpose of inducing incapacity, even if the person is of legal drinking age, is also a violation of this policy. Use of alcohol or drugs will never function as a defense to a violation of this policy. The initiator of sexual activity is responsible for obtaining consent from his or her sexual partner(s), regardless of the initiator’s own incapacity.

g. **Consensual Relationships** (NOTE: currently Bethany Policy, section 2.1.3)

The potential for abuse or the appearance of abuse and the inherent differential in authority prompt the College to prohibit any faculty member or employee of the College from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student of either gender currently enrolled at Bethany College

Likewise, the potential for abuse or the appearance of abuse and the inherent differential in authority prompt the College to prohibit any member of the College community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee of either gender who that person supervises or evaluates in any way.

It should be noted that exceptions to any of these prohibitions will be considered by the Vice President for Academic Affairs and Dean of the Faculty or the Vice President for Finance on a limited, case-by-case basis. If you have questions about the applications or effect of this policy to an existing or potential relationship, it is your duty to consult with the Vice President for Academic Affairs and Dean of the Faculty or the Vice President for Finance.

In keeping with this policy, if charges of sexual harassment are made, the existence of a consensual relationship in any of the contexts stated above shall not be a defense in any proceeding resulting from such charges.

Individuals who violate this provision are subject to the range of discipline listed in this policy.

This policy is in addition to existing College rules and regulations and does not alter or modify any existing policy.

- h. **Complainant:** the person or entity bringing the allegations that this policy has been violated.
- i. **Respondent:** the person or entity accused of violating this policy.
- j. **Mandated Reporter:** ALL Bethany College employees except the College Counselor, College Chaplain, and staff of Student Health. Student Health is defined as the doctors and nurses who work in the Robert C. Byrd Wellness Center.
- k. **Title IX Team:** Bethany College's Title IX Team consists of the Title IX Coordinator and all deputy Title IX Coordinators. The Title IX Coordinator may appoint a designated investigator for specific cases as needed so long as the investigator is appropriately trained.
- l. **Title IX Coordinator:** The designated College employee responsible for overseeing all aspects of Title IX compliance. Bethany College's Title IX Coordinator has authority to:
  - i. Accept all complaints and referrals from all students, staff, faculty, and other members of the campus community;
  - ii. Keep accurate records of Title IX complaints and referrals;
  - iii. Conduct investigations to the level required under DOE regulations; or appoint an investigator with appropriate experience and training to conduct investigations with oversight from the Coordinator. The designated investigator does not have to be an employee of the College.
  - iv. Make findings of fact;
  - v. Identify specific corrective measures to stop, remediate, and prevent sex discrimination including sexual harassment and other sexual misconduct;
  - vi. Make recommendations for corrective measures including training, counseling and/or discipline, when appropriate;
  - vii. Refer any recommendation for discipline to Human Resources and the Office of Student Life for implementation in accordance with College policy;
  - viii. Oversee implementation of corrective measures, which may include follow-up to ensure that appropriate action was taken to complete the recommended actions;

- ix. Require a College administrator responsible for taking corrective action who decides not to adopt a recommendation of the Title IX Coordinator to explain this decision in writing;
- x. If the Title IX Coordinator determines that the reasons offered by a College administrator for not adopting a recommendation for corrective and/or protective action are insufficient, he or she shall bring the matter to the attention of the Chief Advancement Officer. The Chief Advancement Officer, in consultation with the Title IX Coordinator and the General Counsel, and with the support of the President shall direct the administrator to take appropriate corrective measures to ensure that discrimination is prevented from recurring and its effects on the complainant and others are remedied.

## **6. Guidance on Taking Immediate Action**

- a. Tell a trusted person about the incident. If it is an emergency situation please call 911. If the call is from an on-campus phone dial 9-911.
- b. Students, please be aware that most employees, including residence hall assistants, have a legal obligation to report any incidents of sexual misconduct to the Title IX Coordinator. To ensure campus safety, the Title IX Coordinator has a legal obligation to investigate all such reports unless a student asks that his/her name not be disclosed to the alleged perpetrator and/or that no investigation or disciplinary action be pursued to address the alleged sexual misconduct. In such cases, the Title IX Coordinator will inform the student that honoring the request may limit the College's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. If a student still requests that his or her name not be disclosed to the alleged perpetrator or that the College not investigate or seek action against the alleged perpetrator, the Title IX Coordinator will determine whether or not the College can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the incident of alleged sexual violence.
- c. On-campus phone numbers:
  - i. Campus Safety & Security: 304.829.7744
  - ii. Student Life On Call (staffed around the clock when classes are in session): 304.830.3933
  - iii. Title IX Coordinator Malorie Porter: 304.829.7064
  - iv. Deputy Title IX Coordinator Douglas McConahy: 304.829.7131
  - v. Campus Health & Wellness Center: 304.829.7567
- d. Strictly confidential on-campus phone numbers:
  - i. Counseling Center: 304.829.7572
  - ii. College Chaplain Scott Thayer: 304.829.7137
  - iii. Student Health: 304.829.7567
- e. Off-campus phone numbers:
  - i. Emergencies: 911 (from an on-campus phone, dial 9-911)
- f. Strictly confidential off-campus phone numbers:
  - i. Sexual Assault Help Center (Wheeling, WV): 304.234.8519
  - ii. National Sexual Assault Hotline: 1.800.656.HOPE (1.800.656.4673)
- g. In the event that the incident was one of sexual violence, do everything possible to preserve evidence by making certain that the crime-scene is not disturbed. The

decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future. Victims should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bring all the original clothing to the hospital in a paper bag, as plastic bags may damage the evidence.

- h. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Some area hospitals include, but are not limited to:
  - i. Wheeling Hospital – 16.5 miles from Bethany College  
1 Medical Park  
Wheeling, WV 26003  
304.243.3000
  - ii. Ohio Valley Medical Center – 17.5 miles from Bethany College  
2000 Eoff Street  
Wheeling, WV 26003  
304.234.0123
  - iii. Weirton Medical Center – 20.5 miles from Bethany College  
601 Colliers Way  
Weirton, WV 26062  
304.797.6000
  - iv. Washington Hospital – 22.5 miles from Bethany College  
155 Wilson Ave  
Washington, PA 15301  
724.225.7000
- i. An advocate from the Sexual Assault Help Center, located in Wheeling, WV, can offer support at the hospital. However, survivors must ask for the advocate at the hospital. People under the age of eighteen should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.
- j. Victims may choose whether or not to speak to the police at the hospital. If they do, the option to choose whether to file charges against the accused still exists.
- k. Private physicians are not required to notify the police. If a victim desires police involvement, they may request this contact. Also, with a private physician, victims may have to ask for a rape kit to be completed. Please keep in mind: having a rape exam does not mean that victims are mandated to press charges. This action only keeps the victim's options open.

## 7. Reporting

- a. **Guidance on Reporting:** Bethany College encourages those who have experienced any violation of this Policy to report the incident promptly, to seek all available assistance, and to pursue College conduct charges and criminal prosecution of the offender. The College takes complaints very seriously and will work with victims to ensure their safety and to remedy the situation.
- b. **Contact Information for Reporting:** The College encourages those who have experienced sex discrimination, sexual misconduct or other violations of this policy to report these offenses. People who wish to make a report or who are mandated reporters should contact one of the following:

Amber Shipley, Director of Student Conduct/Title IX Coordinator/Section 504 Coordinator

31 E. Campus Drive, #5, Bethany College, Bethany, WV 26032

Office Location: Student Life – Bethany House

Phone: 304.829.7064

E-mail: [titleix@Bethanywv.edu](mailto:titleix@Bethanywv.edu)

Helen Brancazio, Director of Human Resources, Deputy Title IX Coordinator

31 E. Campus Drive, Bethany College, Bethany, WV 26032

Office Location: Business Affairs – Cramblet Hall

Phone: 304.829.7131

Email: [titleix@bethanywv.edu](mailto:titleix@bethanywv.edu)

**c. What to expect when you make a report:**

- i. **Initial report:** The Title IX Coordinator can assist with all aspects of the reporting procedure and will conduct an investigation into a complaint. Employees of the College can also make an initial report to their immediate supervisor who must report it to a member of the Title IX Coordinator. The Title IX Coordinator can also assist victims with contacting law enforcement.
- ii. **Alternate Reporting Options:** If for any reason the complainant is unable or unwilling to report the matter to a Title IX Coordinator member, he/she may report the matter to the Vice President for Academic Affairs, the Dean of Student Life, or the President of the College.
- iii. **Violations On and Off Campus:** The Title IX Coordinator shall take action when the policy is violated on campus or off campus if the effect of the off campus violation is pervasive to the point of affecting the on-campus educational environment.
- iv. **Title IX Coordinator Responsible for Oversight:** In some circumstances, investigation and disposition of complaints may be referred to other offices within the College, such as College Human Resources or the Office of Student Life. However, ultimate oversight remains with the Title IX Coordinator to coordinate and ensure the College's compliance with Title IX. To assure College-wide compliance with this policy and with federal and state law, the Title IX Coordinator must be advised of all reported incidents of discrimination or sexual misconduct and their resolution, regardless of where the complaint is brought, investigated, or resolved. The Title IX Coordinator will monitor and coordinate the resolution of complaints by other offices with concurrent jurisdiction over Title IX discrimination or sexual misconduct.

**8. Confidentiality**

- a. **Mandated Reporters:** Those who have experienced sex discrimination should know that all College employees (Resident Assistants, Campus Safety, faculty members, staff members, etc.) excluding licensed professionals from the College Counseling Center, the professionals in Campus Ministry, and staff of Student Health must report known violations of this policy to the Title IX Coordinator, either directly or

through Campus Safety. Licensed professionals in Counseling, Student Health and Ministry are NOT mandated reporters and therefore are the only absolutely confidential resources. All other college employees are mandated reporters, and cannot keep your identity anonymous.

- b. **Commitment to Campus Safety:** In some cases, the Title IX Coordinator may not be able to honor a victim's request to not pursue student conduct charges against an alleged respondent. The Title IX Coordinator is responsible for determining if an ongoing threat to campus safety and security exists and if so the Coordinator may pursue charges against the alleged respondent without the cooperation or participation of the original complainant.
- c. **Anonymous Reporting:** If you would like to report an incident or speak to someone about an incident and you desire that details of the incident be kept strictly confidential, you should speak with staff members of the Counseling Center, Student Health, the Campus Chaplain, or off-campus rape crisis resources, who will maintain confidentiality to the extent permitted by law. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak on and off campus with clergy and chaplains, who will also keep reports made to them confidential to the extent permitted by law.
- d. **Limited Response for Anonymous Reporting:** If a person wishes to make a complaint anonymously, the College's ability to respond will be limited. Additionally, if the victim does not wish to proceed, an investigation will not follow unless the Title IX Coordinator determines that the safety of the College community or legal compliance is jeopardized.
- e. **All Reports Treated with Discretion:** All inquiries, complaints, and investigations are treated with discretion. Information is revealed only as law and policy permit or require. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged sex discrimination or retaliation is strictly prohibited and may be considered a violation of College policy. FERPA also protects student's records by restricting the amount of people who have access to Title IX investigative materials and/or records.

## 9. Complaint Intake

- a. **Gatekeeping:** The scope of the investigation will be at the discretion of the Title IX Coordinator or the Coordinator shall appoint an appropriately trained designee to handle the investigation. An investigation will be started within seven (7) calendar days of the initial reporting. The initial investigation will be in the form of an inquiry or review to determine if the complaint on its face alleges a policy violation, and if so, what policy violations should be alleged as part of the complaint. If the complaint does allege a possible violation, the complainant and respondent (if known) will be notified in writing of the next steps. If the complaint does not allege a policy violation, the case will be closed with no further action and the complainant and respondent (if known) will be notified in writing.

## 10. Interim Measures

- a. **Timing of interim measures:** At any time after receiving notice of a possible policy violation, the College reserves the right to impose interim measures intended to promote the safety and well-being of its campus community.



- b. **Interim measures for students:** When necessary to preserve a safe academic environment the College may provide certain protections or remedies for the parties. When the victim and the accused student participate in the same courses, reside in the same College residence or in proximity to one another, or participate in the same activities (i.e., sports teams) victims may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the Dean of Student Life or a designee. The Dean of Student Life will consult with the Vice President for Academic Affairs in making a determination regarding an alternative classroom assignment(s) for the accused student and/or the complainant. The Dean of Students will consult with the Director of Residence Life in making a determination regarding an alternative housing assignment. When a victim makes a report and the accused party works in the same department or area, alternative work assignments may be made by the appropriate administrator upon request by the employee filing the complaint.
- c. **Interim measures for employees:** At the recommendation of the Title IX Coordinator, the head of an employee's department shall consult with the Director of Human Resources to determine if any interim measures are necessary and if so, how they shall be implemented.
- d. **Interim suspension:** The College reserves the right to bar accused parties from campus pending a hearing.

## 11. Cooperation with Law Enforcement

- a. **Acceptable Delay:** The College will comply with law enforcement request for cooperation and such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The College will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three (3) to ten (10) calendar days, although the delay in the College's investigation may be longer in certain instances.
- b. **Interim Protections during Law Enforcement Investigation:** The College will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and for the avoidance of retaliation.

## 12. Investigatory Team

- a. **Composition of Investigatory Team:** The investigatory team for student, employee, faculty and visitor cases may include one or more of the members of the Title IX Team. Any real or perceived conflict of interest between an investigator and a party must be disclosed to the Title IX Coordinator and the Dean of Students if it is a student case, or the Vice President for Academic Affairs if it is an employee/faculty case. Whether an investigator with a real or perceived conflict of interest can nonetheless serve on an investigatory team will be assessed on a case-by-case basis.
- b. **Student Cases:** In cases where students are accused of a policy violation, the investigatory team is tasked with recommending whether and what further action by the student conduct system, including a hearing before a Conduct official, is warranted. The investigatory team creates the case file, which includes a written investigatory report, to be used by the Conduct official. Students will not be permitted to submit information (e.g. testimony, witness lists, physical evidence, etc.)

to the Conduct official unless it was first presented to the investigatory team. The investigatory team determines, whether viewing the facts in a light most favorable to the complainant, probable cause exists to believe a policy has been violated. The investigatory team may dismiss cases at this gatekeeping stage if there is no probable cause.

- c. **Non-Student Cases:** In cases in which persons other than students (i.e. faculty, staff, visitors, etc.) are accused of a policy violation, the investigatory team serves as both the investigatory body and the finder of fact. It is tasked with investigating the complaint, preparing a written investigatory report, making findings of fact, determining if College policy has been violated and if so, recommending suitable action to appropriate College officials including the Vice President for Academic Affairs. Ultimately it is up to that respective official to determine if and how to implement the investigatory team's recommendation. Should a member of the Title IX Team be the subject of an investigation, another member of the Title IX Team shall be in charge of the investigation and the record retention. The Title IX Coordinator may also appoint an investigator not affiliated with the College so long as that investigator has appropriate experience and training.

### 13. Informal Procedure

- a. **Appropriate Applications of Informal Procedure:** Some complaints of sex discrimination can be resolved through informal mediation between the parties. Informal resolution procedures are optional and may be used with the agreement of the involved parties when the College determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.
- b. **Initial Response Deadline:** Once a report of sex discrimination has been made, informal resolution procedures will be pursued within seven (7) calendar days of the initial report, if such informal resolution is appropriate and acceptable to the complainant(s) and respondent(s).
- c. **Mediation through Information Resolution:** Informal resolution is the mediation of the issue between the two parties conducted by the Dean of Students for Student Cases and the Vice President for Academic Affairs in all other cases. Each party will have the opportunity to attend the mediation to advocate for their desired outcome.
- d. **Prevention of Recurrence:** The College shall take reasonable steps to prevent the recurrence of sex discrimination in any form. If such recurrence takes place, those responsible for such behavior may be subject to actions in accordance with College policy.
- e. **Victim Sensitive Remedies:** The College will take all necessary steps to remedy the discriminatory effects on the victim(s) and others. Examples of such victim sensitive remedies may include: order of no contact, residence hall relocation, adjustment of schedule, etc. These remedies may be applied to one, both, or multiple parties involved.
- f. **Written Notice of Outcome Deadline:** Written notice of the outcome of this process shall be given to the parties involved by the Title IX Coordinator or designee within three (3) days of the outcome.
- g. **Right to Pursue Formal Procedure:** If either the complainant or respondent are unsatisfied at any time with the informal procedure, the formal resolution procedure may be pursued.

#### 14. Formal Procedure

- a. **Initial Response Deadline:** Once a complaint of sex discrimination is made, an investigation of the report shall be pursued within seven (7) calendar days.
- b. **Investigation Format:** The investigation will include interviews with the parties and witnesses, if available.
- c. **Witnesses' Role:** Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are encouraged to maintain confidentiality so as to protect the integrity of the investigation; however, this request is not meant to impinge on any legal rights they may have otherwise.
- d. **Written Notification of Charge:** The respondent shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. The complainant shall be provided with a copy of the written response provided by the respondent, if any, or otherwise informed of the substance of the response to the allegations.
- e. **Choice to Limit Participation:** A complainant or respondent may choose not to participate at all in the investigation or to provide a written statement in lieu of or in addition to any interview with investigators. However, it is important to note that any decision by a party to not participate or to limit participation in turn limits the ability of the College to discover facts that may support his or her version of the key events.
- f. **Support Person:** Complainants and respondents may be accompanied by one support person during any meeting with investigators. The support person cannot be someone who may be called as a witness.
- g. **Submitting Evidence in Advance:** Complainants and respondents must submit any evidence they wish to be considered by the Conduct official within the timeframe requested by the designated investigator.
- h. **Preponderance of Evidence Standard:** The standard used for determining accountability will be the preponderance of evidence standard, which means whether it is more likely than not that the respondent has violated the policy.

#### 15. Disposition

- a. **Final Report:** At the conclusion of the investigation, the investigatory team will prepare a report. The investigator shall meet with either the Dean of Students for student cases or the Vice President for Academic Affairs for faculty and staff cases and issue a recommendation based on the evidence and report. The report may be used at Conduct Hearing as evidence in student cases. It may also be used by the Vice President for Academic Affairs in determining disposition in all other cases.
- b. **Executive Summary:** The report will include a statement of the allegations and issues, a description of the applicable standards, and a summary of the information collected. Both complainant and respondent will have access to the executive summary section of the report upon request.
- c. **Student Case Disposition:** In student cases, the Dean of Students will hold a Conduct Hearing to determine whether a policy has been violated and if so what the remedy or sanction shall be. The Conduct Hearing shall be presided over by a single Conduct Officer, who will review the investigator's final report and meet with the victim and the accused before issuing a finding and sanctions. The Title IX Coordinator shall then inform both the victim and accused of the outcome of said

hearing. These hearings differ from conduct panels offered for other conduct violations.

- d. **Non-Student Case Disposition:** In all other cases, the investigative team shall make a finding of fact to determine if a policy has been violated. Also, the investigative team will also make recommendations on possible remedies. However, the final decision will be made by the Dean of Students for student cases and the Vice President for Academic Affairs for all other cases
- e. **Alternative Testimony Options:** For student conduct complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options may be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.
- f. **Limited Admissibility of Past Sexual History:** The past sexual history or sexual character of a party will not be admissible in hearings unless such information is determined to be highly relevant by the Conduct Officer. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance by the investigating member of the Title IX Team. While previous conduct violations by the accused party are not generally admissible as information about the present alleged violation, it may be considered only if any of these conditions exist:
  - i. The accused was previously found to be responsible for a policy violation.
  - ii. The previous incident was substantially similar to the present allegation;
  - iii. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.
- g. **Written Notification of Finding and Sanction Deadline:** At the conclusion of the process, the College will provide written notification to the parties involved of the outcome within five (5) calendar days.
- h. **60-Day Deadline:** Barring special circumstances, all findings shall be rendered within sixty (60) days from the time the College was put on notice on an alleged violation of this policy.

## 16. Sanctions

- a. **Sanctions Will Match Offenses in Severity:** Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions, sanctions available per offense are listed below.
- b. **Sanction for Non-Consensual Sexual Intercourse:** Where the conduct is non-consensual sexual intercourse and the finding is responsible the sanctions available are available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion for students; for faculty and staff sanctions can include demotion, salary reduction, mandatory leave, and other options up to and including termination.

- c. Sanction for Dating or Domestic Violence:** In student cases, where the conduct is dating or domestic violence and the finding is responsible, the sanctions available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion. In all other cases, including those involving faculty and staff, where the conduct is dating or domestic violence and the finding is responsible, available sanctions include disciplinary warning, demotion, salary reduction, conduct referral, mandatory leave, disciplinary suspension and or termination.
- d. Sanction for Stalking:** In student cases, where the conduct is stalking and the finding is responsible, the sanctions available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion. In all other cases, including those involving faculty and staff, where the conduct is stalking and the finding is responsible, available sanctions include disciplinary warning, demotion, salary reduction, conduct referral, mandatory leave, disciplinary suspension and or termination.
- e. Sanction for Sexual Harassment:** In student cases, where the conduct is sexual harassment and the finding is responsible, the sanctions available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion. In all other cases, including those involving faculty and staff, where the conduct is sexual harassment and the finding is responsible, available sanctions include disciplinary warning, demotion, salary reduction, conduct referral, mandatory leave, disciplinary suspension and or termination.
- f. Sanction for Other Forms of Sexual Misconduct:** In student cases, where the conduct is any other form of sexual misconduct and the finding is responsible, the sanctions available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion. In all other cases, including those involving faculty and staff, where the conduct is sexual misconduct and the finding is responsible, available sanctions include disciplinary warning, demotion, salary reduction, conduct referral, mandatory leave, disciplinary suspension and or termination.
- g. Sanctions for Retaliation:** In student cases, where the conduct is any other form of retaliation and the finding is responsible, the sanctions available include disciplinary warning, disciplinary probation (including residence hall probation), behavior contract, residence hall removal or reassignment, restriction of privileges, no contact

directive, suspension of group recognition, revocation of group recognition, restitution fines, restitution service, educational activity, conduct referrals, registration hold, interim suspension, interim residence hall suspension, suspension, and expulsion. In all other cases, including those involving faculty and staff, where the conduct is retaliation and the finding is responsible, available sanctions include disciplinary warning, demotion, salary reduction, conduct referral, mandatory leave, disciplinary suspension and or termination.

## **17. Appeals**

- a. **Deadline for Appeals:** Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. Appeals in all cases must be submitted forty-eight hours of being notified of the outcome. If one party appeals the other shall be notified within one (1) business day. The Title IX investigator shall also be informed within one (1) business day.
- b. **Types of Appeals:** Appeals in all cases will be limited to the appeal of the finding and the remedies or sanctions.
- c. **Appropriate Situations for Appeal:** Appeals can only be made if there is new information that was previously unknown or unknowable, or if there was a procedural error in the original investigation and resolution process.
- d. **Appeals Format:** Student appeals shall be heard by a the Vice President for Academic Affairs, for all other cases, including faculty and staff, appeals shall be heard by the Vice President for Student Affairs and Dean of Students.

## **18. Statements of Rights**

- a. **Rights of the Complainant:**
  - i. To be treated with respect by College officials.
  - ii. To an investigation and appropriate resolution of all complaints of discrimination and/or harassment made in good faith to the appropriate College official(s).
  - iii. To receive written notification that the respondent has been officially notified of the allegation of violating the College's Nondiscrimination and Anti-Harassment Policy.
  - iv. To be notified of the substance of respondent's response, if any, to the allegations.
  - v. To take advantage of campus support resources (such as Campus Ministry, the College Health and Counseling Centers).
  - vi. To experience a safe living, educational and work environment.
  - vii. To have the College as well as other parties refrain from victim blaming.
  - viii. To have a support person of his or her choosing, excluding witnesses.
  - ix. To decline to participate in conflict resolution procedures as the means for resolving an allegation.
  - x. To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
  - xi. To be free from retaliation for complaints made, or otherwise participating in an investigation, in good faith.
  - xii. To have complaints heard in substantial accordance with these procedures.
  - xiii. To full participation in this process, whether the injured party is the actual party or the College has brought the complaint.

- xiv. To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
- xv. The ability to refer to law enforcement and have assistance.
- xvi. For residential students, the ability to request housing and living accommodations, if appropriate.
- xvii. A “no contact order,” if appropriate. A no contact order is an order from a College Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the College to be intimidating. The College may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.

**b. Rights of the Respondent:**

- i. To be treated with respect by College officials.
- ii. To an investigation and appropriate resolution of all complaints of discrimination and/or harassment made in good faith to the appropriate College official(s).
- iii. To receive written notification if officially accused of violating the Title IX/Sex Discrimination Policy.
- iv. To take advantage of campus support resources (such as Campus Ministry, the College Health and Counseling Centers).
- v. To experience a safe living, educational and work environment.
- vi. To have a support person of his or her choosing during this process, excluding witnesses.
- vii. To decline to participate in conflict resolution procedures as the means for resolving an allegation.
- viii. To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- ix. To be free from retaliation for complaints made, or otherwise participating in an investigation, in good faith.
- x. To have complaints heard in substantial accordance with these procedures.
- xi. To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.
- xii. The ability to refer to law enforcement and to have assistance.
- xiii. For residential students, the ability to request housing and living accommodations, if appropriate.
- xiv. A “no contact order,” if appropriate. A no contact order is an order from a College Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the College to be intimidating. The College may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.

19. **Records and Revision:** The Title IX Coordinator shall keep records of all complaints, resolutions, investigations, and hearings. The Title IX Coordinator shall also be responsible for updating the Title IX policy and implementing any new procedures if necessary. Title IX records shall be kept separate and apart from all other institutional records.

20. **Special Provisions**

- a. **Attempted Violations:** In most circumstances, the College will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.
- b. **The College as Complainant:** As necessary, the College reserves the right to initiate a student conduct complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant. Bethany College may also serve as the complainant in employee circumstances as well.
- c. **False Reports:** The College will not tolerate intentional false reporting of incidents. It is a violation of Bethany College policy to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Violations will result in sanctions, ranging from oral warning to expulsion, depending on the severity of the offense.
- d. **Immunity for Victims:** The College community encourages the reporting of sex discrimination and Code of Conduct violations. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sex discrimination and sexual misconduct limited immunity from being charged with policy violations related to the particular incident.
- e. **Good Samaritan/Bystander Policy:** The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a victim of sexual misconduct to the Campus Security). The College pursues a policy of limited immunity for students who offer help to others in need.
- f. **Parental Notification:** The College reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status or conduct situation, particularly alcohol and other drug violations. The College 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 College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

21. **Sex Offense Educational Programming and Training**

- a. **Groups Who Receive Educational Programming:** Because Bethany College recognizes sex discrimination as an important issue, the College offers educational programming



to a variety of groups such as: campus resources (Campus Safety, Residence Life, faculty, and staff); and incoming and continuing students.

- b. **Scope of Educational Programming:** Sex Discrimination educational programming may address matters such as: a definition of what constitutes sex discrimination, the causes of sex discrimination, myths involved with sex discrimination, the relationship between sex discrimination and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the College sex discrimination policy, how to file charges within the College conduct system, and/or with the local police department, men's issues and sexual assault, and campus community resources to assist both the survivor and the accused.
- c. Campus community members will receive updated Title IX/Sex Discrimination training annually. The training will include information on reporting, procedures, and updated information regarding the current law and regulations.
- d. The College will also conduct climate surveys on an annual basis to ascertain the current climate regarding sexual discrimination and harassment. The entire campus community will be asked to participate in the surveys. The results of the surveys will be housed in the Title IX Office.

22. **Clery Act Compliance:** Some Title IX policy violations are reportable offenses under the Jeanne Clery Act. In compliance with Clery, the College will report certain information such as the type and location of the offense. The report will not include names or identifying information.

23. **Discretion**

- a. **Unique Circumstances:** Where an issue is encountered at any juncture of a case that is not addressed specifically by this Title IX/Sex Discrimination Policy, the College has the discretion to determine, in a good faith effort to comply with applicable legal requirements, how to address such an issue.
- b. **Origin of this Policy:** Parts of this policy are based on the NCHERM Model Sexual Misconduct Policy, University of Dayton's Title IX Policy, Notre Dame College's Sexual Assault Policy, and Ohio University's Title IX Grievance Procedure, and they have been used with permission.

24. **Office of Civil Rights Contact Information:** Individuals with unresolved complaints of sex discrimination also have the right to file a formal complaint against Bethany College with the United States Department Education within 180 days of the alleged violation:

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

### **2.3.3 Emergency Response**

Bethany College - students, faculty, staff, and visitors - must take appropriate and deliberate action when an emergency strikes a building, a portion of the campus, or the entire Bethany community. Decisive leadership is essential. Follow these important steps when there is an emergency:

1. Confirm and evaluate conditions.
2. Report the incident immediately.
3. Follow instructions from emergency staff precisely.
4. Depending on the nature and severity of the event activate the:
  - i. Crisis Management Team; and/or
  - ii. All area staff and occupants.
5. Issue clear and consistent emergency notifications. Use all available communication tools.
  - i. If there is no power or telephone systems are not functioning, emergency communications will be profoundly restricted.
  - ii. Bethany can use messengers, radios and cellular phones

The Senior Vice President is the contact point for major emergencies.

#### **2.3.3.1 Emergency Action Plan**

Emergencies shall be reported by calling 304.830.3924.

The following are basic instructions for various emergency incidents.

##### **2.3.3.1.1 Medical Emergency Procedure**

1. Protect victim from further injury by removing any persistent threat to the victim. Do not move the victim unnecessarily. Do not delay in obtaining trained medical assistance.
2. Notify Bethany Safety and Security of the location, nature and extent of the injury by calling 304.830.3924. Always call from a safe location.
3. Provide first aid until help arrives if you have appropriate training and equipment and it is safe to do so.
4. Send someone outside to escort emergency responders to the appropriate location, if possible.

##### **2.3.3.1.2 Fire or Explosion Emergency Procedure**

1. Alert people in the immediate area of the fire and evacuate the room.
2. Confine the fire by closing doors as you leave the room.
3. Activate the building fire alarm system by pulling the handle on a local fire alarm box.

4. Notify Bethany Safety and Security of the location and size of the fire by calling 304.830.3924.
5. Always call from a safe location.
6. Evacuate the building using the established Emergency Evacuation Procedure. Once outside, notify emergency responders of the location, nature and size of the fire.
7. If you have been trained and it is safe to do so, you may attempt to extinguish the fire with a portable fire extinguisher. If you have not been trained to use a fire extinguisher you must evacuate the area.

#### **2.3.3.1.3 Hazardous Materials Emergency**

1. A Hazardous Materials Emergency exists when:
  - i. Cleanup of a spill of a hazardous material is beyond the level of knowledge, training or ability of the staff in the immediate spill area; or
  - ii. The spill creates a situation that is immediately dangerous to the life and health of persons in the spill area or facility.
2. Alert people in the immediate area of the spill and evacuate the room. If an explosion hazard is present, take care not to create sparks by turning on or off electrical equipment.
3. Confine the hazard by closing doors as you leave the room.
4. Use eyewash or safety showers as needed to rinse spilled chemicals off people.
5. Evacuate any nearby rooms that may be affected. If the hazard will affect the entire building evacuate the entire building. If there is a chance of explosion from the chemical spill do not activate the building fire alarm. Evacuate the building manually by alerting others by voice. Take care not to turn electrical equipment on or off or otherwise cause sparks. If there is no chance of explosion, activate the building fire alarm system by pulling the handle on a local fire alarm box.
6. Notify Bethany Security of the location and size of the spill by calling 304.830.3924. Always call from a safe location. Be prepared to spell chemical names.
7. If building evacuation is required, evacuate the building using the Emergency Evacuation Procedure presented in this guide. Once outside, notify emergency responders of the location, nature and size of the spill.
8. Isolate contaminated persons. Avoid contamination or chemical exposure.

#### **2.3.3.1.4 Power Outage**

1. Assess the extent of the outage in the unit's area.
2. Report the outage to Bethany Safety and Security (304.830.3924).
3. Assist other building occupants to move to safe locations. Loss of power to fume hoods may require the evacuation of laboratories and surrounding areas.
4. Implement the unit's power outage plan. Evaluate the unit's work areas for hazards created by power outage. Secure hazardous materials. Take actions to preserve human and animal safety and health. Take actions to preserve research.

5. Turn off and/or unplug non-essential electrical equipment, computer equipment and appliances. Keep refrigerators and freezers closed throughout the outage to help keep them cold.
6. If needed, open windows (in mild weather) for additional light and ventilation.
7. Release of faculty, staff, and students during an extended power outage is decided on by the Vice President for Academic Affairs and Dean of the Faculty.
8. To obtain information about a prolonged outage, call 304.830.3924.

#### **2.3.3.1.5 Criminal Activity or Violence Emergency Procedure**

1. Attempt to remove yourself from any danger.
2. Notify Bethany Safety and Security by calling 304.830.3924. Try to call from a safe location if possible.
3. If possible, provide the police with the following information:
  - a. The location of crime.
  - b. The nature of crime and specifics (number of people involved, any weapons, etc.).
  - c. Any injuries.
  - d. A description of suspect(s) (height, weight, sex, race, clothing, hair color etc.)
  - e. The direction of travel of the suspect(s).
  - f. A description of any vehicles involved in the crime.
4. DO NOT pursue or attempt to detain suspects.

#### **2.3.3.1.6 Bomb Threat Procedure**

1. Remain calm and obtain as much information as possible from the caller. Try to write down the caller's exact words. Ask for and try to obtain the following information:
  - a. When is the bomb going to explode?
  - b. Where is the bomb located right now?
  - c. What does the bomb look like?
  - d. What kind of bomb is it?
  - e. What will cause the bomb to explode?
  - f. Did you place the bomb?
  - g. Why?
  - h. What is your address?
  - i. What is your name?
2. Also record the following information:
  - a. Exact time the call is received
  - b. Information about caller including:

- i) Sex
  - ii) Age
  - iii) Accent
  - iv) Caller's attitude
  - v) Speech impediments or traits
  - vi) Education
  - vii) Location of caller
  - viii) Background noises
3. Immediately notify Bethany Safety and Security by calling 304.830.3924. Always call from a safe location. Provide the officer with the context of the threat, telephone number on which it was received, your name, room number and telephone number where you can be reached.
  4. Take no other action unless directed to by Bethany Safety and Security.

#### **2.3.3.1.7 Suspicious Package Procedure**

1. Notify Bethany Safety and Security immediately by calling 304.830.3924 (always call from a safe location) if you receive or observe a suspicious letter or package that is unexpected or unknown with the following characteristics:
  - a. Excessive postage
  - b. Misspellings of common words
  - c. Excessive weight
  - d. Rigid envelope
  - e. Foreign mail, air mail, or special delivery
  - f. Hand written or poorly typed address
  - g. Restrictive markings such as confidential, personal, etc.
  - h. Excessive securing - material such as masking tape, string, etc.
  - i. Incorrect titles
  - j. Oily stains or discoloration
  - k. Visual distractions
  - l. Lopsided or uneven
  - m. Titles but no names
  - n. No return address
  - o. Protruding wires or tinfoil
2. Move people away from the package.
3. DO NOT move or open the package.

4. DO NOT investigate too closely.
5. DO NOT cover, insulate or place the package into a cabinet or drawer.

### **2.3.3.2 Emergency Evacuation Procedures**

#### **2.3.3.2.1 General Introduction**

1. A building evacuation is mandatory whenever a fire alarm sounds, and building occupants should exit immediately, putting the unit's prepared evacuation plan into effect. After a building has been evacuated, occupants must wait for a safety inspection before re-entry.
2. If a complete campus evacuation and closure is necessary during an emergency, it will be announced and coordinated by the Bethany Crisis Management Team from the Emergency Operations Center. Campus evacuations will be sequential to maintain safety and avoid traffic gridlock.
3. Note that it may or may not be necessary to vacate a specific area during an emergency incident. Occupants in the area may simply be directed to remain on-site and shut down systems, or they may be asked to move to other sectors of their floor or building. In some events (such as extended power outages), evacuations are not necessary unless the incident has generated a hazardous materials incident or immediate health and safety risk. In limited emergencies, wait for evacuation instructions and engage the unit's Crisis Response Team to communicate the information throughout the unit.

#### **2.3.3.2.2 Active Shooter/Gunman**

##### **Outside Building**

1. Go to a room that can be locked and/or barricaded by using any available object(s) (chairs, tables, desks, etc.).
2. Close the window blinds, turn off lights and computer monitors, get everyone down on the floor so that no one is visible from outside the room, take adequate cover/protection (i.e. concrete walls, desks, chairs, tables, filing cabinets, etc.) and remain quiet.
3. Silence all cell phones.
4. Call 9-911. If using a cellular telephone your call may be routed to a non-local 911 call center, do your best to be clear and concise about your location. Be aware that the 911 system will most likely be overwhelmed.
5. When you reach the dispatcher, describe the situation and give your name and location; remain in place until police give the 'All Clear.'
6. Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.
7. Be cautious when evacuating due to a fire alarm ~ it may be used to draw people into the line of fire.

##### **Inside Building**

1. If possible, secure the room you are in by locking and/or barricading the door using any available object(s) (chairs, tables, desks, etc.).
2. If you cannot secure the room, determine if there is a nearby location that you are able to reach safely and then secure or if you can, safely exit the building.

### ***Inside Room***

1. If the active shooter enters your office or classroom, there are no set procedures. The decision to flee or seek shelter inside the room can only be made by you and is dependent upon the circumstances.
2. Try to remain calm; it will aid you in decision making.
3. Call 911 if possible, and alert police to the shooter's location.
4. If you can't speak, leave the line open so the dispatcher can hear what is taking place. Usually the location of a caller can be determined without speaking.
5. If there is absolutely no opportunity of escape or concealment and the shooter is not actively firing on victims it might be possible to negotiate with the shooter.
6. If the shooter has fired on victims you are faced with a life or death situation; only you can consider your next course of action.
7. As a last resort, you may be faced with the decision to overpower the shooter with force by whatever means necessary. When the shooter is close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him/her.
  - a. Attempt to disrupt and/or incapacitate the active shooter
  - b. Act as aggressively as possible against him/her
  - c. Throwing items and improvising weapons
  - d. Yelling
  - e. Commit to your actions
8. If the shooter leaves the area and the environment appears safe, proceed immediately to a safer place.
9. Your area will be an active crime scene. **Do not touch anything** that was in the area of the shooter because of the possibility of the destruction of evidence.

### **What You Should Do When Evacuating:**

- Make sure you have an escape route in mind.
- Do not attempt to carry anything in your hands while fleeing; move quickly
- Keep your hands visible, and follow instructions given by any police officers you may encounter.
- If you know where the shooter is located, tell the officers.
- Remain at the designated rally point until you have been released.
- Do not try to move any injured people; leave them where they are and notify authorities of their location as soon as possible.

### **What You Should Expect from First Responders:**

- Responding police officers are trained to proceed immediately to the area where the shots were last heard; their purpose is to stop the shooting as quickly as possible.
- The first officers to arrive will not stop to aid injured victims; rescue teams composed of additional officers will follow the first team into secured areas and remove injured persons.
- The first officers on the scene may be from different agencies and dressed in different uniforms. There may even be some officers in civilian clothes wearing an external bulletproof vest. Some officers may be dressed in Kevlar helmets and other tactical equipment. They may be armed with rifles, shotguns or handguns. Do as the officers tell you and do not be afraid of them.

**Remember:** This is a crime scene. Do not disturb possible evidence. Expect that the police will want to question you.

#### **2.3.3.2.3 To Implement an Evacuation**

1. Remain calm.
2. Alert the Crisis Management Team to assist with evacuation.
3. Communicate clearly and succinctly:
  - a. We have a \_\_\_\_\_ type of emergency.
  - b. Evacuate to \_\_\_\_\_.
  - c. Take your belongings.
  - d. DO NOT use the elevators.
4. Give directions to the evacuation site.
5. Take personal items.
6. Assist persons with disabilities.
7. Check offices, classrooms, and restrooms.
8. Turn equipment off, if possible.
9. Close doors, but do not lock them.
10. Take emergency supplies, rosters.
11. Keep exiting groups together.
12. Instructors should assist students.
13. Gather at the evacuation site and await instructions.
14. Account for faculty, staff and students.



#### **2.3.3.2.4 Evacuation Procedures**

1. Evacuation is required any time the fire alarm sounds, an evacuation announcement is made or a College official orders you to evacuate.
2. Turn equipment off, if possible
3. Quickly shutdown any hazardous operations or processes and render them safe.
4. Critical operations staff must follow the emergency plan for their unit. All emergency plans for critical operations shall be reviewed and approved by the Director of Safety & Security. Without prior review and approval, staff members may not remain in a building once an evacuation signal or order has been given without prior review and approval.
5. Notify others in the unit's area of the alarm if they did not hear it.
6. Take emergency supplies and staff rosters, if possible
7. Exit the room.
  - a. Take jackets or other clothing needed for protection from the weather.
  - b. Close windows and close, but do not lock, doors as you leave.
  - c. Leave room lights on.
  - d. If you are away from the unit's room when the alarm sounds you should exit the building immediately and not return to the unit's room.
8. If you are unable to leave the building due to a physical disability:
  - a. Go to the nearest area where there are no hazards.
  - b. Use a telephone to call Safety and Security at 304.830.3924, or use other means to advise them of the unit's situation.
  - c. Be sure to give them the room number so they can send help to you.
  - d. If possible, signal out the window to on-site emergency responders.
  - e. One person may remain with you if they wish to assist you.
9. Exit the building via the nearest safe exit route. Walk; do not run. Do not use elevators to exit.
10. Move away from the building, report to the unit's designated evacuation point and meet with other persons from the unit or building. Report any missing or trapped people to the emergency responders.
11. Keep existing groups together.
12. Account for faculty, staff, and students and sign in at evacuation point.
13. Wait at evacuation point for directions.
14. Do not reenter the building until emergency staff gives the "all clear" signal. The silencing of the building fire alarm system is normally used as the "all clear" signal. In some cases the fire alarm will be silenced and staff members placed at building entrances to keep people out until the incident has been resolved.

## Emergency Preparedness

Emergency preparedness is a coordinated effort of the offices of Student Life and Safety and Security.

### TYPES OF EMERGENCIES

There are three levels or types of emergencies:

**LEVEL 1 – MINOR INCIDENT.** A Minor Incident is defined as a local event with limited impact, which does not affect the overall functioning capacity of Bethany College. The Emergency Management Plan would not be activated.

**LEVEL 2 – EMERGENCY.** An Emergency is defined as a serious event that completely disrupts one or more operations of Bethany College. Multiple Bethany College resources are involved; the Emergency Management Plan is activated to the extent necessary.

**LEVEL 3 – DISASTER.** A Disaster is defined as a very serious event that seriously impairs or halts the operations of Bethany College. The Emergency Management Plan is fully activated.

**Emergency Management Plan (EMP).** The EMP is intended to establish policies, procedures and organizational structure for response to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of the Bethany College. (aka: Emergency Preparedness Plan, Disaster Response Plan, Disaster Recovery Plan, Business Continuity Plan, Business Continuation Plan)

### B. Definition of Terms

**Emergency Management Plan Coordinator.** The Emergency Management Plan Coordinator is a member of the Crisis Management Team who is responsible for the maintenance of the Emergency Management Plan. The Emergency Management Plan Coordinator consults directly with the Bethany College Incident Commander during an actual emergency.

**Crisis Management Team (CMT).** The CMT is an assemblage of Bethany College officials appointed by the President to advise and assist in making emergency-related policy and financial decisions. The CMT is also responsible for the review and approval of the Emergency Management Plan.

- |  |
|--|
| <ul style="list-style-type: none"><li>• Dean of Students</li><li>• Director of Communications</li><li>• Director of Security</li><li>• Director of the Physical Plant</li><li>• Director of Residence Life</li></ul> |
|--|

**Emergency Operations Center (EOC).** The EOC serves as the centralized, well-supported location in which the Crisis Management Team may gather and assume their role.

**Incident Command System (ICS).** The ICS is a modular emergency management system designed for all hazards and levels of emergency response. The system is used by the Federal Emergency Management Agency (FEMA) and throughout the United States as the basis for emergency response management.

**Response Plans.** Response Plans are attached to Unit Plans to address specific situations where the Unit has important functions. Response Plans can be organized at the discretion of the Unit.

**Unit.** A Unit is a department, school or other defined entity of Bethany College.

**Unit Plan.** A Unit Plan identifies emergency preparation, coordination and response activities for the Unit. Each area identified with critical or special responsibilities is required to develop and maintain a Unit Plan.

**Bethany College Incident Commander.** The Bethany College Incident Commander is a senior member of the Crisis Management Team and is in charge of the Crisis Management Team. The Bethany College Incident Commander is the individual responsible for the command and control of all aspects of an emergency situation. (a.k.a. Director of Emergency Management, Chair of the Incident Response Team).

**Bethany College Communications Center.** The central telecommunication facility that receives and disseminates emergency information. Security/Police/Public Safety would typically maintain this facility on a 24/7/365 basis.

**Bethany College Emergency Hotline.** A telephone number where faculty, staff, students and other interested parties can access emergency information.

Emergency Notification Procedure:

Upon the approval of the President, or designated vice president, the Dean of Student or the Director of Safety and Security will notify the Director of Communications in the event of an emergency on campus. The Director of Communications will then activate the Bethany College Emergency Notification System. Text messages will be sent to students, faculty and staff advising them of one of three course of action. Campus security officers will also attempt to notify students of an impending emergency by use of the public address system installed in the security vehicle and the portable public address system stored at the Office of Safety and Security.

### **Campus Evacuation**

Should a situation arise where the evacuation of Bethany College Campus is required, members of the campus community will receive instructions via the Bethany College Emergency Notification System as to the location of the evacuation site. Verbal and written

commands may also be given by the Department of Safety and Security and the Office of Student Life.

- Members of the campus community will be instructed to proceed to the evacuation site quickly but calmly on foot.
- The evacuation site will be divided into sections using the residential hall names. When students arrive at the evacuation site, they will report to the appropriate section. RA's would be responsible for head counts. Department heads and supervisory personnel will be responsible for head counts of employees in their respective departments.
- Once the all clear is given by Campus Security students, faculty, staff and visitors may return to campus.
- If evacuation from the town of Bethany itself is required, arrangements will be made with Brooke County schools for transportation from the Bethany Community to a safe location.

## **2.4 Information Technology**

### **2.4.1 CALEA (Communications for Assistance Law Enforcement Act)**

“On December 14, 2006, the FCC released a Public Notice establishing filing deadlines for CALEA-mandated System Security and Integrity (SSI) and Monitoring Reports. According to the Public Notice, "facilities-based broadband Internet access and interconnected VOIP service providers *subject to CALEA* must file," which means that **exempt institutions are not required to submit these reports.** “

Each institution is required to determine if it is subject to CALEA. Those that self-determine, through legal counsel and technical experts, that they are exempt do not need to file monitoring reports.

### **2.4.2 Information Technology Usage Policy**

#### **2.4.2.1 Introduction**

##### **2.4.2.1.1 Scope**

The Information Technology (“IT”) Usage Policy applies to the Bethany College community (e.g. faculty, staff, students, and others who from time to time may be granted use of the College’s computing and network resources – hereafter referred to as “user”).

#### **2.4.2.1.2 Purpose**

To preserve the security, availability, and integrity of Bethany College computing resources, and to protect all users' rights to an open exchange of ideas and information, this policy sets forth the users' responsibilities in the use of these resources. This policy attempts to consolidate and formalize various policies, practices and activities dealing with the use of technology at Bethany College.

Users agree to comply with this and other applicable collegiate policies, as well as all federal, state, and local laws and regulations. Users should be aware that violations of this policy may result in revocation of access, suspension of accounts, disciplinary action, or prosecution.

#### **2.4.2.2 Reporting Problems and Violations**

Individuals should report problems, outages, or inappropriate IT uses to the Help Desk.

#### **2.4.2.3 Access**

Access to computing resources at Bethany College may be granted to accepted students, active students, employees, trustees, and faculty emeritus based on their roles and responsibilities at the College. Temporary access may also be granted to vendors, such as food service employees and visitors to the College.

The following guidelines set forth the standards of behavior expected of all users:

1. User access is granted to an individual and may not be transferred to or shared with another user.
  - This principle is intended to protect the integrity, security, and privacy of a user's account. Sharing access with another individual undermines the security of a user's account, leaving it vulnerable to abuse by others. By not sharing an account, a user protects against unauthorized activities on the account, for which the user would be responsible.
2. The College reserves the right to regulate any activity that occurs on the campus network or on any other technology-based system owned by the College.
  - Users must not engage in activity outside the limits of access that have been authorized for them. This includes but is not limited to:
    - a. Performing an act that negatively impacts the operation of computers, peripherals or networks, or that impedes the ability of others to do their work. Examples include but are not limited to:
      - Tampering with any transmission medium or hardware device, or connecting any unauthorized device or computer to the college network;
      - Intentionally propagating anything that damages hardware and/or software (virus, worm, spyware);
      - Damaging or destroying data;

- Modifying any disk or software directory provided by the College for any type of special use;
  - Performing an act that places an unnecessary load on a shared computer or the college network.
- b. Attempting to circumvent protection schemes for access to data or systems, or otherwise uncover security loopholes.
- c. Gaining or granting unauthorized access to computers, devices, software or data. This includes, but is not limited to:
  - Admitting someone into a locked facility, or unlocking any facility that is normally locked, without permission;
  - Permitting the use of any account, including one's own personal account, in a way that allows unauthorized access to resources.
- Users must abide by all applicable laws or government regulations, and operate within the limits articulated by the College. Examples include but are not limited to:
  - a. Downloading or using any material in violation of any software licensing agreement or copyright law;
  - b. Using software or data that infringes on the rights of others. Examples include the production or propagation of material that is abusive, profane or sexually, racially or religiously offensive; or material that may injure or harass someone else, or lead to lawsuit or criminal charges;
  - c. Monitoring someone else's data communications, or otherwise reading, copying, changing or deleting files or software without proper permission of the owner;
- Using college facilities for personal gain, or for the benefit of an organization other than the College or an approved organization.
- Upon resignation or termination, a faculty or staff member's e-mail and related accounts will be terminated or redirected to an appropriate person at the College.
- After graduation a student's e-mail and related accounts will be left open for one year before being terminated. If a student transfers or is dismissed, accounts will be deactivated after 30 days.

#### **2.4.2.4 Security**

##### **2.4.2.4.1 General**

Appropriate security includes protection of:

- access to information,

- information against unauthorized modification,
- systems against denial of service,
- systems against unauthorized access.

College computer and network resources may be accessed or used only by individuals authorized by the College. Any computer, computer system, or network or device physically connected to or accessing College computer and network resources will be subject to and must comply with this Security Policy.

In order to protect the security and integrity of computer and network resources against unauthorized or improper use, the College reserves the right, at its sole discretion, to limit, restrict, or terminate any account or use of computer and network resources, and to inspect, copy, remove or otherwise alter any data, file, or system resources which may undermine authorized use. The College reserves the right to enforce these provisions without prior notice to the user.

The College shall not be liable for inadvertent loss of data or interference with files resulting from the College's efforts to maintain the integrity and security of the College's computer and network resources.

#### **2.4.2.4.2 User Responsibilities**

- Protect any information retrieved from a password-protected source with an equivalent level of privacy and security.
- Protect account(s) from any unauthorized use and maintain password(s) in strict confidence. Users are responsible for any abuse of the computers with their account(s), by any users who have obtained account passwords from the user, either directly or indirectly.
- Tampering with network equipment settings, moving, reconfiguring, or doing anything that could damage College equipment is strictly prohibited.
- Users will not access or attempt to access any host computer, either at the College or through a network, without the owners' permission and/or through use of login information belonging to another person. Creating, disseminating or running an intrusive, self-replicating, data-collection or otherwise malicious program ("virus"), whether destructive in nature or not is strictly prohibited.
- Use of unsubscribed peer-to-peer software is strictly prohibited.
- The user agrees to not copy, rename, alter, examine, or delete the files or programs of another person without permission.
- Users will be held responsible for damage to the network and other user resources (hardware and software) caused by intentional misuse or otherwise inappropriate use of College resources.
- Each user is responsible for backing up personal and professional data files. Files can be backed up using a portable drive device. Data Security

- Use of sensitive information, such as Social Security Numbers (SSNOs), may only be used where legally required and with appropriate data protection measures. Under no circumstances are SSNOs to be stored in non-encrypted formats such as Microsoft Word, Excel, Access or similar files. SSNOs are not to be used for grading lists or other student groupings.
- Transmission and storage of personally identifiable information will be limited to uses warranted by business need and needs to be encrypted for protection.
- All non-name references to students must be by Bethany College Student ID Number and all non-name employee references must be by Bethany College Employee ID Number.

#### **2.4.2.5 E-mail**

Users of campus communications are subject to local, state, and federal laws and regulations and applicable Bethany College policies and procedures.

##### **2.4.2.5.1 Appropriate Use**

- E-mail must be used for purposes consistent with the user's role at the College.
- Unless contractually permitted, individuals may not use e-mail for entrepreneurial activities. This includes operating a business, selling, advertising, trading or conducting any commerce not directly related to one's job requirements.
- All materials sent by e-mail must be attributed to the individual, office, or organization sending the material. Spoofing and Anonymous messages, including spamming, are prohibited.

##### **2.4.2.5.2 Objectionable Material**

- The College cannot protect individuals against the existence or receipt of material that may offend them. Those who make use of electronic communications are warned that they may willingly or unwillingly come across, or be recipients of, material that they may find offensive. Any persistent, unwanted offensive material should be brought to the attention of the Help Desk or Office of Student Life.
- You may not use e-mail to libel, harass, or threaten other individuals.

##### **2.4.2.5.3 Privacy**

Address book information is the property of Bethany College and is not to be shared with any external entity without prior approval from the Vice President for Academic Affairs and Dean of the Faculty.



## **2.4.2.6 Internet**

### **2.4.2.6.1 Accessing the Internet**

- Bethany College facilities used for connection to the Internet are to be used in a responsible, ethical, and legal manner. Conduct which adversely affects the ability of others to use the Internet or which is harmful to others will not be permitted. The College reserves the right to monitor its technology resources to protect the integrity of its computing systems, networks, workstations, and lab facilities.
- Activities defined as unacceptable in Bethany College facilities are likewise considered unacceptable in regard to Internet usage; this includes, but is not limited to, attempts to obtain unauthorized access, degrade system performance, distribute unsolicited e-mail and violate copyright and licensing laws.

### **2.4.2.6.2 College Website**

- Copyright

All images, descriptions, and other information on the College Website are the property of Bethany College and/or the creator. Reproduction, modification, or use is not permitted without express written permission of the Director of Communications. The only exceptions to this are corporate logos and images that are purchased for use on the Bethany College Website. Such files remain the property of original owner and are used with permission by Bethany College.

- Content

The content on the Bethany College Website falls under the jurisdiction of the Director of Communications. Individual departments and organizations may post information as approved.

### **2.4.2.6.3 Website Privacy Policy**

- Information Collection and Use

Forms collect only that information that is necessary to fulfill users' requests.

Bethany College uses information to support the administrative needs of the College in areas such as admissions, financial aid, registration and communications.

- Information Sharing and Disclosure

Bethany College provides limited information to College vendors as necessary to provide contractual services. Information collected on the Bethany College Website will not be sold or publicly distributed. Bethany College complies with the Family Educational Rights and Privacy Act (FERPA) regulations.

- Protecting Information/Security

Bethany College provides measures to protect information as it passes across the Internet using Secure Socket Layer (SSL) technology, which encrypts the transmission of information that users submit.

#### **2.4.2.7 Hardware and Software**

##### **2.4.2.7.1 Purchasing**

All purchases of hardware and software must be executed through the Information Technology department. This ensures not only consistency in equipment, but also cost-savings.

##### **2.4.2.7.2 Copyright**

Licensed and registered copies of software programs have been placed on computers in accordance with the licensing agreements and copyright law. Users do not have the right to make and distribute copies of this software or its documentation without specific permission of the copyright holder. It is also prohibited for an individual to use software that is known to have been illegally copied.

##### **2.4.2.7.3 Access to Software**

Software is made available to users based on the needs of the individual and department approval.

##### **2.4.2.7.4 Installation of Software**

Software on College computers must be installed by staff members of IT or with their permission according to the licensing agreement between the software publisher and the College. PCs or laptops that are found to contain unauthorized software will be immediately restored to the base configuration.

##### **2.4.2.7.5 Limitation of Liability**

- Under no circumstance shall Bethany College be liable for any indirect, special, incidental, exemplary or consequential damages of any character including, without limitation, damages for loss of business profits, business interruption, loss of information, computer failure or malfunction, or any and all other commercial damages or losses arising out of or in connection with the use or performance of software.
- College-Owned Electronic Equipment (Hardware)

This includes, but is not limited to, PCs, Laptops, Printers, Fax Machines, Copiers, Scanners, TVs, VCR/DVDs, Projectors, Phones, Equipment provided by the college may only be used by its assignee. This includes laptops and other portable equipment.

- Alterations to, and installation of, Electronic Equipment (Hardware)

Installation of equipment will be done or managed by the staff of the IT department. Alterations to equipment, such as the internal addition of memory, wireless cards, sound cards, etc. to College equipment is to be done by authorized IT staff only.

Equipment may only be installed and/or connected to the BC Network by authorized staff members of the IT Department. Under no circumstances may wireless routers or other communication devices be connected by non-IT staff.

Residential students may not install secured wireless points in dorm rooms without first gaining permission from IT. IT must configure all wireless routers to be compatible with our systems.

Any non-authorized alterations or devices that are found connected to college equipment or networks will become the property of the college.

#### **2.4.2.8 Support Services**

##### **2.4.2.8.1 Help Desk**

The Help Desk serves as a central point of contact for the Bethany College community for providing solution-oriented technical support services.

- Hardware – Hardware issues encompass installation, maintenance, upgrades, and connectivity.
  - a. College owned – The Help Desk will support College owned, technology-related hardware if purchased through the IT department.
  - b. Personally owned – The Help Desk will provide limited verbal support and guidance to resolve hardware issues with personally owned equipment. Due to the legal nature of service policy agreements with personally owned hardware, the Help Desk is limited in the extent of service it can provide and may refer users to the vendor or manufacturer of the equipment if necessary.
- Software
  - a. College owned – The Help Desk will, within reason, support software problems regarding Bethany College purchased and developed software, providing it was purchased and installed in accordance with Section 7 (above), Hardware & Software.
  - b. Personally owned – The Help Desk will provide limited verbal support for software problems regarding personally owned software packages. The Help Desk may refer users to the vendor or manufacturer of the software for additional assistance.
- Classroom Management – The Help Desk will support technology-related issues in the classroom environment.

#### **2.4.2.9 Peer-to-Peer File Sharing**

Bethany College maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, staff and other campus users. The college is required by Federal Law – H.R. 4137, Higher Education Opportunity Act (HEOA):

- 1) to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties.
- 2) to take steps to detect and punish users who illegally distribute copyrighted materials.
- 3) to certify to the Secretary of Education that a policy is in place.
- 4) to provide alternatives to illegal file sharing. All users are encouraged to check the list below.

Although the HEOA makes reference only to students using Peer-to-Peer Sharing, this policy applies to all Bethany College network users. The College reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. Likewise, network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution.

##### **2.4.2.9.1 First Violation**

The first time a report of distributing or downloading copyrighted files is received, the person who was using the computer at the given time is notified by the Director of Network Operations of the violation via an email sent to their campus email address. The user must respond within two business days.

If the user does not respond within two business days the user's network access is suspended (the user's network connection is disabled) immediately and until the situation is resolved. E-mail and other accounts will be disabled. The user is required to submit a signed Technology Copyright Violation Certification Page (below) that states that the user understands copyright issues and the ramifications of a subsequent offense or to demonstrate that the notification was unwarranted. Network access will be restored no sooner than two business days after receipt of the certification page. The Director of Network Operations will send notifications via email of violations to the appropriate vice president, dean, supervisor, sponsor and/or other appropriate personnel.

If the user feels the warning is erroneous, he/she must show evidence to the Director of Network Operations that the file(s) was used legally or was not copyrighted. Notifications of all violations will be maintained by Information Technology. If any notification is shown to be unwarranted, no record of the violation notification is retained.

##### **2.4.2.9.2 Second Violation**

If a second notification of violation is received, network access shall be suspended immediately. The user is again informed of the violation by email from the Director of Network Operations. Second violations involving students are forwarded to the Dean of Students Office and those involving faculty or staff are referred to the Office of Human Resources. Human Resources will notify the appropriate Cabinet officer of the violation. Network access is not restored, if at all, until the case is ruled on by Dean of Students, or reviewed and decided by the appropriate

Cabinet officer and the Director of Human Resources. The Dean of Students or the Cabinet officer can impose whatever sanctions – including termination of network access; probation, suspension, expulsion (for students); or disciplinary action (for faculty and staff) – is deemed appropriate.

The existence and imposition of Bethany College sanctions do not protect members of the campus community from any legal action by external entities or the college itself.

#### **2.4.2.9.3 Alternatives to Illegal Downloading**

#### **2.4.2.9.4 Illegal downloads hurt artists and deter the incentive to create. U.S. laws protect the rights of individuals regarding their own works. A list of legal online content providers can be found through Educause at <http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli> . Technology Copyright Violation Certification Page**

See Appendix D.

#### **2.4.2.10 Policy Violations**

Violations of these policies will be dealt with in the same manner as violations of other college policies and may result in disciplinary action up to and including termination of employment or expulsion from the College.

- Material (software, hardware or data) that is found to be in violation of this policy can be banned, confiscated, or otherwise eliminated from the college computing environment.

#### **2.4.3 Use of Mail and Phone**

Except for emergencies, members of the campus community are expected to make and receive personal phone calls on their own time. College phone lines shall be kept open for business calls. Excessive use of the telephone for personal reasons will be cause for disciplinary action.

Personal mail shall be received at the individual's personal residence. Personal stamped, outgoing mail will be handled by the College Post Office as a courtesy to employees.

#### **2.4.4 Disaster Recovery Plan**

This disaster recovery plan describes the methods and procedures to be used by Bethany College in order to safeguard and restore business operations in the event of a disaster.

##### **2.4.4.1 Levels of Disaster**

IT related disasters can be categorized into five different levels:

1. Partial server component failure
2. Total server component failure
3. Total server failure
4. Multiple server failure

## 5. Loss of physical plant

Levels 1-3 are addressed by redundancy in server components and live backup of data between servers on a nightly basis. Also, enough spare capacity should be maintained so that key services from a failed server can be restored on other servers on other campuses in the college.

This disaster recovery plan addresses levels 4 and 5. When there is loss of physical plant or multiple servers fail in a disaster (regardless of the type of disaster), generally there will not be enough spare capacity to quickly restore services on existing equipment. This plan contains the information and procedures needed to restore services after a level 4 or 5 disaster.

Disasters may be caused by any number of reasons. It is helpful to keep in mind when creating disaster plans the most likely causes of disaster. According to industry literature, here is a list of the seven most likely cause of disaster.

Therefore this disaster recovery plan is written with equipment outage, power outage, fire, tornadoes and building facilities problems in mind. Although procedures specific to each disaster type are not listed, the general procedures given should work well with any of these types of disasters.

### 2.4.4.2 Data Processing/Business Environment

BC currently utilizes both networked servers and off-site mainframe applications for its day to day business activities. The mainframe systems are maintained by the ICE, so this disaster recovery plan will focus on recovering the BC network. The BC network is based on Microsoft Windows servers and Linux Servers being accessed from Windows XP on the end users workstation.

#### **Backup Locations**

##### Backup work areas for end users:

Depending on the severity of the loss of service, end users will be relocated to a different work area, building or campus. Relocating the end users will be the primary focus of the Customer Support team (Emergency Management Team plus service provider contract workers). If the loss of service is localized to a particular area of a building, end users will be moved to other areas of the campus. If the loss of service is to an entire building, users will be relocated to other buildings as necessary

##### Backup areas to hold classes:

Classes will be moved to unaffected sites in the event of a disaster, per the college disaster recovery plan (which is separate from the IT disaster recovery plan).

### 2.4.4.3 Disaster Recovery Teams

#### **Disaster Planning Coordinator**

The disaster recovery coordinator is the Director of Information Technology and Network Operations. The responsibilities of the Disaster Planning Coordinator are:

- Serve as the primary contact and coordinate the recovery effort.
- Contact all support personnel involved in the recovery effort.
- Provide all support personnel with a copy of the plan.
- Contact the following individuals as soon as possible: College President, Vice President for Academic Affairs and Dean of the Faculty, IT Director, etc.
- Maintain the disaster recovery plan.

### **Emergency Management Team**

The members of the Emergency Management Team are the following:

- Director of Network Operations
- Director of Media Services and Classroom Technology
- Systems Support Technician

The responsibilities of the Emergency Management Team are as follows:

- Assessment of the damage.
- Provide a detailed status of the disaster to the disaster planning coordinator as soon as possible.
- Contact all vendors, contractors or external resources necessary to restore services to the damaged areas.
- Provide a general status of the disaster to college personnel.
- Determine the priorities. There should be a minimal accepted time frame the college will function with degraded operations before the backup plan is implemented.
- Ensure all needed support staff have been contacted to provide assistance.
- Determine a general time frame for when all services will be restored.

### **Technical Support Team**

The members of the Technical Support Team are the following:

- Currently the Emergency Management Team
- Other personnel as needed

The responsibilities of the Technical Support Team are:

- Determine what computer hardware/software has been damaged.
- Review the risk assessment analysis and business impact analysis and determine what the critical/non-critical applications are and to determine whom is responsible for each application.
- List procedures to create a new environment for the hardware or for the purchase of new hardware.
- List procedures to restore critical software/applications.
- List procedures to restore non-critical software/applications.
- Contact application owners to determine their role in the recovery process.

### **Customer Support Team**

The members of the Customer Support Team are:

- Director of Network Operations
- Director of Media Services and Classroom Technology
- Systems Support Technician

The responsibilities of the Customer Support Team are as follows:

- Notify computer customers of the disaster and give them a time frame for recovery.
- Help customers develop manual procedures to accomplish work if resources are unavailable for a long duration of time.
- Have customers list the priority of their day to day work.

#### **2.4.4.4 Emergency Response Procedures**

In any emergency the following general procedures should be followed:

##### **During an emergency:**

1. Ensure safety of individuals by evacuating premises if necessary.
2. If personal safety is not threatened, secure equipment to minimize damage from the disaster.
3. Notify the correct authorities by pulling fire alarm, calling 911, calling campus police, etc. as needed depending on the type of emergency
4. Notify the IT Help Desk as to the loss of computer services.
5. The IT Help Desk will notify the Disaster Planning Coordinator that a disaster may have occurred.

##### **After an emergency:**

1. After the cause of the disaster has dissipated, members of the emergency management team will inspect the damage and report findings to the Disaster Planning Coordinator.
2. Backup sites will be set up and begin operations if necessary to support college business until the primary site is restored to service.
3. Network services shall be restored in priority order as much as possible with functional equipment on hand. Key data and systems shall be restored before less critical data and systems.
4. The additional equipment required to bring the network to full operations shall be listed and ordered from vendors listed in the disaster recovery plan.
5. Once equipment has arrived and the network has been restored to full operations, then the backup site shall not be used anymore and end users will return to their offices and assume normal business procedures.



#### **2.4.4.5 Procedures for specific degrees of disaster:**

This section will address major failures such as multiple servers, entire buildings or entire campus. Minor failures, such as single server or partial server are not covered in this document because of the use of redundancy and backups.

##### **Loss of Multiple Servers:**

- In the event that multiple servers are lost and cannot be repaired in one day or less, data will be temporarily restored from backup to another server. Users will be notified of new location for data. Changes to login scripts and drive mappings will be done as necessary.
- If the server(s) that were lost were one of the following; mail server, web server, WINS, DNS or DHCP server, they must be built on a new spare server. These servers need to operate on separate servers. If replacement servers are to be built in same location they originally resided, no changes to firewalls, DNS or routing will need to be done. If the site is not safe or unusable, replacement servers will have to be built at another location. Depending on which location is chosen, changes to firewalls, DNS and routing will have to be made.
- Restoration of mail servers could take 3 – 5 days to complete, because of the database integrity checks that must be performed after the backup has been restored.

##### **Loss of WAN Services:**

- The BC IT Help Desk shall inform the campus of the loss of WAN connection.

##### **Widespread Virus Problems:**

- The virus should be isolated and identified as soon as possible.
- Once identified, a removal method should be determined. Users should then be notified as to what the characteristics of this virus, how to detect the virus, and how to remove the virus.
- An updated virus image file should be obtained from the college virus protection software vendor in order to prevent spread of the virus in the future.

#### **2.4.4.6 Maintaining the Plan:**

Maintenance of the plan is the responsibility of the Disaster Planning Coordinator. The steps the coordinator should take to maintain this plan are as follows:

- Ensure that the plan is updated at least once per year.
- Ensure that the plan is tested at least once per year.
- Ensure that the plan is approved by the Cabinet.
- Update the plan at the earliest convenient time after significant network or business changes have occurred that affect the plan.

- Make sure plan is stored in a secured area accessible to the Disaster Planning Coordinator and ensure that at least one copy is kept at the Office of the Vice President for Academic Affairs and Dean of the Faculty in a secure locations.

## **2.5 Public Relations**

### **2.5.1 Publicity and Publications**

Publicity releases related to the College are the exclusive responsibility of the Director of Communications.

### **2.5.2 Press and Other Media**

The Director of Communications handles all matters concerning the press and other media. It is the policy of Bethany College that any employee or student at the College who is contacted by the press or other media refers the inquiry to the Director of Communications. Any student or employee appearing in the press or other media as a representative of Bethany College must receive the prior approval of the President or Director of Communications (or in the Director's absence, the Senior Vice President).

### **2.5.3 Releasing Data**

It is the policy of Bethany College that data concerning the College cannot be released to any person or agency outside of the College without the prior approval of the Director of Communications (or in the Director's absence, the Senior Vice President).

### **2.5.4 Fundraising Coordination**

Such activities are welcomed. However, to avoid conflicting programs, College policy is that no person or organization on campus is authorized to solicit a corporation for an outright donation or gift-in-kind in the name of the College without clearance in advance, in writing, from the Senior Vice President. This includes the solicitation of ads for ad books, sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a "donation."

## **2.6 Research Policies**

The Institutional Review Board ensures the College's compliance with guidelines for the proper care of animals used in scientific experiments. Committee members are appointed in accord with the guidelines of the National Institutes of Health.

## **2.7 Copyright Policies**

### **2.7.1 Copyright Policy**

The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified by law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or

reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement. See below for additional information regarding the “fair use” doctrine.

Bethany College reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of the copyright law of any governmental or administrative regulation.

### **2.7.1.1 A Synopsis of the Copyright Law and Some Important Guidelines**

#### **2.7.1.1.1 The Copyright Law**

The copyright law is designed to protect works of the mind. The author or creator of a work has four exclusive rights:

1. The right to reproduce the work.
2. The right to adapt the work or produce derivative works.
3. The right to distribute the work to the public.
4. The right to display the work publicly (this refers to paintings, photographs, sculpture, etc.).

These rights have some limitations. Most important to educators is that of “fair use.” Four factors determine fair use:

1. The purpose and character of the use, including whether the material will be for non-profit, educational or commercial use. (Absence of financial gain is insufficient for finding fair use.)
2. The nature of the copyrighted work, with specific consideration given to the distinction between a creative work and informational work.
3. The amount, substantiality, or portion used in relation to the work as a whole.
4. The effect of the use on the potential market of the copyrighted work.

Materials that are not covered may be reproduced without restrictions. Included are works published more than 75 years ago and governmental documents.

#### **2.7.1.1.2 Audiovisuals**

Legally produced and obtained audiovisual works may be used in non-profit educational institutions under the following conditions:

1. The work must be part of the educational program.
2. The work must be shown by a student, instructor, or guest lecturer.
3. The work must be shown in a classroom or other school location devoted to instruction.
4. The work must be shown only to students in the class, that is, no guest viewing the work for entertainment or enrichment.

#### **2.7.1.1.3 Prohibited Use**

Use is prohibited in non-profit educational institutions when:

1. The work is used for entertainment, recreation, or even cultural or intellectual value unrelated to teaching activities.
2. The work is transmitted by radio or television (this includes closed circuit) from an outside location.
3. The work is shown in an auditorium before an audience not confined to students.

#### **2.7.1.1.4 Off Air Videoing**

Off air videoing has specific regulations which permit classroom use:

1. The video may be retained for 45 days from the airing but then must be erased.
2. The video may be shown in class only during the first ten days after the broadcast. (Some PBS programs can only be used and retained for seven days).
3. The video may be shown to students no more than two times during a ten-day period. After the ten-day period, the tape may be viewed only by teachers.
4. The video contents may not be altered or combined to form anthologies, but need not be shown in their entirety.

Rental videos or videos borrowed from the library may be shown in class. Libraries have the right to loan, sell, or otherwise dispose of legally obtained tapes. The “for home use only” labels do not prevent library or classroom use of legal tapes.

Back-up tapes are only permitted when the original is deteriorating and is no longer available on the market.

#### **2.7.1.1.5 Photocopying**

Researchers or teachers preparing to teach a class may make or request to have made a single copy of: 1) a book chapter; 2) an article; 3) a short story, essay, or short poem; 4) a chart, graph, diagram, cartoon, drawing, or picture.

Teachers may duplicate enough copies to provide one copy for each student in a course, as long as each copy includes a notice of copyright and as long as they meet the following three tests:

1. Brevity. For poetry the suggested maximum is 250 words, for prose, the guidelines offer two different limitations. Educators may copy any complete story, essay, or article under 2,500 words or excerpts of not more than 1,000 words or 10% of the text. For illustrations, the guidelines suggest no more than one chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue.
2. Spontaneity. The “inspiration and decision to use the work” must occur so soon prior to classroom use that it would not be feasible to write for and receive permission from the publisher to duplicate the material. It is also imperative that the copying occur at the request of the teacher, not at the directive of an administrator or other “higher authority.”
3. Cumulative Effort. Generally, only one copy may be made of a short poem, article, story or essay. No more than three of these items may be from the same collective work or

periodical volume during one class term. The most limiting restriction further specifies no more than a total of nine instances of such multiple copying for one course during one class term. Finally, all multiple copying of a particular work is limited to one course; in other words, copying a work to be used in several courses is not likely to be considered a fair use of the material.

#### **2.7.1.1.6 Prohibited Copying**

1. Educators are not to create, through photocopying, their own anthologies, compilations or collective works whether brought together in one collection or reproduced and used separately.
2. Copying must not substitute for the purchase of books, periodicals, or reprints; this prohibition especially applies to the duplication of “consumable” materials such as workbooks, test booklets and standardized tests.
3. Students must not be charged more than the actual cost of copying the material.
4. A teacher must not duplicate the same item from one term to another.

#### **2.7.1.1.7 Software**

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

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

1. It is illegal to duplicate or distribute software or its documentation without the permission of the copyright owner. A back-up copy, for archival purposes, is permitted. It may not, however, be used simultaneously with the original.
2. Software may be loaned, as long as the original copy is not retained for use.
3. Multi-use of software on the campus network requires the appropriate license. A single copy may be used sequentially; i.e. no more than one use per copy at a time.

Illegal software must not be used on campus.

### **2.7.2 Ownership of Copyrightable Materials and Intellectual Property**

This document describes Bethany College’s policies and associated administrative procedures for ownership of copyrightable materials and other intellectual property. Its objectives are:

1. To enable the College to foster the free and creative expression and exchange of ideas and comment;
2. To preserve traditional College practices and privileges with respect to the publication of scholarly works;

3. To establish principles and procedures for sharing income derived from copyrightable material produced at the College; and
4. To protect the College's assets and imprimatur.

#### **2.7.2.1 Overview**

Faculty at the College must be free to choose and pursue areas of study and concentration without interference, to share the results of their intellectual efforts with colleagues and students, to use and disseminate their own creations, and to take their created works with them should they leave the College.

This copyright policy is intended to maintain those traditional norms and values that foster, in various ways, the open and free exchange of ideas and opinions. In this regard the policy formulated here is guided by a basic tenet of the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole.

The common good depends upon the free search for truth and its free expression.

The ongoing revolution in the use of information technology for the production and dissemination of knowledge enables members of the College community to create new forms or types of scholarly works, to communicate with current audiences with new types of materials, and to reach new audiences. The dramatic changes in information technologies and the ways in which they are employed provide an occasion to examine and clarify policy for copyright of works of scholarship produced at the College. This copyright policy statement delineates the rights and responsibilities of the College and its faculty, employees, students, and other members of the community.

By longstanding custom, faculty members hold copyright for books, monographs, articles, and similar works as delineated in the policy statement, whether distributed in print or electronically. This pattern will not change. This copyright policy retains and reasserts those rights.

#### **2.7.2.2 Copyright Ownership Policy**

Copyright is the ownership and control of the intellectual property in original works of authorship that are subject to copyright law. It is the policy of the College that all rights in copyright shall remain with the creator unless the work is a work-for-hire (and copyright vests in the College under copyright law), is supported by a direct allocation of funds through the College for the pursuit of a specific project, is commissioned by the College, makes significant use of College resources or personnel, or is otherwise subject to contractual obligations.

1. Books, Articles, and Similar Works Including Unpatentable Software: In accord with academic tradition, except to the extent set forth in this policy, Bethany College does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works include those of students created in the course of their education, such as dissertations, papers and articles. The College claims no ownership of popular nonfiction, novels, textbooks, poems, musical compositions, unpatentable software, or other works of artistic imagination that are not institutional works and did not make

significant use of College resources or the services of College non-faculty employees working within the scope of their employment.

2. **Institutional Works:** The College shall retain ownership of works created as institutional works. Institutional works include works that are supported by a specific allocation of College funds or that are created at the direction of the College for a specific College purpose. Institutional works also include works whose authorship cannot be attributed to one or a discrete number of authors but rather result from simultaneous or sequential contributions over time by multiple faculty and students. For example, software tools developed and improved over time by multiple faculty and students where authorship is not appropriately attributed to a single or defined group of authors would constitute an institutional work. The mere fact that multiple individuals have contributed to the creation of a work shall not cause the work to constitute an institutional work.
3. **Patent and Copyright Agreement:** All faculty, staff, student employees, and students who participate or intend to participate in teaching and/or research or scholarship projects at Bethany College are bound by this policy. Except as described in #1 above, this agreement assigns rights to copyrightable works resulting from College projects to Bethany College. This policy applies, and those subject to this policy are deemed to assign their rights to copyrightable works, whether or not an Agreement is signed and is on file.
4. **Works of Non-Employees:** Under the Copyright Act, works of non-employees such as consultants, independent contractors, etc. generally are owned by the creator and not by the College, unless there is a written agreement to the contrary. As it is Bethany College's policy that the College shall retain ownership of such works (created as institutional rather than personal efforts, as described in #2 above), Bethany College will generally require a written agreement from non-employees that ownership of such works will be assigned to the College. Examples of works which the College may retain non-employees to prepare are:
  - a) Reports by consultants or subcontractors;
  - b) Computer software;
  - c) Architectural or engineering drawings;
  - d) Illustrations or designs; and
  - e) Artistic works.
5. **Videotaping and Related Classroom Technology:** Courses taught and coursewares developed for teaching at Bethany College belong to the College. Any courses which are videotaped or recorded using any other media are Bethany College property, and may not be further distributed without permission from the appropriate academic dean. Blanket permission is provided for the use of students, or for other College purposes. Prior to videotaping, permission should be obtained from anyone who will appear in the final program.
6. **Contractual Obligations of the College:** This Copyright Ownership Policy shall not be interpreted to limit the College's ability to meet its obligations for deliverables under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements and the like. Copyrightable works that are subject to

sponsored research agreements or other contractual obligations of the College shall be owned by the College, so that the College may satisfy its contractual obligations.

7. **Use of College Resources:** Bethany College resources are to be used solely for College purposes and not for personal gain or personal commercial advantage, nor for any other non-College purposes. Therefore, if the creator of a copyrightable work makes significant use of the services of College non-faculty employees or College resources to create the work, the creator shall disclose the work to the Vice President for Academic Affairs and Dean of the Faculty and assign title to the College. Examples of non-significant use include ordinary use of desktop computers, the Library, and limited secretarial or administrative resources. Questions about what constitutes significant use shall be directed to the appropriate dean or the Vice President for Academic Affairs and Dean of the Faculty.
8. **Reconveyance of Copyright to the Creator:** When copyright is assigned to the Bethany College because of the provisions of this policy, the creator of the copyrighted material may make a request to the Vice President for Academic Affairs and Dean of the Faculty that ownership be reconveyed back to the creator. Such a request can, at the discretion of the Vice President for Academic Affairs and Dean of the Faculty, be granted if it does not:
  - a) Violate any legal obligations of or to the College,
  - b) Limit appropriate College uses of the materials,
  - c) Create a real or potential conflict of interest for the creator, or
  - d) Otherwise conflict with College goals or principles.

### **2.7.2.3 Administration of Policy**

1. **Determination of Ownership and Policy:** The Vice President for Academic Affairs and Dean of the Faculty will resolve any questions of ownership or other matters pertaining to materials covered by this policy.
2. **Licensing and Income Sharing:**
  - a) **Licensing:** The Vice President for Academic Affairs and Dean of the Faculty seeks the most effective means of technology transfer for public use and benefit and, toward that end, handles the evaluation, marketing, negotiations and licensing of College-owned inventions or copyrightable materials with commercial potential. Computer databases, software and firmware, and other copyrightable works owned by the College, are licensed through the Vice President for Academic Affairs and Dean of the Faculty. The Vice President for Academic Affairs and Dean of the Faculty must approve in advance exceptions to this procedure.
  - b) **Royalty Distribution:** The Vice President for Academic Affairs and Dean of the Faculty will allocate royalties assigned to the College. If copyright protection alone is claimed, royalties normally will be allocated in a similar manner, with the “inventor’s share” allocated among individuals identified by the investigator (or department head if not under a sponsored agreement), based on their relative contributions to the work. Where royalty distribution to individuals would be



impracticable or inequitable (for example, when the copyrightable material has been developed as a laboratory project, or where individual royalty distribution could distort academic priorities), the “inventor’s share” may be allocated to a research or educational account in the laboratory where the copyrightable material was developed.

3. Assignments: No assignment, license or other agreement may be entered into or will be considered valid with respect to copyrighted works owned by the College except by an official specifically authorized to do so.
4. Use of the College Name in Copyright Notices: The following notice should be placed on College-owned materials in order to protect the copyright: Copyright © [year]. The Board of Trustees of Bethany College. All Rights Reserved.

No other institutional or departmental name is to be used in the copyright notice, although the name and address of the department to which readers can direct inquiries may be listed below the copyright notice. The date in the notice should be the year in which the work is first published, i.e. distributed to the public or any sizable audience.

Additionally, works may be registered with the United States Copyright Office using its official forms.

5. Copying of Works Owned by Others: Members of the College community are cautioned to observe the rights of other copyright owners. Contact the Vice President for Academic Affairs and Dean of the Faculty for College policies pertaining to copying for classroom use. Policies regarding copying for library purposes may be obtained from the Director of the Library.
6. Sponsored Agreements: Contracts and grants frequently contain complex provisions relating to copyright, rights in data, royalties, publication and various categories of material including proprietary data, computer software, licenses, etc. Questions regarding the specific terms and conditions of individual contracts and grants, or regarding rules, regulations and statutes applicable to the various government agencies, shall be addressed to the Vice President for Academic Affairs and Dean of the Faculty.

#### **2.7.2.4 Other Intellectual Property**

1. Trade and Service Marks: Trade and service marks are distinctive words or graphic symbols identifying the sources, product, producer, or distributor of goods or services. Trade or service marks relating to goods or services distributed by the College shall be owned by the College. Examples include names and symbols used in conjunction with computer programs or College activities and events. Consult the Vice President for Academic Affairs and Dean of the Faculty for information about registration, protection, and use of marks.
2. Proprietary Information: Proprietary information arising out of College work (e.g., actual and proposed terms of research agreements, financial arrangements, or confidential business information) shall be owned by the College. “Trade secret” is a legal term referring to any information, whether or not copyrightable or patentable, which is not

generally known or accessible, and which gives competitive advantage to its owner. Trade secrets are proprietary information.

#### **2.7.2.5 Explanation of Terms**

1. **Copyrightable Works:** Under the federal copyright law, copyright subsists in “original works of authorship” which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.
2. **Scope of Copyright Protection:** Copyright protection does not extend to any idea, process, concept, discovery or the like, but only to the work in which it may be embodied, illustrated, or explained. For example, a written description of a manufacturing process is copyrightable, but the copyright only prevents unauthorized copying of the description; the process described could be freely copied unless it enjoys some other protection, such as patent.

Subject to various exceptions and limitations provided for in the copyright law, the copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies by sale or otherwise, and display or perform the work publicly. Ownership of copyright is distinct from the ownership of any material object in which the work may be embodied. For example, if one purchases a videotape, one does not necessarily obtain the right to make a public showing for profit.

The term of copyright in works created on or after January 1, 1978, is the life of the author plus seventy years. Copyright in works for hire is for ninety-five years from the date of first publication or one hundred twenty years from creation, whichever period first expires.

3. **Works for Hire:** “Work for hire” is a legal term defined in the Copyright Act as “a work prepared by an employee within the scope of employment.” This definition includes works prepared by employees in satisfaction of sponsored agreements between the College and outside agencies. Certain commissioned works also are works for hire if the parties so agree in writing.

The employer (i.e., the College) by law is the “author,” and hence the owner, of works for hire for copyright purposes. Works for hire subject to this principle include works that are developed, in whole or in part, by College employees. Where a work is jointly developed by College employees and a non-College third-party, the copyright in the resulting work typically will be jointly owned by the College and the third party. In such instances, both the College and the other party would have nonexclusive rights to exploit the work, subject to the duty to account to each other. Whether the College claims ownership of a work will be determined in accordance with the provisions of this policy, and not solely based upon whether the work constitutes a work-for-hire under the copyright law. For example, copyright in pedagogical, scholarly or artistic works to which the College disclaims ownership under this policy shall be held by the creators regardless of whether the work constitutes a work-for-hire under copyright law. Only the Vice President for Academic Affairs and Dean of the Faculty may relinquish College ownership in a work for hire.

## **2.8 Institutional Advancement**

### **2.8.1 Use of the College Name, Seal and Logo**

Members of the campus community, either individually or collectively, shall not officially use the name, seal or logo of Bethany College in any activity outside of the regular work of the College. Violation of this rule is regarded as sufficient cause for dismissal or expulsion. Bethany College's name, seal, and logo are the exclusive property of the College, are subject to trademark protection, and consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the Senior Vice President. Members of the campus community publish a considerable number of reports in the form of bulletins, circulars, scientific articles, monographs, and books, some of which are copyrighted and others of which are not. Material from such recognized publications is, of course, quotable, and proper recognition should be given to both the individual author and to Bethany College in connection with such quotations.

Official stationery may not be used in connection with "outside activities" except with respect to those academic and scholarly activities described above. No report or statement relating to outside activities may have the name of Bethany College attributed to it. The use of official Bethany College titles for personal gain or publicity is prohibited without the written approval of the Senior Vice President.

## **2.9 Purchasing and Financial Related Policies**

### **2.9.1 Written Agreements**

Any transaction made on behalf of the College with a vendor/supplier that requires a signature of a representative of the College must be reviewed by the Vice President for Finance and signed by a Cabinet Officer or the President of the College. This includes all contracts, agreements, letters of intent, etc. One of the originals or a copy made from the original shall be maintained within the office of the Vice President for Finance.

### **2.9.2 Furniture and Equipment**

All requirements for furniture shall be processed through a Cabinet Officer who will review any request to determine if a satisfactory piece is available from current inventory. In the event a purchase of furniture is to be made it will be effectuated by a Cabinet Officer who will ascertain that the purchase meets all regulatory requirements and is for an acceptable price. The office of the Director of the Physical Plant will maintain an inventory of surplus furniture.

All requirements for new or replacement equipment (other than small items such as desk lamps and calculators) shall be processed through a Cabinet Officer who will ensure that the Physical Plant has been consulted regarding installation and ancillary costs due to excessive floor load, fire code requirements, insufficient electrical power, improper rigging, interruption of services, etc.

### **2.9.3 Information Technology**

All requirements for business equipment, information technology etc. must be processed through the office of and approved by the Vice President for Academic Affairs or his designee. This shall include but not be limited to computers, software, printers, copiers, scanners, fax machines, video cameras, projectors, TVs, VCR/DVD players, audio systems, emerging technologies and initiatives in order to insure compatibility with the College's network.

### **2.9.4 Printing and Advertising**

All requirements for outside printed materials or print that will be mailed off campus must be processed through the office of the Senior Vice President or his designee.

### **2.9.5 Day-to-Day Purchases**

All purchases are to be made by a designated requisitioner in the area. Purchase by requisitions must be forwarded to and approved by the applicable Department Head and responsible Cabinet member upon the College's payment form (See Appendix C for payment form). The College's payment form will not be processed unless it contains two signatures, one of which must be that of a Cabinet Officer. Purchases should only be made with the approval of the budget control officer and within existing budget availability.

### **2.9.6 Lowest Cost Products**

It is expected that all purchases made on behalf of the College will be on the basis of lowest cost consistent with required quality and service.

#### **2.9.6.1 Competitive Bidding**

The College shall utilize a competitive bidding procedure wherever it is deemed to be practical by the area Cabinet member for the types of purchases in question. Competitive bids should be obtained by the requesting department or a notation made on file as to why this was not possible. Any bids shall be maintained on file by the requestor.

#### **2.9.6.2 Exceptions**

It is recognized that, there are certain instances wherein only one bid can be solicited (Single Source). The rationale may include, but not be limited to, one or more of the following reasons:

- Original Equipment Manufacturer or Proprietary Parts
- Only known source for this particular item or service
- Standardization
- Documented material performance

### **2.9.7 Confidentiality**

It is recognized that most of the transactions relating to the purchase of goods or services are of a confidential nature - especially with regard to those vendors doing business with the College and their competitors. It is considered unethical, as well as damaging to the College's competitive position to allow proprietary information about one vendor's quotation to be shared with another competing vendor.

### **2.9.8 Contractor's Insurance**

The purpose of this guideline is to ensure that the College has adequately reduced its exposure to the risk of liabilities that might arise during work performed by outside contractors/vendors on College property. Any contractor or vendor coming on Bethany College property must provide evidence, if not already on file, of a current Certificate of Insurance from their insurance carrier.

### **2.9.9 Travel and Entertainment Expense Policy**

#### **2.9.9.1 General Overview**

The College's policy is to reimburse its employee business travelers for all reasonable and necessary expenses incurred while transacting the affairs of the College. Only the Board of Trustees, through the President, may approve exceptions to the policy. It is not the intent of this policy to regulate development expenditures incurred on behalf of Bethany College; rather, this policy is to apply to ordinary business trips and expenditures. In addition, the College believes that reimbursements made to "disqualified persons" in accordance with the travel and entertainment reimbursement policy do not constitute "excess benefits" as defined by the Internal Revenue Service. However, there are specific types of expenses which are considered to be personal, and are therefore not reimbursable. The following list is illustrative, and does not necessarily include all items considered to be personal expenses.

- A. Cleaning, pressing and laundry.
- B. Airline and other trip insurance.
- C. Barber, manicurist and shoe shine.
- D. Traveler's check fees.
- E. Repairs on personal automobiles damaged while on College business.
- F. Traffic violations and court costs.
- G. Loss or theft of personal property.

From time to time family members may accompany employees on business trips. The College generally encourages employees to take advantage of business travel for family members. However, except where approved as an exception to the policy, the additional expense incurred as a result of family members is strictly the responsibility of the employee. Whenever possible, separate receipts should be obtained for the employee's expenses.

### 2.9.9.2 Travel Advances

Travel advances are generally of two types: cash or prepaid debit card. Whenever practical, prepaid debit cards are the preferred method. Travel advances can be obtained by (1) getting approval from the person responsible for the operating budget or account to which expenses will ultimately be charged and (2) getting approval from the corresponding Cabinet member. The proper form for an advance is [insert form name] (see Appendix E). A travel advance must be reasonable in **both** the amount and the length of time to which the advance applies. The College will generally not provide access to advance funds for an entire semester, sport season or year.

The approved payment order should be forwarded to Accounts Payable well in advance of the travel. A payment order should be submitted two weeks in advance of travel to ensure availability of funds for planned travel.

Travel advances should be accounted for no later than thirty (30) days after expenses are incurred. Unless overwhelming circumstances can be demonstrated, the College will not issue a travel advance unless **all** previous advances have been accounted for in a satisfactory manner.

### 2.9.9.3 Accounting for Advances and Expense Reimbursement

IRS regulations require the College's procedures to be "accountable." In circumstances in which they are not, reimbursed amounts must be treated as taxable income to the employee. An "accountable" plan requires that expenses have a legitimate business purpose and be substantiated with sufficient records (like those which would support a personal tax deduction) and the return of advances in excess of substantiated business expenses.

The law provides that timeliness is a must in this process. Accordingly, the College has adopted the following safe harbor method:

- A. the employee must substantiate expenses no more than 30 days **after** the expense is incurred; and
- B. the employee must return all unsubstantiated amounts no more than 30 days after expenses are incurred. Within this time frame the following guidelines apply:
  1. All substantiation of travel advances and requests for reimbursement must be submitted on the College's Travel and Entertainment Expense Statement (see Appendix C).
  2. The statement must include the following:
    - a. The destination and purpose of the trip.
    - b. The business relationship of persons entertained, if applicable.
    - c. Original receipts supporting all lodging expense.
    - d. Original receipts supporting all expenditures of \$25 or more.
      - i. Exceptions to this are a standard mileage reimbursement and other expenses where receipts might not be readily available.
  3. The request must be approved by a Cabinet member. Cabinet member requests for reimbursement require the approval of the President of the College.

4. Whenever possible a receipt supporting an expense should be obtained. This is usually possible and, in fact, is required for **all** expenses in excess of \$25. The College expects original receipts for normal expenses such as meals. However, when a receipt cannot be obtained, a description of the expense should be included on the statement, or classified in the appropriate space provided on the form.

When receipts for meals are not obtained, the College will reimburse the **lesser** of actual meal expenses or the IRS per diem allowance for meals.

#### **2.9.9.4 College Credit Cards**

If an employee is routinely expected to travel in the normal course of business that employee may request a College credit card. Requests should be made to the employee's Cabinet member. If the Cabinet member concurs, he or she will contact the Chief Financial Officer with the request and a recommended dollar limit for the card.

General rules for the use of College credit cards:

- A. Personal items shall **never** be charged on College credit cards. Using a College credit card for the purchase of personal items will result in revocation of the card.
- B. Credit card bills are sent directly to the cardholder. All receipts, both the credit card receipt and the original hotel/meal receipt, must be saved. The receipts and credit card bill are to be attached to a completed Travel and Expense Form, which must be signed by a Cabinet member and submitted to Accounts Payable by the 20<sup>th</sup> of each month. Employees could have issues if traveling with declined cards as a result of noncompliance. Unsubstantiated, untimely charges may be determined taxable income to the traveler and added to his/her W-2 at year-end.
- C. The purchase order system should not be circumvented with a College credit card. The cards are intended to make travel easier; they are **not** to be used to buy office supplies, etc.-- this prohibition includes purchases made at the College Bookstore.
- D. Do **not** use College credit cards for cash advances. When a cardholder leaves the employment of the College, the credit card must be returned to the Human Resources Department. If a card is ever lost or stolen, the loss or theft should be reported immediately to the Staff Accountant so the card can be cancelled.

#### **2.9.9.5 Transportation**

College business travelers are expected to use the most economical and direct mode of transportation available, consistent with the authorized purpose of the travel.

Renting a vehicle is permitted only when absolutely necessary to conduct official College business. The primary rationale for renting a vehicle is when the cost of such rental is lower than reimbursement for use of personal vehicle or air travel. Vehicle rentals for the purpose of transit between a port of arrival (airport) and destination (hotel) or leisure transit is not sufficient rationalization for getting a rental vehicle. Travel such as that between airport and hotel should be arranged via a taxi service.

### **Procedural Guidelines:**

- All staff/faculty members reserving rental cars for College travel should place the charges on their college credit card (if applicable) or have the charges billed directly to the College from the vendor.
- Car Size – compact or intermediate sized automobiles are recommended. However, if your trip involves multiple passengers (3 or more), then a standard or full size vehicle may be reserved.
- No add-on GPS device charges are generally permitted. Many free online navigational web services provide detailed travel instructions for travelers. Please utilize your smart phone's navigational options, print directions, or get a map.
- Do NOT purchase insurance through the car rental agency for continental U.S. travel. The College already has coverage through its existing policies.

The College **will not** reimburse employees for parking tickets, fines for moving violations, or vehicle towing charges.

The College has an arrangement in place with Enterprise Rent-A-Car®; they are our preferred vendor.

The local locations are:

- 87 17<sup>th</sup> Street, Wheeling, WV, 26003; Phone 304.233.9582
- 27 Peters Run Road, Wheeling, WV, 26003; Phone 304.230.1213
- 2207 Sunset Blvd, Steubenville, OH, 43952; Phone 740.264.6263

#### **A. Personal Vehicles**

Reimbursement for business travel by personal automobile is at the per diem rate per mile as published by the Internal Revenue Service. This per mile rate covers all expenses, except toll charges and parking fees, relating to the operation of the car. Requests for mileage reimbursement should be submitted on a Travel and Entertainment Expense Statement and should include dates traveled, mileage, destination and business purpose of travel. The current per diem rate is 57.5 cents per mile for business miles driven but is subject to change.

#### **B. College Owned Vehicles**

Business travel using a College vehicle may be arranged on a first-come, first served basis by contacting the Director of Student Engagement and Responsibility. The current per mile charge-out-rate is 57.5 cents per mile.

#### **C. Air Travel**



1. An employee may use the travel agent of his or her choice to book the best available coach class of service. However, employees are encouraged to periodically check with more than one agent to ensure the best rates. Upgrades from coach class are permitted provided the upgrade is at no additional cost to the College. Agents may or may not be willing to bill the College directly. All travel arrangements should be made via the Finance Office using the College's credit card.
  2. If an agent is going to bill the College directly the employee must know the account number to which the flight will be charged and give that number to the agent to be included on the invoice.
  3. All tickets purchased must be non-refundable. If the trip is cancelled, the ticket must be used on the next available opportunity for travel on that airline.
- D. If an employee chooses to drive rather than fly on a business trip, reimbursement for travel by personal automobile will be limited to the **lesser** of mileage or the most economical, direct airfare available. Likewise, when a traveler makes a decision to use a personal vehicle instead of a rental, the reimbursement is limited to the lesser of the two.
- E. Whenever an employee, for his or her convenience, travels by an indirect route or interrupts College travel for personal travel, the additional expenses are the responsibility of the employee.

#### **2.9.9.6 Lodging**

The College will pay for single occupancy hotel accommodations. The College expects all employees to use moderately priced hotel accommodations. An exception will be allowed if the hotel is the location of the conference or symposium attended.

#### **2.9.9.7 Meals for Overnight Travel**

The actual cost of meals, including taxes and tips (except where limited by contract or grant), while on College business is reimbursable subject to the maximum meal rate set by the IRS for overnight travel to the subject destination. Travelers should select restaurants which are reasonably priced for the locality.

- A. Breakfast will be allowed whenever the traveler is out of town the night before or when the incurred travel begins earlier than a normal breakfast and no meal was provided by the transportation company.
- B. Lunch will be reimbursed provided that the trip begins before the lunch hour.
- C. Dinner reimbursement will be made when the traveler is away from home for the evening meal or does not return home until after the normal dinner hour, and no meal was provided by the transportation company en route.

#### **2.9.9.8 Day Trips not Involving Overnight Travel and Entertaining on Campus**

- A. Meals eaten during day trips which do not include overnight travel are reimbursed only if there is a business purpose directly related to the meal. Therefore, a meal eaten while traveling to or from a meeting is not reimbursable because the IRS views this as a personal expense.
- B. On occasion it is necessary for an employee to entertain a campus visitor. For example, this could be someone who is interviewing for a position or a guest lecturer. When circumstances require that the employee accompany the visitor during a meal the College will pay for both the visitor's and the employee's meal since there is a business purpose directly related to the meal.

As in all other situations, the business purpose of the meal and original receipts must accompany the request for reimbursement on the Travel & Entertainment Expense Statement (see Appendix C).

#### **2.9.9.9 Tipping**

- A. Tipping is allowed for meal service. However, in no event should the tip exceed fifteen percent of the cost of meals. Tips in excess of 15% will be reimbursed at the fifteen percent amount.
- B. Reasonable tips, not to exceed 15%, for other services such as taxi cab drivers, are also allowable.

### **2.10 Miscellaneous Policies**

#### **2.10.1 College Facilities and Services**

##### **2.10.1.1 Ambulance Services**

The Bethany Volunteer Fire Department has EMT and Paramedic staffing. Ambulance service is obtained by calling 9-911. As with any other ambulance, there is a fee charged for services. The fee to the patient may vary based on services provided and individual insurance policy coverage.

##### **2.10.1.2 Obtaining Personal Funds**

All employees and students have access to Automatic Teller Machines (ATMs) located on the ground level of the Benedum Commons and in the Bethany Beanery.

##### **2.10.1.3 Campus Libraries**

T.W. Phillips Memorial Library, the main facility of the Mary Cutlip Center for Library & Information Technology Services, serves the Bethany College community by helping users identify, select, access, and evaluate information resources. Library holdings include more than 250,000 physical items, a broad yet selective group of electronic resources, extensive archival and special collections, and the Grace Ryland and William Henry Robinson Children's Library. Specialized collections located in the library building include the Bethany College Archives, the

Center for Campbell Studies, the Upper Ohio Valley Collection, the James Schuyler Poetry Collection and related materials.

As a member of the Appalachian College Association the campus has access to a core collection of more than 100,000 eBook titles and eight database collections through the Bowen Central Library of Appalachia: ARTstor, Encyclopedia of Life Sciences, JSTOR, Oxford Art Online, Oxford Music Online, Polling the Nations, and Statesman's Yearbook. Online resources are further enhanced with more than 40 other online resources including: Films on Demand, Credo, Lexis-Nexis Academic, Communication & Mass Media Complete, ATLAS, Mango Languages, Gale Virtual Reference Online, and a suite of psychology databases. EBSCO Discovery provides a one-search interface to these resources as well as the library's online catalog.

#### **2.10.1.3.1 Borrowing Privileges**

Complimentary circulation privileges are extended to the following individuals: a) students currently enrolled at Bethany College, b) faculty, staff, and trustees of Bethany College, c) immediate family members of Bethany College employees (spouse and children residing with their parents), d) residents of the town of Bethany, e) Bethany College alumni, and f) guests, at the discretion of the Library Director.

Limited access children's library cards are also available free of charge to kids who reside in local communities. Children under the age of 17 must have a parent or guardian present to sign the library card application.

Library cards may be issued to other individuals at the discretion of the Director and are subject to an annual borrowing fee of \$25. All patrons without a Bethany College ID will be issued a library card which must be presented for all library transactions. Lost/worn library cards will be replaced at no charge.

#### **2.10.1.3.2 Circulation**

All patrons must present a valid Bethany College ID or library issued identification card to borrow materials.

Circulating library materials are subject to the guidelines listed in the table below. Certain collections including: reference, periodicals, and archives do not circulate and may not leave the library.

<b>Patron Type</b>	<b>Books</b>	<b>Media, Materials &amp; Equipment</b>	<b>Reserves</b>	<b>Renewals Permitted</b>
Students	6 week loan period no limit no late fees	4 day loan period limit 10 \$1/day late fee \$10 max late fee per item	2 hrs; 4 hrs 3 max checkouts 25 cent/hour late fee \$10 max late fee per	yes 5 max

			item	
Faculty, Staff & Trustees	12 week loan period no limit no late fees	12 week loan period limit 25 no late fees	2 hrs; 4 hrs 25 max checkouts no late fees	yes
Employee Family	6 week loan period limit 25 25 cent/day late fee \$10 max late fee per item	4 day loan period limit 10 \$1/day late fee \$10 max late fee per item	n/a	yes 5 max
Community	6 week loan period limit 25 25 cent/day late fee \$10 max late fee per item	4 day loan period limit 10 \$1/day late fee \$10 max late fee per item	n/a	yes 5 max
Alumni	1 week loan period limit 25 25 cent/day late fee \$10 max late fee per item	4 day loan period limit 2 \$1/day late fee \$10 max late fee per item	n/a	yes 5 max
Guest	1 week loan period limit 5 25 cent/day late fee \$10 max late fee per item	4 day loan period limit 2 \$1/day late fee \$10 max late fee per item	n/a	yes 5 max
Children's Library	3 week loan period children's books only limit 3 25 cent/day late fee \$10 max late fee per item	n/a	n/a	yes 5 max

\*All library materials are subject to recall.

\*Loan periods may vary before the end of each semester, during holidays and vacation periods.

\*All materials must be returned at the end of each academic semester.

### **2.10.1.3.3 Fines, Lost and Damaged Materials**

Library users are responsible for the timely return of materials and will be charged late fees as indicted in the circulation table, above. Items that have not been turned in by the end of the semester in which they were due will be considered lost and billed accordingly.

All borrowers are responsible for returning materials in the same condition in which they were checked out and may be charged for damaged or lost materials.

The minimum charge for replacing lost DVDs, children's books, and NYT Bestsellers is \$25 plus a \$15 service charge. The minimum charge for all other lost materials is \$50 per item plus a \$15 service charge. Materials with a value greater than the minimum charge will be billed at actual replacement cost, as determined by the library staff, plus a \$15 service charge. If missing items are returned within 30 days of billing, patrons may be credited for the missing item fees and billed the \$10 maximum late fee which will have been reached.

Damaged materials that can be repaired on site will carry a \$15 processing fee. Materials that are damaged beyond on site repair will be billed for replacement.

Student fines and fees are submitted to the Business Office. Once billed, charges must be disputed in writing to the library within 30 days of the Bethany College invoice date.

All other patrons are responsible for paying their fines in the library. Borrowing privileges may be suspended for patrons with excessive fines. Disputed charges should be referred to the Library Director.

#### **2.10.1.3.4 Reserve Materials**

Instructors may place materials on reserve at T.W. Phillips Memorial Library for classes taught during the current semester only. A reserve form, available at the Circ/Help Desk, must be filled out for each item to be placed on reserve. Materials should be for specific assignments, and not extensive bibliographies. Any item placed on reserve is subject to copyright laws and it is the responsibility of the Instructor to make sure it complies. The staff of the T.W. Phillips Memorial Library reserves the right to deny placing any item on reserve felt in violation of copyright law.

Materials allowed on course reserve include:

1. Books owned by the library or Instructor
2. Copy of a work owned by the library or Instructor, whose amount does not exceed a fair use portion of the work
3. DVDs owned by the Instructor or library
4. Copies of articles from periodicals that the Instructor or library subscribe to
5. Textbooks – Purchased copies only; not to be copied
6. Textbooks – Instructor copies; not to be copied; **first two weeks of the semester only**

Materials **NOT** allowed on course reserve include:

1. Consumables, i.e. workbooks, items with a workbook component, standardized tests, lab manuals, etc.
2. Copies of items, including articles, that the Instructor or library does not own or subscribe to

Permanent Reserves are not allowed. Items will not be allowed on reserve for the same course in consecutive semesters without written permission from the publisher. Proof of permission must be provided to the T.W. Phillips Memorial Library.

Reserve clock will reset when the item has been removed from reserve for a regular fall or spring semester.

Instructors need to allow at least 48 hours for materials to be processed and placed on reserve.

Personal items placed on reserve will have a reserve band placed around the front cover and will be “tattle taped” for security. DVDs will be marked by removable methods. Copies of publication information must be included with photocopies of articles or chapters of books.

Any item not picked up by the Instructor by the end of the last day of each final period will be returned to the professor by campus mail.

#### **2.10.1.3.5 Interlibrary Loan**

The Interlibrary Loan program permits students, faculty and staff members of Bethany College to borrow from participating libraries items not available locally.

Requests for materials through Interlibrary Loan may be submitted to the library via: a) the online catalog ILL interface, b) e-mailing [library@bethanywv.edu](mailto:library@bethanywv.edu), or c) in person. Requests often take 2-10 days to fill. Items borrowed through ILL are subject to restrictions as stipulated by the lending library. The borrower rather than the library will be responsible for any overdue charges or replacement costs for lost materials. In addition, the library will impose a fine of \$1 per day for overdue ILL items.

In those circumstances wherein an item may be obtained from a fee-charging lender only, the library will bear that expense for faculty and staff alone. Students will be expected to pay the lending fee. Bethany College librarians may limit or deny Interlibrary Loan requests, especially in cases where excessive cost or copyright issues apply.

The library strives to be a free Interlibrary Loan lender whenever possible. However, lending fees may be applied to requests from for-profit institutions or libraries that do not provide reciprocal free lending services. The library does not circulate via ILL reference, reserve, or special collections items. A single renewal will be granted on ILL items for which there is no system hold.

#### **2.10.1.3.6 Collection Development Policy**

The goal of collection development for Bethany College libraries is to build relevant collections that support the mission, values, goals and objectives of the College.

Collection development is the responsibility of the College’s librarians, who themselves enjoy the support and input of teaching faculty. In their capacity as bibliographers, librarians identify resources in all formats that are appropriate to support existing academic programs while maintaining a broad view of the collection and the long-term needs of the academic community. Consultation and communication with teaching faculty about their present, and future, curricular and research needs are part of this process. Librarians will develop collections to support general academic interest, inquiry, and intellectual diversity as well as course, department, and field-specific needs, as funding permits.

Librarians oversee and evaluate existing collections. As with selection, this requires keeping current with the changing needs of the academic community. Librarians regularly review collections to identify materials to be removed or continuations to be canceled due to fiscal or programmatic reasons. Librarians review lost and stolen titles, as well as damaged and brittle materials, and make recommendations for their replacement or withdrawal from the collection.

**Allocation.** The library attempts to distribute its collection development funds in such a way as to ensure a solid foundation for a collection serving a variety of users in a variety of disciplines, while allowing some freedom of choice among disciplines in meeting immediate and sometimes unanticipated needs.

**Duplication.** Library materials are duplicated or acquired in multiple copies according to the following criteria:

1. Demand, present or anticipated, is sufficiently heavy to justify duplication.
2. Condition of the existing library copy indicates frequent use and threat of deterioration.
3. Basic reference or bibliographic material that is essential in more than one location.
4. Convenience alone is not a sufficient justification for duplication. Criteria for duplication in other locations include degree of relevance to more than one program, amount of use anticipated, or restrictions on circulation in first location. In all cases, high cost of materials will mitigate against their duplication.

**Replacement.** Material which has been lost or damaged is replaced on the advice of a librarian. The following criteria are considered in the decision to replace a volume:

1. Continued value of the material.
2. Demand for the material.
3. Extent of coverage of the subject in the existing collection.
4. Availability of newer or better material in the field.
5. Cost and appropriateness of replacement rather than rebinding.

**Weeding.** Librarians weed the collections periodically. Care must be taken however to avoid inadvertent withdrawal of titles that are unique or have significant value. In general, the following factors are important in considering withdrawal of a title:

1. Relevance of title to the College's teaching and research programs.
2. Availability of title via Interlibrary Loan.
3. Circulation history of the title.
4. Physical condition of the title.

**Selection Guidelines:**

1. Textbooks are not added to the collection, except in cases where such a work represents a significant or unique treatment of a topic or field of study.
2. Videos in widescreen format only, unless full screen is the only option.
3. Digital in lieu of magnetic tape media whenever possible.
4. Hard cover in lieu of paperback, where economically feasible.
5. Blu-ray (BD) discs in lieu of or in conjunction with DVD copies.
6. E-books in lieu of or in conjunction with print copies, where reasonable and appropriate

7. Academic publishers are favored over self-published or non-academic publishers in the selection process. Independent reviews from reliable sources should be consulted before purchasing self-published or non-academic titles and for non-fiction titles in this category should include a standard bibliography.

#### **2.10.1.3.7 Gift Material Policy**

The libraries at Bethany College accept donated items for their collections with the understanding that these items must meet the same standards as purchased materials. Criteria of relevancy to the library's mission, condition, and cost analysis of processing and maintenance of the items are carefully considered during the evaluation process. A pre-written inventory/bibliography of your gifted items is appreciated. Individuals wishing to donate items to the library are encouraged to contact us ahead of time to discuss the gift and arrange for drop-off.

Items that are generally not considered for inclusion in library collections include: textbooks, newspapers and journals, materials in poor or dirty condition, outdated materials, and videocassettes. Rare and other archival materials are considered on a case by case basis.

Once received, gift items become the exclusive property of Bethany College. Items not accepted into the library collections may be discarded, sold via book sale, given to another library, or disposed of by other means. Accepted items are cataloged and can be recognized with a nameplate, if desired.

An acknowledgement letter including a brief description of the gift and the item count will be provided for all gifts. The library staff cannot, however, perform an appraisal on any donated item.

Monetary gifts to the libraries are encouraged. Donors interested in participating in the Book-A-Year program may contact the Center for Institutional Advancement.

#### **2.10.1.3.8 Library Instruction Policy**

Library instruction at T.W. Phillips Memorial Library is provided by librarians upon request of faculty. The goal of library instruction is to empower students with information literacy skills. Instruction is grounded on the Information Literacy Standards of the Association of College and Research Libraries.

#### **2.10.1.3.9 Confidentiality Policy**

In accordance with the guidelines of the American Library Association, the privacy of all library patrons shall be respected. The Bethany College libraries will not reveal the names of individual borrowers nor reveal what books are charged to any individual.



#### **2.10.1.3.10 Grace Ryland and William Henry Robinson Children's Library**

The Grace Ryland and William Henry Robinson Children's Library located on the main floor of the T.W. Phillips Memorial Library at Bethany College welcomes children of all ages. The Children's Library provides a substantial collection of literature suitable for infants through young adults as well as materials that support the curriculum of the Education Program.

##### **2.10.1.3.10.1 Arrangement**

The books in the Children's Library have been assigned appropriate reading levels based on their reading complexity. All books are marked with a colored label. The assigned labels are a basic guideline for selecting resources specific to reading level and do not indicate appropriateness of content for the reader. Several teaching sets are also housed in the children's library to support the teaching and learning of students enrolled in teacher preparation classes.

Parents and guardians are encouraged to be involved in the selection of library materials for their children and are responsible for monitoring the materials they choose. Collection development decisions are not influenced by the possibility that materials may be accessible to minors or offensive to some patrons.

- Yellow label = board books
- Red label = basic picture books
- Blue label = early chapter books
- Purple label = novels
- Green label = reference materials

##### **2.10.1.3.10.2 Child Behavior and Supervision**

The children's library staff is not responsible for providing supervision and care for children left unattended in the library. We strongly encourage a parent, guardian or other responsible adult to accompany children on their visits to the library. All children under the age of 10 must be accompanied by a responsible adult, at all times. Disruptive children may be asked to leave the library.

#### **2.10.1.3.11 Archives & Special Collections**

The library maintains a large number of special collections including the Bethany College Archives, the Center for Campbell Studies, the Upper Ohio Valley Collection, the James Schuyler Poetry Collection and related materials. Patron use of these collections is by appointment and subject to standard archival procedures.

Tour groups wishing access to the many display areas throughout Archives and Special Collections may schedule visits through the Director of Bethany Heritage Program & Archivist.

##### **2.10.1.3.11.1 General Research Requests**

We serve the needs of anyone interested in the collections however requests received from within the Bethany College community receive primary attention. Requests for appointments from the public at large, and by telephone, e-mail, fax, and the postal service are processed and accommodated in the order in which they have been received. Due to the volume and nature of

requests, to avoid inconvenience or disappointment, reasonable delays should be anticipated. All visits to Archives & Special Collections must be scheduled ahead of time by contacting the Director of Bethany Heritage Program & Archivist.

Research requests undertaken by library staff members for external users that require more than one hour of staff time (including photocopying and scanning) will be billed \$10 per half hour of additional research time. Photocopies are \$1.00 per page. There is no charge for the first five digital photos or scans. Additional photos/scans are \$1.00 per image. Shipping, where applicable will be the responsibility of the person requesting the research.

#### **2.10.1.3.11.2 Genealogy Research Requests**

We have established the following fee schedule for off-site genealogy research requests:

Matriculation Index Search – free

Library Research – Relevant collections will be searched for a specific individual, surname, or family. An initial prepaid fee of \$20 is requested to cover one hour of research by the staff. Each additional hour of research is \$20. Hours of research are calculated by whole hours and fees are non-refundable. Inquiries should include as much detail as possible with regard to names, dates, and places. Up to five digital photos or scans are included in initial fee. Additional photocopies are 25 cents per page and additional photos/scans are \$1.00 per image. Research requests of this type are generally answered in 2-4 weeks.

There is no charge for staff time for on-site genealogical research but is limited to the availability of library staff. Photocopies are \$1.00 per page. There is no charge for the first five digital photos or scans. Additional photos/scans are \$1.00 per image. On-site research must be scheduled ahead of time by contacting the Director of Bethany Heritage Program & Archivist.

#### **2.10.1.3.12 Accessibility**

The T.W. Phillips Memorial Library at Bethany College strives to provide equal access to collections and services for all patrons. Library staff members are available to retrieve library materials from the collection for those patrons who require assistance due to a temporary or permanent disability.

Visiting patrons who require this assistance should come to the library's front desk with their requests. Materials will be retrieved immediately, provided there are at least two staff members on duty. Patrons are encouraged to request this service ahead of their visit by calling or emailing the library. They will be notified by phone or email when the materials are ready to be picked up.

#### **2.10.1.4 Media Equipment**

A variety of equipment is available. The Help Desk should be notified at least two days before any piece is needed. The person requesting the equipment should indicate the location and time needed and whether personnel are required to assist in its use. The person who requests the equipment is responsible for the care and security of the equipment. Long-term loans of equipment can be arranged when heavy use over an extended period of time is expected.

Faculty may use an optical scanner to score exams, mark questionnaires, etc.

## **2.10.2 Bethany College Campus Key Control Policy**

### **2.10.2.1 Policy**

It is the policy of Bethany College to provide security of campus personnel and appropriate access to College property. This policy describes the control, use, and possession of keys to campus facilities, including general provision, design of keying systems fabrication, responsibility for issuance, key issuance procedures, lost keys, provision for contractor access, and key and building security.

### **2.10.2.2 Principles**

- a. General Provision. Unauthorized fabrication, duplication, possession, or use of keys to facilities of Bethany College is a crime. College keys are Bethany College property and may be recovered at any time.
- b. Design. Design of the keying system is the responsibility of the Physical Plant. The design will ensure security and reasonable convenience to personnel occupying campus facilities.
- c. Fabrication. The Physical Plant fabricates all keys and performs all lock changes for campus facilities, except for work performed by on-site contractors under the direction of the Physical Plant. Records of keys issued to staff members will be kept by the Physical Plant. Keys issued to students will be kept by the Director of Residence Life. The records will consist of names of the individual to whom keys are issued, dates of issue/return /lost. College keys will not be duplicated, except by the Physical Plant.
- d. Responsibility-Issuance. All persons issued Bethany College keys shall, at all times, be held responsible and accountable for said keys. Appropriate administrators may request and delegate the issuance of keys only as necessary and in accordance with the Key Issuance Procedures below.

### **2.10.2.3 Key Issuance Procedures**

#### **2.10.2.3.1 Employee Keys**

1. Complete a Key Request Work Order
2. Keys may be requested for regularly appointed College and part-time employees for the duration of employment.
3. The Key Request Work Order must be approved by and signed by the head of department, supervisor, or Cabinet member.
4. Key Request Work Orders must be submitted to the Physical Plant.
5. Employees must pick up and sign for their keys in person. (No inter-office mail)
6. Periodic audit of keys may be requested.
7. Duplicate keys will not be issued without approval of a Cabinet member.

Duplicate of outstanding (un-cleared) keys will not be issued.

a. Lost Keys

- i. Department heads are responsible for keys in their employees' possession. Employees in need of a replacement key must fill out a key work request with an account number to be charged to the Department. The Department head may make the employee responsible for the cost of the key replacement.
- ii. The maximum charge will be \$50.00 and may be payroll deducted over a period of time.
- iii. If a lock change is required, the Department is responsible for all costs.

b. Key Control

- i. Employees may only take home the keys necessary to access their office or workstation. This typically would consist of a key to their individual office and possibly a key to the exterior door of the building where their office is located.
- ii. Exceptions to this rule must be approved by a Cabinet member.
- iii. All other keys must be kept at Bethany College.
- iv. Departments such as Physical Plant whose employees routinely need access to master keys or keys to multiple buildings must meet the following requirements:
  1. When the keys are not in use, they should be stored in a central location with controlled access.
  2. Employees must return these keys prior to "clocking out" for the day.

c. Key Return Procedures

- i. Keys must be returned upon the employee's termination.
- ii. "Termination" is defined as the voluntary or involuntary separation of the employee from the College's employment, and includes the employee's resignation or retirement, the employee's dismissal by the College, or the employee's death.
- iii. If the employee terminates employment, the employee must return all keys to the Director of Human Resources before 5:00 p.m. on his or her last working day. The employee's last paycheck will be issued only after all College property is returned and all monetary charges are collected. If keys are not returned this will include the cost of repining/replacing the locks and replacement keys.

- iv. If an employee is terminated immediately, Security will escort that employee to the Office of Human Resources in order that the employee may return all college property including keys.
- v. If the employee terminates employment, and fails to return issued keys within two working days of termination, locks will be repinned/replaced and all associated costs will be deducted from the employee's last paycheck.
- vi. In the event of an employee's death, the employee's immediate supervisor will be responsible for returning the employee's keys to the Director of Human Resources.

#### **2.10.2.3.2 Student Keys**

The Office of Student Life issues all student keys.

The Director of Residence Life is responsible for tracking residence hall key assignments.

##### **a. Lost Keys**

- i. If a student loses a key, he or she may request a new key from the Director of Residence Life.
- ii. The student will be charged a \$50.00 fine for an interior room key.
- iii. The student will be charged a \$50.00 fine for the loss of an exterior door key.
- iv. If a lock change is required, the student will be responsible for all costs.
- v. The Director of Residence Life will submit a key request work order for any lock changes and replacement keys.

##### **b. Lock Outs**

- i. During business hours (8:30 a.m. – 5 p.m.) a student may come to Office of Student Life for a spare key.
- ii. After business hours, a student may call the Office of Safety and Security (304.830.3924) for assistance.
- iii. The first lock out is free, each following offense will cost the student \$5.00.

##### **c. Check Out**

- i. Students must return their residence hall and room keys to their RA upon checking out from the Residence Halls. Any key not returned will be treated as a "Lost key."
- ii. The RA will return all keys to the Director of Residence Life.

- iii. All keys are audited by a designated individual from the Physical Plant; once said audit is complete, the keys are then given to the Director of Business Affairs for summer camps and conferences.

## **2.11 Demonstrations**

Demonstrations shall, under normal circumstances, be registered twenty-four hours in advance with the Dean of Students. All demonstrations (and expression of any form) must be peaceful and orderly. Demonstrations may be organized and led only by members of the Bethany College community. Demonstrations or other forms of expression may not compromise the rights of other members of the College community, nor interfere materially with the general operation of the College. Free speech is a cherished foundation of academia. Forms of expression, however, may not demean or degrade individuals on the basis of religion, national heritage, cultural background, sexual preference, gender, ability or disability, or any such grounds.

### **2.11.1 Dogs on Campus**

There are significant health and safety hazards and nuisances created by unrestrained dogs on campus. Accordingly, the following guidelines shall be enforced:

- a. Except as provided in F and G below, dogs and other animals are not permitted in College buildings, nor in College dormitories
- b. Dogs shall not be brought on campus unless they are under the complete control of the owner and present no hazard to people. Its owner shall not regard the wearing of a muzzle by a dog as control.
- c. Dogs may not be brought onto the campus except when they are secured to a leash, cord, chain, or similar direct physical control of a maximum length of six (6) feet, the other end of which is retained by a person; or securely confined in a vehicle, cage or similar restrictive conveyance.
- d. Dogs may not be tethered on campus.
- e. Dogs must have a valid license and tags as evidence of current rabies vaccinations.
- f. Trained helping animals (sometimes referred to as service animals) such as guide dogs for the blind, as well as animals being trained as such, are permitted on the College campus and in College buildings for use by those employees and students with registered disabilities.
- g. Animals used for approved research projects are permitted on the College campus and in certain College buildings.

#### **2.11.1.1 Pets in Academic, Administrative or Residential Buildings**

No pets are permitted in academic, administrative or residential buildings. If the Vice President for Academic Affairs and Dean of the Faculty has approved the presence of a service animal in a work area during hours of instruction or normal business operations, the service animal owner must post a sign in the office area stating that a service animal is present. At no time are animals, except for service animals, permitted in food service areas such as Boomer's, Benedum Commons or the Bethany Beanery.

#### 2.11.1.1.1 Service Animal Policy

Service animals are animals that assist specific individuals in their daily life as it relates to the individual's disability. The American's with Disabilities Act (ADA) defines a service animal as "any . . . animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items." An individual who needs the use of a service animal is required to notify the College and request approval for use a service animal on campus. The individual is required to provide the College with proof that the individual has a disability as defined by Section 504 of the Rehabilitation Act of 1973 and the ADA, and that the animal at issue is individually trained to do tasks to assist the individual. For a service animal to be allowed in campus buildings, the animal must be necessary to assist the individual in the activities of daily living and trained to fulfill those functions. **Pets, therapy, companion, or comfort animals are not included in this definition of service animals and are not permitted in campus buildings.**

#### 2.11.1.1.2 Definitions

**Therapy, Companion or Comfort Animals:** These are animals that have been prescribed as treatment and, while they may be an integral part of therapy, they generally do not assist the individual in the activities of daily living. They may or may not be trained and certified. They are not considered to be service animals and do not have the rights of service animals.

**Guide Dog:** A carefully trained dog that serves as a travel tool for persons with severe visual impairments or who are blind or have low-vision.

**Hearing Dog:** A dog that has been trained to alert a person with significant hearing loss, or who is deaf, when a sound such as a knock on the door or a fire alarm occurs.

**Service Dog:** A dog that has been trained to assist a person who has a mobility or health impairment. Type of duties the dog may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after the person falls, etc. Service dogs are sometimes called Assist Dogs.

**S-Sig Dogs (Social Signal Dog):** A dog trained to assist a person with autism. The dog may alert the person to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g. hand flapping.) Recognizing familiar persons in a crowd, steering around a mud puddle, responding to other people or social signals are possible roles for a S-Sig Dog. A person with autism may have problems with sensory input and need the same support services from a dog that a dog might give to a person who is blind or deaf.

**Seizure Response Dog:** A dog that is trained to assist a person with a seizure disorder. The ways in which the dog serves the individual depends on the person's needs. The dog may stand guard over the person during a seizure, or the dog may go for help. Some dogs are capable of predicting a seizure and can warn the person in advance.

### **2.11.2 Electronic Devices**

Cellular phones, pages, and other electronic devices shall not be used in a manner that causes disruption in the classroom, library, or within any College owned or College operated facility. Abuse of cellular devices with photographic capabilities, use of devices for purposes of photographing test questions, or other notes and materials is prohibited. Photographing individuals in secured areas such as bathrooms, locker rooms, or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against their will is strictly prohibited. Electronic transmission of photographs of any person without express permission is strictly prohibited.

### **2.11.3 Legal Liability of the College**

The College is not legally liable for damages or loss of personal property or failure or interruption of services due to weather or acts of God.

The College does not assume responsibility for lost, stolen, or damaged property. This policy covers not only personal possessions, but also those items in an individual's charge (e.g. keys to the residence hall room, residence hall furniture.)

Students are strongly encouraged to provide their own personal and property loss insurance.

### **2.11.4 Political Activities**

Bethany College supports open dialogue on political issues. The College reserves the right to support or oppose issues that affect its values, welfare, the College itself, and/or values and welfare of higher education. The College encourages its faculty, staff, trustees, students, and recognized campus organizations to participate actively in political activities on an individual basis. The policies of Bethany College do not restrict the rights and privileges of faculty, staff, students, and recognized campus organizations to express their opinions freely. The College is committed to preserving and encouraging a diversity of point of view and political opinion.

Political activities on campus must be conducted in a neutral and nonpartisan manner, and in furtherance of the organization's legitimate exempt function (education).

To preserve the integrity of Bethany College and to protect the neutrality of the College in political contests, the following guidelines shall apply. The Vice President for Academic Affairs and Dean of the Faculty is responsible for monitoring the guidelines.

#### **2.11.4.1 Guidelines**

1. In order to preserve not for profit (501C-3) status, the law requires that the College not participate in or intervene in any political campaign on behalf of any candidate for public office.
2. The College shall not endorse any candidate for political office.



3. All address lists used by the College are considered confidential and shall not be shared with candidates or parties. Individuals may personally deliver campaign literature, but mail room facilities are not to be used for addressing or distributing political materials.
4. No campaign posters shall be posted in or on any of the Bethany College buildings or on campus grounds prior to or during election times, with the exception of those used for historical displays or educational purposes.
5. College buildings and grounds shall not be rented or used for political fund raising. Further, College facilities and services may not be used by or on behalf of an outside organization or outside individual whose purpose is to further the cause of a particular candidate or political party. For example, a meeting on campus with an organizer for a specific candidate that is focused on recruiting campaign workers from the student population would be a violation of these guidelines. On the other hand, a Bethany College graduate now working for a particular candidate speaking on campus to a group of students about what it has been like to be in the political arena, and what the candidate's particular experience has been, would be allowable. The fact that this person casually offers an invitation at the end of the speech to join in on the campaign would not negate the overall educational focus of the event.
6. Campus organizations may use campus communications to announce political forums and discussions sponsored by officially constituted campus groups.
7. No campus political activities, including services and materials, may be paid for with College funds.
8. Use of College properties is subject to College scheduling policy.
9. Funds or contributions for political candidates or campaigns may not under any circumstances be solicited in the name of Bethany College or on the Bethany College campus, and College resources may not be used in soliciting such funds. If Bethany College students, faculty, or staff make political contributions, they must do so as individuals and not on behalf of Bethany College.
10. Campus communications, including those provided by the College's postal service, phone system, or its computer network, shall not be used in support of one particular candidate.
11. Students of the College are free to express their individual and collective political views provided they understand and make clear they are not speaking for or in the name of Bethany College. Endorsement of a particular candidate by a registered student group is not permissible.
12. The Bethany College name and insignia may not appear on stationery or any other material used or intended for support of a particular candidate. This prohibition also applies to any Bethany College entities supported in whole or part by College funds, such as registered student organizations.
13. Appearance of a candidate for public office on campus must be for an educational or informational talk to the College community and must be sponsored by a registered student, faculty, or staff organization. Appearances must be coordinated with Bethany College, who will ensure that opportunities to appear on campus are extended to all viable candidates running for a particular public office. The event shall not be conducted

as a campaign rally, and the moderator shall make it clear that the institution does not support or oppose the candidate.

### **2.11.5 Postings**

All posters, flyers, banners, or publications to be displayed or distributed on the Bethany College campus must bear the identification of the group or individual disseminating the information. The only requirement imposed on any student publication, poster, banner, or other printed or written matter is statements in them must not be untrue, libelous, demeaning, or obscene. Postings may only be displayed in appropriate areas, i.e., bulletin boards. Publicity may not be posted on the glass doors of buildings since this is a fire-safety hazard. Tape, pins, or tacks may not be used to affix postings on wood paneling or painted surfaces. Electronic dissemination of events is highly encouraged.

### **2.11.6 Reservation of Facilities**

**2.11.7 Student Activities is responsible for reserving most (but not all) campus spaces for events. For a complete list of the spaces that can be reserved, see the Bethany College Room Guide. Student Activities receives numerous requests for space and events every week. For this reason, we ask that you contact us at least five weeks in advance for room reservations. Please use the Room Reservation Form and allow three business days after you make your request to receive confirmation of your reservation.**

**All events that take place on Campus must be registered and approved by the Student Activities Office. Once you receive a Room Reservation Confirmation number, your room reservation will be tentatively held for one week. At this time, you must complete the Event Registration Form to solidify your room reservation. When preparing to complete the Event Registration Form, be sure to have all of your event details and needs handy. Please allow three business days after you make your request to receive confirmation of your registration. Please remember, student organizations are not permitted to have alcohol at any event they have on campus without consent from Bethany College. In order to have alcohol at your event, a bartender must be present. Everyone being served at the event must be of legal age to consume alcohol. You must have a measure in place to make sure that all those drinking are at least 21 years of age. You are required to contract security or your organization's advisor must be present to have alcohol at your event. This alcohol must go through the on-campus food provider who will provide the alcohol as well as the bartender. The on-campus food provider has first right of refusal for any event that is held on campus that will have food served. If you have any more questions regarding the food and alcohol policy for student organizations, please stop in to the Student Life Office. All forms are available at <http://www.bethanywv.edu/students/event-planning/> .Solicitation Policy and Guidelines**

#### **2.11.7.1 General Guidelines**

Bethany College has established guidelines regarding solicitation of products or services on campus.

1. Fund-raising activities may not conflict with the College's own efforts to raise funds for the institution as a whole. Soliciting parents, alumnae, or others is strictly prohibited except with a special exemption from the Dean of Students and the Senior Vice President.
2. Door-to-door canvassing by outside vendors is prohibited on the College campus.
3. Alcoholic beverages may not be offered as prizes.
4. Bulletin boards may not be used to distribute any solicitous material for the purpose of advertising, promoting, or drawing attention to off-campus events that the Dean of Students has not sponsored or recognized.
5. Products being sold must be of good quality and from a reputable firm.

6. Potentially hazardous or dangerous items may not be sold.

#### **2.11.7.2 Fund-raising on Campus for Non-profit Charities**

1. Fund-raising efforts for non-profit charities must be sponsored or recognized by a club or organization, academic department, or administrative office.
2. Student clubs and organizations may raise funds for their own benefit, providing they observe the following provisions:
  - a. The Dean of Students must approve the schedule for the effort.
  - b. The effort must not conflict with previously scheduled fund-raising activities.

#### **2.11.7.3 Solicitation and Conduct of Business on Campus Property**

##### **2.11.7.3.1 College Community Members**

1. Employees may not conduct sales or deliver goods on College time. No employee or employee organization may serve as the agent or representative of any off-campus organization or agency for the purpose of soliciting, selling or promoting the activities, or sale of goods or services on the Bethany College campus, unless approval is given by the Human Resources Department.
2. No student or student organization may serve as the agent or representative of any off-campus agency for the purpose of selling or promoting the sale of goods or services on the Bethany College campus unless approval is given by the Dean of Students or designee. All fund-raising must be approved by the Dean of Students or Senior Vice President.
3. No resident of College housing may use an assigned space, common area, or grounds to sell, solicit, or conduct a business enterprise.

##### **2.11.7.3.2 Non-College Community Members**

Individuals and organizations that are not part of the College community are not permitted to sell, solicit or promote the sale of goods and/or services unless on behalf of a student organization or agency of the College. (For exemptions to this policy, contact the Dean of Students or the Human Resources Department.)

#### **2.11.8 Motor Vehicles on Campus**

Bethany College considers the use of motor vehicles by all faculty, staff, and students a privilege, subject to regulation. Anyone operating a motor vehicle on campus in violation of the rules and regulations, not using appropriate discretion, or failing to register a vehicle in accordance herewith, is subject to action under Parking and Safety and Security regulations and immediate suspension of vehicle privileges.

### **2.11.8.1 Registration Terms and Conditions**

All faculty, staff, interns, resident assistants, students, and visitors must register their vehicles with the Department of Safety and Security when the vehicle is brought on campus. Generally, a student's vehicle registration is to be completed no later than class registration day at the beginning of each semester or within one day of bringing the car to school. There is a charge for registering a vehicle. All students living on or off campus must register their vehicles even if the car is kept off campus but in the town of Bethany.

The College assumes no liability in connection with student vehicles even though the student is on College property. Vehicles must be operated lawfully as proscribed by West Virginia law and Bethany College regulations. Accidents involving faculty, staff, students, visitors, or College-owned vehicles must be reported to the Department of Safety and Security immediately. Any change in vehicle status such as model, license number, etc., must be reported immediately to the Department of Safety and Security.

### **2.11.8.2 Parking Regulations**

#### **2.11.8.2.1 Prohibited Student Parking**

Monday through Friday, from 7:30 a.m. to 4:30 p.m., student vehicles are prohibited from parking in the following areas. Parking in these lots will result in being fined \$25.00 and/or booted or towed.

##### **2.11.8.2.1.1 Zero Tolerance Policy**

1. Steinman Lot;
2. Cramblet Lot;
3. Small Lot Behind Morlan;
4. Richardson Lot;
5. Commencement Lot;
6. Johnson Art Center;
7. Phillips Lot;
8. Morlan Lot;
9. Physical Plant Lot;
10. Kirkpatrick Lot; and
11. Erickson Alumni Center Lot.

##### **2.11.8.2.1.2 Permitted Student Parking (Sophomores to Seniors)**

1. Student Parking spaces between Steinman Lot and Kirkpatrick Lot;
2. Greek Hill Lots;
3. Commons Lot;
4. Wellness Center Lot;

5. College and Main Street Lot
6. Field House Lot;
7. Coal Bowl Lot;
8. Campbell Village Lot; and
9. Cramblet Lot – The posted spaces on each side in this lot are for staff. The other white lined spaces in this lot are for any residents of Phillips and Harlan.
10. Hurl Education Center
11. Phillips Hall Lot

#### **2.11.8.2.1.3 First-year Student Parking**

First-year students are permitted to park only in the Coal Bowl Lot, located behind the Ewing Tennis Center and the First-year Student Lot, located down the hill west of Morlan Hall, resident parking in Cramblet Lot for residents of Harlan and Phillips. Parking in any other College Lot is prohibited and the vehicle will be ticketed, booted and/or towed.

#### **2.11.8.2.1.4 Violations**

The following are the rules and fines applicable:

1. Parking near a fire hydrant or blocking a Fire Lane Access, will be fined \$50.00.
2. Parking on building patios, sidewalks and off hard surfaces of paved parking areas, or blocking a road or driveway, will be fined \$50.00 and/or towing of the vehicle in violation, plus paying for any property damages.
3. Non-registered vehicles will be fined \$25.00 any time the vehicle is parked on Bethany College property.
4. Parking where there are no white-lined spaces is prohibited and will be fined \$25.00 and/or towing of the vehicle in violation.
5. Parking in the yellow-lined area on College Street (brick road) is prohibited. Vehicles will be booted/towed from this restricted area.
6. Parking behind Campbell Hall in the Physical Plant area is restricted and will be fined \$20.00 and/or towing of the vehicle in violation.
7. Handicapped parking by permit only. Violations will result in a fine of \$100.00 and/or towing of the vehicle in violation.
8. Impaired/Intoxicated Drivers - Bethany College will not compromise the safety of its campus community by permitting the unsafe operation of motor vehicles on campus, especially when such behavior is due to intoxication, or the influence of other illicit substances.

#### **2.11.8.2.1.5 Other Violations**

1. After three (3) violations, parking privileges can be suspended for the remainder of the school year. The vehicle will be towed at the owners expense including storage fees.

2. Fleeing or failure to yield to the Security vehicle will be considered reckless operation and the student will be subject to a fine and/or the towing of the vehicle.
3. Hazard/caution lights do not permit parking in fire lanes, restricted areas, etc. Vehicles will be booted/towed or fined.
4. Driving on foot-paths, sidewalks and grass-covered areas is not permitted and will be considered reckless operation and the student will be subject to a fine, towing, or suspension from Bethany College.
5. Campbell Village is one-way and is marked as such. Driving the wrong way is not permitted and the driver will be fined \$50.00 and/or the vehicle may be towed.
6. No individual shall ride on the top of, or hang out of, any vehicle. Individuals are not permitted to ride in trunks or the rear of hatchback cars or sport utility vehicles. This is a serious safety violation and will result in a \$50.00 fine to the driver and \$25.00 fine to each passenger not properly seated. Riding in the bed of pick-up trucks is permitted, but passengers must be seated in the bed. Riding on side rails or fender wells is not permitted.
7. Richardson Hall is one way and is marked as such. Driving the wrong way is not permitted and the driver will be fined \$50.00 and/or the vehicle may be towed.

### **2.11.8.3 Special Parking Considerations**

#### **2.11.8.3.1 Visitor Parking**

Visitors must obtain a temporary parking permit for the duration of their stay from the Department of Campus Safety and Security. Visitor permits are issued for a maximum of fourteen days.

#### **2.11.8.3.2 Temporary Permits**

Students, faculty, and staff may obtain temporary parking permits from the Department of Safety and Security for vehicles that are to be parked on campus for periods of no more than fourteen days. There is no fee. Tickets and fines are issued to those who do not have these permits. Individuals who wish to bring their vehicles on campus for more than fourteen days must obtain a regular parking permit.

#### **2.11.8.3.3 Medical Passes**

Permits are available to students with special needs. Requests for such permits are made through the Wellness Center. Upon approval, a permit, covering a specified period of time, is obtained from the Department of Safety and Security.

#### **2.11.8.3.4 Handicapped Parking Spaces**

These spaces are only to be used by individuals with the proper, legally authorized Handicapped Parking tag.

#### **2.11.8.4 Vehicle Immobilization Procedure/Policy (“The Boot”)**

1. Any vehicle parked on Bethany College property that is not properly registered with the Department of Safety and Security, (i.e., current student sticker or valid visitor pass) will be towed or booted at the owner’s expense. Any registered vehicle that is parked illegally/improperly (i.e., fire lane, blocking access roads, etc.) will be booted or towed. If a visitor is booted, the officer will remove the boot free of charge.
2. The cost of the boot removal is \$75.00; to be paid before the boot is removed, with no exceptions. Payment can be made at the cashier’s window on the first floor of Cramblet Hall Monday through Friday from 8:30 a.m. to 11:30 a.m. and 1:00 p.m. to 3:00 p.m. Payment can be made by cash, check, or credit card. After 4:00 p.m. and before 8:30 a.m. payment of cash or check must be made to the officer on duty and a receipt will be issued.
3. Once a vehicle is booted, the owner or operator of that vehicle has twenty four (24) hours to pay the fine from the time listed on the boot form, or the vehicle will be towed from College property at the owner’s expense. If the vehicle is parked in a fire lane or in any other manner that could create a safety hazard, the Department of Safety and Security reserves the right to tow the vehicle before the twenty-four hour period has passed.
4. When a student vehicle has been booted, there are no grace periods or extensions. The boot removal fee must be paid before the boot will be removed.
5. The \$75.00 boot removal fee cannot be billed to a tuition account. The cost of the parking ticket may be billed to the tuition account if the student chooses not to pay the ticket the day of the boot removal.
6. Arrangements to release the booted vehicle must be made with the Department of Campus Safety and Security located in the Cummins Community Center. The Department of Safety and Security may be reached by calling (304) 829-304.830.3924. Release arrangements must be made immediately or the vehicle will be towed and impounded at the owner’s expense.
7. The boot is the property of the Bethany College Department of Safety and Security and any damage done to the boot will make the offender liable for the destruction of Bethany College property. Removing the device or moving the vehicle, by any means or in any manner, before an official release is obtained, constitutes separate and additional offense and may subject the offender to criminal penalties.
8. The Bethany College Department of Safety and Security assumes no liability for loss or damage to the vehicle or its contents while so immobilized. Attempting to operate the vehicle while the immobilizing device is attached may result in serious damage to the vehicle, for which the owner/operator will be responsible.

#### **2.11.8.5 Parking Violations**

1. \$25 Parked on Main Campus Monday-Friday, 7:30 a.m. to 4:30 p.m.;
2. \$25 Parked in a no parking area;
3. \$20 Parked where there are no white lined spaces;
4. \$20 Parked behind Campbell Hall, in the Physical Plant area;



5. \$25 Parked in a reserved or designated space;
6. \$25 First-year student parked on campus;
7. \$25 Not registered with a student/staff/visitor pass;
8. \$50 Parked off the hard surface or in the grass;
9. \$50 Parked on patios/sidewalks/blocking any roadway;
10. \$50 Parked blocking a fire hydrant;
11. \$100 Parked in a fire lane; and
12. \$100 Parked in a handicap parking space.

#### **2.11.8.6 Citations**

1. \$50 Driving the wrong way on a one way;
2. \$50 Reckless operation of a motor vehicle;
3. \$50 Driving on sidewalks, footpaths/grass covered areas;
4. \$25 Failure or refusal to show/produce a college I.D. upon request;
5. \$50 Littering; and
6. \$50 {driver} \$25 {each passenger} for riding/standing on or hanging out of any moving vehicle, same also for standing or sitting on the bedrail of any moving pick-up truck or SUV.

#### **2.11.8.7 Intoxicated or Otherwise Impaired Drivers**

Bethany College does not compromise the safety of the community by permitting the unsafe operation of motor vehicles on campus, especially when such behavior is due to chemical impairment. Security officers have the authority to stop any operator suspected of impaired or intoxicated operation. If a field evaluation determines that a driver is incapable of the safe operation of a motor vehicle, arrangements are made to escort the driver to a safe location and for towing the vehicle if necessary. The operator's driving and parking privileges are suspended for the remainder of the school year. Operators who refuse to comply with the directives of the Security staff in this regard are immediately turned over to local law enforcement authorities for further disposition and possible arrest.

## **Appendix A: Response Procedure for Exposure to Blood Borne Pathogens**

Employees having any direct exposure to blood or body fluids occurring at the College must be reported to the Director of Human Resources who is the infection control coordinator. Students having any direct exposure to blood or bodily fluids occurring at the College must report the incident immediately to the Safety and Security Department.

1. High risk employees with cuts, scrapes, wounds, skin rashes, chapped skin, dermatitis, etc. must wear appropriate protective equipment (i.e., occlusive bandages, gloves, gowns, masks, etc.) when performing tasks that may involve exposure to another person's blood or body fluids.
2. All human blood or body fluids should be considered potentially infectious at all times.
3. Should a person be known to be infected with a contagious or infectious disease, employees must wear protective clothing when providing treatment to that person.
4. Should a skin exposure to blood or body fluids occur, the employee should:
  - a. Cease the procedure as soon as it is safe and/or practical to do so;
  - b. Wash the exposed area thoroughly with soap and running water;
  - c. Report the incident to the accident investigator; and
  - d. Fill out and complete an exposure report form.
5. If the skin exposure involves large amounts of blood or prolonged contact with blood, especially if the exposed skin is chapped or otherwise broken, use alcohol or peroxide as an antiseptic after thorough hand washing, if desired.
6. Should exposure to blood or body fluids occur to the eyes or mouth, the employee should:
  - a. Flush the exposed area immediately with water;
  - b. If desired, rinse the mouth with peroxide;
  - c. Report the incident to the accident investigator; and
  - d. Fill out and complete an exposure report form.
7. Should an exposure to blood/body fluids occur from a needle stick, cut from a sharp instrument, or contamination of an open wound or broken skin, the employee should:
  - a. Allow the wound to bleed freely;
  - b. Wash the exposed area with soap and water;
  - c. Apply antiseptic as desired:
    - i. Isopropyl alcohol 70%; or
    - ii. Hydrogen peroxide 3%.
  - d. Report the incident to the accident investigator; and
  - e. Fill out and complete an exposure report form.
8. Cleaning Up Spills or Splashes of Blood or Body Fluids:

- a. Gloves;
- b. Bleach or other approved cleaning solution;
- c. Spray bottle;
- d. Water;
- e. Cloth or paper towels; and
- f. Red plastic bag.

## **Appendix B: Hepatitis B Vaccine**

All employees who are at substantial risk of an exposure to blood or body fluids during the performance of their job will be afforded the opportunity to receive the Hepatitis B Vaccination series, following these guidelines:

1. The College will provide, at no cost to employees, immunization against Hepatitis B to those high-risk employees who have not previously received the vaccine series or who are not known to be immune to the Hepatitis B Virus (HBV).
2. Unless specifically requested by the employee's personal physician, employees who have a history of immunosuppressive disorders, receive hemodialysis, or are infected with HIV will not be administered immunization in accordance with this policy.
3. Should an employee's personal physician request that immunization be administered, the employee's physician will be required to monitor the employee and provide the College with appropriate medical information within 15 days of the completion of the employee's evaluation.
4. Employees who are pregnant at the time of immunization must provide the infection control coordinator with written authorization from their obstetrician before the vaccine may be administered.
5. Lactating mothers must provide the infection control coordinator with written authorization from their pediatrician before the vaccine may be administered.
6. All employees will be provided with a fact sheet concerning the Hepatitis B Vaccine and will be required to sign an affidavit that the employee understands such information and whether or not consent is given to administer the Hepatitis B Vaccine series. A copy of the signed affidavit will be placed in the employee's medical record.
7. Since the Hepatitis B Vaccine series will be administered by the College, the infection control coordinator will be responsible for taking these measures:
  - a. Screening employees who suspect they may be immune for anti-HBV prior to initiating the vaccine series;
  - b. Providing the employee counseling if the test returns positive and referring the employee to a personal physician for follow-up;
  - c. Providing the employee with Hepatitis B information and explaining the hepatitis B vaccine doses by taking these steps:
    - i. Asking if the employee is hypersensitive to yeast. (Deferring if yes);
    - ii. Asking female employees if they are pregnant or lactating;
    - iii. Explaining concerns regarding:
      - a) Immunosuppressed persons;
      - b) Persons receiving hemodialysis; and

- c) Persons with HIV infection.
  - d. Informing employees that, by accepting the vaccine they are free from infections and/or conditions outlined above;
  - e. Taking each employee's temperature and asking if the employee had an infection before administering the vaccine. (Note: If the employee's temperature is greater than 100 or if the employee has an infection, immunization will be postponed until the condition has cleared.);
  - f. Obtaining informed consent from the employee using the form set forth at the end of this Appendix;
  - g. Administering the first Hepatitis B Vaccination (1.0 ml) in the right deltoid muscle as soon as possible before potential exposure to blood;
  - h. Making an appointment for the employee to return in 30 days for the second vaccination;
  - i. Asking about any reactions from the initial dose when the employee returns for the second vaccination;
  - j. Administering the second Hepatitis B Vaccination (1.0 ml) in the left deltoid muscle if no or minimal side effects occurred from the initial dose;
  - k. Making an appointment for the employee to return in five months for the third vaccine; and
  - l. Administering the third Hepatitis B Vaccination (1.0 ml) in the right deltoid muscle if no or minimal side effects occurred from the second dose.
- 8. Should the vaccine series be interrupted, it will be resumed when convenient for the employee. (Note: The second and third doses of vaccine must be separated by at least three to five months.)
  - 9. Should the employee receive an immunization from the employee's personal physician, the employee will be responsible for providing the infection control coordinator with proof of immunization. A copy of the immunization record must be filed in the employee's personnel records.
  - 10. Should a newly hired employee be receiving the Hepatitis B immunization series, the immunization will continue until the series is completed.
  - 11. Should an employee initially decline the vaccination and later decide to accept the vaccination, a vaccination will be provided at that time in accordance with the procedures set forth in this policy.
  - 12. Booster vaccinations will be provided as recommended by current CDC and OSHA guidelines.
  - 13. The Hepatitis B vaccination series will be made available to employees after the employee has received information concerning Hepatitis B, and within ten days of the employee's initial job assignment which may include a potential occupational exposure.
  - 14. Inquiries concerning Hepatitis B immunization should be referred to the infection control coordinator.

***INFORMED CONSENT FOR HEPATITIS B VACCINATION***

I authorize Bethany College to administer the hepatitis B vaccine to me in an effort to provide immunization against Hepatitis B.

I have read all the literature provided outlining possible side effects.

I do not, at the present time, have any active infection. I am not pregnant, nor am I nursing an infant.

I have no history of having Hepatitis B.

I understand that a total of three injections will be required over the next six months to complete the vaccination.

I understand that the vaccination is voluntary and does not insure immunity in all cases. I hold Bethany College harmless if the vaccination does not result in immunity against Hepatitis B.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_



**BETHANY COLLEGE**  
**Travel & Entertainment Expense Statement**

Name: \_\_\_\_\_

<b>Trip Amount</b>	<b>\$</b>	<b>-</b>
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Department Name:

Billing Cycle Month / Year \_\_\_\_\_

Date of Purchase	Vendor Name	Brief Purchase Description	Quantity	Total Cost of Transaction	R <sup>a</sup> D <sup>c</sup> C <sup>a</sup>	Date Received	Account Number to Charge
<b>TOTAL COST FOR LOG SHEET</b>				\$ -			

I hereby certify that the items listed hereon have been received and approved for payment.

**I hereby certify that the items listed hereon have been received and approved for payment.**

* R =	Reconciled
* D =	Disputed
* C =	Carryover

Signature	Date	Cabinet Member Signature	Date
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## **Appendix D: Technology Copyright Violation Certification Page**

**Bethany College**  
**Peer-To-Peer File Sharing Policy**  
**Technology Copyright Violation Certification Page**

I certify that I have familiarized myself with the educational materials about copyright and understand them.

I understand that I have received a notification of a technology copyright violation and that a subsequent violation will result in immediate suspension of my network access and referral to the Dean of Students (for students) or to Human Resources (for all others). I understand that, for a subsequent violation, my network access will not be restored until the case is adjudicated as appropriate by the Dean of Students or by Human Resources and my Cabinet officer. I understand that a subsequent violation may result in permanent loss of network access and/or referral of my name to appropriate authorities for civil or criminal prosecution.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and

\_\_\_\_\_  
ID Number

Please print and sign an additional copy of this page for your records. An original copy must be delivered to the following office:

Dean of Students (for students)

Human Resources (for all others)

Your network access may be restored no earlier than two business days after receipt of this page.