

# **WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS**

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**SEPTEMBER 19, 2023  
AGENDA**

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## **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 Meyer

Dr. Torie Jackson  
President



# SCHEDULE

## **West Virginia University at Parkersburg Board of Governors**

**Tuesday, September 19, 2023**

11:30 a.m.	Executive Committee	President's Conference Room - Room 1105
12:30 p.m.	Lunch - Vernon Criss, Overview of the Legislative Process	Francis & Nina Phares Board Room - Room 1300
2:00 p.m.	Academic and Student Services	Riverhawk Conference Room - Room 1101
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 September 19, 2023  
Francis & Nina Phares Board Room & Zoom  
3:15 p.m.

- |    |  |   |
|----|--|---|
| 1. | Call to Order  | Board Chair, Joe Oliverio   |
| 2. | Roll Call  | Lauriel Rader<br>Secretary to the Board   |
| 3. | President's Report   | Dr. Torie Jackson,<br>President   |
| 4. | Approval of Minutes  |   |
|    | • Regular Meeting - August 15, 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<br>Finance & Administration<br>.....                                 |
|    |  | 13  |
| 7. | Action Items   |   |
|    | • Approval of updated Board of Governors Policies<br>to reflect Affirmative Action compliance  | Dr. Torie Jackson,<br>President.....  |
|    |  | 22  |
|    | • Approval of updated Board of Governors Policies<br>to reflect a review of the Salary Policy  | Dr. Torie Jackson,<br>President.....  |
|    |  | 107   |
|    | • Approval of Faculty Compensation Structure<br>Outlined in the Answer Book Policy IV-15 Faculty<br>Salaries and Performance-Based Increases | Dr. Torie Jackson,<br>President & Alice Harris<br>Executive VP Finance &<br>Administration..... |
|    |  | 111   |
|    | • Approval to utilize Unrestricted Reserve Funds<br>for the replacement of flooring and seating in<br>the WVUP Theatre                       | Alice Harris, Executive VP<br>Finance & Administration<br>.....                                 |
|    |  | 117   |

- Approval of updated Board of Governors Policy to reflect a review of the Transferability of Credits and Grades Policy Dr. Torie Jackson, President.....118
  - Approval of Delegation of Powers to the President Joseph Oliverio, Chair, & Donna Smith, a past Chair of the WVUP Board of Governors.....121
8. Board Comments/Announcements
    - October 6, 2023 at 6:30pm - Inauguration for Dr. Torie Jackson
    - October 11-12, 2023 - Board of Governors Summit - Embassy Suite Charleston, WV
    - October 27, 2023 at 11:00pm - Cosmetology Ribbon Cutting, 313 Murdoch Ave. Parkersburg
  9. Next Meeting  
October 17, 2023
  10. Adjournment

MINUTES  
WEST VIRGINIA UNIVERSITY AT PARKERSBURG  
BOARD OF GOVERNORS  
August 15, 2023

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Tuesday, August 15, 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: Joe Oliverio, Blaine Hess, Savannah Morgan, Steve Hardman, Donna Smith, JP Hushion, Jason Landers, Stephanie McCoy, Ami Shaver, Andrew Walker, Cody Irick and Michael Meyer. Others present included Dr. Torie Jackson and Lauriel Rader.

Guests present included administrators, faculty and staff.

**1. Call to Order**

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

**2. Roll Call**

Roll Call was taken by Lauriel Rader, Secretary to the Board of Governors, noting that a quorum was present.

**3. President's Report**

President Jackson delivered the following report:

The theme for the Mid Ohio Valley is that it is a great place to live, work and play. Since we live and work here, how does that correlate for us as a business?

At WVU Parkersburg, we intentionally focus on service to our institution, service to our community, and service to our students. It's the opinion of this college's executive leadership team that we truly excel in our mission objectives.

We are an institution that provides accessible, life-changing educational opportunities in a safe and supportive environment.

It reminds me of the oft quoted phrase on the Statue of Liberty. "Give me your tired, your poor, your huddled masses yearning to breathe free."

It's not really a stretch. We ask our community to send us those who need a change or are ready to begin a new path. It can be high school to college. It can be those who have already been in the workforce that are looking for another opportunity. They can be emotionally or physically tired. They all join us for a hope to enhance their financial stability. Renewal of purpose, financial enhancements - it helps all breathe easier.

So this task we have before us is one of purpose. I've heard it so much in the last few weeks as we have met with students, parents, and the community. Our employees have been reminded that what they do changes lives. Our board chair explained to them yesterday that they were - in a sense - like travel agents helping book an experience.

The experience of college for students is vital - and it comes in many forms. As of today, we are an institution that is 64% traditional age (meaning 23 and under) and 36% nontraditional (meaning 24 and above).

As of today, also, we are 2,362 students strong - already an FTE increase of 120 students and a headcount increase of 88. However, I say that to tell you that our goal to be up by 150 students is still on track as we expect that many additional students just in dual credit enrollments that aren't in the system until later this week or next. We truly will be up more than 200 students this fall. For that, we give thanks.

A brief look at news articles about higher education in West Virginia and beyond shows a different story. We are cautioned about an enrollment cliff. We are saddened to see another one of our fellow colleges no longer have the financial capacity to operate. I tell you this, governors, to remind you of what makes WVUP special. We are unique and uniquely positioned to help varied groups of students.

Our enrollment is up because of partnerships with companies like WVU Medicine Camden Clark, Chemours, Constellium and so many more. Our local companies find value in the education we provide their current employees and their future employees - they continue with the local theme of the MOV being a great place to work and live.

Yesterday was a great day to see it in action. It was the opening of the fall semester with all faculty back on campus. It was time to share our State of the College address. And to further illustrate our current partnerships, yesterday was also a signing ceremony for 27 of our nursing students to receive stipends from CCMH while being our students. What makes this so special is that local companies are helping students in the path to education. And the students are appreciative.

One of the nursing students who signed, Carsen Hesson says this will go a long way in getting her through nursing school and to follow in her mom's footsteps.

"She's the best nurse I know," Hesson said. "I look up to her and I really admire what she does. And I've seen a lot of people she's touched, and it makes me want to do the same thing."

"They may be one flat tire away from dropping out of nursing school," WVU Medicine at Camden Clark Medical Center chief nursing officer, Carol Grove said. "And with our

support and WVU-P's support to make sure that they are successful, I believe that this will make a big difference for them."

WVUP does support students. Send us your students yearning for something more. Trust us to educate them, keep them safe, and support them. That, governors, is our mission and our privilege. And it is another reason why I am WVU Parkersburg Proud.

#### **4. Approval of Minutes**

Chairman Oliverio stated the minutes from the Regular Board meeting of June 21, 2023 are submitted for review. With no corrections to be made, minutes are approved as submitted.

#### **5. Committee Reports**

- Executive Committee

Chairman Oliverio announced that he represented the Board at the State of the College address. He shared a special congratulations to this Board, the previous Boards, to Alice Harris and her team, for the sound financial footing the college is on. The Employee Recognition program is back, to honor employees for their years of service to the institution. HLC is coming to campus on March 4-5, 2024. Please keep your calendars open for these dates. Many people are working on the reaffirmation. Thank you to everyone who is involved in this process. The Executive Committee talked about the enrollment update and discussed the formats of the 2pm Committee meetings. Moving forward, we will have a hybrid format of special presentations and updates, as deemed appropriate by the President. Meeting invites have been sent to the entire Board, except for the lunch meetings. These invites will be sent out later this week. Next year, we will send block calendar invites for the entire day, instead of getting multiple calendar invitations.

- Academic and Student Services Committee

Mr. Hess reported the Academic and Student Services Committee met and had a thorough update on the Cosmetology Program, from Dean Wilson. The Cosmetology program will start on August 28<sup>th</sup>. This is one week later than the rest of the college, due to an extensive building renovation and setting up the equipment needed for this program. This was made possible by a Perkins Grant and Tech Program Grant. Lisa Carter, Program Director, has 15 years of experience running a similar Cosmetology Program at New River Community College. The committee met two of the Cosmetology instructors, Jessica Freeman who has 22 years of experience and John Stanley, who has been practicing for 36 years. John is ranked 4<sup>th</sup> in the world in an international competition, in Paris. On August 11<sup>th</sup>, the program passed their State Inspection. There are 36 students enrolled in the program this semester. There will be an Open House and Ribbon Cutting in late September or early October.

- Administrative Services Committee

Ms. Morgan reported the Administrative Services Committee met with Dr. Jackson to hear an update about the Jackson County Center and the upcoming renovations. Dr. Jackson gave a recap from the Board Members' tour in April. Jeannine, Cody, Bob and team sold a surplus of furniture and reallocated furniture in the upper atrium for a lounge area for students. Office space has been revamped and new furniture is on the way. Flooring and painting have been refreshed as well. New sign options were presented. The lower atrium area will be used in the future for a small ATC, this will require equipment. Some will come from the main campus and some will require grant funding. Mason Bishop and team have been hired as grant writers for the ATC and equipment for a specialized science grant. The Committee members learned some facility updates. The IT Department shared that 50 computers have been repurposed into the classroom from the computer labs. Valcom PA system has been updated in nearly every area of the campus. Network equipment has been updated across campus. Nicole Shutts shared the recruitment plans in the Fall 2023, include 6 straight weeks of fairs at the high schools and tailgating events at all the rival football games. HR shared there are 8 positions open and in the hiring process.

## **6. Information Items**

- Fiscal Update

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

## **7. Action Items**

- Approval of Williamstown High School Dual Credit Pathway

Dr. David Lancaster, Vice President for Academic Affairs, presented to the Board the resolution for approval of the Williamstown High School Dual Credit Pathway. Dr. Lancaster reported that 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.

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

Ms. Smith seconded the motion. Motion passed.

- Approval of updated Board of Governors Policies to reflect a review of the Salary Policy - Updated Answer Book #VI-11B Tuition and Fees  
Dr. Torie Jackson, President, presented to the Board the resolution for approval of the updated Board of Governors Policies to reflect a review of the Salary Policy. Dr. Jackson reported 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.

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

Ms. Smith seconded the motion. Motion passed.

- Approval of updated Board of Governors Polices to reflect Affirmative Action compliance

Dr. Torie Jackson, President, presented to the Board the resolution for approval of the updated Board of Governors Policies to reflect Affirmative Action compliance. Dr. Jackson reported 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.

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

Ms. McCoy seconded the motion. Motion passed.

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

Chairman Oliverio 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. Morgan moved to adjourn to Executive Session. Mr. Hess seconded the motion. The motion passed and the Board moved into Executive Session at approximately 3:52 p.m.

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

**9. Board Comments/Announcement**

Chairman Oliverio open the floor for announcements. Dr. Jackson announced there will be a Farmers Market today from 3pm-5pm at the Riverhawk Farm. Ms. Smith announced there will be Board of Governors training session in Charleston at the Embassy Suites on October 11-12, 2023.

**10. Next Meeting**

Next meeting will be held September 19, 2023.

**11. Adjournment**

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

Respectfully submitted,

Lauriel Rader  
Secretary to the Board of Governors

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Joe Oliverio, Chair

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Savannah Morgan, Secretary

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 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 August 31, 2023.

Meeting Date: September 19, 2023

To: Board of Governors

RE: August 2023 Financial Report

Greetings Board Members,

As of August 31st, we are 17% through the fiscal year. Revenues total 19% of the annual budgeted revenue with expenses coming in at 13% of the annual budgeted expenses. Please note that there have been significant changes to the Projected FY 2024 budget column to reflect the addition of grant programs whose information was not available at the time the original budget was approved. The most significant new items are the USDA Memorial Health Systems Nursing Grant (\$891,825) and the Congressional Appropriation for Upskilling Incumbent Worker Training Grant (\$596,000).

The budgeted expenditures of the college reflect the allocation of financial resources to support the five pillars of the WVUP strategic plan as follows:

- Enrollment Management – Did you know that WVUP spends \$22,000 to support our online course catalog, and \$45,000 to purchase specialized software to assist students with financial aid verification, SAP status, and financial aid award notifications? In addition, we invested \$10,500 to offer College 101 freshman orientation to over 450 new students.
- Community Relations & Branding & Marketing– Since July 1<sup>st</sup>, WVUP purchased \$8,505 of print advertising in the Parkersburg News & Sentinel and \$25,900 of television ads from WTAP. These expenditures reflect a small portion of the multi-pronged approach to shouting the message of WVUP's value to our community.
- Educational program quality – During the first two months of FY 2024, WVUP has expended \$44,215 to purchase supplies and lab kits for our nursing students, \$40,470 (\$30,041 of which is grant-funded) to purchase books and supplies for our cosmetology students, expended \$6,700 to partner with Gradcast to assist us with tracking the employment successes of our graduates and paid \$44,700 for an upgrade to our welding equipment.
- Workplace Culture – Our expenses include a pay increase for all full-time faculty and staff which helps them to deal with inflationary challenges. The budget also allows us to fund faculty and staff professional development and helps us pay for supervisory management classes for our mid-level managers.
- Most important of all, our disbursement and budget process allows us to follow the concepts of transparency, honesty, and consistent communication with our students, faculty, and staff as no amount of money can replace integrity and goodwill in creating a positive working and learning environment.

**Tuition & Fees** – July and August are typically a slow time for the collection of tuition and fees. During this time, we are generally limited to collecting our remaining summer term tuition and the initial down payments for Fall payment plans. Tuition and fee collections will increase significantly in the month of September with the first financial aid payouts scheduled during this month.

**State Appropriations** – WVUP collects its state appropriations 30% in the first quarter, 30% in the second quarter, 20% in the third quarter, and 20% in the fourth quarter. The accelerated cash flow helps ensure that we have sufficient funds to pay payroll costs at WVUP as 100% of the appropriation is used for payroll support. Amounts are higher in FY 2024 to reflect the increase provided this fiscal year to cover the Governor's pay increase.

**Grant Revenue** – The majority of non-state appropriated revenues come from grants. WVUP has several grants that support growth in our nursing program and the start-up costs associated with our new cosmetology and agribusiness programs. As the year progresses, we expect monthly grant expenditures to increase as we implement and expend grant proceeds from the incumbent worker training grant and the USDA-based Memorial Health System nursing grant.

**Personnel costs** – Personnel costs currently at 14.21% are within the parameters of the annual payroll budgeted by the College.

**Household Supplies** – This budget is at 33% because of large purchases for supplies to support the Fall semester and the supplies necessary to complete semi-annual floor waxing.

**Membership Dues** – Many of our fiscal year institutional memberships are payable in July causing the expended percentage to be higher.

**Quarterly Payments** – WVUP's insurance carrier BRIM and West Virginia University, bills and collects premiums and fees at the beginning of each quarter.

**Capital & Equipment** – There are currently no large capital projects ongoing as we await the \$2.9 million WVHEPC deferred maintenance funds promised by the WV Governor's office. However, the Riverhawk Farm is currently soliciting bids to construct its agricultural facility.

Overall, August's results reflect a strong financial start to the fiscal year.

*Alice M. Harris, MBA, CPA*

West Virginia University at Parkersburg Cash Basis Consolidated Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
<b>Inflows:</b>						
State Appropriations	11,193,778	11,193,778	3,239,906	3,358,133	7,835,645	30%
Tuition & Fees, Net	8,984,347	8,984,347	748,501	863,443	8,120,904	10%
Rental income	8,000	8,000	6,230	6,230	1,770	78%
Workforce & Economic Development	250,000	250,000	30,349	19,455	230,545	8%
Grant Revenues	3,333,911	5,242,901	1,418,021	441,156	4,801,745	8%
Other Revenues	1,222,750	1,222,750	78,669	493,680	729,070	40%
Debt Service	(256,053)	(256,053)	(85,351)	(85,351)	(170,702)	33%
Less HERA Assessments	(105,000)	(105,000)	(23,036)	(23,448)	(81,552)	22%
<b>Total Inflows</b>	<b>24,631,733</b>	<b>26,540,723</b>	<b>5,413,289</b>	<b>5,073,298</b>	<b>21,467,425</b>	<b>19%</b>
<b>Outflows:</b>						
Faculty	4,306,000	4,552,500	534,138	435,000	4,117,500	10%
Nonclassified staff	3,355,000	3,550,877	622,512	673,452	2,877,425	19%
Classified staff	3,700,000	3,696,970	702,678	696,877	3,000,093	19%
Adjunct faculty	867,000	1,024,500	55,466	73,442	951,058	7%
Student workers	469,568	469,568	33,036	40,423	429,145	9%
Payroll taxes	934,980	964,570	110,304	111,290	853,280	12%
Employee insurance	1,506,000	1,580,232	98,049	189,983	1,390,249	12%
Retirement plan contributions	735,000	761,207	82,790	82,717	678,490	11%
OPEB	175,000	186,980	11,546	-	186,980	0%
Fringes	222,500	233,990	11,582	8,313	225,677	4%
Advertising and promotion	614,796	774,796	98,455	79,632	695,164	10%
Awards & Scholarships	254,050	258,550	-	-	258,550	0%
Household supplies	61,812	61,812	7,815	20,377	41,435	33%
Computer supplies	894,451	1,100,631	200,023	86,348	1,014,283	8%
Hospitality & food products	216,498	217,498	14,630	40,524	176,974	19%
Student activities	31,000	31,000	-	2,648	28,352	9%
Insurance	183,000	183,000	35,916	45,642	137,358	25%
Routine maint. contracts	107,620	107,620	10,333	19,471	88,149	18%
Office expenses	55,243	57,219	7,134	3,580	53,639	6%
<b>Other general expenses</b>	<b>308,082</b>	<b>391,782</b>	<b>73,440</b>	<b>7,266</b>	<b>384,516</b>	<b>2%</b>



West Virginia University at Parkersburg Cash Basis Consolidated Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
Postage & freight	30,000	30,000	470	562	29,439	2%
Printing & binding	47,200	47,200	1,727	7,787	39,413	16%
Rent expense	202,613	241,693	19,031	31,267	210,426	13%
Education supplies	487,944	551,411	30,098	129,972	421,439	24%
Telephone & cell phones	136,644	136,644	5,140	14,208	122,436	10%
Training	114,930	180,775	6,263	10,788	169,987	6%
Utilities	677,900	677,900	94,927	117,098	560,802	17%
Bank fees	56,000	56,000	4,234	4,701	51,299	8%
Fleet expenses	15,200	15,200	1,210	1,324	13,876	9%
Travel	175,000	197,076	12,985	13,402	183,674	7%
Professional, consultants, contract labor	2,160,777	2,291,377	104,353	383,418	1,907,959	17%
Repairs & Maintenance	321,500	321,500	35,975	46,095	275,405	14%
Library books & materials	92,000	92,000	8,962	3,226	88,774	4%
Miscellaneous other expenses	7,555	53,928	-	14,012	39,916	26%
Membership dues	65,845	65,845	15,458	15,987	49,858	24%
Service agreement WVU	250,000	250,000	62,500	-	250,000	0%
Equipment	347,625	561,472	52,195	32,702	528,770	6%
Capital projects	1,045,400	1,165,400	523,913	25,007	1,140,393	2%
Total outflows	25,231,733	27,140,723	3,689,288	3,468,541	23,672,182	13%
Surplus (deficit) from operations	(600,000)	(600,000)	1,724,001	1,604,757		
Surplus Utilization Approved	600,000	600,000	-	-		
Net surplus (deficit)	-	-	1,724,001	1,604,757	-	-

Benchmark Percentage for Period

17%

West Virginia University at Parkersburg Cash Basis Operating Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
<b>Inflows:</b>						
State Appropriations	11,193,778	11,193,778	3,239,906	3,358,133	7,835,645	30%
Tuition & Fees, Net	8,984,347	8,984,347	748,501	863,443	8,120,904	10%
Rental income	8,000	8,000	6,230	6,230	1,770	78%
Workforce & Economic Development	250,000	250,000	30,349	19,455	230,545	8%
Grant Revenues	-	-	567,441	670	(670)	-
Other Revenues	1,222,750	1,222,750	78,669	493,680	729,070	40%
Debt Service	(256,053)	(256,053)	(85,351)	(85,351)	(170,702)	33%
Less HERA Assessments	(105,000)	(105,000)	(23,036)	(23,448)	(81,552)	22%
<b>Total Inflows</b>	<b>21,297,822</b>	<b>21,297,822</b>	<b>4,562,709</b>	<b>4,632,812</b>	<b>16,665,010</b>	<b>22%</b>
<b>Outflows:</b>						
Faculty	4,211,467	4,136,467	462,546	418,804	3,717,663	10%
Nonclassified staff	3,143,514	3,218,514	599,237	574,847	2,643,667	18%
Classified staff	3,625,704	3,625,704	677,658	670,775	2,954,929	19%
Adjunct faculty	693,732	693,732	51,182	73,442	620,290	11%
Student workers	425,756	425,756	26,041	36,755	389,001	9%
Payroll taxes	876,117	876,117	100,533	100,409	775,708	11%
Employee insurance	1,466,245	1,466,245	94,302	177,117	1,289,128	12%
Retirement plan contributions	699,363	699,363	78,211	76,812	622,551	11%
OPEB	158,712	158,712	11,099	-	158,712	0%
Fringes	212,280	212,280	10,695	7,620	204,660	4%
Advertising and promotion	603,796	603,796	95,501	78,184	525,612	13%
Child Care Scholarships	20,000	20,000	-	-	20,000	0%
Household supplies	61,812	61,812	7,158	19,034	42,778	31%
Computer supplies	879,451	879,451	120,946	86,348	793,103	10%
Hospitality & food products	210,098	210,098	13,710	39,534	170,564	19%
Student activities	31,000	31,000	-	2,648	28,352	9%
Insurance	183,000	183,000	35,916	45,642	137,358	25%
Routine maint. contracts	107,620	107,620	10,333	19,471	88,149	18%
Office expenses	52,643	52,643	6,640	3,511	49,132	7%

West Virginia University at Parkersburg Cash Basis Operating Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
Other general expenses	21,426	21,426	550	6,066	15,360	28%
Postage & freight	30,000	30,000	470	(334)	30,334	-1%
Printing & binding	47,200	27,700	1,727	7,787	19,913	28%
Rent expense	202,613	202,613	19,031	11,628	190,985	6%
Education supplies	445,383	445,383	29,335	66,443	378,940	15%
Telephone & cell phones	136,644	136,644	5,140	14,208	122,436	10%
Training	95,430	114,930	6,501	5,515	109,415	5%
Utilities	677,900	677,900	94,927	117,098	560,802	17%
Bank fees	56,000	56,000	4,234	4,701	51,299	8%
Fleet expenses	15,200	15,200	1,210	1,324	13,876	9%
Travel	136,215	136,215	9,345	7,970	128,245	6%
Professional, consultants, contract labor	641,576	641,576	95,326	58,953	582,623	9%
Repairs & Maintenance	321,500	321,500	35,975	43,645	277,855	14%
Library books & materials	92,000	92,000	8,962	3,226	88,774	4%
Miscellaneous other expenses	7,555	7,555	-	14,152	(6,597)	187%
Membership dues	65,845	65,845	12,163	15,987	49,858	24%
Service agreement WVU	250,000	250,000	62,500	-	250,000	0%
Equipment	137,625	137,625	6,703	21,039	116,586	15%
Capital projects	855,400	855,400	22,613	19,357	836,043	2%
Total outflows	21,897,822	21,897,822	2,818,420	2,849,720	19,048,102	13%
Surplus (deficit) before DOE Settlement	(600,000)	(600,000)	1,744,289	1,783,092	-	
Reserves Budgeted for Use	600,000	600,000	-	-	-	
Net surplus (deficit)	-	-	1,744,289	1,783,092	-	-

West Virginia University at Parkersburg Cash Basis Grant Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
<b>Inflows:</b>						
State Appropriations	-	-	-	-	-	0%
Tuition & Fees, Net	-	-	-	-	-	0%
Child Care	-	-	-	-	-	0%
Rental income	-	-	-	-	-	0%
Workforce & Economic Development	-	-	-	-	-	0%
Grant Revenues	3,333,911	5,242,901	850,580	440,486	4,802,415	8%
Other Revenues	-	-	-	-	-	0%
Debt Service	-	-	-	-	-	0%
Less HERA Assessments	-	-	-	-	-	0%
Total Inflows	3,333,911	5,242,901	850,580	440,486	4,802,415	8%
<b>Outflows:</b>						
Faculty	94,533	416,033	71,592	16,196	399,837	4%
Nonclassified staff	211,486	332,363	23,275	98,605	233,758	30%
Classified staff	74,296	71,266	25,020	26,102	45,164	37%
Adjunct faculty	173,268	330,768	4,284	-	330,768	0%
Student workers	43,812	43,812	6,995	3,669	40,144	8%
Payroll taxes	58,863	88,453	9,771	10,881	77,572	12%
Employee insurance	39,755	113,987	3,747	12,866	101,121	11%
Retirement plan contributions	35,637	61,844	4,579	5,905	55,939	10%
OPEB	16,288	28,268	447	-	28,268	0%
Fringes	10,220	21,710	887	693	21,017	3%
Advertising and promotion	11,000	171,000	2,954	1,448	169,552	1%
Awards & Scholarships	234,050	238,550	-	-	-	0%
Household supplies	-	-	657	1,343	(1,343)	10%
Computer supplies	15,000	221,180	79,077	-	221,180	0%
Hospitality & food products	6,400	7,400	920	990	6,410	13%

West Virginia University at Parkersburg Cash Basis Grant Budget Report Two Months Ended August 31, 2023						
	Approved FY 2024 Budget	Projected FY 2024 Budget	8/31/22	8/31/23	Remaining Unexpended Budget	% of Budgeted Total
Student activities	-	-	-	-	-	0%
Routine maint. contracts	-	-	-	-	-	0%
Office expenses	2,600	4,576	494	69	4,507	2%
Other general expenses	286,656	370,356	72,890	1,200	369,156	0%
Postage & freight	-	-	-	895	(895)	0%
Printing & binding	-	19,500	-	-	19,500	0%
Rent expense	-	39,080	-	19,639	19,441	0%
Education supplies	42,561	106,028	763	63,529	42,499	60%
Telephone & cell phones	-	-	-	-	-	0%
Training	19,500	65,845	(238)	5,273	60,572	8%
Utilities	-	-	-	-	-	0%
Fleet expenses	-	-	-	-	-	0%
Travel	38,785	60,861	3,640	5,431	55,430	9%
Professional, consultants, contract labor	1,519,201	1,649,801	9,027	324,464	1,325,337	20%
Repairs & Maintenance	-	-	-	2,450	(2,450)	0%
Miscellaneous other expenses	-	46,373	-	(140)	46,513	0%
Membership dues	-	-	3,295	-	-	0%
Equipment	210,000	423,847	45,492	11,663	412,184	3%
Capital projects	190,000	310,000	501,300	5,650	304,350	2%
Total outflows	3,333,911	5,242,901	870,868	618,821	4,385,530	12%
Projected surplus (deficit)	-	-	(20,288)	(178,335)		

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 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 after consideration of comments.

**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. No substantial comments were received during the 30-day comment period, but minor changes were requested by the attorney for the WVCTCS. 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

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](#); [77 C.S.R. 1](#); Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA); Americans with Disabilities ~~Amendments~~ Act [Amendments](#) 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~~ [Disability Accommodations](#)**

- ~~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:~~

~~2.6.1. — 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;~~

~~2.6.2. — 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;~~

~~2.6.3. — 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;~~

~~2.6.4. — 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.~~

2.1. In compliance with the Americans with Disability Act of 1990 (ADA), the Americans with Disabilities Act Amendments of 2008 (ADAA), Section 504 of the federal Rehabilitation Act of 1973 (Rehabilitation Act) and other applicable federal and State law, West Virginia University at Parkersburg (WVU-P or the College) provides qualified individuals with disabilities the opportunity to participate in programs, activities, or employment.

2.2. WVU-P will not discriminate against any employee or applicant for employment, student, or applicant for admission on the basis of physical or mental disability.

2.3. **Employees and Applicants for Employment.** – WVU-P will provide reasonable accommodations to all qualified employment applicants and employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive, would result in undue administrative or financial hardship or that would fundamentally alter the College's application processes, programs, or services and/or would change the essential functions of the job. The College is not required to change the essential functions of an employee's job and is not required to provide personal need items unless those items are provided to nondisabled employees or applicants. The College may give primary consideration to the preference of the individual requesting an accommodation; however, WVU-P may offer alternative accommodation suggestions and discuss their effectiveness in removing the barrier impeding the individual with a disability. WVU-P has final discretion to choose between effective accommodations and may select one that is least expensive or easier to provide. Disclosure of a disability is voluntary; however, applicants for employment and employees seeking accommodations are required to self-identify by requesting reasonable accommodations by asking for an adjustment or change at work based on a medical condition and are required to follow any accommodation or academic adjustment procedures. Applicants for employment seeking accommodations during the application process and current employees must self-identify early, as the College will not grant accommodations retroactively.

2.4. **Students and Applicants for Admission.** – WVU-P shall provide reasonable accommodations to all otherwise qualified admissions applicants, current students, and student athletes who have a qualifying disability to ensure equal access to the College's programs, services, and activities and to ensure that the College does not discriminate based on disability unless providing such reasonable accommodations would cause an undue financial or administrative hardship or would alter the fundamental nature of the WVU-P program, service, or activity. The College is not required to provide modifications or accommodations that would, as a matter of course, necessarily transform the nature of any academic program, sport, or activity. WVU-P is not required to lower or substantially modify essential admissions requirements or program, service, or activity requirements, nor is it required to provide personal services. The College may give primary consideration to the preference of the individual requesting a reasonable accommodation; however, WVU-P may offer alternative suggestions and discuss their effectiveness in removing the barrier impeding the individual with a disability. WVU-P has final discretion to choose between effective academic adjustments, and may select one that is least expensive or easier to provide. Disclosure of a disability is voluntary; however, applicants for admission and current students requesting accommodations shall self-identify and are required to follow any accommodation or academic adjustment request procedures. Applicants for admission seeking accommodations during the admissions process and/or seeking academic adjustments related to the technical admissions standards and current students must self-identify early, as the College will not grant academic adjustments or accommodations.

2.5. Individuals requesting accommodations shall participate in the interactive process.

- 2.6. The College's programs and activities shall 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 Rehabilitation Act, the ADA, and the ADAA.

### 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:~~

3.2.1. ~~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.~~

3.1.2. ~~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.~~

- 3.1. **Academic Adjustments and Auxiliary Aids and Services (collectively Auxiliary Aids)** are actions taken services, devices, or materials provided to ensure that qualified students with disabilities can are afforded an equal opportunity to participate in and receive the benefits of the an educational program, regardless of impaired sensory, manual, or speaking skills service, or activity that do not cause undue hardship. 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, in-class 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.

- 3.2. **Disability** ~~The ADA defines a person with a disability as a person who has a physical or mental~~ means an impairment that substantially limits ~~one or more a~~ 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.~~

- 3.3. **Essential Function** means a fundamental duty of a position. A duty may be considered an essential function if (a) the position exists to perform that function; (b) there are a limited number of employees available who could fulfill that function; and/or (c) the function is highly specialized. ~~In determining whether a duty is~~ Other factors used to determine essential function include it is also relevant to consider the amount of time spent performing the function and the 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.~~
- 3.4. **Interactive Process** ~~is either:~~ means a conversation between WVU-P and an individual requesting a reasonable accommodation to determine: (a) if the individual is a person with a disability; (b) if a disabled individual requires a reasonable accommodation(s) to provide equal access to the College’s program(s), activity(ies), or services; and (c) what, if any, reasonable accommodation(s) are available. The College and the individual may conduct the interactive process in person, by online technology or platforms, by telephone, or by email.
- ~~3.4.1. 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.~~
- ~~3.4.2. 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.~~
- 3.5. **Otherwise Qualified** means:
- 3.5.1. In the employment context, a person who meets legitimate skill, experience, education, or other requirements of an employment position that the person holds or seeks and who can perform the essential functions of the position with or without reasonable accommodation(s); or
- 3.5.2. A student capable of fulfilling the essential functions and requirements of an academical program or activity, including but not limited to athletic teams, with or without the provision of reasonable accommodation(s).
- 3.6. **Qualified Employee Person with a Disability** ~~is an individual with a disability~~ means a person who: (a) has a physical or mental impairment that substantially limits one or more major life activities; or (b) has a history

~~or record of such an impairment; or (c) is perceived by others as having such an impairment, who can perform the essential functions of the position, with or without reasonable accommodation. Only a person with a disability is eligible for reasonable accommodation(s).~~

~~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.~~

~~3.7. **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. means any academic adjustment, auxiliary aid, modification, or change to a WVU-P program, service, activity, or policy that provides equal access to the College's application processes, programs, activities, and services by otherwise qualified persons with disabilities and that does not fundamentally alter the nature of the program or service and/or that do not cause undue financial or administrative burden to WVU-P. Reasonable accommodations for applicants for admission or employment or current students and employees do not include personal services such as personal attendants, wheelchairs, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, including tutoring and out-of-class typing, unless the College also provides such services to nondisabled applicants, students, or employees.~~

~~3.8. **Undue Hardship or Undue Burden** is means 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~~ is 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**~~

~~4.1.1. Provide individuals persons with disabilities the opportunity to fully participate in employment and academic life;~~

~~4.1.2. Provide reasonable accommodations, academic adjustments, and auxiliary aids as necessary and appropriate;~~

- ~~4.1.3. Refer individuals to the Student Accessibility Counselor or Chief Human Resources Officer as appropriate to address concerns regarding disability accommodations and related matters;~~
- ~~4.1.4. Refer individuals to the college's ADA/Section 504 Coordinator as appropriate to address discrimination, harassment, and or retaliation concerns or complaints regarding disability rights, accommodations, and other related matters;~~
- ~~4.1.5. Ensure that websites, electronic media, online learning courses, and other electronic information and communications within their departments are accessible to individuals persons with disabilities;~~
- ~~4.1.6. 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; and~~
- ~~4.1.7. 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 an undue 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** shall provide timely notification when a reasonable accommodation, academic adjustment, and/or auxiliary aid is required, according to institutional procedures.~~
- ~~4.3. **Supervisors, Managers**~~
  - ~~4.3.1. 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;~~
  - ~~4.3.2. Discuss the reasonable accommodations listed in the Accommodation Memorandum with the employee and implement them as needed and requested;~~
  - ~~4.3.3. Consult with the Chief Human Resources Officer if there are questions or concerns about implementing the Accommodation Memorandum; and~~

- ~~4.3.4. 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~~

- ~~4.4.1. 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;~~
- ~~4.4.2. Discuss the academic adjustments and/or auxiliary aids listed in the Accommodation Memorandum with the student and implement them as needed and requested;~~
- ~~4.4.3. Consult with the Student Accessibility Counselor if there are questions or concerns about implementing the Accommodation Memorandum; and~~
- ~~4.4.4. 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~~

- ~~4.5.1. Ensure that individuals persons 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; and~~
- ~~4.5.2. 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~~

- ~~4.6.1. Ensure that applicants with disabilities have equal access to the process and accommodations pursuant to this policy and institutional procedures; and~~
- ~~4.6.2. Ensure that individuals are not asked about their disability status during the pre-admission stage.~~

#### ~~4.7 Student Accessibility Counselor~~

~~4.7.1. Assist students with disabilities in identifying appropriate academic adjustments, auxiliary aids, and/or reasonable accommodations;~~

~~4.7.2. Coordinate services for students with disabilities, as described in this policy and institutional procedures; and~~

~~4.7.3. Facilitate the interactive process as necessary and develop and communicate accommodation recommendations.~~

#### ~~4.8 Chief Human Resources Officer~~

~~4.8.1. Assist employees with disabilities in identifying reasonable accommodations;~~

~~4.8.2. Facilitate the interactive process as necessary involving the employee and supervisor; and~~

~~4.8.3. Develop and communicate accommodation recommendations.~~

#### ~~4.9 ADA Coordinator~~

~~4.9.1. Administer this policy;~~

~~4.9.2. 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;~~

~~4.9.3. Aid in resolving conflicts or problems regarding the implementation of reasonable accommodations, academic adjustments, and auxiliary aids; and~~

~~4.9.4. Investigate allegations of discrimination, harassment, and retaliation.~~

## Section 5. Complaints

5.1 Discrimination, harassment, or retaliation against a person who requests a reasonable accommodation for a disability, reports disability discrimination or harassment, or who files a complaint or participates in an investigation, adjudication, or disposition of such a complaint is prohibited by this Policy and Policies A-34,



[“Equal Opportunity, Affirmative Action, and Nondiscrimination” and A-44, “Policy and Procedures Regarding Harassment and Discrimination.”](#)

- 5.2. 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: 304-424-8294 212  
FAX: 304-424-8302  
Email: [social.justice@wvup.edu](mailto: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, [harassment, or retaliation based on disability](#) with the appropriate State or federal enforcement agencies, subject to applicable time limitations, [and](#)/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](mailto:OCR.Philadelphia@ed.gov)

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/>

Website: [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

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 Administrative Procedure(s) and Modifications

- 6.1 The ~~Board of Governors delegates to the~~ President and the institution's ADA Coordinator have the collaborative authority to ~~adopt additional internal policies and establish administrative~~ procedures to ~~effectuate the implementation of~~ implement this rule policy, including, but not limited to, disability accommodation request procedures. ~~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~~ may modify any portion of this Policy in practice to comport with any amendments made to any relevant federal, State, or local law, rule or regulation regarding the same to ensure the due process rights of the College's applicants for admission or employment or current students or employees. Subject to WVU-P's policymaking process, the Board will amend this policy to conform to the most current laws, rules, and regulations within a reasonable time after learning of such amendments.
- 6.3. The ADA Coordinator may 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](#) and [W. Va. Code § 5-11B-1, et seq.](#)
- 1.3 Scope. - This policy applies to all members of the West Virginia University at Parkersburg campus community.
- 1.4. 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 nondiscriminatory 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**

**a3.1 Students**

- 3.1.1. Under the U.S. Department of Education's (DOEd) regulations for implementing ~~Title IX~~ Title VI/Title IX/Section 504 of the Education Amendments of 1972 (~~Title IX/Title VI/Title IX/Section 504~~), 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~~ shall 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; Provided, That such action does not place an undue burden on the College. 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 VI/Title IX~~Title VI/Title IX/Section 504/Section 504 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, the Director of Disability Services or his or her designee shall notify faculty members ~~will be notified regarding of~~ reasonable accommodations authorized for the student. The ~~Title IX~~Title VI/Title IX/Section 504 Coordinator ~~has the authority to shall~~ determine ~~that such~~ whether the requested accommodations are ~~necessary and appropriate under Title IX~~Title VI/Title IX/Section 504, reasonable and ~~to~~ advise faculty members or others, as necessary.
- 3.1.4 WVUP will make 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 and~~ other employees ~~will~~ may not require a student to limit her studies as the result of pregnancy or pregnancy-related conditions. Pregnant students ~~cannot~~ may not be channeled into alternative programs against their wishes.
- 3.1.5 ~~No~~ The College may not impose artificial deadlines or time limitations ~~will be imposed~~ on requests for accommodations; however, WVUP ~~is limited in its ability to impact or cannot~~ implement accommodations retroactively. Reasonable accommodations may include, but are not limited to:
- 3.1.5.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);
  - 3.1.5.b. Modifications to the physical environment (such as accessible seating);
  - 3.1.5.c. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
  - 3.1.5.d. Providing remote learning options;

- 3.1.5.e. Excusing medically-necessary absences (irrespective of classroom attendance requirements set by a faculty member, a division, or otherwise established by the institution); and
- 3.1.5.f. Granting leave or implementing incomplete grades for classes that will be resumed at a future date.
- 3.1.5.g. Reasonable accommodations do not include modification of the essential elements of any academic program.
- 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, to anticipate the need for absences and leaves, to minimize the academic impact of their absences, and to get back on track as efficiently and comfortably as possible. The ~~Title IX~~Title VI/Title IX/Section 504 Coordinator will assist with plan development and implementation as needed.
- 3.1.7 ~~Administrative responsibility lies with The Title IX~~The Title VI/Title IX/Section 504 Coordinator, ~~who will shall~~ maintain all appropriate documentation related to accommodations. ~~The Title IX~~The Title VI/Title IX/Section 504 Coordinator ~~shall~~ share 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 shall~~ regard all information associated with such requests as private and ~~will may~~ not disclose this information unless necessary.

## 3.2 Employees

- 3.2.1 Discrimination ~~on the basis of~~ based on pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under the federal Pregnancy Discrimination Act (PDA), ~~an amendment to Title VII of the Civil Rights Act of 1964~~ and the State Pregnant Workers Fairness Act (PWFA). Women affected by pregnancy or related conditions must be treated in the same manner as other similarly situated applicants or employees ~~who are similar in their ability or inability to work~~. The PDA and the PWFA 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 other 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 shall~~ 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~~ no supervisor or administrator may not ~~be required her~~ to remain on leave until the baby's birth. ~~No predetermined length of leave time may be established by an~~ Administrators or and supervisors may not establish a predetermined length of time for an employee to take leave after childbirth. WVUP ~~will shall~~ 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. [FMLA leave is discussed further in these 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~~ [the College shall treat her](#) the same as [it does](#) any other temporarily disabled employee; ~~for example, (e.g.,~~ 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 and~~ [employees will be](#) [are](#) entitled to ~~a~~ reasonable accommodation(s) for ~~a~~ disability related to pregnancy, ~~absent undue hardship (significant difficulty or expense)~~ [in accordance with Policy A-43, Disability Accommodations.](#)
- 3.2.6 Employees on medical leave for pregnancy related conditions ~~will~~ have equal access to benefits provided to [other](#) employees on medical leave. Expenses for pregnancy related conditions ~~will be~~ [are](#) covered by health insurance and be reimbursed in the same manner as for other medical conditions [according to the PDA. The College shall treat](#) 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.” In accordance with State and federal law, employees are allowed to may~~ [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 shall provide~~ 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. If the College chooses to provide a dedicated lactation lounge in addition to the space required herein, such space shall meet the same sanitation requirements as the required space.

~~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.~~

4.2.2 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 shall~~ promptly forwarding such report to the Social Justice Officer/~~Title IX~~Title VI/Title IX/Section 504 Coordinator.
- 5.5. The College shall investigate all allegations of harassment, discrimination or retaliation ~~will be investigated~~ and handled ~~them~~ promptly and equitably under the supervision of the institution's Social Justice Officer/~~Title IX~~Title VI/Title IX/Section 504 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~~Title VI/Title IX/Section 504 Coordinator, Room 10170  
West Virginia University at Parkersburg  
300 Campus Drive

Parkersburg, WV 26104

E-mail: Social.Justice@wvup.edu

Telephone: (304) 424-82900112

FAX: (304) 424-8302

6.2 Complaints may also be filed (under ~~Title IX~~ Title VI/Title IX/Section 504) with the U.S. Department of Education, Office for Civil Rights:

U.S. Department of Education Office for Civil Rights  
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](http://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 or the West Virginia Human Rights 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/](http://www.eeoc.gov/)

West Virginia Human Rights Commission  
1321 Plaza East, 108A  
Charleston, WV 25301  
Telephone: (304) 558-2616 or 1-888-676-5546  
Fax: (304) 558-0085  
Website: [www.hrc.wv.gov](http://www.hrc.wv.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; ~~§ and~~ 18B-2A-4; Section 504/Title II of the Federal Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA).
- 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.

West Virginia University at Parkersburg will provide substantive and procedural due process and the right of appeal to students charged with violations of the conduct code ~~will be provided substantive and procedural due process and the right of appeal~~. Similarly, the college will protect their ~~students'~~ rights 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.

The college affords opportunities for participation in the process and equality of treatment ~~are afforded to~~ 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, West Virginia University at Parkersburg follows 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.

## 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~~ applies 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~~ is 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~~ applies 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 college may modify or change 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. *See also*, 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, or 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 or 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 or breach of the peace;
  - 4.1.10. Illegal or unauthorized possession or use of ~~firearms, guns~~ dangerous or deadly weapons such as knives, blackjacks, billy clubs, brass knuckles, or other weapons, explosives, dangerous chemicals, fireworks or other items with potential to cause harm; guns or firearms other than as authorized by W. Va. Code § 18B-4-5b; 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 Violation](#) of the Code of Student Conduct and hearing procedures [or](#) 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 [a](#) 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:
  - 4.1.14.a. Sexual intercourse with, and/or sexual intrusion against, [either](#) a person capable of giving consent without such person's consent, or a person incapable of giving consent; [or](#)
  - 4.1.14.b. Sexual assault or abuse, statutory or acquaintance rape, [or](#) sexual harassment. See, WVU [at Parkersburg](#) 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:
  - 4.1.15.a. Disruption or interference with the normal use of the computers, computer-related equipment, data, or programs of individuals, the network or the college;
  - 4.1.15.b. Use of ~~this~~ [the college's](#) equipment, data, or programs in performance of any act listed as prohibited in this document;
  - 4.1.15.c. Attempts to breach security in any manner; [or](#)
  - 4.1.15.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, [faculty member/instructor](#), staff member, or student employee who is acting in the

performance of ~~their~~ his/her 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; and
- 4.1.19. Inciting others to commit any of the acts listed above, involvement as an accessory to any of these acts, or assisting or encouraging others to engage in such violation;
- 4.2. 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.
  - 4.2.1. 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.
  - 4.2.2. Shoes are part of professional dress, hygiene, and safety requirements and ~~should~~ must 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 (hereinafter, "Complainant") and subsequent disciplinary action by the college.
  - 5.1.1. The Complainant must submit his or her complaint(s) 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 likely sanction ~~of is~~ suspension or expulsion ~~is likely to be sought~~, the Vice President of Academic Affairs shall set a time ~~shall be set~~ for a hearing not fewer than five or more than ~~thirty 30~~ working days after the college has notified student ~~has been notified of the charge(s)~~. The Vice President of Academic Affairs may extent the 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 the college may restrict or deny the student's privileges ~~may be restricted~~ and /or 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 a student is on probation, the college may restrict or deny the student's privileges ~~may be restricted~~ and /or participation in extra-curricular activities ~~may be limited or denied~~.

5.2.4. **Fines.** A penalty of money that the appropriate college official imposes on a student as punishment for a violation of this Code of Conduct. Such fines are Previously established and published by the Vice President of Academic Affairs 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 substantial threat of disruption of or interference with the normal operations of the college. During the interim suspension, the 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 disciplinary 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. The

Vice President of Academic Affairs or his or her designee may specify 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 a team, group, or student organization:
- 5.3.1. Those sanctions listed above under 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6.
- 5.3.2. Loss of selected rights and privileges for a specified period of time.
- 5.3.3. Deactivation of a team, group, or student organization, which includes 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 of~~ the accused student (hereinafter, "Respondent"), 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 both~~ the Complainant and the ~~accused~~ Respondent ~~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~~ The person appealing such decision or sanction ~~shall do so in writing directed to~~ 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~~ neither party ~~appeals is made as contemplated herein by the deadline established above,~~ then the proceeding is closed. Any decision and sanction imposed becomes part of the Respondent's record, ~~of the Accused~~ and the college may ~~be~~ distributed it to others as, and to the extent, allowed or required 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. The VPAA shall submit to the Disciplinary Hearing Board for formal hearing all cases that could result in suspension or expulsion of the Respondent.~~

## Section 6. Student Rights

- 6.1. The college shall afford proper due process to a 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 Both~~ the Complainant and the ~~accused~~ Respondent ~~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 a likely ~~to be~~



~~sought sanction~~, 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~~ 48 hours prior to the hearing if an attorney will be present at the proceedings.

## Section 7. Disciplinary Hearing Board Composition

- 7.1. If applicable, ~~the Complainant and the Respondent shall select~~ 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~~ 11 members including faculty, administrative staff, support staff, and student representatives. ~~The President or the President's designee appoints~~ each member is appointed by the President at the beginning of the academic year for a one-year term from nominations from various ~~segments~~ constituents 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; and
  - 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 ~~parties to the proceeding shall chose the~~ Hearing Panel ~~shall be chosen by the parties to the proceeding~~, each striking names in turn with the ~~accused~~ Respondent 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~~ handled in accordance with the following procedures:
  - 8.1.1. The Vice President ~~for Student Services of Academic Affairs~~ shall meet with the Accused Respondent 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 a likely ~~to be sought~~ sanction, 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~~ Academic Dean shall effect this step and the step set out in 8.1.2 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. The Vice President of Academic Affairs or his or her designee shall send written notice of the meeting time and location to 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~~ 10 working days prior to the meeting.
- 8.1.3. At least five ~~(5)~~\* working days prior to the hearing, each party shall provide a written summary statement of the case to each member of the Panel ~~is furnished a written summary statement from all parties involved.~~
- 8.1.4. At the hearing, the Panel and the parties may call witnesses ~~may be called by the Panel or by the parties to the proceeding to testify on their behalf.~~
- 8.1.5. All hearings are private and the information shared therein shall remain confidential to the extent allowed by law.
- 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 or evidence, such as are applied in criminal or civil court. The college ~~shall have~~ has 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~~ has 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 a likely to be sought sanction, the Hearing Panel~~'s~~ shall base its determination ~~shall be made on the basis of~~ whether there is clear and convincing evidence that the Accused Respondent 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 Respondent violated the Code of Student Conduct. The Hearing Panel may accept as evidence 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 its decision in writing to the parties and to the Vice President ~~for Student Services of Academic Affairs~~. The Hearing Panel or its designee shall submit a 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 Complainant or the Respondent may appeal 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~~ is limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:
- 8.1.10.a. To determine whether jurisdiction as established in the Code of Student Conduct was properly asserted;
  - 8.1.10.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~~ Complainant a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the ~~accused student~~ Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations;
  - 8.1.10.c. To determine whether the decision reached regarding the ~~accused student~~ Respondent 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;
  - 8.1.10.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; and/or
  - 8.1.10.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 on the appeal~~ within ~~thirty (30)~~ days of his/her receipt of such appeal, except where adherence to such time period would be impracticable, in which case the President may extend 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~~ Respondent.

\*The Vice President of Academic Affairs may extend 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 Hearing Panel shall not disclose or discuss the name(s) or status(es) of students involved in disciplinary situations ~~shall not be discussed~~ with anyone outside the ~~review board~~ Hearing Panel membership except as otherwise required by this Code or by law or court order.
  - 9.1.2. Even in the case of open hearings, ~~hearing body members~~ Hearing Panelists shall refrain from public comment on the proceedings, and ~~shall~~ in no instance ~~shall discuss or disclose~~ the closed deliberations of the ~~hearing body be discussed,~~ Hearing Panel ~~nor shall reveal~~ confidential information ~~be revealed~~ except as otherwise required by this Code or by law or court order.
  - 9.1.3. The Hearing Panel shall treat as confidential all votes cast by ~~its~~ 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 or by law or court order.
- 9.2. If a student is found responsible for a violation of this policy that results in a suspension or expulsion and is suspended or expelled from the college as a result thereof, the college will ~~have~~ such status noted such status on their student's 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~~ nondiscriminatory 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.

**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~~ has the right to have any academic penalty imposed upon him/her in accordance with this policy; and to have such action 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~~ is 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, any or 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 by the Vice President for Academic Affairs.-
- 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~~ other individual responsible for the imposition of a penalty (hereinafter, "Responsible Party"), 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 the instructor, dean, or institution may ~~be~~ imposed therefor.
- 6.2 If the Responsible Party imposes a penalty ~~is imposed~~, he or she shall inform 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 is not or 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. The Vice President for Academic Affairs shall set 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. The Vice President for Academic Affairs may extend the maximum time limits for scheduling of a hearing~~s 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~~ is 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 Both~~ the Responsible Party and the student is are individually responsible for presenting ~~his or her~~ their own cases 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 the Responsible Party is seeking or is likely to seek 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 student or the student's attorney notify the ~~Senior~~-Vice President for Academic Affairs ~~is notified~~ of such the attorney's anticipated participation 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~~ each questions ~~to a the~~ witnesses or ~~a party parties~~ to the hearing. ~~This~~ The hearing will be conducted in a format identified by the chairperson of the Hearing Panel. The chairperson of the Hearing Panel ~~shall have~~ has 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~~ shall 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:
- 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.
  - 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.
  - 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 Either the Responsible Party or the student may appeal 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 The appeals shall be in writing and shall be delivered by the appealing party 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:
- To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures.
  - To determine whether the decision reached regarding the student was based on substantial evidence.
  - To determine whether the sanction(s) imposed were appropriate for the violation which the student was found to have committed.
  - 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 on the appeal~~ within ~~thirty (30)~~ days of his/her receipt of ~~such the~~ appeal, except where adherence to such time period would be impracticable, in which case ~~such the President may extend the~~ time period ~~shall be extended~~ as warranted by the particular circumstances.
- 8.4 If ~~the President or his/her designee upholds~~ an appeal ~~is upheld by the President or his/her designee, he/she shall remand~~ the matter ~~shall be remanded~~ to the original Hearing Panel ~~for with instructions to~~ re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). If ~~the President or his/her designee does not uphold~~ an appeal ~~is not upheld by the President or his/her designee, he/she shall issue a determination finding as such and~~ the matter shall be considered final and binding upon all involved.

West Virginia University at Parkersburg Board of Governors
<b>POLICY A-44</b> <b>POLICY AND PROCEDURES REGARDING</b> <b>HARASSMENT AND DISCRIMINATION</b>

**Section 1. General**

**1.1. Purpose and Relevant Scope:**

- 1.1.1. 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 [a person reports](#) 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 VI/Title IX/Section 504 Coordinator, and as detailed below.
- 1.1.2. 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](#); [135 C.S.R. 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 VI/Title IX/Section 504 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~~ means 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** means 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** means 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~~ prohibited by this policy and which complies with the requirements of the Title VI/Title IX/Section 504 regulations (34 CFR §106.45). This process is known as “Process A” and is more fully described in Appendix 2 to this policy.
- 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 VI/Title IX/Section 504 Coordinator.
- 2.15. **Notice** means that an employee, student, or third-party informs the ~~official designated as~~ Title VI/Title IX/Section 504 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 VI/Title IX/Section 504 ~~Coordinator~~ Coordinator.
- 2.20. **Protected Activity** ~~means, 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, [and/or retaliation](#) 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 alleged fact](#) 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(s).
- 2.24. **Respondent** means an individual who [a Complainant, Mandated Reporter, or third party](#) has ~~been~~ reported to [the College](#) 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:
- 2.28.1. **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.
- 2.28.2. **Forcible Sodomy**: oral or anal sexual intercourse with another person, forcibly and/or against that person's will (i.e., non-consensually) or not forcibly or against the person's will in instances where

the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- 2.28.3. **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 (i.e., non-consensually) or not forcibly or against the person's will in instances in which the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 2.28.4. **Forcible Fondling:** the touching of the private body parts (buttocks, groin, breasts) of another person for the purpose of sexual gratification forcibly and/or against that person's will (i.e., non-consensually) or not forcibly or against the person's will in instances in which the person 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~~ means unwelcome, gender-based, verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational programs or activities. It can be based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Examples of sexual harassment include, but are not limited to, an attempt to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwelcome sexual attention; punishing a refusal to comply with a sexual based request; conditioning a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; or gender-based bullying. See Subsection 16.4 for greater detail.
- 2.30. **Student** ~~For the purpose of this policy, means~~ 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 on a full- or part-time basis at~~ WVU at Parkersburg .
- 2.31. **Title VI/Title IX/Section 504 Coordinator** is the official designated by WVU at Parkersburg to ensure compliance with Title VI/Title IX/Section 504 and WVU at Parkersburg's Title VI/Title IX/Section 504 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.~~
- 2.33. **Title VI/Title IX/Section 504 Team** refers to the Title VI/Title IX/Section 504 Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

### Section 3. Title VI/Title IX/Section 504 Coordinator

- 3.1. The ~~Executive Director, Policy and Compliance~~ Chief Human Resources Officer reports directly to the President and serves as the Title VI/Title IX/Section 504 Coordinator and ADA/504 Coordinator. The ~~Executive Director~~ Chief Human Resources Officer oversees implementation of WVU at Parkersburg's affirmative action nondiscrimination and equal opportunity program, disability compliance, and WVU at Parkersburg's policy regarding harassment and discrimination. Pursuant to Title VI/Title IX/Section 504 regulations, the Title VI/Title IX/Section 504 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 VI/Title IX/Section 504 regulations, the Title VI/Title IX/Section 504 Coordinator acts with independence and authority free from bias and conflicts of interest. The Title VI/Title IX/Section 504 Coordinator oversees all resolutions under this policy and these procedures. The [College vets and trains all](#) members of the Title VI/Title IX/Section 504 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. [The parties or any interested person shall direct to the Deputy Title VI/Title IX/Section 504 Coordinator any concern involving bias or conflict of interest or reports of misconduct or discrimination by the Title VI/Title IX/Section 504 Coordinator may be directed to the Deputy Title VI/Title IX/Section 504 Coordinator at the Parkersburg campus of WVU at Parkersburg. The parties or any interested person shall direct concerns of about bias or a potential conflict of interest or reports of misconduct or discrimination by any other Title VI/Title IX/Section 504 Team member should be raised with to the Title VI/Title IX/Section 504 Coordinator.](#)
- ~~4.3. Reports of misconduct or discrimination committed by the Title VI/Title IX/Section 504 Coordinator should be reported to the Deputy Title VI/Title IX/Section 504 Coordinator at the Parkersburg campus of WVU at Parkersburg. Reports of misconduct or discrimination committed by any other Title VI/Title IX/Section 504 Team member should be reported to the Title VI/Title IX/Section 504 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 VI/Title IX/Section 504 Coordinator

Executive Director, ~~Policy of Human Resources~~ & Compliance

Room ~~4040~~ 1017

300 Campus Drive

Parkersburg, WV 26104

(304) 424-~~8201~~ 8290

Email: ~~Debbie.Richards~~ hr@wvup.edu

Web: [www.wvup.edu/harassment-and-discrimination/](http://www.wvup.edu/harassment-and-discrimination/)

~~Scott Poe~~, Deputy Title VI/Title IX/Section 504 Coordinator

Executive Director, ~~Human Resources~~ of Student Support Services

Room ~~1008~~ 19A

300 Campus Drive

Parkersburg, WV 26104

(304) 424-8242388

Email: [Scott.Poe\\_student.services@wvup.edu](mailto:Scott.Poe_student.services@wvup.edu)

~~Steven Smith~~, Deputy Title VI/Title IX/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\\_provost@wvup.edu](mailto:Steven.Smith_provost@wvup.edu)

5.2. ~~WVU at Parkersburg has determined that~~ The following administrators are Officials with Authority [at WVU at Parkersburg](#) to address and correct harassment, discrimination, and/or retaliation. In addition to the Title VI/Title IX/Section 504 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
- ~~Vice President, Facilities~~

5.3. ~~WVU at Parkersburg has also classified~~ All employees [as of WVU at Parkersburg are](#) 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:

**For Students:**

U.S. Department of Education Office of Civil Rights  
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](mailto:OCR_Philadelphia@ed.gov)  
Website: [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

**For Employees:**



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/](http://www.wvf.state.wv.us/wvhrc/)

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/](http://www.eeoc.gov/)

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

- 6.1. Complainants, Mandatory Reporters, and any other individual may provide notice or complaints of discrimination, harassment, and/or retaliation ~~may be made~~ using any of the following options:
  - 6.1.1. File a complaint with, or give verbal notice to, the Title VI/Title IX/Section 504 Coordinator, Deputy Title VI/Title IX/Section 504 Coordinator, a Mandatory Reporter, 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 VI/Title IX/Section 504 Coordinator or any other official listed.
  - 6.1.2. Report online, using the reporting form posted at [www.wvu.edu/harassment-and-discrimination/](http://www.wvu.edu/harassment-and-discrimination/). The College will accept anonymous reports, are accepted but can which may 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 VI/Title IX/Section 504 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 VI/Title IX/Section 504 Coordinator alleging a policy violation by a Respondent and requesting that WVU at Parkersburg investigate the allegation(s). Complainants, Mandatory Reporters, and any other individual may file a~~ complaint ~~may be filed~~ with the Title VI/Title IX/Section 504 Coordinator in person, by mail, or by electronic mail, by using the contact information in the section above or as described in this section 6.1 above. ~~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 anyone provides notice ~~is submitted~~ in a form ~~that does not meet this standard other than the Reporting Form linked above in subsection 6.1.2~~, the Title VI/Title IX/Section 504 Coordinator ~~will~~ may contact the Complainant reporter to ensure that it is filed correctly the Title VI/Title IX/Section 504 Team has sufficient information to initiate the response process.

## 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 is~~ 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(s) or activity(ies), including measures designed to protect the safety of all parties or the institution's educational environment, and/or to deter harassment, discrimination, and/or retaliation.
- 7.3. The Title VI/Title IX/Section 504 Coordinator shall promptly make supportive measures available to the parties upon receiving notice or a complaint. ~~At the time that supportive measures are offered, WVU at Parkersburg will~~ The Coordinator shall also inform the Complainant, in writing, that ~~they he or she~~ may file a formal complaint with WVU at Parkersburg either at that time or in the future, if ~~they have he or she has~~ not done so already. The Title VI/Title IX/Section 504 Coordinator shall work with the Complainant to ensure that ~~their his or her~~ wishes are taken into account with respect to the proffered supportive measures ~~that are planned and implemented~~.
- 7.4. WVU at Parkersburg will shall maintain the privacy and confidentiality of the supportive measures, ~~provided as long as~~ that privacy and confidentiality does not impair the institution's ability to provide the supportive measures. WVU at Parkersburg will act to shall ensure as minimal an academic or workplace impact on the parties as possible. ~~WVU at Parkersburg will~~ and shall implement the supportive measures in a way that does not unreasonably burden the other party.
- 7.5. ~~These actions~~ Supportive measures may include, but are not limited to:
- 7.5.1. Referral to counseling, medical, and/or other healthcare services;
  - 7.5.2. Referral to the Employee Assistance Program;
  - 7.5.3. Referral to community-based service providers;
  - 7.5.4. Visa and immigration assistance;
  - 7.5.5. Student financial aid counseling;
  - 7.5.6. Education to the institutional community or community subgroup(s);
  - 7.5.7. Altering work arrangements for employees or student-employees;
  - 7.5.8. Safety planning;
  - 7.5.9. Providing campus safety escorts;
  - 7.5.10. Implementing contact limitations (no contact orders) between the parties;
  - 7.5.11. Academic support, extensions of deadlines, or other course/program-related adjustments;
  - 7.5.12. Timely warnings;
  - 7.5.13. Class schedule modifications, withdrawals, or leaves of absence;

- 7.5.14. Increased security and monitoring of certain areas of the campus; and
- 7.5.15. Any other actions deemed appropriate by the Title VI/Title IX/Section 504 Coordinator.
- 7.6. The Coordinator shall refer 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 may~~ act to remove a Respondent entirely or partially from ~~its an~~ education program, workplace, or ~~activities activity~~ 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. The Coordinator and the institution's Threat Assessment Team conduct this risk analysis ~~is performed by the Title VI/Title IX/Section 504 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 the institution imposes~~ emergency removal ~~is imposed~~, the Coordinator will give the Respondent ~~will be given~~ notice of the action and the option to request to meet with the Title VI/Title IX/Section 504 Coordinator prior to ~~such action/~~ the removal ~~being imposed~~, or as soon thereafter as reasonably possible, to show cause why the ~~action/~~ the College should not implement the removal or should ~~not be implemented or should be otherwise~~ modified the proposed sanction.
- 8.2.1. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine ~~solely whether only the appropriateness of~~ the proposed emergency removal ~~is appropriate. When If the Respondent does not request~~ this meeting ~~is not requested~~ in a defined timely manner, the institution shall consider any possible objections to the emergency removal ~~will be deemed~~ waived.
- 8.2.2. The Coordinator may allow the Complainant and ~~their the Complainant's~~ Advisor ~~may be permitted~~ to participate in this meeting if the Title VI/Title IX/Section 504 Coordinator determines it is equitable to do so. ~~There is no appeal process for emergency removal decisions.~~
- 8.3.3. A Respondent may be accompanied by an Advisor of ~~their his or her~~ choice when meeting with the Title VI/Title IX/Section 504 Coordinator for the show cause meeting. The Coordinator will give the Respondent ~~will be given~~ access to a written summary of the basis for the proposed emergency removal prior to the meeting to allow for adequate preparation.
- 8.3.4. The Coordinator's decision regarding emergency removal is not appealable.
- 8.3. The Title VI/Title IX/Section 504 Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine ~~the its~~ conditions and duration. Violation of an emergency removal under this policy ~~will be is~~ grounds for discipline, which may include expulsion or termination.
- 8.4. WVU at Parkersburg ~~will shall~~ implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title VI/Title IX/Section 504 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 or~~ suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intramural sports.

8.5. At the discretion of the Title VI/Title IX/Section 504 Coordinator, the Complainant or the Respondent may pursue 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. ~~WVU at Parkersburg shall act promptly on all allegations are acted upon promptly by WVU at Parkersburg once it has received receives~~ 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~~ and shall act with diligence in its resolution of complaints to 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 VI/Title IX/Section 504 Coordinator will shall~~ provide timely 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~~ timeframes involved in each step of the resolution process, as further outlined in Appendix 2 of this policy.

## Section 10. Privacy

10.1. ~~Every effort is made by~~ WVU at Parkersburg shall take all necessary steps to preserve the privacy of reports.<sup>1</sup> WVU at Parkersburg ~~will shall~~ 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 requirements of Title VI/Title IX/Section 504,~~ including ~~the~~ conducting ~~of~~ any investigation, hearing, or grievance proceeding arising under these policies and procedures; or as otherwise required by State or federal law.

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~~ The Coordinator shall inform officials who need to know ~~will typically be told~~ about the complaint, including but not limited to: Title VI/Title IX/Section 504 Coordinator, Deputy Title VI/Title IX/Section 504 Coordinator(s), specific individuals in Academic or Student Affairs, Campus Police, and/or ~~the~~ Threat Assessment Team. The Coordinator also may share ~~information will be shared,~~ as necessary, with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The ~~circle of~~

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<sup>1</sup> 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.

~~people with this knowledge will be kept as tight as possible~~ Coordinator shall inform the smallest number of people who need to know the information to preserve the parties' rights and privacy.

## Section 11. Jurisdiction of WVU at Parkersburg

- 11.1. This policy applies to the educational programs 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~~ may also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to WVU at Parkersburg's educational programs or activities. WVU at Parkersburg may also extend jurisdiction to off campus and/or to online conduct when the Title VI/Title IX/Section 504 Coordinator determines that the conduct affects a substantial WVU at Parkersburg interest.
- 11.3. Regardless of where the conduct occurred, WVU at Parkersburg ~~will~~ shall address notices and complaints to determine whether the conduct occurred in the context of ~~its~~ employment or educational programs or activities and/or has continuing effects on campus or in an off campus program or activity sponsored ~~program or activity~~ sponsored by the institution. A substantial WVU at Parkersburg interest includes:
  - 11.3.1. Any action that constitutes a criminal offense as defined by law, ~~This includes, including,~~ but ~~is~~ not limited to, single or repeat violations of any local, State, or federal law;
  - 11.3.2. Any situation in which ~~it is the~~ Coordinator determines that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
  - 11.3.3. Any situation that significantly ~~impinges~~ infringes upon the rights, property, or achievements of ~~oneself or~~ others or significantly breaches the peace and/or causes social disorder; and/or
  - 11.3.4. 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 VI/Title IX/Section 504 Coordinator ~~will~~ shall 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~~ Complainant would like to file a police report.
- 11.5. ~~Further, e~~ Even when if the Respondent is not a member of WVU at Parkersburg's community, the Coordinator may offer supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title VI/Title IX/Section 504 Coordinator to the Complainant upon request.
- 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 and contractors 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 VI/Title IX/Section 504 Coordinator ~~can~~ may assist the Complainant in liaising with the appropriate individual at that institution, as it

may be possible to ~~allege violations through~~ file a complaint with that institution's and follow its policies and procedures.

- 11.9. ~~Similarly, t~~ The Title VI/Title IX/Section 504 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 to or filing complaints ~~to with~~ the Title VI/Title IX/Section 504 Coordinator. However, if the Respondent is no longer subject to WVU at Parkersburg's jurisdiction and/or significant time has passed, the College's ability to investigate, respond, and or provide remedies may be ~~more~~ limited or impossible.
- 12.2. The Coordinator has the sole discretion to acting on notice or complaints that may be significantly impacted by the passage of time ~~(including, but not limited to, or the rescission or revision of any applicable policy.)~~ is at the discretion of the Title VI/Title IX/Section 504 Coordinator, who may In such instances, the Coordinator 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 a notice or complaint is ~~affected by~~ after significant time delay has passed, WVU at Parkersburg will typically shall apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice or 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 programs 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 people engage in harassing communications ~~are made~~, when an affected person reports such communications ~~are reported~~ to WVU at Parkersburg, it ~~will shall engage in a variety of means~~ take appropriate steps to address and mitigate the effects.
- 13.3. Members of the community ~~are encouraged to shall~~ be good digital citizens and ~~to~~ refrain from online misconduct, such as ~~feeding anonymous gossip sites~~, sharing inappropriate illegal content online or 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 harass or harm another member of WVU at Parkersburg community.
- 13.4. ~~Any o~~ 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 using WVU at Parkersburg email accounts) ~~will only may~~ be subject to this policy when such online conduct ~~can be shown to~~ causes a substantial in-program disruption or infringement on the rights of others. ~~Otherwise, such communications are considered speech protected by the First Amendment. The College may offer supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline to a member of the campus community who has~~

been or is being subject to online harassment or misconduct, regardless of whether such behavior is actionable by WVU at Parkersburg.

- 13.5. Off-campus harassing speech by employees, whether online or in person, may be regulated by WVU at Parkersburg may take disciplinary action against employees for speech (whether oral, written, or online) or behavior that takes place outside work hours only when such speech or behavior is made in an employee's official or work-related capacity or it undermines the institution's efforts to create an efficient, orderly, safe, healthy, and unbiased working environment.

#### **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 West Virginia Human Rights Commission, or any other human rights agencies agency, entity, or judicial body that has jurisdiction over such matters.
- 14.3. This policy covers non-prohibits discrimination in both employment and access to educational opportunities. Therefore, any member of the WVU at Parkersburg community whose acts or failures to act deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any other member of the 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 this policy on nondiscrimination and subject to appropriate disciplinary action.
- 14.4. When brought to the attention of WVU at Parkersburg shall promptly address and remediate any such discrimination will be promptly and fairly addressed and remedied by WVU at Parkersburg according to in accordance with the appropriate grievance process described below.
- 14.5. WVU at Parkersburg is an Equal Opportunity/Affirmative Action nondiscriminatory institution and will provide auxiliary aids and services are available upon request to individuals with disabilities.
- 14.6. WVU at Parkersburg will take steps to assure shall ensure that an applicant's lack of English language skills will not be a barrier to admission and participation in career and technical education programs to admission to or employment with WVU at Parkersburg.

#### **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 prohibiting discrimination against individuals with disabilities.
- 15.2. Under the ADA and its amendments, a "person has with a disability" if they have is a person who (a) has a physical or mental impairment that substantially limits a major life activity; or (b) has a history or record of such an impairment; or (c) is perceived by others has having such an impairment. Only a person with a disability is eligible for reasonable accommodation(s).



- 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~~ defines "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, learning, or working.
- 15.4. The ~~Executive Director, Policy and Compliance~~ Chief Human Resources Officer ~~has been designated as is~~ WVU at Parkersburg's ADA/504 Coordinator responsible for overseeing ~~efforts to comply the institution's compliance~~ with ~~these disability~~ laws pertaining to disability discrimination, including responding to grievances, and conducting investigations of any allegation of noncompliance or discrimination based on disability.
- 15.5. WVU at Parkersburg will address grievances related to disability status and/or requests for reasonable 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
- 15.6.1. WVU at Parkersburg ~~is committed to providing~~ shall provide 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.
- 15.6.2. All accommodations are made on an individualized basis. To request reasonable accommodation(s), students shall ~~A student requesting any accommodation should first~~ contact the ~~Executive Director of Student Support Services~~ ADA Coordinator, who ~~shall~~ coordinates ~~services for students with disabilities such accommodation(s)~~ in accordance with WVU at Parkersburg's applicable procedures.
- 15.6.3. WVU at Parkersburg shall provide academic adjustments or auxiliary aids ~~will be provided~~ to qualified students with disabilities when necessary to ensure that they have equality of opportunity to complete academic requirements. The college's programs and activities ~~will~~ shall 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; the Americans with Disabilities Act (ADA); and the Americans with Disabilities Amendments Act of 2008 (ADAAA).
- 15.7. Employees with Disabilities
- 15.7.1. Pursuant to the ADA, WVU at Parkersburg ~~will~~ shall provide reasonable accommodation(s) to all qualified applicants and 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 administrative or financial hardship to WVU at Parkersburg, or would fundamentally alter the College's application processes, programs, or services and/or would change the essential functions of the job.
- 15.7.2. An applicant or employee with a disability is responsible for submitting a request for an accommodation and providing necessary documentation to the ~~Executive Director in the~~ Chief Human Resources ~~Department Officer,~~ in accordance with Policy A-43, Disability Accommodations, and applicable institutional procedures.

- 15.7.3. The ~~Executive Director in the Human Resources Department~~ Chief Human Resources Officer ~~will~~ shall 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~~ does not 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 or free speech rights guaranteed by the First Amendment to the U.S. Constitution or Article 3 § 7 of the West Virginia Constitution.
- 16.2. The sections below describe the specific forms of ~~legally prohibited~~ harassment that are ~~also~~ prohibited under WVU at Parkersburg by this 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~~ prohibitions encompass actual and/or attempted offenses.
- 16.3. Discriminatory Harassment
- 16.3.1. Discriminatory harassment ~~constitutes is~~ is a form of discrimination ~~that is~~ prohibited by ~~WVU at Parkersburg this~~ this policy. Discriminatory harassment is defined as unwelcome, typically repeated, offensive conduct ~~by any member or group of the community on the basis that is directed at an individual because of his or her~~ actual or perceived membership in a legally protected class protected by policy or law. Examples of discriminatory harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, threats, intimidation, or other hostile acts that relate to a person's race, color, religion, gender, national origin, age, disability, or any other factor or characteristic that includes a person in a legally protected class.
- 16.3.2. 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."
- 16.3.3. A hostile work environment ~~is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities~~ occurs when unwelcome conduct based on a person's inclusion in a protected class occurs that is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile, or abusive or when enduring such offensive conduct becomes a condition of continued employment or participation in an educational program or activity.<sup>2</sup> ~~This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is~~ must be both severe or pervasive **and** objectively offensive.

<sup>2</sup> ~~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*. <https://www.eeoc.gov/harassment> and <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html>~~

<sup>3</sup> Implicitly or explicitly.



- 16.3.4. When discriminatory harassment rises to the level of creating a hostile environment, WVU at Parkersburg ~~may also~~ will impose sanctions on the Respondent through application of the appropriate grievance resolution process or any other applicable disciplinary process outlined in WVU at Parkersburg policies, procedures, or codes of conduct.
- 16.3.5. WVU at Parkersburg ~~reserves the right to~~ will address offensive conduct and/or harassment that ~~4)~~ 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 by application of any other relevant WVU at Parkersburg policy, procedure, or code of conduct. ~~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.~~
- 16.3.6. ~~For assistance with informal resolution techniques and approaches, e~~ Employees should contact the ~~shall report discriminatory harassment to the~~ Executive Director of Chief Human Resources Officer, and students ~~should contact~~ shall report such incidents to the Executive Director of Student Support Services.

#### 16.4. Sexual Harassment

- 16.4.1. 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.
- ~~16.4.2. WVU at Parkersburg has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.~~
- 16.4.2 Any person may commit an 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.
- 16.4.3. 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 or gender or that is sexual ~~that satisfies~~ constitutes one or more of the following:
- 16.4.3.a. **Quid Pro Quo:** when an employee of WVU at Parkersburg conditions the provision of an aid, benefit, or service of WVU at Parkersburg on an individual's participation in unwelcome sexual conduct.
- 16.4.3.b. **Sexual Harassment:** unwelcome conduct as 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 programs s or activity activities.<sup>3</sup>
- 16.4.3.c. **Sexual Assault:** includes any of the following:

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<sup>3</sup> 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.

- 16.4.4.c.1. *Sex Offenses, Forcible*: any sexual act directed against another person<sup>4</sup> without the consent of that person, including instances in which the person is incapable of giving consent;
- 16.4.4.c.2. *Sex Offenses, Non-Forcible*, including
  - 16.4.4.c.2.A. *Incest*: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by West Virginia law; or
  - 16.4.4.c.2.B. *Statutory Rape*: non-forcible sexual intercourse with a person who is less than 16 years of age, the statutory age for consent in West Virginia.
- 16.4.3.d. ***Dating Violence***: violence 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 [institution will determine the](#) existence of such a relationship [is determined](#) based on the Complainant's statement and [with consideration of considering](#) 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 set forth below.
- 16.4.3.e. ***Domestic Violence***: violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant by (i) a person with whom the Complainant shares a child in common; or (ii) by a person with whom the Complainant is cohabitating or has cohabited as a spouse or intimate partner; or (iii) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of West Virginia; or (iv) by any other person against an adult or minor 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 cohabiting must be current or former spouses or have or have had an intimate relationship.
- 16.4.3.f. ***Stalking***: 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 his or her safety or the safety of others or to 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.

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

- 16.5. Force, Coercion, Consent,<sup>5</sup> and Incapacitation. – As used in the offenses above, the following definitions and understandings apply:
- 16.5.1. **Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and/or 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 all 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.
- 16.5.2. **Coercion** is the application of unreasonable pressure ~~for to take part in~~ 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. A person can exert unreasonable pressure through physical or emotional force, intimidation, misuse or abuse of authority, or overt or implied threats.~~ 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 or ignoring or dismissing any objections to such activity beyond that point can be coercive.
- 16.5.3. **Consent** is knowing, voluntary, and clear permission by word or action to engage in sexual activity.
- 16.5.3.a. 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.
- 16.5.3.b. If a party does not clearly 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.
- 16.5.3.c. For consent to be valid, there must be a clear expression in words or actions that the other individual consented assents to that specific sexual conduct. Reasonable reciprocation can be implied. 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.
- 16.5.3.d. A party may withdraw consent ~~can also be withdrawn~~ once given, as long as the withdrawal is reasonably and clearly communicated. If a party withdraws consent ~~is withdrawn~~, that sexual activity should must cease ~~within a reasonable time~~.
- 16.5.3.e. 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.
- 16.5.3.f. ~~Proof of consent or non-consent is not a burden placed on~~ Neither party is required to prove consent, non-consent, or withdrawal of consent involved in during the College’s investigation of 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

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<sup>5</sup> 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.

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 evidence of any similar, previous patterns ~~that may be evidenced of conduct~~.

~~16.5.3.g. Consent in relationships must also be considered in context. When parties consent to BDSM<sup>6</sup> 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.~~

16.5.4. **Incapacitation:** A person cannot consent if ~~they are~~ he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. The incapacity may be the result of a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. As stated above, a Respondent violates this policy if ~~they~~ he or she engages in sexual activity with someone who is incapable of giving consent.

16.5.4.a. It is a defense to an allegation of sexual assault as a violation of this policy ~~violation~~ that the Respondent neither knew nor should have known the Complainant ~~to be~~ was 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~~ means a person of reasonable prudence and competence would ascertain the physical or mental capacity of the other person.

16.5.4.b. 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).

16.5.4.c. Incapacitation is determined by the college through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

~~16.5.4.d. 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 Requirements Regarding Consensual Relationships

~~16.6.1. 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.~~

16.6.1. Even ~~when if~~ both parties have consent or initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy subsequent behavior by one or both of the

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<sup>6</sup> ~~Bondage, discipline/dominance, submission/sadism, and masochism.~~

~~parties may constitute a violation still exists of this policy. 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 may violate this policy and They~~ may also violate standards of professionalism and/or professional ethics.

- 16.6.3. ~~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, A persons with direct supervisory or otherwise evaluative responsibilities who are is or becomes involved in such a consensual romantic or sexual relationship with a person he or she supervises or over whom he or she exercises an evaluative role must shall immediately bring these relationships to the timely attention of their his or her supervisors and/or the Title VI/Title IX/Section 504 Coordinator. The existence of this type of the 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 such an affected relationship existed prior to adoption of this policy, the duty parties are still required to notify the appropriate supervisor still pertains and/or the Title VI/Title IX/Section 504 Coordinator.~~
- 16.6.4. ~~While no relationships are prohibited by this policy, f~~ Failure to timely self-report ~~such~~ relationships ~~to a supervisor as required can as required in subdivision 16.3.3 may~~ result in disciplinary action ~~for against~~ an employee. The Title VI/Title IX/Section 504 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.
- 16.6.5. ~~Violation of these expectations regarding unethical relationships requirements of this Subsection 16.6 is an employee relations matter the parties shall addressed in consultation with the Human Resources Department, unless the elements of the relationship or behavior within the relationship meets this policy's definition of harassment or discrimination are met, in which case they shall be addressed under the appropriate resolution process of Chief Human Resources Officer or his or her designee shall refer the matter to the Coordinator for resolution in accordance with this policy.~~
- 16.7. Other Civil Rights Offenses. – In addition to the forms of sexual harassment described above, which are covered by Title VI/Title IX/Section 504, WVU at Parkersburg additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title VI/Title IX/Section 504 when the act is based upon the Complainant's actual or perceived membership in a protected class. Such offenses may include, but are not limited to, the following:
- 16.7.1. Sexual Exploitation, ~~defined as:~~ taking non-consensual or abusive sexual advantage of another for ~~their one's~~ own benefit or for the benefit of anyone other than the person being exploited ~~and that where such~~ conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
- 16.7.1.a. 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);
- 16.7.1.b. Invasion of sexual privacy;
- 16.7.1.c. 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;

- 16.7.1.d. Prostituting another person;
- 16.7.1.e. Engaging in sexual activity with another person while knowingly infected with ~~the~~ human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI) without informing the other person of the infection;
- 16.7.1.f. 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;
- 16.7.1.g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- 16.7.1.h. 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;
- 16.7.1.i. Knowingly soliciting a minor for sexual activity;
- 16.7.1.j. Engaging in sex trafficking; and
- 16.7.1.k. Creation, possession, or dissemination of child pornography.
- 16.7.2. 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;
- 16.7.3. Discrimination, defined as actions that deprive, limit, or deny other members of the community ~~of~~ educational or employment access, benefits, or opportunities;
- 16.7.4. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- 16.7.5. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within ~~the~~ 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;
- 16.7.6. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically and/or mentally, which behavior is not speech or conduct otherwise protected by the First Amendment to the U.S. Constitution; ~~and~~
- 16.7.7. Violation of any other WVU at Parkersburg policies ~~may constitute a Civil Rights Offense~~ when ~~a~~ such 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.



- 16.7.8. Sanctions for the above-listed Civil Rights Offenses range from verbal or written reprimand through expulsion from the institution or termination of employment.

## 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. Members of the campus community who become aware of acts of alleged retaliation ~~should be~~ shall ~~reported them~~ immediately to the Title VI/Title IX/Section 504 Coordinator, ~~and will be~~ who shall promptly investigated ~~them~~. 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~~ may 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.~~
- 17.5. The College charging an individual with a code of conduct violation for making a materially false statement in bad faith in 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~~ shall 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~~ the counselor shall timely submit to the Vice President for Academic Affairs anonymous statistical information for Clery Act purposes. The counselor may maintain confidentiality when acting under the scope of ~~their~~ his or her 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, who may find information about it ~~[WHERE?]~~ in the office of Human Resources.
- 18.4. If a Complainant expects the College to take formal action in response to ~~their~~ his or her allegations, he or she may reporting to any Mandated Reporter who can connect ~~them~~ him or her with resources to report crimes and/or policy violations. ~~and these employees will~~ Mandatory Reporters shall immediately pass reports to the Title VI/Title IX/Section 504 Coordinator (and/or police, if desired by the Complainant), ~~who will take action when an incident is reported to them~~ to initiate the appropriate response process.

## 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 Complainant may request that the Title VI/Title IX/Section 504 Coordinator not share his or her name or may advise the Coordinator that he or she does not want the College to conduct an investigation or pursue a formal complaint. The Coordinator who will shall evaluate ~~that the~~ request in light of the College's duty to ensure the safety of the campus and to comply with State or federal law.
- 19.2. The Title VI/Title IX/Section 504 Coordinator has ultimate discretion over whether WVU at Parkersburg proceeds when the Complainant does not wish to do so, and the Title VI/Title IX/Section 504 Coordinator may sign a formal complaint to initiate a grievance process ~~upon completion of an appropriate~~ after the Threat Assessment Team completes a violence risk assessment.
- ~~19.3. The Title VI/Title IX/Section 504 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 VI/Title IX/Section 504 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 t~~ The Title VI/Title IX/Section 504 Coordinator ~~executes the written complaint, they~~ does not become the Complainant by executing the written complaint. 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 with an investigation, the Complainant may have as much or as little involvement in the process as they he or she wishes. The Complainant retains all rights of a Complainant under this policy irrespective of ~~their~~ his or her level of participation. When the Complainant chooses not to participate, the Title VI/Title IX/Section 504 Coordinator may appoint an Advisor ~~may be appointed~~ as proxy for the Complainant throughout the process, who shall 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 or no formal action and the circumstances allow WVU at Parkersburg to honor that request, WVU at Parkersburg will offer informal resolution options (see, below Appendix 2 to this policy), 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 his or her initial decision not to take action if they and later 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 Pursuant to~~ the Clery Act, WVU at Parkersburg must shall issue timely warnings for reported incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
- 20.2. In accordance with the Clery Act, WVU at Parkersburg will ensure that not disclose a Complainant's name and or 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 of violations of 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 that a Respondent violated this policy.
- 21.2. ~~Additionally, w~~ Witnesses and parties who knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be are 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 may offering student parties and witnesses amnesty from minor policy violations related to the incident, such as underage consumption of alcohol or the use of illicit drugs related to the incident.

- 22.4. ~~Amnesty does not apply to is not available to students involved in~~ more serious ~~allegations misconduct~~, 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 is particularly time sensitive. WVU at Parkersburg will inform t The Complainant of the importance of preserving evidence may preserve evidence by taking the following actions:~~
- 23.1.1. ~~Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better);~~
- 23.1.2. ~~Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do;~~
- 23.1.3. ~~Try not to urinate;~~
- 23.1.4. ~~If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth;~~
- 23.1.5. ~~If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence);~~
- 23.1.6. ~~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 t The Title VI/Title IX/Section 504 Coordinator shall advise the Complainant during their initial meeting of the importance of taking these actions will be reiterated preserving evidence, 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 VI/Title IX/Section 504 and will be reviewed and updated annually by the Title VI/Title IX/Section 504 Coordinator.
- 24.2. During the resolution process, the Title VI/Title IX/Section 504 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 VI/Title IX/Section 504 Coordinator may also vary procedures materially in consultation with the President and with notice to all parties involved upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

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

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**

- 1.1. WVU Parkersburg is an Equal Opportunity/Affirmative Action nondiscriminatory 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**

- 2.1. 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 Coordinator<sup>7</sup> or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy.
- 2.2. 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.
- 2.3. 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 or 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."

**8-3. Initial Assessment**

- 3.1. 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

<sup>7</sup> All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

Coordinator<sup>9</sup> engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- 3.1.1. The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator reaches out to the Complainant to offer supportive measures.
- 3.1.2. The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator works with the Complainant to ensure they have he or she has an Advisor.
- 3.1.3. 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.
  - 3.1.3.a. If the Complainant prefers 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~~ his or her wishes and then seeks to facilitate implementation. In this case, the Coordinator will not initiate the Administrative Resolution process ~~is not initiated~~, though the Complainant can elect to initiate it later if desired.
  - 3.1.3.b. If the Complainant prefers 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.
  - 3.1.3.c. If the Complainant prefers an 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:
    - 3.1.3.c.1. The incident; and/or
    - 3.1.3.c.2. A potential pattern of misconduct; and/or
    - 3.1.3.c.3. A culture/climate issue
- 3.1.4. In some cases, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator may determine that the Threat Assessment Team should conduct 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:
  - 3.1.4.a. Interim suspension of a Respondent who is a threat to health/safety;

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<sup>9</sup> 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 if the Coordinator ~~be is~~ otherwise unavailable or unable to fulfill their his or her duties.

- 3.1.4.b. Whether the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
  - 3.1.4.c. Whether to put the investigation on the footing of incident and/or pattern and/or climate;
  - 3.1.4.d. ~~To~~ Help identifying potentially predatory conduct;
  - 3.1.4.e. ~~To~~ Help assessing/identifying grooming behaviors;
  - 3.1.4.f. Whether a Complainant is amenable to Informal Resolution and what modality may be most successful;
  - 3.1.4.g. Whether to permit a voluntary withdrawal by the Respondent;
  - 3.1.4.h. Whether to impose transcript notation or communicate with a transfer institution about a Respondent;
  - 3.1.4.i. Assessment of appropriate sanctions/remedies;
  - 3.1.4.j. Whether a Clery Act Timely Warning and/or Trespass Order is needed.
- 3.1.5. Based on the initial assessment, WVU at Parkersburg will initiate one of two responses:
- 3.1.5.a. 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; or
  - 3.1.5.b. 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.
- 3.2. The investigation and the subsequent Administrative Resolution determine whether a Respondent has violated the Nondiscrimination Policy ~~has been violated~~. If so, WVU at Parkersburg will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address the effects.
- 3.3. The decision on which process to followed considers the preference of the parties but is ultimately determined made at the sole discretion of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, taking into consideration the preference of the parties when appropriate. 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 the Respondent has violated the Nondiscrimination Policy has been violated, the ~~Coordinator will end the process will end~~, and notify the parties will be notified of such action.

- 3.4. 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.

#### **3.4. Resolution Process Pool**

- 4.1. ~~The resolution processes rely on A pool of officials ("Pool") to carry out the resolution processes. Members of the Pool are announced in an annual distribution of this the Nondiscrimination Policy to all members of the campus community. The Executive Director of Human Resources and Compliance will announce members of the Pool in an annual distribution of the Nondiscrimination Policy to all members of the campus community.~~
- 4.2. The list of members and a description of the Pool can be found at [www.wvup.edu/harassment-and-discrimination/](http://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:
- 4.2.1. To provide appropriate intake for and initial guidance pertaining to the allegations;
  - 4.2.2. To act as optional process advisors to the parties;
  - 4.2.3. To investigate allegations;
  - 4.2.4. To serve as a decision maker; and/or
  - 4.2.5. To serve as an Appeal Officer.
- 4.3. 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.
- 4.4. 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.
- 4.5. The Pool members also receive annual training on their respective roles. This training includes, but is not limited to:
- 4.5.1. The scope of WVU at Parkersburg's Harassment and Discrimination Policy and Procedures;
  - 4.5.2. How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability;

- 4.5.3. Implicit bias;
- 4.5.4. Disparate treatment and impact;
- 4.5.5. Reporting, confidentiality, and privacy requirements;
- 4.5.6. Applicable laws, regulations, and [State and](#) federal regulatory guidance;
- 4.5.7. How to implement appropriate and situation-specific remedies;
- 4.5.8. How to investigate in a thorough, reliable, and impartial manner;
- 4.5.9. How to uphold fairness, equity, and due process;
- 4.5.10. How to weigh evidence;
- 4.5.11. How to conduct questioning;
- 4.5.12. How to assess credibility;
- 4.5.13. Impartiality and objectivity;
- 4.5.14. Types of evidence;
- 4.5.15. Deliberation;
- 4.5.16. How to render findings and generate clear, concise, evidence-based rationales;
- 4.5.17. The definitions of all offenses;
- 4.5.18. 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;
- 4.5.19. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- 4.5.20. How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- 4.5.21. Any technology to be used[d](#);
- 4.5.22. Issues of relevance of questions and evidence;
- 4.5.23. Issues of relevance to create an investigation report that fairly summarizes relevant evidence; [and](#)
- 4.5.24. How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations.



- 4.6. The college will also provide specific training ~~is also provided~~ for Appeal Officers, intake personnel, and Advisors. All Pool members are required to attend this annual training.
- 4.7. 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.

#### **4.5. Counterclaims**

- 5.1. A Respondent may make counterclaims ~~by the Respondent may be made~~ in good faith but ~~are also sometimes made~~ shall not make counterclaims in bad faith or for purposes of retaliation. WVU at Parkersburg ~~is obligated to~~ shall ensure that ~~any the~~ processes established in the Nondiscrimination Policy is are not ~~abused~~ for retaliatory purposes or otherwise abused. Counterclaims made for retaliatory purposes or otherwise made in bad faith may constitute a violation of the Policy on Harassment and Discrimination and will be handled accordingly.
- 5.2. 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 college will process good faith allegations ~~will be processed~~ using the resolution procedures below, typically after resolution of the underlying allegation.
- 5.3. ~~A delay in~~ The college will processing of counterclaims ~~is permitted, accordingly in a timely manner, but is not required to process them at the same time it is processing the original complaint. Occasionally,~~ Allegations and counterclaims ~~can may~~ 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.~~

#### **5.6. Advisors ~~a. Expectations of an Advisor~~**

##### 6.1. Expectations of an Advisor

- 6.1.1. WVU at Parkersburg generally expects ~~an~~ Advisors to adjust their schedules 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.
- 6.1.2. 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.
- 6.1.3. 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 other consequences that may result from Policy violations.

6.1.4. 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.

## 6.2. Expectations of the Parties with Respect to Advisors

6.2.1. Each party may choose an Advisor<sup>10</sup> who is eligible and available<sup>11</sup> to accompany them throughout the process. The Advisor can be anyone, including an attorney, but ~~should~~ may 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.

6.2.2. 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 ~~}~~.

6.2.3. The parties ~~are expected to~~ shall 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.

6.2.4. 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.

## ~~6-7~~. Resolution Options

7.1. Proceedings are private and confidential. All persons present at any time during the resolution process ~~are expected to~~ shall maintain the privacy and confidentiality of the proceedings in accord with WVU at Parkersburg Policy; Provided, That the parties may share their own experiences with others if they so choose. However, the parties should discuss such action with their Advisors before doing so.

~~7.2. 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.~~

## 7.2. Informal Resolution

7.2.1. 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.

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<sup>10</sup> 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 it shall offer the same opportunity to all parties.

<sup>11</sup> "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.

7.2.2. 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, either party may pursue Administrative Resolution may be pursued.

7.2.3. Alternate Resolution

7.2.3.a. 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.

7.2.3.b. 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.

7.2.3.c. In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to come 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.

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

7.2.3.e. Alternate Resolution ~~is~~ may not ~~typically the primary resolution mechanism~~ be used to address ~~reports~~ allegations 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.

7.2.4. Respondent Accepts Responsibility for Alleged Violations

7.2.4.a. 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 shall makes a determination that the ~~individual~~ Respondent is in violation of WVU at Parkersburg Policy.

7.2.4.b. The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator then shall determines appropriate sanction(s) or responsive actions, which ~~are~~ the

college shall 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.

7.2.4.c. 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 Coordinator shall inform the Complainant ~~will be informed~~ of this outcome.

7.2.4.d. If the Respondent accepts responsibility for only 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 for those violations, which are promptly implemented, ~~for those violations, then the investigator(s) shall continue to investigate the~~ remaining allegations ~~will continue to be investigated~~ and the Coordinator shall resolved them in accordance with the above-listed provisions. The Coordinator shall inform the Complainant ~~will be informed~~ of this outcome. The parties ~~are may~~ still ~~able to~~ seek Alternate Resolution on the remaining allegations, subject to the stipulations provisions above.

7.2.5. 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.

### 7.3. Administrative Resolution

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

7.3.2. If the college initiates Administrative Resolution ~~is initiated~~, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator ~~will~~ shall provide written notification of the investigation to the parties at an appropriate time during the investigation. ~~Typically, The investigator shall provide~~ notice ~~is given to an interviewee~~ at least 48 hours in advance of an interview, unless extenuating circumstances prevent the investigator from doing so. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

7.3.3. Notification ~~will~~ shall be in writing, shall 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~~ stated in official WVU at Parkersburg records, or emailed to the parties' WVU at Parkersburg-issued email accounts.

- 7.3.4. ~~Once mailed, emailed, and/or received in person, The notice will be presumptively is~~ considered delivered once it is mailed, emailed, or hand-delivered to the recipient. The notification ~~should shall~~ include citation to 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.~~
- 7.3.5. WVU at Parkersburg ~~aims to shall~~ complete all investigations within ~~a sixty (60) business days time period, which can be~~ of the Coordinator's receipt of the complaint; Provided, That the Coordinator may extended as necessary the investigation for appropriate good cause, by the Title IX Coordinator ~~Title VI/Title IX/Section 504 Coordinator, with The Coordinator shall provide written notice of such extension to the parties as appropriate in a manner specified in subdivision 7.3.3. above.~~
- 7.3.6. ~~Once the~~ Within two business days of the Coordinator's decision is made to commence an investigation, the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator shall appoints Pool members to conduct the investigation. ~~(typically using a team of Each investigative team shall consist of using a team of two Investigators); however, the number of investigators on any investigative team shall be at the discretion of the Coordinator. usually within two (2) days of determining that an investigation should proceed.~~ The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator will shall vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.
- 7.3.7. 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 shall determine whether the concern is ~~reasonable and supportable substantiated~~. ~~If so the Coordinator finds that an investigator has a bias or conflict of interest, the Coordinator shall remove that Investigator from the matter and assign another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied a different one from the Pool. If the alleged bias or conflict relates to the Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator, concerns should be raised with the concerned party shall direct his or her objection to the Deputy Title IX Coordinator ~~Title VI/Title IX/Section 504 Coordinator~~ at the main Parkersburg campus.
- 7.3.8. ~~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 shall~~ make a good faith effort to complete investigations as promptly as circumstances permit, depending on the nature, extent, and complexity of the allegations, the availability of witnesses, any necessary police involvement, and other relevant factors. ~~and will~~ The Coordinator shall communicate regularly with the parties to update them on the progress and timing of the investigation.
- 7.3.9. The timing of WVU at Parkersburg's ~~may undertake a short delay in its~~ investigation ~~(several days to weeks, to allow evidence collection) may be contingent on law enforcement activity~~ when a law enforcement agency is investigating criminal charges based on the same behaviors that ~~invoke WVU at Parkersburg's resolution process are~~

~~being investigated by law enforcement are the subject of the complaint. WVU at Parkersburg will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.~~

- 7.3.10. WVU at Parkersburg action(s) ~~are not typically altered or precluded on the grounds that are not contingent on~~ civil or criminal charges involving the underlying incident(s) ~~have been filed or that criminal charges have been being brought,~~ dismissed, or reduced.
- 7.3.11. Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.
- 7.3.12. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

## **7.8. Notice of Investigation and Allegations**

- 8.1. The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator ~~will~~ shall 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 Coordinator shall also provide a copy of the NOIA ~~is also copied~~ to the Complainant, ~~who is to be given as well as~~ advance notice of when the NOIA will be delivered to the Respondent. The NOIA ~~will~~ shall include:
- 8.1.1. A ~~meaningful~~ clear summary of all of the allegations;
- 8.1.2. The identity of the involved parties (if known);
- 8.1.3. The precise misconduct being alleged;
- 8.1.4. The date and location of the alleged incident(s) (if known);
- 8.1.5. The specific policies ~~implicated~~ alleged to be violated;
- 8.1.6. A description of the applicable procedures;
- 8.1.7. A statement of the potential sanctions/responsive actions that could result from a finding of responsibility;
- 8.1.8. A statement about WVU at Parkersburg’s policy on retaliation;
- 8.1.9. Information about the privacy and confidentiality of the process;
- 8.1.10. Information on the right to have an Advisor of their choosing present for all meetings attended by the advisee;

- 8.1.11. 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;
- 8.1.12. Detail on how the party may request disability accommodations during the interview process;
- 8.1.13. A link to WVU at Parkersburg's [Violence Against Women Act](#) Brochure, if applicable;
- 8.1.14. 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
- 8.1.15. An instruction to preserve any evidence that is directly related to the allegations.
- 8.2. [The Coordinator may make and deliver to the parties any](#) amendments and updates to the NOIA ~~may be made~~ as the investigation progresses and more information becomes available regarding the various ~~charges~~ [allegations](#).
- 8.3. ~~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~~ [The NOIA shall be in writing and provided to the parties in the manner specified in subdivision 7.3.3. above.](#)

## **8.9. Investigation**

- 9.1. The Investigators ~~typically take~~ [may take any or all of](#) the following steps [as part of the investigation](#), if not already completed, ~~{ and~~ not necessarily in this order):
  - 9.1.1. 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;
  - 9.1.2. 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;
  - 9.1.3. Meet with the Complainant to finalize ~~their~~ [his or her](#) statement, if necessary;
  - 9.1.4. Identify ~~all~~ [any additional](#) policies [that may be](#) implicated by the alleged misconduct, if not already identified;
  - 9.1.5. 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;



- 9.1.6. 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;
- 9.1.7. ~~Make good faith efforts to n~~ Notify the parties of any meeting or interview involving the other party, as far in advance ~~when as~~ possible;
- 9.1.8. Interview all relevant individuals and conduct follow-up interviews as necessary;
- 9.1.9. Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses;
- ~~9.1.10. If there is insufficient evidence to support reasonable cause, the investigation process is closed with no further action.~~
- 9.1.10. Complete the investigation promptly and without unreasonable deviation from the ~~intended~~ timeline;
- 9.1.11. Provide regular status updates to the parties and to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator throughout the investigation;
- 9.1.12. Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding;
- 9.1.13. Write a comprehensive investigation report fully summarizing the investigation and all evidence;
- 9.1.14. Share the draft investigation report with the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator for review and feedback;
- 9.1.15. 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);
- 9.1.16. 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;
- 9.1.17. ~~Investigators may choose to~~ Respond, at their discretion, 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; and
- 9.1.18. Provide the final report to the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator ~~R~~ recommending 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 (a) that it is more likely than not the Respondent committed a policy violation) or (b) there is insufficient evidence to support a probable cause determination.~~ the investigation process is closed with no further action.



9.2. If the result of the investigation is a finding of No Probable Cause, the Coordinator shall close the investigation and take no further action other than to notify the parties in writing of the action. If the result of the investigation is a finding of Probable Cause, the Coordinator shall proceed with the determination process set forth below.

#### **9-10. Determination**

- 10.1. 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 Pool<sup>12</sup> shall review the report and all responses, and ~~then~~ makes the final determination on the basis of the preponderance of the evidence.
- 10.2. 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 Investigators to reopen the~~ investigation or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, ~~if needed~~.
- 10.3. The Investigators' recommendation ~~of the investigation should be strongly considered is~~ persuasive 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.
- 10.4. The ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator ~~then timely shall~~ provides simultaneously to the parties ~~with~~ a written Notice of Outcome, ~~to which shall~~ include findings, any sanction(s), and a detailed rationale, within five business days, delivered simultaneously (without undue delay) to the parties.

#### **10 11. Additional Details of the Investigation Process** ~~a. Witness responsibilities~~

- 11.1. **Witness responsibilities.** – Witnesses (as distinguished from the parties) who are faculty or staff of WVU at Parkersburg ~~are expected to~~ shall 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 the employee to discipline.
- 11.2. **Remote processes.** – The Coordinator, the Investigators, or the Decision-maker (hereinafter referred to as the interviewer) may interview parties and witnesses ~~may be interviewed remotely~~ by phone, video conferencing, or similar technologies if any of the ~~m~~ 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 at the sole discretion of the Investigator(s), though this approach is not ideal~~ interviewer. Where remote technologies are used When the interviewer is

<sup>12</sup> 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 by the college President from the Pool to ensure there is no conflict of interest.

**\*\* By whom? \*\***

conducting interviews remotely, WVU at Parkersburg shall make reasonable efforts to ensure the interviewee's privacy and that any technology does not work to the detriment of ~~any party~~ the parties or subject them to unfairness.

- 11.3. **Recording.** – ~~No unauthorized~~ Neither the parties or any witnesses may make audio or video recording of any kind ~~is permitted~~ during the resolution process. If Investigator(s) elect to audio and/or video record interviews, they shall inform all involved parties ~~will be made aware of such recording~~.
- 11.4. **Evidence.** – The Coordinator or Decision-maker may consider any evidence that is relevant and credible ~~may be considered~~, including an individual's history of prior misconduct ~~history as well as and~~ evidence indicating a pattern of misconduct. The ~~process should exclude Coordinator or Decision-maker shall not consider~~ irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.
- 11.5. **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 the~~ Investigator(s), and the Decision-maker may not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern of similar misconduct by the Respondent; (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.
- 11.6. **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 a potential pattern and/or predatory conduct. The Coordinator or Decision-maker may consider 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.
- 11.7. **Character witnesses or evidence.** – The parties may offer character witnesses or evidence ~~may be offered~~. The ~~investigation and hearing will~~ Coordinator shall determine if the character evidence is relevant. ~~If so, it may be considered. If not, it will be~~ and excluded it if it is not.
- 11.8. **Notification of outcome.** –
- 11.8.1. 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, shall determine ~~s~~ sanction(s) and/or responsive actions, which ~~are the college shall~~ 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.
- 11.8.2. The ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator shall inform ~~s~~ the parties of the determination in writing 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 as specified in subdivision 7.3.3. above. Service is considered complete in accordance with subdivision 7.3.4. above.~~

- 11.8.3. The Notification of Outcome shall specify the finding for each alleged policy violation, any sanction(s) that may result ~~which that~~ 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 it under State or federal law.
- 11.8.4. The ~~notice will~~ Notification of Outcome shall detail when the determination is considered final and will detail any changes that are made prior to finalization.
- 11.8.5. Unless based on an ~~acceptance admission~~ of violation and acceptance of sanction by the Respondent, either party may appeal the determination ~~may be appealed by either party~~. The Notification of Outcome shall also include 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 12. Sanctions**

- 12.1. Factors the Coordinator may considered ~~ed~~ when determining any sanction(s)/responsive action(s) ~~may~~ include, but are not limited to:
  - 12.1.1. The nature, severity of, and circumstances surrounding the violation;
  - 12.1.2. An individual's disciplinary history;
  - 12.1.3. Previous allegations or allegations involving similar conduct;
  - 12.1.4. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
  - 12.1.5. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
  - 12.1.6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
  - 12.1.7. The impact on the parties; and
  - 12.1.8. Any other information deemed relevant by the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator
- 12.2. The college shall implement any sanction(s) ~~will be implemented~~ as soon as is feasible practicable after the Coordinator issues the determination. 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.

- 12.3. Student Sanctions. – The following are the sanctions that the college may ~~be imposed~~ upon students or organizations singly or in combination:
- 12.3.1. *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;
- 12.3.2. *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;
- 12.3.3. *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. The college shall articulate the terms of the probation, ~~will be articulated and which~~ 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 the college deems appropriate;
- 12.3.4. *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until the student meets specific criteria ~~are met~~. The college may automatically place students who return from suspension ~~may be automatically placed~~ on probation through the remainder of their tenure as a student at WVU at Parkersburg. The college shall note this sanction ~~will be noted~~ as a Conduct Suspension on the student's official transcript so long as that suspension remains in effect;
- 12.3.5. *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. The college shall note this sanction ~~will be noted~~ permanently as a Conduct Expulsion on the student's official transcript;
- 12.3.6. *Withholding Diploma*: ~~WVU at Parkersburg may withhold~~ Holding back a student's diploma for a specified period of time and/or ~~denying~~ 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;
- 12.3.7. *Revocation of Degree*: ~~WVU at Parkersburg reserves the right to revoke~~ Rescinding a degree previously awarded ~~from by~~ WVU at Parkersburg ~~for if it finds a student has committed~~ 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;
- 12.3.8. *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including WVU at Parkersburg registration) for a specified period of time; and/or
- 12.3.9. *Other Actions*: ~~In addition to or in place of the above sanctions, WVU at Parkersburg may assign~~ Any other sanctions as the college deems appropriate.

12.4. Employee Sanctions/Responsive Actions. – Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- 12.4.1. Verbal or written warning; ~~—Verbal or Written~~
- 12.4.2. Performance Improvement Plan/Management Process;
- 12.4.3. Enhanced supervision, observation, or review;
- 12.4.4. Required counseling;
- 12.4.5. Required training or education;
- 12.4.6. Probation;
- 12.4.7. Denial of pay increase;
- 12.4.8. Loss of oversight or supervisory responsibilities;
- 12.4.9. Demotion;
- 12.4.10. Transfer;
- 12.4.11. Reassignment;
- 12.4.12. Delay of tenure track progress;
- 12.4.13. Assignment to new supervisor;
- 12.4.14. Restriction of stipends and/or professional development resources;
- 12.4.15. Suspension with pay;
- 12.4.16. Suspension without pay;
- 12.4.17. Termination; and/or
- 12.4.18. ~~Other Actions: In addition to or in place of the above sanctions/responsive actions, WVU at Parkersburg may assign a~~ Any other responsive actions as the college deems appropriate.

### **12 13. Withdrawal or Resignation While Charges are Pending**

13.1. Students

- 13.1.1. 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.
- 13.1.2. Should a student decide ~~to~~ not to participate in the resolution process, the process proceeds ~~absent their participation~~ to a reasonable resolution absent the student's participation. 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.
- 13.1.3. However, WVU at Parkersburg will continue to address and remedy any systemic issues, or 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~~ both campuses of WVU at Parkersburg. The college shall place a hold ~~will be placed~~ on ~~their~~ the student's ability to be readmitted. They college may also ~~be~~ barred the student from WVU at Parkersburg property and/or events.
- 13.1.4. If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the college may continue the resolution process ~~may~~ continue remotely, and that student ~~is not permitted to~~ may not return to WVU at Parkersburg unless and until he or she satisfies all sanctions ~~have been satisfied~~ issued by WVU at Parkersburg.

## 13.2. Employees

- 13.2.1. 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.
- 13.2.2. However, WVU at Parkersburg will continue to address and remedy any systemic issues, or variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.
- 13.2.3. The employee who resigns with unresolved allegations pending is not eligible for rehire with WVU at Parkersburg or ~~any~~ either 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.
- ~~13.2.4. 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~~ 14. Appeals

- 14.1. ~~All requests for appeal consideration must be submitted~~ Either party aggrieved by the Coordinator's determination may submit an appeal 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 Notification of Outcome~~. ~~Any party may~~ The appeal ~~the findings shall~~ only ~~under be~~ based on one or more of the below grounds ~~described below~~:

- 14.1.1. 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);
- 14.1.2. To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. An appeal on this ground must include a summary of this the new evidence, an explanation of why it was not available at the time of the investigation, and an explanation of its potential impact must be included on the outcome on the investigation; and/or
- 14.1.3. Substantiated bias on the part of Decision-maker(s), Investigator(s) or ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator.
- 14.2. The Coordinator shall designate an Appeal Officer chosen from those members of 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:
- 14.3. When any party requests files an appeal, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator will shall share ~~the appeal request it~~ with the other party(ies) ~~or and~~ other appropriate persons, such as the Investigator(s), who may file a response within three ~~(3)~~ business days. The other non-appealing party's response may ~~also bring their be or include his or her own appeal~~ on separate different grounds from those in the original appeal; Provided, That this appeal may only be on the grounds specified in subdivisions 14.1.1 through 14.1.3 above.
- 14.4. If the second appealing party raises new grounds ~~are raised~~, the original appealing party ~~will be permitted to may~~ submit a written response to these new grounds within three ~~(3)~~ business days of delivery of them. These Coordinator shall share the appeals and responses ~~or appeal requests will be shared~~ with each party. The Appeal Officer will shall review the appeal(s) request(s) and responses within three ~~(3)~~ business days of completing the pre-appeal exchange of materials. The Appeal Officer shall dismiss any appeal if grounds are not sufficient for an appeal, it is based on anything other than the grounds listed in subdivisions 14.1.1 through 14.3.3 above or the appeal is not if it is untimely, the Appeal Officer dismisses the appeal.
- 14.5. When the Appeal Officer finds that at least one of the If an appeal is timely and based on allowed grounds ~~is met by at least one party, additional principles governing the Appeal Officer's review of appeals include~~ shall be conducted in accordance with the following principles:
  - 14.5.1. Decisions by the Appeal Officer ~~are to shall~~ be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s) or responsive action(s) only if there is compelling justification to do so.



- 14.5.2. Appeals are not intended to be and shall not be full re-hearings (de novo) of the allegation(s). ~~In most cases, a~~ Appeals are shall be confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- 14.5.3. An appeal is not an opportunity for the Appeal Officer to substitute ~~their~~ his or her judgment for that of the original Investigator(s) or ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator/Decision-maker merely because ~~they~~ the Appeal Officer disagrees with the finding and/or sanction(s).
- 14.5.4. The Appeal Officer shall remand appeals granted based on new evidence ~~should normally be remanded~~ to the Investigator(s) for reconsideration; Provided, That the Appeal Officer may remand other appeals should be remanded at the to the Investigator(s) or to the Coordinator at his or her sole discretion of the Appeal Officer.
- 14.5.5. The college shall immediately impose the sanctions imposed as the result of Administrative Resolution are implemented immediately stated in the Notification of Outcome unless the Title VI/Title IX/Section 504 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 process.
- 14.5.6. The Appeal Officer shall notify all parties will be informed of his or her decision 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 provisions of subdivisions 7.3.3 above.
- 14.5.7. ~~Once an appeal is decided, the outcome is final; further appeals are not permitted,~~ The Appeal Officer's decision is final and may not be appealed, even if a decision or sanction is changed on remand.
- 14.5.8. In ~~rare~~ cases where the original Investigator(s) and/or the Coordinator or Decision-maker cannot cure 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.
- 14.5.9. Either party may appeal the results of ~~a the~~ new Administrative Resolution process ~~can be appealed once,~~ on any of the ~~three applicable~~ grounds for appeals listed in subdivisions 14.1.1 through 14.3.3 above.
- 14.5.10. In cases in which the appeal results in Respondent's reinstatement to WVU at Parkersburg or resumption of privileges, the college shall make all reasonable attempts ~~will be made~~ to restore the Respondent to ~~their~~ his or her prior status, recognizing that some opportunities lost may be irreparable in the short term.



#### **14-15. Long-Term Remedies/Actions**

- 15.1. 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:
  - 15.1.1. Referral to counseling and health services;
  - 15.1.2. Referral to the Employee Assistance Program;
  - 15.1.3. Education to the community;
  - 15.1.4. Permanent alteration of work arrangements for employees;
  - 15.1.5. Provision of campus safety escorts;
  - 15.1.6. Climate surveys;
  - 15.1.7. Policy modification;
  - 15.1.8. Implementation of long-term contact limitations between the parties; and/or
  - 15.1.9. Implementation of adjustments to academic deadlines, course schedules, etc.
- 15.2. At the discretion of the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator, the college may also provide long-term remedies ~~may also be provided~~ to the Complainant even if ~~no the Decision-maker did not find a~~ policy violation is found.
- 15.3. When ~~no the Decision-maker does not find a~~ policy violation is found, the ~~Title IX Coordinator~~Title VI/Title IX/Section 504 Coordinator ~~will address~~ shall advise the Respondent of any remedial requirements offered by WVU at Parkersburg ~~to the Respondent~~.

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

- 16.1. All Respondents ~~are expected to~~ shall 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.
- 16.2. 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.

- 16.3. ~~The college will only lift a~~ suspension ~~will only be lifted~~ when ~~the Respondent has achieved~~ compliance is achieved to the satisfaction of the ~~Title IX Coordinator~~ Title VI/Title IX/Section 504 Coordinator.

#### **~~16~~ 17. Recordkeeping**

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

#### **~~17~~ 18. Disabilities Accommodation in the Resolution Process**

- 18.1. 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.
- 18.2. ~~Any student needing such accommodations or support should contact~~ Affected students may contact the Executive Director of Student Support Services, and ~~any affected employees should~~ may contact the ~~Executive Director of Chief~~ Human Resources Officer to request such accommodations. The respective Executive Director ~~will~~ shall 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.

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 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 was put out for comment in August by the BOG. Comments will be shared from the accompanying B-29, Salary Policy.

A notice of proposed rulemaking was issued proposing the revision of these policies in regards to salary policies. 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, 2011~~ [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, [the](#) rules ~~and master plan~~ of the Council [for Community and Technical College Education \(“Council”\)](#), and [the](#) campus compact. The realization of salary increase goals is based upon ~~continued increases in~~ State [financial](#) support and the [college’s](#) ability to raise ~~tuition and fees~~ [funds from any available source](#).

**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~~ [West Virginia Higher Education Salary Administration Guidelines](#).
- 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~~ [be paid no less than the minimum on the West Virginia Higher Education Salary Schedule. Employees are considered to be equitably compensated in comparison to other employees as long as they are paid within the range of their assigned job class/pay grade.](#)
- 4.2. ~~Annual~~ Salary 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 ~~rules and directives of the W. Va. Council for Community and Technical College Education and provisions of State Code~~ [West Virginia Higher Education Salary Administration Guidelines](#).
- 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~~ [West Virginia Higher Education Salary Administration Guidelines](#).

#### **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-s~~Salary 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~~ [West Virginia Higher Education Salary Administration Guidelines](#).
- 5.3. Upon appropriate verification, a base salary increase may accompany the attainment of a higher degree according to institutional procedures.

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 2023**

**ITEM:** Approval of faculty compensation structure outlined in Answer Book Policy IV-15 Faculty Salaries and Performance-Based Increases and corresponding equity pay adjustments

**RECOMMENDED RESOLUTION:** *Resolved*, that the West Virginia University at Parkersburg Board of Governors the new faculty hiring structure and salary guidelines described in Answer Book Policy IV-15 Faculty Salaries and Performance-Based and approves proposed salary adjustments necessary to bring current salaries in line with the 25<sup>th</sup> percentile of the current scale.

**STAFF MEMBER:** Dr. Torie Jackson, President, and Alice Harris, Executive Vice President of Finance & Administration

**BACKGROUND:**

The last adjustment of the salary structure used for hiring new faculty was on July 1, 2015. The structure outlined in 2015 is no longer functional or adequate in assisting the administration in hiring and retaining qualified faculty. The current salary structure hinders our ability to do so because it allows no flexibility in determining a newly hired faculty member's rank or corresponding salary. Additionally, starting salaries have not kept up with current market values. As a result, it has become nearly impossible to hire the qualified faculty necessary to provide an outstanding educational experience for our students.

As we approached the task of updating this answer book policy, we strived to create a new methodology for hiring faculty that addresses two key issues:

1. Offer starting salaries that were comparable to the market rates paid at colleges of similar size and structure.
2. Provide a hiring structure that allows hiring managers and administration to select the best-qualified candidate and place them in the faculty rank and starting salary that is most congruent with their teaching experience and/or demonstrated skills.

**Determining Market Rate:**

To measure the current market rate for faculty salaries of colleges within the West Virginia Community and Technical College System, President Jackson and Executive Vice President Harris reached out to the respective contacts in other WVCTCS institutions.

From those efforts, they were able to obtain current faculty pay scales for three other WVCTCS schools. Two of the three were small rural-based institutions and the other was Bridge Valley Community and Technical College (BVCTC) whose enrollment and programs offered are closest to WVUP. Additionally, BVCTC is located in the Charleston, WV metropolitan area with a cost of living that closely mirrors that of Parkersburg, WV. The following is a comparison of the salaries offered by Bridge Valley, the proposed new starting salaries for WVUP faculty, and the current rates WVUP currently (old salary) offers to new faculty:

<b>General Business &amp; Other Disciplines</b>			
Rank	BVCTC Salary 9 Month Faculty	New WVUP Salary 9 Month Faculty	Old WVUP Salary
Professor	65,000	66,500	48,466
Associate Professor	55,000	57,500	44,105
Assistant Professor	45,000	48,500	40,141
Instructor	35,000	41,700	36,537

<b>High Demand Program Faculty</b>			
Rank	BVCTC Salary 9 Month Faculty	New WVUP Salary 9 Month Faculty	Old WVUP Salary
Professor	65,000	70,000	61,402
Associate Professor	55,000	62,000	51,320
Assistant Professor	45,000	52,000	46,700
Instructor	35,000	45,000	42,500

High Demand includes Engineering, Health, Education Faculty, Information Technology, Certified Public Accountants, and Certified Management Accountants.

### **Flexibility of New Structure:**

The proposed salary structure highlighted below allows a hiring administrator to advertise for a faculty position to teach a subject in any structure, select the best candidate, and make them a market-rate salary offer based on their experience and professional credentials. This structure no longer requires the hiring manager to make an employment offer to a Ph.D. credentialed individual and requires them to accept an entry-level salary at the Instructor rank as was required by the old system. We anticipate that most new faculty with five years of experience will expect to start at the 25<sup>th</sup> Quartile mark as an Assistant Professor and that only those with exceptional experience and credentials will be offered a higher starting salary.

### **General Business & Other Disciplines**



Rank	Minimum Salary	25% Quartile	Midpoint	75% Quartile	Maximum
Professor	\$66,500	\$69,063	\$73,125	\$77,188	\$90,000
Associate Professor	\$57,500	\$60,375	\$63,250	\$66,125	\$69,000
Assistant Professor	\$48,500	\$50,437	\$52,375	\$54,312	\$56,250
Instructor	\$41,700	\$43,387	\$45,074	\$46,762	\$47,500

### High Demand Program Faculty

Rank	Minimum Salary	25% Quartile	Midpoint	75% Quartile	Maximum
Professor	\$70,000	\$75,000	\$80,000	\$85,000	\$90,000
Associate Professor	\$62,000	\$65,250	\$68,500	\$71,750	\$75,000
Assistant Professor	\$52,000	\$53,250	\$54,500	\$55,750	\$62,500
Instructor	\$45,000	\$46,250	\$47,500	\$48,750	\$50,000

### Flexibility of New Structure:

Approval of the new pay structure will create inequities for existing faculty. As a result, the WVUP administration proposes increases for existing faculty to bring each one to the 25% quartile of the new pay scale based on their current faculty rank with the exception that 12-month faculty pay increases will be limited to \$5,000 since they also receive the benefit of paid annual and sick leave not available to 9-month faculty. The value of this benefit ranges from \$5,874 to \$9,890. The equity salary increase impacts 38 faculty and the total costs of the equity salary adjustments and related benefits total \$167,588. These costs are covered by vacant positions included in the FY 24 approved budget that will not be filled.

## **Title: #IV-15. Faculty Salaries and Performance-Based Increases**

**Date: September 19, 2023** (Replaces version dated July 1, 2015)

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These procedures regarding faculty salaries are provided consistent with the Salary Policy of the West Virginia University at Parkersburg Board of Governors ([Policy B-29](#)).

### **A. Base Salaries**

#### **Tenured, Tenure-Track, and Term Faculty**

Base salaries based on faculty rank have been approved by the Board of Governors and are defined below. These levels, effective 2023 are based on 9-month appointments and may be subject to review on an annual basis. Appointments of rank will be based on factors such as academic degree or equivalent, and prior instructional experience, as advertised. Appointments and/or promotions to ranks higher than Instructor will require earned degrees or equivalence of experience or tested experience. Qualifications based on equivalence of experience and tested experience can be found in Answer Book Policy #IV-8A and faculty qualifications in Answer Book Policy #IV-13. Promotions to higher ranks result in a 10% pay increase. In addition, full-time faculty are eligible for any cost of living or across-the-board pay increases offered to all full-time employees. Marketplace adjustments to this schedule for specific program areas may be implemented with the approval of the Board of Governors.

Nine (9) Month Faculty Pay Ranges General Business and Other Disciplines (Assumes Masters Degree or Equivalent for all but Instructor Level and that Faculty with Terminal Degrees would be hired at the Assistant level or above)

Rank	Minimum Salary	25% Quartile	Midpoint	75% Quartile	Maximum
Professor	\$66,500	\$69,063	\$73,125	\$77,188	\$90,000
Associate Professor	\$57,500	\$60,375	\$63,250	\$66,125	\$69,000
Assistant Professor	\$48,500	\$50,437	\$52,375	\$54,312	\$56,250
Instructor	\$41,700	\$43,387	\$45,074	\$46,762	\$47,500

Nine (9) Month Faculty Pay Ranges High Demand, Engineering, Health, Education Faculty, Information Technology, Certified Public Accountant, Certified Management Accountant

Rank	Minimum Salary	25% Quartile	Midpoint	75% Quartile	Maximum
Professor	\$70,000	\$75,000	\$80,000	\$85,000	\$90,000
Associate Professor	\$62,000	\$65,250	\$68,500	\$71,750	\$75,000
Assistant Professor	\$52,000	\$53,250	\$54,500	\$55,750	\$62,500
Instructor	\$45,000	\$46,250	\$47,500	\$48,750	\$50,000

\*The J.D. and CPA shall be considered doctoral equivalent for pay purposes.

### **Instructional Specialist**

From time to time, it will be necessary for WVUP to hire qualified individuals to provide instruction for specialty technical or industrial-based programs. Examples of these programs include Cosmetology and Farm Operations. Instructional specialists will be called Instructional Specialists. Their work schedule and compensation will be based on the industry standard for those who possess their skill base. Full-time instructional specialists are expected to work a 37.5-hour workweek.

### **B. Annual Performance-based Salary Increases**

This section will be removed until an evaluation tool and plan for performance-based pay is implemented for all employees.

### **c. Annual Performance Evaluation**

1. Each faculty member shall receive an evaluation of their performance by the division chair plus the division evaluation committee or in the case of division chairs, by the Vice President for Academic Affairs plus the division evaluation committee as follows:
  - a. Both evaluation parties will evaluate individuals in each of the three performance criteria categories and rate those individuals as having achieved faculty duty requirements in each performance criteria category under the description of did not meet, met, or exceeded faculty duty requirements.

#### **D. Earning an Advanced Degree**

Bachelor's prepared faculty who complete a master's degree and master's prepared faculty who complete a doctorate degree consistent with an approved plan for professional development will be reimbursed according to the procedures in [Answer Book #IV-23, Faculty Development](#).

**Responsible Administrator: Vice President for Academic Affairs, 304-424-8244**

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 2023**

**ITEM:** Approval to utilize Unrestricted Reserve Funds for the replacement of flooring and seating in the WVUP Theatre.

**RECOMMENDED RESOLUTION:** *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves the utilization of college unrestricted reserves up to an amount not to exceed \$200,000 to fund the replacement of flooring and seating in the WVUP Theatre

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

**BACKGROUND:**

The last renovation of the WVUP Theatre occurred in FY 2011. At that time new lighting, flooring, and ceiling tiles were installed. Additionally, the upholstery was replaced on the original chairs that were installed when the theatre was added. With the exception of the replacement of a few broken chairs, there have been no upgrades to the seating in the theatre since its opening.

In order to improve the overall appearance of the theatre, and to provide more ADA compliance spaces and comfortable seating for patrons of all sizes, the administration of WVUP requests approval to utilize unrestricted reserves in an amount not to exceed \$200,000 to replace all seats, create an ADA-accessible wheelchair parking area, and replace the existing flooring. We have a proposal of \$130,500 to replace the seating which includes installation and the Executive Director of Facilities has estimated the cost of new flooring will not exceed \$70,000. Renovation of the theatre will restore it to a new level of grandeur and comfort, and provide a more welcoming environment for guests of WVUP to attend lectures, performances, concerts, and other campus events.

Reserve balances as of June 30, 2023, totaled approximately \$22 million based on draft financial statements and are more than adequate to support these expenditures.

**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 2023**

**ITEM:** Approval of updated Board of Governors Policy to reflect a review of the Transferability of Credits and Grades Policy

**RECOMMENDED RESOLUTION:** *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy C-40 “Transferability of Credits and Grades” to allow for the policy to be in alignment with current state and federal practices.

**STAFF MEMBER:** Dr. Torie Jackson, President

**BACKGROUND:**

The current Board of Governors policy C-40, Transferability of Credits and Grades, is designed to be a guide on the acceptance and transfer of credits from our institution. This policy needed to be refreshed to be in alignment with federal practices for anticipated articulations with the Department of Defense for veteran students.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to transferability of credits and grades policy. If no substantial comments are received during the 30-day comment period, this policy proposal will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, 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 C-40**  
**TRANSFERABILITY OF CREDITS AND GRADES**

**Section 1. General**

- 1.1 Scope. – This establishes the policy regarding transferability of credits and grades to West Virginia University at Parkersburg.
- 1.2 Authority. -- W. Va. Code [§ 18B-2A-4](#); ~~W.Va.-135~~ C.S.R. [17](#)
- 1.3 Effective Date. – March 17, 2020

**Section 2. Policy**

- 2.1 It is the policy of West Virginia University at Parkersburg to ensure that students may transfer and apply toward degree requirements the maximum number of credits earned at an institution that is accredited by a regional, national, programmatic, or other ~~accredited~~ [accrediting](#) body recognized by the U.S. Department of Education with minimal requirements to repeat courses or to take additional courses above those required by native students.
- 2.2 WVU at Parkersburg ~~will~~ [shall](#) publicize the course objectives for every credit-bearing course in an easily accessible location, such as on the institution's website, college catalog, or other format.
- 2.3 Undergraduate level credits and grades earned at any public post-secondary institution in West Virginia, or any private post-secondary institution which has been ~~approved~~ [authorized](#) by the ~~state~~ [West Virginia Council for Community and Technical College Education \(Council\) or the West Virginia Higher Education Policy Commission \(Commission\)](#) to operate in West Virginia, shall generally be transferable [as equivalent or non-equivalent credit](#) to West Virginia University at Parkersburg. When at least 70 percent of the learning objectives ~~of a course~~ are in alignment with ~~a course at WVU at Parkersburg's comparable course~~, the [College shall accept the](#) course credit ~~will be accepted as equivalent~~.
- 2.4 ~~Once~~ WVU at Parkersburg ~~has~~ [shall](#) reviewed the course objectives of the course requested for alignment and transfer, ~~WVU at Parkersburg will~~ [and](#) notify the student of ~~the in writing of its decision whether or not to award~~ course credits ~~awarded~~. ~~If requested transfer course credit is not awarded, WVU at Parkersburg~~ [Any](#) denial ~~will~~ [shall](#) provide clear and specific details to the student and sending institution in regard to:
  - 2.4.1 [The Suggested](#) changes to the [native institution's](#) course curriculum that ~~are needed to~~ [would allow it to](#) achieve 70 percent alignment;
  - 2.4.2 Reason(s) that WVU at Parkersburg ~~has denied~~ [is denying](#) course credit transfer;
  - 2.4.3 [Any](#) additional information or actions, ~~if any,~~ necessary to permit the transfer;
  - 2.4.4. Information about resubmitting a course credit transfer request ~~that has been denied;~~ [and](#)

- 2.4.5 The institutional process for transfer appeal and the process for appealing the decision to the Joint Recommending Committee for Transfer and Articulation.
- 2.5 The president or president's designee shall establish an appeal process for the denial of transfer credit. Upon completion of the second-to-final stage of the appeal process, the student may request external review by the Joint Recommending Committee for Transfer and Articulation established by the Council for Community and Technical College Education and Higher Education Policy Commission. The Joint Recommending Committee will hear such appeals and send a recommendation to the president. The president or the president's designee shall issue the final decision. WVU at Parkersburg's appeal process shall be published on the institution's website and in the college catalog.
- ~~2.6 With the exception of those enrolling in specialized four year programs which have demonstrable and bona fide externally imposed requirements making such a goal impossible, students completing two year associate degrees at WVU Parkersburg shall generally, upon transfer to another baccalaureate level degree granting institution, have junior level status and be able to graduate with the same number of total credit hours as a non-transfer student at the same institution and in the same program. An exception may exist in any instance where the associate degree is a technical type designed for occupational/career purposes and the general education component is substantially of a markedly different nature than that required for a student at the same two year institution enrolled in a college transfer associate degree program, or where requirements of the major have not been met.~~
- 2.6 WVU at Parkersburg shall follow the General Studies and Course Equivalency Transfer Agreement between the West Virginia Higher Education Policy Commission and the West Virginia Community and Technical College System will be followed Council in the evaluation of students' core coursework. The Agreement establishes hours of coursework and identifies courses acceptable for transfer that will count toward fulfillment of general studies requirements.
- 2.7 WVU at Parkersburg shall develop and maintain specific detailed articulation agreements between appropriate accredited and authorized public and private institutions in ~~West Virginia.~~ and publish on its website and in other official campus materials information on articulation agreements between private post-secondary institutions, community and technical colleges and baccalaureate institutions in West Virginia such institutions, including specific courses that are part of the agreement (s) shall be published in official campus materials and widely disseminated to students.
- 2.8 WVU at Parkersburg may use grades for from transferred course credit ~~shall be counted~~ for other institutional purposes, such as including, without limitation, criteria for determining academic standing (including academic probation), recognition for graduation with honors, or other institutional purposes.
- ~~2.9 WVU at Parkersburg shall file its policy on transfer of academic credits including the appeals process with the Chancellor's office.~~



**West Virginia University at Parkersburg Board of Governors  
Meeting of September 19, 2023**

**ITEM:** Approval of Delegation of Powers to the President

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the document enumerating the powers, duties and responsibilities retained by the Board of Governors and the powers, duties and responsibilities delegated to the President of the West Virginia University of Parkersburg.

**STAFF MEMBER:** Joseph Oliverio, Chair, and Donna Smith, a past chair, of the WVU Parkersburg Board of Governors

**BACKGROUND:**

18B-2A-4 of the West Virginia Code sets forth the powers, duties, and responsibilities of the Board of Governors of each public higher education institution in the state.

The Delegation of Powers provides an enumeration of those powers, duties, and responsibilities that the West Virginia University of Parkersburg Board of Governors has retained and those this it chooses to delegate to the President of West Virginia University at Parkersburg.

Given its legal responsibility for the institution, the Board of Governors maintains control of all broad institutional policy. The powers, duties and responsibilities that are delegated to the President represent the day-to-day operation of the institution and reflect implementation of policy.

## **West Virginia University at Parkersburg**

### **Delegation of Powers to the President**

West Virginia Code Section 18B-2A-4 sets forth the powers, duties, and responsibilities of the Board of Governors of each public higher education institution in the state. Included within that statute is the ability of the Board of Governors to delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of the institution to the President in any case where it considers the delegation necessary and prudent in order to enable the institution to function in a proper and expeditious manner and to meet the requirements of its master plan and compact. Given its legal responsibility for the institution, the Board of Governors maintains control of all broad institutional policy. The powers, duties and responsibilities that are delegated to the President represent the day-to-day operation of the institution and reflect the implementation of policy.

#### **Powers and Duties Retained by the Board of Governors**

The Board of Governors of West Virginia University at Parkersburg retains the following powers and duties:

1. Determining and controlling the financial, business and education policies and affairs of the institution.
2. Approving the master plan for the institution.
3. Approving budget requests for submission to the Community and Technical College Council (the "Council").
4. Reporting to the Chancellor the results of the program reviews conducted each year.
5. Appointing and compensating the President for Council approval.
6. Disciplining or terminating the President.
7. Conducting written performance evaluations of the President consistent with State code and rules.
8. Submitting to the Council, as required, an annual report on the institution's performance in relation to the master plan and compact.
9. Delegating in writing, with prescribed standards and limitations, some powers to the President when the delegation is deemed necessary and prudent and notify the Chancellor of the delegations.
10. Adopting, amending, or repealing rules, guidelines, or policy statements of the governing board consistent with the rules of the Council.
11. Fixing tuition and fees, consistent with Council approval.
12. Issuing and redeeming revenue bonds.
13. Approving capital projects consistent with any guidelines of the Council.
14. Adopting salary policies for faculty, classified, and non-classified employees and the President and informing Council.

## **Duties and Responsibilities Delegated**

The Board of Governors delegates the following duties and responsibilities to the President of West Virginia University at Parkersburg. This delegation supersedes any previous delegation of duties and responsibilities by the Board of Governors. The duties and responsibilities enumerated below are delegated to the President and shall remain in effect until limited or revoked by official action of the Board of Governors.

1. Supervising and managing the financial, business, and education policies and affairs of the institution.
2. Developing a master plan for the institution, and meeting goals of the institutional compact, including periodic updates.
3. Directing the preparation of budget requests for submission to the Council.
4. Reviewing, at least every five years, all academic programs at the institution and addressing the viability, adequacy and necessity of each program in relation to the master plan and compact, including conducting periodic studies of the graduates and employers to determine placement patterns and effectiveness of the education experience.
5. Ensuring that the sequence and availability of academic programs and courses are such that students may complete programs in a normal time frame.
6. Involving faculty, students and classified employees in institution level planning and decision making when those groups are affected.
7. Administering the management of a personnel system, consistent with Council rules, including, but not limited to, classification, compensation and discipline, and a system for hearing employee grievances and complaints.
8. Soliciting, using or expending voluntary support, including financial contributions and support services, for the institution.
9. Entering into contracts on behalf of the institution.
10. Purchasing or acquiring all materials, supplies, equipment, and printing required.
11. Preparing for the Council, as required, an annual report on the institution's performance in relation to the master plan and compact.
12. Transferring and expending appropriated funds as permitted by law for the purposes appropriated.
13. In consultation with the Chancellor, maintaining and updating a consistent method of conducting personnel transactions.
14. Acquiring necessary legal and consulting services, in consultation with the Board, when the total fee for services will be in excess of \$50,000.
15. Managing all auxiliary enterprises of the institution.
16. Granting promotion and sabbatical (except when requested by the President).
17. Hearing student appeals when appropriate.
18. Granting tuition and fee waivers.
19. Communicating and collaborating with state, federal and local officials on matters related to the University
20. Advancing the interests of the University by acting as its primary spokesperson.

In addition to exercising the above delegated authority, the Board of Governors expects that the President:

1. Shall continue to bring to the Board all matters required by statute or policy.
2. Shall continue to advise the Board of all matters not specifically required by law but which as a matter of sound management practice should be brought to the Board's attention.
3. Shall continue to provide appropriate notices of public meetings and provide such other support as may be necessary for planning and for the successful operation of the Board.
4. Shall work with the Board in the development of the President's annual goals. The development and review of the President's goals and objectives and other similar presidential personnel matters shall be in addition to those formal performance evaluation processes set in statute or policy.

Approved by the Board of Governors on September 19, 2023.