

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

**AUGUST 15, 2023
AGENDA**

Members

Joe Oliverio, Board Chair
Blaine Hess, Vice Chair
Savannah Morgan, Secretary
Donna Smith
JP Hushion
Jason Landers

Stephanie McCoy
Ami Shaver
Steve Hardman
Andrew Walker
Cody Irick
Michael Myers

Dr. Torie Jackson
President



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Tuesday, August 15, 2023

11:30 a.m.	Executive Committee	President's Conference Room - Room 1105
12:30 p.m.	Lunch - Dr. David Lancaster, VPAA College Orientation	Francis & Nina Phares Board Room - Room 1300
2:00 p.m.	Academic and Student Services	Riverhawk Conference Room - Room 1100
2:00pm	Administrative Services Committee	WVUP Proud Conference Room - Room 1207
3:15 p.m.	Board Meeting	Francis & Nina Phares Board Room - Room 1300

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS
Meeting of August 15, 2023
Francis & Nina Phares Board Room & Zoom
3:15 p.m.

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|---|---|
| 1. Call to Order | Board Chair, Joe Oliverio |
| 2. Roll Call | Lauriel Rader
Secretary to the Board |
| 3. President's Report | Dr. Torie Jackson,
President |
| 4. Approval of Minutes | |
| • Regular Meeting - June 21, 2023..... | 5 |
| 5. Committee Reports | |
| • Executive Committee | Joe Oliverio |
| • Academic and Student Services Committee | Blaine Hess |
| • Administrative Services Committee | Savannah Morgan |
| 6. Information Items | |
| • Fiscal Update | Alice Harris, Executive VP
Finance & Administration
..... |
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| 7. Action Items | |
| • Approval of Williamstown High School Dual
Credit Pathway | Dr. David Lancaster, Vice
President for Academic
Affairs..... |
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| • Approval of updated Board of Governors Policies
to reflect a review of the Salary Policy | Dr. Torie Jackson,
President..... |
| - Updated Answer Book #VI-11B
Tuition and Fees | 13 |
| • Approval of updated Board of Governors Policies
to reflect Affirmative Action compliance | Dr. Torie Jackson,
President..... |
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| 8. Possible Executive Session under the authority of WV Code §6-9A-4(b)(9), to
discuss consideration of real estate and legal matters. | |

9. Board Comments/Announcements

10. Next Meeting
September 19, 2023

11. Adjournment

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
June 21, 2023

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Tuesday, June 21, 2023, in the Francis & Nina Phares Board Room of WVU Parkersburg and via Zoom Video Conferencing, beginning at 3:15 p.m. Board members present were: Steve Hardman, Joe Oliverio, JP Hushion, Donna Smith, Jason Landers, Stephanie McCoy, Ami Shaver, Blaine Hess, Savannah Morgan, Andrew Walker, Cody Irick and Michael Myers. Others present included Dr. Torie Jackson and Lauriel Rader.

Guests present included administrators, faculty and staff.

1. Call to Order

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

2. Swearing in of new Board Members

The Honorable Timothy Sweeney, 3rd Circuit Court Judge, conducted the swearing in of new Board members, Andrew Walker and Michael Myers.

3. Roll Call

Roll Call was taken by Lauriel Rader, Secretary to the Board of Governors, noting that a quorum was present. Chairman Hardman announced that Lauriel has accepted the permanent position as the Secretary to the Board of Governors.

4. President's Report

President Jackson delivered the following report:

Governors, it is a pleasure to stand before you today with a brief report on campus happenings.

The college executive team of myself, Dr. David Lancaster and EVP Alice Harris spent 6-½ hours last week meeting to discuss our priorities for the next year. Some of those goals are exactly what you expect. The top of the list is increased enrollment and retention measures. We also will focus on a successful Higher Learning Commission accreditation visit in March 2024. In addition to that, we are considering slight restructures of some staff alignments - particularly in the areas in which I supervise since that area has become vast as portions of three former VP roles have fallen under the president's office purview. Honestly, they provided me with a few tough love moments as they advised me - as they are supposed to do - on some areas where I need to loosen the reins. The good news is that I am listening. You will not see any drastic changes as those unveiled last summer, but a

few smaller changes in reporting structures are being shared with impacted employees this week.

Another goal will be efficiency of systems across the campus - making sure we are utilizing our space and our resources in the most productive manner - which coincides with a requirement for a new facilities master plan to be created in the next academic year. We also will increase our articulation agreements with some WV community and technical colleges to partner with our baccalaureate offerings. We will get the Answer Book updated for campus policies and procedures. We also want to look at requested improvements to employee evaluation processes.

I find it interesting when I am out in the community - at an event, at a meeting, at the grocery store - and people want to know if I have to work in the summer. It's the mindset that schools and colleges have summers "off." As I look around, I can't even say that we slow down in the summer. I know that we may have less students enrolled, but much is happening to make sure we are ready for the 2023-24 academic year.

The cosmetology studio is expected to open. Enrollment for that program is happening now, as it is for all fall classes.

I've had an opportunity to meet with the Jackson County Center staff to discuss plans to renovate their facilities and to offer an entire academic program at JCC by Fall 2024. Yes, a year from now. We need time to update facilities, order equipment and have instructors ready to teach for an advanced manufacturing program. We've discussed this opportunity before as it meets the needs of local industry in Jackson and surrounding counties.

Yesterday, WVU Medicine unveiled the Aspiring Nurse Program, which allows them to invest up to \$25,000 per student in a pilot program being conducted with WVUP and Camden Clark, as well as Bridge Valley CTC and Thomas Health. This allows current students to enter the program in their 1st, 2nd or 3rd semesters, agreeing to work at WVU Medicine upon completion of their program. It's truly a wonderful opportunity for our students. My quote in their press release shares the sentiment I still want to express: "WVUP believes the most significant thing a community college can do is be a good community partner. When we collaborate with local businesses to meet their needs and, at the same time, provide amazing opportunities for students, then we are fulfilling our mission. We believe purposeful and planned training of a workforce will elevate the Mid-Ohio Valley and the entire state of West Virginia, and we are honored to partner with WVU Medicine Camden Clark Medical Center."

In addition, we have kids on campus. Partnering with HINO, we have re-emerged with KIDS College. It began last week with 40 attending. This week we have 48 and

next week will be 41. They are doing all sorts of things - including: Farm Technology, Bookmaking, Photography, Archeology, Music Technology, Chemistry, Intro to Making, Geology, Journaling, Space and Rocketry, Bird-O-Rama and much more.

The CSI Teen Academy was a great success in early June. We have Teen Medical Explorers for July 10-13.

The WVUP team is preparing for a College 101 summer session before the start of the semester. We are hosting hopefully our largest picnic ever on August 11 before the semester starts.

Another bit of great news is our preliminary round of approvals for our deferred maintenance request of \$2.9 million is approved. We will wait for final approval from the governor's office. This list will allow us to make significant upgrades to the Jackson County Center, the Caperton Center and necessary updates to the main campus building. If you are over by the Workforce and Economic Development building, they've had a facelift of sorts with new landscaping. We also added our first electric vehicle charging station - a joint effort with the electricity students in the CTE program with Wood County Schools.

Yes, it's summer. Yes, it's busy. And, yes, governors, it all makes me very WVU Parkersburg proud.

5. Approval of Minutes

Chairman Hardman stated the minutes from the Regular Board meeting of May 16, 2023 are submitted for review. With no corrections to be made, minutes are approved as submitted.

6. Committee Reports

- Executive Committee

Chairman Hardman reported the Executive Committee met to discuss the CTC Board Action (where the Presidents contract will be approved at an upcoming special meeting), special project update and the nomination of officers by the Nominating Committee.

- Nominating Committee

Mr. Hushion reported the Nominating Committee met and presented the following slate of officers:

Joe Oliverio - Chair

Blane Hess - Vice Chair

Savannah Morgan - Secretary

With no further nominations from the floor Mr. Hushion motioned to approve the slate of officers as presented. Ms. Smith seconded. Motion passed.

7. Information Items

- Fiscal Update

Alice Harris, Executive Vice President of Finance & Administration, provided a detailed report on the budget summary as of month ending May 31, 2023. There were no questions from the members.

8. Action Items

- Approval of Deferred Maintenance Grant Application

Dr. Torie Jackson, President, presented to the Board the resolution for approval of the Deferred Maintenance Grant Application. President Jackson reported that in the matter of authorizing West Virginia University at Parkersburg to apply for a State Institutions of Higher Education Deferred Maintenance Grant from the West Virginia Governor's Office for Deferred Maintenance at West Virginia University at Parkersburg and Delegating Authority to President Torie Jackson to sign the application.

WHEREAS, the West Virginia Governor's Office is accepting applications for State Institutions of Higher Education Deferred Maintenance Grants; and

WHEREAS, West Virginia University at Parkersburg desires to participate in these grant programs as a means of providing needed maintenance to West Virginia University at Parkersburg's campus facilities; and

WHEREAS, The West Virginia University at Parkersburg Board of Governors and Institutional Leadership have identified deferred maintenance improvements at West Virginia University at Parkersburg as a high-priority need; and

WHEREAS, the highest priority need identified includes the attached list; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF GOVERNORS OF WEST VIRGINIA UNIVERSITY AT PARKERSBURG AS FOLLOWS:

The Board of Governors demonstrates its support of the submittal of the grant application for the attached list of projects by West Virginia University at Parkersburg; and

The Board of Governors demonstrates its support to prioritize the list of projects attached as the highest priority with regard to deferred maintenance at West Virginia University at Parkersburg; and

The Board of Governors authorizes West Virginia University at Parkersburg President to execute the application for State Institutions of Higher Education Deferred Maintenance Grant and any other documentation necessary to effectuate the submittal of the grant application.

This Resolution shall be effective following its adoption by the Board of Governors.

After review and discussion, Ms. Smith moved to approve the following resolution:

Resolved, That the West Virginia University at Parkersburg Board of Governors authorizes President Jackson to submit Applications for the State Institutions of Higher Education Deferred Maintenance Grant.

Mr. Irick seconded the motion. Motion passed.

9. Executive Session under the authority of WV Code §6-9A-4(b)(9), to discuss consideration of real estate and legal matters

Chairman Hardman asked for a motion to move into Executive Session, under authority of WV Code §6-9A-4(b)(9), to discuss consideration of real estate and legal matters. Ms. Smith moved to adjourn to Executive Session. Mr. Oliverio seconded the motion. The motion passed and the Board moved into Executive Session at approximately 3:45 p.m.

Chairman Hardman announced the Board would return to the regular meeting at 4:05 p.m. Mr. Walker moved to return to regular session. Mr. Myers seconded the motion. Motion passed.

10. Board Comments/Announcement

Chairman Hardman and Mr. Oliverio reported the WVU Parkersburg Board of Governors meetings will be held on the 3rd Tuesday of the month. The meeting dates were distributed to the Board Members and the dates are listed below:

Tuesday, August 15, 2023

Tuesday, September 19, 2023

Tuesday, October 17, 2023

Tuesday, January 16, 2024

Tuesday, March 19, 2024

Tuesday, April 16, 2024

Tuesday, June 18, 2024

Mr. Oliverio shared with the Board Members there would be seven meetings in total for the academic year. (We reserve the right to add a meeting, if needed.)

Chairman Hardman announced this is his last meeting as Chairman of the Board of Governors. He shared, it has been an honor and a privilege to serve on this Board. He thanked the Board Members for all of their support over the years.

Ms. Smith thanked Chairman Hardman for doing a tremendous job as the Chairman of the Board of Governors.

11. Next Meeting

Next meeting will be held August 15, 2023.

12. Adjournment

With no further business to be discussed, Chairman Hardman adjourned the regular meeting of the Board of Governors.

Respectfully submitted,

Lauriel Rader
Secretary to the Board of Governors

Steve Hardman, Chair

JP Hushion, Secretary

**West Virginia University at Parkersburg Board of Governors
Meeting of August 15, 2023**

ITEM: Fiscal Update

RECOMMENDED RESOLUTION: Information Only

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

BACKGROUND:

EVP Harris will report on the state of the college's finances and the budget for month ending July 31, 2023.

**West Virginia University at Parkersburg Board of Governors
Meeting of August, 15, 2023**

ITEM: Williamstown High School Dual Credit Pathway

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves offer of dual credit courses as part of career pathways at Williamstown High School

STAFF MEMBER: Dr. David Lancaster, Vice President for Academic Affairs

BACKGROUND:

In support of West Virginia Policy Commission Series 19 regarding the Dual Enrollment Pilot Program, West Virginia University at Parkersburg will offer courses at Williamstown High School leading to a certificate or degree beginning Fall 2023. These courses shall be lower division undergraduate courses jointly agreed upon by Williamstown High School and WVUP, and such courses shall be transferable between the State's institutions of higher education. These courses are not part of the State's EDGE program, the College Board's Advanced Placement Courses, the College Board's College Level Examination Program; and Articulated credit.

**West Virginia University at Parkersburg Board of Governors
Meeting of August 15, 2023**

ITEM: Approval of updated Board of Governors Policies to reflect a review of the Salary Policy

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy B-29 “Salary Policy” to be reflective of updates occurring in the campus procedures guidelines known as the “Answer Book.”

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Board of Governors policy B-29, Salary Policy, is designed to allow the college to make incremental increases to employees in the form of raises. This policy is to be considered on a regular basis by the BOG to examine entry level salaries based on academic degree and faculty rank (benchmarked with peer institutions and market), as defined and approved by the Board of Governors.

While the institution is putting BOG Policy B-29 out for comment, a proposed change to salary procedures is also ongoing for Answer Book #IV-15, Faculty Salaries and Performance-Based Increases. That policy will be brought before the BOG in the September 2023 meeting, at the same time comments will be shared from the accompanying B-29, Salary Policy.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to salary policies. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals 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-29
SALARY POLICY**

Section 1. General

- 1.1 This rule delineates the procedures to be followed by the West Virginia University at Parkersburg Board of Governors in determining salaries and annual salary increases for its employees.
- 1.2 Authority. – West Virginia Code: [§18B-8-2](#).
- 1.3 Effective Date. – ~~February 16, 2012~~ [August 15, 2023](#)
[Revises original version adopted ~~July 1, 2014~~ [February 16, 2012](#)]

Section 2. Background

- 2.1 The West Virginia University at Parkersburg Board of Governors is committed to a compensation program that will support the retention of quality faculty, staff and administrators so as to accomplish the institutional goals, objectives and priorities identified in state law, rules and master plan of the Council, and campus compact. The realization of salary increase goals is based upon continued increases in state support and the ability to raise tuition and fees.

Section 3. Faculty and Faculty Equivalent Personnel

- 3.1 Entry level salaries shall be based on academic degree and faculty rank (benchmarked with peer institutions and market), as defined annually and approved by the Board of Governors.
- 3.2 ~~Annual~~ Salary increases shall be contingent upon available funding. Increases shall be based on annual performance evaluation according to institutional [procedures](#) and shall be consistent with the rules and directives of the W. Va. Council for Community and Technical College Education and provisions of State Code.
- 3.3 A salary increase of at least ten percent shall accompany promotion in rank.
- 3.4 Upon appropriate verification, a base salary increase may accompany the attainment of a higher degree according to institutional [procedures](#).
- 3.5 Salary enhancement opportunities may be offered to faculty in the professor rank with doctorate degrees according to institutional [procedures](#).

Section 4. Classified Employees

- 4.1 All classified employees ~~hired after June 30, 2011,~~ shall have an initial salary equal to the ~~zero-step minimum Mercer wage scale for at~~ the appropriate pay grade in accordance with the statutory salary schedule.

4.2 ~~Annual~~sSalary increases shall be contingent upon available funding. Increases ~~after June 30, 2011~~ may be based on annual performance evaluation outcomes according to institutional [procedures](#) and consistent with the 2 rules and directives of the W. Va. Council for Community and Technical College Education and provisions of State Code.

4.3 A classified staff member promoted to a position in a higher pay grade shall receive a salary increase in accordance with the personnel rules of the W. Va. Council for Community and Technical College Education.

Section 5. Non-Classified Employees

5.1 Entry level salaries shall be based on academic degree, experience, and market salary analyses, as determined by the Classification and Compensation Unit of West Virginia University, a service provided through an established affiliation agreement.

5.2 ~~Annual~~sSalary increases shall be contingent upon available funding. Increases shall be based on annual performance evaluation outcomes according to institutional [procedures](#) and shall be consistent with the rules and directives of the W. Va. Council for Community and Technical College Education and provisions of State Code.

5.3 Upon appropriate verification, a base salary increase may accompany the attainment of a higher degree according to institutional procedures.

Title: #VI-11B. Tuition and Fees

Date: July 1, 2023 (replaces version dated July 1, 2022)

The following tuition and fee structure will be in effect for West Virginia University at Parkersburg for the 2023-24 academic year.

<u>A. Community College Registration Fees Per Year</u>	<u>Resident</u>	<u>Non-Resident</u>
Education & General	\$ 4,220.00	\$ 8,524.00
Capital	<u>100.00</u>	<u>500.00</u>
Total	\$ 4,320.00	\$ 9,024.00

<u>B. Baccalaureate Registration Fees Per Year</u>	<u>Resident</u>	<u>Non-Resident</u>
Education & General	\$ 5,876.00	\$ 9,124.00
Capital	<u>100.00</u>	<u>500.00</u>
Total	\$ 5,976.00	\$ 9,624.00

<u>C. Special Fees—Not Refundable after the Term Begins</u>	<u>Amount</u>
Agri-Business Course Fee (per credit hour) All AGRI courses	50.00
Art Fee (ART 109, 111, 112, 213, 214, 251, 343, 351)	50.00
Art Fee (ART 230, 231)	75.00
Art Fee (ART 240, 241, 242, 243, 244, 245, 340)	200.00
Bad Check Service Fee	25.00
Technology Fee (per credit hour) (Excludes Early College, Student Teaching, & Technical Courses)	25.00
BOG/RBA Portfolio Evaluation Fee	300.00
BOG/RBA & Prior Learning Posting Fee (per course)	50.00
Business Program Testing Fee (per course) (GBUS 101)	20.00
CAPOT Examination Fee (per course) (ATPT 260)	85.00
Capstone Course Assessment Fee (per course)	35.00
CDEV Capstone Fee (per course) (CDEV 405)	45.00
CIT Capstone Exam Fee (per course) (CIT 260)	200.00
CIT Fee (per credit hour)	25.00
College-Level Examination Fee (each examination) (Plus 80.00 to CLEP)	25.00
Communication Studies Mass Media Database Fee (per course) (COMM 111, 112, 281, 282, 283, 303, 304, 306, 308, 316, 404)	30.00
Computer Science Capstone Exam Fee (per course) (CS 260, 460)	125.00
COOP Education Assessment Fee (per credit hour)	25.00
Co-Requisite Lab Fee (per credit hour)	152.00

<u>Special Fees (continued)</u>	<u>Amount</u>
Cosmetology Course Fee (per course) All COSM courses	125.00
Cosmetology Program Kit Fee (per course) (COSM 101, 201, 202, 204)	500.00
Credit by Examination Fee (each examination)	25.00
Criminal Justice Background Check Fee (per check)	36.00
Criminal Justice Laboratory Fee (per credit hour) (CJ 150, 321, 330, 331, 341, 355, 375, 380, 388, 410)	30.00
Diploma/Certificate Replacement Fee	25.00
Drafting 3D and Large-Scale Printing Fee (per course) (DRAF 112, 116)	35.00
Drafting Capstone Exam Fee (per course) (DRAF 260)	85.00
Drug Testing Fee (per course) (NURS 134, 144, 174, 234, 235, 244, 260, ST 100, 110, 211, 212, PCT 101, PTEC 101)	45.00
Early Childhood Development Program Fee (per course) (CDEV 105, 307)	21.00
Education Database Fee (per course) (EDUC 100)	135.00
Education Field Placement Fee (per credit hour) (EDUC 100, 200, 300, 301, 303, 304, 308, 310, 330, 350, 351, 401, 402, 403, 404, 405, 406, 407, 408, 409, 412, 387, 388, 389, 390, 412, SPED 210, 310, 312, 422)	25.00
Education Test (PREPAC) Fee	20.00
English Laboratory Fee (per course) (ENGL 101L, 102L, 107L)	35.00
HESI Exam Fee	45.00
HPER-CPR Certification Fee (per course)	15.00
ID Card Replacement	10.00
Late Registration Fee	25.00
Late Tuition Payment Fee (per each payment deadline)	25.00
Legal Studies Course Fee (per course) (LS 210, 220)	30.00
LPN Competency Exam	50.00
Mathematics Laboratory Fee (per course) (MATH 120E, 125E)	35.00
MDS Senior Project Fee (per course) (MDS 491, 492)	300.00
Music Fee (12 private, 45-minute lessons) (per course) (MUSI 171-190)	350.00
Music Fee (per course) (MUSI 390)	400.00
Nursing Fee (per course) (NURS 134, 144, 174, 216, 234, 235, 244, 260)	200.00
Nursing Lab Fee (per course) (NURS 134, 144, 174, 234, 235, 244, 260)	250.00
Nursing Testing Fee (per course) (NURS 134, 144, 174, 216, 234, 235, 244, 260)	240.00
Online Biology Lab Kit (per course)	150.00
Online Geology Lab Kit (per course) (PSCI 112)	100.00
Parking & Safety Fee (per semester)	25.00
Parking Permit Replacement Fee	5.00
Patient Care Tech Lab Fee (per course) (PCT 101, 102)	70.00
Patient Care Tech Testing Fee (per course) (PCT 101)	450.00
Patient Care Tech Testing Fee (per course) (PCT 102)	389.00
Pharmacy Tech Lab Fee (per course) (PTEC 101)	50.00
Pharmacy Tech Testing Fee (per course) (PTEC 101)	30.00
Pharmacy Tech Testing Fee (per course) (PTEC 121)	200.00
Placement Testing Fee	10.00
Placement Re-Testing Fee	10.00
Proctor Exam Fee	25.00
PSB-ST Exam	20.00
Prior Learning Assessment Evaluation Fee	100.00
Science Lab Fee (per course)	40.00
Student Activities Fee (per semester)	25.00

<u>Special Fees (continued)</u>	<u>Amount</u>
Surgical Technology Lab Fee (per course) <i>(ST 100, 110)</i>	255.00
Surgical Technology Student Membership Fee (per course) <i>(ST 100)</i>	80.00
Surgical Technology Testing Fee (per course) <i>(ST 100, 211)</i>	115.00
Surgical Technology Testing Fee (per course) <i>(ST 110)</i>	280.00
Surgical Technology Testing Fee (per course) <i>(ST 212)</i>	50.00
Technical Program Fee (per course) <i>(All ATPT, CMAT, ELEC, IDIT, INDT, IST, MTEC)</i>	150.00
Transcript Fee (per transcript)	10.00
Transcript on Demand	15.00
Welding Course Fee (per course) <i>(WELD 111, 113, 121, 131, 132, 133, 134, 135, 160, 171, 221, 260, 261, 279, 281, 291)</i>	225.00

D. Certificate/Associate Tuition Rates

Students enrolled in certificate/associate programs will be assessed tuition and registration fees according to the Certificate/Associate Tuition and Registration Fee Schedule listed below. If a student opts to enroll in an advanced 300 or 400 level course, either because the student's program may require the course, or because the student chooses to do so, those courses will be assessed at the baccalaureate rate.

<u>Credit Hours</u>	<u>W.Va. Resident</u>	<u>Non-Resident</u>
1	\$ 180.00	\$ 376.00
2	360.00	752.00
3	540.00	1,128.00
4	720.00	1,504.00
5	900.00	1,880.00
6	1,080.00	2,256.00
7	1,260.00	2,632.00
8	1,440.00	3,008.00
9	1,620.00	3,384.00
10	1,800.00	3,760.00
11	1,980.00	4,136.00
12*	2,160.00	4,512.00

E. Baccalaureate Tuition Rates

Tuition and registration fees for students enrolled in Baccalaureate 300 or 400 level courses will be assessed according to the schedule below:

<u>Credit Hours</u>	<u>W.Va. Resident</u>	<u>Non-Resident</u>
1	\$ 249.00	\$ 401.00
2	498.00	802.00
3	747.00	1,203.00
4	996.00	1,604.00
5	1,245.00	2,005.00
6	1,494.00	2,406.00
7	1,743.00	2,807.00
8	1,992.00	3,208.00
9	2,241.00	3,609.00
10	2,490.00	4,010.00
11	2,739.00	4,411.00
12*	2,988.00	4,812.00

*If a student elects to enroll for more than twelve (12) hours, there is no additional cost; however, penalty points will be assessed for hours dropped above 12 hours, which will impact the amount of refund as defined in Section VI, Refunds.

F. Refunds

The Fall, Spring and Summer refund schedules apply to tuition only and do not apply to special fees. Refunds are issued only on complete withdrawals from the college. No refund will be issued for dropping individual courses until registered credit hours are zero. Tuition refunds will be issued for complete withdrawals to students according to the following penalty schedule:

Fall or Spring Semester

0% penalty will be assessed for classes canceled by the college or dropped by the student before 4:00 p.m. Friday the first week of classes.

10% penalty will be assessed on complete withdrawals during the second week of classes.

30% penalty will be assessed on complete withdrawals during the third week of classes.

50% penalty will be assessed on complete withdrawals during the fourth week of classes.

No tuition refunds will be provided beginning with the fifth week of classes.

Summer Sessions and Nontraditional Periods

0% penalty will be assessed for classes canceled or dropped during the first 6% of the term.

10% penalty will be assessed on complete withdrawals during the first 7 to 13% of the term.

30% penalty will be assessed on complete withdrawals within the period of 14% to 19% of the term.

50% penalty will be assessed on complete withdrawals within the period of 20% to 25% of the term.

No refunds will be provided after 25% of the term is completed.

Notes:

- Refunded tuition must be returned in accordance with the requirements of the Higher Education Act whenever Title IV funds are involved.

- Reduced refunds are given for students making installment payments. Refunds are reduced by the applicable outstanding balance owed.

G. Reduced Tuition and Fee Program

In accordance with WV Code [§18B-10-7a](#) and Board of Governors [Policy E-14](#), WVU at Parkersburg offers reduced tuition rates for West Virginia residents 65 years of age and older. Students may register under only one of the following options each term:

Credit Option. The total charges for a class taken for credit will be calculated at 50% of in-state tuition. Students will earn credits and grades for courses taken under this option.

No Credit Option. The total tuition charges for each course will be limited to \$50.00 excluding lab fees. Students will not earn credits and grades for courses taken under this option. Registration under this option may not be changed to the Credit Option once regular registration is closed for the semester.

All students will be issued reports at the conclusion of each semester listing courses completed under both options.

Eligibility Requirements

- Participants will be subject to all institutional rules governing students.
- Students must meet course pre-requisites or have instructor permission to enter the class.
- Students will be permitted to register on a space-available basis. For the purposes of this policy, space is available once priority registration is concluded.
- Students will be required to provide proof of their age before they may register for courses under either option. A valid driver's license may be used for this purpose.
- Students taking courses under either option will provide an abbreviated application form.

H. High School Students.

In accordance with [W.Va. C.S.R. § 135-19](#), *Guidelines for the Offering of Early Enrollment Courses for High School Students*, WVU at Parkersburg assesses a special tuition/fee rate of \$50.00 per credit hour for high school students enrolled in early admission classes taught on high school campuses.

I. Return Policy for Department of Defense Tuition Assistance (TA) Funds

West Virginia University at Parkersburg's TA return policy aligns with the U.S. Department of Education Federal Student Aid rules for unearned financial aid. In fall and spring semesters, a refund of 100% will be given for classes canceled by the college or dropped by the student before 4:00 p.m. on Friday of the first week of classes. In summer sessions or other nontraditional periods, a refund of 100% will be given for classes canceled by the college or dropped during the first 6% of the term. Students who formally withdraw or are formally withdrawn from all classes will be subject to the refund policy for tuition and other fees. This policy decreases the amount of refund available at regular intervals during the term. This information is outlined in detail in [WVUP Answer Book Policy VI-11B: Tuition and Fees](#) and on the Tuition and Fees section of our website. Students must withdraw from all classes to be eligible for a refund.

For more information on Military Withdrawal, please review WVUP Answer Book policy VI-1: [Students Called to Active Military Duty](#), or reach out to our Veterans' Advocate at 304-424-8337.

J. Ohio In-State Tuition Rate

Per Board of Governors' approval, WVU at Parkersburg offers a reciprocity tuition rate equivalent to the WV in-state tuition rate for Ohio residents enrolled in any classes, regardless of program.

K. Online Degree Tuition Rate

For all WVU at Parkersburg students, regardless of geographical location, full admission to the following programs will result in receiving the in-state tuition rate:

- RN-to-BSN, Bachelor of Science in Nursing
- Child Development, Certificate/Associate/Bachelor of Applied Science
- Supervisory Management, Bachelor of Applied Science
- Technical Studies, Associate of Applied Science
- Occupational Development, Associate of Applied Science

Responsible Administrator: Executive Vice President of Finance & Administration, 304-424-8224

**West Virginia University at Parkersburg Board of Governors
Meeting of August 15, 2023**

ITEM: Approval of updated Board of Governors Policies to reflect Affirmative Action compliance

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for revision of five Board of Governor policies in regards to Affirmative Action changes, and hereby authorizes revision of said policy without further action by the Board if no comments are received.

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The substantive revisions proposed in the attached copy of five Board of Governors policies are designed to allow the college to be in compliance with Affirmative Action requirements:

Policy A-43, Disability Accommodations, is updated to include a nondiscrimination notice, as well as references to Section 508 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disability Act; Americans with Disabilities Amendments Act of 2008.

Policy A-63, Rights of Pregnant and Nursing Mothers, is updated to include a nondiscrimination notice.

Policy D-46, Code of Student Conduct, is updated to include a nondiscrimination notice, as well as references to Section 504/Title II of the Federal Rehabilitation Act of 1973, as amended; Americans with Disability Act; Americans with Disabilities Amendments Act of 2008. The policy updates also include updated responsibility since the college no longer has a Vice President of Student Services; those responsibilities will fall under the Vice President of Academic Affairs.

Policy D-47, Student Academic Rights and Responsibilities, is updated to include a nondiscrimination notice; and updated titles. Policy D-47 will replace West Virginia University Policy 15, Student Academic Rights, WVU and Regional Campuses. Policy D-47 was transferred from the WVU Board of Governors on July 1, 2008.

Policy A-44, Policy and Procedures Regarding Harassment and Discrimination, is updated to include a nondiscrimination notice; updating Title IX/Title VI/Section 504 coordinator information. Policy A-44, Policy and Procedures Regarding Harassment and Discrimination, Appendix 2, is updated to include a nondiscrimination notice; updating Title IX/Title VI/Section 504 coordinator information.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to Affirmative Action policies. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

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West Virginia University at Parkersburg Board of Governors

Proposed **POLICY A-43**
DISABILITY ACCOMMODATIONS

Section 1. General

- 1.1 Scope - This rule applies to all employment and educational practices and actions. It includes, but is not limited to, recruitment, application, examination and testing, hiring, training, grading, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, discharge, and all other terms and conditions of employment and educational status. It also includes access to programs, services, and activities which may occur outside the classroom or office environment but which are an integral part of the college experience. This policy also applies to public access to college programs, services, and other offerings.
- 1.2 Authority - [W. Va. Code § 18B-1-6](#); [W. Va. Code § 5-11-1, et. seq.](#); [W. Va. Code § 5-15-1, et. seq.](#); [W. Va. C.S.R. § 135-4](#); [W. Va. C.S.R. § 77-1](#); Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA); Americans with Disabilities Amendments Act of 2008 (ADAAA)
- 1.3 Superseding Provisions - This rule supersedes and replaces any previous policy statements or conflicting internal policy or procedure which relates to the subject matter contained within this Policy.
- 1.4 Effective Date — [September 19, 2023](#)
[\(Replaces version dated November 25, 2019\)](#)

Section 2. Policy Statement

- 2.1 West Virginia University at Parkersburg is committed to providing equal employment opportunity, educational opportunity, and equal access to services, programs, and activities for persons with disabilities.
- [2.2 WVU at Parkersburg will take steps to assure that a lack of English language skills will not be a barrier to admission and participation in career and technical education programs.](#)
- [2.3 WVU Parkersburg is an Equal Opportunity/Affirmative Action institution. Auxiliary aids and services are available upon request to individuals with disabilities.](#)
- ~~2.42~~ Reasonable accommodations will be provided to qualified employees with disabilities to enable performance of the essential functions of the positions for which they are applying and in which they are employed.
- ~~2.53~~ Academic adjustments or auxiliary aids will be provided to qualified students with disabilities when necessary to ensure equality of opportunity to complete academic requirements. The college's programs and activities will be accessible to all individuals, including both physical access and access to electronic media, such as software and Web-based applications, [in accordance with Section 508 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act \(ADA\); Americans with Disabilities Amendments Act of 2008 \(ADAAA\).](#)

2.6.4. WVU at Parkersburg will not:

- a. Treat any employee, student, or applicant adversely due to a disability, record of a disability, perceived disability, or because of a relationship with an individual who has a disability;
- b. Inquire if an applicant for employment or educational program has a disability except as allowed by federal laws and regulations; however, in the application process, applicants who require accommodations may be invited to disclose the need for such accommodations on a confidential basis;
- c. Use any qualification standards or selection criteria that would have the effect of screening out individuals with disabilities, unless the standards or criteria are directly related to and necessary for the job or academic program;
- d. Release information regarding disability-related requests except as necessary to process the request; medical information will be collected and maintained in accordance with reasonable accommodation procedures.

Section 3. Definitions

- 3.1 **Academic Adjustments** are modifications to academic requirements made to ensure that requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement will not be subject to modification. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.
- 3.2 **Accommodation Memorandum** is either:
 - a. Notification from the Student Accessibility Counselor that documents and outlines the accommodations, academic adjustments, and/or auxiliary aids or services granted to enable a student to complete an academic course or program. Faculty must contact the Student Accessibility Counselor if there are concerns about the Accommodation Memorandum, and may not unilaterally deny accommodations.
 - b. Notification from the Chief Human Resources Officer that documents and outlines the reasonable accommodations established to enable an employee to work. Supervisors must contact the Chief Human Resources Officer if there are concerns about the Accommodation Memorandum, and may not unilaterally deny accommodations.
- 3.3 **Auxiliary Aids** are actions taken or materials provided to ensure that qualified students with disabilities can receive the benefits of the educational program, regardless of impaired sensory, manual, or speaking skills. Auxiliary aids may include audio or described taped texts, sign or oral interpreters, captioning or other effective methods of making orally delivered materials available to students with hearing impairments, readers for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Auxiliary aids do not include personal services or equipment, such as attendants, readers for personal use, or individually prescribed devices unrelated to the course of study.
- 3.4 **Disability**

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

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

- a. A duty may be considered an essential function if:
 - the position exists to perform that function;
 - there are a limited number of employees available who could fulfill that function; and/or
 - the function is highly specialized.
- b. In determining whether a duty is essential, it is also relevant to consider the amount of time spent performing the function, consequences of not allowing someone to perform the function, written job description, and work experience of people who are performing the job or who have performed the job in the past.

3.6 **Interactive Process** is either:

- a. The method by which an employee and employer explore whether reasonable accommodations can enable the employee to perform the essential functions of a position. The interactive process should involve open dialogue that allows for full participation by both supervisor and employee, in consultation with the Chief Human Resources Officer.
- b. The appropriate avenue for students and instructors to reach agreement in consultation with the Student Accessibility Counselor concerning academic adjustments and/or auxiliary aids necessary to allow the student to complete academic requirements.

3.7 **Qualified Employee with a Disability** is an individual with a disability who can perform the essential functions of the position, with or without reasonable accommodation.

3.8 **Qualified Student with a Disability** is a student with a disability who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without the provision of academic adjustments and/or auxiliary aids.

3.9 **Reasonable Accommodations** are actions taken that permit an employee or applicant with a disability to perform the activities involved in the position held or sought in a reasonable manner, provided that such actions do not impose an undue hardship or eliminate essential functions of the job. These include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring, and modified work schedules.

3.10 **Undue Hardship** is a significant disruption, expense and/or difficulty posed by an accommodation. It should be noted that the issue of whether a requested accommodation poses an undue hardship must be based upon significant difficulty or expense, meaning it would be unduly costly, extensive, substantial, and/or disruptive. Unless reasonable alternative accommodations can be offered, undue hardship should not be asserted without consultation with the college’s ADA/Section 504 Coordinator.

Section 4. Responsibilities

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

- a. Provide individuals with disabilities the opportunity to fully participate in employment and academic life.
- b. Provide reasonable accommodations, academic adjustments, and auxiliary aids as necessary and appropriate.
- c. Refer individuals to the Student Accessibility Counselor or Chief Human Resources Officer as appropriate to address concerns regarding disability accommodations and related matters.
- d. Refer individuals to the college's ADA/Section 504 Coordinator as appropriate to address discrimination, harassment and retaliation concerns or complaints regarding disability rights, accommodations and other related matters.
- e. Ensure that websites, electronic media, online learning courses, and other electronic information and communications within their departments are accessible to individuals with disabilities.
- f. Maintain confidentiality about an individual's disability status, including not discussing an individual's disability or accommodations in front of others or calling unnecessary attention to one's disability or accommodations.
- g. Cover the cost of reasonable accommodations for employees from the budget of the department in which the accommodation must be made. If cost considerations pose a hardship for a department, consult with the Chief Human Resources Officer or Vice President for Finance and Administration to identify additional sources of funding.

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

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

4.3 Supervisors, Managers

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

4.4 Faculty

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

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

- a. Ensure that individuals with disabilities have access to interviews and are referred to the Chief Human Resources Officer when they request accommodations during the interview process pursuant to this policy and institutional procedures.
- b. Ensure that individuals are not asked about their disability status during the pre-employment stage.

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

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

4.7 Student Accessibility Counselor

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

4.8 Chief Human Resources Officer

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

4.9 ADA Coordinator

- a. Administer this policy.
- b. Serve as an advisor to institutional administrators and other members of the college community regarding reasonable accommodations and issues related to equal access for individuals with disabilities.

- c. Aid in resolving conflicts or problems regarding the implementation of reasonable accommodations, academic adjustments, and auxiliary aids.
- d. Investigate allegations of discrimination, harassment, and retaliation.

Section 5. Complaints

- 5.1 Individuals who believe that there has been a violation of this policy; who disagree with a determination regarding a request for an accommodation, academic adjustment, or auxiliary aid; or who believe they have been treated in a discriminatory manner, should contact:
ADA Coordinator
West Virginia University at Parkersburg
300 Campus Drive
Parkersburg, WV 26104
Telephone: 304-424-8201
FAX: 304-424-8302
Email: social.justice@wvup.edu
- 5.2 An individual who files a complaint or participates in an investigation will be protected against retaliation.
- 5.3 Individuals also have the right to file a charge of discrimination with the appropriate state or federal enforcement agencies, subject to applicable time limitations, or to consult an attorney at their own expense. It is not necessary to pursue college complaint procedures before filing an external complaint. State and federal enforcement agencies include:

Office of Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov
Website: www2.ed.gov/about/offices/list/ocr/index.html

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

Employees only:

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

Section 6. Delegation

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

West Virginia University at Parkersburg Board of Governors

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

Section 1. General

- 1.1 Purpose. - To establish West Virginia University at Parkersburg Board of Governors' policy regarding the rights of pregnant and nursing mothers who are employees or students of WVU Parkersburg.
- 1.2 Authority. - [W.Va. Code § 18B-1-6](#)
- 1.3 Scope. - This policy applies to all members of the West Virginia University at Parkersburg campus community.
- 2.4 Effective Date. — ~~April 25, 2017~~ September 19, 2023
(Replaces version dated April 25, 2017)

Section 2. Introduction

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

Section 3. Pregnancy

3.1 Students

- 3.1.1. Under the U.S. Department of Education's (DOEd) regulations for implementing Title IX of the Education Amendments of 1972 (Title IX), an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom." According to the DOEd, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This federal regulation supersedes any college- or instructor-based

attendance or other policies regarding allowable numbers of absences or ability to make up missed school work.

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

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

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

3.2 Employees

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

under the Americans with Disabilities Act (ADA). An employee will be entitled to a reasonable accommodation for a disability related to pregnancy, absent undue hardship (significant difficulty or expense).

- 3.2.6 Employees on medical leave for pregnancy related conditions will have equal access to benefits provided to employees on medical leave. Expenses for pregnancy related conditions will be covered by health insurance and be reimbursed in the same manner as for other medical conditions according to the PDA. Employees with pregnancy related disabilities will be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

Section 4. Nursing Mothers

4.1 Support

- 4.1.1 In recognition of the documented health advantages of breastfeeding for infants and mothers, WVU at Parkersburg provides a supportive environment to enable any employee or student mother to express milk during their time on campus. In addition, pursuant to [W.Va. Code § 16-1-19](#), a mother has the right to “breast feed a child in any location open to the public.” All faculty, staff and administrators will assist in providing a positive atmosphere of support for breastfeeding employees and students.
- 4.1.2 According to the Patient Protection and Affordable Care Act, which amended Section 7 of the [Fair Labor Standards Act](#) (FLSA) in 2010, supervisors must “provide a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” Employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, nonexempt employees may make up the time with a flexible schedule arranged between the employee and supervisor or use annual leave time.

4.2 Facilities

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

- 4.2.3 Employees may breastfeed or express milk in their own private offices if they prefer or in other comfortable locations agreed upon in consultation with the employee's supervisor.

Section 5. Harassment and Retaliation

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

Section 6. Complaints

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

Social Justice Officer/Title IX Coordinator, Room 10170
West Virginia University at Parkersburg
300 Campus Drive
Parkersburg, WV 26104
E-mail: Social.Justice@wvup.edu
Telephone: (304) 424-829004
FAX: (304) 424-8302

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

Office for Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: www2.ed.gov/about/offices/list/ocr/index.html

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

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

West Virginia University at Parkersburg Board of Governors

POLICY D-46
CODE OF STUDENT CONDUCT

Section 1. General:

1.1 Scope: The Policy sets forth the West Virginia University at Parkersburg Board of Governor's policy regarding Student Conduct for WVU at Parkersburg.

1.2 Authority: W. Va. Code: W.V. Code §18B-1-6; §18B-2A-4.

1.3 Effective Date: ~~February 16, 2017~~ September 19, 2023
(Replaces version dated February ~~18, 2015~~ 16, 2017.)

1.4 Rationale for the WVU at Parkersburg Code of Student Conduct

West Virginia University at Parkersburg expects that every member of its academic community share its historic and traditional commitment to honesty, integrity, and the search for truth. In addition, West Virginia University at Parkersburg is concerned with the living and learning environment of all its students. It is expected that each person will grow to have greater respect for self, others, and property. Students and student organizations are required to engage in responsible social conduct that reflects credit upon the college community and to model good citizenship in any community.

It is further expected that every member of the academic community will respect the democratic process, a society based on law, and the basic tenets on which our country was founded. All students at West Virginia University at Parkersburg are citizens of the larger community, and as such are free to exercise their fundamental and constitutional rights. Rights and responsibilities under local, state, and national law are neither abridged nor extended because of student status, and each student must be mindful of his/her responsibility in this regard.

The college will not request special consideration for students charged with violations of a city, county, or state law on the basis of their status as students, nor will prosecution by federal, state, or local authorities necessarily preclude disciplinary action by the college.

Students charged with violations of the conduct code will be provided substantive and procedural due process and the right of appeal. Their right to be treated with respect and dignity will be protected.

When a student is charged with a specific violation, the college will employ procedures for determining if the charge is fair and accurate. This document enumerates and

explains specific procedures used in determining the fairness and accuracy of such charges and the sanctions which might be imposed if the charges are found to be true.

Opportunities for participation in the process and equality of treatment are afforded all students, irrespective of race, sex, gender identity, marital status, pregnancy, sexual orientation, age, disability, veteran status, religion, color, ancestry, or national origin. To ensure this, state and federal regulations and the guidelines and requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 are followed.

The mission of West Virginia University at Parkersburg, as further elaborated in its mission statement, is to, among other things, educate its members and prepare them for responsible and full participation in society. In implementing this Code, the college is not seeking to be punitive or adversarial. The collegiate nature of the educational mission requires that all members of the college community unite to administer and support this Code and to suggest change and improvement as necessary.

Authority – Section 504/Title II of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADAA).

Section 2. Definition of Student

- 2.1 Any person who has been admitted to West Virginia University at Parkersburg to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under rules, regulations, or policies of the West Virginia University at Parkersburg Board of Governors or the institution.

Section 3. Jurisdiction of the Code of Student Conduct

- 3.1 The Code of Student Conduct shall apply to conduct that occurs on WVU at Parkersburg premises, at WVU at Parkersburg sponsored activities, and to off-campus conduct that adversely affects the WVU Parkersburg community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code of Student Conduct shall apply to a student's conduct, while a student, as defined in this Code, even if the student withdraws from school while a disciplinary matter is pending. The Vice President ~~for~~ Student Services of Academic Affairs or his/her designee shall decide whether the Code of Student Conduct shall be applied to conduct occurring off campus, on a case by case basis.

- 3.2 To assure continued compliance with Title IX and/or any other state or federal anti-discrimination/harassment/retaliation laws, if state or federal statutory provisions, regulatory guidance, or court interpretations or guidance provided by any authorized regulating agency change, or conflict with college policy and/or procedure including but not limited to the hearing procedures set forth in this Code of Student Conduct, the college's policy and/or procedure will be deemed amended as of the time of the decision, ruling, legislative enactment or guidance. Further, the procedures set forth in this policy may be modified or changed to protect the due process rights of the parties and/or to comply with Title IX and/or any other state or federal anti-discrimination/harassment/retaliation laws or regulations. Also see Policy A-44, Sexual Misconduct and Other Forms of Discrimination and Harassment.

Section 4. Standards of Conduct

4.1 The following are instances of misconduct, subject to disciplinary and other appropriate action hereunder:

- 4.1.1 Unauthorized possession or duplication of keys to college-owned or college-controlled property.
- 4.1.2 Use of any tobacco product, as defined by college policy, on campus property.
- 4.1.3 Disruption or obstruction of, or leading or inciting others to disrupt or obstruct, teaching, research, administration, disciplinary proceedings, other college activities, including its public-service functions on or off campus, or other authorized non-college activities when the act occurs on college premises.
- 4.1.4 Unauthorized occupancy of college buildings.
- 4.1.5 Attempted or actual theft, malicious destruction or alteration of college, faculty, staff or student property or equipment.
- 4.1.6 Possession, use or distribution of alcohol or any illicit drugs or controlled substances, except as permitted by law; public intoxication.
- 4.1.7 Intentional false reporting of a fire or bomb or other explosive device that allegedly has been placed on school property. Intentionally activating a false fire alarm or tampering with any type of safety equipment, including fire alarms, fire extinguishers, and smoke detectors.
- 4.1.8 Dishonesty including fraud, forgery or knowingly furnishing false statements. (Charges of academic dishonesty, such as cheating and plagiarism, are addressed in, and governed by, WVU at Parkersburg Board of Governors Policy No.D-47, "Student Academic Rights and Responsibilities at WVU at Parkersburg.")

4.1.9 Disorderly, lewd, indecent or obscene conduct on college-owned or controlled property or at college-sponsored or supervised functions; breach of the peace.

4.1.10 Illegal or unauthorized possession or use of firearms, guns, knives, other weapons, explosives, dangerous chemicals, fireworks or other items with potential to cause harm, or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.

4.1.11 Physical or verbal abuse, intimidation, threats, or harassment of any kind to another person or group of persons, or action which threatens or endangers the health, wellbeing or safety of any person.

4.1.12 Abuse of the Code of Student Conduct and hearing procedures; violation of prior disciplinary rulings or sanctions.

4.1.13 Hazing, which means to recklessly or intentionally cause any action or situation which endangers the mental or physical health or safety of another person or causes another person to destroy or remove public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a team, a group or student organization. The express or implied consent of the victim will not be a defense. Knowingly witnessing or acquiescing in the presence of hazing are not neutral acts; they are violations of this rule. See “Prohibition of Hazing,” found in WVU at Parkersburg Answer Book [#VI-3C](#).

4.1.14 Sexual Offenses, including, but not limited to:

- a. Sexual intercourse with, and/or sexual intrusion against, a person capable of giving consent, without such person’s consent, or a person incapable of giving consent;
- b. Sexual assault or abuse, statutory or acquaintance rape, sexual harassment. (See WVU Board of Governors Policy A-44, Sexual Harassment.)

4.1.15 Misuse of the college computer system as defined in “Appropriate Use of Computer Resources” (found in WVU at Parkersburg Answer Book [#VII-1](#)), including, but not limited to, the following:

- a. disruption or interference with the normal use of the computers, computer-related equipment, data, or programs of individuals, the Network or the college;
- b. use of this equipment, data, or programs in performance of any act listed as prohibited in this document;
- c. attempts to breach security in any manner;
- d. use of a computer account for other than the purpose for which assigned.

4.1.16. Failure to comply with the lawful directions of any college official, staff member or student employee who is acting in the performance of their duties or who has responsibility in the absence of a particular official.

4.1.17 Violation of federal, state or local law.

4.1.18 Violation of any published college policies, rules or regulations published in hard copy or available electronically on the college website.

4.1.19 Inciting others to commit any of the acts listed above; involvement as an accessory to any of these acts; assisting or encouraging others to engage in violation.

4.1.20 As part of the mission of West Virginia University at Parkersburg to prepare its students for personal success in professional careers, all clothing and uniforms worn by students must be suitable for specific laboratory, clinical, or industry-related activities of the student's chosen course or occupation as defined by course syllabus, program codes of conduct, or activity participation guidelines and must meet safety and health requirements for the occupation. The supervising instructor or administrator shall determine if the particular mode of dress conforms to this rule.

- a. Each student's personal hygiene must be reflective of the career they are striving to create, and be appropriate for activities in the classrooms, laboratories, shop areas, and observational or clinical sites.
- b. Shoes are part of professional dress, hygiene and safety requirements and should meet classroom/laboratory safety and health requirements, and be appropriate for the occupation for which students are being credentialed.

Section 5. Disciplinary Action

5.1 Violation of these standards may result in the initiation of a disciplinary complaint against the student by another student, by a faculty or staff member, or by any academic or administrative officer of the college and subsequent disciplinary action by the college.

5.1.1 Submit complaints to the Vice President ~~for Student Services~~ of Academic Affairs in writing. Any charge should be submitted as soon as possible after the event takes place or the discovery of the same, but in no event later than ninety (90) days after the event takes place or the discovery of the same.

5.1.2 The Vice President ~~for Student Services~~ of Academic Affairs shall conduct a preliminary investigation for the purpose of ascertaining whether the charges may be disposed of informally. If charges cannot be resolved informally, or if the sanction of suspension or expulsion is likely to be sought, a time shall be set for a hearing not fewer than five or more than thirty working days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Vice President ~~for Student Services~~ of Academic Affairs, where adherence to such limits would be impracticable.

5.2 The possible disciplinary actions of the college are listed and defined as follows:

5.2.1 An **official warning** indicates that the behavior of the student does not meet the expectations of the college and notifies the student that his/her conduct should be more appropriate in the future.

5.2.2 **Activity restriction/loss of privileges** means that college privileges may be restricted, and participation in extra-curricular activities may be limited or denied.

5.2.3 **Probation** indicates that additional misconduct may result in suspension or expulsion as determined in a second disciplinary action. While on probation, college privileges may be restricted, and participation in extra-curricular activities may be limited or denied.

5.2.4 **Fines.** Previously established and published fines may be imposed.

5.2.5 **Restitution.** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

5.2.6 **Discretionary Sanctions.** Work assignments, service to the College or other related assignments, determined at the discretion of the Vice President ~~for~~ Student Services of Academic Affairs.

5.2.7 **Interim Suspension.** In certain circumstances, the Vice President ~~for Student Services of Academic Affairs~~ or his/her designee may impose a college suspension prior to the hearing before the Disciplinary Hearing Board. Interim suspension may be imposed only: a) to ensure the safety and wellbeing of members of the college community or preservation of college property; b) to ensure the student's own physical or emotional safety and wellbeing; or c) if the student poses a definite threat of disruption of or interference with the normal operations of the college. During the interim suspension, student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President ~~for Student Services of Academic Affairs~~ or his/her designee may determine to be appropriate. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a hearing with the Disciplinary Hearing Board, if required.

5.2.8 **Suspension** means separation of the student from the college for a definite period of time not to exceed one year, after which the student is eligible to return. Conditions for readmission may be specified.

5.2.9 **Expulsion** means permanent separation from institution, including termination of any remaining right or privilege to receive some benefit or recognition or certification.

5.3 The following sanctions may be imposed upon team, group, or student organization:

- a. Those sanctions listed above under 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6.

- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation. Loss of all privileges, including college recognition, for a specified period of time.

5.4 In cases which would not result in suspension or expulsion for the Accused, the Vice President ~~for Student Services of Academic Affairs~~ may determine whether to impose disciplinary action which may be in the form of activity restrictions, loss of privileges, probation or other corrective measures.

5.5 In the event that the Vice President ~~for Student Services of Academic Affairs~~ makes such a determination, each of the Complainant and the Accused shall have the right, but not the obligation, to appeal the decision, or the sanction imposed as a result thereof, to the Disciplinary Hearing Board.

5.6 If the Complainant or the Accused desires to appeal such decision or sanction, the Vice President ~~for Student Services of Academic Affairs~~ must be notified in writing within five working days following notice of the decision or sanction.

5.7 If no appeal is made as contemplated herein, then the proceeding is closed. Any decision and sanction imposed becomes part of the record of the Accused and may be distributed to others, as, and to the extent, allowed by law.

5.8 All cases that could result in suspension or expulsion must be submitted to the Disciplinary Hearing Board for a formal hearing.

Section 6. Student Rights

6.1 Any student involved in a hearing or the appeal process will be afforded proper due process. This includes, but may not be limited to, a written statement of the charges, a fair hearing, and the opportunity to present relevant evidence.

6.2 Each of the Complainant and the Accused shall have the right to bring an advisor (who, except as otherwise provided herein, shall be a member of the college community) to the hearing, only in an advisory role. In cases where expulsion is likely to be sought, the advisor may be an attorney who may directly participate in the hearing. Students retain attorneys in such cases at their own expense and must notify the Hearing Panel at least forty-eight hours prior to the hearing if an attorney will be present at the proceedings.

Section 7. Disciplinary Hearing Board Composition

7.1 If applicable, a Hearing Panel shall be selected by the Accused and the Complainant from the membership of the Disciplinary Hearing Board.

7.2 The Disciplinary Hearing Board is constituted of eleven members including faculty, administrative staff, support staff and student representatives. Each member is appointed by the President at the beginning of the academic year for a one-year term from

nominations from various segments of the college community. The membership includes the following:

- 7.2.1 Two Administrative Representatives.
 - 7.2.2 Three Student Representatives nominated by Student Government.
 - 7.2.3 Three Faculty Representatives nominated by Faculty Senate.
 - 7.2.4 Three Staff Representatives nominated by Staff Council.
- 7.3 If no nominations are made within two weeks of the request, the President shall appoint members as needed. Vacancies on the Board are filled by the President in the same manner as the original appointment.
- 7.4 Each proceeding before the Board shall be heard by a Hearing Panel consisting of five members. There shall be one administrative, one faculty, one staff, and two student members on the Panel. The Hearing Panel shall be chosen by the parties to the proceeding, each striking names in turn with the Accused striking first. If either party to the proceeding is a member of the Hearing Board, he or she shall strike his or her name on the first round.

Section 8. Disciplinary Hearing and Appeal Procedure

8.1 Hearings and appeals regarding disciplinary complaints brought hereunder are dealt with in accordance with the following procedures:

- 8.1.1 The Vice President ~~for Student Services of Academic Affairs~~ shall meet with the Accused and the Complainant for selection of the Hearing Panel within five (5)* working days following receipt of the notice of intent to appeal, or the formal determination that suspension or expulsion is likely to be sought or that a hearing is otherwise warranted. If the Vice President ~~for Student Services of Academic Affairs~~ is a party to the proceeding, the Senior Vice President for Academic Affairs shall effect this step and step 2 below.
- 8.1.2 The Vice President ~~for Student Services of Academic Affairs~~ shall notify the selected members of the Disciplinary Hearing Board of their selection for the Hearing Panel. The Vice President ~~for Student Services of Academic Affairs~~ shall schedule the first meeting within fifteen (15)* working days following selection of the Panel. All members of the Disciplinary Hearing Panel and the parties to the proceeding shall be sent a written notice of the meeting time at least ten working days prior to the meeting.
- 8.1.3 At least five (5)* working days prior to the hearing, each member of the Panel is furnished a written summary statement from all parties involved.

8.1.4 At the hearing, witnesses may be called by the Panel or by the parties to the proceeding.

8.1.5 All hearings are private.

8.1.6 There shall be a complete and accurate record of the hearing. The record shall be the property of the college. Access thereto shall be provided only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g), and in accordance with any other applicable terms set forth by the college.

8.1.7 The proceedings hereunder shall not be subject to federal, state or local rules of process, procedure and evidence, such as are applied in criminal or civil court. The college shall have the authority to develop guidelines related to such proceedings, to the extent not inconsistent with this Code. Similarly, the chairperson of the Hearing Panel shall have the authority to determine questions of process, procedure and evidence at a hearing, in a manner not inconsistent with the rules and guidelines referenced above.

8.1.8 Within three (3)* working days after the hearing, the Hearing Panel shall issue its determination on the charges and sanctions, if any. In cases where the sanction of expulsion is likely to be sought, the Hearing Panel's determination shall be made on the basis of whether there is clear and convincing evidence that the Accused violated the Code of Student Conduct. For all other cases, such determination shall be made on the basis of whether it is more likely than not that the Accused violated the Code of Student Conduct. Pertinent records, exhibits, written statements, and any other relevant information may be accepted as evidence for consideration by the Disciplinary Hearing Panel at the discretion of the chairperson. The decision of the Hearing Panel shall be provided in writing to the parties and to the Vice President ~~for Student Services~~ of Academic Affairs. All hearing records shall be submitted to the Vice President ~~for Student Services~~ of Academic Affairs.

8.1.9 The decision of the Hearing Panel is final in all cases where it serves as an appellate venue to a determination made by the Vice President ~~for Student Services~~ of Academic Affairs hereunder. In all other cases, the Hearing Panel's decision and/or sanctions may be appealed by the Accused or the Complainant to the President within five (5)* working days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President ~~for Student Services~~ of Academic Affairs, who will deliver the notice of appeal and the hearing records to the President for review.

8.1.10 Except as required to explain the basis of new evidence, an appeal to the President, as contemplated herein, shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:

- a. To determine whether jurisdiction as established in the Code of Student Conduct was properly asserted.
- b. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- c. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- d. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
- e. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

8.1.11 The President shall respond to the appeal and deliver his/her decision thereon within thirty (30) days of his/her receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances. Review of the sanction by the President may not result in more severe sanction(s) for the accused student.

*Specified time intervals may be extended, at the discretion of the Vice President ~~for Student Services of Academic Affairs~~, where adherence to such limits would be impracticable or if any members selected for the Hearing Panel are not available on campus during the specified period. The Vice President ~~for Student Services of Academic Affairs~~ shall notify all parties concerned in writing if such extensions are necessary.

Section 9. Confidentiality

9.1 Members of review boards play a sensitive role within the institutional governance structure. Thus, it is important that the members maintain high performance and ethical standards. The following is designed to safeguard the rights of students and to uphold the integrity of the disciplinary procedure as a whole:

- 9.1.1 The name or status of students involved in disciplinary situations shall not be discussed with anyone outside the review board membership except as otherwise required by this Code, by law or court order.
- 9.1.2 Even in the case of open hearings, hearing body members shall refrain from public comment on the proceedings, and in no instance shall the closed deliberations of the hearing body be discussed, nor shall confidential information be revealed except as otherwise required by this Code, law or court order.
- 9.1.3 The votes cast by members of the hearing body shall be treated as confidential and shall not be shared outside the hearing room except as otherwise required by this Code, law or court order.

9.2 Students found responsible for a violation of this policy that results in a suspension or expulsion from the college will have such status noted on their transcripts so long as that suspension or expulsion remains in effect.

West Virginia University at Parkersburg Board of Governors

POLICY D-47
STUDENT ACADEMIC RIGHTS AND RESPONSIBILITIES

Section 1. General.

1.1. Scope. Policy regarding academic rights and responsibilities of students at West Virginia University at Parkersburg.

1.2. Authority. W. Va. Code §18B-1-6; §18B-2A-4

1.3. Effective Date. ~~December 15, 2006~~ September 19, 2023
(Transferred from WVU Board of Governors Policy 15 on July 1, 2008)
(Replaces version dated December 15, 2006)

1.4 Purpose: The purpose of this policy is to identify and define certain academic rights and responsibilities of students at West Virginia University at Parkersburg, as well as certain processes and procedures related thereto. For information relating to student disciplinary or behavioral matters, see WVU at Parkersburg Board of Governors Policy No. D-46, "Code of Student Conduct." For information relating to failure to withdraw from a class, failure to meet deadline for payment of fees, registration procedures, or failure to meet deadline for application to graduate, contact the Vice President ~~for Student Services'~~ of Academic Affairs office.

1.5 Nondiscrimination Notice: WVU Parkersburg is an Equal Opportunity/Affirmative Action institution. Auxiliary aids and services are available upon request to individuals with disabilities. WVU Parkersburg will take steps to assure that a lack of English languages skills will not be a barrier to admission and participation in career and technical education programs.

Section 2. Definitions

- 2.1 "Student" means any person who has been admitted to West Virginia University at Parkersburg to pursue a course of study, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under rules, regulations, or policies of the West Virginia University at Parkersburg Board of Governors or the institution.
- 2.2 "Cheating" includes, but is not limited to: (1) giving or receiving of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition or use, without permission, of tests or other academic material belonging to a member of the Institution's faculty or staff; or (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- 2.3 "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Section 3. Academic Rights

- 3.1 Each student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards. The student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, sex, age, disability, veteran status, religion, sexual orientation, color, or national origin.
 - 3.1.1 Each student shall have the right to have any academic penalty imposed upon him/her in accordance with this policy, reviewed as further described herein.
 - 3.1.2 Each student shall have access to a copy (available online or in print) of the college catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence requirements, special program requirements, minimum grade point average, probation standards, professional standards, etc).
 - 3.1.3 Each student has the right to receive from the instructor written descriptions of content and requirements for any course in which he/she is enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).

Section 4. Academic Responsibilities

- 4.1 A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the institution, accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate requirements and to know and meet criteria for satisfactory academic progress and completion of the program.
- 4.2 A student shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution and/or its constituent academic units. Students are expected to adhere to these academic standards in all academic settings, classrooms, laboratories, clinics and any other activities which are part of academic requirements.

Section 5. Academic Penalties

- 5.1 A student who fails to meet the academic requirements or standards referenced above, including, but not limited to, course, program or graduation criteria, and the prohibition against academic dishonesty (such as, cheating and plagiarism), may be subject to one or more of the following academic penalties:
 - 5.1.1 A lower grade or failure of the course, or exclusion from further participation in the class, all of which may be imposed by the instructor.
 - 5.1.2 Denial of admission into a program within the institution.
 - 5.1.3 Academic probation, which consists of a written reprimand for failure to meet specified requirements or standards. Academic probation is for a designated period of time and includes the probability of more severe penalties if the student fails to meet any requirements or standards during the probationary period.
 - 5.1.4 Academic suspension, which consists of the separation of the student from the program or college for a definite period of time not to exceed one year, after which the student is eligible to return. Conditions for readmission may be specified.

- 5.1.5 Academic dismissal or expulsion, which is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be dismissed or expelled from a limited enrollment program and remain eligible to enroll in courses in other programs at the institution, or a student may be dismissed or expelled from the institution and not remain eligible to enroll in other courses or programs at the institution.

Section 6. Academic Hearing Procedures

- 6.1 The instructor, ~~Division chair~~Dean, or the Institution, as the case may be, shall give written notice to the student (1) of his/her failure to meet or maintain an academic standard, (2) of the methods, if any, by which the student may correct the failure, and (3) of the penalty which may be imposed therefor.
- 6.2 If a penalty is imposed, the student must likewise be informed thereof by written notice. Within thirty (30) days of receipt of such notice, the student may request, in a writing submitted to the ~~Senior~~Vice President for Academic Affairs, a meeting with the instructor, ~~Division chair~~ Dean, or other individual responsible for the imposition of penalty (the "Responsible Party"), to discuss the information forming the basis therefor.
- 6.3 If the matter cannot be mutually resolved at the above-referenced meeting, the student may request, in a writing submitted to the ~~Senior~~Vice President for Academic Affairs within thirty (30) days of the meeting, a formal hearing on the matter before a Hearing Panel, as further described herein. A time for such hearing shall be set by the ~~Senior~~Vice President for Academic Affairs, not fewer than five (5) nor more than fifteen (15) calendar days after receipt of the student's written request for a hearing. Maximum time limits for scheduling of hearings may be extended at the discretion of the ~~Senior~~Vice President for Academic Affairs, where adherence to such limits would be impracticable.
- 6.4 Hearings shall be conducted in private except as otherwise authorized by the ~~Senior~~Vice President for Academic Affairs. The Responsible Party, the student and their respective advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberation). Admission of any other person to the hearing shall be at the discretion of the Hearing Panel and/or the ~~Senior~~Vice President for Academic Affairs.
- 6.5 The Responsible Party and the student shall each have the right to bring, at his or her own expense, an advisor to the hearing. Except as otherwise expressly set forth herein, the advisor must be a member of the college community. Each of the Responsible Party and the student is responsible for presenting his or her own case and, except as otherwise expressly set forth herein, advisors are not permitted to speak or to participate directly in any hearing before a Hearing Panel. In cases where academic dismissal or expulsion is likely to be sought in connection with charges of academic dishonesty, the advisor may be an attorney who may directly participate in the hearing, provided the ~~Senior~~Vice President for Academic Affairs is notified of such at least two weekdays in advance of the hearing.
- 6.6 The Responsible Party, the student and the Hearing Panel may arrange for witnesses to present pertinent information to the Hearing Panel. The Responsible Party, the student and the Hearing Panel may ask relevant questions to a witness, or a party to the hearing. This will be conducted in a format identified by the chairperson of the Hearing Panel. The chairperson of the Hearing Panel shall have the authority to decide any questions regarding relevancy or admissibility that may arise during the hearing.
- 6.7 After the hearing, the Hearing Panel shall determine, by majority vote, whether the student has failed to meet the requirements or standards at issue, and whether the penalty or penalties imposed are warranted as a consequence thereof.

- 6.8 There shall be a single record, such as a tape recording or summary notes, of all hearings before a Hearing Panel (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the college. Access thereto shall be provided only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g), and in accordance with any other applicable terms set forth by the ~~Senior~~ Vice President for Academic Affairs.

Section 7. Academic Hearing Committee and Panels

- 7.1 All academic hearings are to be heard by a Hearing Panel, composed of two (2) faculty members and one (1) student, selected from the membership of the Academic Committee, as further described below.
- 7.1.1 The Academic Committee, consisting of five (5) faculty members and five (5) students, is named each year, as follows:
- a. The Faculty Senate shall nominate ten (10) faculty members to serve on the Academic Committee and forward those nominations to the ~~Senior~~ Vice President for Academic Affairs at the start of each Fall Semester.
 - b. Student Government shall nominate ten (10) students to serve on the Academic Committee and forward those nominations to the ~~Senior~~ Vice President for Academic Affairs not later than September 15 of each year.
 - c. The ~~Senior~~ Vice President for Academic Affairs shall select five (5) persons from each list, for a total of ten (10) members.
- 7.2 Each student nominated for membership on the Academic Committee must meet the following conditions:
- 7.2.1 He/she must have earned thirty (30) or more hours of academic credit at the time of appointment.
- 7.2.2 He/she must have maintained a minimum 3.0 cumulative grade point average or higher.
- 7.2.3 He/she must be available to serve on the Academic Committee at any time in the ensuing year, including all times when classes are not scheduled.
- 7.3 In connection with the assignment of a Hearing Panel, the two parties to the hearing shall have the opportunity to strike names from the Academic Committee, alternating choices with the student striking first. Each remaining member of the Academic Committee shall recuse him/herself if, for any reason, his/her ability to render an unbiased decision is compromised.

Section 8. Academic Appeals

- 8.1 A decision reached by a Hearing Panel may be appealed by the Responsible Party or the student to the President or his/her designee within thirty (30) calendar days of the decision. Such appeals shall be in writing and shall be delivered to the ~~Senior~~ Vice President for Academic Affairs or his/her designee, who will deliver the notice of appeal and the hearing records to the President for review.
- 8.2 Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:
- 8.2.1 To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures.
- 8.2.2 To determine whether the decision reached regarding the student was based on substantial evidence.

- 8.2.3 To determine whether the sanction(s) imposed were appropriate for the violation which the student was found to have committed.
 - 8.2.4 To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
- 8.3 The President or his /her designee shall respond to the appeal, and deliver his/her decision thereon, within thirty (30) days of his/her receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances.
- 8.4 If an appeal is upheld by the President or his/her designee, the matter shall be remanded to the original Hearing Panel for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld by the President or his/her designee, the matter shall be considered final and binding upon all involved.

POLICY A-44
POLICY AND PROCEDURES REGARDING
HARASSMENT AND DISCRIMINATION

Section 1. General

1.1 Purpose and Relevant Scope:

- A. The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in educational or employment activities. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using WVU at Parkersburg's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.
- B. When the Respondent is a member of the WVU at Parkersburg community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of WVU at Parkersburg community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, and volunteers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

1.2 Rationale: WVU at Parkersburg is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, WVU at Parkersburg has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. WVU at Parkersburg values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

1.3 Authority: [W. Va. Code § 18B-1-6](#); [W. Va. C.S.R. § 135-4](#); [W. Va. C.S.R. § 135-40](#); [34 CFR 106](#) and other relevant state and federal civil rights laws and regulations.

1.4 Effective Date: ~~September 29, 2020~~ September 19, 2023
(Replaces version dated September 29, 2020)

- 1.5 **Policy History:** This policy and attached procedures replace Policy A-44, "Sexual Misconduct and Other Forms of Discrimination and Harassment," dated June 5, 2014. The prior version of Policy A-44, "Sexual Harassment," dated June 2, 2006, was transferred from WVU Board of Governors on July 1, 2008. Prior to this version, the last update was September 29, 2020.

Section 2. Definitions

- 2.1 **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- 2.2 **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- 2.3 **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that WVU at Parkersburg investigate the allegation.
- 2.4 **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- 2.5 **Day** means a business day when WVU at Parkersburg is in normal operation.
- 2.6 **Directly Related Evidence** is evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- 2.7 **Education program or activity** means locations, events, or circumstances where WVU at Parkersburg exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by WVU at Parkersburg.
- 2.8 **Final Determination:** A conclusion by the preponderance of the evidence standard of proof (more likely than not) that the alleged conduct did or did not violate policy.
- 2.9 **Finding:** A conclusion by the preponderance of the evidence standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").
- 2.10 **Formal Grievance Process** means "Process A," a method of formal resolution designated by WVU at Parkersburg to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- 2.11 **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

- 2.12 **Hearing Decision-maker or Panel** refers to those who have decision-making and sanctioning authority within WVU at Parkersburg's Formal Grievance process.
- 2.13 **Investigator** means the person or persons charged by WVU at Parkersburg with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- 2.14 **Mandated Reporter** means an employee of WVU at Parkersburg who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the designated official who serves as the institution's Title IX Coordinator.
- 2.15 **Notice** means that an employee, student, or third-party informs the official designated as Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- 2.16 **Official with Authority** (OWA) means an employee of WVU at Parkersburg explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of WVU at Parkersburg.
- 2.17 **Parties** include the Complainant(s) and Respondent(s), collectively.
- 2.18 **Process A** means the Formal Grievance Process detailed in [Appendix 1](#).
- 2.19 **Process B** means the administrative resolution procedures detailed in [Appendix 2](#) that apply only when Process A does not, as determined by the ~~Title IX Coordinator~~ [Title VI/Title IX/Section 504 Coordinator](#).
- 2.20 **Protected Activity**: In the context of this policy, Protected Activity pertains to actions taken by students, employees, or third parties to assert their rights for protection against harassment and discrimination, pursuant to civil rights laws or rules applicable to WVU at Parkersburg.
- 2.21 **Recipient** means a postsecondary education program that is the recipient of federal funding.
- 2.22 **Relevant Evidence** is evidence that tends to prove or disprove an issue in the complaint.
- 2.23 **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to WVU at Parkersburg's educational program.
- 2.24 **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- 2.25 **Resolution** means the result of an informal or Formal Grievance Process.

2.26 **Retaliation** means any adverse action taken against a person because he or she complained about harassment or discrimination, supported a complainant alleging harassment or discrimination, or participated in the investigation of a claim of harassment or discrimination.

2.27 **Sanction** means a consequence imposed by WVU at Parkersburg on a Respondent who is found to have violated this policy.

2.28 **Sexual Act**, as specifically defined by federal regulations under forcible sexual offenses (see Section 16 of this policy) includes one or more of the following:

A. Forcible Rape:

- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

B. Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

D. Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2.29 **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 16 for greater detail.

2.30 **Student**: For the purpose of this policy, any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with WVU at Parkersburg.

2.31 **Title IX Coordinator** is the official designated by WVU at Parkersburg to ensure compliance with Title IX and WVU at Parkersburg's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

2.32 **Title VI/Section 504 Coordinator** is the official designated by WVU at Parkersburg to ensure compliance with Title VI/Section 504 and WVU at Parkersburg's Title VI/Section 504 program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

2.32.33 **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Section 3. Title IX Coordinator

3.1 The ~~Executive Director, Policy and Compliance~~ **Chief Human Resources Officer**, reports directly to the President and serves as the Title IX Coordinator and ADA/504 Coordinator. The ~~Executive Director~~ **Chief Human Resources Officer** oversees implementation of WVU at Parkersburg's affirmative action and equal opportunity program, disability compliance, and WVU at Parkersburg's policy regarding harassment and discrimination. Pursuant to Title IX regulations, the Title IX Coordinator has the primary responsibility for coordinating WVU at Parkersburg's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Section 4. Independence and Conflict-of-Interest

4.1 Pursuant to Title IX regulations, the Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

4.2 Any concern involving bias or conflict of interest by the Title IX Coordinator may be directed to the Deputy Title IX Coordinator at the Parkersburg campus of WVU at Parkersburg. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

4.3 Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Deputy Title IX Coordinator at the Parkersburg campus of WVU at Parkersburg. Reports of

misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

Section 5. Administrative Contact Information

5.1 Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

~~Debbie Richards~~ Mary Bentz, Title IX/Title VI/Section 504 Coordinator
Executive Director, Policy of Human Resources & Compliance
Room ~~1010~~ 1017
300 Campus Drive
Parkersburg, WV 26104
(304) 424-~~8201~~ 8290
Email: ~~Debbie.Richards~~ Mary.Bentz@wvup.edu
Web: www.wvup.edu/harassment-and-discrimination/

~~Scott Poe~~ Kurt Klettner, Deputy Title IX /Title VI/Section 504 Coordinator
Executive Director, Human Resources of Student Support Services
Room ~~1008~~ 19A
300 Campus Drive
Parkersburg, WV 26104
(304) 424-8~~21~~ 2388
Email: ~~Scott.Poe~~ Kurt.Klettner@wvup.edu

~~Steven Smith~~ David Lancaster, Deputy Title IX/Title VI/Section 504 Coordinator
~~Dean & CEO, Jackson County Center~~ Vice President of Academic Affairs
Room 1211
107 Academy Drive
Ripley, 300 Campus
Drive
Parkersburg, WV 26170
26104
(304) ~~372-6948~~ 424-8242
Email: ~~Steven.Smith~~ David.Lancaster@wvup.edu

5.2 WVU at Parkersburg has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, reports or allegations addressed to these Officials with Authority will put WVU at Parkersburg "on notice" to take appropriate action steps pursuant to this policy:

- President
- ~~Provost/Executive~~ Vice President, Academic & ~~Student~~ Affairs
- Executive Vice President, Finance and Administration
- ~~Vice President, Enrollment Management~~

- Vice President, Institutional Advancement
~~d. Vice President, Facilities~~

5.3 WVU at Parkersburg has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. (See [Policy B-62](#), *Mandatory Reporters*.)

5.4 Inquiries may be made externally to:

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

The West Virginia Human Rights Commission
1321 Plaza East – Room 108A
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
Facsimile: 304-558-0085
Website: www.wvf.state.wv.us/wvhrc/

For complaints involving employees:

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

Section 6. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

6.1 Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- A. File a complaint with, or give verbal notice to, the Title IX Coordinator, Deputy Title IX Coordinator, or an Official with Authority. Such a report may be made at any time (including during non-business

hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator or any other official listed.

- B. Report online, using the reporting form posted at www.wvup.edu/harassment-and-discrimination/. Anonymous reports are accepted but can give rise to a need to investigate. WVU at Parkersburg tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as WVU at Parkersburg respects Complainant requests to dismiss complaints unless, as determined by the Title IX Coordinator, there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows WVU at Parkersburg to discuss and/or provide supportive measures.

6.2 A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that WVU at Parkersburg investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by WVU at Parkersburg) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that WVU at Parkersburg investigate the allegations.

6.3 If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Section 7. Supportive Measures

7.1 WVU at Parkersburg will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. (The ultimate determination of what is reasonable will be reserved for the institution taking into consideration the party’s wishes and the particular circumstances.)

7.2 Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to WVU at Parkersburg’s education program or activity, including measures designed to protect the safety of all parties or the institution’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

7.3 The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, WVU at Parkersburg will inform the Complainant, in writing, that they may file a formal complaint with WVU at Parkersburg either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

7.4 WVU at Parkersburg will maintain the privacy of the supportive measures, provided that privacy does not impair the institution's ability to provide the supportive measures. WVU at Parkersburg will act to ensure as minimal an academic or workplace impact on the parties as possible. WVU at Parkersburg will implement measures in a way that does not unreasonably burden the other party.

7.5 These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

7.6 Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Section 8. Emergency Removal

8.1 WVU at Parkersburg can act to remove a Respondent entirely or partially from its education program, workplace, or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the institution's Threat Assessment Team using its standard objective violence risk assessment procedures.

8.2 In all cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

- A. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a defined timely manner, objections to the emergency removal will be deemed waived.

- B. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.
- C. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

8.3 The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

8.4 WVU at Parkersburg will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intramural sports.

8.5 At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

8.6 Where the Respondent is an employee, any other existing provisions for interim action are applicable.

Section 9. Promptness

9.1 All allegations are acted upon promptly by WVU at Parkersburg once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but WVU at Parkersburg will avoid all undue delays within its control.

9.2 Any time the general timeframes for resolution outlined in the institution's procedures will be delayed, the Title IX Coordinator will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Section 10. Privacy

- 10.1 Every effort is made by WVU at Parkersburg to preserve the privacy of reports.¹ WVU at Parkersburg will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.
- 10.2 WVU at Parkersburg reserves the right to determine which WVU at Parkersburg officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).
- 10.3 Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Title IX Coordinator, Deputy Title IX Coordinator(s), specific individuals in Academic or Student Affairs, Campus Police, and/or Threat Assessment Team. Information will be shared, as necessary, with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Section 11. Jurisdiction of WVU at Parkersburg

- 11.1 This policy applies to the educational program and activities of WVU at Parkersburg, to conduct that takes place on the campus or on property owned or controlled by WVU at Parkersburg, at college-sponsored events, or in buildings owned or controlled by any WVU at Parkersburg recognized student organizations. The Respondent must be a member of WVU at Parkersburg's community (for example, a student, employee or other person over whom the institution has jurisdiction to take disciplinary action) in order for its policies to apply.
- 11.2 This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to WVU at Parkersburg's educational program. WVU at Parkersburg may also extend jurisdiction to offcampus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial WVU at Parkersburg interest.
- 11.3 Regardless of where the conduct occurred, WVU at Parkersburg will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial WVU at Parkersburg interest includes:

¹ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of WVU at Parkersburg employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in WVU at Parkersburg's FERPA procedures. The privacy of employee records will be protected in accordance with state law and Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. WVU at Parkersburg has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see Section 18.

- A. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- B. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- C. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- D. Any situation that is detrimental to the educational interests or mission of WVU at Parkersburg.

11.4 If the Respondent is unknown or is not a member of WVU at Parkersburg community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

11.5 Further, even when the Respondent is not a member of WVU at Parkersburg's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

11.6 In addition, WVU at Parkersburg may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from WVU at Parkersburg property and/or events.

11.7 All vendors serving WVU at Parkersburg through third-party contracts are subject to these policies and procedures to which their employer has agreed to be bound by their contracts.

11.8 When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

11.9 Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to WVU at Parkersburg where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Section 12. Time Limits on Reporting

12.1 There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to WVU at Parkersburg's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

- 12.2 Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.
- 12.3 When notice/complaint is affected by significant time delay, WVU at Parkersburg will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Section 13. Online Harassment and Misconduct

- 13.1 The policies of WVU at Parkersburg are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on WVU at Parkersburg's education program and activities or use WVU at Parkersburg networks, technology, or equipment.
- 13.2 Although WVU at Parkersburg may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to WVU at Parkersburg, it will engage in a variety of means to address and mitigate the effects.
- 13.3 Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of WVU at Parkersburg community.
- 13.4 Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of WVU at Parkersburg's control (e.g., not on WVU at Parkersburg networks, websites, or between WVU at Parkersburg email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.
- 13.5 Off-campus harassing speech by employees, whether online or in person, may be regulated by WVU at Parkersburg only when such speech is made in an employee's official or work-related capacity.

Section 14. Policy on Nondiscrimination

- 14.1 WVU at Parkersburg adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.
- 14.2 WVU at Parkersburg does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of age, disability, national origin, color, ancestry, race, religion, sex, gender identity, pregnancy, sexual orientation, veteran status, genetic information, or

any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

14.3 This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of WVU at Parkersburg community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of WVU at Parkersburg community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of WVU at Parkersburg policy on nondiscrimination.

14.4 When brought to the attention of WVU at Parkersburg, any such discrimination will be promptly and fairly addressed and remedied by WVU at Parkersburg according to the appropriate grievance process described below.

14.5 WVU Parkersburg is an Equal Opportunity/Affirmative Action institution. Auxiliary aids and services are available upon request to individuals with disabilities.

14.6 WVU Parkersburg will take steps to assure that a lack of English language skills will not be a barrier to admission and participation in career and technical education programs.

Section 15. Policy on Disability Discrimination and Accommodation

15.1 WVU at Parkersburg is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

15.2 Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

15.3 The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by WVU at Parkersburg, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

15.4 The ~~Executive Director, Policy and Compliance~~ Chief Human Resources Officer, has been designated as WVU at Parkersburg's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

15.5 Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations at WVU at Parkersburg, see [Policy A-43, Disability Accommodations](#).

15.6 Students with Disabilities

- A. WVU at Parkersburg is committed to providing qualified students with disabilities with academic adjustments auxiliary aids and other reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of WVU at Parkersburg.
- B. All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Executive Director of Student Support Services, who coordinates services for students with disabilities in accordance with WVU at Parkersburg's applicable [procedures](#).
- C. Academic adjustments or auxiliary aids will be provided to qualified students with disabilities when necessary to ensure equality of opportunity to complete academic requirements. The college's programs and activities will be accessible to all individuals, including both physical access and access to electronic media, such as software and Web-based applications, in accordance with Section 508 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA); Americans with Disabilities Amendments Act of 2008 (ADAAA).

15.7 Employees with Disabilities

- A. Pursuant to the ADA, WVU at Parkersburg will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to WVU at Parkersburg.
- B. An employee with a disability is responsible for submitting a request for an accommodation and providing necessary documentation to the Executive Director in the Human Resources Department, in accordance with [Policy A-43](#), *Disability Accommodations*, and applicable institutional [procedures](#).
- C. The ~~Executive Director in the Human Resources Department~~ Chief Human Resources Officer will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with WVU at Parkersburg's applicable [procedures](#).

16. Policy on Discriminatory Harassment

- 16.1 Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. WVU at Parkersburg's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.
- 16.2 The sections below describe the specific forms of legally prohibited harassment that are also prohibited under WVU at Parkersburg policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of WVU at Parkersburg

policy, though supportive measures will be offered to those impacted. All policies encompass actual and/or attempted offenses.

16.3 Discriminatory Harassment

- A. Discriminatory harassment constitutes a form of discrimination that is prohibited by WVU at Parkersburg policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.
- B. WVU at Parkersburg does not tolerate discriminatory harassment of any employee, student, visitor, or guest. WVU at Parkersburg will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”
- C. A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.² This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.
- D. When discriminatory harassment rises to the level of creating a hostile environment, WVU at Parkersburg may also impose sanctions on the Respondent through application of the appropriate grievance resolution process.
- E. WVU at Parkersburg reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under WVU at Parkersburg policy, but may be addressed through respectful conversation, remedial actions, education, and/or informal resolution mechanisms.
- F. For assistance with informal resolution techniques and approaches, employees should contact the ~~Executive Director of Chief~~ Human Resources Officer, and students should contact the Executive Director of Student Support Services.

16.4 Sexual Harassment

- A. The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of West Virginia regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.
- B. WVU at Parkersburg has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

² This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, [*Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*](#). ³ Implicitly or explicitly.

C. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

D. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo:

- an employee of WVU at Parkersburg,
- conditions³ the provision of an aid, benefit, or service of WVU at Parkersburg,
- on an individual's participation in unwelcome sexual conduct.

2. Sexual Harassment:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to WVU at

Parkersburg's education program or activity.³

3. Sexual assault, defined as:

a) Sex Offenses, Forcible:

- Any *sexual act* directed against another person⁴,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

b) Sex Offenses, Non-forcible:

- Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other, o within the degrees wherein marriage is prohibited by West Virginia law.
- Statutory Rape:
 - Non-forcible sexual intercourse, o with a person who is under the statutory age of consent (16).

4. Dating Violence, defined as:

- violence,

³ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁴ This would include having another person touch you sexually, forcibly, or without their consent.

- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence, defined as:

- violence,
- on the basis of sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of West Virginia, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of West Virginia.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6. Stalking, defined as:

- engaging in a course of conduct,
- on the basis of sex,
- directed at a specific person, that
 - would cause a reasonable person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

16.5 Force, Coercion, Consent⁵, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

- A. **Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- B. **Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- C. **Consent** is:
 - knowing, and
 - voluntary, and
 - clear permission
 - by word or action
 - to engage in sexual activity.
 1. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.
 2. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
 3. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied.

⁵ The state definition of consent, which is applicable to criminal prosecutions for sex offenses in West Virginia, is found in [§61-8B-2](#) and may differ from the definition used on campus to address policy violations.

For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

4. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.
 5. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
 6. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on WVU at Parkersburg to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
 7. Consent in relationships must also be considered in context. When parties consent to BDSM⁶ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so WVU at Parkersburg’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.
- D. **Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.
1. It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.
 2. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
 3. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

⁶ Bondage, discipline/dominance, submission/sadism, and masochism.

4. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

16.6 Expectations Regarding Relationships

- A. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.
- B. Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. WVU at Parkersburg does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of WVU at Parkersburg. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student, supervisor-employee) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.
- C. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains.
- D. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.
- E. Violation of these expectations regarding unethical relationships is an employee relations matter addressed in consultation with the Human Resources Department, unless the elements of the definition of harassment or discrimination are met, in which case they shall be addressed under the appropriate resolution process of this policy.

16.7 Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, WVU at Parkersburg additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- A. Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - 1. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - 2. Invasion of sexual privacy
 - 3. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - 4. Prostituting another person
 - 5. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - 6. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - 7. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - 8. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - 9. Knowingly soliciting a minor for sexual activity
 - 10. Engaging in sex trafficking
 - 11. Creation, possession, or dissemination of child pornography
- B. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- C. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- D. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- E. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within WVU at Parkersburg community, when related to the admission, initiation, pledging,

joining, or any other group-affiliation activity as defined further in the institution's policy prohibiting hazing.

F. Bullying, defined as:

- Repeated and/or severe
- Aggressive behavior
- Likely to intimidate or intentionally hurt, control, or diminish another person,
- physically and/or mentally
- that is not speech or conduct otherwise protected by the First Amendment.

G. Violation of any other WVU at Parkersburg policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

H. Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

Section 17. Retaliation

17.1 Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

17.2 Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. WVU at Parkersburg will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

17.3 WVU at Parkersburg and any member of the institution's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

17.4 Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, WVU at Parkersburg vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

17.5 The exercise of rights protected under the First Amendment does not constitute retaliation.

- 17.6 Charging an individual with a code of conduct violation for making a materially false statement in bad faith the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Section 18. Mandated Reporting and Confidential Resources

- 18.1 All WVU at Parkersburg employees (faculty, staff, administrators), except for designated confidential resources, are expected to report actual or suspected discrimination or harassment pursuant to [Policy B-62, Mandatory Reporters](#). In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources.
- 18.2 At WVU at Parkersburg, the college counselor located in the Center for Student Support Services, may maintain confidentiality and is not required to report actual or suspected discrimination or harassment; however, will timely submit anonymous statistical information for Clery Act purposes. The counselor may maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases involving a threat of danger or abuse of a minor, or when required to disclose by law or court order. The counselor may offer options and resources without any obligation to inform campus officials unless a Complainant has requested the information be shared. The campus counselor is available to help students free of charge and may be consulted on an emergency basis during normal business hours.
- 18.3 The Employee Assistance Program provides external counseling resources for employees.
- 18.4 If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

Section 19. When a Complainant Does Not Wish to Proceed

- 19.1 If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.
- 19.2 The Title IX Coordinator has ultimate discretion over whether WVU at Parkersburg proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.
- 19.3 The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires WVU at Parkersburg to pursue formal action to protect the community.
- 19.4 A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. WVU at Parkersburg may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

- 19.5 The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and WVU at Parkersburg's ability to pursue a Formal Grievance Process fairly and effectively.
- 19.6 When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.
- 19.7 When WVU at Parkersburg proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. When the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.
- 19.8 Note that WVU at Parkersburg's ability to remedy and respond to notice may be limited if the Complainant does not want WVU at Parkersburg to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing WVU at Parkersburg's obligation to protect its community.
- 19.9 In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow WVU at Parkersburg to honor that request, WVU at Parkersburg will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.
- 19.10 If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by WVU at Parkersburg, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Section 20. Federal Timely Warning Obligations

- 20.1 Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, WVU at Parkersburg must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
- 20.2 WVU at Parkersburg will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Section 21. False Allegations and Evidence

21.1 Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

21.2 Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under WVU at Parkersburg policy.

Section 22. Amnesty for Student Complainants and Witnesses

22.1 WVU at Parkersburg community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to WVU at Parkersburg officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

22.2 It is in the best interests of WVU at Parkersburg community that Complainants choose to report misconduct to WVU at Parkersburg officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

22.3 To encourage reporting and participation in the process, WVU at Parkersburg maintains a policy of offering student parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

22.4 Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

22.5 Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Campus Police). WVU at Parkersburg maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, WVU at Parkersburg may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Section 23. Preservation of Evidence

23.1 The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. WVU at Parkersburg will inform the Complainant of the importance of preserving evidence by taking the following actions:

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).

- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Try not to urinate.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

23.2 During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

Section 24. Revision of this Policy and Associated Procedures

24.1 This Policy and the associated procedures provided in Appendices 1 and 2 supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator.

24.2 During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially in consultation with the President and with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

24.3 If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

West Virginia University at Parkersburg Board of Governors

POLICY A-44

POLICY AND PROCEDURES REGARDING HARASSMENT AND DISCRIMINATION

Appendix 2

**Administrative Resolution Procedures
for Alleged Violations of the Policy on Harassment and Discrimination:**

PROCESS “B”

1. Nondiscrimination Notice

WVU Parkersburg is an Equal Opportunity/Affirmative Action institution. Auxiliary aids and services are available upon request to individuals with disabilities. WVU Parkersburg will take steps to assure that a lack of English language skills will not be a barrier to admission and participation in career and technical education programs.

2. Overview

WVU at Parkersburg will act on any formal or informal allegation or notice of violation of the Policy on Harassment and Discrimination that is received by the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator⁷ or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy.

The procedures described below apply to allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through Policy D-46, Code of Student Conduct, or Policy B-21, Employee Discipline.

8. Initial Assessment

⁷ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

⁸ If circumstances require, the Executive Director of Human Resources, serving as Deputy Title IX Coordinator, will oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

Following intake, receipt of notice, or a complaint of an alleged violation of WVU at Parkersburg's nondiscrimination Policy, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator² engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator reaches out to the Complainant to offer supportive measures.
- The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator works with the Complainant to ensure they have an Advisor.
- The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
 - If a supportive and remedial response is preferred, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. In this case, the Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - If an Informal Resolution option is preferred, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If Administrative Resolution is preferred, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident, and/or
 - A potential pattern of misconduct, and/or
 - A culture/climate issue.
- In some cases, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Threat Assessment Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - Interim suspension of a Respondent who is a threat to health/safety;
 - Whether the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
 - Whether to put the investigation on the footing of incident and/or pattern and/or climate;
 - To help identify potentially predatory conduct;
 - To help assess/identify grooming behaviors;
 - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
 - Whether to permit a voluntary withdrawal by the Respondent;

- Whether to impose transcript notation or communicate with a transfer institution about a Respondent; ○ Assessment of appropriate sanctions/remedies; ○ Whether a Clery Act Timely Warning and/or Trespass order is needed.

Based on the initial assessment, WVU at Parkersburg will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator and the opportunity to appeal to an Appeal Officer.

The investigation and the subsequent Administrative Resolution determine whether the nondiscrimination policy has been violated. If so, WVU at Parkersburg will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator. At any point during the initial assessment or formal investigation, if the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, but the request is usually only granted in extraordinary circumstances.

3. Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all members of the campus community.

The list of members and a description of the Pool can be found at www.wvup.edu/harassment-and-discrimination/. Members of the Pool are trained annually and can serve in any of the following roles, at the direction of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator:

- To provide appropriate intake for and initial guidance pertaining to the allegations
- To act as optional process Advisors to the parties
- To investigate allegations

- To serve as a Decision-maker
- To serve as an Appeal Officer

The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and, in consultation with the President, appoints the Pool, which acts with independence and impartiality in their assigned roles.

Pool members receive annual training organized by the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator, including a review of WVU at Parkersburg policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members also receive annual training on their respective roles. This training includes, but is not limited to:

- The scope of WVU at Parkersburg's Harassment and Discrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by WVU at Parkersburg with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence

- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Officers, intake personnel, and Advisors. All Pool members are required to attend this annual training.

The Resolution Process Pool includes representation from Human Resources, Academic and Student Affairs, the Jackson County Center, at least one representative from the Campus Police and Security Department, as well as other administrators or professional staff. Individuals who are interested in serving in the Pool are encouraged to contact the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator.

4. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. WVU at Parkersburg is obligated to ensure that any process is not abused for retaliatory purposes.

WVU at Parkersburg permits the filing of counterclaims, but uses the initial assessment, described in the Policy on Harassment and Discrimination, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of the Policy on Harassment and Discrimination.

5. Advisors a. Expectations of an Advisor

WVU at Parkersburg generally expects an Advisor to adjust their schedule to allow them to attend WVU at Parkersburg meetings when planned, but the college may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

WVU at Parkersburg may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by WVU at Parkersburg policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting WVU at Parkersburg meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

b. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor⁹ who is eligible and available¹⁰ to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator if they change Advisors at any time.

Upon written request of a party, WVU at Parkersburg will copy the Advisor on all communications between WVU at Parkersburg and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

6. Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with WVU at Parkersburg Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

a. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution or when the Respondent accepts responsibility for violating Policy, or when the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator can resolve the matter informally by providing remedies to resolve the situation.

⁹ This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If WVU at Parkersburg allows more than one Advisor for one party, they should do so for all parties.

¹⁰ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

1) Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

2) Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator makes a determination that the individual is in violation of WVU at Parkersburg Policy.

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its

recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

3) Negotiated Resolution

The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and WVU at Parkersburg.

b. Administrative Resolution

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Harassment and Discrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the U.S. Postal address of the parties as indicated in official WVU at Parkersburg records, or emailed to the parties' WVU at Parkersburg-issued email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

WVU at Parkersburg aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) days of determining that an investigation should proceed. The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, concerns should be raised with the Deputy ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator at the main Parkersburg campus.

Investigations are completed expeditiously, normally within 10-20 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. WVU at Parkersburg will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

WVU at Parkersburg may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke WVU at Parkersburg's resolution process are being investigated by law enforcement. WVU at Parkersburg will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

WVU at Parkersburg action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

7. Notice of Investigation and Allegations

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Administrative Resolution Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor, if any, to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent. The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement about WVU at Parkersburg’s policy on retaliation,
- Information about the privacy of the process,
- Information on the right to have an Advisor of their choosing present for all meetings attended by the advisee,
- A statement informing the parties that WVU at Parkersburg’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to WVU at Parkersburg’s VAWA Brochure, if applicable
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the U.S. Postal address indicated in official WVU at Parkersburg records, or emailed to the parties’ college-issued email accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

8. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Assist the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy.

- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses.
- Meet with the Complainant to finalize their statement, if necessary.
- Identify all policies implicated by the alleged misconduct if not already identified.
- Consult with the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator about any need to amend the NOIA with any additional or withdrawn allegations.
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- Interview all relevant individuals and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses.
- If there is insufficient evidence to support reasonable cause, the investigation process is closed with no further action.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties and to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator throughout the investigation.
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation and all evidence.
- Share the draft investigation report with the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator for review and feedback.
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s).
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report.
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop.
- Provide the final report to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator. Recommend to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

9. Determination

Within two to three days of receiving the Investigator's recommendation, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator or a trained, designated Decision-

maker from the Pool¹¹ reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation should be strongly considered but is not binding on the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator/Decision-Maker. The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

10. Additional Details of the Investigation Process a. Witness responsibilities

Witnesses (as distinguished from the parties) who are faculty or staff of WVU at Parkersburg are expected to cooperate with and participate in WVU at Parkersburg's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

b. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, WVU at Parkersburg makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

c. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties will be made aware.

¹¹ When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.

d. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

e. Sexual history/patterns

Unless the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

f. Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), in accordance with a progressive discipline system, when applicable.

g. Character witnesses

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

h. Notification of outcome

If the Respondent admits to the violation(s), or is found in violation, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, in consultation with other administrators as appropriate, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in

person; mailed to the U.S. Postal address of the parties as indicated in official WVU at Parkersburg records; or emailed to the parties' WVU at Parkersburg-issued email accounts. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which WVU at Parkersburg is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent WVU at Parkersburg is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

11. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

a. Student Sanctions

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any WVU at Parkersburg policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Education/Counseling:* A mandate to meet with and engage in specified educational activities and/or college-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension may be automatically placed on probation through the remainder of their tenure as a student at WVU at Parkersburg. This sanction will be noted as a Conduct Suspension on the student's official transcript so long as that suspension remains in effect.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend WVU at Parkersburg-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma:* WVU at Parkersburg may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* WVU at Parkersburg reserves the right to revoke a degree previously awarded from WVU at Parkersburg for fraud, misrepresentation, and/or other violation of WVU at Parkersburg policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including WVU at Parkersburg registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, WVU at Parkersburg may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*

- *Denial of Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, WVU at Parkersburg may assign any other responsive actions as deemed appropriate.

12. Withdrawal or Resignation While Charges are Pending

- a. Students:** If a student has an allegation pending for violation of the Policy on Harassment and Discrimination, WVU at Parkersburg may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from WVU at Parkersburg, the resolution process ends, as WVU at Parkersburg no longer has disciplinary jurisdiction over the withdrawn student.

However, WVU at Parkersburg will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to WVU at Parkersburg. Such exclusion applies to all campuses of WVU at Parkersburg. A hold will be placed on their ability to be readmitted. They may also be barred from WVU at Parkersburg property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to WVU at Parkersburg unless and until all sanctions have been satisfied.

- b. Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as WVU at Parkersburg no longer has disciplinary jurisdiction over the resigned employee.

However, WVU at Parkersburg will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with WVU at Parkersburg or any campus of WVU at Parkersburg, and the records retained by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator and the Human Resources Department will reflect that status.

All WVU at Parkersburg responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter and is not eligible for rehire.

13. Appeals

All requests for appeal consideration must be submitted in writing to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator within five (5) business days of the delivery of the written finding of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator or other Decision-maker. Any party may appeal the findings only under the grounds described below.

An Appeal Officer chosen from the Pool will be designated by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- 1) A procedural error or omission occurred that significantly impacted the outcome (e.g., material deviation from established procedures, failure to correctly apply the evidentiary standard).
- 2) To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- 3) Substantiated bias on the part of Decision-makers, Investigators or ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator.

When any party requests an appeal, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. These responses or appeal requests will be shared with each party. The Appeal Officer will review the appeal request(s) within three (3) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Officer dismisses the appeal.

When the Appeal Officer finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Officer are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Investigator(s) or ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Officer.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title

IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

- For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within five (5) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator/Decision-maker (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to WVU at Parkersburg or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

14. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will address any remedial requirements offered by WVU at Parkersburg to the Respondent.

15. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from WVU at Parkersburg and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator.

16. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator.

17. Disabilities Accommodation in the Resolution Process

WVU at Parkersburg is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to WVU at Parkersburg's resolution process.

Any student needing such accommodations or support should contact the Executive Director of Student Support Services, and any employee should contact the Executive Director of Human Resources. The respective Executive Director will review the request and, in consultation with the person requesting the accommodation and the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.