

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

**Tuesday, February 20, 2023**

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

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<b>10:00 AM</b>	<b>Academics and Students Services Committee</b>
<b>10:30 AM</b>	<b>Human Resources, Bylaws, Policies Committee</b>
<b>11:00 AM</b>	<b>Finance and Administration Committee</b>
<b>12:00 PM</b>	<b>Lunch</b>
<b>1:00 PM</b>	<b>Advancement and Public Relations 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, February 20, 2024  
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 February 20. Please send comments to [BOG@pierpont.edu](mailto:BOG@pierpont.edu)

A. Faculty Senate

B. Classified Staff

C. Non-Classified Staff

D. Student Government Association

**V. \*Consent Agenda**

***Tab 1***

A. Minutes of the November 14, 2023 Meeting

**VI. Academic and Student Services Committee  
(Thomas Cole, Chair)**

*\*Denotes possible action item*

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

*(Thomas Cole, Chair)*

- A. \*Resolution for Approval – Comments and Final Draft of Policy  
PP-2009 Sexual Harassment **Tab 2**
- B. \*Resolution for Approval – Comments and Repeal of Policy PP-8029  
Open Meetings **Tab 3**

**VIII. Finance and Administration Committee**

*(Brian Bozarth, Chair)*

- A. January 31, 2024, Combined Finance Report - *Informational*  
*(Dale Bradley, VP of Finance and Administration)* **Tab 4**
- B. Contracted Service Providers January 2024 - *Informational*  
*(Dale Bradley, VP of Finance and Administration)* **Tab 5**
- C. FY 2024 Capital Projects Update - *Informational*  
*(Dale Bradley, VP of Finance and Administration)* **Tab 6**
- D. \*Approval of Capital Funds for Culinary HVAC Control System  
*(Dale Bradley, VP of Finance and Administration)* **Tab 7**

**IX. Advancement and Public Relations Committee**

*(Lisa Lang, Chair)*

**X. ATC Advisory Board**

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

**XI. Possible Executive Session Under the Authority of WV Code §6-9A-4 for the following:**

- A. Human Resource Update
- B. Future Program Development
- C. ATC Deferred Maintenance

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

**XIII. Dr. Hayward's Reflections**

**XIV. Adjournment**

*\*Denotes possible action item*

**Tab**

**1**



**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS**  
**Meeting of February 20, 2024**

**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 November 14, 2023 Meeting

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

**Board of Governors 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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**MINUTES**

**Notice of Meeting**

A meeting of the Pierpont Community & Technical College (Pierpont) Board of Governors was held on November 14, 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**

Lisa Lang, Vice Chair, called the meeting to order in open session at 2:03 PM.

**II. Conflict of Interest**

Lisa Lange requested that Board members review the agenda and disclose any potential conflicts of interest they may have.

**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	Not Present
Anthony Hinton	Present
Lisa Lang	Present
Madison Martin	Not Present
Christine Miller	Present (via Zoom)
James H. Myers III	Not Present
Juanita Nickerson	Present
Jeffrey 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.

**A. Faculty Senate**

Rachel Beach 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**

Thomas Cole moved to approve the September 19 meeting minutes. Anthony Hinton seconded the motion. All agreed. Motion carried.

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

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

Anthony Hinton moved to accept the changes and final draft for Policy PP-1005 Use of Alcohol at College Events. Christine Miller seconded the motion. All agreed. Motion carried.

**B. Resolution for Approval of Comments and Final Draft for Policy PP-1006 Use of Institutional Facilities**

Anthony Hinton moved to accept the changes and final draft for Policy PP-1006 Use of Institutional Facilities. Joanne Seasholtz seconded the motion. All agreed. Motion carried.

**C. Resolution for Approval of a 30-Day Public Comment Period for Policy PP-2009: Sexual Harassment and Policy PP-8029: Open Meetings**

Christine Miller moved to approve the announcement and acceptance of a 30-day public comment period for Policy PP-2009: Sexual Harassment and Policy PP-8029: Open Meetings. Juanita Nickerson seconded the motion. All agreed. Motion carried.

**VII. Finance and Administration Committee**

- 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

Thomas Cole moved to accept the Pierpont Community & Technical financial state for year ending June 30, 2023 and the Independent Auditor’s Report as presented. Anthony Hinton seconded the motion. All agreed. Motion carried.

- B. October 31, 2023 Combined Finance Report – *Informational*  
(Dale Bradley, VP of Finance and Administration)

Dale Bradley presented the October 31, 2023 Combined Finance Report.

**VIII. Advancement and Public Relations Committee**

Pierpont will host its first End of Year Wrap Up Event on December 5 at Muriale’s Restaurant in Fairmont. Board Members are invited to attend.

The Pierpont Foundation is hosting its Annual Day of Giving on March 14. The Foundation is selling Christmas ornaments for \$20.00. Funds raised will go toward the scholarship fund.

**IX. Academics and Student Services Committee**

Thomas Cole reported there were no action items for Board approval. The committee heard informational items only.

**X. ATC Advisory Board**

- A. Industry Relations & Partnership Report

Nancy Ligus reviewed the Industry Relations & Partnerships Report.

**XI. Adjournment**

There being no further business, Thomas Cole 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 February 20, 2024**

<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 approves the changes to 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 did not reflect the institution's revised institutional guidelines and contains which is related to the Fairmont State operations.

*The 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 and SEX DISCRIMINATION**

**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 Policy 42, "Consensual Romantic or Sexual Relationships."

**AMENDED:** February 20, 2024

**REPEALED:**

**REVIEWED:** February 2024

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## **SECTION 1. GENERAL**

### **1.1 Scope**

This Policy defines sexual harassment and provides general guidelines for filing complaints regarding sexual harassment of students, employees, and other individuals participating in education, programs or activities 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 using Pierpont Community & Technical College policies and procedures.

## **SECTION 2. POLICY AND PROHIBITED CONDUCT**

- 2.1 Sex Discrimination and Sexual Harassment-** Pierpont Community & Technical College maintains a work and educational environment free from all forms of harassment and discrimination. Discrimination based on sex and sexual harassment, including discrimination and harassment based on gender identity, gender expression, sexual orientation, sex stereotypes, and pregnancy are prohibited. Retaliation against individuals for reporting conduct prohibited by this Policy, for filing a formal complaint and/or for participating in grievance procedures implemented in accordance with this Policy or for not participating in the grievances procedures for the purposes of Title IX Sexual Harassment is also prohibited. The College will take prompt, thorough, and impartial measures to



recurrence once the institution receives notice of sexual harassment or sex or gender based discrimination.

When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of this Policy, though supportive measures will be offered to those impacted.

## **2.2. Retaliation**

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution and/or grievance process, in the case of Title IX not participating in the grievance procedure, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Pierpont will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Pierpont and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint could be considered retaliatory if those allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded by this Policy and/or for interfering with any right afforded an individual under any procedures implemented in accordance with this Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a code of conduct or personnel policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation; the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **2.3 Online Harassment and Misconduct**

The College's policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in, or have an effect on, the College's education program and activities



or when they involve the use of the College's networks, technology, or equipment.

Although the College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Any online posting or other electronic communication by students, including but not limited to, cyber-bullying, cyber-stalking, cyber-harassment, occurring completely outside of the Pierpont's control (e.g., not on Pierpont networks, websites, or between Pierpont email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the Pierpont only when such speech is made in an employee's official or work-related capacity.

## **SECTION 3. DEFINITIONS**

### **3.1 Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of West Virginia regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Pierpont has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. While they overlap, they are not identical, and they each apply as noted.

**Title VII Sexual Harassment/Fair Housing Act**<sup>2</sup> applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in College-provided housing.

Unwelcome verbal, written, graphic, and/or physical conduct;

- a. that is severe or pervasive and objectively offensive;
- b. on the basis of sex/gender, and that
- c. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

**Title IX Sexual Harassment/Fair Housing Act**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Title IX Sexual Harassment includes:

Conduct on the basis of sex,<sup>1</sup> or that is sexual in nature, occurring in the United States against an individual participating in a Pierpont educational program or activity that satisfies one or more of the following:

**3.1.1 Quid Pro Quo:**

- a. an employee of the College,
- b. conditions<sup>2</sup> the provision of an aid, benefit, or service of the College,
- c. on an individual's participation in unwelcome sexual conduct.

**3.2.2 Hostile Environment:**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to the College's education program or activity.<sup>3</sup>

**3.1.3 Sexual Assault**,<sup>4</sup> defined as:

- a. **Rape:**
  - o Penetration, no matter how slight,
  - o of the vagina or anus,

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<sup>1</sup> Including gender identity, gender expression, sexual orientation, and sex stereotypes.

<sup>2</sup> Implicitly or explicitly.

<sup>3</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.

- o with any body part or object, or
- o oral penetration by a sex organ of another person,
- o without the consent of the Complainant.
- b. **Fondling:**
  - o The touching of the private body parts of the Complainant (buttocks, groin, breasts),
  - o for the purpose of sexual gratification,
  - o without the consent of the Complainant,
  - o including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.
- c. **Incest:**
  - o Sexual intercourse,
  - o between persons who are related to each other,
  - o within the degrees wherein marriage is prohibited by West Virginia law.
- d. **Statutory Rape:**
  - o Sexual intercourse,
  - o with a person who is under the statutory age of consent under the laws of West Virginia.

**3.1.4 Dating Violence**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - b) Dating violence does not include acts covered under the definition of domestic violence.

**3.1.5 Domestic Violence**,<sup>4</sup> defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of West Virginia, or



- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of West Virginia.

**3.1.6 Stalking**, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at the Complainant, that:
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Conduct that meets the definition of Title IX Sexual Harassment occurring outside the United States is conduct prohibited by this Policy and will be addressed by the College using the procedures applicable to Title IX Sexual Harassment.

Pierpont reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

**3.2 Force, Coercion, Consent, and Incapacitation<sup>5</sup>**

As used in the offenses above, the following definitions and understandings apply:

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<sup>5</sup> The state definition of consent which is applicable to criminal prosecutions for sex offenses in West Virginia is set forth in the *West Virginia Code* § 61-8B-2, *Lack of Consent*, and states the following: b) Lack of consent results from: (1) Forcible compulsion; (2) Incapacity to consent; or (3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct. (c) A person is deemed incapable of consent when such person is: (1) Less than sixteen years old; (2) Mentally defective; (3) Mentally incapacitated; (4) Physically helpless; or (5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of the [West Virginia Code]. Terms set forth in *West Virginia Code* § 61-8B-2 are defined in *West Virginia Code* § 61-8

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

**Consent** is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

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b-1. These definitions may differ from the definition used by Pierpont to address policy violations. [Included for Clery/VAWA Sec. 304 compliance purposes]



Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>6</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

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<sup>6</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

### 3.3. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX and/or other federal laws prohibiting discrimination based on sex, Pierpont additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is base

#### 3.3.1 Sexual Exploitation, defined as:

- a. an individual taking non-consensual or abusive sexual advantage of another
- b. for their own benefit or for the benefit of anyone other than the person being exploited, and
- c. that conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity



- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings

**3.3.2 Harm/Endangerment**, defined as:

- a. threatening or causing physical harm;
- b. extreme verbal, emotional, or psychological abuse; or
- c. other conduct which threatens or endangers the health or safety of any person or damages their property.

**3.3.4 Discrimination**, defined as:

- a. actions that deprive, limit, or deny
- b. other members of the community
- c. of educational or employment access, benefits, or opportunities,
- d. including disparate treatment.

**3.3.5 Intimidation**, defined as:

- a. implied threats or
- b. acts that cause the Complainant reasonable fear of harm.

**3.3.6 Hazing**, defined as:

- a. acts likely to cause physical or psychological harm or social ostracism
- b. to any person within the College community,
- c. when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy).

**3.3.7 Bullying**, defined as:

- a. repeated and/or severe aggressive behavior
- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- c. that is not speech or conduct that is otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is --motivated by actual or perceived protected characteristic(s), and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

### **3.4. Education Program or Activity**

**3.4.1** Education program or activity for the purposes of Title IX Sexual Harassment includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a



student organization that is officially recognized by a postsecondary institution.

#### SECTION 4. REMEDIES/SANCTIONS

- 4.1** Individuals found responsible for violating this Policy will be subject to sanctions set forth in this section.
- 4.2** Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:
- The nature, severity of, and circumstances surrounding the violation(s)
  - An individual's disciplinary history
  - Previous allegations or allegations involving similar conduct
  - The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
  - The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
  - The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
  - The impact on the parties
  - Any other information deemed relevant by the Decision-maker
- 4.3** Sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.
- 4.4 Student Sanctions.** The following are the common sanctions *as further described in the Student Handbook* that may be imposed upon students singly or in combination:
- Warning
  - Probation I
  - Probation I
  - Interim Suspension
  - Expulsion
  - Other Sanctions

**4.5 Student Organization Sanctions.** The following are the common sanctions that may be imposed upon student organizations singly or in combination:<sup>7</sup>

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or

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<sup>7</sup> Subject to College's Organizational Code of Conduct if one is in place.

directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### **4.6 Employee Sanctions/Responsive/Corrective Actions.**

**4.6.1** Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Written Warning*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension with Pay*
- *Suspension without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

## **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 Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

**5.2.1** Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate College policies.

## **5.2 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. MANDATORY REPORTING AND CONFIDENTIAL RESOURCES**

**6.1 Mandatory Reporting.** All College employees are required to report sexual harassment of which they become aware, to the Title IX Coordinator 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. Any reports can be made via email, phone, in writing, or in person.

**6.2 Confidential Resources.** Confidential Resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order.

In addition, non-identifying information about alleged violations of this Policy that may constitute Clery Act crimes may be submitted to the Department of Campus Safety and Security for purposes of the anonymous statistical reporting under the Clery Act.

Clery Act reporting does not require the institution to initiate an investigation or disclose personally identifiable information about the victim.

The following are considered confidential resources:

- On-campus licensed professional psychologists, counselors and staff- Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours.
- Off-campus:
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources,
  - Local or state assistance agencies,
  - Clergy/Chaplains

### **6.3 Title IX Coordinator**

The College's Title IX Coordinator has the primary responsibility for coordinating the College's compliance with Title IX and other federal and state regulations prohibiting discrimination and harassment based on sex. The Title IX Coordinator also is responsible for efforts related to the grievance procedures implemented in accordance with this Policy which include the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent sexual harassment, and retaliation and other conduct prohibited under this Policy.

**The College's Title IX Coordinator is:**

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



## 6.4 External Reporting Options

The United States Department of Education's Office for Civil Rights (OCR), is responsible for enforcing Title IX. Information about the OCR complaint process is available at:

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> The United States Equal Opportunity Commission (EEOC) is responsible for enforcing several federal Civil Rights laws and regulations including laws prohibiting on the job Sexual Harassment. Information about the EEOC complaint process is available at:

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  
Web: <http://www.eeoc.gov/contact/>

## SECTION 7: REPORTING SEXUAL HARASSMENT AND FILING COMPLAINTS

- 7.1** Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment). Reports and formal sexual harassment complaints are filed with the Title IX Coordinator.

Reports and formal complaints may be filed in person, by mail or email. As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by the College for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the College investigate the allegations.

For the purposes of Title IX Sexual Harassment, a formal complaint is a document filed by an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the College

investigate the allegation of Title IX Sexual Harassment. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

In the case of Title IX Sexual Harassment:

(a) the College is not permitted to implement formal grievance procedures without a formal complaint; and (b) Where a complainant desires to initiate a formal grievance process, the alleged victim cannot remain anonymous or prevent the victim's identity from being disclosed to the individual accused of Title IX Sexual Harassment.

Upon receipt of report or complaint, the Title IX Coordinator will promptly contact the individual alleged to be the victim of the prohibited conduct to discuss the availability of supportive measures, consider the individual's wishes with respect to supportive measures, inform the individual of the availability of supportive measures with or without the filing of a formal complaint, and explain to the individual the grievance procedures implemented in accordance with this Policy.

If a formal complaint is filed, the College will provide supportive measures to individuals accused of prohibited conduct.

**7.2** Complaints or reports against the Title IX Coordinator are filed with:

Michael Waide  
Provost/Vice President, Academic Affairs and Student Services  
500 Galliher Drive  
Fairmont WV 26554  
mwaide@pierpont.edu  
(304) 367-4602

**7.3** If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they 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 institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process.

The College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

## **SECTION 8: DELEGATION, GRIEVANCE PROCEDURES AND AMENDMENTS**

- 8.1** The President or President's designee may establish administrative procedures to implement this Policy including but not limited to formal grievance procedures that comply with 34 CFR § 106.45 and/or any other applicable State or Federal requirements. Grievance procedures implemented in accordance with this policy will treat complainants and respondents equitably and will follow a grievance process that complies with § 106.45 (in the case of Title IX Sexual Harassment) before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Grievance procedures will include procedures for ensuring that any individual designated by the College as a Title IX Coordinator, an investigator, decision-maker, or any person designated by the College to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 8.2** This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
- 8.3** Federal and State laws, rules and regulations change. Any portion of this policy may be modified in practice to ensure the due process rights of the Parties and to conform with any current Federal and State law, rules and regulations. Subject to the College's rulemaking rule, the College will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

## **SECTION 9: POLICY LIMITATIONS**

- 9.1** Nothing in this policy should be construed to extend "protected class" status or give rise to a cause of action beyond that otherwise provided by law.

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**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS  
MEETING OF February 20, 2024**

<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 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 procedural in nature and is not a policy. Pierpont's policy related to Open Meetings is to follow the statutory and regulatory requirements.

**PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
**Board of Governors Policies and Procedures**  
**POLICY # 29**  
**TITLE: OPEN MEETINGS**

**Effective Date: November 29, 2004**

**Amended:**

**Repealed: February 20, 2024**

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All Board meetings are open to the public and anyone who wishes to speak to the Board in the session may do so by registering to speak ten minutes before the meeting is scheduled to begin. Media representatives are welcome to attend open meetings.

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.

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.

#### MINUTES

Minutes of all open (not executive sessions) meetings will be taken and made available to the public within reasonable time after the meeting. 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;
- the results of all votes and, when requested by a member, the vote of each member, by name.

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**Board of Governors**  
**Budget/Finance Report FY 2024**  
**Pierpont Community & Technical College**  
**as of January 31, 2024**

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 January 31, 2024 Budget/Finance Report, the Unrestricted Budget Balance is (\$188,800) 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 93% of projected operating revenue.
- The institution has incurred approximately 48% of operating expenses.
- The institution has realized approximately 76% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is \$5,860,787.

**SUMMARY RESTRICTED FUNDS:**

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

- The institution has realized approximately 46% of projected operating revenue.
- The institution has incurred approximately 46% of operating expenses.
- The institution has realized approximately 59% of nonoperating revenues.
- The Year-To-Date Actual Budget Balance is \$224,777.

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

January 31, 2024

		Current Budget	Actual YTD	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>				
	<b>Total:</b>	<b>7,179,296</b>	<b>6,648,240</b>	<b>92.60%</b>
<b>OPERATING EXPENSE</b>				
	<b>Total:</b>	<b>15,144,238</b>	<b>7,212,139</b>	<b>47.62%</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(7,964,942)</b>	<b>(563,899)</b>	
<b>NONOPERATING REVENUE (EXPENSE)</b>				
	<b>Total:</b>	<b>8,543,527</b>	<b>6,495,713</b>	<b>76.03%</b>
<b>TRANSFERS &amp; OTHER</b>				
	<b>Total:</b>	<b>(367,385)</b>	<b>(71,027)</b>	<b>19.33%</b>
<b>BUDGET BALANCE UNRESTRICTED</b>		<b>211,200</b>	<b>5,860,787</b>	
<b>Less Depreciation (Net of Capitalized Assets)</b>		<b>(400,000)</b>		
<b>BUDGET BALANCE LESS DEPRECIATION</b>		<b>(188,800)</b>	<b>5,860,787</b>	

Pierpont Community & Technical College  
Actual vs Budget Statement of Revenues and Expenses  
Current Restricted  
January 31, 2024

		Current Budget	Actual YTD	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>				
	Total:	6,799,465	3,109,548	45.73%
<b>OPERATING EXPENSE</b>				
	Total:	9,105,596	4,171,920	45.82%
<b>OPERATING INOCME / (LOSS)</b>		(2,306,131)	(1,062,372)	
<b>NONOPERATING REVENUE (EXPENSE)</b>				
	Total:	2,250,485	1,325,466	58.90%
<b>TRANSFERS &amp; OTHERS</b>				
	Total:	(50,732)	(38,318)	75.53%
<b>BUDGET BALANCE</b>		(106,378)	224,777	

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**Pierpont Community and Technical College  
Board of Governors  
Meeting of February 20, 2024**

**ITEM:** FY 2024 Contracted Service Providers as of January 2024.

**COMMITTEE:** Finance and Administration Committee

**INFORMATION ITEM:** List of Service Providers Pierpont Community and Technical College has or is utilizing in FY 2024 as of January 2024.

**STAFF MEMBER:** Dale Bradley

**BACKGROUND:** General information of companies/organizations Pierpont has or is engaging in providing contracted services to the institution during FY 2024.

# **Pierpont Community and Technical College**

## **List of Service Providers FY 2024**

**As of January 2024**

### **CONTRACTED SERVICES**

AMERICAN BITUMINOUS POWER PARTNERS LP  
B3 SECURITY GROUP LLC  
BRAXTON CO BD OF EDUCATION  
BREWER & COMPANY  
CARAHSOFT TECHNOLOGY CORP  
CINTAS CORP  
CITYNET LLC  
CLARKSBURG BLUE-PRINT COM  
COLLEGIATE ENTERPRISE SOLUTIONS LLC  
CONLEY CPA GROUP PLLC  
DATARAILS.COM  
DIALPAD  
EMCOR SERVICES SCALISE INDUSTRIES  
FAIRMONT MARION CO TRANSIT AUTHORITY  
FOLLETT HIGHER EDUCATION GROUP LLC  
HAPCHUK, INC  
HART OFFICE SOLUTIONS  
HORIZON INFORMATION SRV  
HR RESULTS LLC  
INNOVATIVE HR SOLUTIONS LLC  
K M SERVICE CO INC  
MEDICAL WASTE SERVICES, L  
MON VALLEY ELECTRIC INC  
NELNET BUSINESS SOLUTIONS INC  
NEWTECH SYSTEMS INC  
NORTHSTAR TECHNOLOGIES LLC  
ODP BUS SOL LLC  
OMNI ASSOCIATES ARCHITECTS INC  
OPEN PRESENCE INC  
PAYPAL HOMEINSPECT  
QUALEX CORPORATION  
REGROUP  
RELIANT CAPITAL SOLUTIONS LLC  
REPUBLIC SERVICES TRASH  
RFK SOLUTIONZ CORPORATION  
RYAN CONSTRUCTION SERVICES INC  
SANTA CROCE FARM LLC  
SQ LAWN CARE PLUS  
SQ PINE HOLLOW MECHANICA

SQ TIM BLEECH INTERACTIV  
STANDARD EXTERMINATING  
STAX MEDICAL WASTE SER  
STERICYCLE INC/SHRED-IT  
SUPERIOR LAWN CARE SERVICES  
TUTOR COM INC  
UNITED HOSPITAL CENTER INC  
VERTICAL TRANSPORT CONSUL  
WAREHOUSE KIDS LLC  
WASTE MGMT WM EZPAY  
WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES INC  
WEST VIRGINIA ELEVATOR LLC  
WEST VIRGINIA UNIVERSITY HOSPITALS INC  
WEST VIRGINIA WOOD TECHNOLOGY CENTER  
WILLIAMS & FUDGE INC

**LEGAL SERVICES**

CAPUDER FANTASIA PLLC  
SPILMAN THOMAS & BATTLE  
DINSMORE & SHOHL LLP

**INFORMATION TECHNOLOGY SERVICES/SOFTWARE**

BLACKBOARD INC  
WOLF & COMPANY PC  
CITYNET LLC  
ADVANTAGE DESIGN GROUP  
ELLUCIAN CAMPUSLOGIC INC  
OPEN PRESENSE INC  
SCENARIO LEARNING LLC  
BAMBOO HR  
HORIZON INFORMATION SERVICES

**PROFESSIONAL SERVICES**

CLIFTON ARSON ALLEN LLP  
SUMMIT MEDICAL SEMINARS LLC  
THE HANOVER RESEARCH COUNCIL LLC  
REACH EAP LLC

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**Pierpont Community and Technical College  
Board of Governors  
Meeting of February 20, 2024**

**ITEM:** FY 2024 Capital Projects Update.

**COMMITTEE:** Finance and Administration Committee

**INFORMATION ITEM:** FY 2024 Capital Project Budgets, Expenditures, and Cash Balances as of January 31, 2024.

**STAFF MEMBER:** Dale Bradley

Pierpont Community & Technical College  
Project Summary  
**Capital Plant Funds**  
As of January 31, 2024

Projects			
Projects - Funds Transferred	Approved Budget	Actual Expenditures to Date	Unexpended Budget Balance
Caperton Center Expansion - Vet Tech	2,094,326	2,140,461	(46,135)
Early Childhood Remodel	229,687	191,894	37,793
Vet Tech Relocatoin	10,000	11,377	(1,377)
Caperton Center Sewer Line Replacement	20,000	17,500	2,500
Small Capital Projects	150,000	132,761	17,239
Culinary Relocation	400,000	333,774	66,226
<b>TOTALS</b>	<b><u>2,904,013</u></b>	<b><u>2,827,766</u></b>	<b><u>76,247</u></b>

Plant Funds Cash Balances at January 31, 2024		
Fund Title	Fund	Cash Balance
Caperton Center Expansion-Vet Tech	3510	(46,134.57)
Early Childhood Remodel	3516	37,793.01
Vet Tech Relocation	3515	(1,377.47)
Caperton Center Sewer Line Replacement	3517	2,500.00
Small Capital Projects	3570	17,239.14
Culinary Relocation	3514	66,226.00
HEPC Debt Service	3573	135,266.00
Pierpont - E&G Cap & Infrastructure*	3575	989,976.34
<b>Total Cash in Plant Funds on January 31, 2024</b>		<b><u>1,201,488.45</u></b>

Cash Balances Available For Capital Projects as of January 31, 2024		
Fund Name	Fund	Cash Balance
Pierpont - E&G Cap & Infrastructure*	3575	989,976.34
Pierpont Facilities Fee	3170	-
<b>Total Cash Balances Available For Capital Projects</b>		<b><u>\$ 989,976.34</u></b>

Unrestricted Facilities Fee Fund Projected Cash Balance at June 30, 2024		
Fund 3170		Cash Balance
Beginning Balance		-
Estimated Revenues		594,600.00
NAEC Lease -FY2023 Budget	(full year)	(405,000.00)
<b>Projected Cash in Unrestricted Facilities Fee Fund at June 30</b>		<b><u>\$ 189,600.00</u></b>

\*For fiscal year 2024, the NAEC lease payments are budgeted from Facilities Fee in the amount of \$405,000.

Tuition and fees in excess of the lease payments will be transferred to Capital Reserves at year end.

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**Pierpont Community and Technical College  
Board of Governors  
Meeting of February 20, 2024**

<b>ITEM:</b>	Approve Budgeting \$40,000 of the remaining Culinary Relocation Capital Project Funds for the Installation of HVAC Control and Monitoring System for the Culinary Space at the Middletown Commons.
<b>COMMITTEE:</b>	Finance and Administration Committee
<b>RECOMMENDED RESOLUTION:</b>	Resolved that the Pierpont Community & Technical College Board of Governors approves budgeting \$40,000 of the remaining Culinary Relocation Capital Project Funds for the Installation of HVAC Control and Monitoring System for the Culinary Space at the Middletown Commons.
<b>STAFF MEMBER:</b>	Dale Bradley
<b>BACKGROUND:</b>	<p>The Culinary Relocation Capital Project Fund after completing the relocation of the Culinary Program to the Middletown Commons has a cash balance of \$66,226 as of January 31, 2024.</p> <p>Currently there are five (5) HVAC Units used to control the Culinary Program space in the Middletown Commons that cannot be monitored or controlled in any way except onsite via the wall thermostat or accessing the individual units on the roof. This is very inefficient as well as ineffective way to manage a 9,000 square foot space with multiple offices, classroom, walk in freezers, dry goods storage and two kitchen laboratories.</p> <p>Facilities Management is requesting to utilize up to \$40,000 of the cash remaining from the completion of the Culinary Program relocation to Middletown Commons to install a Control System to more effectively and efficiently manage and monitor the HVAC system for the Culinary Program.</p>



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**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:** February 20, 2024

**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- Active)

- EMT Basic -Clarksburg
- World Education – Certification trainings online

Community Education (Open/Selective)

- PRIDE Academy- Life Skills and Forte programs for young adults with Intellectual Disabilities

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

a) Grants and Funding Opportunities:

- (2) New Learn & Earn projects with HQ Aero (Aviation), Pillar Innovations (APT)

b) Continued Participation in external Initiatives:

- BEADS (Broadband Equity, Access, and Deployment) WV Broadband Workforce Council (WV Office of Economic Development)
- WVU *ARC Power Initiative: Energy Transitions Jobs Roadmap*
- WVU at Parkersburg-Upskilling Incumbent Workers
- TEAMs Consortium ARC Power Initiative: *TEAM Pathways 2.0: Connections that Work*
- Region 6 Business Services Team, Region 6 Outreach Committee/AJC Partner



**Pierpont Community & Technical College**

Center for Workforce Education

500 Galliher Drive

Fairmont, WV 26554

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

**FY 24 Outlook:\***

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

- Commercial HVAC, Manufacturing Apprenticeship (Casto, Prebena)
- Communications Workers of America- Broadband Installation Training
- Mon Health- Patient Care Technician
- WVU Medicine- Healthy Meal Program, Medical Lab Technician Transition
- 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
- Registered Behavioral Technician (RBT)
- Hydrogen Fuel and Maintenance Technology
- Home Inspector Training /Certification
- Underground Miner “Red Hat” Safety Certification training

**Testing Center**

- **To date (from July 1, 2023-January 30, 2024)**
  - 602 Testing Candidates served
  - Revenue Earned \$12,090

\*At the President’s request, as of December 4, no further activity with business & industry pending hiring a new Director of Career and Corporate Training. All Continuing Education, Open Enrollment, and Corporate Training programs to be cancelled/postponed in the Spring schedule other than those in progress (shown).