

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

**JUNE 10, 2020
AGENDA**

Members

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

John Denbigh
John Hushion
Stephanie McCoy
Chris Cunningham
JB Skidmore
Miranda Reed

Dr. Chris Gilmer
President



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Wednesday, June 10, 2020

2:00 p.m.	Executive Committee	Zoom/Conference Call
3:15 p.m.	Board Meeting	Zoom/Conference Call

*Participation Instructions:

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS
 Meeting of June 10, 2020
 Zoom/Conference Call
 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	
	<ul style="list-style-type: none"> • Regular Meeting – April 8, 2020.....5 	
5.	Committee Reports	
	<ul style="list-style-type: none"> • Executive Committee • Academic and Student Services Committee • Administrative Services Committee • Nominating Committee 	Donna Smith Joe Oliverio Steve Hardman JP Hushion
6.	Information Items	
	<ul style="list-style-type: none"> • Fiscal Update 	Alice Harris, Executive VP Finance & Administration 13
7.	Action Items	
	<ul style="list-style-type: none"> • Approval of Foundation MOU • Approval of Five New Programs • Approval to hold FY 2020-21 Tuition Rate At FY 2019-2020 levels • Approval of 2020-2021 Budget 	Dr. Chris Gilmer, President 14 Dr. Chad Crumbaker Provost... 15 Alice Harris, Executive VP 16 Alice Harris, Executive VP 17
8.	Consent Items	
	<ul style="list-style-type: none"> • Adoption of Policy F-64, Operation Of Unmanned Aircraft Systems on Campus • Revision of Policy B-08, Holidays 	Brady Whipkey, Chief of Staff Vice President of Facilities 18 Debbie Richards, Ex.Director Policy and Compliance.....23

- Revision of Policy A-34, Equal Opportunity Affirmative Action and Nondiscrimination

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- Revision of Policy A-37, Board of Governors Meetings

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9. Board Comments/Announcements

10. Next Meeting
TBD

11. Adjournment

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
~~March 11~~April 8, 2020

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday ~~March 11~~April 8, 2020, ~~at the Jackson County Center~~via Zoom Video Conferencing, 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. 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.

3. President's Report

President Gilmer delivered the following report: President Woodrow Wilson said: "America is not anything if it consists of each of us. It is only something if it consists of all of us."

Crisis is known to bring out the best or the worst in each of us and in communities as a whole, and you will be proud and not surprised to learn that the COVID-19 pandemic is bringing out the very best in the West Virginia University at Parkersburg family. As President Wilson said, none of us alone would have the capacity to keep the University moving forward productively, but when you combine all of our talents and skills with our collective will to persevere for our students and our colleagues, we have everything we need to become an even better West Virginia University at Parkersburg.

Since this meeting is unusual in both its format and the moment in time it represents, I will modify the usual content of this report. Many of the events on which I usually report have been cancelled or postponed, and I can truly say the great majority of leadership has revolved around managing during a time of crisis. It is, then, on our ongoing and successful response to that crisis that I will report.

I am happy to report the transition from conducting the educational and business affairs of the University from face-to-face to virtual has been fully and seamlessly completed. We are midway through the second week of this transition with no majors challenges reported, "major" defined as any problem for which we could not find a

ready solution. No President could have been better supported by an executive leadership team or by a family of faculty, staff, and students, and to each of them collectively and individually, I say thank you. When I began compiling my list of people whose contributions and sacrifices are worthy of calling out by name, and when I asked the executive team to submit their lists of such people to me, it became clear that we would have to call the names of every employee and every student not to overlook any unsung heroes, so I decided to offer my most sincere gratitude to the family rather than to the individuals who comprise it.

I would, however, like to read just one of many notes I have received during the past few weeks from people who are sharing their own gratitude, this one from student Sarina Morris in her own words: "I just want to take a minute and really brag about my professors and college this semester. I actually am pretty bummed that everything had to be moved online, because this semester has been my favorite. I have been blessed with great professors who have gone above and beyond to help us through this transition. My English professors could not have broken things down any easier, walked me through each step, spent their extra time doing audio Power Points, and have made things available sooner to fit with everyone's 'new normal' schedule. My history teacher has made mp3 audios, since we no longer get to have the lectures that I miss the most, so that we could still be as prepared as possible for our next exam, and has made it clear he is always available for ANYTHING, not just class instruction. My Education 300 teacher has gone ABOVE AND BEYOND in helping us all through our first experiences with lesson planning. Y'all, he has made individualized YouTube videos for each section, walking us through it all. It has been a life saver. I get texts and emails from the college offering students support and information. They made a Wi-Fi area for students without Wi-Fi so they do not have to worry about finding a way to do their courses, while staying safe in their car. Also my sister has never failed to help in answering any of my questions during this transition working for Student Services. We may 'just' be a small college in Parkersburg, but WVUP has rocked this tough transition. West Virginia University at Parkersburg."

For every person Sarina recognized, a dozen others worked behind the scenes to make these accomplishments possible. We remain WVU Parkersburg Proud indeed.

Related to the pandemic, I can report that we were the first institution in the area to host a COVID-19 expert panel, live on the Parkersburg campus and streamed live to the Jackson County campus, and held before social distancing protocols were in place. The region's leading infectious diseases physician, chief epidemiologist, and our own Chair of Nursing, Kathy Frum, answered questions and provided counsel to our community before any other such community gatherings occurred, demonstrating our concern for the health and safety of our students and employees. I also named a COVID-19 task force to advise me on major decisions and to oversee transitions required to continue operations. This task force will continue to meet throughout the crisis.

We enacted strict sanitation and social distancing protocols ahead of the curve and began preparing weeks ago for what seemed inevitable, that we would need to move all instructional and business functions of the University online for an undetermined period of time. The Offices of Instructional Technology (IT), Instructional Innovation, and Institutional Advancement, led by Doug Rhodes, Chris Fahey, and Dr. Torie Jackson, took the lead in building and communicating the infrastructure for such transition, but every office and every faculty member on both campuses had to learn a new normal in transitioning to the virtual infrastructure. We extended spring break for students by one week to allow faculty and staff to transition educational and business functions of the college online, and both classes and business functions began in this new format on Monday, March 30, at which time all buildings on both campuses were closed to the public and all but “essential onsite personnel.” Buildings had been closed to the public a week prior. “Essential onsite personnel” is being defined very narrowly to greatly minimize the number of people entering any University buildings. Security has been expanded to 24 hours a day, seven days a week on the Parkersburg campus. Wi-Fi coverage was expanded into the parking lots from the buildings so that students, faculty or staff members without access to Wi-Fi at home can come and use campus-based free Wi-Fi in their automobiles with strict social distancing enforced by security.

Spring Commencement has been rescheduled for Saturday, August 8, 2020, with the possibility that it could again be postponed unless face-to-face gatherings have resumed and are considered entirely safe by medical authorities. We considered a virtual commencement, but since this event marks such an important milestone of accomplishment in the lives of our students and their families, we deemed a virtual commencement insufficient to celebrate their accomplishments. Some universities are combining spring and fall commencements, but we also decided against this option because we did not want May graduates to have to wait this long to celebrate their graduation.

At present, we aspire to return to face-to-face operations and instruction on Monday, May 4, but we recognize with each passing week that the likelihood of such an aspiration grows less likely. We have already restructured finals week as an additional week of instruction. It would be incredibly helpful to end the semester with one or two weeks of face-to-face instruction in such areas as welding and science labs which, despite the best efforts of faculty members and students, truly do not lend themselves to virtual instruction. We are, however, being as innovative as possible, locating virtual resources which simulate clinical rotations for our nursing students and which meet the minimal accreditation standards. If we are able to return to face-to-face instruction, even for one week, we can likely avoid a large number of “Incomplete” grades being awarded to students in our more hands-on programs, a highly desirable outcome. If we are not able to return to any face-to-face instruction this semester, quite a few students will receive grades of “Incomplete,” and we will begin trying to complete those credits in the summer term. Provost Chad Crumbaker is leading these efforts. We are also considering a pass/fail option which, if implemented, would allow students to choose a letter grade or a pass/fail grade in each course for the spring 2020 semester. At present, we do not intend to extend the

spring 2020 semester, although we still retain the right to do so. At present, we plan to offer our full summer and fall 2020 course offerings in face-to-face format as scheduled, except for those courses originally planned to be taught online and which would continue as originally planned, but are prepared to transition all instruction to fully online as the trajectory of the pandemic dictates.

Communication is the key to success during this transition, and we are actively communicating with all constituents through multiple channels. We perfected new technology which allows us to send text messages to and receive text messages from students. Expected primarily to be one-way communication from the University to students in an attempt to stay connected, the first text message campaign yielded approximately 40 return texts from students in need of everything from mental health counseling to student services support to financial support. Kurt Klettner, our Executive Director of Student Support Services and College Counselor, has taken a leadership role in following up with these students. We are responding to those needs while preparing follow-up texts, a preferred method of communication by our students. Additionally, we have been conducting community-wide, open Zoom meetings and Facebook Live sessions on a regular basis. Each of the vice presidents and I, in pairs of two, conducted the first three Facebook Live sessions, and follow-up live virtual sessions have included financial aid staff, IT and instructional support staff, admissions and recruitment staff, with more of these events planned. We also continue to communicate regularly through videos, social media, the website, telephone, and emails. All essential meetings of the University are being conducted by Zoom.

There is some good news in the midst of crisis. The CARES Stimulus Act passed by Congress and signed by the President of the United States includes higher education, and we expect in the range of \$2.1 million coming to WVU Parkersburg within the next few weeks, by far the largest amount awarded to any institution in West Virginia reporting to the WV Community and Technical College System and based on the fact that our full-time enrollment is the largest among all of these institutions. We are still waiting for a firm amount and for guidance and restrictions on how these funds can be expended, but we are told that there will be considerable flexibility to allow for the wide variety of local needs across the nation. We know that 50 percent of the funds will pass through directly to students in the form of mini-grants to help with such urgent needs as food, shelter, medical care, transportation, and childcare. The other 50 percent will be retained by each institution to help offset unexpected spending or decreases in revenue caused by the pandemic. The executive team and I, in consultation with other relevant staff, are already developing plans for how to use these funds to the greatest advantage of our students and the University as a whole, anticipating what the federal guidelines might include and, of course, deferring fully when they are received.

More good news comes from the area of recruitment. Just eight days into April, new applications for fall enrollment are up 24 percent over 2019, at 664 total new applications. It is also noteworthy that this comparison is made with less than one third of April 2020 compared to all of April 2019, and this is already the highest

number of new applicants of any April for the past four years. Summer 2020 numbers are also looking good, at 220 compared to 197 April 2020 over April 2019, also comparing one week of April 2020 with the whole of April 2019. While these applicants must still be nurtured and converted to registrants, I commend Dr. Steven Smith and his team for producing amazing numbers during a time when they have not been able to recruit in the field or host students on our campuses, a testimony to the power of innovation.

The Strategic Recruitment Plan is still moving rapidly toward full adoption with three virtual forums planned to solicit stakeholder feedback in the near future, Thursday, April 9 at 11 a.m.; Tuesday, April 14 at 6 p.m.; and Thursday, April 16 at 11 a.m. The Governors and the full community, including the broader non-campus communities we serve, are invited to participate and to give feedback which will be incorporated into a final plan to be ready by the end of April 2020, leading us then into a broader strategic planning cycle built on the same model.

Finally, anticipating the need for healing and celebration, WVU Parkersburg will celebrate its 60th birthday in 2021. We will begin with a holiday kick-off in December 2020 and conclude with a community-wide birthday celebration, in conjunction with the Chamber of Commerce, in December 2021, with many celebratory moments in between. To include broad representation of the communities we serve, I have asked the following people to Co-Chair the 60th Birthday Planning Committee: representing the Board of Governors, Karen Denbigh, wife of Governor John Denbigh; representing the Foundation Board, Annette Fehrenbacher; representing the community at large, Kiki Angelos; and representing the University both as the spouse of the President and as Director of Special Events and Projects, David Creel. The full committee will soon be appointed and begin its work to issue in a much-needed period of celebration and healing, and I thank the members in advance for their work. Madam Chair, with respect and appreciation to the Board and unless there are questions, this concludes my report.

4. Approval of Minutes

The minutes of the Regular Board meeting of March 11, 2020 were approved upon a motion by Mr. Denbigh, seconded by Mr. Skidmore.

5. Committee Reports

- Executive Committee
Chairman Smith reported that the Executive Committee met to discuss the President's contract. If resolution is approved it will be sent on to the CTC for legal to review by Friday, then the CTC Board will voted on at the June 11 meeting. Chairman Smith also appointed a nominating committee for the 2020-2021 Academic Year, asking Mr. Hushion to serve as chair, and Mr. Skidmore and Mr. Denbigh to serve as members. The committee will present their nominations at the next meeting.

6. Information Items

- Fiscal Update

Ms. Harris provided a detailed report on the budget summary for March 31, 2020. With review and discussion, Ms. Harris answered questions from the members.

7. Action Items

- Approval of Five-Year Program Reviews

Provost Crumbaker, presented to the Board the proposed resolution for approval of Five-Year Program Reviews for 2019-2020. Provost Crumbaker discussed that as a requirement of Title 135, Series 10 of the West Virginia Council for Community and Technical College Education, Policy Regarding Program Review, WVU at Parkersburg has conducted an internal follow-up review of five programs this academic year in accordance with these procedures. The internal review consisted of a thorough review by the Outcomes Assessment Committee, an Academic Affairs standing committee, based on strict criteria. The possible recommendations fall into six categories for the programs under review:

- 1) Continuation of the program without specific action,
- 2) Continuation of the program with specific action;
- 3) Continuation of the program at a reduced level;
- 4) Identification of the program for further development;
- 5) Development of a cooperative program with another institution; or
- 6) Discontinuation of the program.

Provost Crumbaker then provided an overview of the programs.

After review and discussion, Mr. Winans 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 2019-2020.

Mr. Landers seconded the motion. Motion passed.

- Approval of Funds Transfer from Reserves.

President Gilmer, and Executive Vice President Alice Harris, presented to the Board the proposed resolution for approval of funds transfer from reserves. The College has completed its five-year SRP. The Board has reviewed the plan with its primary goal of increasing full-time-equivalent enrollment by 11 percent over five years and thus, over time, adding a substantial new recurring funding base to the college's annual budget. Current annual budget will not cover these expenditures because they are beyond the scope of the College's current strategic plan, are part of the new SRP, and are multi-year in implementation. Only whatever portion of approved funding is needed will be moved from reserves. This resolution has been approved by consensus of the entire Executive Team of the college.

After review and discussion, Mr. Denbigh moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves the proposed movement of up to \$750,000 from reserve funds to facilitate funding of the new Strategic Recruitment Plan (SRP) with the goal of further stabilizing and strategically increasing enrollment.

Mr. Winans seconded the motion. Motion passed.

8. Executive Session

Chairman Smith asked for a motion to move into Executive Session. Mr. Cunningham moved to adjourn to Executive Session. Mr. Landers 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 4:06 p.m. to discuss President's contract.

Chairman Smith announced that the Board would return to regular meeting at 4:30 p.m. Mr. Denbigh moved to return to regular session. Mr. Skidmore seconded the motion. Motion passed.

9. Action Items

- Approval of Proposed President's Contract Renewal

Donna Smith, Chair Board of Governors, presented to the Board the proposed resolution for approval of the proposed President's contract renewal. Chairman Smith reported that members of the West Virginia University at Parkersburg Board of Governors discussed the renewal of the President's contract during the Executive Session of the Board of Governors meeting. Board Chair, Donna Smith provided a recommendation to members present. Members are asked to approve the proposed contract as discussed. Upon approval by this Board of Governors, the proposed contract will be sent to the West Virginia Community and Technical College System (WVCTCS) for final approval.

After review and discussion, Mr. Winans moved to approve the following resolution:

Resolved, That the West Virginia University at Parkersburg Board of Governors approves the renewal of the Proposed President's Contract; also granting the Chair the ability to make changes to the contract per the WVCTCS recommendations without coming back to the Board for further approval.

Mr. Skidmore seconded the motion. Motion passed.

10. Board Comments/Announcements

None

11. Next Meeting

June 10, 2020; Francis & Nina Phares Board Room or via zoom if necessary.

12. Adjournment

With no further business to be discussed, Chairman Smith, requested a motion to adjourn. Mr. Winans moved to adjourn the meeting. Mr. Skidmore seconded. The regular meeting of the Board of Governors adjourned at 4:32 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 June 10, 2020**

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 May 31, 2020.

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: Approval of Revised MOU with Foundation

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves the revision of its existing Memorandum of Understanding with the WVU at Parkersburg Foundation.

STAFF MEMBER: Dr. Chris Gilmer, President

BACKGROUND:

Significant changes were made in 2019 to the Memorandum of Understanding between WVU Parkersburg and the WVU Parkersburg Foundation, and significant changes were made to the bylaws of the Foundation. After consideration, the Foundation requests that this Board ratify a new MOU with one additional substantive change: (1) that the Foundation's Board has the right to accept or to reject the University's Vice President of Institutional Advancement as the President and CEO of the Foundation. This change is requested to ensure appropriate autonomy of the Foundation. Should this option ever be invoked by the Foundation Board, the University would reserve the right to no longer make any financial contribution toward the employment of the Foundation's President and CEO.

It should be noted that the Foundation Board has expressed, formally and informally, its complete satisfaction with the current leadership of the Foundation, the University's Vice President of Institutional Advancement, and that it does not expect to make any change in current leadership. The revised MOU has been duly voted on and accepted by the Foundation Board, in consultation with the President of WVU Parkersburg, and the University's President takes no issue with the revision, asking for this Board's approval.

**West Virginia University at Parkersburg Board of
Governors Meeting of June 10, 2020**

ITEM: Approval of five new programs:
AAS Reliability and Maintenance Technology
AAS Electrical Reliability and Maintenance
CAS Digital Media Production
AAS Digital Media Production
Special Ed Dual Certification Multi-Cat K-12

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the following programs: AAS Reliability and Maintenance Technology, AAS Electrical Reliability and Maintenance, CAS Digital Media Production, AAS Digital Media Production, Special Ed Dual Certification Multi-Cat k-12

STAFF MEMBER: Dr. Chad Crumbaker, Provost

BACKGROUND:

Constellium, a company in our service district, wanted to partner with a school to provide degree options that would meet their workforce needs. The AAS Reliability and Maintenance Technology and the AAS Electrical Reliability and Maintenance programs will meet those needs, as well as provide training for other students. Constellium has acquired funds to provide full scholarships to about 20 students per year. This will benefit the college by improving enrollment and providing a direct link to a workforce need and job opportunities.

The CAS and AAS degrees in the Digital Media Production program were created based on employer needs and will prepare students for careers in areas of radio and television production, live and studio recording of music and other programming and related careers utilizing digital media production.

The Special Education Multi-Categorical K-12 program emphasis addresses a critical need expressed by stakeholders in our service region. It is an addition to the existing K-6 Elementary Education degree for students seeking dual certification.

The attached programs of study have been approved by the College-Wide Curriculum Committee, the Provost, and the President.

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: Approval to hold FY 2020-2021 Tuition Rate at FY 2019-2020 levels

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors recognizes the significant financial impact of the COVID 19 pandemic on our students. Therefore, we believe it is in the best interest of our students to hold tuition rates for the 2020-2021 academic year level with those approved in the prior academic year. We approve the submission of the following rates to the West Virginia Community & Technical College System for the 2020-2021 academic year.

STAFF MEMBER: Alice Harris, Executive Vice President of Finance & Administration, Chief Financial Officer

BACKGROUND:

In-State Rates	Associate Level	Baccalaureate Level
FY 19-20 Rate Per Hour	\$ 160.00	\$ 221.00
Percentage Increase	0.00%	0.00%
Increase Per Hour	\$ 0.00	\$ 0.00
FY 20-21 Rate Per Hour	\$ 160.00	\$ 221.00
Tuition Per Semester	\$1,920.00	\$2,652.00
Add Mandatory Fees (no change)	\$ 50.00	\$ 50.00
Total per semester FY 21	\$1,970.00	\$2,702.00
Total annual tuition FY 21	\$3,940.00	\$5,404.00

Out-of-State Rates	Associate Level	Baccalaureate Level
FY 19-20 Rate Per Hour	\$ 358.00	\$ 382.00
Percentage Increase	0.00%	0.00%
Increase Per Hour	\$ 0.00	\$ 0.00
FY 20-21 Rate Per Hour	\$ 358.00	\$ 382.00
Tuition Per Semester	\$4,296.00	\$4,584.00
Add Mandatory Fees (no change)	\$ 50.00	\$ 50.00
Total per semester FY 21	\$4,346.00	\$4,634.00
Total annual tuition FY 21	\$8,692.00	\$9,268.00

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: 2020-2021 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 2020-2021

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

BACKGROUND:

West Virginia University at Parkersburg (WVUP) is statutorily required to submit operating budget that has been reviewed and approved by the WVUP Board of Governors to the West Virginia Community and Technical College System. Therefore, the attached FY 21 operating budget for WVUP are presented for approval.

Due to currently unforeseeable future financial impacts of the COVID 19 pandemic, the University's budget may require revisions. If so, a revised budget will be presented to the Board of Governor's at a future meeting for your consideration and approval.

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: Adoption of Policy F-64, *Operation of Unmanned Aircraft Systems on Campus*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for adoption of Policy F-64, *Operation of Unmanned Aircraft Systems on Campus*, and hereby authorizes adoption of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Brady Whipkey
Vice President, Facilities

BACKGROUND:

The adoption of a policy addressing the operation of Unmanned Aircraft Systems (UAS), at West Virginia University at Parkersburg is proposed to ensure compliance with Federal Aviation Administration regulations, which promote the safe operation of all aircraft. The proposed policy authorizes WVU at Parkersburg registered UAS for approved educational or operational purposes only and sets forth requirements of any employee or student operator, as well as any third party who wishes to operate a UAS over WVU at Parkersburg property. The attached draft has been reviewed by general counsel.

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. 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 F-64
OPERATION OF UNMANNED AIRCRAFT SYSTEMS ON CAMPUS

Section 1. General

- 1.1 Purpose - Rule regarding the operation of unmanned aircraft systems at West Virginia University at Parkersburg.
- 1.2 Scope – This policy applies to West Virginia University at Parkersburg employees and students operating unmanned aircraft systems (UAS) in any location as part of their employment or academic activity assignments and also applies to the operation by any person of unmanned aircraft systems or model aircraft on or above West Virginia University at Parkersburg property.
- 1.2 Authority – W. Va. Code §§ [61-16](#), [62-1D-1](#), *et seq.*, [20-2-5](#), and [21-3-20](#). The [Federal Aviation Administration](#) regulates civil operations of unmanned aircraft systems:
 - a. Operation of small UAS (drones) weighing less than 55 pounds, for other than recreation or hobby purposes, is governed by [14 CFR part 107](#).
 - b. Operation of a UAS weighing 55 pounds or more requires an exemption under [49 U.S.C. § 44807](#) or [Section 2210 of the FAA Extension, Safety, and Security Act of 2016](#).
- 1.3 Effective Date.

Section 2. Rationale

- 2.1 West Virginia University at Parkersburg must comply with FAA requirements, state law, and any other locally applicable laws or regulations regarding unmanned aircraft systems. Inherent risks in the operation of such equipment require additional insurance provisions and policy considerations.

Section 3. Definitions

- 3.1 **West Virginia University at Parkersburg Property** – Buildings, grounds, and land that are owned by West Virginia University at Parkersburg or controlled by WVU at Parkersburg via leases or other formal contractual arrangements to house ongoing college operations.
- 3.2 **COA** – Certificate of Authorization or Waiver granted by the FAA.
- 3.3 **Unmanned Aircraft Systems (UAS)** – UAS are also known as or may be characterized as drones. According to the FAA, a UAS is the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to

operate the unmanned aircraft. UAS may have a variety of names including quadcopter, quadrotor, etc. FAA regulation applies to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and have different regulations.

- 3.4 **Model Aircraft** – Model aircraft are considered differently by the FAA than other UAS and have different regulations. Operation solely for recreation or hobby purposes is governed by 14 CFR Part 101, subpart E, Special Rule for Model Aircraft. Model aircraft are for hobby and recreation only; they are not for business purposes and are not covered by this policy. (Use of UAS related to WVU at Parkersburg does not qualify under model aircraft regulations.) Model aircraft must be kept within visual sightline of the operator, must be flown a sufficient distance from populated areas and must be authorized by the FAA.
- 3.5 **Airspace** – In the broadest sense, any specific three-dimensional portion of the atmosphere. United States airspace is divided into classes – A, B, C, D, E, and G – determined by factors like altitude, traffic density, and proximity to an airport. FAA regulations allow small UAS flight operations in Class G (uncontrolled) airspace. Operations in Class B, C, D, and E airspace requires permission of air traffic control. Flight operations in Class A airspace are prohibited. Flight operations inside specific portions of any class of airspace can be further restricted or prohibited by the FAA.
- 3.6 **Pilot in Command (PIC)** – The person responsible for the small UAS’s operation and safety during flight. Federal regulations allow the PIC of a small UAS to allow another person to operate the controls of the small UAS, but the PIC is directly responsible for and is the final authority as to the operation of the small UAS and must be able to resume control of the small UAS at any time. This does not relieve the PIC of his or her responsibility to maintain visual contact with the small UAS when not under his or her direct control. The PIC can only be responsible for one aircraft at a time.
- 3.7 **Temporary Flight Restriction (TFR)** – A restriction on an area of airspace due to the movement of government VIPs, special events, natural disaster or other unusual events. On any given day, there are typically several TFRs in place across the National Airspace System. Most non-VIP TFRs are small in scope, in non-critical locations or allow for some aspect of general aviation to operate within them, albeit with some restrictions. A list of current TFRs can be found at <http://tfr.faa.gov/tfr2/list.html>

Section 4. Policy

- 4.1 This policy does not replace, and is complementary to, the FAA rules and regulations that control every small UAS deployment and help ensure the safe operation of all aircraft.
- 4.2 The operation of unmanned aircraft systems, including drones and model aircraft, is regulated by the Federal Aviation Administration (FAA) and relevant state law. Additional FAA requirements apply to locations within five miles of a regional airport.
 - a. The proximity of the main campus of West Virginia University at Parkersburg to the Mid-Ohio Valley Regional Airport (9.5 miles) and FAA regulations for Low Altitude Authorization and Notification Capability (LAANC) must also be considered when operating unmanned aircraft systems from this location.

- 4.3 All members of the WVU at Parkersburg community are personally responsible for complying with FAA regulations, state and federal laws, and university policies. UAS operators are also responsible for any safety hazard created by their drone or model aircraft in an airport environment.
- a. All WVU at Parkersburg registered UAS will be authorized for approved educational or operational purposes only.
 - b. Any employee or student wishing to operate unmanned aircraft systems as part of their college employment or as part of a college program must first:
 - pass the FAA Basic Aeronautical Knowledge Test and obtain an Airman Certificate with small UAS rating and comply with any renewal/retesting requirements of the FAA in order to maintain that certification and rating;
 - operate as a Part 107 Pilot in Command, or
 - obtain a 333 exemption, or
 - obtain a Certificate of Waiver or Authorization (COA) issued by the FAA;
 - submit the required applications for both the UAS and the pilot/operator to the *West Virginia* Board of Risk and Insurance Management (*BRIM*).
- 4.4 In accordance with FAA rules governing the operation of Small Unmanned Aircraft Systems under Part 107, the unmanned aircraft/drone:
- a. Must be registered if over 0.55 lb;
 - b. Must fly only in uncontrolled airspace;
 - c. Must be kept in a visual line-of-sight by the operator;
 - d. Must fly under 400 feet;
 - e. Must fly during the day;
 - f. Must fly at or below 100 mph;
 - g. Must yield right of way to manned aircraft;
 - h. Must NOT fly over people;
 - i. Must NOT operate from a moving vehicle.
- 4.5 Any third party or hobbyist wishing to use a UAS or model aircraft over WVU at Parkersburg property must:
- a. notify the WVU at Parkersburg Campus Police and Security Office
 - b. provide proof of FAA approval
 - c. be under a contract which holds WVU at Parkersburg harmless from any resulting claims or harm to individuals and damage to college property
 - d. provide proof of insurance

- 4.6 The operation of a UAS for purposes of recording or transmitting visual images must comply with the *West Virginia Wiretapping and Electronic Surveillance Act* (W. Va. Code § 62-1D-1, et seq.) and the provisions of W.Va. Code § 61-16, *Prohibited use of an unmanned aircraft system; criminal penalties*.

Section 5. Prohibited Uses of UAS

- 5.1 UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms and W. Va. Code § 21-3-20. These areas include but are not limited to restrooms, locker rooms, and changing or dressing rooms.
- 5.2 UAS shall not be used to monitor or record the insides of campus daycare facilities.
- 5.3 UAS shall not be used to monitor or record sensitive institutional or personal information which may be found, for example, in individual workspaces or on computer or other electronic displays.
- 5.4 WVU at Parkersburg registered UAS shall not be used for personal purposes or commercial purposes that are not sponsored by WVU at Parkersburg.
- 5.5 UAS shall not be used “to hunt, take, wound, harass, transport, or kill a wild bird or wild animal, or....to drive or herd any wild bird or wild animal for the purposes of hunting, trapping, or killing,” per W.Va. Code § 20-2-5.

Section 6. Sanctions

- 6.1 Violations of this policy may result in disciplinary actions up to and including termination from employment or student expulsion.
- 6.2 No-trespass or other legal actions may be pursued against third parties that operate UAS in violation of this policy.
- 6.3 Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by WVU at Parkersburg and will be the responsibility of those persons involved.

Section 7. Delegation

- 7.1 The Board of Governors delegates to the President the authority to establish procedures consistent with this rule as needed to ensure compliance with state and federal regulations and to reduce risks to safety, security and privacy.

**West Virginia University at Parkersburg Board of Governors
Meeting of June, 2020**

ITEM: Revision of Policy B-08, *Holidays*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for revision of Policy B-08, *Holidays*, and hereby authorizes revision of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Debbie Richards
Executive Director, Policy and Compliance

BACKGROUND:

The attached revision of Policy-08, *Holidays*, reflects minor updates to align with WV Council for Community and Technical College Education Series 14, *Holidays*, which was amended effective January 13, 2020.

A notice of proposed rulemaking will be issued proposing the revision 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. 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

**POLICY B-08
HOLIDAYS**

Section 1. General.

- 1.1. Scope. -- Rule regarding holidays under the West Virginia University at Parkersburg Board of Governors.
- 1.2. Authority. -- W. Va. Code §18B-1-6, ~~HEPC Series 14;~~ [W.Va. C.S.R. § 135-14](#) (CCTCE Series 14)
- 1.3. Effective Date. – ~~September 6, 2002~~
(Replaces version dated September 6, 2002, which was transferred from WVU Board of Governors on July 1, 2008)

Section 2. Granting Power.

- 2.1. The West Virginia University at Parkersburg Board of Governors hereby directs that the president shall determine six (6) ~~floating~~ holidays which will be observed by the employees of WVU at Parkersburg in addition to the six (6) holidays specified in Section 3.1 of this rule.

Section 3. Number of Holidays.

- 3.1. The number of full holidays shall be twelve (12), plus additional days for any election day (primary or general) held throughout the State. Days taken shall include Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day. Six additional days determined by the president as provided in Section 2.1 shall also be taken. If a specified holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday will be observed as the legal holiday.
- 3.2. Proclamation of additional legal holidays by the president of the United States, governor, or other duly constituted authority may be observed by employees of West Virginia University at Parkersburg ~~only when communicated through the HEPC chancellor's office to~~ as determined and communicated by the president of West Virginia University at Parkersburg or designee.

Section 4. Half Holidays.

- 4.1. Pursuant to [W.Va. C.S.R. § 135-14](#), ~~to which~~ provides equity with the executive branch of government, one-half day preceding Christmas or New Year's Day shall be a holiday when Christmas or New Year's Day falls on Tuesday, Wednesday, Thursday, or Friday. These days will be scheduled at the discretion of the president giving due consideration to operational needs of the institution.

Section 5. Schedules.

- 5.1. Holiday schedules are to be established and used on a fiscal year basis.

5.2. The president or designee shall ~~submit to the Board of Governors by June 30 of each year and shall post on campus~~ assure that a list of the holidays to be observed at the institution for the upcoming fiscal year is posted in appropriate locations on campus including, but not limited to, the institution's website.

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: Revision of Policy A-34, *Equal Opportunity, Affirmative Action, and Nondiscrimination*

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for revision of Policy A-34, Equal Opportunity, Affirmative Action, and Nondiscrimination, and hereby authorizes revision of said policy without further action by the Board if no comments are received.*

STAFF MEMBER: Debbie Richards
Executive Director, Policy and Compliance

BACKGROUND:

In addition to minor wording updates, two substantive revisions are proposed to Policy A-34—removing an obsolete reference to “marital status” and removing the requirement to submit the institution’s affirmative action plan to the Chancellor each year.

There is no state or federal law that considers “marital status” to be a protected class under nondiscrimination laws. This obsolete reference is believed to have been included primarily for the purpose of protecting female applicants or employees from employment discrimination. That protection still exists under laws that protect against discrimination on the basis of sex, making it unnecessary to grant independent protection for marital status.

West Virginia Council for Community and Technical College Education Series 40, *Equal Opportunity and Affirmative Action*, no longer requires institutions to submit copies of their affirmative action plans to the Chancellor.

A notice of proposed rulemaking will be issued proposing the revision 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. 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

POLICY A-34
EQUAL OPPORTUNITY, AFFIRMATIVE ACTION AND NONDISCRIMINATION

Section 1: General

- 1.1 This rule sets forth the West Virginia University at Parkersburg Board of Governors' policy on affirmative action in employment and on equal opportunity and nondiscrimination with respect to employment, admission and the administration of all educational programs and activities.
- 1.2 Authority. – W.Va. Code §§ [18B-1-6](#) and [18B-2A-4](#); [W.Va. C.S.R. § 135-40](#)
- 1.3 Effective Date. – ~~November 10, 2016~~
(Updates version dated November 10, 2016 ~~October 21, 2015~~.)

Section 2: Equal Employment Opportunity and Affirmative Action

- 2.1 The West Virginia University at Parkersburg Board of Governors is committed to the full realization of affirmative action and equal employment opportunity in its employment practices. West Virginia University at Parkersburg will:
 - 2.1.1. Recruit, hire, train, promote, retain, tenure, and compensate persons in all applicable ~~administrative, classified, faculty, unclassified staff,~~ and student job titles without regard to age, disability, national origin, color, ancestry, race, religion, sex, gender identity, ~~marital status,~~ pregnancy, sexual orientation, veteran status, or genetic information unless otherwise prohibited by applicable law.
 - 2.1.2. Base decisions of employment to further the principles of affirmative action and equal employment opportunity;
 - 2.1.3. Ensure that promotion, reappointment and tenure decisions are in accordance with the principles of affirmative action and equal employment opportunity by imposing only valid requirements for promotional, reappointment and tenure opportunities;
 - 2.1.4. Ensure that all personnel actions including compensation, benefits, lay off, return from lay off, training, education/tuition assistance, social and recreational programs will be administered without regard to age, disability, national origin, color, ancestry, race, religion, sex, gender identity, ~~marital status,~~ pregnancy, sexual orientation, veteran status, or genetic information unless otherwise prohibited by applicable law.
- 2.2 ~~The institution shall submit its affirmative action plan to the Chancellors of the Community and Technical College System by July 1 of each year.~~

Section 3: Equal Opportunity in Educational Programs and Activities

3.1 The WVU at Parkersburg Board of Governors is committed to providing equal opportunity in the delivery of its educational programs and activities. WVU at Parkersburg will:

3.1.2. Recruit, admit, assist, advise, test, place, enroll, teach, assess grades and award degrees to all students without regard to age, disability, national origin, color, ancestry, race, religion, sex, gender identity, ~~marital status~~, pregnancy, sexual orientation, or veteran status, unless otherwise prohibited by applicable law.

3.1.3. Ensure that all extra-curricular and recreational programs will be administered without regard to age, disability, national origin, color, ancestry, race, religion, sex, gender identity, ~~marital status~~, pregnancy, sexual orientation, or veteran status, unless otherwise prohibited by applicable law.

Section 4. Retaliation

4.1 The WVU at Parkersburg Board of Governors prohibits retaliation against any faculty, staff, student or applicant for ~~filing~~ making a complaints or assisting in an investigation of discrimination.

Section 5. ~~Discrimination Complaint Procedures~~ Compliance

5.1 WVU at Parkersburg shall designate the person(s) responsible for handling inquiries and complaints regarding equal opportunity, affirmative action, and discrimination. The institution shall identify by name and/or title, address, and telephone number the person(s) responsible for coordinating the institution's compliance efforts in a notice of nondiscrimination that shall be published in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, ~~or employees~~, or the general public as required by the U.S. Department of Education's Office for Civil Rights.

5.2 WVU at Parkersburg shall establish and publish procedures to be followed by students, applicants or employees for ~~filing complaints that allege a~~ reporting or alleging violations of this policy.

**West Virginia University at Parkersburg Board of Governors
Meeting of June 10, 2020**

ITEM: Revision of Policy A-37, *Board of Governors Meetings*

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for revision of Policy A-37, *Board of Governors Meetings*, and hereby authorizes revision of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Debbie Richards
Executive Director, Policy and Compliance

BACKGROUND:

A revision of Policy A-37 is recommended to remove an obsolete reference to a requirement for meetings to be announced in the State Register. The Secretary of State's Office has instituted an online process for meeting notifications pursuant to the Open Governmental Proceedings Act.

A notice of proposed rulemaking will be issued proposing the revision 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. 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

POLICY A-37
BOARD OF GOVERNORS MEETINGS

Section 1. General

- 1.1 This policy governs the meetings of the West Virginia University at Parkersburg Board of Governors.
- 1.2 Authority. West Virginia Code §§ [18B 1-6](#), [18B-2A-2](#), and [6-9A](#)
- 1.3 Effective Date. ~~June 2, 2006~~
(Replaces version dated June 2, 2006, as transferred from WVU Board of Governors on July 1, 2008)

Section 2: Meetings

- 2.1 Frequency
The West Virginia University at Parkersburg Board of Governors (“Board”) shall meet in regular session not less than six times in each fiscal year. The schedule of meetings will be determined by the Chair in consultation with the Board.
- 2.2 Annual Meeting
The annual meeting shall be held each year in June.
- 2.3 Notification and Access
The date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings shall be announced in advance ~~in the State Register~~, as prescribed by the Open Governmental Proceedings Act. Meetings of the Board shall be open to the public as provided by law.
- 2.4 Emergency Meetings
In the event of an emergency, the Chairperson may file an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency. The meeting shall be limited to the emergency agenda identified in the notice.
- 2.5 Meeting Location
Meetings will ordinarily be held on the Parkersburg campus of West Virginia University at Parkersburg, but may be held at such other places as the Board may determine.
- 2.6 Quorum
A majority of members (7) shall constitute a quorum to do business, but a smaller number may meet and adjourn to some other time or until a quorum is obtained. Telephonic or other electronic means of attending the meeting shall qualify toward the quorum.
- 2.7 Parliamentary Procedure

The business at each meeting shall be conducted under general parliamentary rules set forth in *Robert's Rules of Order* as modified or interpreted by the Board.

2.8 Agendas

The agenda for every meeting of the Board shall be prepared by the Chair of the Board with the assistance of the President of the institution. Any member of the Board of Governors may present to any meeting of the Board any item for information or discussion whether or not the same is on the agenda of the meeting, but no final action shall be taken on an item that is not consistent with the agenda or purpose of the meeting.

2.9 Minutes

Minutes of each meeting of the Board shall be prepared, approved by the Board, and recorded permanently with the signatures of the Chair and Secretary.

Subject to the exceptions set forth under the Open Governmental Proceedings Act, minutes of all meetings shall be available to the public within a reasonable period of time after the meeting and shall include, at least, the following information:

- a) The date, time, and place of the meeting;
- b) The name of each member of the Board, present and absent;
- c) All motions, proposals, resolutions, orders and measures proposed, the name of the person proposing the same and their disposition; and
- d) The results of all votes and, upon the request of a member, pursuant to the rules of the Board for recording roll call votes, the vote of each member by name.

2.10 Voting

2.10.1 Manner of Voting

Votes on all matters coming before the Board or any of its committees shall be taken by voice vote, but a roll call vote shall be taken upon the request of a member for a roll call vote.

2.10.2 Off-Site Voting

Whenever any member participates in a meeting of the Board by telephone or any other means when not physically present at the meeting location, such member(s) shall be individually polled as to each vote of the Board.

2.10.3 Proxy Voting

No member may vote by proxy.

2.11 Executive Session

By vote of a majority of the members present at any meeting of the Board, and in accordance with the West Virginia Open Governmental Proceedings Act, portions of a meeting may be closed to the public.

No decision may be made in the executive session. No person not a member of the Board shall be in attendance at such executive session except at the direction of the members.

2.12 Protocol for Meetings of the Board of Governors

All those in attendance at meetings of the Board of Governors may be asked to identify themselves before addressing the Board or in appropriate circumstances upon entry to the meeting. Only members of the Board of Governors, the President, or those recognized by the Chair or by majority vote of the members present may address the Board.

If space is limited in the meeting room, those with business before the Board of Governors and the members of the press shall have priority over those who are visitors.

The Board may remove from the meeting any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

2.13 Appearances before the Board

Persons who desire to have an item placed on the Board's regular or special meeting agenda may submit a request in writing to the Chair or to the President of the institution. After consultation with the President, the Chair may either place the requested item on an upcoming agenda or reject it, notifying the person of the reasons for the decision; the Chair may also refer the item to a committee of the Board. Such a request may include a request to address the Board in relation to the proposed agenda item and shall be made in sufficient time to be considered prior to the issuance of the agenda.

At any meeting where the Board requests that persons who desire to address the Board register to address the body, persons may not be required to register more than fifteen (15) minutes prior to the time the scheduled meeting is to commence.

When deemed proper, a majority of the Board may waive these rules and hear any person on any subject, before either the committee of the whole or any committee of the Board.