

BOARD OF GOVERNORS MEETING MATERIALS
February 4, 2021

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**West Virginia State University
Board of Governors Meetings Schedule
Thursday, February 4, 2021**

8:30 – 9:30 a.m.	Academic Policy Committee	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09
9:30 – 10:15 a.m.	Adhoc Bylaws and Policies Review Committee	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09
10:15 – 11:00 a.m.	Audit Committee	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09
11:00 – 11:45 a.m.	Finance Committee	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09
11:45 a.m. – 12:30 p.m.	Recruitment and Retention Committee	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09
12:30 – 1:00 p.m.	Lunch Break	
1:00 p.m.	Full Board	Via Zoom https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09



**Board of Governors
ACADEMIC POLICY COMMITTEE
Via Zoom**

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

**Thursday, February 4, 2021
8:30 a.m.**

AGENDA

- | | |
|---|--------------------|
| I. Call to Order | Frank Vaughan |
| II. Roll Call | Brittany Fletcher |
| III. Election of Committee Chair (<i>Action Required</i>) | Frank Vaughan |
| IV. Verification of Appropriate Notice of Public Meeting | Committee Chair |
| V. Approval of November 20, 2020 Meeting Minutes | Committee Chair |
| VI. Executive Summary of M.S. and M.A. in Biotechnology | Naveed Zaman |
| VII. Approval of Academic Program Review (<i>Action Required</i>) <ul style="list-style-type: none">• Communications, B.S. | Robert Wallace |
| VIII. Academic Degree Programs Productivity Assessment | Sharon Warren Cook |
| IX. Accessibility Resources | Michael Casey |
| X. Research & Development Corp. Budget and Strategic Priorities | Jose Ulises Toledo |
| XI. Adjournment | Committee Chair |

**Board of Governors
West Virginia State University
Academic Policy Committee**

Date/Time: 2/4/2021 -- 8:30 AM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

Purpose: To conduct regular business of the committee prior to the full board meeting.

Notes:

Meeting was approved : 1/27/2021 8:04:15 AM

Meeting Minutes
West Virginia State University Board of Governors
Academic Policy Committee
Zoom
November 20, 2020
8:30 a.m.

I. Call to Order

Committee Chair, Ms. Dooley, called the meeting to order at 8:32 a.m.

II. Roll Call

The clerk called the roll. Members present were Ms. Dooley, Dr. Vaughan, Mr. Davis, Mr. Gray, Mr. Jones, Mr. Payne, Dr. Smith, Ms. Harper and Mrs. Pitchford. Mr. Kelley, Mr. Lipscomb, and Mr. Kendrick were absent. Mr. Buchanan attended as the substitute staff representative in Mr. Kendrick's absence.

III. Verification of Appropriate Notice of Public Meeting

Ms. Dooley announced the Verification of Appropriate Notice of Public Meeting.

IV. Approval of October 22, 2020 Meeting Minutes

Mrs. Pitchford motioned for approval of the October 22, 2020 meeting minutes. Mr. Payne seconded the motion, and the motion carried.

V. Academic Degree Program Reviews

Dean Wallace reported to the committee with program highlights of the Masters of Arts in Media Studies. He informed the committee that the program review committee recommended that the Masters of Arts in Media Studies program be continued at its current level. Ms. Dooley stated that she is concerned that a return on investment in these reviews is not being done.

VI. Adjournment

With there being no further business, a motion was made by Mr. Davis and seconded by Mr. Jones to adjourn the meeting. The motion carried. The meeting adjourned at 9:49 a.m.

Respectfully submitted by Brittany Fletcher, Committee Clerk, December 2, 2020

Approved by:

Sharon Warren Cook, Ph.D.
Provost and Vice President for Academic Affairs
Academic Policy Committee Administrator

M.S. and M.A. in Biotechnology Executive Summary

Board of Governors Meeting
Academic Policy Committee

Naveed Zaman

February 4, 2021

M.S. & M.A. in Biotechnology

- On October 5, 2020, the Program Review Committee (PRC) recommended both Masters of Science and Masters of Arts Biotechnology programs be continued at the current level of activity.
- On October 22, 2020, the WVSU Board of Governors approved the PRC's recommendation with an additional review in spring 2021.
- An executive summary of the Biotechnology graduate program is included in the BoG package.

M.S. & M.A. in Biotechnology (highlights)

- The program faculty secured external grants totaling \$3,396,305.
- Enrollment and Graduates

Academic Year	Number of Majors	Number of Graduates
2014-15	20	6
2015-16	19	10
2016-17	19	4
2017-18	24	9
2018-19	22	7

Program Review Executive Summary

West Virginia State University
Program: Masters of Biotechnology
Program Options: MS Biotechnology; MA Biotechnology
Date of Review: AY 2014 - 2019

Consistency With Mission (HEPC Series 10.5.4)

Centrality to Institutional Mission:

The University's mission, as developed during the five-year period of this review, is to meet the higher education and economic development needs of the state and region through innovative teaching and applied research. The Mission Statement is Exhibit A.

The WVSU Biotechnology Graduate Program, in both Master of Science and Master of Arts degrees, demonstrates its consistency with the University's mission by turning out well-trained Biotechnologists who succeed in the next steps of their careers. Graduates who are admitted to doctoral programs and professional schools demonstrate that we meet educational needs. Graduates who enter well-paying jobs in a variety of Biotechnology-related fields show that we meet their personal economic needs. The quality students we train and educate have a positive impact throughout the region.

In-class coursework in our program is as comprehensive as it can be, given the relatively small number of faculty, the need for the faculty to teach courses at both graduate and undergraduate levels, and the impossible breadth of the discipline. If the teaching itself is reasonably innovative, the information itself is absolutely new.

As for innovation in the teaching itself, it may seem counterintuitive that, in order to train our students to be competitive in the world-wide arena of modern Science, we use the oldest teaching technique in the book: apprenticeship. Basically, each graduate student joins a faculty member's research lab as a junior member. Over the course of two or three semesters, the student learns from the faculty member and more senior students, then the student does his/her research, and soon the student is teaching others. One-on-one teaching, faculty current and respected in their fields, plus some of the newest technologies/instrumentation available make us as innovative as Biotechnology itself. This model of teaching by apprenticeship is the norm in the natural sciences, but what makes our teaching better than most is that our program is small enough that there are far fewer layers between the professor and the newest student. More personal attention, better mentorship.

As for applied research, faculty and students in our program take on an impressive variety of problems that could be improved by the tools and approaches that make up our discipline. One researcher works to improve the affordability of fish production while improving its nutritional value. Another researcher uses new, powerful techniques to characterize microbial communities and their roles in digesting farm waste and the health of our local rivers. Another finds better breeds of tomatoes. Another better melons. Upon graduation, students carry the "tool box" of skills they acquired here and use it for whatever applications their futures may require.

During the previous five-year Program Review period, 28 students earned MS degrees and 2 earned MA degrees. In this five-year period, the numbers were 33 and 3, respectively

Program Learning Outcomes:

PLO 1: Demonstrate knowledge fundamental to the field of Biotechnology.

PLO 2: Demonstrate the ability to communicate professionally with fellow Biotechnologists, in both written and oral forms, at a level appropriate for those with a Master's degree in the discipline.

Adequacy (HEPC Series 10.5.2)

Faculty Demographics												
	Full-time								Adjunct		Total	
	Female				Male				Female	Male	Female	Male
	Instructor	Assistant	Associate	Professor	Instructor	Assistant	Associate	Professor				
a. Faculty who are												
Non-resident (International)												
Asian				1				1			1	1
Black, non-Hispanic								1	1			2
Hispanic												
American Indian or Alaska												
Native Hawaiian / Other Pacific												
Two or more races												
Unknown (Or Decline to Identify)												
White, non-Hispanic				1				2	4			6
Totals				2				3	6			9
a. Number of faculty with Tenure											2	9
b. Number of faculty with doctorate or other terminal degree												
c. Number of faculty whose highest degree is a master's, but not a terminal master's												
d. Number of faculty whose highest degree is a bachelor's												

Faculty Production

Non-Instructional Production of Faculty – Data from last two years, ending in academic year 2018-2019*					
Type	2017-2018	2018-2019	Total Award Amount	Totals	
				Number	Award Amount
Peer-Reviewed Publication	5	6		11	
Academic Book					
Creative Work / Installation					
Non-Peer Reviewed Publication					
Conference Presentation	1	3		4	
Internal Grant			\$4,000.00	91	\$4,000.00
External Grant	4	5	\$ 3,396,305.00	9	\$ 3,396,305.00
Public Discussion Program	1			1	
Peer Reviewer (Journal)	3	3			
Conference / Seminar Attendance					
Totals					\$ 3,400,305.00

* Because the program review document limits individual faculty reports to two pages for a five year period, this is not a complete reporting of faculty production during the two year executive summary period

Necessity (HEPC Series 10.5.3)	
Duplication and Demand	The closest similar program is just over 50 miles away at Marshall University. Rather than specializing in Biotechnology, their graduate programs in the Life Sciences are in Biomedical + Biomolecular Science, Ecology + Evolution, Watershed Management, Environmental Sciences, and Forensic Science. But even if our programs had to be compared head-to-head, corrected for program size and Faculty teaching loads, our Program is competitive with Marshall, or any school nation-wide. Graduates from the BT Program do not feed into any particular job. If there were such an employer in the region, we would certainly find a way to provide well-trained employees. So we define "Biotechnology" broadly and prepare our students to be flexible as the field evolves. As such, we are pleased to note that our graduates from the review period have entered a variety of Biotechnology jobs.
Post Program Placement	Considering the students who left the program during the period of this review, 18 got jobs in their field, 1 went to medical school, 14 went on to Ph.D. programs, and 8 are unaccounted for. Divided by the total 41 who left, that's 80%. Divided by the 36 who graduated, that's 92%.

Viability (HEPC Series 10.5.1)																																					
Program Enrollment	<p>MS Biotechnology</p> <table border="1"> <thead> <tr> <th><u>Academic Year</u></th> <th><u>Number of Majors</u></th> <th><u>Number of Graduates</u></th> </tr> </thead> <tbody> <tr> <td>2014-2015</td> <td>20</td> <td>6</td> </tr> <tr> <td>2015-2016</td> <td>19</td> <td>10</td> </tr> <tr> <td>2016-2017</td> <td>18</td> <td>4</td> </tr> <tr> <td>2017-2018</td> <td>22</td> <td>7</td> </tr> <tr> <td>2018-2019</td> <td>21</td> <td>6</td> </tr> </tbody> </table> <p>MA Biotechnology</p> <table border="1"> <thead> <tr> <th><u>Academic Year</u></th> <th><u>Number of Majors</u></th> <th><u>Number of Graduates</u></th> </tr> </thead> <tbody> <tr> <td>2014-2015</td> <td>0</td> <td>0</td> </tr> <tr> <td>2015-2016</td> <td>0</td> <td>0</td> </tr> <tr> <td>2016-2017</td> <td>1</td> <td>0</td> </tr> <tr> <td>2017-2018</td> <td>2</td> <td>2</td> </tr> <tr> <td>2018-2019</td> <td>1</td> <td>1</td> </tr> </tbody> </table>	<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>	2014-2015	20	6	2015-2016	19	10	2016-2017	18	4	2017-2018	22	7	2018-2019	21	6	<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>	2014-2015	0	0	2015-2016	0	0	2016-2017	1	0	2017-2018	2	2	2018-2019	1	1
<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>																																			
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2016-2017	1	0																																			
2017-2018	2	2																																			
2018-2019	1	1																																			
Program Cost	<p>The following percentage is based on an estimated return on investment (ROI) as determined by the Provost / Vice President of Academic Affairs in the 2017-2018 academic year. Numbers for the formula include the total cost of program salaries divided by the total credit hours produced by the program. If the total revenue created is higher than the total salaries, then the program ROI is above 100% and it is making money for the University.</p> <p>Return on Investment Percentage: As reported to the Board of Governors, Academic Affairs is working on a specific cost analysis for Graduate Programs but, as of this review, it has not been created. However, according to previous metrics of cost analysis, the program continues to be financially viable as the student / faculty ratio has remained the same since the last review and Graduate Faculty also teach undergraduate courses to reduce the direct cost to the programs.</p>																																				
Outside Services	<p>Number of Service Courses Taught: 0 Number of Early Enrollment Courses Taught: 0</p>																																				

Summary / Future Needs	
Program Strengths	<p>1. Personnel. The Biotechnology Program has excellent faculty and staff (see Section II B, above). The Gus. R. Douglass Institute on the WVSU campus bolsters us with additional personnel, facilities, and support. Through the USDA, they continue to fund four Graduate Research Assistantships per semester. Our scope is extended through the affiliated faculty (Exhibit E), as well as those from other institutions world-wide who collaborate in research grants and publications. We have good graduate students who take ownership of their education and research. We are large enough to cover an impressive range of Biotechnology sub-disciplines, but small enough to interact with our students closely. Nobody gets lost in the crowd, we get to know our students, and we mentor individual development in every aspect of professional life. Let's appreciate our faculty and staff.</p> <p>2. Success and stability. The Biotechnology Program has done well in the last 17 years. We have secured sufficient funding to completely fill our existing research space with students and equipment. The Biotech Faculty bring to campus through their prolific, successful grant writing a lot of money to the university. We continue to refine policies and procedures, and administratively, the Program runs as smoothly as its staffing allows. So far in our Program, we have had 120 students, and awarded 78 MS degrees, 7 MA degrees, and 2 Certificates. Our graduation rate in the period of this report of 90 percent is quite respectable among graduate schools, it's even more impressive in a program whose students compete in first-tier Biotechnology research. In the previous five year review, the graduation rate was 68 percent. We continue to have high rates of professional advancement into jobs, grad schools, medical programs and the like. The Program is working.</p> <p>3. Benefit to the Biology Department. When we started the Biotechnology Graduate Program in 2002, we hoped that it would benefit the Biology undergraduate program. Although the fiscal impacts are hard to measure without more clear budgeting, we think that the graduate program has "upped the game" of the undergraduate program. The Program has attracted high-quality faculty, who then teach undergrads in classes and in their research labs. Graduate Teaching Assistants help faculty be more productive in their teaching and research. Graduate students bring their skills, diversity and enthusiasm to Hamblin Hall and beyond. Graduate students doing research results in grants and publications, which brings prestige and money to WVSU. Many of them are active in the campus-wide Graduate and Professional Student Association. The benefit of the Program is campus-wide.</p> <p>4. Mentoring and apprenticeship. We do a very good job of mentoring our graduate students. We select applicants carefully (see Section II C, Entrance Standards and Abilities, above). In their first semester, we enroll them in "Seminar for Teaching Assistants" (BT 501), which gives a weekly forum for identifying students' problems of whatever nature, monitoring and helping their teaching, getting feedback, and generally getting to know one another. We formally evaluate GTA's teaching, for their good as well as that of their students. The Program Coordinator keeps a spreadsheet of each student's progress through the timeline of the program and takes an active part in keeping things on track. Individual program faculty and staff take a personal interest in ensuring that no student lacks housing, financial support, academic help, whatever. Nobody falls through the cracks, far from it. With 14 Program faculty and a yearly average of 20.8 students, the average faculty:student ratio is about 2:3.</p>
Program Weaknesses	<p>1. Our Program is due for a re-assessment and identification of new program learning outcomes.</p> <p>2. In the review period, we lacked a budget, which makes it hard to plan prudently. From a University-wide perspective, we can't make a cost-versus-benefit analysis of the Program when its costs are not clear. The question is far broader and more complex than simply faculty salaries divided by graduates. The Program has struggled since its inception to get some clarity, and we seek a comprehensive discussion about the Program's benefits. The main factor obscuring the view is that our Program is tightly interwoven with the undergraduate Biology Program.</p>

	<p>3. It would be good for morale to reward productive faculty, especially the grant-writers, with a token cut of the indirect money they bring to campus. This should start with a University policy, posted and followed, on the use of indirect monies from grants earned by our faculty. This weakness was cited in the Program Reviews of 2009 and 2014.</p> <p>4. Our Program is attracting fewer students from West Virginia. This means a serious recruitment effort is warranted.</p> <p>5. We could use better library access to journals in specialized sub-disciplines of Biology. It doesn't necessarily prevent students from getting access to recent papers, but mostly they do it by using other people's library accounts at other universities. Growth of the WVSU Graduate School will be constrained until this is adequately addressed.</p>
<p>Summary Conclusions</p>	
<p>Future Needs</p>	

Program Review Committee Recommendation	
Recommendation	<input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program at a reduced level of activity <input type="checkbox"/> Identification of the program for further development <input type="checkbox"/> Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and th <input type="checkbox"/> Discontinuance of the program
Justification:	<p>The Program Review Committee recommends BOTH the Masters of Science and Masters of Arts Biotechnology programs be continued at the current level of activity. The program continues to maintain a highly qualified faculty, most of whom engage in grant-funded research. It is important to note how vital this aspect of academia is to the enhancement of both professional development, student engagement and the fulfillment of the WVSU Land-grant mission.</p> <p>The program is currently working on its assessment plan, however has been collecting data during that time. Working with Dr. Aaron Settle, Director of Program Assessment, it is important to "close the loop" in assessment. The committee recommends that the programs create a follow up assessment review by no later than Spring 2021</p> <p>The Program Review Committee did not see the financial impact of the programs as this information was completed by Academic Affairs and not the program itself. The Committee recommends that the BOG and AA look specifically into the cost analysis for graduate programs as the current formula for undergraduate programs does not apply.</p> <p>The program has seen a decline in enrollment during the review period, but it is at a level that mirrors the decline in enrollment for the University as a whole. Through the review process it has become evident that financial incentives are needed for recruitment efforts. A policy on indirect funding from grants would be beneficial in this area as grant-funded research makes up a large percentage of the work done by both Programs</p> <p>Finally, the programs' commitment to experiential learning at the graduate level should be noted. Faculty and students working together in research endeavors creates a model for future employment.</p>
Provost / Vice President of Academic Affairs Recommendation	
Recommendation:	<input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program at a reduced level of activity <input type="checkbox"/> Identification of the program for further development <input type="checkbox"/> Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and th <input type="checkbox"/> Discontinuance of the program
Explanation:	Click or tap here to enter text.

Bachelor of Science in Communications Program Review

Board of Governors Meeting
Academic Policy Committee
Robert Wallace
February 4, 2021

Program Highlights

- The program's focus on experiential learning often results in work that has an impact far beyond the classroom. Student projects have resulted in a great deal of positive publicity for WVSU.
- Students in Advanced TV Production I and II produce programming for WV Public Broadcasting's long-running *Campus Connection* television show.
- WVSU students have had an unbroken streak of having multiple finalists in every National Broadcasting S national convention since 2016. Mr. Alex Day took the 2017 NBS National Grand Prize with his entry in the Original Script/Drama category. Ms. Brooke Lewis won First Place in Web Design in 2016. At the most recent NBS convention in Los Angeles, WVSU Communications faculty member Kimberly Cobb was honored as Advisor of the Year.
- The Charles R. Byrd Chapter of the Public Relations Society of America has been a staple of public relations innovation at WVSU since 1991. The WVPRSA 2016 Chapter of the Year exemplifies an active involvement in the field and in the local community. In their 30-year history we have attended dozens PRSSA National Conferences (New York City, Atlanta, Philadelphia, San Francisco, Boston, Austin, etc.). Members of WVSU PRSSA have held National PRSSA Board positions, led seminars at the National Conventions and won numerous WVPRSA Diamond and Crystal Awards.

Recommendation to the Board of Governors

- The Program Review Committee recommends Bachelors of Art program be continued at its current level with program report revisions suggested by the committee for the final report, and an assessment follow up.
- The committee recommends that the program's chair and/or assessment specialist work with the University Assessment Director in Spring 2021 so that appropriate documents can be reviewed before the internal assessment deadlines. A follow-up report on assessment in the program must be received by Academic Affairs by Spring 2022

Questions

Program Review Executive Summary

West Virginia State University
Program: B.S. in Communications
Program Options: Areas of Emphasis: 1. Broadcasting, 2. Film,
3. Journalism/Writing, 4. Public Relations, 5. Theatre, and 6. Visual Media
Date of Review: AY 2019-2020

Consistency With Mission (HEPC Series 10.5.4)

Centrality to Institutional Mission:

West Virginia State University's mission, "to meet higher education and economic development needs of the state and region through innovative teaching and applied research" is well met by the Department of Communications. It continues to be one of the University's strongest departments, emphasizing both innovative teaching and applied research in the field of communications.

Our program offers all our majors a strong interdisciplinary core in mass communications, public relations, theatre, film, audio, and video production. Our majors may then choose from six different areas of emphasis: Broadcasting, Film, Journalism, Public Relations, Theatre, or Visual Media.

Our program's focus on experiential learning often results in work that has an impact far beyond the classroom. Student projects have resulted in a great deal of positive publicity for WVSU.

When the WVSU Board of Governors directed our department to offer a course for the purpose of streaming WVSU athletic events, the faculty and staff of the Department of Communications were able to develop COMM 366 Sports Production to provide live video of WVSU home football games and selected basketball games. The 2017 WVSU vs. University of Charleston football game had the second highest number of viewings for games in the entire conference.

Faculty and students in our department have enjoyed repeated cooperative programs with the Film and TV School of Academy of Performing Arts (FAMU) in Prague, Czech Republic; the Department of Fine and Performing Arts at the University at Dar es Salaam Faculty and students in our department have enjoyed repeated cooperative programs with the Film and TV School of Academy of Performing Arts (FAMU) in Prague, Czech Republic; the Department of Fine and Performing Arts at the University at Dar es Salaam in Tanzania; and most recently with the University of Sharjah in the United Arab Emirates.

Program Learning Outcomes:

1. Evaluate communication research.
2. Interpret theoretical communication concepts.
3. Create content appropriate to communication context.
4. Apply and value ethical considerations appropriate to communication contexts.
5. Interpret laws relevant to communication.

Adequacy (HEPC Series 10.5.2)

Faculty Demographics												
	Full-time								Adjunct		Total	
	Female				Male				Female	Male	Female	Male
	Instructor	Assistant	Associate	Professor	Instructor	Assistant	Associate	Professor				
a. Faculty who are												
Non-resident (International)												
Asian												
Black, non-Hispanic							1					
Hispanic												
American Indian or Alaska Native												
Native Hawaiian / Other Pacific Islander												
Two or more races												
Unknown (Or Decline to Identify)												
White, non-Hispanic		1		1		1						
Totals												
a. Number of faculty with Tenure											1	2
b. Number of faculty with doctorate or other terminal degree											1	1
c. Number of faculty whose highest degree is a master's, but not a terminal master's											2	
d. Number of faculty whose highest degree is a bachelor's												

Faculty Production

Non-Instructional Production of Faculty – Data from last two years, ending in academic year 2018-2019					
Type	2017-2018	2018-2019	Total Award Amount	Totals	
				Number	Award Amount
Peer-Reviewed Publication					
Academic Book					
Creative Work / Installation	4				
Non-Peer Reviewed Publication					
Conference Presentation	3	1			
Internal Grant		1	\$5000.00	1	\$5000.00
External Grant					
Public Discussion Program		2			
Peer Reviewer (Journal)					
Conference / Seminar Attendance	2	2			
Totals	9	6			\$5000

Necessity (HEPC Series 10.5.3)	
Duplication and Demand	When compared to four-year communications programs that are currently offered by other West Virginia universities, our Communications program continues to be the only one of its kind throughout the state. Most programs offered at other state institutions focus on a specific discipline, with some programs offering concentration options that further explore the program’s area of study. None of these programs, however, offer such a wide array of specific disciplines and areas of focus that our Communications program continues to offer students.
Post Program Placement	Feedback has been provided through contact with some local employers. WSAZ-TV, WCHS-TV, WOWK-TV, ROCK 105, and the <i>Gazette-Mail</i> have all provided positive feedback on recent hires and are open to continuing internships, part-time employment and full-time employment as these jobs are available. West Virginia State University communications students are highly competitive for these positions along with recent graduates from West Virginia University, Marshall University, and out of state institutions.

Viability (HEPC Series 10.5.1)															
Program Enrollment	<table border="1"> <thead> <tr> <th><u>Academic Year</u></th> <th><u>Number of Majors</u></th> <th><u>Number of Graduates</u></th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>92</td> <td>25</td> </tr> <tr> <td>2018</td> <td>95</td> <td>23</td> </tr> <tr> <td>2019</td> <td>93</td> <td>21</td> </tr> </tbody> </table>			<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>	2017	92	25	2018	95	23	2019	93	21
	<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>												
	2017	92	25												
	2018	95	23												
2019	93	21													
<p>The following percentage is based on an estimated return on investment (ROI) as determined by the Provost / Vice President of Academic Affairs in the 2017-2018 academic year. Numbers for the formula include the total cost of program salaries divided by the total credit hours produced by the program. If the total revenue created is higher than the total salaries, then the program ROI is above 100% and it is making money for the University.</p> <p>The salaries for the COMM Department, found at WVCheckbook.gov., were \$321,243.88. The last year listed was 2018. The total is for five full-time faculty members.</p> <p>The ROI Calculation for Communications is as follows: $321243.88/1164460 = 27.5\%$</p>															
Program Cost															
Outside Services	<p>Number of Service Courses Taught: COMM 100 (6 sections each fall and spring, 1 summer), COMM 140 (4 spring and fall, 1 summer , COMM 170 (1 section fall and spring), COMM 446 (1 section fall and spring)</p> <p>Number of Early Enrollment Courses Taught: (COMM 100, COMM 101, COMM 140, COMM 270)</p>														

Summary / Future Needs	
Program Strengths	<p>Our program’s focus on experiential learning often results in work that has an impact far beyond the classroom. Student projects have resulted in a great deal of positive publicity for WVSU.</p> <p>Students in Advanced TV Production I and II produce programming for WV Public Broadcasting’s long-running <i>Campus Connection</i> television show. WVPBS staffers have commented that the segments created by WVSU students are better crafted than those from the other WV universities – even though those other universities have vastly greater funding for equipment and support staff.</p> <p>Our department’s student honorary organizations provide significant contributions to our educational mission and are a testament to the dedicated faculty members.</p> <p>WVSU’s chapter of the National Broadcasting Society won Rookie Chapter of the Year in 2009. Since then, our students have filled a trophy case with awards that we proudly display on the second floor of Cole Complex. WVSU students have had an unbroken streak of having multiple finalists in every NBS national convention since 2016. Mr. Alex Day took the 2017 NBS National Grand Prize with his entry in the Original Script/Drama category. Ms. Brooke Lewis won First Place in Web Design in 2016. At the most recent NBS convention in Los Angeles, WVSU Communications faculty member Kimberly Cobb was honored as Advisor of the Year.</p> <p>The Charles R. Byrd Chapter of the Public Relations Society of America has been a staple of public relations innovation at WVSU since 1991. The WVPRSA 2016 Chapter of the Year exemplifies our active involvement in the field and in our local community. In their 30-year history we have attended dozens PRSSA National Conferences (New York City, Atlanta, Philadelphia, San Francisco, Boston, Auston, etc.). Members of WVSU PRSSA have held National PRSSA Board positions, led seminars at the National Conventions and won numerous WVPRSA Diamond and Crystal Awards. Dr. Ziyati received the 2018 “Public Relations Educator of the Year” award from the Public Relations Society of America, West Virginia Chapter.</p>
Program Weaknesses	<p>The number of majors and graduates has declined since our previous program review. Since the previous review, the number of full-time faculty members has dropped from nine to four. Three retirements and two resignations during the review period have reduced the department’s full-time faculty members by 55.55%. With no full-time replacements hired during the review period, we have had to increasingly rely on adjunct instructors. During the Fall 2020 semester, three of the four full-time faculty members are teaching course overloads.</p>
Summary Conclusions	<p>The Department of Communications provides service to the other programs, the university, and the community. The provides required general education courses as well as services that provide opportunities for the community to engage in activities on campus and in international experiences.</p>
Future Needs	<p>As mentioned in the "weakness" section, the program is in need of faculty to replace the full-time positions lost due to resignations and retirement.</p>

Program Review Committee Recommendation	
Recommendation	<input type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program at a reduced level of activity <input type="checkbox"/> Identification of the program for further development <input type="checkbox"/> Development of a cooperative program with another institution, or sharing of courses, facilities <input type="checkbox"/> Discontinuance of the program
Justification:	Click or tap here to enter text.
Provost / Vice President of Academic Affairs Recommendation	
Recommendation:	<input type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program at a reduced level of activity <input type="checkbox"/> Identification of the program for further development <input type="checkbox"/> Development of a cooperative program with another institution, or sharing of courses, facilities <input type="checkbox"/> Discontinuance of the program
Explanation:	Click or tap here to enter text.



Academic Program Review Report

Revised January 15, 2021

Program: B.A. in Communications

Program Options: Broadcasting, Film, Journalism/Writing, Public Relations,
Theatre, Visual Media

Professional Accreditation Organization: N/A

Date of Last Accreditation Review: N/A

Last Review and Suggested Action: [Click or tap to enter a date.](#)

- Continuation of the program at the current level of activity
- Continuation of the program at a reduced level of activity
- Identification of the program for further development
- Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like
- Discontinuance of the program

Submitted: 1/19/2021

Steps of the Program Review Report

	ACTION ITEM
Step 1	The Program Review Report is the responsibility of the Program Chair to produce. This should be done in consultation with the College Dean and members of the program.
Step 2	Program submits draft of Program Review to the Chair of the Program Review Committee.
Step 3.a	IF PRC finds inadequacies or issues in report, the Chair may return the report to the Program for revision.
Step 3.b	PRC completes Program Review Committee Report and sends its findings and recommendations to the Dean and Chair / Coordinator of the Program.
Step 4	PRC forwards its report and final recommendation to the Provost / Vice President of Academic Affairs. Provost / VPAA accepts / rejects / amends PRC recommendation and sends decision to the Board of Governors Academic Policies Committee via Executive Summary Report
Step 5	BOG APC reviews Executive Summary and Provost / VPAA decision. BOG APC accepts / rejects / amends decision and sends it to the full BOG for vote.
Step 6	BOG takes official action on Program Review Outcome and sends decision to WVHEPC.
Step 7	Dean meets with program faculty to review results of PRC report, discuss proposed goals and possible action steps.
Step 8	Chair of the PRC gathers all decisions for report to the Faculty Senate on Decisions
Note:	All steps except 4 are open to attendance of a representative of the program. The PRC recommends attendance at the initial draft review and strongly urges attendance at the BOG APC and BOG meeting.

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Component I – Consistency with Mission

- A. Program Mission and Purpose** - Briefly describe where your program fits within the university structure (e.g. school/dept.) and what degrees or concentrations it grants. State your program’s mission and purpose and how it helps to fulfill the broader mission and Academic Vision of West Virginia State University. Briefly, discuss the trends in higher education related to the need for your program and identify how the program is responsive to the needs of the region or broader society it intends to serve. Please indicate the centrality of the program to the institution, explain how the program complements other programs offered, and state how the program draws upon or supports other programs. Any aspect of the institution that relies on the program should be addressed. The effects (positive or negative) that discontinuance of the program might have upon the institution's ability to accomplish its mission should be stated.
(limit response to 500 words or less)

West Virginia State University’s mission, “to meet higher education and economic development needs of the state and region through innovative teaching and applied research” is well met by Communications program. It continues to be one of the University’s strongest departments, emphasizing both innovative teaching and applied research in the field of communications.

1. **Innovative teaching**: Teaching communication and media requires special attention to the following areas:

- **Theory**: Students become knowledgeable of related concepts of communication, media and technology through a rigorous curriculum.

- **Research skills**: Students master a variety of research tools to gather, organize, and analyze relevant information. The Communications program offers more than one course in the research area (COMM 305 and 405). Research is a major component in all Communications courses (PR, Film, Radio and TV, Theatre, Journalism, etc.).

-**Technology literacy**: Students become familiar with communication technologies in terms of history, social impact, and personal fluency with different applications. The program offers introductory and advanced courses that emphasize technology literacy and how-to approach new knowledge through several program courses in videography, writing for media, editing, post production, animation, 3D technology, graphic design, etc.

- **Analytical and critical thinking**: Students use relevant theories and concepts to analyze, solve specific problems, and make sense of specific cases through discussion, public speaking and in writing, and various media production.

2. **Applied research**: West Virginia State University is committed to the economic development of its community.

- Our graduates are employed in numerous area media outlets. They work in community media agencies and provide strategic communication assistance to other non-media-related businesses including non-profit.

- Tower Communication is the student-run “firm” of WVSU’s C.R. Byrd Chapter of the Public Relations Student Society of America. The firm developed and/or implemented campaigns and programs for local, regional, and national clients. Since its founding in 2006, the firm has serviced contracts totaling more than \$100,000.

- WVSU’s chapter of the National Broadcasting Society won Rookie Chapter of the Year in 2009. Since then, our students have filled a trophy case with awards that we proudly display on the second floor of Cole Complex.

- Our department’s commitment to community service is strong. Students and faculty in the National Broadcasting Society have participated in all of WVSU Care events. Professor Steve Gilliland has been active with WVSU’s Economic Development Center (EDC) in developing programs that benefit our immediate community with presentations and workshops.

3. **Student collaboration**: In addition, the department provides numerous platforms for student’s experiential learning beyond the classroom. For example:

-West Virginia Public Broadcasting’s *Campus Connection*, a News Show regularly showcases the work of WVSU audio-television production students

- *The Yellow Jacket* newspaper has evolved from print to online (yj-online.com) delivery and provides hands-on experience for journalists, photographers, and graphic and web designers.

The Department of Communications is truly a collaborative “laboratory of human relations.” Faculty members collaborate (within and outside of the department) on research and teaching projects. Students frequently are involved in faculty research projects. Every aspect of the program requires effective communication in order to be successful. From theatrical performances to video productions to public relations, our work and our efforts are interactive and, at best, collaborative.

B. Program Learning Outcomes – Please list your Program Learning Outcomes (PLOs) below

1. Evaluate communication research.
2. Interpret theoretical communication concepts.
3. Create content appropriate to communication context.
4. Apply and value ethical considerations appropriate to communication contexts.
5. Interpret laws relevant to communication.

C. Progress Since Last Review – If your program's last review called for some corrective action or follow-up document, discuss what actions were taken by your program to meet the recommended steps. If no actions were required, skip this step.

After the 2009-2014 Program Review, the recommendation was for the continuation of the program at the current level of activity with a follow up on assessment. The department presented that assessment report in Fall 2016 and has continued the assessment process outlined in that plan.

D. Curriculum – List your curriculum below. Use separate sheet for each option in your program.

Degree Program: B.A. in COMMUNICATIONS: Area of Emphasis: Broadcasting	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements:	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level.		Any three additional courses listed in Journalism, Visual Media, Film, Public Relations or Theatre areas of emphasis.	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3					Written Communication	6
COMM 140 Film Appreciation	3	COMM 106 Voice and Diction		Electives as needed to reach 120 hours total.		Oral Communication	3
COMM 162 TV Production/ Direction	3	COMM 111 Radio Laboratory				Math	3
COMM 170 Theatre Appreciation	3	COMM 262 Broadcast Management and Operations				Scientific Reasoning	3-4
COMM 205 Public Relations	3	COMM 270 Principles and Theories of Acting				Arts	3
COMM 241 Film Making	3	COMM 340 New Media				Humanities	3
COMM 261 Introduction to Audio Production	3	COMM 343 Animation Production				Natural Sciences	3-4
COMM 307 Writing for the Media	3	COMM 348 Scriptwriting for Film				Social Science	3
COMM 400 Communications Field Experience	3	COMM 360 Advanced Television Production/ Direction I				International Perspectives	3
COMM 461 Media Law and Regulations	3	COMM 362 Advanced Audio Production				Histories	3
	3	COMM 382 Video Postproduction				Wellness	3
	3	COMM 462 Advanced Television Production/ Direction II					
Total Required Major Hours:	34	Total Major Area of Emphasis Hours:	18	Total Restricted Electives Hours:	9	Total Gen. Ed. Hours:	39-41

Degree Program: Bachelor of Science: Communications – Area of Emphasis: Film	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements: n/a	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major Area of Emphasis: Broadcasting	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level.		Any three additional courses listed in Broadcasting, Journalism, Visual Media, Public Relations or Theatre areas of emphasis. Electives as needed to reach 120 hours total.	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3	COMM 145 Horror and Fantasy Films				Written Communication	6
COMM 140 Film Appreciation	3	COMM 175 Elements of Design for Stage and Screen				Oral Communication	3
COMM 162 TV Production/ Direction	3	COMM 240 Film History: The Narrative Tradition				Math	3
COMM 170 Theatre Appreciation	3	COMM 245 Film History: The Documentary Tradition				Scientific Reasoning	3-4
COMM 205 Public Relations	3	COMM 270 Principles and Theories of Acting				Arts	3
COMM 241 Film Making	3	COMM 341 Advanced Filmmaking				Humanities	3
COMM 261 Introduction to Audio Production	3	COMM 343 Animation Production				Natural Sciences	3-4
COMM 307 Writing for the Media	3	COMM 345 Film Theory, Genres, and Directors				Social Science	3
COMM 400 Communications Field Experience	4	C-370 Principles and Theories of Theatre Directing				International Perspectives	3
COMM 461 Media Law and Regulations	3	COMM 382 Video Postproduction				Histories	3
		ENGL 346 Literature and Film				Wellness	3
		COMM 340 New Media					
		COMM 348 Scriptwriting					
Total Required Major Hours:	34	Total Major Area of Emphasis Hours:	18	Total Restricted Electives Hours:	9	Total Gen. Ed. Hours:	39-41

Degree Program: Bachelor of Science: Communications -- Area of Emphasis: Journalism/Writing	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements: n/a	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major Area of Emphasis: Journalism/Writing	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level.		Any three additional courses listed in Broadcasting, Visual Media, Film, Public Relations or Theatre areas of emphasis. Electives as needed to reach 120 hours total.	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3	COMM 195 Journalism Laboratory				Written Communication	6
COMM 140 Film Appreciation	3	COMM 225 Journalism I				Oral Communication	3
COMM 162 TV Production/ Direction	3	COMM 227 Copy Editing				Math	3
COMM 170 Theatre Appreciation	3	COMM 326 Journalism II				Scientific Reasoning	3-4
COMM 205 Public Relations	3	COMM 462 Advanced Audio Production				Arts	3
COMM 241 Film Making	3	ENGL 303 Expository Writing				Humanities	3
		ENGL 304 Intro. to Creative Writing				Natural Sciences	3-4
		ENGL 429 Writing for Publication				Social Science	3
		COMM 340 New Media				International Perspectives	3
		COMM 348 Scriptwriting		Histories	3		
				Wellness	3		
Total Required Major Hours:	34	Total Major Area of Emphasis Hours:	18	Total Restricted Electives Hours:	9	Total Gen. Ed. Hours:	39-41

Degree Program: Bachelor of Science: Communications -- Area of Emphasis: Public Relations	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements: n/a	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major Area of Emphasis: Public Relations	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level.		Any three additional courses listed in	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3	ART 217 (Required) Computer Graphics		Broadcasting,		Written Communication	6
COMM 140 Film Appreciation	3	COMM 105 Public Relations Laboratory		Journalism/Writing,		Oral Communication	3
COMM 162 TV Production/ Direction	3	PSYCH 151 General Psychology		Visual Media, Film, or Theatre areas of emphasis.		Math	3
COMM 170 Theatre Appreciation	3	COMM 225 Journalism I		Electives as needed to reach 120 hours total.		Scientific Reasoning	3-4
COMM 205 Public Relations	3	COMM 227 Copy Editing				Arts	3
COMM 241 Film Making	3	C-305 Communications Research				Humanities	3
COMM 261 Introduction to Audio Production	3	C-370 Principles and Theories of Theatre Directing				Natural Sciences	3-4
COMM 307 Writing for the Media	3	COMM 405 Advanced Public Relations				Social Science	3
COMM 400 Communications Field Experience	4	ENGL 429 Writing for Publication				International Perspectives	3
COMM 461 Media Law and Regulations	3	ART 252 Digital Photography I				Histories	3
		COMM 340 New Media				Wellness	3
		COMM 348 Scriptwriting					
Total Required Major Hours:	34	Total Major Area of Emphasis Hours:	18	Total Restricted Electives Hours:	9	Total Gen. Ed. Hours:	39-41

Degree Program: Bachelor of Science: Communications -- Area of Emphasis: Theatre	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements: n/a	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major Area of Emphasis: Theatre	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level. COMM 106 Voice and Diction C-171 Theatre Laboratory C-175 Elements of Design for Stage and Screen COMM 270 Principles and Theories of Acting COMM 370 Principles and Theories of Directing for Theatre COMM 470 Advanced Theatre Studies COMM 475 Advanced Theatre Production ENGL 315 Shakespeare ENGL 415 The Modern Drama COMM 340 New Media COMM 348 Scriptwriting		Any three additional courses listed in Broadcasting, Journalism/Writing, Visual Media, Film, or Public Relations areas of emphasis. Electives as needed to reach 120 hours total.	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3					Written Communication	6
COMM 140 Film Appreciation	3					Oral Communication	3
COMM 162 TV Production/ Direction	3					Math	3
COMM 170 Theatre Appreciation	3					Scientific Reasoning	3-4
COMM 205 Public Relations	3					Arts	3
COMM 241 Film Making	3					Humanities	3
COMM 261 Introduction to Audio Production	3					Natural Sciences	3-4
COMM 307 Writing for the Media	3					Social Science	3
COMM 400 Communications Field Experience	4					International Perspectives	3
COMM 461 Media Law and Regulations	3					Histories	3
						Wellness	3
Total Required Major Hours:	34					Total Major Area of Emphasis Hours:	18

Degree Program: Bachelor of Science: Communications – Area of Emphasis: Visual Media	Total number of credit hours required for graduation: 120
Professional society that may have influenced the program offering and requirements: n/a	

Courses Required in Major (by course number and title)	Hours	Additional Credit Required in Major Area of Emphasis: Visual Media	Hours	Courses Required in Related Fields	Hours	Courses Required in General Education and Elective Hours	Hours
COMM 101 Introduction to Mass Communications	3	Choose 18 credit hours . One course must be 300 or 400 level.		Any three additional courses listed in	9	First Year Experience	3
COMM 103 Introduction to Digital Editing	3	COMM 106 Voice and Diction		Broadcasting,		Written Communication	6
COMM 140 Film Appreciation	3	C-171 Theatre Laboratory		Journalism/Writing,		Oral Communication	3
COMM 162 TV Production/ Direction	3	C-175 Elements of Design for Stage and Screen		Film, Public		Math	3
COMM 170 Theatre Appreciation	3	COMM 270 Principles and Theories of Acting		Relations or		Scientific Reasoning	3-4
COMM 205 Public Relations	3	COMM 370 Principles and Theories of Directing for Theatre		Theatre areas of		Arts	3
COMM 241 Film Making	3	COMM 470 Advanced Theatre Studies		emphasis.		Humanities	3
COMM 261 Introduction to Audio Production	3	COMM 475 Advanced Theatre Production		Electives as		Natural Sciences	3-4
COMM 307 Writing for the Media	3	ENGL 315 Shakespeare		needed to reach		Social Science	3
COMM 400 Communications Field Experience	4	ENGL 415 The Modern Drama		120 hours total.		International Perspectives	3
COMM 461 Media Law and Regulations	3	COMM 340 New Media				Histories	3
		COMM 348 Scriptwriting				Wellness	3
Total Required Major Hours:	34	Total Major Area of Emphasis Hours:	18	Total Restricted Electives Hours:	9	Total Gen. Ed. Hours:	39-41

Component II – Adequacy

- A. Analysis of Faculty Qualifications - From the evidence available, evaluate the qualifications and contributions of your faculty toward fulfilling the mission of the program. Faculty production, outside of instructional, should be noted as well as any special awards or recognition (regionally or nationally) that have been conferred. If your faculty have been awarded grants, be sure to note the number and award amount. Comment on the composition of your faculty in terms of diversity. Identify gaps in preparation, expertise, or scholarly production that need to be filled. **(Limit response to 300 words or less)**

Current staffing consists of four full-time faculty members. All full-time faculty members hold graduate degrees (MA, MFA or PhD) in the appropriate area. Three full-time faculty members are tenured. Professor Kimberly Cobb is Term.

The Communications faculty members are professionally involved and committed to the success of their students. They attend conferences, publish, and produce. They are artistically active; they participate in university governance and community services and activities. They also have received national awards. Communications Department faculty members are among the most acknowledged and active in the university. In addition to carrying a normal course load, they procure federal, state and private funding for programs and projects; they also serve as advisors to very active student organizations.

Dr. Ziyati received the 2018 “Public Relations Educator of the Year” award from the Public Relations Society of America, West Virginia Chapter. At the most recent NBS convention in Los Angeles, WVSU Communications faculty member Kimberly Cobb was honored as Advisor of the Year.

The undergraduate program faculty meet twice annually to conduct and review assessment data. This practice was put in place since 2013. Faculty also have used the discussions in monthly department meetings to discuss assessment.

The following is a description of the broadcast sequence as an example of how specific courses, segments and/or assignments are assessed:

Assessment findings for undergraduate students in the broadcast area of the Department of Communications and Media Studies

Explanation of assessment method.

The period this assessment covers is from the fall semester of 2016 through the fall semester of 2019. Students were assessed on the basis of a similar assignment in COMM 162: Introduction to Television Production and Direction and COMM 360: Advanced Television Production and Direction 1.

All majors are required to take the introductory course and so many of those students will not take the advanced course as they may be in one of the other departmental areas of interest. In addition, there were at least two students during the assessment period who were not Communications majors but enrolled in the introductory course as an elective.

The assessment tool for the introductory course was evaluating the only field production in the course and is completed by student teams of two while the advanced course project utilized for assessment is randomly selected from six field productions over the course of the semester and completed by individual students. In effect there are twice as many individual students assessed in the introductory course as in the advanced. Twenty-eight assessments were conducted in each course resulting in 28 individual students in COMM 360 being assessed while 56 students were assessed in COMM 162.

Findings of the 7 semesters assessed.

One of the most prominent findings is that instructor(s) are hesitant to score the lower ranges of assessment. Since the instrument is used in grading students as well as assessment. This has likely skewed assessment to a higher range than should be reflected by student work. In the categories of Audio and Video the assessment values show overall improvement between the introductory course and the advanced course. Writing also shows overall improvement between the courses. Many students may have also taken the COMM 307 Writing for Media course after the introductory course and before or during the time they are in the advanced course.

Overall assessment shows student growth and development between the courses assessed.

Conclusions from assessment

The assessment tools should no longer be used as a grading instrument. While observations should remain constant between assessment and grading the use of separate documents will allow instructors to feel as if they are able to encourage students while honestly assessing skills for the use of departmental overall assessment.

The criteria of audio seem to improve between semesters as the introductory audio course is a 200-level course and is most often taken by students after the introductory television course, as to be expected.

B. Analysis of Program Assessment - Briefly describe the direct and indirect measures your program uses to assess student learning. Analyze how well students are demonstrating each learning outcome within the program. If there is a culminating project in the program, such as a capstone, thesis, or dissertation, include an objective evaluation of a sample of these products since undertaking the last program review. Use a rubric or other criteria to support your assessment of the culminating projects, and analyze the results of this evaluation. Specify the areas where students are not meeting expected levels of competency and provide an analysis of possible explanations for these result. **(Limit response to 300 words or less**

The Communications program's learning outcomes (PLOs) are derived and strongly linked to the Program and University missions. The assessment of the program PLOs has been in place since 2012. The university's efforts to establish a strong assessment plan has been stable in the recent years. The communication assessment of PLOs includes input from our partners inside and outside of the University. They are set to measure the highest academic standards reflecting those criteria. Assessment is measured through the use of program learning outcomes mapping and a system of direct assessments utilizing rubrics and indirect methods when applicable (i.e. exit survey documents).

The program learning outcomes and mapping process is initially completed by the Chair and faculty each academic year. There have been no significant changes in university assessment standards. As a result, data collection and data interpretation have been very stable and very beneficial.

Assessment for the undergraduate program has been conducted through the use of a detailed assessment map and established rubrics. The program uses a variety of tools to conduct its assessment. A sampling of writing assignments, research projects, presentations, portfolios, internships, and video, audio, and film productions are utilized as key assessment points at varying levels throughout a student's course of study. Indirect assessments included (where applicable) the use of exit surveys. These methods have been in place since 2012 and have undergone periodic review both at the administrative level and department level.

The program coordinator works closely with the department assessment coordinator, Dr. Ali Ziyati. Faculty assesses within their courses according to the assessment map and report their findings to the program Chair each term. The coordinator is then able to determine successes, needs, etc. The program Chair addresses these issues at the monthly department meetings and a course of action is established after discussions. Over time, the assessment data show if assessment processes and student outcomes are meeting program level goals. Such data may have implications for future course and or program emphases' development, staffing needs, and budgeting pertinent to meeting the goals established by the program and institutional missions. Currently, the program is in the process of submitting a job description for film/health communication faculty position. The candidate will be able to teach both undergraduate and graduate courses.

- C. Analysis of Student Exit / Entrance Abilities – Describe the abilities of your students from when they enter to leave your program. Although you may discuss any entrance standards your program may have (especially if they are different from the school's admission requirements), your narrative should be a statistical profile of your majors when they start the program and when the finish. Entrance abilities should include any data about the scores and/or high school GPAs of your entering students (Computer services can provide scores.) and exit abilities should include any data you have about scores on field examinations, performance on assessment rubrics, evaluations in field placements, etc. **(Limit response to 300 words or less)**

There are no specific entrance requirements for communications majors other than those required of all students entering West Virginia State University.

Students must have an overall and major average of 2.00 in order to graduate and meet all program requirements by successfully completing the major courses. Students graduate with mastery in the Program Learning Outcomes outlined earlier in the report. Of special note is the completion of the internship each student must engage in. Those who meet the internship requirements and have 2.75 GPA are placed in Radio, TV, Film and Theatre or related media agencies with the purpose of providing supervised work experience in the student's chosen area. Our students have a variety of institutions where they could be placed for internship.

For students below the 2.75 GPA emphasis is on the development of a media related project relevant to the student's area of emphasis in Journalism/Writing, Broadcasting, Film, Public Relations, Visual Media and Theatre. For successful completion of COMM 400, all students in COMM 400 internship portfolios and make presentations before students and faculty.

- D. Analysis of Facilities and Activities – Briefly describe the facilities designated to your program and how they contribute to fulfilling the mission of the program and the University. This narrative should mention all instructional facilities, such as scientific labs, computer labs, multimedia rooms, etc. that the program is responsible for. You

Current COVID-19 social distancing protocols notwithstanding, many of our hands-on production class enrollments limits are set by available space in our production lab/studios used in the courses. **Cole 216 Film Lab** has iMac editing workstations for every student enrolled in the major core required classes (COMM 103 Digital Video Editing, 241 Filmmaking) as well as the specialized courses for the various areas of emphasis such as 285 Web Design and Digital Media, 341 Advanced Filmmaking, 343 Animation Production, 382 Video Postproduction.

The **TV Studio**/classroom space is tied to number that make for workable crew experience for all students enrolled in COMM 162 TV Production/Direction and the 360 and 462 Advanced TV I and II.

The **Audio Production** classroom/studio areas were specially designed for the Student Union second floor space that limits class size.

While the **Black Box Theatre** space is used primarily for COMM 270 Acting class, it has also served for many theatre-in-the-round performance events that were open to the public and resulted in positive publicity for the university.

may also briefly mention other facilities that you regularly use. If a facility is maintained by student fees, please discuss how the fees are used to maintain the area. **(Limit response to 300 words or less)**

Data Exhibit A.1 - Faculty Qualifications Faculty listed below are those who taught courses for the program within the academic year 2018-2019

Faculty Qualifications				
Name of Faculty Member	Rank	Highest Degree Earned and Date of Acquisition	Institution of highest degree	Certifications, practices, specialties, etc. related to the discipline that illustrate qualifications
Robin Broughton	Professor	Ph.D. in Interpersonal Communication	Ohio University	
Kimberly Cobb	Instructor	M.A. in Speech Communication	Marshall University	
Steve Gilliland	Assistant Professor	M.A. in Communication (Film and Video Production)	University of Arkansas	
Ali Ziyati	Professor	Ph.D. in Mass Communication	Ohio University	

Data Exhibit A.2 - Faculty Demographics Faculty listed below are those who taught courses for the program within the academic year 2018-2019

Faculty Demographics												
	Full-time								Adjunct		Total	
	Female				Male				Female	Male	Female	Male
	Instructor	Assistant	Associate	Professor	Instructor	Assistant	Associate	Professor				
a. Faculty who are												
Non-resident (International)												
Asian												
Black, non-Hispanic								1				
Hispanic												
American Indian or Alaska												
Native Hawaiian / Other Pacific												
Two or more races												
Unknown (Or Decline to Identify)												
White, non-Hispanic		1		1		1						
Totals												
a. Number of faculty with Tenure											1	2
b. Number of faculty with doctorate or other terminal degree											1	1
c. Number of faculty whose highest degree is a master's, but not a terminal master's											2	
d. Number of faculty whose highest degree is a bachelor's												

Data Exhibit A.3 – Faculty Research, Scholarship, and Grant Writing – Using the table below, please show faculty production in terms of published research, scholarship, and written grants. The data provided should cover the last two years, ending in the current review period

Non-Instructional Production of Faculty – Data from last two years, ending in academic year 2018-2019					
Type	Click or tap here to enter text.	Click or tap here to enter text.	Total Award Amount	Totals	
				Number	Award Amount
Peer-Reviewed Publication					
Academic Book					
Creative Work / Installation	4				
Non-Peer Reviewed Publication					

Conference Presentation	3	1			
Internal Grant		1	\$5000.00	1	\$5000.00
External Grant					
Public Discussion Program		2			
Peer Reviewer (Journal)					
Conference / Seminar Attendance	2	2			
	9	6			\$5000

Component III – Necessity

- A. Analysis of Program Necessity** - include whether the program is necessary for the institution's service region, and whether the program is needed by society (as indicated by current employment opportunities, evidence of future need, rate of placement of the programs' graduates). Whether the needs of West Virginia justify the duplication of programs in several geographic service regions shall also be addressed. Feel free to justify narrative with regional and national data on similar programs.

When compared to four-year communications programs that are currently offered by other West Virginia universities, our Communications program continues to be the only one of its kind throughout the state. Most programs offered at other state institutions focus on a specific discipline, with some programs offering concentration options that further explore the program's area of study. None of these programs, however, offer such a wide array of specific disciplines and areas of focus that our Communications program continues to offer students.

Perhaps the only program in the state with any similarity to our Communications program is the Communications & New Media program offered by the Department of Communications and Media Studies at Shepherd University (Shepherdstown, WV). Students enrolled in this program are required to complete a core curriculum specific to the degree (including courses such as Voice & Diction and Narrative Scriptwriting) before moving into one of three concentrations: Digital Filmmaking (includes courses such as Sound Design and Music Video Production), New Media (includes courses such as Graphic Novel and Game Design), or Media Studies, in which students select 18 hours from Digital Filmmaking or New Media. While the program offers courses in broadcasting (news and radio), advertising, and media law, it does not allow students opportunities to study filmmaking and digital video production in other countries as our department's frequent International Exchanges allow. One of the hallmarks of our program is its interdisciplinary approach, which encourages students to examine different areas of focus (communications, new media, and performing arts) before concentrating on more advanced courses in their chosen field of study.

- B. **Analysis of Post Program Placement** – Using data provided or additional data inserted into the report, comment on the success of students being placed in discipline-related jobs, graduate school, and/or passing required competency exams. **Note: Programs may also respond with other data that better indicate graduate success, but please provide a clear description of said data.**

Employee satisfaction data is difficult to obtain in the communications field due to the ever-changing nature of broadcasting, public relations, theatre, and film. Students who are placed in an entry-level position typically move quickly to other employment opportunities.

Feedback has been provided through contact with some local employers. WSAZ-TV, WCHS-TV, WOWK-TV, ROCK 105, and the *Gazette-Mail* have all provided positive feedback on recent hires and are open to continuing internships, part-time employment and full-time employment as these jobs are available. West Virginia State University communications students are highly competitive for these positions along with recent graduates from West Virginia University, Marshall University, and out of state institutions.

Data Exhibit A.1 – Similar Programs – Use the table below to identify similar programs to yours.

School	Title of Program
Alderson Broaddus University	BA in Communications
Bluefield State College	
Concord University	BA in Communication Arts
Fairmount State University	
Glennville State University	
Marshall University	BA, in Journalism, BA in Communication Studies
Shepherd University	B.A. in Communications
University of Charleston	
West Liberty University	
West Virginia University	BFA in Theatre, BA in Communications, BSJ Journalism

Component IV - Viability

- A. **Cost Analysis** – Using the data provided, offer an analysis of unit cost factors, sustaining a critical mass, and relative productivity of the program. Discuss any past trends in enrollment, patterns of graduates, and the best predictive data available. Assess the program's past ability and future prospects to attract students and sustain a viable, cost-effective program. If there is a high or low return on investment, explain the reason.

The salaries for the COMM Department, found at WVCheckbook.gov., were \$321,243.88. The last year listed was 2018. The total is for five full-time faculty members.

The following percentage is based on an estimated return on investment (ROI) as determined by the Provost / Vice President of Academic Affairs in the 2017-2018 academic year. Numbers for the formula include the total cost of program salaries divided by the total credit hours produced by the program.

The ROI Calculation for Communications is as follows:

$$321243.88/1164460 = 27.5\%$$

Total of Program Salaries

*(Credit Hours Produced * \$ per credit hour (\$316))*

Program Calculation:

Enter numbers below		ROI Percentage
$\frac{\$321,243.88}{(3685 * \$316)}$	=	27.6%

- B. Academic Opportunities and Class Size Analysis** - Using the evidence provided in the exhibits, discuss the trends in the program's class sizes and, if relevant, the impact on student learning and program effectiveness. Note, in particular, downward or upward trends in class size and provide justification for those trends. When possible, identify the impact of special study options and individualized instruction on program quality. Make certain you address, if appropriate, all off-campus and on-line courses and/or programs.

COVID-19 concerns and the demographics for the declining numbers for area high school graduates will likely be reflected in lower enrollments for the short term.

According to the guidelines President Pride provided: "Bachelor's degree programs: the number of degrees awarded in the last two years is 19 or fewer-unless upper division enrollment in the most recent year exceeds 25, or degrees awarded in the most recent year exceed 10." During AY 2018-2019 and 2019-2020, the Department Communications had 39 majors earn their B.S. degrees. Indeed, the degrees awarded in the department are more than double the minimum criterion. Therefore, Communications would be labeled a high-producing program.

This year, despite the COVID-19 "pivot" to remote delivery during the Spring 2020 semester, we still had ten (10) graduates in May 2020. Currently there are six (6) Communications majors on track to graduate in Fall 2020.

When it was announced that WVSU would be offering associates degree programs, the Department of Communications as one of the programs designated to plan on offering a two-year degree. The members of the department devised a curriculum for a Communications A.A.S. During our March 2020 department meeting, the faculty voted to approve the curriculum to submit to E.P.C. We hope to begin that formal process during the Spring 2021 semester. Upon successful approval, we are optimistic that we would attract new majors to the department. Before the loss of the West Virginia State Community and Technical College, most of the students in our Communications Associates in Applied Science went on to pursue their B.S. at WV State after earning their A.A.S.

- c. **Outside Course Service Analysis** – Provide a narrative discussing the programs courses that are offered as service to other areas of the university. Discuss the importance of your program's courses offered for the General Education curriculum, cognates or requirements in other programs, and courses offered off-campus.

The department offers COMM 100 Speech Communication, COMM 170 Theatre Appreciation, COMM 140 Film Appreciation, and COMM 446 International Cinema which fulfill general education requirements for the University. Web 100 sections of COMM 100 and COMM 140 are offered Fall, Spring, and Summer terms. Enrollment for COMM 100, 140, and 170 regularly fill and are all-too-frequently overloaded.

☰ Click or tap here to enter text.

Data Exhibit B.1 – Program Enrollment Data – Use the chart below to show the number of majors and graduates for each year under the review period.

<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>
2017	92	25
2018	95	23
2019	93	21

Data Exhibit B.2 – Course Enrollment Data – Below list ALL courses your program offered during the review period. Calculate the Credit Hours Produced (CHP) by multiplying the enrollment by 3.

YEAR	ENROLLMENT	FALL	SPRING	CHP
2018-2019	Lower division	529	395	2680
	Upper division	156	173	1002
2017-2018	Lower division	491	417	2622
	Upper division	174	182	1084
2016-2017	Lower division	528	381	2077
	Upper division	187	187	1652
2015-2016	Lower division	543	439	2113
	Upper division	178	192	1830

Data Exhibit C.1.a – General Education Service Courses – Use the chart below to identify courses that your department offers as part of programs OUTSIDE of the one being reviewed. All General Education courses and cognates should be listed here.

General Education Courses		
Course Number	Course Name	Average Sections per Year
COMM 100	Speech Communication	20
COMM 140	Film Appreciation	10
COMM 170	Theater Appreciation	2
COMM 446	International Cinema	2

Data Exhibit C.1.b – Cognate Service Courses - Use the chart below to identify courses that your department offers as part of programs OUTSIDE of the one being reviewed. All cognates for other programs should be listed here.

Cognate Service Courses		
Course Number	Course Name	Program(s) Serviced
COMM 241	Film Making	Art
COMM 353	Animation Production	Art

Data Exhibit C.2 – Early Enrollment / Dual Credit Courses – Use the chart below to show all Early-Enrollment / Dual Credit courses offered over the review period

Course	Number of sections for Early Enrollment Courses					
	2016-2017		2017-2018		2018-2019	
	# of sections	# of students	# of sections	# of students	# of sections	# of students
COMM 100: Speech Comm.	14		20		26	
COMM 140: Film Apprec.	5		7		9	

Component V – Program Direction and Future Needs

A. **Program Strengths** – After analyzing the data in this report, please provide a bullet list of the strengths you see in your program.

- The strength of the Communications B.S. program is reflected in its numbers over the past five years including total enrollment, majors, and number of graduates. While our number of majors and graduates declined since our previous review, the number of majors enrolled and graduates were stable for the last two years of this review period.
- Our program offers all our majors a strong interdisciplinary core in mass communications, public relations, theatre, film, audio, and video production.
- Our program’s focus on experiential learning often results in work that has an impact far beyond the classroom. Student projects have resulted in a great deal of positive publicity for WVSU.
- In their 30-year history we have attended dozens PRSSA National Conferences (New York City, Atlanta, Philadelphia, San Francisco, Boston, Auston, etc.). Members of WVSU PRSSA have held National PRSSA Board positions, led seminars at the National Conventions and won numerous WVPRSA Diamond and Crystal Awards.
- One of main convocations for WVSU’s most recent Black History Month featured screenings of the feature-length narrative, *River of Hope*. In his January 15, 2020 Message to the Yellow Jacket Nation, President Jenkins wrote, “The film presents an impressive depiction of the founding of West Virginia State University and is directed by our very own alumnus.” The screenings were open to the public. For the daytime screenings, teachers from area high schools organized groups of students to visit campus to view the film. The writer and director of *River of Hope*, Mr. Calvin Grimm, is a Communications graduate. Indeed, more than half of the cast and crew were WVSU alumni. On October 5, 2020 at the 21st WV FILMmakers Festival, *River of Hope* won the award for Best Feature Film.
- The Department of Communications has a decades-long track record of involving our students in international exchanges. One of our program’s first efforts was in the 1994-1995 co-productions with the world’s first film school, the All-Russias Institute of Cinematography (VGIK) in Moscow. In Russia, American student directors worked with Russian student producers. The pairs created short documentaries about the country they were visiting. The roles were reversed when Russian students came to the WV State campus. The “Twelve Columbuses” documentaries directed by Russian students were shown on Russian national television; the documentaries directed by WV State students were distributed in over a 100 countries by U.S. Information Agency.
- Faculty and students in our department have enjoyed repeated cooperative programs with the Film and TV School of Academy of Performing Arts (FAMU) in Prague, Czech Republic; the Department of Fine and Performing Arts at the University at Dar es Salaam in Tanzania; and most recently with the University of Sharjah in the United Arab Emirates.
- The most recent student travel opportunities have added Cuba, Norway, and Peru to the list of destinations.

B. Program Weaknesses – After analyzing the data in this report, please provide a bullet list of the weaknesses you see in your program.

While the number of majors and graduates has declined slightly since our previous program review, the number of full-time faculty members has dropped from nine to four. Three retirements and two resignations during the review period have reduced the department's full-time faculty members by 55.55%. With no full-time replacements hired during the review period, we have had to increasingly rely on adjunct instructors. During the Fall 2020 semester, three of the four full-time faculty members are teaching course overloads.

C. Summary Conclusions - Summarize the major findings of the program review as it relates to both the strengths of the program and areas in need of improvement. Include in this discussion any "intangibles" or assessments that you wish to discuss that were not requested in the Program Review Report. Make sure your conclusions are based on presentable evidence.

The Department of Communications is truly a collaborative "laboratory of human relations." Faculty members collaborate (within and outside of the department) on research and teaching projects. Students frequently are involved in faculty research projects. Every aspect of the program requires effective communication in order to be successful. From theatrical performances to video productions to public relations, the Department of Communications work and efforts are interactive and, at best, collaborative.

The Department of Communications provides service to the other programs, the university, and the community. The provides required general education courses as well as services that provide opportunities for the community to engage in activities on campus and in international experiences.

- D. Needs for Future Success** – Using the area provided below, discuss what institutional needs your program requires for continued success in your program. Be sure to justify these needs by explaining how they would make the program stronger or more competitive.

More than anything, the Communications Department needs to hire more faculty. To reiterate from the Program Weaknesses section:

While the number of majors and graduates has declined slightly since our previous program review, the number of full-time faculty members has dropped from nine to four. Three retirements and two resignations during the review period have reduced the department's full-time faculty members by 55.55%. With no full-time replacements hired during the review period, we have had to increasingly rely on adjunct instructors. During the Fall 2020 semester, three of the four full-time faculty members are teaching course overloads.

Other Exhibits

Exhibit: COMM 360 Assessment Rubric

Comm 360 News Package					
	Mastery (4)	Accomplished (3)	Developing (2)	Beginner (1)	Unacceptable (0)
Video	Video is clean and shots are framed well. Edits are clean and appropriate. 17	75% of time video is clean and shots are framed well. Edits are clean and appropriate. 10	50% of time video is clean and shots are framed well. Edits are clean and appropriate. 1	25% of time video is clean and shots are framed well. Edits are clean and appropriate. 0	Less than 25% of time video is clean and shots are framed well. Edits are clean and appropriate. 0
Audio	Audio levels are appropriate and consistent. 19	75% of time audio levels are appropriate and consistent. 7	50% of time audio levels are appropriate and consistent. 2	25% of time audio levels are appropriate and consistent. 0	Less than 25% of time audio levels are appropriate and consistent. 0
Writing	Broadcast style and grammar are used appropriately. Story is easy for viewer to follow. 15	75% of time broadcast style and grammar are used appropriately. Story is easy for viewer to follow. 11	50% of time broadcast style and grammar are used appropriately. Story is easy for viewer to follow. 2	25% of time broadcast style and grammar are used appropriately. Story is easy for viewer to follow. 0	Less than 25% of time broadcast style and grammar are used appropriately. Story is easy for viewer to follow. 0
Appeal	Project told story in a complete and easy to understand manner 16	75% of time project told story in a complete and easy to understand manner 12	50% of time project told story in a complete and easy to understand manner 0	25% of time project told story in a complete and easy to understand manner 0	Less than 25% of time project told story in a complete and easy to understand manner 0
Comments:					

Exhibit: Program Advisory Council

The Advisory Committee consists of six professionals and experts in public relations, film, theatre, journalism and graphic design, and radio/TV. Members were carefully selected and discussed at department meetings.

Josh Lewis

WCHS-TV8
1301 Piedmont Rd.
Charleston, WV 25301

Dan Page

The State Journal
PO Box 11848
Charleston, WV 25339-1848

Tara Tuckwiller

The Charleston Gazette
1001 Virginia St. E.
Charleston, WV 25301

Ms. Pamela J. Haynes

West Virginia Film Office
90 MacCorkle Avenue SW
South Charleston, WV 25303

Rajko Glic

Distinguished Professor of Film
Central Classroom
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Diane Slaughter, APR, Fellow

Ex. Director, WV Chapter PRSA
CEO, Homestead Communications
PO Box 13604
Charleston, WV 25360
304-984-0308
homesteadcommunications@verizon.net

While faculty remain in touch with industry professionals, it is overdue for the department to update our advisory committee membership. There have been dramatic personal changes at the *Gazette-Mail*. The West Virginia Film Office closed in 2017.

Exhibit: Student and Faculty Recognition

Student / Faculty / Organization	Award (Year)	Description
Public Relations Student Society of America	2016	Chapter of the Year
WVPRSSA		
Tower Communications		\$100,000 in contracted services
Tower Communications	2003	Crystal Award: Crisis Communications
Tower Communications	2005	Crystal Award: Press Kit Development
Tower Communications	2010	Crystal Award: Special Services Planning
Tower Communications	2014	Crystal Award: Special Services Planning
Tower Communications	2014	Hon Mention: Promotional Video Development
Tower Communications	2019	Hon Mention: Promotional Video Develop
National Broadcasting Society	2009	Rookie Chapter of the Year
	2016	National Recognition: Music Video
	2016	National Recognition: Animation
	2016	National Recognition: Audio Drama
	2016	National Recognition: Film Trailer
	2017	National Recognition: Spec Script
	2018	National Recognition: Video PSA
	2018	National Recognition: Corporate / Instructional Video
	2019	National Recognition: Single Camera Film
	2019	National Recognition: Single Camera Editing
Alex Day (student)	2017	NBS National Grand Prize: Original Script / Drama
Brooke Lewis (Student)	2016	First Place: Web Design
Kimberly Cobb (Faculty)	2020	Advisor of the Year

Academic Degree Programs Productivity Assessment

Board of Governors Meeting
Academic Policy Committee
Sharon Warren Cook
February 4, 2021

The Purpose of a Productivity Assessment

- Guide the future direction and priorities for academic programming
- Identify marketplace needs and demands
- Ensure quality academic degree offerings
- Fulfill accreditation and state requirements
- Promote goal setting within departments and across colleges
- Identify potential opportunities to generate new resources and redirect existing resources
- Ensure consistency with the viability, adequacy, necessity, and consistency of our mission
- Provide the Board of Governors with evaluative program data for each degree as set forth by HEPC Series 10 to inform the mandatory 5-year cycle of program reviews

HEPC Productivity Standard for Degrees Awarded

- Title 133 Procedural Rule West Virginia Higher Education Policy Commission Series 10-Policy on Program and Productivity Review
 - Annual productivity standards are based on institutional attainment for the average number of degrees awarded during the five most recent years

Degree Level

Degrees Awarded

Baccalaureate

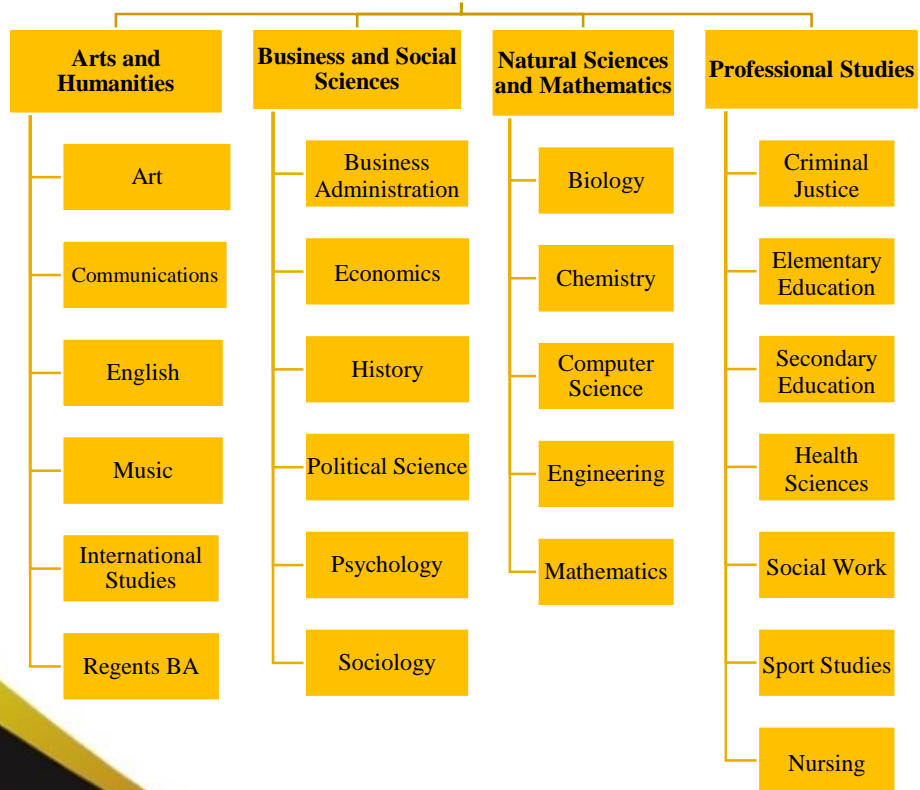
5

Masters/1st Professional

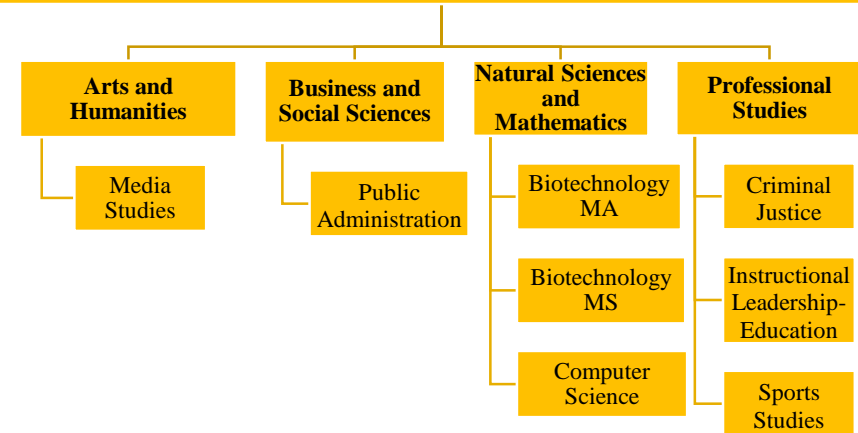
3

Academic Degree Inventory by College

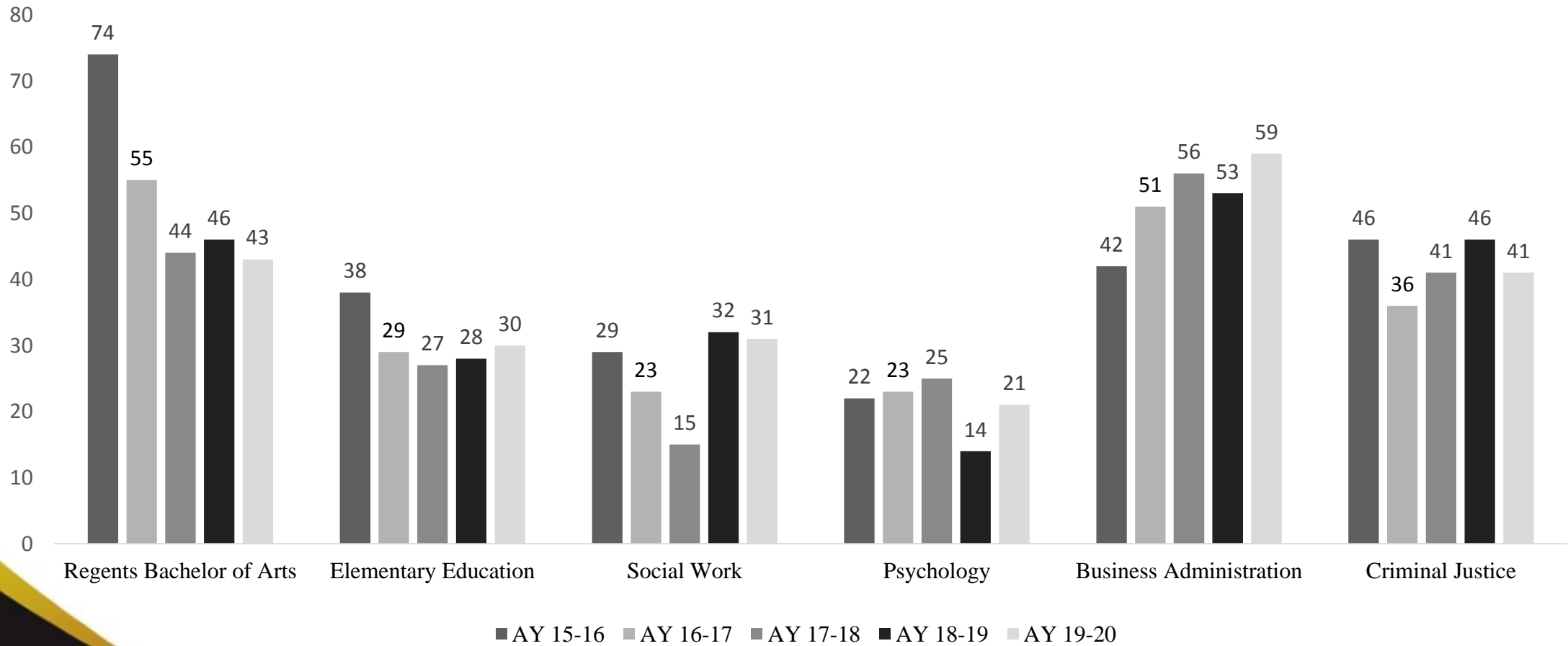
Undergraduate Degrees (23)



Graduate Degrees (7)



Highest Producing Undergraduate Degree Programs

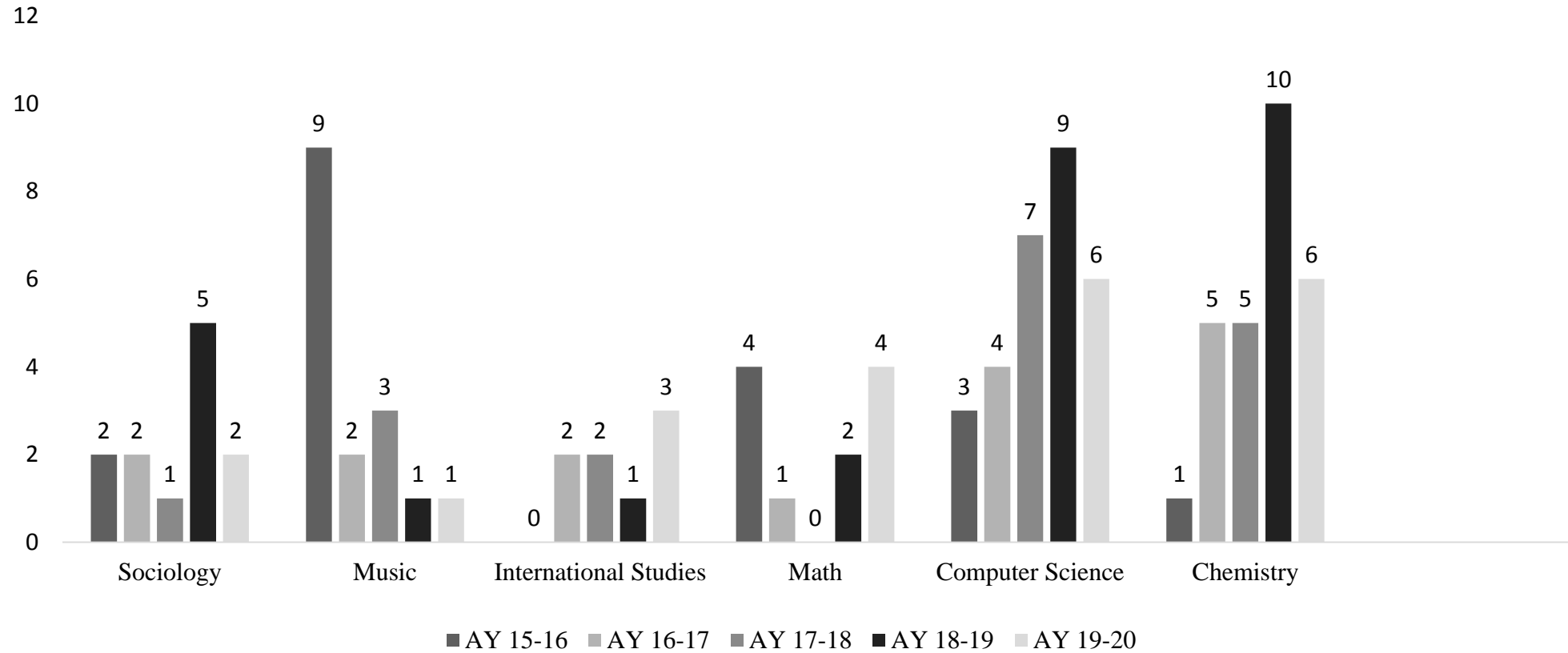


Source: HEPC Data & Publication Center

Implications for High Degree Production Programs

- Inform potential graduate degree program development
- Drive potential opportunities for enrollment growth
- Demonstrate highest producers are not aligned with market place demand

Lowest Producing Undergraduate Degree Programs

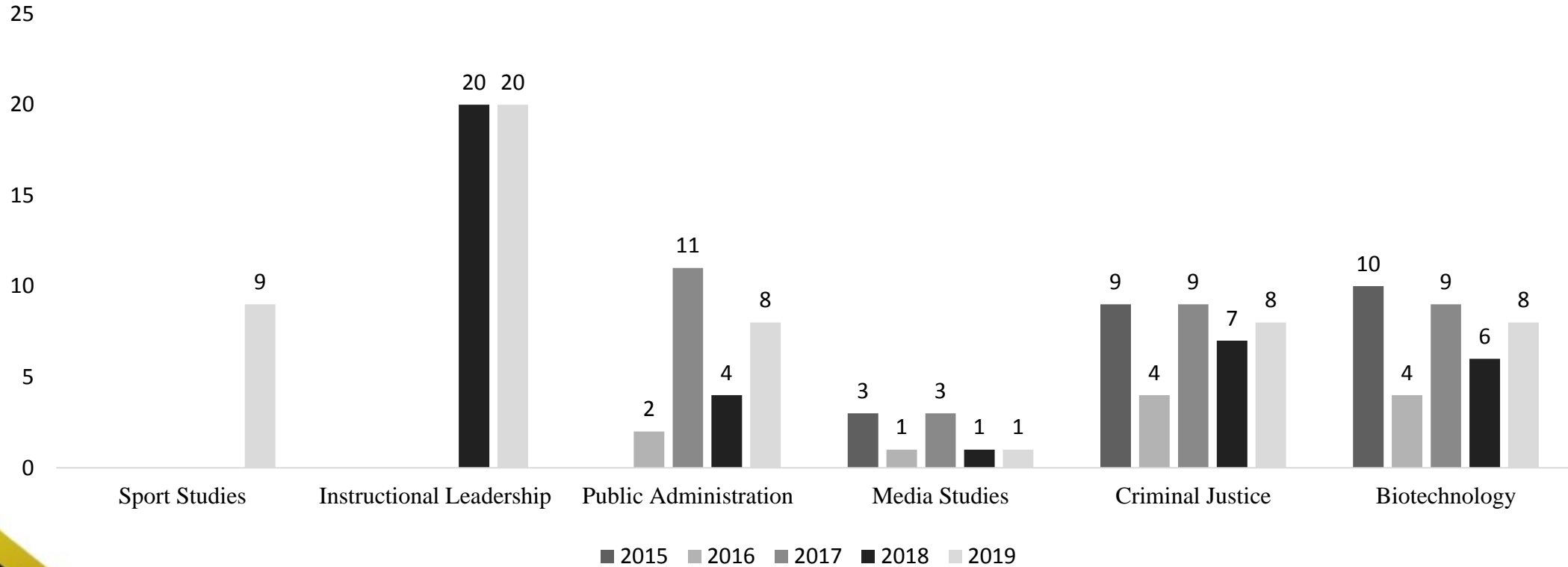


Source: HEPC Data & Publication Center

Implications for Low Producing Programs

- Pose a threat to enrollment growth
- Pull resources that do not yield the return on investment
- Demand an assessment of alignment with the institution's vision and mission, and marketplace demand

Graduate Degree Production



Note: Computer Science: First entering class Fall 2019
 Sport Studies: First graduating class Spring 2019
 Instructional Leadership: First graduating class Spring 2018
 Public Administration: First graduating class Spring 2016

Current Workforce Demand

- At the conclusion of 2021, it's estimated that 3.5 million jobs in STEM will need to be filled by 2025. The median annual wage is estimated at \$86,980 (Bureau of Labor Statistics)
- In the next 10 years, the number of STEM jobs will grow 13 percent, compared to 9 percent for non-STEM jobs—with positions in computing, engineering, technology, and advanced manufacturing leading the way (Education Commission of the States)
- Since 1990, employment in STEM occupations has grown 79%—increasing from 9.7 million to 17.3 million (Pew Research Center)
- According to WorkForce West Virginia, the top five growing industries in West Virginia are (1) Health Care Services, (2) Hospitals, (3) Social Assistance, (4) Nursing and Residential Care Facilities, and (5) Administrative and Support Services
- West Virginia farmers produced \$800 million in a variety of products from produce to livestock, and the industry is continuing to expand and diversify to meet the changing face of the agricultural economy (West Virginia Department of Commerce). According to the USDA, the projected percent change in employment in agricultural fields will increase nationally by 4% between 2019 and 2029

Assessment Summary

- Degree program inventory is reflective of a liberal arts institution
- Program offerings are not reflective of our land-grant mission to meet the economic needs of our nation, the world, and its citizens
- Program offerings are not aligned with the most high demand jobs, diminishing enrollment growth opportunities and employability upon graduation in the nation's highest paying jobs

Implications for the Future

- Drive a strategy that will elevate and expand a focus on the university's land-grant mission through relevant degree offerings, opportunities, and strategic collaborations that align with state, regional, national, and global needs
- Leverage the vast intellectual capital, creativity, and innovation of faculty, staff, and researchers to position us strategically in the marketplace
- Foster a diverse intellectual climate through excellence in teaching and interdisciplinary research, a creative exchange of ideas, entrepreneurial thinking, innovation, and technology, that drive community engagement and economic impact

Questions

Accessibility Resources

Board of Governors Meeting
Academic Policy Committee
Michael Casey
February 4, 2021

- The Office of Student Accessibility Resources at West Virginia State University, is a unit under the Academic Affairs administrative area that provides reasonable and appropriate accommodations to ensure students with documented disabilities and medical diagnoses have equal access to learning, programs, activities, and materials to fully engage in all aspects of the university experience

Overview

- Obligations under federal mandates
- Responsibility for ensuring compliance with mandates
- Equal access & cooperation



Federal Mandates / The Law

- Section 504 of the Rehabilitation Act of 1973 (Subpart E)
 - mandates **equal access** to programs that receive federal dollars.
 - “No otherwise qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance.”
- Title II - Americans with Disabilities Act (ADA) of 1990 & ADA Amendments Act of 2008
 - requires that State and local governments give people with disabilities an **equal opportunity** to benefit from all of their programs, services, and activities
- The Fair Housing Act, as amended in 1988
 - prohibits housing discrimination on the basis of disability. It requires housing facilities to **make reasonable exceptions** in their policies and operations to afford people with disabilities equal housing opportunities

Concepts: Federal Laws

Qualified Individual with a Disability

- Qualified
 - meets the academic & technical standards requisite for admission or participation in the institution's educational program or activity
- Three prongs of protected classes
 - Has a physical or mental impairment which substantially limits a major life activity
 - Has a record or history of such an impairment
 - Is regarded as having such an impairment

“Disclosure is voluntary, the student must self-identify.”

Equal Access

Reasonable Modifications

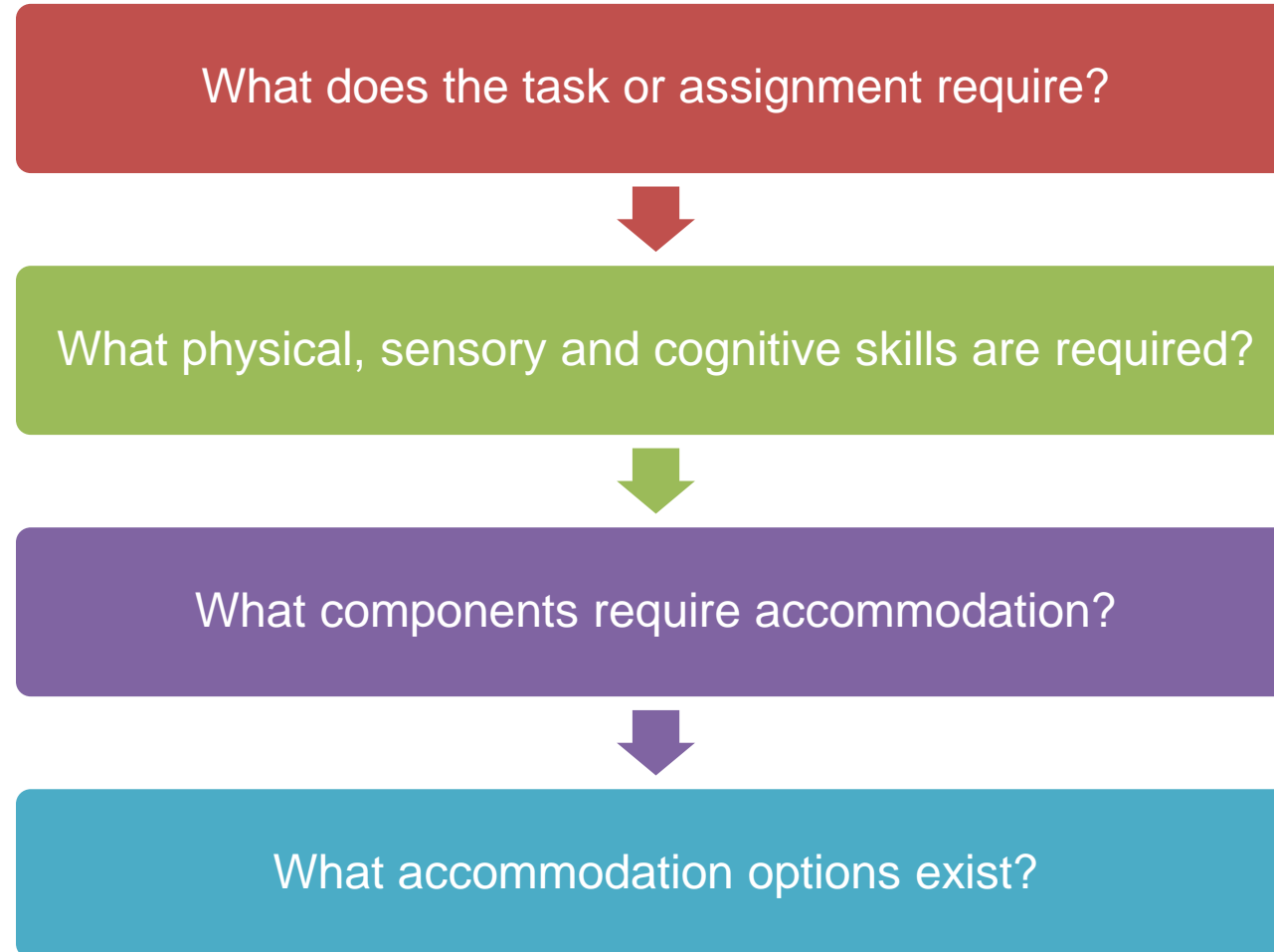
- Not Required
 - lower or substantially modify essential elements
 - make adjustments which:
 - fundamentally alter the nature of a service/program/activity
 - result in an undue financial or administrative burden
 - result in a direct threat to the health and safety of others
 - provide personal attendants, individually prescribed devices, readers for personal use or study or other devices that are personal in nature, such as tutoring or typing

Implementing the Federal Mandates

Supporting Students with Disabilities

- Some academic adjustments take more time than others
 - Balancing complex compliance regulatory requirements while providing equally effective, integrated access
 - Individualized interactive process
 - Can include
 - reasonable changes to policies and programs
 - provision of auxiliary aids and services

Accommodation Model



Services & Resources

SERVICES

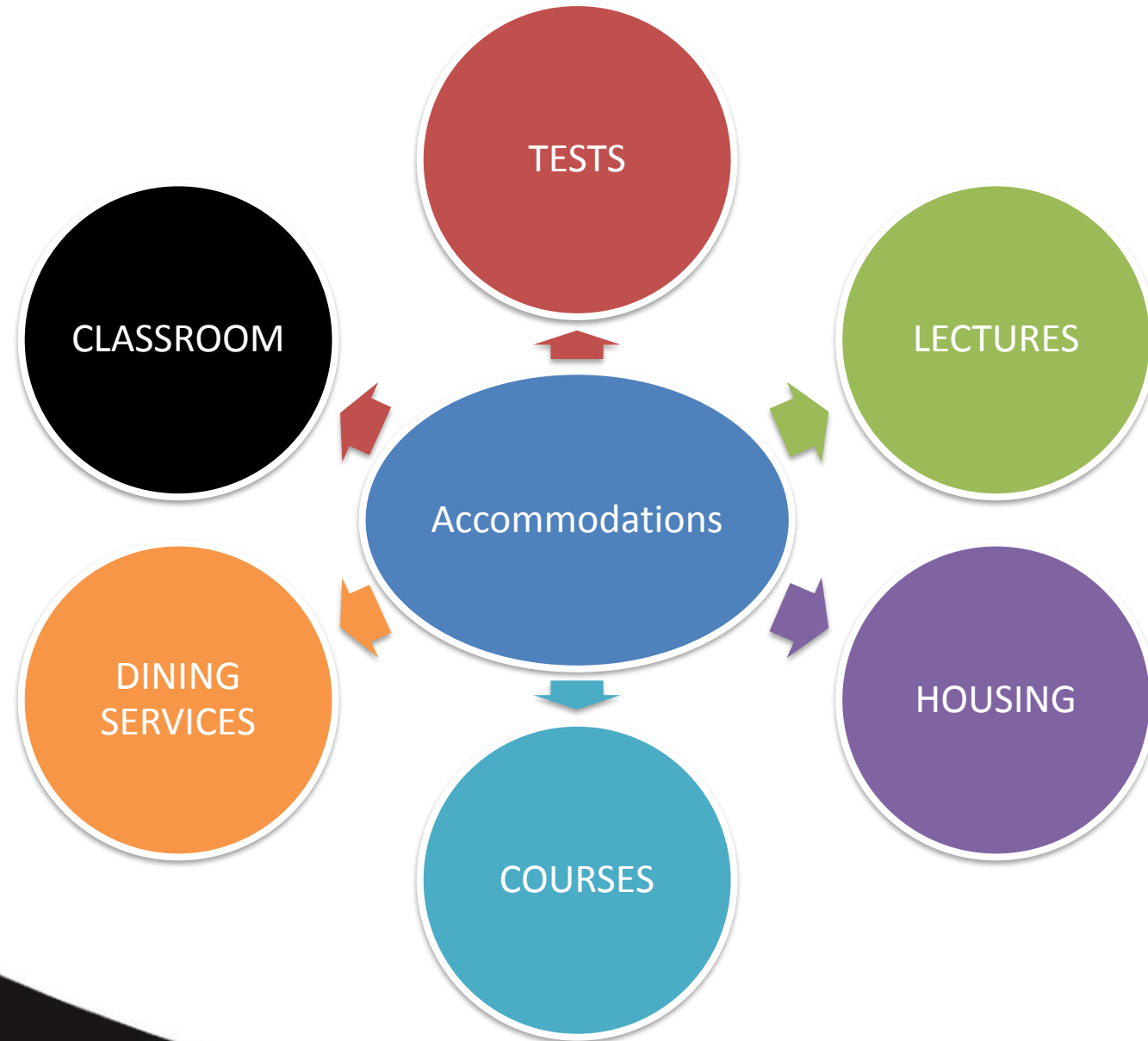
- Eligibility Determination
- Evaluate Student Requests
 - Accommodations
 - Auxiliary Aids
 - Assistive Technology
 - Accessible Media
- Proctored Testing

RESOURCES

- Self-Advocacy
- Steps-2-Success
- ADHD/Executive Function Coaching
- Referrals



Available Accommodation Options



Student Utilization Rates

REQUIRED	Fall	Spring	YEAR
Accommodations			
AY 2018-2019	93	85	102
AY 2019-2020	87	84	96
AY 2020-2021	78	70	83
Testing Center			
AY 2018-2019	25	23	27
AY 2019-2020	22	5	27
AY 2020-2021	5	--	
Auxiliary Aids / Assistive Technology / Accessible Materials			
AY 2018-2019	5	10	13
AY 2019-2020	8	4	10
AY 2020-2021	3	2	3

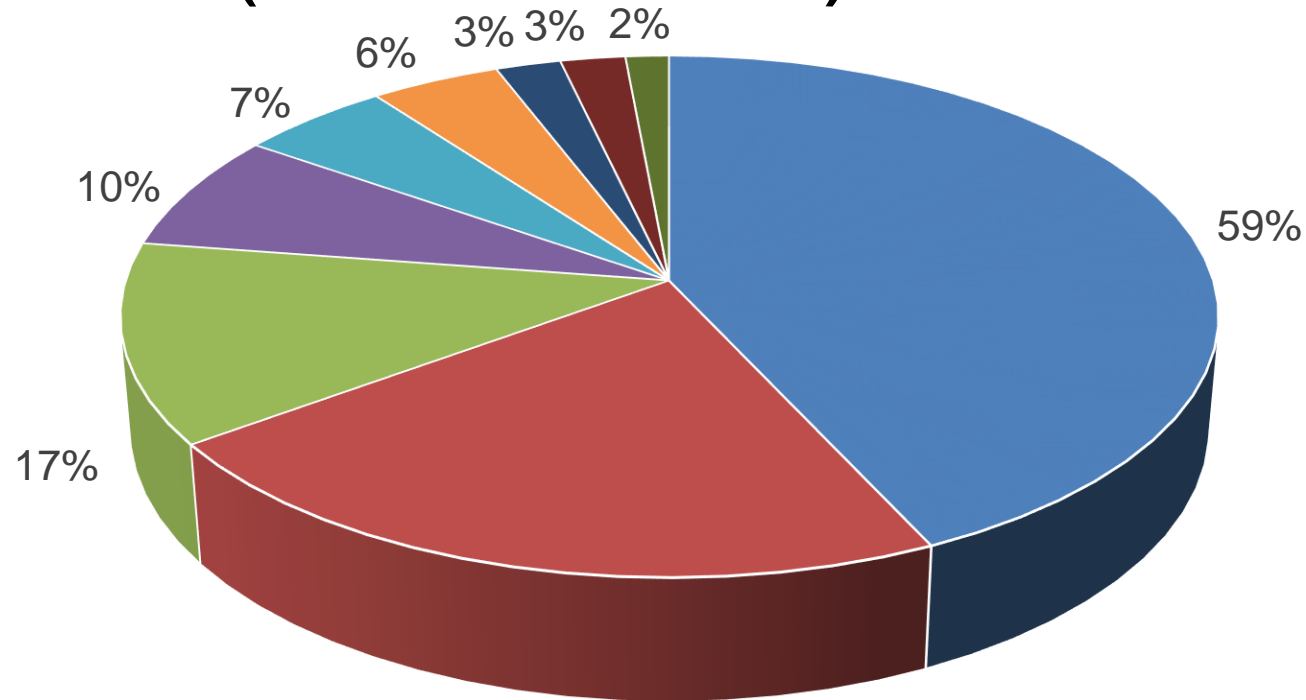
AUXILIARY	Fall	Spring	YEAR
Steps-2-Success			
AY 2018-2019	10	5	15
AY 2019-2020	0	3	3
AY 2020-2021	10	--	10
ADHD/EF Coaching			
AY 2018-2019	5	3	8
AY 2019-2020	7	2	9
AY 2020-2021	16	3	16

NOTE:

Fall/Spring = Number of students utilizing the service/resource in given semester

Year = Unduplicated number of students utilizing the service/resource in that year

Disabilities (2017-2020)



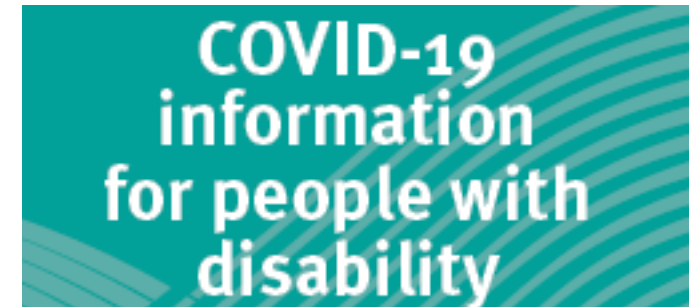
LEGEND

- ADHD (59%)
- Learning Disability (17%)
- COVID related (7%)
- Visual (3%)
- Traumatic Brain Injury (2%)
- Mental/Emotional (30%)
- Physical Health (10%)
- Autism Spectrum (6%)
- Deaf/Hearing Impaired (2%)

of students = 243

Accessibility in the Age of COVID

- Short & Long Term Impacts
- Digital/Online Resources
- Types of Requests
 - Remote Learning
 - COVID (+) & symptomatic
 - Vulnerable due to underlying physical condition
 - Fear of COVID – if exacerbates disability
 - Alternative Face Covering – physical/mental condition



Student Concerns

Complaints/Discrimination Allegations

- General grievance procedure which applies to all WVSU students
- Additional procedures that apply to students with disabilities who feel their rights have been violated under the federal mandates
 - Informal Procedure
 - Student may share a concern with staff/faculty or the Accessibility Specialist to discuss and explore a resolution
 - If resolution is not to their satisfaction, the student may request to speak with an administrator in the respective area
 - Formal Procedure
 - Completes Student Accessibility Resources Grievance/Complaint Form & submits to Accessibility Specialist
 - Appeal to Academic Affairs office
 - Appeal to ADA Coordinator (vacant)
 - Appeal to President of the Institution

Nothing in this procedure precludes a student's right to file complaints or allegations of discrimination directly with an appropriate external state or federal governmental agency.

Institutional Compliance Concerns

Preliminary Review – Physical Facilities

Accessible Approaches

- Accessible parking spaces
- Route to accessible entrances (signs, sidewalks, ramps)
- Accessible entrances (doors)

Access to Goods and Services

- Doors
- Walkways
- Signs

Access to Restrooms

- Number per building
- Accessing stalls, sinks and fixtures

Institutional Compliance Concerns Cont'd.

Other Areas

- Reasonable Accommodation
 - Ensure faculty and staff understand reasonable accommodation
 - (what constitutes a fundamental alteration, undue burden, or direct threat)
- 504/ADA Coordinator
 - Clear designation of who coordinates the overall institutional compliance with the federal mandates

Future Goals

- Create Faculty Handbooks & Training Modules
- Increase Awareness of Student Accessibility Resources Office & Resources Available
- Enhance & Expand Executive Function Resources
- Conduct Online Course Accessibility Assessment
- Improve / Develop
 - Grievance Policy
 - Essential Requirements Process
 - Campus-Wide Accessibility
 - WVSU Accessibility Council
- Acquire Disability Services Management Software
- Increase Availability of Assistive Technology



Questions

Research & Development Corporation

Budget & Strategic Priorities

Board of Governors Meeting
Academic Policy Committee

Jose Ulises Toledo

February 4, 2021⁸⁹

Establishment of the R&D Corporation

- West Virginia's Senate Bill 520, passed by the West Virginia Legislature in 1988, gave Institutions of Higher Education the Capability to Establish Research Corporations.
- West Virginia State University Research and Development Corporation was established under this legislative authority on May 20, 1991, as a 501 (c)3 entity.
- WVSU is one of the two land-grant universities in the nation that does not have a College or School of Agriculture, as a result the Corporation was established as a fiscal agent of the university to allow greater flexibility in managing federal, state and private foundation grant funds and to facilitate utilization of grant funds in contracting for research support and public service activities.

R&D Corp. Structure and Function

- The President of West Virginia State University appoints the Chairman of the Board of Directors of the Corporation. The President, who is also a voting member of the Board of Directors, works with the Chairman of the Board to appoint members of the Board of Directors. The Board is comprised of 17 voting members including university cabinet members, staff, faculty, alumni, community, undergraduate and graduate students.
- The goal of the Corporation is to effectively manage all external awards for the university and assist in increasing the number of grant applications both submitted and awarded to the university.
- External resources are key to expand and increase the number of opportunities for the university's faculty, staff, and students engaged in educational activities, including experiential learning, research, teaching and public service.

R&D Corp. Physical & Human Resources

- The Corporation currently manages 105 employees

Full Time: 82

Part Time: 5

Students: 18

- Type of Positions

Extension: 33 Full Time, 5 Part Time

Research: 34 Full Time, 5 Students

Title III: 13 Full Time, 13 Students

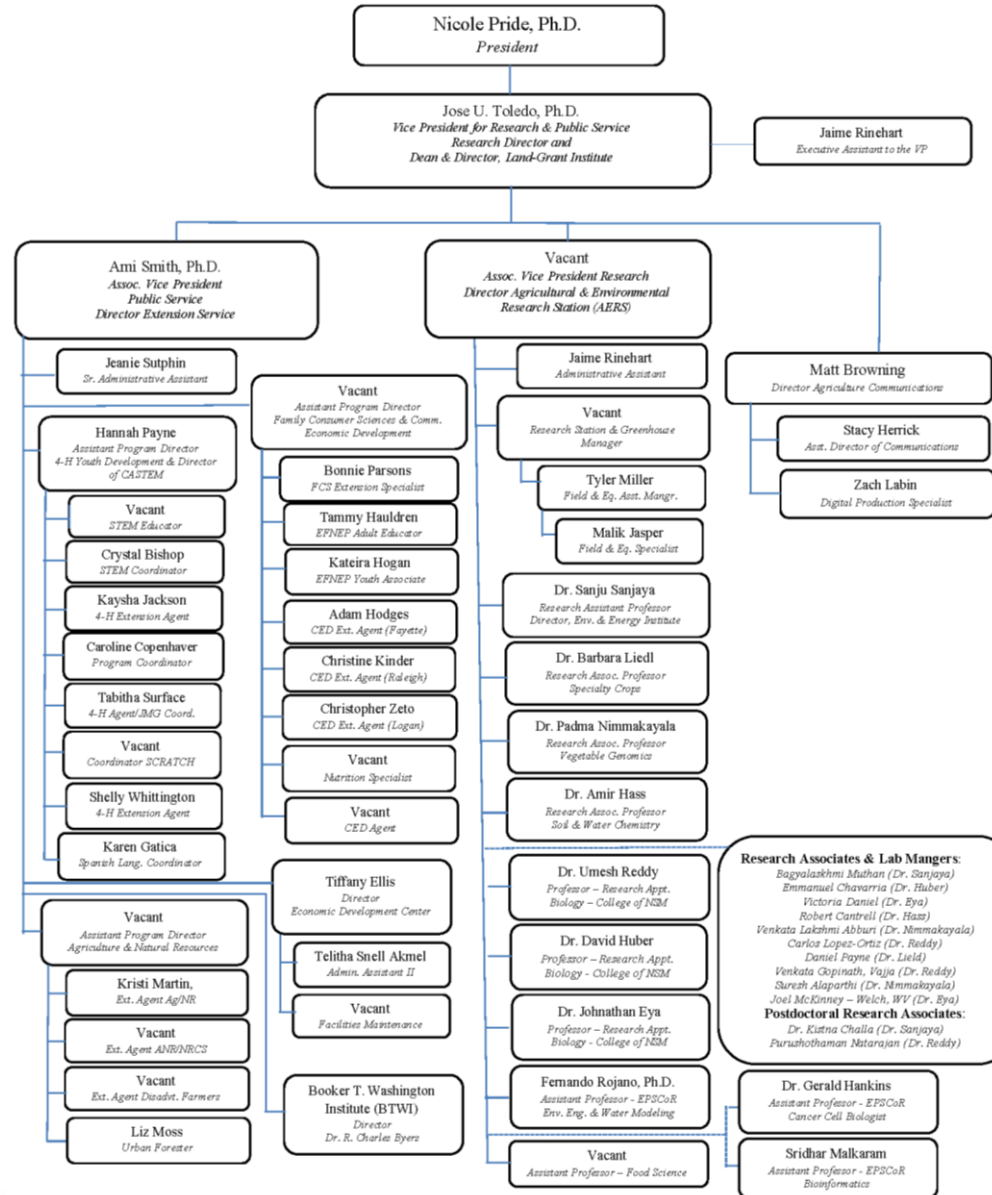
Other: 2 Full Time

- Fleet Services

Extension: 18 Vehicles

Research: 13 Vehicles

RPS Organizational Chart



RPS Mission & Vision:

Mission

- The mission of RPS is to administer the university's Research and Public Service functions (two key components of its land-grant tripartite mission) by identifying and securing resources for the designing and implementing of responsive and impactful programming which can in turn increase the university's quality of education, and translate into economic development for the region and the state.

Vision

- RPS will improve the university's position and its educational capacity through the conduct of Research and Public Service activities while also benefiting students, faculty and staff, and increasing the quality of life of WV citizens/stakeholders.

RPS Main Programmatic Areas

Agricultural (Land-grant) Research

- **Evans-Allen Program** (a.k.a. 1890 Research Programs): Federal annual appropriation for the conduct of food and agriculture related research, limited to 1890 Universities, administered by the United States Department of Agriculture's National Institute of Food and Agriculture USDA-NIFA (*Note: It requires state match*).
- **McIntire Stennis Program**: Federal annual appropriation to support forestry programs limited to 1890 Universities, administered by the USDA-NIFA.
- **1890 Facilities Program**: Federal annual appropriation to support food and agriculture programming's facilities and physical infrastructure, limited to 1890 Universities, administered by the USDA-NIFA.
- **1890 Capacity Building Grants**: Competitive funding opportunities for 1890 Universities, administered by the USDA-NIFA, to support research, teaching, and extension that address key problems of national, regional, and multi-institutional importance in sustaining all components of agriculture.
- **All Other Competitive Programs**: All other funding opportunities offered by the USDA-NIFA associated with food and agricultural related areas (e.g. research, extension and teaching).

RPS Main Programmatic Areas

University-wide Research

- **National Science Foundation - Established Program to Stimulate Competitive Research (NSF-EPSCoR):** Federal competitive program, limited to underfunded States, to facilitate the establishment of partnerships among government, higher education, and industry that are designed to effect sustainable research infrastructure improvements.
- **National Science Foundation – HBCU Undergraduate Programs (HBCU-UP):** It provides competitive awards to strengthen STEM undergraduate education and research at HBCUs
- **National Institutes of Health - iDeA Networks of Biomedical Research Excellence (INBRE):** It fosters the development, coordination and sharing of research resources, and expertise that will expand research opportunities and increase the number of competitive investigators in IDeA-eligible states.
- **Department of Education (Title III – Part F and Masters):** Federal annual appropriation, for HBCUs, to support STEM related academic and research programs.

RPS Main Programmatic Areas

Extension Service

- **1890 Extension Programs:** Federal annual appropriation for the conduct of food and agriculture related extension programs, limited to 1890 Universities, administered by the United States Department of Agriculture's National Institute of Food and Agriculture USDA-NIFA (*Note: It requires state match*).
- **Expanded Food and Nutrition Education Program (EFNEP):** Federal annual appropriation to assist low income families in acquiring the knowledge, skills, attitudes, and changed behavior necessary for nutritionally sound diets as well as contributes to their personal development and the improvement of the total family diet and nutritional well-being.
- **Sustainable Research and Education Programs (SARE):** Competitive funding opportunities for 1890 Universities to support agricultural science that fosters continuous improvement of sustainable agriculture, including productivity, environmental quality, profitability and quality of life
- **1890 Scholarships Program:** Federal annual appropriation (2020-2024), limited to 1890 Universities, to support academic scholarships in the food and agricultural related fields.

RPS Main Programmatic Areas

University-wide Public Service

- **Center for the Advancement of Science, Technology, Engineering and Mathematics (CASTEM):** Supports all K–12 outreach and educational programs at WVSU and some undergraduate outreach program (e.g. Research Rookies, etc.)
- **National Science Foundation – Louis Stokes Alliances for Minority Participation (LSAMP):** The overall goal of the program is to assist universities and colleges in diversifying the nation's science, technology, engineering and mathematics (STEM) workforce by increasing the number of STEM baccalaureate and graduate degrees awarded to populations historically underrepresented in
- **National Science Foundation - Established Program to Stimulate Competitive Research (NSF-EPSCoR):** Federal competitive program, limited to underfunded States, to facilitate K-12 outreach, workforce, and educational programs.
- **National Aeronautics Space Agency - NASA Science, Engineering, Mathematics and Aerospace Academy (SEMAA):** has emerged as a nationally renowned leader in the efforts to increase the participation of historically underserved K–12 youth in the areas of science, technology, engineering and mathematics, or STEM.
- **Department of Transportation – National Summer Transportation Institute (NSTI):** To create awareness and stimulate interest in secondary school students to take advantage of the opportunities that exist in the transportation industry, and encourage them to pursue transportation-related courses of study at the college/university level.

Research & Development Corporation

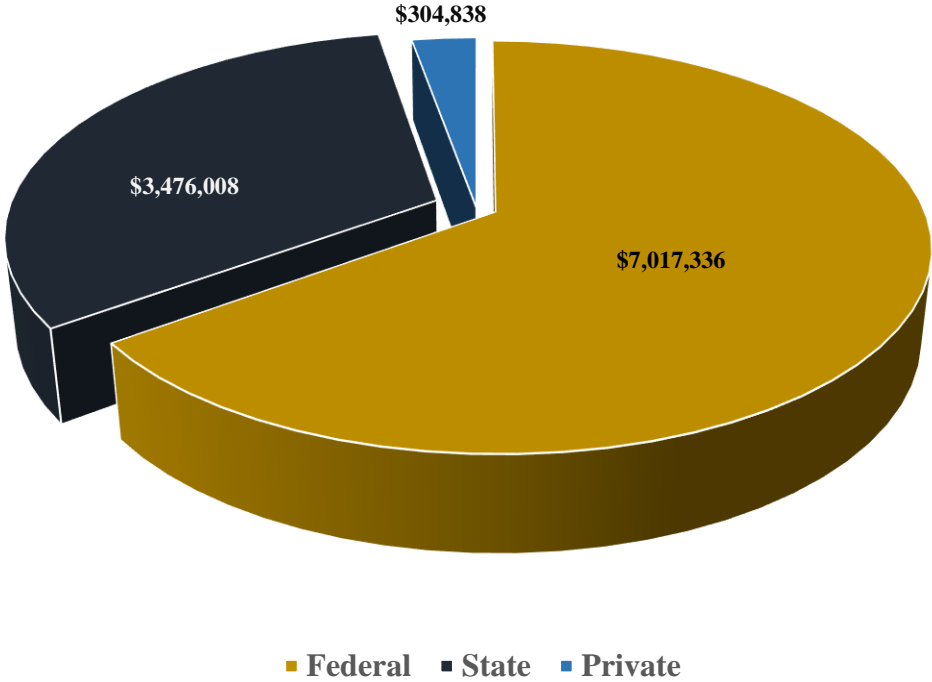
Financial Position

Financial Position – FY 2020

(July 1, 2019 – June 30, 2020)

Total Operating Revenues: \$10,799,182

Operating Revenues
(FY 2020)



SOURCES OF REVENUE:

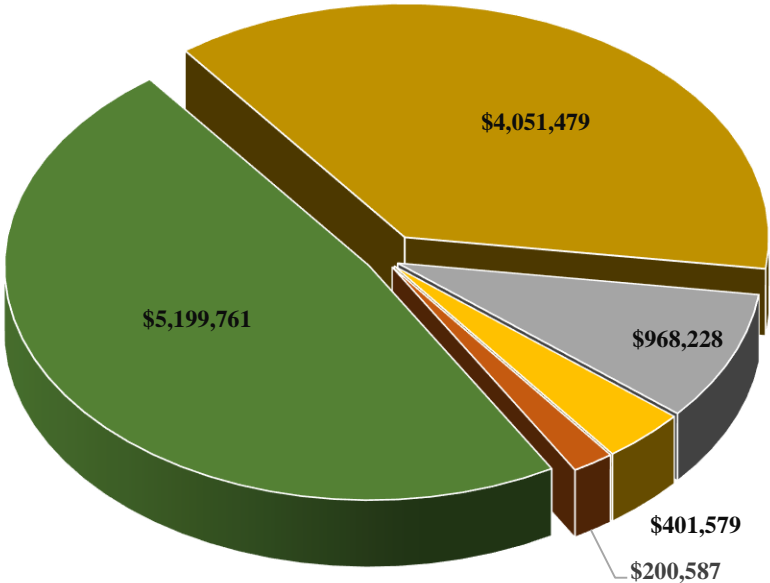
Federal: \$7,017,336 (Title III, Land-grant, Other)
State: \$3,476,008 (Land-Grant Match, Other)
Private: \$304,838 (Private Donations)

Financial Position – FY 2020

(July 1, 2019 – June 30, 2020)

Total Operating Expenses: \$10,821,634

Operating Expenses
(FY 2020)



*Supplies & Other Services: Supplies, Travel, Contracts, Memberships, Subscriptions, etc.
Depreciation on Fixed Assets.
(Equipment/Vehicles)*

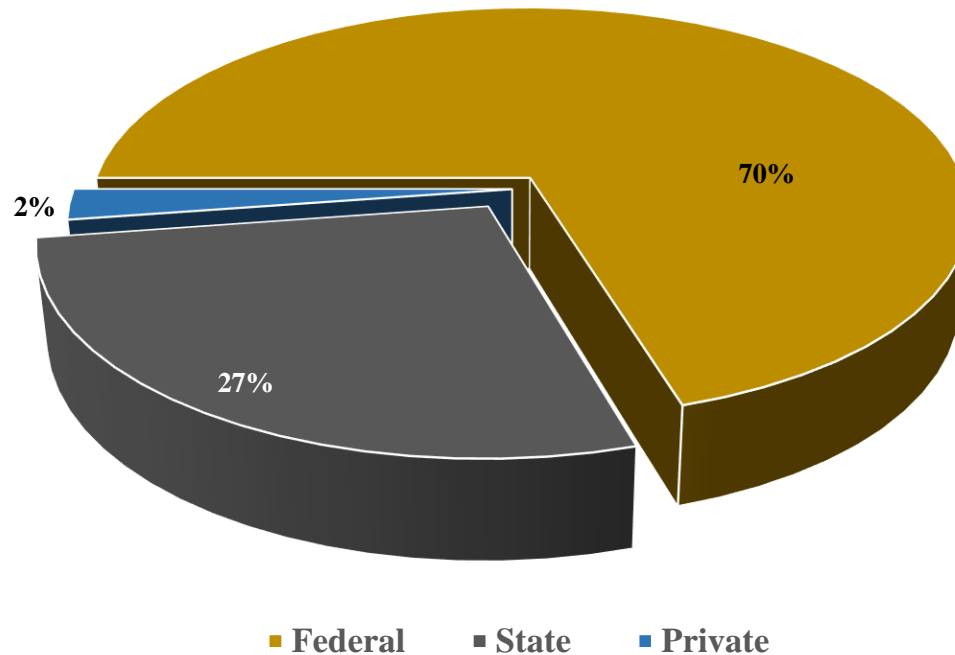
■ Salaries & Wages ■ Supplies & Other Services ■ Benefits ■ Depreciation ■ Utilities

Financial Position – FY 2021 (To Date)

(July 1, 2020 – January 15, 2021)

Operating Revenues
(July 1, 2020 – January 15, 2021)

Total Operating Revenues: \$4,472,316



SOURCES OF REVENUE:

Federal: Title III: \$1,721,095.29

Federal: Land-Grant & Other: \$1,426,742.89

State: Land-Grant Match: \$1,220,123

Private: Private Donations: \$105,010

Financial Position – FY 2021 (To Date)

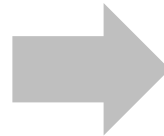
(July 1, 2020 – January 15, 2021)

Operating Expenses (Budget)	
<i>Salaries, Fringes & Benefits</i>	\$2,761,174.75
<i>Contracted Services *</i>	\$276,830.10
<i>Other *</i>	\$382,485.55
<i>Supplies</i>	\$267,478.90
<i>Capital Improvements *</i>	\$535,911.00
<i>Equipment</i>	\$240,233.32
<i>Utilities (electric, gas, water, sewer, etc.)</i>	\$86,980.19
<i>Advertisement, Communications, Fees*</i>	\$76,274.44
<i>Stipends, Assistantships, Fellowships</i>	\$62,283.00
<i>Vehicles & Maintenance</i>	\$45,685.85
<i>Publications & Subscriptions*</i>	\$86,725.60
<i>Travel and Conferences</i>	\$27,255.68
<i>Insurance - BRIM</i>	\$26,057.08
<i>Contracts to Sub-recipients</i>	\$22,789.97
<i>Training & Development</i>	\$7,091.52
Total Expenses	\$4,908,256.95

Financial Position – FY 2021 (To Date)

(July 1, 2020 – January 15, 2021)

Operating Expenses (Budget)	
Contracted Services *	\$276,830.10
Other *	\$382,485.55
Capital Improvements *	\$535,911.00
Advertisement, Communications, Fees*	\$76,274.44
Publications & Subscriptions*	\$86,725.60



Contracted Services:

- \$12.5k - WV Dept. of AG - Lakin Farm
- \$17.6k - Institutional Research Office
- \$27.8k - WVSU Contract-R&D Share
- \$37.7k - Copier Lease/Overage
- \$60.5k - Grant Related Contracts
- \$101.5k - Presidential Search

Other:

- \$15.8k - Fastsigns-Campus Safety Signs
- \$68k - WVSU BioTech/Computer Science Tuition
- \$225k -WVSU Foundation: Title III Endowment

Capital Improvements:

- \$33.7k - General Campus Upgrades
- \$247k - Grandview-A/V Classroom Upgrades
- \$255k - Research Station Construction

Advertisement, Communications, Fees:

- \$7.8k - Gift cards for grant participants
- \$9.8k - Internet Service to R&D offices and offsite locations
- \$9.9k - Postage to mail equipment to grant participants
- \$10k - Employee Recruitment Advertising
- \$13.3k - Accounting, Bank, Legal Fees
- \$19.6k - Memberships: American Association of State College & Universities, Professional Development Database, Association of American College & Universities

Publications & Subscriptions:

- \$3.5k – Meltwater Media Sources (Univ. Communication Office)
- \$4.9k - Credo Library Academic Reference guide
- \$6.4k - Safety Skills
- \$14.7k - Watermark-Field Experience Module
- \$51k - Service Subscriptions for R&D lab equipment

Next Steps & Goals

- Assess R&D operations and alignment with the university mission, vision and values
- Diversify and Expand Research Areas and Increase Research Funding
- Spur Discovery, Innovation, Translational and Applied Research & Economic Development
- Improve the Integration of Research into Academics and Public Service
- Increase Experiential Learning through Research Opportunities for Undergraduate Students
- Ensure Regulatory Compliance and Manage (Minimize) Risk Associated with Research Tasks
- Position 1890 Research & Extension as trusted sources for solutions to the issues facing West Virginia.

Questions



**Board of Governors
ADHOC BYLAWS AND POLICIES REVIEW COMMITTEE**

Via Zoom

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

Thursday, February 4, 2021

9:30 a.m.

AGENDA

- | | |
|--|----------------|
| I. Call to Order | Mark Kelley |
| II. Roll Call | Crystal Walker |
| III. Verification of Appropriate Notice of Public Meeting | Mark Kelley |
| IV. Approval of December 17, 2020 Meeting Minutes | Mark Kelley |
| V. Approval of Revised BOG Bylaws (<i>Action Required</i>) | Alice Faucett |
| VI. Adoption of BOG Committee Charters (<i>Action Required</i>) | Alice Faucett |
| VII. Approval of Revised BOG Policy #1 (<i>Action Required</i>) | Alice Faucett |
| VIII. Approval of Revised BOG Policy #13 (<i>Action Required</i>) | Alice Faucett |
| IX. Approval of Revised BOG Policy #14 (<i>Action Required</i>) | Alice Faucett |
| X. Adjournment | Mark Kelley |

**Board of Governors
West Virginia State University
Adhoc Bylaws and Policies Review Committee**

Date/Time: 2/4/2021 -- 9:30 AM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkxQdz09>

Purpose: To conduct regular business of the committee prior to the full board meeting.

Notes:

Meeting was approved : 1/27/2021 8:04:29 AM

Meeting Minutes
West Virginia State University Board of Governors
Adhoc Bylaws and Policies Review Committee
Erickson Alumni Center, Grand Hall and Zoom
December 17, 2020
1:00 p.m.

- I. Call to Order**
Committee Chair, Mr. Kelley, called the meeting to order at 1:00 p.m.
- II. Roll Call**
The clerk called the roll. Members present were Mr. Davis, Ms. Dooley, Mr. Jones, and Mr. Kelley. No members were absent.
- III. Verification of Appropriate Notice of Public Meeting**
Mr. Kelley verified the Appropriate Notice of Public Meeting.
- IV. Approval of November 20, 2020 Meeting Minutes**
Mr. Davis motioned for approval of the November 20, 2020 meeting minutes. Ms. Dooley seconded the motion, and the motion carried.
- V. Proposed Revisions to BOG Bylaws and Committee Charters**
Mr. Kelley stated that the meeting was a working session to discuss the proposed changes to the Bylaws and committees. Dialogue was held about the history of Board committees and the proposed revisions to the Bylaws and committee charters that were presented during the November 20, 2020 Board meeting. Following thorough committee discussion, it was agreed that language would be modified regarding specific committee charters before the proposed revisions are brought before the Board for consideration. Additionally, there was a consensus that the Presidential Review Committee would remain as a stand-alone committee.
- VI. Adjournment**
With there being no further business, Mr. Davis motioned for adjournment. Ms. Dooley seconded the motion, and the meeting adjourned at 2:48 p.m.

Respectfully Submitted by Crystal Walker, Committee Clerk, January 14, 2020.

Approved by:

Bryle Henderson Hatch, Ph.D.
Vice President and Chief of Staff
Adhoc Bylaws and Policies Review Committee Administrator

**WEST VIRGINIA STATE UNIVERSITY
BOARD OF GOVERNORS
BYLAWS**

ARTICLE 1. MEMBERS

Effective on the 1st day of July 2001, an institutional Board of Governors is established at West Virginia State University.

A. Membership

The membership of the Board shall consist of twelve persons.

1. A full-time member of the faculty holding the rank of instructor or above, duly elected by the faculty;
2. A member of the student body who is in good academic standing, enrolled for credit courses and duly elected by the student body;
3. A member of the institutional staff duly elected by the classified staff; and,
4. Nine lay members appointed by the Governor of West Virginia with the advice and consent of the State Senate.

B. Terms

1. The faculty member shall serve a term of two (2) years. The term beginning in July, 2001, shall end on the 30th day of June 2003. Thereafter, the term shall begin on the 1st day of July. Faculty members are eligible to succeed themselves for three (3) additional terms, not to exceed a total of eight (8) consecutive years.
2. The student member shall serve for a term of one (1) year. The term beginning in July, 2001, shall end on the 30th day of June, 2002. Thereafter, the term shall begin on the first day of July.
3. The staff member shall serve for a term of two (2) years. The term beginning in July, 2001, shall end on the 30th day of June, 2003. Thereafter, the term shall begin on the 1st day of July. The member representing staff is eligible to succeed themselves for three (3) additional terms, not to exceed a total of eight (8) years.
4. The appointed lay members shall serve staggered terms. Of the original appointments by the Governor, two (2) shall be appointed for terms of one (1) year, two (2) shall be appointed for terms of two (2) years, two (2) shall be appointed for terms of three (3) years, and three (3) shall be appointed for terms of four (4) years. After the initial appointments, all appointees shall serve for terms of four (4) years.
5. A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty (30) days of the occurrence of the vacancy in the same manner as the original appointment or election.
6. Removal from Office. No member of a governing board appointed by the Governor may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and only in the manner prescribed by law for the removal of the state elective officer by the Governor.

C. Elections

1. All elections shall be held no later than the 30th day of June preceding the commencement of the term.
2. The Board of Governors shall elect one (1) of its appointed lay members to serve in the capacity of Chairperson in June of each year. No member may serve as chairperson for more than four (4) consecutive years.

D. Officers

1. The officers of the Board shall consist of Chair, Vice Chair, and Secretary.
2. Officers shall serve for a term of one (1) year, beginning July 1st and ending June 30th. The Chair may not serve more than four (4) consecutive years. The Vice Chair and Secretary may not serve more than two (2) consecutive terms in the same office.

E. Authority and Duties of Members

1. Members of the Board of Governors do not hold authority individually over the University or employees of the University. The Legislature invested such authority in the board as a body; that authority is exercised through policy adoption by a majority vote of the board in its statutory meetings. In all but extraordinary circumstances the board will delegate the President of the University to execute such policy.
2. Individual members may have specific duties based on their committee membership or as officers of the Board.

ARTICLE II. MEETINGS

A. Meetings

1. The Board of Governors shall hold a minimum of six (6) meetings during each fiscal year, to include an annual meeting each June.
2. Notice of meetings shall be in accordance with the Open Governmental Meetings Act.
3. Of the twelve (12) voting members of the Board of Governors, seven (7) shall constitute a quorum.
4. Special meetings may be convened by the Chair or upon petition of a majority of the members.
5. Meeting procedures shall be in accordance with Robert's Rules of Order subject to the suspension of any rule by a two-thirds vote of the Board.
6. An annual meeting shall be convened each June for the purpose of selecting a Chairperson and other officers.
7. The Board of Governors shall provide an opportunity for administrators, faculty, students and staff to discuss various issues no less than one (1) time per year. The viewpoints of the various

constituencies should be presented by a person or persons selected by those constituencies. That person shall be someone other than the constituency's board representative.

ARTICLE III. POWERS AND DUTIES

Effective on the 1st day of July, 2001, the Governing Board shall have the following powers and duties:

1. Determine, control, supervise and manage the financial, business and education policies and affairs of the State institutions of higher education under its jurisdiction;
2. Develop compact and master plans for the institution;
3. Direct the preparation of a budget request for the institution. Consult, cooperate and work with the state treasurer and the state auditor to update as necessary and maintain an efficient cost effective system for the financial management and expenditure of special revenue and appropriated state funds;
4. Consider, revise and submit to the Higher Education Policy Commission a budget request;
5. Review, at least every five (5) years, all academic programs offered. The review shall address the viability, adequacy and necessity of the programs in relationship to the master plan, compact and the education and workforce needs of its responsibility district. As part of the review, the institution shall conduct periodic studies of its graduates and their employees to determine placement patterns and the effectiveness of the education experience;
6. Ensure that the sequence and viability of academic programs and courses offered by the institution is such that students have the maximum opportunity to complete programs in the time frame normally associated with program completion. The Board is responsible for ensuring that the needs of nontraditional institution-age students are appropriately addressed and, to the extent possible for the Board to control, to assure core course work completed at the institution is transferrable to any State institution of higher education for credit with the grade earned;
7. The Governing Board shall have exclusive authority to approve the teacher education programs offered;
8. Utilize faculty, students and employees in institutional-level planning and decision-making when those groups are affected;
9. Administer a system for the management of personnel. Transactions, including but not limited to hiring, dismissal, promotions and transfers, compensation, and discipline at the institution(s) under its jurisdiction;
10. Administer a system for the hearing of employee grievances and appeals in accordance with procedures established in Article 6a, Chapter 29 of the West Virginia Code;
11. Solicit, utilize and/or expend voluntary support, including financial contributions and support services;
12. Appoint a President or other administrative leader for the institution in accordance with the provisions of Chapter 18B of the West Virginia Code;
13. Conduct written performance evaluations of the institutional President pursuant to Chapter 18B of the West Virginia Code;
14. Submit to the Higher Education Policy Commission, no later than the **1st day of**

- November** of each year, an annual report of the performance of the institution during the previous fiscal year as compared to stated goals in its institutional compact and master plan;
15. Enter into contracts or consortium agreements with the public, schools, private schools or private industry to provide technical, vocational, institution-preparatory, remedial and customized training courses at either on campus or off-campus locations;
 16. Delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of the institution to enable it to function in a proper and expeditious manner to meet the requirements of the institutional compact. If the Governing board elects to delegate any of its power and control, it shall notify the Chancellor. Any such delegation of power and control may be rescinded by the appropriate Governing Board or the Chancellor at any time, in whole or in part, and,
 17. The Board may acquire legal services as are considered necessary, including representation of the Governing Board, the institution, employees and officers before any court or administrative body.
 - a. The counsel may be employed on a salaried basis or on a reasonable fee basis.
 - b. The Governing Board may, but is not limited to, call upon the attorney general for legal assistance and representation.

ARTICLE IV. COMMITTEES

A. Committee of the Whole

The Board shall act as a whole for consideration of issues such as:

1. Institutional compacts and master plans;
2. Legislative recommendations;
3. Strategic plans;
4. HEPC recommendations;
5. Budget requests on behalf of the institution(s) and,
6. Other matters considered appropriate by the chair.

B. Committee Structure

All committee members will be appointed by the Chairperson of the Board of Governors, committee members shall elect the committee chair and committee charters will be approved by the Board of Governors. All committees will function in compliance with the committee charter(s).

C. Executive Committee

The Executive Committee is comprised of the Chairperson, Vice Chair, Secretary of the Board, the chairs of the Board's committees on Governance; Business Affairs; Risk Management, Compliance and Audit; Endowment; Advancement and External Affairs; and University Affairs (the President is an ex-officio, non-voting member of the Executive Committee) who will:

Authority and Responsibilities

1. Exercises all powers of the Board between regularly scheduled meetings concerning urgent university matters;
2. Serves as a sounding board for the President on emerging issues, problems, and initiatives; and
3. Reports to the Board at the Board's next meeting on any official actions it has taken since the last meeting of the Board.

D. Governance Committee

The Governance Committee shall consist of at least five but no more than seven members, including ex officio members. The Board chair and the President shall be non-voting, ex-officio members of the committee.

Authority and Responsibilities

1. Develops Board orientation for each new member and continuing Board educational programs, and in mentorship of new Board members;
2. Creates and evaluates a Board profile of the combination of talents, knowledge, backgrounds, and expertise needed to fulfill the university's goals;
3. Develops and secures Board approval of a written statement setting out the roles and responsibilities of Board members;
4. Establishes performance criteria/expectations for governors in areas of attendance, preparedness, candor, and participation;
5. Establishes a process for recommending reappointment of a Board member for the President's consideration;
6. Designs and manages any term-limit policies on Board officers;
7. Honors and recognizes retiring Board members;
8. Effectively communicates the committee's responsibilities and achievements; and
9. Assesses the performance of the committee itself, and the board as a whole through a process of confidential self-assessment by each Board member.

E. Business Affairs Committee

The Business Affairs Committee shall be comprised of three or more members as determined by the Board but no more than seven members, who will:

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. The operating and capital budgets of the University;

2. Matters related to the information technology infrastructure;
3. The issuance of debt;
4. Master facilities plan for the University;
5. Tuition and fee proposals;
6. Matters related to security and public safety of the University;
7. Matters related to the financial operations of the University, including the results of the annual audit;
8. The selection of architects/engineers and construction managers for buildings and large capital improvements requiring professional services;
9. Proposals involving acquisition or disposition of any interest in real property for which authority has not been delegated to the President; and
10. Upon the recommendation of the President, recommends to the Board of Governors for approval, as required, policies applicable to the financial, information technology, and other administrative matters.

F. Advancement and External Affairs Committee

The Advancement and External Affairs Committee shall be comprised of three or more members as determined by the Board but no more than five members, who will:

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. Areas pertaining to development, advancement services, university relations, and alumni relations;
2. Reports on private support of the university to assess effectiveness and make recommendations related to philanthropy;
3. West Virginia State University Alumni Association activities and initiatives and makes recommendations concerning alumni relations;
4. Marketing, communications, and public relations and makes recommendations related to matters such as branding, licensing, and external relations of the university;
5. Activities of the state legislature and makes recommendations concerning government relations; and
6. University fundraising campaigns.

Advises the President and Vice President for University Advancement on:

7. The priority, timing, direction, funding and management of capital and other fundraising campaigns; and
8. The formation of campaign steering committees.

Recommends to the Board of Governors:

9. Naming guidelines for endowed funds, facilities, and programs funded in whole or in part by private monies;
10. Naming of all facilities and programs, owned, operated or controlled by the university; and
11. Upon the recommendation of the President, policies related to the relationship between the university and its affiliated entities, the coordination of all fundraising activities intended to benefit the university, the conduct of fundraising campaigns, the use and application of privately

donated funds for any activity whose sponsorship may implicate or obligate the university; and fundraising activities intended to benefit the Endowment Fund and various affiliated entities.

G. Endowment Committee

The committee members shall be appointed by the Board chair. Committee members shall elect a chair. The Endowment Committee of West Virginia State University shall consist of no fewer than six members and no more than 9 members, as determined by the Board of Governors:

- One member of the Endowment Committee shall be the Chair of the Board of Governors;
- One member shall be the President of West Virginia State University; and
- The remainder of the members may be members of the West Virginia State University Board of Governors and West Virginia State University Foundation Board of Trustees.

In considering appointments to the Endowment Committee, the Chair of the Board of Governors will take into consideration individuals who (a) have experience/expertise in investments, (b) bring special skills or talents to the Endowment Committee, or (c) have established an endowment at West Virginia State University, either within the endowment fund or elsewhere.

A majority of the committee members shall constitute a quorum.

Authority and Responsibilities

The West Virginia State University Endowment Committee of the Board of Governors recognizes the West Virginia State University Foundation Investment Policy Statement.

Reviews and advises the Board of Governors on:

1. The acceptance of gifts, donations, and bequests
2. The Disposal of property, real or personal, of the Endowment Fund;
3. Prudent investments of the endowed funds;
4. Appointment of a fiscal agent or agents;
5. Disbursement of principal and income in strict accordance with terms of the gift, devise, or bequest; and
6. Management of a prudent endowment spending policy.

H. Risk Management, Audit, and Compliance Committee

The Risk Management, Compliance, and Audit Committee shall be comprised of three or more members as determined by the Board but no more than five members, who will:

Authority and Responsibilities

1. Helps provide oversight of internal audit;
2. Reviews the annual internal audit plan at the beginning of the audit cycle;
3. Receives quarterly activity reports from the General Counsel;
4. Receives direct verbal and/or written reports from the university's internal auditor regarding out-of-the-ordinary reviews and findings that may involve senior level university employees, Governors, or associated entities;

5. Compares the annual internal audit plan to the actual internal audits performed;
6. Reviews audit reports of University associated entities;
7. Provides oversight of the risk management and compliance functions;
8. Assures that the university is performing self-assessments of operating risks, compliance, and evaluations of internal controls on a regular basis; and
9. Receives annual reports on risk management, compliance and legal issues.

I. University Affairs Committee

The University Affairs Committee shall be comprised of three or more members as determined by the Board but no more than seven members, who will:

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. Any changes in the university's mission statement;
2. Plans to carry out the university's mission;
3. Any retreat rights for an administrator returning to a faculty role;
4. Conferral of permanent tenure upon faculty members;
5. Designation of Distinguished Professorships, including Distinguished Scholar, and Distinguished Fellow;
6. The conferral of emeritus status upon a faculty member upon retirement;
7. The contract of the Athletic Director and head coaches and recommends the appointment or extension of contracts for Board of Governors' approval;
8. Upon recommendation of the President, academic degree proposals requiring approval by the Board of Governors or HEPC (including new degree programs, distance education delivery versions of approved academic programs, new distance education sites, discontinuation of degrees, and changes in degree program titles) Receives notification on behalf of the Board of Governors of other academic program proposals and reviews (including certificates, concentrations and minors);
9. The amount and quality of faculty research, amount of funded research grants, number of patents, and the licensing of intellectual property;
10. Upon the recommendation of the President, the approval of campus initiated tuition increases and student fees (proposed new fees as well as adjustments to existing fees);
11. Recommends to the Board of Governors the conferral of honorary degrees, awards, and distinctions;
12. Approval of the establishment and continuation of centers and institutes in adherence to any and all guidelines set forth by the Higher Learning Commission and/or HEPC;
13. Upon recommendation of the President, approval of policies related to centers and institutes, when required;
14. Upon the recommendation of the President, personnel policies not otherwise prescribed by State or federal law, HEPC or policies of the Board of Governors, for personnel in all categories of university employment, when required;
15. Policies regarding the collection of tuition, fees and other monies from students;
16. Policies regarding payment of student balances;
17. Policies for administration of scholarships and other financial aid to students; and

18. Upon recommendation of the President, policies related to the provision of student services and activities, including student government and intercollegiate athletics, subject to general provisions as may be prescribed by the Board of Governors.
19. The Committee receives and hears periodic reports from the Chair of the Faculty Senate, the Chair of the Staff Council, and the Student Body President.

J. Presidential Review Committee

1. The Chair shall assign five (5) members to serve on the Presidential Review Committee. The Chair of the Presidential Review Committee shall be elected by the members of the committee to serve a one-year (1) term; and
2. The Committee shall provide oversight of the University's adherence to Board of Governors Policy #61, Employment and Evaluation of the President, specifically the annual, tri-annual or comprehensive review of the President.

K. Special Committees

1. Members may be appointed by the Chair to special committees or ad hoc committees in addition to standing committees; and,
2. Tenure of these committees shall be for a prescribed time or until the specified task is completed.

ARTICLE V. EXPENSES

A. Expense Reimbursement

1. The Board shall serve without compensation; and,
2. Proper administration and travel expenses of the Board and its members shall be paid from institutional funds and shall be accounted for in accordance with acceptable accounting practices.

ARTICLE VI. RECORDS

A. Records

1. The Board shall provide, through the President's Office, the keeping of all Board records; and,
2. The Board may prescribe appropriate regulations with respect to access to said records.

ARTICLE VII. ADOPTION AND AMENDMENT OF BYLAWS

A. Adoption and Amendment

1. The Bylaws of the Board may be amended by a two-thirds vote of the Board at the annual meeting or at any regular or special meeting provided that the proposed amendments are conveyed to the members of the Board at least ten (10) days in advance of the meeting in which they are to be acted upon; and,

2. The enactment of any statute by the West Virginia Legislature or the amendment of any existing statute, inconsistent with these Bylaws shall take precedence over the provisions hereof.

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West Virginia State University

Board of Governors

Executive Committee Charter

Purpose

The Executive Committee provides an opportunity for Board leaders to engage, within the limits set by Board policy and the Bylaws, in strategic planning, decision-making, oversight, and communications on important organizational matters.

Authority and Responsibilities

1. Exercises all powers of the Board between regularly scheduled meetings concerning urgent university matters;
2. Serves as a sounding board for the President on emerging issues, problems, and initiatives; and
3. Reports to the Board at the Board's next meeting on any official actions it has taken since the last meeting of the Board.

Meetings

The Executive Committee meets as needed to address urgent university matters.

Members / Quorum

The Executive Committee is composed of the Board chair, vice chair, secretary, the chairs of the Board's committees on Governance; Business Affairs; Risk Management, Compliance and Audit; Endowment; Advancement and External Affairs; and University Affairs. The President is an ex-officio, non-voting member of the Executive Committee. A majority of the committee members shall constitute a quorum.

Note: The President shall be excused for matters relating to his/her compensation and evaluation.

Staff Designee

The President and his/her designee shall serve as staff to the Executive Committee.

West Virginia State University

Board of Governors

Governance Committee Charter

Purpose

The Governance Committee researches, reviews, and recommends policies and best practices in governance, ensuring that such practices and policies enhance the quality, efficiency and effectiveness of West Virginia State University.

Authority and Responsibilities

1. Develops Board orientation for each new member and continuing Board educational programs, and in mentorship of new Board members;
2. Creates and evaluates a Board profile of the combination of talents, knowledge, backgrounds, and expertise needed to fulfill the university's goals;
3. Develops and secures Board approval of a written statement setting out the roles and responsibilities of Board members;
4. Establishes performance criteria/expectations for governors in areas of attendance, preparedness, candor, and participation;
5. Establishes a process for recommending reappointment of a Board member for the President's consideration;
6. Designs and manages any term-limit policies on Board officers;
7. Honors and recognizes retiring Board members;
8. Effectively communicates the committee's responsibilities and achievements; and
9. Assesses the performance of the committee itself, and the board as a whole through a process of confidential self-assessment by each Board member.

Meetings

The Governance Committee meets in conjunction with each regularly scheduled Board meeting, and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The Governance Committee shall consist of at least five but no more than seven members, including ex officio members. The committee members shall be appointed by the Board chair. Committee members shall elect a chair. The Board chair and the President shall be non-voting, ex-officio members of the committee. A majority of the committee members shall constitute a quorum.

Staff Designee

The General Counsel shall be staff to the Governance Committee.

West Virginia State University

Board of Governors

Business Affairs - Committee Charter

Purpose

The Business Affairs Committee shall consider and make recommendations to the Board of Governors regarding matters pertaining to the financial, business, and information technology management of the university.

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. The operating and capital budgets of the University;
2. Matters related to the information technology infrastructure;
3. The issuance of debt;
4. Master facilities plan for the University;
5. Tuition and fee proposals;
6. Matters related to security and public safety of the University;
7. Matters related to the financial operations of the University, including the results of the annual audit;
8. The selection of architects/engineers and construction managers for buildings and large capital improvements requiring professional services;
9. Proposals involving acquisition or disposition of any interest in real property for which authority has not been delegated to the President; and
10. Upon the recommendation of the President, recommends to the Board of Governors for approval, as required, policies applicable to the financial, information technology, and other administrative matters.

Meetings

The Business Affairs Committee meets in conjunction with each regularly scheduled Board meetings, and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The Business Affairs Committee shall be comprised of three or more members as determined by the Board but no more than seven members. The committee members shall be appointed by the Board chair. Committee members shall elect a chair. A majority of the committee members shall constitute a quorum.

Staff Designee

The Vice President for Business and Finance shall be staff to the Business Affairs Committee.

West Virginia State University

Board of Governors

Advancement and External Affairs Committee Charter

Purpose

The Advancement and External Affairs Committee of the Board of Governors shall exercise oversight of university programs related to private giving to the institution, alumni programming and communications, public relations and university communications, and external relations at the local, state, and national levels.

The committee shall review and recommend any necessary action or policies on matters listed below, as well as discuss a variety of issues related to the overall advancement of the university, including private philanthropy, alumni relations, university relations, and external relations.

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. Areas pertaining to development, advancement services, university relations, and alumni relations;
2. Reports on private support of the university to assess effectiveness and make recommendations related to philanthropy;
3. West Virginia State University Alumni Association activities and initiatives and makes recommendations concerning alumni relations;
4. Marketing, communications, and public relations and makes recommendations related to matters such as branding, licensing, and external relations of the university;
5. Activities of the state legislature and makes recommendations concerning government relations; and
6. University fundraising campaigns.

Advises the President and Vice President for University Advancement on:

7. The priority, timing, direction, funding and management of capital and other fundraising campaigns; and
8. The formation of campaign steering committees.

Recommends to the Board of Governors:

9. Naming guidelines for endowed funds, facilities, and programs funded in whole or in part by private monies;
10. Naming of all facilities and programs, owned, operated or controlled by the university; and
11. Upon the recommendation of the President, policies related to the relationship between the university and its affiliated entities, the coordination of all fundraising activities intended to benefit the university, the conduct of fundraising campaigns, the use and application of privately donated funds for any activity whose sponsorship may implicate or obligate the university; and fundraising activities intended to benefit the Endowment Fund and various affiliated entities.

Meetings

The Advancement and External Affairs Committee meets in conjunction with each regularly scheduled Board meeting, and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The Advancement and External Affairs Committee shall be comprised of three or more members as determined by the Board but no more than five members. The committee members shall be appointed by the Board chair. Committee members shall elect a chair. A majority of the committee members shall constitute a quorum.

Staff Designee

The Vice President for University Advancement shall be staff to the Advancement and External Affairs Committee.

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West Virginia State University

Board of Governors

Endowment Committee Charter

Purpose

The Endowment Committee has overall responsibility for the operation and administration of the investment portfolio, including the formulating of guidelines, selecting investment managers, monitoring the management of the investments and spending from the endowment.

Authority and Responsibilities

The West Virginia State University Endowment Committee of the Board of Governors recognizes the West Virginia State University Foundation Investment Policy Statement.

Reviews and advises the Board of Governors on:

1. The acceptance of gifts, donations, and bequests
2. The Disposal of property, real or personal, of the Endowment Fund;
3. Prudent investments of the endowed funds;
4. Appointment of a fiscal agent or agents;
5. Disbursement of principal and income in strict accordance with terms of the gift, devise, or bequest; and
6. Management of a prudent endowment spending policy.

In any corporate transaction in which a Governor has a direct or indirect interest, that Governor shall not participate in any discussion or consideration of such transaction, and the transaction must be authorized, approved, or ratified in good faith by a majority of the Governors who have no direct or indirect interest in the transaction even though less than a quorum; provided, however, no such transaction shall be authorized, approved, or ratified by a single Governor. For purposes of this section, a Governor has an indirect interest in a transaction if:

1. Another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction; or
2. Another entity of which he is a director, officer, or Governor is a party to the transaction and the transaction is or should be considered by the Board.

Meetings

The Endowment Committee meets in conjunction with each regularly scheduled meeting of the Board of Governors and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The committee members shall be appointed by the Board chair. Committee members shall elect a chair. The Endowment Committee of West Virginia State University shall consist of no fewer than six members and no more than 9 members, as determined by the Board of Governors:

- One member of the Endowment Committee shall be the Chair of the Board of Governors;
- One member shall be the President of West Virginia State University; and
- The remainder of the members may be members of the West Virginia State University Board of Governors and West Virginia State University Foundation Board of Trustees.

In considering appointments to the Endowment Committee, the Chair of the Board of Governors will take into consideration individuals who (a) have experience/expertise in investments, (b) bring special skills or talents to the Endowment Committee, or (c) have established an endowment at West Virginia State University, either within the endowment fund or elsewhere.

A majority of the committee members shall constitute a quorum.

Staff Designee

Vice President for Business and Finance

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West Virginia State University

Board of Governors

Risk Management, Audit, and Compliance Committee Charter

Purpose

The Risk Management, Audit, and Compliance Committee works with the General Counsel to provide recommendations for mitigation or elimination of risks and on the coordination of audit efforts to assure completeness of coverage, reduction of redundant efforts, and the effective use of the university's audit resources.

Authority and Responsibilities

1. Helps provide oversight of internal audit;
2. Reviews the annual internal audit plan at the beginning of the audit cycle;
3. Receives quarterly activity reports from the General Counsel;
4. Receives direct verbal and/or written reports from the university's internal auditor regarding out-of-the-ordinary reviews and findings that may involve senior level university employees, Governors, or associated entities;
5. Compares the annual internal audit plan to the actual internal audits performed;
6. Reviews audit reports of University associated entities;
7. Provides oversight of the risk management and compliance functions;
8. Assures that the university is performing self-assessments of operating risks, compliance, and evaluations of internal controls on a regular basis; and
9. Receives annual reports on risk management, compliance and legal issues.

Meetings

The Risk Management, Compliance, and Audit Committee meets in conjunction with each regularly scheduled Board meeting, and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The Risk Management, Compliance, and Audit Committee shall be comprised of three or more members as determined by the Board but no more than five members. The committee members shall be appointed by the Board chair. Committee members shall elect a chair. A majority of the committee members shall constitute a quorum.

Staff Designee

The General Counsel shall be staff to the Risk Management, Compliance, and Audit Committee.

West Virginia State University

Board of Governors

University Affairs Committee Charter

Purpose

This committee works with six cabinet level administrators related to matters concerning academic programs, academic planning, curricula and degrees, continuing education/online education, admissions, financial aid, faculty affairs, research, employee relations, student affairs and programs, student conduct and honor system, student health services, student housing, human resources, employee and student diversity, and intercollegiate athletics. Reporting entities to the Committee include, but may not be limited to, Academic Affairs, Research and Public Service, Student Affairs, Enrollment Management, Athletics, and Human Resources.

Authority and Responsibilities

Reviews and advises the Board of Governors on:

1. Any changes in the university's mission statement;
2. Plans to carry out the university's mission;
3. Any retreat rights for an administrator returning to a faculty role;
4. Conferral of permanent tenure upon faculty members;
5. Designation of Distinguished Professorships, including Distinguished Scholar, and Distinguished Fellow;
6. The conferral of emeritus status upon a faculty member upon retirement;
7. The contract of the Athletic Director and head coaches and recommends the appointment or extension of contracts for Board of Governors' approval;
8. Upon recommendation of the President, academic degree proposals requiring approval by the Board of Governors or HEPC (including new degree programs, distance education delivery versions of approved academic programs, new distance education sites, discontinuation of degrees, and changes in degree program titles) Receives notification on behalf of the Board of Governors of other academic program proposals and reviews (including certificates, concentrations and minors);
9. The amount and quality of faculty research, amount of funded research grants, number of patents, and the licensing of intellectual property;
10. Upon the recommendation of the President, the approval of campus initiated tuition increases and student fees (proposed new fees as well as adjustments to existing fees);
11. Recommends to the Board of Governors the conferral of honorary degrees, awards, and distinctions;
12. Approval of the establishment and continuation of centers and institutes in adherence to any and all guidelines set forth by the Higher Learning Commission and/or HEPC;
13. Upon recommendation of the President, approval of policies related to centers and institutes, when required;

14. Upon the recommendation of the President, personnel policies not otherwise prescribed by State or federal law, HEPC or policies of the Board of Governors, for personnel in all categories of university employment, when required;
15. Policies regarding the collection of tuition, fees and other monies from students;
16. Policies regarding payment of student balances;
17. Policies for administration of scholarships and other financial aid to students; and
18. Upon recommendation of the President, policies related to the provision of student services and activities, including student government and intercollegiate athletics, subject to general provisions as may be prescribed by the Board of Governors.
19. The Committee receives and hears periodic reports from the Chair of the Faculty Senate, the Chair of the Staff Council, and the Student Body President.

Meetings

The University Affairs Committee meets in conjunction with each regularly scheduled Board meeting, and may meet other times as needed to fulfill its responsibilities.

Members / Quorum

The University Affairs Committee shall be comprised of three or more members as determined by the Board but no more than seven members. The committee members shall be appointed by the Board chair. Committee members shall elect a chair. A majority of the committee members shall constitute a quorum.

Staff Designee

The Provost and Vice President for Academic Affairs shall be staff to the University Affairs Committee.

**WEST VIRGINIA STATE UNIVERSITY
BOARD OF GOVERNORS**

BOG Policy #1

Guidelines for Generating Policies, Rules, and Administrative Procedures

Section 1. General.

- 1.1. Scope: This policy establishes the process for adoption, amendment, or repeal of policies, procedures, and rules by West Virginia State; the terms “a policy” and “a rule” are used interchangeably when applying West Virginia Higher Education Policy Series 4.
- 1.2. Authority: WV Code §18B-1-6 and Series 4 of the West Virginia Higher Education Policy Commission.
- 1.3. Application: This policy shall apply to West Virginia State University Board of Governors actions regarding the adoption, amendment or repeal of any Board of Governors policy, procedure, or rule.
- 1.4. Effective Date: January , 2021.
- 1.5. Repeals and Replaces previous BOG Policy 1 dated .

Section 2. Definitions.

- 2.1. Administrative Procedure - Any regulation, guideline, directive, standard or statement of policy or interpretation of future effect that does not qualify as a “rule”.
- 2.2. Policy. The word “policy” shall be synonymous with the term “rule” defined in 2.3.
 - 2.2.a. Proposed policy means any new policy or an amendment or repeal of an existing policy that has not had a final vote for adoption by the Board.
- 2.3. Rule - Any regulation, guideline, directive, standard, statement of policy or interpretation of general application which has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens. The following are not rules:
 - 2.3.a. Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution that deal solely with the internal management or responsibilities of a single unit, division, department or school; or
 - 2.3.b. Academic curricular policies that do not constitute a mission change for the institution.

2.3.c. Administrative procedures as defined above.

Section 3. Adoption of Policies and Rules

3.1. Policies shall be adopted, revised, or repealed pursuant to the following process:

3.1.a. The policy author from the respective administrative area shall bring the draft policy to the cabinet for approval;

3.1.b. Following presentation to cabinet, the policy will be presented to the Board of Governors;

3.1.c. If the Board of Governors determines that the policy should be adopted, revised, or repealed, the Board of Governors shall approve a notice of proposed rulemaking. A notice of proposed rulemaking shall include:

3.1.c.1. A brief description of the subject matter of the policy, an explanation of how comments will be received, the deadline for receiving comments, and contact information for the person who has been designated to receive comments; and

3.1.c.2. A copy of the proposed policy if adoption or amendment is proposed or a copy of the current policy if repeal is proposed.

3.2. The notice of proposed rulemaking shall be provided directly to the Chancellor, those persons representing students, faculty, and staff at the university, and other interested parties. In addition, notices shall be posted prominently at a location or locations accessible to the public as well as posted on the university's website, and copies be made available at no cost to any requester.

3.3. Except for emergency rules, a notice of proposed rulemaking must provide for a public comment period of at least thirty (30) days during which written comments will be received before final adoption of the policy. The President or Board of Governors may also provide for a public hearing in a manner determined by the President.

3.4. If the Board of Directors originally approved a notice of rulemaking at a previous meeting and no comments are received during the comment period, a proposed policy need not be re-approved by the Board if the Board provides so at the time it approves the proposed policy.

3.5. If written comments are received or a hearing held during the comment period, the comments shall be summarized by the policy author.

3.6. All comments shall be presented to the Board of Governors with any recommended amendments resulting from the comments. The Board of Governors may amend a proposed rule as a result of the comments or evidence received. All written comments and evidence received and determinations made by the governing board shall be made available in the manner set out in Section

3.2 of this policy at least ten (10) days prior to the meeting in which the Board of Governors gives final approval to the policy and be carefully preserved by the university and open for public inspection and copying for a period of at least five (5) years from the date of final board action.

3.7. A copy of the final proposed policy shall be furnished to the Chancellor or his/her designee fifteen (15) days prior to the Board of Governor's formal adoption of the final policy.

3.8. Any policy adopted by the Board of Governors shall not be effective until reviewed and commented on by the Chancellor or his/her designee. The Chancellor or his/her designee shall notify the Board of Governors of any specific or general objections to the policy within fifteen (15) days of receiving the proposed policy.

3.9. Any objections raised by the Chancellor shall be addressed in a manner determined by the President.

3.10. The policy adopted by the Board of Governors is deemed effective if no objection is raised by the Chancellor within the allotted time period.

Section 4. Emergency Rules.

4.1. In the case of an emergency the Board of Governors may adopt, amend, or repeal a policy, procedure, or rule without following the procedures set out in this policy.

4.1.a. An emergency exists when the adoption, amendment, or repeal of a policy is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Commission, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who shall disapprove the action of the Board of Governors if the Chancellor, or his/her designee, disagrees that an emergency existed.

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

Section 5. Administrative Procedures

5.1. Administrative procedures do not require approval of the Board. Such procedures shall be identified in policy as "Administrative Procedures". All procedures shall be presented to cabinet and have final approval by the President.

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS
West Virginia State University

BOG Policy #13

WVSU Naming or Renaming of Facilities, Programs and Funds

Section 1. General.

- 1.1. Scope: This policy establishes the criteria and procedures for the naming of West Virginia State University Facilities, Programs and Funds in recognition of an individual or organization.
- 1.2. Authority : W. Va. Code § 18B-1-6.
- 1.3. Application : This policy shall apply to all actions regarding the naming of facilities by the West Virginia State University Board of Governors, its Committees and any other entity to which such authority may be delegated by the Board of Governors.
- 1.4. Effective Date: _____
- 1.5. This policy replaces current WVSU BOG Policy No. 13 which was approved on October 5, 2005.

Section 2. Definitions.

- 2.1. Facilities - Buildings, rooms, interior spaces, exterior spaces (gardens, courts, plazas, memorials, roads, markers, streets, athletic fields, open spaces, land, etc.), and all other tangible and relatively permanent features owned, operated or controlled by West Virginia State University.
- 2.2. Funds - Endowed and restricted funds established to support students, faculty/staff, programs, and facilities associated with West Virginia State University.
- 2.3. Program - Colleges, departments, institutes, centers, and other units associated with West Virginia State University's functions.

Section 3. Review.

- 3.1. This policy shall be reviewed periodically by the Office of University Advancement or designee. All recommended changes to this policy require approval by the President and Board of Governors.

Section 4. Responsibilities for Naming Facilities and Programs.

- 4.1. Board of Governors. – The act of naming Facilities and Programs shall be that of the Board of Governors, acting after receiving the recommendation of the President. Donors, honorees or benefactors shall be informed at the outset of the naming process and throughout the naming discussions that final naming approval for all University Facilities and Programs rests with the Board of Governors.
- 4.2. President. – Subject to the responsibilities of the Board of Governors, the President shall have responsibility and authority with respect to, and is an essential participant in, all Facility and Program naming actions.
- 4.2.a. No Facility or Program may be named without the early knowledge and prior approval of the President. The President shall endeavor to determine that the proposed action is consistent with the interests of the University, to assure that the amount of any gift warrants the action proposed, and to maintain equity in the relationship of gifts for similar naming actions.
- 4.2.b. The President may recommend exceptions to this policy, subject to the approval of the Board of Governors, and after consultation with University leadership when appropriate.
- 4.3. Campus Facilities Committee. – The Campus Facilities Committee shall review donor-funded naming proposals requesting the naming of Facilities and/or Programs in honor of donors or benefactors who have made substantial contributions to the University in accordance with pre-approved and recommended gift minimums and within the University’s guidelines for naming Facilities and Programs and make recommendations to the President.
- 4.3.a. In the rare event of an honorary naming of a Facility or Program, the Campus Facilities Committee shall review proposals in recognition of individuals or organizations who have had a lasting impact on West Virginia State University or attained achievement of extraordinary and lasting distinction, and shall make recommendations to the President.
- 4.3.b. The Campus Facilities Committee shall manage the approval of all signage associated with the naming of Facilities and/or programs.
- 4.3.c. The Campus Facilities Committee shall meet as required to efficiently perform its duties either in person or remotely. The chair shall call meetings. A simple majority of the membership of the committee shall constitute a quorum. No proxy shall be recognized in any meeting of the committee.
- 4.4. University Advancement. – The Office of University Advancement shall coordinate all namings of Facilities and Programs.

Section 5. Criteria for Naming Facilities and Programs.

- 5.1. For all namings, the donor, honoree, or benefactor must exhibit an image and demonstrate integrity consistent with the values and mission of the University. In recommending the conferral of a naming honor on individuals or organizations, the Campus Facilities Committee shall evaluate the whole legacy of those individuals or organizations. In the case of historical persons or entities, it is constructive to view the proposed naming by contemporary standards to ensure that the naming is appropriate.
- 5.2. Honorary Namings. – Honorary namings are to recognize individuals who have had a lasting impact on West Virginia State University or attained achievements of extraordinary and lasting distinction.
- 5.2.a. The namings of Facilities and Programs are normally reserved for philanthropic gifts to the University. The naming of a Facility or a Program that honors a person in the absence of a gift shall remain a rare method of recognizing individuals.
- 5.2.b. Honorary namings of Facilities will not be bestowed on members of the University faculty or staff, members of the Board of Governors, the Governor, elected officials, or state employees concerned with the functions, oversight or control of the University, so long as the relationship exists.
- 5.3 Donor-Funded Naming Opportunities. – Donor-funded naming opportunities are to recognize donors who have made substantial financial contributions to the University. The term “donors” includes individuals, corporations, and other organizations.
- 5.4. Corporate or Organization Naming. – A University Program shall not be named after a corporation or other organization unless approved as an exception by the President or the President’s designee.
- 5.4.a. Only in rare, exceptional situations should an entire Facility be named for a corporation or organization. Such gifts shall represent a “transformative contribution,” and an exception shall be made by the President or designee.
- 5.4.b. Naming a Facility after a corporation or other organization shall be term-limited up to twenty years unless approved as an exception by the President or designee.
- 5.4.c. In the instance where a Facility, is named after a corporation or other organization, the University shall exercise due diligence to avoid any appearance of undue influence or conflict of interest.

Section 6. Agreement for Naming Facilities and Programs.

- 6.1. A Facility or Program naming agreement is required for all donor-funded naming opportunities. The agreement shall be approved by the Board of Governors and

contain the terms and conditions agreed to by the University and the donor. Electronic signatures are acceptable.

Section 7. Naming Facilities.

- 7.1. Naming opportunities may include (1) new Facilities that are to be constructed or acquired, (2) existing Facilities that are undergoing major or minor renovations, or (3) existing Facilities that are not undergoing renovations.
- 7.2. Selection of Facility names should take into account the University's Physical Master Plan and all new major capital projects that are dependent upon private funding.
- 7.3. Colleges or departments pursuing donor-funded naming opportunities for capital projects with required fundraising goals must submit fundraising plans to the Office of University Advancement or designee for approval by the Vice President for University Advancement and Vice President for Finance and Administration.
- 7.4. For a donor or benefactor to name a building, the recommended gift minimum shall be a substantial and significant amount that will enhance the University's mission and shall be determined accordance with the naming rights assessment assigned to the building by the Campus Facilities Committee.
- 7.5. All recommended gift minimums shall be predetermined by the University prior to the donor's commitment to name the Facility.
- 7.6. The allocation of funds for donor-funded Facility naming opportunities shall be predetermined before the donor makes a commitment and shall be pre-approved by the University. The funds shall be established in a pooled, endowed or restricted fund unless the donor's contribution meets both the endowment minimum and the recommended gift minimum to name the Facility. In addition, the donor's intent must align with the pre-approved allocation of funds purpose. The donor cannot have a named fund if the fund purpose is directed to a capital project.
- 7.7. Facilities shall not be named through a grant, sponsored research, or sponsorship without prior approval from University Advancement and is subject to approval by the President and Board of Governors.

Section 8. Naming Programs.

- 8.1. For Programs, the recommended gift minimum shall be a substantial and significant amount that will enhance the University's mission.
- 8.2. A gift for naming a Program ordinarily should be determined by the size, operating budget, national ranking, and visibility of the Program, as well as naming amounts of peer programs in the discipline or on the University campus when available.

- 8.3. Programs shall not be named through a grant, sponsored research, or sponsorship without prior approval from University Advancement and are subject to approval by the President and Board of Governors.

Section 9. Status of Contribution at the Time of Naming Facilities and Programs.

- 9.1. When a Facility or Program is to be named in consideration of a financial contribution, the gift shall have been received by the University or affiliated foundation, or its future receipt shall be assured through the appropriate signed agreement before a naming action shall be taken, as follows:
- 9.1.a. Pledges to be paid over a period of time, typically up to five years, are acceptable for current naming of Facilities and Programs when a signed pledge payment agreement for the total is in hand. Pledges for beyond five years must be approved by the Vice President for University Advancement or designee.
- 9.1.b. If the pledged gift is to name new construction, renovation, or other projects with cash-flow considerations, the timing of the pledge payments should be such that sufficient current dollars are available to cover project costs.
- 9.2. Irrevocable planned gifts may generate current naming of Facilities and Programs if current cash flow considerations are not an issue for the requesting Facility or Program. Irrevocable planned gifts will be credited at their face value, with particular emphasis being given to the predictability of the long-term value of the irrevocable deferred gift.
- 9.3. Combinations of revocable planned gifts and cash may occasionally generate current naming opportunities under certain circumstances and must be approved by the Vice President for University Advancement or designee. Each combination request must be explained fully to the Campus Facilities Committee and a case made for the appropriateness of the naming given the specifics of a particular gift. Particular emphasis will be given to the cash flow requirements of the requesting Facility or Program, the predictability of the long-term value of the revocable deferred gift component, and the predictability of its receipt.

Section 10. Duration and Modification of Namings for Facilities and Programs.

- 10.1. The duration of a donor's, honoree's, or benefactor's name on any Facility or Program ordinarily continues for as long as the Facility or Program is used for the same purpose for which the naming occurred. Upon demolition, replacement, substantial renovation, redesignation of purpose, or similar modification of a named Facility or Program, the University may deem that the naming period has concluded.
- 10.1.a. At the discretion of University Advancement, the appropriate University representative may be directed to make all reasonable efforts to inform in

advance the original donors, honorees, benefactors, or their surviving family members when the naming period is deemed to have concluded.

10.1.b. The duration of a donor wall is contingent upon the life cycle of the Facility or Program, and once the life cycle has ended, the donor wall can be removed with approval from University Advancement.

10.2. Renaming. – When the donor’s, honoree’s or benefactor’s naming period has concluded, the Facility or Program may be renamed, with the original name removed, in recognition of new gifts, subject to any specific terms and conditions set forth in the naming agreement.

10.3. Term Naming. – In appropriate instances, most often involving a corporate donor, naming may be granted for a predetermined, fixed term. At the end of the term, the name of the Facility or Program shall expire, but may be renewed with the same or a new name. The Facility naming agreement shall specify the period of time for which the Facility or Program will be named.

10.4. Donor, Honoree, or Benefactor Name Changes. – If a donor, honoree or benefactor requests a change to the name of a Facility or Program (e.g., due to divorce or corporate merger), the University will consider the request.

10.5. Removal of Naming Approval or Conferral. – The University reserves the right, on reasonable grounds, to remove and terminate its obligations regarding a naming, with no financial responsibility for returning any received contributions to the donor or benefactor. The Board of Governors must approve all removals prior to their occurrence. Reasonable grounds to remove and terminate a naming include, but are not limited to, the following:

(a) If the donor’s, honoree’s, or benefactor’s reputation, actions, or behavior do not align with the University mission and values. Removal of the naming shall only occur after review in accordance with regulations promulgated by the President.

(b) If the donor or benefactor fails to maintain payments on a pledge upon which the naming was bestowed. In such an instance, the naming may be removed after a pro rata period of time that reflects the number of pledge payments made, given the estimated useful life of the building or the term of years covered by the Facility Naming Agreement, as applicable.

(c) If a planned gift upon which the naming was bestowed does not result in the value agreed upon.

(d) If a Facility has been named without proper approval, after due diligence has occurred to ensure the naming was not properly approved.

(e) This policy supersedes any previous gift agreement in the event that the donor's financial obligation has not been fulfilled or the naming was not properly approved.

(f) A name may be removed from a facility or unit if the commitment is unfulfilled by the donor at the completion of the agreed payment period. The removal of a name requires the approval of the WVSU BOG. This provision must be included in all naming agreements. The donor or his/her designee shall be informed of the change in writing, notice of which shall be mailed by certified mail to the person or designee identified in the naming agreement 60 days prior to the removal of the name from the facility or unit.

Section 11. Named Funds.

- 11.1. Endowments and named Funds shall be established by University Advancement and do not require review or approval by the Board of Governors.
- 11.2. The minimum gift amount to establish a named endowed Fund is \$25,000. The Vice President for University Advancement may grant exceptions to this minimum gift amount on occasion upon their discretion.
- 11.3. The minimum gift amount to establish a named current-use Fund is \$10,000. The Vice President for University Advancement may grant exceptions to this minimum gift amount on occasion upon their discretion.
- 11.4. Endowment levels above the minimum for named endowed Funds shall be established by the Vice President for University Advancement in consultation with the President and the leader of the Program that would benefit from the endowment. Levels should align with the costs associated with supporting that Program.
- 11.5. A fund naming agreement is required for all named Funds. The agreement shall contain the terms and conditions agreed to by the University and the donor. Electronic signatures are acceptable.

Section 12. Financial Contributions.

- 12.1. Financial contributions resulting in the naming of a Facility, Program, or Fund may be made to an affiliated foundation but, if the University is constructing or renovating a Facility, then funds will be transferred to the University.

Section 13. Responsibilities for Costs.

- 13.1. In the event that outside legal counsel is necessary, all legal costs related to donor-funded naming opportunities and endowed Funds are the responsibility of the college/program supported by the gift.

13.2. All costs of donor, honoree, or benefactor signage or recognition are the responsibility of the college/program supported by the gift.

13.3. If the donor, honoree, or benefactor requests a sign or recognition to be changed, all replacement signage and other related costs shall be at the donor's expense.

Section 14. Naming Recognition.

14.1. Naming signage shall not be purchased or placed until approved by the Board of Governors.

14.1.a. Naming signage shall conform to all University signage guidelines and shall not be installed until approved by the Campus Facilities Committee and University Advancement.

14.1.b. Naming signage standards shall conform to all University branding standards. Signage reflecting a corporate or organizational naming of a Facility may not include the donor's logo or other components of branding. This policy applies only to donor-funded namings and does not apply to leased spaces, or other contractual business relationships.

14.2. No publicity of the naming shall be released to the public until it has been approved by the Board of Governors.

14.3. All gift minimums for donor recognition, which includes public displays, signs, donor walls and mounted objects that recognize a donor, shall be predetermined by University Advancement.

14.4. All mounted naming signage that has not been properly approved is subject to removal.

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #14

Title: Policy and Procedures on Unlawful Discrimination and Harassment, Sexual Harassment, Grievance Procedures, Child Abuse and Neglect Reporting and Relationships

Section 1. General

- 1.1 Scope: This policy addresses unlawful protected class discrimination, harassment, sexual harassment, domestic misconduct, stalking and hazing by individuals based on protected class, retaliation, child abuse and neglect reporting and certain relationships at West Virginia State University.
- 1.2
- 1.3 Authority: West Virginia Code § 18B-1-6
- 1.4 Application: This policy is applicable to the entire West Virginia State University campus.
- 1.5 Effective Date: 2021.
- 1.5. This policy repeals and replaces Board of Governors Policy 14, Sexual Harassment [2015].

Section 2. Overview

- 2.1 West Virginia State University (University or WVSU) is committed to providing a working and learning environment free from unlawful discrimination and harassment. This Policy sets forth how discrimination, harassment, sexual harassment, stalking and hazing by individuals based on protected class status, domestic misconduct sexual exploitation, retaliation, child abuse and neglect reporting and certain relationships will be addressed by the University, including sexual harassment prohibited by Title IX and discrimination and harassment prohibited by Title VII.

Section 3. Notice of Nondiscrimination

- 3.1 Title IX of the Education Amendments of 1972 and other state and federal laws prohibit Unlawful discrimination on the basis of sex. In accordance with The West Virginia Higher Education Policy Commission (HEPC), and Board of Governors Policy #17, the University considers race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, and veteran or military status or any other category that is protected under federal, state, or local anti-discrimination laws as protected characteristics and will not permit unlawful discrimination or harassment.

- 3.2 WVSU’s Notice of Nondiscrimination will be made available to all applicants for admission and employment; Students; off-campus program participants; dual credit Students; parents or legal guardians of elementary and secondary school Students participating in a WVSU education program or activity; and Staff Employees. WVSU will provide all of the aforementioned individuals with either a copy of this policy and any reporting and complaint procedures enacted to implement this policy or will provide them with information on how to obtain a copy of either. Board of Governors Policy 17, Equal Employment Opportunity and Affirmative Action Section 2.4.1 includes additional notice and posting requirements for the University’s Equal Employment Opportunity and Affirmative Action statements. This Policy and Policy 17 are available in the Office of Human Resources, the Office of Enrollment Management and Student Affairs and online at:

<https://wvstateu.edu/about/administration/human-resources.aspx>

and

: <https://wvstateu.edu/about/administration/>

Section 4. Title IX Coordinator and Equal Employment Opportunity Officer

- 4.1 The President will appoint an employee as the Title IX Coordinator to coordinate the University’s efforts to comply with its responsibilities under this Policy, Title IX and 34 C.F.R. Part 106 (2020). The duties of the Title IX Coordinator will be determined by the President or designee, will be consistent with 34 C.F.R. Part 106 (2020) and are set forth more fully in detail in Appendix A.
- 4.2 The President will appoint an employee as the Equal Employment Opportunity (EEO) Compliance Officer to coordinate the University’s efforts to comply with this Policy, and State and Federal Equal Employment Opportunity laws. The duties of the EEO Compliance Officer will be determined by the President or designee.

Section 5. Prohibited Conduct

- 5.1 **Prohibited Conduct.** The University prohibits Protected Class Discrimination and Harassment; Title IX Sexual Harassment, Sexual Exploitation, Domestic Misconduct, Stalking and Hazing based on Protected Class (collectively referred to as “Prohibited Conduct”) by or against any Member of the University Community. Individuals engaging in Prohibited Conduct are subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination consistent with the procedures set forth in Appendix A.
- 5.2 **Providing Materially False Information in Bad Faith.** Knowingly providing materially false information in bad faith in a report, Formal Complaint or as part of the procedures set forth in Appendix A, including but not limited to providing materially false information,

or testimony during the prehearing investigation, live hearing or at any stage of the formal or informal resolution process is prohibited. Individuals engaging in providing materially false information in bad faith are subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination consistent with the procedures set forth in Appendix A provided that a decision on responsibility alone is not enough to support an allegation an individual provided false information in bad faith.

Section 6. Jurisdiction

- 6.1 **Title IX Jurisdiction.** Title IX applies to Title IX Sexual Harassment occurring against an individual in the United States. The University will respond promptly to Title IX Sexual Harassment when the Title IX Coordinator or any Official with Authority has Actual Knowledge of the Title IX Sexual Harassment allegation. The University will address Title IX Sexual using the procedures set forth in Appendix A.
- 6.2 **General Jurisdiction.** General Jurisdiction applies to all other Prohibited Conduct occurring within an Education Program or Activity against an individual inside or outside the United States, regardless of citizenship, not covered by Title IX Jurisdiction. Jurisdiction extends to electronic discrimination and harassment if it occurs within an Education Program or Activity. Protected Class Discrimination and Harassment prohibited by Title VII falls under General Jurisdiction. Protected Class Discrimination, Harassment, Sexual Assault, Domestic Misconduct, Stalking and Hazing based on Protected Class Status and Sexual Exploitation occurring against an individual outside the United States, regardless of citizenship within an Education Program or Activity fall under General Jurisdiction. The University will address all Prohibited Conduct not included in Title IX Sexual Harassment Jurisdiction using the procedures set forth in Appendix A.
- 6.3 **Conduct Occurring Outside an Education Program or Activity.** Prohibited Conduct occurring outside the context of an Education Program or Activity against an individual inside or outside the United States may be addressed at the University's discretion under General Jurisdiction if it: (a) occurs off-campus and would unreasonably interfere with the Education or orderly operation of the University community, its mission, or its objectives as determined by a reasonable person; or (b) occurs off-campus and in light of all of the facts and circumstances, would endanger the health and safety of the University community; or (c) the conduct affects a substantial school/university interest. Prohibited Conduct occurring outside the context of an Education Program or Activity may also constitute misconduct under other University rules, regulations, policies or procedures and may at the University's discretion be addressed using those procedures or the procedures set forth in Appendix A.
- 6.4 Jurisdiction is further explained in Appendix A.

Section 7. Discrimination

- 7.1 "Discrimination" is conduct based on Protected Class occurring within an Education Program or Activity against an individual inside or outside the United States, including but

not limited to discrimination based on sex that is not Title IX Sexual Harassment, discrimination falling under Title VII, and is conduct that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an Education Program or Activity.

7.1.a Examples of Discrimination include, without limitation: (1) denying a person admission or employment based upon a protected characteristic, (2) denying pay increases, benefits, or promotions based on a protected characteristic, (3) subjecting a person to different academic standards or employment conditions because of a protected characteristic, or (4) failure and refusal to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities and/or to provide reasonable religious accommodations.

7.1.b Discrimination does not, however, include programs or activities specifically exempt by law. See, e.g., 20 U.S.C. § 1681(a).

7.2 All Protected Class Discrimination, including Title IX Sexual Harassment, will be addressed using the procedures set forth in Appendix A.

Section 8. Harassment

8.1. "Harassment" is a form of discrimination based on Protected Class occurring within an Education Program or Activity inside or outside the United States, including but not limited to harassment based on sex falling under Title VII and is conduct that creates a hostile environment. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment or participation in an Education Program or Activity, or (2) the conduct is severe or pervasive enough to create a working, learning or living environment that a reasonable person would consider intimidating, hostile, or abusive.

8.2. Harassment may take various forms, including, but not limited to, name-calling, graphic or written/electronic statements (including the use of social media, text messages, e-mail, or other similar forms), offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work and/or Education performance or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. In the employment context, the harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-Staff Employee and may occur without economic injury to, or discharge of, the victim.

Section 9. Title IX Sexual Harassment

- 9.1 Title IX Sexual Harassment is conduct within an Education Program or Activity, against a person in the United States, on the basis of sex, that satisfies one or more of the following:
- 9.1.a. Conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct that is carried out by a or Faculty (*Quid Pro Quo*). *Quid Pro Quo* harassment constitutes *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.
 - 9.1.a.i Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity regardless of the intent to cause harm. Severity, pervasiveness, and objective offensiveness is evaluated in light of the known circumstances and depend on the facts of each situation, and is determined from the perspective of a reasonable person standing in the shoes of the Complainant. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal Education opportunity is actionable sexual harassment regardless of the Respondent's intent to cause harm.
 - 9.1.b Sexual assault as defined by 20 U.S.C. 1092(f)(6)(A)(v) and Section 10 of this Policy.
 - 9.1.c Dating violence as defined in 34 U.S.C. 12291(a)(10) and Section 12 of this Policy.
 - 9.1.d Domestic violence as defined in 34 U.S.C. 12291(a)(8) and Section 12 of this Policy.
 - 9.1.e Stalking on the basis of sex as defined in 34 U.S.C. 12291(a)(30) and Section 13 of this Policy.
 - 9.1.f Sexual Exploitation to the extent the Sexual Exploitation meets the definition of Title IX Sexual Harassment.
- 9.2 All Title IX Sexual Harassment will be addressed using the procedures set forth in Appendix A.

Section 10. Sexual Assault

- 10.1 Sexual assault is any offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation and includes all of the following:
- 10.1.a Sex Offenses-Forcible - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where

the victim is incapable of giving Consent. Forcible sex offenses include the following:

10.1.a.i Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving Consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

10.1.a.ii Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

10.1.a.iii Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

10.1.a.iv Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary mental incapacity.

10.1.b Non-Forcible Sex Offenses-Unlawful Non-Forcible Sexual Intercourse.

10.2.b.i Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

10.2.b.ii Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of Consent. In the State of West Virginia, it is illegal someone 18 or older to have sex with a minor who is younger than 16 years old. *See* West Virginia Code § 61-8B-2(b)(2).

10.2 Sexual Assault constitutes *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.

Section 11. Sexual Exploitation

11.1 Sexual Exploitation means taking sexual advantage of another person without Consent.

11.1.a Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person;

causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; and engaging in voyeurism.

- 11.2 Sexual Exploitation that does not meet the definition of Title IX Sexual Harassment occurring within an Education Program or Activity, occurring against an individual regardless of citizenship inside or outside the United States, falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

Section 12. Domestic Misconduct

- 12.1 "Domestic Misconduct" means "Domestic Violence" and "Dating Violence" as defined below.

12.1.a Domestic Violence" means Domestic Violence as defined under the Clery Act and W. Va. State law.

12.1.a.i Under the Clery Act, Domestic Violence means a felony or misdemeanor crime of violence committed -- (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

12.1.a.ii Under W. Va. State law, "Domestic Violence" or "Abuse" means the occurrence of one or more of the following acts between Family or Household Members, as defined under W. Va. Code: (1) Intentionally making physical contact of an insulting or provoking nature or intentionally causing physical harm; (2) Attempting to commit a violent injury or committing an act causing reasonable apprehension of immediately receiving a violent injury; (3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts; (4) Committing either sexual assault or sexual abuse as defined in W. Va. Code; and (5) Holding, confining, detaining or abducting another person against that person's will.

12.1.a.iii For purposes of this subsection, "Family or Household Members" means persons who: (1) are or were married to each other; (2) are or were living

together as spouses; (3) are or were sexual or intimate partners; (4) are or were dating; provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (5) are or were residing together in the same household; (6) have a child in common regardless of whether they have ever married or lived together; or (7) have the relationships described in W. Va. Code § 48-27-204.

- 12.2 “Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. The view of the Complainant shall generally be controlling in determining whether such a relationship existed. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.
- 12.3 Domestic Misconduct occurring within an Education Program or Activity against an individual outside the United States regardless of citizenship falls under the University’s General Jurisdiction and will be addressed using the procedures set forth in Appendix A.
- 12.4 Domestic Misconduct is *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.

Section 13. Stalking

- 13.1 “Stalking” means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to: (i) fear for his or her safety or the safety of others; or (ii) suffer Substantial Emotional Distress.
- 13.2 “Course of Conduct” for the purposes of Stalking means two or more acts, including, but not limited to, acts in which the stalker 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.
- 13.3 A “Reasonable Person,” for purposes of Stalking, means a reasonable person under similar circumstances and with similar identities to the Complainant.
- 13.4 “Substantial Emotional Distress,” for purposes of Stalking, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 13.5 Stalking based on Protected Class occurring within an Education Program or Activity against a person outside the United States regardless of citizenship falls under the University’s General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

Section 14. Hazing by Individuals

- 14.1 Hazing by an individual means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization the members of which are primarily Students or alumni of an institution of higher education. The term includes, but is not limited to, acts of a physical nature, such as whipping, beating, branding, required consumption of any food, liquor, drug, or other substance, or any other required physical activity which could reasonably be deemed to adversely affect the physical health and safety of the person or persons so treated, and includes any activity which would subject the person or persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, required conduct which could result in extreme embarrassment, or any other required activity which could reasonably be deemed to adversely affect the mental health or dignity of the person or persons so treated, or any willful destruction or removal of public or private property. Bullying and verbal or written abuse may also constitute hazing.
- 14.2 The implied or expressed consent or willingness of a person or persons to hazing is not a defense to Hazing.
- 14.3 Hazing based on Protected Class occurring inside or outside the United States within an Education Program or Activity regardless of citizenship committed by an individual falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.
- 14.4 Hazing based on Protected Class committed by individuals is addressed using the procedures set forth in Appendix A. The procedure for reporting and filing complaints of Hazing based on Protected Class Status against recognized student organizations is addressed using the procedures set forth in the Student Conduct Code.

Section 15. Sexual Exploitation

- 15.1 Sexual Exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Sexual exploitation may constitute Title IX or Title VII Sexual Harassment depending upon the severity and/or pervasiveness. Examples of Sexual Exploitation includes but are not limited to:
- 15.1.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)

- 15.1.b Invasion of sexual privacy
- 15.1.c Taking pictures, video, or audio recordings 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
- 15.1.d Prostituting another person
- 15.1.e Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- 15.1.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
- 15.1.g Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- 15.1.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
- 15.1.i Knowingly soliciting an individual under the age of 16 for sexual activity
- 15.1.j Engaging in sex trafficking
- 15.1.k Creation, possession, or dissemination of child pornography
 - 15.1.l "Revenge posting" in which a person threatens to post -- or actually does post -- images, audio, or video of their partner participating in sexual activity without permission.
- 15.2 Sexual Exploitation that does meet the definition of Title IX Sexual Harassment occurring within an Education Program or Activity occurring against a person regardless of citizenship inside or outside the United States falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

Section 16. Retaliation

- 16.1 Retaliation is prohibited by this Policy. No person may intimidate, threaten, coerce, or discriminate against any individual either in person, virtually, electronically or through a third-party for the purpose of interfering with any right or privilege secured by this Policy or Title IX or because the individual has made a report or filed a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in the grievance procedures including but not limited to the informal resolution process, set forth in Appendix A.
- 16.2 Retaliation against any person requesting accommodations, or who engages in other protected activity is also prohibited.
- 16.3 Intimidation, threats, coercion, including charges against an individual for violations that do not involve Protected Class Discrimination and Harassment but arise out of the same facts or circumstances as a report or Formal Complaint of Protected Class Discrimination and Harassment including but not limited to Title IX Sexual Harassment, for the purpose of interfering with any right or privilege secured by this Policy and/or any other State or Federal anti-discrimination law including but not limited to Title IX, constitutes retaliation.
- 16.4 Retaliation may include, but is not limited to, interfering with the reporting of or the investigation of Prohibited Conduct, such as tampering with or destroying relevant evidence; intimidating, threatening or attempting to influence, in any way, the testimony or information of anyone who files a complaint, a witness or otherwise participates in the grievance procedures set forth in Appendix A and/or adverse any employment or educational actions based on the exercise of rights created by this Policy, Title IX or any other State or Federal anti-discrimination law.
- 16.5 Charging an individual with a violation for making a materially false statement in bad faith in accordance with Section 5.2 of this Policy does not constitute Retaliation prohibited by this section.
- 16.6 The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.
- 16.7 Adverse personnel, academic or other disciplinary action against a Staff Employee, Faculty or Student whose conduct or performance warrants such action for reasons unrelated to the reporting of Prohibited Conduct or other protected activity will not be considered Retaliation or a violation of this policy.
- 16.8 Retaliation reports and Formal Complaints are filed with the Title IX Coordinator and are investigated in accordance with the procedures set forth in Appendix A.

Section 17. Reporting and Grievance Procedures

- 17.1 Any person may report Prohibited Conduct, including discrimination based on sex and Title IX Sexual Harassment, (whether or not the person reporting is the person alleged to be the victim of Prohibited Conduct regardless of the specific type), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator in Section 18 of this Policy.
- 17.2 Any individual may make an anonymous report of Prohibited Conduct to the Title IX Coordinator, to law enforcement including the University Campus Police or to the United States Department of Education Office for Civil Rights without disclosing their name, without identifying the Respondent or accused, and/or without requesting any action. Because the accused individual is entitled to certain due process including but not limited to the right to confront the individual's accuser, the University's ability to address alleged misconduct reported by anonymous sources is significantly limited. The University's ability to respond to an anonymous report also may be limited depending on the level of information available regarding the incident or individuals involved.
- 17.3 The University will adopt and publish grievance procedures that provide for the prompt and equitable resolution of reports and Formal Complaints made by Members of Campus Community alleging Prohibited Conduct including grievance procedures for reporting and filing Title IX Sexual Harassment Formal Complaints that comply with 34 C.F.R. Part 106 (2020), specifically 34 C.F.R. §§ 106.44, 106.45 (applicable to reports and Formal Complaints against employees and students) and that provide immediate and appropriate corrective action in response to harassment based on Protected Class including based on sex occurring in the workplace. The grievance procedures may include informal and formal resolution options, as applicable and allowed by law, and shall include Supportive Measures for reporting parties, Complainants and Respondents as applicable and required by law. The University's grievance procedures for all Protected Class discrimination and harassment including Title IX Sexual Harassment and Retaliation, are set forth in Exhibit A, *Unlawful Discrimination and Harassment and Title IX Sexual Harassment Grievance Procedure*.
- 17.3.a For the purposes of Title IX Sexual Harassment, the University's response obligations under this Policy and the Appendix A procedures are not triggered until the Title IX Coordinator or an Official with Authority has Actual Knowledge of the alleged Title IX Sexual Harassment.
- 17.4 Prohibited Conduct may also constitute violations of criminal law. An individual may, but is not required, to report alleged criminal conduct to law enforcement. Any individual who wishes to report criminal conduct should call 9-1-1 in an emergency or contact law enforcement directly in non-emergency situations. The University encourages individuals to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under criminal statutes. Reports to law enforcement made by alleged victims may be made in addition to reporting Prohibited Conduct in accordance with this Policy. Grievance

procedures adopted in accordance with Section 7 may be carried out prior to, simultaneously with, or following off-campus civil or criminal law enforcement proceedings. Reporting Prohibited Conduct that may also constitute criminal conduct to law enforcement is not required to report Prohibited Conduct to the Coordinator. The outcome of law enforcement investigation or external criminal or civil proceeding is not determinative of whether an individual is responsible for violating this Policy.

17.5 External reports or complaints of Prohibited Conduct, including but not limited to Title IX Sexual Harassment may be made at any time by contacting external agencies responsible for enforcing Federal and State anti-discrimination laws.

17.5.a The U.S. Department of Education's Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the United States Department of Education, including but not limited to, Title IX. Information about OCR, the laws it enforces and the OCR external complaint process is available by contacting:

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: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

17.5.b The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate or harass Staff Employees or applicants for employment on the basis of, among other things, sex. Information about the EEOC and its external complaint process is available online or by contacting:

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/>

17.5.c The West Virginia Human Rights Commission (WHRC) is responsible for enforcing the West Virginia Human Rights Act. Information about the WVHRC and its external complaint procedures is available online or by contacting:

West Virginia Human Rights Commission
1321 Plaza East, Room 108
Charleston, WV 25301

Phone: (304) 558-2616
Toll Free: (888) 676-5546
Fax: (304) 558-0085
<https://hrc.wv.gov/>

17.5.d. Employees may use the statutory grievance procedure to challenge adverse employment actions. Information about the statutory grievance procedure is available in the Human Resources Office or by contacting:

WV Public Employees
Grievance Board
1701 5th Avenue
Suite 2
Charleston, WV 25387
Phone: 304-558-3361
Toll Free: 866-747-6743
Fax: 304-558-1106
wvgb@wv.gov

17.5.e The State of West Virginia Equal Employment Opportunity Office (WV-EEEO) provides guidance to State employers and employees about discrimination and harassment. Information about the WV-EEEO and its complaint procedures is available online and by contacting:

State of West Virginia
Equal Employment Opportunity Office
1900 Kanawha Blvd., East
Building 5, Room A-125
Charleston, WV 25305
Phone: 304.558.0400
<https://eeo.wv.gov/Pages/aboutus.aspx>

Section 18. Duty to Report and Reporting Child Abuse or Neglect

18.1 All Officials with Authority (OWA) who witness Prohibited Conduct including Title IX Sexual Harassment and Retaliation or who receive a verbal or written report of Title IX Sexual Harassment or other Prohibited Conduct including Retaliation are required notify the Title IX Coordinator of the Prohibited Conduct at:

Title IX Coordinator
416 Wallace Hall

West Virginia State University
PO Box 1000
Institute, WV 25112
(304) 204-4018
titleixcoordinator2@wvstateu.edu

- 18.2 All other University Staff Employees and Faculty except any Staff Employee or Faculty designated as a Confidential Reporting Resource in accordance with Section VII of Appendix A and as defined in this policy who witness Prohibited Conduct including Title IX Sexual Harassment and Retaliation or who receive a verbal or written report of Title IX Sexual Harassment or other Prohibited Conduct including Retaliation are required to notify the Title IX Coordinator of the Prohibited Conduct using the contact information set forth in this policy. Notice of Title IX Sexual Harassment to individuals not designated as an “OWA does not constitute Actual Knowledge for the purposes of triggering the University’s Title IX obligations.
- 18.3 Failure to notify the Coordinator as required by may result in disciplinary action up to and including termination of employment.
- 18.4 Any other Member of the University Community who has witnessed or is aware of any Prohibited Conduct is strongly encouraged to report any concerns to the Coordinator and should advise individuals of where to find this policy.
- 18.5 Staff Employees and Faculty may also be required to make a report in accordance with the University’s Clery Act reporting procedures.
- 18.6 Staff and/or if applicable in accordance with State mandatory child abuse and sexual abuse reporting laws. The University’s reporting requirements within this Policy do not supersede or exempt individuals from the requirements placed on individuals by law. West Virginia’s mandatory child abuse and sexual abuse reporting obligations can currently be found at W. Va. Code §§ 49-2-801 to -814 (2017), which can be found at: <http://www.legis.state.wv.us/WVCODE/Code.cfm>.
- 18.7 **Reporting Child Abuse or Neglect.** West Virginia State University is committed to providing for protection of children on the University’s premises or involved in University sponsored programs at all geographic locations.
- 18.7.a If any Member of the University Community observes, or has reasonable cause to suspect, any type of Child Abuse or Neglect, including physical or Sexual Abuse, he or she must immediately report the circumstances to the Title IX Coordinator. “Child Abuse or Neglect” for the purposes of this section means Sexual Abuse, physical injury, mental or emotional injury, sale or attempted sale, negligent treatment or maltreatment of a child by an adult, any other act that endangers or attempts to endanger the health, safety, or well-being of a child, or anything else that is otherwise prohibited by a West Virginia law intended to protect children. “Sexual Abuse” for the purpose of this section is a form of Child Abuse or Neglect

and means any wrongful or otherwise illegal act that involves the sexual molestation or exploitation of child or is otherwise sexual in nature, whether physical injuries are sustained or not.

18.7.b Under West Virginia state law, some individuals are considered Mandatory Reporters. Mandatory Reporters are required by West Virginia law to report any type of Child Abuse or Neglect, including physical or Sexual Abuse, in accordance with W. Va. Code §§ 49-2-801 to -814 (2017). In cases involving a Mandatory Reporter, reports of Child Abuse or Neglect should be immediately reported to each of the following:

- West Virginia Department of Health and Human Resources or by contacting the Child Abuse and Neglect Hotline (1-800-352-6513), seven days a week, twenty-four hours a day see also:
<http://www.dhhr.wv.gov/bcf/Services/Pages/Centralized-Intake-for-Abuse-and-Neglect.aspx>;
- West Virginia State Police at 304-293-6400 (Crimes Against Children Unit);
- West Virginia State University Campus Police at (304) 766-3353 or other appropriate law enforcement agency; and
- If the Mandatory Reporter is a Member of the University Community, the Title IX Coordinator.

18.7.c If the reporter feels making a report of sexual abuse will expose the reporter, the child, the reporter's children or other children in the subject's household to an increased threat of serious bodily injury, the individual may delay the report while the individual takes measure to remove themselves or the affected children from the perceived threat of additional harm. The individual must make the report as soon as practical after the threat of harm has been reduced.

18.7.d Upon receiving a report of Child Abuse or Neglect, the University's Title IX Coordinator shall take immediate action in order to protect children present on the University campus or participating in University sponsored programs.

18.7.e Under *West Virginia Code* § 49-2-810 persons making a report in good faith are immune from civil or criminal liability.

18.7.f The University's reporting requirements within this Policy do not supersede the requirements placed on individuals by law. West Virginia's mandatory reporting obligations can currently be found at W. Va. Code §§ 49-2-801 to -814 (2017), available online at:

<http://www.legis.state.wv.us/WVCODE/Code.cfm>.

Section 19. Confidential Reporting Resources

- 19.1 Members of the University Community who have experienced Prohibited Conduct seeking complete confidential assistance without sharing information and without making a report to the University may do so by speaking with a Confidential Reporting Resource.
- 19.2 A Confidential Reporting Resource is not required to report Prohibited Conduct including but not limited to Title IX Sexual Harassment to the University, not even to the Title IX Coordinator, without the individual's permission, unless otherwise required or permitted to do so by law.
- 19.3 Information about on- and off-campus Confidential Reporting Resources is available in Appendix A and is also available by contacting the Title IX Coordinator or designee.

Section 20. Relation to Board of Governors Policy 21, Social Justice, Policy 23, Student Rights and Responsibilities, the Student Conduct Code and Any Other Institution Policies or Procedures

- 20.1 Conduct prohibited by this Policy (Prohibited Conduct) including but not limited to Title IX Sexual Harassment, hazing by individuals and stalking based on Protected Class status are also prohibited by other policies and procedures including but not limited to Board of Governors' policies 20 and 23, the Student Conduct Code and various other Staff Employee, Faculty, and Student academic and athletic program handbooks and/or other policies and procedures.
- 20.2 The grievance procedure for the reporting, investigation and disposition of Prohibited Conduct including but not limited to unlawful discrimination and harassment based on Protected Class including but not limited to Title IX Sexual Harassment established in accordance with Appendix A is the only procedure used to address reports or complaints of Prohibited Conduct based on Protected Class.

Section 21. Consensual Relationships

- 21.1 Consensual Relationships to which this Section applies are those romantic, intimate or sexual relationships where one of the parties has influence or control over another or is in a position to direct, grade, evaluate, or influence the academic progress or employment of a student or employee. WVSU is committed to maintaining a fair and professional working and learning environment free of conflicts of interest. Whether the Consensual Relationship is student/teacher or employee/employee, the working and academic relationship must be, and must remain, professional at all times. Romantic or sexual relationships where one of the parties is in a position to direct, grade, evaluate, or influence the academic progress or employment of a student or employee may create an appearance of impropriety, may raise issues of conflicts of interest, abuse of authority, or favoritism, with potential to adversely impact not only the persons involved in the Consensual Relationship but others who may see themselves as disadvantaged by the Consensual Relationship. Because of the real or perceived power imbalance that may exist, such a

relationship may also raise questions about the mutuality of consent. Such situations may cast doubt on the objectivity and fairness of the workplace and learning environment, damage workplace morale and/or subject the University to legal liability all of which are contrary to the interests of the University. This section should be interpreted in accordance with the University's objective of preserving the integrity of the University's working and learning environment and the educational process.

- 21.2 Consensual Relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor. The parties involved in pre-existing Consensual Relationships must remain aware that such relationships could lead to circumstances that could result in Harassment, Discrimination, Domestic Misconduct and/or other Prohibited Conduct. Additionally, others may perceive a person involved in the pre-existing Consensual Relationship as receiving favorable treatment in employment or education decisions.
- 21.3 **Consensual Relationships involving Members of the University Community.** The following provisions govern Consensual Relationships involving Members of the University Community where Members engage in a Consensual Relationship involving: (i) persons in inherently unequal and closely related employment positions at the University; (ii) employees within the same reporting line; or (iii) where one individual has influence or is in a position to direct, evaluate, or influence the employment of an employee the individuals involved in the Consensual Relationship
- 21.3.a The supervisor shall notify the Human Resources Office of the reported Consensual Relationship.
- 21.3.b Human Resources in Consultation with the Provost's Office if a Faculty is involved will attempt to implement a Mitigation Plan. The Mitigation Plan will:
- 21.3.b.i Provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee or otherwise mitigate the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the Consensual Relationship;
- 21.3.b.ii Give priority to the interest of the subordinate;
- 21.3.b.ii Be in writing and signed by both parties to the Consensual Relationship;
- 21.3.b.iii Provide the individuals with notice of this Policy; and
- 21.3.b.iv Be reassessed by Human Resources in consultation with the Provost's Office if applicable on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification.

- 21.3.c If no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from employment with the University and/or any other relationship with the University (if either party is not an Employee) may be terminated.
 - 21.3.d Failing to disclose a Consensual Relationship or to Comply with a Mitigation Plan is prohibited and may result in disciplinary action up to and including termination of employment. Violations of this section will be addressed using Board of Governors Policy 19, Personnel Policy.
 - 21.3.e Any Member of the Campus Community who becomes aware of a violation of this section should report it to:
- 21.4 **Relationships Involving Students.** Members of the University Community are prohibited from or attempting to initiate, pursue, or engage in a relationship with a Student whom the individual evaluates advises, grades, or otherwise has control or influence over the academic progress of the Student.
- 21.4.a Pre-existing Relationships Involving Students. Where there is a pre-existing Consensual Relationship with a Student, the Member of the University Community involved in the Relationship shall notify the immediate supervisor. The supervisor shall notify the Office of the Provost of the reported Consensual Relationship.
 - 21.4.b Human Resources in consultation with the Provost's Office and if necessary the Office of Enrollment Management and Student Affairs will attempt to implement a Mitigation Plan to eliminate or mitigate any conflict of interest or other educational or occupational interest. The Mitigation Plan will:
 - 21.4.b.i Provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the Student or otherwise mitigate the existing conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the Consensual Relationship;
 - 21.4.b.ii If a preexisting teacher/Student Consensual Relationship exists, provide instructions on avoiding any future conflict of interest and the potential for exploitation or appearance of exploitation or favoritism created by Consensual Relationship
 - 21.4.b.iii Give priority to the interest of the Student;
 - 21.4.b.iv Be in writing and signed by both parties to the Consensual Relationship;
 - 21.4.b.v Provide notice of this Policy; and

- 21.4.b.vi Be reassessed by Human Resources in consultation with the Enrollment Management and Student Affairs Office if applicable on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification
- 21.4.c If no suitable way to eliminate or mitigate the conflict is reasonably feasible, the Member of the University Community may be separated from employment with the University and/or any other relationship with the University may be terminated.
- 21.4.d Failing to disclose a pre-existing Consensual Relationship with a Student or not complying with a Mitigation Plan is prohibited and may result in disciplinary action up to and including termination of employment or termination of any other relationship with the University.
- 21.4.e Any Member of the University Community who is notified, or becomes aware of, an alleged violation of this section should timely report the violations to:

Provost and Vice President for Academic Affairs 131
Ferrell Hall
(304) 766-3146

Section 22. Academic Freedom and Freedom of Speech

- 22.1 Free expression and academic freedom at the institution are necessary to enable the institution to reach its goals to engage Students in a challenging academic environment; excel in research, creative activity, and innovation in all disciplines; foster diversity and inclusion; advance international activity and global engagement; and enhance the well-being and the quality of life of the people of West Virginia.
- 22.2 While this Policy seeks to protect Members of the University Community from discrimination, harassment, sexual and domestic misconduct, certain consensual relationships, stalking, and retaliation, it should be read in conjunction with Board of Governor Rules regarding free expression and academic freedom.
- 22.3 Nothing in this policy requires the institution to restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution.

Section 23. Definitions

- 23.1 The phrases and words as used in this policy shall have the meanings set forth below:

"Actual Knowledge" means notice of Title IX Sexual Harassment to THE UNIVERSITY's Title IX Coordinator or any Official with Authority. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge for the purposes of Title IX Sexual Harassment. This standard is not met for

Title IX Sexual Harassment when the only official of THE UNIVERSITY with actual knowledge is the accused individual and/or Respondent. The mere ability or obligation to report Title IX Sexual Harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as an Official with Authority.

“Confidential Reporting Resource” means professional, licensed counselors and pastoral counselors who provide mental health counseling (including those who act in that role under the supervision of a licensed counselor).

“Consensual Relationship” means a mutually acceptable romantic, amorous, dating, or sexual relationship between individuals.

“Education Program or Activity” includes locations, events, or circumstances over which the University exercises substantial control over both the accused and the alleged victim and the context in which the sexual harassment occurs including but not limited to employment, employment benefits, academic, extracurricular and athletic programs. Education program or activity also includes any building owned or controlled by a Student organization that is officially recognized by the University.

“Faculty” means all faculty classifications as defined in *West Virginia Higher Education Policy Commission, Procedural Rule Title 133 Series 9, Academic Freedom, Professional Responsibility, Promotion, and Tenure*.

“Formal Complaint” means any writing, electronic submission (such as by electronic mail, facsimile or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person submitting the writing and requesting an investigation by the University. At the time of filing of a formal Complaint, a Complainant must be participating in or attempting to participate in a University Education Program or Activity.

“Member of the University Community” means (i) an individual engaged in any University activity or program, whether on or off campus; (ii) any individual lawfully on University property; (iii) any individual that is a University Student, Faculty, Staff Employee, University official, University volunteer, or a University visitor; and (iv) any vendor or contractor, including that vendor’s or contractor’s Staff Employees and independent contractors, who are working on campus.

“Official with Authority” means a Staff Employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University. The mere ability or obligation to report discrimination, harassment or retaliation or to inform an individual about how to report discrimination, harassment, retaliation or having been trained to do so, does not qualify an individual as an Official with Authority. For Title IX Sexual Harassment, imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute notice and the notice standard is not met when the only official of the University

with notice or knowledge is the accused individual and/or Respondent. The Title IX Coordinator will maintain a list of employees designated as Officials with Authority which will be available in that office and online at: <https://www.wvstateu.edu/about/title-ix.aspx>

“On the Basis of Sex” or “Based on Sex” means gender, gender identity, including transgender status, sexual orientation and/or stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

“President” means the President of West Virginia State University or his or her designee.

“Protected Class” means groups protected from employment discrimination by law or by this policy. Various State and Federal laws prohibit unlawful discrimination and harassment of certain Protected Classes including but not limited to the following:

- USC 1324 et seq., (Immigration Reform and Control Act of 1986).
- 20 USC 1681 et. seq (Title IX of the Education Amendments of 1972)
- 29 USC 206(d) et seq., (Equal Pay Act of 1963, as amended).
- 29 USC 621, et seq., (Age Discrimination in Employment Act of 1967, as amended).
- 29 USC 701 et seq., (Rehabilitation Act of 1973).
- 29 USC 791 et seq., (Rehabilitation Act of 1992).
- West Virginia Code § 5.11.1, et seq. (West Virginia Human Rights Act)
- 38 USC 4301 et seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- 42 USC 1981 et seq., (Civil Rights Act of 1991).
- 42 USC 12101 et seq., (Americans with Disabilities Act of 1990-ADA).
- 42 USCA 12101 et seq., (Americans with Disabilities Act Amendments Act of 2008).
- 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- 42 USC 2000e et seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- 42 USC 2000ff et seq., (Genetic Information Nondiscrimination Act of 2008-GINA).

“Reporting Party” means any individual that reports an incident of Prohibited Conduct to the Title IX Coordinator.

“Respondent” means an individual reported to be the perpetrator of Prohibited Conduct.
“Sexual intercourse” means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.

“Student” means an individual subject to the West Virginia State University Board of Governors Policy 21 (or its successor Rule), University Student Rights and Responsibilities Policy: Student Conduct.

“Staff Employee” means any Classified or Non-Classified Staff Employee, as defined in Board of Governors Policy 19, and any individual employed as a University Temporary Staff Employee or volunteer.

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

“Title IX” means Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance.

“Title VII” means Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e Title VII, SEC. 2000e- 2. [Section 703] which states in pertinent part it shall be an unlawful employment practice for an employer:

- (a) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
- (b) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

Section 24. Delegation and Amendments

- 24.1 The President or President’s designee may establish administrative procedures and/or forms to implement this policy including any additional grievance procedures for the reporting, investigation and disposition of complaints of Prohibited Conduct.
- 24.2 This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
- 24.3 Federal and State laws, rules and regulations change. Any portion of this Policy or the Appendix A procedures may be modified in practice to ensure the due process rights of the individuals involved are provided and to conform with any current Federal and State law, rules and regulations and guidance. Subject to the institution’s rulemaking rule, the institution will change this Policy and Appendix A procedures to conform to the most current laws and regulations within a reasonable time of discovering the change.

Section 25. Policy Limitations

25.1 Nothing in this policy should be construed to extend "Protected Class" status or give rise to a cause of action beyond that otherwise provided by law.

Section 26. Supercedes

26.1 This policy and Appendix A, including but not limited to the grievance procedure and any record retention guidelines and schedules set forth in Appendix A, repeals and replaces Board of Governors Policy 14 [2015] and supersede all other University Protected Class unlawful discrimination and harassment, sexual harassment, and records retention policies and grievance procedures to the extent those policies, guidelines, schedules and procedures are inconsistent with this policy.

POLICY 14 APPENDIX A

**UNLAWFUL DISCRIMINATION AND HARASSMENT
AND TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE**

**CALL 9-1-1 IN AN EMERGENCY OR CONTACT LOCAL LAW ENFORCEMENT IF
YOU HAVE IMMINENT CONCERNS ABOUT YOUR PERSONAL SAFETY**

The University encourages anyone who experiences or becomes aware of an incident of conduct prohibited by Policy to *immediately* report the incident. Any person may report conduct prohibited by Policy 17 (whether or not the person reporting is the alleged victim of the Prohibited Conduct), in person, by mail, by telephone, facsimile or by electronic mail to:

Dr. Carolyn L. Stuart
Title IX Coordinator, EEO Compliance Officer
West Virginia State University
P.O. Box 1000
Institute, WV 25112-1000
Telephone: 304-204-4018
Fax: 304-204-4069
24 Hour Number: 304-533-5392
Email: carolyn.stuart@wvstateu.edu

Campus Office Location
105 Ferrell Hall, 1st Floor

Reports may also be made online at:

<https://www.wvstateu.edu/forms/title-ix-reporting-form.aspx>

Reports or complaints against the above-named person should be reported to and filed with:

Dr. Nicole Pride, President
West Virginia State University
P.O. Box 1000
Institute, WV 25112-1000
Telephone: 304-766-3111
Fax:
Email: nicole.pride@wvstateu.edu

Campus Office Location
103 Ferrell Hall

The President will assign the report/complaint to a trained individual who will take the place of the Title IX Coordinator in this procedure. The individual will be instructed not to discuss or disclose the report or complaint with the Title IX Coordinator except as permitted by this procedure in accordance with provisions of this procedure applicable to Respondents.

Any individual may at any time pursue a complaint, as applicable with the United State Equal Employment Opportunity Commission, the West Virginia Equal Employment Opportunity Office, the West Virginia Human Rights Commission or the United States Department of Education Office for Civil Rights (responsible for enforcing Title IX). Information about external agencies and their complaint processes is available in Section 17 of Policy 14.

I. Purpose.

A. On May 6, 2020, the United States Department of Education (USDE) released its Final Rule addressing Title IX Sexual Harassment internal grievance procedures (34 CFR Part 106) The procedures set forth in the Final Rule apply to individuals including, employees and students, who have been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment The USDE's Final Rule is available online at:

<https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10512.pdf>

The purpose of the Unlawful Discrimination and Harassment and Title IX Sexual Harassment Grievance Procedure (GRIEVANCE PROCEDURE) is to comply with the USDE's Final Rule addressing Title IX Sexual Harassment and to provide a procedure for addressing all unlawful Protected Class Discrimination and Harassment and Retaliation. Because current procedures and/or definitions set forth in Student, Employee, Student Athlete and Faculty Handbooks do not comply with the USDE's Final Rule, this GRIEVANCE PROCEDURE supersedes and replaces any other rule, regulation, or handbook procedures addressing the definitions of, reports and/or Formal Complaints of Title IX Sexual Harassment, and/or any other unlawful Protected Class discrimination or conduct prohibited by Policy 14. This GRIEVANCE PROCEDURE and the definitions set forth herein and in Policy 14 are the only procedures and definitions that will be used by the University to address reports and Formal Complaints of unlawful discrimination Protected Class Discrimination and Harassment and Title IX Sexual Harassment.

B. This procedure applies to students, faculty, staff, applicants for admission to or employment with THE UNIVERSITY, visitors or any third party who otherwise has some relationship with THE UNIVERSITY.

C. This GRIEVANCE PROCEDURE does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

F. The University will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

II. General.

A. The Title IX Coordinator is responsible for coordinating THE UNIVERSITY's efforts to comply with its responsibilities under Title IX and for implementing the GRIEVANCE PROCEDURE. The Title IX Coordinator may not have a conflict of interest or bias for or against individuals who report alleged Prohibited Conduct, Respondents, Complainants or Respondents generally or specific individuals in any of the aforementioned capacities. The Title IX Coordinator's responsibilities include but are not limited to:

1. Communicating with all Members of the University Community regarding Title IX, Policy 14, Title IX Sexual Harassment, Protected Class Discrimination and Harassment, and providing information about the GRIEVANCE PROCEDURE;
2. Reviewing applicable UNIVERSITY policies to ensure institutional compliance with Title IX;
3. Responding to general inquiries regarding Title IX Sexual Harassment and other Prohibited Conduct;
4. Monitoring THE UNIVERSITY's compliance with and administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements.
5. Conducting compliance assessments of the effectiveness of Title IX programs, the campus safety and security environment, and compliance with Federal and State law. Assessments may include site visits, record reviews, surveys, reviews of the applicable law(s) and interviews with students and personnel;
6. Conducting and/or providing training regarding Title IX and Prohibited Conduct as defined in this GRIEVANCE PROCEDURE and posting all Title IX training materials as described in section XXII;
7. Coordinating THE UNIVERSITY's response to Prohibited Conduct and sexual harassment reports and complaint grievance procedures;
8. The Title IX Coordinator may not serve as an Investigator or decision-maker as defined in this GRIEVANCE PROCEDURE and may not make any appeal decisions but may serve as facilitator for any step/stage in this process including but not limited to the hearing stage;
9. Any responsibility outlined in this GRIEVANCE PROCEDURE; and
10. Any other duties that may be assigned by the President or designee

B. The President may appoint more than one Title IX Coordinator and the Title IX Coordinator may appoint Deputy Title Coordinators.

C. All, applicants for admission and employment; students; off-campus program participants; dual credit students; parents or legal guardians of elementary and secondary school students participating in a THE UNIVERSITY Education Program or Activity; and employees, will be provided with the UNIVERSITY's Notice of Nondiscrimination and with information on how to report or file a Prohibited Conduct Formal Complaint including a Title IX Sexual Harassment Formal Complaint. THE UNIVERSITY will provide all of the aforementioned individuals with either a copy of Policy 14 and this GRIEVANCE PROCEDURE or will provide them with information on how to obtain copies. The UNIVERSITY will notify all of the aforementioned that any person may report or file a Formal Complaint alleging Prohibited Conduct including Title IX Sexual Harassment, (whether or not the person reporting is the person alleged to be the victim of Prohibited Conduct regardless of the specific type), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non- hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator above.

D. THE UNIVERSITY will prominently display the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator, as well as the its Notice of Nondiscrimination, on its website, and in each applicable handbook, application materials (either on the application or as a separate document) and/or catalog that it makes available to the persons listed above.

E. Waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment consistent with this GRIEVANCE PROCEDURE and procedure will not be required as a condition of enrollment or continuing enrollment; or employment or continuing employment; or enjoyment of any other THE UNIVERSITY right.

F. During the implementation of the GRIEVANCE PROCEDURE, THE UNIVERSITY will treat Reporting Parties, Complainants and Respondents equitably. For Title IX Sexual Harassment the UNIVERSITY will treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent, by providing Supportive Measures as appropriate to the Complainant and the Respondent and by following this GRIEVANCE PROCEDURE before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent. Remedies for Title IX Sexual Harassment Formal Complaints will be designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity. Such remedies may include the same individualized services described in section III as "Supportive Measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies for all other Prohibited Conduct may be designed to meet the same goals but also will be consistent with State or Federal Law. Disciplinary sanctions may also be imposed on Respondents found responsible for prohibited conduct consistent with this GRIEVANCE PROCEDURE.

G. Individuals reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment are presumed not responsible for any alleged

Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the formal grievance process.

H. The burden of gathering evidence sufficient to reach a determination regarding responsibility and the burden of proof rests on THE UNIVERSITY and not on the Complainant or Respondent.

I. The administrative investigation of reports and complaints in accordance with this GRIEVANCE PROCEDURE is different from a law enforcement investigation. The technical rules of evidence and procedure do not apply. A law enforcement investigation will not take the place of an investigation or disposition of a report or complaint filed in accordance with this GRIEVANCE PROCEDURE and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for violating Policy 14. The procedures set forth in this GRIEVANCE PROCEDURE may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. THE UNIVERSITY will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus or that affects the campus community and such cooperation may require the institution to temporarily suspend the fact-finding aspect of the administrative investigation while the law enforcement agency is in the process of gathering information. Suspensions of investigations typically last from three to ten days but may be extended depending upon the circumstances of each case. THE UNIVERSITY will promptly resume its administrative investigation as soon as notified by the law enforcement agency that it has completed its evidence gathering process.

III. Definitions.

A. **Actual Knowledge** for the purposes of Title IX Sexual Harassment means notice of Title IX sexual harassment to THE UNIVERSITY's Title IX Coordinator or any Official with Authority. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge for the purposes of Title IX Sexual Harassment. This standard is not met for Title IX Sexual Harassment when the only official of THE UNIVERSITY with actual knowledge is the Respondent. The mere ability or obligation to report Title IX Sexual Harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as an Official with Authority.

B. **Advisor** means any person selected by the Complainant or Respondent to assist either during the informal or formal grievance process. Advisor also means any UNIVERSITY appointed individual appointed only for the purposes of conducting Cross-Examination. Advisors selected by the Complainant or Respondent may be the legal counsel of their choice paid for at their own expense.

C. **Complainant** means an individual alleged to be the victim of Title IX sexual harassment or other Prohibited Conduct as defined in Policy 14 who is participating in or attempting to participate in a College education program or activity. The term Complainant is used to refer to an individual alleged to be the victim of Title IX Sexual Harassment or other Prohibited Conduct even if no formal complaint is filed. A Complainant may also be a Reporting Party.. A

Complainant may be a student, employee or third-party and must be participating in, or attempting to participate in, an Educational Program or Activity at the time of filing a Formal Complaint.

D. ***Cross-Examination*** means the opportunity to question the opposing Party or any witness who has answered questions posed by the opposing Party or the Review Board. The opportunity to cross-examine usually occurs as soon as the other Party or witness completes the initial testimony, called direct testimony. Cross-examiners attempt to get the witness to say something helpful to their side, or to cast doubt on the witness's testimony by eliciting something that reduces the witness's credibility -- for example, that the witness's eyesight is so poor that the witness may not have seen an event clearly.

E. ***Day*** means a means working days exclusive of Saturday, Sunday, official holidays and any day in which WVSU is legally closed under the authority of the President chief administrator due to weather or other cause provided for by statute, rule, policy or practice or Executive Order of the Governor of the State of West Virginia.

F. ***Directly Related Evidence*** shall be interpreted using the plain and ordinary meaning of the terms. Directly Related evidence is not the same as Relevant Evidence.

G. ***Education Program or Activity*** includes locations, events, or circumstances over which THE UNIVERSITY exercises substantial control over the Respondent and the context in which the Prohibited Conduct including title IX Sexual Harassment, occurs. Education Program or Activity also includes any building owned or controlled by a student organization that is officially recognized by THE UNIVERSITY.

H. ***Formal Complaint*** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment or other Prohibited Conduct against a Respondent and requesting that THE UNIVERSITY investigate the allegation of Title IX Sexual Harassment. For Title IX Sexual Harassment, only the individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment may file a Formal Complaint and at the time of filing a Title IX Sexual Harassment Formal Complaint, the individual must be participating in or attempting to participate in the Education Program or Activity of the College.\ with which the Formal Complaint is filed.

I. ***Formal Grievance Process*** means sections XI-XIV of this GRIEVANCE PROCEDURE.

J. ***Investigator*** means one or more individuals designated by THE UNIVERSITY from the Investigator and Review Board Pool to investigate Formal Complaints. An Investigator cannot be the same person as the Title IX Coordinator and may not serve on the Review Board or make any appeal decisions for a complaint investigated by the Investigator. References in this GRIEVANCE PROCEDURE to the "Investigator" include the plural.

K. ***Investigator, Review Board and Appeal Decisionmaker Pool (Pool)*** means a standing Pool of Members of the University community or external individuals who are trained on the definition of Title IX Sexual Harassment, the scope of THE UNIVERSITY's Education Programs or Activities, these procedures and BOG Policy 14 , and how to be impartial, including how to

avoid prejudgment of the facts at issue, conflicts of interest, and bias. The President or Title IX Coordinator or other President designee has the discretion to expand the to include individuals not included in the standing Pool depending upon the circumstances of the case. The names of Pool members are available in the Title IX Coordinator's Office and will be listed online at:

L. **No Contact Directive** typically means a mutual administrative directive designed to prevent any direct contact between individuals. A no contact directive prohibits contact, including, but not limited to in-person, through electronic means, or through a third Party (other than through an Advisor), but it does not prevent individuals from being in the same place or seeing one another on- or off-campus. THE UNIVERSITY may, however, restrict a Complainant's and Respondent's activities as a separate interim measure and/or a remedy if appropriate and reasonable. A no contact directive will not be used to impose prior restraints on an individual's ability to discuss any allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization. A one-way No Contact Directive may be appropriate in limited circumstances. A fact-specific inquiry is required into whether a carefully crafted no-contact order restricting the actions of only one party would meet the definition of a supportive measure. A No Contact Directive is not the same as a law enforcement protective or restraining order.

M. **Parent** means natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

N. **Party or Parties** are terms used to refer to the Complainant and Respondent individually or collectively.

O. **Preponderance of the Evidence** means evidence which is of greater weight of more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the facts sought to be proved is more probable than not. Responsibility decisions made by the Review Panel are made using the preponderance of the evidence standard of proof.

P. **Reporting Party** means any individual who reports Prohibited Conduct. A Reporting Party may also be a Complainant.

Q. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in Policy 14 including but not limited to Title IX Sexual Harassment. The term Respondent is used to refer to any individual reported to have been the perpetrator of conduct that could constitute Title IX Sexual Harassment, other Prohibited Conduct and/or retaliation even if no Formal Complaint is filed.

R. **Relevant Evidence** means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action. Relevance is determined from a layperson's perspective and relevance determinations are made based on applying logic and common sense. Sexual predisposition or prior sexual behavior is not Relevant Evidence, unless such evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or if the questions and evidence concern specific incidents of the Complainant's prior

sexual behavior with respect to the Respondent and are offered to prove Consent. Information protected by a legally recognized privilege; any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent; and, as applicable to hearings, Party or witness statements that have not been subjected to cross examination at a live hearing.

S. **Review Board** means three individuals appointed by the Title IX Coordinator from the Investigator and Review Board Pool who conduct live hearings and make responsibility determinations in allegations of Prohibited Conduct pursuant to these procedures. Chair means the Chair of the Review Board. A Review Board member cannot be the same person as the Title IX Coordinator or the Investigator who investigated the complaint. A Review Board member may not make any decisions on any appeal from a responsibility determination.

T. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or THE UNIVERSITY's educational environment, or deter sexual harassment. Whether a supportive measure is unreasonably burdensome will be determined on an individual basis. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, removal from a sports team or other extracurricular activity, change in class schedule, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, changes in course delivery methods, and other similar measures. Supportive Measures may include a mutual no contact directive. THE UNIVERSITY must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of THE UNIVERSITY to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

U. General. Terms defined in Policy 14 have the same meaning in this GRIEVANCE PROCEDURE unless otherwise stated.

IV. Jurisdiction and Dismissal of Formal Complaints

A. **Title IX Jurisdiction.** Title IX applies to persons in the United States with respect to THE UNIVERSITY's Education Programs or Activities.

1. **Mandatory Title IX Dismissal.** THE UNIVERSITY is required by the Final Rule to dismiss a Formal Complaint of Title IX Sexual Harassment if the alleged conduct:

- i. Would not constitute Title IX Sexual Harassment even if proven;
- ii. Did not occur in an Education Program or Activity; or

- iii. Did not occur against a person in the United States; or
- iv. The Complainant was not participating in or attempting to participate in an Education Program or Activity of THE UNIVERSITY.
- v. Dismissal for the purposes of Title IX does not preclude the University from addressing the alleged conduct under the University's General Jurisdiction and/or other UNIVERSITY rules, regulations or policies.

B. General Jurisdiction. General Jurisdiction applies to all other Prohibited Conduct occurring within an Education Program or Activity against an individual inside or outside the United States, regardless of citizenship, not included in Title IX Sexual Harassment Jurisdiction. Jurisdiction extends to electronic discrimination and harassment if it occurs within an Education Program or Activity.

1. **Title VII General Jurisdiction.** Prohibited Conduct occurring in the workplace against a citizen of the United States inside or outside the United States, including conduct that but for the location would constitute Title IX Sexual Harassment falls under Title VII General Jurisdiction. WVSU is required to address Title VII Discrimination and Harassment, including but not limited to Discrimination and Harassment based on sex, if WVSU knew or should have known about the harassment; no Formal Complaint is required for THE UNIVERSITY to address the alleged Prohibited Conduct, investigate reports or initiate the Formal Grievance Process or to facilitate an informal resolution for alleged Title VII Discrimination and Harassment.

2. Discrimination, Harassment, Sexual Assault, Domestic Misconduct, Stalking and Hazing based on Protected Class Status and Sexual Exploitation occurring within an Education Program or Activity against an individual regardless of citizenship inside or outside the United States fall under General Jurisdiction.

3. Prohibited Conduct occurring outside the context of an Education Program or Activity may be addressed at the University's discretion under General Jurisdiction if it (a) occurs off-campus and would unreasonably interfere with the Education or orderly operation of the University community, its mission, or its objectives as determined by a reasonable person; or (b) occurs off-campus and in light of all of the facts and circumstances, would endanger the health and safety of the University community; or (c) the conduct affects a substantial school/university interest. Prohibited Conduct occurring outside the context of an Education Program or Activity may also constitute misconduct under other University rules, regulations, policies or procedures and may at the University's discretion be addressed using those procedures or the procedures adopted pursuant to this Policy.

C. Formal Grievance Process.

1. THE UNIVERSITY is prohibited by federal law from initiating the Formal Grievance Process or facilitating an informal resolution in accordance with section XV without a Formal Complaint alleging Title IX Sexual Harassment. THE UNIVERSITY is also prohibited

from taking any punitive action against an individual who has been reported to be the perpetrator Title IX Sexual Harassment until after the conclusion of the Formal Grievance Process.

2. THE UNIVERSITY may investigate, initiate the Formal Grievance Process, pursue an informal resolution in accordance with Section XV as appropriate without initiating the Formal Grievance Process, or may take any other action as appropriate to address alleged conduct that could violate Title VII without a Formal Complaint.

3. THE UNIVERSITY will not initiate the Formal Grievance Process or facilitate an informal resolution for all other Prohibited Conduct not falling under Title IX or Title VII without a Formal Complaint.

D. Discretionary Dismissal. THE UNIVERSITY may dismiss a Formal Complaint alleging Title IX Harassment or any other Prohibited Conduct at any time if:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.

2. The Respondent is no longer enrolled or employed by THE UNIVERSITY. If a complaint is dismissed based upon this reason and a Respondent seeks reemployment or readmission, the Formal Complaint may be reinstated and the investigation may be resumed in accordance with this GRIEVANCE PROCEDURE at the point in the process at time of the withdrawal or employment termination.

3. Specific circumstances prevent THE UNIVERSITY from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

E. Dismissals under this section may be appealed in accordance with section XVI.

V. Special Considerations for Medical Records

A. THE UNIVERSITY will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless THE UNIVERSITY obtains that Party's voluntary, written permission. If a Party has not reached 18 years of age or the individual is not attending THE UNIVERSITY, THE UNIVERSITY must obtain the voluntary, written permission of a Parent.

VI. Role and Appointment of Advisors

A. Both Parties have the right to have one Advisor of their choice, including legal counsel at the expense of the Party, present during any step of the process including but not limited to the opportunity to be accompanied by an Advisor to any related meeting, interview, informal resolution proceeding or emergency removal appeal. If either the Complainant or Respondent are consulting with more than one Advisor, each must designate one person as the Advisor for

purposes of these procedures. The Parties should select an Advisor whose schedule allows attendance at scheduled meetings and hearings. Title IX Coordinator must be advised at least twenty-four (24) hours before the meeting, interview, informal resolution proceeding or hearing that that an Advisor will be present and the name and contact information of the Advisor.

B. THE UNIVERSITY will not limit the choice or presence of an Advisor for either the Complainant or the Respondent; however, an individual selected by a Party as and an Advisor who may also be a witness may have a conflict of interest. THE UNIVERSITY may establish restrictions regarding the extent to which the Advisors may participate in the proceedings. Any restrictions imposed will apply equally to the Advisors of both Parties.

C. Both Parties have the right to have one Advisor of their choice, including legal counsel at the expense of the Party, to be present at any live hearing. If a Party does not have an Advisor present at the live hearing, THE UNIVERSITY will provide, without fee or charge to that Party, an Advisor of THE UNIVERSITY's choice only for the purpose of conducting Cross-Examination. THE UNIVERSITY provided Advisor may, but is not required to be, an attorney even if the opposing Party is represented by an attorney. Advisors not appointed by THE UNIVERSITY may serve in an Advisory capacity or may represent either Party during the live hearing; each party may determine whether a Party selected Advisor will serve as an Advisor only or as a representative and each Party is required to notify the Title IX Coordinator if the Party selected Advisor will serve as a representative or will serve in an advisory capacity and conduct cross-examination only at least four days prior to any hearing. THE UNIVERSITY is not obligated to provide either Party with an Advisor to represent and/or advise either Party during the entire Formal Grievance Process or during any informal resolution facilitated by THE UNIVERSITY.

D. Advisors are not permitted to respond to questions during interviews, the informal resolution process or live hearings on behalf of any witness or Party. Each Party and/or witness is expected to personally respond to questions posed by an Investigator or by any individual authorized to ask questions during a live hearing or by any informal resolution process facilitator.

E. Advisors are expected to act in a respectful and non-abusive manner during all steps of the grievance process, including but not limited to during informal resolution proceedings, are expected follow the rules set forth in this GRIEVANCE PROCEDURE for each step of the process as well as are required to follow any rules of decorum established by Investigators and/or the Chair of the Review Board during the live hearing. Advisors are expected to follow all UNIVERSITY rules, regulations and policies. Investigators or informal resolution process facilitators may remove Advisors from any prehearing investigation interview/meeting/informal resolution proceeding and/or may end any meeting, or informal resolution process at the Investigator's or informal resolution facilitator's discretion for disruptive and/or disrespectful behavior, for failure to follow the rules set forth in this GRIEVANCE PROCEDURE and/or any other rules established in accordance with this GRIEVANCE PROCEDURE. If an Investigator is removed from an interview/meeting/informal resolution proceeding, the Party will be given the option to either end the interview/meeting/informal resolution processing and reschedule, or to proceed without the Advisor. Advisors may be removed from a live hearing by the Chair of the Review Board at the Chair's discretion for disruptive behavior and/or for violating any hearing rules of decorum established by the Chair or in accordance with these GRIEVANCE PROCEDURE.

F. If a party requests that all communication be made through their Advisor who is also an attorney, THE UNIVERSITY will comply with that request at the University's discretion.

G. THE UNIVERSITY will provide the Parties with a consent form that authorizes THE UNIVERSITY to share documentation and evidence related to the allegations of Prohibited Conduct with their selected and WVSU appointed Advisors. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to release of information to the Advisor before THE UNIVERSITY is able to share records, documents and/or other information related to the allegations under investigation with an Advisor. Advisor's may be asked to sign a Nondisclosure Agreement. The Nondisclosure Agreement will not restrict an Advisor's or Party's ability to discuss the allegations under investigation or to or to gather and present Relevant Evidence.

H. **External Resources.** THE UNIVERSITY does not endorse any of the following external organizations or any external organizations included in online information; the information is provided solely as external resources for the Parties. Individuals may seek advocacy, support and/or other services by contacting:

1. *Complainants:*

Hope, Inc.
P.O. Box 626
Fairmont, WV, 26555
Phone: [304-367-1100](tel:304-367-1100)
Fax: [304-367-0362](tel:304-367-0362)
24 Hour Hotline: [304-367-1100](tel:304-367-1100)

The Victim Rights Law Center (<http://www.victimrights.org>)

2. *Respondents:*

Families Advocating for Campus Equality (FACE)
3 West George St
PO Box 71
Batesville, IN 47006-9998
Telephone: (701) 491-8554
<http://www.facecampusequality.org>

SAVE (<http://www.saveservices.org>)

3. *Both:*

West Virginia Bar Association Legal Referral Service
2000 Deitrick Blvd
Charleston, WV 25311
Telephone: 304-553-7220
<https://wvlawyerreferral.org/>

VII. Initial Reports, Confidential Reporting Resources, Anonymous Reporting, Clery Act Reporting, Reports to Law Enforcement and Amnesty for Students

A. **Initial Reports.** Any person may report Prohibited Conduct including Title IX Sexual Harassment (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone, facsimile or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-hours) by using the telephone number or electronic mail address, or by mail or facsimile to the office address, listed for the Title IX Coordinator at the beginning of this GRIEVANCE PROCEDURE or by using any online portal created by THE UNIVERSITY. Any written report submitted by an individual who is the person alleged to have been victimized by Title IX Sexual Harassment requesting that THE UNIVERSITY investigate the allegation will be treated as a Formal Complaint.

B. **Confidential Reporting Resources.** Students or employees who have experienced Prohibited Conduct including Title IX Sexual Harassment or seeking complete confidential assistance without sharing information with, or making a report to, THE UNIVERSITY may do so by speaking with a Confidential Reporting Resource as designated in this section.

1. On campus personal counseling (Confidential Reporting Resource) is available by contacting:

Director, Counseling and Academic Support Services (CASS)
(304) 766-3262; 125 Sullivan Hall, East

CASS Mental Health Specialist
(304) 766-3224; 129 Sullivan Hall, East

Sexual Assault and Response Team (SART) (Confidential)
(304) 340-3676

2. On campus health services (Confidential Reporting Resource) are available at:

Wilson University Union, Room 004
301 Washington Ave
Dunbar, WV 25064-3420
(304) 766-3323

3. Off campus health and personal counseling services and Sexual Assault Nurse Examiner (SANE) and/or rape kit are available at:

CAMC Women's and Children's Hospital
800 Pennsylvania Avenue
Charleston, WV 25302
(304) 388-2550

CAMC General Hospital
501 Morris Street
Charleston, WV 25301
(304) 388-5432

3200 MacCorkle Avenue SE
Charleston, WV 25304
(304) 388-5432

4. *Employees may seek assistance at:*

<https://wvstateu.edu/about/administration/human-resources/employee-relations.aspx>

5. Additional information about advocacy, support and/or other services may be available from the Title IX Coordinator and online at:

<https://www.wvstateu.edu/about/title-ix.aspx>

C. **Anonymous Reporting.** Any individual may make an anonymous report of Prohibited Conduct to the Title IX Coordinator, to law enforcement including the University Campus Police or to the United States Department of Education Office for Civil Rights without disclosing their name, without identifying the Respondent, and/or without requesting any action. Because the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment is entitled to certain due process including but not limited to the right to confront the individual's accuser, the University's ability to address alleged misconduct reported by anonymous sources is significantly limited. The University's ability to respond to an anonymous report also may be limited depending on the level of information available regarding the incident or individuals involved and the University's ability to investigate and gather evidence related to the report.

D. **Reports to Law Enforcement.**

1. Prohibited Conduct may also constitute violations of criminal law. Any individual may, but is not required, to report an incident alleging criminal conduct to law enforcement. Any individual who wishes to pursue criminal action in addition to, or instead of making a report under this GRIEVANCE PROCEDURE (if not required to report Prohibited Conduct under Policy 14), should call 9-1-1 in an emergency or contact law enforcement directly:

WVSU Campus Police
305 Barron Drive
Institute, WV 25112
(304) 766-3353

West Virginia State Police

Troop 4
Headquarters
711 Jefferson Road
South Charleston, WV 25309
(304)-746-4840
(304)-746-4841 (Fax)

Kanawha County Sherriff's Office
301 Virginia Street, East
Charleston, WV 25301
(304) 357-0169

2. Employees of THE UNIVERSITY Campus Police Department, including but not limited to certified law enforcement officers, are employees and therefore are obligated to promptly report incidents of Title IX Sexual Harassment and other Prohibited Conduct reported to them in the context of their law enforcement capacity or otherwise, in accordance with Policy 14, Section 18 Employees of THE UNIVERSITY Campus Police Department will make reports to the Title IX Coordinator whether the individual reporting the allegations chooses to pursue criminal charges and will provide the reporting party with information on how to obtain this GRIEVANCE PROCEDURE.

E. Clery Act Reporting.

1. The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires THE UNIVERSITY to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act. Pursuant to the Clery Act, Campus Security Authorities as defined by 34 CFR 668.46(c)(2) who have witnessed or been informed of an alleged incident that constitutes a crime for the purposes of the Clery Act including but not limited to a forcible or non-forcible sex offense as defined by the Clery Act, whether a criminal or Formal Complaint has been filed, must follow WVSU's procedures for making a report for the annual Clery Act Crime Statistics and Fire Safety Report. Employees may be obligated to report to law enforcement or other University employee the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the person making the report and/or alleged victim will be provided only with their permission except as may be required or otherwise permitted by law. Clery Act reporting does not require the institution to initiate an investigation or disclose personally identifiable information about the victim.

2. The Clery Act requires THE UNIVERSITY to timely notify/warn students and employees when a Clery Act crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The issuing of a timely warning notice is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time

and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Reports of violations of this GRIEVANCE PROCEDURE may constitute Clery Act crimes and require a timely warning depending upon the circumstances.

3. Information about THE UNIVERSITY's Clery Act Reporting and timely warning procedures is available by contacting:

Chief Joseph Saunders
Director of Public Safety
[\(304\) 766-3353](tel:(304)766-3353)
saundejs@wvstateu.edu

F. **Amnesty for Students.** WVSU encourages individuals to report Prohibited Conduct including but not limited to Title IX Sexual Harassment and acknowledges that some individuals may be reluctant to make reports or to fully cooperate in a Formal Complaint or grievance process. So long as a student's conduct did not result in a threat to the safety or health of others, a student involved in this GRIEVANCE PROCEDURE as a Reporting Party, Complainant, Respondent, or witness typically will not be subject to discipline as a result of his or her personal consumption or use of drugs or alcohol at the time the incident occurred. WVSU may determine that a Complainant, Respondent, or witness who has been involved in other *Student Code of Conduct* violations at the time the incident occurred should not be subject to discipline, at WVSU's sole discretion, if the other violations are non-discriminatory and non-violent. This amnesty does not extend, however, to other potential violations of the *Student Code of Conduct* that may have been committed, even if the individual was under the influence of drugs or alcohol when the alleged violations were committed. Regardless of the aforementioned amnesty, WVSU may impose educational remedies related to a student's use or consumption of drugs or alcohol or involvement in non-discriminatory and non-violent *Student Code of Conduct* violations.

G. **Requests for Confidentiality.** THE UNIVERSITY attempts to balance the needs of the Parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace and its obligations under State and Federal law. Keeping a Reporting Party's information private is an aspiration, but is not always possible or appropriate. An individual's request regarding the confidentiality of information will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the institution's legal obligation to ensure a working and learning environment that is free from discrimination and/or harassment and the due process rights of the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure that the institution meets its obligations under Title IX and other state and federal laws. The institution may be limited in its response and investigation if confidentiality is requested. THE UNIVERSITY cannot keep confidential the identity of a Complainant who has filed a Title IX Sexual Harassment Formal Complaint. The UNIVERSITY must keep confidential the identity of any individual who has made a report or Formal Complaint of Title IX Discrimination on the basis of sex, including any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment, any

Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Federal Educational Rights and Privacy Act (FERPA), statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising under this GRIEVANCE PROCEDURE.

VIII. Initial Response to Reports.

- A. **Title IX Sexual Harassment Report.** Within five days of receipt of an initial report, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct to discuss the availability of supportive measures, consider the person's wishes with respect to supportive measures, advise the individual about the procedures for filing a Formal Complaint, inform the person of the availability of supportive measures with or without the filing of a Formal Complaint and explain the Formal Grievance Process and this GRIEVANCE PROCEDURE in general. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. If the individual reported to be the victim of Title IX Sexual Harassment does not file Formal Complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a Formal Complaint in accordance with section IX(B) . The individual reported to be the victim of Prohibited Conduct may decide to pursue a Formal Complaint at a later date.
- B. **All Other Prohibited Conduct.** Upon receipt of report all other Prohibited Conduct that is not Title IX Sexual Harassment within five days of receipt of an initial report, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct and/or the Reporting Party to discuss the availability of supportive measures with or without filing a Formal Complaint, consider the person's wishes with respect to supportive measures, advise the individual about the procedures for filing a Formal Complaint, explain the Formal Grievance Process and this GRIEVANCE PROCEDURE and inform the person about and discuss informal resolution options if appropriate. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. If the individual reported to be the victim of Title IX Sexual Harassment does not file a Formal Complaint, the Title IX Coordinator may at the Title IX Coordinator's discretion file a Formal Complaint in accordance with Section IX(B) THE UNIVERSITY and or may take any other action necessary to comply with the University's obligations under Title VII and/or other State and Federal anti-discrimination laws.
- C. **Supportive Measures.** THE UNIVERSITY may offer Supportive Measures to any person reported to be the alleged victim of Prohibited Conduct, including but not limited to Title IX Sexual Harassment, even if no Formal Complaint is filed. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. If THE UNIVERSITY does not provide Supportive Measures to either

the individual reported to be the victim of Prohibited Conduct, the Complainant or the Respondent if requested after a Formal Complaint is filed, THE UNIVERSITY will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

IX. Filing and Withdrawing a Formal Complaint

A. Formal Complaints are filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator at the beginning of this GRIEVANCE PROCEDURE, and by any additional method designated by THE UNIVERSITY. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of THE UNIVERSITY. Any writing, electronic submission (such as by electronic mail, facsimile or through an online portal provided for this purpose by THE UNIVERSITY) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint and requesting an investigation will be considered a Formal Complaint. For Title IX purposes, the Complainant cannot remain anonymous or otherwise prevent the Complainant's identity from being disclosed to the Respondent. Complainants are encouraged, but are not required to use any Formal Complaint form that THE UNIVERSITY may develop.

B. Within five days of receipt of a Formal Complaint, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct to discuss the availability of supportive measures, consider the person's wishes with respect to supportive measures, inform the person of the availability of supportive measures with or without the filing of a Formal Complaint, explain the GRIEVANCE PROCEDURE including the formal and informal resolution processes, and identify the person's wishes related to the pursuit of an informal resolution if appropriate. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone.

C. Title IX Coordinator Filed Formal Complaints.

1. If the individual reported to be the victim of Prohibited Conduct does not file and/or withdraws a Formal Complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a Formal Complaint.

2. When making a decision to initiate a Formal Complaint, the Title IX Coordinator may consider a variety of factors, including, but not limited to whether a non-deliberately indifferent response to the allegations requires an investigation; a pattern of alleged misconduct by a particular Respondent; whether violence or use of a weapon is alleged, and the wishes of the person alleged to have been victimized regarding how THE UNIVERSITY should respond. If an alleged victim does not want to proceed with an investigation, the Title IX Coordinator will also evaluate whether THE UNIVERSITY can honor the request while still providing a safe and non-discriminatory environment for all students.

3. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this GRIEVANCE PROCEDURE.

4. Where a grievance process is initiated because the Title IX Coordinator, and not the Complainant, signed the Formal Complaint, the Complainant who did not wish to initiate a grievance process remains under no obligation to then participate in the grievance process. The Complainant remains eligible to receive Supportive Measures protecting the Complainant's equal access to education.

D. THE UNIVERSITY may consolidate Formal Complaints as to allegations of Prohibited Conduct including but not limited to Title IX Sexual Harassment Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party (counterclaim), where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the parties for investigation and hearing. Where a grievance process involves more than one Complainant or more than one Respondent, references in this GRIEVANCE PROCEDURE to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

E. **Withdrawing a Formal Complaint.** A Complainant may submit a written request to withdraw a Formal Complaint at any time to the Investigator. The Investigator will evaluate the request for discretionary withdrawal under section IV(C). The Investigator will notify the Title IX Coordinator of the decision within four days of receipt of the request. The decision will include the reason(s) for the dismissal and the procedure for appealing the dismissal. The Title IX Coordinator will notify the Complainant, the Respondent, their Advisors and any Review Board members, if applicable, of the dismissal decision simultaneously within two days of receipt of the Investigator's decision. If applicable, the Title IX Coordinator will also notify any witnesses who were expected to appear at a scheduled hearing that the hearing has been cancelled but will not include any reasons for the cancellation. The dismissal of a Formal Complaint under this section may be appealed by either Party in accordance with section XIV.

X. Emergency Removal and Administrative Leave.

A. An individual may be removed from an Education Program or Activity on an emergency basis if the individual poses an immediate threat to the physical health or safety of any student or anyone and the threat arises from the allegations of Title IX Sexual Harassment.

B. The Title IX Coordinator may refer an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment to the Behavior Intervention Team (BIT). The BIT is comprised of the Vice President of Student Affairs, the Vice President of Academic Affairs, the Director of Residence Life, and the Director of Counseling Services. BIT in consultation with the Title IX Coordinator will promptly conduct an individualized risk assessment in accordance with BIT's standard objective violence risk assessment procedures to determine whether the individual poses an immediate threat to the physical health or safety of any student or anyone and that the threat arises from the

allegations of sexual harassment or other Prohibited Conduct. BIT and the Title IX Coordinator may meet in person, by telephone, electronically (email correspondence) or virtually.

C. If BIT determines the individual should be removed from an Education Program or Activity on an emergency basis, the individual may be removed without written notice. Emergency removal may include a no-trespass or other no-contact order. BIT will notify the individual in writing of its emergency removal decision within two days following the decision. Written notice may be made by email.

D. Within four days of receipt of BIT's written notice, the individual may appeal the emergency removal by contacting, Joseph R. Oden, Jr., Assistant Vice President of Student Affairs (304)766-3019, odenjr@wvstateu.edu to schedule a meeting. The purpose of the meeting is to provide the individual with the opportunity to rebut the reasons for the emergency removal. The individual is encouraged to submit any documentation the individual wants the Vice President of Student Affairs to consider when making a decision on the appeal prior to the meeting. The meeting may occur in person, virtually or remotely. Failure to contact the Vice President of Student Affairs to schedule a meeting within four days without good cause constitutes a waiver of any right to challenge the emergency removal.

E. The Vice President of Student Affairs will notify the individual of the appeal decision in writing within two days of the meeting. The Vice President Enrollment Management & Student Affairs decision is final.

F. If a student-employee Respondent is removed under this section, THE UNIVERSITY may also remove the student-employee Respondent from any employment opportunity that is part of THE UNIVERSITY's Education Program or Activity.

G. Nothing in this GRIEVANCE PROCEDURE precludes THE UNIVERSITY from placing a non-student employee Respondent on administrative leave, with or without pay, pending the outcome of the grievance procedures; administrative leave is not considered an emergency removal.

H. This section may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 (ADA) or the ADA Amendments Act of 2008.

XI. Investigation of Reports and Formal Complaints, Review of Evidence, Investigative Report.

A. Within five days of meeting with the person alleged to be the victim of the Prohibited Conduct, and/or filing a complaint if the Title IX Coordinator signs the complaint, the Title IX Coordinator will assign the Formal Complaint to an Investigator(s). The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would materially affect the outcome of the investigation. The Title IX Coordinator will notify the Complainant and the Respondent simultaneously of the assignment to an Investigator(s). Investigators who cannot serve impartially,

or have a known conflict of interest or disqualifying bias that would materially affect the outcome should notify the Title IX Investigator in writing. Either party may challenge any Investigator for bias or conflict of interest that would affect the outcome of the investigation by submitting written reasons for the challenge and any supporting documentation to the Title IX Coordinator. The Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Director of Human Resources. The Title IX Coordinator may reassess the impartiality of the Investigator if the Party's select and/or change Advisors during the Investigation.

B. The Investigator is responsible for conducting the investigation of reports of General Jurisdiction Prohibited Conduct and Title IX Sexual Harassment Formal Complaints.

C. Investigations typically will be completed within thirty (30) days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

D. The purpose of the investigation is to gather Directly Related Evidence, to determine the name of Respondent if not known at the time of the filing of the Formal Complaint and to determine jurisdiction. The Investigator will conduct a prehearing investigation of a Formal Complaint even if the Complainant does not know the identity of the Respondent and/or if upon initial review THE UNIVERSITY does not have jurisdiction to address the complaint under section IV because a pre-hearing investigation might reveal either the Respondent's identity and/or other facts that show that THE UNIVERSITY has jurisdiction to address the complaint using this GRIEVANCE PROCEDURE.

E. As part of the prehearing investigation, the Investigator may conduct in-person, telephone or virtual interviews of the Parties and/or witnesses; obtain law enforcement records and/or medical records subject to Section V; request that the Parties submit evidence at any time, visit the site(s) of the alleged misconduct; and/or take any other action that could lead to evidence Directly Related to the allegations. The Investigator may not seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The Investigator may record meetings and/or interviews. The Investigator may also provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from any of their respective interviews and meetings.

F. Within five days of receipt of the Formal Complaint from the Title IX Coordinator, or from the date the Title IX Coordinator or Investigator discovers the identity of the Respondent if unknown at the time the Formal Complaint was filed, the Investigator, will provide a written notice of the complaint and allegations to the Complainant and known Respondent(s) that includes the following:

1. Notice of THE UNIVERSITY's Formal Grievance Process (providing the Parties with a copy of this GRIEVANCE PROCEDURE and/or any other procedures will satisfy this provision).

2. Notice of the allegations/charges potentially constituting Prohibited Conduct including sufficient details about the alleged misconduct known at the time. Sufficient details include but are not limited to, the identities of the Parties involved in the incident, any witnesses, if known, dates and the specific alleged conduct. A copy of the complaint will also be included.

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process and the standard of proof that will be used to determine responsibility.

4. A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (at the expense of the Party), present during any step of the Formal Grievance Process and during any informal resolution procedures, including but not limited to during any meetings, , and/or the live hearing and that the Parties are required to provide their selected Advisor with this GRIEVANCE PROCEDURE and Policy 14 grievance procedures and/or advise them how to find both online.

5. A statement that each Party and/or the Advisor of their choice if either Party has named an Advisor, will be provided an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is Directly Related to the allegations raised in a Formal Complaint, including the evidence upon which THE UNIVERSITY does not intend to rely in reaching a determination regarding responsibility and inculpatory (evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility) or exculpatory evidence (opposite of inculpatory evidence, evidence favorable to the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment that exonerates or tends to exonerate the individual of responsibility) whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation

6. A statement that both Parties may present Directly Related Evidence to the Investigator including fact and expert witnesses, and/or any other inculpatory and/or exculpatory evidence and that evidence may include, but is not limited to, witness lists, documents, medical records subject to section V of this procedure, photographs and/or recordings. The request will include the date the Investigator must receive the evidence.

7. A statement that if any Party has not selected an Advisor of choice, an Advisor will be assigned to any Party who does not have one during the live hearing stage only for the purpose of conducting Cross-Examination

8. Notice that if, in the course of an investigation, THE UNIVERSITY decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice THE UNIVERSITY will provide notice of the additional allegations to the Parties whose identities are known.

9. Notice that during the prehearing investigation the Parties do not have the right to depose opposing Parties or witnesses, or to compel Parties or witnesses to appear at meetings or any subsequent live hearing.

10. Notice that the ability of either Party to discuss the allegations under investigation or to gather and present Directly Related and/or Relevant Evidence will not be restricted but that as a Supportive Measure the Parties may be subject to a mutual directive not to have any direct contact with each other, in person, electronically or through third Parties other than the other Party's Advisor.

11. A statement about the availability of Supportive Measures and how to request them.

12. A statement about whether the informal resolution process as set forth in section XVI of this GRIEVANCE PROCEDURE is available for resolving the complaint and if so, the procedure for requesting informal resolution.

13. Notice that attempting to alter a statement of a witness or prevent a witness from participating in the investigation or adjudication of a Formal Complaint or the in Formal Complaint resolution process is prohibited and if proven will result in separate disciplinary action and the procedure for filing a complaint.

14. Notice that providing false statements during any part of the process is a violation of this policy that any individual found responsible for providing false statements may be subject to separate disciplinary action up to and including employment termination or expulsion and that a responsibility determination alone is not sufficient to support a finding that an individual made a statement in bad faith.

15. Notice that Retaliation is prohibited and the procedure for filing a Retaliation complaint.

17. Advisor consent and/or consent to record forms if not already provided.

18. Instructions to the Parties to preserve any Directly Related Evidence.

19. Provide each Party the opportunity to suggest questions they wish the Investigator to ask the other Party and witnesses.

20. Any other information at the discretion of the Investigator.

D. Within twenty days of receipt of the Formal Complaint and after conducting a thorough and impartial investigation, the Investigator will simultaneously provide the Complainant and the Respondent and their Advisors, if any, in electronic format or a hard copy, any evidence that is Directly Related to the allegations raised in the Formal Complaint, including, but not limited to any inculpatory or exculpatory evidence, whether obtained from a Party or other source. The Complainant and the Respondent each may submit a written response to the Directly Related evidence. Any written response must be received by the Investigator on or before five days after each Parties' receipt of the evidence. The Parties and their Advisors are not prohibited from discussing the allegations set forth in the complaint but are prohibited from disseminating and/or or disclosing any documents provided to either by the Investigator in accordance with this section.

If the complaint proceeds to a hearing, the Parties are expected to bring the Directly Related evidence provided pursuant to this section to the hearing.

E. The Investigator may at the Investigator's discretion continue the prehearing investigation based upon the information received in the Parties' responses. The Investigator will notify the parties in writing either electronically or by hard copy if the Investigator chooses to continue to investigate the complaint based upon the responses of the Parties.

F. If the Investigator does not continue the prehearing investigation, within seven days of the expiration of the five day time frame set forth in section XI(D), the Investigator will provide the Title IX Coordinator with all evidence, a final prehearing investigation report that fairly summarizes the Relevant Evidence and the section XI(D) responses of the Parties, if any, and will include a list of witnesses who will be asked to appear and provide testimony that includes Relevant Evidence at the hearing. The Investigator will incorporate relevant elements of the Parties' written responses into the final prehearing investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made to the initial report. If a complaint involves multiple Complainants, multiple Respondents, or both, the Investigator may issue a single investigative report. The prehearing investigation report will include a description of the procedural steps taken from the receipt of the Formal Complaint through the prehearing investigation report including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and documents/evidence collected/received by the Investigator. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence.

G. One day after receipt of the prehearing investigation report, the Title IX Coordinator will provide the Complainant and the Respondent and their Advisors, if any, with an electronic or hard copy of the prehearing investigation report. The Complainant and the Respondent each may submit to the Title IX Coordinator a written response to the prehearing investigation report. The response may include arguments that evidence or witnesses identified in the final investigation report as relevant are, in fact, not relevant and similarly, evidence identified and witnesses identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. Any response must be received by the Title IX Coordinator on or before three days after receipt of the prehearing investigation report.

XII. Hearings

A. **Review Board Members.** Within five days of receipt of the prehearing investigation report, the Title IX Coordinator will select three members from the Pool to serve on the Review Board. The Review Board Members will not be the Title IX Coordinator or the Investigator. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

1. The Title IX Coordinator will vet the assigned Review Board members and any alternate to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would affect the outcome of the hearing.

2. The Title IX Coordinator will notify the members and alternate in writing of their selection and will provide each with the names of the Parties, their Advisors, if known, and witnesses who will appear at the hearing as named by the Investigator in the final prehearing investigation report. Any Review Board Member or alternate who cannot serve impartially, or has a known conflict of interest or disqualifying bias that would materially affect the outcome of the hearing should notify the Title IX Investigator in writing.

3. The Review Board members will elect one member as Chair and will notify the Title IX Coordinator in writing of their selection. At least ten days prior to the hearing, the Title IX Coordinator will provide the Review Board Members with an electronic or hard copy of the Formal Complaint, the prehearing investigation report, the responses of the Parties to the Directly Related Evidence, the responses of the Parties to the prehearing investigation report and the Directly Related Evidence collected by the Investigator. The Review Board Members are prohibited from disseminating or otherwise disclosing any of the information provided by the Title IX Coordinator. Disclosure and/or dissemination of any of the information provided by the Title IX Coordinator is considered gross misconduct. Employees found responsible for gross misconduct and may be dismissed immediately without progressive discipline in accordance with Board of Governors Policy 19. Disclosure or dissemination of information provided by the Title IX Coordinator by a Faculty is considered insubordination and conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities. Faculty found responsible for disseminating or disclosing information may be dismissed in accordance with West Virginia Higher Education Policy Commission Procedural Rule Title 133, Series 9, Academic Freedom, Professional Responsibility, Promotion and Tenure, section 12.

B. Notice and Timing of Hearing. Typically, a hearing will be scheduled at least ten and not more than twenty days after the Parties receive the prehearing investigation report. No less than ten business days prior to the hearing, the Title IX Coordinator (or the Chair) will send notice of the hearing to the Parties, witnesses and the Review Board Members. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing to the Parties and the Review Board Members will include:

1. Date of the hearing;
2. Names of the Review Board members and any other attendees including but not limited to any individual responsible for the audio-visual or audio recording of the hearing and/or any hearing facilitator;
3. Procedure for challenging a Review Board member for bias or conflict of interest that would materially affect the outcome of the hearing;
4. Notification that the Parties may have the assistance of an Advisor of their choosing, including legal counsel of their choice at their expense at the hearing and will be required to have one present for the purposes of Cross-Examination.

5. An invitation to contact the Title IX Coordinator to request any reasonable disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing. The Title IX Coordinator will consult with the Disability Services Office when addressing requests for reasonable disability accommodations.

6. Procedure for requesting the hearing to occur with the Parties located in separate rooms with technology enabling the Review Board and Parties to simultaneously see and hear the Party answering questions;

7. Notice that each Party's Advisor will have the opportunity to ask the other Party and any witnesses relevant questions and follow-up questions, including relevant questions challenging a Party's or witness' credibility and that Cross-Examination at the live hearing must be conducted orally, directly, and in real time by the Party's Advisor, and never by a Party personally.

8. Notice that both Parties may present Relevant Evidence including witnesses subject to section C(19) on their behalf

9. A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's or Party's statements given prior to the hearing will not be considered by the Review Board and that for compelling reasons, the Chair may reschedule the hearing.

10. List of witnesses that will be asked by the Review Board to appear and testify at the live hearing;

11. Whether the Party's, Advisors or witnesses are permitted to bring mobile phones or other electronic devices to the hearing

12. Notice that the Parties each are required to provide the Title IX Coordinator with the name and contact information of any Party selected Advisor if they have not already done so and that if the Title IX Coordinator does not receive notice of the name and contact information of a Party selected Advisor on or before five days before the hearing, the Title IX Coordinator will assign a University Advisor to the Party without one at no charge to the Party for the purposes of conducting Cross-Examination only.

13. Any another necessary information.

C. General Hearing Guidelines.

1. The hearing will be closed to all members of the campus and outside community except those directly involved with the complaint. The hearing may be conducted with all participants physically present in the same geographic location, or at THE UNIVERSITY's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants/witnesses simultaneously to see and hear each other and to see and hear, if applicable, any evidence referred to during the hearing. At the written request of

either Party submitted to the Title IX Coordinator, THE UNIVERSITY will provide for the hearing to occur with the Parties located in separate rooms with technology enabling the Review Board and Parties to simultaneously see and hear the Party or the witness answering questions. Written requests must be submitted to the Title IX Coordinator on or before ten days prior to the hearing. The Title IX Coordinator will notify the Chair of the request. The Title IX Coordinator or a hearing facilitator may be responsible for coordinating the technology with the Office of Technology. Complainant Respondent and each Party's respective Advisor may be present during the testimony of all witnesses.

2. The Title IX Coordinator will provide the Review Board with the Directly Related evidence collected during the prehearing investigation, including but not limited, to the prehearing report, the responses of the Parties to the evidence, if any, provided in accordance with section XI(D) and the responses of the Parties to the prehearing report, if any, provided in accordance with section XI(F). Each Party and their Advisors will have equal opportunity to refer to the same evidence during the hearing, including but not limited to during Cross-Examination.

3. Each Party or the Party's Advisor will have the opportunity to ask the other Party and any witnesses relevant questions and follow-up questions, including relevant questions challenging a Party's or witness' credibility. Cross-Examination at the live hearing must be conducted orally, directly, and in real time by the Party's Advisor, and never by a Party personally. Advisors and Party's will remain seated during questioning.

4. If a Party appears at a hearing without an Advisor or if an Advisor is removed from the hearing by the Chair, the hearing temporarily will be delayed until the Party without an Advisor selects an Advisor or one is appointed by THE UNIVERSITY. On or before three days after the day of the continued hearing, the Party without an Advisor must provide the Title IX Coordinator with written notice of how the Party wishes to proceed. The Party without an Advisor may:

- i. Provide the name and contact information of the Party's new Advisor; or
- ii. Request that the Title IX Coordinator appoint an Advisor for the sole purpose of conducting Cross-Examination.
- iii. The Title IX Coordinator will notify the Chair and the opposing Party of the response and will reschedule the hearing within a reasonable time after the Advisor issue is resolved.

5. The Chair of the Review Panel has the discretion to determine the specific hearing format and may allow for breaks for Advisors to confer with the Party the Advisor is advising or representing. Advisors may not consult with the Party they are advising or representing during their Party's testimony.

6. Formal rules of evidence and court procedures are not used and do not apply. Review Board hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. For example,

discovery procedures and requirements for pleadings, do not apply. The Parties do not have the right to depose opposing Parties or witnesses.

7. The Parties and THE UNIVERSITY do not have subpoena powers and neither can compel Parties or witnesses to appear at any live-hearing.

8. The Chair has the discretion to exclude irrelevant questions and/or to limit questions that are unduly repetitious or abusive.

9. A Party selected Advisor who has been designated as a representative and/or each Party may ask any non-Party witness presented by the Party all relevant questions and follow-up questions, including questions challenging credibility.

10. Questioning of any Party or witness will be conducted directly, orally, and in real time.

11. The Investigator may appear at the hearing for the sole purpose of summarizing the prehearing investigation report.

12. Questioning of any witness, including but not limited to, Cross-Examination of the opposing Party, must at all times occur in a respectful and non-abusive manner.

13. Hearing participants, are expected to treat everyone, including the opposing Party and all witnesses, with respect. Abusive and/or disrespectful behavior and yelling are prohibited. The Review Board Chair may remove any hearing participant at the Review Board Chair's discretion.

14. Only relevant cross-examination and other questions are permitted. Before a Party or witness answers a question, the decisionmaker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

15. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

16. If a Party or witness fails to appear at any live hearing after receiving proper notice and without notifying the Chair, the hearing will proceed and the Review Board will make a decision based on the evidence in accordance with section XIII.

17. Statements of any Party or witness not present for Cross-Examination and medical/treatment records not in compliance with section V of any Party will be excluded by the Chair.

18. Review Board members may ask questions of any witness including the Parties.

19. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all Parties and the Chair assent to the witness's participation in the hearing. The same applies to any evidence that is first offered at the hearing. If the Parties and Chair do not assent to the admission of evidence including witness testimony newly offered at the hearing, the Chair may delay the hearing and refer the complaint back to the Investigator to be reopen the investigation to consider the new evidence and/or witness and to allow the opposing party to respond to the witness or evidence.

20. The Review Board Members will question the Parties/witnesses who will then be questioned by the Parties through their Advisors ("Cross-Examination"). With the exception of the Parties, a witness may be present only for the witness' own testimony.

D. **Recording.** THE UNIVERSITY will create an audio-visual or audio recording of the hearing at its expense. An employee from the IT or other department may attend the hearing for the purposes of assisting with or making the audio-visual or audio recording. WVSU may at its discretion employ court reporter to create the audio-visual or audio recording or transcript of the hearing. Upon written request to the Title IX Coordinator, WVSU will make any audiovisual recording, audio recording or transcript available to either Party for review and inspection. WVSU may create a transcript of the live hearing at its own expense. Copies of any audio-visual recording, audio recording or transcript will be made available to either Party upon written request to the Title IX Coordinator and at the expense of the Party making the request. Transcripts prepared by a court reporter must be obtained from the court reporter. No recordings of the hearing shall be made by any person other than WVSU. All original formal hearing recordings and any evidence provided to the Review Board by the Investigator or by the Parties during the hearing will be maintained by the Title IX Coordinator and will be referred to as the hearing record. The parties are not permitted to record the hearing.

E. **Facilitator.** At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

F. During the course of the hearing, the Chair may consult with legal counsel by telephone or in person regarding procedural matters.

G. The parties may each submit a written impact statement to the Chair the day of the hearing to be considered by the Review Board at the sanction stage of the process if the Review Board finds the Respondent responsible for Prohibited Conduct. Impact statements must be submitted in sealed envelopes and will be returned to each party if the Respondent is found not responsible for the alleged conduct.

XIII. Deliberations and Responsibility Determination

A. After the presentation of all witnesses and evidence, the Chair will end the hearing and the Review Board will begin deliberations. The Review Board will deliberate in closed session to determine whether by a preponderance of the evidence the Respondent is responsible for Prohibited Conduct. If the Review Board determines the Respondent is responsible for Prohibited Conduct, the Review Board will also determine the recommended sanctions and/or remedies consistent with section XVI. Responsibility is determined by a majority vote of the Review Board. Deliberations are not recorded.

B. When making a responsibility determination, the Review Board:

1. Will objectively evaluate all Relevant Evidence – including both inculpatory and exculpatory evidence.

2. Will not base credibility decisions on a person's status as a Complainant, Respondent, or witness.

3. If a Party or witness does not submit to Cross-Examination at the live hearing, the Review Board is prohibited from relying on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the Review Board may not draw an inference about the determination regarding responsibility based solely on a Party's or witness' absence from the live hearing or refusal to answer Cross-Examination or other questions.

C. Within ten days of the close of the hearing, the Chair will provide an electronic or printed copy of the written responsibility determination to the Title IX Coordinator. The Chair may consult with legal counsel when writing the determination. Within one day of receipt, the Title IX Coordinator will provide an electronic or hard copy of the written responsibility determination to the Parties simultaneously. The written responsibility determination will include:

1. The identification of the allegations potentially constituting Title IX Sexual Harassment.

2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, meeting dates, interviews with Parties and witnesses, site visits, methods used to gather other evidence, date(s) of the hearing and dates of deliberations.

4. Findings of fact supporting the determination and conclusions regarding the application of this GRIEVANCE PROCEDURE and Policy 14 to the facts.

5. Any disciplinary sanctions imposed on the Respondent made in accordance with section XVI if disclosure of sanctions to the Complainant is permitted by law, and whether remedies designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity will be provided to the Complainant.

6. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

7. Notice that Supportive Measures will continue to be offered and/or maintained if previously provided, throughout the appeal period (unless failing to do so would not be clearly unreasonable).

8. The procedure and grounds for the Complainant and Respondent to appeal the responsibility determination.

9. Remedies that only impact the Complainant will be provided to the Complainant separately.

10. If more than one Formal Complaint has been consolidated into one complaint, all Complainants and Respondents will receive the same responsibility determination.

C. The Federal Educational Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.

D. A responsibility determination becomes final either on the day after the date for filing an appeal passes and no appeal is received, or if a timely appeal is filed, the date of the written appeal determination required by section XIV(E) whichever comes first. Unless THE UNIVERSITY community is threatened, imposition of sanctions or remedies provided is suspended pending the determination of the appeal or the expiration of the appeal period if no appeal is received. Supportive Measures that do not burden either party will continue pending the outcome of the appeal.

E. The Title IX Coordinator is responsible for effective implementation of any remedies and the imposition of sanctions.

XIV. Appeals.

Right to Appeal. A. Any party may appeal a responsibility determination or dismissal of a Formal Complaint in writing to the Title IX Coordinator. Appeals must be received by the Title IX Coordinator on or before five days of a Party's receipt of the responsibility determination or notice of dismissal. Appeals must include the grounds for appeal, a copy of the written responsibility determination. The Title IX Coordinator will designate an Appeal Decision maker from the Pool. The Appeal Decisionmaker will not be the Title IX Coordinator, the Investigator or any Review Board Member or alternate and may not have served as the Appeal Decisionmaker in any dismissal appeal that may have been heard earlier in the process.

1. The Title IX Coordinator will vet the Appeal Decisionmaker to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would materially affect the outcome of the investigation. Any Appeal Decisionmaker who cannot serve impartially, or has a known conflict of interest or disqualifying bias that would materially affect the outcome of the appeal should notify the Title IX Investigator in writing.

2. Either party may challenge any Appeal Decisionmaker for bias or conflict of interest that would affect the outcome of the investigation by submitting written reasons for the challenge and any supporting documentation to the Title IX Coordinator. The Title IX Coordinator will determine whether the concern is reasonable and supportable and simultaneously notify the Parties of the decision. The decision of the Title IX Coordinator is final.

Grounds for Appeal. Dissatisfaction with the dismissal notice decision or responsibility determination alone is not grounds for appeal. Appeals must be based on one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter.

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new information must be included with the appealing Party's request for appeal. In addition, the appealing Party must show that the new information was not known or otherwise available to the person appealing at the time of the live hearing. The appealing Party also must provide an explanation as to why the evidence was unknown or unavailable and how the evidence could have affected the outcome of the matter.

3. The Investigator, or a Review Board member had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter and such bias and/or conflict of interest that affected the outcome of the investigation or hearing was not known prior to the dismissal or live-hearing. The appeal must include an explanation of how the conflict or interest or bias affected the outcome of the investigation or hearing and why the bias or conflict of interest was not known at the time of the prehearing investigation or hearing.

C. **Notice to Opposing Party.** Within two days of receipt of any Party's appeal, the appeal-decision-maker will provide the Party who did not file the appeal with a copy of the appeal any supporting documentation. The Party who did not appeal may submit a response to the appeal that may include a statement in support of the Review Board's determination on responsibility or dismissal of the complaint. Any response to an appeal must be received by the appeal-decision-maker on or before three days of the responding Party's receipt of the appeal and supporting documentation.

D. **Burden of Proof.** In any appeal, the burden of proof lies with the Party requesting the appeal, as the original determination and sanction(s) are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter and is not intended to

be a full rehearing of the complaint on the merits (referred to as a *de novo* review). In most cases, appeals are confined to a review of the written documentation or underlying record of the original hearing and pertinent documentation regarding the grounds for appeal.

E. **Decision.** In reaching its decision, the Appeal Decisionmaker may consider the underlying record, including the Investigator's report, the assigned Review Board's written responsibility decision, and the evidence and testimony collected during the prehearing investigation and presented at the live hearing (the underlying record) and the Parties' written statements on appeal. Within five days of the expiration of the appeal response timeframe, the Appeal Decisionmaker will simultaneously provide the Parties with a written or electronic copy of the appeal decision describing the result of the appeal for each ground raised and the rationale for the result. The decision of the Appeal-Decision-maker is final. The Appeal-Decision-maker may:

1. Affirm the dismissal or responsibility decision
2. Modify the original decision and/or sanctions
3. Void the original decision and order a new hearing.

XV. Informal Resolution Procedures

A. **Title IX Sexual Harassment.** Informal resolution is only available for resolving Title IX Sexual Harassment Formal Complaints. If appropriate and both Parties agree THE UNIVERSITY may facilitate an informal resolution process for resolving a Formal Complaint of Title IX Sexual Harassment. THE UNIVERSITY may not offer to facilitate or accept requests from either Party to engage in an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment with a student.

B. **Other Prohibited Conduct.** If appropriate and both Parties agree THE UNIVERSITY may facilitate an informal resolution process for any report or Formal Complaint of Prohibited Conduct other than Title IX Sexual Harassment that does not involve a full investigation and adjudication.

C. **Options.** Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, negotiated resolution or administrative disposition of a Formal Complaint wherein the Respondent accepts responsibility. Informal resolution may result in disciplinary measures designed to punish the Respondent if a Formal Complaint has been filed and will be facilitated or conducted by trained individuals from the University community or external to the University.

D. Withdrawal from Informal Resolution

1. **Title IX Sexual Harassment.** The Complainant or Respondent may withdraw from the informal resolution process and resume the Formal Grievance Process set forth in sections

XI-XIV with respect to the Formal Complaint at any time prior to the Party signing a final written resolution.

2. **Other Prohibited Conduct.** The reporting party if applicable, the Complainant or Respondent may withdraw from the informal resolution process at any time and resume or initiate the Formal Grievance process as applicable. Depending upon the alleged Prohibited Conduct THE UNIVERSITY may have an obligation to investigate, or at its discretion may conduct a full investigation and adjudication of the alleged Prohibited Conduct.

E. If informal resolution is appropriate and both Parties agree to pursue informal resolution, the Title IX Coordinator will:

1. Provide to the Parties a written notice disclosing the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations; any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared and notice that either Party may withdraw from the informal resolution process at any time and resume the formal resolution process set forth in sections XI-XIV.

2. Obtain the Parties' voluntary, written consent to engage in the informal resolution process.

F. Informal resolution agreements are considered contracts and are binding. An informal resolution agreement entered into by both Parties ends the grievance process.

G. Any individual engaged to facilitate or participate in the informal resolution process including but not limited to a mediator may not be called as a witness during any hearing.

H. Informal resolution agreements will be kept confidential insofar as is permissible by law.

XVI. Sanctions and Remedies

A. If the Review Board finds the Respondent responsible for Prohibited Conduct, the Review Board is responsible for determining the appropriate sanctions and remedies designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting THE UNIVERSITY's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety and education or deter individuals from similar future behavior. The Review Board may consult with the, the supervisor of an employee Respondent, the Vice-President of Student Affairs for a student Respondent or legal counsel when making a decision on sanctions and remedies as well as to obtain any prior student conduct disciplinary record or work disciplinary record of the Respondent. Prior disciplinary actions and conduct records may be considered when making a sanctioning decision. Repeated violations, including of differing conduct prohibited by Policy 14 or any other University rule regulation policy or procedure, may result in progressively severe sanctions.

B. For students, the sanctions may include disciplinary action up to and including expulsion. Any sanction or combination of sanctions set forth in the UNIVERSITY Student Code of Conduct, pages 38-41, may be used as sanctions for students found responsible for Title IX Sexual Harassment. Educational sanctions may also be imposed. A student may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed. Educational sanctions may be imposed in combination with other disciplinary actions. A mutual No Contact Directive also may be issued which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

C. Employee Sanctions. Prohibited Conduct is considered gross misconduct. Staff Employees found responsible for gross misconduct may be dismissed immediately without progressive discipline in accordance with Board of Governors Policy 19. Faculty found responsible for Prohibited Conduct may be dismissed in accordance with West Virginia Higher Education Policy Commission Procedural Rule Title 133, Series 9, Academic Freedom, Professional Responsibility, Promotion and Tenure, section 12. Sanctions imposed on Staff Employees and Faculty found responsible for Title IX Sexual Harassment include but are not limited to:

1. Written warning. Formal documentation regarding the infraction/violation and expected corrected or improved behavior will be provided in the form of a written warning.

2. Demotion;

3. Suspension without pay

4. Dismissal;

5. Improvement plan;

6. Educational Sanctions: An employee may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed. Educational sanctions may be imposed in combination with other disciplinary actions.

7. No Contact Directive: A no contact directive may be issued, to the extent practical within the employment context, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties

8. Any other sanction permitted by any UNIVERSITY employee Board of Governors policy, employee/faculty/adjunct faculty handbook or any other College/University administrative employee disciplinary policy or procedure.

E. Sanctions may be issued individually, or a combination of sanctions may be imposed. All disciplinary sanctions will be determined on a case- by- case basis. and may be based upon a number of factors, including the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by Respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; a student's prior student conduct disciplinary record, an employee's prior disciplinary record, and any mitigating or aggravating circumstances including but not limited to use of or display of a weapon, the involvement of multiple perpetrators and/or intentional incapacitation caused by Respondent through alcohol, drugs, or by other means. Mitigating circumstances may be taken into account to reduce a sanction for Prohibited Conduct. Mitigating factors do not constitute a justification or excuse for the Prohibited Conduct.

F. In addition to any sanctions, the Title IX Coordinator may also implement long-term remedies that are intended to stop discrimination, harassment including but not limited to Title IX Sexual Harassment, and/or retaliation, remedy the effects and prevent recurrence of all. Even if a finding of no responsibility is issued, the Title IX Coordinator may at the Title IX Coordinator's discretion, and if requested by either Party, provide long-term Support Measures. Long-term remedies or Support Measures will not result in denial of Respondent or Complainant access to an Education Program or Activity. WVSU will maintain the privacy of any long-term remedies/actions/Supportive Measures as long as privacy does not impair WVSU's at Parkersburg's ability to provide these services.

XVII. Time Frames

A. THE UNIVERSITY will make every effort to complete the grievance process within a reasonable time frame and in a timely manner while balancing the principles of thoroughness and fundamental fairness with promptness. Typically, the Formal Grievance Process is completed within sixty-to ninety days.

B. Circumstances may arise that require the expedition or extension of GRIEVANCE PROCEDURE time frames. Such circumstances may include, but are not limited to, the severity or complexity of the allegations; the number of witnesses involved; the absence of a Party, a Party's Advisor, or a witness; the effect of a concurrent criminal investigation; the replacement of Review Board member who has been challenged for bias or conflict of interest; the need for language assistance or accommodation of disabilities; intervening UNIVERSITY breaks; the need for a witness to secure transportation or other good cause. THE UNIVERSITY may delay or expedite the grievance process at any level or may allow the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the expedited time frame, delay or extension, and the reasons for the action.

C. If a deadline in this GRIEVANCE PROCEDURE falls on a day the University is closed, the deadline is moved to 8:00 a.m. on the next UNIVERSITY day.

XVIII. Providing Materially False Information in Bad Faith Reporting and Investigation Procedures

A. Knowingly making a false report, filing a false Formal Complaint, providing false information, or testimony during the prehearing investigation, live hearing or at any stage of the formal or informal resolution process is prohibited.

B. Individuals found responsible for violating this section may be subject to disciplinary action up to and including employment suspension and/or termination and/or academic suspension and/or expulsion.

C. The investigation procedure for investigating claims of providing materially false information in bad faith reporting and investigation procedures will be investigated using the procedures above in *XI. Investigation of Reports and Formal Complaints, Review of Evidence, Investigative Report*.

XIX. Retaliation Reporting Procedure

A. Reports and Formal Complaints alleging Retaliation are filed with the Title IX Coordinator and are investigated and adjudicated in accordance with the procedures set forth in this GRIEVANCE PROCEDURE.

B. Individuals found responsible for Retaliation are subject to disciplinary sanctions consistent with this procedure.

XX. Intersection of the Grievance Procedure with Other Laws and Rights

A. Nothing in this GRIEVANCE PROCEDURE shall be read to: (1) restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution; or (2) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or (3) restrict any other rights guaranteed against government action by the U.S. Constitution.

B. Nothing in this GRIEVANCE PROCEDURE may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder.

C. Nothing in this GRIEVANCE PROCEDURE may be read in derogation of any legal right of a parent or guardian to act on behalf of a "Complainant," "Respondent," "Party," or other individual, under this GRIEVANCE PROCEDURE, including but not limited to filing a Formal Complaint.

D. THE UNIVERSITY's obligation to comply with Title IX and this GRIEVANCE PROCEDURE is not obviated or alleviated by the Federal Educational Rights and Privacy Act.

XXI. Training Requirements

A. Title IX Coordinators, Investigators, responsibility decision-makers, appeal decision-maker(s) and any person who facilitates an informal resolution process, as applicable, will receive training on the definition of Title IX Sexual Harassment, Policy 14, the scope of THE UNIVERSITY's Education Program or Activity, how to conduct an investigation and this Grievance Procedure, including hearings, appeals, and informal resolution processes, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

B. Any decision-maker(s) responsible for making determinations on responsibility will receive training on:

1. How to conduct questioning
2. How to assess credibility
3. Impartiality and objectivity
4. How to render findings and generate clear, concise, evidence-based rationales
5. The definitions of all Prohibited Conduct
6. How to apply definitions used by WVSU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy)
7. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
8. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
9. Any technology to be used at a live hearing
10. Issues of relevance of questions and evidence including but not limited to including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant
11. Issues of relevance to create an investigation report that fairly summarizes relevant evidence
12. How to determine appropriate sanctions in reference to all forms of Prohibited conduct

13. Recordkeeping

C. Any materials used to train Title IX Coordinators, Investigators, Review Board Members appeal decision-makers, and any person who facilitates an informal resolution process, must not rely on sex or other Protected Class stereotypes and must promote impartial investigations and adjudications of reports and Formal Complaints of Prohibited Conduct and Formal Complaints of Title IX Sexual Harassment.

D. Up to date training materials that reflect the latest Title IX training required by the Final Rule are available online at: <https://wvstateu.edu/about/title-ix.aspx>

XXII. Record Keeping

A. The Title IX Coordinator will maintain for a period of at least 7 years, or longer under applicable Federal and State law:

1. All materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. THE UNIVERSITY must make these training materials publicly available on its website, or if THE UNIVERSITY does not maintain a website THE UNIVERSITY must make these materials available upon request for inspection by members of the public;

2. Each sexual harassment investigation including any determination regarding responsibility;

3. Any live-hearing audio or audiovisual recording and/or transcript;

4. Any disciplinary sanctions imposed on the Respondent;

5. Any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's Education Program or Activity;

6. Any appeal and the result;

7. Any informal resolution and the result therefrom;

B. For each report of Title IX Sexual Harassment that is not resolved through the completion of the Title IX complaint resolution process, THE UNIVERSITY must create, and maintain for a period of seven (7) years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, THE UNIVERSITY must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity. If THE UNIVERSITY does not provide a Complainant with Supportive Measures, then THE UNIVERSITY must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain basis or measures does not limit THE UNIVERSITY in the future from

providing additional explanations or detailing additional measures taken. The person responsible for creating the record(s) required by this section is dependent upon the stage of the grievance procedure where the creation of the record is required. For example, if a Complainant withdraws

C. The date of the creation of a record described in this section begins the record's retention period.

D. The University will maintain all other record related to Federal anti-discrimination laws records for at least the minimum time required for each record under the applicable Federal law.

E. Maintenance any record set forth in this section does not automatically create a right of access to the record by any Party.

F. The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Clothing, forensic, and other physical evidence should be stored with the campus law enforcement entity. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalogue of all physical evidence will be retained with the case file. The Title IX Coordinator is responsible for maintaining all records related to Title IX Sexual Harassment reports and Formal Complaints.

G. **Records Relating to an EEOC Charge of Discrimination.** Where a charge of discrimination has been filed under Title VII, the ADA, or GINA with the EEOC or where a civil action has been brought by the EEOC or the Attorney General, THE UNIVERISTY will retain all records related to the charge or action until final disposition of the charge or action. The date of final disposition means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where such an action has been brought, the date on which such litigation is terminated.

XXIII Non-Disclosure Agreements

A. The Title IX Coordinator may require the Parties and their Advisors to enter into Non-Disclosure Agreements not to disseminate any of the information provided to them in accordance with this procedure.

B. The Non-Disclosure Agreement will not impose prior restraints on an individual's ability to discuss any allegations under investigation, with an Advisor, parent, friend, or other source of emotional support, or with an advocacy organization

XXIV. Impartiality, Conflicts of Interest and Bias¹

¹ Text for this section is from *Title IX Sexual Harassment Training: Serving Impartially & Avoiding Conflicts of Interest and Bias Understanding How to Remain Impartial and Preserve Integrity of the Formal Grievance Process*, Maricopa Community Colleges, Quarles and Bailey, LLP (2020).

A. The Title IX Coordinator, Investigators, Review Board Members, informal resolution Facilitators and Appeal Decisionmakers (referred to collectively as “Title IX Role”) must impartially fulfil their roles. Impartially means serving without prejudice of the facts at issue, conflicts of interest and bias that would materially affect the outcome of an investigation or hearing. Prejudgment means to pass judgment prematurely or without sufficient reflection or investigation. Individuals serving in a Title IX Role should keep an open mind throughout the process, wait to hear all of the facts, view all relevant evidence objectively and avoid Protected Class stereotypes

B. Whether bias exists requires an examination of the particular facts of a situation and the application of an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased.

C. A conflict of interest occurs when personal or private interests may compromise an individual’s judgment, decisions, or actions. Conflict of interests may arise from family, friendships, faculty member and/or employee relationships, financial investments, or other social factors. A conflict of interest exists that disqualifies an individual from the Grievance Procedure is one that prevents the individual from being able to impartially participate. Conflicts of interest can be "actual," "perceived," or "potential"

1. An actual conflict of interest is a direct conflict between one's official duties and responsibilities, and a competing personal interest or obligation

2. A perceived conflict of interest is a situation where it could reasonably be perceived that a competing interest could improperly influence the performance of one's official duties and responsibilities

3. A potential conflict of interest arises where a personal interest or obligation could conflict with one's official duties and responsibilities in the future

3. The individual serves as an advisor to any recognized student organization to which any of the Parties, witnesses, or Advisors belong.

D. A bias is a tendency, inclination, or prejudice toward/against someone. Biases are often based on stereotypes, rather than actual knowledge of an individual or a particular circumstance. They are frequently based on a person's gender, race, sexual orientation or other Protected Class.

XXV. Clery Act Permissible Disclosure of Final Results of Student Disciplinary Proceedings

A. THE UNIVERSITY may disclose to the public the final determination s of any student disciplinary proceedings including final outcome of the Formal Grievance Process described herein if the student is found responsible for a forcible or non-forcible sex offense or intimidation. Final determination means a decision or determination made by the Review Board if not appealed and the decision of any appeal if the responsibility decision is affirmed. THE UNIVERSITY is permitted to disclose only the name of the student(s), the violation(s) committed and the sanction(s) imposed.



**Board of Governors
AUDIT COMMITTEE**

Via Zoom

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

**Thursday, February 4, 2021
10:15 a.m.**

AGENDA

- | | |
|--|--------------------|
| I. Call to Order | James Payne |
| II. Roll Call | Natasha Tyson |
| III. Verification of Appropriate Notice of Public Meeting | James Payne |
| IV. Approval of November 20, 2020 Meeting Minutes | James Payne |
| V. Information Technology | Sharon Warren Cook |
| VI. Adjournment | James Payne |

**Board of Governors
West Virginia State University
Audit Committee**

Date/Time: 2/4/2021 -- 10:15 AM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

Purpose: To conduct regular business of the committee prior to the full board meeting.

Notes:

Meeting was approved : 1/27/2021 8:05:20 AM

Meeting Minutes
West Virginia State University Board of Governors
Audit Committee
Via Zoom
November 20, 2020
9:30 a.m.

I. Call to Order

Committee Chair, Mr. Payne, called the meeting to order at 9:30 a.m.

II. Roll Call

The clerk called the roll. Members present were Mr. Jones, Mr. Payne, Mr. Davis, Mr. Lipscomb, Ms. Harper, Dr. Smith, Mr. Gray, Ms. Dooley, Mrs. Pitchford, Mr. Kelley, and Dr. Vaughan. Mr. Kendrick was absent. Mr. Buchanan attended as the substitute staff representative in Mr. Kendrick's absence.

III. Verification of Appropriate Notice of Public Meeting

Mr. Payne announced the Verification of Appropriate Notice of Public Meeting.

IV. Approval of October 22, 2020 Meeting Minutes

Mr. Payne asked for a motion to approve the October 22, 2020 meeting minutes. Mr. Davis made a motion to approve the minutes, and it was seconded by Ms. Dooley. The motion carried.

V. FY20 Audited Financial Statements

Ms. Williams introduced the auditors of CliftonLarsonAllen, Chris Knopik and Daniel Persaud, who provided an update on the financial audit. Mr. Knopik explained that the ultimate goal of an external audit is to provide an opinion on the financial statements as a whole, not to guarantee an absolute assurance of the financial statement but to provide reasonable assurance. There is an understanding of the key internal controls of the University, however, no opinion is provided on internal controls, as the goal is to communicate any additional findings that may arise as a significant weakness or material weakness.

Mr. Persaud stated that the FY20 audit was performed by a remote setting and an increase in data analytics was used in addition to the substantive testing to ensure any risk can be addressed appropriately. Mr. Persaud informed the committee that the CARES Act funding is a federal major program and may be audited with the student financial aid audit. As it related to Covid-19, the financial impact of student refunds, an evaluation of receivables, the impairment of assets, employee furloughs and terminations, and revenue streams were reviewed to ensure appropriate procedures were in place. Every transaction is not audited that may have occurred in the fiscal year, however, a risk-based approach is applied. There were no significant changes related to the risk-based approach of the previous year compared to the current year. The audit results reflect an unmodified opinion (clean opinion), being the highest level of assurance a firm can provide. The Yellow Book Report had one significant finding of approximately \$90,000, that being the adjusting entries were not made to outside bank accounts at year end; there were no findings in compliance. All necessary entries should be applied and corrected to the account so that there are no issues in the upcoming fiscal year.

The statement of net position provides a breakdown of assets and true activities of the University, excluding R&D amounts. The significant changes were related to capital assets that reflected a decrease of approximately \$2,000,000, mainly due to depreciation expenses that occurred in 2019 compared to the current year, netted with the cost of capital assets which reduced the capital asset net amount. Deferred inflows and outflows changed significantly due to the evaluation of pension plans. The significant changes in revenue and expenses were related to a 2019 Upward Bound grant that was not present in the current fiscal year. An overall change in net position was an -\$637,700 from the \$123,815 reflected in the previous year.

Mr. Knopik reported that there were no new standards implemented this year. There were no disagreements with the audit process; only one audit adjustment was noted due to the switching of banks (Huntington Bank to BB&T in January of 2020), which was stated previously, related to the cash account. The financial statement was submitted prior to the deadline of October 15, 2020 and presented to the Higher Education Policy Commission.

Mr. Payne asked for a motion to move to the audit to the Full Board for approval. Ms. Dooley made a motion, and it was seconded by Mr. Davis. The motion carried.

VI. Adjournment

With there being no other business, Mr. Payne asked for a motion to adjourn. Mrs. Pitchford made the motion, and it was seconded by Mr. Jones. The motion carried. The meeting adjourned at 10:11 a.m.

Respectfully Submitted by Natasha Tyson, Committee Clerk, December 2, 2020.

Approved by:

Kristi Williams
Interim Vice President for Business and Finance
Audit Committee Administrator

Information Technology

Board of Governors Meeting
Audit Committee
Alan Skidmore
February 4, 2021

- The Office of Information Technology (IT) is a unit under the Academic Affairs administrative area that manages the technology infrastructure for the university.

Campus Support

- Maintains the campus computer network infrastructure
 - Computers for students, staff, and faculty
 - Virtual classroom technology
 - Campus telephone system
 - Help desk for on campus and online students
 - Email system
 - Campus servers for video broadcasting of WVSU sports
 - Software and hardware for all departments

Recent Upgrades

- Installed over 4 miles of fiber optic cable across campus
- Re-cabled Ferrell, Hamblin, Library, Hill Hall, Dawson Hall, Monroe, Keith Hall, Student Union
- Upgraded all network switches on campus
- Set up 40 Gig fiber backbone between, Hamblin, Ferrell, Cole, IREB and a 10 Gig fiber backbone between all other major buildings
- Installed approximately 400 Wi-Fi Access Points across campus
- Established new Sonicwall Firewall

Recent Upgrades Cont'd.

- Obtained designated public IP Addresses
- Installed 1Gig and 500Meg redundant fiber internet connections
- Increased Internet bandwidth by 1500% at 50% of previous cost
- Streamlined Servers for data storage and network services
- Installed a Virtual Server for Banner
- Replaced phone system with all VoIP equipment
- Replaced all faculty computers at least once in the past five years
- Installed new cameras and AV equipment in 68 classrooms to allow live streaming since May 2020

Campus Priorities

- Assess the Information Technology infrastructure enterprise wide
- Increase internet bandwidth for online classes and local bandwidth between buildings
- Upgrade network technology to latest standards
- Migrate Banner data system to the cloud
- Expand usage of “Stinger” Super Computer for research
- Improve video systems for athletics streaming
- Install digital signage across campus
- Hire additional Staff (CIO/Programmers/Technicians)

The GLBA Audit

The Gramm-Leach-Bliley Act (GLBA Public Law 106-102) is a United States federal law that requires financial institutions to explain how they share and protect their customers' private information. The GLBA requires institutions to:

- Develop, implement, and maintain a written information security program
- Designate the employee responsible for coordinating the information security program
- Identify and assess risks to customer information
- Design and implement an information safeguards program
- Select appropriate service provider that are capable of maintaining appropriate safeguards
- Periodically evaluate the update the security program

The GLBA Audit Cont'd.

WVSU received findings of noncompliance beginning academic year 2018/2019. We failed to perform risks assessments that address:

- Employee training and management
- Information systems, network, software design, information processing, storage, transmission and disposal
- Detection, prevention and responses to attacks, intrusions, or other system failures.

The GLBA Audit: Our Corrective Actions

- Retain a company that specializes in IT security to provide risk assessments that lead us to compliance and provide an evaluation for our entire information technology infrastructure
- Develop network monitoring and system management systems
- Develop security training programs for all personnel who work with student data
- Maintain and document ongoing training and monitoring

Timetable of Corrective Action

Activity	Responsible (S)	Time	Costs
Costs Estimates and PO	IT Director	February 2021	None
Kick off Meetings	IT and Financial Aid	February 2021	None
Install Network Scanner	IT Staff	February 2021	\$2,000 per month monitoring fee (ongoing)
Consultant's Review	IT/ Financial Aid/Admin	March 2021	Included in the \$2,000 monthly
Consultant-Develop an Assessment Strategy	IT/Financial Aid/Admin	April 2021	\$15,000 Flat Rate
Develop Security Training	IT/Financial Aid/Admin	May 2021	None
Tune Network	IT	May 2021	Included

Corrective Action Cont'd.

Activity	Responsible Unit(s)	Time	Cost
3-4 Month Network Review	IT	June 2021	Included in the \$2,000 monthly monitoring fee
Initiate Staff Security Training	IT/Financial Aid/Admin	July 2021	Estimated \$10,000 for training materials/setup
Respond and correct Network Security Issues	IT	September 2021	Estimated \$120,000
Move to compliance	IT/Financial Aid/Admin	GLBA Audit October 2021	No costs
			Total costs
			\$169,000 year one
			\$35,000 recurring annually

Questions



**Board of Governors
FINANCE COMMITTEE
Via Zoom**

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

**Thursday, February 4, 2021
11:00 a.m.**

AGENDA

- | | |
|--|------------------|
| I. Call to Order | Mark Davis |
| II. Roll Call | Natasha Tyson |
| III. Verification of Appropriate Notice of Public Meeting | Mark Davis |
| IV. Approval of October 22, 2020 Meeting Minutes | Mark Davis |
| V. Fiscal Year 2021 Budget Forecast | Christina Dalton |
| VI. Adjournment | Mark Davis |

**Board of Governors
West Virginia State University
Finance Committee**

Date/Time: 2/4/2021 -- 11:00 AM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkxQdz09>

Purpose: To conduct regular business of the committee prior to the full board meeting.

Notes:

Meeting was approved : 1/27/2021 8:05:36 AM

Meeting Minutes
West Virginia State University Board of Governors
Finance Committee
James C. Wilson University Union and Zoom
October 22, 2020
10:00 a.m.

I. Call to Order

Committee Chair, Mr. Davis, called the meeting to order at 10:00 a.m.

II. Roll Call

The clerk called the roll. Members present were Mr. Jones, Mr. Davis, Mr. Lipscomb, Ms. Harper, Dr. Smith, Mr. Payne, Mr. Gray, Ms. Dooley, Mr. Kendrick, Mr. Kelley, and Dr. Vaughan. Mrs. Pitchford was absent.

III. Verification of Appropriate Notice of Public Meeting

Mr. Davis announced the verification of appropriate notice of a public meeting.

IV. Approval of Meeting Agenda

Mr. Davis asked for a motion to approve the agenda. Mr. Kelley made a motion, and it was seconded by Mr. Payne. Dr. Frank Vaughan opposed. The motion carried.

V. Approval of September 3, 2020 Meeting Minutes

Mr. Davis asked for a motion to approve the September 3, 2020 meeting minutes. Mr. Gray made a motion, and it was seconded by Ms. Dooley. The motion carried.

VI. Budget Overview

Ms. Williams provided the budget reports for the end of the first accounting period of FY19-20, which ended on July 30, 2020. The total expected revenue for FY20 was \$38,731,724 of which \$35,600,910 of total revenue was collected. State appropriations are included in the revenue calculations. Ms. Dooley inquired about the land-grant match and which area it would be applied. Ms. Williams stated that the state match would fall under the President's Office. Mr. Kelley asked what revenue is associated with Academic Affairs besides the tuition. Ms. Williams responded that there are course fees, grants, and a variety of items. The total allocated budget was \$37,299,390, of which \$34,717,129 was spent. The total expenses include salaries and other expenditures, with salaries and benefits being the largest expense. These expenses account for 59 percent for FY20 while all other expenses such as travel, equipment, and supplies account for 41 percent of the total expenses.

In FY20-21, for June and July, the monthly payroll average was \$1,600,000 while the purchasing card (p-card) expenses averaged \$372,000 every month. The debt service for Keith Scholars Hall is approximately \$166,193 and there is a \$57,927 debt service for the University Union. The total for these expenses is \$2,196,120, all of which is held to a strict deadline for the State of West Virginia. As for the flexible payment accounts such as utilities, supplies, and other expenses submitted via purchase orders, the total would be \$905,228 to be paid at various times during the month depending upon their due date.

Accounts payables expenses increased in the months of June, July, and August. There was \$2,272,287 in June, \$2,385,628 in July, and \$2,532,930 in August. A plan is being developed, with the assistance of President Pride, to reduce these expenses. The cash flow considerations have been noted as reducing p-card spending and purchase orders, reducing salaries but not vacancies, reducing the amount of waivers, increasing fundraising, and developing a technology replacement rotation for staff similar to faculty of every five years.

The purchasing card approval process will be streamlined. In doing so, the monthly p-card holder limits have been reduced as well as the transaction limits, and the number of p-cards will be reduced, as there are currently sixty cardholders. There are approximately 23 purchase orders at an average of \$181,000 being processed monthly. In streamlining the current approval method, the departments will be encouraged to follow the process and procedure on a consistent basis and discontinue the practice of ordering items prior to obtaining the appropriate approvals, which will eliminate the practice of producing a purchase order after an invoice has been received or paid. A personal financial responsibility of the employee is being considered if the approval process is not being followed. A dollar amount threshold has been discussed for approval by the President.

Waivers are not an outflow of cash to the University but a form of foregoing the influx of revenue. Since FY18, waivers have increased although full-time enrollment has decreased. In FY19-20 there was not an increase in tuition; therefore, the increase of waivers were not influenced by the increase of cost. There are two types of tuition waivers, the first being those that are required by State Code and the second being institutional waivers. Waivers required by State Code are the highest amongst HSTA recipients while student-athletes receive the most institutional waivers.

Reducing salary expenses by utilizing a reduction in full-time employees and possibly reducing employees to less than full-time are being reviewed. A reduction in force may be initiated after an examination of each departmental need to reduce duplication of services. The practice of arbitrary supplemental pay may be eliminated as well.

The FY19-20 salaries and benefits represented \$20,521,053 for the University. A savings of \$1,026,053 would be possible if a 5 percent reduction is applied across the board. Considering a 10 percent reduction would have a \$2,052,105 savings overall. Additional options are to have employees take off one day per month, which would have a combined savings of \$485,742 annually. Taking two days off would yield a savings of \$971,484 a year. A percentage reduction of 1-10 percent would generate a combined savings of \$1,477,465 in annual salaries. Dr. Vaughan asked that the increase in salaries for vice presidents and the addition of new vice president positions be addressed since there is no conversation of increases for faculty and the reduction being applied to staff salaries. President Pride expressed that there has been a budget committee appointed and there has not been a decision on what direction the University will proceed. The recommendation brought to the Board will be reviewed by the budget committee. Adding a General Counsel will save the institution money and keep the University out of a high-risk area. Splitting the positions of Student Affairs and Enrollment Management is critical in the advancement of the institution. President Pride stated that salary reductions are a temporary measure, but must be adhered to insure the viability and the future of the institution. In July, President Pride asked the Assistant Vice President for Human Resources for a salary equity analysis for faculty and staff, and it was determined that the University employees as a whole are underpaid, which includes the leadership team. Creating a cash flow, from an operations standpoint, will allow payment of the debt owed and enhance or increase salaries to

advance the works of the university. Leadership is necessary to drive the institution and then the inequity of salaries can be addressed.

Ms. Williams communicated that creating fundraising opportunities to increase unrestricted funds through annual giving, major gifts, planned gifts, corporation and foundation giving, as well as endowment growth, which will assist in growing the university and raising the level of reserves. With all of the suggested budget actions, there is an estimated monthly savings of \$419,666 with an annual savings of \$5,035,996, which would include a reduced p-card spending procedure and purchase order spending, monthly savings from staff technology rotation, hiring freeze of non-critical positions, voluntary separation or early retirement, and a reduction in force of nineteen positions.

VII. Adjournment

With there being no other business, Mr. Davis asked for a motion to adjourn. Ms. Dooley made a motion to adjourn, and it was seconded by Mr. Kelley. The motion carried. The meeting adjourned at 10:43 a.m.

Respectfully Submitted by Natasha Tyson, Committee Clerk, October 22, 2020.

Approved by:

Kristi Williams
Interim Vice President for Business and Finance
Finance Committee Administrator

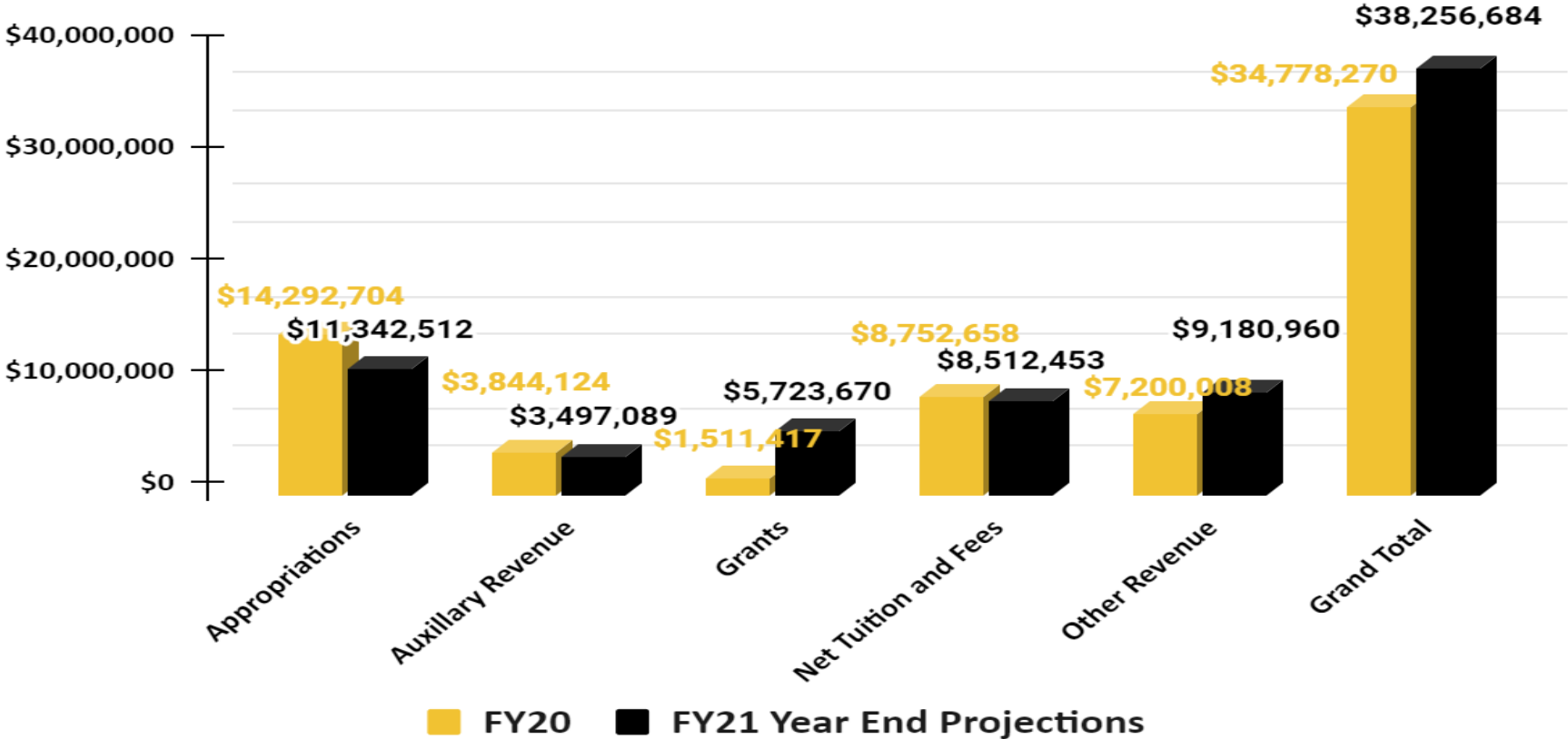
Fiscal Year 2021 Budget Forecast

Board of Governors Meeting
Finance Committee
Christina Dalton
February 4, 2021

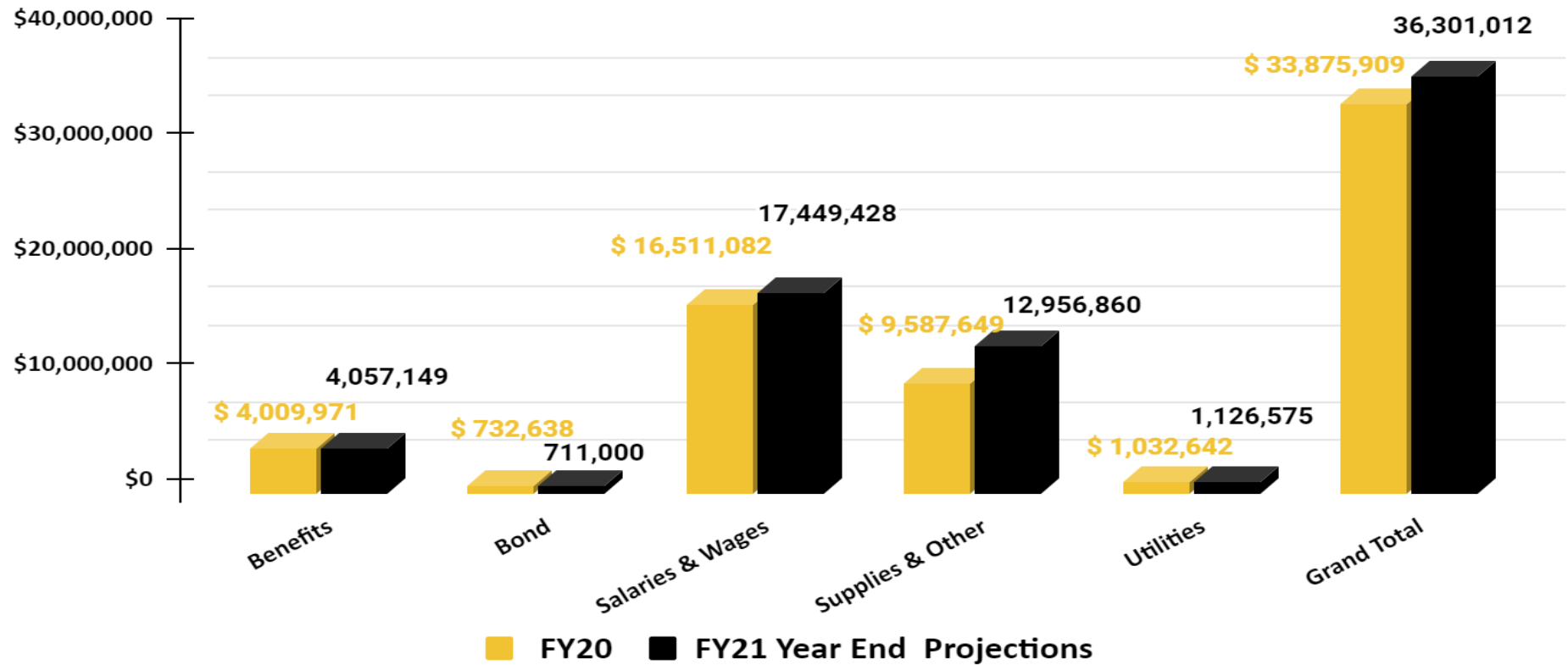
Key Points

- Trend in Revenues
- Trend in Expenditures
- CARES Act (HEERF) Expenditure Breakdown
- FY20-21 CARES Act (HEERF) Allocation Comparison
- FY20-21 Year End Projection Assumptions
- FY20-21 Projected Net Position
- Looking Ahead in FY21-22
- Debt Refinancing Update
- Additional Cost Management Strategies

Trend in Revenues



Trend in Expenses



CARES Act

Higher Education Emergency Relief Funds

Coronavirus Aid Relief and Economic Security (CARES) Act

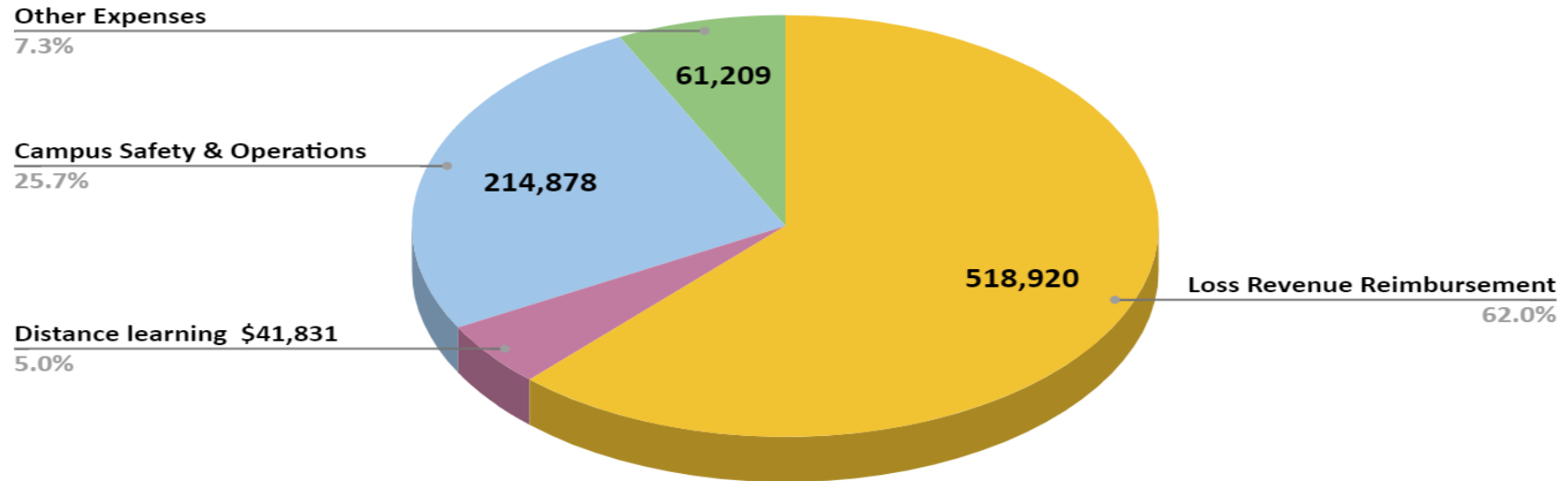
Provides funds allocated by the Department of Education to support students and higher education institutions with expenses and financial needs related to the COVID-19 pandemic.

Eligible Categories (not all inclusive)

- PPE, cleaning and sanitizing supplies
- Distance learning
- Technology
- Campus safety and operations
- Reimbursement of loss revenue

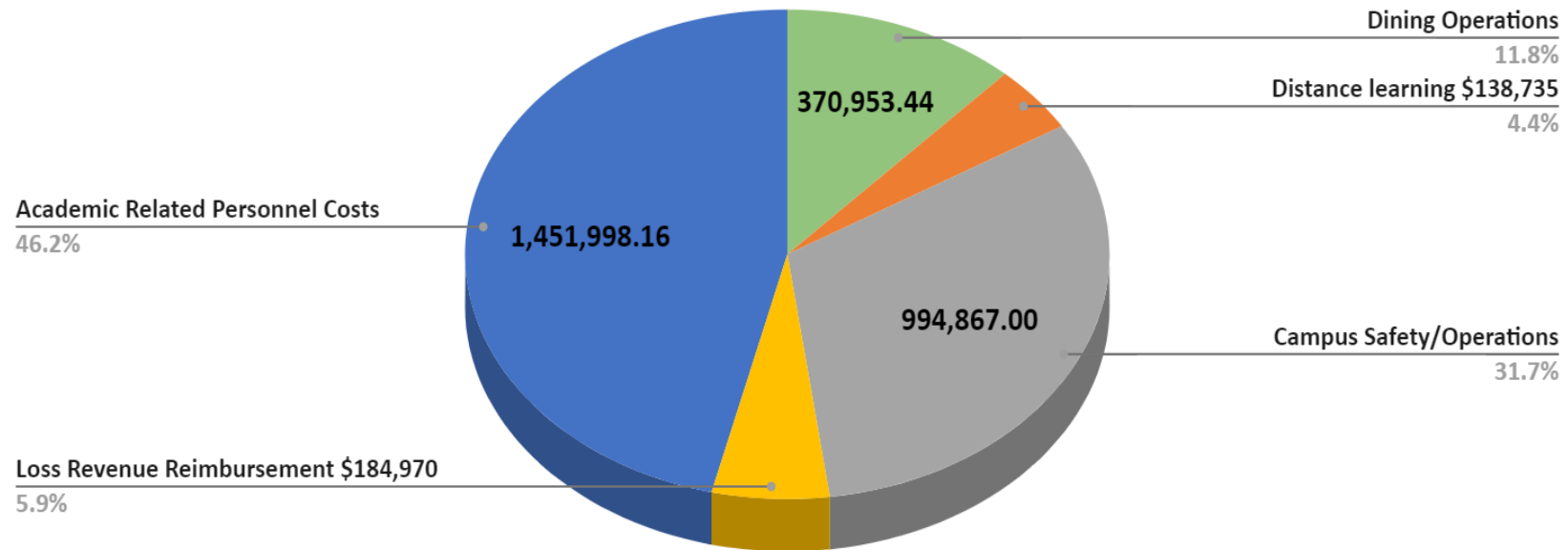
CARES Expenditure Breakdown

FY2019-2020 (1st Round) Institutional Spending Breakdown

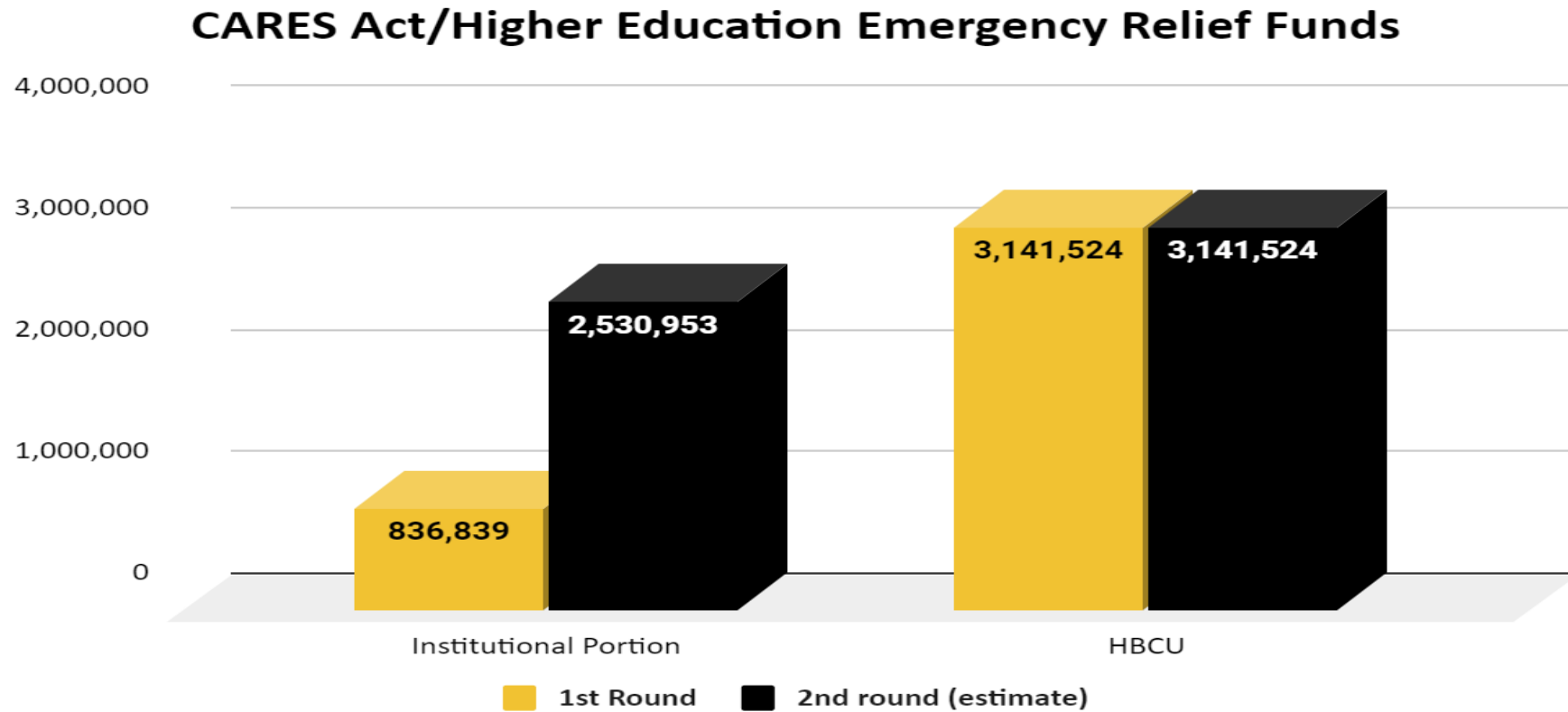


CARES Expenditure Breakdown

FY2020-2021 (1st Round) HBCU Spending Breakdown



CARES Act Allocation Comparison



FY20-21 Year End Projection Assumptions

Revenues:

- Spring 2021 enrollment (tuition, fees, room and board)
- 2nd round of Higher Education Emergency Relief Funds (HEERF)
 - State/Institutional Portion
 - HBCU Portion

Expenses:

- Spending controls:
 - Salaries/Wages
 - Supplies and Other Services

FY 20-21 Projected Net Position

	West Virginia State University		
Revenues:	DEC 2020 Actuals	Spring 2021 Projections	FY21 YE Projections
Tuition and Fees	4,770,086	3,742,367	8,512,453
State Appropriations	4,637,855	6,404,657	11,042,512
Grants (includes CARES funding)	2,662,543	3,061,127	5,723,670
Auxiliaries	1,928,214	1,568,875	3,497,089
Other Revenues	4,295,625	4,885,335	9,180,960
Total Revenues	18,294,323	19,662,361	37,956,684
Expenditures:			
Salaries and wages	9,181,681	8,267,747	17,449,428
Benefits	2,208,365	1,848,784	4,057,149
Supplies and other services	6,239,322	6,717,538	12,956,860
Utilities	563,288	563,288	1,126,575
Debt Service/Bond	231,831	479,169	711,000
Total Expenditures	18,424,487	17,876,525	36,301,012
Net Position	-130,164	1,785,836	1,655,672

Looking Ahead

Voluntary Separation Plan (VSP)

- GOAL: Right sizing institution
- Approved by the Joint Pensions and Retirement Committee on January 12, 2021
- 37 included in Tier I and 31 included in Tier II= 68 eligible
- Participation Analysis:
 - X % Interested, X % approved, X% accepted= X annual targeted savings
- Implementation:
 - February 2021
 - Timeline of Important Dates
 - Communication strategy (email and snail mail)
 - FAQ's
 - VSP vanity email address

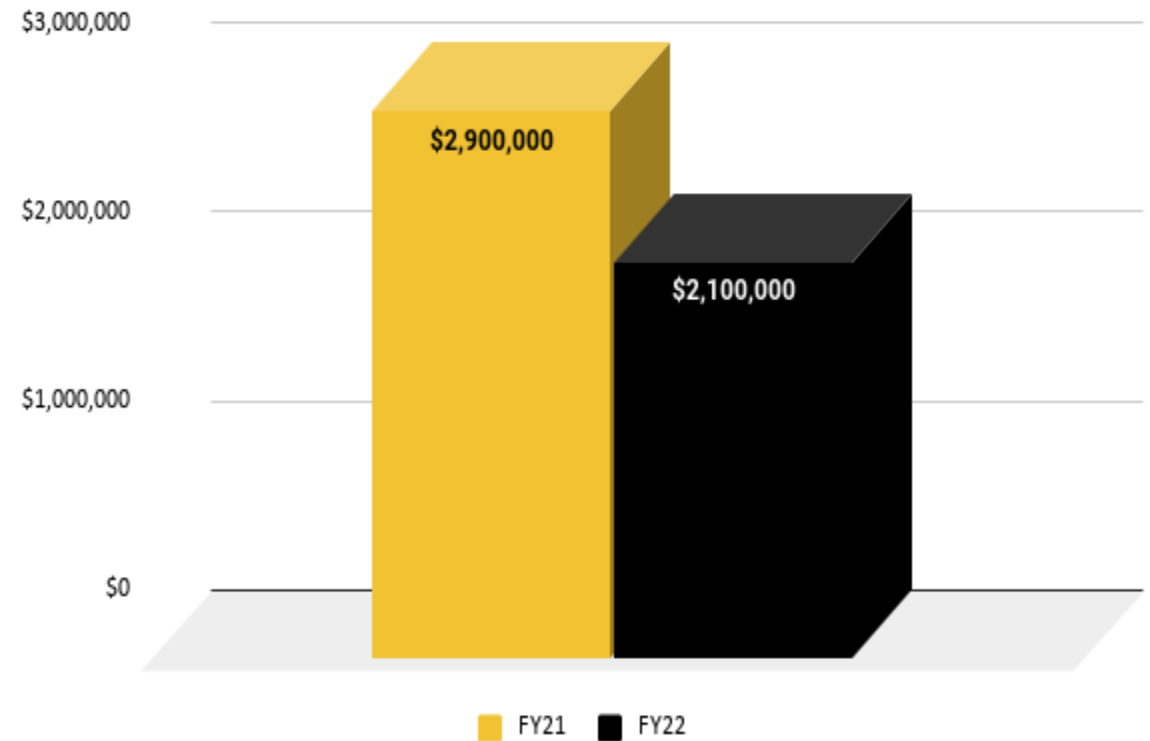
Debt Refinancing Update

Goal: Reduction in annual bond payments

Estimated close date in February 2021

Estimated savings of \$700k-\$900k annually

Annual Debt Service Comparison



Additional Cost Management Strategies

- Accounts Payable Aging Schedule
 - Payment Plans
 - Strategic resource allocation to bring accounts current
- Review IT rotation plan for staff
- Any additional Phase II items as necessary

QUESTIONS



**Board of Governors
RECRUITMENT AND RETENTION COMMITTEE
Via Zoom**

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

**Thursday, February 4, 2021
11:45 a.m.**

AGENDA

- | | |
|--|-------------------|
| I. Call to Order | E. Gail Pitchford |
| II. Roll Call | Rhonda Brogan |
| III. Verification of Appropriate Notice of Public Meeting | E. Gail Pitchford |
| IV. Approval of November 20, 2020 Meeting Minutes | E. Gail Pitchford |
| V. Enrollment Update and Recruitment Plan | Dwight Sanchez |
| VI. Counseling Services | Kellie Toledo |
| VII. Adjournment | E. Gail Pitchford |

**Board of Governors
West Virginia State University
Recruitment and Retention Committee**

Date/Time: 2/4/2021 -- 11:45 AM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

Purpose: To conduct regular business of the committee prior to the full board meeting.

Notes:

Meeting was approved : 1/27/2021 8:05:53 AM

Meeting Minutes
West Virginia State University Board of Governors
Recruitment and Retention Committee
Via Zoom
November 20, 2020
10:15 a.m.

I. Call to Order

Committee Chair, Ms. Pitchford, called the meeting to order at 10:15 a.m.

II. Roll Call

The clerk called the roll. Members present were Ms. Pitchford, Mr. Gray, Ms. Dooley, Mr. Davis, Ms. Harper, Mr. Jones, Mr. Kelley, Mr. Lipscomb, Mr. Payne, Dr. Smith, and Dr. Vaughan. Mr. Kendrick was absent. Mr. Buchanan attended as the substitute staff representative in Mr. Kendrick's absence.

III. Verification of Appropriate Notice of Public Meeting

Ms. Pitchford announced the Verification of Appropriate Notice of Public Meeting.

IV. Approval of the October 22, 2020 Minutes

Ms. Pitchford asked for a motion to approve the previous meeting minutes. Ms. Dooley made the motion. Mr. Gray seconded the motion, and the motion carried.

V. Enrollment Management Strategies for the Future

Mr. Sanchez reported on Strategies for the Future in Enrollment Management. The report consisted of Enrollment Management mission and vision statements, spring 2021 projections and revenue, external and internal factors, a three-year projection, and strategies for moving forward. Mr. Sanchez stated that Enrollment Management would focus on recruiting in the South, Eastern Corridor, and West for both on-campus and online students. Enrollment Management will reframe the student experience and increase enrollment for West Virginia State University by 55 percent by 2023 for undergraduate students and 68 percent by 2023 for graduate students.

Dr. Vaughan inquired about the marketing strategies to attract students from outside of the Kanawha Valley. Mr. Sanchez stated he would be intentional in targeting prospects with opportunities that West Virginia State University can offer to certain groups of prospects. He will craft a marketing message that will convey what the University has to offer in academic offerings, research opportunities, faculty offerings, as well as campus experiences to match what prospects are looking for.

VI. Adjournment

With there being no further business, Ms. Pitchford requested a motion to adjourn. Mr. Gray made the motion. Ms. Dooley seconded the motion, and the motion carried. The meeting adjourned at 11:53 a.m.

Respectfully Submitted by Rhonda Brogan, Committee Clerk, December 1, 2020.

Approved by:

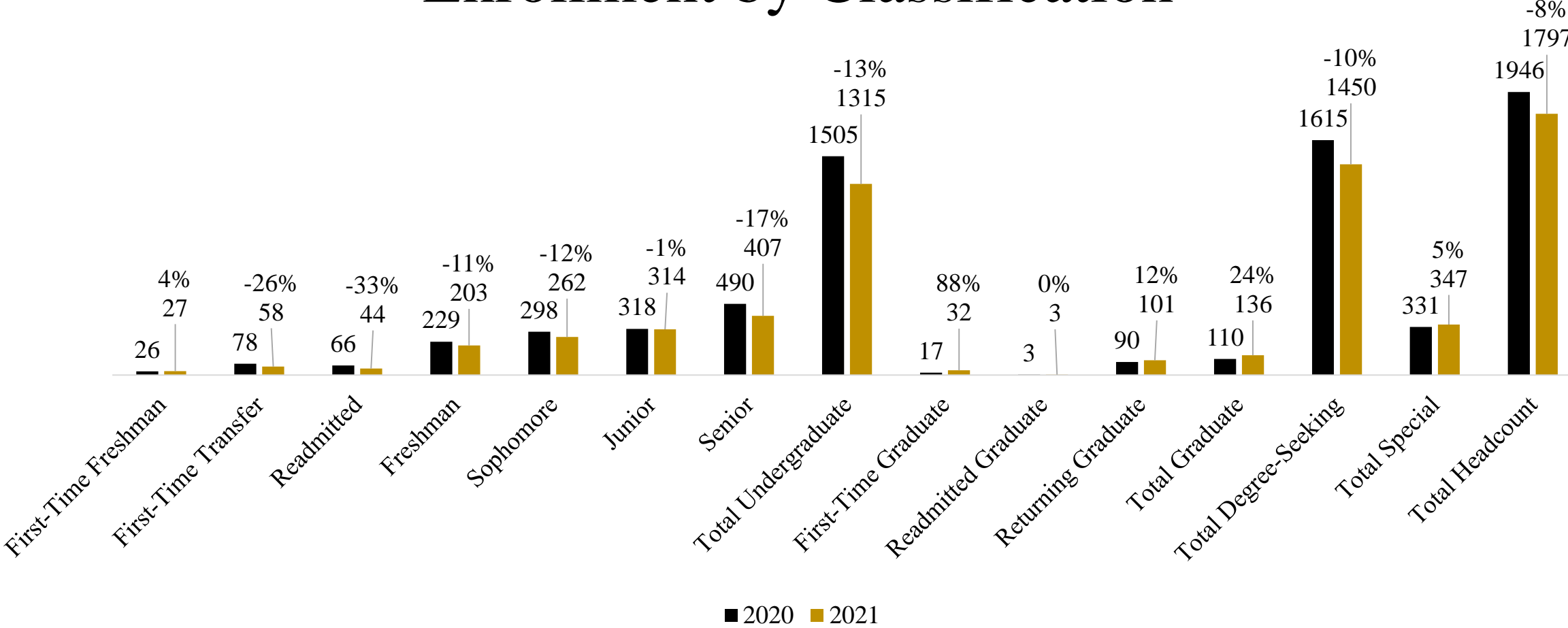
Dwight Sanchez
Vice President for Enrollment Management
Recruitment and Retention Committee Administrator

Enrollment Update and Recruitment Plan

Board of Governors Meeting
Recruitment and Retention Committee
Dwight B. Sanchez
February 4, 2021

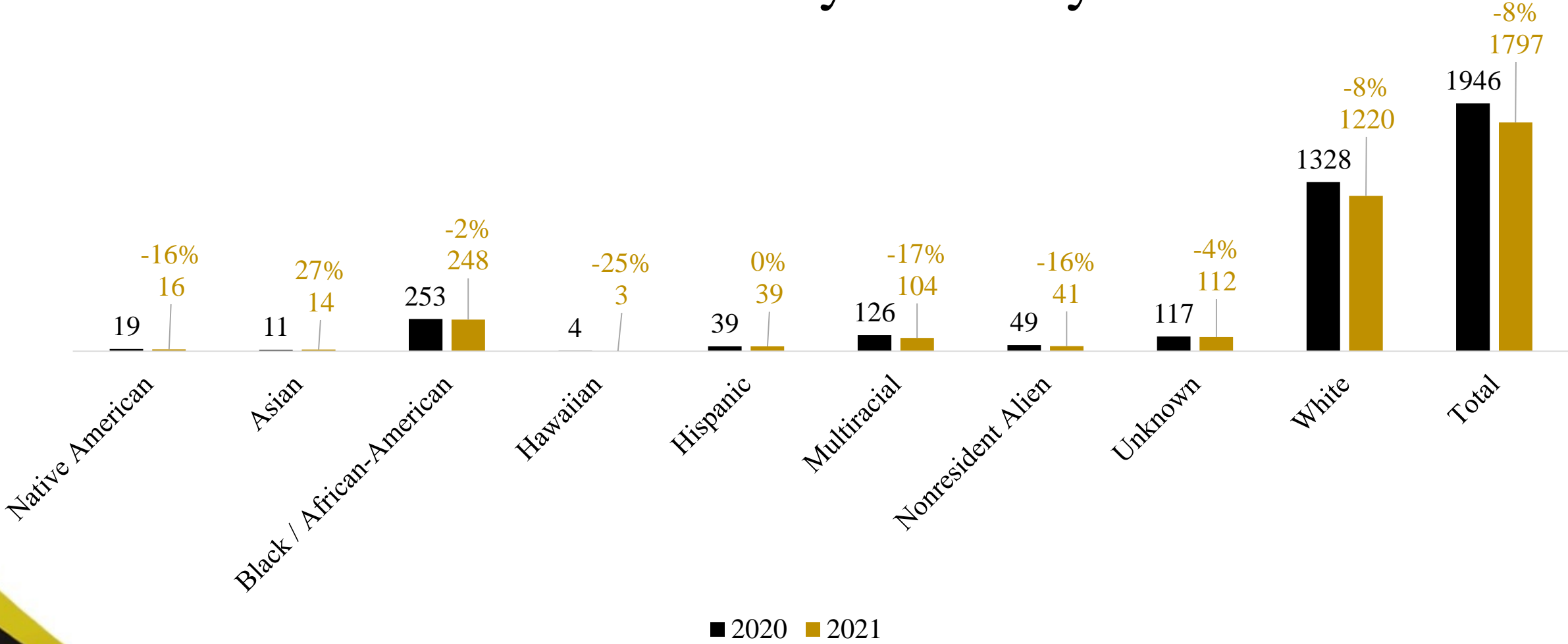
Spring 2021 10 Day Enrollment Snapshot

Enrollment by Classification

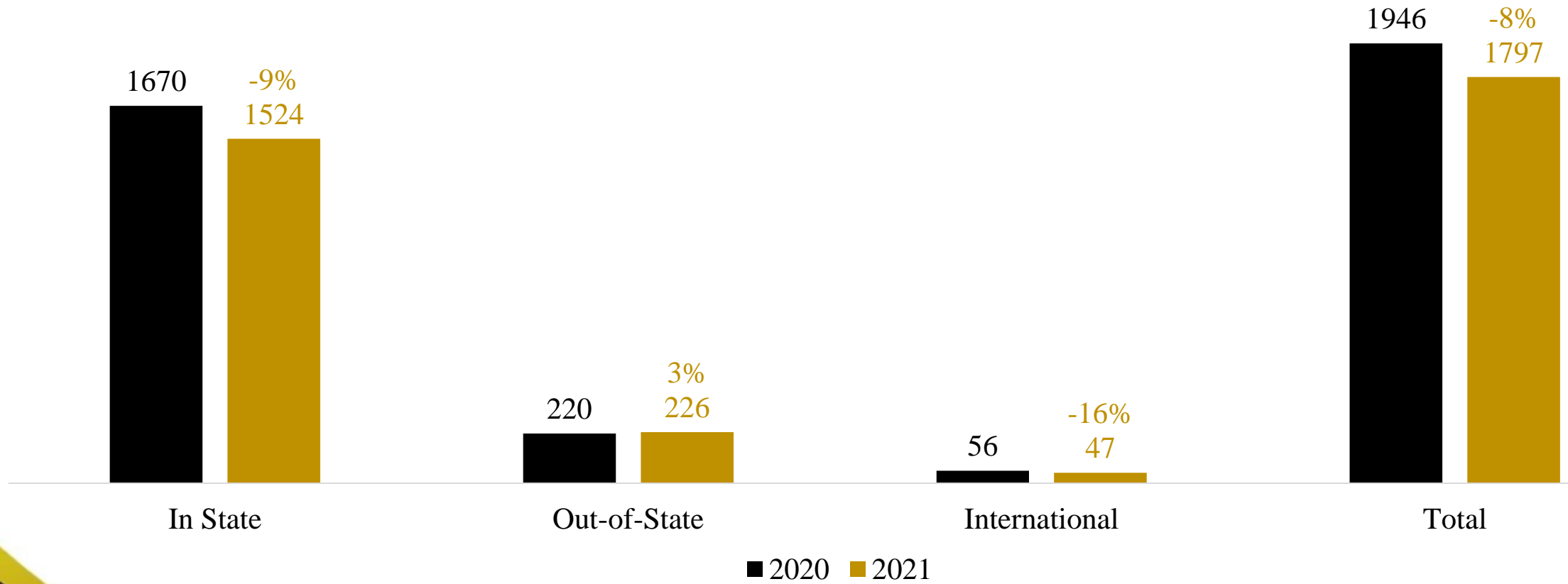


Past Spring enrollment totals did not include students from our partnership with Ningbo University until the 30 day census. As a result of the termination of the program, Spring 2021 enrollment total will not include these students at all.

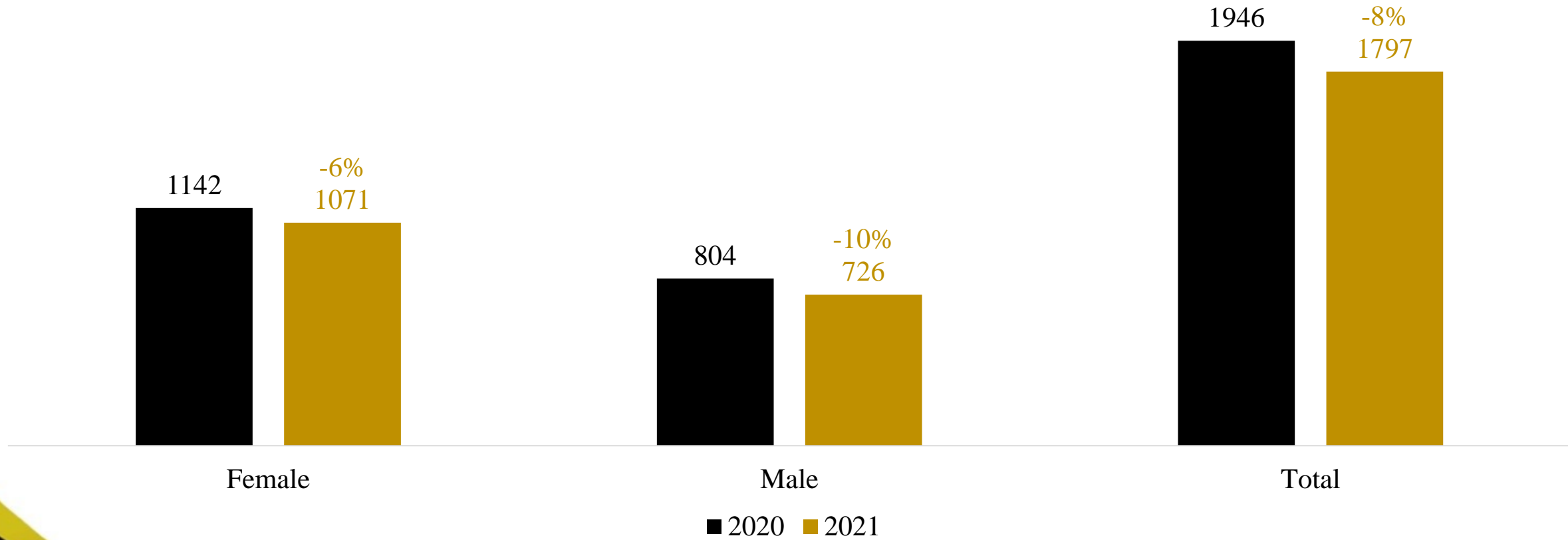
Enrollment by Ethnicity



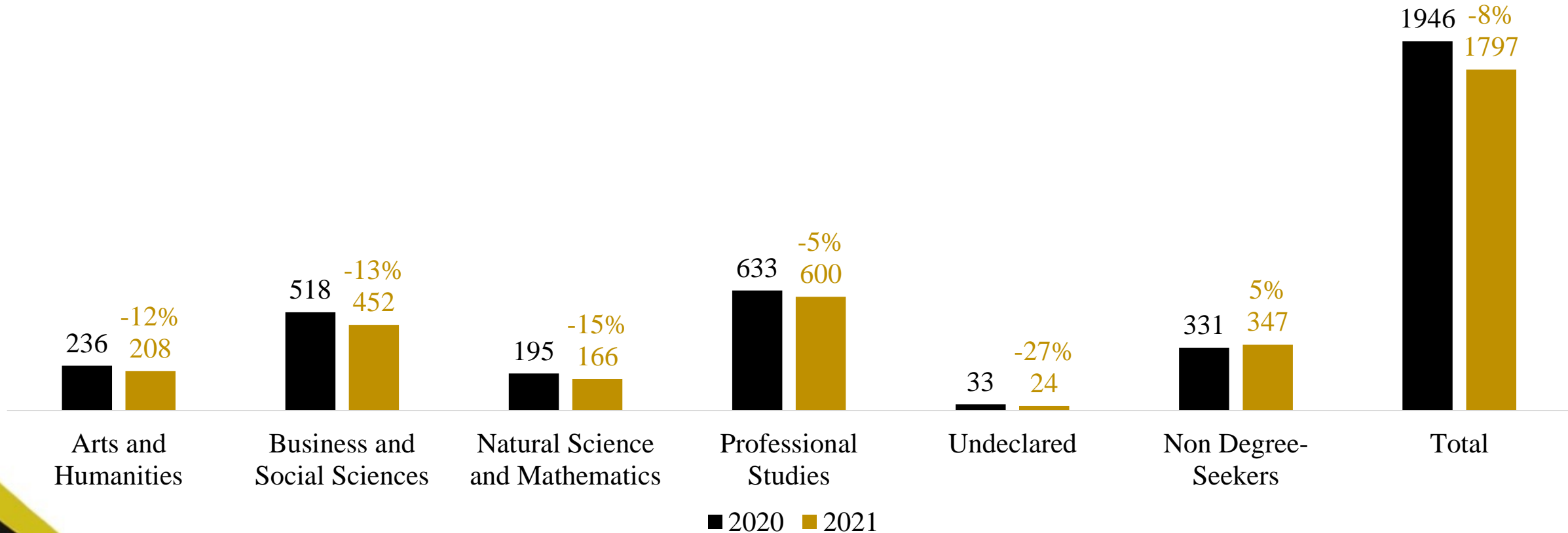
Enrollment by Residency



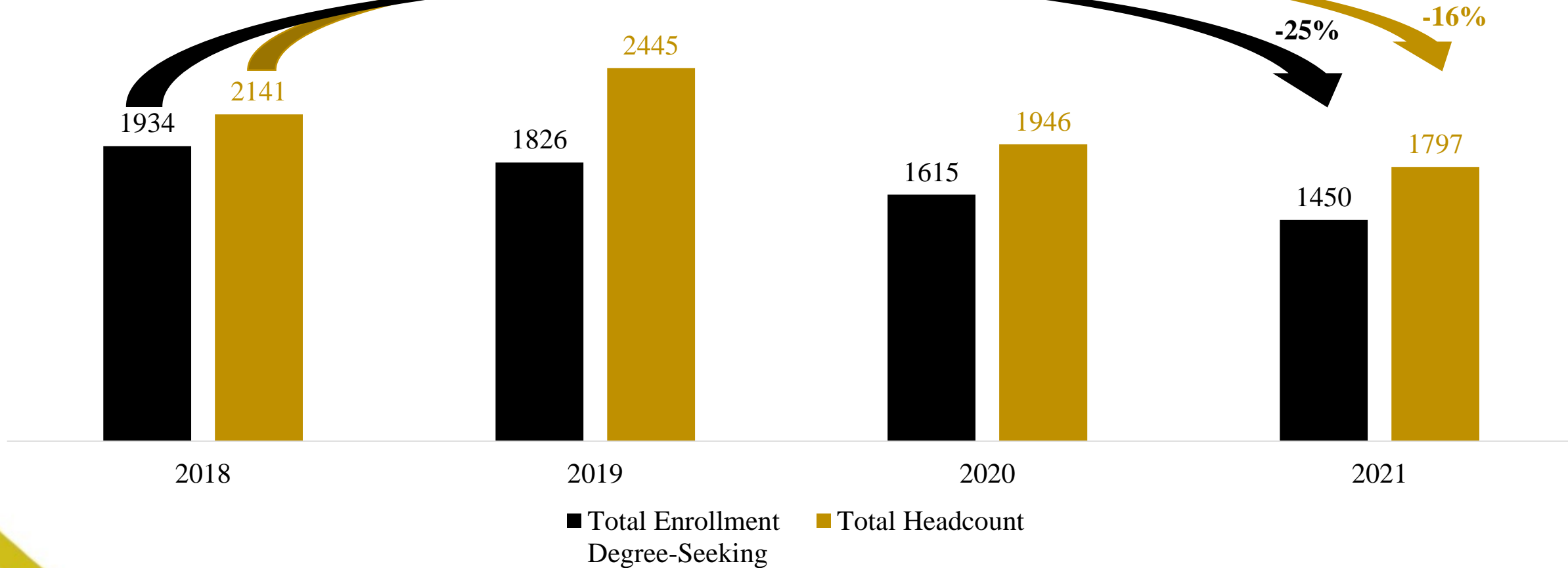
Enrollment by Gender



Enrollment by College



Four-Year Spring Enrollment Trend Data



*Enrollment totals are from the 10 day snapshot of each respective year.

Total headcount has declined by 16% from Spring 2018 to Spring 2021.

Degree-seeking enrollment has declined 25% from Spring 2018 to Spring 2021.

New Enrollment By State / International

Undergraduate Domestic

State	Quantity
West Virginia	68
California	3
Virginia	3

Graduate Domestic

State	Quantity
West Virginia	25
Maryland	2
Illinois	1

Undergraduate International

State	Quantity
India	1
United Kingdom	1
Zimbabwe	1

Graduate International

Country	Quantity
India	2
Nepal	1
Nigeria	1

First-Time Freshmen	27
First-Time Graduate	32
New Transfer	58
<hr/>	
Grand Total	117

2021-2023 Undergraduate Recruitment Plan

EM Mission and Vision

Mission

To identify, recruit, and enroll students whose personal aspirations align with West Virginia State University's mission.

Vision

To operate efficiently through practices embedded in policies and guidelines to achieve compliance and provide optimal service to all constituents who engage the offices within Enrollment Management to ensure the success of our students and the University.

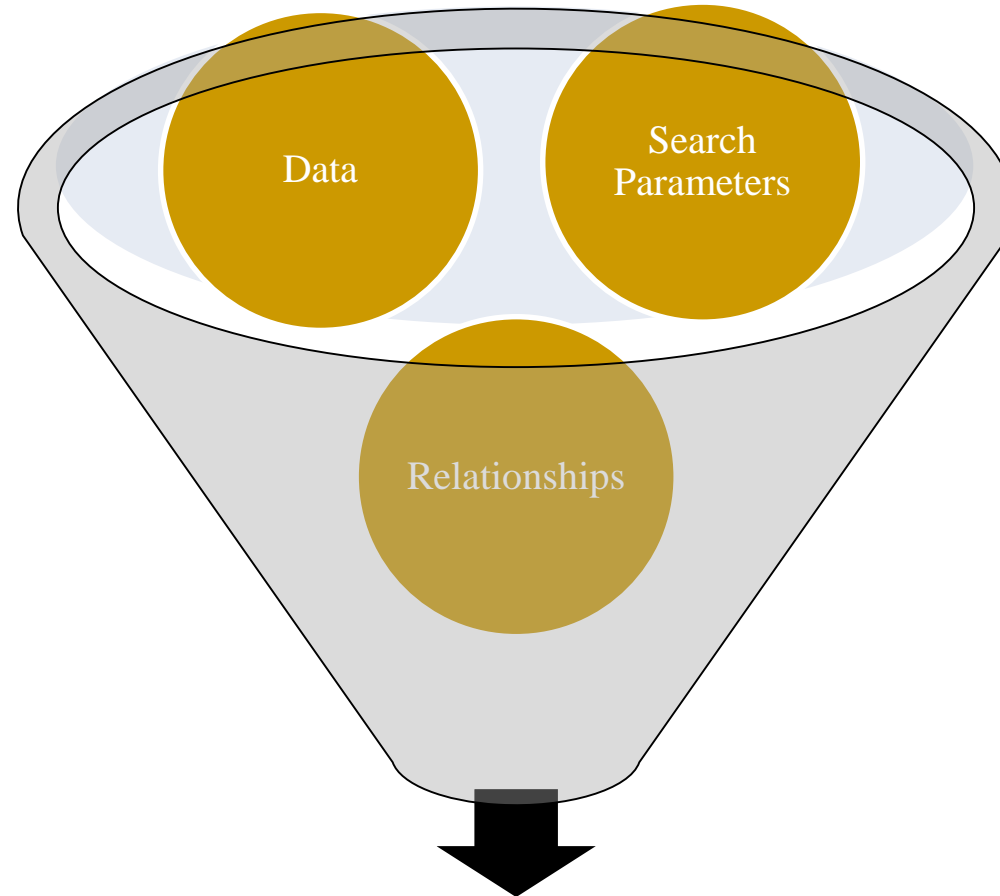
Framework

2021-2023 Recruitment Plan

- Objectives
- 3 Year Undergraduate Recruitment Goals
- Landscape Insights
- Markets/Market Efforts
- Strategies
 - Engagement Model
 - Communication Strategy
- Assessment
- Takeaways



Operational Objectives

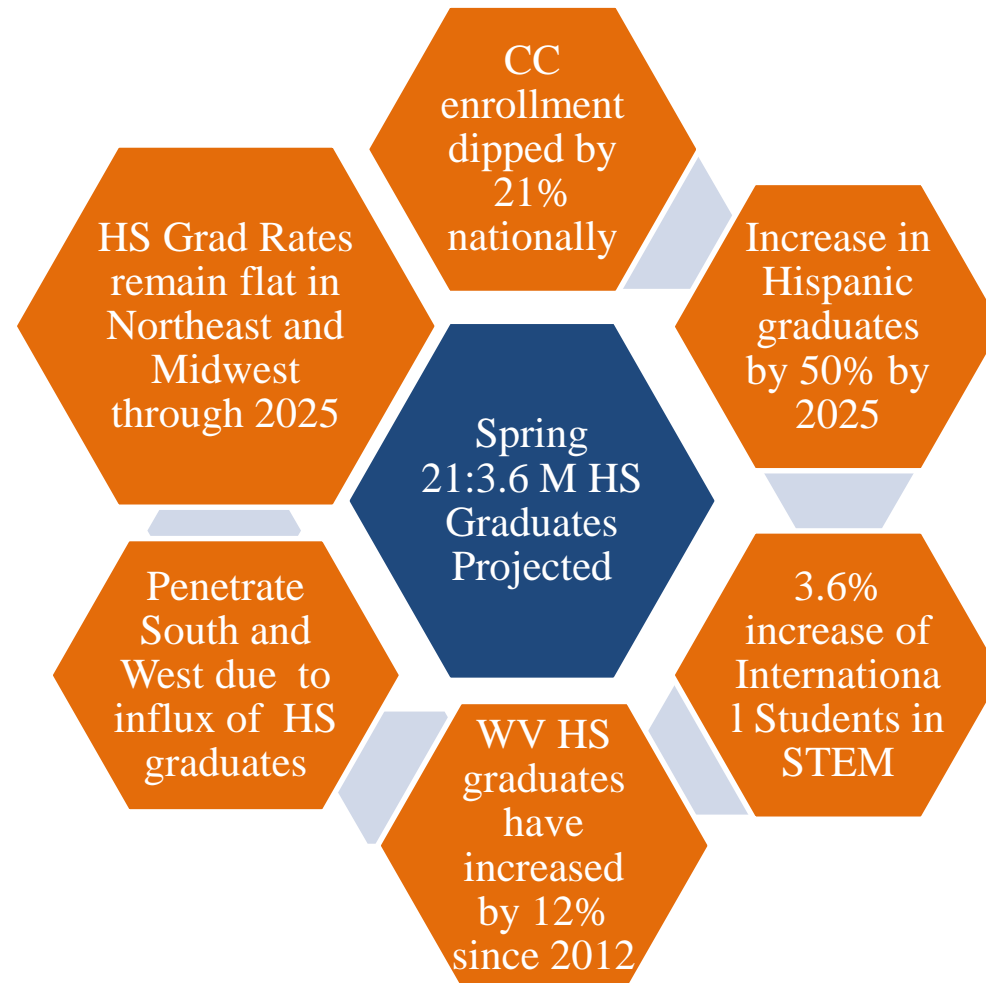


More Students

3 Year Undergraduate Recruitment Goals

Headcount	2021	2022	2023
FTF	377	486	626
Transfer	157	180	200
Total	534	666	826

Recruitment Landscape Insights



Recruitment Territories

Primary

KY, OH, MD,
VA, WV

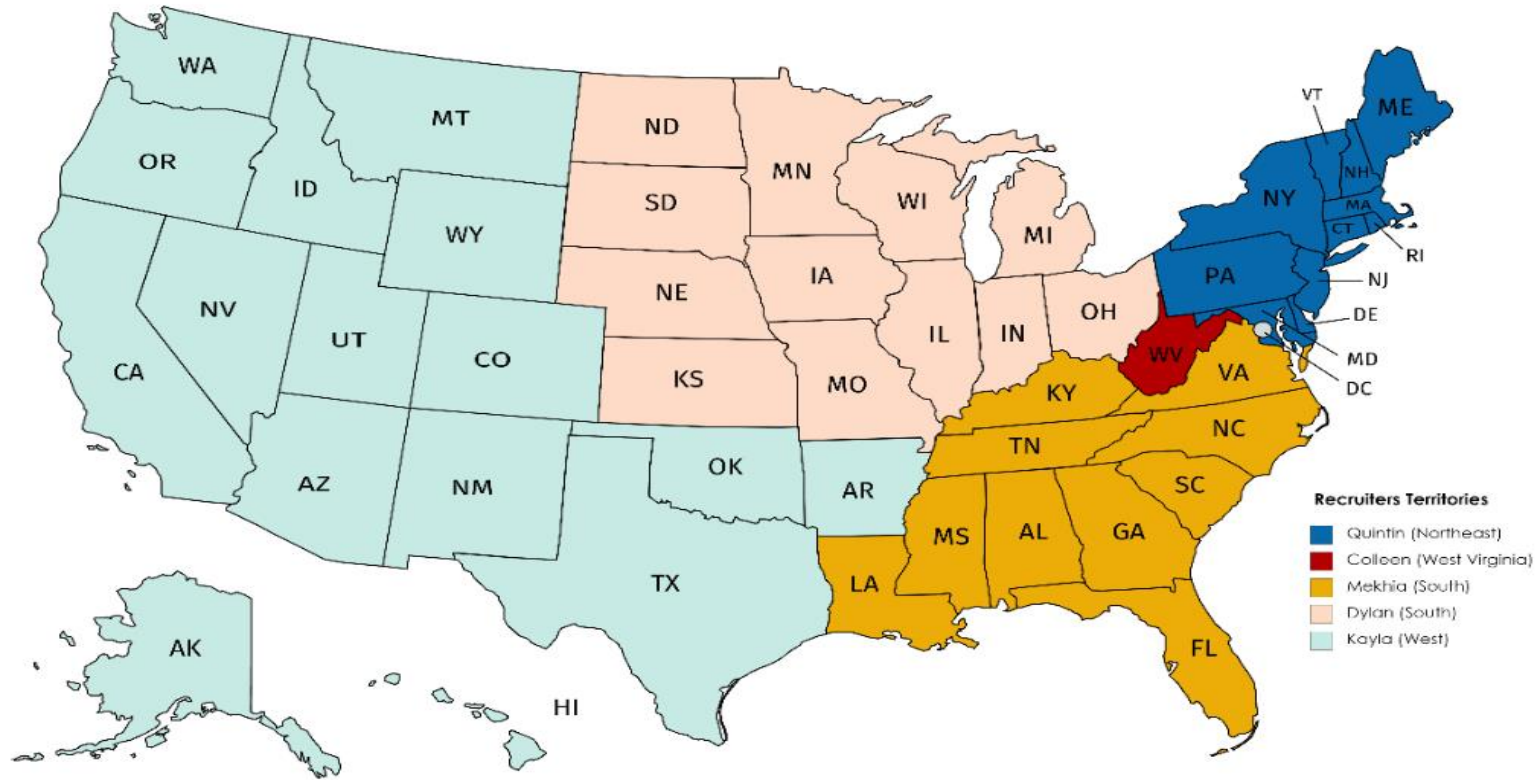
Secondary

CA, GA, FL,
PA

Exploratory

South, East, and
West Regions,
International

Recruitment Territory Assignments



Market Efforts

Primary

Attend all national and regional fairs
Visit all high schools 3x
Visit all CC 2x (articulation agreements)
Implement segmented communication plan by risk score assessment
Participate in local community events
Build pathways for dual degree to degree seeking
Virtual Outreach
Strategic Name-Buys

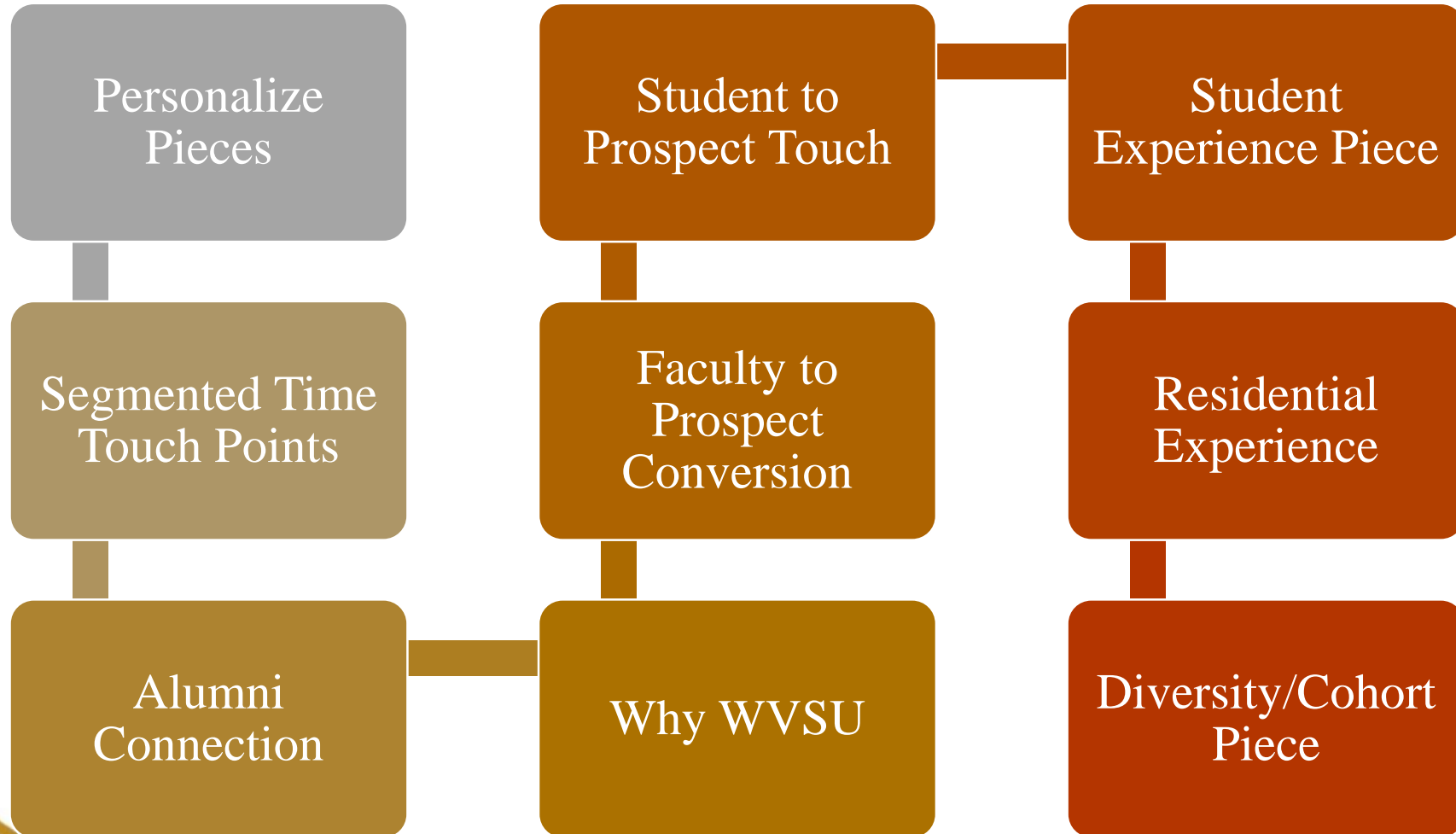
Secondary

Attend targeted fairs
Visit specific feeder high schools 2xs
Participate in targeted transfer recruitment activities
Deploy alumni aligned to specific organizations and institutions
Implement segmented communication plan by risk score assessment
Strategic Name-Buys

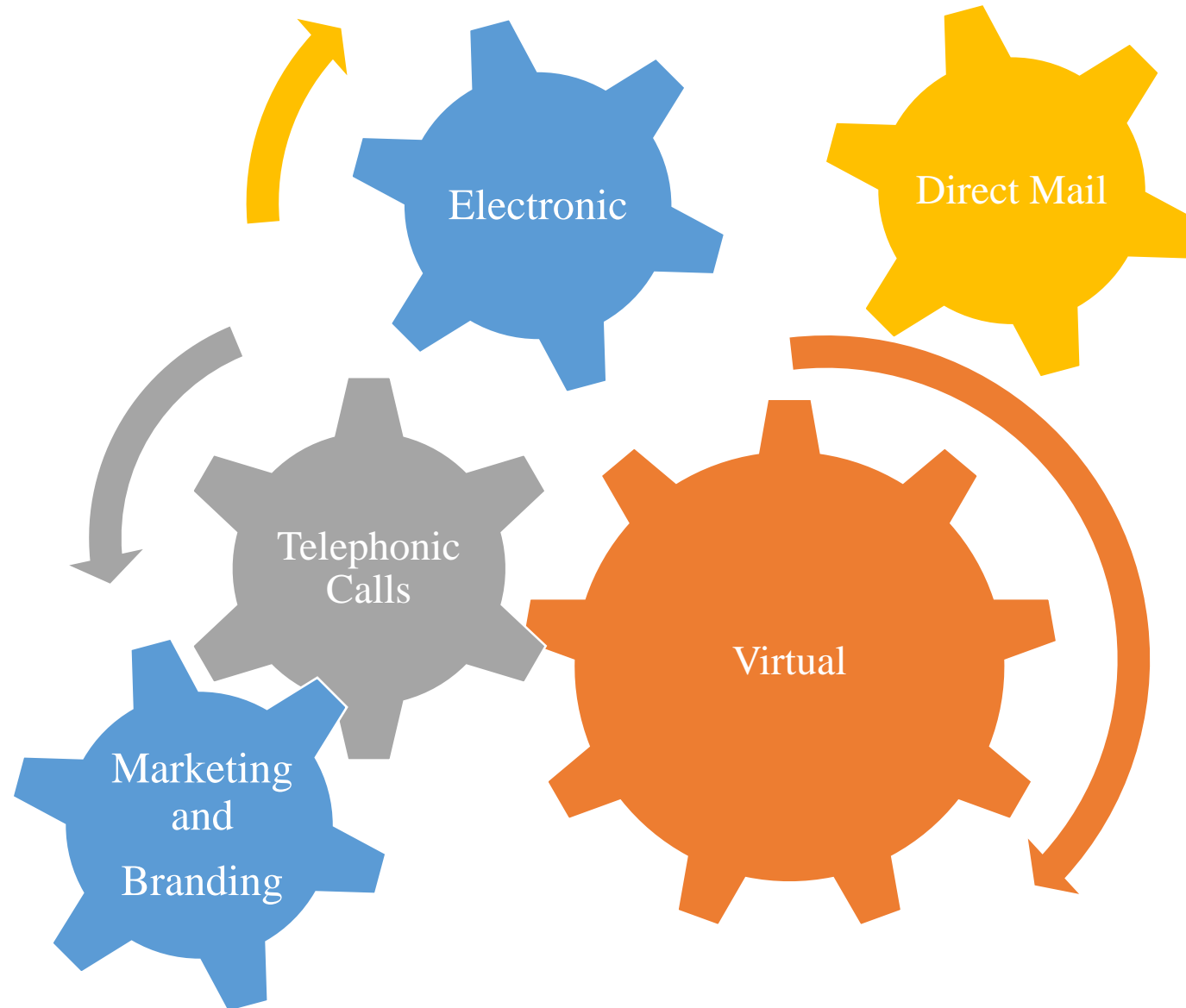
Exploratory

Attend some fairs
Engage alumni to penetrate targeted feeder schools
Increase marketing and branding
Purchase specific name buys tied to fit factor

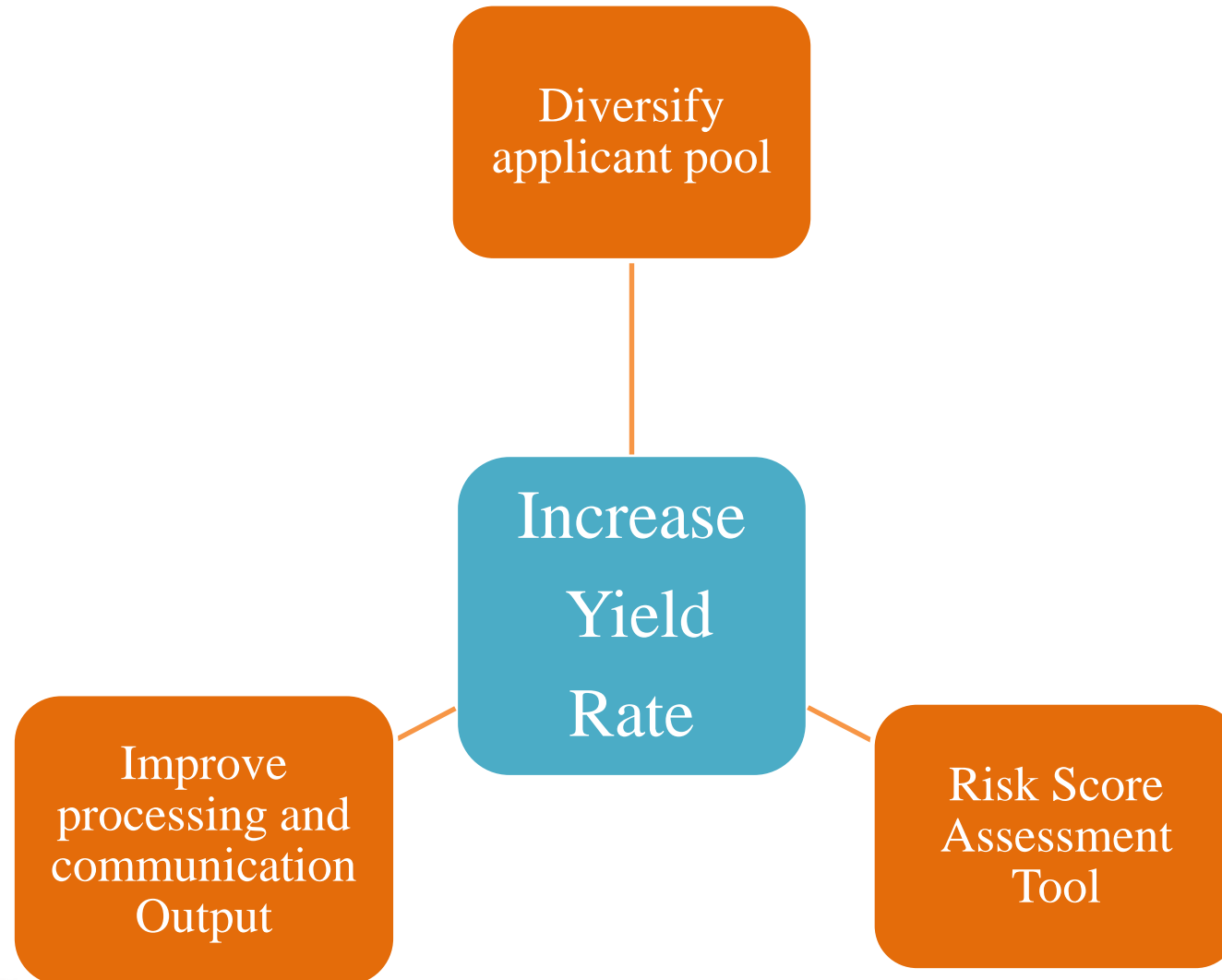
Communication Strategy



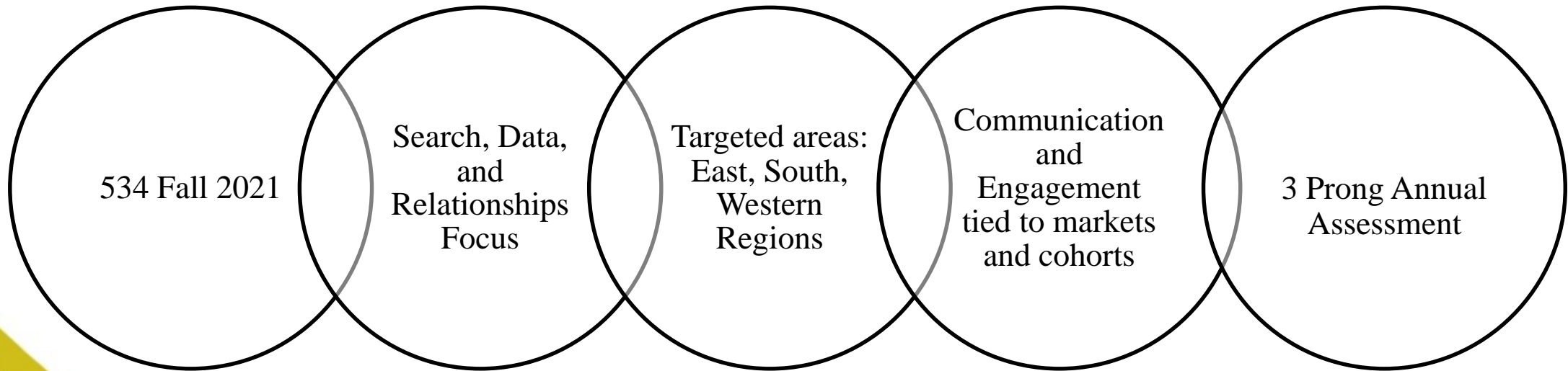
Engagement Efforts



Annual Operational Recruitment Assessment



Take-Aways





Questions?

Counseling Services

Board of Governors Meeting
Recruitment and Retention Committee
Kellie Toledo
February 4, 2021

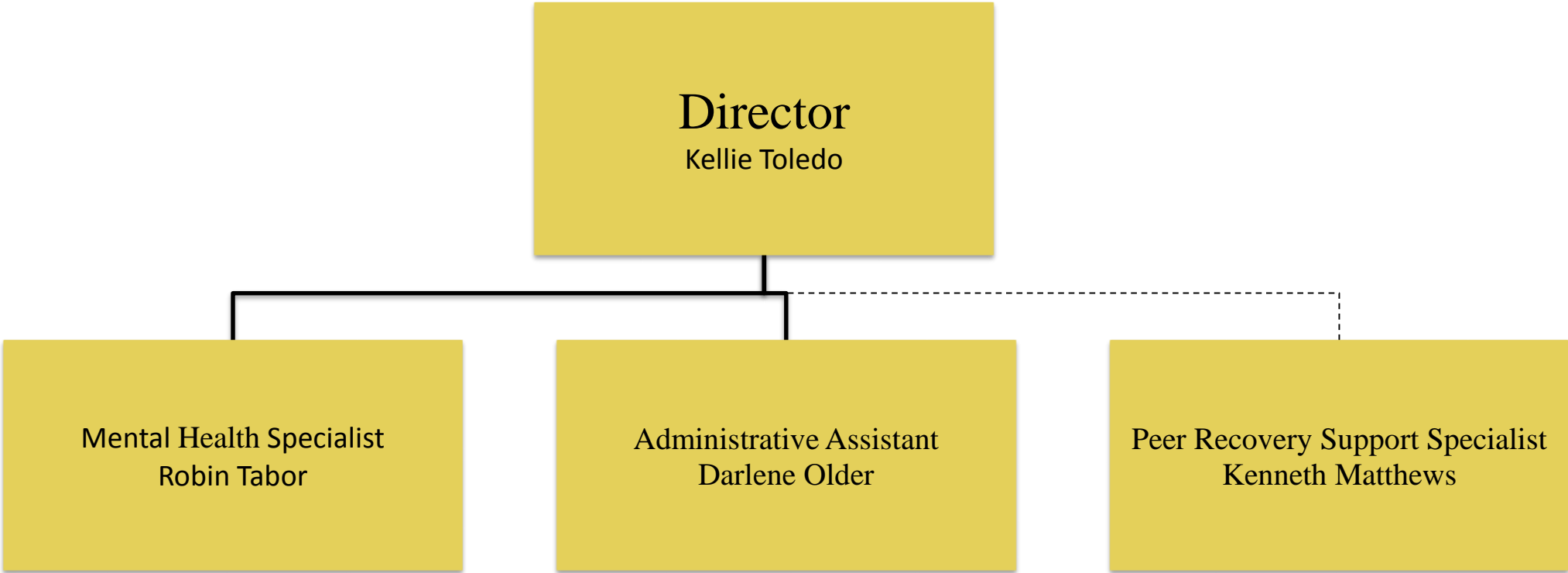
About Us

The Office of Counseling Services is a unit within the Student Affairs administrative area that offers a variety of programs and direct services to help West Virginia State University students address the variety of challenges and difficulties they may face while enrolled at State. We are committed to the health and well-being of our students

Our prevention and wellness services are designed to:

- Help students better understand who they are;
- Teach the importance of self-care;
- Provide methods of creating and maintaining healthy relationships;
- Improve academic performance; and
- Make fulfilling life and career choices.

Structure



Counseling Intake Process

- Counseling sessions are scheduled during normal office hours of Monday through Friday between 8:30 a.m. and 5:00 p.m.
- Students are scheduled for an initial appointment within 4 business days
 - Students in mental health crisis situations are typically seen on the same or next day
 - Appointments are typically scheduled for 50 minutes sessions
- Approximate number of student contacts:
 - 2017-2018 – 1,275
 - 2018-2019 – 1,200
 - 2019-2020 – 985

Overview of Services

- Crisis intervention
- Individual and couples counseling
 - In-person
 - Tele-health
- Case management
- Group workshops
- Consultations with faculty and staff regarding campus mental health/behavior issues
- Wellness programs
- Classroom education workshops and presentations
- Trainings for professional staff and student leaders
- Food Pantry

Internal Collaborations

Athletics

- Provide mental health programming and assessment for student athletes
- Provide athletic staff information about mental health, substance misuse, making referrals, and Counseling Center Services

College of Professional Studies

- Collaborated to offer the “Communities Taking Action” Conference in September 2019

Department of Health and Human Performance

- Assist with planning and implementing the Annual Health Expo
- Yellow Jackets on the Move and the Active Southern WV Grant

Student Life and Engagement

- Partners on programming initiatives

Family Care Health Center

- Referral and communication process

External Collaborations

WVCIA

WV Collegiate Initiative to Address High Risk Substance Abuse (WVCIA) – Organization that proactively addresses alcohol, other drugs and associated violence issues at the college level. Benefits of membership include:

- Administration of the CORE Alcohol and Drug Survey bi-annually
- Tips for University Training – provides manuals and certification training
- QPR Suicide Gatekeeper Training- provides manuals and certification training
- Membership to the Higher Education Center for Alcohol and Drug Misuse Prevention and Recovery
- eCHECKUPTOGO Alcohol and Cannabis screenings

External Collaborations, Cont'd

WVICC

WV Intercollegiate Council Against Sexual Violence (ICC) – Statewide council created in 2002 to address sexual violence and stalking among college students.

WVICC was a consortium member of the Office of Violence Against Women (OVW) grant awarded in October 2012 and continued to 2020. WVSU was a member institution of the OVW grant. Benefits of membership include:

- Received training toolkits for campus Law Enforcement, Prevention Educators, and Judicial Affairs
- Created a Campus Coordinated Response (CCR) Team
- Membership in the WV Sexual Assault Response Team
- Created a Campus Climate Survey that was virtually administered in the Spring of 2018 that includes a cross-comparison to other participating institutions in the consortium.
- Funded regional and national conference travel for the Title IX Coordinator, Investigators, Law Enforcement, and CHOICES Peer Education students

Grant Funded Programs

NCAA Choices Grant

Partnership between Counseling Services and Athletics to educate students about underage and binge drinking, and to provide bystander intervention training to assist students in recognizing potentially harmful situations and how to respond safely.

- Students, coaches, and staff were trained in the “Step Up” Bystander Intervention Program
- Deliver “Step Up” Bystander Intervention workshops
- Host alcohol and drug free events
- Campus team will attend the Apple Institute to create institution-specific action plans to promote student-athlete health and wellness.

2019-2020 “Step Up” training pre – post test results from 65 participants include:

- 93.8% of posttest evaluators were between neutral and extremely satisfied with the Step Up training.
- 62.5% of evaluators were more likely than before the training to help in a bystander situation.
- 93.8% of evaluators understood the meaning of the 5 D’s.
- 100% of evaluators would recommend Step Up! training to other students.
- Comments for areas of improvement include: more activities to keep audience involved.

Grant Funded Programs, Cont'd

Collegiate Recovery Community

The Collegiate Recovery Community (CRC) provides a supportive environment where students in recovery from substance use can receive the assistance and support they need to achieve their academic, professional, and personal goals.

The CRC provides:

- A community lounge space, study space, and social network
- Alcohol and drug free social events and activities
- Support meetings
- Recovery coaching
- Referrals for additional recovery support services

The CRC is grant funded:

- Department of Health and Human Resources Office of Drug Control Policy Collegiate Recovery Grant
- State Opioid Response Grant coordinated by the Marshall University Research Corporation

Mental Health National Outlook

The American College Health Association (ACHA) is a national organization that focuses on advocacy, research and education about the issues that impact the health and wellness of college students.

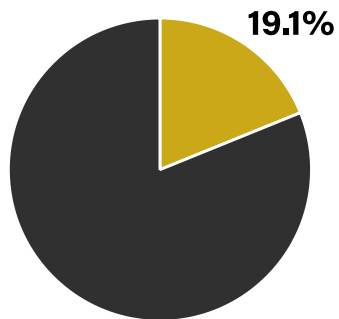
- 1,100 Member Institutions
 - Public and Private
 - 2 year and 4 year
- 3,000 Healthcare Professional Members
- National College Health Assessment (ACHA-NCHA) is a survey that collects data about students' health habits, behaviors, and perceptions.

Mental Health National Outlook, Cont'd

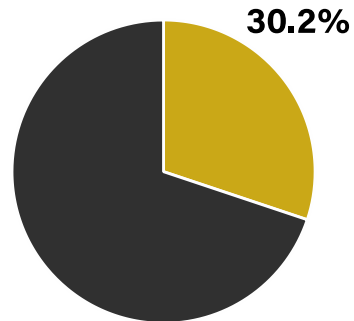
ACHA-NCHA National Data

Students reporting being diagnosed for one or more mental health problems in last the 12 months.

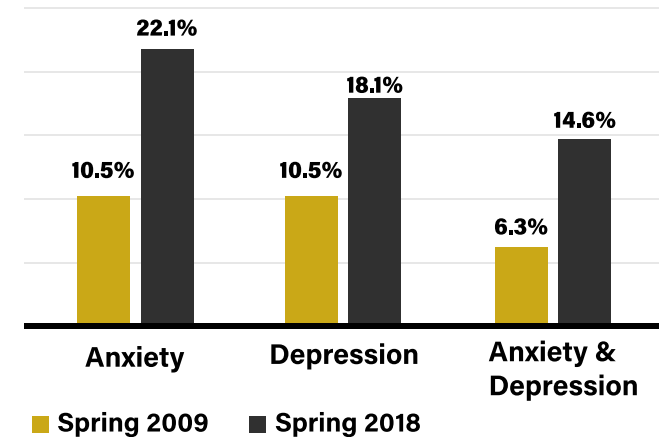
Spring 2009



Spring 2018



Percentage of students reporting being diagnosed or treated in the last 12 months.



2018 ACHA-NCHA

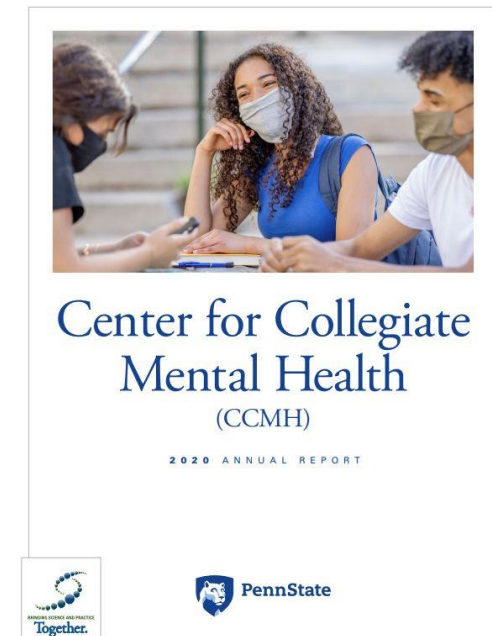
*Survey results are based on data from:
140 Higher Education Institutions
88,178 Student participants

1. Advanced Solutions International, Inc. *About ACHA*, www.acha.org/ACHA/About/About_ACHA/ACHA/About/About_ACHA.aspx?hkey=9deff142-0898-4f21-8a69-f5e0621eb59c.

Mental Health National Outlook, Cont'd

The Center for Collegiate Mental Health (CCMH), at Penn State University, collects data through routine clinical practice in college and university counseling centers.

- Database of College Mental Health Data
 - Over 600 participating institutions

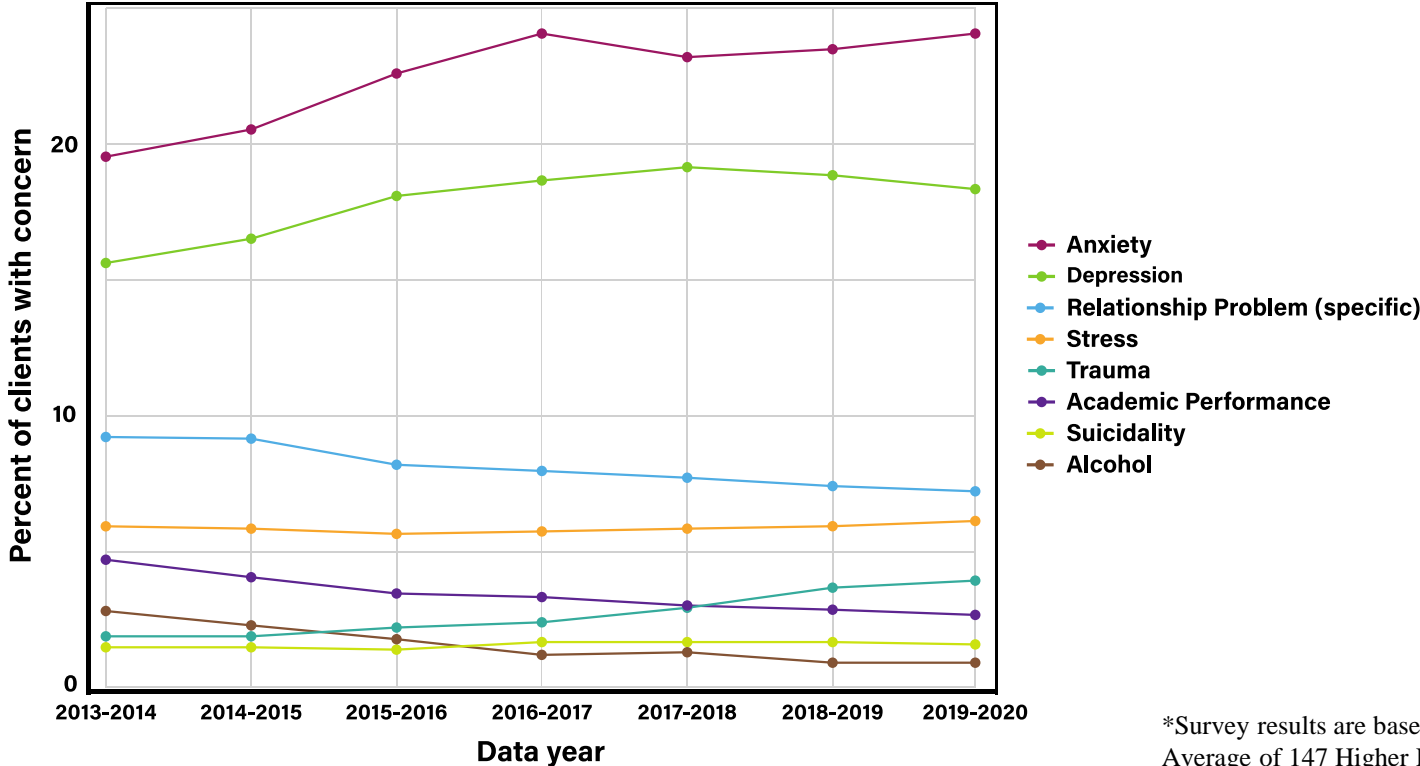


Mental Health National Outlook, Cont'd

Center for Collegiate Mental Health

Annual Report

CLICC Trends (Top Concern): Percentage of Clients with Each Concern from 2013-2020



*Survey results are based on data from:
 Average of 147 Higher Education Institutions per year
 Average of 155,211 student participants per year

National and WVSU Top Concerns

1. Anxiety
2. Depression
3. Relationships



Strategies & Opportunities

Enhance Student Success

- Develop a holistic Wellness Program to include prevention programs, stress reduction skills, sexual health education, nutrition education, etc.
 - Anxiety Toolbox
 - Speaker Series
 - Mental Health
 - Suicide Prevention
 - Healthy Relationships
 - Mindfulness and Meditation
 - Recovery Support Services
 - Self-Care
 - Improving Sleep
 - KORU Mindfulness and Meditation
 - Virtual Yoga
- Develop additional education/support groups based on student interest
- Require mental health and substance abuse training for residence hall students and first year freshman

Strategies & Opportunities, Cont'd

Enhance Student Experience

- Grow the Collegiate Recovery Community through student recruitment, partner with off campus recovery programs, Jobs and Hope
- Increase participation of the Peer Education program
 - National Collegiate Alcohol Awareness Week
 - Safe Spring Break Week
 - Clothes Line Project
 - National Suicide Prevention Day
 - World AIDS Day

Strategies & Opportunities, Cont'd

Increase Operational Efficiencies and Effectiveness

- Develop baseline data sets
- Utilize an electronic record-keeping system (Titanium)
- Identify additional professional associations to stay abreast of best practices
- Strengthen our campus partnerships between Academic Affairs, Athletics, Residence Life, Student Conduct and Campus Police
- Create opportunities to educate faculty and staff about mental health, substance use disorder, referring students, etc.
- Develop a marketing plan for our services and awareness campaigns
- Increase staffing with intentional focus on diversity
 - Mental Health Specialist
 - Wellness Specialist

Strategies & Opportunities, Cont'd

- **Establish a Mental Health and Wellness taskforce**
 - Improve communication about mental health
 - Raise awareness of mental health services, resources, and support on campus
 - Increase or improve mental health promotion and wellness
 - Decrease stigma around mental health and seeking help
- **Institutionalize structures to support work on mental health**
 - Collect assessment data of student mental health and wellness
 - Data from the institution's counseling center(s) on usage, crisis response, and wait times
 - Utilization data from on-campus services and resources (e.g., dean of students office, campus police, Family Care)
- **Provide training about mental health for the campus community**
 - Mental health awareness
 - Suicide prevention
 - Mental health services and resources
 - Crisis response
- **Explore International Accreditation of Counseling Services Accreditation**

Questions



**Board of Governors
FULL BOARD
Via Zoom**

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

**Thursday, February 4, 2021
1:00 p.m.**

AGENDA

- | | |
|---|------------------------|
| I. Call to Order | Charles E. Jones, Jr. |
| II. Oaths of Office | Charles E. Jones, Jr. |
| III. Roll Call | Crystal Walker |
| IV. Verification of Appropriate Notice of Public Meeting | Charles E. Jones, Jr. |
| V. Approval of November 20, 2020 Meeting Minutes | Charles E. Jones, Jr. |
| VI. Election of Board Secretary (<i>Action Required</i>) | Charles E. Jones, Jr. |
| VII. Approval to Change May Meeting Date (<i>Action Required</i>) | Charles E. Jones, Jr. |
| VIII. Report from Board Chair | Charles E. Jones, Jr. |
| • Community Conversations Summary | |
| IX. Report from the University President | President Nicole Pride |
| • Toward a State of the Future | |
| X. Academic Policy Committee | Committee Chair |
| • Approval of Academic Program Review
 Communications, B.S. | |



- | | |
|--|------------------------------|
| <p>XI. Adhoc Bylaws and Policies Review Committee</p> <ul style="list-style-type: none">• Approval of Revised BOG Bylaws (<i>Action Required</i>)• Adoption of BOG Committee Charters (<i>Action Required</i>)• Approval of Revised BOG Policy #1 (<i>Action Required</i>)• Approval of Revised BOG Policy #13 (<i>Action Required</i>)• Approval of Revised BOG Policy #14 (<i>Action Required</i>) | <p>Mark Kelley</p> |
| <p>XII. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel and Property Matters (<i>Action Required</i>)</p> | <p>Charles E. Jones, Jr.</p> |
| <p>XIII. Adjournment</p> | <p>Charles E. Jones, Jr.</p> |

**Board of Governors
West Virginia State University
Full Board**

Date/Time: 2/4/2021 -- 1:00 PM

Location:

<https://zoom.us/j/93072496452?pwd=Tk1GTGMxS2ZYeUV6LzZxbUp4TkhQdz09>

Purpose: To conduct regular business of the board.

Notes:

Meeting was approved : 1/27/2021 8:06:04 AM

Meeting Minutes
West Virginia State University Board of Governors
Full Board
Via Zoom
November 20, 2020
11:00 a.m.

- I. Call to Order**
Board Chair, Mr. Jones, called the meeting to order at 11:00 a.m.
- II. Roll Call**
The clerk called the roll. Members present were Mr. Davis, Ms. Dooley, Mr. Gray, Ms. Harper, Mr. Jones, Mr. Kelley, Mr. Lipscomb, Mr. Payne, Mrs. Pitchford, Dr. Smith, and Dr. Vaughan. Mr. Kendrick was absent. Mr. Buchanan attended as the substitute staff representative in Mr. Kendrick's absence.
- III. Verification of Appropriate Notice of Public Meeting**
Mr. Jones verified the Appropriate Notice of Public Meeting.
- IV. Approval of October 22, 2020 and November 5, 2020 Meeting Minutes**
Mr. Davis motioned for approval of the minutes of the October 22, 2020 meeting. Mr. Lipscomb seconded the motion, and the motion carried. Mrs. Pitchford motioned for approval of the minutes of the November 5, 2020 meeting. Mr. Davis seconded the motion, and the motion carried.
- V. Report from the University President**
President Pride said that in her experience in the corporate and higher education fields a singular thing that she observed in either realm was strategic planning. She stated that strategic planning is imperative for moving the University forward. President Pride introduced Mr. Calvin Riley from Nehemiah–The Leadership Company, Inc. Their organization has worked with major higher education clients, and she worked with Mr. Riley and his team at her previous institution; the results that followed their strategic planning were monumental. Mr. Riley presented to the Board on keys to strategic planning. Chair Jones thanked President Pride and Mr. Riley for the presentation. The Board joined him in applauding the leadership of President Pride for making this a priority early in her presidency. Discussion was held on the structure of a strategic planning committee for the University and President Pride's vision for participation.
- VI. Academic Degree Program Review**
Ms. Dooley reported that the Academic Policy Committee reviewed a summary of the academic program review for the Master of Arts in Media Studies. The committee voted that the program be continued at the current level. Ms. Dooley moved that the committee accept the review of the Masters of Arts in Media Studies and that the Board approve the recommendation to continue the program at the current level. Mr. Davis seconded the motion, and the motion carried.
- VII. FY20 Audited Financial Statements**
Mr. Payne reported that the Audit Committee received a presentation by CliftonLarsonAllen LLP on the University's FY20 audited financial statements. The audit resulted in an unmodified opinion with no material weaknesses. The committee voted to accept the audited financial statements and recommend acceptance to the full Board. Mr. Payne moved that the Board accept

the FY20 audited financial statements as presented. Mr. Davis seconded the motion, and the motion carried.

VIII. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel and Property Matters

Mrs. Pitchford motioned for approval to go into Executive Session under the authority of West Virginia Code §6-9A-4 to discuss legal, personnel, and property matters. Ms. Dooley seconded the motion, and the motion carried.

Mr. Gray motioned to arise from the executive session and reconvene into the regular session, and Ms. Dooley seconded the motion. The motion carried. Mr. Jones asked for the record to reflect that the Board only discussed items related to the topics listed, that no decisions or motions were, and no votes were taken in executive session.

IX. Adjournment

Mrs. Pitchford motioned for adjournment. Mr. Kelley seconded the motion, and the motion carried. The meeting adjourned at 12:51 p.m.

Respectfully submitted,

Katherine L. Dooley*
Secretary

Approved:

Charles E. Jones
Chair

*Term expired and was subsequently filled.

Toward a State of the Future

Board of Governors Meeting
President's Report
Dr. Nicole Pride
February 4, 2021

Overview

- Strategic Planning Process and Timeline
- Vision 2020 Wrap-up
- Student Success: What we are building upon

Strategic Planning Process and Timeline

The Process

- Initial planning meeting January 8, 2021
- Process is being led by Nehemiah – The Leadership Company, Inc.
 - Mr. Calvin Riley (lead)
 - Dr. Rochelle Cook
- Data integrity, institutional assessment, and university scorecard led by InsightsEDU
 - Dr. Muktha Jost (lead)
 - Mr. Mark Jost

Strategic Planning Committee

70 Members

- Students
- Faculty
- Staff
- Alumni
- Board of Governors
- Elected Officials
- Community Leaders

Strategic Planning Committee (cont'd.)

Leadership Team

- Dr. Nicole Pride
- Dr. Sharon Warren-Cook – Sponsor / Co-Chair
- Dr. Shannon McGhee – Co-Chair
- Dr. Bryle Henderson Hatch
- Mr. Nathan Burton
- Dr. Danny Cantrell
- Dr. Gurupdes Pandher

Sub-Committees

Internal Analysis (3)

- Human Resources, Institutional Compliance, Systems and Processes
- Fiscal, Physical, and Technology Resources
- Academics and Student Support

External Analysis (5)

- Enrollment Resources Management
- Governmental Affairs – Local, State, Regional, National and Alumni
- Business, Industry, or Constituent Groups
- Public Education, Peer and Aspirant Institution, Faculty Hiring, Accrediting Agencies, Funding Agencies
- Fiscal Resources (Extramural Funding, Gifts and Donations, State Appropriations)

Internal Analysis Sub-Committee

- Conducts an integrated internal analysis that reflects the current state of the institution
- This analysis will reveal the organization's values and behaviors
- Utilizing existing studies, analyses, and comparative data to evaluate internal realities, a summary of findings and recommendations will be developed for consideration as we formulate the overall plans

Internal Analysis Sub-Committee (cont'd.)

Committee Members

- Ms. Christina Dalton – Vice President of Business & Finance (Co-Chair)
- Dr. Robert Wallace – Dean of College of Arts & Humanities (Co-Chair)
- Ms. Alice Faucett – General Counsel
- Ms. Julie Saldivar – Human Resources Representative Senior
- Mr. Alan Skidmore – Director of Information Technology
- Mr. Pete Smith – Controller
- Dr. Paige Carney - Interim Associate Provost/VPAA and Dean of College of Professional Studies
- Dr. Shannon McGhee – Director of Retention and Student Success

Internal Sub-Groups

Human Resources, Institutional Compliance, Systems and Processes

Conduct an internal analysis to identify current, emerging, and new legal challenges that could impact the university. Evaluate university compliance and recommend changes to enhance institutional compliance activities. Conduct an analysis of the organization's human resources with the goal of defining and/or redefining direction and policies. Evaluate guidelines for recruitment, retention, and advancement of faculty and staff including hiring practices to advance the university. Consider the goals of the organization related to programs and processes, as well as faculty and staff development needs relative to the changing needs of the organization and the workforce. Evaluate work environment and climate surveys to determine areas of improvement. Analyze customer service data and consider potential recommendations that could improve satisfaction levels. The group should consider the administrative structure including major roles and reporting relationship, processes including major work flows and information flows for accomplishing critical activities, and skills needed in key areas of the organization.

Human Resources, Institutional Compliance, Systems and Processes (cont'd.)

Committee Members

Ms. Alice Faucett – General Counsel (Co-Chair)

Ms. Julie Saldivar – Human Resources Representative Senior (Co-Chair)

Ms. Regina Powell – Benefits Manager

Ms. Carla Boggess – Director of Payroll Benefits

Ms. Kerri Blackwell – Associate Director of Athletics/Senior Woman Administrator

Ms. Robin Tabor – Mental Health Specialist and Chair of Staff Council

Mr. Jerry Miller – Accountant Senior

Mr. Sean McAndrews – Associate Director of Athletics/ NCAA Compliance Director

Fiscal, Physical and Technology Resources

Conduct an analysis of the scope and adequacy of existing resources – fiscal (research, advancement, state appropriations), physical (classrooms, labs, housing, recreation, library, meeting spaces, general assembly spaces), labs and scientific equipment, technology to meet the mission and vision of the institution. Present a well-planned resource management model that will support continuing institutional growth and excellence. Identify emerging needs that are not adequately addressed in our current plans.

*The President and Business/Finance VP determine the scope of fiscal operating budget analysis

Fiscal, Physical and Technology Resources (cont'd.)

Committee Members

- Mr. Alan Skidmore – Director of Information Technology
- Mr. Pete Smith – Controller
- Ms. Trina Sweeney – Interim Vice President for Student Affairs
- Mr. Stephen Seitz – Executive Director and Director of Business & Finance
- Mr. Dayton Wilson – Director of Physical Facilities
- Dr. Thomas Kiddie – Director of Center for Online Learning
- Dr. Naveed Zaman – Dean of College of Natural Sciences and Mathematics
- Ms. Christina Dalton – Vice President for Business and Finance
- Mr. Matt Carroll – Assistant Professor and Chair of Accounting
- Mr. Matt Wood – Data Network Manager

Academics and Student Support

This analysis should examine student performance and the teaching methodology. Review and assess the quality of services provided to students that support academic achievement. Review current metrics and student feedback to determine how well initiatives help to facilitate student learning, success, citizenship, and community engagement. Utilize information from best in class organizations to identify innovative and strategic approaches in student services. Consider recommendations that will enhance the student learning environment that address emerging needs.

Academics and Student Support (cont'd.)

Committee Members

- Dr. Paige Carney - Interim Associate Provost/VPAA and Dean of College of Professional Studies (Co-Chair)
- Dr. Shannon McGhee – Director of Retention and Student Success (Co-Chair)
- Mr. Dwight Sanchez – Vice President for Enrollment Management
- Mr. Chris Jackson – Program Coordinator- Student Activities
- Ms. Sharon Smith Banks – Academic Program Coordinator Senior
- Dr. LeighAnn Davidson – Assistant Professor and Chair of Criminal Justice
- Ms. Debbie Williams – Assistant Professor of Accounting
- Ms. Alana Dorsey – Academic Support Specialist
- Ms. Krystal Tolliver – Director of TRIO Programs
- Mr. Zedan Martin – President of Student Government Association
- Ms. Ceazia Redding – Vice President of Student Government Association

External Analysis Sub-Committee

- Conducts an integrated external analysis that identifies the opportunities and threats relative to the organization
- Canvassing the external community for strengths and weaknesses helps to establish a baseline for calibration
- This analysis will reveal the desired future state of the organization, based in part on what its external constituents desire
- The organization should be seeking to invest in its opportunities, monitor its threats, leverage strengths and try to respond to the needs of its core constituents
- It presents the current state of the organization relative to its external constituents, as well as its future potential
- Understanding regional, governmental, education, corporations, parents, and alumni needs underscores the importance of obtaining calibrated environmental scans, including the analysis – as viewed by the external constituents

External Analysis Sub-Committee (cont'd.)

Committee Members

- Dr. Bryle Henderson Hatch – Vice President and Chief of Staff (Co-Chair)
- Ms. Patricia Schumann – Vice President for University Advancement (Co-Chair)
- Mr. Dwight Sanchez – Vice President of Enrollment Management
- Dr. Jessica Barnes-Pietruszynski – Associate Professor of English and Chair of Faculty Senate
- Mr. Eric Jackson – Director of Title III Programs and Budget Office
- Ms. Belinda Fuller – Director of Alumni Relations
- Dr. Gurupdes Pandher – Dean of College of Business and Social Sciences
- Ms. Sandy Maharaj – Director of Career Services
- Dr. Sharon Warren Cook - Provost and Vice President for Academic Affairs
- Dr. Aaron Settle – Professor of Health and Human Performance and Program Director of Sports Studies
- Mr. Nathan Burton – Director of Athletics
- Ms. Gwen Danford – Business Operations Manager

External Sub-Groups

Enrollment Resources Management

Conduct a review enrollment management relative to resources focused on maintaining and strengthening academic excellence through a seamless recruitment and admissions process. This should include a creative marketing and recruitment plan, external benchmarking, recruitment trend analysis to determine best practices, and the evolution of a model for enrollment resource management. Identify strategic enhancement opportunities or changes that create a more robust enrollment management system.

Enrollment Resources Management (cont'd.)

Committee Members

- Mr. Dwight Sanchez – Vice President of Enrollment Management (Co-Chair)
- Dr. Jessica Barnes-Pietruszynski – Associate Professor of English and Chair of Faculty Senate (Co-Chair)
- Dr. Frank Vaughn – Professor of Political Science and Faculty Representative of WVSU Board of Governors
- Mr. Quinton Joseph – Interim Associate Director of Undergraduate Admissions
- Mr. Jack Bailey – Assistant Vice President for University Relations
- Ms. Gwen Bausley – Director of Student Financial Aid
- Ms. Donna Hunter - Consultant for Registration and Records
- Mr. James Taylor – Director of Academic Educational Outreach

Governmental Affairs – Local, State, Regional, National & Alumni

Conduct a review of emerging changes in the governmental landscape that could affect the university. Evaluate the impact of legislative initiatives at all levels and determine how well the university is positioned to address new or modified policy changes. Examine the levels of engagement and capability of university supporters to influence outcomes that benefit the university, within the state and nationally. Identify opportunities to enhance relationships and collaborations with governmental entities.

Conduct a review of alumni efforts that strengthens and supports the university. Evaluate the engagement levels of alumni including Alumni Relations, fundraising, student programs and career development programs.

Governmental Affairs – Local, State, Regional, National & Alumni (cont'd.)

Committee Members

- Mr. Eric Jackson – Director of Title III Programs and Budget Office (Co-Chair)
- Ms. Belinda Fuller – Director of Alumni Relations (Co-Chair)
- Dr. Ann Brothers Smith – Member of WVSU Board of Governors
- Dr. Lateef Saffore – President of WVSU National Alumni Association
- Mr. Mark Davis – Member of WVSU Board of Governors
- Ms. Jennifer Herrald – County Manager at Kanawha County Commission
- Dr. Barbara Ladner – Professor of English and Coordinator of General Education
- The Honorable Joshua Higginbotham, West Virginia House of Delegates
- The Honorable Allan McVey, Cabinet Secretary of the West Virginia Department of Administration
- Ms. Megan Sheets – Digital Marketing Specialist

Business, Industry, or Constituent Groups

Conduct a review of the organizational structure and processes within the university related to the effectiveness of partnerships with business and industry. Examining the degree in which business, industry, and other entities engage and participant in mutually beneficial efforts help to define future growth opportunities. Conduct an analysis of the current level of performance with strategic partners that frames successes and potential opportunities for even greater collaborations. Analyze progress by using key metrics and offer strategic suggestions that need to be included in plans moving forward.

Business, Industry or Constituent Groups (cont'd.)

Committee Members

- Dr. Gurupdesh Pandher – Dean of College of Business and Social Sciences (Co-Chair)
- Ms. Sandy Maharaj – Director of Career Services (Co-Chair)
- Ms. Tiffany Ellis-Williams – Director of Economic Development Center
- Dr. Ami Smith – Associate Vice President for Public Service and Director of Extension
- Dr. Micheal Fultz – Associate Professor and Chair of Chemistry
- Ms. Gail Pitchford – Member, WVSU Board of Governors
- Mr. Greg Burton – Executive Chairman of Encova Insurance

Public Education, Peer and Aspirant Institution, Faculty Hiring, Accrediting Agencies, Funding Agencies

Conduct an analysis of organization structure and key processes, and perform a comparative review. Assess the university's position in respect to accrediting and funding agencies, and peer and aspirant institutions. Utilize existing data to determine potential gaps and improvement opportunities that need to be addressed. Conduct a comprehensive review of how well the entire university is positioned in each area (student data, headcount FTE's, graduation and retention, faculty salaries, % of terminal degrees, research awards, transfers, accreditation ranking, rankings, etc.) Make recommendations that will facilitate improvement and better outcomes.

Public Education, Peer and Aspirant Institution, Faculty Hiring, Accrediting Agencies, Funding Agencies (cont'd.)

Committee Members

- Dr. Sharon Warren Cook, Provost and Vice President for Academic Affairs (Co-Chair)
- Dr. Aaron Settle – Professor of Health and Human Performance and Program Director of Sports Studies (Co-Chair)
- Dr. Mickey Blackwell – Assistant Professor of Education and Graduate Program Coordinator
- Mr. Gordon Mitchell – Application Systems Analyst Programmer Senior
- Ms. Rebecca Taylor - Enrollment Data Specialist
- Dr. Tim Ruhnke – Professor of Biology
- Dr. Danny Cantrell – Consultant for Institutional Research, Assessment and Effectiveness
- Dr. Kerri Steele – Assistant Professor and Chair of Social Work

Fiscal Resources (Extramural Funding, Gifts and Donations, State Appropriations)

Conduct an analysis to gauge the university's ability to attract external funding for the groups as outlined. Determine if the infrastructure is in place to meet aspirational targets of the entire university. Identifying and securing funding sources requires a level of experience and expertise of the internal staff and faculty. This group should assess the adequacy of existing resources to achieve current and future funding targets. Given the competition for funding, determine forward looking strategies that will help the university secure adequate funding for future needs.

Fiscal Resources (Extramural Funding, Gifts and Donations, State Appropriations) (cont'd.)

Committee Members

- Mr. Nathan Burton – Director of Athletics (Co-Chair)
- Ms. Gwen Danford – Business Operations Manager (Co-Chair)
- Dr. Jose Toledo – Vice President for Research & Public Service
- Mr. James Payne – Member of WVSU Board of Governors
- Ms. Amy Postalwait – Director of Sponsored Programs
- Dr. Sean Collins – Associate Professor and Chair of Biology
- Dr. Sanju Sanjaya – Assistant Professor and Director of Energy & Environmental Science Institute

Vision 2020 Wrap-up

Academic Degree Programs

	Baseline	Target	Actual
Develop undergraduate programs (Agriculture and STEAM)	4	7	6
Develop one or more doctoral programs	NI	1	0
Implement online degree programs	NI	5	7

Research, Public Service, and Faculty Excellence

	Baseline	Target	Actual
Research - External Funding	\$13.5 Million	\$25 Million	\$23.6 Million
Public Service - Increase the number of extension locations	7	12	7
Public Service - Increase the number of counties in extension	29	40	55
Faculty Excellence – File the university’s first patent	NI	1	0

Recruitment, Retention, and Degree Completion

	Baseline	Target	Actual
Grow Student Population	2,644	4,013	3,638
Create a retention plan – 70% 1 st to 2 nd year	51.5%	70%	59.7%
Create a retention plan – 30% six-year graduation rate	18.6%	30%	28.9%

Develop a Master Plan and Support for the University

	Baseline	Target	Actual
Develop campus master plan, including energy conservation plan	NI	2010	2016 (no energy plan)
Increase the number of alumni supporting the university financially	2.9%	10%	2.4%
Complete capital campaign	\$4.3 Million	\$12.5 Million	\$19.7 Million
Increase foundation endowment	\$4 Million	\$8 Million	\$10 Million

Timeline

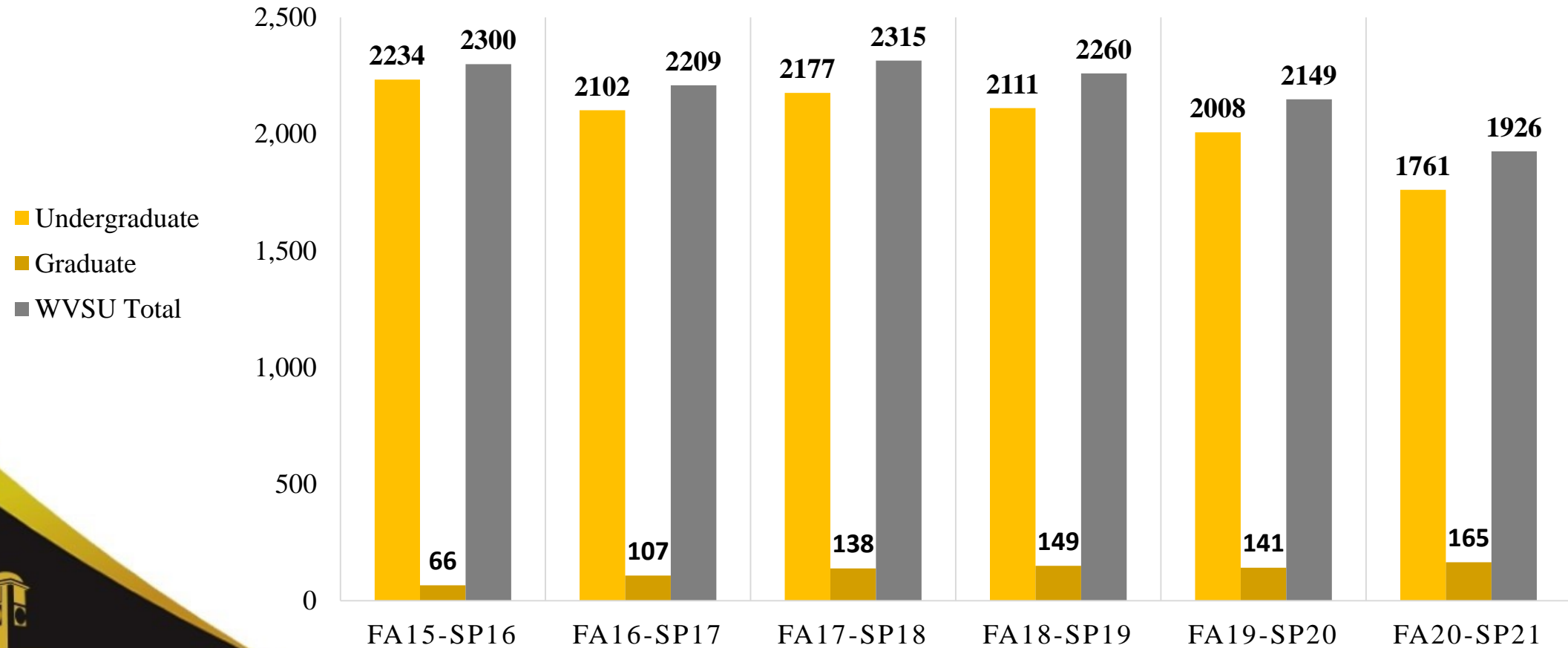
Launch – Initial Meeting	<ul style="list-style-type: none">• Internal and External Subgroup Planning• Mission, Vision, and Values Work
February – March 2021	<ul style="list-style-type: none">• Internal and External Team Check-in Meetings
April 2021	<ul style="list-style-type: none">• Internal and External Team Analysis and Reporting
May 2021	<ul style="list-style-type: none">• Develop University Scorecard• Finalize SWOT, Key Findings, and Priorities
June 2021	<ul style="list-style-type: none">• Strategic Plan Mapping
July 2021	<ul style="list-style-type: none">• BOG Approval of Vision and Mission• University Community Review; Planning Finalization• Budget Planning
August 2021	<ul style="list-style-type: none">• University-wide Roll Out

Vision 2020: Connections to Future Success

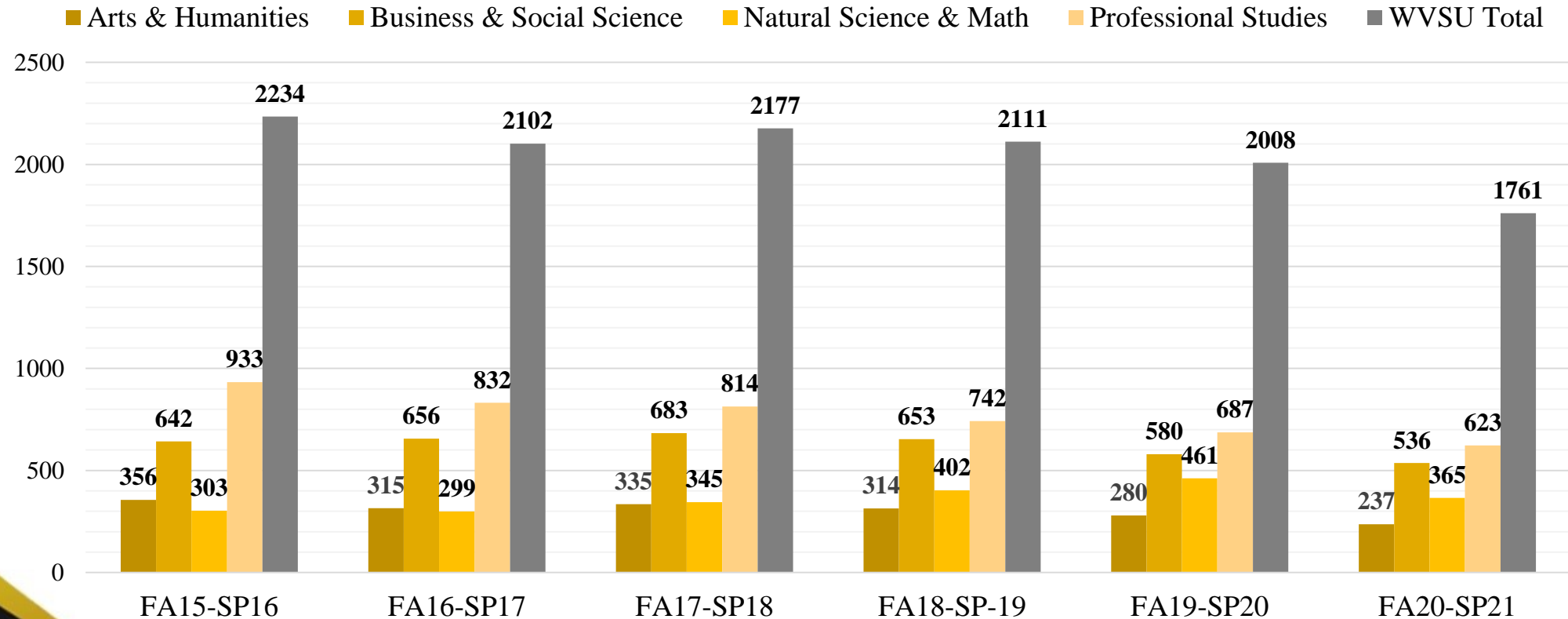
- Excellence in teaching and learning
- Student Success
- Fundraising
- Increased research and extramural funding
- Operational efficiencies
- Partnerships, collaborations, and service

Student Success: What we are building upon

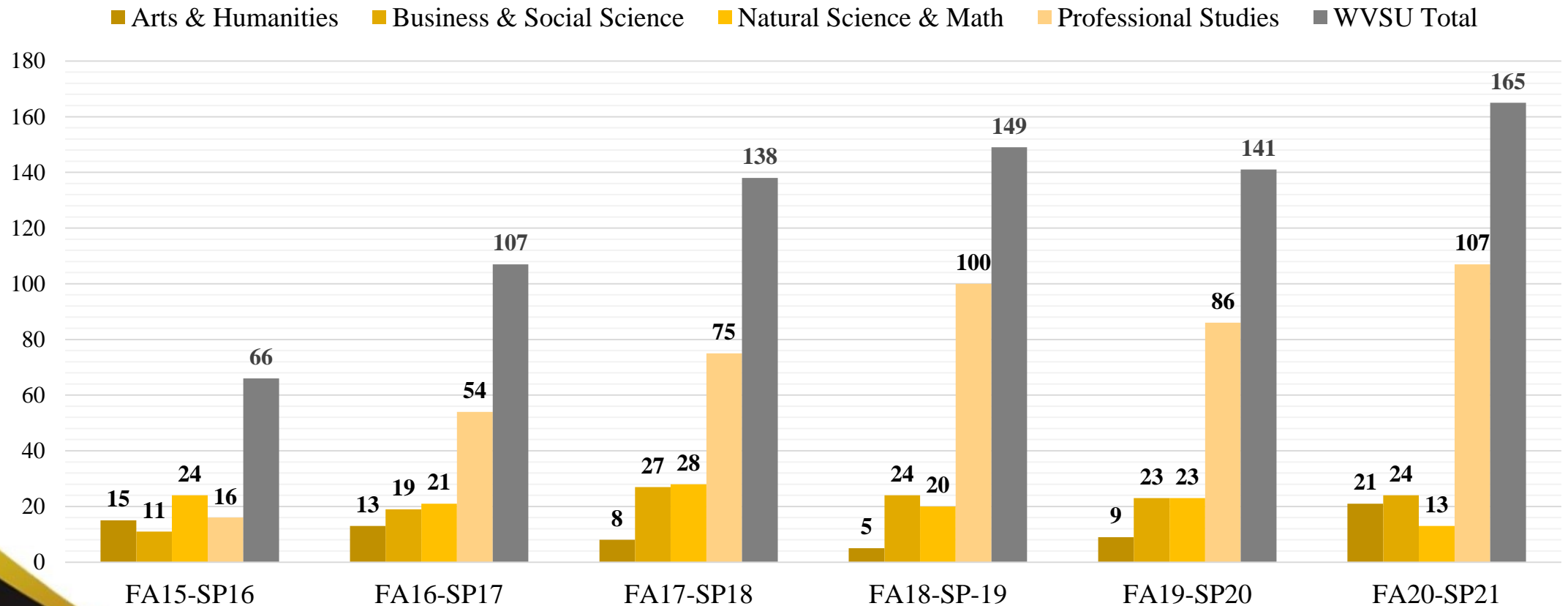
University Enrollment



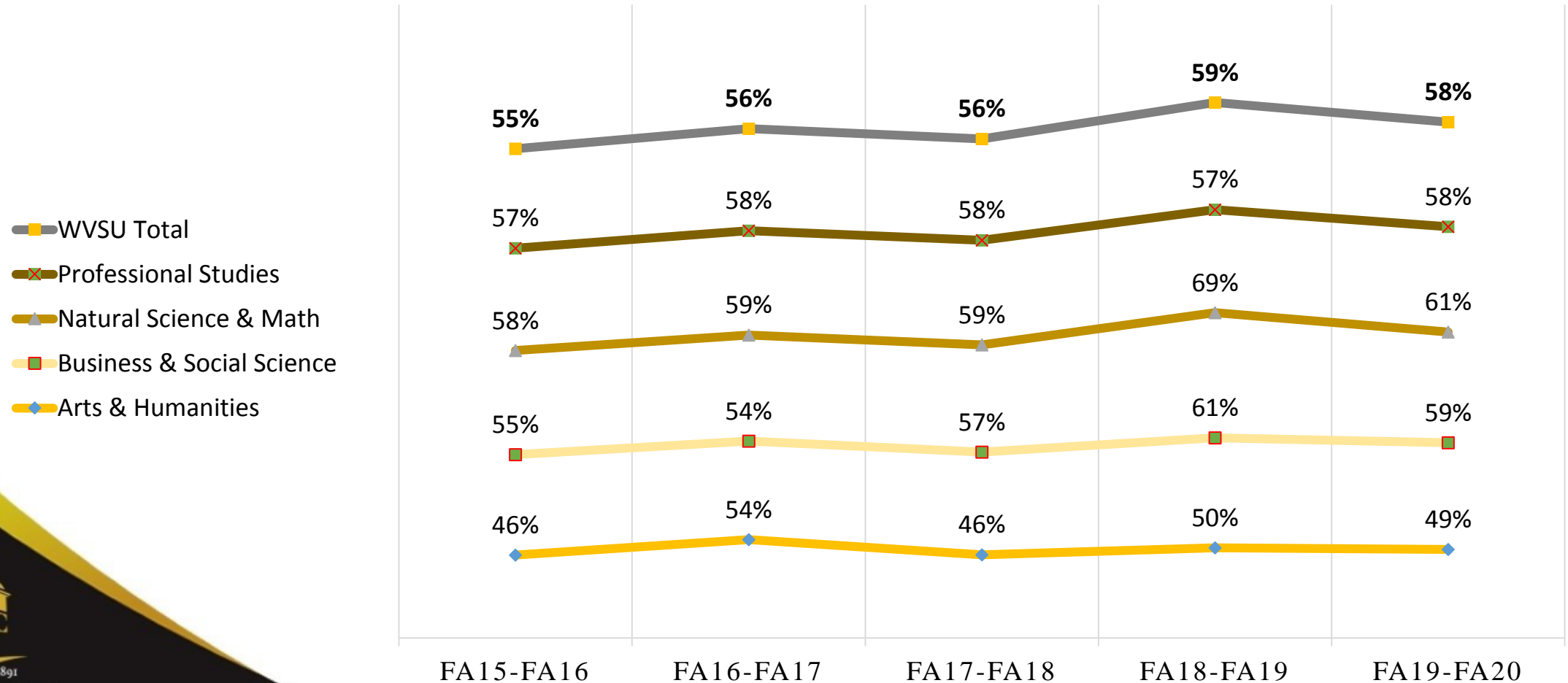
Undergraduate Enrollment by College



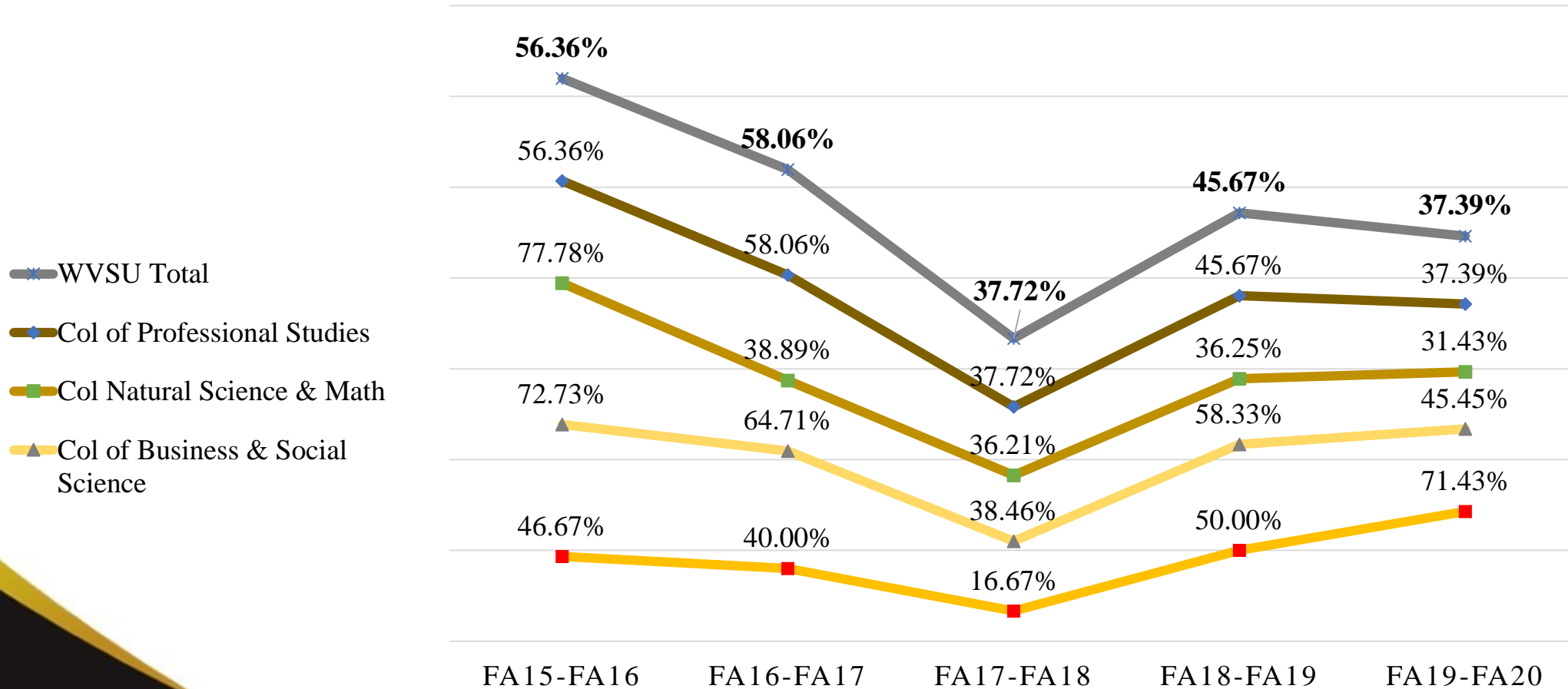
Graduate Enrollment by College



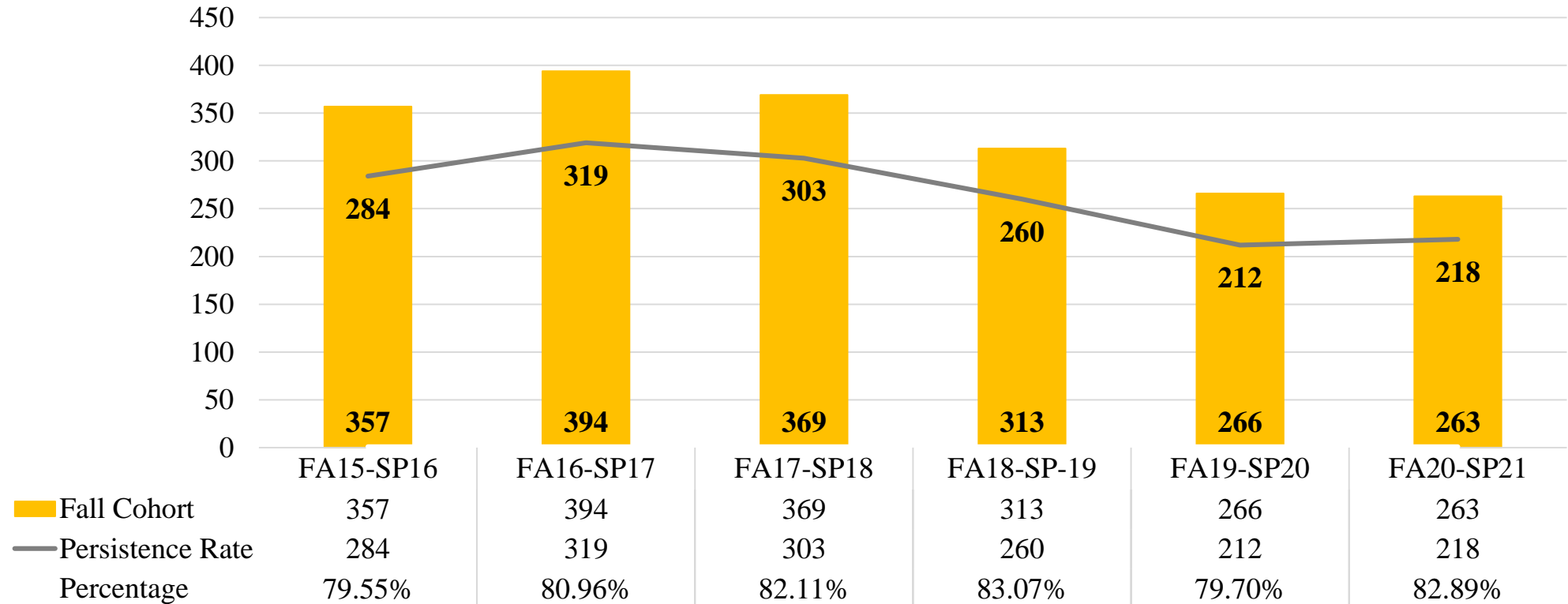
Undergraduate Retention Rates by College



Graduate Retention Rates by College

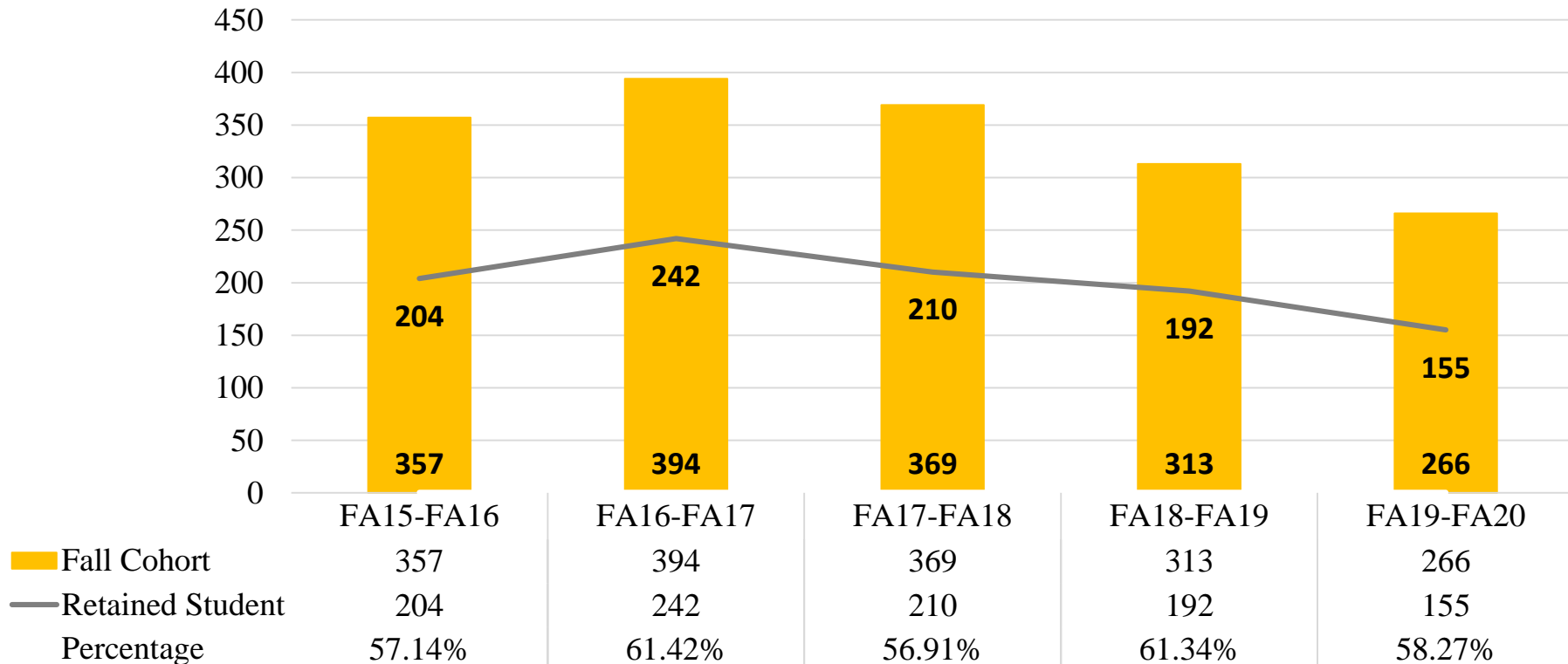


First-time Freshman Persistence



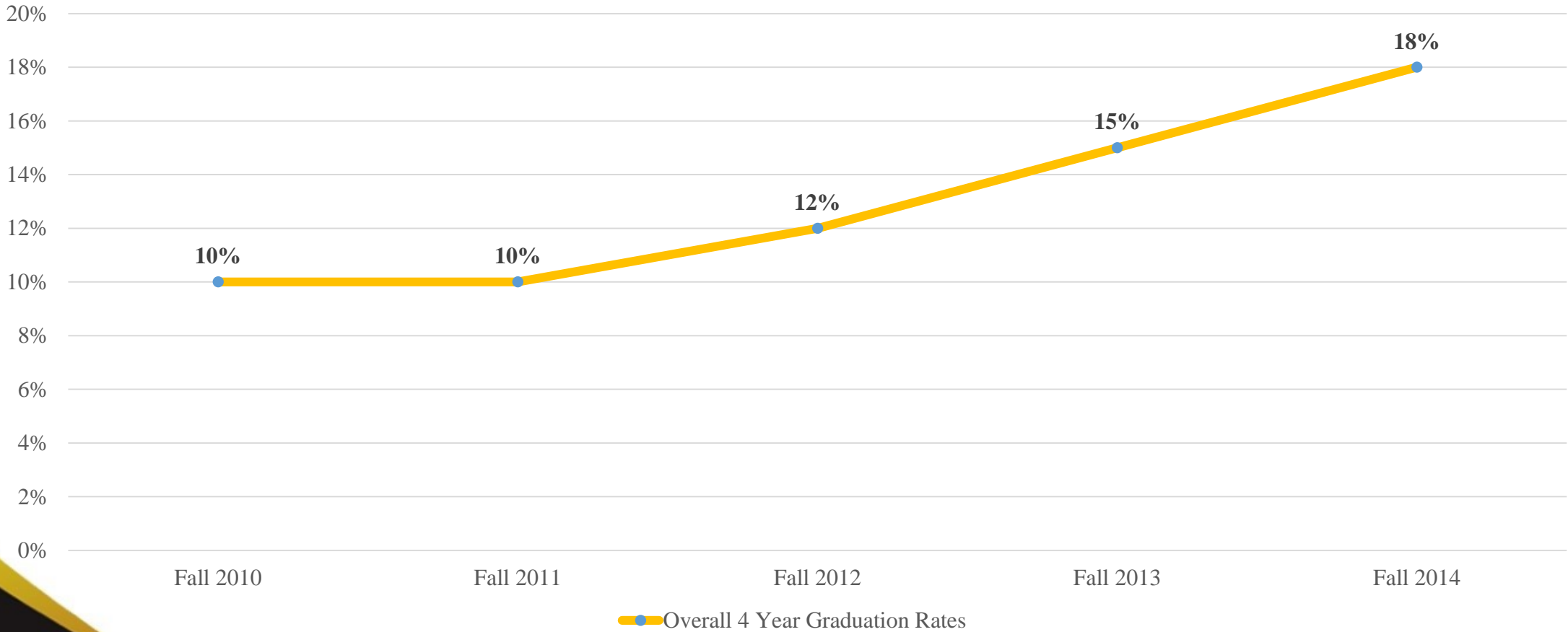
***Average Persistence Rate: 81%**

First-time Freshmen Retention



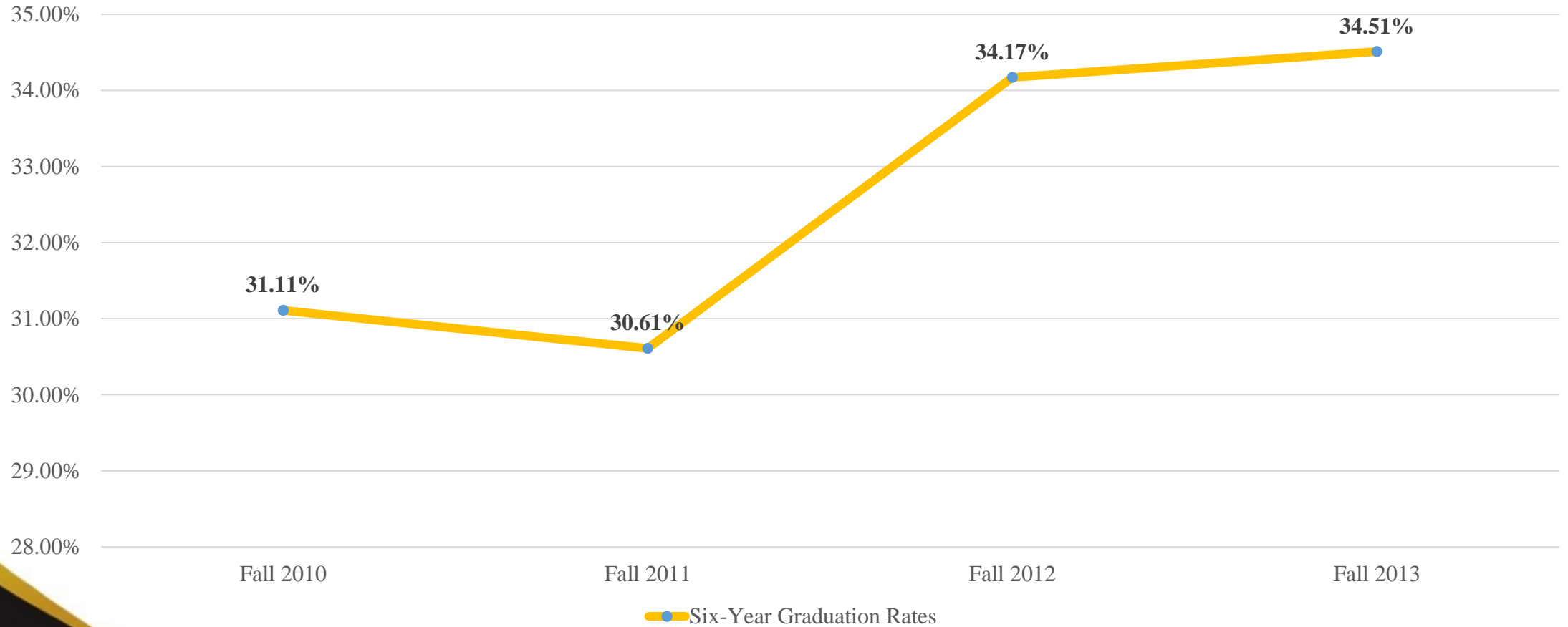
***Average Retention Rate: 59%**

Four-Year Graduation Rates



*4-Year trend for Fall 2014 full-time first-time cohort spans to Fall 2018/Spring 2019 graduation.

Six-Year Graduation Rates



Questions