

**WEST VIRGINIA STATE UNIVERSITY
BOARD OF GOVERNORS COMMITTEE MEETING SCHEDULE**

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

FRIDAY

8 – 9 a.m.	BREAKFAST	ERICKSON ALUMNI CENTER
9:00 a.m.	ACADEMIC AFFAIRS	ERICKSON ALUMNI CENTER
	ADVANCEMENT	ERICKSON ALUMNI CENTER
	BUSINESS AFFAIRS	ERICKSON ALUMNI CENTER
	ENROLLMENT MANAGEMENT AND STUDENT AFFAIRS	ERICKSON ALUMNI CENTER
	GOVERNANCE	ERICKSON ALUMNI CENTER
	FULL BOARD	ERICKSON ALUMNI CENTER
12 p.m.	LUNCH	ERICKSON ALUMNI CENTER



**Board of Governors
Academic Affairs Committee
Erickson Alumni Center**

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

**February 2, 2023
9 a.m.**

AGENDA

- | | |
|---|---------------------|
| I. Call to Order | Chuck Jones |
| II. Roll Call | Vonda Matthews |
| III. Verification of Appropriate Notice of Public Meeting | Chuck Jones |
| IV. Approval of December 9, 2022 Minutes (<i>Action Required</i>) | Chuck Jones |
| V. Academic Affairs | Dr. J. Paige Carney |
| • Opening Week Events | |
| • Academic Highlights | |
| • Bachelor of Science in Business Administration (BSBA)
Program Review | |
| • Master of Education in Instructional Leadership
Program Review | |
| VI. Adjournment | |

**Board of Governors
West Virginia State University
Academic Affairs**

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the committee

Notes:

Meeting was approved : 1/26/2023 8:17:09 AM

Academic Affairs

Board of Governors Meeting
Dr. Paige Carney
February 2, 2023

Opening Week Session Attendance

- President's opening comments = 139 Attendees
- Title IX = 32 Attendees
- Faculty Driven Student Success = 32 Attendees
- Lessons from COVID = 23 Attendees
- Academic Honesty Policy = 34 Attendees
- Open Education Resources = 25 Attendees
- New Student Orientation = 30 Staff and 20 Students

Academic Affairs Highlights

Internal

- IBM - Established IBM partnership which will allow for faculty and staff to earn course badges, certificates, guest lectures, etc.
- Two New Hires Pending: Choir Director & Director of Library.
- Two Title IX trainings will be offered the next two weeks.
- January 25–Suttle & Stalnaker, a local CPA firm will be on campus recruiting.

External

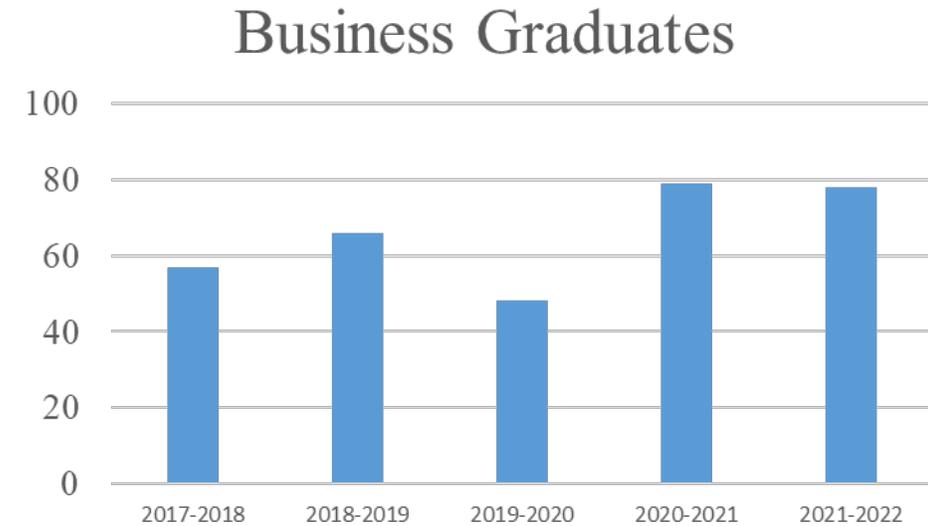
- Received a Letter of Approval from the HEPC for the Doctorate of Education in Leadership Studies Program.
- Will complete HLC's new academic program substantive change application for Doctorate of Education in Leadership Studies. Working with our liaison Dr. Stenson.
- Beginning to prepare for the HLC 2023 Institutional Update Feb. 27-April 7.

Bachelor of Science in Business Administration (BSBA)

Program Review

Highlights

- Fully accredited through the Council for Business Schools and Programs (ACBSP)



Business Program Return on Investment

Return on Investment						
Academic Year	2017/18	2018/19	2019/20	2020/21	2021/22	Total
A. Credit hours produced for the year times 324 (for \$324 per credit hours)	6054 x 324 = \$1,961,496	6360 x 324 = \$2,060,640	6,294 x 324 = \$2,038,284	5,796 x 324 = \$1,877,904	4,674 x 324 = \$1,514,376	\$9,452,700
B. Total of Program Salary (from base 9 month salary)	\$550,765	\$493,275	\$726,145	\$578,837	\$626,162	\$2,975,184
ROI (A divided by B)	3.56 or 356%	4.18 or 418%	2.81 or 281%	3.24 or 324%	2.42 or 242%	3.18 or 318%

BSBA Program Review Findings

Strengths

- Diverse faculty business backgrounds bringing expertise into the classroom.
- The Accounting and Management concentrations offer online degree programs with the same curriculum as the in-seat programs.
- New program in Agribusiness growing. Students are eligible for the USDA 1890 Scholarship.
- BSBA Program leadership and faculty present numerous discipline specific internships and career opportunities with local, regional, and international entities.
- External accreditation requires periodic assessment of the BSBA Degree Program keeps curriculum current and relevant.

Weaknesses

- Classrooms are using outdated equipment.
- The lack of emphasis on tenure for BSBA program faculty leads to difficulty in securing and retaining qualified faculty.

BSBA Program Review Recommendation

Future Needs

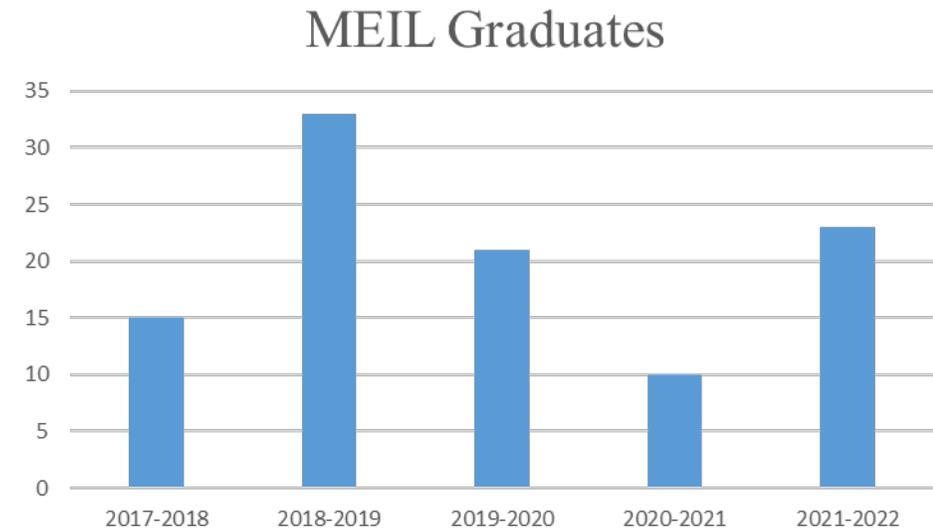
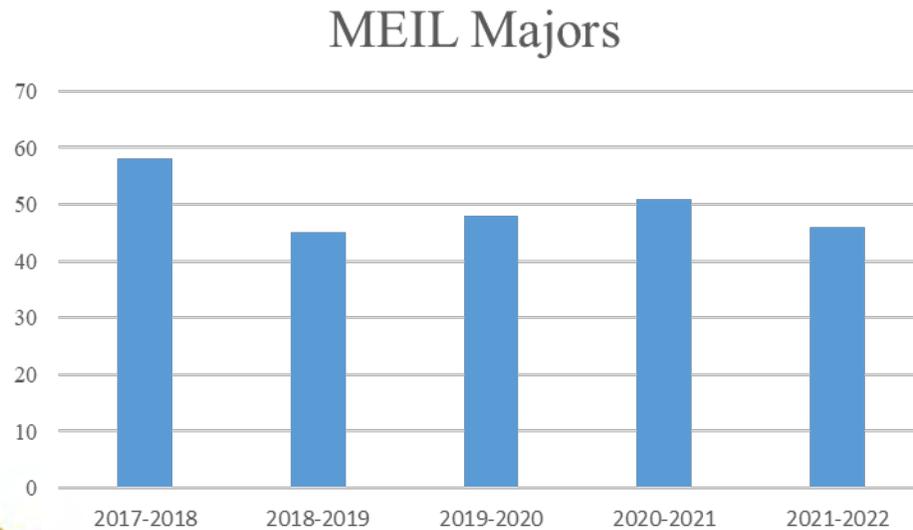
- Focus on hiring more tenure track faculty.
- Provide dedicated funding to update facilities.
- Hire a dedicated support staff for the program.
- Look at ways to increase compensation for faculty in the program.

Recommendation: Continue the Bachelor of Science in Business Administration program at the current level of activity.

Master of Education in Instructional Leadership (MEIL) Program Review

Highlights

- Largest graduate program at WVSU, high retention rate, national recognition (Educational Leadership Constituent Council) meeting critical shortage need of Educators in West Virginia



MEIL Return on Investment

Return on Investment						
Academic Year	2017/18	2018/19	2019/20	2020/21	2021/22	Total Average
A. Credit hours produced for the year times \$233 (for \$233 per credit hours)	969 x 233 = \$225,777	978 x 233 = \$227,874	945 x 233 = \$220,185	1041 x 233 = \$242,553	1047 x 233 = \$243,951	\$1,160,340
B. Total of Program Salary (from base 9 month salary)	\$67,280	\$68,523	\$76,120	\$109,947	\$111,603	\$433,473
ROI (A divided by B)	3.36 or 336%	3.33 or 333%	2.89 or 289%	2.21 or 221%	2.19 or 219%	2.68 or 268%

MEIL Program Review Findings

Strengths

- Emphasis on social justice, fairness, and equity.
- Fully accredited through the Council for the Accreditation of Educator Preparation (CAEP).
- 95% of completers have passed the national licensure exam.

Weaknesses

- No full-time dedicated faculty until Fall of 2022
 - Now with 2 full-time dedicated faculty.
- Areas for Improvement (AFI's) from CAEP Standards related to assessment
 - Validation studies pending on updated instruments.
 - Inter-rater reliability pending on some instruments.
 - Systematic formal review of program tracking results over time needed.
 - Systematic measure of employment rates needed.
 - Increased stakeholder involvement.

MEIL Accreditation

Program is fully accredited by the Council for the Accreditation of Educator review will occur Spring of 2028.

- Accreditation is effective through Fall of 2028.
- Next site review will occur in Spring of 2028.

Official Standards:

- Standard 1: Accreditation is effective through Fall of 2028.
- Standard 2: Clinical Partnerships and Practice.
- Standard 3: Candidate Quality, Recruitment, and Selectivity.
- Standard 4: Program Impact.
- Standard 5: Provider Quality Assurance and Continuous Improvement.
 - Standard identified as area for improvement to be addressed in annual reports.

MEIL Program Review Recommendation

Future Needs

- Attention to AFI by program.
- Maintaining current faculty ratio.
- Maintaining competitive affordability of program.

Recommendation: Continue the Master of Education in Instructional Leadership program at the current level of activity.

QUESTIONS?

Program Review Executive Summary

West Virginia State University

Program: Master of Education in Instructional Leadership

Program Options: 2025 MEd/Instructional Leadership

Date of Review: AY 2022-2023

Consistency With Mission (HEPC Series 10.5.4)

Centrality to Institutional Mission:

During the review period, the MEIL program (degree and licensure programs) was housed within the College of Professional Studies under the Department of Education. Program completers are eligible for licensure through the West Virginia Department of Education in the administrative areas of Principal, Superintendent, and General Supervision. Shortages in the field of education were increasing prior to the COVID-19 pandemic and have reached critical levels since then. This online program reaches students throughout the state and the region, providing highly qualified, certified school leaders for public school systems. The mission of West Virginia State University is as follows: West Virginia State University is a diverse, 1890 land-grant institution that advances knowledge through access and opportunity, innovative teaching and learning, interdisciplinary research, and impactful service. Our learners are equipped to meet the economic and social needs of the state, region, and nation, and contribute solutions to complex global challenges. In accordance with the university's mission, the program provides access to master's level students primarily throughout the state of West Virginia, but also to surrounding states by being an affordable and completely online program. Students in the program experience innovative teaching through the online learning management system from instructors who are not only certified teachers, but also certified administrators. Students in the program review school performance, both in terms of school climate and student achievement, and research ways to meet school improvement goals. This relevant and real-time research is beneficial to the needs of the state and provides a service to the local public schools. Further, the program includes an emphasis on social justice, fairness, and equity. The program meets higher education and economic development needs of the state and the region through being a student-centered program with an excellent retention rate. Students receive a high-quality master's degree program with dedicated, hard-working faculty to help address educational shortages and performance in the public schools. To help increase student achievement in the public schools of the state and region, the program develops the professional knowledge, skills, and dispositions of instructional leadership candidates.

The MEIL program is, and has been since inception, the largest graduate program at WVSU. The five years addressed in this program review are inclusive of the entire time the program has been in existence. In that short period of time, the program has met with great success. In addition to an excellent retention rate, the program has been nationally recognized through the specialty organization (Educational Leadership Constituent Council – ELCC) through 2028 and achieved full accreditation status through the Council for the Accreditation of Educator Preparation (CAEP).

Program Learning Outcomes:

Program Learning Outcomes:

1. Demonstrates Interpersonal and Collaborative Skills.
2. Creates a Clear and Focused Learning Mission.
3. Facilitates Rigorous Curriculum, Engaging Instruction and Balanced Assessments.
4. Builds and Sustains a Positive Learning Climate and Cohesive Culture.
5. Promotes Continual Professional Growth and Attracts and Retains Quality Staff.
6. Acts as a Student Advocate and Creates Support Systems for Student Success.
7. Manages Operations to Promote Learning.
8. Connects to Families and the Larger Community.
9. Affects Continuous Improvement.

Adequacy (HEPC Series 10.5.2)

0

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							1	1		
Hispanic										1		
American Indian or Alaska												
Native Hawaiian / Other Pacific												
Two or more races												
Unknown (Or Decline to Identify)												
White, non-Hispanic				1				1	2			
Totals		1		1				1	3	2	5	3
a. Number of faculty with Tenure											1	1
b. Number of faculty with doctorate or other terminal degree											5	3
c. Number of faculty whose highest degree is a master's, but not a terminal master's											0	0
d. Number of faculty whose highest degree is a bachelor's											0	0

Faculty Production

Non-Instructional Production of Faculty – Data from at least the last two years, ending in academic year 2021-2022						
Type	2020/2021-2021/2022				Totals	
		Number	Award Amount			
Peer-Reviewed Publication	1					
Academic Book						
Creative Work / Installation						
Non-Peer Reviewed Publication						
Conference Presentation	8					
Internal Grant	2				2	\$10,000
External Grant						
Public Discussion Program						
Peer Reviewer (Journal)	1					
Conference / Seminar Attendance	13					

Necessity (HEPC Series 10.5.3)

Duplication and Demand

There is no duplication of the program at the institution. Marshall University has a similar program housed in South Charleston, but based on enrollment, demand for WVSU's program is strong. Once deciding factor is

	program completers at WVSU receive all three certifications (principal, superintendent, and general supervision) in one program where they are separate programs at Marshall University.
Post Program Placement	Most MEIL students are full-time employees of the public school systems. The program allows certified educators to apply for advanced salary classifications based on the highest degree earned and the number of hours completed. Completers who have finished the program have been very successful in advancing in the profession with nearly a third of graduates attaining an administrative/leadership position.

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Graduate Success Indicators				
Review Period:	# of graduates placed in discipline-related jobs	# of graduates in graduate school	# of graduates who passed national licensure, certification or other exams	# of graduates where data is unavailable
AY 2017/18 to AY 2021/22	34	N/A	96/97*	N/A**

*97 of 102 graduates have taken the exam and 96/97 achieved passing scores. The five graduates who did not take the exam are certified as “Principal” and are adding “Superintendent” to their administrative certificate. They are not required to take the exam as part of our program.

**Program candidates are usually employed in the field when they enter the MEIL program. Many complete the program in order to renew teaching certificates, to be eligible for advanced salary classification (raise), and/or for additional job opportunities in their future careers. That nearly 1/3 of program graduates have already attained administrative/leadership positions within the first five years of program inception is a testament to the high-quality candidates and high-quality program offered.

Viability (HEPC Series 10.5.1)

Program Enrollment

<u>Academic Year</u>	<u>Number of Majors</u>	<u>Number of Graduates</u>
2017/18	58	15
2018/19	45	33
2019/20	48	21
2020/21	51	10
2021/22	46	23

Program Cost

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.

AYs 2017-2022 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during program review period}} \Rightarrow \frac{\$1,160,340}{\$433,473} \Rightarrow 268\%$$

AY 17/18 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during Academic Year 2017/18}} \Rightarrow \frac{\$225,777}{\$67,280} \Rightarrow 336\%$$

AY 18/19 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during Academic Year 2018/19}} \Rightarrow \frac{\$227,874}{\$68,523} \Rightarrow 333\%$$

AY 19/20 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during Academic Year 2019/20}} \Rightarrow \frac{\$220,185}{\$76,120} \Rightarrow 289\%$$

AY 20/21 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during Academic Year 2020/21}} \Rightarrow \frac{\$242,553}{\$109,947} \Rightarrow 221\%$$

AY 21/22 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$233 \text{ per credit hour}}{\text{Program salaries during Academic Year 2021/22}} \Rightarrow \frac{\$243,951}{\$111,603} \Rightarrow 219\%$$

Return on Investment Percentage: 268%

Outside Services

Number of Service Courses Taught: N/A

Number of Early Enrollment Courses Taught: N/A

Summary / Future Needs	
Program Strengths	<p>The program includes an emphasis on social justice, fairness, and equity</p> <ul style="list-style-type: none"> • Since inception, the program has been the largest graduate program at WVSVU • In the short time the program has been in existence, it received national recognition through the Educational Leadership Constituent Council (ELCC) • The program has received full accreditation status through the Council for the Accreditation of Educator Preparation (CAEP) • 90+ percent retention rate • More than 95% of program completers who have taken the national licensure examination received passing scores • The program meets the needs of the state and region by preparing highly qualified school and district administrators • Highly satisfied graduates • Working to address the AFIs related to quality assurance
Program Weaknesses	<ul style="list-style-type: none"> • Prior to this year, there was no full-time faculty dedicated to the program. Beginning fall 2022, two full-time faculty are dedicated to the program. • While fully accredited, the program does have Areas for Improvement (AFIs) from the CAEP visit. The AFIs are related to the CAEP Standard components listed below. <ul style="list-style-type: none"> ○ A.5.1 The provider's quality assurance system is comprised of multiple measures that can monitor candidate progress, completer achievements, and provider operational effectiveness. Evidence demonstrates that the provider satisfies all CAEP standards. ○ A.5.2 The provider's quality assurance system relies on relevant, verifiable, representative, cumulative and actionable measures, and produces empirical evidence that interpretations of data are valid and consistent. ○ A.5.3. The provider regularly and systematically assesses performance against its goals and relevant standards, tracks results over time, tests innovations and the effects of selection criteria on subsequent progress and completion and uses results to improve program elements and processes. ○ A.5.4. Measures of advanced program completer outcomes, are summarized, externally benchmarked, analyzed, shared widely, and acted upon in decision-making related to programs, resource allocation, and future direction. Outcomes include completion rate, licensure rate, employment rate in field of specialty preparation, and consumer information such as places of employment and salaries. ○ A.5.5. The provider assures that appropriate stakeholders, including alumni, employers, practitioners, school and community partners, and others defined by the provider, are involved in program evaluation, improvement, and identification of models of excellence.
Summary Conclusions	<p>The program has strong enrollment rates, high retention rates, and is fully accredited through the external specialty organization (Educational Leadership Constituent Council) and the Council for the Accreditation of Educator Preparation. Program completers are highly successful on licensure exams and are eligible for advanced salary classifications through the West Virginia Department of Education. Many have received a promotion upon program completion.</p>
Future Needs	<p>The program needs to keep student costs down in order to maintain high enrollments and to stay competitive. The program should maintain at least 2 full-time faculty to maintain high quality standards and success in internal quality reviews and external accreditation.</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 the like <input type="checkbox"/> Discontinuance of the program
Justification:	The Program is strong and continues to build.
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 the like <input type="checkbox"/> Discontinuance of the program
Explanation:	Click or tap here to enter text.



Academic Program Review Report

Revised January 22nd 2020

Program: [Bachelor of Science in Business Administration](#)

Program Options: [Concentrations in Accounting, Agribusiness, Finance, International Business, Management, Management Information Systems, and Marketing](#)

Professional Accreditation Organization: [Accreditation Council for Business Schools and Programs \(ACBSP\)](#)

Date of Last Accreditation Review: [4/20/2022](#)

Last Review and Suggested Action: [January 25, 2018](#)

- 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: [December 31, 2022](#)

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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Program Review Executive Summary

West Virginia State University

Program: Bachelor of Science in Business Administration

Program Options: Concentrations in Accounting, Agribusiness, Finance, International Business, Management, Management Information Systems, and Marketing

Date of Review: AY 2022-2023

Consistency With Mission (HEPC Series 10.5.4)

Centrality to Institutional Mission:

The Mission of West Virginia State University (WVSU) stipulates, in part, that “West Virginia State University is a diverse, 1890 land-grant institution that advances knowledge through access and opportunity, innovative teaching and learning, interdisciplinary research, and impactful service. Our learners are equipped to meet the economic and social needs of the state, region, and nation, and contribute solutions to complex global challenges”.

The BSBA Program provides a comprehensive degree that advances knowledge in a diverse set of interdisciplinary fields relevant to the needs of many employers in our region. Students are presented with experiential learning opportunities that are centered on the wide range of businesses as well as governmental agencies in the surrounding area. Our students are hired for internships, part-time positions, and even full-time positions while still pursuing their degrees.

Consistent with WVSU’s Mission Statement, and because of the large number of non-traditional students, many of whom are employed full-time, the BSBA Program offers a large number of evening and online courses. Articulation agreements with other institutions, Bridge Valley Community and Technical College for example, provide students with a smooth transition from their two-year associate degree in Business to our four-year baccalaureate degree in Business Administration.

Program Learning Outcomes:

Upon successful completion of the BSBA Program degree programs, a student will be able to:

1. Communicate effectively and articulately in written, oral and electronic form as appropriate for business functions
2. Think critically about business issues, theory and application
3. Use effective human relationship skills to work in a diverse culture and function positively in a team environment
4. Apply critical thinking skills to identify what information is needed and how to obtain this information through appropriate technology, evaluating the quality and relevance of the sources and using the information effectively and ethically
5. Evaluate business problems, gather, manipulate and interpret data, analyze alternatives, decide on most effective solution, implement solution and monitor results for continuous improvement

Adequacy (HEPC Series 10.5.2)

Faculty Demographics (For Academic Year 2021-2022)												
	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			1	1		
Hispanic												
American Indian or Alaska Native												
Native Hawaiian / Other Pacific Islander												
Two or more races				1		1	1					
Unknown (Or Decline to Identify)		1					2	1	2	3		
White, non-Hispanic		1								2		
Totals		2		1		2	3	1	3	6	6	12
a. Number of faculty with Tenure											1	3
b. Number of faculty with doctorate or other terminal degree or CPA license											3	4
c. Number of faculty whose highest degree is a master's, but not a terminal master's											1	8
d. Number of faculty whose highest degree is a bachelor's												
Full-time Accounting faculty, and most adjuncts, are licensed Certified Public Accountants (CPA).												

Faculty Production

Non-Instructional Production of Faculty – Data from the last three years, ending in academic year 2021/2022					
Type	July 1, 2019 through June 30, 2020	July 1, 2020 through June 30, 2021	July 1, 2021 through June 30, 2022	Totals	
				Number	Award Amount
Peer-Reviewed Publication	1	3	3	7	
Academic Book					
Creative Work / Installation					
Non-Peer Reviewed Publication					
Conference Presentation	4	3	4	11	
Internal Grant	1			1	5,000
External Grant		1	1	2	79,400
Public Discussion Program	5	2	1	8	
Peer Reviewer (Journal)	9	9	9	27	
Conference / Seminar Attendance	9	13	12	33	

Totals	28	31	30	89	84,400	
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Necessity (HEPC Series 10.5.3)

Duplication and Demand

Undergraduate business programs are available at most colleges and universities in the state: Marshall University, Strayer University and the University of Charleston are the closest. Online degree programs also exist in abundance as an option to students in our area. Degree requirements for undergraduate business programs are generally similar at different institutions.

Students choose WVSU for a variety of reasons. Our wide range of class times and our online course offerings accommodate students with limited daytime schedule availability. The cost of attending WVSU is generally less than that of attending other four-year higher education institutions. Our students often choose WVSU because of its proximity to their residences and dual learning modality options (in-person and online).

A large number of our students are transfer students from both two-year and four-year higher education institutions. Our small class sizes and the student-faculty interactions provide students with tools to be successful in the collegiate setting. Evidence of demand is demonstrated by strong enrollment numbers.

Post Program Placement

Many of our students are enrolled in the BSBA Program for job advancement in entities where they are already employed. Others work in part-time positions (perhaps as interns) that may become full-time positions upon graduation. Students are generally successful at finding a wide range of employment opportunities upon graduation. This may differ depending upon certain variables such as each student's area of concentration and academic performance.

Through a platform called Handshake, the WVSU office of Career Services and Cooperative Education provides students and alumni with the opportunity to have their information entered into a candidate pool for employers seeking to fill positions. BSBA Program Faculty and the Office of Career Services and Cooperative Education collaborate in matching job seekers with job openings.

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Graduate Success Indicators				
Review Period:	# of graduates placed in discipline- related jobs	# of graduates in graduate school	# of graduates who passed national licensure, certification or other exams	# of graduates where data is unavailable
AY 2017/18 to AY 2021/22	330	27	1	0

Viability (HEPC Series 10.5.1)

Program Enrollment

Semester	Number of Majors	Number of Graduates
Fall 2017	398	22
Spring 2018	410	34
Summer 2018	94	1
Fall 2018	395	22
Spring 2019	392	35
Summer 2019	100	9
Fall 2019	356	18
Spring 2020	327	26
Summer 2020	92	6
Fall 2020	346	30
Spring 2021	303	41
Summer 2021	71	8
Fall 2021	293	26
Spring 2022	261	37
Summer 2022	63	15

Program Cost

AYs 2017-2022 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during program review period}} \Rightarrow \frac{\$9,452,700}{\$2,975,184} \Rightarrow 318\%$$

AY 17/18 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during Academic Year 2017/18}} \Rightarrow \frac{\$1,961,496}{\$550,765} \Rightarrow 356\%$$

AY 18/19 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during Academic Year 2018/19}} \Rightarrow \frac{\$2,060,640}{\$493,275} \Rightarrow 418\%$$

AY 19/20 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during Academic Year 2019/20}} \Rightarrow \frac{\$2,038,284}{\$726,145} \Rightarrow 281\%$$

AY 20/21 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during Academic Year 2020/21}} \Rightarrow \frac{\$1,877,904}{\$512,514} \Rightarrow 324\%$$

AY 21/22 Return on Investment Percentage:

$$\frac{\text{Credit hours produced} * \$324 \text{ per credit hour}}{\text{Program salaries during Academic Year 2021/22}} \Rightarrow \frac{\$1,514,376}{\$626,162} \Rightarrow 242\%$$

Outside Services

- Number of Service Courses Taught:**
- Fall 2017 = 29
 - Spring 2018 = 24
 - Summer 2018 = 9
 - Fall 2018 = 26

- Spring 2019 = 27
- Summer 2019 = 12
- Fall 2019 = 30
- Spring 2020 = 27
- Summer 2020 = 12
- Fall 2020 = 28
- Spring 2021 = 28
- Summer 2021 = 12
- Fall 2021 = 22
- Spring 2022 = 22
- Summer 2022 = 7

Number of Early Enrollment Courses Taught:

- Fall 2017 = 2
- Spring 2018 = 0
- Summer 2018 = 0
- Fall 2018 = 2
- Spring 2019 = 0
- Summer 2019 = 0
- Fall 2019 = 2
- Spring 2020 = 1
- Summer 2020 = 0
- Fall 2020 = 3
- Spring 2021 = 1
- Summer 2021 = 0
- Fall 2021 = 5
- Spring 2022 = 2
- Summer 2022 = 0

BA 115	Education (Business Education), International Studies, Health Science (Community Health Education)
BA 203	Economics, Education (Business Education)
BA 209	Economics, Education (Business Education)

	BA 210	Economics, Education (Business Education), General Education
	BA 215	Economics, Education (Business Education)
	BA 216	Economics
	BA 301	Education (Business Education)
	BA 310	Education (Business Education)
	BA 312	General Education
	BA 313	Economics, Education (Business Education)
	BA 363	Economics
	BA 409	Education (Business Education)
	BA 420	Economics, Education (Business Education)

Summary / Future Needs

Program Strengths

- BSBA Program faculty are diverse and have practical experience that allows for direct examples and scenarios related to academic knowledge students are acquiring. There is a long history of the BSBA Program meeting the needs of traditional and nontraditional students by offering classes at convenient times and through multiple modalities. The Agribusiness concentration of the BSBA degree was recently added as an option for students interested in the agribusiness sector.
- The Accounting and Management concentrations offer online degree programs with the same curriculum as the in-seat programs. Best practices are used in adapting course content to the online modality. Master courses are developed for each required business course by a designated WVSU faculty member with support from a WVSU course designer from The Center for Online Learning in accordance with WVSU quality standards. Faculty continually update course content to address the ever-evolving nature of business. A greater reliance on computer-based components within the curriculum better enables our students to enter the workplace with up-to-date and in-demand skillsets.
- Full-time faculty are actively engaged in institutional service, professional pursuits to enhance teaching, and diligently committed to students in the areas of advising and career path consultation. Many faculty in the department are dedicated to delivery of quality education to their students and keep up with their respective discipline updates through attendance/participation at conferences, review of scholarly journals, and/or webinars. Numerous faculty have completed highly specialized training to further online teaching expertise and to maintain best-practices with respect to approaches of in-seat and online content delivery as well as student interaction.
- In conjunction with the WVSU Office of Career Services, BSBA Program leadership and faculty present numerous discipline specific internships and career opportunities with local, regional, and international entities to all BSBA Program students as they become available.
- Scholarships and internships are available to all BSBA Program students and a long-range schedule of course offerings is maintained to assist students with long-term curriculum planning.
- The Agribusiness concentration was added as a degree option during the program review period. Specific scholarship funding through the 1890 scholarship Program is available for Agribusiness concentration students meeting a minimum 3.0 grade point average.
- Many BSBA Program faculty incorporate local, regional and national business leaders as speakers in their courses, both electronically and in-person. Such events allow students and industry professionals to interact and network. Multiple Business centric conferences were held on the campus of WVSU during the program review period to facilitate networking and knowledge sharing between industry and academia.
- Students and graduates of the BSBA Program are highly sought after by employers. Many graduates secure internships during their pursuit of the BSBA Degree and many students secure full-time employment during and soon after attaining their BSBA Degree. Examples of employers providing internships, cooperative education and full-time employment are: Toyota, WV Legislature, Gray Griffith and Mays Public Accounting, Ernst & Young, Baker Tilly, Brown Edwards & Company, Suttle & Stalnaker, National Travel, Edward Jones, Charles Ryan Associates, Herman and Cormany, WV State Agencies, KISRA, Encova Insurance, and Federal Government Agencies.
- The Return on Investment (ROI) that the BSBA Program provided to the University during the

	<p>program review period is 318%.</p> <ul style="list-style-type: none"> The Accreditation Council for Business Schools and Programs (ACBSP) requires periodic assessment of the BSBA Degree Program curriculum. Assessment processes include collecting and analyzing data at the course, concentration, and overall degree program levels in a longitudinal fashion. Analyses and discussion by Program faculty have resulted in revisions of curriculum to ensure graduates are meeting BSBA Degree Program Learning Outcomes as well as Essential Graduation Competencies (EGC) set forth by the University to meet the economic and social needs of the state, region, and nation, and contribute solutions to complex global challenges.
<p>Program Weaknesses</p>	<ul style="list-style-type: none"> Much of the technological hardware and software located in the primary campus building housing BSBA Program courses has not been updated since it was acquired in 2012. Funding for software packages, such as Adobe Acrobat, which is utilized to mark up and edit PDF documents, is not available for installation onto BSBA Program Faculty computers. Additionally, funding for renewing computer hardware and software that expedites and improves effectiveness in the online learning modality such as cameras, tablets, lecture recordation and editing software, and microphone headsets is not available for BSBA Program Faculty teaching online courses. The BSBA Program anticipates the need of additional full-time Faculty to grow enrollment of students within the in-seat BSBA Program modality and the BSBA Program online modality. Recent hires have mostly been through limited period, term contract positions, not tenure or tenure-track positions. The lack of emphasis on tenure for BSBA program faculty leads to difficulty in securing and retaining qualified faculty. Difficulty in retaining faculty can lead to continuity concerns for student advising and retention. Salaries of full-time and adjunct BSBA Program faculty have been noted as being at the bottom of the pay scale with comparable institutions, which may lead to difficulties in recruiting and retaining full-time and adjunct faculty for a program that provides stable enrollment to WVSU while being poised for growth via in-seat and online program modalities. Lack of dedicated administrative assistance (secretary) for one of the largest academic programs at WVSU Students graduating from high school come from updated and remodeled facilities that include modern facilities with up-to-date infrastructure such as technology, furniture, paint, flooring, etc... The classrooms and faculty offices within Cole Complex housing the BSBA Program have not been materially updated since the construction of the building - over 40 years ago. Much of the furniture is mismatched/original to the building and large portions of the flooring and lighting present a dated environment to students and industry professionals who come to campus to speak to students. Each of the classrooms and faculty offices for the BSBA Program needs dedicated funding for periodic renewal and updating of technology, flooring, lighting, etc.. in a cycle of not more than approximately twenty to thirty years. Potential students do evaluate the adequacy of technology and facilities when visiting WVSU and the facilities of the BSBA program need updated to help attract and retain students. Current students have commented that facilities and technology are lacking compared to their high schools and other institutions they have attended or toured, but the tuition cost is at parity.
<p>Summary Conclusions</p>	<ul style="list-style-type: none"> BSBA program faculty are diverse, have practical business experience to supplement academic knowledge, stay current in their disciplines, complete specialized pedagogical training for multiple modalities, and are active with non-instructional production. Recent Faculty hires have largely been focused on non-tenure track positions despite being one of the largest programs on campus. There are many scholarships available to BSBA Program students and students are presented with

	<p>numerous internship and career opportunities throughout their studies and Faculty offices are in close proximity to classrooms which allows students to conveniently seek advising, assistance, mentoring, and career guidance from Faculty. The state of the classroom and Faculty offices housing the BSBA Program are in need of being updated in order to provide a modern experience with technology and facilities that students expect when paying tuition that is at parity with competing institutions that already have modern and up-to-date infrastructure. The BSBA Program demonstrates its strength through large enrollment and a very high ROI during the program review period of 495%. The high ROI could be utilized to help startup the previously approved Master of Business Administration Program.</p>
<p>Future Needs</p>	<ul style="list-style-type: none"> • A commitment from the Administration to focus on tenure-track positions for Faculty • Dedicated funding for up to date facilities that includes technology, paint, flooring, furniture, lighting, etc... This could potentially be funded by a College level or Program level student fee. • A commitment from the Administration to focus on increasing salaries of full-time and adjunct BSBA Program faculty that could potentially be funded by a College level or Program level student fee. • A dedicated secretary employee to provide program level support for BSBA Faculty, Administration, and students.
<p>Program Review Committee Recommendation</p>	
<p>Recommendation</p>	<ul style="list-style-type: none"> <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 the like <input type="checkbox"/> Discontinuance of the program
<p>Justification:</p>	<ul style="list-style-type: none"> • The program holds accreditation with the Accreditation Council for Business Schools & Programs (ABSP) and provides “quality business programs” to students. • The calculation for Return on Investment is 495%. • The program has overall strong enrollment numbers for the academic year and for summer sessions. • Participation in early enrollment is positive service to the institution and surrounding community and a good tool for recruitment. • The program provides numerous service courses for the university. • Enrollment and graduation numbers have decreased in recent years, however the committee considers this as a concern likely related to COVID that is impacting basically all program across our campus and state, as well as national trend. • Many faculty members are Certified Public Accountants (CPA). • Graduates of the program are highly sought after by employers. <p>The Program Review Committee recommends continuation of the program at the current level of activity.</p> <p>Respectfully submitted</p> <p>Dr. Emily H. Waugh</p> <p>Program Review Committee Chair</p>

Provost / Vice President of Academic Affairs Recommendation

Recommendation:

- 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

Explanation:

Click or tap here to enter text.

Exhibit A: Evidence of External Accreditation



Ms. Deborah Williams
Interim Dean, College of Business and Social Sciences
West Virginia State University
112 Hill Hall
Institute, WV 25112-1000
USA

Dear Ms. Williams,

The Baccalaureate/Graduate Degree Board of Commissioners met on April 20-21, 2022, and reviewed your Quality Assurance Report. After review, the board voted to accept the report with a note. The Board provided the following comments:

Place a Note on Standard 2: Business unit reports that updates to an outdated strategic plan are currently on hold due to several administrative changes. The BOC looks forward to reviewing the updated plan in the next reporting cycle.

Your Status Report on Notes and Conditions is due **2/15/2024**, and your reaffirmation is scheduled for **2025**. Please contact Dr. Kristina Collins at 260-466-0634, or by e-mail at klcollins64@gmail.com, with any questions or concerns.

We hope to see you at the Annual Conference June 17-20, 2022. For more information on the conference including its location and host hotel, please see www.acbsp.org.

ACBSP is looking forward to our continued relationship with West Virginia State University. Thank you for providing quality business programs for your students. We are happy to have you as one of our valued members.

Sincerely,

A handwritten signature in blue ink that reads "Steve Parscale".

Steve Parscale, Ph.D.
Chief Accreditation Officer

Cc: Mr. Matthew Carroll, Assistant Professor - Business Administration
Dr. Kristina Collins, Baccalaureate/Graduate Degree Board of Commissioners



**Board of Governors
Advancement Committee
Erickson Alumni Center**

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

**Thursday, February 2,
2023 9 a.m.**

AGENDA

- I. Call to Order** E. Gail Pitchford
- II. Roll Call** Susan Compton
- III. Verification of Appropriate Notice of Public Meeting**
- IV. Approval of December 9, 2022 Minutes** (*Action Required*)
- V. Advancement Updates** Patricia Schumann
 - a.** Fundraising Performance Report December 31, 2022
 - b.** Investment Portfolio December 31, 2022
 - c.** WVSU Day of Giving February 23, 2023
 - d.** Presidential Inauguration and Black & Gold Gala April 13-14, 2023
- VI. Adjournment**

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

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the committee

Notes:

Meeting was approved : 1/26/2023 8:18:31 AM

MEETING MINUTES
West Virginia State University Board of Governors
Advancement Committee
Erickson Alumni Center
Friday, December 9, 2022

I. Call to Order and Roll Call

Chair Pitchford called the meeting to order at 10:20 am.

II. Administrative Clerk (Susan Compton) called the roll.

Members in attendance were Mr. Ian Flores, Dr. Chris Jackson, Mr. Charles Jones, Mr. Mark Kelley, Ms. Tracey McKibben, Mr. James Payne, Dr. Jeffrey Pietruszynski, and Ms. Gail Pitchford.

Members not in attendance were Mr. Lee Greenhowe, Dr. Lateef Saffore, Mr. Lester Raines, and Mr. Caleb Shepherd.

Guests in attendance were Ms. Patricia Schumann, Mr. Trey Jones, Mrs. Belinda Fuller, and Mr. Nate Burton

III. Verification of Appropriate Notice of Public Meeting

Ms. Pitchford verified the Appropriate Notice of Public Meeting.

IV. Approval of October 27, 2022 Minutes

Ms. Pitchford entertained a motion to approve minutes from the October 27, 2022 meeting. Mr. Kelley made a motion to approve; the motion was seconded by Dr. Pietruszynski. Motion carried.

V. Fall Fundraising Update

Ms. Schumann began by acknowledging Mr. Trey Jones as the new Assistant Vice President for University Advancement and Vice President for the WVSU Foundation, and Mrs. Belinda Fuller as the new Assistant Vice President for Alumni Relations and Annual Giving.

Mrs. Fuller reported on the fall fundraising appeal. To date, we have received \$6,746 from 39 donors. Responses and gifts from this appeal are continuing to come in. Mrs. Fuller also reported on the Neighborhood Investment Program (NIP). This program of the West Virginia Development Office provides state tax credit vouchers to match donations up to 50% for approved programs. WVSU was awarded \$15,000 in tax credit vouchers for the Southern West Virginia Counties Scholarship this year. As of today there are \$1,750 NIP credits remaining to be distributed.

Mrs. Fuller also reported on Giving Tuesday fundraising. To date we have received \$21,948 from 55 donors. The highlighted funds for Giving Tuesday included the WVSU Fund and Lakin-Ray Field Matching Challenge. Mrs. Fuller also shared that preparations are underway for Day of Giving. Day of Giving will be moved from Founder's Day into the month of February for this coming year. More information will be provided in the future as details are confirmed.

Ms. McKibben asked how this year's Giving Tuesday compared to last year. Mrs. Fuller shared that last year \$21,160 was raised from 64 donors. Mrs. Fuller will continue to provide comparisons in the future for the board.

Mr. Jones discussed fundraising efforts for Lakin-Ray Field. Currently over \$52,000 has been raised towards this matching gift challenge. Efforts to raise money will continue which include an

end of the year appeal co-authored by Mr. Jones and Mr. Burton. The deadline for plaque recognition will be December 31, 2022.

Mr. Jones also highlighted major gifts received from Diversified Energy Company and Unicare Health Plan of West Virginia, Inc. Diversified Energy has given \$125,000 for biodiversity initiatives and tree planting. Unicare Health Plan of West Virginia has given \$250,000 for five student scholarships. Recently, WVSU has hosted Huntington Bank, McGee Foundation and Nucor on campus. Huntington Bank's Executive Vice President has verbally committed to partnering beginning in the first quarter of 2023. The McGee Foundation board members participated in a stewardship meeting and campus tour in addition to a luncheon with awarded students. Members of Nucor were also on campus recently for a social media takeover along with hosting an information session table and classroom presentations.

Ms. Schumann reported as of November 30, 2022, we have received a total of \$3,134,447 in new gifts and pledges from 464 donors. Ms. Schumann reminded the board that the alumni participation rate goal for the year is 3.8%. Currently, alumni participation is at 1.26% as of November 30, 2022 so there is still work to be done. She also shared that as of November 30, 2022 the investment portfolio is \$12,466,722.

VI. Foundation Scholarships

Ms. Schumann reported on Foundation endowed funds and expendable scholarships. There are three endowed program support funds totaling \$340,265. In addition, there are 138 endowed scholarships for a total value of \$11,428,766. The current minimum to establish a new endowed fund is \$25,000. There are also an additional nine funds in the Title III matching account. In the current academic year, we have awarded \$668,476 in scholarships which represents 323 awards made. Currently there is \$167,485 remaining to award this academic year.

Ms. Schumann highlighted new scholarships which have been established this calendar year, including three new endowed scholarships to be funded through pledge and bequest commitments.

Three new scholarships established this fall which will be matched dollar for dollar with Title III matching funds. Ms. McKibben asked why we do not put everything under Title III for matching funds. Ms. Schumann shared that we have a limit each year on the amount that can be matched. She also shared that the decision is based on the donors' goals due to the spending restrictions on the Title III funds. If a donor's priority is long-term growth, Title III is a great option because the endowed funds are matched, and the spending policy, based on investment performance each year during the first 20 years, ensures higher growth. However, if a donor's priority is to have an immediate impact and generate a reliable scholarship award each year for students, the standard endowment fund, with a spending policy based on total fund value, may be a better option. Ms. Schumann shared that we do have donors which have chosen to split their scholarship between the two accounts to capitalize on some matching funds but also ensure a consistent scholarship award from the funds invested with the standard endowment. Mr. Flores asked if the dollars awarded are based on the values of the prior year. Ms. Schumann shared the allocated scholarship awarding is assessed over a three-year period to ensure that funds remain available for rewarding regardless of market fluctuations.

Ms. Pitchford asked if donors are advised that there will be no spending out of the endowment for so many years when they are established. Ms. Schumann shared that spending is covered in each agreement. Board members were also provided with a list of all scholarships, Mr. Kelley pointed out that the Dr. Ida Kramer Scholarship scholarship was formed on behalf of of Dr. Kramer who was a former professor at WVSU and who left her estate to WVSU. Mr. Kelley shared he would like to properly publicly acknowledge Dr. Kramer's gift.

VII. Strategies for Leveraging Sponsorships

Mr. Jones and Mr. Burton gave a report on the impact of sponsorships and strategies for leveraging them. Mr. Burton shared that Athletics anticipates spending approximately \$4.5 million year after year, including athletic aid, salaries and operations. The FY2022 operational budget was \$562,000; therefore, the FY2023 fundraising goal is \$425,000 for Athletics. Currently Athletics has raised \$93,000 in sponsorships from 26 corporate donors. Mr. Burton shared donors are seeing the value in partnering with WVSU. Ms. Pitchford asked how we leverage athletes which have graduated from WVSU. Mr. Burton shared that we have former athletes who are introducing us to new sponsors. He also added that there are plans to reach out to former athletes to get them involved and back on campus.

Mr. Jones discussed upcoming event recognition opportunities including the Presidential Inauguration and the Black & Gold Gala April 13 and 14, 2023, and sponsorships will be needed for both events. Mr. Jones shared that last year's Black & Gold Gala raised \$209,271 with over 400 attendees. The combined goal for this year's Black & Gold Gala and Inauguration is \$240,000. Sponsorship packages will be available for donors who would like to support both events. The 2023 Black & Gold Gala Honorees are Allan L. McVey, Dr. Ann Brothers Smith, The Honorable Reggie B. Walton, and Robert F. Smith of Student Freedom Initiative.

VIII. Adjournment

With there being no further business, Chair Pitchford adjourned the meeting at 11:04 a.m.

Approved by:

Patricia Schumann
Vice President for University Advancement

Respectfully submitted by:
Susan Compton
Advancement and External Affairs Administrative Clerk

University Advancement Report

Board of Governors Meeting
Advancement Committee
Patricia J. Schumann
February 2, 2023

Fall Fundraising Update:

Total Raised as of December 31, 2022

	FY2022	FY2023	+ / -
Pledges	\$499,550	\$2,355,557	372%
Cash Gifts	\$1,139,903	\$1,084,229	(5%)
Gifts in Kind	\$2,423	\$5,438	NA
Total Giving	\$1,641,876	\$3,445,224	110%

Fall Fundraising Update:

Total Raised as of December 31, 2022

	FY2022	FY2023	+ / -
Number of Donors	624	576	(8%)
Number of Gifts	1801	1644	(9%)
Alumni Donors	318	310	(3%)
Alumni Participation Rate	1.763%	1.72%	NA

Cash Flow Report December 31, 2022

FY2023 Cash Flow Report	
Payments on FY2023 Pledges	\$ 376,275
Payments on Pledges Prior to FY2023	\$ 483,922
Outright Cash Received	\$1,084,229
Non-charitable Revenue	\$ 196,132
Total Cash	\$ 2,140,558

Investment Portfolio Value:

Summary Change in Portfolio Value for the Quarter

Beginning Value 10/1/2022	\$11,280,629
Contributions/Withdrawals	(\$178,014)
Fees	(\$13,537)
Income Received	\$327,511
Change in Market Value	\$623,068
Change in Accrued Income	(\$1,900)
Ending Market Value	\$12,037,757

Investment Portfolio Value: Performance History

QTD 8.29%

YTD -9.42%

1-Year -9.42%

3-Year 4.55%

5-Year 3.60%

10-Year 5.95%

WVSU Day of Giving

February 23, 2023



*Theme: WVSU Alumni Who are Changing the World
Alumni of Distinction*



Participating Units/Special Projects

Student Success Fund (WVSU Fund)

Athletics

College of Arts & Humanities

College of Business & Social Sciences

College of Natural Sciences & Mathematics

College of Professional Studies

Special Projects

- ❖ Presidential Scholarship
- ❖ Commuter Student Scholarship
- ❖ DEI Scholarship
- ❖ School of Agriculture & Environmental Science



PRESIDENTIAL
Inauguration
of ERICKE S. CAGE, J.D., LL.M

Presidential Inauguration Weekend Sponsorship Opportunities April 13-14, 2023

Black & Gold
G A L A

Presidential Inauguration Weekend Packages

Title Sponsor	\$35,000
Tower Sponsor	\$25,000
Partner Sponsor	\$10,000

Black & Gold Gala Sponsorships

Platinum Sponsor	\$20,000
Reception Sponsor	\$15,000
Diamond Sponsor	\$10,000
Gold Sponsor	\$5,000
Silver Sponsor	\$2,500
Bronze Sponsor	\$1,000

Investiture Public Reception Sponsorships

Title Sponsor	\$15,000
Sponsor	\$1,000

Questions



**Board of Governors
Business Affairs Committee
Erickson Alumni Center**
<https://us06web.zoom.us/j/83214818343>
Meeting ID: 832 1481 8343
Thursday, February 2, 2023
9 a.m.

AGENDA

- | | |
|--|-------------------|
| I. Call to Order | Ian Flores |
| II. Roll Call | Natasha Tyson |
| III. Verification of Appropriate Notice of Public Meeting | Ian Flores |
| IV. Approval of December 9, 2022 Minutes (<i>Action Required</i>) | Ian Flores |
| V. FY23 Financial Update | Justin McAllister |
| a. FY23 December Statement of Revenues & Expenses | |
| b. Liquidity Monitoring | |
| c. Accounts Receivable Schedule | |
| d. Accounts Payable Schedule | |
| VI. Adjournment | |

**Board of Governors
West Virginia State University
Business and Finance Committee**

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the committee

Notes:

Meeting was approved : 1/26/2023 8:18:39 AM

MEETING MINUTES
West Virginia State University Board of Governors
Business Affairs Committee
Erickson Alumni Center, Grand Hall
Friday, December 9, 2022
9:00 a.m.

I. Call to Order and Roll Call

Mr. Ian Flores called the meeting to order at 11:08 a.m.

II. Members Present:

The clerk called the roll. Members present were Mr. Flores, Mr. Payne, Ms. McKibben, Mr. Kelley, Mr. Jones, Mrs. Pitchford, Dr. Jackson, and Dr. Pietruszynski. There was a quorum for this meeting.

III. Verification of Appropriate Notice of Public Meeting

Mr. Payne verified the Appropriate Notice of a Public Meeting.

IV. Review and Approval of October 27, 2021 Meeting Minutes

Mr. Flores asked for a motion to approve the meeting minutes for October 27, 2022. Mr. Kelley made a motion, and it was seconded by Mrs. Pitchford. Motion passed.

V. FY22 Financial Audit Review by CLA

CLA representative, Daniel Persaud, presented an overview of the FY22 Financial Audit and discussed the responsibilities and best practices of an auditor. The duties of an auditor are to provide the client with an opinion on the financial statements and to obtain a better understanding of the internal controls being used. Auditors are required to report any findings or risks and to recommend best practices to management and governance. The current risk is the lease supplementation but did not have a significant impact on the university. All transactions are not audited, however, the leases are reviewed to determine if they may need to be recorded it is done so accordingly. The general ledger details and check register is reviewed and run the data analytics. If any unusual items are identified, then the auditors will work with management to obtain an explanation and support. Each year a surprise test is established that management is not aware of so that management is not aware of the audit process. An unmodified opinion, which is the highest level opinion from a CPA firm, was confirmed. There were five audit adjustments of which only one was a material audit adjustment. There are two levels of audit findings that auditors must report, a material weakness and a significant deficiency. A material finding was identified due to the HEERF funding which requires the university to report the revenue and expenses on the change in net position and recorded on the general ledger. VP McAllister will ensure the numbers are recorded going forward. Such a finding will result in a review the following year to ensure the issue is corrected.

The Governance Communication Letter is a required letter that auditors provide information on any changes in scope, however, none were identified during this audit. There were no significant changes on the financial statement. There was only one delay in getting the final trial balance which was due to the transition in management. No other findings were identified. To prevent a delay in the submission of documents for upcoming audits, it is suggested that items are prepared throughout the year in an effort to be available during the field work visits in September and the deadline of October. VP McAllister echoed those sentiments and declared that a soft close will be implemented in order to

ensure timeliness for the next audit. Implementing a process of automation will also assist in decreasing any delays in the preparation process.

VI. FY23 Financial Update

a. FY23 October Statement of Revenue & Expenses

VP McAllister stated that quarter-end numbers will be reported in February which will reflect numbers from the end of October 2022. There is \$6.6 million of the operating revenue that was received in October which is when Financial aid is disbursed. Total operating revenue, including State dollars, is at \$16.5 million with operational expenses at \$14.9 million year-to-date as of October 2022. There is \$411,000 in HEERF expenditures allocated to projects such as the network upgrades in Keith Scholars Hall, of which such expenses had not been drawn down as of October. The fiscal year-to-date comparison between 2023 and 2022, the University was at \$16.5 million in revenue, whereas, in 2022 there was slightly more than \$15 million of operating revenue. The total net margin is down this year from the previous year, however, no funds had been drawn down from the HEERF funding at the time.

b. Liquidity Monitoring

As of October, there were 32 days of cash-on-hand, as November reflected less than thirty days of cash-on-hand. As a reminder, late November through the end of January are consider dry months due to the revenue stream. The finance team continues to work on balancing cash and creating a contingent fund to ensure that there is always cash-on-hand.

c. Accounts Receivable Schedule

The current total accounts receivable is \$9.7 million of which an allowance of bad debt is \$8.4 million. The allowance is calculated based upon the calculations used for the audit. Once a debt has gone unpaid for five years it is deemed uncollectable. An accounts receivable policy will be created to address the allowance. There is \$5.7 million in accounts receivable collections with the Williams and Fudge Collection Firm, of the \$4.9 million of the collection is over seven years old which is outside of the Firm's collection window. There is a 23% collection fee for everything the Firm collects for the university.

d. Accounts Payable Schedule

There is approximately \$350,000 of current payables, and \$159,000 in the 30-59 days' window of which the dining services vendor that has now been paid current. A bond invoice was included in what is currently due which resulted in the payables number being so high, however, that too has now been paid.

e. HEERF

There is currently \$10.7 million remaining of the Higher Education Emergency Relief Funds of which will need to be encumbered by June. By February a plan will be created to determine how the funds can be spent. There will be a discharge of approximately \$1 million dollars of student debt which will be shared amongst student accounts with debts above \$500 or more that is preventing them from enrolling in the Spring semester. Only two hundred students have accepted the discharge. Students can accept the discharge or an alternative cash amount will be applied.

VII. Adjournment

With there being no other business, Mr. Flores moved to adjourn the meeting at 11:38 a.m.

Respectfully Submitted by Natasha Tyson, Committee Clerk, January 26, 2023.

Approved by:

Justin McAllister
Vice President for Business and Finance
Business Affairs Administrator

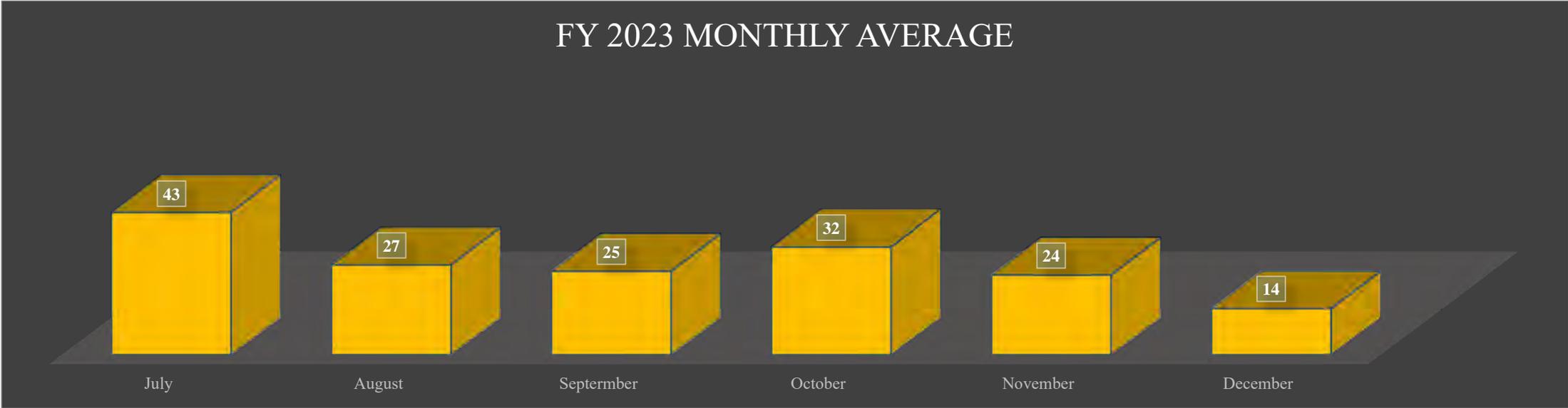
Business & Finance

Justin T. McAllister
Board of Governors Meeting
February 2, 2023

December Statement of Revenues and Expenditures

Operating Revenues:	December 2022	FY 2023 Year To Date	FY 2023 Budget	FY 2023 Budget Utilized
Total Operating Revenues	\$ 2,288,247	\$ 20,250,968	\$ 41,130,170	49%
Total Operating Expenditures	\$ 3,683,461	\$ 22,692,219	\$ 45,534,258	50%
Total Operating Margin	\$ (1,395,213)	\$ (2,441,250)	\$ (4,404,088)	55%
Total Non Operating Revenues	\$ 206,991	\$ 206,991	\$ 13,104,662	2%
Total Non Operating Expenditures	\$ 79,605	\$ 600,108	\$ 8,000,000	7.50%
Total Non Operating Margin	\$ 127,386	\$ (393,117)	\$ 5,104,662	-8%
Undistributed HEERF Revenue 1/20/23	\$ 4,757,775	\$ 4,757,775		
Total Margin	\$ 3,489,948	\$ 1,923,408	\$ 700,574	275%

Fiscal Year 2023 Liquidity Monitoring



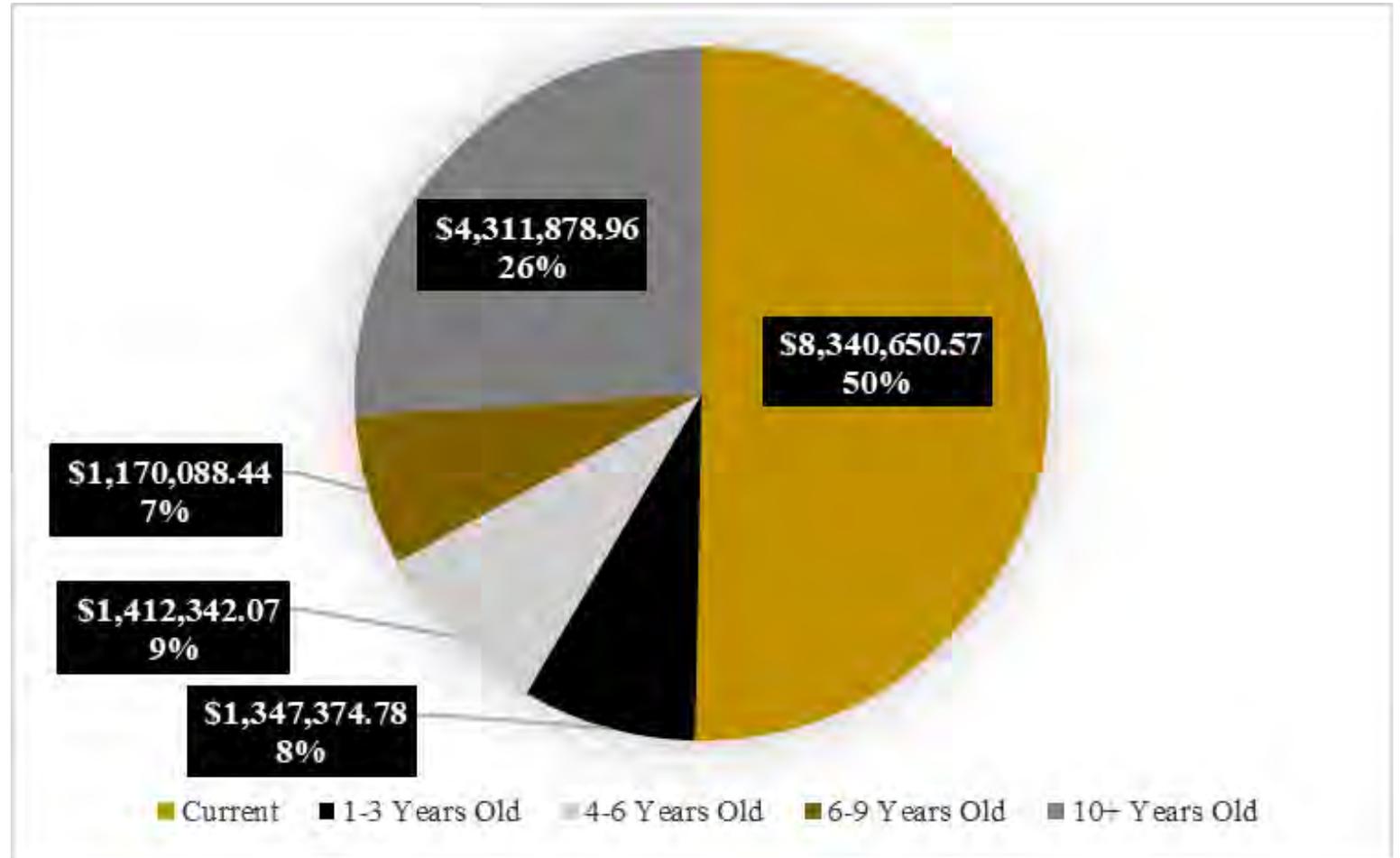
As of January 17th: 31 Days of Cash on Hand

Accounts Receivable Schedule

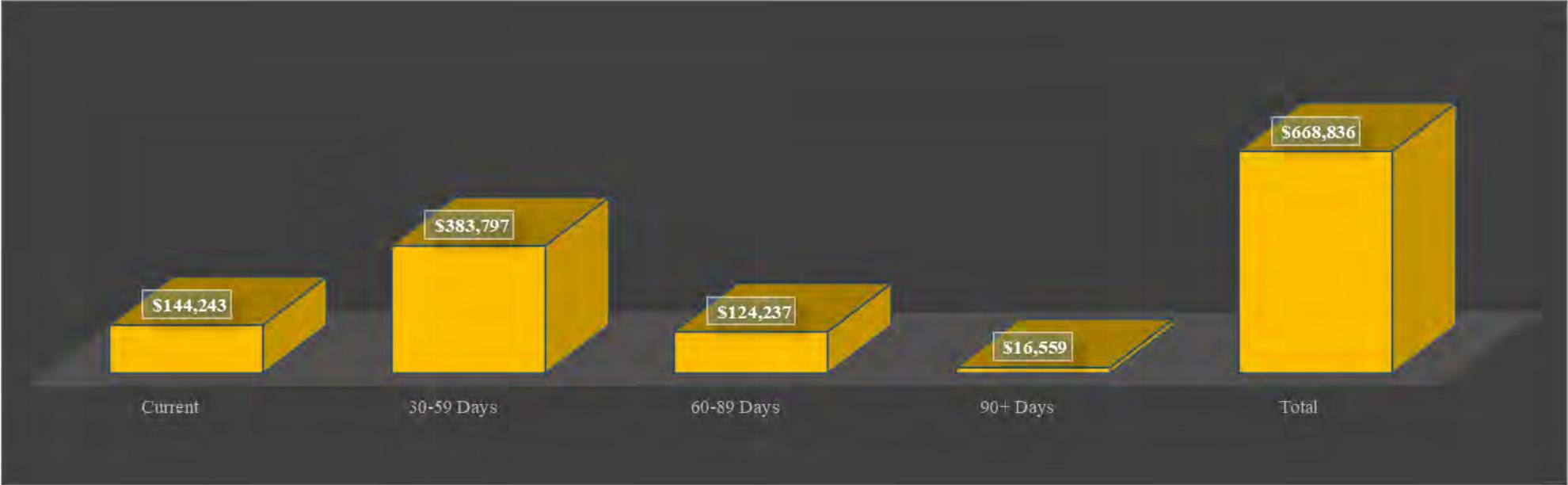
Total A/R:
\$16,582,335

Allowance for bad Debt:
\$9,071,144

Total A/R in Collections:
\$5,796,176.45



Accounts Payable Schedule



Questions?



**Board of Governors
Enrollment Management and Student Affairs
Erickson Alumni Center**

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

February 2, 2023

9 a.m.

AGENDA

-
- | | |
|--|----------------|
| I. Call to Order | Tracy McKibben |
| II. Roll Call | Lauren Waugh |
| III. Verification of Appropriate Notice of Public Meeting | Tracy McKibben |
| IV. Approval of December 9, 2022 Minutes (<i>Action Required</i>) | Tracy McKibben |
| V. Enrollment Management/Retention <ul style="list-style-type: none">• Year to year application comparisons• Enrollment Strategies | Stacey Sowell |
| VI. Adjournment | |

**Board of Governors
West Virginia State University
Enrollment Management and Student Affairs Committee**

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the committee

Notes:

Meeting was approved : 1/26/2023 8:18:47 AM

MEETING MINUTES
West Virginia State University Board of Governors
Enrollment Management and Student Affairs Committee
Erickson Alumni Center
Friday, December 9, 2022

I. Call to Order and Roll Call

Chair McKibben called the meeting to order at 9:00 am

II. Administrative Clerk (Susan Compton) called the roll.

Members in attendance were Mr. Ian Flores, Dr. Chris Jackson, Mr. Charles Jones, Mr. Mark Kelley, Ms. Tracey McKibben, Mr. James Payne, Dr. Jeffrey Pietruszynski, and Ms. E. Gail Pitchford

Members not in attendance were Dr. Lateef Saffore, Mr. Lester Raines, Mr. Caleb Shepard

Guests in attendance were Dr. Stacey Sowell and Mr. Nate Burton

III. Verification of Appropriate Notice of Public Meeting

Ms. McKibben verified the Appropriate Notice of Public Meeting.

IV. Approval of October 27, 2022 Minutes

Ms. McKibben entertained a motion to approve minutes from the October 27, 2022 meeting. Ian Flores made a motion to approve; the motion was seconded by James Payne. Motion carried.

V. Enrollment Management

Dr. Stacey Sowell presented enrollment updates and progress. She presented the progression of the Spring applications as of November 29, 2022. In comparison to last year, spring applications are slightly behind. The major focus however is the fall semester. Numbers for fall 2023 admissions are on track. She also presented a three year comparison for Fall 2021, Fall 2022, Fall 2023. Currently we are behind in admission acceptance but it is expected to pick up after the holiday. Chair McKibben asked if we had the Fall 2019 numbers, which would be pre-pandemic, to compare with. Dr. Sowell advised she did not have those numbers at this moment but she will provide those to the board in the future.

Current enrollment and engagement strategies include launching an online/graduate school marketing campaign, meetings with international partners for recruiting graduate students in the STEM field placement, and the “Come Home to State” campaign which will be held in January. She shared that Slate Integration has gone live and we are moving forward with easing the application process of graduate school for graduate students. Dr. Sowell also reported that commuter student engagement is still a top priority.

Dr. Sowell reported that enrollment goals for WVSU are ambitious. We have a goal of 500 new freshmen/transfer students as well as a return of 1356 current students. The total enrollment goal is 2206 students overall. Dr. Jeffery Pietruszynski posed a question in regards to current student retention goals and the increased relationship push between students and their faculty advisors..

Dr. Sowell shared that they have employed some new methods to help students succeed.

President Cage added that student retention is “all hands on deck” in order to ensure we are retaining students here at WVSU.

VI. Athletics

Mr. Nate Burton shared athletic updates. He reported on fall sports sharing that Football finished 7-4; Volleyball finished 25-6; and Women's Soccer won South Division regular season championship along with having their first NCAA Tournament appearance and win. For the first time in the department's history, there are over 300 student athletes. With the addition of new sports, athletics is heading to having over 400 students. Mr. Burton also shared demographic percentages amongst the student athletes as well as geographic information. Overall for student athletes, athletics spends approximately \$2.5 million dollars on student aid. Ms. Pitchford inquired what is included in student aid. Mr. Burton shared that includes tuition, fees, room and board. Mr. Burton also shared that only 20% of student athletes on campus receive "full ride" scholarships, meaning \$15,000+. Remaining student athletes either receive partial aid or no aid at all. Dr. Pietruszyski questioned if there is a requirement for student athletes to continue receiving aid. Mr. Burton reported that while there are requirements, rather than pulling the aid from the students, they prefer to work more closely with the students to help them raise their academic grades in order to remain eligible.

VII. Adjournment

With there being no further business, Chair McKibben adjourned the meeting at 9:22 a.m.

Approved by:

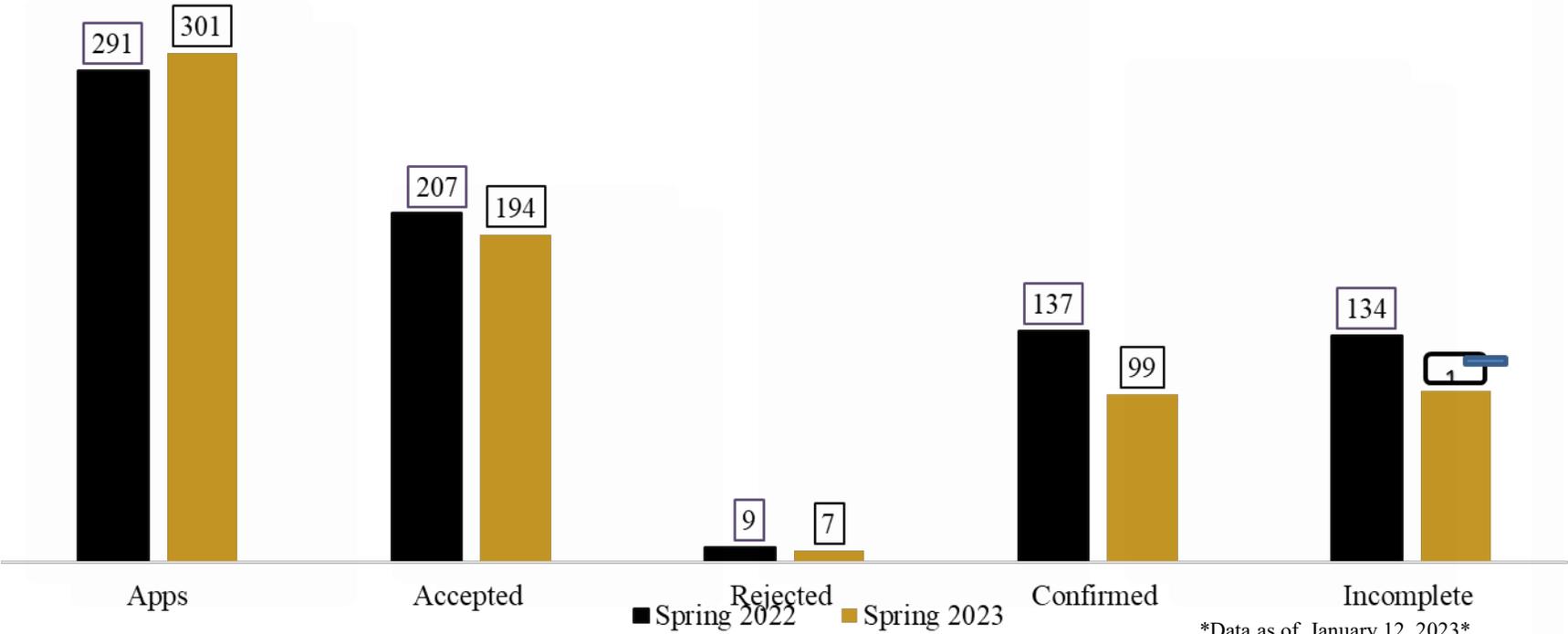
Dr. Stacey Sowell
Vice President for Enrollment Management and Student Affairs

Respectfully submitted by:
Susan Compton
Administrative Clerk

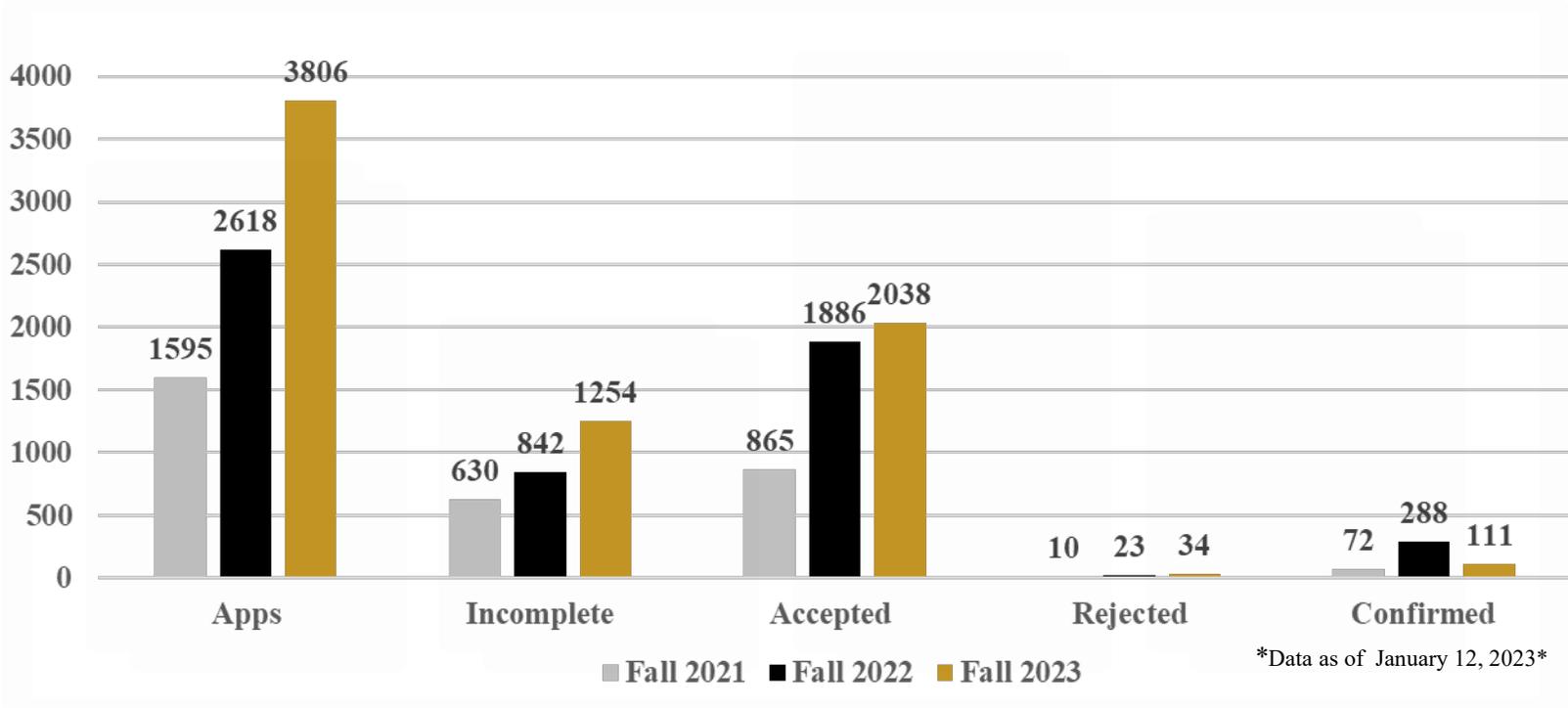
Enrollment Management and Student Affairs

Board of Governors Meeting
Dr. Stacey Sowell
January 2023

Spring 2022 vs Spring 2023



Fall Three-Year Comparison



Enrollment Strategies

- Common App Live as of 1-13-23
- Partnership Initiated with international recruiter
- Stop Out Campaign slated to go live in February
- Student Focus Groups to improve advising to take place in February

- In Progress
 - Graduate application online
 - Open House

QUESTIONS?



**Board of Governors
Governance Committee
Erickson Alumni Center**
<https://us06web.zoom.us/j/83214818343>
**Meeting ID: 832 1481 8343
Thursday, February 2, 2023
9 a.m.**

AGENDA

- | | |
|---|---------------------|
| I. Call to Order | Chair Lester Raines |
| II. Roll Call | Myrna Thomas |
| III. Verification of Appropriate Notice of Public Meeting | Chair Lester Raines |
| IV. Approval of Policies <ul style="list-style-type: none">▪ BOG Policy #14▪ BOG Policy #66 | Alice Faucett |
| V. Adjournment | Chair Lester Raines |

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

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the committee

Notes:

Meeting was approved : 1/26/2023 8:18:54 AM

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #14

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. Authority: West Virginia Code § 18B-1-6
- 1.3. Application: This policy shall apply to the entire West Virginia State University community and campus.
- 1.4. Effective Date: February 4, 2021.
- 1.5. This policy amends, repeals and replaces Board of Governors Policy 14, Sexual Harassment October 22, 2020.

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. Definitions.

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

- 3.1. "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.

- 3.2. “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).
- 3.3. “Consensual Relationship” means a mutually acceptable romantic, amorous, dating, or sexual relationship between individuals.
- 3.4. “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.
- 3.5. “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*.
- 3.6. “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.
- 3.7. “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.
- 3.8. “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>

- 3.9. “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.
- 3.10. “President” means the President of West Virginia State University or his or her designee.
- 3.11. “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).
- 3.12. “Reporting Party” means any individual that reports an incident of Prohibited Conduct to the Title IX Coordinator.
- 3.13. “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.
- 3.14. “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.

- 3.15. “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.
- 3.16. “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.
- 3.17. “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.
- 3.18. “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 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 4. Notice of Nondiscrimination.

- 4.1. 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.
- 4.2. 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 5. Title IX Coordinator and Equal Employment Opportunity Officer.

- 5.1. 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.
- 5.2. 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 6. Prohibited Conduct.

- 6.1. **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.
- 6.2. **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 7. Jurisdiction.

- 7.1. **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.
- 7.2. **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.
- 7.3. **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.
- 7.4. Jurisdiction is further explained in Appendix A.

Section 8. Discrimination.

- 8.1. "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.
 - 8.1.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.

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

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

Section 9. Harassment.

9.1. “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.

9.2. 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 10. Title IX Sexual Harassment.

10.1. 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:

10.1.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 Faculty (*Quid Pro Quo*). *Quid Pro Quo* harassment constitutes *per se* harassment

and does not require the elements of severity, pervasiveness, or objective offensiveness.

- 10.1.b. Unwelcomed 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.
- 10.1.c. Sexual assault as defined by 20 U.S.C. 1092(f)(6)(A)(v) and Section 10 of this Policy.
- 10.1.d. Dating violence as defined in 34 U.S.C. 12291(a)(10) and Section 12 of this Policy.
- 10.1.e. Domestic violence as defined in 34 U.S.C. 12291(a)(8) and Section 12 of this Policy.
- 10.1.f. Stalking on the basis of sex as defined in 34 U.S.C. 12291(a)(30) and Section 13 of this Policy.
- 10.1.g. Sexual Exploitation to the extent the Sexual Exploitation meets the definition of Title IX Sexual Harassment.
- 10.2. All Title IX Sexual Harassment will be addressed using the procedures set forth in Appendix A.

Section 11. Sexual Assault.

- 11.1. 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:
 - 11.1.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:
 - 11.1.b. 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).

- 11.1.b.1. 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.
- 11.1.b.2. 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 persons will; or not forcibly against the persons 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 in capacity.
- 11.1.b.3. 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.

11.1.c. Non-Forcible Sex Offenses-Unlawful Non-Forcible Sexual Intercourse.

- 11.2.c.1. Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 11.2.c.2. 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).

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

Section 12. Sexual Exploitation.

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

- 12.1.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.

- 12.2. 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 13. Domestic Misconduct.

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

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

- 13.1.a.1. 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.

- 13.1.a.2. 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.

- 13.1.a.3. 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.

- 13.2. “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.
- 13.3. 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 14 Stalking.

- 14.1. “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.
- 14.2. “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.
- 14.3. A “Reasonable Person,” for purposes of Stalking, means a reasonable person under similar circumstances and with similar identities to the Complainant.
- 14.4. “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.
- 14.5. 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 15. Hazing by Individuals.

- 15.1. 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.
- 15.2 The implied or expressed consent or willingness of a person or persons to hazing is not a defense to Hazing.
- 15.3 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.
- 15.4 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 16. Sexual Exploitation.

- 16.1. 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:
 - 16.1.a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)

- 16.1.b. Invasion of sexual privacy
- 16.1.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
- 16.1.d. Prostituting another person
- 16.1.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
- 16.1.f. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- 16.1.g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- 16.1.h. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- 16.1.i. Knowingly soliciting an individual under the age of 16 for sexual activity
- 16.1.j. Engaging in sex trafficking
- 16.1.k. Creation, possession, or dissemination of child pornography
 - 16.1.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.
- 16.2. 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 17. Retaliation.

- 17.1. 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.
- 17.2. Retaliation against any person requesting accommodations, or who engages in other protected activity is also prohibited.
- 17.3. 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.
- 17.4. 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.
- 17.5. 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.
- 17.6. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.
- 17.7. 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.
- 17.8. 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 18. Reporting and Grievance Procedures.

- 18.1. 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.
- 18.2. The following university community members must report all incidents of discrimination or harassment based on disability when they receive a disclosure or become aware of information that would lead a reasonable person to believe that discrimination or harassment may have occurred. These individuals must report all known information as soon as practicable, but at most within 48 hours (2 workdays) of becoming aware of such information: 1. Any human resource professional; 2. Anyone who supervises faculty, staff, students, or volunteers; 3. Chair/director; and 4. Faculty member. Incidences of discrimination based on disability should be reported to the ADA Coordinator/504 Compliance Officer.
- 18.3. 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.
- 18.4. 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.
- 18.5. 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.

18.6. 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.

1.5.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>

18.5.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/>

18.5.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/>

- 18.5.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

- 18.5.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 19. Duty to Report and Reporting Child Abuse or Neglect.

- 19.1. 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

- 19.2. 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.
- 19.3. Failure to notify the Coordinator as required by may result in disciplinary action up to and including termination of employment.
- 19.4. 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.
- 19.5. Staff Employees and Faculty may also be required to make a report in accordance with the University’s Clery Act reporting procedures.
- 19.6. 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>.
- 19.7. 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.
 - 19.7.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.

19.7.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.

19.7.b.1. 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.

19.7.b.2. 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.

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

19.7.c.1. 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 20. Confidential Reporting Resources.

- 20.1. 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.
- 20.2. 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.
- 20.3. 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 21. 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.

- 21.1. 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.
- 21.2. 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 22. Consensual Relationships.

- 22.1. 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.

- 22.2. 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.
- 22.3. 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
- 22.3.a. The supervisor shall notify the Human Resources Office of the reported Consensual Relationship.
- 22.3.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:
 - 22.3.b.1. 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;
 - 22.3.b.2. Give priority to the interest of the subordinate;
 - 22.3.b.3. Be in writing and signed by both parties to the Consensual Relationship;

- 22.3.b.4. Provide the individuals with notice of this Policy; and
 - 22.3.b.5. 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.
- 22.3.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.
- 22.3.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.
- 22.3.e. Any Member of the Campus Community who becomes aware of a violation of this section should report it to:
- 22.4. 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.
- 22.4.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.
 - 22.4.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:
 - 22.4.b.1. 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;
 - 22.4.b.2. 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

- 22.4.b.3. Give priority to the interest of the Student;
 - 22.4.b.4. Be in writing and signed by both parties to the Consensual Relationship;
 - 22.4.b.5. Provide notice of this Policy; and
 - 22.4.b.6. 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
- 23.4.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.
- 23.4.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.
- 23.4.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:

VP of Academic Affairs
131 Ferrell Hall
(304) 766-3148

Section 24. Academic Freedom and Freedom of Speech.

- 24.1. 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.
- 24.2. 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.
- 24.3. 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.

- (b) national origin.

Section 25. Delegation and Amendments.

- 25.1. 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.
- 25.2 This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
- 25.3. 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 26. Policy Limitations.

- 26.1. 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 27. Supersedes.

- 27.1. 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
416 Wallace Hall

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:

Ericke Cage, President
West Virginia State University
P.O. Box 1000
Institute, WV 25112-1000
Telephone: 304-766-3111
Fax:
Email: ericke.cage@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 Decision maker 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 Order (NCO)** typically means a mutual administrative directive designed to prevent any direct contact between individuals. A no contact directive order 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 Order 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:*

REACH
The Counseling Connection
1021 Quarrier Street, Suite 414
Charleston, WV 25301
Phone: 304-340-3676
Fax: 304-340-3688
24 Hour Hotline: 1-800-656-HOPE (4673)
www.tccwv.org

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

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, The Office of Counseling Services
(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:

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~~ two 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~~ two 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~~ three days of receipt of BIT's written notice, the individual may appeal the emergency removal by contacting ~~Joseph R. Oden, Jr.~~, the Assistant Vice President of Student Affairs (304) 766-3107 ~~-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 forty-five (45) ~~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 three ~~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 fifteen ~~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 10 ~~five~~ days after each Party's receipt of the evidence

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 ten (10) ~~three~~ days after receipt of the prehearing investigation report.

XII. Hearings

A. **Review Board Members.** Within two (2) ~~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 five ~~ten~~ and not more than ten (10) ~~twenty~~ days after the Parties receive the prehearing investigation report. No less than five ~~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 ~~five~~ ~~seven~~ (5) (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 a 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 five ~~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 Order ~~Directive~~: A no contact order ~~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 forty-five to 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 8:30 ~~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

A. The Title IX Coordinator, Investigators, Review Board Members, informal resolution Facilitators and Appeal Decision makers (referred to collectively as “Title IX Role”) must impartially fulfil their roles. Impartially means serving without prejudgment 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

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).

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.

West Virginia State University Board of Governors

West Virginia State University

BOG Policy #66

Title: Access for Individual with Disabilities

Section 1. General

1.1. Scope: The purpose of this policy is to provide an inclusive and accessible university environment for all qualified individuals with disabilities. This policy will be interpreted in compliance with applicable law and exceptions provided by applicable law.

1.2. Authority:

Statute

29 U.S.C. § 794. Section 504 of the Rehabilitation Act of 1973

Implementing Regulations

There are over 20 Implementing Regulations for federally assisted programs, including:

7 CFR Part 15b (Department of Agriculture)

28 CFR Part 42 (Department of Justice)

34 CFR Part 104 (Department of Education)

FR §§ 42.501 et seq.

Statute

42 U.S.C. §§ 12101 et seq. Americans with Disabilities Act of 1990 (ADA)

Implementing Regulations

28 CFR Part 35 (Title II, Department of Justice (DOJ))

29 CFR Parts 1630, 1602 (Title I, Equal Employment Opportunity Commission (EEOC))

47 CFR §§ 64.601 et seq. (Title IV, Federal Communications Commission (FCC))

Statute

42 U.S.C. ch. 126 § 12101 et seq. ADA Amendments Act of 2008 (ADAAA)

Implementing Regulations

28 CFR Parts 35 (Title II, DOJ)

29 CFR Part 1630 (Title I, EEOC)

Statute

42 U.S.C. §§ 3601 et seq., Fair Housing Amendments Act of 1988

Implementing Regulations

24 CFR Parts 100 et seq.

1.3. Application: This University-wide policy is applicable to all faculty, staff, students, affiliated third parties, volunteers and visitors. This policy applies to all programs offered by the university, including:

1.3.a. All employment practices and actions through the entire employee life cycle. This includes, but is not limited to, recruitment, application, hiring, training, disciplinary actions, advancement, transfer/reassignment, and employment status.

- 1.3.b. All educational delivery and practices. This includes but is not limited to recruitment, application, examination and testing, and educational status, and applies to students at all campuses including satellite campuses as well as those engaged in distance learning through the university.
- 1.3.c. All programs over which the university exercises substantial control, which may occur outside of the classroom, campus, or office environment but are a vital part of the university experience (e.g., sponsored events, extension programs).
- 1.3.d. All public access to university programs and other offerings. This includes, but is not limited to, athletic events, parking, conferences, and any other event or service open to the public.
- 1.3.e. All facilities and property owned, operated by, or rented by the university.
- 1.3.f. All digital information and services provided by the university, including delivery platforms.
- 1.4. Effective Date: 1/1/2023

Section 2. Definitions

- 1) **Access/Accessible/Accessibility.** The degree to which a site, program, system, device, or application is designed to be usable by people with varying ability levels. It also is defined in relation to persons with a disability as the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use as for persons without a disability.
 - 1.1.a. **Accessible media.** Accessible formats of various forms of media including print, video, or audio. Such formats may include properly formatted documents such as those in Portable Document Format (PDF), braille, large print, digital, and accurately captioned videos or transcription of audio recordings.
 - 1.1.b. **Digital accessibility.** Process of providing all users access to the same digital information or digital services, regardless of the impairments they may experience.
 - 1.1.c. **Physical accessibility.** Access to the built environment for people with disabilities. Areas in which accessibility must be provided may include, but are not limited to: parking lots and parking spaces; sidewalks and routes to facilities; entrances/exits; fire alarms/emergency exits; classrooms, conference rooms, shared workspaces, and communal spaces; desks and personal workspace; hallways and stairwells; elevators; restrooms; and cafeterias and dining spaces.
 - 1.1.d. **Program accessibility.** Any activity, benefit or service provided by or substantially supported by the University and when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.
- 2) **Accommodation.** A term commonly utilized for reasonable modifications of policies, practices, and procedures; the provision of auxiliary aids and services; or academic

adjustments and modifications to the environment intended to remove barriers to equal access.

- 3) Americans with Disabilities Act (ADA). The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability.
- 4) ADA Standards for Accessible Design. Minimum requirements – both scoping and technical – for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. The 1991 ADA Standards for Accessible Design are used for facilities constructed or altered between July 26, 1991 and March 14, 2012. The Department of Justice published revised regulations for Titles II and III on September 15, 2010. These regulations adopted revised, enforceable accessibility standards and became the enforceable standards for construction or alterations on or after March 15, 2012.
- 5) Assistive technology (AT). Any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. Examples include message boards, screen readers, refreshable Braille displays, keyboard and mouse modifications, and head pointers.
- 6) Designated University Official – the staff member(s) of the University who is designated by the President with authority to oversee institutional compliance with the disability mandates as well as the process to consider and evaluate accessibility and reasonable accommodation requests. This is synonymous with the term ADA Coordinator/504 Compliance Officer.
- 7) Direct Threat. A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
- 8) Disability. As a social construct, there are a myriad of definitions of disability that inform the process of providing equity for disabled individuals.
 - 1.8.a. An individual with a disability is defined in the federal mandates as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The federal mandates do include some examples but do not specifically name all of the impairments that are covered.
 - 1.8.b. The U.N. Nations Convention on the Rights of Persons with Disabilities provides a broad and appropriate context for higher education as it works to ensure access:
“The loss or limitation of opportunities to take part in the life of the community on an equal level with others due to physical, social, attitudinal and cultural barriers encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments (including the presence in the body of an organism or agent causing malfunction or disease), which may be permanent, temporary, episodic or transitory in nature.”
- 9) Equal opportunity. An opportunity for people with disabilities to participate and benefit from programs and services that is equal to and as effective as the opportunity provided to others.
- 10) Essential function/program standard/element/requirement. Those aspects of the position, program or activity which are determined on a case-by-case basis through an appropriate process to be essential to the nature of the job or program.

- 1.10.a. Essential job function. Fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following:
- 1.10.a.1. The function may be essential because the reason the position exists is to perform that function;
 - 1.10.a.2. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
 - 1.10.a.3. The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
- 1.10.b. Essential program standard/element. Outcomes (including skills, knowledge, and attitudes) all individuals must demonstrate with or without using accommodations.
- 11) Enforcement agencies. Each Federal agency has its own set of regulations that apply to its own programs, recipients of federal funds through the agency and/or otherwise covered under the statute and regulations and is responsible for enforcing its own regulations.
 - 12) Fair Housing Act (FHA) 1988 as Amended. A federal law that prohibits discrimination against anyone as it pertains to housing to include people with a disability.
 - 13) Fundamental alteration. A change so significant it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered
 - 14) Harassment. Conduct (e.g., physical, verbal, graphic or written) based on disability which is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University and which is more than casual or isolated incidents. Determination of whether conduct is "severe" or "pervasive" is made by examining the gravity as well as the frequency of the harassing conduct.
 - 15) Impairment. A physical impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the body systems. A mental impairment is a mental or psychological disorder.
 - 16) Interactive process. A collaborative exchange that allows the individual and the university to provide input and feedback in determining a reasonable accommodation.
 - 17) Interference. A covered entity is prohibited from coercing, intimidating, threatening or interfering with any individual in the exercise or enjoyment of, or on account of their having exercised or enjoyed, on account of their having aided or encourage any other individual in the exercise and enjoyment of any right granted or protected by the statute and regulations. This may include, for example, coercing an individual to relinquish or forgo an accommodation to which they are entitled, intimidating an applicant from requesting accommodations, or issuing a policy or requirement that purports to limit an individual's right to invoke protections. A threat does not have to be carried out in order to violate the interference provision nor does an individual have to be actually deterred from exercising or enjoying their rights.

- 18) Major life activity. Those functions that are important to most people’s daily lives. Includes but not limited to: caring for oneself, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, bending, reading, concentrating, thinking, and communicating, as well as the normal operations of major bodily systems including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- 19) Marginal functions. Duties of a job that are not absolutely necessary for the job being performed.
- 20) Plain language accommodation request. Indicates a program-related need associated with a physical or mental condition or disability. Someone does not need to use specific language or the word “accommodation” to indicate this need.
- 21) Public entity. A public entity covered by Title II of the ADA is defined as:
 - 1.21.a. Any State or local government.
 - 1.21.b. Any department, agency, special purpose district, or other instrumentality of a State or local government.
- 22) Qualified individual with a disability. For employment, it is an individual with a disability who meets the necessary skills, experience, education, and other job-related requirements of the position they hold or seek to hold, and can perform the essential functions of the position with or without a reasonable accommodation. In the context of public services, it is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. With respect to postsecondary programs and education, the individual with a disability must meet the academic and technical standards requisite to admission or participation in the institutions education program or activity.
- 23) Reasonable accommodation. A modification to policy, practice, the environment, or the provision of an auxiliary aid and services that mitigates the impact of the disability and does not cause a fundamental alteration.
 - 1.23.a. Academic adjustment. A legally mandated modification or service that gives a student with a disability an equal opportunity to benefit from the educational process. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.
 - 1.23.b. In the context of employment, includes a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. For example:
 - 1.23.b.1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

- 1.23.b.2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 - 1.23.b.3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
 - 1.23.c. Auxiliary aids and services. Aids and services required to ensure effective communication with an individual with vision, hearing, speech or manual disabilities. The institution is not required to provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.
- 24) Rehabilitation Act of 1973. Prohibits discrimination on the basis of disability and applies to any program that receives federal financial support. The non-discrimination provisions of Section 504 were the foundation for and are similar to those found in Title I of the ADA, covering employment discrimination, and Title II of the ADA, covering the programs, activities, and services offered by state and local governments. For students, Section 504 of the Act is aimed at making educational programs and facilities accessible to all students.
- 25) Retaliation. Individuals who exercise their rights under the federal mandates are protected from those who would take adverse actions in response to the individuals protected activity. Protected activities include requesting an accommodation, opposing any act or practice made unlawful by the federal statutes or regulations or through making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing.
- 26) Substantial limitation. An impairment that restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the ability of the typical person in the general population to perform the same major life activity. In these instances, the following factors will be considered: (1) the nature and severity of the impairment; (2) the duration or expected duration of the impairment; (3) the permanent or long-term impact resulting from the impairment.
- 27) Undue burden. Significant difficulty or expense. A covered entity is not required to provide an accommodation or auxiliary aid or service that would result in an undue burden.
- 1.27.a. Undue hardship. An action that requires "significant difficulty or expense" in relation to the size of the institution, the resources available, and the nature of the operation. The concept of undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business. Accordingly, whether a particular accommodation will impose an undue hardship must always be determined on a case-by- case basis.
 - 1.27.b. Undue financial and administrative burden. A public entity does not have to take any action that it can demonstrate would result in an undue financial and administrative burden. This applies in program accessibility, effective

communication, and auxiliary aids and services. The determination of a undue financial and administrative burden must be:

1.27.b.1. Made by the head of the public entity or his/her designee.

1.27.b.2. Accompanied by a written statement of the reasons.

1.27.b.3. Based on all resources available for use in the program.

- 28) Unit. College, division or administrative unit.
- 29) Unit leader. Head of college or administrative unit (e.g., senior program coordinator, director, dean, vice president, president)

Section 3. Policy Overview

- 3.1. West Virginia State University is committed to building and maintaining a community that reflects diversity and improves opportunities for all, including individuals with disabilities. As part of this commitment, policies and procedures will ensure that persons with disabilities are not subjected to discrimination or denied full and equal access to programs, activities and services offered by the university on the basis of their disability. When barriers to participation or opportunity persist, the university will ensure that persons with disabilities are provided with reasonable accommodations.
- 3.2. The federal mandates are intended to guarantee equal opportunity through prohibiting disability discrimination and were designed to remove barriers which prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. The primary mandates for the University include Section 504 of the Rehabilitation Act of 1973, Titles I and II of the Americans with Disabilities Act of 1990 (ADA) as amended in 2008, and the Fair Housing Act as amended in 1988.
- 3.3. To be protected by these federal mandates, one must have a disability or, under certain limited circumstances, have a relationship or association with an individual with a disability.
 - 3.3.1. Temporary, non-chronic impairments that do not last for an extended period of time and that have little or no impact usually are not disabilities. However, an impairment or injury is not excluded as a disability simply because it is temporary and therefore the determination of whether an impairment is a disability is made on a case-by-case basis.
- 3.4. Pursuant to these federal mandates, the University prohibits discrimination against and provides equal access to persons with disabilities in all aspects of the University, including, but not limited to, admissions, employment, educational programs and activities, and public programs and activities.
- 3.5. Prohibited forms of discrimination under university policy and law include, but are not limited to, failure to provide access, accommodations or auxiliary aids and services; harassment; interference; and retaliation.

Section 4. Administration

- 4.1. Unit-level guidelines, procedures, and practices must comply with this policy.
- 4.2. Qualified individuals with disabilities have the right to an equal opportunity to participate in and benefit from all programs offered by the university. Individuals who choose to exercise these rights:
 - 4.2.a. Are protected under the Americans with Disabilities Act (ADA) and/or Section 504 when they meet any of the following eligibility criteria:
 - 4.2.a.1. Have a physical or mental impairment that substantially limits one or more major life activities; or
 - 4.2.a.2. Have a history or record of such an impairment or are perceived by others of having such an impairment.
 - 4.2.b. Have a right to reasonable accommodations.
 - 4.2.c. Are responsible for initiating the accommodation process in a timely fashion by identifying themselves as needing reasonable modifications to a university environment, policy, or practice and/or needing auxiliary aids and services.
 - 4.2.d. Are responsible for providing appropriate documentation that confirms a disability and a description of the relevant impacts of that disability when requested by the Disability and Accessibility Resources administrative unit or designated office.
 - 4.2.e. Are expected to actively participate in the identification of reasonable accommodations in a timely fashion.
 - 4.2.f. Have the same obligation as all program participants to meet and maintain the institution's performance standards, academic and technical standards, and codes of conduct.
 - 4.2.g. Have a right to be evaluated based on their ability, not their disability.
 - 4.2.h. Have the right to be informed of procedures for appealing a university decision through internal and appropriate external channels.
- 4.3. The university has a responsibility to ensure access to all its programs while maintaining the standards that are fundamental and essential to programs. The University:
 - 4.3.a. In accordance with 28 CFR § 35.107, the President will appoint an employee to be the Designated University Official, also referred to as the ADA Coordinator/504 Compliance Officer, to coordinate and oversee the University's efforts to comply with this policy, all disability related federal or state statutes, and the applicable regulations.
 - 4.3.a.1. The President has appointed the Unit Leader for the Disability and Accessibility Resources administrative unit as the Designated University Official/ADA Coordinator-504 Compliance Officer for the University.
 - 4.3.b. Will designate authority to specific employees with responsibility and authority to determine disability-related access and reasonable accommodations necessary to provide equal access.
 - 4.3.b.1. The President has appointed the staff with Disability and Accessibility Resources administrative unit as the sole employees who will determine to what access options or reasonable accommodations for which an individual with a disability is eligible

- 4.3.c. Will ensure all employees understand the responsibility to adhere to the philosophy of equal access and equal opportunity for individuals with disability and the broad responsibilities of all campus constituencies throughout the institution for implementation of this policy.
- 4.3.d. Will inform its program participants about the availability of accommodations.
- 4.3.e. May select between equally effective methods of accommodating an individual with a disability.
- 4.3.f. Will identify and establish the abilities, skills, and knowledge necessary for entrance and ongoing participation in its programs and evaluate applicants and participants on those bases.
- 4.3.g. Will make reasonable modifications to the environment, policy, or practice and/or provide auxiliary aids and services in a timely fashion when an individual's program participation is negatively impacted by their disability in a substantial way.
- 4.3.h. May refuse a requested accommodation that fundamentally alters an essential element or program requirement (e.g., academic and technical standards or job responsibilities) or creates an undue hardship as determined through the appropriate procedures administered by the Disability and Accessibility Resources administrative unit.
- 4.3.i. Will inform the individual of the availability of internal and external concern, complaint, grievance and appeals procedures as applicable.

Section 5. Confidentiality and Privacy

- 5.1. The university recognizes the importance of confidentiality and privacy. Information presented in support of an individual's request for consideration and accommodation as a person with a disability is considered private and sensitive and will be handled accordingly.
- 5.2. The Disability and Accessibility Resources unit has been assigned the responsibility for receiving and holding disability-related information regarding students, employees, or campus visitors and other program participants in order to guard against the unintentional disclosure of sensitive information. It is generally inappropriate for copies of such documentation of disability to be requested or held elsewhere on campus.
- 5.3. All disability-related information for students including documentation, accommodation letters, correspondence, and consultations will be managed in accordance with The Family Educational Rights and Privacy Act (FERPA) regulations. This information in the Student Accessibility Resources office is part of the student's FERPA record; as such, disability-related information will be shared with other institutional personnel only when there is a legitimate educational interest.
- 5.4. For employees, all disability-related information including documentation, accommodation letters, correspondence, and consultations will be managed in a system separate from their personnel file. Information received in connection with establishing and implementing reasonable accommodations, reporting, and resolutions will be treated as private and will only involve individuals whom the university

determines are necessary to ensure implementation of reasonable accommodations, to provide assistance and resources to parties, to perform other appropriate university functions, or in accordance with applicable law.

- 5.5. The university will maintain as confidential any personal health or medical information provided, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodations. Such information will be shared only with those individuals with a legitimate right to know and to the degree necessary to establish and implement accommodations.
- 5.6. All individuals involved in the accommodation process should observe the same standard of discretion and respect for everyone involved in the process.

Section 6. Reasonable Accommodations

- 6.1. When necessary the university will provide reasonable adjustments/accommodations to ensure there is will be no discrimination on the basis of disability. The institution is obligated to make such reasonable adjustments or accommodations only for the known disability of an otherwise qualified student, applicant, employee or other member of the university community. The University will respond to all requests for accommodation to the known disability of a qualified individual with a disability and will make a determination if the accommodation is necessary and reasonable. Once determined necessary and reasonable, all University employees are obligated to implement the approved accommodation. If the accommodation is necessary to create access for an individual with a disability, it will be provided unless doing so would pose a direct threat to the health and safety of the individual or others, creates a fundamental alteration of a service or program, imposes an undue administrative or financial burden, or conflicts with a mandatory federal statute or regulation.
 - 6.1.a. All accommodations will be evaluated using an interactive process in accordance with the criteria established and defined by state and federal laws including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
 - 6.1.b. The Designated University Official with the Disability and Accessibility Resources administrative unit provides oversight of the process for review, as well as ensures implementation, of the accommodations once approved.
 - 6.1.c. Only the staff with the Disability and Accessibility Resources unit have been vested with the authority to determine, assign and/or approve reasonable accommodations on behalf of the institution.
 - 6.1.d. Reasonable accommodations are initially determined through the interactive process in collaboration with the individual with a disability and the staff of the Disability and Accessibility Resources unit.
 - 6.1.e. Determinations of the reasonableness of a specific requested accommodation.
 - 6.1.e.1. A requested accommodation may only be denied through utilization of the appropriate procedure through the Disability and Accessibility Resources unit.
 - 6.1.e.2. Only the Unit Leader with the Disability and Accessibility Resources unit has the authority on behalf of the institution to formally deny a requested accommodation.

- 6.2. It is the responsibility of the student, employee or other University related individual to make the disability status and subsequent need for an accommodation known Disability and Accessibility Resources unit in a timely fashion. The individual requesting should identify themselves as someone needing reasonable modification to a university environment, policy, or practice and/or needing auxiliary aids and services.
- 6.3. All plain language accommodation requests must be referred to the Disability and Accessibility Resources unit. Any individual that provides supervision, instruction, human resources support, or controls a program is responsible for making these referrals.
- 6.4. For assistance with answers to questions regarding accessibility and inclusion or to initiate the accommodation interactive request process (ie, review of documentation of disability and/or to arrange for a qualified reasonable accommodation), the individual should contact the Disability and Accessibility Resources administrative unit. Current contact information will be maintained on the university website at:
<https://wvstateu.edu/ada>
- 6.5. Requests for reasonable accommodation must be supported through provision of adequate documentation of the need for the requested accommodations. Such documentation must be from an appropriate source, will include information gathered during the interactive process and will follow the standards outlined in the administrative procedures of the Disability and Accessibility Resources administrative unit. The documentation must be received prior to recognition and consideration as a qualified individual with a disability.
- 6.6. Once notified of the need for accommodations, it is the responsibility of the designated staff with Disability and Accessibility Resources and the individual with a disability to participate in an interactive process to discuss possible accommodations. Through this process the designated staff will assess the necessity, reasonableness and potential effectiveness of each requested accommodation.
- 6.7. Determinations regarding accommodations on campus will be made on a case-by-case basis utilizing an interactive process. If there are two or more possible accommodations, and one costs more or is more burdensome than the other, the University will give primary consideration to the preference of the individual with a disability; however, the University may choose the less expensive or burdensome accommodation as long as it is as effective as the preferred accommodation.

Section 7. Training and Assistance

- 7.1. The Disability and Accessibility Resources administrative unit, with assistance from other designated offices, provides technical assistance and support in administering this policy to implement the ADA and associated laws and regulations.
- 7.2. The Disability and Accessibility Resources administrative unit and other designated offices will provide trainings as appropriate to units on obligations under this policy, the ADA, and associated laws and regulations.

Section 8. Audits

- 8.1. A Self-Evaluation and Transition Plan is a comprehensive review of all facilities, programs, activities, and services operated by a public entity. An updated review will be completed by 2025 and will then be updated every five years. The WVSU Compliance Plan outlining the interim measures and the process to be followed for the self-evaluation is provided in Appendix A of this policy.
- 8.2. To provide an accessible university infrastructure, the Disability and Accessibility Resources administrative unit oversees and coordinates regular and periodic audits of policies, programs, services, activities, digital environments, and facilities of the university to determine compliance with this policy. The participation of units and unit leaders and any designees is essential in completing these audits.
- 8.3. Following an audit, the unit will partner with the Disability and Accessibility Resources administrative unit to develop and implement action-oriented directives that will further the principles of this policy, the ADA, and associated laws and regulations, as needed.

Section 9. Reporting

- 9.1. Any person who has observed or encountered a barrier to access or has experienced issues with the implementation of an approved accommodation should report the issue to the Disability and Accessibility Resources administrative unit and may submit a formal report. To file an ADA or Section 504 report or an Accommodation Concern or Issue report, an individual may contact the ADA Coordinator/504 Compliance Officer. The current contact information and online forms will be maintained on the university website at <https://wvstateu.edu/ada>
- 9.2. Certain members of the university community are required to report all incidents of disability discrimination and harassment as described in the Board Policy #14 - Unlawful Discrimination and Harassment.
- 9.3. In accordance with 28 CFR § 35.107, the President will appoint an employee to handle disability discrimination and grievance complaints. The President has appointed the staff with the Office of EEO/Title IX to handle discrimination complaints.
- 9.4. Any person who believes they have been discriminated against by being improperly denied the benefit of, or access to, a program, service, or activity, have experienced disability-related harassment or have been subjected to interference or retaliation may file a grievance. The EEO/Title IX office establishes standard protocols for responding to and resolving complaints of discrimination, harassment or retaliation due to a disability.
- 9.5. Harassment, interference and retaliation is prohibited by university policy and law. The university will not tolerate these in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination.

Section 10. Accountability

- 10.1. Employees and students who violate this policy will be held accountable for their actions in accordance with applicable university policies or rules (e.g., Student Code of Conduct, Progressive Discipline, Title 133 Procedural Rule – Series 9, etc.).
- 10.2. The ADA Coordinator/504 Compliance Officer has oversight of accountability as it relates to this policy and can refer matters to other university offices as appropriate.
- 10.3. Investigations of reports under this policy will be conducted in accordance with the investigatory protocols of the university.
- 10.4. The ADA Coordinator/504 Compliance Officer or designee may issue directives when necessary to effectuate this policy.

Section 11. Delegation and Amendments.

- 10.5. The Designated University Official may establish administrative procedures and forms to implement this policy including any additional procedures for the reporting, investigation and disposition of complaints of discrimination on the basis of disability status.
- 10.6. This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
- 10.7. Federal and State laws, rules and regulations change. Any portion of this Policy or the 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 policy, the institution will change this Policy and procedures to conform to the most current laws and regulations within a reasonable time of discovering the change.

Section 12. Responsibilities

- 12.1. Table outlining position/office and responsibilities.

Position or Office	Responsibilities
Designated University Official ADA Coordinator/ 504 Compliance Officer	<ol style="list-style-type: none"> 1. Provide oversight and review of accommodation review process, and accountability as it relates to this policy. 2. Request documentation in support of accommodation requests, as needed. 3. Provide technical assistance and support in administering this policy, with assistance from designated offices. 4. Provide trainings as appropriate. 5. Establish standard protocols for responding to and resolving complaints of discrimination or retaliation due to disability or failure to accommodate disability. 6. Partner with units to develop and implement action-oriented directives, as needed, following an audit
EEO/Title IX	Handle grievances and investigate reports related to disability discrimination
Individuals that provide supervision, instruction, human resources	Refer plain language accommodation requests to Disability and Accessibility Resources.

Position or Office	Responsibilities
support, or control a program	
Relevant unit or program	Collaborate with individuals with a disabilities and designated offices to determine reasonable accommodations.
Qualified individuals with disabilities	<ol style="list-style-type: none"> 1. Initiate accommodation process as set forth in the policy. 2. Provide appropriate documentation that confirms a disability as set forth in the policy. 3. Participate in identification of reasonable accommodations as set forth in the policy.
Units and unit leaders	Partner with Disability and Accessibility Resources unit to develop and implement action-oriented directives, as needed, following an audit.
University	<ol style="list-style-type: none"> 1. Ensure that persons with disabilities are provided with reasonable accommodations as set forth in the policy. 2. Ensure access to all university programs while maintaining fundamental and essential program standards. 3. Inform university program participants about the availability of accommodations. 4. Identify and establish the abilities, skills, and knowledge necessary for entrance and ongoing participation in its programs and evaluate applicants and participants on those bases. 5. Make reasonable modifications to the environment, policy, or practice and/or provide auxiliary aids and services when an individual's program participation is negatively impacted by their disability in a substantial way. 6. Inform individuals of the availability of internal and external appeals processes as applicable. 7. Determine individuals necessary to receive private information in connection with establishing and implementing reasonable accommodations, reporting, and resolutions as set forth in the policy. 8. Maintain as confidential any personal medical information provided, to the extent possible as set forth in the policy.

Policy History: New Policy

Cabinet Position and Department:

Provost/Vice President of Academic Affairs/Disability and Accessibility Resources

Resources:

Governance Documents

Disciplinary Process for Faculty

<https://www.wvhepc.edu/wp-content/uploads/2020/02/133-9final.pdf>

Disciplinary Process for Staff

[https://www.wvstateu.edu/getattachment/About/Administration/Board-of-Governors/Sections/Board-of-Governors-Policies/BOG-Policy-19-\(003\).pdf.aspx?lang=en-US](https://www.wvstateu.edu/getattachment/About/Administration/Board-of-Governors/Sections/Board-of-Governors-Policies/BOG-Policy-19-(003).pdf.aspx?lang=en-US)

Equal Opportunity and Affirmative Action policy

<https://www.wvstateu.edu/getattachment/About/Administration/Board-of-Governors/Sections/Board-of-Governors-Policies/Amendment-EEO-AA-Policy-17.pdf.aspx?lang=en-US>

Student Code of Conduct

<https://www.wvstateu.edu/current-students/leadership,-mentoring-and-judicial-affairs.aspx>

Unlawful Discrimination and Harassment, Sexual Harassment, Grievance Procedures, Child Abuse and Neglect Reporting Relationships

<https://www.wvstateu.edu/getattachment/About/Administration/Board-of-Governors/Sections/Board-of-Governors-Policies/BOG-Policy-14-Final-after-Chancellor-s-Review.pdf.aspx?lang=en-US>

Animals on Campus

Additional Guidance

Campus Accessibility, wvstateu.edu/ada

Employee Accommodation Overview, wvstateu.edu/workplace-ada

Student Accommodation Overview, wvstateu.edu/sar

WVSU Digital Accessibility Standards – Administrative Procedures

APPENDICES

Appendix A – WVSU Compliance Plan for ADA/504 Compliance, Accessibility and Inclusion

WVSU Compliance Plan

for Achieving ADA/504 Compliance, Accessibility and Inclusion

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Overview

With the appointment of a new ADA Coordinator/504 Compliance Officer, we have the opportunity to improve overall institutional compliance, accessibility and inclusiveness for individuals with disabilities. The administrative unit currently under the Division of Academic Affairs has been reorganized into the Disability and Accessibility Resources unit. Within this unit are the following: Institutional ADA/504 Compliance Coordination, Student Accessibility Resources, and Workplace Accessibility Resources.

According to the Department of Justice (DOJ), State and Local Government (Title II) entities are required to develop a Self-Evaluation and Transition Plan to document compliance with the provisions of the Americans with Disabilities Act (ADA). The “Self-Evaluation” is designed to review all programs, services, activities (PSAs), policies, and procedures offered by the entity. The “Transition Plan” is to develop a plan with a schedule to remove physical barriers for persons with disabilities. This process was required to have been completed by 1993 with regular updates to the progress, preferably every few years, according to the DOJ.

In 2010, the federal agencies recommitted to the ADA by announcing federal grants and funding will be tied to the completion of the required ADA Self-Evaluation and Transition Plan. Agencies without these required plans in place are at high risk for access-related litigation and may not be eligible for funding that ultimately comes from a federal agency.

Currently, West Virginia State University (WVSU) does not have an ADA Self-Evaluation and Transition Plan in place, and due to the magnitude of the project, it will take a considerable amount of time and effort to evaluate all facilities, sidewalks, and PSAs. WVSU is opting to have this Compliance Plan developed to serve as an interim process and confirm the University’s intent to comply with all of the requirements of the Self-Evaluation and Transition Plan process.

This Compliance Plan creates the blueprint that the University can use to complete the Self-Evaluation and Transition Plan process, as well as documents the efforts that have already been made toward compliance. Once the plan is implemented, it also will document which facilities and elements are still required to be evaluated and sets forth the plan and timeframe to complete the process. Having the Compliance Plan in place greatly reduces the risk of access-related litigation, and provided that the process and timeframes set forth are met, this document can be presented to federal agencies as a demonstration of the institution’s good faith effort and interim plan toward full compliance.

The scope of this Compliance Plan encompasses the entirety of the WVSU campus. The entirety of the University’s programs, websites, online services, employment practices, emergency plans, and lease agreements will also need to be reviewed.

Through the process of developing this Compliance Plan, the ADA Coordinator/504 Compliance Officer discovered and has suggested the following:

- The University has named an ADA Coordinator/504 Compliance Officer and will be appointing an ADA/504 Compliance Team comprised of representatives from the major University divisions, departments and units.
- WVSU had not published the required ADA Public Notice and made it available on an ADA page of the University’s website.
- The WVSU website did not have a prominent ADA information page. Reasonable accommodation and ADA grievance information was not readily accessible to the public.
- A recommended online survey and an interactive map will further assist in identifying specific locations where there are issues related to accessibility, safety, connectivity, or

suggestions for accessibility improvements that are needed anywhere on the University's campuses.

- The University has completed an evaluation of facilities in the past which included some accessibility information. However, a full and complete accessibility study of WVSU's facilities is needed to determine ADA compliance, with initial consideration being placed on parking and facilities that have the most public exposure, such as athletic venues, auditoriums, and lecture halls.
- Also to be reviewed for ADA compliance are all signalized intersections, sidewalk corridors, and bus stops and shelters on or connected to the WVSU campus.
- A full analysis of the WVSU website for Web Content Accessibility Guidelines (WCAG) 2.0 AA compliance has not been conducted. However, each time the website has been updated, it has moved more and more toward compliance. Internal processes for updating webpages lack consistency and will need a full review.
- Though some University departments interact regularly with the ADA Coordinator/504 Compliance Officer and have worked on ADA issues related to their programs, services, and activities, a complete analysis must be done on all University PSAs, procedures, and policies to determine if they are fully ADA accessible to all students, faculty, staff, and the public, regardless of disabilities.
- Online services that are accessible to the public must be evaluated to ensure ADA compliance.
- Lease agreements and third-party contracts must be reviewed to ensure that WVSU's ADA and Section 504 obligations are incorporated and responsibilities are clearly defined.
- Emergency Plans for each facility must be evaluated to assure they include procedures for evacuating people with varying disabilities. In addition, facilities that may be utilized as temporary shelters will need to be reviewed to ensure that all amenities offered are ADA compliant.
- Employment practices also must be evaluated, including job descriptions and employee manuals, benefits, exams, recruitment and application process, the orientation process, and training and career development.

The next step is to appoint and train the ADA/504 Compliance Team, determine costs and ensure adequate funding, and begin the evaluation process. The ADA Coordinator/504 Compliance Officer recommends one comprehensive evaluation. From a risk management perspective, evaluations should be prioritized in the following order:

- 1) Website evaluation to ensure each webpage and all interactive processes are fully ADA compliant and meet the Web Content Accessibility Guidelines WCAG 2.0 AA standards.
- 2) PSAs, policies, procedures, contracts and lease agreements can be evaluated simultaneously to the website.
- 3) Facilities can be broken down into phases that are divided by public access. Those that regularly have public in attendance should be evaluated in the first phase and those more remote from public interaction in later phases.
- 4) Public rights-of-way and exterior routes are often a cause of litigation and should be evaluated for compliance.

Depending on budgetary constraints, the timeline for completion of all evaluations is expected to be two years and the cost will be dependent on a variety of factors which include:

- Level of detail sought
- Method of data collection
- Efficiency of teams

Administrative Unit Objectives

The initial goals for the Disability and Accessibility Resources administrative unit are to -

- oversee development of an update of the required self-evaluation and transition plan
- develop a cohesive process for compliance efforts throughout the institution
- centralize the reasonable accommodation request process & provide institutional access/accommodation coordination

While a number of compliance concerns have been identified over the years, it has not been accomplished in a systematic manner. For the ADA Coordinator/504 Compliance Officer, the first priority will be to spearhead the process to complete the comprehensive self-evaluation and transition plan for the university.

Self-Evaluation Plan Summary

- 1) Designate an ADA Coordinator/504 Compliance Officer (completed and effective 4/23/2022) and appoint an ADA/504 Team

The Senior Program Coordinator for Disability and Accessibility Resource has been designated to serve as the institution's ADA Coordinator/504 Compliance Officer. The university administration will ensure he is empowered to provide for the effective coordination of the university's efforts to comply and carry out responsibilities under the ADA and Section 504 and that he has the authority to create change within the university.

The manpower needed to undertake the comprehensive review will be realized through committees recommended to the President by the ADA Coordinator/504 Compliance Officer. Three committees are to be charged out of the President's Office – the WVSU Accessibility Council, the Accessible Built Environments committee and the Accessible Digital Environments committee. The two committees will serve as working groups reporting to the council. The council in turn will be make recommendations to the President's Cabinet regarding issues of compliance, accessibility and inclusion for individuals with disabilities. Together, these three groups will be the institution's ADA/504 Compliance Team responsible for achieving successful compliance with the federal disability mandates and ultimately improving the overall accessibility and inclusiveness of our campus.

- 2) Provide Public Notice Regarding the ADA/504 Requirements

The university is required to make sure the campus community and the public knows the rights that are afforded to them under the ADA/504. The university must also communicate and get feedback from people with disabilities while developing the Transition and Action Plans.

The Disability and Accessibility Resources unit's webpage has been updated to serve as the ADA/504 notice page for the university and is accessible at <https://wvstateu.edu/ada>. Additionally, a page has been created to document and inform the community about campus accessibility and our compliance efforts. This page is linked from the the ADA/504 page.

- 3) Establish a Grievance Procedure

It is proposed to introduce a two-prong process. The first will be focused on general disability concerns raised such as issues with implementation of accommodations, barriers identified, or general accessibility concerns. The second will be to address

disability discrimination. It is proposed the second process will utilize the process developed by the EEO/Title IX office. It contains the required components outlining how and where a complaint can be filed with the university, the time frames in which the university will respond and the appellate levels.

An individual with a disability is not precluded from using either process nor from using federal and state process external to the University.

4) Document Current State of Compliance

Over the last several decades, the university has made efforts to improve accessibility and needs to document it. We need to identify and confirm what evaluations have been completed, how complete they are, what still needs to be evaluated and what components have been improved.

5) Develop Internal Design Standards, Specifications, and Details

The last thing to avoid is to design and construct something that's out of compliance. The University should establish and review the university's guidance and standards documents for consistency with current applicable standards for digital and physical accessibility.

6) Develop a Self-Evaluation, Transition and Action Plan

This is where the real work begins. The University must evaluate all programs, services, and activities for compliance with the ADA and Section 504. This includes everything from programs to websites to buildings and sidewalks. When barriers are identified, the university is required to develop a plan to address them.

7) Approve a Schedule and Budget to Implement the Transition and Action Plans

Real progress can be made when the university makes financial commitments to improving access. Barrier removal projects should be included as part of annual budgets, either as stand-alone projects or as part of regularly occurring programs. This should continue until all physical and digital barriers are eliminated.

8) Monitor Progress

Once working on the Transition and Plans, the university will keep track of issues and concerns identified as well as barrier removal projects. The Transition and Action Plans are intended to be living documents, updated regularly to inform both employees and people with disabilities that progress is being made. At a minimum, the compliance and progress will be comprehensively reviewed every five (5) years.

Legislative Requirements

The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. In addition, Title II of the ADA requires state and local governments to ensure that all PSAs, policies, and procedures provide full inclusion for individuals with disabilities.

The federal mandate requires Title II entities to complete a Self-Evaluation and Transition Plan designed to review all of their facilities, infrastructure, policies, and PSAs to ensure that individuals with disabilities have equal access.

Developing a comprehensive ADA Transition Plan is a very big undertaking and will require a significant amount of time to develop for West Virginia State University (University/WVSU).

Therefore, this Compliance Plan will serve as an interim process that documents what has been completed to date and what will need to be evaluated to complete a comprehensive Transition Plan. This Compliance Plan is the first step toward the eventual ADA Transition Plan.

Title I Requirements

The ADA makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation, and telecommunications. Title I is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and state and local civil rights enforcement agencies that work with the EEOC.

Because the ADA establishes overlapping responsibilities in both the EEOC and DOJ for employment by state and local governments, the federal enforcement effort is coordinated by EEOC and DOJ to avoid duplication in investigative and enforcement activities. In addition, since some private and governmental employers are already covered by nondiscrimination and affirmative action requirements under the Rehabilitation Act of 1973, EEOC, DOJ, and the Department of Labor (DOL) similarly coordinate the enforcement effort under the ADA and the Rehabilitation Act.

Title II Requirements

Title II applies to state and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by these entities. Title II extends the prohibition of discrimination established by Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of state and local governments regardless of whether these entities receive federal financial assistance.

In October 2016, there was an update to the final rule to revise the regulation of the DOJ that implements Title II of the ADA relating to nondiscrimination on the basis of disability in state and local government services. The DOJ issued the final rule in order to adopt enforceable accessibility standards under the ADA that are consistent with the minimum guidelines and requirements issued by The Architectural and Transportation Barriers Compliance Board (Access Board) and to update or amend certain provisions of the Title II regulation so that they comport with the DOJ's legal and practical experiences in enforcing the ADA since 1991. Concurrently with the publication of the final rule for Title II, the DOJ published a final rule amending its ADA Title III regulation, which covers nondiscrimination on the basis of disability by public accommodations and in commercial facilities.

The ADA required the Access Board to "issue minimum guidelines that supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of subchapters II and III of the ADA to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities," 42 U.S.C. 12204. The ADA requires the DOJ to issue regulations that include enforceable accessibility standards applicable to facilities subject to Title II or Title III that are consistent with the "minimum guidelines" issued by the Access Board, 42 U.S.C. 12134(c); 42 U.S.C. 12186(c), but vests in the Attorney General sole responsibility for the promulgation of those standards that fall within the Department's jurisdiction and for enforcement of the regulations.

The ADA also required the DOJ to develop regulations with respect to existing facilities subject to Title II (subtitle A) and Title III. How and to what extent the Access Board's guidelines are used with respect to barrier removal requirements applicable to existing facilities under Title III

of the ADA and to the provision of program accessibility under Title II of the ADA are solely within the discretion of the DOJ.

Title III Requirements

While the institution is not subject to Title III, there will be partnerships with entities who are subject to Title III. In these instances, we will need to examine both titles to determine the applicable regulations. The 2010 final rule revised the DOJ regulation that implements Title III of the ADA relating to nondiscrimination on the basis of disability by public accommodations and in commercial facilities. The DOJ issued the final rule in order to adopt enforceable accessibility standards under the ADA that are consistent with the minimum guidelines and requirements issued by the Access Board, and to update or amend certain provisions of the Title III regulation so that they comport with the DOJ's legal and practical experiences in enforcing the ADA since 1991. Concurrently with the publication of the final rule for Title III, the DOJ published the final rule amending its ADA Title II regulation, which is discussed in Section 1.2 Title II Requirements.

Title IV Requirements

Title IV addresses telephone and television access for people with hearing and speech disabilities and requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use TTYs (also known as TDDs), and callers who use voice telephones to communicate with each other through a third-party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) was the first disability civil rights law to be enacted in the United States. It prohibits discrimination against people with disabilities in programs that receive federal financial assistance and sets the stage for the enactment of the Americans with Disabilities Act. Section 504 works together with the ADA and IDEA to protect children and adults with disabilities from exclusion and unequal treatment in schools, jobs, and the community. Similar to the ADA, Section 504 also requires entities to appoint a coordinator to oversee compliance.

The Section 504 movement created a generation of disability rights activists and advocates who would go on to draft the Americans with Disabilities Act (ADA) of 1990. The ADA can be viewed as picking up where Section 504 left off, handling the more difficult, complex situations, such as physical accessibility to buildings. Using Section 504 as a template, the framers of the ADA sought to extend provisions that now applied to the government to much of the private sector (notably private employers, stores, hotels, and restaurants). The new law also specifically stated that the ADA would not amend or weaken Section 504. Because of being drafted based on Section 504, the ADA also framed disability in the context of civil rights rather than as a medical need, using terms such as "discrimination," "reasonable accommodation," and "otherwise qualified." The cross-disability coalitions forged during the Section 504 protests also ensured that the ADA would employ a broad definition of disability so that it could encompass a wide variety of impairment groups. Like Section 504, the ADA includes people with psychiatric disabilities, alcoholics, and recovering drug addicts (excluding current users of drugs).

Discrimination and Accessibility

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary for individuals with mobility needs and individuals with sensory and cognitive disabilities.

The following are examples of elements that will be evaluated for barriers to accessibility:

Physical Barriers

Physical barriers are physical features that limit or prevent people with disabilities from obtaining the goods and services that are offered. Physical barriers may include the lack of or inaccessible elements of following:

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors including levers, closers, clearance, and any other accessibility elements
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Path of travel along sidewalk corridors between buildings and within the public right-of-way
- Access to pedestrian equipment at signalized intersections or safety features along internal routes
- Non-compliant sidewalks or curb ramps
- Emergency notifications, alarms, and visible signals

Programmatic Barriers

Programmatic barriers are barriers that limit the effective delivery of an entity's PSAs.

Programmatic barriers may include issues with:

- Building signage
- Customer communication and interaction
- Availability of auxiliary aids
- Equal participation opportunities at University sponsored events
- Emergency notifications, alarms, and visible signals

Roles and Responsibilities of the ADA Coordinator/504 Compliance Officer

State and local governments with 50 or more employees are required to designate at least one qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows the individual to be easily identified who will assist with questions and concerns regarding disability discrimination.

ADA Coordinator/504 Compliance Officer Qualifications

Below is a list of qualifications that are recommended by the U.S. DOJ. While these qualifications are present in the current ADA Coordinator/504 Compliance Officer, the requirements below should be filed for future position openings:

- Familiarity with the entities' structures, activities, and employees
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act
- Experience with people with a broad range of disabilities
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks Ability to work cooperatively with local entities and people with disabilities
- Familiarity with any local disability advocacy groups or other disability groups
- Skills and training in negotiation and mediation
- Organizational and analytical skills

ADA Coordinator/504 Compliance Officer

Effective 4/23/2022, the President has appointed Michael Casey, Senior Program Coordinator for Disability and Accessibility Resources, as the institution's ADA Coordinator/504 Compliance Officer to oversee the institution's implementation and compliance with ADA Titles I and II as well as Section 504 of the Rehabilitation Act. The Disability and Accessibility Resources unit is responsible for administering all disability related resources for the institution. The ADA Coordinator/504 Compliance Officer's information has not been easy to find on the University's website or in other University documents and will be resolved during the Self-Evaluation and Transition Plan process.

ADA/504 Compliance Team

The University will utilize a team approach that will be focusing on accessibility and compliance. In addition to having an ADA Coordinator/504 Compliance Officer, the University will be appointing a team to assist in this area. The compliance team is composed of representatives from each major University department through their designation on one of three groups to be charged out of the President's Office - the WVSU Accessibility Council, the Accessible Built Environments Committee and the Accessible Digital Environments Committee. These individuals will work closely with the ADA Coordinator/504 Compliance Officer to resolve issues regarding the needs of the various departments and the programs throughout the institution. The ADA Coordinator/504 Compliance Officer works closely with the compliance team to coordinate the implementation of plans, programs, policies, and procedures. This team will be leading the effort to complete the ADA Compliance Plan and will also oversee the ADA Transition Plan process. A list of the initial members of the ADA Compliance Team is included in this table:

WVSU Accessibility Council	Accessible Built Environments Committee	Accessible Digital Environments Committee
Chair – Michael Casey ADA Coordinator/504 Compliance Officer	Chair – Daniel Brown Director of Facilities	Chair – Jackson Hayes Executive Director of Information Technology
Dr Micheal Fultz Associate Provost/ Assistant VP for Academic Affairs	Derrien Williams Director of Housing and Residence Life	Jack Bailey Assistant VP for University Relations

WVSU Accessibility Council	Accessible Built Environments Committee	Accessible Digital Environments Committee
Vacant Assist VP for Business and Finance (Human Resources)	Jaleesa Nunez Program Coordinator - Student Union	Dr Thomas Kidde Director of Center for Online Learning
Dr Chris Jackson Interim VP for Enrollment Management & Student Affairs	Micah Peggs Supervisor – Theater Facility	Dr Edward Lomax Director of Library
Dr Carolyn Stuart EEO/Title IX Coordinator	Sean McAndrews Assoc Director of Athletics/ Facilities Manager	Matt Wood Data Network Manager
Dr Barbara Ladner Faculty Representative		
Cristal Miller Staff Representative		
Kelsey Snyder Student Representative		
Chairs of Working Groups Ex officio, non voting		

ADA Grievance Policy, Procedure and Form with Appeal Process

Public entities with 50 or more employees must have a grievance procedure. Such a process is required by the ADA to allow the members of the community who are disabled a way to notify the leadership of that community of areas where there are barriers preventing them from fully participating in civic life. A grievance procedure provides people with the formal process to make their disability related complaint known. This process takes a complaint or issue directly to the ADA Coordinator/504 Compliance Officer or assigned designee for resolution. An appeal process is also required. The procedure encourages prompt and equitable resolution of the problem at the university level without forcing people to file a federal complaint or a lawsuit.

Title I

Information regarding Title I ADA grievance policy, procedure, and form with appeals process is not on the University’s website. The ADA Coordinator/504 Compliance Officer recommends the University complete a review of any existing Title I ADA grievance policy, procedure, and form with appeals process, including Policy Statement 26: Policy for Persons with Disabilities.

Title II

Information regarding Title II ADA grievance policy, procedure, and form with appeals process is not on the University’s website. The ADA Coordinator/504 Compliance Officer recommends the University complete a review of any existing Title II ADA grievance policy, procedure, and form with appeals process.

The regulations do not specify the procedures for the grievance procedure. A public entity may use a grievance procedure that is already in place; there is no need to reinvent the wheel or duplicate existing procedures. The institution will utilize the grievance procedure established

under the EEO/Title IX office with Dr Stuart overseeing the grievance process. Dr Stuart will have primary responsible for ensuring that everyone within the institution is aware of the ADA/504 grievance procedure.

Resolving accommodation-related concerns

There will be a process that can be utilized prior to the grievance procedure to allow the university to formally and in a timely manner respond to reports of barriers and accessibility issues, complaints regarding issues with implementation of reasonable accommodations, and other disability-related matters.

For concerns related to an approved accommodation, DAR staff can assist by facilitating communication with the faculty member, staff person, program, department, or organization. DAR staff may contact the appropriate department chair, division dean, assistant vice-president of student affairs, or other necessary staff in an effort to clarify and resolve the situation.

If there are problems getting appropriate auxiliary aids and services put into place students should notify Disability and Accessibility Resources so staff can work swiftly to ensure resolution.

Any concerns that cannot be resolved swiftly through this approach will be brought to the attention of the Senior Program Coordinator who may consult with others as needed.

If the concern rises to the level of discrimination or harassment it can be reported to the Office of EEO/Title IX.

If the concern cannot be resolved by the program coordinator, the Senior Program Coordinator will provide information about the college's discrimination grievance procedures so the concern can be addressed through the Office of EEO/Title IX.

Resolving concerns regarding SAR staff

For concerns about staff member of Student Accessibility Resource, and for which the student does not feel comfortable discussing this directly with the staff member, the student may contact the Senior Program Coordinator for Disability and Accessibility Resources. The Senior Program Coordinator will attempt to resolve the student's concerns regarding the staff member.

If the student has concerns regarding the Senior Program Coordinator for DAR, the student can contact the Provost/Vice President of Academic Affairs.

Resolving other concerns

For concerns or complaints about conditions, individuals, policies or procedures of the university, students will follow the Student Complaint Process guidance found within the Student Handbook.

For concerns related to discrimination or harassment please follow the guidance found within the BOG Policy #14 - Policy and Procedures on Unlawful Discrimination and Harassment, Sexual Harassment, Grievance Procedures, Child Abuse and Neglect Reporting and Relationships.

The grievance procedure will be triggered any time the Disability and Accessibility Resources unit is not able to fully resolve the disabled person's concern or issue.

Provide Public Notice

The university must provide information to the public, program participants, program beneficiaries, applicants and employees about the ADA and Section 504 and how it applies to

the university. Here are some methods that public entities have used over the last 20 plus years.

- Put the notice on the public entity's website.
- Include the notice in social media posts.
- Post the notice in facilities.
- Broadcast the notice in public service announcements on local radio and television stations.
- Include the notice in program announcements and applications.

The information must be provided in "alternative" formats so that it is accessible to people with hearing and vision disabilities. Examples of Alternative Formats include -

- Large print (recommend: san-serif typeface such as Arial, 18 point size.
 - If an individual requests a specific point size, provide notice in that size.
- Braille
- Text file on a thumb drive or emailed to the person
- HTML format on an accessible website
- Audio recording

The university must provide the information not just once, but on an ongoing basis. Changes should be made as necessary, for example when there's a new ADA Coordinator/504 Compliance Officer. The university has the recently developed nondiscrimination statement. Additionally, two disability specific public notices are presented here, a long version for webpages and a shorter version for event flyers, posters, and other publicity materials.

Nondiscrimination statement

West Virginia State University is an equal opportunity/affirmative action university and does not discriminate against any person because of race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, veteran or military status or other category that is protected under federal, State, or local anti-discrimination laws as protected characteristics.

Public Notice #1 (long)

Americans with Disabilities Act/Section 504 of the Rehabilitation Act

West Virginia State University (WVSU) does not discriminate on the basis of disability in its services, programs, or activities.

Employment: WVSU does not discriminate on the basis of disability in its hiring or employment practices and complies with the ADA title I employment regulations.

Effective Communication: WVSU will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: WVSU will make reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy programs, services, and activities. For example, people with service animals are welcomed in WVSU facilities, even where pets and other animals are prohibited.

Requests: To request an auxiliary aid or service for effective communication, or a modification of policies or procedures contact Michael Casey at ada@wvstateu.edu or 304-552-5868 as

soon as possible. For an activity or event this should be at least 10 days before the scheduled date. For academic courses it should be 2 weeks prior to the start date of the course. For housing related requests, it should be 1 month prior to the housing application deadline.

Reporting concerns or issues: Send reports of disability related concerns to Michael Casey, ADA Coordinator/504 Compliance Officer, at ada@wvstateu.edu or 304-552-5868.

Grievances: Send grievances regarding disability discrimination to Dr Carolyn Stuart, EEO Compliance Officer/Title IX Coordinator, at carolyn.stuart@wvstateu.edu or 304-204-4018.

Public Notice #2 (short)

Americans with Disabilities Act/Section 504 of the Rehabilitation Act

West Virginia State University does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact the ADA Coordinator/504 Compliance Officer as soon as possible - 10 days before an activity or event or 2 weeks before the start date for an academic course.

Informal and formal processes as well as a grievance procedure are available to resolve complaints.

Upon request, this notice is available in alternative formats such as large print, Braille or electronically.

Michael Casey, ADA Coordinator/504 Compliance Officer - ada@wvstateu.edu or 304-552-5868.

More on Notice

Public entities are required to ensure that interested people, including people with sensory impairments such as vision or hearing impairments, can obtain information as to the “existence and location of accessible services, activities, and facilities.” This is an important but frequently overlooked part of the regulations. This information will be covered in the Self-Evaluation.

COMPLIANCE PLAN SCOPE AND PURPOSE

The ADA requires all Title II entities to complete an ADA Self-Evaluation and Transition Plan as noted in the § 35.105 Self-Evaluation section:

- (a) A public entity shall, within one year of the effective date of the most recent version of Section 35.105, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices are required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:

- 1) A list of the interested persons consulted
 - 2) A description of areas examined and any problems identified
 - 3) A description of any modifications made
- (d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous Self-Evaluation.

In reviewing documentation provided by the University, there was no evidence that a full Self Evaluation of the programs, services and activities offered by the University has ever been completed. Therefore, it is added to the list of items to complete to ensure the University has a comprehensive Self-Evaluation to present to the DOJ should it be requested.

Compliance Plan vs. Transition Plan vs. Self-Evaluation

This Compliance Plan is an interim step to completing the Self-Evaluation and Transition Plan. The Department of Justice refers to the “Self-Evaluation” as the evaluation of all of the Universities programs, services, activities, policies, and practices while the “Transition Plan” is the evaluation of the physical features and infrastructure. Both of these are required by the Americans with Disabilities Act. The Compliance Plan is the interim phase that helps determine what actually needs to be evaluated.

The University is obligated under the law to develop both the Self-Evaluation and Transition Plan to ensure the University is in compliance with all of the requirements of the ADA and Section 504. The Self-Evaluation requires the University to observe all of the following requirements:

- Title I in its employment practices
- Title II in its policies, programs, services, policies, and practices
- Any parts of Titles IV and V that apply to the organization
- All requirements specified in the 2010 ADA Standards and 2013 Proposed Accessibility Guidelines (PROWAG) that apply to facilities and other physical holdings.

The Self-Evaluation focuses on the programs, services, activities, policies, and practices and the Transition Plan focuses on the infrastructure. Both requirements are found under Title II of the ADA, which has the broadest impact on the University. Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

- Completion of a Self-Evaluation
- Development of an ADA complaint procedure
- Designation of at least one person who is responsible for overseeing Title II compliance
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

This Compliance Plan creates the blueprint that the University will use to complete the Self-Evaluation and Transition Plan process, as well as document the efforts that have already been made toward compliance. It also allows major decisions to be made in the methodology for the data collection. Through the Compliance Plan process, the University documents which facilities and elements need to be evaluated and sets forth the plan and timeframe to complete the process. Having the Compliance Plan in place greatly reduces the risk of access-related litigation as long as it is directly followed by the required Self-Evaluation and Transition Plan

process. This document can be presented to federal agencies, if requested, as a demonstration of the University's interim plan toward full compliance.

Everything the DOJ requires to be addressed will be included, including facilities, programs, services, policies, practices, and public rights-of-way to improve accessibility around the University, as well as the infrastructure it is responsible for maintaining. This document will guide the planning and implementation process for the necessary program and facility modifications.

The ADA Self-Evaluation and Transition Plan are significant in that they establish the University's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all students, faculty, staff, and the public.

Public Outreach Efforts

The University will host public meetings to provide a summary of the transition planning process and receive feedback on any concerns related to accessibility. In addition, the University will, through the Disability and Accessibility Resources unit, contact local disability organizations, to form an external ADA Advisory Team to assist with this project. The University will continue to solicit feedback from the faculty, staff, students, and local disability organizations as the Transition Plan is developed.

The public meeting and external ADA Advisory Team meeting notes will be provided in the Transition Plan Appendix. All comments received during the public outreach will be tracked so the University can see how the community feels the University is doing with its accessibility efforts.

Online Survey

The University is required to communicate with the local disability community. The ADA Coordinator/504 Compliance Officer proposes an online survey be used to obtain information on areas of the greatest concern to students, faculty, staff, and the public to help provide better access to the University's campus and programs. The survey will help give a voice to the disability community. Once developed, the survey will be accessed via the internet and a link will be provided.

Interactive Map

The ADA Coordinator/504 Compliance Officer proposes the development of an online interactive map allowing interested parties to identify specific locations where they experience issues related to accessibility, safety, connectivity, or suggestions for accessibility improvements that are needed anywhere on the University's campus. Once developed, the map will be accessed via the internet and a link will be provided.

The ADA Coordinator/504 Compliance Officer proposes the University promote the web survey and map using several methods. It should be posted on the University's ADA web page, sent out through social media, and emailed to local disability organizations for distribution to their constituents. Both can remain online as needed and will serve as a tool to solicit public feedback on the Transition Plan.

Ongoing Accessibility Improvements

The University's PSAs and facilities evaluated during the Self-Evaluation will also continue to be evaluated on an ongoing basis as future renovations take place, and the ADA Transition Plan

will be revised as needed to account for those changes. The final Transition Plan will be posted on the University's website for public review.

Initiating the Self-Evaluation and Transition Plan

The self-evaluation is the key activity to determine what needs to be done to make sure the institution is in compliance with the federal mandates and is providing the minimally required equal opportunity for people with disabilities to participate. It is the most time and effort intensive part of the compliance review as it includes a comprehensive review of all programs, activities, and services operated by the university. The initial self-evaluation was required to be completed by January 26, 1993. Because changes were made to the Title II regulations and the ADA Standards for Accessible Design in 2010, an updated self-evaluation is recommended. The Title II regulations and ADA Standards were changed to include recreation areas, residential facilities, event ticketing policies, policies concerning other-power-driven mobility devices, miniature horses as service animals and specifications for video-remote-interpreting. Additionally, since information technology barely existed when the ADA was passed in 1990 and we now have a university website that needs to be accessible to people with disabilities, all university affiliated websites need to be evaluated.

As a Title II entity, the standard to which we are held is program accessibility. The university must ensure that people with disabilities are not excluded from programs, services, or activities because facilities are inaccessible. There is no "grandfather" clause that exempts old facilities. Programs, services, and activities, when "viewed in their entirety" must be readily accessible to and usable by people with disabilities. Think broadly, program access applies to everything the university does. The federal mandates permit the university flexibility by allowing both structural and nonstructural methods of achieving program accessibility. The university is not necessarily required to make each of its existing facilities accessible if alternative, accessible locations are available.

After conducting the self-evaluation, our university can develop a transition plan for structural changes and work with university departments to modify policies and procedures.

While we can be in compliance with the applicable standards, this is far from ensuring we are providing a welcoming and inclusive environment for our students, employees or visitors with disabilities. For purposes of the self-evaluation, we should be considering both compliance and usability in striving to reach the maximum level of accessibility and inclusion.

Identify Departments and Programs

To ensure the self-evaluation is comprehensive, the university must identify all of our various departments and their programs, services, and activities. Within a given division or department there may be many programs, services, and activities.

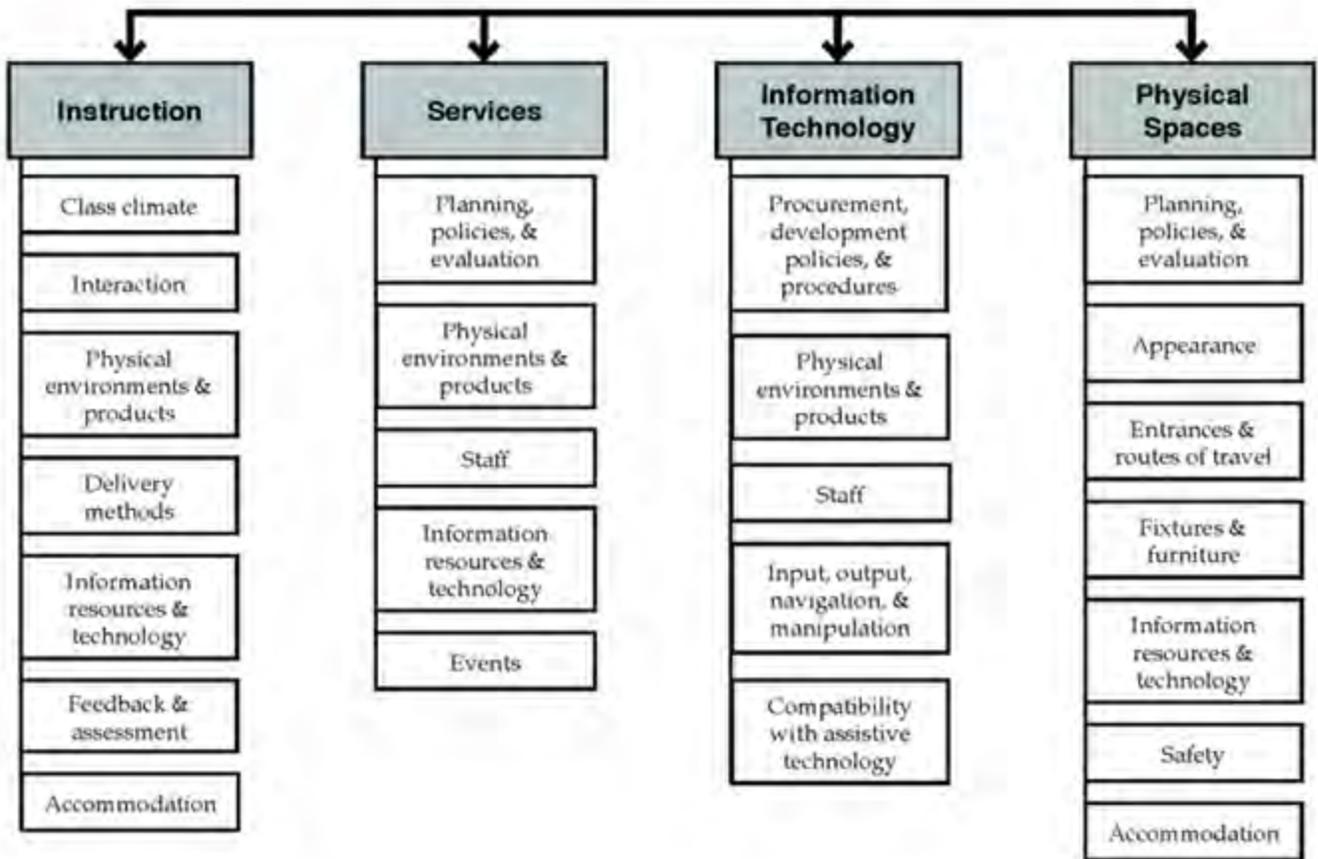
The designation of division and/or department liaisons will serve as a way to facilitate the collection of this information.

Self-Evaluation Components and Process

The self-evaluation will cover general nondiscrimination provisions, communications, program, facility, and web accessibility.

Universal design strategies can help the university create products, services and environments that are welcoming and accessible to all students, staff, faculty, and visitors on our campus. Universal design (UD) can be applied to instruction, services, information technology, and physical spaces. When evaluating our campus environments, the following chart outlines considerations we should take into account when evaluating the various areas.

Universal Design in Higher Education



Campus Accessibility Indicators

The goal for inclusion of people with disabilities on campus is to ensure that all people experience the campus fully and equally through the same venues. This can be done through ongoing development of an inclusive campus that embraces and celebrates diversity. The following indicators are starting points for conversations about how to create an inclusive campus for individuals with disabilities.

University conversations:

- Institution-level mission, vision, and values statements are inclusive of all people, including those with disabilities.
- Disability is included in campus discussions regarding, and training on, diversity and special populations.

Administrative empowerment:

- Policies, procedures, and practices are regularly reviewed for barrier removal and inclusivity of people with a diverse range of characteristics, including disability.
- Administrators, staff, faculty, and student leaders are trained and empowered to take action around accessibility, inclusion, universal design and accommodation issues.
- People with disabilities are visible (even if their disabilities are not) on campus including in positions of power and authority (administrators, faculty, student leaders, etc.).

Infusion in all aspects of campus:

- Budgeting reflects the reality of the cost of employing inclusion and accessibility principles and providing accommodations for current and prospective employees, students, and visitors with disabilities.
- Measures of student success (retention, course completion, graduation, etc.) are the same for all student populations, including students with disabilities, and institutional research includes this data.
- Campus marketing, publications, and public relations include images and content related to disabilities.
- Campus publications and websites, including web-based courses, meet established accessibility standards.
- Disability issues are regularly included as a component of the curriculum.
- All campus facilities are physically accessible.

ITEMS TO REVIEW

Website

The University's website provides a variety of online services including access to databases, directories, online purchases, online payments, sign-ups, registrations, file reports, and online resources, which are available to students, faculty, staff, and the public. The website will need to be fully evaluated to determine if all aspects, functions, and pages are compliant with WCAG 2.0 AA standards.

Programs, Services, Activities, Procedures, and Policies

Under the ADA, the University is required to complete a Self-Evaluation of the University's facilities and PSAs. The Self-Evaluation identifies and provides possible solutions to those policies and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation will consider all the University's PSAs, as well as the policies and practices the agency uses to implement its various programs and services.

To comply with the requirements of the plan, the University must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- Relocation of programs to accessible facilities
- Modifications to existing programs so they are offered in an accessible manner
- Structural methods such as altering an existing facility
- Policy modifications to ensure nondiscrimination
- Auxiliary aids needed to provide effective communication

When choosing a method of providing program access, the agency should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

PSAs offered by the University to the students, faculty, staff, and the public must be accessible. Accessibility applies to all aspects of a PSA including advertisements, employee orientations, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

However, the University does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination can only be made

by the ADA Coordinator/504 Compliance Officer and/or an authorized designee of the University, such as the University President or his/her designee, and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the University must consider all other options for providing access to ensure individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.

A review of the information posted on the University's website was completed to determine which elements need to be reviewed in detail to determine ADA compliance of the University's programs, procedures, and policies. This review, along with the lists of information provided by the University to the Consultant, forms the basis for this Compliance Plan.

Programs Offered by the University

The University's website provides information regarding the programs, services, and activities (PSA) offered at the University. The total programs, services, and activities counted, whether they are for students, faculty, staff, or the public will be logged and found in Appendix B.5. The Office of Legal Affairs is currently conducting an analysis of policies and/or forms. The ADA Coordinator/504 Compliance Office suggests the ADA/504 Compliance Team work in conjunction with the Office of Legal Affairs to assist with identification of the policies and forms to review and which will be listed in Appendix B.3. This number includes the Title I required forms, such as a "Reasonable Accommodation" form, as well as policies and forms used regularly by the PSA's identified through this process and the Divisions, Departments, Colleges, and Offices to be identified in Appendix B.1.

The University will also complete an evaluation of all programs offered as part of the Self-Evaluation process, which includes all of the core service areas within the University. Surveys will be conducted with several University departments that serve a prominent role in University programs and events with public involvement. Due to the role these Departments play on campus, the ADA Coordinator/504 Compliance Officer recommends further evaluation during the first phases of the self-evaluation phase.

Athletics

The Athletics Department is committed to creating an environment that fosters student athlete success at a high-level competitiveness and providing a great fan experience by encouraging community involvement. Therefore, the following processes will be reviewed:

- Event ticketing (including student ticketing)
- Accessible seating
- Event staff training
- Event parking
- Closed captioning for streamed WVSU sports
- Facility accessibility (stadium, centers, dugouts, locker rooms, fields, etc.)
- Youth programs and camps
- Clubs (?)

Human Resources

Human Resources is responsible for providing all employment-related services. Therefore, the processes outlined in the subsequent section will be reviewed.

Information Technology

The Information Technologies Services (ITS) department oversees the information technology resources used by WVSU students, staff, and faculty. The following processes will be reviewed:

- Assistive Technologies
- Audio Systems

- Audio/Visual Equipment Checkout
- Billing Portals
- Campus Maps
- Classroom Technology Services
- Event Support and Technology
- Telephone Services
- Website Design and Content

Physical Facilities

Physical Facilities is responsible for the care and upkeep of the physical campus environment. Therefore, the following processes will be reviewed:

- Maintenance and out-of-order policies and procedures
- Facility accessibility
- Contracts and bids process
- Parking lot maintenance
- Facility design standards
- Grounds and landscaping design standards
- ADA signage standards

University Police Department

The University Police Department (UPD) is committed to providing a safe environment for all by preparing for a vast array of natural and man-made emergency situations. It also is responsible for providing access to key programs by monitoring parking. Therefore, the following process will be reviewed:

- WVSU Alert System
- Building evacuation plans
- Emergency shelter operations
- Parking permitting process, including the issuing of temporary disabled parking permits for students, faculty, and staff
- Parking citations
- Event parking

Office of Legal Affairs

The Office of Legal Affairs provides legal advice and services to the University. Therefore, the following processes will be reviewed:

- Inspections of public records and leases
- Contracts and agreements

Performing Arts

WVSU has several performance venues. Therefore, the following processes will be reviewed:

- Ticketing
- Seating assignments
- Assistive listening systems
- Qualified sign language interpreters
- Closed captioning
- Service animal policy
- Staff and volunteer training
- Customer relations
- Space rentals

Student Life and Engagement

The Student Life and Engagement Department provides students with experiences outside the classroom. Therefore, the following processes will be reviewed:

- Fitness and personal training programs
- Intramural sports
- Staff trainings
- Service animal policy
- Student events
- Volunteer programs
- Activity and event policies
- Awards and honors programs

- Student organizations

Buildings and Facilities

The University is planning to review all facilities to determine compliance. This will be a full review of every building owned, leased, or operated by the University.

The evaluations for the buildings will be based on the age of the building and the requirements that were in place when the building was built, but all remediation efforts will need to be to current standards. The buildings that will be included in the facility evaluations will be documented in Appendix A.1.

In breaking down the priority of how/when facilities will be evaluated, the ADA Coordinator/504 Compliance Officer recommends that it be based on use, exposure, and risk. Therefore, the ADA Coordinator/504 Compliance Officer recommends the following order in which facilities should be evaluated:

1) Parking surface lots, along with any on-street parking on the campus, whether owned by the University or not, the University is responsible for maintaining -

Because parking is the first thing recommended for compliance by the DOJ, the ADA Coordinator/504 Compliance Officer believes a parking study should be part of every facility evaluation, even if the parking for the building is not on the same site. This will provide a comprehensive look at the overall parking program and locations of fully accessible parking versus those labeled as accessible but not compliant. Another option would be to perform a full exterior assessment that includes all parking lots, garages and on-street parking along with the sidewalk system and paths to the buildings intended to be served by the parking.

2) Academic Buildings and Facilities with Public access –

The second highest risks are the facilities that have the most exposure, which are those facilities that welcome the public such as athletic venues, auditoriums, and lecture halls. Each facility that welcomes the public is recommended for evaluation first, directly followed by all facilities that are part of the educational opportunities and then those that are part of the administrative and student support processes.

3) Support facilities without public access –

All other facilities that support the educational process fall into this category which includes faculty buildings, parking and counseling offices, practice fields and buildings that support student life. These should be considered next in priority.

Second to the academic/educational facilities are the facilities used ONLY for employment with no student use. This group of facilities is not required to be part of the Transition Plan process, but the University is required to know where the weaknesses in their facilities are under Title I for potential employment. The consultant group recommends these facilities are identified and assessed for University records and employment opportunities.

4) Buildings or support facilities not required to be evaluated –

Mechanical buildings, pump houses, and storage buildings are generally exempt from compliance unless they have some role in the educational opportunities. For instance, a

pump house may serve a mechanical purpose on the campus, but it may also be toured by students as part of their educational opportunities. Any such building should remain on the list of facilities to be evaluated. All others are not required.

When it comes to storage facilities the same theory is true. A storage building with all of the landscaping equipment may not need to be evaluated, but the university may have a landscaping program, where students can earn credits for working on the university grounds, which would make that storage facility require compliance.

Public Right-of-Ways and Pedestrian Routes

All parts of the pedestrian paths that surround buildings, surround the campus or provide intercampus pedestrian access are required to comply. An accessible path of travel is required to be provided from each parking lot to the sidewalk system surrounding the lots and ultimately to the buildings the lot is intended to serve. This needs to be reviewed on a building-by-building basis as well as holistically across campus.

Sidewalk Corridors

The University owns or maintains a significant amount of sidewalk ranging from local pedestrian routes to interior sidewalks. Each section of the sidewalk will need evaluation to set a baseline for the University and to help prioritize the remediation plan.

The sidewalk corridor evaluations will document conditions and measurements along the pedestrian path of travel, which includes the sidewalk, curb ramps, pedestrian crossings at driveway openings, and pedestrian crossings at unsignalized intersections with cross streets. All sidewalks in and through the University that are owned or maintained by the University will be evaluated. Although some sidewalks are within City or State owned rights-of-way, these will be included in the evaluation as well. The priority for sidewalk remediation should be based on their high level of pedestrian activity as well as other pedestrian traffic generators.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the Transition Plan include a schedule for providing curb ramps or other sloped areas at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7.

In the definition of an accessible route, as it pertains to the curbs, it states, “curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.” For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 CFR Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at any intersection having a curb at intersections to streets, roads or highways.”

Through the development of the Transition Plan, a curb ramp plan will also be developed to meet the requirements listed in Section 35.150 above.

Bus Stops and Shelters

The Bus Stop and Shelter evaluations will document conditions and measurements from the adjoining pedestrian path of travel to the bench and/or shelter and the boarding/alighting area for compliance. The priority for included benches and shelters should be based on their high level of pedestrian activity, as well as their proximity to pedestrian traffic generators, along with the number of documented riders with disabilities.

Although not owned or maintained specifically by the University there is a bus stop and shelter next to campus on Fairlawn Avenue. Another stop is completely on University property. Part of the evaluation of the bus stops/benches and shelters is to determine if there are areas where access is not provided along long stretches to help prioritize upgrading the stops over time.

Design Standards

There are more than 20,000 national design standards and building codes. Each entity adopts the codes they are most comfortable using. All entities must use the ADA Accessibility Guidelines (ADAAG) as a minimum for accessibility.

As part of the evaluation process, the design standards currently used by the University will be reviewed and evaluated, including any state or local additions or requirements.

Previous ADA Complaints (Title I and Title II)

All public entities must ensure that no qualified individual with disabilities is excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

In reviewing the current process, complaints have not been centralized once received, nor have they been tracked from the time they come in until they are resolved. Nevertheless, a list of known ADA complaints is included here:

Previous ADA/Section 504 Complaints	
1	Student Accessibility Resources has received a number of complaints about compliance
2	Office of Civil Rights complaint regarding website accessibility
3	Numerous bathrooms in Wallace Hall are not accessible
4	Numerous complaints that door opener buttons are often inoperable
5	Some complaints about difficulty opening exterior doors
5	Lack of braille and tactile signage across campus
6	Lack of van accessible parking spaces
7	Complaints of issues with implementation of approved accommodations

Lease Agreements and Contracts

Lease agreements and contracts help determine each entity's responsibilities when it comes to both physical and programmatic compliance. Agreements and contracts should contain the University's nondiscrimination language in addition to ADA language that clarifies ADA obligations for both parties. The ADA Coordinator/504 Compliance Officer recommends a review of lease agreements and contracts from each University department and program as part of the transition plan process.

Emergency Plan

Emergency planning and management have become increasingly important today. All emergency plans and emergency management teams must include the necessary information on how to properly assist citizens in the community who may have a disability. Identifying the citizens with disabilities is paramount to rescuing them. The University should have an Emergency Management Plan in place that details how to help the students, faculty, staff, and the public with disabilities in the event of a campus emergency.

Disabilities manifest themselves in varying degrees and the functional implications of the variations are important for emergency evacuation. A person may have multiple disabilities, while another may have a disability whose symptoms fluctuate. Everyone needs to have a plan to be able to evacuate a building, regardless of the physical condition.

While planning for every situation that may occur in every type of emergency is impossible, being as prepared as possible is important. Every aspect of the emergency planning process needs to be evaluated. The University is currently developing a comprehensive emergency management plan which will include a template for developing building and department specific emergency plans. The ADA Coordinator/504 Compliance Officer recommends a full review of the documents listed below and the emergency management plan and evacuation plan for each building to ensure it includes procedures for evacuating people with varying disabilities. In addition, input is needed from various people and entities including discussing emergency planning with Disability Services and students/staff and faculty who have disabilities and the local first responders.

- Emergency Procedures Guide
- Emergency Response Guide
- University Safety Manual

Employment Practices

The University employs (#) faculty and staff and has approximately (#) job descriptions that will need to be evaluated. Other documents and processes for review as part of the Self-Evaluation process will be identified in Appendix B.4 and may include such items as:

- Effective communication efforts by providing auxiliary aids and services to ensure individuals with disabilities received equally effective communication as individuals without disabilities.
- Employee Benefits/FMLA
- Employee Manual and Policies
- Employment Exams
- Reasonable Accommodation Interactive Process
- Recruitment and Application Process
- Intern and Volunteer Process
- Training and Career Development

ITEMS COMPLETED TO DATE

Website Efforts

The University maintains a website with a variety of interactive processes and tools. While the website has not gone through a full analysis for Section 508 compliance; the administrative procedures, the WVSU Digital Accessibility Standards, provides detailed guidance on the University's digital resources and accessibility.

The majority of the work on the website is completed in-house. University staff have not been required to attend digital accessibility training on the annual basis but content on the university website is monitored by the University Relations department while content on the learning management system is monitored by the staff with the Center for Online Learning.

Programs, Services, Activities, Procedures and Policies

While the University has not completed a full analysis of all the programs, services, activities, procedures, and policies, there is evidence that steps towards ADA compliance have been taken. In addition, several University departments have worked on specific ADA issues and interact regularly with the ADA/504 Coordinator.

Buildings and Facilities

Due to renovations and replacement of buildings and improvements to the campus landscape, the campus is more and more ADA compliant every year. The most recent constructed buildings on campus have adhered to acceptable accessibility standards. Nevertheless, the vast majority of buildings predate the ADA standards and a number of preliminary potential issues have been identified.

Public Rights-of-Way Process

The Public Rights-of-Way process has been modified through the years to meet the requirements of both the ADA and Section 504 of the Rehabilitation Act. Each update brings the work being done more and more into compliance. As sidewalks are altered or added, compliance is achieved.

Design Standards Adoption

As state and federal codes are updated, the University follows their internal process to update the codes and standards used for design and construction to ensure they are meeting the most recent, and therefore the most stringent, available codes.

Staff Training

Compliance with ADA and Section 504 will only be as good as the training the staff receives. The University does not currently have regular ADA and Section 504 training opportunities but does periodically provide it to various groups.

The Disability and Accessibility Resources unit has provided training on the student accommodation process to Departments across campus as well as general nondiscrimination requirements training for employees of the Research and Development Corporation. In addition, unit staff attend webinars and conferences on ADA and Section 504 subject matters when available.

Detailed information on training that has occurred and additional training needs will be identified during the Transition Plan Process upon completing the departmental surveys and interviews. All training needs identified during the Transition Plan will be included in the final Transition Plan document as well as a schedule for training, a list of attendees, their role and how the training will be implemented. The training information will be documented as follows:

[Month] [Day], [Year] – [Class Title] (X hours)

PROPOSED ACTIONS

Programs, Services, Activities, Procedures, and Policies

There are a number of recommendations the ADA Coordinator/504 Compliance Officer has for this phase of the evaluation process, and additional recommendations will come with the actual evaluation of each University department. For now, below is a list of items the ADA Coordinator/504 Compliance Officer recommends:

Website

It is recommended that each page of the website and all online learning environments (classes, lectures, testing, etc.) be evaluated to ensure all web content meets the WCAG 2.X requirements. Even if they were developed under the WCAG 2.X requirements, seldom is full compliance maintained if others are allowed to add or change page elements.

Evaluations of online services is a high priority because of the recent increase in website related litigation. In addition to the evaluations, have the webmaster for University:

- Ensure that words that are related to accessibility are linked to the search engine and lead searchers to the ADA/Disability and Accessibility Resources page.
- Make the ADA webpage and information more prominent on the University's website.

Programs

- Evaluate each University department and their associated programs to determine if they are fully accessible to all students, faculty, staff, and the public regardless of disabilities. In reviewing this process, the location of meetings, the application process, eligibility requirements, physical requirements, and policies and procedures that govern the departments and programs will need to be reviewed.
- Evaluate lease agreements to ensure that the University's non-discrimination statement as well as language that clarifies the ADA obligations of both parties to the lease agreement are incorporated.
- Ensure all University faculty and staff have equal access to all programs offered from the hiring and on-boarding process to benefits, promotions, and terminations.
- Provide emergency plans for each facility with occupation spaces. It will need to be determined if the facility emergency evacuation plans are printed for each building and if they will be reviewed for compliance in-house or if an external review will be completed.

Employment Practices

Since the University is a significant employer in the area it is recommended that an evaluation of the hiring practices be evaluated during the first stages of the transition plan process. The evaluation should include:

- Review of all job descriptions.
- Review of the job posting and application process.
- Review of the process used to provide accommodations and assistance to applicants during all aspects of the employment process.

Buildings/Facilities

The ADA Coordinator/504 Compliance Officer recommends the facilities be fully assessed for three reasons:

- 1) When the data collected is 'static,' the DOJ recommends the data be updated every four years.

- 2) The data available for the facilities is old and was not complete when collected.
- 3) It is in the University's best interest to have the data available electronically so it can be updated as needed.

The facility assessments should be based on the age of the buildings and the standards that were in place when the building was built. Any building that was built for the first occupancy prior to January 26, 1992, should only be evaluated based on the criteria below:

- 1) Path of travel from the street to the facility entrances
- 2) Path of travel from accessible parking to the facility entrances
- 3) Accessible parking spaces and access aisles
- 4) Access to goods and services inside the facility
- 5) Restrooms
- 6) Ancillary items, such as drinking fountains and public phones

Facilities that were designed and constructed for first occupancy after January 26, 1992, should be fully compliant in all areas, including employee spaces. For that reason, the ADA Coordinator/504 Compliance Officer recommends the assessment of these facilities include the entire building. The same is true for any older building that has been through a major renovation since January 26, 1992.

Buildings and facility evaluations will need to be prioritized for remediation projects. The ADA Coordinator/504 Compliance Officer recommends the prioritization be on a scale, which is defined in the table below. This prioritization methodology was developed to aid the University in determining how the buildings should be prioritized for improvements based on the severity of noncompliance with ADA and their location.

Details of facilities to be evaluated will be listed in **Appendix A.1**.

Prioritization Factors for Buildings

Priority	Criteria
1 (high)	Complaint known or imminent danger present
2 (high)	<ul style="list-style-type: none"> ● Element is more than twice the allowable requirement. No known complaint. AND ● (for exterior conditions) location is near a transit stop or other pedestrian attractor.
3 (high)	<ul style="list-style-type: none"> ● Element is more than twice the allowable requirement. No known complaint. AND ● (for exterior) location is not near a transit stop or other pedestrian attractor.
4 (high)	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
5 (medium)	Issues with access to goods and services (DOJ level 2) – severely out of compliance

Priority	Criteria
6 (medium)	Issues with: <ul style="list-style-type: none"> ● Access to goods and services (DOJ level 2) – moderately out of compliance; ● Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR ● Restrooms (DOJ level 3) – severely out of compliance
7 (medium)	Issues with: <ul style="list-style-type: none"> ● Access to goods and services (DOJ level 2) – minimally out of compliance; ● Restrooms (DOJ level 3) – moderately out of compliance; OR ● Drinking fountains/public phones (DOJ level 4 & 5) – severely out of compliance
8 (medium)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
9 (low)	Issues with restrooms (DOJ level 3) – minimally out of compliance
10 (low)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
11 (low)	Elements out of compliance but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability
12 (low)	Element is fully compliant with an older standard (safe-harbored) but will need to be brought into compliance with current standards if altered

Public Rights-of-Way and Pedestrian Routes

The public rights-of-way data collection is a very high priority as it connects all facilities to the sidewalk/ pedestrian network. Once the data is collected, it will become a baseline and will only need to be maintained from that point on. Additionally, the data will be available to use in other applications and projects. The ADA Coordinator/504 Compliance Officer recommends all sidewalks owned or maintained by the University be evaluated for compliance with the ADA.

Sidewalk corridors can be prioritized on a 3-point scale and given a priority of either “High,” “Medium,” or “Low” based on the severity of non-compliance, as defined in the table below. Compliant segments of the sidewalk corridor will be given a priority label of “Compliant.”

The ADA Coordinator/504 Compliance Officer recommends adding information to the University website to be easily found with a search on the website’s search engine regarding accessible design in the public right-of-way and for facilities. Additionally, the ADA Coordinator/504 Compliance Officer recommends the University adopt the Proposed Right-of-Way Access Guidelines written by the U.S. Access Board.

Prioritization Factors for Sidewalks Corridors

Criteria	Priority		
	1 (High)	2 (Medium)	3 (Low)
Cross slope of sidewalk is greater than 2%	Value > 3.5	$3.5 \geq \text{Value} > 2.0$	
Width of sidewalk is less than 48 inches	Value ≤ 36.0	$36.0 < \text{Value} < 42.0$	$42.0 < \text{Value} < 48.0$
Obstruction present along sidewalk	Obstruction – Permanent	Obstruction - Temporary	
Heaving, sinking, or cracking present on sidewalk	Heaving Sinking Cracking		
Heaving, sinking, or cracking present on sidewalk		Ponding	
Missing sidewalk			Missing Sidewalk
Signalized cross street cross slope is greater than 5%	Value > 9.0	$9.0 \geq \text{Value} \geq 7.0$ 7	$7.0 > \text{Value} > 5.0$
Unsignalized cross street cross slope is greater than 2%	Value > 6.0	$6.0 \geq \text{Value} \geq 4.0$	$4.0 > \text{Value} > 2.0$
Cross street running slope is greater than 5%	Value > 7.0	$7.0 \geq \text{Value} \geq 6.0$	$6.0 > \text{Value} > 5.0$
Driveway sidewalk width is less than 48 inches	Value ≤ 36.0	$36.0 < \text{Value} < 42.0$	$42.0 < \text{Value} < 48.0$
Driveway (or sidewalk if applicable) cross slope is greater than 2%	Value > 6.0	$6.0 \geq \text{Value} \geq 4.0$ 4	$4.0 > \text{Value} > 2.0$
Driveway (or sidewalk if applicable) condition is poor or poor dangerous	Elevation change greater than 1/4 inch or gaps greater than 1 inch)	Elevation change between 1/4 inch and 1/2 inch or gaps between 1/2 inch and 1 inch)	

Emergency Management Plan

Since the University is currently developing a comprehensive emergency management plan in addition to emergency planning and management being a high DOJ priority initiative, the ADA Coordinator/504 Compliance Officer recommends the University's Emergency Management

Plan in addition to all building and department level emergency plans be developed and reviewed during the first phase.

Parking

The ADA Coordinator/504 Compliance Officer recommends completing a comprehensive parking study that encompasses all the main campus and the programs affiliated with the campus. In addition to a parking study, it is recommended the University undertake a comprehensive review of all policies, procedures, and planning for accessible parking and transportation services for events of all nature on campus.

Implementation Plan

Prior to the self-evaluation the WVSU Accessibility Council, the working groups and the division liaisons will receive orientation and training about general nondiscrimination provisions, accessibility, and usability. Below are specific tasks each group will be charged to address:

WVSU Accessibility Council

- Reviews accessibility and inclusion initiatives of the institution and advises the President's Cabinet on issues related to accessibility and inclusion for individuals with disabilities.
- Review components of a self-evaluation and transition plan completed by the initial required date in 1993, or any time since that date.
- Identify all policies, buildings, facilities, departments, programs, activities, services and their locations.
- Evaluate employees and university officials' familiarity with the university's ADA and Section 504 obligations, including the requirement to make reasonable modifications to policies, practices and procedures.
 - The Disability and Accessibility Resources unit is the main point of contact on issues related to ADA and Section 504
 - The unit takes an active role in working with persons that provide programs, services, or activities to individuals with disabilities to promptly and effectively resolve any disability-related barriers, issues or concerns
 - When to get the Disability and Accessibility Resources unit involved
 - All accommodation requests, including plain language requests, to provide a modification not available to other individuals in the program/services/activity/course must be referred to the Disability and Accessibility Resources unit. Any individual employed by the university including those who provide instruction or services, control a program or oversee an event is responsible for making these referrals.
 - Only the Disability and Accessibility Resources staff may request, review and should be the primary repository for documentation in support of requests for modifications to policies, practices or procedures and may refuse a request that is unsupported by documentation
- Review individual service, activity and program policies, practices and procedures to determine whether they ensure an equal opportunity for people with disabilities to participate and benefit.
 - Develop a method to evaluate and consider how our programs, services and activities are used by those without disabilities, in order to take reasonable steps to provide people with disabilities with a similar experience

- Evaluate policies, practices and procedures to ensure they provide an equal opportunity for people with disabilities to participate in services, programs and activities; that is, the policies, practices or procedures do not discriminate against people on the basis of disability
 - Ensure policies and procedures allow disabled persons' meaningful access to the institutions programs and activities
 - Meaningful access - an amorphous standard, is broadly defined as equal opportunity to benefit or participate in a service, program or activity, that is public entities must take reasonable steps to ensure that individuals with disabilities can take advantage of such public undertakings; however, the standard can be challenging to determine depending on how broadly or narrowly one articulates the relevant service, program, or activity
 - The prohibition against discriminating by denying participation or benefits is not limited to intentional discrimination but also includes thoughtlessness, indifference and benign neglect (Alexander V. Choate).
 - Identify practices or policies (explicit or unwritten) which exclude or limit the participation of individuals with disabilities in programs, activities, or services. Determine if they are necessary for the operation or provision of the program, service, or activity. Identify policy modifications to be implemented and state the justifications for any exclusionary or limiting policies or practices that will not be modified.
- Determine if there are circumstances in which the participation of a person with a disability would be restricted, excluded or would not receive the benefit of a program, service or activity.
 - Identify essential eligibility requirements or essential elements for all programs and activities
 - Utilize an appropriate process to identify essential elements which includes a group of people collectively knowledgeable about the area
 - Evaluate the requirements to determine whether there are ways to not screen out people with disabilities
 - Determine if the exclusions or restrictions are necessary to the operation of the program or to the safety of other participants.
- Determine if there are separate services, programs or activities for people with disabilities or a class of people with disabilities.
 - Identify if the program/service is being provided in the most integrated setting possible
- Determine if employees and officials are aware how the university handles and processes requests for reasonable modification in policies, practices, or procedures when the modification is necessary for a person with a disability to participate.
 - Ensure employees understand the process for requesting accommodations
 - Determine whether employees and officials know how to arrange for auxiliary aids and services
 - Have a system for timely responding to accommodation/modification requests that are not anticipated
 - Have a system to evaluate and reasonable accommodations/modifications offered ensure that a student has

- meaningful access to the institution's programs and activities and a way to monitor and evaluate if meaningful access has been provided
- Ensure there is a process to determine when a reasonable accommodation/modification is denied in which the institution determines that such a request either constitutes an undue burden or a fundamental alteration in the nature of the program/activity/business, i.e. it changed essential elements or requirements
- Determine if the service, activity or program communicates with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others, making available appropriate auxiliary aids and services where necessary to ensure effective communication.
 - For faculty or staff who distribute materials or utilize audio and/or visual media in their classroom, program area, or office, whether physical or online, have a system in place to ensure those materials are accessible to the person with a disability
 - Ensure the university has a policy and procedure to handle requests for auxiliary aids and services from qualified individuals including -
 - giving primary consideration to the type of auxiliary aid or service requested by the individual with a disability
 - providing services to companions of members of the campus community to participate in campus programs, services or activities
 - determining when an auxiliary aid or service would be an undue financial or administrative burden
 - determining any equally effective alternatives which may exist
 - Is audio information available in a visible format? Do employees and officials know how to request and arrange services for deaf or hard of hearing individuals?
 - Sign language, oral and cued speech interpreters
 - Video remote interpreting services
 - Computer-assisted real-time transcription services
 - Assistive listening devices
 - Provide open and closed captioning for videos, livestreams and recordings including those on university webpages.
 - Is visual information available in an audio format? Are print materials available in alternative formats for those who are blind or have visual impairments?
 - Braille
 - Large print
 - Audio recordings
 - Accessible electronic formats accessed by screening reading technology
 - Screen reader and magnifications software installed on computers used by members of the campus community
 - Optical readers
- Ensure all employees and officials are aware with regards to service animals -
 - we must allow service animals in all areas where people without service animals are allowed to go
 - how to differentiate between service animals and emotional support animals, with the understanding we are limited in our inquiry to determine if it is a service animal

- under what circumstances we can ask to remove the service animal from the premises.
- Ensure the institution's policies, procedures and/or guidelines for accessibility programs and services for all constituent groups (students, employees and the general public) are well publicized
- Determine if information about the university's accessible services, activities and facilities available to the public and to current and future program participants.
- Develop a system to allow reporting and maintaining a log of barriers and accessibility issues by members of the campus community.

Accessible Built Environments committee

- Survey facilities and determine whether there are physical barriers to access programs.
 - The overall policy of the ADA is to require relatively few changes to existing buildings, but imposes extensive design requirements when buildings are modified or replaced.
 - Lack of physical access in facilities constructed or altered prior to the effective date is not sufficient for a finding of discrimination as long as we demonstrate we provide meaningful access to our programs and services.
 - As a public entity, we are not required to make structural changes in existing facilities where other methods are effective in achieving compliance.
 - If non-structural changes, such as moving programs, should be made, include them in the action plan.
 - If structural changes are needed, include them in the transition plan.
 - To complete the facilities survey, the institution will
 - Compile all previous evaluations of accessibility of facilities
 - References to accessibility have been located in one of the most recent campus master plan documents.
 - Spot check surveys were completed by university staff in fall of 2020 and spring of 2021 using the ADA Checklist for Existing Facilities (2010 standards).
 - Determine dates, costs and funding sources for all construction and alterations to university facilities to determine which sets of standards will be utilized in evaluating compliance with the appropriate accessibility standards.
 - 1968-1992, Architectural Barriers Act of 1968 - applies to buildings built after August 12, 1968 which were financed in whole or in part by a federal grant or a loan and if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing the grant or loan. This primarily applies to federally owned or leased buildings but can apply to others depending on the source of the funding as specified above.
 - January 26, 1992 - March 15, 2012 - Americans with Disabilities Act of 1990
 - March 16, 2012 to present - 2010 revision of the ADA through the ADA Amendments Act. Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards

for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. The 2010 Standards contain elements that are not in the 1991 Standards. These elements include recreation facilities such as team and player seating, accessible routes in court sports facilities, and exercise machines. Because these elements are not in the 1991 Standards, they are not subject to the safe harbor exemption.

- Recommend university's guidance and standards documents with current applicable standards for physical accessibility as well as oversees review of accessibility of facilities through development and implementation of a thorough survey of facilities by adopting methods and a schedule for initial as well as on-going reviews.
 - Train members of basic scoping and technical requirements of the standards
 - Organize teams of 3 people to conduct facility surveys
 - One person takes measurements
 - One person documents findings and completes checklist
 - One person takes photos
 - Obtain floor plans for each facility survey
 - Determine how many elements are in the facility
 - Organize approach to survey the elements
 - Tools needed
 - Checklist (multiple copies of elements as needed)
 - Clipboard and writing utensil
 - Tape measure
 - Electronic level
 - Door pressure gauge
 - Camera/smartphone
- Conducting Survey
 - Prioritize by focusing on the four priority areas outlined under the requirements in the DOJ ADA title III regulations which are equally applicable to title II entities. In order of priority they are -
 - 1: Accessible approach and entrance
 - Start outside at arrival points such as transit stops, parking lots and sidewalks and evaluate routes to facilities.
 - Work towards closest accessible entrances
 - Note if the entrance closest to accessible parking is different from the closest entrance.
 - Evaluate travel widths, slopes and lengths.
 - Evaluate doorway thresholds, widths and clearances as well as door operation
 - If not all entrances are accessible, signs indicating direction of accessible entrance should be posted at all inaccessible entrances
 - If no accessible entrance, indicate specifics of inaccessibility such as number of steps and if there is space for a ramp
 - 2: Access to goods and services

- Evaluate hallways, signage, classrooms, offices, elevators, doors, counters, tables, and seating areas
 - 3: Access to restrooms
 - Evaluate signage, doorways, stalls, toilets, sinks, mirrors, soap dispensers and towel dispensers.
 - 4: Access to other items such as water fountains, public telephones, and fire alarm systems
 - Compile list of all programs, activities or services provided in inaccessible facilities

Accessible Digital Environments (ADE) committee

- Oversees review of digital information and platforms including any university affiliated website, our online courses, and online resources utilized by any university employee or official.
 - Ensured there is a policy that all digital information and services which are university affiliated meet minimum digital accessibility standards and are accessible in compliance with the applicable standards (WCAG 2.0).
 - The Office of Information Technology assists with digital accessibility evaluations of software and digital content, training, writing remediation/accommodation plans, consulting with vendors/internal developers, and filing exceptions.
 - Selects accessibility assessment tools
 - For procurement of digital products, develop a system to ensure the university will make its best effort to ensure that the product is accessible to persons with disabilities and enters into an indemnification agreement with the vendor of that product so as to allow indemnification if that product is not accessible.
 - The Department of Justice in a settlement with Louisiana Tech insisted in its settlement agreement that Louisiana Tech ensure that such indemnification clauses are present whenever they buy a product or take on new technology.
 - Make initial determination for exceptions - determine if compliance is not technically possible or may require extraordinary measures due to the nature of the digital information or digital service
 - ADE committee implements, reviews and provides technical assistance regarding the digital accessibility standards, processes requested exceptions to the digital accessibility standards and resolves complaints under the policy.
 - Ensure all managers and editors who are responsible for digital information or services, including webpage and content development, are aware of the policy and knowledgeable about the WCAG standards.
 - Ensure there are adequate assessment processes in place to test digital platforms for compliance which includes participation by people who utilize screen reading technology and other assistive technology.
 - Develop a system for reporting of barriers and accessibility issues by eligible persons who have difficulty accessing digital information or platforms
 - When current and legacy digital information and digital services are specifically requested to be made accessible by or on the behalf of an

eligible person, the owning unit must make the digital information or digital service accessible or provide an equally effective alternative within 10 business days.

- For digital information, equally effective means that it communicates the same information with a comparable level of accuracy.
- For digital services, equally effective means that the end result (e.g., registration) is accomplished in a comparable time and with comparable effort on the part of the requestor

Develop a Transition Plan

The transition plan is developed from the self-evaluation and facilities survey. Public entities with 50 or more employees were required to develop a transition soon after the Title II regulations were issued. Many public entities are reassessing their facilities to determine if the original transition plan was followed and whether additional access improvements are needed. Another reason to update or create a new transition plan is that the current (2010) ADA Standards for Accessible Design includes accessibility requirements for residential units as well as recreation areas such as exercise equipment rooms, team seating and locker rooms. The Standards also specify accessible routes to and between sports fields, for example baseball, soccer and football fields.

A transition plan consists of:

1. A list of the physical barriers that limit the accessibility of programs, activities, or services.
2. The methods to remove the barriers and make the facilities accessible.
3. The schedule to get the work completed.
4. The name of the official(s) responsible for the plan's implementation.

The university will include cost estimates and should indicate from which budget the funds will come from as part of our plan.

Create an Action Plan

After a Self-Evaluation there are many actions that need to be taken that don't include structural changes to buildings. The university's website and online course need to be reviewed for accessibility, policies might need to change and meetings might need to be moved. The Title II regulations don't include a planning process for these non-structural tasks. The regulations state: "to the extent modification of ... services, policies, and practices is required, the public entity shall proceed to make the necessary modifications."

The Transition Plan addresses all things structural, but there's no formal planning mechanism mandated to make sure the non-structural changes are made. The university will develop Action Plans to address these non-structural issues.

TIMELINE AND BUDGET

There are many determining factors that will alter both the timeline and the budget, and generally the budget affects the timeline. For instance, if sufficient funding is available to complete the project in one phase, the entire University could be completed in approximately 24 to 30 months.

The level of detail sought will impact both the cost and the timeline along with dozens of other factors

Proposed Timeline

The ADA Coordinator/504 Compliance Officer recommends this process be initiated no later than one year from the date of the approval by the Board of Governor's with a completion of 24 to 30 months from date of initiation.

CONCLUSION

This document serves as the ADA Compliance Plan for the University's Campus. It outlines the various items that will be evaluated in order to develop a comprehensive ADA Action and Transition Plan. Each program, service, and activity will be reviewed for compliance with ADA guidelines, and the Self-Evaluation findings will be documented in the final ADA Self-Evaluation and Transition Plan document.

The University will need to have all PSAs, policies, and leases reviewed, plus the emergency plans. All buildings/facilities, including the main campus and satellite locations will need to be assessed. Additionally, all sidewalks and all bus stops or shelters will need to be assessed.

This Compliance Plan can be used to develop the scope to get the Transition Plan completed. The final Transition Plan will have prioritized improvements and an implementation plan will be developed to provide guidance for the University's improvement projects in the coming years. Public outreach will also be conducted to aid in the development of the plan.

The University is taking the actions referenced in this document and will continue to look for and remedy barriers to access to ensure that University students, faculty, staff, and the public who are disabled are given full access to all of the University's programs, services and activities.

Appendices

Appendix A.1 – List of Buildings

Appendix B.1 – List of Departments

Appendix B.2 – List of Boards, Commissions, Committees, and Councils

Appendix B.3 – List of Policies

Appendix B.4 – Employment Practices Review

Appendix B.5 – List of Events/Programs/Services/Activities

Appendix A.1 - List of Buildings

Count	Division	Building name	Reno Date	Standard	Priority	Rank	Sq Ft	Total Sq Ft	Construction Completion Date

Appendix B.1 - List of Departments

Department/Office Name	Department/College /Office Name	Department/Office Name	Reference Link	Labs

Appendix B.2 - List of Boards, Commissions, Committees, and Councils

Name/Description	Reference Link

Appendix B.3 - List of Policies

Policy Name	Reference Link

Appendix B.4 - Employment Practices Review

Appendix B.5 - List of Events/Programs/Services/Activities

Event/Program/Service/Activities Name	Reference Link



**Board of Governors
FULL BOARD**
Erickson Alumni Center – Grand Hall
<https://us06web.zoom.us/j/83214818343>
Meeting ID: 832 1481 8343
Thursday, February 2, 2023
9:00 am

AGENDA

- | | |
|--|----------------|
| I. Call to Order and Oath of Office | Mark Kelley |
| II. Roll Call | Crystal Walker |
| III. Verification of Appropriate Notice of Public Meeting | Mark Kelley |
| IV. Approval of December 9, 2022, Meeting Minutes (<i>Action Required</i>) | Mark Kelley |
| V. Report from the President | Ericke S. Cage |
| VI. Approval of Academic Program Reviews <ul style="list-style-type: none">• BSBA (<i>Action Required</i>)• MEIL (<i>Action Required</i>) | Paige Carney |
| VII. Approval to Adopt and Revise Policies <ul style="list-style-type: none">• BOG Policy #14 – Revise (<i>Action Required</i>)• BOG Policy #66 – Adopt (<i>Action Required</i>) | Alice Faucett |
| VIII. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel and Property Matters (<i>Action Required</i>) | Mark Kelley |
| IX. Adjournment | |

**Board of Governors
West Virginia State University
FULL BOARD**

Date/Time: 2/2/2023 -- 9:00 AM

Location:

Erickson Alumni Center - Grand Hall

<https://us06web.zoom.us/j/83214818343>

Meeting ID: 832 1481 8343

Purpose: To conduct regular business of the board

Notes:

Meeting was approved : 1/26/2023 8:19:10 AM

Meeting Minutes
West Virginia State University Board of Governors
Full Board
Erickson Alumni Center, Grand Hall
December 9, 2022
9:00 a.m.

I. Call to Order

Mr. Kelley called the meeting to order at 11:45 a.m.

II. Roll Call

The clerk called the roll. Members present were Mr. Flores, Dr. Jackson, Mr. Jones, Mr. Kelley, Mrs. McKibben, Mr. Payne, Dr. Pietruszynski, and Mrs. Pitchford. Members absent were Mr. Greenhowe, Mr. Raines, Dr. Saffore, and Mr. Shepherd.

III. Verification of Appropriate Notice of Public Meeting

Mr. Kelley verified the Appropriate Notice of Public Meeting.

IV. Approval of Meeting Minutes

Mr. Kelley asked for a motion to approve the minutes from the October 27, 2022 meeting. Mrs. Pitchford moved, and Mrs. McKibben seconded the motion. The motion carried.

V. Report from the President

President Cage provided a report to the Board that included highlights from 2022 strategic planning updates, enrollment and recruitment strategies, new programs, and legislative priorities.

VI. Resolution for the Re-location and Re-internment of the Brown Cemetery to the Cabell Cemetery Located on Campus

Ms. Schumann presented a resolution of the Board of Governors that would authorize descendants of the Cabell Family to relocate and reinter the remains of 18 from the Brown Family Cemetery to the Cabell Cemetery located on campus. This process would be at the sole cost and expense of said family member as outlined in the resolution. Mr. Kelley motioned for approval of the resolution as presented. Dr. Jackson seconded the motion, and the motion carried.

VII. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Legal, Personnel and Property Matters

Mr. Jones 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. Dr. Jackson seconded the motion, and the motion carried.

Mr. Jones motioned to arise from the executive session and reconvene into the regular session, and Mr. Payne seconded the motion. The motion carried. Mr. Kelley asked for the record to reflect that the board only discussed items related to the topics listed, that no decisions or motions were made in executive session, and no votes were taken.

VIII. Adjournment

With there being no further business, the meeting adjourned at 12:53 p.m.

Respectfully submitted,

Chris Jackson, Secretary

Approved:

Mark Kelley, Chair

PRESIDENT'S REPORT
WVSU Board of Governors Meeting
February 2, 2023



Ericke S. Cage, J.D., LL.M.
President

Spring Semester Kickoff



Community Engagement



Legislative Engagement



Legislative Engagement

State Senate

Senate President Craig Blair

Senator Charles Clements

Senator Amy Grady

Senator Bill Hamilton

Senator Glenn Jeffries

Senator Eric Nelson

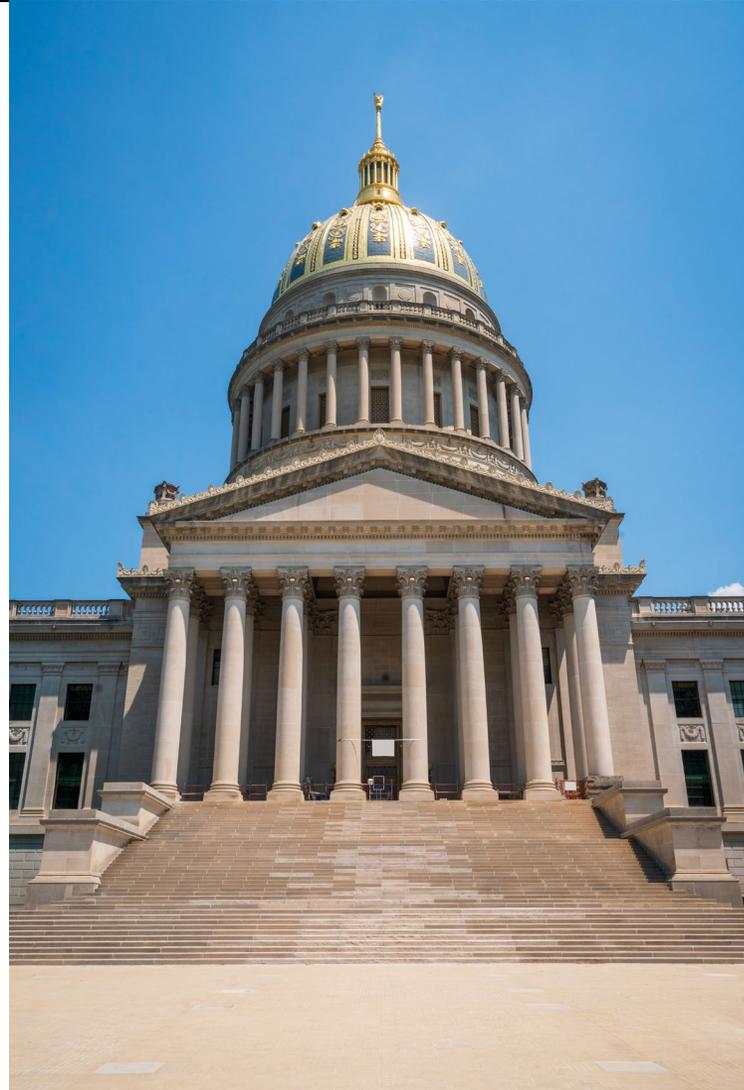
Senator Rupie Phillips

Senator Robert Plymale

Senator Rolland Roberts

Senator Tom Takubo

Senator Eric Tarr



State House of Delegates

House Speaker Roger Hanshaw

Delegate Vernon Criss

Delegate Kathie Hess Crouse

Delegate Joe Ellington

Delegate Walter Hall

Delegate Caleb Hanna

Delegate John Hardy

Delegate Sean Hornbuckle

Delegate Mike Pushkin

Delegate Larry Rowe

Delegate Joe Statler

Legislative Priorities



100% state match for our
land-grant programs



Secure support for WVSU
School of Agriculture and
Environmental Sciences

WVSU Day at the Capitol



WVSU DAY

at the **CAPITOL**

February 16, 2023

8 a.m. - 2 p.m.



Partnerships



New Leadership Appointment

Senior Vice President for Strategic Finance, Operations and Chief Innovation Officer

- A strategic thought partner and action officer with direct responsibility for advancing the president's vision and priorities related to enterprise wide transformational change.
- Optimizing the university budget
- Transforming the university business practices
- Promoting revenue growth and diversification



The Semester Ahead

- Strategic Planning work continues
- Continued focus on recruitment and retention
- Downtown Charleston project
- Education Doctoral Degree program continues toward approval
- New athletic coaches
- Preparing to launch a capital campaign



Questions

