

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

OCTOBER 9, 2019
AGENDA

Members

Donna Smith, Board Chair
Steve Hardman, Vice Chair
Joseph Oliverio
Sam Winans
Jeff Matheny
Jason Landers

John Denbigh
John Hushion
Chris Cunningham
JB Skidmore
Miranda Reed

Dr. Chris Gilmer
President



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Wednesday, October 9, 2019

11:30 a.m.	Executive Committee	President's Office
12:30 p.m.	Lunch – Dr. David Mathieu	1300A(Board Room)
2:00 p.m.	Administrative Services Committee	President's Board Room
2:00 p.m.	Academic & Student Services Committee	1300B(Community Board Rm)
3:15 p.m.	Board Meeting	1300A(Board Room)

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS
Meeting of October 9, 2019
Francis & Nina Phares Board Room
3:15 p.m.

1. Call to Order Board Chair, Donna Smith
2. Roll Call Brady Whipkey
Chief of Staff to the President
Secretary to the Board
3. President’s Report Dr. Chris Gilmer, President
4. Approval of Minutes
 - Regular Meeting –August 14, 2019 5
5. Committee Reports
 - Executive Committee Donna Smith
 - Administrative Services Committee Steve Hardman
 - Academic and Student Services Committee Joe Oliverio
6. Possible Executive Session under the authority of WV Code §6-9A-4-2A, to discuss personnel and legal matters.
7. Action Items
 - Approval of Revision to Social Justice Committee Policy Dr. Chris Gilmer, President9
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8. Information Items

- Fiscal Update

Alice Harris, Executive VP
Finance & Administration 25

9. Board Comments/Announcements

10. Next Meeting

January 8, 2020; Francis & Nina Phares Board Room

11. Adjournment

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
August 14, 2019

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday August 14, 2019, in the Francis and Nina Phares Board Room at the WVU Parkersburg Campus, beginning at 3:15 p.m. Board members present were: Donna Smith, Steve Hardman, Joe Oliverio, Sam Winans, Jeff Matheny, Jason Landers, John Denbigh, JP Hushion, Chris Cunningham, JB Skidmore, and Miranda Reed. Others present included Dr. Chris Gilmer and Brady Whipkey.

Guests present included administrators, faculty and staff.

1. Call to Order

Ms. Smith, Chair of the WVU at Parkersburg Board of Governors, called the meeting to order.

2. Swearing in of New Board Member

Debbie Richards, Executive Director of Equity, Inclusion and Compliance, conducted the swearing in of new Board member Miranda Reed.

3. Roll Call

Roll Call was taken by Brady Whipkey, Chief of Staff to the President and Secretary to the Board of Governors, noting that a quorum was present.

4. Board Chair Report

Chairman Smith, welcomed new Board member Miranda Reed who will be serving as the Student Government Representative. Ms. Smith discussed the campus looks great and thanked all of those involved who have worked so hard on it. Next, Ms. Smith reported the meeting schedule has been dropped to six meetings for the academic year and that we are still short one Board member. We are still waiting on the appointment from the Governor's office.

5. President's Report

Dr. Gilmer began his report by discussing his theme for the faculty/staff opening assembly on Monday; "Open Your Heart." Dr. Gilmer then discussed enrollment is up from the spring semester as we approach the first day of the Fall Semester.

Next, Dr. Gilmer discussed personnel changes since the last Board meeting. Dr. Chad Crumbaker was promoted to Provost and Executive Vice President for Academic and Student Affairs, Dr. Torie Jackson is promoted to Vice President for Institutional Advancement, Dr. Cindy Gissy was promoted to Associate Provost for Academic Affairs and Jeremy Starkey to Vice Provost for Student Affairs, Scott Poe was promoted to Executive Director of Human Resources, Kurt Klettner was promoted to Executive Director of Student Support Services. Senta Goudy took on the new role as Director for Civic Engagement and Innovation. The college has welcomed Dr. Steve Smith as Dean

and Chief Executive Officer of the Jackson County Campus and Vice President for Enrollment Management.

Dr. Gilmer then reported the College hosted the West Virginia Center for Civic Life's Summer Institute 2019 with guest from five continents on our campus, including representative of the prestigious Kettering Foundation. We are in discussion with the Center to perhaps locate its home on our campus. We also hosted the West Virginia Advisory Council of Classified Employees and a visit from the Community and Technical College Vice Chancellor, Dr. Anthony Hancock. We recognized nonprofit organizations throughout the Mid-Ohio Valley, in partnership with the United Way and the Parkersburg Area Community Foundation, with a reception at Oakland for National Nonprofit Day and school administrators from Wirt County at our final university/school district coordination dinner of the year.

Dr. Gilmer also reported Donna Smith, Jeff Matheny, Chris Cunningham, Brady Whipkey and himself represented the Board at the statewide Board retreat convened by Chancellor Sarah Tucker, and the college's executive team made a reciprocal visit to Washington State Community College at the invitation of President, Dr. Vicky Wood. We are preparing to build partnerships which will allow associate degree graduates from WSCC to matriculate seamlessly into our bachelors programs. A call center for Ntiva, a major national computer systems provider based in Washington, DC, opened in the Caperton Center allowing students in our computer information systems program to gain real-world experience answering technical assistance calls while studying and earning money through this Learn and Earn program.

Next, Dr. Gilmer reported the English Department is in the final stages of publishing the Poorhouse Rag, a journal of the literary and visual arts which will be available for review shortly. Dr. David Mathieu, is consulting with us in preparation for our HLC mid-cycle assurance letter to be submitted spring 2020 ahead of our 20204 HLC Visit. Dr. Mathieu is supporting Provost Crumbaker in developing new protocols for shared governance which include more broad based campus ownership of curriculum and new protocols for collecting and utilizing assessment data in continuous improvement cycles. Local business leader Bob Fehrenbacher, recently retired CEO of Chemours and Chamber of Commerce Business Leader of the Year, is serving as our first Titans of Industry mentor for the 2019-2020 academic year, partnering with business faculty in activities such as curriculum review to ensure students are "real world" ready, and also mentoring students.

Dr. Gilmer also reported on the OPEN Project, Opening Pathways to Equity Now. The project kicked off this semester as the next phase of equity work on our campuses. Building success on the social justice committee, 20 colleagues applied for membership and will lead a more in-depth campus wide promotion of equity. The OPEN project will be led by Austin Grimmatt as Chair and student Brooke Buchanan as Co-Chair and mentored by Kurt Klettner. The term "social justice" will be used moving forward to describe required compliance activities such as Title IX, disability services, and EEOC.

Dr. Gilmer then discussed the issue of losing our food service provider recently with very little notice. Vice Presidents Harris and Whipkey along with many others worked to ensure we had food service on campus when classes began. Ricky's Café will offer a full service breakfast and lunch restaurant on our campus with emphasis on quality food at

low prices. The Angelos family, local owners of Chick-fil-A, will offer a limited lunch service on a trial basis.

Next, Dr. Gilmer reported that he was honored to have been selected by the American Association of Community Colleges as one of its National Commissioners on College Readiness. Dr. Gilmer and Michele Wilson also presented at the Community Colleges of Appalachia summer conference on our workforce development program. In September Dr. Gilmer will present as the Tennessee Williams Scholar for the Tennessee Williams Tribute in Columbus, MS. Dr. Gilmer will also discuss the National Institutes for Historically-Underserved Students as a panelist at the White House Conference on Historically Black Colleges and Universities in Washington DC. The National Institutes will be held again on campus November 7-9, 2019, headlined by Tony Award winning Broadway star Lillias White. Dr. Gilmer was also recently honored to be elected Vice Chair of the Parkersburg Children's Museum, a new project undertaken and led by the Ross Foundation, and as Program Chair of the Rotary Club of Parkersburg, in succession to serve as President of that organization.

Lastly, Dr. Gilmer would like to end by recognizing one of our own, Kelly Straley, a Lieutenant Fire Fighter and Emergency Medical Technician for the Eastwood Volunteer Fire Fighters. Kelly provides excellent service to our students in the Center for Student Services and is a bachelor's degree graduate cum laude in criminal justice in 2014. She was recently featured as a local hero in the Calhoun County newspaper and has been selected Eastwood Volunteer Firefighter of the Year.

6. Approval of Minutes

The minutes of the Regular Board meeting of May 8, 2019 and Special Meeting of June 13, 2019, were approved upon a motion by Mr. Denbigh, seconded by Mr. Oliverio.

7. Committee Reports

- Executive Committee
Chairman Smith reported that the Executive Committee met to discuss updates on personnel, Foundation, enrollment, funding and WVU, and then an open discussion.
- Administrative Services Committee:
Mr. Hardman reported that the Administrative Services Committee met and discussed updates on finance and administration, renovations to facilities and campus, information technology, position vacancy and new hires, and marketing and communication efforts and website updates.
- Academic and Student Services Committee:
Mr. Landers reported that the Academic and Student Services committee met. A report was received on professional development week, yearlong schedules, accreditation visits this fall and new faculty and staff. A report on WED short term programs, community education programs, business & industry updates, and miscellaneous activity was also received.

8. Executive Session

Chairman Smith asked for a motion to move into Executive Session. Mr. Hardman moved to adjourn to Executive Session. Mr. Oliverio seconded the motion. The motion passed and the Board moved into Executive Session, under the authority of WV Code §6-9A-4(b)-(2)(A) at approximately 3:57 p.m. Chairman Smith announced that the Board would return to regular meeting at 4:58 p.m. Mr. Oliverio moved to return to regular session. Mr. Landers seconded the motion. Motion passes.

9. Information Items

- Fiscal Update

Ms. Harris provided a detailed report on the budget summary for July 31, 2019. With review and discussion, Ms. Harris answered questions from the members.

10. Board Comments/Announcements

None

11. Next Meeting

October 9, 2019, Francis & Nina Phares Board Room

12. Adjournment

With no further business to be discussed, Chairman Smith, requested a motion to adjourn. Mr. Oliverio moved to adjourn the meeting. Mr. Cunningham seconded. The regular meeting of the Board of Governors adjourned at 5:07 p.m.

Respectfully submitted,

Brady Whipkey
Chief of Staff to the President
Secretary to the Board of Governors

Donna Smith, Chair

Joe Oliverio, Secretary

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Rescission of Policy A-61, *Social Justice*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for rescission of Policy A-61, *Social Justice*, and hereby authorizes rescission of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Dr. Chris Gilmer, President

BACKGROUND:

In response to feedback from students desiring a more substantive role in developing, facilitating, and presenting equity programming at WVU Parkersburg, the President developed the OPEN project, Opening Pathways to Equity Now, to be carried out by a volunteer task force of approximately 20 broadly representative constituents who self-selected to participate under the leadership of one staff chair and one student co-chair, and the mentorship of the Executive Director of Student Support Services. The OPEN task force will continue the excellent work carried out by the former Social Justice Committee. The term “equity” will identify and describe the programming developed on both campuses to promote inclusion and diversity.

The term “social justice” will refer to the institution’s compliance and related legal functions. The institution’s commitment to social justice is defined already in several compliance-related policies, including, but not limited to, A-34, *Equal Opportunity, Affirmative Action, and Nondiscrimination*; A-44, *Sexual Misconduct and Other Forms of Discrimination and Harassment*; A-63, *Rights of Pregnant and Nursing Mothers*; and other related existing or future policies.

The President and/or his designee(s), in consultation with appropriate others, will continue to promote shared governance through the appointment of individuals to serve and/or to lead college work groups, councils and committees. The separation of social justice and equity functions will allow the social justice officer, who also serves as the chief policy officer for the college, to devote more time to policy review, with updates as needed, prior to the next HLC site visit.

A notice of proposed rulemaking will be issued regarding the rescission of Policy A-61, *Social Justice*, a copy of which is attached. 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. Upon approval by the Board of Governors, this policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

PROPOSAL TO RESCIND

West Virginia University at Parkersburg Board of Governors

POLICY A-61

SOCIAL JUSTICE

Section 1. General

- 1.1 Purpose. ~~To establish a West Virginia University at Parkersburg Board of Governors policy regarding Social Justice.~~
- 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.~~
- 1.4 Effective Date. ~~December 2, 2016~~
~~Replaces version dated January 6, 2014~~

Section 2. Policy

- 2.1 ~~West Virginia University at Parkersburg is committed to fostering an educational system that values the development of human potential, cultural and ethnic diversity and understanding; that provides for the preparation of students for full and meaningful participation in a changing world and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons, regardless of race, sex, gender identity, marital status, pregnancy, sexual orientation, age, disability, veteran status, religion, color, ancestry, national origin or genetic information.~~
- 2.2 ~~This commitment is accomplished through the college social justice program and implementation of Policy A-34, Equal Opportunity, Affirmative Action and Nondiscrimination.~~
- 2.3 ~~The President shall designate an individual to serve as the institution's Social Justice Officer. The Social Justice Officer is responsible for overseeing the Social Justice Program by developing plans, procedures, and regulations necessary to support an environment of diversity and inclusion, and by examining operations of the institution as necessary to assure their conformity with this social justice policy.~~
- 2.4 ~~The President shall appoint a Social Justice Committee to actively assist the Social Justice Officer in the planning and implementation of activities that promote inclusion, an appreciation for diversity, and an understanding of social justice issues.~~
- 2.4.1 ~~The Committee membership will include:~~
- ~~Social Justice Officer (ex-officio) who shall serve as chair or co-chair~~
 - ~~Director of Student Counseling and Disability Services (ex-officio)~~
 - ~~Veterans Advocate (ex-officio)~~
 - ~~Director of Human Resources (ex-officio)~~
 - ~~Faculty representatives~~

Staff representatives

Student representatives

Representation from the Jackson County Center

Advisors and/or chairs of student organizations with social justice related purposes

Additional at large representatives to assure diversity of the membership

~~2.5 — Each dean, director, or supervisor has the immediate day-to-day responsibility for assuring social justice at WVU Parkersburg. All members of the campus community are expected to set the tone for positive change and results within the social justice area and to treat others with dignity and respect.~~

~~2.6 — Formal complaints by employees, applicants and students who allege that they have been discriminated against shall be directed to the Social Justice Officer.~~

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Approval of Funds Transfer from Reserves

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors approves the proposed movement of up to \$100,000 from reserve funds to facilitate payment of legal and personnel matters and to fund consultants as needed to further study and develop a plan to promote salary equity, to promote outcomes assessment toward HLC compliance, and strategic plan development.

STAFF MEMBER: Dr. Chris Gilmer, President

BACKGROUND:

The College did not budget for certain unforeseen legal and personnel matters or to hire consultants for the development of a long-term salary equity plan, outcomes assessment training, or strategic plan development. Current budget may not cover these expenditures. Only whatever portion of approved funding is needed will be moved from reserves.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Approval to Negotiate Real Estate Rental Contract

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors authorizes President Chris Gilmer to negotiate and complete the rental of real estate on terms discussed and approved by the Board and made known to President Gilmer and in accordance with Board policy and West Virginia law.

STAFF MEMBER: Dr. Chris Gilmer, President

BACKGROUND:

WVU Parkersburg, as part of its strategy to continue developing and nurturing strong relationships with the Downtown Parkersburg and Vienna communities, wishes to enter into a three-year lease to rent property at 414 Market Street, Parkersburg, WV. Proposed lease price is set at fair market value. No academic programs will be located at and no formal academic instruction will be undertaken at the downtown location which will function as office and meeting space for the Office of Civic Engagement and Innovation, limited workforce development and recruitment functions, limited experiential learning functions, arts collaborative, and other functions of the University which require or are better fulfilled by proximity to the region's center of business.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Approval of Honorary Degrees

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors approves awarding the degree Honorary Doctor of Humane Letters to Lillias White and to Derrick Johnson.

STAFF MEMBER: Dr. Chris Gilmer, President

BACKGROUND:

Lillias White is a winner of the Tony, Emmy, New York Drama Desk and Obie Awards, and one of the nation's most respected Broadway legends; and Derrick Johnson is President of the National Association for the Advancement of Colored People (NAACP), the nation's largest civil rights organization. An attorney, Mr. Johnson has lectured at Harvard Law School and is one of the nation's most recognized civil rights activists. Both Ms. White and Mr. Johnson are scheduled to present at WVU Parkersburg as part of the National Institutes for Historically-Underserved Students.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Approval of Supplemental Easement and Right of Way of the Jackson County Center.

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves the proposed supplemental easement and right of way on the property of the Jackson County Center (JCC), located in Ripley, WV.

STAFF MEMBER: Brady Whipkey, Vice President of Facilities

BACKGROUND:

Appalachian Power Company, a unit of American Electric Power (AEP), requested to revise the easement and right of way agreement with the University for property located on the JCC Campus. The proposed agreement would move the easement over a small portion of the parking lot but should not hinder usage. AEP will upgrade and relocate lines, poles or structures, at any time while this agreement is in effect. AEP will also have the right to inspect or patrol the area by either ground or air at any time. Total area of easement consideration is 0.41 acres, with a payment schedule of \$3,280 to be paid to the University. A copy of the agreement, aerial photo, plat, and payment schedule is attached for your review.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

- ITEM:** Adoption of Policy A-43, *Disability Accommodations*
- RECOMMENDED RESOLUTION:** *Resolved, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for adoption of Policy A-43, *Disability Accommodations*, 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
for Social Justice and Policy Compliance

BACKGROUND:

The attached proposed policy on disability accommodations addresses WVU at Parkersburg’s commitment to providing equal employment opportunity, educational opportunity, and equal access to services, programs, and activities for individuals with disabilities. This comprehensive policy will supersede Section 6, “Accommodation of Disabilities,” within [Policy A-44, *Sexual Misconduct and Other Forms of Discrimination and Harassment*](#), dated June 5, 2014, copied below:

Section 6. Accommodation of Disabilities

- 6.1 WVU at Parkersburg is committed to compliance with the Americans with Disabilities Act of 1990 (“ADA”) as amended and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.
- 6.2 The SJO/ADA Coordinator is responsible for coordinating efforts to comply with the disability laws set forth in Section 6.1, including investigation of any employee or student complaint alleging noncompliance.
- 6.3 Students with Disabilities
 - 6.3.1 Pursuant to the ADA, WVU at Parkersburg will provide reasonable accommodations and support to all students who have a qualifying disability to ensure equal access to the programs and activities of WVU Parkersburg.

6.3.2 All accommodations are made on a case-by-case basis by the Director of Disability Services. Students requesting any accommodation should contact the Disability Services Office, who will review documentation provided by the student and in consultation with the student and other appropriate resources, determine which accommodation, if any, is appropriate to the student's particular needs and programs. Accommodations for student examinations must also be made through the Office of Disability Services.

6.4 Employees with Disabilities

6.4.1 Pursuant to the ADA, WVU at Parkersburg will provide reasonable accommodations to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

6.4.2 An employee with a disability is responsible for requesting an accommodation in writing from his or her supervisor, who will consult with the individual and the Human Resources Director to identify which essential functions are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

6.4.3 Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations.

A notice of proposed rulemaking will be issued proposing the adoption of this policy on Disability Accommodations. 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. Upon approval by the Board of Governors, this policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University at Parkersburg Board of Governors

Proposed **POLICY A-43**
DISABILITY ACCOMMODATIONS

Section 1. General

- 1.1 Scope - This rule applies to all employment and educational practices and actions. It includes, but is not limited to, recruitment, application, examination and testing, hiring, training, grading, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, discharge, and all other terms and conditions of employment and educational status. It also includes access to programs, services, and activities which may occur outside the classroom or office environment but which are an integral part of the college experience. This policy also applies to public access to college programs, services, and other offerings.
- 1.2 Authority - [W. Va. Code § 18B-1-6](#); [W. Va. Code § 5-11-1, et. seq.](#); [W. Va. Code § 5-15-1, et. seq.](#); [W. Va. C.S.R. § 135-4](#); [W. Va. C.S.R. § 77-1](#); Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA); Americans with Disabilities Amendments Act of 2008 (ADAAA)
- 1.3 Superseding Provisions - This rule supersedes and replaces any previous policy statements or conflicting internal policy or procedure which relates to the subject matter contained within this Policy.
- 1.4 Effective Date -

Section 2. Policy Statement

- 2.1 West Virginia University at Parkersburg is committed to providing equal employment opportunity, educational opportunity, and equal access to services, programs, and activities for persons with disabilities.
- 2.2 Reasonable accommodations will be provided to qualified employees with disabilities to enable performance of the essential functions of the positions for which they are applying and in which they are employed.
- 2.3 Academic adjustments or auxiliary aids will be provided to qualified students with disabilities when necessary to ensure equality of opportunity to complete academic requirements. The college's programs and activities will be accessible to all individuals, including both physical access and access to electronic media, such as software and Web-based applications.
- 2.4 WVU at Parkersburg will not:
 - a. Treat any employee, student, or applicant adversely due to a disability, record of a disability, perceived disability, or because of a relationship with an individual who has a disability;
 - b. Inquire if an applicant for employment or educational program has a disability except as allowed by federal laws and regulations; however, in the application process, applicants who require accommodations may be invited to disclose the need for such accommodations on a confidential basis;

- c. Use any qualification standards or selection criteria that would have the effect of screening out individuals with disabilities, unless the standards or criteria are directly related to and necessary for the job or academic program;
- d. Release information regarding disability-related requests except as necessary to process the request; medical information will be collected and maintained in accordance with reasonable accommodation procedures.

Section 3. Definitions

3.1 **Academic Adjustments** are modifications to academic requirements made to ensure that requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement will not be subject to modification. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

3.2 **Accommodation Memorandum** is either:

- a. Notification from the Student Accessibility Counselor that documents and outlines the accommodations, academic adjustments, and/or auxiliary aids or services granted to enable a student to complete an academic course or program. Faculty must contact the Student Accessibility Counselor if there are concerns about the Accommodation Memorandum, and may not unilaterally deny accommodations.
- b. Notification from the Chief Human Resources Officer that documents and outlines the reasonable accommodations established to enable an employee to work. Supervisors must contact the Chief Human Resources Officer if there are concerns about the Accommodation Memorandum, and may not unilaterally deny accommodations.

3.3 **Auxiliary Aids** are actions taken or materials provided to ensure that qualified students with disabilities can receive the benefits of the educational program, regardless of impaired sensory, manual, or speaking skills. Auxiliary aids may include audio or described taped texts, sign or oral interpreters, captioning or other effective methods of making orally delivered materials available to students with hearing impairments, readers for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Auxiliary aids do not include personal services or equipment, such as attendants, readers for personal use, or individually prescribed devices unrelated to the course of study.

3.4 **Disability**

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability; however, individuals who solely are “regarded as” having a disability, but do not have a disability, are not qualified to receive reasonable accommodations.

3.5 **Essential Function** means a fundamental duty of a position.

- a. A duty may be considered an essential function if:
 - the position exists to perform that function;
 - there are a limited number of employees available who could fulfill that function; and/or
 - the function is highly specialized.

- b. In determining whether a duty is essential, it is also relevant to consider the amount of time spent performing the function, consequences of not allowing someone to perform the function, written job description, and work experience of people who are performing the job or who have performed the job in the past.
- 3.6 **Interactive Process** is either:
- a. The method by which an employee and employer explore whether reasonable accommodations can enable the employee to perform the essential functions of a position. The interactive process should involve open dialogue that allows for full participation by both supervisor and employee, in consultation with the Chief Human Resources Officer.
 - b. The appropriate avenue for students and instructors to reach agreement in consultation with the Student Accessibility Counselor concerning academic adjustments and/or auxiliary aids necessary to allow the student to complete academic requirements.
- 3.7 **Qualified Employee with a Disability** is an individual with a disability who can perform the essential functions of the position, with or without reasonable accommodation.
- 3.8 **Qualified Student with a Disability** is a student with a disability who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without the provision of academic adjustments and/or auxiliary aids.
- 3.9 **Reasonable Accommodations** are actions taken that permit an employee or applicant with a disability to perform the activities involved in the position held or sought in a reasonable manner, provided that such actions do not impose an undue hardship or eliminate essential functions of the job. These include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring, and modified work schedules.
- 3.10 **Undue Hardship** is a significant disruption, expense and/or difficulty posed by an accommodation. It should be noted that the issue of whether a requested accommodation poses an undue hardship must be based upon significant difficulty or expense, meaning it would be unduly costly, extensive, substantial, and/or disruptive. Unless reasonable alternative accommodations can be offered, undue hardship should not be asserted without consultation with the college's ADA/Section 504 Coordinator.

Section 4. Responsibilities

4.1 President, Provost, Vice Presidents, Deans, Directors, Department Heads, Supervisors, Managers

- a. Provide individuals with disabilities the opportunity to fully participate in employment and academic life.
- b. Provide reasonable accommodations, academic adjustments, and auxiliary aids as necessary and appropriate.
- c. Refer individuals to the Student Accessibility Counselor or Chief Human Resources Officer as appropriate to address concerns regarding disability accommodations and related matters.
- d. Refer individuals to the college's ADA/Section 504 Coordinator as appropriate to address discrimination, harassment and retaliation concerns or complaints regarding disability rights, accommodations and other related matters.

- e. Ensure that websites, electronic media, online learning courses, and other electronic information and communications within their departments are accessible to individuals with disabilities.
- f. Maintain confidentiality about an individual's disability status, including not discussing an individual's disability or accommodations in front of others or calling unnecessary attention to one's disability or accommodations.
- g. Cover the cost of reasonable accommodations for employees from the budget of the department in which the accommodation must be made. If cost considerations pose a hardship for a department, consult with the Chief Human Resources Officer or Vice President for Finance and Administration to identify additional sources of funding.

4.2 Students, employees, applicants, and members of the public who require reasonable accommodations, academic adjustments, or auxiliary aids

- a. Provide timely notification when a reasonable accommodation, academic adjustment, and/or auxiliary aid is required, according to institutional procedures.

4.3 Supervisors, Managers

- a. Consult with the Chief Human Resources Officer when there are questions about reasonable accommodations for an employee with a disability and/or when an employee is experiencing performance difficulties resulting from a possible disability.
- b. Discuss the reasonable accommodations listed in the Accommodation Memorandum with the employee and implement them as needed and requested.
- c. Consult with the Chief Human Resources Officer if there are questions or concerns about implementing the Accommodation Memorandum.
- d. Maintain confidentiality about an employee's disability status, including not discussing accommodations in front of others or calling unnecessary attention to one's disability or accommodations.

4.4 Faculty

- a. Consult with the Student Accessibility Counselor when there are questions about reasonable accommodations for a student with a disability and/or when a student is evidencing problems with meeting course requirements resulting from a possible disability.
- b. Discuss the academic adjustments and/or auxiliary aids listed in the Accommodation Memorandum with the student and implement them as needed and requested.
- c. Consult with the Student Accessibility Counselor if there are questions or concerns about implementing the Accommodation Memorandum.
- d. Maintain confidentiality about a student's disability status, including not discussing accommodations in front of others or calling unnecessary attention to one's disability or accommodations.

4.5 Members of screening committees or other individuals involved in the hiring process

- a. Ensure that individuals with disabilities have access to interviews and are referred to the Chief Human Resources Officer when they request accommodations during the interview process pursuant to this policy and institutional procedures.

- b. Ensure that individuals are not asked about their disability status during the pre-employment stage.

4.6 Members of program admissions committees or other individuals involved in admissions

- a. Ensure that applicants with disabilities have equal access to the process and accommodations pursuant to this policy and institutional procedures.
- b. Ensure that individuals are not asked about their disability status during the pre-admission stage.

4.7 Student Accessibility Counselor

- a. Assist students with disabilities in identifying appropriate academic adjustments, auxiliary aids, and/or reasonable accommodations.
- b. Coordinate services for students with disabilities, as described in this policy and institutional procedures.
- c. Facilitate the interactive process as necessary; develop and communicate accommodation recommendations.

4.8 Chief Human Resources Officer

- a. Assist employees with disabilities in identifying reasonable accommodations.
- b. Facilitate the interactive process as necessary involving the employee and supervisor.
- c. Develop and communicate accommodation recommendations.

4.9 ADA Coordinator

- a. Administer this policy.
- b. Serve as an advisor to institutional administrators and other members of the college community regarding reasonable accommodations and issues related to equal access for individuals with disabilities.
- c. Aid in resolving conflicts or problems regarding the implementation of reasonable accommodations, academic adjustments, and auxiliary aids.
- d. Investigate allegations of discrimination, harassment, and retaliation.

Section 5. Complaints

- 5.1 Individuals who believe that there has been a violation of this policy; who disagree with a determination regarding a request for an accommodation, academic adjustment, or auxiliary aid; or who believe they have been treated in a discriminatory manner, should contact:

ADA Coordinator
West Virginia University at Parkersburg
300 Campus Drive
Parkersburg, WV 26104
Telephone: 304-424-8201
FAX: 304-424-8302
Email: social.justice@wvup.edu

- 5.2 An individual who files a complaint or participates in an investigation will be protected against retaliation.
- 5.3 Individuals also have the right to file a charge of discrimination with the appropriate state or federal enforcement agencies, subject to applicable time limitations, or to consult an attorney at their own expense. It is not necessary to pursue college complaint procedures before filing an external complaint. State and federal enforcement agencies include:

Office of 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: 800-877-8339
Email: OCR.Philadelphia@ed.gov
Website: www2.ed.gov/about/offices/list/ocr/index.html

West Virginia Human Rights Commission
1321 Plaza East – Room 108
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
FAX: 304-558-0085
Website: <https://hrc.wv.gov/>

Employees only:

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: <http://www.eeoc.gov/>

Section 6. Delegation

- 6.1 The Board of Governors delegates to the President and the institution's ADA Coordinator the collaborative authority to adopt additional internal policies and procedures to effectuate the implementation of this rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this rule.
- 6.2 The Board of Governors specifically delegates to the ADA Coordinator authority to update any contact information for specific WVU at Parkersburg units or outside entities listed within this rule without going through the Board's formal rulemaking procedures. The same applies equally to any website links contained within this rule.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Approval of Early Childhood Program Certificate and Associate Degree Program Tuition Rate Request for 100% On-Line Programs

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves in-state tuition rates for all students who are enrolled in the WVUP Early Childhood Program Certificate & Associate Degree Program programs that are delivered 100% on-line.

STAFF MEMBER: Alice Harris, Vice President of Finance & Administration

BACKGROUND:

On September 12, 2017, the WVUP Board of Governors approved the assessment of in-state tuition rates to baccalaureate programs that are taught 100% on-line (BSN, Supervisory Management, and Early Childhood Development) as a way to encourage students outside our service area to enroll in those on-line programs.

However, we recently noted an oversight in this policy relating to the certificate and associate degrees offered for Early Childhood Development. In order to be admitted into the Early Childhood Development baccalaureate program, a student must successfully complete the Early Childhood Development associate degree 100% on-line program. The oversight of failing to include the Early Childhood Development certificate and associate degree on-line programs in this original resolution, means that out-of-state students are paying out-of-state tuition rates to attain their certificate and associate degrees and in-state tuition rates for the baccalaureate program. The higher cost of the certificate and associate degrees is making it difficult to recruit for the baccalaureate program and is counterintuitive to the goal of allowing 100% on-line degrees to be offered at in-state tuition rates. The associate degrees that serve as pre-requisites for the BSN and Supervisory Management programs are not 100% on-line programs and tuition is charged based on residency for those programs.

This resolution would provide consistency for the charging of in-state tuition rates for all WVUP Early Childhood Development degrees that are offered as 100% on-line programs.

**West Virginia University at Parkersburg Board of Governors
Meeting of October 9, 2019**

ITEM: Fiscal Update

RECOMMENDED RESOLUTION: Information Only

STAFF MEMBER: Alice Harris, Executive VP
Finance & Administration

BACKGROUND:

Ms. Harris will report on the state of the college's finances and the budget for month ending September 30, 2019.