

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

**AUGUST 12, 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
Dr. Rose Beebe
Kim McFee
Elaina Segsworth

Dr. Chris Gilmer
President



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Wednesday, August 12, 2020

1:00 p.m.	Executive Committee	Zoom/Conference Call
2:00 p.m.	Academic and Student Services Committee	Zoom/Conference Call
2:00 p.m.	Administrative Services 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 August 12, 2020
Zoom/Conference Call
3:15 p.m.

1.	Call to Order	Board Chair, Donna Smith	
2.	Swearing in of new Board Members	Debbie Richards, Ex. Director Policy & Compliance	
3.	Roll Call	Brady Whipkey Chief of Staff to the President Secretary to the Board	
4.	President’s Report	Dr. Chris Gilmer, President	
5.	Approval of Minutes		
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6.	Committee Reports		
	• Executive Committee	Donna Smith	
	• Academic and Student Services Committee	Joe Oliverio	
	• Administrative Services Committee	Steve Hardman	
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8.	Action Items		
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	• Adoption of Emergency Policy A-44, Interim Policy And Procedures Regarding Harrassment and Discrimination	Debbie Richards Ex. Director Policy & Compliance	24

10. Board Comments/Announcements

11. Next Meeting
October 14, 2020

12. Adjournment

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
June 10, 2020

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday June 10, 2020, via Zoom Video Conferencing, beginning at 3:15 p.m. Board members present were: Donna Smith, Steve Hardman, 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:

The poet Robert Frost, known for economy of language, said this: "The best way out is always through." Well, I am hardly known for economy of language, but I cannot express my feelings about the COVID-19 pandemic and our response to it more eloquently than Frost's words. We are working our way through it day by day, and we hope that eventually we will emerge on the other side. While we are living within it, WVU Parkersburg continues to take precautions to protect the health and safety of those who learn and work here, even as we prepare to begin a phased reopening of all facilities.

It is currently our intention to begin classes face-to-face for the fall 2020 semester. Last week the West Virginia community and technical college presidents were reminded by the Chancellor that reopening of campus facilities is a local decision, and she advised discretion and caution as we move forward. In the near future, after further consultation with this Board, the University's executive team, and our COVID-19 task force, I will announce a tentative schedule for the phased reopening of our facilities. Even after that phased reopening, which will endeavor to follow all state and federal guidance received and our own estimation of public health concerns, the University will reserve the right to change course if and as the pandemic changes course. I have charged Provost Chad Crumbaker to work with the faculty and students to ensure that all faculty members and students are prepared to transition back to virtual instruction if that is required, and furthermore, we are also exploring the option of making all or most classes into hybrid classes for fall, part-time face-to-

face and part-time virtual. At present, we are not adjusting the fall calendar in any way, but we reserve the right for students to complete online the short portion of the semester which falls after Thanksgiving break, should there be a resurgence of the pandemic.

As you know, the University has remained open for business, and summer school is proceeding through online instruction. Full-time equivalent Summer 2020 enrollment currently stands at 112 percent compared to summer 2019, and new student enrollment for Summer 2020 stands at 305 percent compared to summer 2020. In fairness, while the percentage growth of new students is exponential, it represents a small pool of actual students, nonetheless still a great accomplishment for our recruiting and retention teams considering the adverse recruiting and retention circumstances.

It is too soon to know whether summer will be a predictor of fall enrollment, but I certainly hope it will be. We are using all available measures to recruit new students and to retain existing ones. Total new student applications are up significantly for fall 2020. Total applications for May surpassed total applications for any of the four previous months of May. Still, for this success to be fully realized, we must admit and register these students and retain a large number of continuing students who have not yet registered for fall. WVU Parkersburg's students traditionally wait until mid-to-late summer to register for fall, so we are hopeful that the remainder of June, all of July, and early August will help us close the gap between where we are now and where we ended the fall 2019 semester. At this point during the summer, while I would wish we had already achieved level enrollment for fall, it would be atypical for us to have done so since so many students register closer to the start of the term. Progress toward fall enrollment is down at many institutions because of the pandemic, but you may trust we will do all within our power to ensure a robust class for fall 2020 at WVU Parkersburg. In an attempt to remove all possible barriers toward enrollment, we have made the decision not to implement any tuition increase for the fall 2020, spring 2021 terms. Even though we requested and this Board approved a five percent tuition increase if needed, we made the strategic decision not to impose any hardships on our students beyond those which the pandemic has already caused.

As Executive Vice President Alice Harris will explain to you in more detail later today, we will be ending the current fiscal year with a small budget surplus, and we will be proposing a balanced budget to this Board for the next fiscal year. This is no small accomplishment at an open enrollment, state-supported, tuition-driven public institution in the middle of a pandemic. We have built next year's budget on the most reliable numbers we have at our disposal and cautiously optimistic projections about fall and spring enrollment, but the pandemic gives us less confidence than usual about these projections. Still, we are very pleased with the balanced budgets and confident that we can withstand any course corrections which might be needed.

Due to the CARES Act stimulus funding received, we provided \$876,544 in grants ranging from \$650 to \$1,300 to 1,046 students. Heather Skidmore and Alice Harris,

and all of their team, deserve our gratitude for working very hard to help create the most seamless award process possible, and Dr. Torie Jackson and her team deserve our gratitude for marketing that process. While we were delighted to award these significant funds to our students, many students were ruled ineligible for funding based on guidelines provided by the U.S. Department of Education. It is important to note that WVU Parkersburg provided this grant funding to every student who was deemed eligible, based on the guidelines. The University currently has more than \$900,000 in institutional stimulus funds for which we will be determining the best legitimate uses in the near future. Some of the funds will be used for technological upgrades, and some will be used to fund the physical revamp of the current library space. There are many limitations on what this money can fund, so we will make good use of it while following the guidelines. We appreciate our elected officials who worked to ensure that higher education was included in the stimulus package.

Since I felt unable to allow a spring 2020 commencement ceremony to take place because of the pandemic, I was delighted to host a televised celebration of WVU Parkersburg's graduating class, as well as the graduating classes of the 11 feeder high schools throughout the Mid-Ohio Valley which feed most directly into the University. We were honored to recognize 265 WVUP graduates who received 289 credentials, and the all-star line-up included West Virginia's Governor Jim Justice and Senators Shelley Moore Capito and Joe Manchin, Chancellor Sarah Armstrong Tucker, Board of Governors Chair Donna Smith, incoming Foundation Board Chair Becky Deem, Ricky Riverhawk, two WVUP student speakers, student speakers from each of the 11 high schools, Chamber of Commerce President Jill Parsons, Tony Winner Lillias White, and other WVU Parkersburg administrators and faculty. We believe that a large group watched the televised broadcast on WTAP, which is scheduled to be televised locally again tonight at 7 p.m. on CBS and tomorrow night at 7 p.m. on FOX. The first broadcast appeared simultaneously on Facebook and YouTube with a Facebook reach of 7,160 people and growing. Shout out to everyone who worked on this project led by Dr. Torie Jackson, including Jared Bailey, David Creel, the entire marketing team, and many others.

Dr. Jackson's team has also been quite busy putting together our first virtual press conference during which Chancellor Tucker, Chair Smith, and I welcomed a representative of the Arnold Foundation, members of the press, and many other guests to formally announce the ASCEND program, our replication of the City University of New York's award-winning retention model funded by a \$1.7 million gift to WVUP from the Arnold Foundation, the largest single foundation gift in the University's 60-year history. Provost Crumbaker is leading this effort for WVUP and is doing an exceptional job, supported by the new ASCEND Project Director, Jennifer Forster. In March, our students were first introduced to the Ricky Riverhawk Bot, a text message chatbot powered by artificial intelligence that checks in with them, encourages them, and connects them to helpful University resources. While connecting students to the right resources at the right time, the Bot is able to do something new: hear the voices of students in a sustainable and scalable way. A voluntary communication based on student interest, 2,522 students chose to receive

communication from Ricky, a 99 percent opt-in rate. In the first 12 targeted interventions with students, Ricky received 2,000 texts. The first conversations were checking in with students about the impact of the pandemic, and more recent messages are encouraging them to register for fall. Ricky told 233 eligible students about the ASCEND program and encouraged them to apply; he texted 1,941 students who had not registered for classes and encouraged them to register. He identified 65 students who were struggling with the transition to online learning and told them about tele-counseling options and tutoring sessions and identified 43 students who felt emotional distress caused by the pandemic, referring them to the campus counselor. This month we end a marketing campaign that began in July 2019 and delivered 1,462,416 digital messages to the community through a collaboration with NCM, America's Movie Network. The industry click rate for banner ads is nine percent, and our rate is currently 38 percent. As for the a4 Media campaign reaching out to youth ages 16-19 in the seven-county region, the click rate is high. The YouCanDoThis spot has a click rate double the national average, and so far the campaign has delivered 173,104 video ads along with 57,491 digital logo ads. As you can see, our marketing team has been very busy. It is also worth noting that the media clips document provided to you as part of your Board packet is more than 100 pages, and all of that publicity has been generated about dozens of worthy projects carried out and publicized in the middle of a pandemic and since your last meeting in April.

Under the direction of Senta Goudy, the Arts Collaborative of the MOV, funded by the Ross Foundation, began producing a virtual variety hour on May 8. Currently, five shows have aired online each Friday night with at least five more shows planned. Grammy winners and Motown legends have joined talented local artists giving the community the opportunity to enjoy quality arts programming online while so many of our local arts organizations have their doors temporarily closed due to the pandemic. Further, these variety shows are giving local artists the chance to have a creative outlet for their talents and to be showcased alongside national and international artists. Enoch Productions, Lori Ullman, David Creel, and others have worked with Senta on this project, and I especially want to recognize Madison Sayre, a student intern in our experiential learning program, who is producing all of the shows. So far, we have reached 7,594 arts patrons, locally and nationwide, and we are only halfway through the season. Senta, Michele Wilson, Rodney Parker, and others have joined me in leading the effort to get the farm back into service through our partnership with Mister Bee and its owner Mary Anne Ketelsen. I am pleased to announce, even though the spring weather has been very uncooperative, that we have a good stand of potatoes on 10 acres at the farm and will harvest our first crop this year. This partnership will be featured in the summer issue of *West Virginia Living* magazine.

Several virtual town hall meetings have been held with our community since you last met. Dr. Steve Smith and his team held three virtual town halls to unveil and receive comment on the final draft of the new Strategic Recruitment Plan (SRP) which was very well received by a large group of participants and now has been finalized for implementation beginning August 2020. The Vice Presidents and I held a campus-wide town hall to update the internal and external community on the pandemic,

budget, enrollment, and other matters, receiving and answering many questions from a wide cross section of our stakeholders. Total engagement with the session is 3,770 and growing. Vice President Brady Whipkey and I met with Johnson Controls International and secured their commitment to provide us with a feasibility study for campus-based housing. The feasibility study is expected to be completed at no cost with a Johnson Controls team scheduled to make its next visit to the Parkersburg Campus later this month. Additionally, Brady is overseeing the library renovation which will result in a newly designed state-of-the-art learning commons bringing together most of our student support services in one central location. The project is in the advanced planning stage.

Many more activities and those implementing them with grace under pressure are worthy of being featured, but I will end by focusing our attention on the primary reason we are here—service to our students. While excellence in teaching and learning is happening across all divisions, earlier this week I received the following student comment from a nursing graduate who, I believe, speaks across disciplines for so many of her peers. She said: “I have loved this program! The instructors are extremely helpful. It is obvious that they care about our success and that we are not just a number to them like you see with some other nursing programs. I feel as if this program has prepared me to be a great nurse. I feel like they have given us every component we need to be a great nurse and it is up to us to make it happen now!...Overall, I can’t describe how great of a program I think this is! I would recommend anyone to go through this program.”

Governors, in case we ever need reminding why we are here, that says it all and much more eloquently than I could have said it. I would like to personally express my gratitude to the Executive Team which has counseled and supported me without fail during this pandemic, as well as this Board and the entire University community for your support. Unless there are questions, Madam Chair, with respect to the Board, this concludes my report.

4. Approval of Minutes

The minutes of the Regular Board meeting of June 10, 2020 were approved upon a motion by Mr. Denbigh, seconded by Mr. Matheny.

5. Committee Reports

- Executive Committee

Chairman Smith reported that the Executive Committee met to discuss the Early Learning Center, COVID-19 Updates, WVU Parkersburg Foundation, Faculty Tenure, Enrollment, and Potential Candidates for Board Membership.

- Academic and Student Services Committee

Mr. Landers reported on summer and fall semester classes, retention: a student success strategy, WVUP Ascend Program, Early College Coordinator, Blackboard upgrades, Academic Support Services, and Workforce and Economic Development Updates.

- Administrative Services Committee
Mr. Hardman reported on updates finance and administration, purchasing and contracts, financial aid, information technology, renovations to facilities and campus, marketing material, alumni update, and Foundation updates.
- Nominating Committee
Mr. Hushion reported the Nominating Committee met to discuss the Slate of Officers for the 2020-2021 Academic Year and recommend the following:
 - Chair – Donna Smith
 - Vice Chair – Steve Hardman
 - Secretary – Joe Oliverio
 Chairman Smith requested a motion to approve the Slate of Officers as presented. Mr. Matheny motioned to approve the nominations as presented. Mr. Denbigh seconded the motion. Motion passed.

6. Information Items

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

7. Action Items

- Approval of Revised MOU with Foundation
President Gilmer, presented to the Board the proposed resolution for approval of the revised MOU with the Foundation. President Gilmer discusses that 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.

After review and discussion, Mr. Landers moved to approve the following 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.

Mr. Matheny seconded the motion. Motion passed.

- Approval of Five New Programs

Provost Crumbaker, presented to the Board the proposed resolution for approval of five new programs. Provost Crumbaker discussed 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.

After review and discussion, Mr. Matheny moved to approve the following 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.

Mr. Landers seconded the motion. Motion passed.

- Approval to hold FY2020-2021 Tuition Rate at FY 2019-2020 levels

Alice Harris, Executive Vice President of Finance and Administration, presented to the Board the proposed resolution for approval to hold the FY2020-2021 tuition rate at the FY2019-2020 level. VP Harris provided an overview of the 2019 rates.

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

Mr. Skidmore seconded the motion. Motion passed.

- 2020-2021 Budget

Alice Harris, Executive Vice President of Finance and Administration, presented to the Board the proposed resolution for approval of the 2020-2021 budget. VP Harris discussed 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.

After review and discussion, Mr. Skidmore moved to approve the following 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.

Mr. Matheny seconded the motion. Motion passed.

8. **Consent Items**

Chairman Smith asked for a motion to approve the following consent items:

- Adoption of Policy F-64, Operation of Unmanned Aircraft Systems on Campus
- Revision of Policy B-08, Holidays

- Revision of Policy A-34, Equal Opportunity Affirmative Action and Nondiscrimination
- Revision of Policy A-37, Board of Governors Meetings.

Ms. Reed made the motion to approve the consent items as presented. Mr. Skidmore seconded the motion. Motion passed.

9. Board Comments/Announcements

None

10. Next Meeting

August 12, 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. Skidmore moved to adjourn the meeting. Mr. Cunningham seconded. The regular meeting of the Board of Governors adjourned at 4:16 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 August 12, 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 July 31, 2020.

**West Virginia University at Parkersburg Board of Governors
Meeting of August 12, 2020**

ITEM: Approval of COVID-19 Protocols

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors approves the proposed COVID-19 protocols which will govern the University for the fall 2020 semester and empowers President Chris Gilmer to enforce them as needed and/or to amend them as needed with any material amendment shared in advance with the Chair of this Board.

STAFF MEMBER: Chris Gilmer, President

BACKGROUND:

WVU Parkersburg's primary commitment above all others is to ensure the health and safety of those who learn and work on our campuses. Toward that end, in consultation with the WVUP COVID-19 Task Force (inclusive of several members of this Board), the President's Executive Team, the leadership of the WV Community and Technical College System (CTCS), and local health authorities, President Gilmer has developed these protocols toward this purpose. The CTCS is asking that each governing board formally approve such protocols at the local level.

**West Virginia University at Parkersburg Board of Governors
Meeting of August 12, 2020**

ITEM: Approval to Negotiate MOU with Coplin Health

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors authorizes President Chris Gilmer to enter into negotiation to develop a preliminary Memorandum of Understanding with Coplin Health System to explore opening a campus-based primary care clinic available to students, faculty, and staff.

STAFF MEMBER: Chris Gilmer, President

BACKGROUND:

WVU Parkersburg is interested in providing high-quality, no-cost or low-cost, accessible primary healthcare to students, faculty, and staff. Toward that end, President Gilmer has been engaged in preliminary conversations with the leadership of Coplin Health System to open a campus-based primary care clinic on the Parkersburg Campus, which would also be available to students and employees on the Jackson County Campus. Students and employees would be served at low or no out-of-pocket expense. Coplin's Board of Directors has approved a similar MOU. Details of any proposed partnership would be brought back to this Board for approval before being finalized. This resolution empowers only the necessary preliminary discussions and indicates a good faith intent to pursue the partnership.

**West Virginia University at Parkersburg Board of Governors
Meeting of August 12, 2020**

ITEM: Approval of Phased Retirement

RECOMMENDED RESOLUTION: Resolved, that the West Virginia University at Parkersburg Board of Governors approves the development and implementation of policies allowing and governing additional retirement options for employees, including phased retirement or one-time retirement incentives.

STAFF MEMBER: Chris Gilmer, President

BACKGROUND:

WVU Parkersburg, as is the case with most institutions of higher education, might find it fiscally or academic beneficial to enter into phased retirement or one-time retirement incentives with members of its faculty or staff. This is common practice at institutions nationwide. WVUP does not currently have a policy in place on which to build such an option and must appear before a joint committee of the West Virginia Legislature to request permission. Before that step can be taken, this Board must approve a policy. At this time, the administration seeks permission to develop a policy which will then be brought before this Board for final approval. Approval of the policy does not mean that WVUP would utilize this option, but it would provide the option as a tool at the disposal of the administration and this Board.

**West Virginia University at Parkersburg Board of Governors
Meeting of August 12, 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 approves the adoption of Policy F-64, Operation of Unmanned Aircraft Systems on Campus, as revised.*

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 was first proposed to the Board of Governors at its meeting on June 10, 2020. As stated in Section 4.1 of the draft policy attached, “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.”

A Notice of Proposed Rulemaking was issued on June 15, 2020, for a 30-day comment period ending on July 15, 2020. A list of comments received and the institution’s response to them is attached along with a revised draft of the policy proposal, which has been reviewed by general counsel.

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.

COMMENTS RECEIVED
Policy F-64, Operation of Unmanned Aircraft Systems on Campus
 Public Comment Period: June 15 – July 15, 2020

Date Received	Comments	Institution's Response
6/15/20	<p>Upon review of policy [F-64], it is apparent that WVU at Parkersburg is creating policy that is outside of its scope. The FAA already has a policy in place that covers unmanned aircraft (drones). The WVU at Parkersburg proposed policy is redundant and unnecessary. Recreational flyers and hobbyists around WVU at Parkersburg will most likely be unaware of WVU at Parkersburg's unmanned aircraft policy. This will lead to negative interactions between the community and the campus police. Furthermore, can the campus really enforce this policy if a drone flies over college airspace from an off campus operator? Suggestion: Rephrase the policy to only impact faculty and students. All faculty and students should be aware that they need to follow the FAA policy. If the campus security encounters someone not following the policies, already set forth by West Virginia and the FAA, then they can enforce the laws that are already on the books. There is no need to make this relatively harmless activity more difficult than what the federal government has already dictated. Joseph Overbaugh, Science Teacher, Caperton Center for Applied Technology</p>	<p>Edits highlighted in Sections 1.2, 4.5 and 6.2 have been made in response to this comment.</p>

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 **unsafe** operation by any person of unmanned aircraft systems or model aircraft on or above West Virginia University at Parkersburg property.
- 1.3 Authority – W. Va. Code §§ [61-16-1, 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](#).

1.4 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 college 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 **To the extent enforceable by applicable local, state, and federal laws,** 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 § 61-16-2, *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 who damage WVU at Parkersburg property or create an unsafe environment to individuals on any campus of WVU at Parkersburg 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 August 12, 2020**

ITEM: Adoption of Emergency Policy A-44, *Interim Policy and Procedures Regarding Harassment and Discrimination*

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia University at Parkersburg Board of Governors approves Emergency Policy A-44, Interim Policy and Procedures Regarding Harassment and Discrimination, to replace existing Policy A-44, Sexual Misconduct and Other Forms of Discrimination and Harassment, effective August 14, 2020.*

STAFF MEMBER: Debbie Richards, Executive Director,
Policy and Compliance / Title IX Coordinator

BACKGROUND:

Final regulations ([34 CFR Part 106](#)) from the U.S. Department of Education implementing Title IX of the Education Amendments Act of 1972 with respect to sexual harassment will go into effect on August 14, 2020. The extensive 2,083-page final rule seeks to implement sweeping changes in how schools address sexual harassment, sexual violence, intimate partner violence, and stalking. Implementation of the final regulations requires a complete overhaul of policies and procedures and many other considerations for carrying them out. WVU at Parkersburg does not receive very many reports of sexual harassment, and, as a nonresidential campus, rarely receives reports of sexual assault; however, the institution must be prepared to address allegations and to meet other requirements such as specialized training and appropriate structures to be compliant with the new federal regulations.

Since the release of the regulations on May 19, 2020, WVU at Parkersburg officials, like others across the country, have been participating in training and consulting with experts in the field, while simultaneously addressing the challenges of delivering instruction and services during a world-wide pandemic. In light of these circumstances and the timing challenges for implementing the Title IX regulations, the WVU at Parkersburg Board of Governors is being asked for the first time to act under the provision for Emergency Action in Section 7 of Policy A-45, *Adoption or Amendment of Rules* (copied below for reference), so that the institution may comply with these federal regulations effective August 14, 2020

Section 7. Emergency Action

- 7.1 *If it is determined that an emergency exists under which immediate action is necessary to adopt, amend or repeal a Rule, the Board may approve such an emergency adoption, amendment or repeal of a Rule without first following the procedures set out in this Rule. Emergency rules approved by the Board will be posted prominently on the Board's web site.*
- 7.2 *For purposes of this Section 7, an emergency exists when the adoption, amendment or repeal of a Rule is necessary for the immediate preservation of the public peace, health, safety or welfare, or is*

necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Council for Community and Technical College Education, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who may disapprove the action of the Board if the Chancellor, or his/her designee, disagrees that an emergency existed.

- 7.3 *Any emergency policy shall remain in effect no longer than three (3) months, and shall expire unless a final policy has been approved under the normal process set out in this policy.*

Due to a number of uncertainties, such as pending clarification from the U. S. Department of Education Office for Civil Rights regarding some unanswered technical questions, as well as the political and litigation environments surrounding the new federal regulations, the recommended policy and accompanying procedures are proposed on an interim basis for renewable six-month intervals. Should a court strike down, either temporarily or permanently, any terms or provisions of the 2020 Title IX Regulations or these policies and procedures, WVU at Parkersburg may need to make expedient modifications.

The proposed policies and procedures have been prepared using expert guidance from the Association of Title IX Administrators (ATIXA), including the purchase of a license to incorporate copyrighted policy and procedure language in our effort to assure compliance with extremely prescriptive and somewhat confusing requirements.

Internal communications and input will be sought from the campus community regarding the emergency policy and procedure at the beginning of the fall semester so that questions raised by the campus community and any other updates resulting from OCR interpretations may be reflected at the time the Board is asked to approve a Notice of Proposed Rulemaking, before the expiration of the emergency rule period.