



GLENVILLE STATE COLLEGE

AGENDA

Glenville State College
Board of Governors

August 5, 2020
1:00 p.m.

Mollohan Campus Community Center
Ballroom

**Glenville State College
Board of Governors Meeting
Schedule
2020-21**

All Executive Committee meetings will be held at 11:00 am in the President’s Conference Room in the Harry B. Heflin Administration Building. All Board of Governors meetings will be held in the Waco Center, Hall of Fame Room, at 1:00 pm unless otherwise noted in the schedule.

All other committees will meet on the day of the Board meetings unless otherwise scheduled by the committee chair. All other committees will meet in the Waco Center, Hall of Fame Room at the following specified times unless otherwise noted in the schedule.

All Other Committees

Board Governance Committee at 8:00 am Enrollment and Student Life Committee at 9:00 am
Academic Affairs Committee at 10:00 am Business and Finance Committee at 11:00 am

Schedule

Wednesday, July 22, 2020	Executive Committee
Tuesday, July 21, 2020	Executive Committee <i>@ Mollohan Campus Community Center, Room 319</i>
Wednesday, August 5, 2020	Board of Governors & Committee Meetings <i>@ Mollohan Campus Community Center, Ballroom</i>
Wednesday, October 7, 2020	Executive Committee
Wednesday, October 21, 2020	Board of Governors
Wednesday, December 2, 2020	Executive Committee
Wednesday, December 16, 2020	Board of Governors
Wednesday, February 3, 2021	Executive Committee
Wednesday, February 17, 2021	Board of Governors
Wednesday, April 7, 2021	Executive Committee
Wednesday, April 21, 2021	Board of Governors
Wednesday, June 2, 2021	Executive Committee
Wednesday, June 16, 2021	Board of Governors

Approved by the GSC Board of Governors June 10, 2020
Updated June 15, 2020; June 25, 2020.



BOARD OF GOVERNORS

August 5, 2020

MCCC, Ballroom

1:00 PM

AGENDA

1. Call to Order
2. Establishment of a quorum
3. Swearing In of New Board Member
4. Public Comment Period
5. Special Recognitions/Presentations
 - A. Board Recognitions
 - B. Academic Success Center and Hidden Promise Update – *Stacy Adkins*
6. Constituent Comments
 - A. Faculty Senate
 - B. Staff Council
 - C. Student Government Association
7. **Consent Agenda (*Action Item*)**
 - A. Minutes of the June 10, 2020 Meeting
 - B. Enrollment Comparison Reports (*2020 - July 3, 10, 17, 24*)
 - C. Cash Flow Projection Statement
 - D. YTD Budget Projection Report (*No report*)
 - E. Quarterly Financial Statement (*No report*)
8. Committee Reports
 - A. Executive Committee - Mike Rust, Chair
 - B. Board Governance and Human Resources Committee – Ann Green, Chair
 - C. Business and Finance Committee – Doug Morris, Chair
 - D. Enrollment and Student Life Committee – Steve Gandee, Chair
 - E. Academic Affairs Committee – Skip Hackworth, Chair
9. President's Report
 - A. Update on issue facing Glenville State College

10. Actionable Items

A. **Revisions to Final Draft Policies (Part II & Part III) – (Action Item)**

**Policy 6 – Social Justice*

**Policy 6A – Social Justice: Discrimination, Harassment, Sexual Misconduct, Stalking, Retaliation, Consensual Relationships, and Reasonable Accommodations*

**Policy 9 – Disposition of Surplus Equipment, Supplies and Materials*

11. Announcements

12. Adjournment

**Academic Success Center
Board of Governors Update, 07/29/2020**

Academic Success Center Registrations (as of 07.28.2020 2:30pm)

NEW FTE (RA,TR, FTF, OW)	NEW PTE (RA,TR, FTF, OW)	Continuing FTE (includes online)	Continuing PTE (includes online)	CS Total (FTE; PTE; OW)
365 <i>(79 Not Reg. /In-Trello)</i>	21 <i>(4 FTE WL)</i>	572 <i>(13 OW; 451 WV)</i>	47 <i>(3 FTE WL; 31 =SR)</i>	619 <i>(238 below 15hr)</i>

Note: Continuing students are advised and registered by faculty, staff, or self.

Academic Success Center Not Registered to Return Update (as of 07.29.2020)

Not Registered (04.20.2020)	Registered (07.29.2020)	Not Returning (07.29.2020)	In-Progress (07.29.2020)	No Contact (07.29.2020)
304	174	47(NR); 21(TR); 8(G); 76 (Total)	23	30

Hidden Promise Scholars Program (as of 07.29.2020)

2016-2017 (On-Campus Scholars)	2017-2018 (On-Campus Scholars)	2018-2019 (On-Campus Scholars)	2019-2020 (On-Campus Scholars)	2020-2021 (On-Campus Scholars)
170 (19 Graduates)	173 (16 Graduates)	160 (34 Graduates)	129 (23 Graduates)	115

Note: HPS Recruitment has been delayed until Fall of 2020/2021 per VP Marty Carver. Program recruitment change occurred in 2017-2018.

2016 (County Nominations)	2017 (County Nominations)	2018 (County Nominations)	2019 (County Nominations)	2020 (Spring) (County Nominations)
602	21	25	15	0

Note: Participating counties discontinued nominations in 2017, 2018, and 2019 due to the program change from 8-12th to 10-12th grade.

2016 (County Scholars)	2017 (County Scholars)	2018 (County Scholars)	2019 (County Scholars)	2020 (Spring) (County Scholars)
2997	2520	1950	1219	526

Note: New nominations did not occur in 2019-2020(Partial COVID-19 Impact). New nominations must and will occur in Fall 2020.

Updates:

- 🚧 Increase FTE; adjusted over 100 part-time student schedules to full-time (waitlist)
- 🚧 Removal of student barriers that prevent registration; including assistance with appeals
- 🚧 Degree Mapping with students who have experienced uncontrolled course schedule changes
- 🚧 Successfully transitioned Academic Success Center & Hidden Promise Scholars services to online
- 🚧 Military Friendly Status 2019-2020
- 🚧 **New Pioneer Orientation** (August 14th-16th)
 - 32 Pioneer Peer Mentors

**Glenville State College Board of Governors
Meeting of August 5, 2020**

ACTION ITEM: Consent Agenda

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Be it RESOLVED that the Board of Governors approves the Consent Agenda as proposed.

STAFF MEMBER: Dr. Mark Manchin, 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 packet and listed on the proposed consent agenda.

1. Minutes of the June 10, 2020 Meeting.
2. Enrollment Comparison Reports (2020 – July 3,10,17,24)
3. Cash Flow Projection Statement
4. YTD Budget Update (No report included due to still finishing first month of the fiscal year)
5. Quarterly Financial Statement (No report included due to still finishing first month of the fiscal year)

**Glenville State College
Board of Governors Meeting
June 10, 2020
Mollohan Campus Community Center, Ballroom
Glenville, West Virginia**

Members Present: Mr. Greg Smith, Chairperson
Mr. Tim Butcher, Vice Chair
Mr. Stephen Gandee
Ms. Ann Green
Mr. Tilden "Skip" Hackworth
Mr. Ralph Holder
Mr. Robert Marshall
Mr. Doug Morris, via teleconference
Mr. Mike Rust
Dr. Kevin Evans, Faculty Representative
Mr. Jason Gum, Staff Representative
Mr. Colton Ring, Student Representative

Faculty & Staff Present: Dr. Jason Barr, Associate Professor of Music
Mr. John Beckvold, Vice President for Business & Operations
Ms. Cheyenne Carr, Human Resources Assistant
Mr. Marty Carver, Vice President for Enrollment & Student Life
Mr. Dustin Crutchfield, Director of Marketing & Public Relations
Mr. David Hutchison, Vice President for Advancement
Ms. Michelle Lang, Academic Success Center Advisor
Ms. Tegan McEntire, Human Resources Director
Dr. Gary Morris, Interim Provost & Vice President for Academic Affairs
Dr. Kathleen Nelson, Interim President
Mr. Thomas Ratliff, Executive Director of Workforce & Community Development
Mr. Jesse Skiles, Director of Athletics
Ms. Teresa Sterns, Executive Assistant to the President
Dr. Marjorie Stewart, Associate Professor of English & Faculty Senate Vice President
Ms. Chelsea Stickelman, Director of Admissions & Staff Council Chair

Others Present: Ms. Jasmine Tarman, Incoming Student Government President

Call to Order

Chairperson Greg Smith called the meeting to order at 1:20 pm.

A quorum was established.

Dr. Jason Barr shared a video on behalf of the Fine Arts Department that was prepared to assist in recruiting students virtually. The video was released last week and has been reviewed by ten thousand people. He provided an update regarding the Department that included the Bachelor of Arts program predicting tripling the number of incoming freshmen due to the new digital printer. Alumni has assisted with recruiting new students into the music program; however, the number of new incoming students enrolling in the music program has decreased due to College personnel not being able to visit schools to recruit due to COVID-19. He further announced GSC has the highest percentage of music and music education majors than any other West Virginia Higher Education Institution.

Mr. Smith and Mr. Butcher presented a resolution and a replica of the Presidential Medallion to Dr. Nelson in appreciation and recognition of the service she provided to the College and Board of Governors over the past year.

Mr. Smith introduced Ms. Jasmine Tarmin as the incoming Student Government President and Board of Governors student representative effective July 1, 2020.

Public Comment – N/A

Constituent Comments

Faculty Senate – Dr. Marjorie Stewart, Vice President of Faculty Senate, spoke on behalf of new Senate President Brian Perkins and announced the Senate now has twelve members. She will provide more of an update at the meeting scheduled with the Board following the regular Board meeting today.

Staff Council – Ms. Chelsea Stickelman reported that many of the staff used the staff development funds over the past year and re-vamped the application with the assistance of Dr. Nelson. Staff Council invited nominations for election of area representatives. The Council is re-evaluating the constitution. Minutes of the Council have been posted to the website. Staff participation tripled via virtual Council meetings during the COVID-19 shutdown.

Student Government Association (SGA) – Mr. Colton Ring announced that Jasmine Tarman will be replacing him as the SGA President and student representative to the Board. He wished her well in her new appointment.

Consent Agenda

MIKE RUST MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. SKIP HACKWORTH SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

“Building A New Image” – Ms. Ann Green reported that having a new image for the College will assist with recruiting students. She requested that the Board and College employees consider what image the College would like to project. Ann suggested establishing a coordination plan to do research and implement new messaging.

Skip Hackworth mentioned focusing on the history, cultures, and traditions honoring those that made the College what it is and what all want it to become.

Dr. Nelson suggested also focusing the strategic plan development on the history, cultures, and traditions.

Committee Reports

Executive Committee/Chair Report

Tim Butcher, Vice Chair, reported that the Committee discussed the following:

- Nominating Committee recommendations for FY21.
- Committee assignments for FY21.
- Review of the Board Agenda Topics Calendar for FY21.
- Proposed approval of the Board Scholarship.
- Proposed FY21 Board meeting schedule.

Board Officer Nominations

Mr. Smith presented the 2020-21 slate of officers as:

- Mike Rust, Chair
- Timothy Butcher, Vice-Chair

RALPH HOLDER MOVED TO APPROVE THE NOMINATED SLATE OF OFFICERS FOR 2020-21 AS PRESENTED. COLTON RING SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Mr. Rust announced that he will make committee assignments at a later date.

MIKE RUST MOVED TO APPROVE THAT THE GLENVILLE STATE COLLEGE BOARD OF GOVERNORS AGREES TO FUND JOINTLY THE BOARD OF GOVERNORS AWARD, AN EQUIVALENT FULL TUITION AND FEE SCHOLARSHIP FOR THE FY21 ACADEMIC YEAR. THE NEED-BASED SCHOLARSHIP WILL BE AWARDED TO A WEST VIRGINIA RESIDENT(S) WHO MEETS THE REQUIREMENTS OF THE WEST VIRGINIA PROMISE SCHOLARSHIP CRITERIA. TIM BUTCHER SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Meeting Schedule

Dr. Nelson announced that the College must adopt revisions to Policy 6 or 6A reflecting updated Title IX regulations that must be put into place by August 14, 2020.

Mr. Smith proposed moving the August 5, 2020 Executive Committee meeting listed on the proposed FY21 meeting scheduled to July 22, 2020 and the regular Board meeting scheduled for August 19, 2020 to August 5, 2020, so the Board may vote on the policies being revised to reflect mandated Title IX regulations that must be put into place by August 14, 2020.

KEVIN EVANS MOVED TO APPROVE THE PROPOSED 2020-21 BOARD MEETING SCHEDULE AS AMENDED BUT SUBJECT TO CHANGE. BOB MARSHALL SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Board Governance and HR Committee - Tim Butcher reported that the Committee discussed the policy revisions included in the Board packet that included:

- Final Draft Policies 4, 9, 11, 14, 15, 25, 32, 48, and 53.
- Draft Policies 17, 21, 37, 43, 45, 45A, 45B, 45C, 45D – Repeal, and 51.
- Committee agreed to present a “Certificate of Appreciation” to all employees that retire with thirty years or more service to the College on behalf of the Board.
- Open positions needing to be filled that are included in the proposed FY21 budget.
- Appointing a committee to revise the Board By-laws.
- Board training that includes what the roles of the Board are versus administration, faculty, and staff. Review Association of Governing Boards information on the roles. Include newly amended Policy 4 – Ethics and Conflicts of Interest in the training.
- Amending draft policies 6 & 6A to include new Title IX regulations.
- SafeColleges staff trainings.
- Board assessment evaluations. Dr. Nelson requested that Teresa Sterns send the Board assessment evaluations to the Board members electronically and noted all responses will be received anonymously.

Dr. Nelson announced that the revised final draft policies Part II that are being proposed for action were approved at the last Board meeting; however, comments were received during the thirty-day comment period and administrative changes made. Changes suggested during the comment period were made to the policies, so the Board will take action on the revised draft policies.

Mr. Greg Smith recommended removing Policy 9 for approval and rewriting it to reflect that the President may not dispose of any College property without Board approval.

TIM BUTCHER MOVED TO APPROVE THE PROPOSED REVISED BOARD FINAL DRAFT POLICIES WITH THE EXCEPTION OF POLICY 9 THAT NEEDS MORE REVISIONS FOR FINAL FILING WITH THE HIGHER EDUCATION POLICY COMMISSION. JASON GUM SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Dr. Nelson announced that the draft policies Part III included in the Board packet were posted for an informal fourteen-day comment period. Comments were received and suggested changes were made along with administrative changes. Policies 6 and 6A were also posted with no changes, so they were not included in the Board packet. The policies are still being revised to be presented for action at the next meeting to include Title IX update regulations. The updated regulations have not been released yet. She further added that the changes to Policy 45B – Student Financial Aid were made to sections 4.2 and 5.4.2.4 but the track changes did not transfer when combining the original and changed documents. All members were presented with the updated revised draft policy 45B for review and approval.

TIM BUTCHER MOVED TO APPROVE THE PROPOSED BOARD DRAFT POLICIES FOR FINAL FILING WITH THE HIGHER EDUCATION POLICY COMMISSION IF NO COMMENTS ARE RECEIVED AFTER THE THIRTY-DAY COMMENT PERIOD. MIKE RUST SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Business and Finance Committee - Mike Rust thanked Mr. Smith and Mr. Butcher for their service as Chair and Vice Chair over the past years. He provided a Kiplinger forecasts for executives and investors letter to all. Mr. Rust reported that the Committee discussed the following:

- College's accounting systems that need improvement from the auditors view, however, the systems are being updated and the College will proceed with the audit.
- The Committee requests that bids be presented for a new food service contract.
- HEERF grant awards received or to be received for students and institutional costs due to COVID-19.
- Proposed FY21 budget. Mr. Beckvold and Mr. Carver announced that the budget reflects a prediction of 565 returning students and 370 new students.

Mike emphasized that the Committee will be monitoring the budget, if approved, extremely closely.

MIKE RUST MOVED TO APPROVE THE BUDGET FOR FY21 AS PROPOSED. TIM BUTCHER SECONDED THE MOTION.

MOTION CARRIED WITH KEVIN EVANS OPPOSING.

Enrollment and Student Life Committee – Steve Gandee reported the Committee discussed the following:

- Enrollment projections.
- Review of Social Justice changes coming about.
- Recruitment action plan for FY21.

Academic Affairs Committee – Ralph Holder asked Gary Morris to present the Committee report. Gary Morris provided all with a booklet that included Academic Affairs restructuring, academic projects from the past three years and current, and referenced the program reviews being presented for approval. He asked all to review the faculty research reports and special projects.

Mr. Butcher requested that Dr. Morris inform the faculty that the number of graduates indicated in the program reviews need to be increased in order to continue the programs.

Jason Gum recommended re-evaluating the removal of department chairs.

Dr. Nelson suggested allowing the new reorganization process to continue.

Tom Ratliff announced the College hopes to open the Pioneer Stage back up in the next two weeks.

Program Review

JASON GUM MOVED TO APPROVE THE PROGRAM REVIEWS FOR THE FOLLOWING PROGRAMS: CRIMINAL JUSTICE, BIOLOGY, ENGLISH, HEALTH AND HUMAN PERFORMANCE AND BUSINESS PENDING A CORRECTION PRESENTED BY KEVIN EVANS THAT WILL NOT CHANGE CONTEXT. KEVIN EVANS SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Campus Updates

Dr. Nelson reported:

- Upon completion of the FY20 operational plan report, it will be provided to the Board if requested.
- Dr. Nelson referenced page 195 of the Board packet and discussed the College's plan to reopen in fall. Dustin Crutchfield will publish the plan after today's meeting.

David Hutchison reported the following regarding advancement and government affairs:

- Foundation has been concentrating on updating the donor database and working on grants.
- Dave will provide each Board lay member with the amount of Board scholarship each will owe. He anticipates an amount of \$921.78 each.

Jesse Skiles reported the following regarding the Athletic Program:

- Jesse referred to the athletic academic report in the Board packet and pointed out that twenty-nine athletes completed the spring semester with 4.00 GPA's and eighty-five made the Dean's list.
- GSC finished ninth in the Commissioner's Cup this year.

Announcements

Mr. Smith announced the following:

- The Board is scheduled to meet with Faculty Senate and Staff Council directly following today's meeting.
- Requested all to keep Joe Evans in their thoughts and prayers as he is in the hospital.

Adjournment

With no further business and hearing no objection, Chairperson Smith adjourned the meeting at 3:01 pm.

Greg Smith
Chairperson

Teresa Sterns
Executive Assistant to the President

Enrollment Breakdown and Y2Y Comparison

<i>Returning Traditional & Online</i>					
Class	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Freshman</i>	122	107	73	127	123.00
<i>Sophomore</i>	168	165	152	161	156.80
<i>Junior</i>	147	156	144	148	143.27
<i>Senior</i>	231	202	186	182	160.27
<i>Other</i>	0	1	1	1	0.07
Total	668	631	556	619	583.40

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	58	46.73
<i>First-time</i>	295	290	321	263	240.20
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	321	286.93

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	17	7.87
<i>FCI Gilmer</i>	57	60	87	0	0.00
<i>Huttonsville</i>	125	103	81	0	0.00
Total	502	417	600	17	7.87

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	619	583.40
<i>New</i>	381	382	422	321	286.93
<i>External</i>	502	417	600	17	7.87
Total	1,551	1,430	1,578	958	878.80

Definintions:

Freshmen: < 30.001 credits earned
 Sophomore: 30.001 - 60.000 credits earned
 Junior: 60.001 - 90.000 credits earned
 Senior: 90.001+ credits earned
 Other: Transient & Non-Degree seeking students

Notes:

*Not including DMAPS
 *Historical numbers are final semester counts
 **FTE = total credits divided by 15
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Enrollment Breakdown and Y2Y Comparison

<i>Returning Traditional & Online</i>					
Class	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Freshman</i>	122	107	73	127	123.07
<i>Sophomore</i>	168	165	152	161	156.93
<i>Junior</i>	147	156	144	149	143.73
<i>Senior</i>	231	202	186	183	162.53
<i>Other</i>	0	1	1	1	0.33
Total	668	631	556	621	586.60

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	64	51.47
<i>First-time</i>	295	290	321	278	250.53
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	342	302.00

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	1	0.20
<i>FCI Gilmer</i>	57	60	87	0	0.00
<i>Huttonsville</i>	125	103	81	0	0.00
Total	502	417	600	1	0.20

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	621	586.60
<i>New</i>	381	382	422	342	302.00
<i>External</i>	502	417	600	1	0.20
Total	1,551	1,430	1,578	965	889.40

Definintions:

Freshmen: < 30.001 credits earned
 Sophomore: 30.001 - 60.000 credits earned
 Junior: 60.001 - 90.000 credits earned
 Senior: 90.001+ credits earned
 Other: Transient & Non-Degree seeking students

Notes:

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 *Historical numbers are final semester counts
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Enrollment Breakdown and Y2Y Comparison

<i>Returning Traditional & Online</i>					
Class	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Freshman</i>	122	107	73	126	121.33
<i>Sophomore</i>	168	165	152	162	157.87
<i>Junior</i>	147	156	144	147	142.40
<i>Senior</i>	231	202	186	183	162.80
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	618	584.40

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	73	58.60
<i>First-time</i>	295	290	321	296	265.87
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	369	324.47

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	18	7.80
<i>FCI Gilmer</i>	57	60	87	0	0.00
<i>Huttonsville</i>	125	103	81	0	0.00
Total	502	417	600	18	7.80

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	618	584.40
<i>New</i>	381	382	422	369	324.47
<i>External</i>	502	417	600	18	7.80
Total	1,551	1,430	1,578	1,005	916.67

Definintions:

Freshmen: < 30.001 credits earned
 Sophomore: 30.001 - 60.000 credits earned
 Junior: 60.001 - 90.000 credits earned
 Senior: 90.001+ credits earned
 Other: Transient & Non-Degree seeking students

Notes:

*Not including DMAPS
 *Historical numbers are final semester counts
 **FTE = total credits divided by 15
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Enrollment Breakdown and Y2Y Comparison

<i>Returning Traditional & Online</i>					
Class	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Freshman</i>	122	107	73	119	114.47
<i>Sophomore</i>	168	165	152	169	166.33
<i>Junior</i>	147	156	144	145	141.87
<i>Senior</i>	231	202	186	186	167.33
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	619	590.00

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	80	64.20
<i>First-time</i>	295	290	321	303	276.00
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	383	340.20

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	18	7.60
<i>FCI Gilmer</i>	57	60	87	82	84.60
<i>Huttonsville</i>	125	103	81	0	0.00
Total	502	417	600	100	92.20

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	619	590.00
<i>New</i>	381	382	422	383	340.20
<i>External</i>	502	417	600	100	92.20
Total	1,551	1,430	1,578	1,102	1022.40

Definintions:

Freshmen: < 30.001 credits earned
 Sophomore: 30.001 - 60.000 credits earned
 Junior: 60.001 - 90.000 credits earned
 Senior: 90.001+ credits earned
 Other: Transient & Non-Degree seeking students

Notes:

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Glenville State College
Cashflow Projection FY 2020

10 % starting 11/22/2019

		<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Projected</i>	<i>Projected</i>	<i>Projected</i>	<i>Projected</i>	<i>Projected</i>	<i>Projected</i>	<i>Projected</i>
	Oasis	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-20
Beginning Cash	Fund #	\$ 1,024,739	\$ 1,671,256	\$ 1,721,142	\$ 2,106,829	\$ 2,238,804	\$ 1,734,656	\$ 919,414	\$ 4,179,490	\$ 2,074,098	\$ 771,179	\$ 1,278,042	\$ 1,476,830	\$ 792,833	\$ 2,075,370	\$ 1,672,490	\$ 2,428,684	\$ 2,497,680	\$ 2,141,273	\$ 1,543,869
Incoming:																				
Appropriations (approx 50% of PR)	0363	1,611,771	-	100,000	1,611,771	-	200,000	1,611,771	-	-	1,311,629	-	-	1,861,736	-	-	1,561,736	-	-	1,511,736
Federal COVID-19 Funds												720,384	-	1,069,941	-	-	-	-	-	-
Current Cash deposits	4482	24,056	959,776	1,806,871	305,352	544,877	1,055,770	2,729,149	1,542,354	1,030,291	145,359	69,927	327,467	191,864	1,601,582	3,428,933	464,999	1,441,332	1,177,035	57,016
Education & General	4496	-	-	795,678	2,115	764,021	1,265	-	1,145	5,276	796,278	302,714	1,427	220,057	-	-	-	-	-	-
Gifts, Donations, WVHE grant	4499	16,331	670,279	186,329	36,983	183,211	-	598,308	484,244	42,076	160,704	2,226	3,595	19,366	-	-	-	-	-	-
Federal Grants	8770	-	-	-	69,772	-	-	-	67,948	-	94	113,684	-	83,468	40,000	-	-	-	-	-
PAC Funds from Foundation		-	-	-	-	-	258,733	-	-	-	-	30	-	-	-	-	-	-	-	-
Scholarship funds from Foundation		-	-	-	-	-	120,000	-	-	-	-	-	-	137,459	-	150,000	-	-	-	-
Loan from Foundation		-	500,000	-	-	-	-	500,000	-	-	-	-	1,000,000	-	-	-	-	-	-	-
Available Cash		\$ 2,753,068	\$ 3,801,311	\$ 5,250,075	\$ 4,132,822	\$ 4,093,325	\$ 3,470,424	\$ 6,358,642	\$ 6,275,181	\$ 3,151,741	\$ 3,185,243	\$ 2,712,007	\$ 2,901,858	\$ 4,376,724	\$ 3,716,952	\$ 5,251,423	\$ 4,455,419	\$ 3,939,012	\$ 3,318,308	\$ 3,112,621
Outgoing:																				
Payroll costs total		1,021,413	1,306,119	969,921	1,000,487	998,048	980,304	1,274,807	973,073	993,808	948,432	953,639	842,649	1,470,842	917,500	1,000,000	1,000,000	1,000,000	1,000,000	500,000
Pcard Payments		-	67,375	186,767	149,369	172,900	218,841	134,251	157,230	189,677	169,287	58,497	171,878	212,115	-	100,000	100,000	100,000	100,000	100,000
Aramark Services		-	-	99,266	192,987	50,230	440,948	178,928	478,604	122,866	56,600	-	207,271	57,488	160,369	240,000	300,000	240,000	60,000	-
Utilities		-	142,296	63,957	62,906	142,589	97,435	59,268	118,199	134,609	53,765	75,602	78,054	119,461	87,500	87,500	87,500	87,500	87,500	-
Cash Disbursement/Operating expenses		60,399	135,047	186,908	182,149	64,851	232,971	216,452	371,504	195,219	42,467	17,898	247,122	99,931	617,610	166,500	166,500	166,500	166,500	-
4499 Transfers to FAC		-	-	751,481	53,819	654,604	106,827	70,004	852,321	479,201	367,976	129,541	22,464	112,203	-	-	-	-	-	-
Capital Projects & Insurance Claims		-	14,677	-	19,974	46,810	134,449	16,501	42,824	57,854	36,346	-	-	575	57,744	-	100,000	-	-	-
Debt service & Capital Assessments		-	414,655	384,946	232,327	207,328	339,235	228,941	207,328	207,328	232,328	-	539,587	228,739	203,739	228,739	203,739	203,739	360,439	-
Insurance Claim Payments		-	-	-	-	21,309	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Repayment of Loan from Foundation		-	-	500,000	-	-	-	-	1,000,000	-	-	-	-	-	-	1,000,000	-	-	-	-
Cash used		1,081,812	2,080,170	3,143,246	1,894,018	2,358,669	2,551,010	2,179,152	4,201,083	2,380,562	1,907,201	1,235,177	2,109,025	2,301,354	2,044,462	2,822,739	1,957,739	1,797,739	1,774,439	600,000
Ending Cash		\$ 1,671,256	\$ 1,721,142	\$ 2,106,829	\$ 2,238,804	\$ 1,734,656	\$ 919,414	\$ 4,179,490	\$ 2,074,098	\$ 771,179	\$ 1,278,042	\$ 1,476,830	\$ 792,833	\$ 2,075,370	\$ 1,672,490	\$ 2,428,684	\$ 2,497,680	\$ 2,141,273	\$ 1,543,869	\$ 2,512,621

Glenville State College
CARES Act HEERF Grants
Awarded in 2020

HEERF Grant - Student Grants				
Student Type	Grant Amount	Total # of Grants	Total Awarded	
Residential - \$0 Balance due	1,250	292	366,250	
Commuter - \$0 Balance due	250	231	57,750	
Residential - Balance due	1,250	186	232,500	
Commuter - Balance due	250	47	11,750	
Hardship Grants	600	78	46,800	
Total Awarded to Students to Date		834	715,050	
Total HEERF Federal Grant - Student Portion			720,384	
Total Awarded to Date			715,050	
Balance Remaining for Fall 2021 Grants			5,334	

HEERF Grant - Insrtitutional Costs	
Total Grant Amount Received	720,384
Expended to date:	
Web Based Course Fees Pd on behalf of Students	450,750
Instructor Payroll March - May 2020	269,634
Total Expended	720,384
Balance Remaining	-

HEERF Grant - Strengthening Institutions Programs	
Total Grant Amount Received	69,941
Expended to date:	
Instructor Payroll March - May 2020	69,941
Total Expended	69,941
Balance Remaining	-

Additional COVID-19 Related Expenditures

(Potential Reimbursement from the Governor)

Pending Pandemic Related Expenses:

Computer Suppleis	210,000
Aramark expenses incurred after March 15th	62,000
Postage	5,000
Shentel expenses incurred during shut down	57,000
Household Supplies Ordered	15,000
Payroll pandemic related	95,000
Total Additional COVID-19 Related Expenditures	444,000

**Glennville State College Board of Governors
Meeting of August 5, 2020**

ACTION ITEM: Revised Final Draft Board Policies

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Be it RESOLVED that the Board of Governors approve the proposed revised Board final draft policies 6, 6a, and 9 for final filing with the Higher Education Policy Commission.

STAFF MEMBER: Dr. Mark Manchin, President

BACKGROUND:

Higher Education Policy Commission Series 4 requires that Glennville State College Board of Governors follow a series of steps for the adoption, amendment, or repeal of any rule, guideline or policy statement with institution-wide effect.

In compliance with Series 4, the Board must approve final draft policies/rules and submit these for comment for a period of thirty (30) days. If approved, the current draft policies will be submitted as final draft policies for the thirty (30) day public comment period and brought back to the Board with any revisions made after public comment for final approval within ten days prior to the next regularly scheduled Board meeting. In the event no comments are received during the thirty (30) day comment period, the policies will be forwarded to the Higher Education Policy Commission for final approval.

All of the attached final draft policies were submitted to the constituent groups (WV HEPC Chancellor, Faculty Senate, Staff Council, and Student Government Association) for review and suggested revisions for the official thirty (30) day comment period and were posted on the College's website per GSC Policy 10. Administrative changes were made during the thirty-day period. Policies 6 and 6A reflects changes due to new Title IX regulations that were released during the thirty-day period. Policy 9 reflects changes that were requested to be made at the June 10, 2020 Board meeting. The revised final draft policies were sent to the Board and constituent groups for review on July 24, 2020. The revised policies are attached.

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 6

SOCIAL JUSTICE: DISCRIMINATION, HARASSMENT, STALKING, RETALIATION, NONDISCRIMINATORY HOSTILE ENVIRONMENT HARASSMENT, CONSENSUAL RELATIONSHIPS, REASONABLE ACCOMMODATIONS

6.1. General

1.1. Scope. - This policy addresses discrimination and harassment.

1.2. Authority - W. Va. Code §18B-1-6;

1.3. Effective Date – April 8, 2015

1.4. Revision of Former Policy - Revises and replaces Glenville State College Administrative Policy 6 [2006].

6.2. Social Justice Policy

2.1 Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, Glenville State College is committed to providing students, faculty, staff, and applicants for employment and admission and participants in its education and employment programs with a work and educational environment free from all forms of discrimination and harassment.

2.2. Notice of Nondiscrimination. Title IX of the Education Amendments of 1972 and other state and federal laws prohibit unlawful discrimination on the basis of sex. Glenville State College does not discriminate on the basis of basis of race, sex, age, disability, veteran status, religion, color, ancestry, marital status, gender, sexual orientation, gender identity, or national origin in the administration of any of its educational programs, activities, or with respect to admission or employment. Glenville State College also does not discriminate based upon genetic information in the areas of employment or employee health insurance benefits. The following individual has been designated to handle inquiries regarding the College’s nondiscrimination policies, to receive discrimination/harassment complaints including to disability and Title IX Sex Discrimination and Sexual Harassment complaints, and to monitor the institution’s compliance with state and federal nondiscrimination laws and regulations including but not limited to Title IX and the Americans with Disabilities Act:

Tegan McEntire
Human Resources Coordinator
Title IX/Americans with Disabilities Act Coordinator
Affirmative Action/Equal Opportunity Officer
Suite 2 - 215A Harry B. Heflin Administration Building
304-462-6194
Tegan.McEntire@glenville.edu

Written correspondence may be sent to:
200 High Street

Glennville, WV 26351
FAX: (304) 462-7610

Glennville State College Board of Governors nondiscrimination policies and procedures, including but not limited to the College's Title IX Sexual Harassment grievance procedures are available in the Human Resources, the Office of Student Life or online at:

<https://www.glennville.edu/about-us/board-governors/policies>

2.3 Various State and Federal laws prohibit discrimination and harassment of certain protected classes including but not limited to the following:

- 2.3.1 USC 1324 et seq., (Immigration Reform and Control Act of 1986).
- 2.3.2 20 USC 1681 et. seq (Title IX of the Education Amendments of 1972)
- 2.3.3 29 USC 206(d) et seq., (Equal Pay Act of 1963, as amended).
- 2.3.4 29 USC 621, et seq., (Age Discrimination in Employment Act of 1967, as amended).
- 2.3.5 29 USC 701 et seq., (Rehabilitation Act of 1973).
- 2.3.6 29 USC 791 et seq., (Rehabilitation Act of 1992).
- 2.3.7 West Virginia Code § 5.11.1, et seq. (West Virginia Human Rights Act)
- 2.3.8 38 USC 4301 et seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- 2.3.9 42 USC 1981 et seq., (Civil Rights Act of 1991).
- 2.3.10 42 USC 12101 et seq., (Americans with Disabilities Act of 1990-ADA).
- 2.3.11 42 USCA 12101 et seq., (Americans with Disabilities Act Amendments Act of 2008).
- 2.3.12 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- 2.3.13 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- 2.3.14 42 USC 2000e et seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- 2.3.15 42 USC 2000ff et seq., (Genetic Information Nondiscrimination Act of 2008-GINA).

6.3. Prohibited Conduct

3.1 Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, Glennville State College is committed to providing students, faculty, staff, and applicants for employment and admission and participants in its education and employment programs with a work and educational environment free from all forms of discrimination, hazing or harassment based on race, color, sex, national origin, religion, age, sexual orientation, gender identity, disability, or any other class protected by applicable federal, state, or local law. Unlawful discrimination and/or harassment, in any manner or form, toward Glennville State College students, faculty, staff, or applicants for employment or admission or any other participant in the College's employment or education programs is a violation of Glennville State College policy and is expressly prohibited. Engaging in hate crimes as defined by the the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), is also prohibited by this policy.

3.1.1 Discriminatory Hostile Environment Harassment is illegal harassment on the basis of race, color, religion, national origin, ancestry, age, disability, and/or any other protected class status and/or protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or any other protected class status defined by State and federal law. Harassment and discrimination in the campus community can involve any combination of people including but not limited to instructor and student; employee and student; student and student; third parties and

employees or students

3.2 Knowingly providing false information during any complaint investigation procedures developed in accordance with this policy in either a complaint, during the investigation of a complaint, disciplinary proceeding or hearing by anyone is also prohibited and is considered misconduct subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination.

3.3 Sexual harassment is prohibited by this policy and Policy 6A. Sexual harassment is defined by and addressed in Policy 6A.

3.4 Hazing means acts likely to cause physical or psychological harm or social ostracism to any person within the Glenville State College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a Protected Category.

3.5 All Glenville State College students, faculty, student organizations and staff are expected to:

3.5.1. Review this policy and Glenville State College Board of Governors Policies 6A and 50;

3.5.2. Engage in conduct that meets professional and academic standards;

3.5.3. Remain sensitive to the effect of their actions and words on others;

3.5.4. Avoid behavior that might be construed as sex discrimination or sexual harassment;

3.5.5. Take appropriate action to prevent discrimination and harassment;

3.5.6. Help create an environment for positive change and results within the social justice area; and

3.5.7. Report any witnessed incidents of harassment or discrimination.

3.7 Stalking is engaging in a course of conduct directed at a specific person, based on protected class status, that would cause a reasonable person to fear for an individual's safety or the safety of others; or suffer substantial emotional distress. Stalking is prohibited by this policy.

6.4. Jurisdiction and Off-Campus Conduct

4.1. This policy applies to conduct occurring within the context of a College education program or activity. A College education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the accused and the alleged victim of the conduct and the context in which the conduct occurs including but not limited to employment, employment benefits, academic and athletic programs. Jurisdiction extends to electronic discrimination and harassment if it occurs within a College education program or activity. Electronic discrimination or harassment includes but is not limited to conduct occurring through e-mails, instant messaging, web pages, through any online class platforms, blogs or chat rooms. Education program or activity also

includes any building owned or controlled by a student organization that is officially recognized by the College.

4.2 This policy may be applied to conduct occurring outside the context of a College education program or activity if at the College's discretion, the conduct affects a substantial school/university interest.

4.2 Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures. The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the College's Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting.

6.5. Free Speech and Academic Freedom

5.1 Glenville State College has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the College and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, Glenville State College recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the Administration and operation of his/her own institution.

5.2 Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment that should characterize higher education. In the spirit of a true college environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the College will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the College will vigilantly protect students' and employees' rights against discrimination and harassment under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

6.6. Consensual Relationships

6.1. There are inherent risks in any romantic or intimate relationship between individuals in unequal positions. Thus, except as otherwise provided in Section 10.2, any romantic or intimate relationships in which power differentials are inherent are prohibited, which include, but are not limited to, the following:

6.1.1. Relationships between students or applicants for admission and administrators, faculty, coaches or any College employee where a direct power differential exists between the student or applicant for admission and the employee;

6.1.2. Relationships between a College employee holding a direct or indirect supervisory and/or evaluative role over the other person in the relationship; or

6.1.3. Any other romantic or intimate relationship between students or applicants for admission and employees or between employees where any employment-related power differential exists between the persons in the relationship.

6.2. Notwithstanding the prohibitions in Section 10.1, any romantic or intimate relationship prohibited in Section 10.1 that exists *prior to* the creation of a power differential between the individuals involved in the romantic or intimate relationship shall not violate this policy if: (i) the individuals in the relationship report the existence of the relationship as required in Section 10.4 before the power differential is created and (ii) the individuals consent to the removal of any potential power differential that could exist, which may require appropriate administrative action, including but not limited to, shifting or otherwise relocating an employee within a separate department or reporting capacity from the other individual involved in the relationship or the shifting of grading or other decision-making responsibilities of a faculty member which affect a particular student in the case of a pre-existing relationship with that student.

6.3. Issues may also arise in the educational setting or workplace from romantic or intimate relationships between students or applicants for admission and College employees or between College employees where a direct or indirect supervisory and/or evaluative role or other power differential does not exist between the persons in the relationship. Thus, while not prohibited, such relationships are highly discouraged.

6.4. If a relationship develops that falls under Sections 10.2 or 10.3, the employee(s) involved in the relationship must timely report the existence and termination, if any, of such relationship to the Title IX Coordinator.

6.5. Once a relationship is reported under Section 10.4, the Title IX Coordinator shall inform the persons involved in the relationship of the College's standards concerning consensual relationships, may set parameters while the persons are on campus, and may take other steps as appropriate.

6.6. Persons who engage in any relationship prohibited by Section 13.1 or who engage in any relationship listed in Sections 13.2 and 13.3 and who fail to timely report shall be subject to administrative action, up to and including termination of employment or dismissal from the College, as applicable.

6.7. Relation to Board of Governors Policy 36, Student Rights and Responsibilities and the Student Conduct Code

7.1 Protected class discrimination, harassment, hazing and stalking are also prohibited by Board of Governors Policy 36 and the Student Conduct Code. The grievance procedures for the reporting, investigation and disposition of complaints established in accordance with Section 18 and Board of Governors Policy 6A will be used to address reports or complaints accusing a student(s) or a student organization(s) of conduct prohibited by this policy.

6.8. External Complaints

8.1 External complaints may be filed at any time. Information about State and Federal anti-discrimination laws and the complaint is available by contacting:

Office of Civil Rights

U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605;
TDD: 877-521-2172
Email: OCR Philadelphia@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>
United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 866-408-8075.
Fax: 215-440-2606
TTY: 800-669-6820
Website: <http://www.eeoc.gov/>

The West Virginia Human Rights Commission
1321 Plaza East – Room 108A
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
FAX: 304-558-0085
Website: <http://www.wvf.state.wv.us/wvhrc/>

Information about the West Virginia Public Employees Grievance Procedure is available by contacting:

West Virginia Public Employees Grievance Board
1596 Kanawha Blvd., East
Charleston, WV 25311.
Telephone: (304) 558-3361
Toll Free: 866-747-6743
Facsimile: (304) 558-1106
Website: www.pegb.wv.gov.

6.9. Disability Accommodations

9.1 Under the ADA/Rehabilitation Act, Glenville State College has a responsibility to ensure program accessibility for all College campus community and program members and participants. This includes removing existing physical barriers, providing accessible housing and transportation, providing ongoing education and training on disability-related matters, providing and enforcing educational accommodations for employees and students and ensuring compliance in employment practices. The College follows the guidelines of the Americans with Disabilities Act (ADA), and its amendments, Section 504 of the Rehabilitation Act of 1973, GINA and current case law.

9.2 Students

9.2.1 Glenville State College will provide reasonable accommodations and support to all otherwise qualified students that have a qualifying disability to ensure equal access to the

programs and activities of the College unless doing so would cause an undue hardship or would alter the fundamental nature of the College’s program or service.

9.2.2 Students are required to self-identify and follow all accommodation request procedures implemented in accordance with this policy. Students requesting accommodations may be required to provide certification from the student’s health care provider that includes: (1) identification of the health care provider; (2) the health care provider’s diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability and course of student; and (4) suggested accommodations.

9.2.3 Applicants for admission, Admitted candidates for degree programs with non-academic technical standards who have a disability and need accommodations should contact:

Alecia Martin

Accommodations and Accessibility Counselor

Academic Success Center

Robert F. Kidd Library

304-462-6051

Alecia.Martin@glenville.edu

9.3 Employees

9.4.1. Pursuant to the ADA, Glenville State College will provide reasonable accommodations to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive, would result in undue hardship or that would fundamentally alter the College’s programs or services. The College is not required to change the essential functions of an employee’s job.

9.4.2. An employee with a disability is responsible for requesting an accommodation in writing to the Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator, who will consult with the individual’s supervisor to identify which essential functions are affected by the employee’s disability and what reasonable accommodations could enable the employee to perform those duties.

9.4.3. Employees requesting accommodation may be required to provide medical certification from the employee’s health care provider that includes: (1) identification of the health care provider; (2) the health care provider’s diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations.

9.4.4. Employees requesting accommodations are required to follow accommodation request procedures implemented in accordance with this policy.

9.5 Visitors seeking information about campus accessibility and service should contact (insert name and contact information).

6.10 Religious Accommodations

10.1 Glenville State College provide reasonable religious accommodations for the sincerely held religious beliefs conflict with a College policy, procedure, or other academic or employment requirement unless such an accommodation would create an undue hardship.

10.2 Employees may request religious accommodations by contacting the Director of Human Resources.

10.3 Students may request religious accommodations by contacting the Office of Accessibility Services.

6.11. Complaint and Accommodation Procedures and Disciplinary Action

11.1. The President, or President’s designee and/or Title IX/Equal Employment Opportunity/Affirmative Action Coordinator may establish administrative procedures to implement this policy including but not limited to, establishing procedures for the investigation and disposition of complaints and or accommodation request procedures.

11.2. Violators of this policy, including those who fail to report witnessed incidents of discrimination or harassment, may be subject to disciplinary sanctions. Appropriate disciplinary actions for students may include but are not limited to counseling, educational sanctions, disciplinary probation, suspension or expulsion and/or any other sanctions established by other policies or procedures. Employees who violate this policy may be subject to disciplinary action up to and including suspension without pay and employment termination. All other violators will be sanctioned as appropriate, and in a manner not inconsistent with this policy and/or other Glenville State College policy. Complaints that allege an act of violence or other criminal law violation may be referred to the appropriate law enforcement authorities for prosecution if required by law.

6.12. Interim Measures

12.1. The President, designee, and/or Title IX/Equal Employment Opportunity/Affirmative Action Coordinator may undertake an appropriate inquiry and take such prompt and effective interim action as is reasonably practicable under the circumstances to support and protect the individual filing the complaint and provide for the safety of the campus. Interim measures may include but are not limited to, altering the academic, housing, and/or employment arrangements of the individual filing the complaint or the accused.

6.13. Retaliation

13.1. Retaliation against any person requesting accommodations, who files a complaint or participates or who declines to participate in the investigation, adjudication (including testifying as a witness at any hearing) or disposition of a complaint filed in accordance Retaliation should be reported promptly pursuant to any established procedures. Retaliation may result in disciplinary action independent of the sanction or interim measures imposed, if applicable, in response to the underlying allegations of discrimination or harassment.

6.14. Implementation

14.1. The institution's Title IX/Equal Employment Opportunity/Affirmative Action Coordinator/American's with Disabilities Act Compliance Officer is responsible for implementing this policy in accordance with state and federal law and pursuant to any administrative procedures established by the President.

14.2. The Social Justice Officer, in conjunction with the Title IX/Equal Employment Opportunity/Affirmative Action Coordinator is responsible for overseeing the Social Justice program and shall report to the President. The Social Justice Officer may be responsible for:

14.2.1. Developing plans and procedures, necessary to carry out the institution's program;

14.2.2. Evaluating the operations of the institution at regular intervals to assure their conformity with the social justice program, and requiring such reports as deemed appropriate from all divisions of the institution;

14.2.3. Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this policy and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution;

14.2.4. Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the College; and

14.2.5. Any other duties as assigned by the President or other Glenville State College Policy.

6.15. Annual Board of Governors Report

15.1. President or designee will include in the annual report to the Board of Governors a report on the institution's efforts in the area of social justice. Such annual report will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

6.16. Clery Act Crime Reporting

16.1 The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires the College to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act. Pursuant to the Clery Act, any campus security or law enforcement personnel or any Glenville State College employee who has significant responsibility for student and campus activities (including but not limited to faculty advisers to student groups, coaches and any employee responsible for student activities) who has witnessed or been informed of an alleged incident that constitutes a crime for the purpose of the Clery Act including but not limited to a forcible or nonforcible sex offense as defined by the Clery Act, whether a criminal or formal complaint has been filed, must follow the procedures set forth in Glenville State College Review Board of Governors Policy 50 for making a report for the annual Clery Act crime statistics report. Employees may be obligated to report to law enforcement the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the person making the report and/or

alleged victim will be provided only with their Consent except as may be required or otherwise permitted by law.

16.2 The Clery Act requires the College to timely notify/warn students and employees when a Clery Act crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The issuing of a timely warning notice is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Reports of violations of this policy may constitute Clery Act crimes requiring a timely warning. The College's Clery Act policy is set forth in Glenville State College Board of Governors Policy 50

16.3. Acts of discrimination or harassment may also constitute acts of criminal conduct. Any individual may report an incident alleging criminal conduct by calling 9-1-1 in an emergency or by contacting local law enforcement at:

<u>Glenville State College Department of Public Safety</u>	<u>West Virginia State Police</u>
<u>320 Mollohan Campus Community Center</u>	<u>(Department of Public Safety)</u>
<u>200 High Street</u>	<u>Troop 3</u>
<u>Glenville, WV 26351</u>	<u>4640 WV Highway 5E</u>
<u>Telephone: (304) 462-4132</u>	<u>Glenville, WV 26351-7624</u>
<u>On Campus Ext.: 6450</u>	<u>Telephone: (304)-462-7101</u>
	<u>Facsimile: (304)-462-8684</u>

<u>City of Glenville Police Department</u>	<u>Gilmer County Sheriff's Office</u>
<u>Court Street</u>	<u>10 Howard St - # 102</u>
<u>Glenville, WV 26351</u>	<u>Glenville, WV 26351</u>
<u>Telephone: (304) 462-7411</u>	<u>Telephone: (304) 462-7441</u>

6.17 Disciplinary Action

17.1 Violators of this policy, including those who fail to report witnessed incidents of discrimination or harassment, may be subject to disciplinary sanctions in accordance with any procedures established in accordance with Section 18. Appropriate disciplinary actions for students may include but are not limited to counseling, educational sanctions, disciplinary probation, suspension or expulsion. Employees who violate this policy may be subject to disciplinary action up to and including suspension without pay and employment termination. All other violators will be sanctioned as appropriate, and in a manner not inconsistent with this policy and/or other Glenville State College policy. Complaints that allege an act of violence or other criminal law violation may be referred to the appropriate law enforcement authorities for prosecution.

6.18 Delegation and Amendments

17.1 The President or President's designee may establish administrative procedures to implement this policy including but not limited to religious and disability accommodation request procedures and grievance procedures for the reporting, investigation and disposition of complaints.

17.2 This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.

17.3 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.

6.18. Policy Limitations

18.1. 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.

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 6

SOCIAL JUSTICE

6.1. General

~~1.1. Scope.—This policy addresses discrimination and harassment.~~

~~1.2. Authority— W. Va. Code §18B-1-6~~

~~1.3. Effective Date— April 8, 2015~~

~~1.4. Revision of Former Policy—Revises and replaces Glenville State College Administrative Policy 6 [2006].~~

6.2. Social Justice Policy

~~2.1. Discrimination and harassment of certain protected classes is prohibited by: (a) West Virginia Human Rights Act of 1967; (b) Title IX of the Civil Rights Act of 1972; (c) Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; (d) Titles VI and VII of the Civil Rights Act of 1964; (e) Vietnam Era Veterans Readjustment Act; (f) Sections 503 and 504 of the Rehabilitation Act; (g) Executive Order 11246; (h) Immigration Reform and Control Act of 1986; (i) Equal Pay Act; (j) Age Discrimination Act; (k) Americans with Disabilities Act; (l) Disabled Veterans Act; and (m) the Genetic Information Nondiscrimination Act of 2008.~~

~~2.2. Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, Glenville State College is committed to providing students, faculty, staff, and applicants for employment and admission and participants in its education and employment programs with a work and educational environment free from all forms of discrimination and harassment. Unlawful discrimination and/or harassment, in any manner or form, toward Glenville State College students, faculty, staff, or applicants for employment or admission or any other participant in the College's employment or education programs is a violation of Glenville State College policy and is expressly prohibited.~~

~~2.3. Engaging in hate crime activities that demean, ridicule, and/or endanger other members of the campus also are violations of this policy.~~

~~2.4. Harassment and discrimination in the campus community can involve any combination of people including but not limited to:~~

~~2.4.1. Instructor and student;~~

~~2.4.2. Employee and student;~~

~~2.4.3. Student and student;~~

~~2.4.4. Third parties and employees or students;~~

~~2.5. All Glenville State College students, faculty, student organizations and staff are expected to:~~

~~2.5.1. Review this policy and Glenville State College Board of Governors Policies 6A and 50;~~

~~2.5.2. Engage in conduct that meets professional and academic standards;~~

~~2.5.3. Remain sensitive to the effect of their actions and words on others;~~

~~2.5.4. Avoid behavior that might be construed as sex discrimination or sexual harassment;~~

~~2.5.5. Take appropriate action to prevent discrimination and harassment;~~

~~2.5.6. Help create an environment for positive change and results within the social justice area;
and~~

~~2.5.7. Report any witnessed incidents of harassment or discrimination.~~

6.3. Complaint Procedure and Disciplinary Action

~~3.1. The President or President's designee may establish administrative procedures to implement this policy including but not limited to, establishing procedures for the investigation and disposition of complaints.~~

~~3.2. Violators of this policy, including those who fail to report witnessed incidents of discrimination or harassment, may be subject to disciplinary sanctions. Appropriate disciplinary actions for students may include but are not limited to counseling, educational sanctions, disciplinary probation, suspension or expulsion. Employees who violate this policy may be subject to disciplinary action up to and including suspension without pay and employment termination. All other violators will be sanctioned as appropriate and in a manner not inconsistent with this policy and/or other Glenville State College policy. Complaints that allege an act of violence or other criminal law violation may be referred to the appropriate law enforcement authorities for prosecution.~~

6.4. Interim Measures

4.1. The President, designee, and/or Title IX/Equal Employment Opportunity/Affirmative Action Coordinator may undertake an appropriate inquiry and take such prompt and effective interim action as is reasonably practicable under the circumstances to support and protect the individual filing the complaint and provide for the safety of the campus. Interim measures may include but are not limited to, altering the academic, housing, and/or employment arrangements of the individual filing the complaint or the accused.

6.5. Retaliation

5.1. It is a violation of this policy to retaliate against any person making a complaint of discrimination or harassment, or against any person cooperating in the investigation (including testifying as a witness) of any allegations of discrimination or harassment. Retaliation should be reported promptly pursuant to any established procedures. Retaliation may result in disciplinary action independent of the sanction or interim measures imposed, if applicable, in response to the underlying allegations of discrimination or harassment.

6.6. Implementation

6.1. The institution's Title IX/Equal Employment Opportunity/Affirmative Action Coordinator/American's with Disabilities Act Compliance Officer is responsible for implementing this policy in accordance with state and federal law and pursuant to any administrative procedures established by the President.

6.2. The Social Justice Officer, in conjunction with the Title IX/Equal Employment Opportunity/Affirmative Action Coordinator is responsible for overseeing the Social Justice program and shall report to the President. The Social Justice Officer may be responsible for:

6.2.1. Developing plans and procedures, necessary to carry out the institution's program;

6.2.2. Evaluating the operations of the institution at regular intervals to assure their conformity with the social justice program, and requiring such reports as deemed appropriate from all divisions of the institution;

6.2.3. Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this policy and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution;

6.2.4. Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the College; and

———6.2.5. Any other duties as assigned by the President or other Glenville State College Policy.

6.7. Reports

7.1. In the annual report to the Board, the President or designee will include a report on the institution's efforts in the area of social justice. Such annual report will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

6.8. Clery Act Crime Reporting

8.1. Acts of discrimination or harassment may also constitute acts of criminal conduct. Any individual may report an incident alleging criminal conduct by calling 9-1-1 in an emergency or by contacting the Department of Public Safety at: (304) 462-4132 or Extension 6450.

8.2. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) ("Clery Act") is a federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. Pursuant to the Clery Act, certain employees are obligated to notify law enforcement of the fact that certain crimes have been reported to them. The name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or otherwise permitted by law. For information regarding Clery Act requirements including categories of employees responsible for Clery Act reporting and crimes covered, please see Policy 51, CLERY ACT CAMPUS SECURITY REPORTING, THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT AND SEXUAL VIOLENCE PREVENTION.

6.9. 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.

Approvals:

President

Chair of the Board

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 6A

SOCIAL JUSTICE: SEXUAL HARASSMENT AND TITLE IX SEXUAL HARASSMENT PROCEDURES

6A.1. General.

1.1. Scope. - This policy addresses sexual harassment.

1.2. Authority - WV Code §18B-1-6, §18B-2A-4. Authority - W. Va. Code §18B-1-6

1.3. Effective Date-

1.4. Revision and Renaming of Former Policy. Revises and replaces Glenville State College Administrative Policy 6A [2015].

6A.2. Policy

2.1 Glenville State College is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from sexual harassment. The purpose of the policy and procedure set forth in the Appendix, SEXUAL HARASSMENT POLICY, GRIEVANCE PROCEDURES AND MANDATORY CHILD ABUSE REPORTING REQUIREMENTS, is to define harassment on the basis of sex and to establish the College's administrative procedures for the reporting, investigation and disposition of sexual harassment complaints and other prohibited conduct as defined in the Appendix including but not limited to Title IX sexual harassment.

POLICY 6A APPENDIX

SEXUAL HARASSMENT POLICY, GRIEVANCE PROCEDURES
AND MANDATORY CHILD ABUSE REPORTING REQUIREMENTS

CALL 9-1-1 IN AN EMERGENCY OR CONTACT LOCAL LAW ENFORCEMENT IF YOU HAVE
IMMINENT CONCERNS ABOUT YOUR PERSONAL SAFETY

The College encourages anyone who experiences or becomes aware of an incident of Prohibited Conduct to **immediately** report the incident to the College. Any person may report conduct prohibited by this policy (whether or not the person reporting is the person alleged to be the victim of the Prohibited Conduct), in person, by mail, by telephone, facsimile or by electronic mail to:

Tegan McEntire

Human Resources Coordinator

Title IX Coordinator

Affirmative Action/Equal Opportunity Officer

Suite 2 - 215A Harry B. Heflin Administration Building

Telephone: (304) 462-6194

FAX: (304) 462-7610

Tegan.McEntire@glennville.edu

Mailing Address:

Glennville State College Human Resources Office

200 High Street

Glennville, WV 26351

In the absence of the Title IX Coordinator or if the report or complaint is against the person named above, reports and/or formal complaints may be filed with:

Stacey Adkins

Academic Success Center

314 Robert F. Kidd Library

Telephone: (304) 462-6054

Stacy.Adkins@glennville.edu

Mailing Address:

Office of the President

Glennville State College

200 High Street

Glennville, WV 26351

Any individual may at any time pursue a complaint, as applicable with the United State Equal Employment Opportunity Commission, the West Virginia Human Rights Commission or the United States Department of Education Office for Civil Rights (responsible for enforcing Title IX).

I. Purpose.

A. Glenville State College (College) is committed to providing a safe and non-discriminatory environment for all members of the College community. The College prohibits sexual harassment, sexual misconduct, retaliation by or against any member of the College community (together, Prohibited Conduct).

B. In accordance with Title IX, this is the are policy and procedure the College follows when it receives a report alleging conduct prohibited under the jurisdiction of Title IX. This policy and procedure are also used to address all Prohibited Conduct as that term is defined herein. The College uses this policy and procedure to investigate and adjudicate allegations of Prohibited Conduct and to impose disciplinary sanctions against employees and students found responsible for violating the Policy.

C. This Policy applies to students, faculty, staff, applicants for admission to or employment with the College, visitors or any third party who otherwise has some relationship with the College.

D. **Relationship to Student Conduct Code and Policy 36.** Harassment on the basis of sex is prohibited by Glenville State College Board of Governors Policy 36 and the Student Conduct Code. These procedures take precedence over and will be used instead any procedures set forth in the Policy 36 and/or the Student conduct code to address reports or complaints accusing a student(s) or student organization(s) of harassment on the basis of sex.

II. General.

A. The Title IX Coordinator is responsible for coordinating the College's efforts to comply with its responsibilities under Title IX. The Title IX Coordinator may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator's responsibilities include but are not limited to:

1. Communicating with all members of the College community regarding Title IX, and providing information about the Title IX grievance procedure;

2. Reviewing applicable College policies to ensure institutional compliance with Title IX;

3. Responding to general inquiries regarding Title IX Sexual Harassment;
4. Monitoring the College's compliance with and administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements.
5. Conducting compliance assessments of the effectiveness of Title IX programs, the campus safety and security environment, and compliance with Federal and State law. Assessments may include site visits, record reviews, surveys, reviews of the applicable law(s) and interviews with students and personnel;
6. Conducting and/or providing training regarding Title IX and Prohibited Conduct as defined in this policy;
7. Coordinating the College's response to sexual harassment reports and complaint grievance procedures;
8. The Title IX Coordinator may not serve as an Investigator or decision-maker as defined in this policy and may not make any appeal decisions;
9. Any responsibility outlined in this policy; and
10. Any other duties that may be assigned by the President or designee

B. The President may appoint more than one Title IX Coordinator.

C. All, applicants for admission and employment; students; off-campus program participants; dual credit students; parents or legal guardians of elementary and secondary school students participating in a College education program or activity; and employees, will be provided with the Notice of Nondiscrimination set forth in College Review Board of Governors Policy 6A, Social Justice. The College will provide all these individuals with information on how to report Title IX Sexual Harassment, file a formal Title IX Sexual Harassment complaint, how the College will respond to a formal complaint by providing all with information where to find this policy and/or any other procedures implemented in accordance with this policy on the Colleges where to find the College's Title IX Sexual Harassment complaint policies and resolution procedures , including how to report or, file a complaint of Title IX Sexual Harassment, and how the College will respond by providing the above named individuals this policy or by providing where to find hard copies of this policy.

D. The College will prominently display the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s), as well as the above-referenced notice of nondiscrimination, on its website, and in each applicable handbook, application

materials (either on the application or as a separate document) and/or catalog that it makes available to the persons listed above.

E. Waiver of the right to an investigation and adjudication of formal complaints of Title IX Sexual Harassment consistent with this policy will not be required as a condition of enrollment or continuing enrollment; or employment or continuing employment; or enjoyment of any other right.

F. During the Title IX complaint grievance process, the College will treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined above, against a Respondent. Remedies will be designed to restore or preserve equal access to the College's education program or activity. Such remedies may include the same individualized services described in section III as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

G. Individuals accused of Title IX Sexual Harassment are presumed not responsible for any alleged Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the formal grievance process implemented in accordance with this policy.

H. The burden of gathering evidence sufficient to reach a determination regarding responsibility and the burden of proof rests on the College and not on the Complainant or Respondent.

I. The College may use this procedure to investigate violations of other College policies, rules, regulations or procedures including but not limited to those that are discovered during the investigation of and/or are related to the formal Title IX Sexual Harassment complaint.

J. The administrative investigation of reports and complaints in accordance with this policy is different from a law enforcement investigation. The technical rules of evidence and procedure do not apply. A law enforcement investigation will not take the place of an investigation or disposition of a complaint filed in accordance with this policy and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for violating this policy. The grievance procedures set forth in this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus or that affects the campus community and such cooperation may require the institution to temporarily suspend the fact-finding aspect of the administrative investigation while the law enforcement agency is in the process of gathering information. Suspensions of investigations typically last from three to ten days but may be extended depending upon the circumstances of each case. The College will promptly resume its

administrative investigation as soon as notified by the law enforcement agency that it has completed its evidence gathering process.

III. Definitions.

A. **Actual Knowledge** means notice of sexual harassment or other Prohibited Conduct or allegations of sexual harassment or other Prohibited Conduct to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is the accused individual and/or Respondent. The mere ability or obligation to report sexual harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College.

B. **Advisor** means any person intended to assist the Complainant or Respondent during the disciplinary process, including but not limited to, a College appointed advisor, faculty member, legal counsel (lawyer) or other person.

C. **Clear and Convincing Evidence** is the standard of proof used to make responsibility determinations under this policy. Clear and convincing evidence means that the evidence is highly and substantially more likely to be true than untrue; the fact finder must be convinced that the contention is highly probable.

D. **Complainant** means an individual who files a formal complaint. For the purposes of Title IX Sexual Harassment, the Complainant must be the individual alleged to be the victim of Prohibited Conduct. A Complainant may be a student, employee or third-party and must be participating in, or attempting to participate in, a College employment education program or activity at the time of filing a formal complaint.

E. **Consent** means the affirmative, unambiguous, and voluntary agreement to engage in each specific initiated sexual activity that may compose a sexual encounter. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. A clear verbal "yes" or other outward demonstration of free choice is necessary. Consent cannot be inferred from silence, passivity, lack of resistance, or a lack of active response. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Consent must be voluntarily given contemporaneous to the initiation of the sexual activity. Consent may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. It cannot be obtained by threat, coercion, or force.

F. **Cross-Examination** means the opportunity to question the opposing Party or any witness who has answered questions posed by the opposing Party or the Review Board. The opportunity to cross-examine usually occurs as soon as the other Party completes his or her initial testimony, called direct testimony. Cross-examiners attempt to get the witness to say

something helpful to their side, or to cast doubt on the witness's testimony by eliciting something that reduces the witness's credibility -- for example, that the witness's eyesight is so poor that the witness may not have seen an event clearly.

G. **Deliberate Indifference/Deliberately Indifferent** means the College's response to Title IX Sexual Harassment is clearly unreasonable in light of the known circumstances.

H. **Directly Related Evidence** shall be interpreted using the plain and ordinary meaning of the terms. Directly Related evidence is not the same as Relevant Evidence.

I. **Education Program or Activity** includes locations, events, or circumstances over which the College exercises substantial control over both the accused and the alleged victim of the Prohibited Conduct and the context in which the sexual harassment occurs including but not limited to employment, employment benefits, academic and athletic programs. Education program or activity also includes any building owned or controlled by a student organization that is officially recognized by the College.

J. **Formal Complaint** means a document filed by a Complainant 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. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

K. **Incapacitation** means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where drugs or alcohol are involved, one does not have to be intoxicated, drunk or high to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.¹ The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the Complainant was incapacitated. Because Incapacitation may be difficult to discern, you are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give effective Consent.

L. **Investigator** means one or more individual designated by the College from the Investigator and Review Board Pool to investigate formal complaints. An Investigator cannot be the same person as the Title IX Coordinator and may not serve on the Review Board or make any appeal decisions for a complaint investigated by the Investigator. References in this policy to the "Investigator" include the plural.

¹ J Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., *NCHERM II/Smille on Responding 10 Campus Sexual Misconduct*. 2010, p. 49.

M. **Investigator and Review Board Pool (Pool)** means a standing Pool of College community or external individuals who are trained on the definition of sexual harassment, the scope of the College's education program or activity, these procedures, and how to be impartial, including how to avoid prejudice of the facts at issue, conflicts of interest, and bias. The President or designee has the discretion to expand the Investigator and Review Board Pool to include individuals not listed depending upon the circumstances of each case.

M. **No Contact Directive** typically means a mutual administrative directive designed to prevent any direct contact between individuals. A no contact directive prohibits contact, including, but not limited to in-person, through electronic means, or through a third Party (other than through an advisor), but it does not prevent individuals from being in the same place or seeing one another on- or off-campus. The College may, however, restrict a Complainant's and Respondent's activities as a separate interim measure and/or a remedy if appropriate and reasonable. A no contact directive will not be used to impose prior restraints on an individual's ability to discuss any allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization. A one-way No Contact Directive may be appropriate in limited circumstances. A fact-specific inquiry is required into whether a carefully crafted no-contact order restricting the actions of only one party would meet the definition of a supportive measure.

N. **Parent** means natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

O. **Party or Parties** are terms used to refer to the Complainant and Respondent individually or collectively.

P. **Prohibited Conduct.** Title IX Sexual Harassment, retaliation hazing and stalking as defined in Glenville State College Board of Governors Policy 6A on the basis of sex are all Prohibited Conduct.

Q. **Respondent** means an individual or recognized student organization or team accused of Prohibited Conduct in an initial report or formal complaint. The College will keep confidential the identity of any individual who has been reported to be the alleged perpetrator of Prohibited Conduct except as may be permitted by the Federal Educational Rights and Privacy Act, the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, or otherwise as required by law, or to carry out the purposes of 34 CFR part 106, including the requirement to conduct an investigation, hold a live-hearing, or any other judicial proceeding arising under 34 CFR part 106 or other College policy.

R. **Reporting Party** means any individual who reports Prohibited Conduct. A Reporting Party may also be a Complainant.

S. **Relevant Evidence** means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action. Relevance is determined from a layperson's perspective and relevance

determinations are made based on applying logic and common sense. Sexual predisposition or prior sexual behavior is not Relevant Evidence, unless such evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. Information protected by a legally recognized privilege; any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent; and, as applicable to hearings, Party or witness statements that have not been subjected to cross examination at a live hearing.

T. **Review Board** means three individuals appointed by the President or designee from the Investigator and Review Board Pool who conduct live hearings and make responsibility determinations in allegations of Prohibited Conduct pursuant to these procedures. Chair means the Chair of the Review Board. A Review Board member cannot be the same person as the Title IX Coordinator or the Investigator who investigated the complaint. A Review Board member may not make any decisions on any appeal from a responsibility determination.

U. **Sexual Exploitation** means an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Sexual exploitation may constitute Title IX or Title VII Sexual Harassment depending upon the severity and/or pervasiveness. Examples of sexual exploitation include but are not limited to:

1. Video or audio-recording without the individual's Consent of:

i. Sexual activity

ii. Intimate body parts

iii. Nakedness

2. Distributing images or audio with the content above if the person distributing them does not have that person's explicit Consent.

3. "Revenge posting" in which a person threatens to post -- or actually does post -- images, audio, or video of their partner participating in sexual activity.

4. Viewing or allowing another to observe consensual sexual activity of others without the knowledge and Consent of all involved.

5. Exposing someone's genitals without their Consent.

6. Knowingly transmitting a sexually transmitted disease, including HIV, to a student or other individual.

7. Prostituting an individual (e.g. personally gaining money, privilege, or power from the sexual activities of another individual).

V. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College's educational environment, or deter sexual harassment. Whether a supportive measure is unreasonably burdensome will be determined on an individual basis. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, removal from a sports team or other extracurricular activity, change in class schedule, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, changes in course delivery methods, and other similar measures. Supportive measures may include a mutual no contact directive. The College must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

VI. **Sexual Harassment** is a form of sex discrimination and is harassment on the basis of sex. Sexual harassment is unwelcome verbal or physical conduct. The College prohibits sexual harassment.

1. **Title VII Sexual Harassment** is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1965 and becomes unlawful where:

i. enduring unwelcome offensive conduct becomes a condition of continued employment (*Quid Pro Quo*) or when it results in an adverse employment decision (such as the victim being fired or demoted).

ii. the unwelcome conduct is severe **or** pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis. Title VII Sexual Harassment includes all Title IX Sexual Harassment and Sexual Exploitation as defined by this policy. Title VII Sexual Harassment includes unwelcome sexual

advances, requests for sexual favors, conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Title VII Sexual Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful harassment may occur without economic injury to, or discharge of, the victim. The law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the College, such as a student. Title IX Sexual Harassment in the employment context constitutes Title VII Sexual Harassment.

2. **Title IX Sexual Harassment** is a form of sex discrimination that violates Title IX and Title VII. Title IX Sexual Harassment is conduct within an education program or activity on the basis of sex, that satisfies one or more of the following:

i. Conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (*Quid Pro Quo*).

ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the College's education program or activity regardless of the intent to cause harm. Severity, pervasiveness, and objective offensiveness is evaluated in light of the known circumstances and depend on the facts of each situation, and is determined from the perspective of a reasonable person standing in the shoes of the Complainant. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal educational opportunity is actionable sexual harassment regardless of the Respondent's intent to cause harm. Sexual exploitation may be Title IX

iii. "Sexual assault", as defined by 20 U.S.C. 1092(f)(6)(A). Sexual assault is any offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation and include all of the following:

▪ **Sex Offenses-Forcible Sex Offense.** Any sexual act directed against another person, forcibly and/or against that persons will; or not forcibly or against the persons will where the victim is incapable of giving Consent. Forcible sex offenses include the following:

• **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving Consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

- Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.
- Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary mental incapacity.
 - Sex Offenses-Non forcible Unlawful, non-forcible sexual intercourse.
 - Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of Consent. **In the State of West Virginia, sixteen is the age of Consent.**

iv. “Dating violence” as defined in 34 U.S.C. 12291(a)(10). Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

v. “Domestic violence” as defined in 34 U.S.C. 12291(a)(8). Domestic violence is any conduct that would constitute a felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of West Virginia, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of West Virginia.

_____ vi. “Stalking” as defined in 34 U.S.C. 12291(a)(30). Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- fear for an individual’s safety or the safety of others; or
- suffer substantial emotional distress.

_____ 3. Hazing and stalking as defined in Glenville State College Board of Governors Policy 6 on the basis of sex may also constitute sexual harassment.

IV. Jurisdiction and Dismissal of Formal Complaints

A. Title IX Jurisdiction. Title IX applies to persons in the United States with respect to the College’s education programs or activities. Jurisdiction extends to electronic discrimination and harassment if it occurs within a College education program or activity. Electronic discrimination or harassment includes but is not limited to conduct occurring through e-mails, instant messaging, web pages, through any online class platform used by the College, blogs or chat rooms. Incidents occurring against persons outside the United States and/or outside a College education program or activity may be considered misconduct under and addressed through other College rules, regulations and/or procedures. Off-campus conduct occurring at private residences, businesses, events, or other locations outside of the College’s substantial control do not fall under the College’s jurisdiction for Title IX complaints.

_____ 1. **Mandatory Title IX Dismissal.** The College is required to dismiss a formal Title IX Sexual Harassment complaint with regard to conduct alleged in the complaint for the purposes of Title IX Sexual Harassment and this policy if the conduct:

_____ i. Alleged in the formal complaint would not constitute Title IX Sexual Harassment even if proven;

_____ ii. Did not occur in the College’s education program or activity; or

_____ iii. Did not occur against a person in the United States; or

_____ iv. The Complainant was not participating in or attempting to participate in an education program or activity of the College.

_____ 2. **Discretionary Dismissal.** The College may dismiss a formal Prohibited Conduct complaint at any time during the investigation or hearing if:

i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein.

ii. The Respondent is no longer enrolled or employed by the College.

iii. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

B. Title VII Jurisdiction. Title VII applies to virtually all employment situations and applies to United States Citizens working abroad. The College is required to address Title VII Sexual Harassment if the College knew or should have known about the harassment; no formal complaint is required.

C. This policy may be applied to conduct occurring outside the context of a College education program or activity if at the College's discretion, the conduct affects a substantial school/university interest.

D. Dismissal for the purposes for the purposes of Title IX does not preclude investigation under other college rules and policies including but not limited to investigation for the purposes of Title VII Sexual Harassment and/or under any other policy, procedure or rule including but not limited to Policy 6 and/or any procedures established in accordance with section 18 of that policy.

V. Special Considerations for Medical Records

A. The College will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the College obtains that Party's voluntary, written Consent to do so for a grievance process under this section. If a Party has not reached 18 years of age or is not attending the College must obtain the voluntary, written Consent of a parent.

VI. Role and Appointment of Advisors

A. Both Parties have the right to have an advisor of their choice, including legal counsel at the expense of the Party, present during any step of this grievance procedure including but not limited to the opportunity to be accompanied by an advisor to any related meeting, interview or informal resolution proceeding. If the either Complainant or Respondent are consulting with more than one advisor, each must designate one person as the advisor for purposes of these proceedings. The Parties should select an advisor whose schedule allows attendance at scheduled meetings and hearings.

B. The College will not limit the choice or presence of an advisor for either the Complainant; however, the College may establish restrictions regarding the extent to which the advisors may participate in the proceedings. Any restrictions imposed will apply equally to the advisors of both Parties.

D. The Parties are required to provide the Title IX Coordinator with the name and contact information of any advisor and are encouraged to provide the information at least two business days prior to the advisor participating in any meeting, interview, hearing or informal resolution procedure.

E. Both Parties have the right to have an advisor of their choice, including legal counsel at the expense of the Party, to be present at any live hearing. If a Party does not have an advisor present at the live hearing required by this policy, the College will provide, without fee or charge to that Party, an advisor of the College's choice only for the purpose of conducting Cross-Examination of the opposing Party on behalf of the Party without an advisor. The College is not obligated to provide either Party with an advisor to represent and/or advise either Party during the entire live hearing. The College provided advisor may, but is not required to be, an attorney even if the opposing Party is represented by an attorney. Advisors not appointed by the College may serve in an advisory capacity or may represent either Party during the live hearing.

F. Advisors are not permitted to respond to questions during interviews or live hearings on behalf of any witness or Party. Each Party and witness is expected to personally respond to questions posed by an Investigator or by any individual authorized to ask questions during a live hearing.

G. Advisors are expected to act in a respectful and non-abusive manner during all steps of the grievance process, including but not limited to during informal resolution proceedings, are expected follow the rules set forth in this policy for each step of the grievance process as well as are required to follow any rules of decorum established by Investigators and/or the Chair of the Review Board during the live hearing. Investigators may remove advisors from any prehearing investigation interview/meeting/informal resolution proceeding and/or may end the at the Investigator's discretion for disruptive behavior, for failure to follow the rules set forth in this policy and/or any other rules established in accordance with this policy. If an Investigator is removed from an interview/meeting/informal resolution proceeding, the Party will be given the option to end the interview/meeting or to proceed without the advisor. Advisors may be removed from a live hearing by the Chair of the Review Board at the Chair's discretion for disruptive behavior and/or for violating any hearing rules established by or in accordance with this policy.

VII. Initial Reports, Mandatory Reporters, Confidential Reporting Clery Act, Anonymous Reports and Requests for Confidentiality

A. Initial Reports. Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of the Prohibited Conduct), in person, by mail, by telephone, facsimile or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail or facsimile to the office address, listed for the Title IX Coordinator or by using any online portal created by the College. Any written report submitted by an individual who is the person alleged to have been victimized by the Prohibited Conduct requesting that the College investigate the allegation will be treated as a formal complaint.

B. Mandatory Reporters. Any college employee who witnesses Title IX Sexual Harassment or who receives a verbal or written report of Title IX Sexual Harassment is required to notify the Title IX Coordinator unless covered by section VII(C). Failure to report will result in disciplinary action up to and including termination of employment. Employees may also be required to report the incident in accordance with the College's Clery Act reporting policy and/or in accordance with State and College mandatory child sexual abuse reporting laws and policies.

C. Confidential Reporting Resources. Students or employees who have experienced sexual harassment or seeking complete confidential assistance without sharing information with or making a report to the College may do so by speaking with a confidential reporting resource. Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the College community (including those who act in that role under the supervision of a licensed counselor) are not required to report sexual harassment to the College, not even to the Title IX Coordinator, without the individual's permission, unless otherwise required or permitted to do so by law. Personal counseling services are available through the College Counseling Center and online at:

Timothy Underwood
College Counseling Center
Mollohan Campus Community Center 1st Floor -Rm 137
200 High St., Box 1931
Glennville, West Virginia 26351
(304) 462-6432
timothy.underwood@glennville.edu
<http://www.ulifeline.org/glennville/>

Individuals may seek off-campus mental health services by contacting:

WVU Medicine United Summit Center
809 Mineral Rd.
Glennville, WV 26351

Telephone: (304) 623-5666 Extension 5850

Fax: (304) 462-5736

Individuals may seek advocacy, support and other services by contacting:

Hope, Inc.

P.O. Box 626

Fairmont, WV, 26555

Local Telephone: (304) 462-5352

24 Hour Hotline: (304) 367-1100

Fax: (304) 367-0362

D. Report to Law Enforcement.

1. Prohibited Conduct may also constitute violations of criminal law. An individual may choose to make a report to the College of file a formal complaint to pursue resolution under this policy and procedure and may also choose to make a report to law enforcement. Any individual may, but is not required, to report an incident alleging criminal conduct. Any individual who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should call 9-1-1 in an emergency or contact law enforcement directly:

<u>Glenville State College Department of Public Safety</u>	<u>West Virginia State Police</u>
<u>320 Mollohan Campus Community Center</u>	<u>(Department of Public Safety)</u>
<u>200 High Street</u>	<u>Troop 3</u>
<u>Glenville, WV 26351</u>	<u>4640 WV Highway 5E</u>
<u>Telephone: (304) 462-4132</u>	<u>Glenville, WV 26351-7624</u>
<u>On Campus Ext.: 6450</u>	<u>Telephone: (304)-462-7101</u>
	<u>Facsimile: (304)-462-8684</u>

<u>City of Glenville Police Department</u>	<u>Gilmer County Sheriff's Office</u>
<u>Court Street</u>	<u>10 Howard St - # 102</u>
<u>Glenville, WV 26351</u>	<u>Glenville, WV 26351</u>
<u>Telephone: (304) 462-7411</u>	<u>Telephone: (304) 462-7441</u>

2. The Glenville State College Department of Public Safety will promptly report any incidents of prohibited conduct to the Title IX Coordinator and provide the reporting party with this policy.

E. Clery Act Reporting.

1. The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires the College to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by

Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act. Pursuant to the Clery Act, any campus security or law enforcement personnel or any Glenville State College employee who has significant responsibility for student and campus activities (including but not limited to faculty advisers to student groups, coaches and any employee responsible for student activities) who has witnessed or been informed of an alleged incident that constitutes a crime for the purpose of the Clery Act including but not limited to a forcible or nonforcible sex offense as defined by the Clery Act, whether a criminal or formal complaint has been filed, must follow the procedures set forth in Glenville State College Review Board of Governors Policy 50 for making a report for the annual Clery Act crime statistics report. Employees may be obligated to report to law enforcement the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the person making the report and/or alleged victim will be provided only with their Consent except as may be required or otherwise permitted by law.

2. The Clery Act requires the College to timely notify/warn students and employees when a Clery Act crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The issuing of a timely warning notice is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Reports of violations of this policy may constitute Clery Act crimes requiring a timely warning. The College's Clery Act policy is set forth in Glenville State College Board of Governors Policy 50

F. Child Abuse Reporting.

1. West Virginia Code § 49-2-803 requires certain individuals to report child abuse and neglect. Pursuant to this code section, any individual named as a mandatory child abuse and neglect reporter, "who has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report [under the code section] who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility, or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility, or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made: *Provided*, That notifying a person in charge, supervisor, or superior does not exempt a

person from his or her mandate to report suspected abuse or neglect [to the Department of Health and Human Resources and/or law enforcement].”

2. Mandatory reporters of child abuse and neglect include but are not limited to any law enforcement officer; employee, coach or volunteer of the College that provides organized activities; and clergy. Reports to the Department of Health and Human Resources may be made by calling: 1-800-352-6513. Reports to law enforcement may be made to any agency listed in section VII(D):

3. West Virginia Code § 49-2-810 states the following in its entirety: “Any person, official, or institution participating in good faith in any act permitted or required by [Article 2 of Chapter 49] is immune from any civil or criminal liability that otherwise might result by reason of those actions, including individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation or legal intervention pursuant to a good faith report of child abuse or neglect.”

G. **Anonymous Reporting.** Any individual may make an anonymous report of conduct prohibited of this policy to the Title IX Coordinator, College Police, or the United States Department of Education Office for Civil Rights without disclosing their name, without identifying the Respondent, and/or without requesting any action. Because the accused individual is entitled to certain due process including but not limited to the right to confront the individual’s accuser, the College’s ability to address alleged misconduct reported by anonymous sources is significantly limited. The College’s ability to respond to an anonymous report also may be limited depending on the level of information available regarding the incident or individuals involved. *Any employee who receives an anonymous report, must forward it to Title IX Coordinator for review in accordance with the procedures set forth in this policy within one business day of receipt of the report. Employees may also be responsible for making a report under section IV(E).*

E. **Requests for Confidentiality.** The College attempts to balance the needs of the Parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of Prohibited Conduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the institution’s legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure that the institution meets

its obligations under Title IX and other state and federal laws. The institution may be limited in its response and investigation if confidentiality is requested.

VIII. Initial Response to Reports.

A. Within two business days of receipt of an initial report, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct to discuss the availability of supportive measures, consider the person's wishes with respect to supportive measures, advise the individual about the procedures for filing a formal complaint, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint and explain the complaint resolution process. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation.

B. If the College does not provide supportive measures to either the individual reported to be the victim of Prohibited Conduct or the accused individual if requested, the Complainant or Respondent, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

C. If the individual reported to be the victim of Prohibited Conduct does not file and/or withdraws a formal complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a formal complaint in accordance with section IX(B).

IX. Filing and Withdrawing a Formal Complaint

A. Formal complaints alleging Prohibited Conduct are filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator under section II, and by any additional method designated by the College. At the time of filing a formal Title IX complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. Any writing, electronic submission (such as by electronic mail, facsimile or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint will be considered a formal complaint.

For Title IX purposes, the Complainant cannot remain anonymous or prevent the Complainant's identity from being disclosed to the Respondent. Complainants are encouraged, but are not required to use any formal complaint form that the College may develop.

B. The College is prohibited from investigating Title IX Sexual Harassment without a formal complaint. If the victim of the alleged Prohibited Conduct is an employee and no formal complaint is filed, the report will be referred to the Human Resources Director for the purposes of determining whether the accused individual(s) is responsible for Title VII Sexual Harassment and/or for violating any other college rules, regulations or policies.

C. Title IX Coordinator Filed Formal Complaints.

1. If the individual reported to be the victim of Prohibited Conduct does not file and/or withdraws a formal complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a formal complaint.

2. When making a decision to initiate a formal complaint, the Title IX Coordinator may consider a variety of factors, including, but not limited to a non-deliberately indifferent response to the allegations requires an investigation (for Title IX Sexual Harassment); a pattern of alleged misconduct by a particular Respondent; and the wishes of the person alleged to have been victimized by the Prohibited Conduct regarding how the College should respond.

3. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this policy.

4. Where a grievance process is initiated because the Title IX Coordinator, and not the complainant, signed the formal complaint, the complainant who did not wish to initiate a grievance process remains under no obligation to then participate in the grievance process. The Complainant remains eligible to receive supportive measures protecting the Complainant's equal access to education.

D. The College may consolidate formal complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

E. Within three business days of receipt of the formal complaint and/or filing a complaint if the Title IX Coordinator will assign the formal complaint to an Investigator. The Title IX Coordinator will notify the Complainant and the Respondent simultaneously. Either party may challenge the investigator for bias or conflict of interest by submitting written reasons for the challenge to the Title IX Coordinator. The Title IX Coordinator must receive the written challenge on or before three business days of receiving notice of the assignment of the investigator. The Title IX Coordinator will simultaneously notify the Parties of the decision.

F. **Withdrawing a Formal Complaint.** A Complainant may submit a written request to withdraw a formal complaint at any time to the Title IX Coordinator. The Title IX Coordinator will evaluate the request for discretionary withdrawal under section IV(C). The Title IX Coordinator will notify the Complainant and the Respondent and their advisors, if any, and, if applicable, the Investigator or Review Board members, of the dismissal decision simultaneously in writing four business days from receipt of the withdrawal request. The decision will include the reason(s) for the dismissal and the procedure for appealing the dismissal. If applicable, the Title IX Coordinator will also notify any witnesses who were expected to appear at a scheduled

hearing that the hearing has been cancelled but will not include any reasons for the cancellation.

X. Emergency Removal and Administrative Leave.

A. A Respondent or any other individual may be removed from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. If a student-employee Respondent is removed under this section, the College may also remove the student-employee Respondent from any employment opportunity that is part of the college's education program or activity.

B. Emergency removal may include a no-trespass or other one-way no-contact order.

C. Nothing in this policy precludes the College from placing a non-student employee Respondent on administrative leave, with or without pay, pending the outcome of the grievance procedures.

XI. Prehearing Investigation of Formal Complaints, Review of Evidence, Investigative Report.

A. The Investigator is responsible for conducting the prehearing investigation. The purpose of the prehearing investigation is to gather Directly Related Evidence, to determine the name(s) of Respondent(s) if not known at the time of the filing of the complaint and to determine jurisdiction. The Investigator will conduct a prehearing investigation of a formal complaint even if the Complainant does not know the identity of the Respondent(s) and/or if upon initial review the College does not have jurisdiction to address the complaint under section IV because a pre-hearing investigation might reveal either the Respondent's identity and/or other facts that show that the College has jurisdiction to address the complaint.

B. As part of the prehearing investigation, the Investigator may conduct in-person, telephone or virtual interviews of the Parties and/or witnesses; obtain law enforcement records and/or medical records subject to section V; request the Parties to submit evidence at any time, visit the site(s) of the alleged misconduct; and/or take any other action that could lead to evidence Directly Related to the complaint. The Investigator may not seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

C. Within five business days of receipt of the formal complaint from the Title IX Coordinator, or from the date the Title IX Coordinator or Investigator discovers the identity of the Respondent if unknown at the time the complaint was filed, the Investigator, will provide a written notice to the Complainant and known Respondent(s) that includes the following:

1. Notice of the College's Title IX formal and informal complaint resolution processes (a copy of this policy and/or any other procedures will satisfy this provision).

2. Notice of the allegations/charges potentially constituting Prohibited Conduct, as defined herein, including sufficient details about the alleged Prohibited Conduct known at the time. Sufficient details include but are not limited to, the identities of the Parties involved in the incident and/or any witnesses, if known. A copy of the complaint will also be included along with the notice.

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process and the standard of proof that will be used to determine responsibility.

4. A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney (at the expense of the Party), present during any portion of the prehearing investigation process and that an advisor will be assigned to any Party who does not have one during the live hearing stage only.

5. A statement that both Parties may present Directly Related Evidence to the Investigator including fact and expert witnesses, and/or any other inculpatory and/or exculpatory evidence and that evidence may include, but is not limited to, witness lists, documents, medical records, photographs and/or recordings. The request will include the date the Investigator must receive the evidence.

6. A statement that each Party and/or their respective advisor will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is Directly Related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation.

7. Notice that if, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice the

College will provide notice of the additional allegations to the Parties whose identities are known.

8. Notice that during the prehearing investigation the Parties do not have the right to depose opposing Parties or witnesses, or to compel Parties or witnesses to appear at meetings or any subsequent live hearing.

9. Notice that the ability of either Party to discuss the allegations under investigation or to gather and present Relevant Evidence will not be restricted but that as a supportive measure the Parties may be subject to a mutual directive not to have any direct contact with each other, in person, electronically or through third Parties other than the other Party's advisor.

10. A statement about the availability of supportive measures and how to request them.

11. A statement about whether the informal resolution process as set forth in section XVI of this policy is available for resolving the complaint and if so, the procedure for requesting informal resolution.

12. Notice that attempting to alter statement of a witness or prevent a witness from participating in the investigation or adjudication of a formal complaint or the informal complaint process is prohibited and if proven will result in separate disciplinary action and the procedure for filing as complaint.

13. Notice that retaliation is prohibited and the procedure for filing a retaliation complaint.

D. Within twenty calendar days of receipt of the formal complaint and after conducting a thorough and impartial investigation, the Investigator will send the Complainant and the Respondent and their advisors, if any, in electronic format or a hard copy, any evidence that is Directly Related to the allegations raised in the formal complaint, including, but not limited to any inculpatory or exculpatory evidence, whether obtained from a Party or other source. The Complainant and the Respondent each may submit a written response to the Directly Related evidence. Any written response must be received by the Investigator on or before eleven calendar days after each Parties' receipt of the evidence. *If the complaint proceeds to a hearing, the Parties are expected to bring the Directly Related evidence provided in this section to the hearing.*

E. Within twelve business days of the expiration of the ten business day time frame set forth in section XI(D), the Investigator will provide the Title IX Coordinator with a prehearing investigation report that fairly summarizes the Relevant Evidence and the section XI(D) responses of the Parties, if any. If a complaint involves multiple Complainants, multiple Respondents, or both, the Investigator may issue a single investigative report. The prehearing investigation report will include a description of the procedural steps taken from the receipt of the formal complaint through the prehearing investigation report including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any Party's general reputation for any character trait.

F. One calendar day after receipt of the prehearing investigation report, the Title IX Coordinator will send the Complainant and the Respondent and their advisors, if any, an electronic or hard copy of the prehearing investigation report. The Complainant and the Respondent each may submit to the Title IX Coordinator a written response to the prehearing investigation report. Any response must be received by the Title IX Coordinator on or before 5 calendar days after receipt of the prehearing investigation report.

XII. Hearings

A. Review Board Members. Within three calendar days of receipt of the prehearing investigation report, the Title IX Coordinator will select three members from the Pool to serve on the Review Board. The Title IX Coordinator will notify the members in writing of their selection. The Review Board members will elect one member as Chair and will notify the Title IX Coordinator in writing of their selection. The Title IX Coordinator will provide the members with an electronic or hard copy of the formal complaint, the prehearing investigation report, the responses of the Parties to the Directly Related Evidence and the responses of the Parties to the prehearing investigation report.

B. Notice and Timing of Hearing. Typically, a hearing will be held within fifty (50) calendar days from the date of the prehearing investigation report. The Title IX Coordinator will provide the Review Board members, Parties and their advisors with a notice of hearing and if applicable, a notice of appointment of advisor, within fifteen working days of receipt of the section XI(G) material. The notice of hearing will include the date of the hearing; the names of the Review Board members; the procedure for challenging a Review Board member for bias or conflict of interest; a list of witnesses that will be asked by the Review Board to appear and testify at the live hearing; information on how to request reasonable hearing accommodations; a request for the Parties to submit a list of witnesses including the due date for the witness list; and any another necessary information.

C. The hearing will be closed to all members of the campus and outside community except those directly involved with the complaint. The hearing may be conducted with all participants physically present in the same geographic location, or at the College's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants/witnesses simultaneously to see and hear each other and to see and hear, if applicable, any evidence referred to during the hearing. At the request of either Party, the College will provide for the hearing to occur with the Parties located in separate rooms with technology enabling the Review Board and Parties to simultaneously see and hear the Party or the witness answering questions.

D. The day of the hearing, the Title IX Coordinator will provide the Review Board with evidence collected during the prehearing investigation, including but not limited, to the prehearing report, the responses of the Parties to the evidence, if any, provided in accordance with section XI(D) and the responses of the Parties to the prehearing report, if any, provided in accordance with section XI(F). Each Party will have equal opportunity to refer to the same evidence during the hearing, including but not limited to during Cross-Examination of any witness.

E. If a Party appears at a hearing without an advisor or if an advisor is removed from the hearing by the Chair, the hearing temporarily will be delayed until the Party without an advisor selects an advisor or one is appointed. On or before three business after the day of the delayed hearing, the Party without an advisor must provide the Title IX Coordinator with written notice of how the Party without an advisor wishes to proceed. The Party without an advisor may:

- i. Provide the name and contact information of the Party's new advisor; or
- ii. Request that the Title IX Coordinator appoint an advisor for the sole purpose of conducting Cross-Examination of the opposing Party if Cross-Examination has not occurred; or
- iii. Advise the Title IX Coordinator that the Party wishes to proceed without an advisor if Cross-Examination of the opposing Party has occurred.

The Title IX Coordinator will notify the Chair of the Party without an Advisor's response and will reschedule the hearing within a reasonable time after the advisor issue is resolved.

F. The Chair of the Review Panel has the discretion to determine the specific hearing format.

G. Formal rules of evidence and court procedures are not used and do not apply. Review Board hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. For example, discovery procedures and requirements for pleadings, do not apply. The Parties and do not have the right to depose opposing Parties or witnesses.

H. The parties and the College do not have subpoena powers and neither can compel Parties or witnesses to appear at any live-hearing.

I. The Chair has the discretion to consider the participation of witnesses whose names were not submitted by the deadline set forth in the Notice of Hearing.

J. Both Parties may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

K. Advisors are permitted to ask the other Party all relevant questions and Cross-Examination questions, including questions challenging credibility. All questioning of a Party will be conducted by the other Party's advisor and will never be conducted by a Party personally.

I. Advisors of each Party or the Party may ask any witness all relevant questions and follow-up questions, including questions challenging credibility and Cross-Examination questions. Only one person is permitted to question each witness.

J. Questioning of any Party or witness will be conducted directly, orally, and in real time.

K. Questioning of any witness, including but not limited to, Cross-Examination of the opposing Party, must at all times occur in a respectful and non-abusive manner.

L. Hearing participants, are expected to treat everyone, including the opposing Party and all witnesses, with respect. Abusive and/or disrespectful behavior and yelling are prohibited. The Review Board Chair may remove any hearing participant at the Review Board's discretion.

M. Only relevant questions may be asked of a Party or witness. A Complainant or Respondent may object to a question as irrelevant. The Review Board Chair also may exclude any question as not relevant without any objection by either Party. Any decisions on relevancy will be made by the Chair prior to any Party or witness answering the question. The Chair will explain any decision to exclude a question as not relevant

N. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior

sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

O. The College will create an audio-visual or audio recording of the hearing at its expense. An employee from the IT department may attend the hearing for the purposes of assisting with or making the audio-visual or audio recording. Upon written request to the Title IX Coordinator, the College will make any audiovisual recording, audio recording or transcript available to either Party for review and inspection. The College may create a transcript of the live hearing at its expense. Copies of any audio-visual recording, audio recording or transcript will be made available to either Party upon written request to the Title IX Coordinator and at the expense of the Party making the request. No recordings of the hearing shall be made by any person other than the College. All formal hearing recordings and any evidence provided to the Review Board by the Investigator or by the Parties during the hearing will be maintained by the Title IX Coordinator and will be referred to as the hearing record.

P. If a Party fails to appear at any live hearing after receiving proper notice and without notifying the Review Board Chair, the hearing will proceed and the Review Board will make a decision based on the evidence in accordance with section XIII.

Q. During the course of the hearing, the Chair may consult with legal counsel by telephone or in person.

XIII. Deliberations and Responsibility Determination

A. After the presentation of any witnesses and all evidence, the Chair will end the hearing and the Review Board will begin deliberations. During deliberations, the Review Board will review all the presented information, will apply the clear and convincing standard of proof to that information, and make a determination about the relationship of behavior of the Respondent(s) to the policy; the Review Board will determine if there is clear and convincing evidence the Respondent is responsible for the conduct alleged in the complaint and that the conduct violates this policy. If the Review Board determines the Respondent is responsible for Prohibited Conduct, the Review Board will also determine the sanctions and/or remedies. Responsibility is determined by a majority vote of the Review Board. Deliberations are not recorded.

B. When making a responsibility determination, the Review Board:

1. Will objectively evaluate all Relevant Evidence – including both inculpatory and exculpatory evidence.

2. Will not base credibility decisions on a person's status as a Complainant, Respondent, or witness.

3. If a Party or witness does not submit to Cross-Examination at the live hearing, the Review Board is prohibited from relying on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the Review Board may not draw an inference about the determination regarding responsibility based solely on a Party's or witness' absence from the live hearing or refusal to answer Cross-Examination or other questions.

C. Within ten business days of the close the hearing, the Chair will provide an electronic or hard copy of the written responsibility determination to the Title IX Coordinator. Within one business day of receipt, the Title IX Coordinator will provide an electronic or hard copy of the written responsibility determination to the Parties simultaneously. The written responsibility determination will include:

1. The identification of the allegations potentially constituting Title IX Sexual Harassment as noticed.

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, meeting dates, interviews with Parties and witnesses, site visits, methods used to gather other evidence, date(s) of the hearing and dates of deliberations.

3. Findings of fact supporting the determination and conclusions regarding the application of this policy to the facts.

4. Any disciplinary sanctions the imposed on the Respondent made in accordance with section XVI , and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the Complainant.

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

6. Notice that supportive measures will continue to be offered and/or maintained if previously provided, throughout the appeal period (unless failing to do so would not be clearly unreasonable).

7. The procedure for appealing the responsibility determination and grounds for the Complainant and Respondent to appeal the responsibility determination.

C. The Federal Educational Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction

directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.

D. A responsibility determination becomes final either on the date for filing an appeal passes and no appeal is filed, or if a timely appeal is filed, the date of the written appeal determination required by section XIV(E) whichever comes first. Imposition of sanctions is suspended pending the outcome of the appeal or the expiration of the appeal period if no appeal is filed. Supportive measures that do not burden either party will continue pending the outcome of the appeal.

E. Unless the College community is threatened, any sanctions imposed will not go into effect until the deadline for filing an appeal passes and no appeal is filed or the date of any appeal decision affirming the responsibility determinations and sanctions.

F. The Title IX Coordinator is responsible for effective implementation of any remedies and the imposition of sanctions. The Title IX Coordinator may notify and/or consult with immediate supervisors and/or the

XIV. Appeals.

A. The Complainant and the Respondent may appeal the dismissal of a formal complaint or a responsibility determination to the Vice President of Academic Affairs and Provost (Provost). If the Provost is the Respondent, the appeal should be filed with the President and all time limes set forth in this section apply to any appeal filed with the President.

B. Appeals must be based on one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter.

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new information must be included with the appealing Party's request for appeal. In addition, the appealing Party must show that the new information was not known or otherwise available to the person appealing at the time of the live hearing. The appealing Party also must provide an explanation as to why the evidence was unknown or unavailable and how the evidence could have affected the outcome of the matter.

3. The Investigator, or Review Board member had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter and such bias and/or conflict of interest was not known prior to the dismissal or live-hearing.

4. Jurisdiction was properly asserted under Title IX.

5. The severity of the sanction(s) imposed was not appropriate based on the nature of the violation or the circumstances (sanction(s) is too harsh or too lenient)

6. Dissatisfaction with the dismissal notice or responsibility determination alone is not grounds for appeal.

C. The Vice President or President must receive any appeal on or before three business days after the appealing Party's receipt of the dismissal notice or responsibility determination

D. Within two business days of receipt of any Party's appeal, the Provost will provide the other Party with a copy of the appeal and any supporting documentation. The other Party may submit a response to the appeal that may include a statement in support of the determination on responsibility or dismissal of the complaint. Any response to an appeal must be received by the Vice President on or before three business days of the responding Party's receipt of the appeal and supporting documentation.

E. In any appeal, the burden of proof lies with the Party requesting the appeal, as the original determination and sanction(s) are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter and is not intended to be a full rehearing of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. Appeals decisions are to be deferential to the original hearing body; changes to the finding should be made only where there is clear error based on the stated appeal grounds.

G. Within five business days of the expiration of three business day appeal timeframe, the Provost will simultaneously provide the Parties with a written or electronic copy of the appeal decision describing the result of the appeal and the rationale for the result. The Provost may:

1. Affirm the dismissal or responsibility decision
2. Modify the original decision and/or sanctions
3. Void the original decision and order a new hearing.

H. The decision of the Provost is final.

XV. Informal Resolution Procedures

A. If appropriate and if both Parties agree, at any time prior to the issuance of the prehearing investigation report the College may facilitate an informal resolution process of a formal complaint, that does not involve a full investigation and adjudication. Informal

resolution is only available for resolving formal complaints. In cases where no formal complaint has been filed, supportive measures may be offered to individuals reported to be the victim of Prohibited Conduct.

B. Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation or administrative disposition of a formal complaint wherein the Respondent(s) accept responsibility. Informal resolution may result in disciplinary measures designed to punish the Respondent.

C. The Complainant or Respondent may withdraw from the informal resolution process and resume the formal grievance process with respect to the formal complaint at any time prior to the Party signing a final written resolution.

D. The College may not offer to facilitate or accept requests from either Party to engage in an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment with a student.

E. If informal resolution is appropriate and both Parties agree to pursue informal resolution, the Title IX Coordinator will:

1. Provide to the Parties a written notice disclosing the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtain the Parties' voluntary, written Consent to the informal resolution process.

F. Informal resolution agreements are considered contracts and are binding. An informal resolution agreement entered into by both Parties ends the grievance process.

G. Any individual engaged to facilitate or participate in the informal resolution process including but not limited to a mediator may not be called as a witness during any hearing.

H. Informal resolution agreements will be kept confidential insofar as is permissible by law.

XVI. Sanctions

A. If the Review Board finds the Respondent responsible, the Review Board is responsible for determining the appropriate sanction(s) designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title

IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior. The Review Board may consult with the supervisor of an employee Respondent, the Vice-President of Student Affairs for a student Respondent or legal when making a decision on sanctions and remedies as well as to obtain any prior student conduct disciplinary record or work disciplinary record of the Respondent(s). Repeated violations, including of differing conduct prohibited by this or any other College rule regulation policy or procedure, may result in progressively severe sanctions.

B. For students, the sanctions may include disciplinary action up to and including expulsion. A full list of the range of sanctions for students is contained later in this policy. For employees, the sanction may include any form of responsive action or discipline, including training, referral counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination. A more detailed list of the range of sanctions for employees is contained later in this policy.

C. Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions may be based upon a number of factors, including the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by Respondents; the impact of the violation on the community, its members, or its property; any previous conduct violations; a student's prior student conduct disciplinary record, an employee's prior disciplinary record, and any mitigating or aggravating circumstances including but not limited to use of or display of a weapon, the involvement of multiple perpetrators and/or intentional incapacitation caused by Respondent(s) through the alcohol, drugs, or by other means. Mitigating circumstances may be taken into account to reduce a sanction for Prohibited Conduct. Mitigating factors do not constitute a justification or excuse for the Prohibited Conduct.

D. All disciplinary actions will be determined on a case-by-case basis. Factors that may be considered when determining the type of sanction include but are not limited to the seriousness of the offense, prior disciplinary history

E. Student Sanctions. The College reserves the right to impose other sanctions in addition to those listed below in response to the specific circumstances of each case.

1. Expulsion: Permanent separation of the student from the College. Permanent notification will appear on the student's transcript. The student may be denied access to College premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the College.

2. Suspension: A student suspended from the College may not participate in classes or other College activities and may not be on College property (except by appointment, arranged in advance with the Title IX Coordinator, Provost (or designees), for the period of time specified. Permanent notification will appear on the student's transcript. The student may be denied access to College premises and to all other College activities or privileges for which the student might otherwise be eligible, provided that such restrictions are set forth in the responsibility determination and bear a reasonable relationship to the violation for specific period of time. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters and/ or summer sessions. In no case shall the suspension terminate prior to the end of a semester. Courses taken at another institution during this period of suspension will not be accepted for transfer at the College. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the College. An organization that is suspended shall be required to forfeit its ability to conduct group-sponsored activities or to participate in College-sponsored activities, and any College support for the organization will be withdrawn during the period of suspension. Conditions for resuming active status on campus following suspension may be imposed by the College.

3. Deferred Suspension: The student will be officially suspended from the College for a definite interim time period and given a certain set of expectations, but the suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to impose a suspension, the student will be notified of the apparent failure to comply and of the intent to suspend, and provided an opportunity to meet and explain the circumstances prior to a final decision.

4. Formal Disciplinary Probation: Probation for a designated period of time in which specific sanctions or restrictions may be imposed. A student on formal disciplinary probation is not in good standing with the College. Loss of good standing may prohibit or impact a responding student from:

- i. representing the College through official events;
- ii. participating in Education or Study Abroad; and/or
- iii. serving in a leadership position or on a College committee.

6. Warning: A notice in writing to the student that the student is violating or has violated Review Board of Governors policies, institutional rules and regulations, or the Student Code, and that any further Prohibited Conduct may result in more severe disciplinary action.

7. Revocation or Withholding of Diploma and Degree: If a student has graduated from the College, or has otherwise satisfied the requirements for earning a degree before violations of this policy are discovered and/or before a determination of responsibility is final, the College reserves the right to revoke the diploma and/or degree conferred, or to withhold the conferring of a degree or diploma otherwise earned.

8. Residence Hall Reassignment: A responding student who resides in a residence hall is assigned to a different residence hall on campus.

9. Residence Hall Termination: A responding student's residence hall agreement is terminated and the responding student is prohibited from residing in any College residence hall on either a permanent or a temporary basis. Specific exclusion from the residence halls may also be imposed.

10. Assessment and Treatment: Referral to Counseling Center or approved off-campus agency for assessment and/or treatment. This includes, but is not limited to, services from certified programs who offer: counseling for sex offenders, for sexual awareness and sensitivity, for substance use, for intimate partner violence and for violence risk.

11. Restrictions on Participation or Use: Restrictions on participation include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student's ability to participate in certain College-approved activities, including, but not limited to, sports, clubs, organizations (including but not limited to Greek organizations), or leadership positions with such sports, clubs, and organizations. Restrictions on use include the denial of access to or use of certain College facilities, programs, or equipment for a stated period of time or under a stated set of conditions.

12. Restitution: Students may be required to make payment to the College or to other persons, groups, or organizations for personal property loss or damage incurred as a result of a violation of this policy. This may take the form of appropriate service and/or monetary or material replacement of property.

13. Revocation: A degree awarded from the College may be revoked for a violation of the Code if the violation was committed before the student graduates.

14. Educational Sanctions: A student may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.

15. No Contact Order: A no contact order may be issued which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third Parties.

16. Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified. For example, students may be required to complete community service projects or educational classes, may be assessed a fine (if such fines are established by the Review Board of Governors), and/or may be assigned other work or research projects.

G. Employee Sanctions. Title IX Sexual Harassment is considered gross misconduct. Employees found responsible for gross misconduct may be dismissed immediately without progressive discipline.

1. Written warning. Formal documentation regarding the infraction/violation and expected corrected or improved behavior will be provided in the form of a written warning.

Demotion.

2. Suspension without pay

1. Dismissal.

XVII Recognized Student Organizations

A. When members of a student group, organization, team or individuals acting collusively act in concert in violation of this policy, their conduct may be reviewed as a group or as individuals, and an investigation may proceed against the group as joint Respondents or against one or more involved individuals as appropriate given available information and the circumstances.

B. A student group, organization, or team's officers and membership may be held collectively and individually responsible when violations of this code by the organization or its members take place at organization sponsored events, have received the Consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and/or individually. The range of sanctions in this policy will be considered, as will be the proportionality of the involvement of each individual.

C. Recognized Student Organization Sanctions. In addition to the sanctions listed in section XV, recognized student organizations and/or teams may:

1. be placed on probation,
2. have their recognized status revoked and be removed from the College's public directory;
3. be prohibited from reserving campus space;
4. be prohibited from hosting or sponsoring events;
5. be prohibited from receiving campus funding and conducting fundraising opportunities; and/or accessing the organization's operational account with the College

XVIII. Time Frames

A. The College will make every effort to complete the grievance process withing a reasonable time frame and in a timely manner while balancing the principles of thoroughness and fundamental fairness with promptness.

B. Circumstances may arise that require the expedition or extension of policy time frames. Such circumstances may include, but are not limited to, the severity or complexity of the allegations; the number of witnesses involved; the absence of a Party, a Party's advisor, or a witness; the effect of a concurrent criminal investigation; the replacement of Review Board member who has been challenged for bias or conflict of interest; the need for language assistance or accommodation of disabilities; intervening College breaks; or other circumstances. The College may delay or expedite the grievance process at any level or may allow the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the expedited time frame, delay or extension and the reasons for the action.

C. If a deadline in this policy falls on a day the College's offices are closed, the deadline is moved to 8:00 a.m. on the next College business day.

XIX. Providing False Information

A. Knowingly making a false report, filing a false formal complaint, providing false information, or testimony during the prehearing investigation, live hearing or at any stage of the grievance process is prohibited.

B. Individuals found responsible for violating this section may be subject to disciplinary action up to and including employment suspension and/or termination and/or academic suspension and/or expulsion.

C. Reports of employee violations of this section are reported to and investigated by the Human Resources Director in accordance with the College's employee disciplinary and/or dishonesty rules, regulations, policies, procedures and/or practices.

XX. Retaliation

A. No college, employee, or student, may intimidate, threaten, coerce, or discriminate against any individual either in person, virtually, electronically or through a third Party for the purpose of interfering with any right or privilege secured by Title IX, Title VII, or this 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.

B. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

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

D. Charging an individual with a violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

E. Complaints alleging retaliation are filed with the Title IX Coordinator and are investigated and adjudicated in accordance with this the grievance procedures set forth in this policy.

XXI. Intersection of this Policy with Other Laws and Rights

A. Nothing in this policy shall be read to: (1) restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution; or (2) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or (3) restrict any other rights guaranteed against government action by the U.S. Constitution.

B. Nothing in this policy may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder.

A. The college's obligation to comply with Title IX and this policy is not obviated or alleviated by the Federal Educational Rights and Privacy Act.

B. Nothing in this policy may be read in derogation of any legal right of a parent or guardian to act on behalf of a “Complainant,” “Respondent,” “Party,” or other individual, under this policy, including but not limited to filing a formal complaint.

XXII. Training Requirements

A. Title IX Coordinators, Investigators, responsibility decision-makers, appeal decision-maker(s) and any person who facilitates an informal resolution process, as applicable, will receive training on the definition of Title IX Sexual Harassment, the scope of the College’s education program or activity, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

B. Any decision-maker(s) responsible for making determinations on responsibility will receive training on:

1. Any technology to be used at a live hearing;

2. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth herein;

3. Issues of relevance to create an investigative report that fairly summarizes Relevant Evidence, as set forth in section IX.

C. Any materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

XXIII. Record Keeping

A. The Title IX Coordinator will maintain for a period of at least 7 years, or longer under applicable Federal and State law:

1. All materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. The College must make these training materials publicly available on its website, or if the College does not maintain a website the College must make these materials available upon request for inspection by members of the public;

2. Each sexual harassment investigation including any determination regarding responsibility;

3. Any live-hearing audio or audiovisual recording or transcript;

4. Any disciplinary sanctions imposed on the Respondent;

5. Any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's education program or activity;

6. Any appeal and the result;

7. Any informal resolution and the result therefrom;

B. For each report of Title IX Sexual Harassment that is not resolved through the completion of the Title IX complaint resolution process, the College must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If the College does not provide a Complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain basis or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken. The person responsible for creating the record(s) required by this section is dependent upon the stage of the grievance procedure where the creation of the record is required. For example, if a Complainant withdraws

C. The date of the creation of a record described in this section begins the record's retention period.

D. Maintenance any record set forth in this section does not automatically create a right of access to the record by any Party.

D. The Title IX Coordinator is responsible for maintaining all records.

XXIV Non-Disclosure Agreements

A. The Title IX Coordinator may require the Parties and their Advisors to enter into Non-Disclosure Agreements not to disseminate any of the information provided to them in accordance with this procedure.

B. The Non-Disclosure Agreement will not impose prior restraints on an individual's ability to discuss any allegations under investigation, with an Advisor, parent, friend, or other source of emotional support, or with an advocacy organization

XXV. Clery Act Permissible Disclosure of Final Results of Student Disciplinary Proceedings

A. The College may disclose to the public the final results of any student disciplinary proceedings if the student is found responsible for a forcible or non-forcible sex offense or

intimidation. Final determination means a decision or determination made by the Board if not appealed and the decision of any appeal if the responsibility decision is affirmed. The College is permitted to disclose only the name of the student(s), the violation(s) committed and the sanction(s) imposed.

XXVI. External Complaints

A. Information about how to file external complaints is available by contacting:

Office of Civil Rights

U.S. Department of Education

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

FAX: 215-656-8605;

TDD: 877-521-2172

Email: OCR Philadelphia@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

United States Equal Employment Opportunity Commission

801 Market Street, Suite 1300

Philadelphia, PA 19107-3127

Telephone: 866-408-8075.

Fax: 215-440-2606

TTY: 800-669-6820

Website: <http://www.eeoc.gov/>

The West Virginia Human Rights Commission

1321 Plaza East – Room 108A

Charleston, WV 25301

Telephone: 304-558-2616

Toll Free: 888-676-5546

FAX: 304-558-0085

Website: <http://www.wvf.state.wv.us/wvhrc/>

West Virginia Public Employees Grievance Board

1596 Kanawha Blvd., East

Charleston, WV 25311.

Telephone: (304) 558-3361

Toll Free: 866-747-6743

Facsimile: (304) 558-1106

XXVII. Delegation and Amendments

A. The President or designee may enact administrative procedures to implement this policy.

B. This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.

C. 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.

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 6A

SOCIAL JUSTICE: DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, STALKING, RETALIATION, CONSENSUAL RELATIONSHIPS, AND REASONABLE ACCOMMODATIONS

6A.1. General.

~~1.1. Scope. This policy addresses discrimination and harassment.~~

~~1.2. Authority. WV Code §18B-1-6, §18B-2A-4. Authority. W. Va. Code §18B-1-6; Discrimination and harassment of certain protected classes is prohibited by: (a) West Virginia Human Rights Act of 1967; (b) Title IX of the Civil Rights Act of 1972; (c) Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; (d) Titles VI and VII of the Civil Rights Act of 1964; (e) Vietnam Era Veterans Readjustment Act; (f) Sections 503 and 504 of the Rehabilitation Act; (g) Executive Order 11246; (h) Immigration Reform and Control Act of 1986; (i) Equal Pay Act; (j) Age Discrimination Act; (k) Americans with Disabilities Act; (l) Disabled Veterans Act; and (m) the Genetic Information Nondiscrimination Act of 2008~~

~~1.3. Effective Date. April 8, 2015~~

~~1.4. Revision and Renaming of Former Rule. Revises and replaces Glenville State College Administrative Policy 13 [2011].~~

6A.2. Policy

~~Glenville State College is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or~~

mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our College. Acts of discrimination, harassment, sexual harassment, stalking, and retaliation will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

It is important that members of the College community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the College community more generally: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest. The policy applies in all College programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, College housing, and College employment. In addition, the law prohibits retaliation against an individual for opposing any practices prohibited under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of this College that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

This policy shall not be construed or applied to restrict academic freedom at Glenville State College, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with the Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator [hereinafter "Title IX Coordinator"]:

Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator
Office of Human Resources
Glenville State College
200 High Street
Glenville, West Virginia 26351
304-462-6193
hr@glenville.edu

Upon receiving a complaint, the Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures.

Important Note! Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The Title IX Coordinator, designees, and other College officials can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, the College can arrange for no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, and testing schedules as needed. The Title IX Coordinator and designees can also provide

expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this policy and address any concerns or complaints appropriately.

6A.3.—Definitions

3.1. “Bullying” means repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a Protected Category. Bullying includes any online postings or other electronic communication commonly referred to as cyber-bullying, cyberstalking, cyber-harassment, etc., occurring within Glenville State College’s control (e.g. Glenville State College’s networks, websites or between Glenville State College email accounts). Any online postings or other electronic communication, including cyber-bullying, cyberstalking, cyber-harassment, etc., occurring outside of Glenville State College’s control will be investigated when those online behaviors can be shown to cause a substantial on-campus disruption.

3.2. “Consent” means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent cannot be gained by intimidation or force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the sexual activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual initiating or furthering the sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs. 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 dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In the State of West Virginia, anyone under the age of sixteen cannot consent to sexual contact. Thus, sexual contact or sexual exploitation by an adult with/of a person younger than 16 years old are crimes as well as violations of this policy, even if the individual under the age of 16 wanted to engage in either.

3.3. “Discrimination” means actions that deprive others of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a Protected Category.

3.4. “Relationship Violence/Domestic Violence” is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone and can involve the following:

3.4.1. Battering that causes bodily injury;

3.4.2. Purposely or knowingly causing reasonable apprehension of bodily injury;

3.4.3. Emotional abuse creating apprehension of bodily injury or property damage;

3.4.4. Repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten;

3.5. “Dating Violence” is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

—— 3.5.1. The length of the relationship;

—— 3.5.2. The type of relationship; and

—— 3.5.3. The frequency of interaction between the persons involved in the relationship

3.6. “EEO/Equity/AA/ADA/504 Coordinator” means the Chief Human Resources Officer, who serves as the Equal Employment Opportunity/Equity/Affirmative Action Coordinator and the Americans with Disabilities Act/504 Coordinator and oversees implementation of Glenville State College’s Affirmative Action and Equal Opportunity plan, disability compliance, and Glenville State College’s policy on discrimination and harassment.

3.7. “Hazing” means acts likely to cause physical or psychological harm or social ostracism to any person within the Glenville State College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a Protected Category.

3.8. “Hostile Environment” based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when:

3.8.1. The harassment is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from the College’s programs, services, opportunities, or activities; or

3.8.2. Conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Harassment that creates a hostile environment (“hostile environment harassment”) violates this policy. A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, coaches, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that

harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

~~3.8.3. The degree to which the conduct affected one or more students' education or individual's employment;~~

~~3.8.4. The nature, scope, frequency, duration, and location of incident or incidents;~~

~~3.8.5. The identity, number, and relationships of persons involved;~~

~~3.8.6. The nature of higher education.~~

~~3.9. "Intimidation" and "intimidate" mean implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a Protected Category.~~

~~3.10. "Non-Consensual Sexual Contact" means any intentional Sexual Touching, however slight, with any object or body part, by a person upon another person, that is without consent and/or by force.~~

~~3.11. "Non-Consensual Sexual Intercourse" means any Sexual Penetration or intercourse (anal, oral or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Nonconsensual Sexual Intercourse may commonly be referred to as rape and/or or sexual assault.~~

~~3.12. "Protected Category" means a category under which an individual falls or is perceived to fall that is protected under federal, state, or local anti-discrimination laws, including race, color, religion, sex (including pregnancy), sexual orientation, national origin, age, marital status, veteran or military status, disability, or genetic information.~~

~~3.13. "Retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against any individual reporting an incident or participating in the hearing or investigation process, including providing information as a witness, of a complaint filed pursuant to this policy. Retaliation should be reported promptly to the Title IX Coordinator.~~

~~3.14. "Sexual Exploitation" means a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. The term includes, but is not limited to, the following situations:~~

~~3.14.1. Taking pictures or video or audio recording another in a sexual act, or in any other private 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;~~

~~3.14.2. Non-consensual distribution of photos, other images, or information of an individual's~~

sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;

3.14.3. Prostituting another person;

3.14.4. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection; and

3.14.5. Administering alcohol or drugs (such as date rape drugs) to another person without his or her knowledge or consent for the purpose of engaging in sexually related activity with that person.

3.14.6. Sexual voyeurism, such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed;

3.14.7. Using intimidation to force others to engage in acts of sexual misconduct.

3.15. Harassment and discrimination are intended to be defined consistent with guidelines established by the United States Equal Opportunity Commission, the West Virginia Human Rights Commission and the United States Department of Education.

Harassment is generally defined as unwanted physical, verbal, or written conduct relating to a person's protected status, including race, national origin, gender, sexual orientation, age, religious creed, disability, medical condition, or other status protected by law, and which results in one or more of the following:

3.15.1. The creation of intimidating, hostile, or offensive working, living, or academic environment; or

3.15.2 Substantial or unreasonable interference with an individual's work, living, or academic performances; or

3.15.3 The development of an adverse effect on an individual's employment or academic opportunities.

3.15.4 Unjustified inequitable treatment that results in the above consequences also qualifies as harassment. This inequitable treatment may manifest itself in a number of ways including but not limited to the provision of differential help to students, arbitrarily denying requests for services, and otherwise indirectly creating a hostile environment.

3.16. *Harassment* is covered under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sex-based harassment includes sexual harassment as defined by this policy, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes. Harassment violates this policy when it creates a hostile environment, as defined in by this policy.

3.17. Sexual Harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

3.17.1. Tangible Employment or Educational Action. This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a College program or activity. Generally, perpetrators will be agents or employees with some authority from the College.

3.17.2. Sexual harassment that creates a hostile environment as defined by this policy.

3.18. "Sexual Misconduct" means Sexual Harassment, as defined by this policy, Non-Consensual Sexual Intercourse; Non-Consensual Sexual Contact; Sexual Exploitation and Relationship Violence. Acts of sexual misconduct may be committed against a person regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

3.19. "Sexual Penetration" means vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

3.20. "Sexual Touching" means any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

3.21. "Stalking" means a course of conduct (i.e., repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of another) directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. Stalking does not have to be based on a protected class to be covered by this policy.

3.22. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drug) is involved, one does not have to be intoxicated, drunk or high to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.² The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the complainant was incapacitated. Because Incapacitation

² J Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., *NCHERM II/Smile on Responding 10 Campus Sexual Misconduct*. 2010, p. 49.

may be difficult to discern, you are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give effective consent.

6A.4.—Prohibited Conduct

Discrimination, harassment, creating a hostile work environment, bullying, sexual misconduct, including sexual harassment and hazing that are all based upon a protected class are prohibited by this policy. Retaliation as defined in this policy is also prohibited by this policy.

Knowingly providing false information in either a complaint, during the investigation of a complaint, disciplinary proceeding or hearing by anyone is also prohibited and is considered misconduct subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination.

6A.5.—Application of This Policy to Off-Campus Conduct

5.1. This policy applies to behaviors that take place on the campus, at school/college-sponsored events and may also apply off-campus or outside of school when the administration determines in its discretion that the off-campus or outside-of-school conduct affects a substantial school/university interest. A substantial school/college interest includes but is not limited to:

5.1.1. Any action that could constitute a criminal offense as defined by federal or state law even if no law enforcement investigation has been initiated. This includes but is not limited to: allegations of single or repeat violations of any local, state or federal law in the municipality/city/town where the school/university is located;

5.1.2. Any situation that significantly disrupts the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or

5.1.3. Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others. (Source: ATIXA/Penn State University)

6A.6.—Mandatory Employee Reporting of Sex-based Discrimination, Sexual Harassment and Sexual Misconduct Involving Students and Individuals Under the Age of 16

West Virginia Law (WV Code 49-6A-2) mandates that any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately and not more than forty-eight hours, report the circumstances or cause a report to be made to the Department and the State Police or other law enforcement agency having jurisdiction to investigate the report. If the reporter feels that reporting the alleged sexual abuse will expose themselves, the child, the reporter's children or other children in the subject's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm. The individual must make the report as soon as practical after the threat of harm has been reduced. The law enforcement agency that receives a report regarding sexual abuse must report the allegations to the West Virginia Department of Health and Human Resources.

West Virginia Law also mandates that in any case where a mandated reporter believes that the child suffered serious physical abuse, the reporter shall also immediately report, or cause a report to be

made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint.

In addition to the above requirements, in order to enable the College to respond effectively and to stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students or individuals under the age of 16, at the College proactively, all College employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students or individuals under the age of 18 to the Title IX Coordinator and report it to local law enforcement. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed health care professionals. Please note that this policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures. The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the College's Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting.

6A.7.—Sanctions and Corrective Action

Violations of this policy will be addressed through the Discrimination Grievance Procedures. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, a no-contact order, denial of a merit pay increase, reassignment, academic or employment suspension, expulsion, employment termination and revocation of computer use privileges. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable College procedures and collective bargaining agreements. The College may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) the College found that the respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment. The employment of any employee, including but not limited to, classified employees, tenured faculty members and tenure track faculty members, may be terminated without progressive discipline for violations of this policy depending upon the totality of the circumstances. Other reasons for termination without progressive discipline are set forth in College and HEPC rules and/or in employee handbooks if applicable. The employment status of will and pleasure employees is in no way altered by this provision.

6A.8.—Amnesty for Drug or Alcohol Possession and Consumption Violations

The College strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be

disciplined by the College for any violation of the College's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

6A.9.—Free Speech and Academic Freedom

Glenville State College has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the College and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, Glenville State College recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the Administration and operation of his/her own institution.

Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment that should characterize higher education. In the spirit of a true college environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the College will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the College will vigilantly protect students' and employees' rights against sex discrimination under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

6A.10.—Consensual Relationships

10.1. There are inherent risks in any romantic or intimate relationship between individuals in unequal positions. Thus, except as otherwise provided in Section 10.2, any romantic or intimate relationships in which power differentials are inherent are prohibited, which include, but are not limited to, the following:

10.1.1. Relationships between students or applicants for admission and administrators, faculty, coaches or any College employee where a direct power differential exists between the student or applicant for admission and the employee;

10.1.2. Relationships between a College employee holding a direct or indirect supervisory and/or evaluative role over the other person in the relationship; or

10.1.3. Any other romantic or intimate relationship between students or applicants for admission and employees or between employees where any employment-related power differential exists between the persons in the relationship.

10.2. Notwithstanding the prohibitions in Section 10.1, any romantic or intimate relationship prohibited in Section 10.1 that exists *prior* to the creation of a power differential between the individuals involved in the romantic or intimate relationship shall not violate this policy if: (i) the individuals in the relationship report the existence of the relationship as required in Section 10.4 before the power differential is created and (ii) the individuals consent to the removal of any potential power differential that could exist, which may require appropriate administrative action, including but not limited to, shifting or otherwise relocating an employee within a separate department or reporting capacity from the other individual involved in the relationship or the shifting of grading or other decision-making

responsibilities of a faculty member which affect a particular student in the case of a pre-existing relationship with that student.

10.3. Issues may also arise in the educational setting or workplace from romantic or intimate relationships between students or applicants for admission and College employees or between College employees where a direct or indirect supervisory and/or evaluative role or other power differential does not exist between the persons in the relationship. Thus, while not prohibited, such relationships are highly discouraged.

10.4. If a relationship develops that falls under Sections 10.2 or 10.3, the employee(s) involved in the relationship must timely report the existence and termination, if any, of such relationship to the Title IX Coordinator.

10.5. Once a relationship is reported under Section 10.4, the Title IX Coordinator shall inform the persons involved in the relationship of the College's standards concerning consensual relationships, may set parameters while the persons are on campus, and may take other steps as appropriate.

10.6. Persons who engage in any relationship prohibited by Section 13.1 or who engage in any relationship listed in Sections 13.2 and 13.3 and who fail to timely report shall be subject to administrative action, up to and including termination of employment or dismissal from the College, as applicable.

6A.11. Relation to Board of Governors Policy 36, Student Rights and Responsibilities

Although conduct that is prohibited by this policy is also prohibited by Section 5.6 of Policy 36, the procedure for the filing and investigation of complaints filed against students are addressed by this Policy's Grievance Procedures, not by the procedures established pursuant to Sections 4.6 and 6.3 of Policy 36.

6A.12. External Complaints

If you filed a complaint with the Title IX Coordinator and believe the College's response was inadequate, or you otherwise believe you have been discriminated against by the College on the basis of race, color, genetic information, veteran's status, national origin, sex, including sexual harassment, disability, age, or retaliation, you may at any time file a complaint with the following:

Office of Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605;
TDD: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>
United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127

Telephone: ~~866-408-8075.~~
Fax: ~~215-440-2606~~
TTY: ~~800-669-6820~~
Website: ~~<http://www.eeoc.gov/>~~

Additional information about State anti-discrimination/harassment and retaliation laws and complaint procedures is available from:

The West Virginia Human Rights Commission
1321 Plaza East – Room 108A
Charleston, WV 25301
Telephone: ~~304-558-2616~~
Toll Free: ~~888-676-5546~~
FAX: ~~304-558-0085~~
Website: ~~<http://www.wvf.state.wv.us/wvhrc/>~~

West Virginia Public Employees Grievance Board
1596 Kanawha Blvd., East
Charleston, WV 25311.
Telephone: ~~(304) 558-3361~~
Toll Free: ~~866-747-6743~~
Facsimile: ~~(304) 558-1106~~
Website: ~~www.pegb.wv.gov~~

6A.13. ~~Accommodation of Disabilities~~

~~13.1. Glenville State College is committed to compliance with the Americans With Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself. All reasonable accommodation decisions are made by the College.~~

~~13.2. The EEO/Equity/AA/ADA/504 Coordinator is responsible for coordinating efforts to comply with the disability laws set forth in Section 10.1, including investigation of any employee or student complaint alleging noncompliance filed in accordance with the Discrimination Grievance Procedures.~~

~~13.3. Students with Disabilities~~

~~13.3.1. Pursuant to the ADA, Glenville State College will provide reasonable accommodations and support to all otherwise qualified students that have a qualifying disability to ensure equal access to the programs and activities of the College.~~

~~13.3.2. Students are required to self-identify with Disability Services. All accommodations are made on a case-by-case basis by the Disability Services. Disability Services will review documentation provided by the student and other appropriate resources including but not limited to the course instructor, to determine which accommodation, if any, is appropriate to the student's particular needs and programs.~~

~~13.3.3. Students requesting accommodation may be required to provide certification from the student's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability and course of student; and (4) suggested accommodations.~~

~~13.4. Employees with Disabilities~~

~~13.4.1. Pursuant to the ADA, Glenville State College will provide reasonable accommodations to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.~~

~~13.4.2. An employee with a disability is responsible for requesting an accommodation in writing to the Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator, who will consult with the individual's supervisor to identify which essential functions are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.~~

~~13.4.3. Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations.~~

6A.14. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that Glenville State College administrators must issue timely warnings to the College community for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. No such warning will identify a victim or contain information that could do so unless permitted by the victim.

6A.15. Affirmative Action Manual

Glenville State College subscribes to the principles and regulations pertaining to equal opportunity and affirmative action. In compliance with these regulations, the College shall maintain an affirmative action manual in the Office of Human Resources.

6A.16 Procedures

The President or his/her designee(s) is/are authorized to promulgate administrative procedures to implement this policy including but not limited to creating Discrimination Grievance Procedures and reasonable accommodation request procedures and supplementing definitions if necessary.

Approvals:

President _____ Date _____

Chair of the Board _____ Date _____

GLENNVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY -9

DISPOSITION OF SURPLUS EQUIPMENT, SUPPLIES AND MATERIALS

9.1. General

1.1. Scope - This rule establishes Glenville State College procedures for the disposition of surplus equipment, supplies and materials.

1.2. Authority – W.Va. Code §18B-5-7 and 59-3-1 et seq

1.3. -Effective Date – ~~April 20, 2005~~

1.4. Revision of Former Policy – Repeals and replaces Glenville State College Policy 9 – Disposition of Surplus Equipment, Supplies and Materials [2005].

9.2. Disposition of Surplus Equipment, Supplies and Materials

2.1. The Board ~~has delegates to the President~~ the authority to dispose of obsolete, surplus and unusable materials, supplies and equipment, either by (1) transfer to other governmental agencies or institutions, (2) by exchange or trade, or (3) by sale as junk or otherwise, ~~or (4) donate said equipment, supplies, and materials with approval of the Board of Governors or their designee, as appropriate to any not-for-profit entity to promote public welfare. This policy does NOT apply to the disposable of any real estate, obsolete, surplus, unusable or in any condition whatsoever.~~

2.2. The Chief ~~Procurement-Financial~~ Officer or designee shall identify and inventory the institution's obsolete, surplus and unusable materials, supplies and equipment and shall store these materials, supplies and equipment until such time as they may be disposed of in a manner consistent with state law and ~~the rules, regulations and procedures of the Board~~ Board of Governors Policy 9.

2.3. Under no circumstances shall any obsolete, surplus and unusable materials, supplies and equipment be sold, transferred or conveyed to any private person, firm or corporation other than at a public auction or by sealed bid or as otherwise provided in ~~West Virginia~~ W. Va. Code § 18B-5-7.

2.4. The funds the institution receives from the sale of obsolete, surplus and unusable materials, supplies and equipment shall be deposited in the institutional account originally used to purchase said materials, supplies and equipment if such account is readily ascertainable, minus any administrative costs associated with the disposal. If such account is not readily

ascertainable or no longer exists, the net proceeds shall be deposited in an appropriate account as determined by the Chief Financial Officer.

9.3. Methods of Disposal of Obsolete, Surplus and Unusable Materials, Supplies and Equipment

3.1. Glenville State College may dispose of obsolete, surplus and unusable materials, supplies and equipment in one or more of the following manners:

3.1.1. Trade in on replacement materials, supplies and equipment if the trade in value is advantageous to the institution as determined by the Chief ~~Procurement~~Financial Officer or designee;

3.1.2. Sale to the general public by sealed bid or at a public auction;

3.1.3. Transfer to municipal, county, state and federal agencies and institutions;

3.1.4. Utilizing the Surplus Property Division of the Department of Administration.

~~3.1.4.~~3.1.5. Donating to any not for profit entity to promote public welfare upon approval of the Board of Governors or their designee.

3.2. The chosen method should be one that has the best prospect of yielding the greatest return to the institution after the cost of the sale has been deducted from the revenue derived. Transfers to other governmental agencies and institutions should cover those aspects that will enhance the institution's public awareness in the local community and in the interest of providing a needed service to the community.

9.4. Trade In

4.1. The institution may take advantage of a trade in on replacement materials, supplies and equipment if the trade in value is advantageous to the institution as determined by the Chief ~~Procurement~~Financial Officer or designee.

9.5. Sealed Bids or Public Auction

5.1. Sales by sealed bid or at a public auction may be conducted by the institution. The institution shall, in accordance with state law and the rules, policies and procedures of the Board, develop their own procedures for conducting sales by sealed bid or at a public auction; provided that

(a) at least ten days prior to the disposition an advertisement of such sale shall be published as a Class II legal advertisement, as provided in ~~West Virginia~~W.Va. Code §59-3-1 et seq (which means two publications of a legal advertisement in a qualified newspaper occurring within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication), in the county in which the equipment, supplies and materials are located;

(b) the procedures are documented and available to all who are interested in participating prior to the date for receipt of bids or the date of the auction; and

(c) that the institution has the right to reject all bids and that all sales are final.

5.2. Original documentation of the sealed bid process or auction shall be kept by the institution for a period of one year. After that date, the documentation may be reproduced and archived on microfilm or other equivalent method of duplication for review or auditing purposes.

9.6. Transfer to Municipal, County, State and Federal Agencies and Institutions

6.1. Transfers of obsolete, surplus and unusable materials, supplies and equipment may be made to municipal, county, state and federal agencies and institutions. The Chief ~~Procurement~~Financial Officer shall keep a record of such transfers containing the following information on each item:

- a. Inventory tag number, if applicable;
- b. Description;
- c. Model number, if applicable;
- d. Serial number, if applicable;
- e. Present value of the materials, supplies and equipment; and

These records shall be kept as a public record open to public inspection for a period of two years. These items shall be removed from the ~~institution's~~College's inventory.

9.7. Utilizing the Surplus Property Division of the Department of Administration

7.1. The ~~institution~~College may also dispose of obsolete, surplus and unusable materials, supplies and equipment through the Surplus Property Division of the Department of Administration; in such case, all of the rules and regulations of the Department of Administration shall be followed.

9.8. Reporting Requirements

8.1. All inventories of surplus equipment, supplies and materials sold shall be kept as a public record open to public inspection for a period of two (2) years, as provided in West Virginia W. Va. Code §18B-5-7(b). The Board shall report semiannually to the Legislative Auditor all sales of commodities made during the preceding six months. The report shall provide an itemized listing of each commodity sold and include the inventory tag number, a description of the commodity, the name of the buyer and the price paid by the buyer. The dates for these reports are February 1 for the period of July 1 through December 31 and August 1 for the period of January 1 through June 30. The form and format of this report shall be as required by the Legislative Auditor.

9.9. Surplus Removal Contracts

9.1. Any contracts for removal of obsolete, surplus and unusable materials, supplies and equipment shall be issued by the Chief Procurement Financial Officer in accordance with state law ~~and the policies, procedures and guidelines of the Board.~~

9.10. Donation of Equipment, Supplies, and Materials

10.1. Any equipment, supplies, or materials may be donated to a not for profit entity by the Chief Financial Officer in accordance with state law, Board of Governors Policy 9 and upon approval of the Board or their designee.

~~9.1011. Redeposit of Funds~~

~~1011.1.~~ All monies derived from the sale of obsolete, surplus and unusable materials, supplies and equipment must be redeposited as follows, provided the account originally used for the purchase is readily ascertainable, minus any administrative costs associated with such sale. If such account is not readily ascertainable or no longer exists, the net proceeds shall be deposited in an appropriate account as determined by the Chief Financial Officer.

~~1011.1.1. Purchases made from general revenue funds must be deposited according to FIMSOASIS~~

~~— requirements for refunds into the general revenue fund; and~~

~~1011.1.2. Purchases made from special revenue funds must be redeposited into the same~~

~~— fund from which the expenditure originally occurred.~~

Approvals:

President _____ Date _____

Chair of the Board _____ Date _____