

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

**FEBRUARY 8, 2017
AGENDA**

Members

Jeff Matheny, Board Chair	Cheryl Donohoe
Sam Winans, Vice Chair	John Denbigh
Donna Smith, Secretary	John Hushion
Steve Hardman	Torie Jackson
Joseph Oliverio	William Bell
Jason Landers	Cody Irick

**Dr. Fletcher Lamkin
President**



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Wednesday, February 8, 2017

11:30 a.m.	Executive Committee	President's Office
12:30 p.m.	Work Shop Lunch-Chancellor Tucker	President's Board Room
2:00 p.m.	Administrative Services Committee	1123A
2:00 p.m.	Academic and Student Services Committee	1300
3:15 p.m.	Board Meeting	President's Board Room

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS
Meeting of February 8, 2017
President's Board Room
3:15 p.m.

1. Call to Order	Board Chair, Jeff Matheny
2. Roll Call	Brady Whipkey Executive Assistant to the President
3. Board Chair Report	Chairman Matheny
4. President's Report	Dr. Fletcher Lamkin, President
5. Approval of Minutes	
• Regular Meeting – January 11, 2017	4
6. Committee Reports	
• Executive Committee	Jeff Matheny
• Administrative Services Committee	Steve Hardman
• Academic and Student Services Committee	Donna Smith
7. Consent Items	
• Proposed Policy A-63, <i>Policy on Rights of Pregnant and Nursing Mothers</i>	Debbie Richards.....8 Special Assistant to the President
• Proposed revision of Policy B-12, <i>Adjunct Faculty</i>	Debbie Richards.....14 Special Assistant to the President
• Proposed Policy B-30, <i>Policy on Posting Positions</i>	Debbie Richards.....17 Special Assistant to the President
8. Information Items	
• Fiscal Update	Alice Harris, VP Finance & Administration.....21
9. Board Comments/Announcements	
10. Next Meeting March 8, 2017; President's Board Room	
11. Adjournment	

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
January 11, 2017

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday November 9, 2016, in the President's Board Room at the WVU Parkersburg Campus, beginning at 3:15 p.m. Board members present were: Sam Winans, Donna Smith, Steve Hardman, Joseph Oliverio, Cheryl Donohoe, John Denbigh, John Hushion, Torie Jackson, Cody Irick, and William Bell. Others present included Dr. Fletcher Lamkin and Brady Whipkey.

Guests present included administrators, faculty, and staff.

1. Call to Order

Mr. Winans, Vice-Chair of the WVU at Parkersburg Board of Governors, called the meeting to order.

2. Swearing in of New Board Members

Debbie Richards, Special Assistant to the President, conducted the swearing in of new Board member Torie Jackson.

3. Roll Call

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

4. Board Chair Report

Vice-Chairman Winans thanked the members for attending the meeting and reported that Chairman Matheny would not be present.

5. President's Report

Dr. Lamkin reported to the Board that classes officially began on Monday. Changes have been made to the way we report on enrollment numbers. In the past the College has allowed non-paying students to remain enrolled for several weeks into the semester; this year students must make payment arrangements favored the start of the semester, which resulted in this year's 200 student drop after December 29th. Some of these students will re-enroll while many will not.

Next, Dr. Lamkin reported that the College is continuing to make the campus more student supportive. Renovations on the main floor to the library to incorporate the new tutoring center space has been completed.

Dr. Lamkin then reported on Fall 2017 recruiting efforts. Our Early College program that launched in Wood County last fall has been so successful that we are opening it up to other counties in our service region. It enables students to challenge themselves with our high-quality courses while saving thousands of dollars by jumpstarting their college education.

Dr. Lamkin then provided an overview on position changes. Effective December 1, Jeff Olson was appointed Interim Vice President of Institutional Advancement while Senta Goudy will continue her role as Executive Director to the Foundation.

Next, Dr. Lamkin provided an update on Workforce and Economic Development. The division has published its spring 2017 schedule of Community Education Classes. The schedule offers a variety of topics and fees are nominal, starting as low as \$15, with many classes welcoming children as young as nine years old.

Lastly, Dr. Lamkin reported that this semester marks the first semester of the full implementation of Guided Pathways for Success (GPS). We expect that essential components of GPS, coupled with improved administrative support to our students, will lead to significantly improved success rates for students. The faculty and staff have worked hard as a team to put GPS into effect and now we look forward to assessing the results and continuing to transform our college to its full potential.

6. Approval of Minutes

The minutes of the Regular Board meeting of November 9, 2016, were approved upon a motion by Mr. Denbigh, seconded by Mr. Hardman.

7. Committee Reports

- Executive Committee

Vice-Chairman Winans reported that the Executive met to receive update on Guided Pathways, to discuss enrollment, and fiscal overview. The Executive Committee also appointed new members to serve on committees. Those appointments are as follows: Jason Lander and John Hushion to Audit Committee; Jason Landers, Torie Jackson and Joe Oliverio to Academic and Student Services; John Hushion to Administrative Services.

- Administrative Services Committee:

Board members present received reports on renovations being done to facilities and campus. A report was received on the position vacancies, and new hires. A report was received on marketing and communication efforts, alumni news and development update. A report was received on financial budget updates.

- Academic and Student Services Committee:

Board members present received reports from Academic Affairs, Workforce and Community Education and Student Affairs: an overview of programs, data and faculty; non-credit programs; enrollment and recruitment, were given.

8. Action Items

- Renaming of the Monarch Butterfly Garden

President Lamkin presented the proposal of renaming of the Monarch Butterfly Garden to the Dr. Rebecca Phillips Monarch Butterfly Garden in honor of Dr. Phillips retirement and her commitment to the success of students and the protection and

beautification of the environment. Members reviewed and discussed the proposed change

Mr. Bell moved to approve the following resolution:

Resolved, That the West Virginia University at Parkersburg Board of Governors will approve the renaming of the Monarch Butterfly Garden to the Dr. Rebecca Phillips Monarch Butterfly Garden.

Ms. Smith seconded the motion. The motion passed.

- Proposed Revision of Policy D-46, Code of Student Conduct

Anthony Underwood, VP of Student Services, presented the proposal for revision to Policy D-46, Code of Student Conduct. Members reviewed and discussed the proposed approval with VP Underwood answering questions.

Mr. Oliverio moved to approve the following resolution:

Resolved, That the West Virginia University at Parkersburg Board of Governors approves the revision of Policy D-46, *Code of Student Conduct*, as modified.

Mr. Bell seconded the motion. The motion passed.

9. Information Items

- Media and Communications Club Update

Dr. Torie Jackson introduced the Media and Communication Club to the Board of Governors. Dr. Jackson then turned the floor over to James Liebau, Club President. Mr. Liebau provided a presentation to the Board with overview of functions the club has organized as well as future plans.

- Fiscal Update

Ms. Harris provided a detailed report on the budget summary as of December 31, 2016. Ms. Harris answered questions from the members.

10. Board Comments/Announcements

None at this time.

11. Next Meeting

February 8, 2017, President's Board Room.

12. Adjournment

With no further business to be discussed, Chairman Matheny adjourned the meeting. The next meeting will be held on February 8, 2017.

Respectfully submitted,

Brady Whipkey
Executive Assistant to the President

Jeff Matheny, Chairman

Donna Smith, Secretary

**West Virginia University at Parkersburg Board of Governors
Meeting of February 8, 2017**

ITEM: Proposed Policy A-63, *Policy on Rights of Pregnant and Nursing Mothers*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for adoption of Policy A-63, *Policy on Rights of Pregnant and Nursing Mothers*, and hereby authorizes adoption of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Debbie Richards
Special Assistant to the President
and Title IX Coordinator

BACKGROUND:

Although West Virginia University at Parkersburg has established policies that prohibit discrimination, including discrimination based on sex, which covers pregnancy, those policies do not explicitly expand upon the rights of students and employees related to pregnancy, childbirth and breastfeeding as defined by various federal and state laws. The purpose of this policy proposal is to establish the institution's commitment to these rights and compliance with relevant laws.

A notice of proposed rulemaking will be issued proposing the adoption of this policy. If no comments are received during the 30-day comment period, this policy proposal will be considered approved following the comment period without further action by the Board of Governors.

West Virginia University at Parkersburg Board of Governors

**Proposed POLICY A-63
RIGHTS OF PREGNANT AND NURSING MOTHERS**

Section 1. General

- 1.1 Purpose. - To establish West Virginia University at Parkersburg Board of Governors' policy regarding the rights of pregnant and nursing mothers who are employees or students of WVU Parkersburg.
- 1.2 Authority. - [W.Va. Code § 18B-1-6](#)
- 1.3 Scope. - This policy applies to all members of the West Virginia University at Parkersburg campus community.
- 2.4 Effective Date. -

Section 2. Introduction

As set forth in [Policy A-34, Equal Opportunity, Affirmative Action and Nondiscrimination](#), West Virginia University at Parkersburg is committed as an employer and an educational institution to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. WVU at Parkersburg hereby establishes the following guidelines for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new mothers.

Section 3. Pregnancy

3.1 Students

- 3.1.1. Under the U.S. Department of Education's (DOEd) regulations for implementing Title IX of the Education Amendments of 1972 (Title IX), an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom." According to the DOEd, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This federal regulation supersedes any college- or instructor-based attendance or other policies regarding allowable numbers of absences or ability to make up missed school work.
- 3.1.2. To the extent possible, WVUP will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place for that student when the leave began. Appropriate methods for accommodating pregnancy-related absences or leaves may include extended deadlines, make-up assignments (such as papers, quizzes, tests, and presentations), tutoring, independent

study, online course completion options, and incomplete grades that can be completed at a later date, in addition to any other ergonomic and assistive supports typically provided by Disability Services.

- 3.1.3 The Title IX Coordinator may designate the Director of Disability Services to receive requests for accommodations from students related to medical leave and/or temporary disabilities associated with pregnancy and related conditions. On the basis of medical documentation provided by the student's physician faculty members will be notified regarding reasonable accommodations authorized for the student. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate under Title IX, and to advise faculty members or others, as necessary.
- 3.1.4 Every effort will be made to devise alternative paths to completion, when possible, in situations such as clinical rotations, performances, labs, and group work. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. WVUP faculty, staff, or other employees will not require a student to limit her studies as the result of pregnancy or pregnancy-related conditions. Pregnant students cannot be channeled into alternative programs against their wishes.
- 3.1.5 No artificial deadlines or time limitations will be imposed on requests for accommodations; however, WVUP is limited in its ability to impact or implement accommodations retroactively. Reasonable accommodations may include, but are not limited to:
 - a. Accommodations requested by the pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
 - b. Modifications to the physical environment (such as accessible seating);
 - c. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
 - d. Providing remote learning options;
 - e. Excusing medically-necessary absences (irrespective of classroom attendance requirements set by a faculty member, a division or otherwise established by the institution);
 - f. Granting leave or implementing incomplete grades for classes that will be resumed at a future date.

Modification to the essential elements of any academic program are not required by these guidelines.

- 3.1.6 Students are encouraged to work with their advisors, faculty members and WVUP's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for absences and leaves, minimize the academic impact of their absences and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.
- 3.1.7 Administrative responsibility lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations. Information about pregnant students' requests for accommodations will be shared with other faculty and staff only to the extent necessary in order to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary.

3.2 Employees

- 3.2.1 Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under the [Pregnancy Discrimination Act](#) (PDA), an amendment to Title VII of the Civil Rights Act of 1964. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work. The PDA forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, pay, job assignments, promotions, layoffs, training, fringe benefits, firing, and any other term or condition of employment.
- 3.2.2 Supervisors may not single out pregnancy-related conditions for medical clearance procedures that are not required of employees who are similar in their ability or inability to work pursuant to Policy B-24, [Employee Leave](#), Section 5.8.
- 3.2.3 Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy related condition and recovers, she will not be required to remain on leave until the baby's birth. No predetermined length of leave time may be established by an administrator or supervisor for an employee to take leave after childbirth. WVUP will hold open a job for a pregnancy-related absence the same length of time that jobs are held open for employees on sick or temporary disability leave.
- 3.2.4 Under the [Family and Medical Leave Act \(FMLA\) of 1993](#), enforced by the U.S. Department of Labor, a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave (unpaid, or paid if the employee has earned or accrued it) that may be used for care of the new child. To be eligible, the employee must have worked for WVUP for 12 months prior to taking the leave. [Institutional procedures](#) shall further define details regarding FMLA leave.
- 3.2.5 If an employee is temporarily unable to perform her job due to pregnancy, she will be treated the same as any other temporarily disabled employee; for example, by providing light duty, modified tasks, alternative assignments, disability leave, or leave without pay. Additionally, impairments resulting from pregnancy (for example, gestational diabetes) may be disabilities under the Americans with Disabilities Act (ADA). An employee will be entitled to a reasonable accommodation for a disability related to pregnancy, absent undue hardship (significant difficulty or expense).
- 3.2.6 Employees on medical leave for pregnancy related conditions will have equal access to benefits provided to employees on medical leave. Expenses for pregnancy related conditions will be covered by health insurance and be reimbursed in the same manner as for other medical conditions according to the PDA. Employees with pregnancy related disabilities will be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

Section 4. Nursing Mothers

4.1 Support

- 4.1.1 In recognition of the documented health advantages of breastfeeding for infants and mothers, WVU at Parkersburg provides a supportive environment to enable any employee or student mother to express milk during their time on campus. In addition, pursuant to [W.Va. Code § 16-1-19](#), a mother has the right to "breast feed a child in any location open to the public." All faculty, staff and administrators will assist in providing a positive atmosphere of support for breastfeeding employees and students.

- 4.1.2 According to the Patient Protection and Affordable Care Act, which amended Section 7 of the [Fair Labor Standards Act](#) (FLSA) in 2010, supervisors must “provide a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” Employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, nonexempt employees may make up the time with a flexible schedule arranged between the employee and supervisor or use annual leave time.

4.2 Facilities

- 4.2.1 The FLSA requires employers to “provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” At WVUP, a private room that is not a toilet stall or restroom shall be made available as needs arise for any employee or student mother to express milk. Such room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet.
- 4.2.2 Although not required by law to create a permanent dedicated space for use by nursing mothers, WVUP may choose to establish one or more dedicated lactation lounge(s) to be available exclusively to lactating employees and students during the hours the campus is open. Such a space must meet the minimum requirements specified in Section 4.2.1. The designation of any dedicated space and the procedures for its access and use shall be communicated to all employees and students.
- 4.2.3 Employees may breastfeed or express milk in their own private offices if they prefer or in other comfortable locations agreed upon in consultation with the employee’s supervisor.

Section 5. Harassment and Retaliation

- 5.1 Harassment of any member of the WVUP community based on sex, including pregnancy or related conditions and parental status, is prohibited.
- 5.2 Faculty, staff, and other WVUP employees are prohibited from interfering with an employee’s or student’s right to take leave, seek reasonable accommodation, or otherwise exercise their rights under the institution’s nondiscrimination policy.
- 5.3 Faculty, staff, and other WVUP employees are prohibited from retaliating against an employee or student, including imposing or threatening to impose negative educational or employment outcomes because a student or employee requests leave or accommodation, files a complaint, participates in a complaint investigation, or otherwise exercises their rights under the institution’s nondiscrimination policy.
- 5.4 [Policy B-62, Mandatory Reporters](#), establishes that any employee of WVUP who receives a report of discrimination on the basis of sex (which includes pregnancy or related conditions) is responsible for promptly forwarding such report to the Social Justice Officer/Title IX Coordinator.
- 5.5 All allegations of harassment, discrimination or retaliation will be investigated and handled promptly and equitably under the supervision of the institution’s Social Justice Officer/Title IX Coordinator.

Section 6. Complaints

6.1 Complaints of discrimination, harassment or retaliation may be filed with West Virginia University at Parkersburg:

Social Justice Officer/Title IX Coordinator, Room 1010
West Virginia University at Parkersburg
300 Campus Drive
Parkersburg, WV 26104
E-mail: Social.Justice@wvup.edu
Telephone: (304) 424-8201
FAX: (304) 424-8302

6.2 Complaints may also be filed (under Title IX) with the U.S. Department of Education, Office for Civil Rights:

Office for Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: www2.ed.gov/about/offices/list/ocr/index.html

6.3 Employees may also file complaints (under Title VII or other employment laws) with the U.S. Equal Employment Opportunity Commission:

United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 866-408-8075
Fax: 215-440-2606
TTY: 800-669-6820
Website: www.eeoc.gov/

**West Virginia University at Parkersburg Board of Governors
Meeting of February 8, 2017**

ITEM: Proposed revision of Policy B-12, *Adjunct Faculty*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for revision of Policy B-12, *Adjunct Faculty*, and hereby authorizes adoption of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Hank Dunn
Senior Vice President

BACKGROUND:

The category of adjunct faculty provides flexibility for WVUP in meeting the needs of students within the Guided Pathways to Success initiative. In the attached proposed revision of Policy B-12, the definition of “adjunct faculty” has been updated to better define the nature of the position, which is confined to temporary (one semester), part-time, non-benefits-eligible appointments. The revision provides greater clarity regarding the maximum teaching load for adjunct teaching appointments and provides consistency with the definition provided in the context of proposed Policy B-30 regarding posting of positions.

A notice of proposed rulemaking will be issued proposing the adoption of this policy. If no comments are received during the 30-day comment period, this policy proposal will be considered approved following the comment period without further action by the Board of Governors.

West Virginia University at Parkersburg Board of Governors

**POLICY B-12
ADJUNCT FACULTY**

Section 1. General.

- 1.1. Scope: The Board of Governors of West Virginia University at Parkersburg recognizes the importance of an appropriate cadre of full-time faculty that provides continuity in high-quality instruction, scholarship, creative activity, and service.

The Board also recognizes that significant contributions to the institution's mission can be made by highly qualified faculty members who may fill ~~part-time~~ adjunct roles for a variety of reasons.

This policy defines the role of ~~part-time and other~~ adjunct faculty members at West Virginia University at Parkersburg, and, when appropriate, the conditions of their employment.

- 1.2 Authority: West Virginia Code §18B-7-6 [§18B-8-6](#)

- 1.3 Effective Date: September 5, 2003
(Replaces version dated September 5, 2003, as transferred from WVU Board of Governors on July 1, 2008)

Section 2. Definitions.

- 2.1. ~~The term "aAdjunct Faculty."~~ may be applied either to ~~Faculty~~ who are remunerated part-time temporary employees or who are unpaid volunteers with a courtesy title.

2.1.1. ~~Part time Adjunct~~ faculty appointments may be for one semester or ~~one academic~~ in duration year. Such appointments may not exceed 9 credit hours of instruction in one semester ~~0.80 FTE~~. Appointments at or above ~~0.53 FTE~~ are benefits-eligible.

2.1.2. ~~Courtesy Adjunct~~ faculty appointments may be ~~for an extended period of time offered for consecutive semesters; however, the cumulative teaching load for any academic year may not exceed 18 credit hours, and no number of consecutive appointments shall create any presumption of a right to continued employment.~~

2.1.3. Adjunct faculty positions are not benefits-eligible.

Section 3. Conditions Governing Part-Time Adjunct Faculty

- 3.1. ~~Part time and other~~ aAdjunct faculty are subject to appropriate sections of West Virginia University at Parkersburg Board of Governors Policy B-2, including but not limited to Section 2, "Academic Freedom and Professional Responsibility."

3.1.1. ~~Part time and other~~ aAdjunct faculty members shall have appropriate academic qualifications and experience.

- 3.1.2. ~~Part time and other~~ Adjunct faculty members shall receive appropriate information concerning institutional policies, procedures, expectations, and support.
- 3.1.3. ~~Part time and other~~ Adjunct faculty members shall receive appropriate information about their duties and responsibilities and specific information about course content, syllabi, methodologies, and expected learning outcomes for students.
- 3.1.4. ~~Part time and other~~ Adjunct faculty members shall be evaluated regularly. Such evaluation will be a basis for possible continuing employment future appointments.
- 3.1.5. ~~Part time and other~~ Adjunct faculty members should receive mentoring and other appropriate assistance from full-time faculty members and academic administrators, as well as opportunities to participate in professional development activities.
- 3.1.6. ~~Part time and other~~ Adjunct faculty members may participate in faculty governance and may serve on committees.
- 3.1.7. ~~Part time and other~~ Adjunct faculty should be included in the planning of academic activities whenever possible, in order to ensure their understanding of the academic mission and goals of the unit and the context of their role therein.

Section 4. Balance Between Full-Time and Part-Time Faculty.

- 4.1. West Virginia University at Parkersburg will maintain an appropriate balance between full-time and part-time adjunct faculty that is consistent with the campus mission.
 - 4.1.1. The institution will maintain a cadre of full-time faculty to enable it to function appropriately. Such full-time faculty may include faculty who are tenured, tenure-track, and non-tenure-track.
 - 4.1.2. The institution may engage ~~part time and other~~ adjunct faculty in order to utilize academic expertise that is locally available; to address programmatic necessity; to address budgetary constraints; and to respond to special circumstances. The appropriate balance between full-time and part-time adjunct faculty members shall be based on the institution's mission, degree programs, availability of individuals qualified to serve as adjunct part time faculty, and other relevant factors.

Section 5. Reporting of Data.

- 5.1 The college will report to the ~~Higher Education Policy Commission and~~ Council for Community and Technical College Education the number of ~~part time and other~~ adjunct faculty, as requested.

**West Virginia University at Parkersburg Board of Governors
Meeting of February 8, 2017**

ITEM:	Proposed Policy B-30, <i>Policy on Posting Positions</i>
RECOMMENDED RESOLUTION:	<i>Resolved</i> , That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for adoption of Policy B-30, <i>Policy on Posting Positions</i> , and hereby authorizes adoption of said policy without further action by the Board if no comments are received.
STAFF MEMBER:	Debbie Richards Special Assistant to the President and AA/EO Officer
BACKGROUND:	

West Virginia University at Parkersburg is required to adopt a policy pursuant to Section 8 of CCTCE Series 39, which states:

§135-39-8. Posting.

8.1. Each institution shall develop a policy for posting of classified positions both internally and externally in order to provide employees adequate time to make application for positions. Institutions shall develop such policy within 90 days of the effective date of this rule.

8.2. Posting shall not apply to casual or temporary positions.

While the board is required to adopt a policy for posting *classified* positions, it is not obligated to limit the scope of that policy; therefore, the attached policy proposal addresses the broader scope of positions and posting requirements consistent with state and federal laws. This proposal is consistent with current practices, as well, to the extent they are addressed in written guidelines; however, current written guidelines are silent regarding the internal posting option. Operational guidelines will be further developed upon the approval the policy on posting positions.

A notice of proposed rulemaking will be issued proposing the adoption of this policy. If no comments are received during the 30-day comment period, this policy proposal will be considered approved following the comment period without further action by the Board of Governors.

West Virginia University at Parkersburg Board of Governors

Proposed POLICY B-30

POLICY ON POSTING POSITIONS

Section 1. General

- 1.1 Scope: This policy establishes rules for posting open positions at West Virginia University at Parkersburg.
- 1.2 Authority. – W. Va. Code [§18B-1-6](#); W.Va. C.S.R. [§135-39-8](#); [W.Va. Code §18B-7-11\(a\)](#); [W.Va. Code § 18B-7-3\(e\)](#); [41 C.F.R. § 60-300.5](#)
- 1.3 Effective Date. –

Section 2. Definitions

- 2.1 Classified Employee. Any regular employee of WVU at Parkersburg who holds a full-time or part-time position and is assigned a particular job and job title within the classification system established by [W. Va. C.S.R. §135-53](#) or by other duly promulgated and adopted rules of the Council for Community and Technical College Education or WVUP Board of Governors.
- 2.2 Nonclassified Employee. An employee of WVU at Parkersburg who serves at the will and pleasure of the president and holds a position that is not assigned a particular job and job title within the classification system established by [W. Va. C.S.R. §135-53](#) or by other duly promulgated and adopted rules of the Council for Community and Technical College Education or WVUP Board of Governor and who meets one or more of the following criteria:
 - a. Employee holds a direct policy-making position at the department or organization level;
 - b. Employee reports directly to the president; or
 - c. Employee is in a position considered to be critical to the institution, such as Information Technology professionals or others as determined by the president.
- 2.3 Full-Time Regular Employee. An employee in a position created to last a minimum of nine months of a twelve month period and in which such employee is expected to work no less than 1,040 hours during said period.
- 2.4 Part-Time Regular Employee. An employee in a position created to last less than 1,040 hours during a twelve-month period and who is not eligible for benefits.
- 2.5 Temporary Employee. An employee hired into a position expected to last fewer than nine months of a twelve month period regardless of hours worked per week. A temporary employee is not eligible for benefits.
- 2.6 Casual Employee. A casual employee position is a position created to meet specific operational needs at an institution for no more than 225 hours in a 12-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program.
- 2.7 Student Employee. An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. A student employee is not eligible for benefits and is not covered by the classification program.
- 2.8 Full-Time Faculty. Faculty employed for a full academic year (at least a nine-month contract basis) with an instructional load of fifteen credit hours or the equivalent per semester.

- 2.9 Adjunct Faculty. Faculty who are part-time temporary employees with one-semester appointments to teach no more than 9 credit hours of instruction per semester (and not more than 18 credit hours in a given academic year).
- 2.10 Exempt Employee. An employee not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.11 Nonexempt Employee. An employee who is entitled to overtime benefits as outlined in federal and state law.

Section 3. External Posting Requirements

- 3.1 All full-time regular and part-time regular classified staff, non-classified staff, and faculty position openings will be posted on the institution's webpage and filled through various means of announcement and advertising appropriate to the position in accordance with federal and state employment laws and the institution's Affirmative Action Plan. Except as otherwise provided in Section 4:
 - a. All posted positions in job categories designated by the institution for a local recruitment area will be advertised with the local employment service and other appropriate local sources for a minimum of ten business days.
 - b. All posted positions in job categories designated by the institution for a regional recruitment area will be advertised with the local employment service and the identified region's state workforce agency job banks as well as with other appropriate regional sources for a minimum of fifteen business days.
 - c. All posted positions in job categories designated by the institution for a national recruitment area will be advertised in one or more national sources as well as West Virginia's workforce agency job bank and other sources appropriate for the position for a minimum of fifteen business days.
 - d. For all posted positions in job categories where placement goals are identified in the institution's Affirmative Action Plan for minorities, women, protected veterans, and/or persons with disabilities, special efforts will be made to attract those candidates.
- 3.2 Adjunct faculty, temporary employees, casual employees, student workers or independent contractor positions may be filled through referrals, recruiting events, employment agencies or other means and may optionally be posted on the institution's web page.

Section 4. Internal Posting Provisions

- 4.1 Pursuant to [W.Va. Code § 18B-7-3\(e\)](#), "...A nonexempt classified employee, who applies and meets the minimum qualifications for a nonexempt job opening at the organization where currently employed, whether the job is a lateral transfer or a promotion, shall be transferred or promoted before a new person is hired...."
 - a. The institution may establish procedures for posting nonexempt position openings internally for minimum of five business days before recruiting external applicants.
 - b. Employees will be notified by email when nonexempt position openings are posted internally.
- 4.2 When a faculty member resigns from an administrative position and the faculty member remains with the particular department, the administrative position may be filled with another who is currently employed, and the position may be posted internally according to established institutional procedures. Consideration must be given to equal opportunity and to affirmative action goals.

Section 5. Exceptions to General Posting Requirements

- 5.1 Under certain conditions, the advertising and search requirements for filling a position may be waived upon the recommendation of the AA/EO Officer and approval by the President. A request for such a waiver must:
- a. include a complete explanation of the reasons for the request
 - b. identify the position title/rank
 - c. include a copy of the position description
 - d. identify the candidate and indicate how the person was identified
 - e. require a current Application for Employment for the candidate
 - f. provide the length and terms of appointment
- 5.2 The circumstances under which an exemption to posting may be granted are as follows:
- a. Vacancy occurring in a faculty or administrative position under time constraints such that a temporary must be appointed to fill the position. An approved Affirmative Action search must begin in a timely manner following the temporary appointment.
 - b. Reorganization involving collapsing and/or combining positions. Principles of Affirmative Action must be followed and adherence to such principles monitored by appropriate administrators.
 - c. To re-employ qualified persons affected by layoff. Vacancies may be exempt from posting requirements pending evaluation of the position requirements against the qualifications of those laid off employees on the campus recall list. If vacancies have been posted, the position may be removed from the competitive selection process in order to re-employ qualified persons affected by layoff who are on an active recall list.
 - d. Position changes as a result of disciplinary reassessments following review and recommendation by the Human Resources Director and authorization by the President.
 - e. Affirmative Action Requests. When an appointment or appointments would further the spirit of Affirmative Action and/or comply with a conciliation agreement with the EEOC.
 - f. Other circumstances of necessity as recommended by the AA/EO Officer and authorized by the President.

Section 6. Delegation of Authority

- 6.1 The Board of Governors affirms its delegation of responsibility to the President for all personnel matters for WVU at Parkersburg, including, but not limited to, selection, assignment and termination of personnel. The President shall establish institutional procedures regarding hiring and personnel administration in compliance with all state and federal employment laws.

**West Virginia University at Parkersburg Board of Governors
Meeting of February 8, 2017**

ITEM: Fiscal Update

RECOMMENDED RESOLUTION: Information Only

STAFF MEMBER: Alice Harris,
VP Finance & Administration

BACKGROUND:

Ms. Harris will report on the state of the college's finances and the budget for month ending January 31, 2017.