

# WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

---

**JUNE 12, 2013  
AGENDA**

---

## Members

Joe Campbell  
Steve Chancey  
Cheryl Donohoe  
Gerard El Chaar  
Curtis Miller  
Jeff Matheny

Rock Wilson  
Jamie Six  
Violet Mosser  
Loren Bell  
Matthew Santer

Marie Foster Gnage  
President



# SCHEDULE

## **West Virginia University at Parkersburg Board of Governors**

**Wednesday, June 12, 2013**

3:00 p.m.	Campus Development Committee	Community Room
4:00 p.m.	Administrative Services Committee	Community Room
4:00 p.m.	Academic and Student Services Committee	President's Conference Room
5:00 p.m.	Dinner	Community Room
5:45 p.m.	Board Meeting	Theatre
	Possible Executive Session	Community Room

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS  
Meeting of June 12, 2013  
College Theatre  
5:45 p.m.

1.	Call to Order	Board Chair, Jamie Six
2.	Roll Call	Brady Whipkey Executive Assistant to the President
3.	Board Chair Report	Chairman Six
	<ul style="list-style-type: none"> <li>• Election of Officers</li> <li>• Meeting Schedule for 2013-2014</li> </ul>	
4.	President’s Report	Dr. Marie Foster Gnage, President
5.	Approval of Minutes	
	<ul style="list-style-type: none"> <li>• Regular Meeting – May 15, 2013 .....</li> </ul>	5
6.	Committee Reports	
	<ul style="list-style-type: none"> <li>• Executive Committee</li> <li>• Audit Review Committee</li> <li>• Administrative Services Committee</li> <li>• Academic and Student Services Committee</li> <li>• Campus Development Committee</li> <li>• Readiness Center Committee</li> </ul>	Chairman Six  Curtis Miller Violet Mosser Curtis Miller Joe Campbell
7.	Action Items	
	<ul style="list-style-type: none"> <li>• Rules of Engagement between WVUP and WVU at Parkersburg Foundation</li> <li>• Salary Increases</li> <li>• Budget Approval for 2013-2014</li> <li>• Acceptance of Property</li> </ul>	President Gnage .....10  President Gnage.....15  Dr, Vincent Mensah, CFO....16  President Gnage.....17
8.	Consent Agenda	
	<ul style="list-style-type: none"> <li>• A-45, Adoption or Amendment of Rules</li> <li>• B-33, Phased Retirement Program</li> </ul>	Debbie Richards.....18  President Gnage.....23

9. Information Items
10. Possible Executive Session under the authority of WV Code §6-9A-4-2A  
Personnel  
Property
11. Board Comments/Announcements
12. Next Meeting
13. Adjournment

MINUTES  
WEST VIRGINIA UNIVERSITY AT PARKERSBURG  
BOARD OF GOVERNORS  
May 15, 2013

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday, May 15, 2013 at the Jackson County Center beginning at 5:45 p.m. Board members present were: Jamie Six, Joe Campbell, Cheryl Donohoe, Matt Santer, Steven Chancey, Violet Mosser, and Gerard El Chaar. Absent were Rock Wilson, Curtis Miller, Loren Bell, and Jeff Matheny. Others present included Dr. Marie Foster Gnage and Patsy Bee.

Guests present included administrators, faculty, and staff.

**1. Call to Order**

Mr. Six, Chair of the WVU at Parkersburg Board of Governors, called the meeting to order.

**2. Roll Call**

Roll Call was taken by Patsy Bee, Executive Assistant to the President, noting that a quorum was present.

**3. Board Chair Report**

Chairman Six thanked the employees at WVU Parkersburg Jackson County Center for hosting the Board meeting this evening.

Chairman Six reminded Board members of the Ribbon Cutting Ceremony for the WVU Parkersburg Center for Early Learning that will be held at 10:00 a.m. on Friday, May 17. Commencement Ceremony will be held at 2:00 p.m. on Saturday, May 18. He announced that an update on the parking facility at the Downtown Center will be provided at the June meeting. They have had discussions with Mayor Newell and they are looking at a long-term lease.

Next, Chairman Six announced on behalf of Mr. Miller the nomination of officers for 2013-2014. Nominations included: Chair: Gerard ElChaar; Vice Chair; Joe Campbell; Secretary, Cheryl Donohoe. Additional nominations will be accepted and the election will be held at the June meeting.

After discussions with President Gnage on the classified staff salary schedule, Chairman Six appointed a task force to look at the schedule to see if they can make adjustments and report back at the June meeting. Those appointed to the Task Force include: Rodney Parker, Staff Council Chair; Violet Mosser, Staff Representative to the Board; Drema Starkey, Staff Council Chair-Elect; Scott Poe, HR Director; and President Gnage.

**4. President's Report**

President Gnage also thanked Mr. John Gorrell and the JCC staff for hosting tonight's meeting. She noted that a lot of work has been done to the Center. President Gnage reported that the WV Community and Technical College Council met last week and

approved the tuition increase for WVU Parkersburg. She also noted that approval of the BSN program had been received. President Gnage thanked our Legislative delegation and had invited local delegation to attend this evening's meeting to thank them for the work they had done to support WVU Parkersburg. She passed around an article in the State Journal on the accreditation of WVU Parkersburg's Business Programs. President Gnage also thanked members of the WVU at Parkersburg Foundation Board for their representation at several events on campus.

## **5. Approval of Minutes**

The minutes of the Regular Board meeting of April 10, were approved upon a motion by Mr. Chancy and second by Ms. Donohoe.

## **6. Committee Reports**

### Executive Committee: Chairman Six

There was no meeting held.

### Audit Review Committee:

There was no meeting held.

### Administrative Services Committee:

Board members present received reports from the Foundation on fund raisers and professional development funds for faculty and staff. They also received a report on the card key access which is in phase I at the college and other facility updates. A report was received on preparations for year-end closings and preparing for the audit. HR provide the number of vacancies and new hires. There was an update on the summer schedule and four-day work week, and an extensive update on the information technology goals and completion of email migration.

### Academic and Student Services Committee:

Board members present received an update from the academic area providing highlights from the conference tomorrow--twenty employees from WVU Parkersburg will be attending the Community College Completion conference in Charleston tomorrow to showcase several programs. Over two million dollars in competitive grants were received this year. Sixteen program reviews and all programs recommended for continuation by the curriculum committee. The retention rate has increased and work is continuing on this. New programs are being offered in Workforce and Community Education. There are also changes in personnel and titles within WCE. Enrollment is down but there is a 3% increase in applications. Areas are being addressed that were reviewed in orientation, advising and late registration. Mandatory orientation will be held this year for new students and there will be no late registrations. There are also new personnel hired in the Student Services area.

### Campus Development Committee:

There was no meeting held.

Readiness Center Liaison Committee: Mr. Campbell reported that the Readiness Center did not meet, but he did report on the Wood County Commission meeting that was open to the public. The Commission would like to meet again on the WVU Parkersburg campus to gather some more information and have the architect provide additional information to them. As soon as a date has been finalized everyone will be contacted.

## **7. Action Items**

### Program Reviews:

Dr. Rhonda Tracy, Sr. Vice President for Academic Affairs reported that as a requirement of Title 135, Series 10, the WV Council for Community and Technical College Education "Policy Regarding Program Review," WVU Parkersburg has conducted an internal follow-up review of five programs this academic year in accordance with procedures. The internal review was conducted by the Outcomes Assessment Committee

Mr. Campbell moved to approve the following resolution:

*Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the recommendations of the Outcomes Assessment Committee regarding program reviews for 2011/2012.

Mr. ElChaar seconded the motion.

After questions and discussion, the motion passed.

Chairman Six requested that the two Action Items: Acceptance of Property and President's Annual Salary be moved to follow discussions in Executive Session.

## **8. Consent Agenda**

There were no Consent Agenda Items

## **9. Information Items**

### Promotion and Tenure Report

Presented Gnage reported that the faculty promotion and tenure review process at West Virginia University at Parkersburg runs from January through May 15. It involves faculty file preparation, reviews and recommendations by division colleagues and chair, college colleagues, and the Senior Vice President for Academic Affairs, and approval by the President. The final step is notification of the Board of Governors of the decisions made as a result of this review process. President Gnage announced the following promotions for this year:

- Charles Almond, Professor
- Beth Sears Cox, Professor
- Chris Cunningham, Professor

- Cheryl Robinson, Professor
- Rob Anderson, Associate Professor
- Jodyne Christain, Assistant Professor
- Jessica Emerick, Assistant Professor (conditional)
- Torie Jackson, Assistant Professor
- Louis Roy, Assistant Professor

There are no faculty currently on tenure track.

#### Fiscal Update

Dr. Vincent Mensah reported on the state of the college's finances and the budget.

#### Holiday Schedule

President Gnage reported that as authorized by Board of Governors Policy B-08, a holiday schedule for 2013-14 has been established. The holiday schedule has been aligned with the schedule of holidays observed by West Virginia University because of the payroll processing system of which WVU Parkersburg is a part.

#### Update on HLC

Dr. Tracy reported that WVU Parkersburg continues to seek accreditation at both the initial and continuing levels for the institution and programs of study offered at the institution.

The following individuals were recognized by the Board of Governors for their individual areas receiving accreditation:

- Steve Morgan, Chair of the Business and Economic Division for the five Business degree programs.
- Cynthia Gissy, Chair of the Education and Humanities Division for NCATE Accreditation.
- Rose Beebe, Chair of the Health Sciences Division for the Surg-Tech Program.

Teresa Cowan was also recognized for the approved proposal for the RN to BSN. Dr. Tracy reported documentation on all these successes are being updated for the HLC.

#### **10.Executive Session under the authority of WV Code §6-9A-4-2A**

Chairman Six entertained a motion to move into Executive Session to discuss the acceptance of property and the president's annual salary. Mr. Campbell moved to adjourn to Executive Session. Mr. ElChaar seconded the motion. The motion passed. At approximately 6:50 p.m. the Board moved into Executive Session. The Board Chair requested that President Gnage join Executive Session. At approximately 7:58 p.m. President Gnage was excused from Executive Session. At approximately 9:25 p.m. Chairman Six announced that the Board would return to the regular meeting. Mr. ElChaar moved to return to regular session. Ms. Mosser seconded the motion. Motion passed.

#### Acceptance of Property:

President Gnage reported that periodically, there are properties that individuals want

to donate to the college. These properties will be reviewed for acceptance based on college needs.

Mr. Campbell moved to accept the following resolution:

*Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the request by the President to accept property donated to the college as discussed in Executive Session regarding environmental regulations.

Mr. Chancey seconded the motion. The motion passed.

President's Annual Salary:

Chairman Six reported that The WVU Parkersburg Board of Governors reviewed the President's Annual Salary for 2013-2014 in Executive Session and are presenting their recommendation for approval.

Mr. Chancey moved to continue the President's contract as currently written. Mr. ElChaar seconded the motion. The motion passed.

**11. Board Comments/Announcements**

Commencement – Saturday, May 18, 2013 2:00 p.m., College Activities Center  
Chairman Six announced the resignation of Board member, Cindy Bullock, which has been submitted and accepted by the Governor. President Gnage noted that Ms. Bullock served on the Board since 2008, and her service to the Board and to WVU Parkersburg has been greatly appreciated.

**12. Next Meeting**

Wednesday, June 12, 2013

**13. Adjournment**

With no further business to be discussed, Mr. Chancey moved that the meeting adjourn. Ms. Mosser seconded the motion. Motion passed. The next meeting will be held on Wednesday, June 12, 2013.

Respectfully submitted,  
Patsy Bee  
Executive Assistant to the President

---

Jamie Six, Chairman

---

Cheryl Donohoe, Secretary

**West Virginia University at Parkersburg Board of Governors  
Meeting of June 12, 2013**

**ITEM:** Agreement and Rules of Engagement between West Virginia University at Parkersburg and WVU at Parkersburg Foundation, Inc.

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the Agreement and Rules of Engagement between West Virginia University at Parkersburg and WVU at Parkersburg Foundation, Inc. for 2013-2014, as presented.

**STAFF MEMBER:** Marie Foster Gnage, President

**BACKGROUND:**

The Board of Governors of West Virginia University at Parkersburg recognizes the value that the WVU at Parkersburg Foundation adds to the college with its support of students, faculty and staff and the college in general. Therefore, the attached agreement between the college and the Foundation in support of the Foundation and in accordance with West Virginia law.

West Virginia University at Parkersburg  
And  
West Virginia University at Parkersburg Foundation

***Agreement and Rules of Engagement***

THIS AGREEMENT, entered into as of this day of June 12, 2013, by and between West Virginia University at Parkersburg Board of Governors and the private, non-profit corporation, West Virginia University at Parkersburg Foundation, 300 Campus Drive, Parkersburg, West Virginia 26104.

WHEREAS, the College relies on external funds to provide scholarships and support its public educational mission; and

WHEREAS, the Foundation is organized and incorporated for the purpose of supporting the College's public educational mission, including raising and managing voluntary private support from alumni, parents, friends, corporations, foundations, and others for the benefit of the College; and

WHEREAS, the Foundation is dedicated to assisting the College in the building of the endowment and in addressing, through financial support and scholarships, the long-term academic and other priorities of the College; and

WHEREAS, the Foundation is responsible for identifying, facilitating and nurturing relationships with potential donors and other friends of the College; soliciting cash, securities, real and intellectual property, and other private resources for the support of the College; and acknowledging and stewarding such gifts in accordance with applicable laws and regulations, donor intent and the Foundation's fiduciary responsibilities;

WHEREAS, the College is governed by Board Policy and state/federal laws dealing with college/foundation relationships; and

WHEREAS, it is the intent of the parties that the legal separation between the College and the non-profit affiliated Foundation be maintained, and therefore it is essential that the respective roles and responsibilities of the College and the Foundation are clear; and

NOW, THEREFORE, IT IS AGREED:

**I. That the COLLEGE shall:**

- A. Provide an authorized representative for the College who is responsible for overseeing and evaluating this Agreement on a regular basis, and communicating the priorities and long term plans of the College to the Foundation. The authorized representative of the College will be the President, or her designee.
- B. Employ, compensate, and evaluate all College employees assigned to Foundation related responsibilities. The College will seek input from the Foundation's Board Chair when conducting performance evaluations of employees assigned to Foundation-related responsibilities.
- C. The President of the College must serve as an ex-officio, non-voting member of the Foundation's governing board and of any executive or similar committee empowered to act for the governing board.
- D. Receive gift funds from the Foundation subject to any terms, conditions, or limitations imposed by the donor, by law to the extent that such terms, conditions, or limitations:

- a. Are in the college's best interest
  - b. Do not violate applicable state or federal laws or subject the College to substantial risk of litigation that would exceed the benefits received by the funds, as determined by the College; or
  - c. Do not violate the policies or procedures of the College.
- E. Reserve the right to refuse any funds for gifts from the Foundation.
- F. Make good faith efforts in appropriate circumstances as determined by the College to coordinate fundraising initiatives, including major gift solicitations, with the Foundation.
- G. Make good faith efforts to work in conjunction with the leadership of the Foundation board and the Foundation chief executive to identify, cultivate, and solicit prospects for private gifts.
- H. Grant to the Foundation a revocable, nonexclusive license and right to the use of the name, West Virginia University at Parkersburg, as part of the Foundation's name. The Foundation will operate under its own name, trademarks, and identifying and shall seek review and written approval from the College before the Foundation's use of the College name, trademarks, mascots or other identifying.
- I. Provide the following list of facilities and services:
- a. Facilities
    - i. Office—WVUP will provide office space (presently used by the Foundation)for housing the Foundation
    - ii. Telephone—The College will be responsible for telephone services for the Foundation.
    - iii. Facilities Usage—Foundation personnel will submit request for use of facilities for approval by the WVUP President or the President's designee.
    - iv. Equipment and Furnishings—WVUP will be responsible for office furniture and equipment. (Any upgrades in furniture and/or equipment must be requested during the College's budget process.)
  - b. Staff Support—The College will provide part-time staff support *if* the Alumni Community becomes a part of Foundation Office. The President's Executive Assistant may continue to take minutes for the Foundation's quarterly meetings, as requested.
  - c. Technology –Email and internet access will be provided. Technology support must be requested through usual College processes.
  - d. Access to Information (faculty, staff, and students)—Request for information related to faculty, staff, students should be requested through the President of WVUP or the President's designee.
  - e. Other Services--Services listed below will be requested from Institutional Advancement in a timely manner for fulfillment of the services. College materials/requests will have priority.
    - i. Graphic Design
    - ii. Printing (In-house only)
    - iii. Web site support (within the College's website)

- J. Invite the attendance of the Executive Director of the Foundation at President's Cabinet meetings and Institutional Effectiveness Council meetings.
- K. Using the list of and criteria for Foundation scholarships, the College's Division of Student Services will recommend students for the awards.

*The College recognizes that the Foundation is a separate, legal entity with the authority to keep all Foundation records and data confidential to the extent provided by law.*

**II. That the FOUNDATION shall:**

- A. Comply with all applicable state and federal laws governing tax-exempt charitable organizations, including but not limited to maintaining its status under Internal Revenue Code § 501 (c)(3) and complying with West Virginia non-profit corporations rules.
- B. Maintain current account contracts and/or memorandum of agreements to govern the management, investment and distribution of all funds contributed to the Foundation.
- C. Raise, manage, distribute, and steward private resources to support the various missions and goals of the College.
- D. Control and manage all assets of the Foundation, including the prudent management of all gifts consistent with donor intent, applicable laws, and best practices.
- E. Oversee all aspects of its operations based on a comprehensive set of bylaws that clearly address the Foundation board's fiduciary responsibilities, including expectations of individual board members based upon ethical guidelines and policies, as well as applicable laws.
- F. Be solely responsible for the employment, compensation, and evaluation of all employees employed directly by the Foundation. The Foundation may seek input from the College when the Foundation conducts performance evaluations of its employees.
- G. Pay all direct expenses associated with its activities, including those functions performed by College employees on behalf of the Foundation and employee expenses, if any. This includes, but is not limited to, all Foundation expenses related to board activities, the annual audit, accounting costs not covered by this contract, investment and bank fees, and the printing of letterhead, receipts, Foundation publications and materials, and Foundation postage and copying. The Foundation may directly reimburse College employees for expenses if the type of expense incurred is not eligible for reimbursement from the college or grantors.
- H. Provide an authorized representative who is responsible for overseeing and evaluating this Agreement on a regular basis, and communicating with the College. The Foundation's authorized representative will be the Chair of the Foundation's Board of Directors.
- I. Maintain separate bank accounts and letterhead from the College.
- J. Clearly document the purposes and uses of funds expended on behalf of the College to the Office of the Chancellor Development Division.

**TERMS OF AGREEMENT:** The term of this Agreement shall be from July 1, 2012 to June 30, 2013.

**LIABILITY**

Each party shall be responsible for its own acts and behavior and the results thereof.

**TERMINATION**

Either party may terminate this Agreement (1) without cause upon written notice of not less than sixty (60) days to the other party, or (2) with cause immediately upon written notice to the other party.

Any amendments to this Agreement shall be in writing. IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be duly executed intended to be bound thereby.

COLLEGE

BY: \_\_\_\_\_, President

DATE: \_\_\_\_\_

FOUNDATION:

BY: \_\_\_\_\_, Chair

DATE: \_\_\_\_\_

**West Virginia University at Parkersburg Board of Governors  
Meeting of June, 12, 2013**

**ITEM:** 2013-2014 Salary Increases

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the salary schedules for West Virginia University at Parkersburg for 2013-2014 as presented.

**STAFF MEMBER:** Marie Foster Gnage, President

**BACKGROUND:**

The President recommends salary schedules for faculty and staff as requested to the Board of Governors.

**West Virginia University at Parkersburg Board of Governors  
Meeting of June 12, 2013**

**ITEM:** 2013-2014 Budget

**RECOMMENDED RESOLUTION:** *Resolved, That the West Virginia University at Parkersburg Board of Governors approves a final budget for West Virginia University at Parkersburg for 2013-2014.*

**STAFF MEMBER:** Dr. Vincent Mensah

**BACKGROUND:**

The final budget for 2013-2014 for West Virginia University at Parkersburg will be presented to West Virginia University at Parkersburg Board of Governors for approval.

**West Virginia University at Parkersburg Board of Governors  
Meeting of June 12, 2013**

**ITEM:** **Property Acquisition**

**RECOMMENDED RESOLUTION:** *Resolved, That the West Virginia University at Parkersburg Board of Governors approves acquiring available property.*

**STAFF MEMBER:** Dr. Marie Foster Gnage, President

**BACKGROUND:**

WVU Parkersburg has the opportunity to acquire property that will enable the college to expand its programs present and future. The President requests permission for the college to acquire specified property.

**West Virginia University at Parkersburg Board of Governors  
Meeting of June 12, 2013**

**ITEM:** Revision of Policy A-45, Adoption or Amendment of Rules

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the revision of Policy A-45, Adoption or Amendment of Rules, as modified.

**STAFF MEMBER:** Debbie Richards  
Special Assistant to the President

**BACKGROUND:**

A proposal to revise Policy A-45, Adoption or Amendment of Rules, and to issue a notice of proposed rulemaking was approved by the Board of Governors at its April 10, 2013 meeting. A notice of proposed rulemaking was subsequently issued on April 15, 2013, for a comment period ending on May 15, 2013. A compilation of comments received and the institution's responses to them is attached.

The West Virginia Council for Community and Technical College Education amended Series 4, *Rules and Administrative Procedures*, effective May 5, 2013, to clarify the role of the president in the rulemaking process at the institutional level based on guidance from legislative leadership. The attached revision of Policy A-45 correlates to the proposed revision of Series 4.

Approval of the proposal as revised is recommended.

COMMENTS RECEIVED  
**Revised Policy A-45, Adoption or Amendment of Rules**  
 Public Comment Period: April 15 to May 15, 2013

Date Received	Comments	Revisions to policy proposal
5/16/13	5.6.1 <del>Except as set forth in Section 5.6.2,</del> Any adoption,..... 5.6.2 [Delete – only applies to WVU]	Revised as recommended

West Virginia University at Parkersburg Board of Governors

**POLICY A-45  
 ADOPTION OR AMENDMENT OF RULES**

**Section 1. General**

- 1.1 Scope - This Rule governs the adoption or amendment of Rules of the West Virginia University at Parkersburg Board of Governors.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4; ~~Higher Education Policy Commission Series 4, 133 CSR 4; Council for Community and Technical College Education Series 4, §135 CSR 4.~~
- 1.3 Effective Date –  
 (Replaces version dated September 8, 2006, as transferred from WVU Board of Governors on July 1, 2008.)

**Section 2. Purpose**

- 2.1 It is the purpose of the Board to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process for the institution. To that end, this Rule shall be implemented to encourage and foster notice and an opportunity for comment on all institutional Rules that come before the Board for review and adoption.

**Section 3. Definitions**

- 3.1 Rule – Subject to Section 3.1.1, the name used for any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect that also has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens.
  - 3.1.1 The term “Rule” shall not apply to (a) any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect established for an individual unit, division, department or school of the institution which deals solely with the internal management or responsibilities of that unit, division, department or school, or (b) an academic curricular policy that does not constitute a mission change for the institution.

- 3.2 Administrative Procedure – Any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect described in Section 3.1.1, above.
- 3.3 Chancellor – The Chancellor of the ~~Higher Education Policy Commission and the Chancellor of the~~ Community and Technical College System.

#### **Section 4. Application**

- 4.1 This Rule shall apply to the adoption, amendment, or repeal of any Rule of the West Virginia University at Parkersburg Board of Governors. This Rule shall also apply to the adoption, amendment or repeal of any Administrative Procedure solely as it relates to the posting requirements set forth in Section 6.1. This Rule does not apply to subject-matter not included within the scope of Series 4 of the ~~West Virginia Higher Education Policy Commission, 133 CSR 4, and/or Series 4 of the West Virginia Council for Community and Technical College Council Education, § 135 CSR 4.~~

#### **Section 5. Rulemaking Process**

- 5.1 Every adoption, amendment or repeal of a Rule must be approved by the Board. ~~Without limiting the foregoing, the Board delegates to the President the authority to initiate the procedures under this Rule.~~
- 5.2 If the ~~President or~~ Board determines that the institution should draft, amend or repeal a Rule, a notice of proposed rulemaking shall be provided to ~~the Board,~~ the Chancellor, representatives of students, faculty and classified employees, and other interested parties as identified by the President or his or her designee. Notice shall also be provided to students, faculty and ~~employees~~ staff through email and/or intranet announcements, or as otherwise deemed appropriate ~~in the discretion of the President or his or her designee,~~ and posted on the web-page of the Board of Governors. A copy of the notice will also be available at the Office of the President.
- 5.2.1 The notice shall specify that there shall be a public comment period of no less than thirty (30) days for the receipt of signed, written comments. The notice shall contain a brief description of the subject matter of the rule, a copy of the proposed new or amended Rule or of the Rule to be repealed, as applicable, and an explanation of how to provide comments for consideration, including the deadline for submission of comments and contact information for the person or office designated to receive public comments. Copies of the notice shall be made available at no cost to any requester.
- 5.3 Following the passage of the public comment period, the ~~President may, at his or her discretion, either present Board~~ may consider further drafts for additional comment or proceed with ~~submission of a proposal to the Board of Governors for review and possible Board action pursuant to Section 5.4 or 5.5, below.~~
- 5.4 If the notice of proposed rulemaking was approved by the Board at a previous meeting and no comments are received during the comment period, the proposed rule, amendment or repeal shall take effect without further vote by the Board, but only if the Board, at the time of approving the notice, explicitly authorized such adoption, amendment or repeal without further Board action.
- 5.5 Except as set forth in Section 5.4, above, all proposals for adoption, amendment or repeal of a Rule shall require final Board action after passage of the public comment period before the adoption, amendment or repeal may take effect.
- 5.5.1 At least ten (10) days prior to a meeting in which the Board is to consider final approval to the adoption, amendment or repeal of a Rule, the final draft Rule, along with a copy of all written comments and evidence received and determinations made, shall be posted on the Board's web site and provided to the persons identified in Section 5.2 using the same methods of notice as described in that section.

- 5.5.2 Comments received shall be summarized and proposed responses prepared by the President or his or her designee for submission to the Board for consideration at the meeting. The Board may amend a proposed rule as a result of the comments or evidence received without an additional notice period.
- 5.6 Within thirty days of the adoption, amendment or repeal of a Rule by the Board, copies of the Rule, or notice of the repeal, will be forwarded to the Chancellor.
- 5.6.1 ~~Except as set forth in Section 5.6.2, Any adoption, amendment or repeal of a Rule by the Board shall not take effect until approved by the Chancellor or his or her designee under the procedures specified in Higher Education Policy Commission Series 4 and/or Council for Community and Technical College Education Series 4, as applicable.~~
- ~~5.6.2 Any adoption, amendment or repeal by the Board of a Rule which relates to any subject matter over which the Legislature of the State of West Virginia has authorized the Board to act without further approval of the Commission or its Chancellor shall take effect upon Board approval or as otherwise specified by the Board.~~
- 5.7 Approved Rules shall be assigned a number to assist in identification of each such Rule. Rules adopted or amended by the Board will be posted prominently on the Board web site, and copies shall be made available, at no cost to the requester, in the Office of the President. Rules which have been repealed by the Board shall be marked "Repealed" on the Board web site. All written comments, evidence received and determinations made will be preserved and made available for inspection and copying in the Office of the President for a period of five years from the date of the final Board action.

**Section 6. Administrative Procedures**

- 6.1 Each Administrative Procedure shall be posted prominently on the appropriate web site of the institution in a manner maximizing accessibility to affected persons, and shall be available at the main administrative offices of the institution.

**Section 7. Emergency Action**

- 7.1 If it is determined that an emergency exists under which immediate action is necessary to adopt, amend or repeal a Rule, the Board may approve such an emergency adoption, amendment or repeal of a Rule without first following the procedures set out in this Rule. Emergency rules approved by the Board will be posted prominently on the Board's web site.
- 7.2 For purposes of this Section 7, an emergency exists when the adoption, amendment or repeal of a Rule is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the ~~Higher Education Policy Commission or the~~ Council for Community and Technical College Education, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who may disapprove the action of the Board if the Chancellor, or his/her designee, disagrees that an emergency existed.
- 7.3 Any emergency policy shall remain in effect no longer than three (3) months, and shall expire unless a final policy has been approved under the normal process set out in this policy.

**Section 8. Reporting Requirements**

- 8.1 No later than October 1 of each year, the Board shall file with the ~~Higher Education Policy Commission and with the~~

Council for Community and Technical College Education a list of all Board Rules that were in effect on July 1 of that year, as well as a list of Board Rules repealed during the preceding year. The list shall include the most recent date on which the Rule was adopted, amended or repealed, and a statement by the Chair of the Board certifying that the Board complied with the provisions of Section 18B-1-6 of the West Virginia Code and with ~~Higher Education Policy Commission Series 4 and/or~~ Council for Community and Technical College Education Series 4, ~~as applicable~~, in the adoption of the Rule.

**West Virginia University at Parkersburg Board of Governors  
Meeting June 12, 2013**

**ITEM:** Proposed Policy B-33, Phased Retirement Program

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the adoption of Policy B-33, Phased Retirement Program, as presented.

**STAFF MEMBER:** Marie Foster Gnage, President

**BACKGROUND:**

A proposal to adopt Policy B-33, Phased Retirement Program, and to issue a notice of proposed rulemaking was approved by the Board of Governors at its April 10, 2013 meeting. A notice of proposed rulemaking was subsequently issued on April 15, 2013, for a comment period ending on May 15, 2013. A compilation of comments received and the institution's responses to them is attached.

This policy proposal establishes a Phased Retirement Program for implementation by West Virginia University at Parkersburg according to the purposes set forth in West Virginia State Code §18B-1-1d. The purpose of the proposed Phased Retirement Program at WVU Parkersburg is to increase organizational effectiveness and efficiency, to promote the transitional well-being of long-term employees moving toward retirement, and to allow the institution to project and fill critical positions in a responsible manner.

Approval of the proposal as presented is recommended.

The implementation of this policy will require subsequent approval by the Legislative Joint Committee on Pensions and Retirement.

**COMMENTS RECEIVED**  
**Revised Policy B-33, Phased Retirement**  
Public Comment Period: April 15 – May 15, 2013

<b>Date Received</b>	<b>Comments</b>	<b>Revisions to policy proposal</b>
April 16, 2013	<p>The prior policy with WVU allowed phased out retirement to start at age 55 and could be done for 5 years. Many employees have been planning their retirement based on this information. Many employees plan to be fully retired at age 60 or 62 and can only benefit from the phased-out opportunity if it is available earlier; i.e. age 55 or 57. The volatility of the stock market in recent years has significantly impacted an employee's retirement planning. A 5-year duration would allow for a much more secure transition into retirement. These guidelines are within state mandates as evidenced by WVU policy. A policy allowing phased-out retirement to begin as early as 55 or 57 and extend for a period of 5 years would allow both a secure transition for employees as well as allow the university to reduce tenured positions, reduce salary increases, and provide a 5-year HR anticipated employment needs plan. [Mike Berus]</p>	None
May 1, 2013	<p>A phased-out retirement policy should serve the needs of the institution and the employees who have been loyal to the institution for many, many years. It should encourage early retirement, thus reducing higher salary costs and percentage of tenured faculty. Having faculty sign contractual intent to retire allows the institution to carefully plan human resource needs and hire the right people so that there is a seamless transition. This proposed policy seems quite punitive in many regards. The age requirements do nothing to allow or encourage early retirement (before age 62). The forfeiture of tenure rights and even the pittance of salary increases if and when granted does not make someone who has devoted 20 – 30 years of loyal service feel very valued. We should be seeing our retirees as valuable, enduring sources of support for the institution for the remainder of their lives; not dismissing them on a sour note. What does 3 years of 2% increases on nationally low salaries for one retiree really amount to? What will that retiree think when they receive a letter from the Foundation the following year requesting contributions or suggesting will directives? It's not even about the money – it is about loyalty, value, and respect. The prior policy was much more of an incentive. Many potential retirees will simply not participate in a phased-out contract, given these provisions. [Debra Baker]</p>	None

West Virginia University at Parkersburg Board of Governors

**PROPOSED POLICY B-33  
PHASED RETIREMENT PROGRAM**

**Section 1. General**

- 1.1 This policy establishes a Phased Retirement Program for implementation by West Virginia University at Parkersburg according to the purposes set forth in West Virginia State Code [§18B-1-1d](#).
- 1.2 Authority. – W. Va. Code [§18B-1-1d](#)
- 1.3 Effective Date. –

**Section 2. Purpose**

- 2.1 The purpose of the Phased Retirement Program at West Virginia University at Parkersburg is to
  - a. increase organizational effectiveness and efficiency
  - b. promote the transitional well-being of long-term employees moving toward retirement
  - c. allow the institution to project and fill critical positions in a responsible manner

**Section 3. Definition**

- 3.1 At WVU Parkersburg, phased retirement is defined as a period of part-time employment preceding retirement. The phased retirement program includes a prorated salary equivalent to the appropriate percentage of full-time work.

**Section 4. Eligibility**

- 4.1 To be eligible for Phased Retirement, an employee must:
  - a. be a full-time employee
  - b. have completed at least ten years of service to WVU at Parkersburg
  - c. be at least 60 years of age
  - d. be eligible for retirement upon conclusion of the phased retirement period

**Section 5. Conditions for Participation**

- 5.1 The appropriate party to initiate discussion about Phased Retirement participation is the individual faculty or staff member.
- 5.2 Contracts for Phased Retirement may be consummated in cases that promote increased organizational effectiveness and efficiency.

- 5.3 Participation in the Phased Retirement Program is not an entitlement or a right automatically available to all persons who meet the eligibility criteria. It is subject to administrative review, endorsement by the executive level administrator and approval by the President of the terms and conditions reflected in a written contract. The contract specifies the arrangements under which the individual will be placed in phased retirement status.
- 5.4 Administrators will consider all requests for participation in the Phased Retirement Program. However, participation will depend upon the needs of the unit and the institution, as well as the conditions prevailing in the unit and the institution at the time, including the availability of coverage for assigned duties, disruption that such participation may create in the unit, the availability of funding, and operational needs of the unit.
- 5.5 Units may identify additional criteria for review of requests.

## **Section 6. Operating Guidelines**

- 6.1 The individual who enters the Phased Retirement Program must agree to a reduced FTE (full-time equivalent) employment status with WVU Parkersburg, with the clear understanding that the total FTE percentage for all services performed as an employee cannot thereafter be increased, although it may thereafter be decreased. If the FTE is further decreased, an addendum to the contract would then be negotiated between the individual and the immediate supervisor, endorsed by the executive level administrator, and approved by the President. The decision to participate in the phased retirement program is irrevocable.
- 6.2. For a faculty or staff member to enter a Phased Retirement Program, the FTE percentage assignment for that employee must be reduced by at least one-fourth, to a level of 0.75 or less, but no less than 0.53, over the same or a reduced appointment period (i.e., a nine-month appointment may not be extended to twelve months, but a twelve-month appointment may be reduced to nine months). Exceptions to the limitations specified in this paragraph must have the approval of the President.
- 6.3 For faculty and staff members who enter a Phased Retirement Program, all benefit plans will be continued at the same level available for personnel holding like positions, consistent with age and the terms of the controlling Plan Document.
- 6.4 The maximum period for phased retirement shall be three years. At the end of the third year, the participant will enter full retirement.
- 6.5 The employee may opt out of phased retirement and progress to full retirement at any point during the phased retirement period with 90 days' notice.
- 6.6 Employees on phased retirement are not eligible for salary increases or merit pay. The base salary at the time of phased retirement will remain constant for computing the prorated salary.
- 6.7 A faculty participant will forfeit tenure upon entering into a Phased Retirement Program contract.
- 6.8 Faculty on phased retirement will complete an annual self-reflection report.

- 6.9 The specific arrangements for a Phased Retirement Program must be detailed in a written agreement. A copy of the agreement will be maintained in the Human Resources Office.
- 6.10 When the Phased Retirement period concludes, employees become “fully retired,” but are eligible to continue PEIA insurance only if they have completed 30 years of contributory service (and are at any age), or have completed at least 5 years of contributory service and are at least age 60. The terms of the controlling Plan Document must also be met in order to apply sick leave and/or teaching credit toward PEIA retiree premiums.
- 6.11 Pursuant to W. Va. Code [§18B-1-1d\(f\)](#), an employee who has participated in this Phased Retirement Program shall be ineligible for reemployment by the institution during or after the period of phased retirement, including contract employment in excess of \$5,000 per fiscal year.

## **Section 7. Terms of Contractual Agreement**

- 7.1 While it is anticipated that each agreement for a Phased Retirement Program will include its own individual terms, tailored to the needs of the department and the individual, the following topics should be specifically included and agreed upon between the parties:
- a. Date upon which phased retirement will commence and end (upon entering full retirement).
  - b. The percentage of FTE, and specific working assignments, which will represent the individual's working effort for the college during the period covered by the phased retirement agreement.
  - c. The amount and source of the compensation to be paid to the faculty or staff member during the period of phased retirement.
  - d. Provisions, if applicable, for office space, laboratory facilities, and support services during the term of the agreement.
  - e. Specific terms and conditions under which a further reduction in FTE status may be agreed upon, if appropriate.

## **Section 7. Procedures**

- 7.1. Individuals may apply for participation in the Phased Retirement Program according to the [procedures](#) established by the institution. The institution will also provide specific guidance to participants regarding the phased retirement program as it relates to participation in the TIAA/CREF retirement plan, the State Teachers Retirement plan, Social Security and Medicare benefits.

