

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

**Tuesday, November 14, 2023**

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

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<b>9:00 AM</b>	<b>Human Resources, Bylaws, Policies Committee</b>
<b>10:00 AM</b>	<b>Finance and Administration Committee</b>
<b>11:30 AM</b>	<b>Advancement and Public Relations Committee</b>
<b>12:00 PM</b>	<b>Lunch</b>
<b>1:00 PM</b>	<b>Academics and Students Services Committee</b>
<b>2:00 PM</b>	<b>Full Board Meeting</b>

\*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**

**Tuesday, November 14, 2023  
2:00 PM**

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

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**AGENDA**

**I. Call to Order**

**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 November 14. Please send comments to [BOG@pierpont.edu](mailto:BOG@pierpont.edu)

A. Faculty Senate

B. Classified Staff

C. Non-Classified Staff

**V. \*Consent Agenda**

***Tab 1***

A. Minutes of the September 19, 2023 Meeting

**VI. Dr. Hayward's Reflections**

**VII. Human Resources, Bylaws, Policies Committee**  
*(Thomas Cole, Chair)*

A. \*Resolution for Approval – Comments and Final Draft of Policy  
PP-1005 Use of Alcohol at College Events

***Tab 2***

*\*Denotes possible action item*

- B. \*Resolution for Approval – Comments and Final Draft of Policy  
PP-1006 Use of Institutional Facilities **Tab 3**
- C. \*Resolution for Approval of a 30-Day Public Comment Period for  
Policy PP-2009 Sexual Harassment **Tab 4**
- D. \*Resolution for Approval of a 30-Day Public Comment Period for  
Policy PP-8029 Open Meetings **Tab 5**

**VIII. Finance and Administration Committee**

*(Brian Bozarth, Chair)*

- A. \*Resolution for Approval – Acceptance of the Independent Auditor’s Report  
by Suttle & Stalnaker, PLLC of Pierpont Community & Technical College’s Finance  
Statement for the year ended June 30, 2023 **Tab 6**
- B. October 31, 2023 Combined Finance Report – *Informational*  
*(Dale Bradley, VP of Finance and Administration)* **Tab 7**

**IX. Advancement and Public Relations Committee**

*(Lisa Lang, Chair)*

**X. Academic and Student Services Committee**

*(Thomas Cole, Chair)*

**XI. ATC Advisory Board**

- A. Industry Relations & Partnership Report – *Informational*  
*(Nancy Ligus, Director of Workforce, Continuing Education, and Economic Development)* **Tab 8**

**XII. Board Members’ Reflections (3-minute limit)**

**XIII. Adjournment**



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*\*Denotes possible action item*

**Tab**

**1**

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS**  
**Meeting of November 14, 2023**

**ITEM:** Consent Agenda

**COMMITTEE:** Committee of the Whole

**RECOMMENDED RESOLUTION:** Resolved, that the Pierpont Board of Governors approve the Consent Agenda as proposed.

**STAFF MEMBER:** Dr. Milan Hayward, 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 September 19, 2023 Meeting

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

**Board of Governors Meeting**

**Tuesday, September 19, 2023  
2:00 PM**

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

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**MINUTES**

**Notice of Meeting**

A meeting of the Pierpont Community & Technical College (Pierpont) Board of Governors was held on September 19, 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 2:00 PM and offered his reflections.

**II. Conflict of Interest**

David Hinkle requested that Board members review the agenda and declare any potential conflicts of interest they might possess.

**III. Roll Call**

Amanda Hawkinberry conducted a roll call:

<b>Name</b>	<b>Present/Not Present</b>
Brian Bozarth	Not Present
Dr. Susan Woods Coffindaffer	Present
Thomas Cole	Present
David Hinkle	Present
Anthony Hinton	Not Present
Lisa Lang	Present
Madison Martin	Present
Christine Miller	Present (via Zoom)
James H. Myers III	Present
Juanita Nickerson	Present
Jeffrey Powell	Present

Joanne Seasholtz	Present
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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.

A. Faculty Senate

Vickie Findley offered comments from Faculty Senate.

B. Classified Staff

Mary Jo Rutherford offered comments from Classified Staff.

C. Non-Classified Staff

John Davis offered comments from Non-Classified Staff.

**V. \*Consent Agenda**

Jeffrey Powell moved to approve the June 20 and August 3 meeting minutes. Thomas Cole seconded the motion. All agreed. Motion carried.

**VI. Dr. Hayward's Reflections and Preparing for Strategic Planning**

Dr. Hayward offered his reflections to the Board and shared his vision to prepare for Pierpont's strategic planning process.

**VII. Human Resources, Bylaws, Policies Committee**

A. Resolution for Approval of a 30-Day Public Comment Period for Policy PP-1005: Use of Alcohol at College Events

Juanita Nickerson moved to approve the announcement and acceptance of a 30-day public comment period for Policy PP-1005: Use of Alcohol at College Events. James Myers seconded the motion. All agreed. Motion carried.

B. Resolution for Approval of a 30-Day Public Comment Period for Policy PP-1006: Use of Institutional Facilities

Lisa Lang moved to approve the announcement and acceptance of a 30-day public comment period for Policy PP-1006: Use of Institutional Facilities. Joanne Seasholtz seconded the motion. All agreed. Motion carried.

**VIII. Finance and Administration Committee**

The committee reviewed the Enrollment Comparison Summary Report. Dual Enrollment and first-time freshman enrollment numbers have increased.

**IX. Academics and Student Services Committee**

Dr. Michael Waide provided HLC training to Board members that were present.

**X. Advancement and Public Relations Committee**

Pierpont's marketing continues to expand across the 13-county region.

**XI. ATC Advisory Board**

**A. Industry Relations & Partnership Report**

Nancy Ligus reviewed the Industry Relations & Partnerships Report.

**XII. Adjournment**

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

*Respectfully submitted by Amanda N. Hawkinberry*



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**Tab**

**2**

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS  
MEETING OF November 14, 2023**

<b>ITEM:</b>	Policy PP-1005: Use of Alcohol at College Events
<b>COMMITTEE:</b>	Committee of the Whole
<b>RECOMMENDED RESOLUTION:</b>	Resolved that the Pierpont Board of Governors approve the proposed changes concerning Policy PP-1005: Use of Alcohol at College Events.
<b>STAFF MEMBER:</b>	George H. Perich; Vice President, Human Resources & Org. Dev.
<b>BACKGROUND:</b>	The language in the existing policy is not solely applicable to Pierpont. Policy needs updated to reflect current operations.

The last revision of the Pierpont Community & Technical College's Use of Alcohol at College Events Policy was approved in July 2008 and does not reflect the institution's revised institutional guidelines and contains cumbersome, detailed, and outdated language that refers primarily to the Fairmont State operations.

**PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
**Board of Governors Policies and Procedures**  
**PP-1005**

**TITLE:** USE OF ALCOHOL AT COLLEGE EVENTS

**Effective date:** July 1, 2008

**AMENDED:** September 1, 2023

**REPEALED:**

**REVIEWED:**

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**SECTION 1 PURPOSE**

- 1.1** This policy governs the use of alcoholic beverages during Pierpont sponsored events on or off any campus facility.

**SECTION 2 GENERAL**

**2.1** Alcoholic beverages are defined as legal liquor, wine, or beer. The legal age in West Virginia for the purchase or use of alcohol is 21. Possession or use of alcoholic beverages on state property is prohibited. Waiver of this policy to permit limited use (non-sale) of alcohol at non-student special events is allowable at the discretion of the President of the College, per the Guidelines for the Use of Alcohol at College Events.

**2.2.1** Anyone involved in a disruptive situation while under the influence of alcohol at a university-sponsored event is considered to be in violation of college regulations and may be subject to discipline.

**2.2.2** For special college events, a location may be designated as one where the possession and consumption of alcoholic beverages by those of legal drinking age is permitted. Such occasions must be registered, approved, and advertised at least ten days in advance of an event at which alcohol may be consumed. Attendees who have reached the age designated by the state (twenty-one years of age) for the legal consumption of alcoholic beverages may possess and consume alcoholic beverages at special college events registered and approved by the President of the College.

**2.2.3** Any time alcoholic beverages are served or permitted, food and alternative non-alcoholic beverages must also be served during the entire period that alcoholic beverages are available.

**2.2.4** The sale of alcoholic beverages is prohibited.

## SECTION 3 PROCESS

**3.1** To seek authorization to serve alcohol for an event, the area manager for an employee event must obtain the Permit for Alcoholic Beverages Request Form from the Office of the President or designee and secure the approval by signature of the President.

**3.2** If college or employee sponsored (non-student), the Permit for Alcoholic Beverages Request Form must be submitted directly to the President of the College for final approval no fewer than ten workdays in advance of the event. The group hosting the event is responsible for ensuring compliance with college policies **and state and local law.**

**3.3** Additional regulations will be developed at the request of the President of the College and reviewed on an annual basis or as necessary. In all cases, the President's decision to grant or deny a permit shall be final.

**Tab**

**3**

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS  
MEETING OF November 14, 2023**

<b>ITEM:</b>	Policy PP-1006: Use of Institutional Facilities
<b>COMMITTEE:</b>	Committee of the Whole
<b>RECOMMENDED RESOLUTION:</b>	Resolved that the Pierpont Board of Governors approve the proposed changes to Policy PP-1006: Use of Institutional Facilities.
<b>STAFF MEMBER:</b>	George H. Perich; Vice President, Human Resources & Org. Dev.
<b>BACKGROUND:</b>	The language in the existing policy is not solely applicable to Pierpont. Policy needs updated to reflect current operations.

The last revision of the Pierpont Community & Technical College's Use of Institutional Facilities Policy was approved in December 2001 and does not reflect the institution's revised institutional guidelines and contains cumbersome, detailed, and outdated language that refers primarily to the Fairmont State operations.

**PIERPONT COMMUNITY & TECHNICAL  
COLLEGE Board of Governors Policies  
PP-1006**

**TITLE:** Use of Institutional Facilities

**Effective date:** December 5, 2001

**Amended:** August 14, 2023

**Repealed:**

**Reviewed:**

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## **SECTION 1. PURPOSE**

This rule governs use of institutional facilities by persons or groups.

## **SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 Facilities at Pierpont Community & Technical College are intended for use in the conduct of educational programs. As such, first priority for the use of facilities will be given to the academic, administrative, and student functions at the institution.
- 2.2 In its many aspects of service to the public, the College also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from campus and off-campus groups will be guided by the following policy statements.

## **SECTION 3. USE BY OFF-CAMPUS GROUPS OR INDIVIDUALS (NONSTATE EMPLOYEE)**

- 3.1 It is the policy of the Pierpont Community & Technical College Board of Governors to permit the use of institutional facilities by the general community in a manner which does not compete with the ongoing programs of the College. The community use of a College facility must have an educational or cultural purpose. The facilities that will be made available to non-campus groups will tend to be of a nature which is unique in the community.
- 3.2 Use of campus facilities by non-campus individuals or organizations will be permitted within the following guidelines:
  - 3.2.1 Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the institution.

- 3.2.2 The nature of the activities of the non-campus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed.  
While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States.
- 3.2.3 A standard rental/lease agreement including evidence of such insurance protection as may be required to adequately protect the institution shall be executed by the appropriate Pierpont individual with authority to bind the College, and also be signed by a responsible officer of the non-campus organization desiring to use a campus facility.
- 3.2.4 All charges assessed for the use of campus facilities shall be sufficient at least to cover all identifiable costs of both a direct and indirect nature except that charges for indirect costs may be waived at the discretion of the institution for nonprofit organizations and/or public bodies of the State of West Virginia, such as county school systems, etc. In turn, such groups using campus facilities may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. Any surplus revenue derived from the conduct of an event will accrue to the benefit of the institution, except for public or nonprofit groups for which this provision may be waived.
- 3.2.5 Requests for the use of facilities by off-campus groups will be reviewed and evaluated by the Vice President, Institutional Advancement. Application forms for requesting the use of facilities may be obtained from and submitted to the Office of Institutional Advancement. Upon receipt of approval to use a campus facility, the non-college group must sign a standard rental/lease agreement and provide evidence of insurance coverage with the Office of the Institutional Advancement. The Facilities Administration From time to time revised rules and regulations for the use of facilities will be developed. Such rules and regulations must be approved by the President.
- 3.2.6 The fee schedule for use of College facilities by non-college groups will be developed by Finance and Administration and approved by the President.
- 3.2.7 All charges are applied equally to all groups except that charges for indirect costs may be waived for other state agencies and usually for county school systems. If a county school or other state agency charges a fee to participants in an activity for which the school/agency is using a College facility, indirect charges will not be waived.

#### **SECTION 4. SELLING OF ARTICLES ON UNIVERSITY PROPERTY**

- 4.1 All solicitation and selling of products and articles on property under the jurisdiction of the College is prohibited except by organizations and groups directly connected with the College and upon written approval of the President.

## **SECTION 5. GENERAL**

- 5.1 The Vice President, Institutional Advancement, or designee, shall be the administrator(s) of this policy. A standard rental/lease agreement shall be used, along with any other forms needed to execute this rule.
- 5.2 It is not the intent of this rule to cover Pierpont noncredit instruction offerings. Such noncredit offerings will be considered regular program offerings under Section 3.2.1.

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**Tab**

**4**

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS  
MEETING OF November 14, 2023**

<b>ITEM:</b>	Policy PP-2009: Sexual Harassment
<b>COMMITTEE:</b>	Committee of the Whole
<b>RECOMMENDED RESOLUTION:</b>	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-2009: Sexual Harassment.
<b>STAFF MEMBER:</b>	George H. Perich; Vice President, Human Resources & Org. Dev.
<b>BACKGROUND:</b>	The language in the existing policy is not solely applicable to Pierpont. Policy needs updated to reflect current operations.

The last revision of the Pierpont Community & Technical College's Sexual Harassment Policy was approved in November 2017 and does not reflect the institution's revised institutional guidelines and contains cumbersome and detailed language that deals with investigation and resolution, some of which is related to the Fairmont State operations.

**PUBLIC COMMENT PERIOD: November 16, 2023 to December 15, 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](mailto: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**  
**PP-2009**

**TITLE: SEXUAL HARASSMENT**

**EFFECTIVE DATE: July 1, 2002**

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

**AMENDED: November 14, 2023**

**REPEALED:**

**REVIEWED:**

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**SECTION 1. GENERAL**

1.1 Scope

This rule defines sexual harassment and sex and gender discrimination and provides guidelines for filing complaints regarding sexual harassment and sex and gender discrimination as they relate to students and employees of Pierpont Community & Technical College ("Pierpont" or "the College").

1.2 Investigation and Resolution

All alleged violations of this policy will be promptly, thoroughly, and impartially addressed. and related information will be kept confidential to the extent possible. The results of the investigation will be reported to the parties consistent with College practices regarding disclosure of personnel information.

1.3 Effective Date: Upon passage

**SECTION 2. POLICY**

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

## SECTION 3. DEFINITION

### 3.1 Sexual Harassment

Sexual Harassment is:

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

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

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

*Quid Pro Quo* Harassment is:

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

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

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

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list

s/he created, even when asked to stop, causing one recipient to avoid the sender on campus .

- Explicit sexual pictures are displayed in an employee's office.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her/his class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She/He probes for explicit details, and demands that students answer her/him, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Student A grabs Student B by the hair then grabs the Student B's breast and then places their mouth on it. While this is sexual harassment, it is also sexual violence.

### Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

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

Sexual Contact includes:

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

### Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is any sexual intercourse:

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

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

<sup>2</sup> *Id.*

Intercourse includes:

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

### 3.2 Sexual Exploitation

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

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

### 3.3 Additional Applicable Definitions:

- Consent:
  - Consent is
    - clear, and
    - knowing, and
    - voluntary, affirmative and conscious,
    - words or actions,
    - that give permission for specific sexual activity.
  - Consent is active, not passive.
  - Silence, in and of itself, cannot be interpreted as consent.
  - Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in sexual activity.
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to future

sexual acts.

- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
  - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
  - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
  - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.]
- Force:
  - Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want.").
    - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
    - NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
  - Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
  - This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

### 3.4 Related Misconduct Offenses (Will Fall Under this Policy When Sex or Gender-

### Based)

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

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

### 3.7 Retaliation

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

## **SECTION 4. SANCTIONS**

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in, as appropriate, the Student Handbook, the Faculty Handbook, and the Staff Handbook. College employees engaging in harassment shall be subject to immediate discipline, up to and including termination. Students engaging in harassment shall be subject to the guidelines set in the Student Code of Conduct.

The following are the typical sanctions that may be imposed upon students or organizations singly or in combination. The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. :

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

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

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

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

## **SECTION 5. ADDITIONAL POLICY PROVISIONS**

### **5.1 Attempted Violations**

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

## 5.2 False Reports

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

## 5.3 Amnesty for Victims and Witnesses

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

## 5.4 Parental Notification

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

# SECTION 6. REPORTING AND FILING COMPLAINTS

## 6.1 Reporting Requirements

All College employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials - thereby offering options

and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the College:

## 6.2 Confidential Reporting

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

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

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

## 6.3 Mandatory Reporting

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

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

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

Any employee who believes he or she has been the subject of harassment, including sexual harassment or discrimination, shall immediately report the incident to the immediate supervisor of the individual involved or the Vice President, Human Resources & Organizational Development without fear of retaliation or reprisal.

Any student who believes he or she has been the subject of harassment, including sexual harassment or discrimination, shall immediately report the incident to the appropriate Dean, Vice President of Academic Affairs or the Vice President, Human Resources & Organizational Development. Anyone witnessing harassment of others should report the incident to the Vice President, Human Resources & Organizational Development.

Faculty who witness harassment of students by other students in the classroom should 4/7/1/2011 seek assistance and guidance as appropriate from the Vice President of Academic Affairs and/or Vice President, Human Resources & Organizational Development. ANYONE who receives a complaint is to refer it to the Vice President, Human Resources & Organizational Development immediately. Students who believe they have been sexually harassed and wish further information or assistance in filing a complaint should contact the Human Resources Office.

Reports can be made via email, phone, in writing, or in person.

#### 6.4 Title IX Coordinator

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

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

**Title IX Coordinator:**

George H. Perich  
Vice President, Human Resources & Organizational Development  
500 Galliher Drive  
Fairmont WV 26554  
[gperich@pierpont.edu](mailto:gperich@pierpont.edu)  
(681) 753-5712

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

Office for Civil Rights (OCR)  
U.S. Department of  
Education 400 Maryland  
Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Phone: (877) 521-2172  
Fax: (202) 453-6012  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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

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

U.S. Equal Employment Opportunity Commission Pittsburgh  
Area Office  
William S. Moorhead Federal Building  
1000 Liberty Avenue, Suite 1112  
Pittsburgh, PA 15222  
Phone: 412-395-5902  
Fax: 412-395-5749

**PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
**Board of Governors Policies and Procedures**  
**PP-2009,**

**TITLE: TITLE: SEXUAL HARASSMENT**  
**EFFECTIVE DATE: July 1, 2002**

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

**AMENDED: November 14, 2023**

**REPEALED:**

**REVIEWED:**

**SECTION 1. GENERAL**

**1.1 Scope**

This rule defines sexual harassment and sex and gender discrimination and provides guidelines for filing complaints regarding sexual harassment and sex and gender discrimination as they relate to students and employees of Pierpont Community & Technical College ("Pierpont" or "the College").

**1.2 Investigation and Resolution**

All alleged violations of this policy will be promptly, thoroughly, and impartially addressed. and related information will be kept confidential to the extent possible. The results of the investigation will be reported to the parties consistent with College practices regarding disclosure of personnel information.

**1.3 Effective Date: Upon passage**

**SECTION 2. POLICY**

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

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**Deleted: TITLE: SEXUAL HARASSMENT**  
**(Replaces Policy 42 (11/10/05) Consensual Romantic or Sexual Relationships)**

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**Deleted:** using Pierpont Community & Technical College Title IX Investigative and Resolution Procedures.

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## SECTION 3. DEFINITION

### 3.1 Sexual Harassment

Sexual Harassment is:

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

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

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

*Quid Pro Quo* Harassment is:

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

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

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

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list

**Deleted:** Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator, Title IX Investigator or a deputy.¶  
Remedies, education and/or training will be provided in response.¶  
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s/he created, even when asked to stop, causing one recipient to avoid the sender on campus.

- Explicit sexual pictures are displayed in an employee's office.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her/his class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She/He probes for explicit details, and demands that students answer her/him, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Student A grabs Student B by the hair then grabs the Student B's breast and then places their mouth on it. While this is sexual harassment, it is also sexual violence.

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#### Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

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

Sexual Contact includes:

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

#### Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is any sexual intercourse:

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

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

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<sup>2</sup> Id.

Intercourse includes:

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

### 3.2 Sexual Exploitation

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

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

### 3.3 Additional Applicable Definitions:

- Consent:
  - Consent is
    - clear, and
    - knowing, and
    - voluntary, affirmative and conscious,
    - words or actions,
    - that give permission for specific sexual activity.
  - Consent is active, not passive.
  - Silence, in and of itself, cannot be interpreted as consent.
  - ~~Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in sexual activity.~~
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to future

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sexual acts.

- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
  - In order to give consent, one must be of legal age.
  - Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
    - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
    - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
    - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
    - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of this policy.]
- Force:
    - Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want.").
    - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
    - NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
    - Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
    - This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

#### 3.4 Related Misconduct Offenses (Will Fall Under this Policy When Sex or Gender-

### Based)

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

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

### 3.7 Retaliation

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

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## SECTION 5. ADDITIONAL POLICY PROVISIONS

### 5.1 Attempted Violations

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Sanctioning for Sexual Misconduct¶

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Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*¶

¶

Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).\*¶

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

¶

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

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# SECTION 6. REPORTING AND FILING COMPLAINTS

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**Deleted:** <#>On-campus health service providers and staff¶  
On-campus Victim Advocate¶

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

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Faculty who witness harassment of students by other students in the classroom should 4/7/1/2011 seek assistance and guidance as appropriate from the Vice President of Academic Affairs and/or Vice President, Human Resources & Organizational Development. ANYONE who receives a complaint is to refer it to the Vice President, Human Resources & Organizational Development immediately. Students who believe they have been sexually harassed and wish further information or assistance in filing a complaint should contact the Human Resources Office.

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George H. Perich  
Vice President, Human Resources & Organizational Development  
500 Galliher Drive  
Fairmont WV 26554  
[gperich@pierpont.edu](mailto:gperich@pierpont.edu)  
(681) 753-5712

**Deleted:** Reports or complaints may be filed with, as appropriate, the Title IX Coordinator or Title IX Investigator.

**Deleted:** Reports may also be made online at <https://www.pierpont.edu/faculty-staff/shared-administration/human-resources>.

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**Deleted:** Cindy Curry¶

**Deleted:** Human Resources Office¶

**Deleted:** 324 Hardway Hall¶  
1201 Locust Avenue¶  
Fairmont, WV 26554¶  
304.367.4386¶  
[Cindy.Curry@pierpont.edu](mailto:Cindy.Curry@pierpont.edu)¶

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¶  
**Jessica Kropog-Furgason** Chief Title IX Investigator  
Public Safety  
Falcon Center  
1201 Locust Avenue  
Fairmont, WV 26554  
[Jessica.Kropog@pierpont.edu](mailto:Jessica.Kropog@pierpont.edu)¶

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

Office for Civil Rights (OCR)  
U.S. Department of  
Education 400 Maryland  
Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Phone: (877) 521-2172  
Fax: (202) 453-6012  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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

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

U.S. Equal Employment Opportunity Commission Pittsburgh  
Area Office  
William S. Moorhead Federal Building  
1000 Liberty Avenue, Suite 1112  
Pittsburgh, PA 15222  
Phone: 412-395-5902  
Fax: 412-395-5749

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**5**

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS  
MEETING OF November 14, 2023**

<b>ITEM:</b>	Policy PP-8029: Open Meetings
<b>COMMITTEE:</b>	Committee of the Whole
<b>RECOMMENDED RESOLUTION:</b>	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-8029: Open Meetings.
<b>STAFF MEMBER:</b>	George H. Perich; Vice President, Human Resources & Org. Dev.
<b>BACKGROUND:</b>	The language in the existing policy is not solely applicable to Pierpont. Policy needs updated to reflect current operations.

The last revision of the Pierpont Community & Technical College's Open Meetings Policy was approved in November 2004 and does not reflect the institution's revised institutional guidelines and improved technology and efficiencies that can improve the length and operations of Board meetings while maintaining the ability of individuals to provide input.

**PUBLIC COMMENT PERIOD: November 16, 2023 to December 15, 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](mailto: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**

**TITLE: OPEN MEETINGS** **REFERENCE: West Virginia Code §6-9A-4** **EFFECTIVE: November 29, 2004**

**AMENDED: November 14, 2023**

**REPEALED:**

**REVIEWED: November 2023**

---

**SECTION 1. PURPOSE**

This policy governs the meetings of the Pierpont Community and Technical College Board of Governors.

**SECTION 2. POLICY**

- 2.1** All Board meetings are open to the public and anyone who wishes to provide written comments may do so. Comments will be accepted no later than 12:00 PM on the day of the Board meeting. Please send comments to [BOG@pierpont.edu](mailto:BOG@pierpont.edu). Media representatives are welcome to attend open meetings.
- 2.2.** When appropriate, and in accordance with 6-9A-4 of the Act, the Board may go into executive session (closed to the public). While minutes of the executive session may be taken, no decisions will be made in executive session.
- 2.3** Pierpont Community & Technical College will notify the public and media of the date, time, place, and purpose of each meeting by notifying the Secretary of State's office for publication in the state register. The meeting agenda will be posted at least three working days in advance on the Board of Governor's website and will be available in the President's office.
- 2.4** Minutes of all open (not executive sessions) meetings will be taken and made available to the public within reasonable time after the meeting.
- 2.4.1** Minutes shall include:
- date, time, and place of the meeting;
  - name of each member present and absent;
  - all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of person proposing and their disposition; and
  - the results of all votes and, when requested by a member, the vote of each member, by name.

**PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
**Board of Governors Policies and Procedures**  
**PP-8029**

**TITLE: OPEN MEETINGS****REFERENCE: West Virginia Code §6-9A-4****EFFECTIVE: November**  
**29, 2004**  
**AMENDED: November 14, 2023**  
**REPEALED:**  
**REVIEWED: November 2023**

**SECTION 1. PURPOSE**

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- name of each member present and absent;
- all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of person proposing and their disposition; and
- the results of all votes and, when requested by a member, the vote of each member, by name.

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POLICY # 29¶

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registering to speak ten minutes before the meeting is  
scheduled to begin

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**6**

**Pierpont Community and Technical College  
Board of Governors  
Meeting of November 14, 2023**

**ITEM:** Acceptance of the Independent Auditor’s Report by Suttle & Stalnaker, PLLC of Pierpont Community and Technical College’s Finance Statements as of and for the year ended June 30, 2023

**COMMITTEE:** Committee of the Whole

**RECOMMENDED RESOLUTION:** Be it resolved that the Board of Governors accept the Financial Statements and the Independent Auditor’s Report for FY 2023.

**STAFF MEMBER:** Dale Bradley

**BACKGROUND:** Suttle & Stalnaker PLLC presented the audit report and of the FY 2023 Audited Financial Statements to the Board of Governors.

The report indicated that statements prepared by staff presented fairly, in all material respects, the financial position of the business-type activities of Pierpont, as of June 30, 2023 and 2022, and the changes in financial position and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

The following are comments about the College’s FY 2023 Financial Statements from Management:

- Pierpont issues its Audited FY 2022 Financial Statements September 29, 2023, which was prior to the completion date established by the WV HEPC. The combined WV Higher Education Funds Audit was completed and sent to the WV Department of Administration prior the October 15, 2023, deadline.

- The financial statements include Management Discussion and Analysis, the Statement of Net Position, the Statement of Revenues, Expenses, and Changes in Net Position (SRECNP), and the Statement of Cash Flows, and the footnotes.
- Pierpont's overall Total Net Position improved by \$3,274,005 from \$21,398,293 on June 30, 2022, to \$24,672,298 on June 30, 2023.
- Pierpont's unrestricted portion of the Total Net Position improved by \$3,230,550 from \$(9,308,804) on June 30, 2022, to \$(6,078,296) on June 30, 2023, as detailed in Note 12 on page 49 of the 2023 Audit Report.
- Pierpont's Cash and Cash Equivalents decreased by (\$781,546) from \$12,266,206 on June 30, 2022, to \$11,484,660 on June 30, 2023.
- Pierpont's Net Capital Assets increased by \$2,307,190 from \$28,450,215 on June 30, 2022, to \$30,757,405 on June 30, 2023, as detailed in Note 6 beginning on page 37 of the 2023 Audit Report.
- Pierpont's Long-Term Liabilities decreased by \$1,274,492 from \$16,929,214 on June 30, 2022, to \$15,654,722 on June 30, 2023, as detailed in Note 7 on page 39 of the 2023 Audit Report.

# **Tab**

# **7**

**Board of Governors**  
**Budget/Finance Report FY 2024**  
**Pierpont Community & Technical College**  
**as of October 31, 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 October 31, 2023 Budget/Finance Report, the Unrestricted Budget Balance is (\$185,472) which includes Board approved spend down of Fund Manager cash reserves of \$285,000.

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

- The institution has realized approximately 50% of projected operating revenue.
- The institution has incurred approximately 25% of operating expenses.
- The institution has realized approximately 50% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is \$3,945,622.

**SUMMARY RESTRICTED FUNDS:**

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

- The institution has realized approximately 35% of projected operating revenue.
- The institution has incurred approximately 39% of operating expenses.
- The institution has realized approximately 53% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is (\$44,312).

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

**October 31, 2023**

		<b>Current Budget</b>	<b>Actual YTD</b>	<b>YTD Actual to Current Budget</b>
<b>OPERATING REVENUE</b>				
	<b>Total:</b>	<b>7,179,296</b>	<b>3,567,533</b>	<b>49.69%</b>
<b>OPERATING EXPENSE</b>				
	<b>Total:</b>	<b>15,140,911</b>	<b>3,870,426</b>	<b>25.56%</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(7,961,614)</b>	<b>(302,893)</b>	
<b>NONOPERATING REVENUE (EXPENSE)</b>				
	<b>Total:</b>	<b>8,543,527</b>	<b>4,293,223</b>	<b>50.25%</b>
<b>TRANSFERS &amp; OTHER</b>				
	<b>Total:</b>	<b>(367,385)</b>	<b>(44,708)</b>	<b>12.17%</b>
<b>BUDGET BALANCE UNRESTRICTED</b>		<b>214,528</b>	<b>3,945,622</b>	
<b>Less Depreciation (Net of Capitalized Assets)</b>		<b>(400,000)</b>		
<b>BUDGET BALANCE LESS DEPRECIATION</b>		<b>(185,472)</b>	<b>3,945,622</b>	

**Pierpont Community & Technical College**  
**Actual vs Budget Statement of Revenues and Expenses**  
**Current Restricted**  
**October 31, 2023**

		<b>Current Budget</b>	<b>YTD Actual</b>	<b>YTD Actual to Current Budget</b>
<b>OPERATING REVENUE</b>				
	<b>Total:</b>	<b>6,754,925</b>	<b>2,350,713</b>	<b>34.80%</b>
<b>OPERATING EXPENSE</b>				
	<b>Total:</b>	<b>9,106,115</b>	<b>3,561,153</b>	<b>39.11%</b>
<b>OPERATING INOCME / (LOSS)</b>		<b>(2,351,189)</b>	<b>(1,210,440)</b>	
<b>NONOPERATING REVENUE (EXPENSE)</b>				
	<b>Total:</b>	<b>2,250,485</b>	<b>1,205,397</b>	<b>53.56%</b>
<b>TRANSFERS &amp; OTHERS</b>				
	<b>Total:</b>	<b>35,837</b>	<b>(39,269)</b>	<b>-109.58%</b>
<b>BUDGET BALANCE</b>		<b>(64,867)</b>	<b>(44,312)</b>	

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**8**



**Pierpont Community & Technical College**  
Center for Workforce Education  
500 Galliher Drive  
Fairmont, WV 26554

**[www.pierpont.edu](http://www.pierpont.edu)**

**Nancy Ligus, Director**  
[nligus@pierpont.edu](mailto:nligus@pierpont.edu)  
P | 304-366-8912

**To:** ATC Advisory Board Committee  
**From:** Nancy Ligus, Director of Workforce, Continuing Education, and Economic Development  
**Subject:** Industry Relations & Partnerships Report  
**Date:** November 14, 2023

**Focus Areas: FY24 (Beginning July 1, 2023)**

Contracted Corporate Training (Customized)

- WVU Hospitals (Fairmont Medical Center)- Healthy Cooking Classes
- WV Dept. of Education- Culinary Workshops (Professional Development)
- Mountaineer Challenge Academy- PEC Safeland Basic (Oil & Gas Safety)
- Casto Technical Services -Commercial HVAC Training
- Stone Tower Coffee- Leadership Development Training

Continuing Education/ Workforce Training (Open Enrollment)

- Home Inspector Training
- ServSafe Food Protection Manager
- EMT Basic -Clarksburg
- Mental Health First Aid
- Landscape Technician Bootcamp
- CompTIA Security +, Linux +
- World Education – Certification trainings online

Community Education (Open/Selective)

- PRIDE Academy- Life Skills and Forte programs for young adults with Intellectual Disabilities
- Plant Based Cooking
- Nuts, Bolts STEAM Youth Summer Camp

**Initiatives/Activities for the Center for Workforce Education FY24**

a) Grants and Funding Opportunities:

- (5) Learn & Earn projects approved (Aviation, APT & Petroleum Technology, IT)
- Apprenticeship in Motion (AIM) Grant funding for IT Degree Program students



**Pierpont Community & Technical College**

Center for Workforce Education

500 Galliher Drive

Fairmont, WV 26554

**[www.pierpont.edu](http://www.pierpont.edu)**

- WV CTCS Advance Grant- Landscape Technician Bootcamp with WV Nursery & Landscaping Association, Commercial HVAC Training
- b) Expanded outreach to WIOA Participant and Veterans for workforce training through World Education online partnership
- c) Participation in external Initiatives:
  - i) WV National Guard Cyber Workforce Council
  - ii) BEADS (Broadband Equity, Access, and Deployment) WV Broadband Workforce Council (WV Office of Economic Development)
  - iii) WVU ARC Power Initiative: *Energy Transitions Jobs Roadmap*
  - iv) WVU at Parkersburg-Upskilling Incumbent Workers
  - v) TEAMs Consortium ARC Power Initiative: *TEAM Pathways 2.0: Connections that Work*
  - vi) Region 6 Business Services Team, Region 6 Outreach Committee/AJC Partner

**FY 24 Outlook:**

**Continuing Education, Corporate Training and Community Ed:**

- Commercial HVAC, Manufacturing Apprenticeship (Casto, Prebena)
- Mountaineer Job Challenge- Healthcare and IT Certifications
- Communications Workers of America- Broadband Installation Training
- Mon Health- Patient Care Technician
- WVU Medicine- Healthy Meal Program, Medical Lab Technician Transition, IT Certifications
- Landscape Technician Bootcamp
- EMT- Basic
- PRIDE Academy
- ServSafe Food Handling /Management Certification
- Mental Health First Aid
- WV Dept. of Education-Culinary Workshop
- TEAS Test Prep (Nursing Admission)
- Supervisory Training (contracted); City of Fairmont, Stone Tower
- CDL Training
- Health Care Occupational training-Braxton County
- Registered Behavioral Technician (RBT)
- Sheet metal training-Aviation
- Hydrogen Fuel and Maintenance Technology