



***BOARD
OF
GOVERNORS***

September 19, 2017

MEETING SCHEDULE
PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS

September 19, 2017

Falcon Center Board Room
1201 Locust Avenue, Fairmont, WV 26554

11:30 AM ***Board of Governors Appreciation and Welcome Reception***
Falcon Center Conference Rooms 2 & 3

Welcome new Pierpont Community & Technical College Board of Governors members and recognize Board of Governors members completing their service.

1:00 PM ***NCWV Advanced Technology Center Advisory Board Meeting***
Falcon Center Board Room, 1201 Locust Avenue

Chip VanAlsburg – Chair
Vacant – Vice Chair
Sharon Shaffer – Recording Secretary

2:00 PM ***Full Board Meeting***
Falcon Center Board Room, 1201 Locust Avenue




Warren ‘Chip’ VanAlsburg – Chairman
Sharon Shaffer – Vice Chair
Rick Pruitte - Secretary

AGENDA
PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS MEETING
September 19, 2017

I. Call to Order in Open Session

1. Opening Comment (*Chairman, Warren 'Chip' VanAlsburg*)
2. Last Call for Public Comment Sign Up
3. Board Member Commitment **Tab 1 – Informational**
4. Approval of BOG Meeting Minutes - June 20, 2017 **Tab 2 – Action Item**
5. Approval of Emergency BOG Meeting Minutes - June 26, 2017 **Tab 3 – Action Item**

II. Recognitions

1. Welcome new Pierpont Community & Technical College Board of Governors members appointed August 7, 2017 by Governor Jim Justice: Thomas J. Barlow, Brian S. Bozarth, Holly C. Kauffman, Larry J. Puccio, Jr., and Natalie Stone. (*Chairman VanAlsburg and President Moore*)
2. Recognize and thank Founding Board of Governors members of Pierpont Community & Technical College, as they complete their terms of service: Linda Aman, James Griffin, Kyle Hamilton, Earl McConnell, and Jeff Tucker. (*Chairman VanAlsburg and President Moore*)
3. Pierpont's Veterinary Technology Program ranked in the top 30 Veterinary Technology Programs in the nation by VeterinarianEDU.org. Congratulations to Anna Romano, Bobbi Loveridge, and Adam Evans. (*Dean, Michael Waide*)
4. Introduction of New Pierpont Employees
 -  School of Business, Aviation, and Technology (*Dean, Dr. Gerald Bacza*)
 - Jeremy Wilson - Instructor
 -  School of Health Careers (*Dean, Michael Waide*)
 - Casey Conaway – Licensed Practical Nursing
 - Sherri Craddock – Medical Laboratory Assistant
 - Bryanna Ordiway – Physical Therapist Assistant
 -  School of Workforce Development (*Lynn Ebbert for Dean, Robert Dennis Mills*)
 - Judy Dolan - Instructor

- Nathan Rakestraw – Program Coordinator/Instructor
- 5. Introduction of Pierpont Leadership Institute Fall 2017 Members (*Brian Floyd*)
 - Ironda Campbell, Dr. Kari Coffindaffer, Matthew DeMaria, Caitlin Rexrode, Mary Jo Rutherford, Emily Ryan, and Sandra Thomas

III. President's Report (*Dr. Johnny M. Moore*)

IV. Operation Reports

1. Student Government Association (*Alex Vance*)
2. Academic Affairs (*Brian Floyd*)
3. Center for Workforce Education (*Kimberly Cale*)
4. Classified Staff Council (*Mary Jo Rutherford for Amanda Hawkinberry*)
5. Information Technology (*Rob Linger*)
6. Pierpont Foundation (*Steve Leach*)
7. RCB NAEC (*Tom Stose*)

V. Committee of the Whole





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|--|------------------------------|
| 1. Financial Report (<i>CFO, Dale Bradley</i>) | Tab 4 – Informational |
| a. May 31 and June 30, 2017 Financial Reports | |
| 2. Resolution for Approval of a 30 Day Public Comment Period for Policy No. 52 – Degree Definitions (<i>Brian Floyd</i>) | Tab 5 – Action |
| 3. Resolution for Approval of a 30 Day Public Comment Period for Policy No. 9 – Sexual Harassment (Title IX) (<i>Dale Bradley</i>) | Tab 6 – Action |
| 4. Resolution for Approval of Comments and Final Draft of Policy No. 35 – Gift Acceptance/Solicitation (<i>Steve Leach</i>) | Tab 7 – Action |
| 5. Resolution for Approval of Comments and Final Draft of for New Policy No. 62 – Campus Solicitation (<i>Dale Bradley</i>) | Tab 8 – Action |
| 6. Identification of Vacated Appointments on the AY 2017-2018 Board of Governors Committees (<i>Chairman, VanAlsbury</i>) | Tab 9 – Informational |

VI. Committee Reports

1. Audit/Finance Committee Report (*Dale Bradley for Vacant Chair*)

2. Marketing Committee Report (*Chair, Memori Dobbs*)
3. Regional Academics Committee Report (*Chair, Sharon Shaffer*)

VII. New Business

-  Vet Tech On Site Accreditation Visit, September 20 – 22
-  Pierpont BOG Working Group, October 17, 1:00 PM to 4:00 PM, ATC Room 216A
-  Higher Learning Commission On Site Accreditation Visit, October 30 – 31
-  The next regularly scheduled Pierpont Board of Governors Meeting will be held at 2:00 PM on November 14, 2017 in the Falcon Center Board Room.
-  The Annual Board of Governors Retreat will be held on December 1, 2017 at the Advanced Technology Center

VIII. Old Business

IX. Public Comment

X. Possible Executive Session

_____ moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go in to Executive Session to discuss personnel and personnel matters, which if discussed in public might adversely affect the reputation of any person.

_____ moved pursuant to 6-9A-4(b)9 of the WV Code that the Board shall go into Executive Session to consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision.

XI. Adjournment

The Mission of Pierpont Community & Technical College is to provide opportunities for learning, training, and further education that enrich the lives of individuals and promote the economic growth of our service region and state.

Pierpont Community & Technical College strives to enhance the quality of life for people of north-central West Virginia through accessible, affordable, comprehensive, responsive, workforce-related training, and quality higher education opportunities.

Tab

1

Commitments by Board Members

I commit myself fully to the public trust I assume as a member of this Board.

In all matters, I commit to first seek to understand, then to be understood.

I commit to faithfully attend meetings, to be prepared to fully engage in the Board's business and to contribute my comments to the Board's discussion.

I commit to keep confidential matters confidential.

I commit to avoid any conflict of interest and to always act in a confidential manner.

I commit to consistently act in a manner, which evidences objectivity, fairness and my allegiance to the state's institutions.

I commit to refrain from making personal comments during board meetings, to be respectful of the views of others and to present my own views in a positive and constructive manner.

I commit to vote my conscience on issues brought before the Board, to voice my views in a responsible and supportive manner, to respect the final decisions of the Board and in expressing a dissenting view, to do so in a constructive manner.

I commit to honor and respect the positions of the Board chair and the President to serve as the official spokespersons for the Board.

I commit to build and maintain strong relationships with other Board members and the President, to seek the views of other Board members and to seek and accept constructive comments from other Board members and the President.

I commit to place my trust in my fellow Board members and to be worthy of their trust in return.

Tab

2

PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS MEETING
June 20, 2017
2:00 PM

MINUTES

Notice of Meeting and Attendance

A meeting of the Pierpont Community & Technical College Board of Governors was held on June 20, 2017, beginning at 2:00 PM in the Falcon Center Board Room, Locust Avenue.

Board members present were:

Chairman Jim Griffin, Memori Dobbs, Kyle Hamilton, Earl McConnell, Beth Newcome, Rick Pruitte, Sharon Shaffer, Jeff Tucker (phone), Warren 'Chip' VanAlsborg, and Eugene Weaver (phone)

Board members absent were:

Linda Aman, Zachery Moffatt

President's Cabinet members present were:

President Johnny M. Moore, Leslie Lovett, Dale Bradley, Brian Floyd, Lyla Grandstaff, Steve Leach, Rob Linger, and Cyndee Sensibaugh

Others in Attendance:

Leah Nestor - Times WV reporter, Pierpont faculty and staff

I. Call to Order

1. Opening Comments

Chairman Jim Griffin called the meeting to order in open session at 2:04 PM.

2. Call for Public Comment

Chairman Griffin announced last call for public sign up for comments to the Board.

3. Board Member Commitment

The declaration of Board Member Commitment was included in the Board Book.

4. *Approval of Minutes from the May 16, 2017 Meeting – Action Item*

- a. The minutes of the Pierpont Board of Governors meeting held May 16, 2017 were presented for approval. Kyle Hamilton offered a motion to approve the minutes, as presented. Sharon Shaffer seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

II. Special Recognitions/Presentations

1. *Mr. Keith Goldberg, Pierpont student, traveled to South Africa for the Phi Theta Kappa (PTK) International Scholar Laureate Program.*

Mr. Goldberg received his AAS Degree in May for Health Sciences. David Beighley, Acting Dean of Human Services/Professor/PTK Advisor, highlighted that Mr. Goldberg was the first PTK nominee from Pierpont to receive this honor. Mr. Goldberg shared that he had an amazing experience on his trip to South Africa in May, and that he learned a lot about the community and the people. He learned how the society is dealing with their nursing shortage. Mr. Goldberg thanked Pierpont for giving him this opportunity and encouraged Pierpont to fund students so that they may also be able to achieve this experience. Chairman Griffin thanked Mr. Goldberg for sharing his story and President Moore thanked David Beighley and Julie Gomez for their work with PTK.

2. *Retirement of Leslie J. Lovett, Provost/VP Academic Studies*

Chairman Griffin and President Moore announced the retirement of Leslie J. Lovett, Provost/VP Academic Studies, effective on June 15, 2017. Ms. Lovett was honored with a plaque and a standing ovation. Both the Chairman and the President shared that Ms. Lovett contributed greatly to the success and groundwork of Pierpont and that she was a leader in the state and throughout the nation in higher education.

III. President's Report

President Moore stated that Pierpont is becoming recognized as a leader within the state and is positioning to be a national player. Out of 1,108 community colleges, Pierpont was one of eleven colleges selected nationwide as one of the *Most Promising Places to Work in Community Colleges*. An award ceremony for this recognition was held at the NISOD Conference at the end of May in Austin, TX. Also, at the NISOD Conference, three of Pierpont's employees were honored at the Excellence Awards as outstanding employees. They are: Jay Mahoney, Allison McCue, and William Shockley. These employees will be recognized amongst their peers at the fall Professional Development Week.

The annual President's Cabinet and Council planning retreat was held June 15 & 16. Attendees focused on strategic planning for the upcoming academic year, institutional realignment for optimum internal operations and encouragement of growth.

Pierpont has been awarded a grant of over \$1M from the Appalachian Regional Commission (ARC) to help increase the number of displaced coal miners to graduate with workforce training and 2-year degrees from the Robert C Byrd National Aerospace Education Center (NEAC). President Moore thanked Tom Stose, Director of the NAEC and Dale Bradley, VP Finance & Administration/CFO, for their work in securing this grant.

President Moore announced that FirstEnergy has hired 20 student graduates from the Pierpont Power Systems Institute (PSI) program. A check presentation from the FirstEnergy Foundation to Pierpont is anticipated the morning of June 22 at the NCWV Advanced Technology Center (ATC).

Dr. Moore will be attending, at the invitation of the Governor, the WV Education Consortium Roundtable: Addressing the Grand Challenges of Rural Education in West Virginia on June 27.

The Community and Technical College System (CTCS) will be holding a Dean's Academy May 27-28. Lyla Grandstaff, AVP Enrollment Management, and David Beighley, Acting Dean of Human Services, have been nominated and selected to participate. President Moore will serve as a panelist on June 28.

IV. Operation Reports

1. *Student Government Association:* No report.
2. *Academic Affairs:* Brian Floyd, Acting Provost, provided a handout and reviewed details of the President's Cabinet and Council Retreat, development of Career and Technical Education Center partnerships, Higher Learning Commission Accreditation site visit in October and the ongoing work in preparation for this visit, Perkins funding for Pierpont's Nontraditional Participation Improvement Plan, and the Pierpont Aviation Maintenance Program.
3. *Center for Workforce Education:* Kimberly Cale, Director, shared that the Airframe Structures Program has 11 students graduating on June 30. The new class has 16 students enrolled and a grant from the Sector Partnership has opened 21 additional tuition slots. Ms. Cale highlighted several classes, programs, and grants with strong enrollments, including: Chevron grant-funded Oil and Gas PEC Safety, Real Estate, Photography, Federal Acquisition Management, and Red Hat Mining. Ms. Cale also highlighted upcoming courses, contracts, and community education. The CWE has been approved to be a Military Spouse Career Advancement Account (My CCA) education source. My CCA will pay up to \$4,000 for spouses of active duty service

members and activated guard and reserve members to pursue certificates or licenses for portable careers.

4. *Classified Staff Council:* Beverly Jones, Chair, provide the minutes of the Classified Staff Council (CSC) held on May 10. Ms. Jones reported the CSC will meet on June 21 to review Mercer and Human Resources updates with Cindy Curry, AVP of Human Resources.

Ms. Jones is stepping down from her role as the Advisory Council of Classified Employees (ACCE) representative, and Anita Davis will serve as Pierpont's new ACCE representative. At the last ACCE meeting Classification and Compensation House Bill 2542 rules were discussed. The institution's Human Resources department will be scheduling open forums with the employees to discuss the Class and Comp Bill.

Ms. Jones shared that Amanda Hawkinberry will serve as the 2017-2018 CSC Chair and that this is her last report to the Board. President Moore presented a certificate of appreciation to Ms. Jones for her service to the Classified Staff Council.

5. *Information Technology:* Mr. Linger stated that the new phone system has been tested and is working well between Fairmont State and Pierpont. In efforts to kick off the new website project, surveys have been sent out to staff and faculty as part of the information discovery phase. The go-live date is tentatively planned for the fall; however, it may be delayed to accommodate the needs of the Higher Learning Commission Accreditation visit. Mr. Linger discussed the separation of the Banner system funding and transition.
6. *Pierpont Foundation:* Steve Leach, VP Organization and Development, shared that the Foundation Board has met three times in the past six weeks to hold working groups. Research has been done on the top individuals and companies that donate to higher education and letters have been sent to request meetings with these individuals and companies. Some meetings have already been set for July. Some scholarship funds have been received by the Foundation. Chairman Griffin encouraged the Pierpont Board members to support the Pierpont Foundation.
7. *RCB National Aerospace Education Center:* Tom Stose, Director, shared that meetings have been held with Harrison County Schools and Bombardier to present the NAEC expansion plans for training technicians. High school students can receive up to 12 credits in aviation maintenance technology before they graduate. Mr. Stose is looking into the possibility that the Pierpont Foundation could purchase a small set of tools for the students to loan to first year students. Mr. Stose discussed the receipt of the ARC grant for training equipment upgrades, and thanked the many people involved in the successful acquisition of the grant. Mr. Stose also highlighted events attended and scheduled in the near future.

V. Committee of the Whole

1. Financial Report - Informational

Dale Bradley provided a summary of the reports for the Pierpont Community & Technical College Unrestricted and Restricted Funds and Fund Manager Budgets for the current budget and year-to-date actual as of April 30, 2017. Complete details were provided in the June 20, 2017 Board of Governors Book.

2. Resolution for Approval of a 30 Day Public Comment Period for Policy No. 35 – Gift Acceptance/Solicitation – Action Item

Steve Leach presented a resolution to approve a 30 day public comment period for Policy No. 35 – Gift Acceptance/Solicitation, as the language in the existing policy has become outdated and needs clarification and formatting revisions. The public comment period will be from June 21, 2017 to July 20, 2017.

Sharon Shaffer offered a motion to approve a 30 day public comment period for Policy No. 35 – Gift Acceptance/Solicitation, as presented. Earl McConnell seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

3. Resolution for Approval of a 30 Day Public Comment Period for New Policy No. 62 – Campus Solicitation – Action Item

Dale Bradley presented a resolution to approve a 30 day public comment period for new Policy No. 62 – Campus Solicitation. The public comment period will be from June 21, 2017 to July 20, 2017.

In alignment with the Campus Solicitation Policy approved on April 20, 2017 by the Board of Governors of Fairmont State University, Pierpont Community & Technical College seeks to implement a Campus Solicitation Policy to establish a protocol regulating solicitation on campus in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students. Attorneys at the Higher Education Policy Commission have assisted in developing and authoring this policy.

Sharon Shaffer offered a motion to approve a 30 day public comment period for Policy No. 62 – Campus Solicitation, as presented. Kyle Hamilton seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

4. Naming of Appointments of Chairs and Members to the Pierpont Board of Governors Committees for AY 2017-2018 – Informational Item

In accordance with the Pierpont Board of Governors Bylaws adopted on February 25, 2014, Chairman James Griffin presented the appointments of the AY 2017-2018

Board Committees Chairs and Members for the Audit/Finance, Marketing, and Regional Academics Committees.

Chairman Griffin announced that there are no recommended changes to Audit/Finance Committee Chair and Members for AY 2017/2018. They remain:

Chair – Kyle Hamilton

Members – James Griffin, Earl McConnell, Rick Pruitte, and Chip VanAlsbury

Staff Resource – Dale Bradley

Chairman Griffin announced that there are no recommended changes to the Marketing Committee for AY 2017/2018. They remain:

Chair – Memori Dobbs

Members – Linda Aman and Jeff Tucker

Staff Resource – Steve Leach and Bo Sellers

Chairman Griffin announced that, due to the retirement of Provost Leslie Lovett, there is one recommended change to the Regional Academics Committee Chair and Members for AY 2017/2018. They will be:

Chair – Sharon Shaffer

Members – Earl McConnell and Eugene Weaver

Staff Resource – Lyla Grandstaff and Acting Provost Brian Floyd

Chairman Griffin stated that as Linda King begins her term as the Faculty Senate Representative to the Board, she will be considered for appointment to serve on a Board committee.

VI. Committee Reports

1. *Audit/Finance Committee*

Kyle Hamilton, Chair, announced that the minutes from the Audit/Finance Committee meeting of June 9, 2017 were forwarded electronically to all Board members.

a. Resolution for Approval of Emergency Medical Services Technician (EMT) Exam Fee Increases for AY 2017-2018 – Action Item

Dale Bradley presented for approval the recommended EMT exam fee increases for AY 2017-2018. The increases in Certification Testing Fees in the EMT Program were not identified at the time of the May 16, 2017 BOG meeting when all other changes for AY 2017-2018 were presented for approval. Complete

details of the increases in Certification Testing Fees in the EMT Program were provided in the June 20, 2017 Board of Governors Book.

Beth Newcome offered a motion to approve the increase to the Certification Testing Fees in the EMT Program, as presented. Sharon Shaffer seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

b. Resolution for Approval of the FY 2018 Capital Projects Budget – Action Item

Dale Bradley presented for approval the FY 2018 Capital Projects Budget. The \$1,700,000 budget consists of \$1,350,000 from Educational and General Capital Funds and \$350,000 from Infrastructure Funds. Revenue projections for E & G Capital funds, in excess of debt service payments, are \$1,356,397. Revenue projections for Infrastructure Fee, in excess of debt service payments, are \$373,533. Complete details of the FY 2018 Capital Projects Budget were provided in the June 20, 2017 Board of Governors Book.

Sharon Shaffer offered a motion to approve the FY 2018 Capital Projects Budget, as presented. Rick Pruitte seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

c. Resolution for Approval of the FY 2018 Education and General Chargeback Agreement – Action Item

Dale Bradley presented for approval the FY 2018 Education and General Chargeback Agreement. WV Code §18B-3C-12 outlines the legal basis of the Chargeback Agreement between Pierpont Community & Technical College and Fairmont State University. Due to the uncertainty of State Appropriations at the time the FY 2017 Chargeback discussions occurred, it was agreed that there would be no changes to the Chargeback rate from FY 2017. However, there were some individual Chargeback changes in personnel. The net effect of these changes was a Chargeback savings of \$170,000 for Pierpont. Complete details of the FY 2018 Education and General Chargeback Agreement was provided in the June 20, 2017 Board of Governors Book.

Kyle Hamilton offered a motion to approve the FY 2018 Education and General Chargeback Agreement, as presented. Rick Pruitte seconded the motion. There was no discussion on the motion. All agreed. Motion passed.

d. Resolution for Approval of the FY 2018 Education and General Budget – Action Item

Dale Bradley advised the Board to not move forward with the approval of the FY 2018 Education and General (E & G) budget. The E & G budget provided to the Board in the June 20, 2017 Board book (submitted by the BOG Finance/Audit

Committee) does not reflect the proposed 2.6% higher education budget reduction currently before the Governor in the State Budget Bill.

Chairman Griffin announced that the FY 2018 Education and General Budget will be tabled until the WV State Budget has been approved. After that time, an emergency meeting of the Pierpont Community & Technical College Board of Governors will be called to consider a revised FY 2018 Education and General Budget.

2. *Board of Governors Officers Nominating Committee – Action Item*

a. *Resolution for Approval of the Election and Establishment of the Pierpont Community & Technical College Board of Governors Officers for AY 2017-2018*

In accordance with the WV Legislature House Bill 3215 §189B-2A-1, Kyle Hamilton, Chair of the Pierpont Board of Governors Officers Nominating Committee, presented the committee's recommendations and nominations for Board officers for AY 2017-2018.

The nominations were:

Chair – Chip VanAlsburg
Vice Chair – Sharon Shaffer
Secretary – Rick Pruitte

Chairman Griffin asked for any nominations from the floor; once, twice, thrice. Hearing none, Kyle Hamilton offered a motion to confirm:

Warren 'Chip' VanAlsburg will serve as Chair of the BOG,
Sharon Shaffer will serve as Vice Chair of the BOG, and
Rick Pruitte will serve as Secretary of the BOG,

effective July 1, 2017 for the AY 2017-2018 term.

It was noted that should the Governor reappoint members to the Pierpont Community & Technical College Board of Governors during AY 2017-2018, the BOG Officers Nominating Committee will study the slate of officers at that time. No further discussion was held on the motion.

Earl McConnell seconded the motion. All agreed. Motion carried.

3. *Marketing Committee Report - Informational*

Memori Dobbs, Chair, reported that a Marketing Committee meeting was held earlier in the day, before the BOG meeting.

Ms. Dobbs informed the Board that the Committee is working to build on the momentum from ads targeted to transferability and enrollment. A marketing firm in Morgantown is working with Bo Sellers on bulk advertisements and focusing on our next targets. Positive feedback has been received from the high volume of media coverage Pierpont has gotten, and the President's attendance at events in the area and in Charleston.

As a follow up into the cost of purchasing equipment to create marketing videos in-house instead of contracting out services, Ms. Dobbs stated that her research has been reflecting it is more cost efficient to buy equipment over contracting out services.

4. *Regional Academics Committee Report - Informational*

Sharon Shaffer, Chair, reported that the Regional Academics Committee met prior to the BOG meeting.

Ms. Shaffer stated that the Committee is focusing on ways to build enrollment. Non-traditional and high school dual enrollment students are considered prime targets to refine Pierpont's strategies and approaches. Emphasis should be placed on tracking student data and to quantify goals over a five year period. Class scheduling needs to be consistent in the regional locations and programs; identify new program needs and programs that may not have worked well in the past.

Chairman Griffin encouraged collaboration between the Marketing and Regional Academics Committees to address the identified, essential areas of need.

VII. New Business

1. The next regularly scheduled Pierpont Board of Governors Meeting will be held at 2:00 PM on September 19, 2017 in the Falcon Center Board Room.
2. The regular quarterly Advanced Technology Center Advisory Board Meeting will be held on September 19, 2017 at 1:00 PM in the Falcon Center Board Room.
3. ASTP Graduation will be held at 1:00 PM on June 30, 2017 at the RCBNAEC.
4. The FirstEnergy Foundation donation presentation will be held on June 22, 2017 at 8:30 AM at the ATC.
5. The CTCS Institutional Board of Governors Workshop will be held on August 16, 2017 at the Stonewall Resort. Registration submission deadline is June 30, 2017.

VIII. Old Business

There was no old business to review.

IX. Public Comment

There were no signatures recorded for public comment.

X. Executive Session

1. Entering Executive Session:

At 3:41 PM, Sharon Shaffer moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go into Executive Session to discuss personnel and personnel matters, that which if discussed in public might adversely affect the reputation of any person. Chip VanAlsbury seconded the motion. There was no discussion on the motion. All agreed. Motion carried.

2. Exiting Executive Session

At 4:04 PM, the Board exited Executive Session.

3. Items Brought Forward from Executive Session

No items were brought forward from Executive Session.

XI. Adjournment

There being no further business, Chairman Griffin adjourned the meeting at 4:05 PM.

Respectfully submitted by Cyndee K. Sensibaugh

Pierpont Mission Statement

The Mission of Pierpont Community & Technical College is to provide opportunities for learning, training, and further education that enrich the lives of individuals and promote the economic growth of our service region and state.

Pierpont strives to enhance the quality of life for people of north-central West Virginia through accessible, affordable, comprehensive, responsive, workforce-related training, and quality higher education opportunities.

Tab

3

PIERPONT COMMUNITY & TECHNICAL COLLEGE
EMERGENCY BOARD OF GOVERNORS MEETING
June 26, 2017
11:00 AM

MINUTES

Notice of Meeting and Attendance

An emergency meeting of the Pierpont Community & Technical College Board of Governors was held on June 26, 2017, beginning at 11:00 AM in Room 219 Hardway Hall, Locust Avenue.

Board members present were:

Chairman Jim Griffin, Linda Aman (phone), Kyle Hamilton (phone), Earl McConnell (phone), Beth Newcome (phone), Rick Pruitte (phone), Sharon Shaffer (phone), Jeff Tucker (phone), Warren 'Chip' VanAlsburg (phone), and Gene Weaver(phone).

Board members absent were:

Memori Dobbs and Zachery Moffatt

President's Cabinet members present were:

President Johnny M. Moore, Dale Bradley, Brian Floyd, Steve Leach, Rob Linger, and Cyndee Sensibaugh

I. Call to Order

1. Opening Comments

Chairman Jim Griffin called the meeting to order in open session at 11:03 AM.

2. Call for Public Comment

Chairman Griffin announced last call for public sign up for comments to the Board.

II. Committee Reports

1. Audit/Finance Committee

- a. Approval of AY 2018 Unrestricted Education and General (E&G) Budget – Action Item*

Dale Bradley presented for approval the AY 2018 Unrestricted Education and General (E&G) Budget.

The approval of the AY 2018 Unrestricted Education and General Budget was presented at the June 20, 2017 Pierpont Board of Governors meeting, but was postponed until the final WV State Budget Bill was presented to the Governor. The Governor received the 2018 Budget Bill and on June 21 declared that he would neither sign nor veto the Bill. The Bill becomes law in five days.

The FY 2018 Unrestricted E& G Budget reflects:

- A 2.6 % (\$188,298) reduction in State Appropriation.
- An overall 0.10% reduction in Tuition and Fees revenue that is the net effect from a 5% Tuition and Fee increase; the establishment of the Tuition Equity Structure; adjustments to Tuition and Fee revenue to address the shortfall in the current year's Tuition and Fee revenues and an estimated enrollment decline of 6%.

Complete details were provided to the Board electronically in the June 20, 2017 Board Book and the amendment was provided electronically to the Board on June 25, 2017.

Kyle Hamilton moved to approve the AY 2018 Unrestricted Education and General Budget, as presented. Rick Pruitte seconded the motion. All agreed. Motion carried.

III. Public Comment

There were no signatures recorded for public comment.

IV. Adjournment

There being no further business, Chairman Griffin adjourned the meeting at 3:49 PM.

Respectfully submitted by Cyndee K. Sensibaugh

Pierpont Mission Statement

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Pierpont strives to enhance the quality of life for people of north-central West Virginia through accessible, affordable, comprehensive, responsive, workforce-related training, and quality higher education opportunities.

Tab

4

**Board of Governors
Financial Report FY 2017
Pierpont Community & Technical College
as of May 31, 2017**

SUMMARY:

The projected effect on net assets for FY 2017 as of May 31, 2017 is a decrease of (\$89,062)

UNRESTRICTED OPERATING FUNDS:

The Budget Balance as of May 31, 2017 of (\$89,062) represents a budget balance increase of \$10,319 from the April 30, 2017 Budget. The overall operating revenues budget was unchanged since April. The operating expense budgets decreased by (\$10,319). (\$2,731) of this decrease was in salary and fringes. (\$5,901) of the expense budget decrease was in "Supplies and Other Services" while the remaining portion of the decrease was an overall reduction to chargeback budgets of (\$1,687).

As of this report date, the institution has realized approximately 92% of projected tuition and fees revenue and approximately 85% of overall revenues while incurring approximately 73% of operating expenses. All expenditure items are in line with overall expenditures, except for Utilities and Equipment Expense. These over budget expenditures are primary associated with the Advanced Technology Center and requires realigning expenditure budget categories in FY 2018 to reflect actual expenditures. The Year-To-Date Actual Budget Balance is \$2,952,302.

RESTRICTED FUNDS:

There were changes to Restricted Funds during May 2017 consisting of a cleanup of the DHHR Student Services Grant from no activity in the 1st Quarter (July 1, 2017=6 – September 30, 2016), and final closeout of the FY 2015 Perkins Grant. The result was a decrease to budget balance equal to the FY 2015 Perkins Grant closeout of (\$386) for a May 31st Budget Balance of \$2,550.

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted

As of May 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	8,397,301	8,107,137	7,502,157	92.54
	Student Activity Support Revenue	69,200	53,459	0	0.00
	Faculty Services Revenue	810,000	810,000	293,445	36.23
	Auxiliary Enterprise Revenue	658,036	658,036	586,138	89.07
	Operating Costs Revenue	100,134	96,283	61,720	64.10
	Support Services Revenue	227,874	235,310	153,104	65.06
	Other Operating Revenues	382,138	391,056	169,893	43.44
	Total:	10,644,683	10,351,282	8,766,457	84.69
OPERATING EXPENSE					
	Salaries	6,905,964	6,668,002	5,041,600	75.61
	Benefits	1,429,171	1,595,469	1,094,596	68.61
	Student financial aid-scholarships	227,678	227,178	135,847	59.80
	Utilities	56,838	56,838	88,750	156.14
	Supplies and Other Services	2,731,809	2,592,982	1,651,348	63.69
	Equipment Expense	99,383	96,251	137,803	143.17
	Fees retained by the Commission	138,910	138,910	109,589	78.89
	Assessment for Faculty Services	810,000	810,000	248,234	30.65
	Assessment for Support Services	1,919,837	1,968,871	1,559,248	79.20
	Assessment for Student Activity Costs	122,001	122,001	96,630	79.20
	Assessment for Auxiliary Fees & Debt Service	658,036	658,036	569,570	86.56
	Assessment for Operating Costs	1,652,395	1,604,102	1,349,022	84.10
	Total:	16,752,022	16,538,640	12,082,238	73.05
OPERATING INCOME / (LOSS)		(6,107,340)	(6,187,358)	(3,315,780)	53.59
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	7,323,000	7,177,334	7,177,334	100.00
	Gifts	30,000	30,000	16,554	55.18
	Investment Income	7,194	7,194	26,979	375.02
	Assessment for E&G Capital & Debt Service Costs	(1,088,220)	(1,088,220)	(899,003)	82.61
	Fees assessed by Commission for other	0	0	(366)	0.00
	Total:	6,271,974	6,126,308	6,321,498	103.19
TRANSFERS & OTHER					
	Capital Expenditures	0	0	(7,165)	0.00
	Construction Expenditures	0	0	(3,197)	0.00
	Transfers for Financial Aid Match	(61,006)	(28,012)	(43,053)	153.69
	Total:	(61,006)	(28,012)	(53,415)	190.69
BUDGET BALANCE		103,628	(89,062)	2,952,302	(3,314.88)
PERSONNEL BUDGET SAVINGS		0	0		
PROJECTED EFFECT ON NET ASSETS AT JUNE 30		103,628	(89,062)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		2,596,026	2,459,735		
Less: USE OF RESERVE		<u>0</u>	<u>0</u>		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>2,699,654</u>	<u>2,370,673</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$3,674,239

* Unrestricted Net Asset Balance is 15.49% of the current budgeted total operating expense. Management has established a target of 15% or \$2,382,091 as the goal for the level of unrestricted net asset balance that should be maintained.

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - President

As of May 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	6,886,619	6,624,319	6,309,542	95.25
	Student Activity Support Revenue	69,200	53,459	0	0.00
	Faculty Services Revenue	810,000	810,000	293,445	36.23
	State/Local Grants and Contracts	0	0	0	0.00
	Operating Costs Revenue	100,134	96,283	61,720	64.10
	Support Services Revenue	227,874	235,310	153,104	65.06
	Other Operating Revenues	48,000	48,000	22,233	46.32
	Total:	8,141,826	7,867,371	6,840,044	86.94
OPERATING EXPENSE					
	Salaries	6,220,545	5,961,793	4,640,640	77.84
	Benefits	1,348,326	1,487,827	1,034,261	69.51
	Student financial aid-scholarships	216,178	216,178	124,847	57.75
	Utilities	52,839	52,839	87,059	164.76
	Supplies and Other Services	1,718,423	1,636,573	1,110,654	67.86
	Equipment Expense	23,207	23,207	62,550	269.53
	Loan cancellations and write-offs	0	0	0	0.00
	Fees retained by the Commission	138,910	138,910	109,589	78.89
	Assessment for Faculty Services	810,000	810,000	248,234	30.65
	Assessment for Support Services	1,919,837	1,968,871	1,559,248	79.20
	Assessment for Student Activity Costs	122,001	122,001	96,630	79.20
	Assessment for Operating Costs	1,652,395	1,604,102	1,349,022	84.10
	Total:	14,222,661	14,022,300	10,422,735	74.33
OPERATING INOCME / (LOSS)		(6,080,835)	(6,154,929)	(3,582,691)	58.21
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	7,323,000	7,177,334	7,177,334	100.00
	State Fiscal Stabilization Funds	0	0	0	0.00
	Gifts	0	0	0	0.00
	Investment Income	7,194	7,194	26,979	375.02
	Assessment for E&G Capital & Debt Service Costs	(1,088,220)	(1,088,220)	(899,003)	82.61
	Fees assessed by Commission for other	0	0	(366)	0.00
	Total:	6,241,974	6,096,308	6,304,944	103.42
TRANSFERS & OTHERS					
	Capital Expenditures	0	0	0	0.00
	Construction Expenditures	0	0	(3,197)	0.00
	Transfers for Financial Aid Match	(61,006)	(28,012)	(43,053)	153.69
	Transfers for Capital Projects	0	0	0	0.00
	Transfers - Other	(386)	0	0	0.00
	One-time use of reserve	0	0	0	0.00
	Total:	(61,392)	(28,012)	(46,250)	165.11
BUDGET BALANCE		99,747	(86,633)	2,676,002	(3,088.89)
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,477,649	1,341,358		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>1,577,396</u>	<u>1,254,725</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$3,674,239

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Fund Manager

As of May 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	1,510,682	1,482,819	1,192,615	80.43
	Other Operating Revenues	334,138	343,056	147,661	43.04
	Total:	1,844,821	1,825,875	1,340,276	73.40
OPERATING EXPENSE					
	Salaries	685,419	706,209	400,959	56.78
	Benefits	80,845	107,642	60,335	56.05
	Student financial aid - scholarships	11,500	11,000	11,000	100.00
	Utilities	3,999	3,999	1,691	42.28
	Supplies and Other Services	1,013,386	956,410	540,694	56.53
	Equipment Expense	76,176	73,044	75,254	103.03
	Loan cancellations and write-offs	0	0	0	0.00
	Assessment for Student Activity Costs	0	0	0	0.00
	Total:	1,871,325	1,858,304	1,089,932	58.65
OPERATING INCOME / (LOSS)		(26,505)	(32,429)	250,344	(771.97)
NONOPERATING REVENUE (EXPENSE)					
	Gifts	30,000	30,000	16,554	55.18
	Investment Income	0			0.00
	Total:	30,000	30,000	16,554	55.18
TRANSFERS & OTHER					
	Capital Expenditures	0	0	(7,165)	0.00
	Indirect Cost Recoveries	0	0	0	0.00
	Transfers - Other	386	0	0	0.00
	One-time use of reserve	0	0	0	0.00
	Total:	386	0	(7,165)	0.00
BUDGET BALANCE		3,881	(2,429)	259,733	(10,692.90)
Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,107,604	1,107,604		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>1,111,485</u>	<u>1,105,175</u>		

Pierpont Community and Technical College
Board of Governors
Financial Report
For the period ending May 31, 2017

New Grant Funds	0
No New Grant Funds In May	
Gifts	0
Other Grant/Restricted Fund Related Changes	(13,410)
Decrease to DHHR Student Service Grant (No 1st Quarter Expenses to Invoice)	(13,024)
Close Out of Perkins FY15 Grants	(386)
Net Change	(386)

Pierpont Community and Technical College
Budget vs Actual Statement of Revenues and Expenses
For the period ending May 31, 2017

	Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE				
Federal Grants and Contracts	7,962,032	7,970,621	6,299,418	79.03
State/Local Grants and Contracts	3,456,272	3,466,512	1,689,873	48.75
Private Grants and Contracts	534,359	831,442	503,999	60.62
Total:	11,952,664	12,268,576	8,493,291	69.23
OPERATING EXPENSE				
Salaries	1,176,692	1,245,403	523,799	42.06
Benefits	90,407	128,218	109,559	85.45
Student financial aid-scholarships	14,457,749	14,505,851	10,953,191	75.51
Supplies and Other Services	364,099	468,706	212,246	45.28
Equipment Expense	404,219	428,822	151,103	35.24
Total:	16,493,167	16,777,000	11,949,898	71.23
OPERATING INCOME / (LOSS)	(4,540,503)	(4,508,425)	(3,456,608)	76.67
NONOPERATING REVENUE (EXPENSE)				
Federal Pell Grant Revenues	4,500,000	4,500,000	3,418,869	75.97
Investment Income	0	0	0	0.00
Gifts	0	0	0	0.00
	4,500,000	4,500,000	3,418,869	75.97
TRANSFERS & OTHER				
Capital Expenditures	(18,526)	(19,900)	0	0.00
Construction Expenditures	0	0	0	0.00
Transfers for Fin Aid Match	61,006	30,875	43,053	139.44
Indirect Cost Recoveries	0	0	0	0.00
Transfers - Other	0	0	0	0.00
Total:	42,480	10,975	43,053	392.28
BUDGET BALANCE	1,978	2,550	5,314	208.36
Add: RESTRICTED NET ASSETS - Beginning of Year	1,004,053	1,004,053		
PROJECTED RESTRICTED NET ASSETS - End of Year	1,006,031	1,006,604		

Board of Governors
Financial Report FY 2017
Pierpont Community & Technical College
as of June 30, 2017

SUMMARY:

The projected effect on net assets for FY 2017 as of June 30, 2017 is a decrease of (\$77,079)

UNRESTRICTED OPERATING FUNDS:

The Budget Balance as of June 30, 2017 of (\$77,079) represents a budget balance increase of \$11,983 from the May 31, 2017 Budget. The overall operating revenues budget increased by \$10,654 since May. \$960 of the revenue budget increase was in "Tuition and Fees" while \$7,822 of the revenue budget increase was in "Support Services Revenue" with the remaining increase of \$1,872 in "Other Operating Revenues. The operating expense budgets decreased by (\$1,330). (\$2,920) of this decrease was in fringe benefits while the other decrease was (\$1,242) to the "Assessment for Support Services" budget. Offsetting these decreases was an increase of \$2,832 in the "Supplies and Other Services" budget.

As of this report date, the institution has realized approximately 93% of projected tuition and fees revenue and approximately 86% of overall revenues while incurring approximately 81% of operating expenses. All expenditure items are in line with overall expenditures, except for Utilities and Equipment Expense. These over budget expenditures are primary associated with the Advanced Technology Center and requires realigning expenditure budget categories in FY 2018 to reflect actual expenditures. The Year-To-Date Actual Budget Balance is \$1,827,225.

RESTRICTED FUNDS:

There were changes to Restricted Funds during June 2017 consisting of recognition of a \$1,000 Foundation Faculty Award to Professor Martina Bachlechner. In addition, there was correction to the DHHR Student Services Grant related to incorrect expense activity in the 1st Quarter (July 1, 2017=6 – September 30, 2016), and final closeout of FY 2015 WV Advance Grants. The result was no change to the Budget Balance of \$2,550.

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted

As of June 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	8,397,301	8,108,097	7,573,687	93.41
	Student Activity Support Revenue	69,200	53,459	28,526	53.36
	Faculty Services Revenue	810,000	810,000	293,445	36.23
	Auxiliary Enterprise Revenue	658,036	658,036	585,508	88.98
	Operating Costs Revenue	100,134	96,283	64,073	66.55
	Support Services Revenue	227,874	243,132	185,530	76.31
	Other Operating Revenues	382,138	392,928	197,924	50.37
	Total:	10,644,683	10,361,935	8,928,694	86.17
OPERATING EXPENSE					
	Salaries	6,905,964	6,668,002	5,475,181	82.11
	Benefits	1,429,171	1,592,549	1,195,071	75.04
	Student financial aid-scholarships	227,678	227,178	128,964	56.77
	Utilities	56,838	56,838	100,256	176.39
	Supplies and Other Services	2,731,809	2,595,814	1,795,313	69.16
	Equipment Expense	99,383	96,251	156,499	162.59
	Fees retained by the Commission	138,910	138,910	109,589	78.89
	Assessment for Faculty Services	810,000	810,000	248,234	30.65
	Assessment for Support Services	1,919,837	1,967,629	1,905,763	96.86
	Assessment for Student Activity Costs	122,001	122,001	97,202	79.67
	Assessment for Auxiliary Fees & Debt Service	658,036	658,036	576,862	87.66
	Assessment for Operating Costs	1,652,395	1,604,102	1,577,160	98.32
	Total:	16,752,022	16,537,310	13,365,203	80.82
OPERATING INCOME / (LOSS)		(6,107,340)	(6,175,375)	(4,436,510)	71.84
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	7,323,000	7,177,334	7,177,334	100.00
	Gifts	30,000	30,000	20,954	69.85
	Investment Income	7,194	7,194	32,898	457.30
	Assessment for E&G Capital & Debt Service Costs	(1,088,220)	(1,088,220)	(905,937)	83.25
	Fees assessed by Commission for other	0	0	(366)	0.00
	Total:	6,271,974	6,126,308	6,324,883	103.24
TRANSFERS & OTHER					
	Capital Expenditures	0	0	(7,165)	0.00
	Construction Expenditures	0	0	(10,930)	0.00
	Transfers for Financial Aid Match	(61,006)	(28,012)	(43,053)	153.69
	Total:	(61,006)	(28,012)	(61,148)	218.29
BUDGET BALANCE		103,628	(77,079)	1,827,225	(2,370.59)
PERSONNEL BUDGET SAVINGS		0	0		
PROJECTED EFFECT ON NET ASSETS AT JUNE 30		103,628	(77,079)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		2,596,026	2,459,735		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>2,699,654</u>	<u>2,382,656</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$3,674,239

* Unrestricted Net Asset Balance is 15.49% of the current budgeted total operating expense. Management has established a target of 15% or \$2,381,891 as the goal for the level of unrestricted net asset balance that should be maintained.

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - President

As of June 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	6,886,619	6,624,319	6,324,526	95.47
	Student Activity Support Revenue	69,200	53,459	28,526	53.36
	Faculty Services Revenue	810,000	810,000	293,445	36.23
	State/Local Grants and Contracts	0	0	0	0.00
	Operating Costs Revenue	100,134	96,283	64,073	66.55
	Support Services Revenue	227,874	243,132	185,530	76.31
	Other Operating Revenues	48,000	48,000	47,213	98.36
	Total:	8,141,826	7,875,193	6,943,314	88.17
OPERATING EXPENSE					
	Salaries	6,220,545	5,961,793	5,047,728	84.67
	Benefits	1,348,326	1,484,907	1,129,687	76.08
	Student financial aid-scholarships	216,178	216,178	127,292	58.88
	Utilities	52,839	52,839	98,339	186.11
	Supplies and Other Services	1,718,423	1,636,573	1,171,281	71.57
	Equipment Expense	23,207	23,207	70,568	304.08
	Loan cancellations and write-offs	0	0	6	0.00
	Fees retained by the Commission	138,910	138,910	109,589	78.89
	Assessment for Faculty Services	810,000	810,000	248,234	30.65
	Assessment for Support Services	1,919,837	1,967,629	1,905,763	96.86
	Assessment for Student Activity Costs	122,001	122,001	97,202	79.67
	Assessment for Operating Costs	1,652,395	1,604,102	1,577,160	98.32
	Total:	14,222,661	14,018,139	11,582,848	82.63
OPERATING INOCME / (LOSS)		(6,080,835)	(6,142,946)	(4,639,535)	75.53
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	7,323,000	7,177,334	7,177,334	100.00
	State Fiscal Stabilization Funds	0	0	0	0.00
	Gifts	0	0	0	0.00
	Investment Income	7,194	7,194	32,898	457.30
	Assessment for E&G Capital & Debt Service Costs	(1,088,220)	(1,088,220)	(905,937)	83.25
	Fees assessed by Commission for other	0	0	(366)	0.00
	Total:	6,241,974	6,096,308	6,303,929	103.41
TRANSFERS & OTHERS					
	Capital Expenditures	0	0	0	0.00
	Construction Expenditures	0	0	(10,930)	0.00
	Transfers for Financial Aid Match	(61,006)	(28,012)	(43,053)	153.69
	Transfers for Capital Projects	0	0	0	0.00
	Transfers - Other	(386)	0	(107,158)	0.00
	One-time use of reserve	0	0	0	0.00
	Total:	(61,392)	(28,012)	(161,141)	575.26
BUDGET BALANCE		99,747	(74,650)	1,503,254	(2,013.74)
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,477,649	1,341,358		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>1,577,396</u>	<u>1,266,708</u>		

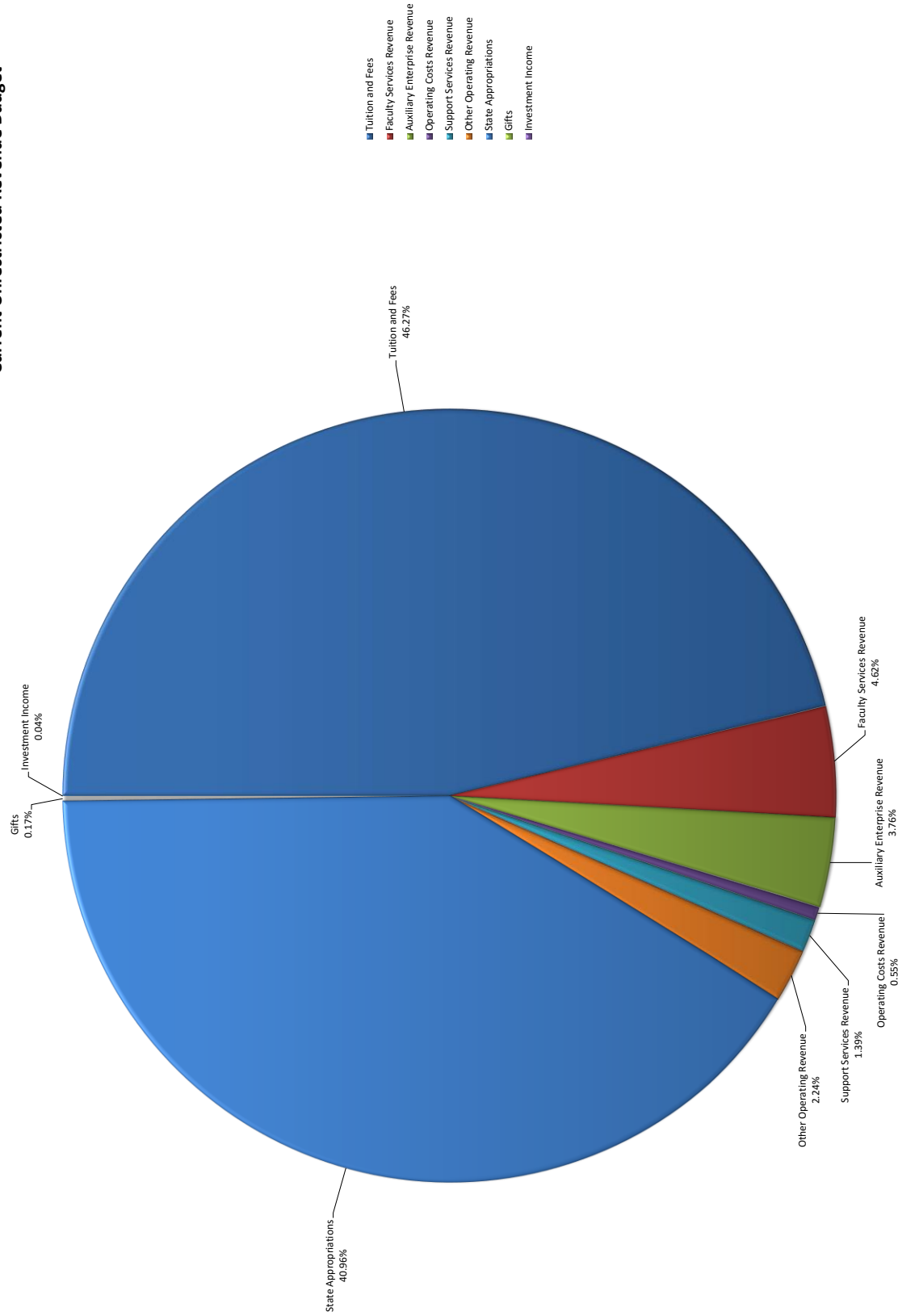
* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$3,674,239

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Fund Manager

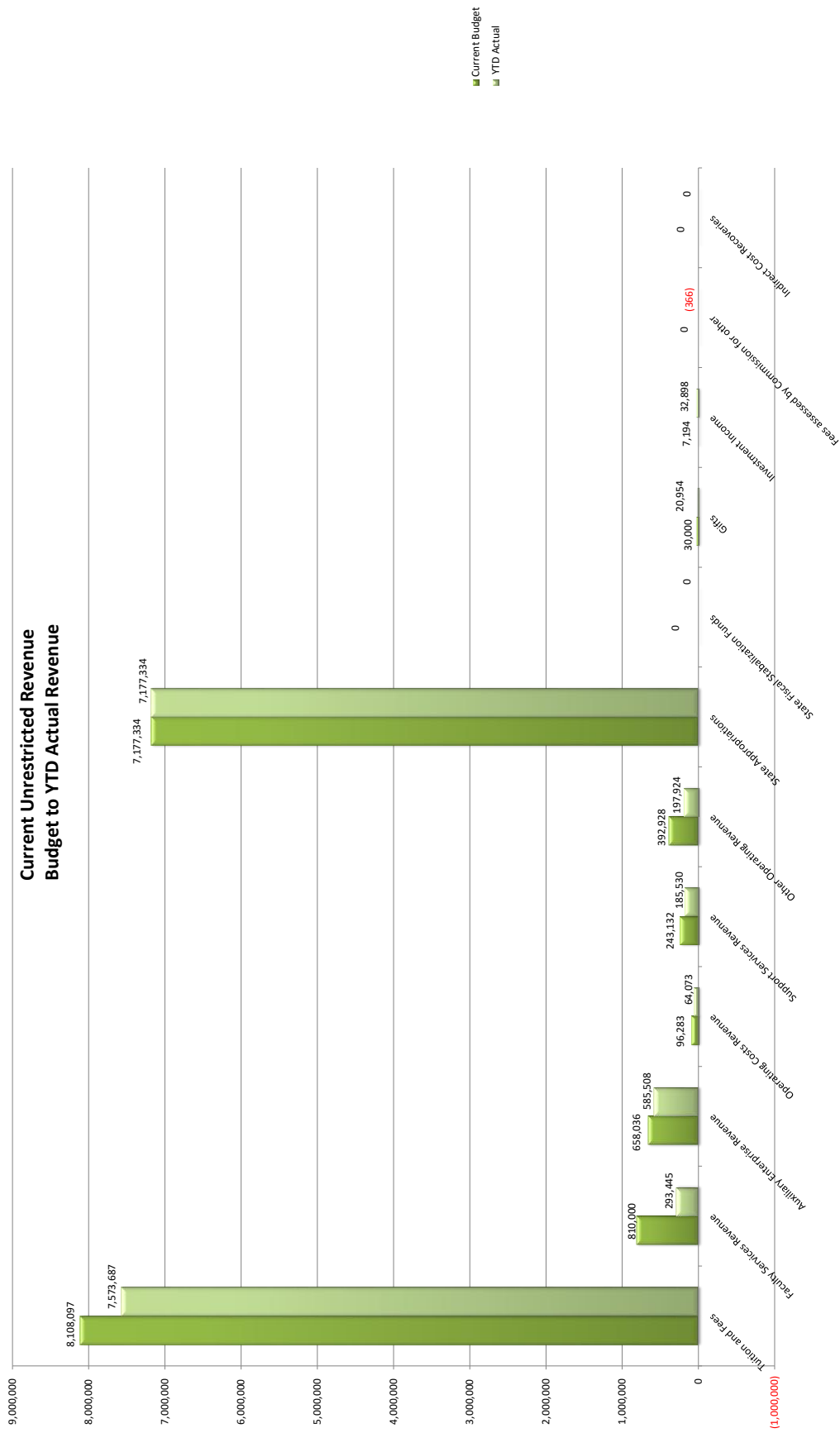
As of June 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	1,510,682	1,483,779	1,249,161	84.19
	Other Operating Revenues	334,138	344,928	150,711	43.69
	Total:	1,844,821	1,828,707	1,399,872	76.55
OPERATING EXPENSE					
	Salaries	685,419	706,209	427,453	60.53
	Benefits	80,845	107,642	65,384	60.74
	Student financial aid - scholarships	11,500	11,000	1,672	15.20
	Utilities	3,999	3,999	1,917	47.93
	Supplies and Other Services	1,013,386	959,242	624,033	65.05
	Equipment Expense	76,176	73,044	85,931	117.64
	Loan cancellations and write-offs	0	0	(397)	0.00
	Assessment for Student Activity Costs	0	0	0	0.00
	Total:	1,871,325	1,861,136	1,205,992	64.80
OPERATING INCOME / (LOSS)		(26,505)	(32,429)	193,880	(597.86)
NONOPERATING REVENUE (EXPENSE)					
	Gifts	30,000	30,000	20,954	69.85
	Investment Income	0	0	0	0.00
	Total:	30,000	30,000	20,954	69.85
TRANSFERS & OTHER					
	Capital Expenditures	0	0	(7,165)	0.00
	Indirect Cost Recoveries	0	0	0	0.00
	Transfers - Other	386	0	107,158	0.00
	One-time use of reserve	0	0	0	0.00
	Total:	386	0	99,993	0.00
BUDGET BALANCE		3,881	(2,429)	314,826	(12,961.04)
Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,107,604	1,107,604		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>1,111,485</u>	<u>1,105,175</u>		

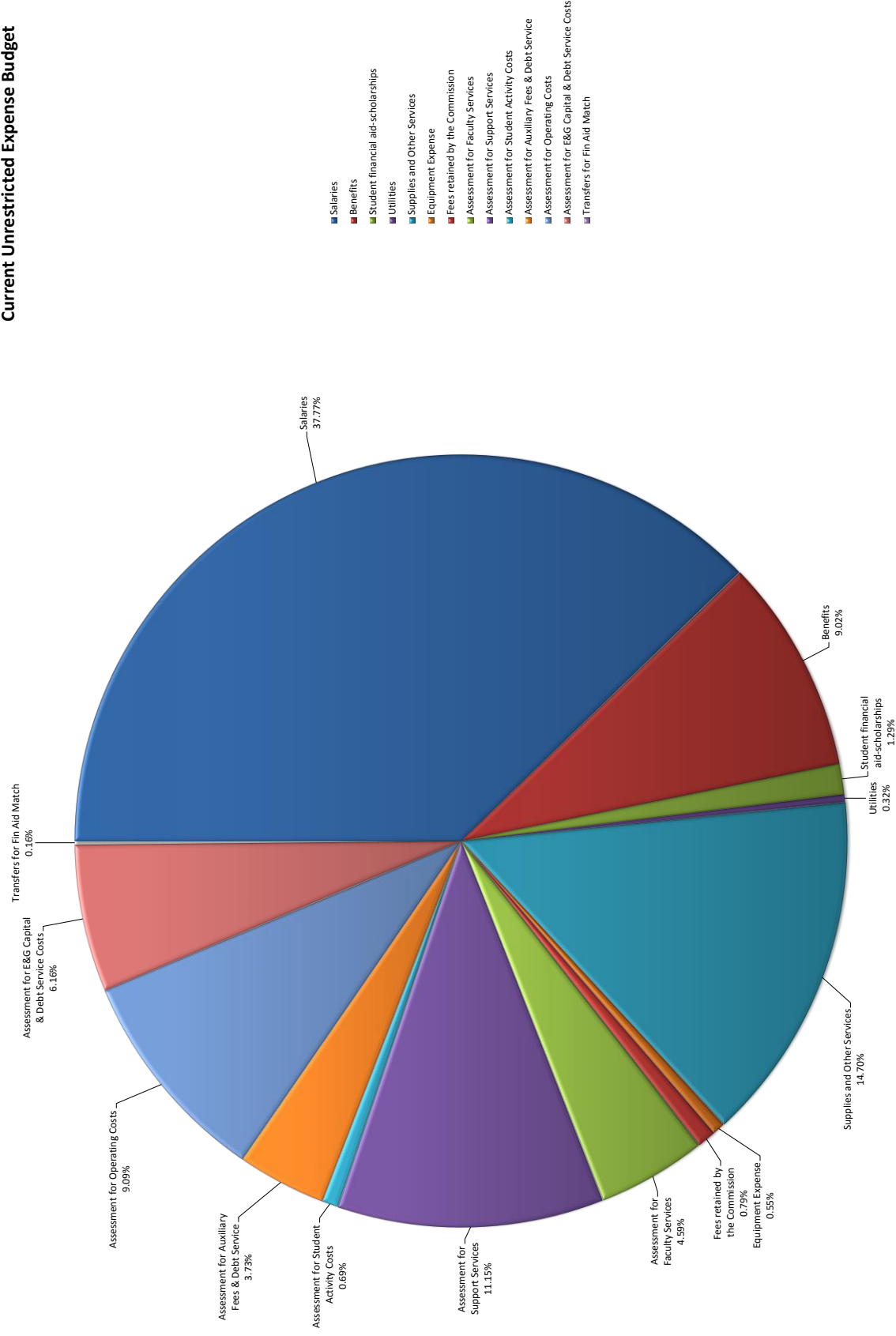
Current Unrestricted Revenue Budget



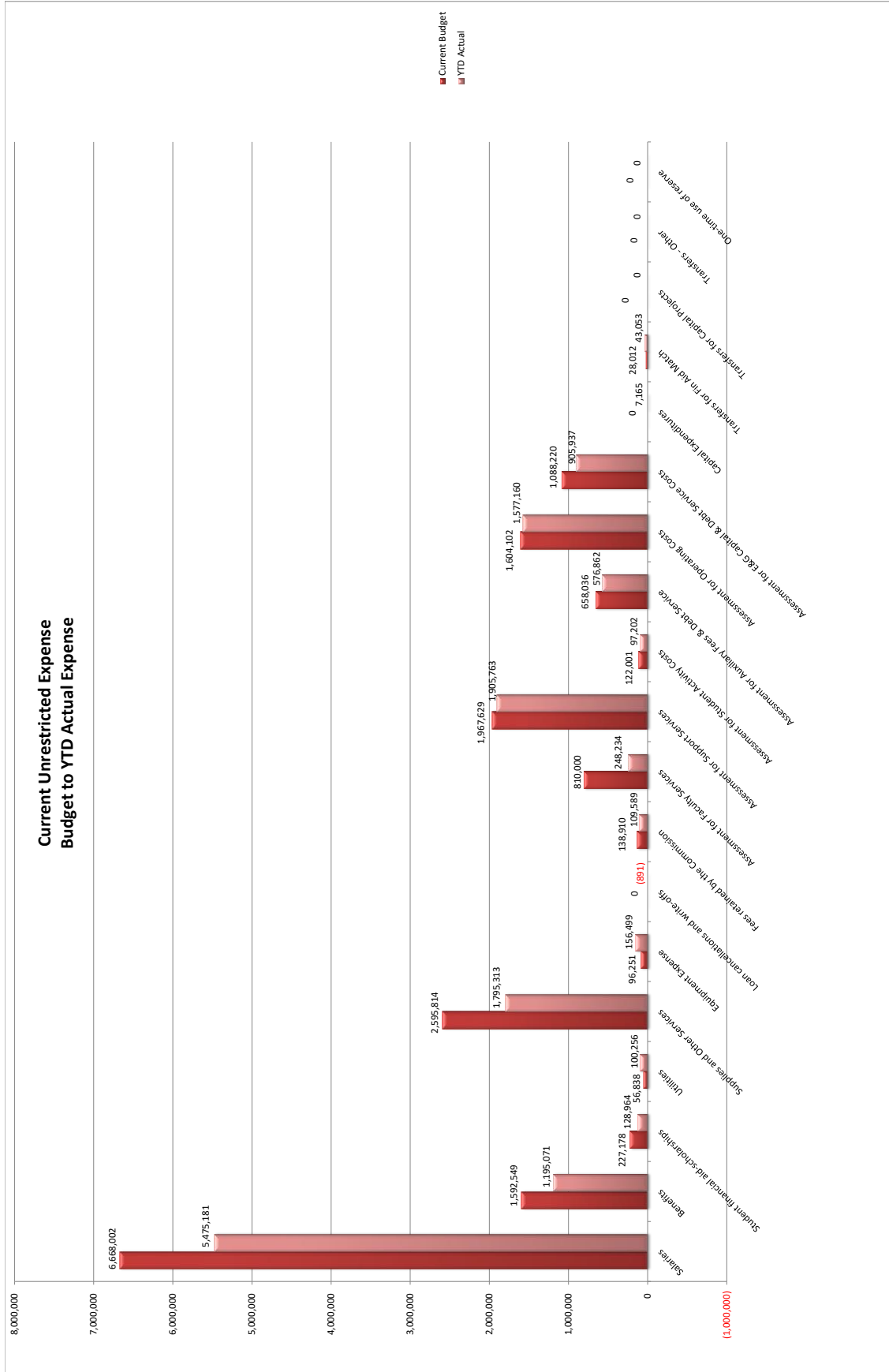
Current Unrestricted Revenue Budget to YTD Actual Revenue



Current Unrestricted Expense Budget



Current Unrestricted Expense
Budget to YTD Actual Expense



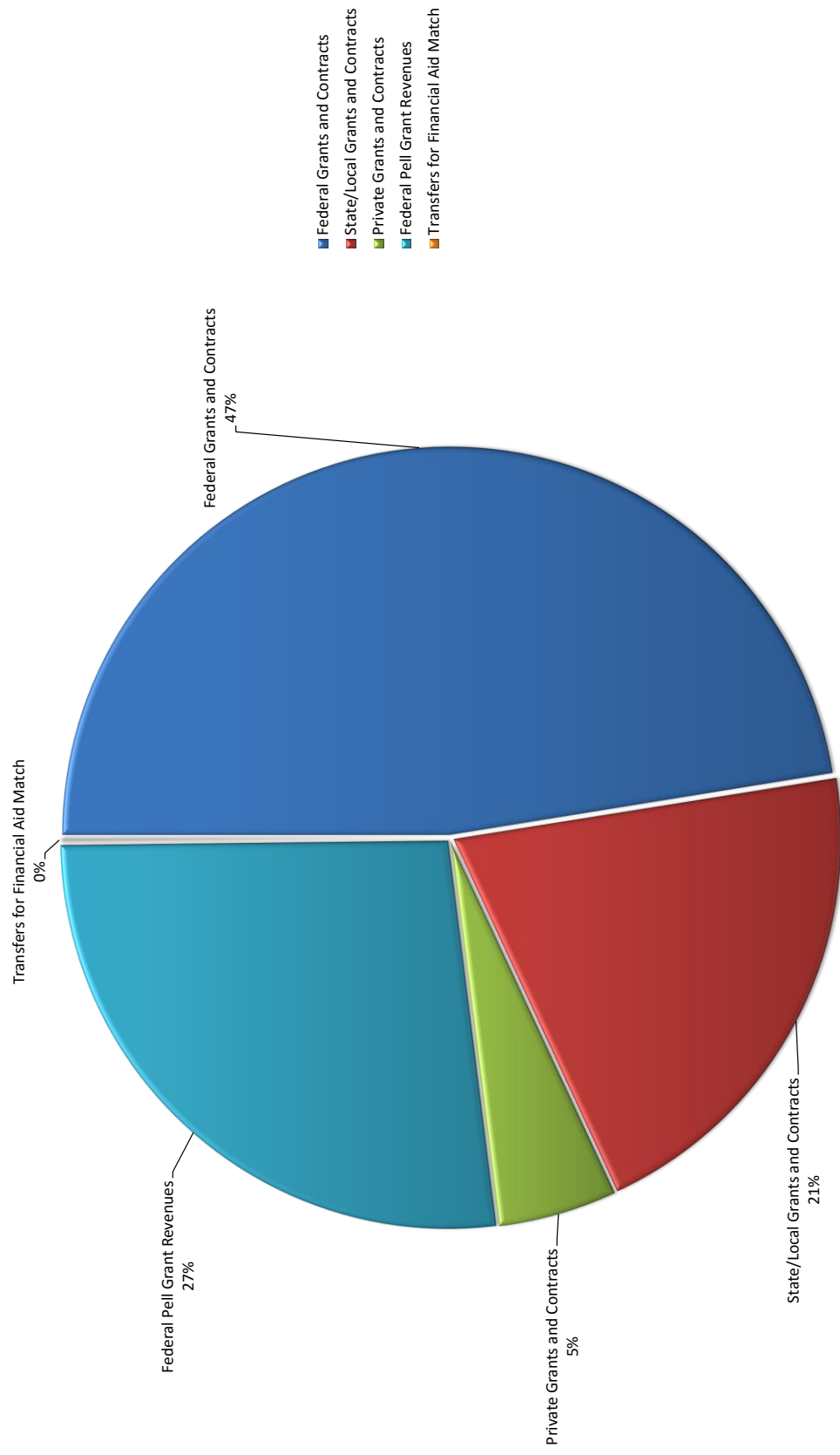
Pierpont Community and Technical College
Board of Governors
Financial Report
For the period ending June 30, 2017

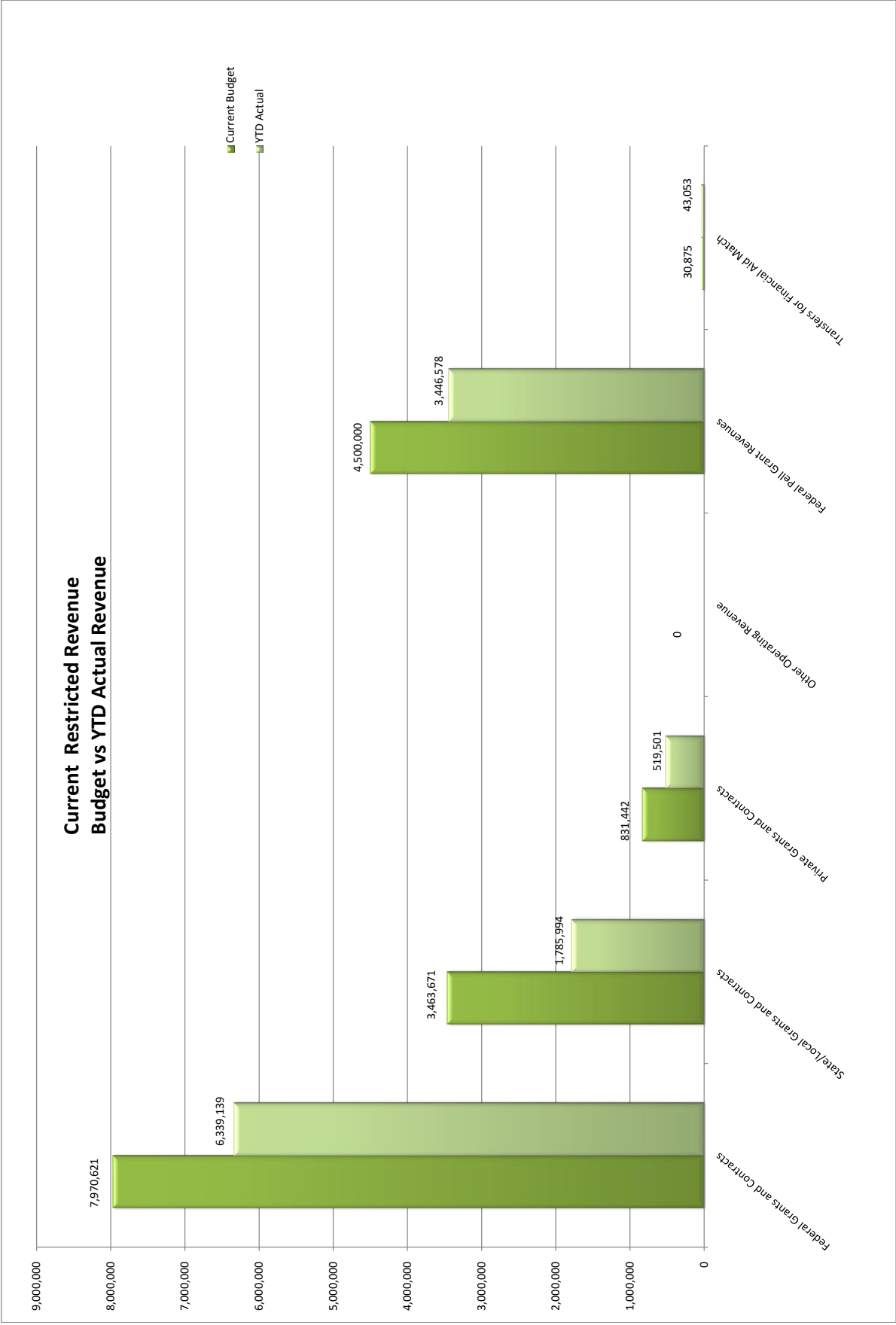
New Grant Funds	0
Gifts	1,000
Foundation Faculty Award (Bachlechner)	1,000
Other Grant/Restricted Fund Related Changes	(2,841)
Correction to DHHR Student Service Grant (No 1st Quarter Expenses to Invoice)	(64)
Close Out of WV Advance Grants	(2,777)
Net Change	0

Pierpont Community and Technical College
Budget vs Actual Statement of Revenues and Expenses
For the period ending June 30, 2017

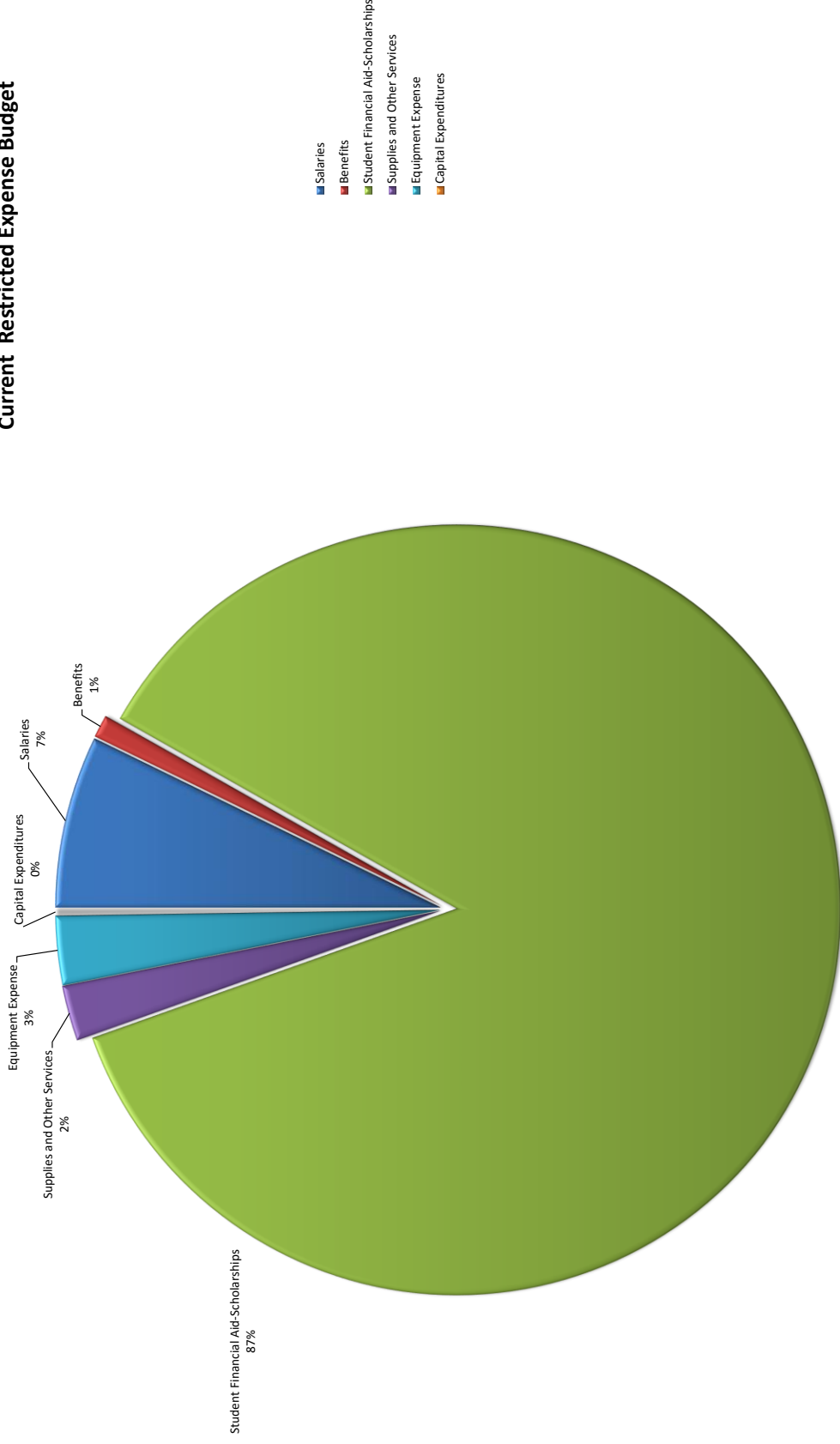
	Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE				
Federal Grants and Contracts	7,962,032	7,970,621	6,339,139	79.53
State/Local Grants and Contracts	3,456,272	3,463,671	1,785,994	51.56
Private Grants and Contracts	534,359	831,442	519,501	62.48
Total:	11,952,664	12,265,735	8,644,634	70.48
OPERATING EXPENSE				
Salaries	1,176,692	1,212,396	550,560	45.41
Benefits	90,407	160,681	114,473	71.24
Student financial aid-scholarships	14,457,749	14,509,799	11,046,580	76.13
Supplies and Other Services	364,099	389,458	217,175	55.76
Equipment Expense	404,219	483,086	157,876	32.68
Total:	16,493,167	16,755,420	12,086,664	72.14
OPERATING INCOME / (LOSS)	(4,540,503)	(4,489,686)	(3,442,030)	76.67
NONOPERATING REVENUE (EXPENSE)				
Federal Pell Grant Revenues	4,500,000	4,500,000	3,446,578	76.59
Investment Income	0	0	0	0.00
Gifts	0	1,000	(59)	0.00
	4,500,000	4,501,000	3,446,519	76.57
TRANSFERS & OTHER				
Capital Expenditures	(18,526)	(39,639)	(15,965)	40.28
Construction Expenditures	0	0	0	0.00
Transfers for Fin Aid Match	61,006	30,875	43,053	139.44
Indirect Cost Recoveries	0	0	0	0.00
Transfers - Other	0	0	0	0.00
Total:	42,480	(8,764)	27,088	(309.08)
BUDGET BALANCE	1,978	2,550	31,578	1238.16
Add: RESTRICTED NET ASSETS - Beginning of Year	1,004,053	1,004,053		
PROJECTED RESTRICTED NET ASSETS - End of Year	1,006,031	1,006,604		

Current Restricted Revenue Budget

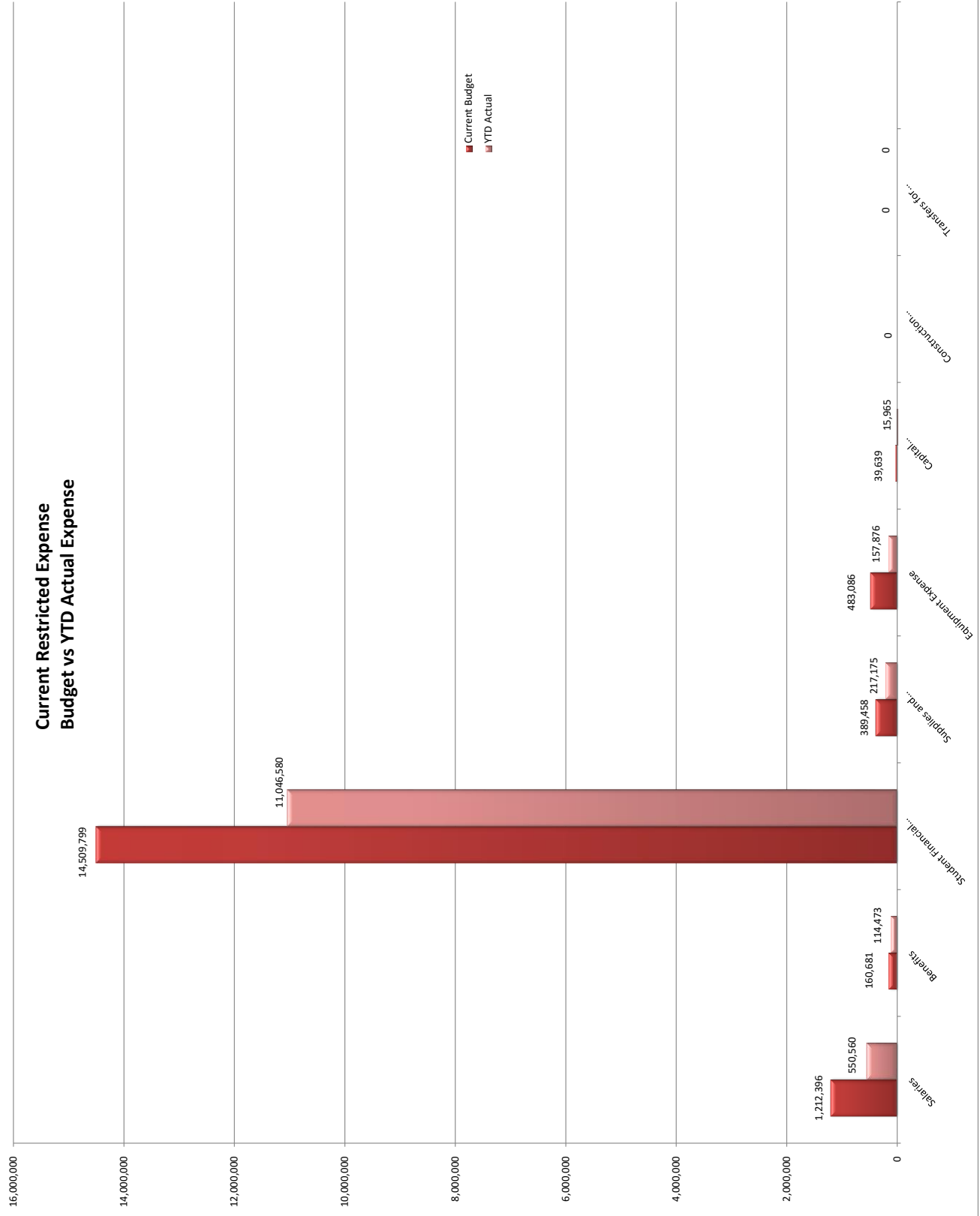




Current Restricted Expense Budget



Current Restricted Expense Budget vs YTD Actual Expense



Tab

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**Pierpont Community & Technical College Board of Governors
Meeting of September 19, 2017**

ITEM: Policy No. 52 – Degree Definitions

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved, that the Pierpont Board of Governors approve the announcement and acceptance of public comments for a period of 30 days for Policy No. 52 – Degree Definitions

STAFF MEMBER: Brian Floyd

BACKGROUND: Language in the existing Degree Definitions Policy has become outdated and needs clarification and formatting revisions.

PUBLIC COMMENT PERIOD: September 20, 2017 to October 19, 2017

All comments are to be made in writing to:

*Cyndee K. Sensibaugh
Executive Assistant to the President
Pierpont Community & Technical College
Hardway Building, Room 201
1201 Locust Avenue
Fairmont, WV 26554
Cyndee.Sensibaugh@Pierpont.edu*

*A written copy of the proposed policy is available for public viewing at:
Hardway Building, Room 201
1201 Locust Avenue, Fairmont WV.*

Policy 52 - Degree Definitions
Draft - with markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 52
TITLE: Degree Definitions

Effective Date: September 27, 2006

Amended:

Repealed:

SECTION 1: ~~General~~GENERAL

1.1 ~~Scope~~ This policy defines the degrees that may be awarded by Pierpont Community & Technical College (Pierpont) and is intended to be used in design of all degrees programs at the College.

1.2 Title 135 Procedural Rule, West Virginia Council for Community and Technical College Education (WVCTCE); Series 11 Degree Designation, General Education Requirements, New Program Approval, and Discontinuance of Existing Programs:

1.2.1 Certificate and Associate Degree programs are central to the mission of community and technical colleges. They are a means through which the institution develops and maintains integrity in its educational programs. Appropriately defined, these degrees become an integrating force for the institution, set academic standards and goals for achievement of students, and establish the relationship between the college and other institutions at community colleges and baccalaureate college levels.

1.2.2 The Associate Degree is recognized by Baccalaureate Degree granting institutions and by employers as a critical indicator that a student has demonstrated proficiencies at levels deemed appropriate to enter upper-division college programs or to enter a field of work. Certificate of Applied Science and Associate degree programs must consist of a coherent and sequenced set of courses, including an evaluation procedure that assesses the outcomes of the learning process.

1.2.3 All degree programs must include a complement of general education requirements appropriate to the level of degree.

SECTION 2: ~~Definitions~~DEFINITIONS

2.1 Degree Program: A degree program is an area of study approved by Pierpont, the WVCTCE, the Higher Learning Commission (HLC), and the U. S. Department of Education (USDOE) when applicable, and listed on the official WVCTCE inventory of degree programs. That degree, which is an award signifying a rank or level of educational attainment and which is conferred on students who have successfully completed a degree program, is represented by the official degree designation, e.e. A.A. – Associate in Arts, A.S. – Associate in Science, A.A.S – Associate in Applied Science, or C.A.S. – Certificate in Applied Science. The degree program completed would be listed on the student's diploma.

2.1.1 For students to earn the degrees, the program must consist of a coherent and sequenced set of courses, including an evaluation procedure that assesses the outcomes of the learning

process. The program must state the proficiency outcomes required for the students to transfer to baccalaureate institutions and/or achieve career goals.

2.1.2 Certificate and associate degree programs must include a full complement of general education requirements appropriate to the level of the degree, including essential communication and computation skills.

2.42 Associate Degree: A program of study equivalent to two years of full-time study consisting of major and liberal studies (general education) components.

2.2.1 The Associate in Arts (AA) Degree: The purpose and intent of this degree are to prepare the student to transfer to an upper division baccalaureate degree program. It gives emphasis to those majoring in the arts, humanities, social sciences, and similar areas. While a student may enter directly into employment upon attainment of this degree, the goal of programs that award this degree is successful transfer with junior status. The degree designator consists of 60 credit hours, unless otherwise required by accrediting agencies.

2.2.1a General Education in this degree designation includes an emphasis in arts, humanities, social sciences, and similar areas. A substantial component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.2 The Associate in Science (AS) Degree: The purpose and intent of this degree are to prepare the student to transfer to an upper division baccalaureate degree program. It gives emphasis to those majoring in the areas with substantial undergraduate requirements in mathematics, natural sciences, and similar areas. While a student may enter directly into employment upon attainment of this degree, the goals of programs that award this degree is successful transfer with junior status. The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.2a General Education in this degree designation includes an emphasis in agriculture, engineering, and technology, and the sciences with a substantial undergraduate requirement in mathematics and the natural sciences. A large component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.3 The Associate in Fine Arts (AFA) Degree: The dual purpose and intent of this degree is to prepare students to enter directly into employment in a specific art-related career while also preparing students for transfer to an upper division baccalaureate program. It gives emphasis to those majoring in areas with substantial emphasis in the arts. While a student may enter directly into employment upon attainment of this degree, the goal of programs that award this degree is successful transfer with junior status. The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.3a General Education in this degree designation includes an emphasis in art-related areas. A large component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.4 The Associate in Applied Science (AAS) Degree: The dual purpose and intent of this degree is to prepare students to enter directly into employment in a specific career. It gives emphasis to those majoring in occupational programs designed with and through employer

advisory committees. It is the goal of this degree to achieve acceptance as an employment credential. While a student may be able to achieve successful transfer of some or all of the courses within this degree, the goal of programs that award this degree is successful employment. The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.4a General Education in this degree designation includes a basic foundation for life-long learning and future career changes, and at least 15 semester hours of coursework for this degree shall be in general education, unless otherwise required by the accrediting agency. General education shall include communication and computation skills and other general education coursework related to the specific occupational career area.

2.2 Bachelor's Degree: A program of study equivalent to 4 years of full-time study —consisting of a major, liberal studies (general education) courses and elective —components.

2.3 Certificate of Applied Science (CAS) Degree: A program of study equivalent to at least one but less than two years of full time study consisting of major and general education components.

2.3.1 Certificate of Applied Science (CAS) Degree: A certificate program in applied science is a coherent, specializes curriculum designed for students in search of a specific body of knowledge for personal/career development or professional continuing education. The purpose and intent of the certificate degree program are to prepare the student to enter directly into employment in a specific career and meet the documented workforce needs of local employers. Generally, certificate programs provide the foundation for the Associate in Applied Science (AAS) Degree for occupational programs. Like the AAS degree, the goal of certificates is to achieve acceptance as an employment credential. The degree designation consists of 30 credit hours, unless otherwise required by accrediting agencies.

2.3.1a General Education in this degree designation includes at least 6 semester hours of coursework, including courses in essential communication and computation skills.

2.4 Program of Study: A program of study is a defined curriculum within an approved degree program. An institution should include the program of study on the student transcript. The program of study is identified by a distinct Classification of Instructional Programs (CIP) Code.

2.5 Concentration: Concentrations provide a thematic focus of study that enables the student to spend time and effort to acquire depth in a particular discipline, in addition to meeting the normal breadth of requirements for the associate's degree. A student might choose a concentration to begin early preparation for a specific academic area that they might wish to later pursue in a bachelor degree program. Typically, approximately 12-18 credit hours would be expected for a concentration within an associate degree program. Concentrations should appear on the student transcript.

2.6 Advanced Skill Certificate: A series of courses or competencies that prepare individuals for a specific skill and carry value of 12 or more but less than 30 credit hours, or non-credit contact hours equivalent to 12 or more but less than 30 credit hours. Certificates may be contained within a degree program, or be a standalone certificate that is not financial aid eligible.

2.7 Skills Set Certificate: A series of courses or competencies that prepare individuals for a specific skill and carry value fewer than 12 credit hours or non-credit contact hours equivalent to fewer than 12 credit hours. Certificates may be contained within a degree program, or be a standalone certificate that is not financial aid eligible.

~~2.3 Master's Degree: A program of study equivalent to 1 to 2 years of study. A master's degree generally follows completion of a bachelor's degree but in certain circumstances advanced baccalaureate students may be dual enrolled in a master's program. A master's degree cannot be attained before completion of a bachelor's degree.~~

~~2.4 Major: A specialized program of study that prepares a student for entry level into a profession (e.g. teaching, engineering, business, performance in the arts), graduate school, professional school or entry level employment in a field requiring general qualifications. For the purpose of this rule, courses that are required in the major and that also satisfy liberal studies requirements may be counted formally as part of liberal studies, rather than as part of the major requirement. A major shall consist of between 32 and 65 credit hours. A major may include a required minor, but the total credit hours for the major, including the minor, may not exceed 65.~~

~~2.5 Minor: A specialized program of study used to complement a major by providing a secondary area of expertise. A minor shall consist of between 18 and 24 credit hours.~~

~~2.6 Liberal Studies (General Education): The Pierpont Community & Technical College Board of Governors endorses the North Central Association Higher Learning Commission's Statement on General Education (February 21, 2003) which states in part, "Understanding and appreciating diverse cultures, mastering multiple modes of inquiry, effectively analyzing and communicating information, and recognizing the importance of creativity and values to the human spirit not only allow people to live richer lives but also are a foundation for most careers and for the informed exercise of local, national, and international citizenship." Liberal studies courses shall consist of between 32 and 42 credit hours for a bachelor's degree and between 16 and 21 credits for an associate's degree.~~

~~2.7 Free Electives: Courses chosen by a student to broaden their areas of study in a self directed manner. Free Electives may not be specified by the program or institutional faculty. Baccalaureate students must be given a minimum of 21 hours of free elective credit as part of their program of study.~~

SECTION ~~33~~: Board PolicyBOARD POLICY:

~~3.1 Requirements for master's degrees offered by Pierpont Community & Technical College are limited to a maximum of 36 semester hours of credit. Exceptions to this policy must be recommended by the program and approved by the Board of Governors. Exceptions will be limited in number and approved only on the basis of the criteria listed in Section 4 below.~~

~~3.2 Requirements for bachelor's degrees offered by Pierpont Community & Technical College are limited to a maximum of 128 semester hours of credit. The degree program of study shall include major, liberal studies (general education) and elective components. Exceptions to this policy must be recommended by the provost and approved by the Board of Governors. Exceptions will be approved only on the basis of the criteria listed below.~~

3.1 ~~3.3~~ Requirements for Associate Degrees offered by Pierpont ~~Community &~~

~~Technical College~~ are limited to a maximum of ~~72-60~~ semester hours of credit and must meet requirements outlined in ~~WVCCTC West Virginia Council for Community and Technical College Education Series 11~~Series 7. The degree program of study shall include major and ~~liberal studies~~ ~~(general education)~~ components. Exceptions to this policy, for programs established prior to 2011, must be approved by the President, as appropriate, and approved by the Board of Governors. Exceptions will be approved only on the basis of the criteria listed in Section 4 below by the WVCTCE.

SECTION 4: Procedure

~~4.1 Programs seeking exceptions to any of the maximum credit hour limits must submit formal requests to the Board of Governors for approval. The rationale for the exception must document the existence of one or more of the criteria in paragraph 4.2 below.~~

4.2 Criteria

~~4.2.1. Accreditation standards of the appropriate specialized accrediting agency mandate more credit hours than allowed in section 3.~~

~~4.2.2. Licensing standards of the profession involved require more credit hours than allowed in section 3.~~

3.2 Requirements for CAS Degrees offered by Pierpont are limited to a maximum of 30 credit hours and must meet requirements outlined in West Virginia Council for Community and Technical College Education Series 11. The degree program of study shall include major and general education components. All AA; AS degrees must follow Series 11, Intent to Plan guidelines. Board approved programs must be pre-approved by the Higher Learning Commission (HLC) and the U.S. Department of Education.

~~4.2.3. Employment and initial success in the profession require more credit hours than allowed in section 3.~~

~~4.3 The burden of proof will be on the program requesting exceptions to document that any or all of the above conditions are present with regard to their particular situation.~~

SECTION 5: Implementation

~~5.1 The lesser of two or 50% of existing programs in each School or College will be in compliance with this policy by Fall 2007. All other existing programs must conform to the policy by Fall 2008. New programs must conform at the time of approval~~

Policy 52 - Degree Definitions
Draft - without markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 52
TITLE: Degree Definitions

Effective Date: September 27, 2006

Amended:

Repealed:

SECTION 1: GENERAL

- 1.1 This policy defines the degrees that may be awarded by Pierpont Community & Technical College (Pierpont) and is intended to be used in design of all degrees programs at the College.
- 1.2 Title 135 Procedural Rule, West Virginia Council for Community and Technical College Education (WVCTCE); Series 11 Degree Designation, General Education Requirements, New Program Approval, and Discontinuance of Existing Programs:
 - 1.2.1 Certificate and Associate Degree programs are central to the mission of community and technical colleges. They are a means through which the institution develops and maintains integrity in its educational programs. Appropriately defined, these degrees become an integrating force for the institution, set academic standards and goals for achievement of students, and establish the relationship between the college and other institutions at community colleges and baccalaureate college levels.
 - 1.2.2 The Associate Degree is recognized by Baccalaureate Degree granting institutions and by employers as a critical indicator that a student has demonstrated proficiencies at levels deemed appropriate to enter upper-division college programs or to enter a field of work. Certificate of Applied Science and Associate degree programs must consist of a coherent and sequenced set of courses, including an evaluation procedure that assesses the outcomes of the learning process.
 - 1.2.3 All degree programs must include a complement of general education requirements appropriate to the level of degree.

SECTION 2: DEFINITIONS

- 2.1 Degree Program: A degree program is an area of study approved by Pierpont, the WVCTCE, the Higher Learning Commission (HLC), and the U. S. Department of Education (USDOE) when applicable, and listed on the official WVCTCE inventory of degree programs. That degree, which is an award signifying a rank or level of educational attainment and which is conferred on students who have successfully completed a degree program, is represented by the official degree designation, e.e. A.A. – Associate in Arts, A.S. – Associate in Science, A.A.S – Associate in Applied Science, or C.A.S. – Certificate in Applied Science. The degree program completed would be listed on the student's diploma.
 - 2.1.1 For students to earn the degrees, the program must consist of a coherent and sequenced set of courses, including an evaluation procedure that assesses the outcomes of the learning process. The program must state the proficiency outcomes required for the students to transfer to baccalaureate institutions and/or achieve career goals.

2.1.2 Certificate and associate degree programs must include a full complement of general education requirements appropriate to the level of the degree, including essential communication and computation skills.

2.2 Associate Degree: A program of study equivalent to two years of full-time study consisting of major and liberal studies (general education) components.

2.2.1 The Associate in Arts (AA) Degree: The purpose and intent of this degree are to prepare the student to transfer to an upper division baccalaureate degree program. It gives emphasis to those majoring in the arts, humanities, social sciences, and similar areas. While a student may enter directly into employment upon attainment of this degree, the goal of programs that award this degree is successful transfer with junior status. The degree designator consists of 60 credit hours, unless otherwise required by accrediting agencies.

2.2.1a General Education in this degree designation includes an emphasis in arts, humanities, social sciences, and similar areas. A substantial component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.2 The Associate in Science (AS) Degree: The purpose and intent of this degree are to prepare the student to transfer to an upper division baccalaureate degree program. It gives emphasis to those majoring in the areas with substantial undergraduate requirements in mathematics, natural sciences, and similar areas. While a student may enter directly into employment upon attainment of this degree, the goals of programs that award this degree is successful transfer with junior status. The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.2a General Education in this degree designation includes an emphasis in agriculture, engineering, and technology, and the sciences with a substantial undergraduate requirement in mathematics and the natural sciences. A large component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.3 The Associate in Fine Arts (AFA) Degree: The dual purpose and intent of this degree is to prepare students to enter directly into employment in a specific art-related career while also preparing students for transfer to an upper division baccalaureate program. It gives emphasis to those majoring in areas with substantial emphasis in the arts. While a student may enter directly into employment upon attainment of this degree, the goal of programs that award this degree is successful transfer with junior status. The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.3a General Education in this degree designation includes an emphasis in art-related areas. A large component of this degree, at least 24 semester hours of coursework, shall be in general education.

2.2.4 The Associate in Applied Science (AAS) Degree: The dual purpose and intent of this degree is to prepare students to enter directly into employment in a specific career. It gives emphasis to those majoring in occupational programs designed with and through employer advisory committees. It is the goal of this degree to achieve acceptance as an employment credential. While a student may be able to achieve successful transfer of some or all of the courses within this degree, the goal of programs that award this degree is successful employment.

The degree designation consists of 60 credit hours unless otherwise required by accrediting agencies.

2.2.4a General Education in this degree designation includes a basic foundation for life-long learning and future career changes, and at least 15 semester hours of coursework for this degree shall be in general education, unless otherwise required by the accrediting agency. General education shall include communication and computation skills and other general education coursework related to the specific occupational career area.

2.3 Certificate of Applied Science (CAS) Degree: A program of study equivalent to at least one but less than two years of full time study consisting of major and general education components.

2.3.1 Certificate of Applied Science (CAS) Degree: A certificate program in applied science is a coherent, specializes curriculum designed for students in search of a specific body of knowledge for personal/career development or professional continuing education. The purpose and intent of the certificate degree program are to prepare the student to enter directly into employment in a specific career and meet the documented workforce needs of local employers. Generally, certificate programs provide the foundation for the Associate in Applied Science (AAS) Degree for occupational programs. Like the AAS degree, the goal of certificates is to achieve acceptance as an employment credential. The degree designation consists of 30 credit hours, unless otherwise required by accrediting agencies.

2.3.1a General Education in this degree designation includes at least 6 semester hours of coursework, including courses in essential communication and computation skills.

2.4 Program of Study: A program of study is a defined curriculum within an approved degree program. An institution should include the program of study on the student transcript. The program of study is identified by a distinct Classification of Instructional Programs (CIP) Code.

2.5 Concentration: Concentrations provide a thematic focus of study that enables the student to spend time and effort to acquire depth in a particular discipline, in addition to meeting the normal breadth of requirements for the associate's degree. A student might choose a concentration to begin early preparation for a specific academic area that they might wish to later pursue in a bachelor degree program. Typically, approximately 12-18 credit hours would be expected for a concentration within an associate degree program. Concentrations should appear on the student transcript.

2.6 Advanced Skill Certificate: A series of courses or competencies that prepare individuals for a specific skill and carry value of 12 or more but less than 30 credit hours, or non-credit contact hours equivalent to 12 or more but less than 30 credit hours. Certificates may be contained within a degree program, or be a standalone certificate that is not financial aid eligible.

2.7 Skills Set Certificate: A series of courses or competencies that prepare individuals for a specific skill and carry value fewer than 12 credit hours or non-credit contact hours equivalent to fewer than 12 credit hours. Certificates may be contained within a degree program, or be a standalone certificate that is not financial aid eligible.

SECTION 3: BOARD POLICY

3.1 Requirements for Associate Degrees offered by Pierpont are limited to a maximum of 60 semester hours of credit and must meet requirements outlined in West Virginia Council for Community and

Technical College Education Series 11. The degree program of study shall include major and general education components. Exceptions to this policy, for programs established prior to 2011, must be approved by the President, as appropriate, and approved by the Board of Governors. Exceptions will be approved by the WVCTCE.

- 3.2 Requirements for CAS Degrees offered by Pierpont are limited to a maximum of 30 credit hours and must meet requirements outlined in West Virginia Council for Community and Technical College Education Series 11. The degree program of study shall include major and general education components. All AA; AS degrees must follow Series 11, Intent to Plan guidelines. Board approved programs must be pre-approved by the Higher Learning Commission (HLC) and the U.S. Department of Education.

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**Pierpont Community & Technical College Board of Governors
Meeting of September 19, 2017**

ITEM: Policy No. 9 – Sexual Harassment (Title IX)

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved, that the Pierpont Board of Governors approve the announcement and acceptance of public comments for a period of 30 days for Policy No. 9 – Sexual Harassment (Title IX).

STAFF MEMBER: Dale Bradley

BACKGROUND:

In alignment with the Sexual Harassment (Title IX) Policy, approved in May 2017 by the Board of Governors of Fairmont State University, Pierpont Community & Technical College seeks to modify its Sexual Harassment Policy to comply with federal, state, and local laws and regulations. Specifically, this policy upholds WV Code § 18B-1-6; Title IX of the Education Amendments of 1972, including accompanying regulations and guidance provided by the U.S. Department of Education Office for Civil Rights Act of 1964, including accompanying regulations and guidance provided by the Equal Employment Opportunity Commission (EEOC); applicable federal court decisions. The Sexual Harassment (Title IX) Policy amends the current Policy No. 9 Sexually Harassment and replaces current Policy No. 42 Consensual Romantic or Sexual Relationships.

PUBLIC COMMENT PERIOD: September 20, 2017 to October 19, 2017

All comments are to be made in writing to:

*Cyndee K. Sensibaugh
Executive Assistant to the President
Pierpont Community & Technical College
Hardway Building, Room 201
1201 Locust Avenue
Fairmont, WV 26554
Cyndee.Sensibaugh@Pierpont.edu*

*A written copy of the proposed policy is available for public viewing at:
Hardway Building, Room 201, 1201 Locust Avenue, Fairmont WV.*

Policy 9 - Sexual Harassment
Draft - with markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 9
TITLE: SEXUAL HARASSMENT - draft

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Effective Date: July 1, 2002
Amended:
Repealed:

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SECTION 1. GENERAL

1.1 Scope:

~~1.1~~

~~This rule defines sexual harassment, provides guidelines for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment.~~

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This rule defines sexual harassment and sex and gender discrimination and provides guidelines for filing complaints regarding sexual harassment and sex and gender discrimination.

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1.2 Authority:

West Virginia Code § 18B-1-6. A policy statement issued by the Office for Civil Rights of the U.S. Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment. This policy complies with federal, state and local laws and regulations. Specifically, this policy upholds: West Virginia Code § 18B-1-6; Title IX of the Education Amendments of 1972, including accompanying regulations and guidance provided by the U.S. Department of Education's Office for Civil Rights; Title VII of the Civil Rights Act of 1964, including accompanying regulations and guidance provided by the Equal Employment Opportunity Commission (EEOC); Applicable federal court decisions. This policy replaces policies 09, "Sexual Harassment," and 42, "Consensual Romantic or Sexual Relationships."

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1.3 Investigation and Resolution

All alleged violations of this policy will be promptly, thoroughly, and impartially addressed using Pierpont Community & Technical College Title IX Investigative and Resolution Procedures.

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1.34 Effective Date: Upon passage July 1, 2002

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SECTION 2. POLICY

- 2.1 It is the policy of the Pierpont Community & Technical College Board of Governors to maintain a work and educational environment free from all forms of sexual harassment and sex or gender discrimination of any employee, applicant for employment, ~~or student, guest or visitor.~~ Sexual harassment ~~harassment in any manner or form~~ is expressly prohibited. It is the responsibility of Pierpont Community & Technical College to ~~provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known.~~ Supervisors at every level are of primary importance in the implementation and ~~enforcement of this rule.~~ strive to maintain an environment free of such conduct and to take prompt, thorough and impartial measures to stop the harassment, remedy its effects and prevent its recurrence once the institution receives notice of sexual harassment or sex or gender based discrimination.

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SECTION 3. DEFINITION

3.13.1 Sexual Harassment.

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Sexual harassment is intended to be defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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3.1.1 submission to such conduct is an explicit or implicit condition of employment;

3.1.2 submission to or rejection of such conduct is used as the basis for employment decisions; or

3.1.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

Sexual Harassment is:

unwelcome;

- sexual, sex-based and/or gender/gender identity-based verbal, written, online and/or physical conduct.

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Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator, Title IX Investigator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment. A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and

- objectively offensive that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational [and/or employment], social and/or residential program.

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Quid Pro Quo Harassment is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

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- By a person having power or authority over another constitutes sexual harassment when

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- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.

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- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

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Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Romantic or sexual relationships between a faculty member and current student, or between a supervisor and employee or between two people where one has authority or power over the other are by their nature discriminatory and are prohibited. Exceptions are recognized for employees or students in established marriages, partnerships or relationships.

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Some examples of possible Sexual Harassment include:

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- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list/s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in an employee's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her/his class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She/He probes for explicit details, and demands that students answer her/him, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former

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boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus

- Student A grabs Student B by the hair, then garbs the Student B's breast and then places their mouth on it. While this is sexual harassment, it is also sexual violence.

~~A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.~~

• Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.¹

Sexual Contact includes:

- Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

3.2 Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse

¹ The use of force is not "worse" than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but charges under the code for the additional assaultive behavior.

- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.²

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

3.3 Sexual Exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage

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of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

3.4 Additional Applicable Definitions:

- Consent:
 - Consent is
 - clear, and
 - knowing, and
 - voluntary, affirmative and conscious,
 - words or actions,
 - that give permission for specific sexual activity.
 - Consent is active, not passive.
 - Silence, in and of itself, cannot be interpreted as consent.

2/d.

- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.

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- The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of ~~rape~~ drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.]

• Force:

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

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- Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

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- NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.

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- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

For reference to the pertinent state statutes on sex offenses, please see [insert reference here, or place in Appendix].

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3.5 Related Misconduct Offenses (Will Fall Under this Policy When Sex or Gender-Based)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other:
 - A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
 - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
 - Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.
- Stalking
 - Repetitive and menacing.
 - Pursuit, following, harassing, and/or interfering with the peace and/or safety of another.
 - Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

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3.7 Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of College policy.

SECTION 4. SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in [as appropriate] the Student Handbook.

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https://www.pierpont.edu/sites/default/files/forms/Student_Affairs/2014-2015%20Student%20Handbook.pdf; [the Faculty Handbook](#); https://www.pierpont.edu/sites/default/files/Handbook_Faculty_2013_2014_2.pdf; and the [Staff Handbook](#); https://www.pierpont.edu/sites/default/files/PP_StaffHndbk_Online.pdf.

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

4.1 Student Sanctions (Listed Below and Defined in the Student Handbook)

- [Warning](#)
- [Probation](#)
- [Suspension](#)
- [Expulsion](#)
- [Withholding Diploma](#)
- [Revocation of Degree](#)
- [Transcript Notation](#)
- [Organizational Sanctions](#)
- [Other Actions](#)

4.2 Employee Sanctions (Listed Below and Defined in the Faculty and Employee Handbooks)

- [Warning – Written or Verbal](#)
- [Performance Improvement Plan](#)
- [Required Counseling](#)
- [Required Training or Education](#)
- [Demotion](#)
- [Loss of/Ineligibility for Raise or Pay Increase](#)
- [Suspension without Pay](#)
- [Suspension without Pay](#)
- [Revocation of Tenure](#)
- [Termination](#)

4.3 Sanctioning for Sexual Misconduct

- [Any person found responsible for violating the Non-Consensual Sexual Contact policy \(where no intercourse has occurred\) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*](#)
- [Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion \(student\) or suspension or termination \(employee\).*](#)

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- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

SECTION 5. ADDITIONAL POLICY PROVISIONS

5.1 Attempted Violations

In most circumstances, the College will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

5.2 False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* and the Faculty and Staff handbooks to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

5.3 Amnesty for Victims and Witnesses

The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

5.4 Parental Notification

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The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

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SECTION 46. REPORTING AND FILLING of COMPLAINTS

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4.1 — Pierpont shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. The Director of Affirmative Action shall facilitate the proper resolution of complaints with the authority to investigate and report to the president.

In cases involving the president, the complaint shall be filed with the chancellor of the Community & Technical College System.

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4.1.1 — Employees — Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees shall report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.

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4.1.2 — Students — Any student who feels he or she is being sexually harassed should contact the appropriate school chair or the Director of Affirmative Action.

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4.2 — Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action. Depending on the circumstances, sanctions may include termination or expulsion.

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6.1 Reporting Requirements

All College employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the College:

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6.2 Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional psychologists, counselors and staff
- On-campus health service providers and staff
- On-campus Victim Advocate
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit timely anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client or patient.

6.3 Mandatory Reporting

All College employees have a duty to report sexual harassment or discrimination of which they become aware, unless they fall under the “Confidential Reporting” section below. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal College action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, Title IX Investigator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will also be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as small as possible to preserve a reporting party’s rights and privacy

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Reports or complaints may be filed with, as appropriate, the Title IX Coordinator or Title IX Investigator. Reports can be made via email, phone, in writing or in person. Reports may also be made online at <https://www.pierpont.edu/faculty-staff/shared-administration/human-resources>.

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6.4 Title IX Coordinator

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The Title IX Coordinator oversees the College's compliance with Title IX, including the resolution process described in the *Title IX Investigation and Resolution Process*.

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Inquiries about and reports regarding sexual harassment issues and/or these procedures may be made internally to:

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Title IX Coordinator:

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Cindy Curry

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Human Resources Office

324 Hardway Hall

1201 Locust Avenue

Fairmont, WV 26554

304.367.4386

Cindy.Curry@pierpont.edu

or

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Jessica Kropog-Furgason

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Chief Title IX Investigator

Public Safety

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Falcon Center

1201 Locust Avenue

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Fairmont, WV 26554

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Jessica.Kropog@pierpont.edu

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Individuals may also contact the Department of Education's Office for Civil Rights, who oversee enforcement of Title IX:

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Office for Civil Rights (OCR)

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U.S. Department of Education

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400 Maryland Avenue, SW

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Washington, DC 20202-1100

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Customer Service Hotline #: (800) 421-3481

Phone: (877) 521-2172

Fax: (202) 453-6012

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

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Employees may also contact the Equal Employment Opportunity Commission (EEOC) Contact:
<http://www.eeoc.gov/contact/>

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U.S. Equal Employment Opportunity Commission Pittsburgh

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Area Office

William S. Moorhead Federal Building

1000 Liberty Avenue, Suite 1112

Pittsburgh, PA 15222

Phone: 412-395-5902

Fax: 412-395-5749

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Policy 9 - Sexual Harassment
Draft - without markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 9
TITLE: SEXUAL HARASSMENT - draft

Effective Date: July 1, 2002

Amended:

Repealed:

SECTION 1. GENERAL

1.1 Scope

This rule defines sexual harassment and sex and gender discrimination and provides guidelines for filing complaints regarding sexual harassment and sex and gender discrimination.

1.2 Authority

This policy complies with federal, state and local laws and regulations. Specifically, this policy upholds: West Virginia Code § 18B-1-6; Title IX of the Education Amendments of 1972, including accompanying regulations and guidance provided by the U.S. Department of Education's Office for Civil Rights; Title VII of the Civil Rights Act of 1964, including accompanying regulations and guidance provided by the Equal Employment Opportunity Commission (EEOC); Applicable federal court decisions. This policy replaces policies 09, "Sexual Harassment," and 42, "Consensual Romantic or Sexual Relationships."

1.3 Investigation and Resolution

All alleged violations of this policy will be promptly, thoroughly, and impartially addressed using Pierpont Community & Technical College Title IX Investigative and Resolution Procedures.

1.4 Effective Date: Upon passage

SECTION 2. POLICY

- 2.1 It is the policy of the Pierpont Community & Technical College Board of Governors to maintain a work and educational environment free from all forms of sexual harassment and sex or gender discrimination of any employee, applicant for employment, student, guest or visitor. Sexual harassment is expressly prohibited. It is the responsibility of Pierpont Community & Technical College to strive to maintain an environment free of such conduct and to take prompt, thorough and impartial measures to stop the harassment, remedy its effects and prevent its recurrence once the institution receives notice of sexual harassment or sex or gender based discrimination.

SECTION 3. DEFINITION

3.1 Sexual Harassment

Sexual Harassment is:

- unwelcome sexual, sex-based and/or gender/gender identity-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator, Title IX Investigator or a deputy.

Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment. A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational [and/or employment], social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when
 - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
 - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Romantic or sexual relationships between a faculty member and current student, or between a supervisor and employee or between two people where one has authority or power over the other are by their nature discriminatory and are prohibited. Exceptions are recognized for employees or students in established marriages, partnerships or relationships.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in an employee's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her/his class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She/He probes for explicit details, and demands that students answer her/him, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Student A grabs Student B by the hair, then grabs the Student B's breast and then places their mouth on it. While this is sexual harassment, it is also sexual violence.

- Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force¹.

Sexual Contact includes:

- Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

3.2 Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse

¹ The use of force is not "worse" than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but charges under the code for the additional assaultive behavior.

- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force².

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

3.3 Sexual Exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

3.4 Additional Applicable Definitions:

- Consent:
 - Consent is
 - clear, and
 - knowing, and
 - voluntary, affirmative and conscious,
 - words or actions,
 - that give permission for specific sexual activity.
 - Consent is active, not passive.
 - Silence, in and of itself, cannot be interpreted as consent.

² *Id.*

- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
 - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.]
- Force:
 - Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).
 - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non- consensual sexual activity is not by definition forced.

- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

3.5 Related Misconduct Offenses (Will Fall Under this Policy When Sex or Gender-Based)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other:
 - A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
 - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
 - Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.
- Stalking
 - Repetitive and menacing,
 - Pursuit, following, harassing, and/or interfering with the peace and/or safety of another.
 - Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

3.7 Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of College policy.

SECTION 4. SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in [as appropriate] the Student Handbook, the Faculty Handbook, and the Staff Handbook.

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

4.1 Student Sanctions (Listed Below and Defined in the Student Handbook)

- Warning
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

4.2 Employee Sanctions (Listed Below and Defined in the Faculty and Employee Handbooks)

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of/Ineligibility for Raise or Pay Increase
- Suspension with Pay
- Suspension without Pay
- Revocation of Tenure
- Termination

4.3 Sanctioning for Sexual Misconduct

- Any person found responsible for violating the Non-Consensual Sexual Contact policy

(where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

- Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).*
- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

SECTION 5. ADDITIONAL POLICY PROVISIONS

5.1 Attempted Violations

In most circumstances, the College will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

5.2 False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* and the Faculty and Staff handbooks to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

5.3 Amnesty for Victims and Witnesses

The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get

themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

5.4 Parental Notification

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

SECTION 6. REPORTING AND FILING COMPLAINTS

6.1 Reporting Requirements

All College employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the College:

6.2 Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional psychologists, counselors and staff
- On-campus health service providers and staff
- On-campus Victim Advocate
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,

- Local or state assistance agencies,
- Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit timely anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client or patient.

6.3 Mandatory Reporting

All College employees have a duty to report sexual harassment or discrimination of which they become aware, unless they fall under the “Confidential Reporting” section. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal College action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, Title IX Investigator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will also be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as small as possible to preserve a reporting party’s rights and privacy

Reports or complaints may be filed with, as appropriate, the Title IX Coordinator or Title IX Investigator. Reports can be made via email, phone, in writing or in person. Reports may also be made online at <https://www.pierpont.edu/faculty-staff/shared-administration/human-resources>.

6.4 Title IX Coordinator

The Title IX Coordinator oversees the College’s compliance with Title IX, including the resolution process described in the *Title IX Investigation and Resolution Process*.

Inquiries about and reports regarding sexual harassment issues and/or these

procedures may be made internally to:

Title IX Coordinator:

Cindy Curry

Human Resources Office
324 Hardway Hall
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304.367.4386

Cindy.Curry@pierpont.edu

or

Jessica Kropog-Furgason

Chief Title IX Investigator
Public Safety
Falcon Center
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Jessica.Kropog@pierpont.edu

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U.S. Department of Education
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Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Phone: (877) 521-2172
Fax: (202) 453-6012
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Employees may also contact the Equal Employment Opportunity Commission (EEOC) Contact:
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U.S. Equal Employment Opportunity Commission Pittsburgh
Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222

Phone: 412-395-5902
Fax: 412-395-5749

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**Pierpont Community & Technical College Board of Governors
Meeting of September 19, 2017**

ITEM: Policy #35 – Gift Acceptance

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors Approve a final version of Policy #35 – Gift Acceptance. A draft revision of this policy was circulated for public comment for a period of 30-days. Any modifications to the draft revision are based on comments received during the announced 30-day public comment period.

STAFF MEMBER: Dale Bradley

BACKGROUND: At the Pierpont Board of Governors meeting of June 20, 2017, a 30-Day Public Comment Period was established from June 21, 2017 to July 20, 2017 to provide the public the opportunity to address the proposed recommended amendments to Policy #35 – Gift Acceptance. The public comment period was announced via campus email to Pierpont faculty, staff, and student. Notice of the comment period was also provided via email to legal counsel and staff members at the Council for Community and Technical College Education. A copy of the policy was available for public viewing during this time period

One comment for a grammatical correction was received during the 30-day public comment period.

**PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICIES**

**SUMMARY OF COMMENTS RECIEVED
FOR POLICIES OUT FOR 30-DAY COMMENT PERIOD**

Policy No. 35 – Gift Acceptance

Number of Comments Received: One

Source of Comments Received

Legal Counsel

No comment.

Students

No comment.

Staff

One comment was received to include an omitted “t” in the word institution in Section 1.2.

Faculty

No comment.

President’s Cabinet

No comment.

General

No comment.

Notice: A complete written copy of the policy comments received during the 30-day comment period are available for public viewing at Pierpont Community & Technical College , 201 Hardway Hall, 1201 Locust Avenue, Fairmont, WV.

Policy 35 - Gift Acceptance
Draft - with markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 35
TITLE: GIFT ACCEPTANCE POLICY

Effective Date: April 21, 2005

Amended:

Repealed:

SECTION 1: GENERAL

POLICIES FOR GIFT ~~SOLICITATION~~ ACCEPTANCE AND SOLICITATION

1.1 ~~_____~~—All gifts of cash, securities, real estate, personal property, or equipment intended for the benefit of Pierpont Community & Technical College (Pierpont) must be made to the ~~Fairmont~~ StatePierpont Foundation, Inc.

1.2 ~~_____~~—In order to ensure coordination and focus of institutional fundraising efforts, no general or group solicitation of funds may be undertaken by any individual or department of Pierpont Community & Technical College on behalf of Pierpont or any of its subdivisions without explicit written approval by the ~~Vice President for Institutional Advancement~~ President of the institution or the President's designee (for any solicitation of off-campus entities or individuals) or the ~~Vice President for Student Affairs~~ Office of the President (for any solicitation that takes place solely on campus).

1.3 ~~_____~~—In order to avoid multiple appeals, the solicitation of large gifts from individuals, foundations, or corporations must be cleared through the ~~Vice President for Institutional Advancement~~ President of the institution or the President's designee.

1.4 ~~_____~~—The ~~Vice President for Institutional Advancement~~ President of the institution or the President's designee and the Foundation Board of Directors require the explicit written terms on all donated assets or funds by a donor with a prior stipulation that these assets are given for a restricted purpose or use by the Foundation, including language that will permit a different or modified use, if changed conditions indicate the need for it.

1.5 ~~_____~~—Restrictive clauses that violate any federal or state laws pertaining to discrimination on the basis of race, creed, color, nationality, or sex will not be allowed.

SECTION 2: GIFTS-IN-KIND

2.1 ~~_____~~ Gifts-in-kind are non-cash donations of materials or long-lived assets. Gifts of material or long-lived assets that serve the purpose of the organization should be reported at their fair-market value. Gifts-in-kind might include such items as equipment, software, printed materials, and food or other items used for hosting dinners. For items such as equipment and software, report the discounted value, if any—that is, the value the organization would have paid if it had purchased the item outright from an outside vendor.

2.2 Caution should be exercised to ensure that only gifts that are convertible to cash or that have value to the organization are accepted. Gifts with fair-market values of more than \$5,000 should be recorded at the values placed on them by qualified independent appraisers, as required by the IRS for valuing non-cash charitable contributions. Gifts of \$5,000 or less may be reported at the value declared by the donor or, if there is expertise on the staff other than that of the development officer, as placed on the gift by such an expert. Organizations may obtain the appraiser's calculated amount from IRS Form 8283, on which the donor must obtain the donee's signature for all such gifts.

2.3 An offer of a gift of tangible property may be accepted initially and conditionally on behalf of the ~~Fairmont State~~Pierpont Foundation with the understanding that the following shall ordinarily govern:

~~(a)~~2.3.1 ~~the~~The gift is made in accordance with regulations of the Internal Revenue Service;

~~(b)~~2.3.2 ~~the~~The acceptance of such gifts of tangible property shall not involve significant additional expense for their present or future use, display, maintenance, or administration unless such expenses are covered by funds provided for that purpose;

~~(c)~~2.3.3 ~~no~~No financial or other burdensome obligation or expense is or will be directly or indirectly incurred by ~~Fairmont State~~the Pierpont Foundation as a result thereof;

~~(d)~~2.3.4 ~~the~~The acceptance of such gifts of real property will be accompanied by a recent Phase I Environmental Audit, which will typically include three components (1) site reconnaissance, (2) town record inspection, and (3) state record inspection. The purpose of an environmental audit is to detect the presence of toxic waste or hazardous materials;

~~(e)~~2.3.5 ~~sufficient~~Sufficient space is available;

~~(f)~~2.3.6 ~~G~~ifts of tangible personal property (such as equipment and books) will not be accepted if made on the condition, or understanding or expectation, that the items will be loaned back to the donor or persons designated by the donor for life or extended periods of time to be determined by the donor;

~~(g)~~2.3.7 ~~-As a general rule, Fairmont State~~the Pierpont Foundation officers and Pierpont employees should not furnish valuations or appraisals to donors in connection with gifts-in-kind to ~~Fairmont State~~the Pierpont Foundation.

2.4 **Important Note:** Since gifts of tangible property could create a hardship to Pierpont as explained in ~~(a) through (g)~~Section 2.3 above, gifts-in-kind must be reviewed and approved by the President's Cabinet and be recommended for acceptance ~~from~~by the President of the

~~institution or the President's designee of Pierpont to the Vice President for Institutional Advancement.~~

SECTION 3: DONATIONS OF MATERIAL TO RUTH ANN MUSICK LIBRARY

3.1 The Ruth Ann Musick Library welcomes gifts of books, archival materials, or other appropriate items that support the mission of the Library of Pierpont Community & Technical College and Fairmont State University~~and Pierpont Community & Technical College (Library)~~. Gifts appropriate for the general collection should support the curriculum or build the general academic stature of the Library. Gifts that are accepted for the Archives generally should relate to the cultural heritage and historical development of West Virginia, and in particular, the service area of Pierpont Community & Technical College and Fairmont State University.

~~(a)~~3.1.1 -The Library accepts donations that will strengthen the collections. In some instances, it is appropriate for a librarian to examine the materials prior to acceptance. Materials that duplicate existing holdings or are not appropriate will not be added to the collections, and may be offered to other libraries or to students and faculty.

~~(b)~~3.1.2- The Library reserves the right to determine the retention of all items in a major donation. Items not added to the collections will be given to other libraries, offered to students and faculty, or discarded. Items not added to the collection may be returned to the donor, upon the special request of that donor.

~~(c)~~3.1.3- The appraisal of donations to the Library is the responsibility of the donor. The Library, as an interested party, cannot make appraisals of donations made to it. For any gifts valued at over \$5,000, for which an external appraisal is necessary, the Pierpont Foundation is responsible for officially receiving the gift and for handling paperwork for the Internal Revenue Service.

~~(d)~~3.1.4- The Library will acknowledge all donations with a letter from the Director of Library Services with a general description of the donation. It is the responsibility of the donor to provide a detailed inventory of the donation or a listing of titles if these are desired. Unusual or unique gifts will be acknowledged publicly unless the donor requests anonymity.

~~(e)~~3.1.5- When appropriate, the Director of Library Services will request that the Pierpont Foundation acknowledge unique or unusual gifts.

~~(f)~~3.1.6- The Library shall determine the type of cataloging, the location of materials, and the circulating status after receiving the donation. The Library does not necessarily keep multiple items in a donation together as a unit.

~~(g)~~3.1.7- The Library will provide a bookplate and notice in the online catalog acknowledging the donation if the donor so desires.

~~(h)~~3.1.8-_____ All materials donated to the Library will be accessible by the public, either in the general collections or for research in the Archives.

~~(i)~~3.1.9-_____ Researchers using material in the Archives have the right to make single copies of items within the restrictions of the fair use copyright guidelines.

~~(j)~~3.1.10-_____ It is the responsibility of the donor to make arrangements for the transportation of the material to the Library.

~~(k)~~3.1.11-_____ All major donations are accepted subject to the final approval of the Director of Library Services.

Any exceptions to this policy must be agreed upon in writing prior to the receipt of the donation.

Policy 35 - Gift Acceptance
Draft - without markups

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 35
TITLE: GIFT ACCEPTANCE

Effective Date: April 21, 2005
Amended: September 19, 2017
Repealed:

SECTION 1: GENERAL

POLICIES FOR GIFT ACCEPTANCE AND SOLICITATION

- 1.1 All gifts of cash, securities, real estate, personal property, or equipment intended for the benefit of Pierpont Community & Technical College (Pierpont) must be made to the Pierpont Foundation, Inc.
- 1.2 In order to ensure coordination and focus of institutional fundraising efforts, no general or group solicitation of funds may be undertaken by any individual or department of Pierpont Community & Technical College on behalf of Pierpont or any of its subdivisions without explicit written approval by the President of the institution or the President's designee (for any solicitation of off-campus entities or individuals) or the Office of the President (for any solicitation that takes place solely on campus).
- 1.3 In order to avoid multiple appeals, the solicitation of large gifts from individuals, foundations, or corporations must be cleared through the President of the institution or the President's designee.
- 1.4 The President of the institution or the President's designee and the Foundation Board of Directors require the explicit written terms on all donated assets or funds by a donor with a prior stipulation that these assets are given for a restricted purpose or use by the Foundation, including language that will permit a different or modified use, if changed conditions indicate the need for it.
- 1.5 Restrictive clauses that violate any federal or state laws pertaining to discrimination on the basis of race, creed, color, nationality, or sex will not be allowed.

SECTION 2: GIFTS-IN-KIND

- 2.1 Gifts-in-kind are non-cash donations of materials or long-lived assets. Gifts of material or long-lived assets that serve the purpose of the organization should be reported at their fair-market value. Gifts-in-kind might include such items as equipment, software, printed materials, and food or other items used for hosting dinners. For items such as equipment and software, report the discounted value, if any—that is, the value the organization would have paid if it had purchased the item outright from an outside vendor.

- 2.2 Caution should be exercised to ensure that only gifts that are convertible to cash or that have value to the organization are accepted. Gifts with fair-market values of more than \$5,000 should be recorded at the values placed on them by qualified independent appraisers, as required by the IRS for valuing non-cash charitable contributions. Gifts of \$5,000 or less may be reported at the value declared by the donor or, if there is expertise on the staff other than that of the development officer, as placed on the gift by such an expert. Organizations may obtain the appraiser's calculated amount from IRS Form 8283, on which the donor must obtain the donee's signature for all such gifts.
- 2.3 An offer of a gift of tangible property may be accepted initially and conditionally on behalf of the Pierpont Foundation with the understanding that the following shall ordinarily govern:
- 2.3.1 The gift is made in accordance with regulations of the Internal Revenue Service;
 - 2.3.2 The acceptance of such gifts of tangible property shall not involve significant additional expense for their present or future use, display, maintenance, or administration unless such expenses are covered by funds provided for that purpose;
 - 2.3.3 No financial or other burdensome obligation or expense is or will be directly or indirectly incurred by the Pierpont Foundation as a result thereof;
 - 2.3.4 The acceptance of such gifts of real property will be accompanied by a recent Phase I Environmental Audit, which will typically include three components (1) site reconnaissance, (2) town record inspection, and (3) state record inspection. The purpose of an environmental audit is to detect the presence of toxic waste or hazardous materials;
 - 2.3.5 Sufficient space is available;
 - 2.3.6 Gifts of tangible personal property (such as equipment and books) will not be accepted if made on the condition, or understanding or expectation, that the items will be loaned back to the donor or persons designated by the donor for life or extended periods of time to be determined by the donor;
 - 2.3.7 As a general rule, the Pierpont Foundation officers and Pierpont employees should not furnish valuations or appraisals to donors in connection with gifts-in-kind to the Pierpont Foundation.
- 2.4 ***Important Note:*** Since gifts of tangible property could create a hardship to Pierpont as explained in Section 2.3 above, gifts-in-kind must be reviewed and approved by the President's Cabinet and be recommended for acceptance by the President of the institution or the President's designee.

SECTION 3: DONATIONS OF MATERIAL TO RUTH ANN MUSICK LIBRARY

- 3.1 The Ruth Ann Musick Library (Library) welcomes gifts of books, archival materials, or other appropriate items that support the mission of the Library of Pierpont Community & Technical College and Fairmont State University. Gifts appropriate for the general collection should support the curriculum or build the general academic stature of the Library. Gifts that are accepted for the Archives generally should relate to the cultural heritage and historical development of West Virginia, and in particular, the service area of Pierpont Community & Technical College and Fairmont State University.
 - 3.1.1 The Library accepts donations that will strengthen the collections. In some instances, it is appropriate for a librarian to examine the materials prior to acceptance. Materials that duplicate existing holdings or are not appropriate will not be added to the collections, and may be offered to other libraries or to students and faculty.
 - 3.1.2 The Library reserves the right to determine the retention of all items in a major donation. Items not added to the collections will be given to other libraries, offered to students and faculty, or discarded. Items not added to the collection may be returned to the donor, upon the special request of that donor.
 - 3.1.3 The appraisal of donations to the Library is the responsibility of the donor. The Library, as an interested party, cannot make appraisals of donations made to it. For any gifts valued at over \$5,000, for which an external appraisal is necessary, the Pierpont Foundation is responsible for officially receiving the gift and for handling paperwork for the Internal Revenue Service.
 - 3.1.4 The Library will acknowledge all donations with a letter from the Director of Library Services with a general description of the donation. It is the responsibility of the donor to provide a detailed inventory of the donation or a listing of titles if these are desired. Unusual or unique gifts will be acknowledged publicly unless the donor requests anonymity.
 - 3.1.5 When appropriate, the Director of Library Services will request that the Pierpont Foundation acknowledge unique or unusual gifts.
 - 3.1.6 The Library shall determine the type of cataloging, the location of materials, and the circulating status after receiving the donation. The Library does not necessarily keep multiple items in a donation together as a unit.
 - 3.1.7 The Library will provide a bookplate and notice in the online catalog acknowledging the donation if the donor so desires.
 - 3.1.8 All materials donated to the Library will be accessible by the public, either in the general collections or for research in the Archives.

- 3.1.9 Researchers using material in the Archives have the right to make single copies of items within the restrictions of the fair use copyright guidelines.
- 3.1.10 It is the responsibility of the donor to make arrangements for the transportation of the material to the Library.
- 3.1.11 All major donations are accepted subject to the final approval of the Director of Library Services.

Any exceptions to this policy must be agreed upon in writing prior to the receipt of the donation.

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Pierpont Community & Technical College Board of Governors
Meeting of September 19, 2017

ITEM: Policy #62 – Campus Solicitation

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors Approve a final version of Policy #62 – Campus Solicitation. A draft revision of this policy was circulated for public comment for a period of 30-days. Any modifications to the draft revision are based on comments received during the announced 30-day public comment period.

STAFF MEMBER: Dale Bradley

BACKGROUND: At the Pierpont Board of Governors meeting of June 20, 2017, a 30-Day Public Comment Period was established from June 21, 2017 to July 20, 2017 to provide the public the opportunity to address the proposed recommended amendments to Policy #62 – Campus Solicitation. The public comment period was announced via campus email to Pierpont faculty, staff, and student. Notice of the comment period was also provided via email to legal counsel and staff members at the Council for Community and Technical College Education. A copy of the policy was available for public viewing during this time period

Two comments for a grammatical correction was received during the 30-day public comment period.

**PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICIES**

**SUMMARY OF COMMENTS RECIEVED
FOR POLICIES OUT FOR 30-DAY COMMENT PERIOD**

New Policy No. 62 – Campus Solicitation

Number of Comments Received: Two

Source of Comments Received

Legal Counsel

One comment received to address grammatical changes in Sections 2.2 ('outs ide he' to be 'outside the') 2.5 ('pay' to be 'any') 5.3.4 ('issues' to be 'issued').

Students

No comment.

Staff

One comment was received to address grammatical changes in Sections 2.5 ('nay' to be 'any'), 3.2 (comma suggested after Director,) 3.4.2 ('ingress and egress' and 'into and out') considered redundant, and in Section 7 to correct Charitable spelling.

Faculty

No comment.

President's Cabinet

No comment.

General

No comment.

Notice: A complete written copy of the policy comments received during the 30-day comment period are available for public viewing at Pierpont Community & Technical College , 201 Hardway Hall, 1201 Locust Avenue, Fairmont, WV.

Policy 62 - Campus Solicitation
Draft - with markups

PIERPONT COMMUNITY AND TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY #62
TITLE: CAMPUS SOLICIATION

Effective Date: September 19, 2017

Amended:

Repealed:

SECTION 1: PURPOSE

1.1 The purpose of this procedure is to establish a protocol regulating solicitation on the campuses of Pierpont Community & Technical College (Pierpont) in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

1.2 As part of this policy, the policy is entitled to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the West Virginia Constitution. Pierpont Community & Technical College encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

1.3 Pierpont Community & Technical College has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. The purpose and intent of this regulation is to place reasonable limitations on solicitation activities occurring on Pierpont's properties so that the college may fulfill its primary mission to provide opportunities for learning, training, and furthering education that enrich the lives of individuals. This policy provides the applicable rules and procedures for any form of solicitation on campus.

SECTION 2: DEFINITIONS

2.1 "Charitable Contribution" means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

2.2 "Charitable Organization" means a person who is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization, or any person who solicits or obtains contributions solicited from the public for charitable purposes, or any person who in any manner employs any appeal for contributions which may be reasonably

interpreted to suggest that any part of these contributions will be used for charitable purposes. A chapter, branch area, office or similar affiliate or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state is a charitable organization for the purposes of this article.

2.3 “Commercial Solicitation” means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.4 “Distribution” means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

2.5 “Non-Commercial Solicitation” means ~~may~~any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the University.

2.6 “Non-Institutional Groups” means a group of individuals, other than Student or Institutional Groups that are legally separate entities from the College, even though some of the members of participants may be Pierpont personnel, alumni, or students.

2.7 “Student” means any person from the time he or she accepts admission to Pierpont up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by Pierpont.

2.8 “Student Group” means a group of students who have satisfied Pierpont’s procedures and requirements for registration or recognition.

2.9 “Institutional Group” means an administrative or academic unit, department or center within Pierpont.

SECTION 3: GENERAL PROCEDURES

3.1 When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. Pierpont does not impose restrictions on any forms of solicitation because of the content

or viewpoint of the expression or the possible reaction to that expression. In addition, Pierpont does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-Institutional Groups or individuals.

3.2 Groups and individuals can reserve space, in advance, by contacting the Falcon Center Activities Center for the Falcon Center and Locust Avenue campus outdoor space, or the administrator responsible for scheduling the use of the facility where the solicitation is to take place. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Director, of the Falcon Center, or his/her designee, giving due consideration to the provisions of section 3.4 below.

3.3 Except for institutional-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at Pierpont-sponsored or hosted events held at the Falcon Center and/or the parking lots surrounding this facility.

3.4 The following apply to all forms of solicitation activities:

3.4.1 Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.

3.4.2 Groups and individuals may not block or otherwise interfere with ingress and egress ~~into and out~~ of institutional buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancelation of any Pierpont-sponsored event or activity, or by users authorized to use the College's facilities.

3.4.4 Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

3.4.5 Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential Pierpont Community & Technical College processes shall not be disrupted.

3.4.6 The use of public address systems or amplified sound will not be allowed without prior approval from Falcon Center.

3.4.7 The safety of members of the campus community, collectively and individually, must be protected at all times.

3.4.8 Solicitation activities shall not damage College property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable institutional policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

3.4.10 Groups and individuals shall comply with the directions of Pierpont's officials when enforcing these provisions.

3.5 Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. Institutional Groups, Student Groups, and Students who sponsor non-institutional participants may be held accountable for such participant's compliance with this regulation. In addition, since non-institutional individuals or groups are not subject to Pierpont's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

SECTION 4: PRIORITY FOR USE

4.1 The use of space for solicitation shall be reserved according to the following priorities:

4.1.1 Consistent with Pierpont's mission, to provide opportunities for learning, training, and furthering education, will have the highest priority for the use of space.

4.1.2 Institutional groups' uses for activities other than providing opportunities for learning, training, and furthering education, will have next highest priority in the use of space.

4.1.3 Student Groups, students, sponsored Non-Institutional Groups, and individuals will have the next highest priority.

4.1.4 Un-sponsored Non-Institutional Groups and individuals will have the lowest priority.

4.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

SECTION 5: PROCEDURES FOR NON-COMMERCIAL SOLICITATION

5.1 Institutional and Student Groups, Students, and Sponsored Participants

5.1.1 Institutional and Student Groups, Students, and their sponsored Non- Institutional Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of the campus and the common areas of the campus, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the College or Student Group, or the student sponsoring the Non-University groups, or individuals must be present at all times with these participants while conducting such activity.

5.1.2 Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the university to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt Pierpont's educational activities and essential processes.

5.2 Un-sponsored Non- Institutional Groups and Individuals

Non-institutional groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Reservations will be approved on a space-available basis.

5.3 Procedures Specific to Campus Housing

Institutional and Student Groups, Students, and Non- Institutional Groups and individuals may engage in non-commercial solicitation in campus housing facilities upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired campus housing facility by contacting Pierpont Community & Technical College/Fairmont State University Housing Office at least 48 hours in advance of the activity. Students who reside in campus housing do not have to reserve space for non-commercial solicitation for the housing facility in which they reside.

5.3.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the campus housing environment.

5.3.3 Students who reside in campus housing may engage in door-to-door non-commercial solicitation in the campus housing facility in which they reside, consistent with normal community interactions. The following organizations may be permitted to engage in scheduled and pre-approved door-to-door canvassing of residence halls: Student representatives of the Student Government Association (SGA) and student candidates for office of the SGA. Representatives of the above groups must follow established procedures for scheduling access to halls and apartment buildings, and checking in with building staff. For further inquiries about scheduling access for canvassing in the residence halls, please contact the Housing Office at 304-367-4216.

5.3.4 Bulletin boards in campus housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint neutral rules issued~~s~~ by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 6: PROCEDURES FOR COMMERCIAL SOLICITATION

6.1 Institutional and Student Groups, and Students may conduct commercial solicitation on College premises subject to the conditions below. Non-Institutional Groups and individuals are prohibited from engaging in commercial solicitation unless sponsored by an Institutional Group, Student Group, or Student.

6.2 All commercial solicitation must be conducted under the following conditions:

6.2.1 Students and members of the College or Student Group must conduct all commercial solicitation on behalf of the sponsored Non-Institutional Groups and individuals. However, this provision shall not prohibit an Institutional Group from contracting with Non-Institutional Groups to conduct commercial solicitation on College premises, so long as the contract is signed by a Pierpont employee with proper signatory authority.

6.2.2 Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve outdoor space by contacting Falcon Center or a Pierpont facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

6.2.3 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards.

6.3 Procedures Specific to Campus Housing

6.3.1 Non-Institutional Groups or individuals may not conduct commercial solicitation in Campus Housing.

6.4 Residents of campus housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sale purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their Institutional employment.

6.5 Nothing in this section shall prevent a student from inviting anyone into his or her residence hall living quarters for the purposes of that student considering or pursuing the invitee's goods or services.

6.6 Bulletin boards in campus housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 7: PROCEDURES FOR SOLICITATION OF CHARITABLE CONTRIBUTIONS

7.1 Institutional and Student Groups, Students, and their sponsored Non-Institutional Groups and individuals may conduct solicitations of charitable contributions. However, a member of the Institutional or Student Group or the student sponsoring the Non-Institutional Group or individuals must be present at all times with these participants while conducting such activity. Un-sponsored Non-Institutional Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.2 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting the Falcon Center or a campus facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

7.3 If the solicitation is to be conducted in a campus facility the group may be required to sign a Facility Use Agreement.

7.4 Food given away in connection with solicitation may not be prepared at the place of distribution, and must comply with all applicable health code standards. Goods and services

offered for sale must comply with applicable State and Federal health and safety laws and regulations.

SECTION 8: EXCLUSIONS

8.1 Nothing in this regulation shall be deemed to affect the activities of Institutional Groups whose official activities include selling or promoting the sale of goods or services or taking surveys.

8.2 Nothing in this regulation shall prohibit Pierpont from barring solicitation on Institutional property that are non-public forums. These areas are not traditionally open to the public for speech, such as libraries, office space, residence halls, laboratories, and classrooms, which may be limited to Institutional uses.

Policy 62 - Campus Solicitation
Draft - Without markups

PIERPONT COMMUNITY AND TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY #62
TITLE: CAMPUS SOLICIATION

Effective Date: September 19, 2017

Amended:

Repealed:

SECTION 1: PURPOSE

1.1 The purpose of this procedure is to establish a protocol regulating solicitation on the campuses of Pierpont Community & Technical College (Pierpont) in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

1.2 As part of this policy, the policy is entitled to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the West Virginia Constitution. Pierpont Community & Technical College encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

1.3 Pierpont Community & Technical College has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. The purpose and intent of this regulation is to place reasonable limitations on solicitation activities occurring on Pierpont's properties so that the college may fulfill its primary mission to provide opportunities for learning, training, and furthering education that enrich the lives of individuals. This policy provides the applicable rules and procedures for any form of solicitation on campus.

SECTION 2: DEFINITIONS

2.1 "Charitable Contribution" means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

2.2 "Charitable Organization" means a person who is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization, or any person who solicits or obtains contributions solicited from the public for charitable purposes, or any person who in any manner employs any appeal for contributions which may be reasonably

interpreted to suggest that any part of these contributions will be used for charitable purposes. A chapter, branch area, office or similar affiliate or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state is a charitable organization for the purposes of this article.

2.3 “Commercial Solicitation” means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.4 “Distribution” means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

2.5 “Non-Commercial Solicitation” means any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the University.

2.6 “Non-Institutional Groups” means a group of individuals, other than Student or Institutional Groups that are legally separate entities from the College, even though some of the members of participants may be Pierpont personnel, alumni, or students.

2.7 “Student” means any person from the time he or she accepts admission to Pierpont up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by Pierpont.

2.8 “Student Group” means a group of students who have satisfied Pierpont’s procedures and requirements for registration or recognition.

2.9 “Institutional Group” means an administrative or academic unit, department or center within Pierpont.

SECTION 3: GENERAL PROCEDURES

3.1 When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. Pierpont does not impose restrictions on any forms of solicitation because of the content

or viewpoint of the expression or the possible reaction to that expression. In addition, Pierpont does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-Institutional Groups or individuals.

3.2 Groups and individuals can reserve space, in advance, by contacting the Falcon Center Activities Center for the Falcon Center and Locust Avenue campus outdoor space, or the administrator responsible for scheduling the use of the facility where the solicitation is to take place. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Director of the Falcon Center, or his/her designee, giving due consideration to the provisions of section 3.4 below.

3.3 Except for institutional-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at Pierpont-sponsored or hosted events held at the Falcon Center and/or the parking lots surrounding this facility.

3.4 The following apply to all forms of solicitation activities:

3.4.1 Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.

3.4.2 Groups and individuals may not block or otherwise interfere with ingress and egress of institutional buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancelation of any Pierpont-sponsored event or activity, or by users authorized to use the College's facilities.

3.4.4 Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

3.4.5 Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential Pierpont Community & Technical College processes shall not be disrupted.

3.4.6 The use of public address systems or amplified sound will not be allowed without prior approval from Falcon Center.

3.4.7 The safety of members of the campus community, collectively and individually, must be protected at all times.

3.4.8 Solicitation activities shall not damage College property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable institutional policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

3.4.10 Groups and individuals shall comply with the directions of Pierpont's officials when enforcing these provisions.

3.5 Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. Institutional Groups, Student Groups, and Students who sponsor non-institutional participants may be held accountable for such participant's compliance with this regulation. In addition, since non-institutional individuals or groups are not subject to Pierpont's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

SECTION 4: PRIORITY FOR USE

4.1 The use of space for solicitation shall be reserved according to the following priorities:

4.1.1 Consistent with Pierpont's mission, to provide opportunities for learning, training, and furthering education, will have the highest priority for the use of space.

4.1.2 Institutional groups' uses for activities other than providing opportunities for learning, training, and furthering education, will have next highest priority in the use of space.

4.1.3 Student Groups, students, sponsored Non-Institutional Groups, and individuals will have the next highest priority.

4.1.4 Un-sponsored Non-Institutional Groups and individuals will have the lowest priority.

4.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

SECTION 5: PROCEDURES FOR NON-COMMERCIAL SOLICITATION

5.1 Institutional and Student Groups, Students, and Sponsored Participants

5.1.1 Institutional and Student Groups, Students, and their sponsored Non- Institutional Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of the campus and the common areas of the campus, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the College or Student Group, or the student sponsoring the Non-University groups, or individuals must be present at all times with these participants while conducting such activity.

5.1.2 Although not required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the university to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt Pierpont's educational activities and essential processes.

5.2 Un-sponsored Non- Institutional Groups and Individuals

Non-institutional groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Reservations will be approved on a space-available basis.

5.3 Procedures Specific to Campus Housing

Institutional and Student Groups, Students, and Non- Institutional Groups and individuals may engage in non-commercial solicitation in campus housing facilities upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired campus housing facility by contacting Pierpont Community & Technical College/Fairmont State University Housing Office at least 48 hours in advance of the activity. Students who reside in campus housing do not have to reserve space for non-commercial solicitation for the housing facility in which they reside.

5.3.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the campus housing environment.

5.3.3 Students who reside in campus housing may engage in door-to-door non-commercial solicitation in the campus housing facility in which they reside, consistent with normal community interactions. The following organizations may be permitted to engage in scheduled and pre-approved door-to-door canvassing of residence halls: Student representatives of the Student Government Association (SGA) and student candidates for office of the SGA. Representatives of the above groups must follow established procedures for scheduling access to halls and apartment buildings, and checking in with building staff. For further inquiries about scheduling access for canvassing in the residence halls, please contact the Housing Office at 304-367-4216.

5.3.4 Bulletin boards in campus housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint neutral rules issued by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 6: PROCEDURES FOR COMMERCIAL SOLICITATION

6.1 Institutional and Student Groups, and Students may conduct commercial solicitation on College premises subject to the conditions below. Non-Institutional Groups and individuals are prohibited from engaging in commercial solicitation unless sponsored by an Institutional Group, Student Group, or Student.

6.2 All commercial solicitation must be conducted under the following conditions:

6.2.1 Students and members of the College or Student Group must conduct all commercial solicitation on behalf of the sponsored Non-Institutional Groups and individuals. However, this provision shall not prohibit an Institutional Group from contracting with Non-Institutional Groups to conduct commercial solicitation on College premises, so long as the contract is signed by a Pierpont employee with proper signatory authority.

6.2.2 Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve outdoor space by contacting Falcon Center or a Pierpont facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

6.2.3 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards.

6.3 Procedures Specific to Campus Housing

6.3.1 Non-Institutional Groups or individuals may not conduct commercial solicitation in Campus Housing.

6.4 Residents of campus housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sale purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their Institutional employment.

6.5 Nothing in this section shall prevent a student from inviting anyone into his or her residence hall living quarters for the purposes of that student considering or pursuing the invitee's goods or services.

6.6 Bulletin boards in campus housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by Pierpont Community & Technical College/Fairmont State University Housing.

SECTION 7: PROCEDURES FOR SOLICIATION OF CHARITABLE CONTRIBUTIONS

7.1 Institutional and Student Groups, Students, and their sponsored Non-Institutional Groups and individuals may conduct solicitations of charitable contributions. However, a member of the Institutional or Student Group or the student sponsoring the Non-Institutional Group or individuals must be present at all times with these participants while conducting such activity. Un-sponsored Non-Institutional Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.2 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting the Falcon Center or a campus facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

7.3 If the solicitation is to be conducted in a campus facility the group may be required to sign a Facility Use Agreement.

7.4 Food given away in connection with solicitation may not be prepared at the place of distribution, and must comply with all applicable health code standards. Goods and services

offered for sale must comply with applicable State and Federal health and safety laws and regulations.

SECTION 8: EXCLUSIONS

8.1 Nothing in this regulation shall be deemed to affect the activities of Institutional Groups whose official activities include selling or promoting the sale of goods or services or taking surveys.

8.2 Nothing in this regulation shall prohibit Pierpont from barring solicitation on Institutional property that are non-public forums. These areas are not traditionally open to the public for speech, such as libraries, office space, residence halls, laboratories, and classrooms, which may be limited to Institutional uses.

Tab

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PIERPONT BOARD OF GOVERNORS 2017 – 2018 OFFICERS & COMMITTEES

Pierpont Board of Governors Executive Officers

Warren “Chip” VanAlsborg – Chair
Sharon Shaffer – Vice Chair
Rick Pruitte – Secretary

Board of Governors Executive Officers – Nominating Committee

Vacant – Chair
Sharon Shaffer
Warren “Chip” VanAlsborg

Audit/Finance Committee

Vacant – Chair
Member
Member
Rick Pruitte
Chip VanAlsborg
Dale Bradley – Staff Resource

Marketing Committee

Memori Dobbs - Chair
Member
Member
Steve Leach – Staff Resource
Bo Sellers – Staff Resource

Regional Academics Committee

Sharon Shaffer – Chair

Member

Gene Weaver

Brian Floyd – Staff Resource

Lyla Grandstaff – Staff Resource

Presidential Evaluation Committee

Vacant – Chair

Member

Rick Pruitte

North Central Advanced Technology Center Advisory Board Officers

Chip VanAlsburg - Chair

Vacant - Vice Chair

Sharon Shaffer – Recording Secretary

North Central Advanced Technology Center Advisory Board – Nominating Committee

Member

Sharon Shaffer