

MEETING SCHEDULE
PIERPONT COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS MEETING

Thursday, May 18, 2023

Pierpont's Advanced Technology Center (ATC)
500 Galliher Drive
Fairmont, WV 26554
Room 216A

9:00 AM	Academic and Student Services Committee
10:00 AM	Human Resources, Bylaws, Policies Committee
11:00 AM	Finance and Administration Committee
12:00 PM	Lunch
1:30 PM	Advancement and Public Relations Committee
2:00 PM	Full Board Meeting

*All meetings will be held in room 216A unless otherwise noted.



Mission Statement: To provide accessible, responsive, comprehensive education that works
Vision: Empowering individuals to transform their lives through education
Tagline: Education that works!

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

Regular Meeting

**Thursday, May 18, 2023
2:00 PM**

**Pierpont's Advanced Technology Center (ATC)
500 Galliher Drive
Fairmont, WV 26554
Room 216A**

AGENDA

I. Call to Order

A. Chairman Hinkle's Reflections

II. Conflict of Interest

III. Roll Call

IV. Public Comment – Via Email Only

Written comments will be accepted no later than 12:00 PM on May 18. Please send comments to BOG@pierpont.edu

V. *Consent Agenda

Tab 1

A. Minutes of the March 21 and April 12, 2023 Meetings

VI. Dr. Nelson's Reflections

VII. Committee of the Whole

A. April 30, 2023 Combine Finance Report – *Informational*
(Dale Bradley, CFO/VP for Finance and Administration)

Tab 2

VIII. Academic and Student Services Committee

Tab 3

A. *Resolution for Approval – 5-year Program Reviews to Continue at Current Level
(Dr. Michael Waide, Provost/VP of Academics and Student Affairs)

**Denotes possible action item*

- B. *Resolution for Approval – 5-year Program Review to Continue with Corrective Action and Monitoring
(Dr. Michael Waide, Provost/VP of Academics and Student Affairs)
- C. *Resolution for Approval – 3-year Post-Audit Review to Continue at Current Level
(Dr. Michael Waide, Provost/VP of Academics and Student Affairs)

IX. Human Resources, Bylaws, Policies Committee

- A. *Resolution for Approval – Comments and Final Draft of Policy PP-2007 Ethics **Tab 4**
(George Perich, VP of Human Resources & Organizational Development)
- B. *Resolution for Approval – Comments and Final Draft of Policy PP-5025 Salary **Tab 5**
(George Perich, VP of Human Resources & Organizational Development)
- C. *Resolution for Approval – Comments and Final Draft of Policy PP-3063 Intellectual Property **Tab 6**
(George Perich, VP of Human Resources & Organizational Development)
- D. *Resolution for Approval – Comments and Repeal of Policy PP-2012 Post Retirement Employment Program **Tab 7**
(George Perich, VP of Human Resources & Organizational Development)
- E. *Resolution for Approval – Comments and Repeal of Policy PP-5043 Assignment and Reassignment of Space **Tab 8**
(George Perich, VP of Human Resources & Organizational Development)
- F. *Resolution for Approval of a 30-Day Public Comment Period for Repeal of Policy PP-1008 Social Justice **Tab 9**
(George Perich, VP of Human Resources & Organizational Development)

X. Finance and Administration Committee

- A. *Resolution for Approval – FY 2024 Unrestricted Budget
Materials will be provided at the meeting.
(Dale Bradley, VP of Finance and Administration)
- B. *Resolution for Approval – FY 2024 Pay Raise
Materials will be provided at the meeting.
(Dale Bradley, VP of Finance and Administration)
- C. *Resolution for Approval – FY 2024 Small Projects & HEPC Debt **Tab 10**
(Dale Bradley, VP of Finance and Administration)
- D. *Resolution for Approval – Transfer of the Pierpont Center at MTEC Ownership **Tab 11**
(Dale Bradley, VP of Finance and Administration)

*Denotes possible action item

XI. Advancement and Public Relations

XII. Board Members' Reflections (3-minute limit)

XIII. Adjournment



Mission Statement: To provide accessible, responsive, comprehensive education that works

Vision: Empowering individuals to transform their lives through education

Tagline: Education that works!

**Denotes possible action item*

Tab

1

**Pierpont Community & Technical College
Board of Governors Meeting
May 18, 2023**

ITEM: Consent Agenda

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved, that the Pierpont Community & Technical College's Board of Governors approves the Consent Agenda as proposed.

STAFF MEMBER: Dr. Kathleen Nelson, Interim President

BACKGROUND: The Consent Agenda is a board meeting practice that groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately. The items on the consent agenda are non-controversial items or routine items that are discussed at every meeting. They can also be items that have been previously discussed at length where there is group consensus.

The following items are included in the Board book and listed on the proposed consent agenda.

1. Minutes of the March 21, 2023 Meeting
2. Minutes of the April 12, 2023 Meeting

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

Board of Governors Meeting

**Tuesday, March 21, 2023
2:00 PM**

**Pierpont's Advanced Technology Center (ATC)
500 Galliher Drive
Fairmont, WV 26554
Room 216A**

MINUTES

Notice of Meeting

A meeting of the Pierpont Community & Technical College (Pierpont) Board of Governors was held on March 21, 2023, beginning at 2:00 PM. The meeting was conducted in person at the Advanced Technology Center in Fairmont, WV. Advanced announcement of this meeting was posted on the WV Secretary of State's Meeting Notices Webpage.

I. Call to Order

David Hinkle, Chair, called the meeting to order in open session at 2:05 PM.

II. Conflict of Interest

Chairman Hinkle requested Board members recognize any conflicts of interest they may have during the meeting.

III. Roll Call

Amanda Hawkinberry conducted a roll call:

Name	Present/Not Present
Brian Bozarth	Present (via Zoom)
Shauna Burns	Not Present
Dr. Susan Woods Coffindaffer	Present
Thomas Cole	Present
Lisa Lang	Not Present
David Hinkle	Present
Anthony Hinton	Not Present
Lisa Lang	Present
Christine Miller	Present
James H. Myers III	Present
Juanita Nickerson	Present
Jeffery Powell	Present

Joanne Seasholtz	Present
------------------	---------

Amanda Hawkinberry announced there was a quorum present.

Others Present:

Members of President's Cabinet, faculty, staff, and others

IV. Public Comment

No comments were received via email.

V. *Consent Agenda

Thomas Cole moved to approve the February 21, 2023 meeting minutes. Jeffery Powell seconded the motion. All agreed. Motion carried.

VI. Dr. Nelson's Reflections

Dr. Nelson offered her reflections to the Board.

VII. Academic and Student Services Committee

Thomas Cole reported that the committee met in the morning. The Committee did not have any items to bring forward for action.

VIII. Human Resources, Bylaws, Policies Committee

- A. Resolution for Approval of a 30-Day Public Comment Period for Policies PP-2007 Ethics, Conflict of Interest, and Conflict of Commitment, PP-5025 Salary, and PP 3060 Intellectual Property

Juanita Nickerson moved to accept the three policies for a 30-day public comment period. Jeffery Powell seconded the motion. All agreed. Motion carried.

- B. Resolution for Approval of a 30-Day Public Comment Period for Repeal of Policies PP-2012 Post Retirement Employment Program and PP-5043 Assignment and Reassignment of Space

Christine Miller moved to approve a 30-day public comment period for the repeal of the two policies. Joanne Seasholtz seconded the motion. All agreed. Motion carried.

IX. Finance and Administration Committee

- A. Resolution for Approval - Tuition Changes for Academic Year 2023-2024

Susan Woods Coffindaffer moved to accept the tuition changes for academic year 2023-2024. Thomas Cole seconded the motion.

Discussion included the rationale for the increase including internal budget reductions, inflation rates, current fiscal year factors, PEIA employer contributions, and the absence of a tuition increase for the past three years.

Chairman Hinkle called for a vote on the resolution. All agreed. Motion carried.

B. Resolution for Approval - Special, Program and Course Fee Changes for Academic Year 2023-2024

Susan Woods Coffindaffer moved to the fee changes for academic year 2023-2024. Jeffery Powell seconded the motion. All agreed. Motion carried.

C. February 28, 2023 Combined Finance Report – *Informational*

Dale Bradley presented the February 28, 2023 Combined Finance Report

D. Capital Projects Update – *Informational*

Dale Bradley presented the Capital Projects Update.

Dale Bradley offered the following construction updates:

- Culinary Academy is open and operational.
- Veterinary Technology building is close to being finished. A final walk-through will be scheduled around the beginning of March. The program will begin occupying the building in late March.

X. Advancement and Public Relations Committee

Christine Miller announced the Foundation is hosting a Day of Giving on April 4, 2022. The Foundation is challenging Board Members and Foundation Board Members to donate \$1,000 to join the President's Circle. Other informational topics discussed were current advertising projects. The Committee did not have any items to bring forward for action.

XI. Technology and Data Reporting Committee

Jeffery Powell reported the Committee did not have any items to bring forward for action. Tim Henline provided updates to the Committee on policies, IT infrastructure, IT software, and data reporting.

XII. ATC Advisory Board

Chairman Hinkle announced the report will be discussed at the May BOG meeting.

XIII. Executive Session – Closed Session

A. Entering Executive Session – Closed Session

Susan Woods Coffindaffer moved that the Board go into Executive Session in accordance with WV Code §6-9A-4. Jeffery Powell seconded the motion. All agreed. Motion carried.

Items brought into Executive Session:

1. Presidential Search

Susan Woods Coffindaffer moved that since Dr. Nelson knows one of the Presidential candidates that she should not sit in Executive Session until the Board requests her presence. Chairman Hinkle noted the motion and asked for a second to the motion. No second was given. The motion died.

B. Exiting Executive Session – Back to Open Session

Jeffery Powell moved to exit Executive Session and return to Open Session. Thomas Cole seconded the motion. All agreed. Motion carried.

C. Items brought forward from Executive Session

No items were brought forward from Executive Session.

XIV. Adjournment

There being no further business, Thomas Cole moved to adjourn the meeting. Christine Miller seconded the motion. All agreed. Motion carried.

Respectfully submitted by Amanda N. Hawkinberry



Mission Statement: To provide accessible, responsive, comprehensive education that works
Vision: Empowering individuals to transform their lives through education
Tagline: Education that works!

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

Board of Governors Meeting

**Wednesday, April 12, 2023
3:00 PM**

**Pierpont's Advanced Technology Center (ATC)
500 Galliher Drive
Fairmont, WV 26554
Room 216A**

MINUTES

Notice of Meeting

A meeting of the Pierpont Community & Technical College (Pierpont) Board of Governors was held on April 12, 2023, beginning at 3:00 PM. The meeting was conducted in person at the Advanced Technology Center in Fairmont, WV. Advanced announcement of this meeting was posted on the WV Secretary of State's Meeting Notices Webpage.

I. Call to Order

David Hinkle, Chair, called the meeting to order in open session at 2:00 PM.

II. Roll Call

A roll call was conducted:

Name	Present/Not Present
Brian Bozarth	Present (via Zoom)
Shauna Burns	Present
Dr. Susan Woods Coffindaffer	Present
Thomas Cole	Present
Lisa Lang	Present
David Hinkle	Present
Anthony Hinton	Present
Lisa Lang	Present
Christine Miller	Present
James H. Myers III	Present
Juanita Nickerson	Present
Jeffery Powell	Present
Joanne Seasholtz	Present

It was announced there was a quorum present.

III. Executive Session – Closed Session

A. Entering Executive Session – Closed Session

Thomas Cole moved that the Board go into Executive Session in accordance with WV Code §6-9A-4. Lisa Lang seconded the motion. All agreed. Motion carried.

Items brought into Executive Session:

1. Presidential Search

B. Exiting Executive Session – Back to Open Session

Jeffery Powell moved to exit Executive Session and return to Open Session. Shauna Burns seconded the motion. All agreed. Motion carried.

C. Items brought forward from Executive Session

Thomas Cole moved to approve Dr. Milan Hayward for the 4th Presidency of Pierpont Community & Technical College and recommends Dr. Milan Hayward to the West Virginia Community & Technical College System for approval pending contract negotiations. Jeffery Powell seconded the motion. Chairman David Hinkle called for a formal vote from the Board. The recorded votes were as follows:

Voting Board Member	Vote
Brian Bozarth	Yea
Shauna Burns	Yea
Dr. Susan Woods Coffindaffer	Yea
Thomas Cole	Yea
Lisa Lang	Yea
David Hinkle	Yea
Anthony Hinton	Yea
Lisa Lang	Yea
Christine Miller	Yea
James H. Myers III	Yea
Juanita Nickerson	Yea
Jeffery Powell	Yea
Joanne Seasholtz	Yea

All agreed. Motion carried.

Anthony Hinton moved that Pierpont’s Board of Governors give authority to David Hinkle, Board Chair, Jeffery Powell, Presidential Search Committee Chair, and Thomas Cole, Chair of the Board’s Human Resources, Policies, and Bylaws Committee to negotiate a contract with Dr. Milan Hayward. Once negotiated, information will be provided to the Board as a summary of the contract’s components. Shauna Burns seconded the motion. All agreed. Motion carried.

IV. Adjournment

There being no further business, Susan Woods Coffindaffer moved to adjourn the meeting. Juanita Nickerson seconded the motion. All agreed. Motion carried.

Respectfully submitted by Amanda N. Hawkinberry



Mission Statement: To provide accessible, responsive, comprehensive education that works
Vision: Empowering individuals to transform their lives through education
Tagline: Education that works!

Tab

2

Board of Governors
Budget/Finance Report FY 2023
Pierpont Community & Technical College
as of April 30, 2023

Pierpont's overall financial structure consists of four primary fund types; unrestricted, auxiliary, restricted, and plant/capital funds.

Unrestricted Funds – Includes those economic resources of the institution which are expendable for any purpose in performing the primary objectives of the institution, i.e, instruction, research, extension, and public service, and which have not been designated by the governing board for other purposes. These funds consist of State Appropriations, not designated for a specific purpose, and general tuition and fees revenues. For fiscal management purposes Pierpont segregates Unrestricted funds into two subgroups; President Controlled Funds and Fund Manager Controlled Funds.

- President Controlled Funds consist of State Appropriations, and general tuition and fees revenues.
- Fund Manager Controlled Funds consist primarily of program fees and lab/course fee funds that are used to cover program specific operational costs.

Auxiliary Funds – Auxiliary funds are a subsection of unrestricted funds. Auxiliary enterprises are activities conducted primarily to provide facilities or services to students, faculty, and staff. Such activities could include residence halls, food services, bookstore, parking, etc. At Pierpont these activities are reported as a separate fund type for fiscal management. Currently parking is the only Auxiliary fund activity and is used to support maintaining parking resources and campus security.

Restricted Funds - The restricted fund group consists of those funds expendable for operating purposes but restricted by donors or other outside agencies as to the specific purpose for which they may be expended. Restricted funds primarily consist of contracts and grants received from federal or state governments for financial aid, research, public service or other restricted purposes.

Plant/Capital Funds – Plant/Capital Funds are a subsection of unrestricted funds used for debt service, capital projects, facilities maintenance and renewal.

SUMMARY UNRESTRICTED FUNDS:

As of the April 30, 2023 Budget/Finance Report, the Unrestricted Budget Balance is \$238,872. There has been no change from the previous Unrestricted Budget Balance reported in the February 28, 2023 Budget/Finance Report.

As of this report date, the YTD Actuals for Unrestricted Funds reflect the following:

- The institution has realized approximately 74% of projected operating revenue.
- The institution has incurred approximately 71% of operating expenses.
- The institution has realized approximately 99% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is \$3,843,157 (Includes \$837,379 captured in lost revenues from HEERF (CARES ACT) Funds).

SUMMARY RESTRICTED FUNDS:

As of this report date, the YTD Actuals for Restricted Funds reflect the following:

- The institution has realized approximately 70% of projected operating revenue.
- The institution has incurred approximately 61% of operating expenses.
- The institution has realized approximately 69% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is \$633.

Pierpont Community & Technical College
 Actual vs Budget Statement of Revenues and Expenses
 Current Unrestricted (Including Depreciation)

April 30, 2023

		Current Budget	Actual YTD	YTD Actual to Current Budget
OPERATING REVENUE				
	Total:	7,667,704	5,708,279	74.45%
OPERATING EXPENSE				
	Total:	15,169,656	10,853,316	71.55%
OPERATING INCOME / (LOSS)		(7,501,951)	(5,145,037)	
NONOPERATING REVENUE (EXPENSE)				
	Total:	8,291,698	8,187,995	98.75%
TRANSFERS & OTHER				
	Total:	(150,875)	800,199	-530.37%
BUDGET BALANCE UNRESTRICTED		638,872	3,843,157	
Less Depreciation (Net of Capitalized Assets)		(400,000)		
BUDGET BALANCE LESS DEPRECIATION		238,872	3,843,157	

Pierpont Community & Technical College
Actual vs Budget Statement of Revenues and Expenses
Current Restricted
April 30, 2023

		Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE				
	Total:	8,021,200	5,618,545	70.05%
OPERATING EXPENSE				
	Total:	12,480,063	7,656,655	61.35%
OPERATING INOCME / (LOSS)		(4,458,863)	(2,038,111)	
NONOPERATING REVENUE (EXPENSE)				
	Total:	4,711,311	3,259,497	69.18%
TRANSFERS & OTHERS				
	Total:	(274,927)	(1,220,753)	444.03%
BUDGET BALANCE		(22,479)	633	

Tab

3

**Pierpont Community & Technical College Board of
Governors Meeting of May 18, 2023**

ITEM: Five-year Reviews of Academic Programs

COMMITTEE: Committee on Academics and Student Services to the
Committee of the Whole

**RECOMMENDED
RESOLUTION:**

Resolved, that the Pierpont Community & Technical
College Board of Governors, based on the five-year review
of programs, *continue at the current level* the following
programs:

Liberal Studies (AA)
Board of Governors (AAS)
Aviation Maintenance (AAS)
Radiologic Technology (AAS)
Occupational Development: Early Childhood (AAS)

Resolved, that the Pierpont Community & Technical
College Board of Governors, based on the five-year review
of programs, *continue with corrective action and
monitoring* the following program:

Paralegal Studies (AAS)
*Corrective action: Discontinue the specialization in
landwork and implement/monitor additional
improvement activities.*

Resolved, that the Pierpont Community & Technical
College Board of Governors, based on the three-year
review of post-audit review, *continue at the current level*
the following program:

Advanced Welding (AAS)

STAFF MEMBER: Dr. Michael Waide, Provost and Vice President for
Academics and Student Services


BACKGROUND: WVCTC Title 135 CSR, Series 10, "Policy Regarding
Program Review," requires each Governing Board to
review at least every five years programs offered at the
institution(s) of higher education under its jurisdiction and
in the review address the viability, adequacy, necessity, and
constancy with mission of the programs at the institution.

Each program has been reviewed by the program faculty, the appropriate academic dean, the Provost & Vice President for Academics and Student Services. The respective academic deans reviewed and audited the academic degree programs, assessing (a) accreditation, (b) goals and objectives of the program, (c) curriculum, (d) graduation rates, (e) employment rates, (f) certification and licensure rates, (g) workforce demand, (h) enrollment trends, and (i) financial data. In compliance with Series 10, the reviews included evaluation of viability, adequacy, necessity and consistency with the mission of the programs and the College.


The Provost and Deans recommend the following to the Board of Governors:

Degree	Name	Recommendation of Outcome §135-10-5	Action(s)
AA	Liberal Studies	Continuation at the current level of activity (§135-10-5.1.1)	N/A
AAS	Board of Govenors	Continuation at current level (§135-10-5.1.1)	N/A
AAS	Aviation Maintenance	Continuation at current level (§135-10-5.1.1)	N/A
AAS	Radiologic Technology	Continuation at current level (§135-10-5.1.1)	N/A
AAS	Occupational Development: Early Childhood	Continuation at current level (§135-10-5.1.1)	N/A
AAS	Paralegal Studies	Continuation with corrective action (§135-10-5.1.2)	Discontinue the Landwork specialization. Implement end-of-program assessment for students, form and hold meetings of the advisory board, review program curriculum in collaboration with an advisory board to increase graduation and retention rates, and implement program improvements, as needed.
AAS	Advanced Welding	Continuation at current level (§135-10-5.1.1)	N/A

**Pierpont Community and Technical College
Program Review**

Program (Title and Degree Designation): Liberal Studies A.A. (Including Pre-Social Work Specialization)	
Program Accreditation <input type="checkbox"/> Program with Special Accreditation <input checked="" type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation <p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program <p>Rationale for Recommendation:</p>	
Signature of the Provost	 Date: 5/16/2023
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:

Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Board of Governors A.A.S.	
Program Accreditation	
<input type="checkbox"/> Program with Special Accreditation <input checked="" type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation	
<p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p>	
<input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program	
Rationale for Recommendation:	
Signature of the Provost	 Date: 5/16/2023
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:

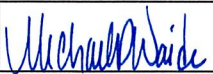
Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Aviation Maintenance Technology	
Program Accreditation	
<input type="checkbox"/> Program with Special Accreditation <input type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation	
<p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p>	
<input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program	
Rationale for Recommendation:	
Signature of the Provost	<div style="text-align: center;"><i>Michael Waide</i></div> <div style="text-align: right;">Date: 5/16 2023</div>
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:


Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Technical Studies, Radiology Technology, Associate of Applied Science	
Program Accreditation <input checked="" type="checkbox"/> Program with Special Accreditation <input type="checkbox"/> Program without Special Accreditation <input type="checkbox"/>	
Institutional Recommendation <p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program <p>Rationale for Recommendation:</p>	
Signature of the Provost	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"><i>Michael Waide</i></div> <div style="text-align: right;">Date: <i>5/16/2023</i></div> </div>
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:

Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Occupational Development: Early Childhood Practitioner A.A.S.	
Program Accreditation <input type="checkbox"/> Program with Special Accreditation <input checked="" type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation <p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program <p>Rationale for Recommendation:</p>	
Signature of the Provost	
	Date: 5/16 2023
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:

Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Paralegal Studies, A.A.S. (Including Landwork Specialization)	
Program Accreditation <input type="checkbox"/> Program with Special Accreditation <input checked="" type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation <p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review “the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district” (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Continuation of the program at the current level of activity <input checked="" type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program <p>Rationale for Recommendation:</p>	
Signature of the Provost	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex-grow: 1;">  </div> <div style="text-align: right;"> Date: 5/16/2023 </div> </div>
Signature of the President	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex-grow: 1;"> _____ </div> <div style="text-align: right;"> Date: </div> </div>
Signature of the Chair, Board of Governors	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex-grow: 1;"> _____ </div> <div style="text-align: right;"> Date: </div> </div>

Pierpont Community and Technical College Program Review

Program (Title and Degree Designation): Advanced Welding, A.A.S.	
Program Accreditation	
<input type="checkbox"/> Program with Special Accreditation <input checked="" type="checkbox"/> Program without Special Accreditation	
Institutional Recommendation	
<p>Pierpont Community and Technical College is obligated, per West Virginia Council for Community and Technical College Education policy, to review "the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district" (§135-11-8.4 of WVCCTCE Series 11). In accordance with this obligation pursuant to the program of review, the Pierpont Community and Technical College Board of Governors recommends the following action:</p>	
<input checked="" type="checkbox"/> Continuation of the program at the current level of activity <input type="checkbox"/> Continuation of the program with corrective action (for example, reducing the range of optional tracks or merging programs) <input type="checkbox"/> Identification of the program for further development (for example, providing additional institutional commitment) <input type="checkbox"/> Development of a cooperative program with another institution, or sharing courses, facilities, faculty, and the like <input type="checkbox"/> Discontinuation of the program	
Rationale for Recommendation:	
Signature of the Provost	<div style="text-align: center;"><i>Michael Wade</i></div> <div style="text-align: right;">Date: 5/16/2023</div>
Signature of the President	Date:
Signature of the Chair, Board of Governors	Date:

Tab

4

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF MAY 18, 2023**

ITEM: Policy PP-2007: Ethics

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors approve the proposed changes to Policy PP-2007: Ethics

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND: The language in the existing Ethics Policy requires updating.

The proposed revisions will insert applicable statutory and regulatory references, clarify the processes, add language concerning conflict of interest and commitment, and update the policy number and reorganizes policy provisions pursuant to PP-1000-B.

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 7
PP-2007

TITLE: ETHICS, CONFLICTS of INTEREST, and CONFLICTS of COMMITMENT

Effective Date: May 18, 2023

Amended:

Repealed:

SECTION 1. GENERAL

- 1.1 Scope: This policy implements guidelines in accordance with the West Virginia Governmental Ethics Act. All Faculty, Staff, members of the Board of Governors, Volunteers, and students with an employment relationship with the College are responsible for sustaining the highest ethical standards through values of integrity, honesty, and fairness in their teaching, research, service, and business practices. This policy provides the College's guidelines regarding real and perceived Conflicts of Interest. It also provides guidelines that identify when Pierpont Faculty and Staff may enter into Consulting Arrangements with third parties outside of the scope of their employment with the College. Faculty on less than twelve-month appointments shall continue to comply with the Ethics Act during the months between their appointment terms
- 1.2 Authority West Virginia Code § 18B-1-6, 6B-2-5(L)
- 1.3 **Applicability of the Ethics Act:** All officials, administrators, and employees of the College – including members of the Board of Governors, the President, and all faculty, non-classified staff, classified staff, and student employees – are subject to the Ethics Act as found at W. Va. Code § 6B-2- 1, et seq. and its implementing legislative rules (including without limitation 158 C.S.R. 1, 3, 6, 7, 8, 19, and 20). However, employees of public institutions of higher education who are engaged in teaching, research, consulting, or publication activities in their fields of expertise with public or private entities and thereby derive private benefits from such activities shall be exempt from the prohibitions against use of public office for private gain, solicitation of gifts, and interests in public contracts when the activity is approved as a part of an employment contract or has been approved by the employee's department supervisor or the president of the institution. See, W. Va. Code § 6B-2-5(n). This is a very narrow exemption, the application of which must be approved by the President in accordance with this policy.

SECTION 2. APPROVAL of ACTIVITY

- 2.1 The President's or President's designee's approval of an exemption from the Ethics Act or a request for an outside Consulting Arrangement shall be added to the employee's employment contract.
- 2.2 The President's or President's designee's approval granted pursuant to this policy may be revoked upon reasonable notice to the employee.
- 2.3 Only the President or President's designee may approve exemptions from the Ethics Act or approve outside Consulting Arrangements under this policy. Such delegation of authority by the president shall be in accordance with the needs of the college but in no case shall such delegation be at an authority level lower than a departmental chair, director, or other similar department supervisor.
- 2.4 The President or President's designee may grant an exemption from the Ethics Act or approve an outside Consulting Arrangement on a case-by-case basis or, when such activities are common within the institution, a department or other category or grouping of employees, to all of the institution's employees or any subgrouping thereof. Such approvals shall be added as addenda to all affected employees' contracts or noted, as appropriate, in the employees' personnel files.
- 2.5 The institution shall establish appropriate procedures for the review and approval of those employee requests for exemption from the Ethics Act and requests for approval of outside Consulting Arrangements.
- 2.6 Disclosures required by this policy are personal in nature and they shall be kept confidential, as permitted by law.

SECTION 3. SOLICITATION of GIFTS

- 3.1 Unless otherwise restricted or prohibited by one's supervisor or the President or President's designee, employees may solicit gifts or donations which directly benefit the institution. Solicitations on behalf of a particular department, school or the Pierpont Foundation is solicitation on behalf of or for the benefit of the institution.
- 3.2 Permissible solicitations shall include but not be limited to the following, even though the soliciting employee may work in a position which will be directly or indirectly supported thereby:
 - 3.2.1 Grants from governmental agencies, foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution;
 - 3.2.2 Contracts with governmental agencies, foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution;

- 3.2.3 Donations from foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution.
- 3.3 Support for teaching, research, publication and service activities include, but are not limited to, such normal and regular institutional needs as support for salaries; scholarships; capital improvements or repairs; and classroom, laboratory, athletic, medical, scientific and other similar equipment supplies.

SECTION 4. USE OF PUBLIC OFFICE FOR PRIVATE GAIN

- 4.1 So long as an employee complies with this policy in seeking approval of a waiver from the Ethics Act or approval of a request for outside Consulting Arrangement, the employee's activity will not be considered inappropriate use of an employee's public office (position) or the prestige of that office for one's own private gain or that of another person.
- 4.2 When an employee of the College uses his or her knowledge and personal prestige for private gain without the use of the employee's public office, then there is no requirement to obtain an exemption under this policy.
- 4.3 The College President or the President's designee may grant the employee an exemption from the Ethics Act related to use of public office for private gain, gifts, and interests in public contracts if the employee is engaged in teaching, research, consulting, or publication activities in his or her field of expertise as an author, speaker, consultant, or through other approved activities such as service on the board of an outside agency or business.
- 4.4 When considering an employee's request for an exemption from the Ethics Act or request for approval of an outside Consulting Arrangement, the President or the President's designee shall consider the following:
 - 4.4.1 Whether the employee brings to his/her position his/her own unique personal prestige which is based upon his/her own intelligence, education, experience, skills and abilities, or other personal gifts or traits.
 - 4.4.2 Whether such activity is customary and usual within the field;
 - 4.4.3 Whether the institution derives any benefit through prestige or otherwise from the activity;
 - 4.4.4 Whether the institution expects or anticipates that the employee will gain financially from the activities which are not a part of the employee's required employment activities;

- 4.4.5 Whether the employee's activity will increase his/her personal or professional development or will lend service or benefit to the nation, state or community;
 - 4.4.6 Whether the outside activity will interfere with or create an overriding conflict with the employee's responsibility to the institution or will interfere with the satisfactory performance of the employee's institutional duties.
 - 4.4.7 Whether the employee is engaged in teaching, research, consulting, or publication activities in his or her field of expertise with public or private entities.
- 4.5 An employee's disclosure of his or her position, title, and work history with Pierpont or any other public college or university in West Virginia in the promotion of his or her's private activities is exempt from the prohibition against the use of prestige of public office for a private gain so long as the President's or the President's designee's has approved the employee's request to engage in such activity in accordance with this policy. However, in these cases the employee shall make clear to the outside entity the fact that he or she is not representing the institution but is speaking as a private citizen. Employees may not use College-owned supplies, equipment, or other resources for personal projects or outside Consulting Arrangements. College Employees may not use their subordinates to work on personal projects or outside Consulting Arrangements during work hours or compel them to do so on their own time. Any misuse of Pierpont resources is prohibited unless that use is de minimis, that is, involving only an insignificant amount of time, funds, supplies, personnel, or equipment.
- 4.6 An employee acting in accordance with an exemption from the Ethics Act prohibitions, or under any other conflicts in this rule, or performing an outside Consulting Arrangement approved in accordance with this policy is not, during such performance, an agent of Pierpont or the State of West Virginia.
- 4.7 No exemption granted in accordance with this policy shall be deemed to constitute a waiver by the institution of any lawful contractual provision in the employment contract of any full or part-time employee of Pierpont.

SECTION 5. INTERESTS IN PUBLIC CONTRACTS

- 5.1 The Ethics Act prohibits any College Officials or employees from having a financial interest in any contract, purchase, or sale over which their position at the College gives them control, unless the Officials' or employee's interest in the contract is limited as provided in W. Va. Code § 6B-2(d)(2). This prohibition extends to contracts in which the College Official's or Employee's Family Members have a financial interest, as well as to any business with which the College Official or Employee or their Family Members are associated. Each employee or Official shall disclose any interest the Official or employee or any member of the Official's or employee's immediate family may have in the profits

or benefits of a contract which the employee may have direct authority to enter into or over which the Official or employee may have control.

5.2 The President or the President's designee may review any interest an official or an employee or any member of the Official's employee's family may have and determine what, if any, restrictions or limitation will be placed on the employee's activities concerning the contract.

5.3 Without limitation, the following are examples of interests in public contracts which may be permitted:

5.3.1 The employee is the author and copyright owner of a leading textbook in his/her teaching field and may wish to require the use of the textbook by his/her students;

5.3.2 The employee is the inventor and patent owner of a scientific tool necessary for research in his/her field;

5.3.3 The employee is an expert in a particular field his or her's expertise is sought after by other professionals, institutions, or governmental agencies and providing such consulting services is not part of the employee's duties to the institution.

5.4 A Pierpont Employee may not endorse a particular product or business, including case studies completed by a vendor. A commercial endorsement of a product or business is only permissible when it results in an overriding public benefit. Sponsorship agreements entered into on behalf of the College are deemed to have an overriding public benefit within the meaning of the Ethics Act.

5.5 Dual Compensation. No Pierpont Employee may receive compensation from two sources of state, county, or municipal government for working the same hours, except under certain limited circumstances. However, Faculty and Non-Classified Staff can engage in an outside Consulting Arrangement with a state, county, or municipal government so long as they receive approval from the President or President's designee to do so in accordance with this policy.

SECTION 6. PRESIDENT AND CHAIR

6.1 The Chair of the Pierpont Board of Governors shall and approve or deny the President's request for exemption from the Ethics Act or to engage in an outside Consulting Arrangement in accordance with this policy.

SECTION 7. CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT

7.1 All full-time Pierpont Employees owe their primary professional allegiance to the College. All Pierpont Officials and Employees shall comport themselves at all times so as to avoid Conflicts of Interest and Conflicts of Commitment.

7.2 **Conflicts of Interest**

7.2.1 A Conflict of Interest occurs when

7.2.2 The Appropriate College official shall determine whether a conflict of interest or the appearance of a conflict of interest exists objectively on a case-by-case basis. Because the appearance of a conflict of interest can be as damaging or detrimental as an actual conflict of interest, for the purposes of this policy, apparent conflicts of interest are treated the same as actual conflicts of interest.

7.2.3 Employees shall promptly notify their department manager or department chair of any outside employment, either paid or unpaid. Employees also shall promptly notify their department manager or chair if they are being compensated by a non-profit or for-profit organization or company as a consultant or independent contractor.

7.2.4 Faculty shall promptly notify their dean or department chair and the Provost and Staff shall promptly notify their supervisor and the Chief Human Resources Officer if any of the following apply:

7.2.4.a The employee is an executive officer, director, member of a governing body, partner, or owner of any non-profit or for-profit organization or company.

7.2.4.b The employee has a financial interest in an organization or company with which the College is contemplating a transaction or business relationship or has a business relationship, assuming the employee is aware of the transaction or business relationship. In any event, the employee shall make the requisite notification as soon as he or she becomes aware of the actual or contemplated transaction or business relationship. This includes a financial interest in any organization or company that serves as, or is being considered to serve as, a vendor, supplier, or contractor to the College.

7.2.5 If the appropriate College Official determines a conflict of interest exists, the Employee shall take immediate action to satisfactorily resolve the conflict.

7.3 **Conflicts of Commitment**

7.3.1 A full-time Pierpont Employee's primary commitment of time and intellectual effort must be to the teaching, scholarship, and service missions of the College.

7.3.2 A Conflict of Commitment refers to a situation where an individual engages in external activities, either paid or unpaid, that interferes with his/her primary obligation and commitment to the College. Individuals in the Pierpont community should evaluate and arrange their external interests in order to avoid compromising their ability to carry out their primary obligations to the College, and most conflicts of commitment should generally be avoided or resolved through the exercise of personal judgment or discretion.

7.4 Corrective Actions for Violations

7.4.1 Any Pierpont Employee who fails to abide by the requirements within this Rule shall be subject to appropriate disciplinary action, up to and including termination, or other disciplinary action as may be appropriate.

SECTION 8 OUTSIDE CONSULTING ARRANGEMENTS.

8.1 **Applicability.** Full-time Faculty and Non-Classified Staff may engage in Consulting Arrangements outside of their employment responsibilities to the College on subjects that are within their area of professional expertise. The provisions of this Section do not apply to part-time Employees, such as Adjunct Faculty, who are not required to seek approval for Consulting Arrangements or other employment that they conduct outside of their part-time employment with the College.

8.2 **Faculty Specific Guidelines.** External activities Consulting Arrangements conducted by a faculty member must be of such nature as to improve effectiveness as a teacher, or contribute to scholarly attainments, or should in some manner serve the interests of the College or of the community. External activities Consulting Arrangements must not distract significantly from primary responsibilities and must not require such extensive absence as to cause the faculty member to neglect course obligations or become unavailable to students and colleagues. External activities Consulting Arrangements must be of such nature and conducted in such manner as will not bring discredit to Pierpont and must not compromise any intellectual property owned by the College. Faculty members should periodically re-examine the nature and extent of their external activities Consulting Arrangements and conscientiously avoid engaging in activities that constitute conflicts of commitment. The Provost or Dean may grant exceptions in extraordinary cases upon recommendation of the appropriate dean. Accordingly, full-time faculty members shall limit the time spent on Consulting Arrangements as follows:

8.2.1 Full-time faculty members appointed on a nine-month basis should not normally exceed forty 40 days during the academic year, including holidays.

- 8.2.2 For those full-time faculty members appointed on a 12-month basis and those receiving external funding during the summer, time spent on external activities should not normally exceed fifty 50 days per year, including holidays.

8.3 Staff Specific Guidelines. Employment outside Pierpont or other activities that could create a conflict of commitment, or the appearance of a conflict of commitment, should be disclosed Staff members shall disclose to their immediate supervisor any Consulting Arrangement or Outside Activity as outlined in this policy and discussed with the staff member's supervisor to ensure it will not create a conflict of commitment. Hourly paid staff, or part-time exempt staff, shall also disclose and discuss with their supervisor concerning any external obligations so that a conflict of commitment does not arise. Accordingly, external activities must be arranged staff members shall arrange any Consulting Arrangements or Outside Activities so as not to interfere with a staff member's his or her primary commitments to the College. External activities must Consulting Arrangements and Outside Activities shall be of such a nature and conducted in such a manner as will not bring discredit to the College and must not compromise any intellectual property owned by the College. Staff members should periodically re-examine the nature and extent of their external activities Consulting Arrangements and Outside Activities and conscientiously avoid engaging in activities that constitute conflicts of commitment. The President or Provost the President's designee may grant exceptions to this policy in extraordinary cases upon recommendation of the Conflicts of Interest Committee in accordance with this policy upon request of the staff member and for good cause shown.

8.4 Guidelines for Outside Consulting Arrangements.

- 8.4.1 Pierpont Faculty and Staff engaging in outside Consulting Arrangements are not permitted to use the College name, logo, or marks. However, the Pierpont Faculty and Non-Classified Staff may use the College name to convey biographical information.
- 8.4.2 Pierpont Faculty and Staff are prohibited from using College resources, including but not limited to College email and electronic devices, the individual's office, and other College Employees' time, in carrying out their responsibilities under their outside Consulting Arrangements, unless the use is de minimis in accordance with the provisions of the Ethics Act. In no event may an Employee engaged in a Consulting Arrangement use or compel subordinate employees to assist them in such endeavor.
- 8.4.3 An individual cannot use College resources to advertise or endorse their Consulting Arrangements.

8.5 Approval of Outside Consulting Arrangements.

- 8.5.1 Prior to agreeing to any outside Consulting Arrangement, an individual must Employee or Official shall submit a Consulting Arrangement Approval

Request Form to the dean of their school or the Provost. If an individual Employee or Official reports directly to the President, the Employee or Official shall submit the Request Form to the President must approve the Form.

8.5.2 The individual must Employee or Official shall fully complete the required Form and provide other reasonable information to the dean or Provost upon request. At minimum, the Form must include a description of the Consulting Arrangement, the entity with whom the arrangement is with will be made, and the anticipated time commitment for the arrangement.

8.5.3 Upon review, the Dean, Provost, or President shall determine if the request is appropriate, does not constitute a conflict of commitment or create a conflict of interest, and abides by the guidelines provided within this Rule policy.

8.5.4 Should a Dean or Provost deny the request for an outside Consulting Arrangement be denied, the individual Employee or Official may request that decision be reviewed by Pierpont's Conflict of Interest Committee President for a final determination. The final determination of the Conflict of Interest Committee President cannot be appealed.

8.6 CONFLICT OF COMMITMENT GUIDELINE REGARDING NON-PIERPONT ONLINE TEACHING

8.6.1 **General Standards.** – Teaching outside of Pierpont presents issues that require special attention because it has the potential to compete with the College's own offerings. In judging the appropriateness of teaching any online course outside the educational mission of the College, Faculty shall consider the time commitment and the potential impact of these activities on the fulfillment of their commitments to Pierpont. In addition, the following special considerations and procedures apply to online courses offered, or reasonably expected to be offered, for academic credit and to online courses providing certifications:

8.6.1.a In determining whether to grant such permission or as guidance for reviewing potential conflicts, the Dean (or the Dean's designee) and faculty should shall consider whether such an online course will impair the instructional offerings of the faculty member's School or other Schools at Pierpont. In making this impairment determination, the Dean and the Faculty may consider the following factors (among others) may be useful to consider, with affirmative answers counting against approval, but no set number of affirmative answers being conclusive: (i) Is the faculty member one of the primary instructors or a course director in the online course? (ii) Is the online course comparable to any current course at Pierpont? (iii) Is the online course among the courses that Pierpont plans to

include in its own offerings in the next two academic years? (iv) Is the online course likely, in fact, to require the instructor to commit to teaching the content exclusively with the online vendor or other institution and not to provide any similar content in another online format?

8.6.1.b **Special Provision for Online Courses for Academic Credit.** – Faculty are not permitted to offer online courses for undergraduate, graduate, or professional degree credit for another education institution or venture except with without first obtaining permission of the faculty member's his or her Dean.

8.6.1.c **Special Provision for Online Courses Providing Certifications.** – Faculty must disclose to the appropriate Dean their plan to teach in online courses that offer certifications to their Dean (or Dean's designee) prior to undertaking such teaching.

SECTION 9 DEFINITIONS

- 9.1 “Board Member” means individuals actively serving as a Board of Governors member for Pierpont Community & Technical College as appointed under West Virginia Code § 18B-2A-1.
- 9.2 “Consulting Arrangement” means any outside employment, arrangement, or contract where full-time faculty or non-classified staff provides their expertise to a non-Pierpont third party as an independent contractor and in which the expertise is, directly or indirectly, related to the employee's employment or job duties with the College.: Provided, that for full-time employees during their yearly appointment term, such outside Consulting Arrangement must, at a minimum, meet the following requirements:
- 9.2.1 It must further develop the individual professionally or serve the public in an area related to the individual's assignment or professional expertise;
- 9.2.2 It must not constitute a conflict of commitment with the individual's College responsibilities, nor interfere with the individual's teaching, research, or service to the College; and
- 9.2.3 It must not be in conflict with the mission and objectives of Pierpont.
- 9.3 “Consulting Arrangement Approval Form” means a form developed for Faculty and Staff to obtain approval for their outside Consulting Arrangements. This Form can be located at:
- 9.4 “Dean” means any Dean or their designee.
- 9.5 “Employee” means any Faculty and Staff.

- 9.6 "Family Member" means spouse, a person with whom the individual is living with as a partner, any dependent child, dependent grandchild, or dependent parent.
- 9.7 "Institutional Conflict of Interest Disclosure" means a form developed to disclose the potential conflicts of interest or commitment of Pierpont Officials or employees.
- 9.8 "Significant Financial Interest for Institutional Conflicts of Interest" means a financial interest consisting of one or more of the following interests of a Pierpont Official, or Family Member of the Pierpont Official, that reasonably appears related to the College Official's institutional responsibilities:
- 9.8.1 Equity or ownership interests held by the Pierpont Official or a Family Member worth more than Ten Thousand Dollars (\$10,000.00) in the aggregate in any publicly traded, for-profit organization. Excluded are equity interests held in mutual funds or retirement programs.
- 9.8.2 Any equity or ownership interest held in any for-profit organization that is not publicly traded.
- 9.8.3 Service as a member of a board of directors or other governing board of a for-profit organization, including service as a trustee or scientific advisory board member, service as an officer of the organization (whether paid or unpaid) or service as an employee by the Pierpont Official.
- 9.8.4 Payments or a legal right to a payment, including royalty payments, resulting from technology transfer, licensing or any outside business activities that, for any single arrangement, exceeds Ten Thousand Dollars (\$10,000.00) in the aggregate per year.
- 9.9 "Staff" means all Classified Employees and Non-Classified Employees.
- 9.10 "College or Pierpont Official" means Pierpont Board Members, President, Vice Presidents, Assistant Provosts, Deans, Associate and Assistant Vice Presidents and Provosts, Assistant and Associate Deans, and Directors.

Tab

5

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF MAY 18, 2023**

ITEM: Policy PP-5025: Salary

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors approve the proposed changes to Policy PP-5025: Salary

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND: The language in the existing Salary Policy requires updating.

The proposed revisions will insert applicable statutory and regulatory references, clarify the salary processes and provide needed flexibility in operations, and update the policy number and reorganizes policy provisions pursuant to PP-1000-B.

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 25
PP-5025

TITLE: SALARY POLICY

Effective Date: November 29, 2004;

Amended: June 15, 2006, August 27, 2007, October 19, 2010; May 18, 2023

Repealed:

SECTION 1. GENERAL

- 1.1 SCOPE: This salary policy shall govern the adjustment of salaries for employees of Pierpont Community & Technical College. The College shall develop a fair and equitable compensation system for employees.
- 1.2 AUTHORITY: West Virginia Code § 18B-1-6; §18B-2A-4.
- 1.3 Effective Date: May 18, 2023

SECTION 2. PROCEDURES FOR ESTABLISHING SALARY ADJUSTMENTS

- 2.1 Each year, or from time to time as deemed appropriate, the President shall present to the Board a plan for the distribution of general salary increases to employees. This plan shall address increases for all employees other than the President. Provided, that nothing in this policy creates a right or guarantee of any salary adjustment for any Pierpont employee.
- 2.2 The plan shall reflect the aggregate percentage increase in salary to be paid to faculty, non-classified staff, and classified staff.
- 2.3 The Board may approve or revise the plan submitted by the President. Upon approval of a plan, the Board shall establish the aggregate dollars to be allocated each year for general salary increases for each of the three groups of employees in accordance with the Salary Administration Guidelines established by Human Resources. The College shall distribute the aggregate increase in dollars in accordance with the recommendation of the President upon approval by the Board.

SECTION 3. CLASSIFIED STAFF SALARY POLICY

- 3.1 Salaries of classified employees shall be set consistent with the West Virginia Higher Education Policy Commission and Community and Technical College Council's Human Resources Administration rule, 135 C.S.R. 55.

SECTION 4. No provision herein shall be deemed to apply in any manner to the salary of the Pierpont Community & Technical College President, whose remuneration shall be

set, from time to time, at the will and pleasure of the Board and with the approval of the West Virginia Community & Technical College System.

Tab

6

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF MAY 18, 2023**

ITEM: Policy PP-3063: Intellectual Property

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors approve the changes to Policy PP-3063: Intellectual Property

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND:

The proposed new policy will insert applicable statutory and regulatory references, clarify the processes and add language concerning the governance of intellectual property at Pierpont, and create the policy number and organizes policy provisions pursuant to PP-1000-B.

PIERPONT COMMUNITY & TECHNICAL COLLEGE

Board of Governors Policies and Procedures

Policy # 63

PP-3063

SHORT TITLE: Intellectual Property

REFERENCE: W. Va. Code §§ 18-2A-4 and 18B-1-6

EFFECTIVE: TBD

AMENDED:

REPEALED:

REVIEWED:

SECTION 1. PURPOSE

Pierpont Community & Technical College ("Pierpont" or the "College") encourages and recognizes research, publishing, and other activities by faculty and staff that further the institution's mission. The College seeks to achieve a fair balance between the rights of Creators who are employees and independent contractors, and the rights of the College related to intellectual property developed using its resources.

SECTION 2. SCOPE AND APPLICABILITY

This Policy and Procedures applies to the creation of intellectual property by members of the College community. To provide that Pierpont complies with laws governing patents, copyrights, trademarks and other intellectual property rights, this Policy establishes procedures for all members of the College community. Procedures are outlined in general terms and may not cover every possible situation. For issues specifically related to Copyrights and the detailed use copyrighted material at Pierpont, refer to Board of Governors Policy #55, PP-3055, Copyright.

SECTION 3. DEFINITIONS

3.1 Intellectual property: the tangible or intangible product of creative or scholarly efforts, that the law protects from unauthorized use by others. Expressions of original ideas, objects, data, applications, and processes are considered to be intellectual property. Expressions could include written material, spoken descriptions, models, sketches, musical scores (including any accompanying words), sculptures, software code and programs (and related manuals and/or documentation), websites or web

pages, audiovisual works, architectural works, dramatic works (including any accompanying music), pantomimes and choreographic works, and paintings. Such property includes, but is not limited to, inventions, goods, materials, course material, lab manuals, instruments, equipment, biological organisms, chemical compositions, mask works, computer software, graphics, literary and musical works, and trademarks. Intellectual Property is traditionally comprised of four categories: patent, copyright, trade secret, and trademark.

3.2. College Resources: College premises, property, IT resources, personnel, branding, or funding.

3.3 College Premises: all buildings or grounds owned, leased, operated, controlled, supervised, or temporarily used by the College.

3.4. College Community: students, and all employees of the College as well as any independent contractors or other third parties to the extent it is included under contractual agreements.

3.5. Creative Commons License: a license granted by the copyright holders which allows them to retain the copyright to their works while giving the public permission to use those works under certain conditions.

3.6. Creator: any member of the College community who is the originator of intellectual property.

3.7. Fair Use: the right to use copyrighted materials without consent of the copyright owner, usually for scholarship, teaching, research, or criticism, as stipulated by Section 504(c)(2) of the Copyright Act.

3.8. Incidental Use of College Resources: the infrequent and de minimis use of Pierpont resources including office supplies, library resources, IT resources, human resources, or other resources on the Pierpont campuses. Generally, "incidental use of college resources" does not (1) involve the procurement of special supplies, services, equipment, or other support by the College; (2) constitute more than a nominal amount of normal duty time of any faculty, administrator, classified, or nonclassified employee; (3) involve released or reassigned time; or (4) demand more than a nominal amount of normal work hours of assisting College employees. It is the sole right of the Pierpont to determine whether more than Incidental Use of College Resources and/or facilities has occurred.

3.9 Invention: a new and useful machine, article of manufacture, composition of matter, process, solution to a problem, or any new use of the same that can be protected through patents.

3.10 Information Technology Resources: resources that include, but are not limited to, telephones, mobile devices, computers, printers, scanners, servers, networking devices, public access computers, and licensed software and services. These resources are often involved in the processing, storage, accessing, and

transmission of data owned by, controlled by, or contracted to the College.

3.11. Patent: any work recognized by a national patent office to have been created or invented by the bearer of the patent, alongside the rights and protections granted by ownership of the patent.

3.12. Student Work: work that is produced or created by a registered full-time or part-time student of the College without more than incidental use of College facilities or equipment or the direct use of Pierpont funds (where student financial aid and/or scholarships would not be considered "Pierpont funds"), that is produced or created outside of any employment by Pierpont, and that is not sponsored, contracted, or commissioned by Pierpont.

3.13. Trademark: any symbol or combination of symbols which serve to identify the commercial source of items marked by the symbol.

3.14. Trade Secret: any information, including, but not limited to, a formula, pattern, compilation, computer software, data, device, method, technique, process, or application that: (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable, under existing circumstances, to maintain its secrecy.

3.15. Work for Hire: a work created by an employee within the scope of their employment that was specifically produced as a result of a special order or commission by Pierpont. This definition includes works prepared by employees in satisfaction of sponsored agreements between the College and outside agencies or companies. Certain commissioned works are also works for hire if the parties agree in writing. The employer, which for purposes of this policy is the College, is by law the author, hence the owner, of works for hire for copyright purposes. Ownership in a work for hire may be relinquished to the employee or others only by an official of the College authorized to do so.

SECTION 4. POLICY

4.1 Ownership and Rights to Intellectual Property

4.1.1 For intellectual property created with incidental use of College resources or no use of College resources, the Creator retains ownership.

4.1.2 The College owns intellectual property created using College resources, unless the College, in its sole discretion, recognizes a specific exception. Should the President or their designee, approve such an arrangement, the College and the Creator shall enter into a written agreement, in which the College maintains the right to use the intellectual property for its educational mission and the development of its employees, while the creator retains their ownership rights in the intellectual property. The College may pay the Creator a royalty in such

circumstances. The College may recognize other exceptions on a case-by-case basis.

4.1.3 The College retains ownership and rights to the intellectual property in any Work for Hire.

4.1.4 Course and program descriptions, course justifications, student learning outcomes, course syllabi, and any other curriculum materials submitted by any Pierpont faculty member or staff member for the Institutional Review of Curriculum Proposals for approval of a course, degree or certificate program, or other course of study are works for hire. Any copyright in such curriculum material belongs to Pierpont.

4.1.5 The College does not claim ownership for works developed by anyone prior to that person becoming a member of the Pierpont organization and having any access to College resources (i.e. intellectual property brought to the College from another place of employment).

4.2 Intellectual Property Procedures

4.2.1 The College owns and has all rights to any copyrighted materials, trademarks, patents, and/or trade secrets discovered, created, or developed by College employees using Pierpont time, resources, facilities, or equipment, except as otherwise provided in this Policy and Procedure. This right includes, but is not limited to, intellectual property that is (a) developed in the course of, or pursuant to, a sponsored project or other agreement with the College; or (b) developed under a written agreement with Pierpont and with funds provided by Pierpont; or (c) developed using Pierpont time, resources, facilities, or equipment; or (d) offered to Pierpont by the Creator and accepted by Pierpont in writing.

4.2.2 The College has the right to use Student Work for assessment, such as determining grades, and other noncommercial purposes, including for academic research or other not-for-profit scholarly purposes, without entering into any agreement with the student. In order to use a Student Work for any other purpose, the College and the student/creator shall enter into a written agreement establishing the parameters of the use.

4.3 Exceptions to Creator Ownership of Intellectual Property - The following types of intellectual property are not owned by the Creator absent a written agreement with the College to the contrary:

4.3.1 Work for Hire: For purposes of ownership of works for hire, ownership vests in the College. In the case of non-employee third parties with which the College is contracting for services related to creation or development of the work, the College shall enter into written "works for hire" agreements with the Creator in which the College will obtain or retain ownership rights in the work as part of the

agreement for work or services. Where the College owns the copyright in a work, it may acknowledge Creators (including Creators of works for hire) who have made a substantial creative contribution to the work.

4.3.2 Institutional Works: Work that is produced as a collaborative effort under the supervision and/or direction of the College. The College owns institutional works. Accordingly, software and software related documentation, as well as other works created by employees at the direction of the College for administrative support purposes, such as documents for administrative use and computer software created by nonfaculty employees of the College for use by the College, are considered works for hire.

4.3.3 Educational Works: Work that is related to curriculum and materials used for the primary purpose of instruction for Pierpont students. Unless otherwise negotiated prior to their creation, educational works created or developed for the primary purpose of instruction for Pierpont students by College employees during their employment with the College are owned by the College and the College has the right to modify, amend, and develop derivative uses for College purposes. Provided that, lecture notes, articles, books, games, movies, simulations, software, videos, art and music works and other publications created by faculty members and technology created outside of the classroom and brought into the classroom are not considered within the scope of employment for purposes of this Policy and Procedures unless Pierpont and a faculty member have entered into a written agreement, which provides that a deliverable will be considered a work for hire.

4.3.4 Grant Funded and Sponsored Works: When work is created with the support of an external entity through an agreement such as a grant or contract, and when any term or condition of the agreement conflicts or is inconsistent with this Policy and Procedures, then the term(s) contained in the agreement, not this policy, shall determine ownership of the intellectual property in that work.

4.3.5 Non-Credit Adjunct Faculty Works: With respect to non-credit instruction, the College retains the rights to unlimited use of all course titles and descriptions, regardless of the non-credit adjunct faculty's employment status with the College, unless the material is under copyright to another party. Course materials (e.g., syllabi, lesson plans, tests, quizzes) created outside the scope of the non-credit adjunct faculty's normal responsibilities and produced without the use of College resources remain the sole intellectual property of the non-credit adjunct faculty member. The College's program coordinator shall retain a copy of all course materials.

4.4 Copyright and Fair-Use

4.4.1 The "Fair Use" doctrine allows educators and students to use copyrighted materials for purposes of criticism, reporting, teaching, scholarship, and research without seeking prior approval to certain types of resources under certain conditions without prior approval, which may include College-owned

copyrighted material. Before using the desired material, consider the following four questions:

- 4.4.1.a **What is the purpose of the use?** This question can be challenged, and the individual using the material must have proof that this or her use of the material was for nonprofit, educational purposes and not for commercial uses or monetary gain. It is important to note that not all educational uses are covered by Fair Use. To be considered educational, the use must be "transformative," that is, it must do more than merely recast an original work into a new mode of presentation (i.e., recasting a novel as an e-book, audiobook, or translation into another language; these things are likely to be found to be derivative and thus protected by copyright). Functions that may be considered transformative include criticism, comments, news reporting, scholarship, research, or parody.
- 4.4.1.b **What is the nature of the copyrighted work?** Factual nonfiction works such as lab manuals, workbooks, and dictionaries support educational purposes and therefore are most likely Fair Use. Fictional works fall under stricter copyright coverage because of the creativity it took to create it. Digital materials also fall under strict copyright protection because of the monetary value placed on digital format. Click this [link](#) to use a tool that will assist in the determination of whether the intended use of copyrighted material falls within a statutory exception for instructors.
- 4.4.1.c **What amount of work will be used?** This factor focuses on whether the use employs more of the copyrighted work than necessary and measures how much of the original work was copied. Generally speaking, the greater the amount of a work that is used, the less likely it will be considered Fair Use. Copying the entirety of a work can be justified as a Fair Use when it is reasonably appropriate to achieve a transformative use and does not offer a competing substitute for the original. For example, copying an entire work in order to make it searchable may be permissible under Fair Use only if snippets of the work are capable of being viewed in the search results. In other circumstances, copying and disseminating an entire work is likely not going to be found to be a Fair Use.
- 4.4.1.d **What will the effect be of this use to the potential market for or value of the copyrighted work?** Will the use of the material have a negative impact on the ability of the author to reap monetary benefits from the work? If a use competes with or takes sales away from the copyright holder or avoids payment of a royalty in an established market, it will probably not be considered a Fair Use. If many copies of the work are widely distributed (i.e., the work is used in multiple sections of a course or is distributed to the general public) or if the use of a work appeals to the same audience as the original

work, it is less likely the use will be seen as a Fair Use. Even if a use is a Fair Use for one semester, repeated use of copyrighted material semester after semester may not be considered a Fair Use, because there is enough time to seek a license from the copyright holder to use the work.

4.4.2 Fair Use is an important doctrine but should be used with caution. There is no formula to ensure that a predetermined percentage or amount of a work – a specific number of words, lines, pages, or copies – may be used without permission.

4.4.3 None of the four factors described above and set out in the law is conclusive, and the weight to be given to each will vary in each instance. It is difficult to predict whether a particular use will fall within the scope of Fair Use, because the analysis is highly fact specific.

4.5 Agreements Related to Ownership of Intellectual Property

4.5.1 The College may enter into written agreements related to the creation and/or ownership of intellectual property. The College shall determine whether to enter such agreements on a case-by-case basis, with the goal to achieve a fair balance between the rights of Creators who are employees of the College, and the rights of the College related to the intellectual property developed using its resources.

4.6 Creative Commons Licensing

4.6.1 Pierpont encourages the development and dissemination of new knowledge and intellectual property by the College Community as described in this policy. A Creative Commons (CC) License enables the creators of copyrighted work to grant permission to others for access and use of College intellectual property. A CC License helps creators retain copyright while allowing others to copy, distribute, and make use of their work. Therefore, Pierpont encourages its creators to add a CC License to any College content distributed to the larger public via the College's website, with the exception of works that are subject to an intellectual property agreement between the Creator and the College. Works that are subject to an intellectual property agreement between the College and the Creator are not required to obtain a CC License, unless specifically stated in the agreement.

There are several CC [licenses](#) from which to choose. Creators should use the most appropriate license for their particular work. Among the different options, the CC-BY License is recommended for maximum dissemination and use of College material. The CC-BY License lets others distribute, alter, modify, and build upon copyrighted work, even commercially, as long as they credit the College for the original creation.

4.7 Dispute Resolution - Should a dispute about the application of this Policy and

Procedures arise between the Creator(s) and the College, the parties shall first pursue resolution using the Complaint Policy and Procedures for Employees.

SECTION 5. GENERAL PROVISIONS

- 5.1 **Review Period.** Pierpont Community & Technical College will review this policy as needed. Initial review will include discussions through the College's Meet and Confer process.
- 5.2 **Procedure.** The Board of Governor's Human Resources, Bylaws, and Policy Committee ("Policy Committee") will initiate and establish the guidelines for each review and will recommend any changes to the Board of Governors.
- 5.3 **Approval.** Pierpont's Policy Committee will forward recommendations to the Board of Governors for their final approval and adoption.
- 5.4 **Publication.** Pierpont will publish the policy on its website.

SECTION 6. RESPONSIBILITIES

- 6.1 The President's Cabinet is responsible for the execution of this policy. The faculty, staff, and students have a responsibility to be aware of and follow this policy.

SECTION 7. REVIEW STATEMENT

The College shall review all policies on a regular basis with a time frame for review to be determined by the Board of Governor's Human Resources, Bylaws and Policy Committee. Upon such review, the Committee may recommend the policy be amended or repealed.

Attachments: None.

Distribution: Members of the Board of Governors and the President's Cabinet of Pierpont Community & Technical College

Revision Notes: The proposed revisions reorganize policy provisions pursuant to PP-1000.B, insert applicable statutory and regulatory references, remove references to Fairmont State University, and clarify the review process.

Tab

7

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF MAY 18, 2023**

ITEM: Policy PP-2012: Post-Retirement Employment Program

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors approve the repeal of Policy PP-2012: Post-Retirement Employment Program

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND:

The proposed repeal is based upon the fact that the policy is primarily a Fairmont State Policy that carried over from the separation. Pierpont does not wish to continue the program.

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 12
TITLE: POST RETIREMENT EMPLOYMENT PROGRAM

Effective Date: July 1, 2002

Amended: April 17, 2012

Repealed:

SECTION 1.

GENERAL

A Post Retirement Employment Program (PREP) shall be available only to retired employees. The PREP shall include all of the following elements:

- 1) Beginning effective in the contract year immediately following an employee's 55th birthday and providing employee has five (5) years of full time service or equivalent, an employee may, upon retirement, request a PREP contract with Pierpont Community & Technical College. An individual may request a PREP contract for one year, with the possibility of two (2) one-year renewals, if all parties agree. At the end of the designated period of post retirement employment, the employee will have no vested employment rights with the college.
- 2) To enter the PREP, faculty must notify in writing his or her Dean and secure the written agreement of the respective President's Cabinet member. Non-classified and classified employees must notify in writing and secure the written approval of the immediate supervisor, the respective President's Cabinet member, and the Human Resources Office. All requests require Vice President or Cabinet level approval, in conjunction with the President. Generally, notice must be given at least 6 months in advance of the proposed effective date.
- 3) An individual who is in the PREP may, without penalty, at any time, opt to terminate his or her employment with the College as a post retirement employee. If this option is taken, at the termination of employment in the PREP, the individual will have no vested employment rights with the College.
- 4) The College will continue to provide an individual on post retirement with all rights and privileges, which are normally extended to faculty, or staff who hold full-time status, except for benefits coverage. No employer paid benefits, other than Social Security and Worker's Compensation, will be provided under the PREP. Base Salary during the period of participation in the PREP shall be reduced to 33%, as of the effective date of the PREP contract. The employee will receive no subsequent pay increase during participation in the PREP.
- 5) A faculty member who opts for entry into the PREP, after notifying his/her Dean and receiving appropriate approval, may either (a) teach 1/3 time in the fall semester and 1/3 time in the spring semester of a given academic year, or (b) teach 2/3 time in either the fall semester or the spring semester of a given academic year; provided that if an individual chooses to teach 2/3 time in one semester, all pay will be received during that semester.
- 6) A classified or non-classified staff member, after receiving appropriate approval of the immediate supervisor, the respective President's Cabinet member, and the Human Resources Office, may

either work (a) four (4) consecutive months in a fiscal year, or (b) 12.5 hours per week for the entire option year.

- 7) It is the responsibility of the individual who enters the PREP to contact the Benefits Office, TIAA/CREF and other appropriate agencies to assure that the appropriate health insurance and other retirement options are properly maintained.

Tab

8

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF MAY 18, 2023**

ITEM: Policy PP-5043: Assignment and Reassignment of Space

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Resolved that the Pierpont Board of Governors approve the repeal of Policy PP-5043: Assignment and Reassignment of Space

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND:

The proposed repeal is based upon the fact that the policy is primarily a Fairmont State Policy that carried over from the separation that does not apply at Pierpont and Pierpont does not wish to continue the policy.

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 43
TITLE: ASSIGNMENT AND REASSIGNMENT OF PHYSICAL SPACE

Effective Date: December 15, 2005, Revised April 5, 2007

Amended:

Repealed:

It is the policy of the Pierpont Community & Technical College Board of Governors that all requests for the assignment or reassignment of space on the campuses of Fairmont State University be first reviewed by the Facilities Administration Council as appointed by the presidents. This includes not only requests for reassigning space from one department to another, but also requests for changing facility use from general to specific purpose.

The council shall consist of the Assistant to the President (chair), President FSU (ex officio), President of Pierpont, Provost/VP for Academic Affairs, VP for Administration and Fiscal Affairs, VP for Research and Contracts, VP for Student Affairs, VP for Academic Services, VP for Institutional Advancement, Assistant VP for Facilities, Registrar, President of Faculty Senate, President of Faculty Assembly, President of FSU Classified Staff Council, President of Pierpont Classified Staff Council, President of Student Government.

The council will make recommendations to the presidents. The presidents will consult about whether to grant requests. If the presidents do not reach consensus, the final decision will be made by the FSU President. The Pierpont President may appeal to the Finance, Personnel, Facilities, and External Relations committee of the Board of Governors.

All space is open to reassignment to ensure optimal use of available space and facilities.

Tab

9

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF May 18, 2023**

ITEM: Policy PP-1008: Social Justice

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 concerning the proposed repeal of Policy PP-1008: Social Justice.

STAFF MEMBER: George H. Perich; Vice President, Human Resources & Org. Dev.

BACKGROUND: The language in the existing policy is not applicable to Pierpont.

This policy contains redundant language that is included in other policies and public statements. The balance of the language is broad and vague and is extremely difficult to follow.

PUBLIC COMMENT PERIOD: May 20, 2022 to June 19, 2023

All comments are to be made in writing to:

*Amanda Hawkinberry
Executive Assistant to the President
Pierpont Community & Technical College
500 Galliher Drive
Fairmont, WV 26554
bog@pierpont.edu*

*The proposed policy will be available for public viewing on the
Pierpont Community & Technical College website at
<https://www.pierpont.edu/about/board-of-governors/policies/>*

PIERPONT COMMUNITY & TECHNICAL COLLEGE
Board of Governors Policies and Procedures
POLICY # 8
TITLE: SOCIAL JUSTICE

Effective Date: December 5, 2001

Amended:

Repealed:

SECTION 1. GENERAL

- 1.1 Scope: This policy defines social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.
- 1.2 Authority West Virginia Code § 18B-1-6
- 1.3 Effective Date December 5, 2001

SECTION 2. SOCIAL JUSTICE POLICY

- 2.1 The Pierpont Community & Technical College Board of Governors is committed to bringing about mutual understanding and respect among all individuals and groups at Pierpont Community & Technical College and to eliminating all forms of discrimination as provided by West Virginia and federal law.
- 2.2 Consistent with its comprehensive mission, and recognizing that the development of human potential is a fundamental goal in a democratic society, the Pierpont Board of Governors promotes an educational system that values cultural and ethnic diversity and understanding; that provides for the preparation of students for full and meaningful participation in a changing world; and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons, regardless of race, color, national origin, sex, sexual preference, sexual orientation, age religion, veteran status, or disability.

SECTION 3. IMPLEMENTATION

- 3.1 Pierpont shall develop a program for social justice consisting of the following elements:
 - 3.1.1 Activities, including education, which have a goal of eliminating prejudice or discrimination based upon race, color, national origin, sex, sexual preference, sexual orientation, age, religion, veteran status, or disability from student life and working conditions in the institution.
 - 3.1.2 An appraisal of the institution's educational environment, job structure, and employment practices as they relate to social justice.
 - 3.1.3 Provision for counseling and responding to employees, applicants, and students who charge that they have been discriminated against, and for the informal resolution of such matters before the filing of a formal complaint.

- 3.2 Responsibility for carrying out the social justice program is assigned as follows:
- 3.2.1 The President of Pierpont shall designate an administrative officer who will be responsible for overseeing the social justice program as part of his or her other duties and responsibilities. This officer is expected to carry out the institution's social justice program, as directed by the president, by developing plans, procedures, and regulations necessary to carry out the institution's program, and by examining the operations of the institution at regular intervals to assure their conformity with this social justice policy.
 - 3.2.2 Each dean, chair, director, unit head and supervisor has the immediate day-to-day responsibility for implementing the social justice policy.
 - 3.2.3 All employees are expected to set the tone and help create an environment for positive change and results within the social justice area.

SECTION 4. AREAS OF IMPLEMENTATION

- 4.1 The social justice officer is authorized to carry out the institution's program as authorized by the president in the following areas:
- 4.1.1 Developing plans, procedures, and regulations necessary to carry out the institution's program. Specifically, an acceptable social justice plan will be developed with assistance and support from persons recommended by the president to assist in carrying out the programs.
 - 4.1.2 Evaluating the operations of the institution at regular intervals to assure their conformity with this rule. Require such reports as deemed appropriate from all divisions of the institution.
 - 4.1.3 Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this section and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution.
 - 4.1.4 Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the College.
 - 4.1.5 Providing for the prompt receipt, investigation, disposition, and rendering of a written recommendation to the president of general allegations made by organizations or third parties of systematic discrimination.

SECTION 5. FILING OF COMPLAINTS

- 5.1 Pierpont shall assure that procedures are available for applicants, students and employees for the handling of social justice complaints and assume appropriate dissemination of information concerning it to faculty, staff and students.

Tab

10

**Pierpont Community and Technical College
Board of Governors
Meeting of May 18, 2023**

- ITEM:** FY 2024 Pierpont Small Projects Budget and Higher Education Policy Commission (HEPC) Debt Service.
- COMMITTEE:** Finance/Audit and Administration Committee to Committee of the Whole
- RECOMMENDED RESOLUTION:** Be it resolved that the Board of Governors approve \$150,000 for Small Projects and \$267,792 for HEPC Debt Service in FY 2024 Capital Project Budget totaling \$417,792 from Pierpont Education and General Capital Funds.
- STAFF MEMBER:** Dale Bradley
- BACKGROUND:** As of April 30, 2023, Pierpont’s Education and General Capital Fund has an uncommitted cash balance of \$916,865. During the current fiscal year Pierpont has assessed \$588,973 in Capital Fees through May 8, 2023. It is estimated that approximately \$130,000 in cash from the FY 23 Capital Fees assessment of \$588,973 will be transferred to the Education and General Capital Fund at fiscal year-end increasing the uncommitted cash balance of Education and General Capital Fund to a minimum of \$1,046,865.

Tab

11

**Pierpont Community & Technical College
Board of Governors
Meeting of May 18, 2023**

- ITEM:** Transfer of Pierpont’s Ownership in the Pierpont Center at the Monongalia County Technical Education Center to the Monongalia Board of Education
- COMMITTEE:** Finance/Audit and Administration Committee to Committee of the Whole
- RECOMMENDED RESOLUTION:** Resolved that the Pierpont Community & Technical College Board of Governors approved the transfer of Pierpont’s ownership in the Pierpont Center at the Monongalia County Technical Education Center to the Monongalia Board of Education for the amount established in the Interagency Agreement between the Pierpont Community & Technical College Board of Governors and the Board of Education of the County of Monongalia.
- STAFF MEMBER:** Dale Bradley
- BACKGROUND:** Pierpont’s Board of Governors entered into an Interagency Agreement with the Monongalia Board of Education for the construction of the facility Pierpont identifies as the Pierpont Center at the Monongalia County Technical Education Center in May of 2012.
- This agreement established the term both parties agreed to regarding the ownership, investment, construction, and overall operation of facility Pierpont identifies as the “Pierpont Center” at the Monongalia County Technical Education Center.
- In addition, the Agreement identified the amount Pierpont would be reimbursed by the Monongalia Board of Education for its investment in the facility should Pierpont plan to discontinue the use of the facility and the Monongalia Board of Education want exclusive ownership of the building.

The amount of Pierpont investment reimbursement is identified as the “net book value (capitalized investment less accumulation depreciation of the facility) at the time of Pierpont’s discontinued use of the facility.” Pierpont’s Net Book Value of its investment in the facility at June 30, 2023 will be \$320,664.40.

The Monongalia Board of Education has requested exclusive ownership of the facility and will reimburse Pierpont’s investment in the original construction of the facility based on the terms identified in the Interagency Agreement.

Pierpont currently controls approximately 1,982 sq. ft. of the total square footage of 5,745 square feet or approximately 34% of the space. The space controlled by Pierpont includes one office, a reception area, a work room and two classrooms.

Pierpont Administration has reviewed Pierpont’s use of the facility over the last few years and discussed planned uses for the future. Based on this review and discussion’s, Pierpont Administration is recommending honoring the Monongalia Board of Education’s request for exclusive ownership of the facility.

Attachments:

- Interagency Agreement
- Net Book Value Calculation at June 30, 2023

**INTERAGENCY
AGREEMENT**

BETWEEN

**PIERPONT COMMUNITY AND TECHNICAL
COLLEGE BOARD OF GOVERNORS
AND
THE BOARD OF EDUCATION OF THE COUNTY OF
MONONGALIA**

WHEREAS: Pursuant to West Virginia Code 18B-3C-11, Community and Technical Colleges and the County Boards of Education in West Virginia are authorized to create and implement shared vocational education facilities for the benefit of the citizens of the state.

WHEREAS: In response to the foregoing legislation, a project between Pierpont Community and Technical College (hereinafter "Pierpont") and the Monongalia County Schools (hereinafter "Mon County Schools") has been approved by their respective governing boards, the Pierpont Community & Technical College Board of Governors (hereinafter "the Pierpont BOG") and the Board of Education of the County of Monongalia (hereinafter the "Board of Education") for the construction of a shared educational facility on the site of Monongalia County Technical Education Center.

WHEREAS: Pursuant to West Virginia Code 18B-3C-11, an Affiliation Agreement defining the roles of the parties has been created and signed, and a joint administrative board (hereinafter the "Joint Board") was appointed to guide the formation and operation of the facility and its curriculum.

WHEREAS: With the consent of the Pierpont BOG and the Board of Education, the Joint Board has undertaken preliminary design studies for the proposed facility.

WHEREFORE: In consideration of the foregoing and the provisions set forth below, the Pierpont Board of Governors, the Board of Education hereby enter into this *Interagency Agreement* which sets forth the procedures to be used to transfer Pierpont's share of construction funds to the Board of Education for payment of approved expenses related to the construction of a

shared educational facility on the campus of Monongalia Technical Education Center, subject to the following:

1. Fiscal Arrangement

The parties to this construction project have committed themselves to share the costs of constructing this new facility. The base funding commitments to this project and the sources of this funding are as follows:

From Pierpont	\$450,000
From the Board of Education	\$300,000
Total	\$750,000

Expenditure of these funds for the construction expense shall be distributed between the two institutions based on the following general breakdown:

Pierpont will assume the costs related to the following construction related activities: Building; Electric; HVAC; Plumbing; Stone Work; Finish Concrete; Drywall Finish; Building Supply; Other Miscellaneous Building Specific Costs.

The Board of Education will function as the General Contractor for this construction project and will assume the costs related to the following construction related activities: Site Preparation; Engineering Services related to Site Preparation and Foundation Design; Architectural Services; General Construction Activities.

Approved expenditures are herein defined as those expenses:

(1) directly related to the architectural and engineering design of the facility, and to the construction and equipping of the facility; (2) the invoices for such expenses after having been reviewed by the Board of Education of the County of Monongalia Clerk-Of-the-Works as having been performed; (3) which are then submitted to the project architect for review as legitimate expenses according to the construction contract and plan; (4) which are then formalized into a monthly Request For Payment by the architect utilizing a standard American Institute of Architects (hereinafter "AIA") document for that purpose and signed by the architect; (5) the Requests for Payment for which are then submitted to the Board of Education acting as the fiscal agent for the project for signature and processing for payment; and (6) Request For Payment for which funds have been expensed by the Board of Education that are directly related to this project and agreed upon by all parties. Total

expenditures under this section shall not exceed \$750,000 unless additional funds become available as set forth below.

2. Control.

The Board of Education will act as fiscal agent for the construction project and will administer the construction contract(s), architectural and engineering contract(s) and other construction-related contractual services as may arise. As such, the Board of Education will act as the contract "owner", and will execute all contractual functions on behalf of the parties hereto. For this construction project, Pierpont will review all construction-related contracts and will provide recommendations in relation to all construction-related fiscal matters.

3. Procedure

Based on approved Requests For Payment submitted by the architect, the Purchasing Director of the Board of Education will invoice Pierpont for each approved request related to the Pierpont agreed to construction related costs. Pierpont will process the invoice under a Purchase order number, following the State's standard procedure for such invoices. Pierpont will honor all approved invoices up to the college's base funding contribution limit of \$450,000 unless this value is amended in accordance with the provisions listed below. At substantial completion, as defined by AIA standards, each signatory funding party will maintain proportional retainage funds until retainage is cleared for payment.

4. Limits

Expenditures authorized under this agreement may not exceed \$750,000 unless the funding limit is altered in accordance with the provisions listed below. Additional costs beyond \$750,000 shall not be incurred except by the mutual written consent of the signatory funding parties in advance of the proposed additional cost.

5. Additional Funds

Any additional funding available to, or required of, the signatory funding parties approved by their respective governing authorities will be distributed according to a numbered addendum to this agreement.

6. Exclusions

Any signatory funding party may elect to assume full fiscal responsibility (or in-kind assignment) for individual, identifiable expenses beyond the scope of the previously identified construction costs, e.g., furnishings for a single classroom. The assignment of this cost to the project will be

considered to be exclusive of that funding party's base funding contribution and will not reduce their base funding contribution obligation. Furthermore, such contribution by a single funding party will not obligate the remaining signatory funding parties to any proportional cost sharing for the identified expenditure.

7. Term and Scope

The term of this Agreement shall begin on the date identified below and end on the date of construction project's completion and fiscal close-out. Nothing in this Agreement shall be construed to constitute an agreement for funding the operation of the facility following the completion of the construction work. This Agreement governs only construction-related funding.

8. Excess Funds

At the completion of the construction, and following fiscal close out, any excess funds remaining in the base funding obligation of each signatory funding party shall remain under the control of the respective signatory funding party without further obligation to this construction project. However should any excess funds remaining from either signatory funding party, by action of that party's governing authority, become available for reassignment to the project, may be reassigned for additional construction, operation or similar costs directly related to the project by the mutual written consent of the funding party and the Joint Board.

9. Suspension or Termination

The terms of this Agreement will remain in effect until the construction project is complete unless superseded by a subsequent agreement. The project may be suspended or terminated by the mutual written consent of the signatory funding parties, each party having been given 30 days written notice of the intent to do so.

10. Ownership

The Pierpont BOG will be considered a shared owner of this facility and shall have access to this specific facility at all times. The value/cost of Pierpont's investment in this asset will be capitalized in Pierpont's financial system. In the event that Pierpont BOG finds that the use for this facility no longer exists, the Pierpont BOG will notify the Board of Education at least one year prior to the date Pierpont plans to discontinue use of the facility. Upon Pierpont's discontinued used of the facility the Board of Education reserves the right to retain exclusive ownership of the facility and if choosing to retain exclusive

ownership will reimburse Pierpont for the net book value (capitalized investment less accumulation depreciation of the facility) at the time of Pierpont's discontinued use of the facility.

11. Agreement Signatures

In witness whereof, the parties hereto have entered into this agreement the 17 day of May, 2012

FOR: The Board of Education of the County of Monongalia, West Virginia

By: Barbara Parsons 5/18/12
Barbara Parsons

Its: President

By: Frank Devono 5/18/12
Frank Devono

Its: Superintendent

FOR: The Board of Governors for Pierpont Community and Technical College

By: James Griffin
James Griffin

Its: Chairman

By: Doreen Larson
Doreen Larson

Its: College President

ASSET DESC	REM LIFE QTY	EST LIFE	DEPR START DATE	ASSET COST	DEPR ACCUM AMT	NET BOOK AMT - 06/30/2022	DEPRECIATION - FY 2023	NET BOOK VALUE- 06/30/2023
MTECH Building	493	600	8/1/2013	399,997.07	71,332.73	328,664.34	7,999.94	320,664.40