



GLENVILLE STATE COLLEGE

AGENDA

Glenville State College
Board of Governors

October 20, 2020
10:00 a.m.

Stonewall Resort
Ballroom 2
940 Resort Drive
Roanoke, WV 26447



BOARD OF GOVERNORS
October 20, 2020
Stonewall Jackson Resort, Ballroom 2
10:00 AM

AGENDA

1. Call to Order
2. Recognition/Swearing In of New and Re-Appointed Board Members
3. Establishment of a quorum
4. Public Comment Period
5. Special Recognitions/Presentations
 - A. Alumni Update - *Maureen Gildein, Alumni Council President*
 - B. Energy Systems Group (ESG) Presentation – *Audra Blackwell*
 - C. Report on FY2020 Audit from Hayflich, PLLC – *Rick Eskins, CPA*
 - D. GSC and Foundation Relations Update –*David Hutchison, Vice President for Advancement*
 - E. Facilities Master Plan Update – *Tom Ratliff, Exec. Director of Workforce & Community Dev.*
 - F. Financial and Bond Update - *Joseph E. Nassif, Managing Director, Piper & Jaffray Co.*
6. Constituent Comments
 - A. Faculty Senate
 - B. Staff Council
 - C. Student Government Association
7. **Consent Agenda (Action Item)**
 - A. Minutes of the August 5, 2020 Meeting
 - B. Enrollment Comparison Reports
 - C. Cash Flow Projection Statement*
 - D. YTD Budget Projection Report*
 - E. Quarterly Financial Statement*
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

10. Actionable Items

A. **Approve Auditor's Report for FY20 (Action Item)***

B. **Revisions to Policy 6A– (Action Item)**

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

C. **International Tuition Rate Proposal– (Action Item)***

11. Announcements

12. Adjournment

NOTE: *These items will be presented at the Board meeting under separate cover.

Submitted by Kevin L. Evans, BOG Representative

Faculty Senate convened the first meeting for the fall semester on Tuesday, August 18th. The faculty senate has twelve members as outlined in the constitution approved by the faculty towards the end of last academic year. Faculty Senate meets every other Tuesday. Major discussion items of Faculty Senate include:

- Faculty efforts in recruitment and retention (see below for a lot more information)
- Faculty morale. We have discussed having all faculty complete a survey. The survey will include questions that have been asked on previous surveys with a few new questions based on the current environment (mainly the 15 credit hours per semester). The survey has not be finalized.
- Faculty Senate has discussed if the faculty should join a union. Some discussion has revolved around WV Public Workers Union. This discussion resulted as the administration increased faculty teaching load in the previous contracts of 12-credit hours to 15-credit hours per semester. This discussion is ongoing.
- Faculty Senate has appointed faculty to all committees reporting to Faculty Senate. Faculty Senate also held elections for a faculty member for College Leadership Council, and will soon hold elections for Promotion and Tenure Committee.
- Faculty Senate has discussed the modified academic calendar in the spring semester. As a whole the members agreed that it was in the best interest to start the spring semester one week later than originally proposed and not have a spring break this year due to COVID-19 pandemic
- Faculty Senate had numerous questions regarding the college's response to the COVID-19 pandemic. Most questions revolved around timely notification of students in quarantine and contact tracing. Dr. Morris, President Manchin and Stacy Adkins discussed the timing of the situation, explained the difficulties of providing the information, and the current plan for distributing the information.

Recruitment and Retention

Most Board of Governors meetings have either formally or informally discussed the potential roles of the faculty with recruitment and retention. Dr. Morris, Provost and Vice-President of Academic Affairs, has stated at previous meetings that faculty are hired based on their expertise in discipline not specifically for recruitment and retention. The first priority of the faculty is our teaching and research. However, the faculty recognize the significance of recruitment and retention of students and the impact of these effort on the financial viability of this institution. While recruitment and retention are not the primary responsibility of the faculty, the following lists represent the basic activities that faculty are engaged in to enhance the college's enrollment and retention of students.

Business

To help with retention of GSC students.

- a) Providing virtual one-on-one sessions with students having trouble with assignments or having any type of misunderstanding as to what is going on with the class.
- b) Videoing online lectures with laptop and uploading them on Blackboard for the half of class that cannot attend due to the social distancing guidelines.

- c) Develop course formats to serve student needs.
- d) Meet with advisees to offer guidance and assistance.
- e) Maintain office hours (including virtual) to assist students.
- f) Participate in student visitation days, either in real life or virtual.
 - a. Work to build connections and network relations with students during recruiting events.
- g) ABRE (I think freshmen / sophomores aspire to be one of those award winners).
 - a. Honor deserving students is one of the ways that we have retention going on in our Department of Business.
- h) Visiting Lecturer Series. Our students benefit from seeing where a GSC education can take a person.
- i) Extra credit or requirements to participate in job fair. Students are more committed to earning the degree when they see where it can take them.
- j) Providing access to business-related competitions and events such as the West Virginia Business Plan Competition and Business Model Competition.
- k) Participate in PBL competitions and trips to conferences.
- l) Attend/take students to Professional Accounting Conferences and accounting events.

Criminal Justice

Enrollment Efforts:

- CJ faculty attend all the regularly scheduled open houses and recruiting initiatives throughout the academic calendar year. All CJ faculty are in attendance for these events. During these events, faculty make a presentation to prospective students and provide contact information (business cards) to each of the attendees.
- CJ faculty developed and conducted virtual open house meetings following the COVID-19 pandemic. Some of these open houses were conducted over the summer months when the faculty were not under a contractual obligation.
- Dr. Hardin and Mr. Yeager (when employed as a CJ professor) traveled with the admissions counselors on scheduled recruiting drives throughout the state.
- When serving as a chair, Dr. Lang constructed a database of all known Career Centers housing a criminal justice program in the state of West Virginia and contacted each with a personal letter requesting an opportunity to speak with their students. Several day long initiatives at these facilities were being scheduled when the COVID 19 pandemic struck.
- CJ faculty meet with prospective students visiting the campus during the semester. Personal interaction and tours were provided to the prospective student and their families. (Note: these events often occurred when faculty members are also required to conduct their classes, meet committee assignments, work as advisors for student organizations, and meet with current students during office hours on campus.)
- Dr. Ken Lang has become a legal analyst for the Law & Crime Trial Network (for no compensation), which advertises his affiliation as a professor at Glenville State College during appearances. The Law & Crime Trial Network boasts over 5 million subscribers.

Retention Efforts:

- CJ faculty identify students struggling with the content and intervene with them by utilizing campus resources (i.e., Academic Success Center) or meeting with them personally to help them better understand the academics and content.

- CJ faculty have incorporated more tactile learning experiences into the classroom to better prepare students through hands-on experiences for real world job tasks (i.e., crime scene house scenarios, forensic lab exercises, etc.).
- CJ faculty volunteer time to work with CJ honor students and to help them formulate and complete research projects for the Pioneer Showcase.
- CJ faculty graciously volunteer as advisors for the student organizations and assist in the weekly activities to bring students an enriched college experience.
- CJ faculty have established working relationships with criminal justice agencies and receive regular communications from these entities about job opportunities, distributing them to the current criminal justice student population.
- The CJ faculty routinely review the course curriculum and make necessary improvements to ensure the curriculum is current with the criminal justice field.
- Through courses and student organizations, Dr. Hardin & Dr. Bryson have planned and conducted field trips for students to different events and criminal justice related sites.
- CJ faculty routinely attend sporting events to showing support for our CJ athletes and the athletic program.

Education & Health and Human Performance

Advising

- Advising is important to the retention efforts of students as perceived by faculty. Students who advised by the Department faculty are seen more frequently than the standard pre-registration advising. Students are invited in 3-4 times per semester for support.
 - As an academic advisor, I maintain regular scheduling meetings with my advisees as well as send several e-mails throughout the semester to check on their progress and maintain an open line of communication. I also let them know that they can reach out to me with any issues and that I will do my best to address them or refer to someone who can assist better in a particular situation.
- As shared above the faculty work with students to assist in academic and non-academic areas if possible. The Department faculty share the value of an 'open door' policy for advising and day to day interactions with our students. Faculty will meet with students "at times others than posted office hours which includes after hours for interns, as well as a great number of phone conversations".

Teaching

- Teaching is more than lecturing to the faculty. The teaching part of faculty pedagogy is the tool to have additional interactions with students and is constantly being reflected on and modified to better serve.
 - As an instructor, I aim at actively involving all of my students in classroom activities. I try to engage them in classroom discussions (both face-to-face and online) and provide frequent feedback. I believe that when student contributions are acknowledged in the classroom, it makes them feel valued and noticed by both their professor AND their peers. This also allows them to get to know their classmates and interact with more people on campus
- Connecting student from the classroom to the greater community is a common theme for the faculty. Students in education classes judge local k-12 literature and science fairs to gain hands on

real world learning, elementary education students e-mail any fellow student that misses a class and informs them what was covered/missed during lecture. This is a requirement for the class and is graded daily. This lays the groundwork for developing a learning community within the course.

- Faculty pedagogy is revised constantly to stay relevant. Faculty refrain from “sit and get” lectures, lectures are student centered and lend to open discussions on course objectives. Many hands on and laboratory exercises are used to help bolster enthusiasm for educational knowledge.
- Faculty are developing new and innovative ways of delivering courses, developing on-line and face to face classes using OER texts to keep costs down so student can afford a college education. Classes focus on collaborative instructional strategies (learning communities, groups), have and communicate clear expectations, and work to make content relevant.
 - ...provide assignments which allow students the opportunity to apply concepts and theories covered in lecture, thus addressing different learning styles and making courses more interesting, more realistic and thus more useful, and, the hope is, more fun
- In many classes, guest speakers are invited who do not just talk, but who also lead the class in an activity to enrich their understanding of the guest’s topic.

Student groups

- Faculty maintain contact with students through work with student organizations. Faculty advise Early Education Student Group, Student Reading Interest Group, Chi Beta Phi, Kappa Delta Pi, and Chi Zeta Pi. Faculty’s involvement encourages students to become involved and participate in activities both in and out of campus thus helping students feel connected and a part of the college community.
- Faculty organized the African American History month celebration with all education courses and placed posters developed by students in the WACO center.
- Faculty planned Regional Literature Fair that brought 150+ students from grades K-12, parents and teachers for the past 7 years. Education majors (40+) volunteered to judge and to help in many other roles at the Waco Center. Several middle/high education content majors are taken to the WVRA State Conference each year. They develop and organize their presentation to teachers of all content areas. GSC students learn that they have much to offer to practicing teachers about literacy strategies.
- Department faculty are regular attendees at athletic and fine arts presentations.

Student progress initiatives

- The Department is constantly reflecting on how it can better serve its’ students. Recent initiatives include the PRAXIS PASSPORT development. The Praxis PASSPORT offers student a guide to when to attempt their Praxis exams. Students’ success is greater when they complete tests closer to specific content courses they have taken.
- The Praxis Core Readiness Seminar (PCRS) series was crafted to provide an overview of the skills needed (Reading, Writing, Math and test taking skills) to successfully pass the entrance exam Praxis Core. Faculty volunteer their time to teach the weekly sessions.
- Monthly congratulations are shared with each student who successfully completes a Praxis Exam.
- The Department holds a Praxis Principles of Learning and Teaching (PLT) seminar each semester for student who are taking the exam.
- The Department maintains a library of Praxis test materials that all students can check out in preparation of their exams.
- For the Spring 2020 semester, the Department offered a CR/NC EDUC199 class focused on the Praxis Core exam. The class includes the use of Individual Persistence Plans and Khan Academy tools. Students who were at risk were encouraged to enroll in the class.

- The Department has begun sharing data with other departments. The data includes information on pass rates, at risk students, and enrollees in the departments BAED programs.

Fine Arts

1. During the fall Lloyd Bone and Jason Barr attend a different high school football game every Friday night. They see the halftime shows, talk to the band directors, speak to the bands, answer any parent questions, and have any interested students fill out GSC interest cards.
2. We also do Music Fest every October to show case the entire music department and invite high schools from around the state to attend.
3. In the spring Jason visits two high schools every Wednesday, one in the morning and afternoon, talk with teachers and students about Music and Art at GSC.
4. Every spring we host an Honor Band to bring students, teachers, and parents to GSC.
5. Every spring we host a Music Audition Day and an Art Portfolio Day to talk with students and parents.
6. We also have special concerts for public school students for the Jazz Band and Percussion Ensemble. At least 1500 students attend each year.
7. We have many other concerts and performances throughout the year and always invite students, teachers, and parents to attend an event.

Land Resources

1. WV State Conservation Camp @ Camp Caesar. June 13, 2019. Tom Snyder.
2. Admissions' College Fair for Calhoun, Gilmer and Braxton counties. September 12, 2019. Tom Snyder, Doyle Hupp, Adam Black.
3. Meeting with President Nelson to discuss Wildlife Management program. Brian Perkins, Rico Gazal.
4. WV Hunting & Fishing Days at Stonewall Resort. September 20-22, 2019. Tom Snyder, Rico Gazal, Nabil Nasser, Brian Perkins, Doyle Hupp.
5. With guidance from Brian Perkins and Rico Gazal, a student worker contacted potential students using social media.
6. Training Gilmer County HS FFA Forestry CDE Team. September 24, 26, & October 7. Brian Perkins
7. Meeting with Gilmer County High School FFA Forestry CDE Team. October 2, 2019. Ashley Nicholas, Rico Gazal, Brian Perkins, Nabil Nasser, Doyle Hupp, Tom Snyder, Earl Thompson.
8. WV Mountain State Forest Festival, Elkins, WV. October 3-5, 2019. Tom Snyder, Brian Perkins, Nabil Nasser?
9. WV INVESTS meeting with President Nelson. October 30, 2019. Brian Perkins, Rico Gazal
10. Admissions' Fall Open House. November 2, 2019. Nabil Nasser.
11. Brian Perkins updated the outline of the department recruiting plan
12. Department Recruiting meeting October 13, 2019. All faculty and staff
13. Brian Perkins conducted an email survey of all WV high school FFA teachers regarding their interest in a forestry outreach program.
14. Career Day at Mid-Ohio Valley Technical Institute. St. Marys, WV. November 20, 2019. Tom Snyder.
15. Earl Thompson visited Gilmer County High School 6th grade to discuss Land Surveying and careers in Land Surveying. January 10, 2020.
16. Admissions' Winter Open House. February 1, 2020. Rico Gazal, Nabil Nasser and Doyle Hupp.
17. Gilmer County HS Career Presentation. February 14, 2020. Brian Perkins.
18. Calhoun-Gilmer Career Center Career Day. February 25, 2020. Tom Snyder.

19. Brian Perkins contacted 2-year forestry schools in the region to examine the possibility of creating articulation agreements. Initial discussions were held with representatives of Hocking College.
20. Earl Thompson visited Gilmer County High School to discuss careers in Natural Resource Management. February 27, 2020.
21. E-Sports Department Fair. February 28, 2020. Ashley Nicholas.
22. Cameron High School Visit. March 12, 2020. Tom Snyder.
23. Lewis County HS Career Presentation. March 13, 2020. Brian Perkins.
24. Virtual Recruiting – ENVR/Forestry/Wildlife. May 12, 2020. Nabil Nasser, Brian Perkins, Tom Snyder, Ashley Nicholas.
25. Virtual Recruiting – ELM/LS. May 18, 2020. Adam Black, Doyle Hupp, Earl Thompson, Ashley Nicholas.
26. Virtual Recruiting – NRMT Program and GSC EQT High School Program. June 17, 2020. Rico Gazal, Earl Thompson, Ashley Nicholas
27. Virtual Recruiting – Land Surveying, Energy & Land Management, Criminal Justice. June 22, 2020. Adam Black, Earl Thompson, Doyle Hupp, Ashley Nicholas.
28. EQT NRMT HS Program – HS recruitment and dual credit enrollment – 2019-2021. Rico Gazal.
29. Nabil Nasser visited employers of environmental science students and spoke about our program.
30. Nabil Nasser gave a tour of Waco Center and discussed the Wildlife Program with a student and her parents.

Language and Literature

- We maintain a department Twitter feed;
- We distribute a bi-weekly department newsletter that goes to all our majors, and anyone interested;
- We publish the Trillium, which features student involvement, as well as community outreach;
- We house the Little Kanawha reading series, which also features student involvement, as well as community outreach;
- Amanda Chapman teaches Praxis preparation seminars for our education majors;
- Both Jonathan Minton and Schuyler Chapman actively recruit for the Honors Program.
- We have trained writing consultants who offer tutoring in writing, study plans, and organization.
- We teach developmental English.
- We are one of the few departments that has contact with every single student on campus because of our Gen Ed requirements.

Science and Mathematics

1. Creation of Math tutoring center. Training tutors for it, monitor and staff it.
2. Hold the recommended office hours per week. Modifications
 - a. Math faculty hold some of their office hours in the Math tutoring center
 - b. Chemistry and Physics faculty use some of their office hours as problem solving (homework help) attached the lab sections.
 - c. Biology faculty hold open lab periods for students to come in and review lab material
3. Have open door policy with students to come ask questions/seek help outside of the required office hours.
4. Established a Wednesday Night Research meeting to help students learn to give presentations, discuss and troubleshoot their research.

- a. Take turns cooking for and feeding students on Wed nights so that they have dinner.
5. Plan events for students:
 - a. Organize job/professional school seminars: (Marshall Pharmacy Admissions is the most recent)
 - b. Ice cream social
 - c. Take them to relevant lecture presentations in Charleston, WVU and elsewhere
6. Notify students of internship and job opportunities
7. Help students with internship, professional school, and job applications
8. Hold Praxis review seminars (Math mostly)
9. Created a test prep course for students planning on taking the MCAT, DAT, PCAT, Praxis subject exams. Course is joint taught by all faculty depending on student needs
10. Chi Beta Phi National Honorarium, Alpha Iota Chapter, allows student to compete nationally and learn what others are doing in both science and math to retain interest in research and presentation skills.
11. Participation by some department member(s) with Move-In-Day Fall 2020

**Glenville State College Board of Governors
Meeting of October 20, 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 August 5, 2020 Meeting
2. Enrollment Comparison Reports (2020 – September 4, 11, 18 and October 2)

* The following items will be presented under separate cover and are listed on the proposed consent agenda.

3. Cash Flow Projection Statement*
4. YTD Budget Update *
5. Quarterly Financial Statement *

**Glennville State College
Board of Governors Meeting
August 5, 2020
Mollohan Campus Community Center, Ballroom
Glennville, West Virginia**

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

Faculty & Staff Present: Ms. Stacy Adkins, Director of Academic Success Center
Mr. John Beckvold, Vice President for Business & Operations
Mr. Marty Carver, Vice President for Enrollment & Student Life
Ms. Sheri Goff, Financial Aid Assistant & Advisory Council for Classified Staff Rep.
Mr. David Hutchison, Vice President for Advancement
Dr. Mark Manchin, President
Dr. Gary Morris, Provost & Vice President for Academic Affairs
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: Mr. Harry Rich
Mr. Donnie Tucker

Call to Order

Chairperson Mike Rust called the meeting to order at 1:00 pm.

Swearing In of New Board Member

Mr. Rust administered the Oath of Office to the newly appointed student representative member Jasmine Tarman, Student Government President.

A quorum was established.

Public Comment – N/A

Special Recognitions/Presentations

Mr. Rust presented appreciation certificates to Greg Smith in recognition for his service as Chair of the Glenville State College Board of Governors from 2016 to 2020 and Ralph Holder in recognition for his service as a member of the Glenville State College Board of Governors from 2014 to 2020, as Chair of the Student and Academic Affairs Committee from 2015 to 2017, as Vice Chair of the Student and Academic Affairs Committee from 2018 to 2019, and as Chair of the Academic Affairs Committee from 2019 to 2020.

Mr. Donnie Tucker addressed the Board regarding the importance of GSC implementing a diversity program that would consist of diversity, equity, and inclusion in an effort to assist with recruitment and retention.

Ms. Stacy Adkins provided an update on the Academic Success Center and the status of the Hidden Promise Scholars (HPS) program that included:

- Number of full-time and part-time students that have registered for fall 2020.
- Number of HPS on and off campus.
- Plans for offering new student orientation online. It will include training on drug intervention, diversity, Title IX, etc.
- The Center serves as a student resource center that assists students in all areas and departments on campus as needed.
- Preparations are being made to revamp the Hidden Promise Scholar Program in the next year.

Constituent Comments

Faculty Senate – Dr. Marjorie Stewart reported that Senate does not meet during the summer and will reconvene in the fall. Faculty have been working to prepare online classes. Faculty has concerns about health due to COVID-19 and return to campus. Faculty are also concerned about the growing number of administrators that are being appointed while faculty are working more hours.

Dr. Morris, Dr. Manchin, and Mr. Rust commended the faculty for all of the work they have been doing to prepare for the fall reopening of school and asked that Dr. Stewart convey their appreciation to faculty.

Staff Council – Ms. Stickelman reported that the Board asked staff council to send a survey to staff regarding its morale. She will be sending the results from the fourteen-question survey to President Manchin and offered to send to Board members upon their request. Another survey will be conducted to include specific questions regarding the Board. Staff will be submitting ideas of things all would like to celebrate to monthly meetings. Staff is currently working on assignments to fill committee staff vacancies.

Student Government Association (SGA) – Ms. Tarman reported that students were having issues with face-to-face classes being assigned to online without any notification, so she worked with Dr. Morris and Stacy Adkins to resolve the issues.

Consent Agenda

President Manchin announced that the consent agenda is a work in progress and explained that consent is a number of information items that the Board consents it has reviewed. The YTD Budget Projection and Quarterly Financial Statement listed on the consent list are not included for this meeting because the reports have not been generated yet. The current list of consent items will be presented at every meeting and other items may be added as needed.

Mr. Smith suggested expanding the consent agenda to include items discussed in committees and include the information with the Board packets.

GREG SMITH MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. SKIP HACKWORTH SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Committee Reports

Executive Committee/Chair Report - Mike Rust reported the Committee met on July 21, 2020, set Board meeting agenda, and discussed:

- Building enrollment and retention.
- Implementation of a new diversity and inclusion plan.
- “Return to Campus Re-Opening Plan.”
- Finances of the College.
- Food Service RFP.
- Newly proposed organizational chart and restructuring of the College.
- Improving GSC Alumni relationships.
- Ideas for improving community relations.

Board Governance Committee - Ann Green reported that the Committee discussed:

- Employee Status (*New hires, etc.*). She asked Teresa Sterns to send the report to the Board members.
- Staff training schedule.
- Employee turnover and retention costs.
- Reasons why employees are departing GSC.
- The HR Office is currently working on an exit interview plan for departing employees.
- Revisions to Final Draft Policies 6, 6A, and 9 have gone through the steps for the rule making process; however, it was determined by the Committee that Policy 9 still needs more work, so it will be removed from the policies listed for action.
- Board Training Plans for FY21 are tentatively being scheduled for October 20-21, 2020 at Stonewall Resort to include the Board meeting scheduled on October 21st.
- Board By-laws will be reviewed for needed revisions.

Business and Finance Committee - Doug Morris reported that the Committee discussed:

- New bid for food service.
- Cash flow statement.
- College's plan to pay back all monies owed to the GSC Foundation by September 2020.
- The Business Office is planning to run a scenario in regards to how the College plans to deal with loss of income in the budget in the event enrollment projections are not met.

Mr. Rust announced that John Beckvold would be leaving GSC and thanked him for his service.

Enrollment and Student Life Committee – Steve Gandee announced that Mary Carver would be leaving GSC and thanked him for his service. He further reported that the Committee discussed enrollment projections and future planning to address retention strategies.

Academic Affairs Committee – Skip Hackworth reported:

- Committee received an update on the status of the nursing program.
- Two new academic administrators will be coming to GSC to fill the Associate Vice President for Academic Affairs and the Dean of Teacher Education positions.
- Departments have elected department heads to represent their areas.
- A request for GSC to implement two graduate programs, Master in Teaching and a Master in Curriculum and Instruction, will be presented to the WV HEPC in September.
- Discussed the COVID-19 re-opening plan.
- Committee will review majors and program development in October.

President's Report

Dr. Manchin commended the last thirty days of employees' work in preparations for the COVID-19 re-opening plans. He discussed challenges that the College faces and noted that his vision and focus over the next few years for the College is:

- Safety of the campus.
- Ensure a programmatic instruction program that prepares students to complete their degree in a shorter amount of time.
- Reviewing a prospective nursing program.
- Evaluating academic achievement and auditing programs.
- Looking at becoming a University status.
- Student Life changing to a "Thrive & Alive" campus.
- Focus on the first year experience.
- Build better relationships with Alumni.

President Manchin announced that his inauguration is being postponed until the spring due to pandemic issues.

Athletic Update – Jesse Skiles announced that coaches were hired for softball, acro & tumbling, and wrestling. A new head athletic trainer was also hired. Homecoming and Hall of Fame is still scheduled for October; however, it may change due to COVID-19 concerns.

Advancement & Government Affairs Update – David Hutchison provided a brochure to all that included communications to alumni regarding how to submit information updates and how to keep in touch with GSC. He also provided each member a Board member worksheet to submit personal information about themselves to include in an upcoming Pioneer Progress newsletter. He reported:

- The Office of Alumni Affairs is partnering with other departments on campus to encourage more alumni participation.
- A survey was sent to six thousand alumni regarding their intention to attend or take part in virtual events and activities.
- Current planning to implement a new structure for alumni dues.

Actionable Items

The revised final draft policies that are being proposed for action were approved at the last Board meeting; however, during the thirty-day comment period administrative changes were made, so the Board will take action on the revised draft policies 6 and 6A. Policy 9 is being removed from the actionable items as it was determined it needs further revisions.

GREG SMITH MOVED TO APPROVE THE PROPOSED REVISED BOARD FINAL DRAFT POLICIES 6 AND 6A FOR FINAL FILING WITH THE HIGHER EDUCATION POLICY COMMISSION. ANN GREEN SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Announcements

Mr. Rust announced the following:

- **August 7th** - The Pioneer Football team will host the Annual Whitey Adolfsen Memorial Golf Tournament at the Glenville Golf Club beginning at 8:00 a.m.
- **August 12th** - GSC Night at Lambert’s Vintage Wines in Weston, WV from 5:00 p.m. to 9:00 p.m.
- **August 27th** – Roane County Alumni Event at Chestnut Ridge Winery in Spencer, WV at 5:00 p.m.
- **October 3rd** - GSC Homecoming and first football game.
- **October 17th** - Curtis Elam Hall of Fame Induction at Waco Center – Time TBA.
- Next Board retreat and meeting is scheduled for **October 20 -21, 2020 at Stonewall Resort.**

Adjournment

TIM BUTCHER MOVED TO ADJOURN THE MEETING. STEVE GANDEE SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Chairperson Rust adjourned the meeting at 2:47 pm.

Mike Rust
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	116	112.13
<i>Sophomore</i>	168	165	152	166	167.53
<i>Junior</i>	147	156	144	145	146.60
<i>Senior</i>	231	202	186	186	174.00
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	613	600.27

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	103	91.33
<i>First-time</i>	295	290	321	321	313.20
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	424	404.53

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	162	83.33
<i>FCI Gilmer</i>	57	60	87	120	99.13
<i>Huttonsville</i>	125	103	81	93	66.20
Total	502	417	600	375	248.67

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	613	600.27
<i>New</i>	381	382	422	424	404.53
<i>External</i>	502	417	600	375	248.67
Total	1,551	1,430	1,578	1,412	1253.47

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	116	112.13
<i>Sophomore</i>	168	165	152	166	167.27
<i>Junior</i>	147	156	144	145	146.60
<i>Senior</i>	231	202	186	186	174.00
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	613	600.00

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	102	90.53
<i>First-time</i>	295	290	321	320	311.20
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	422	401.73

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	202	97.40
<i>FCI Gilmer</i>	57	60	87	120	99.13
<i>Huttonsville</i>	125	103	81	94	66.40
Total	502	417	600	416	262.93

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	613	600.00
<i>New</i>	381	382	422	422	401.73
<i>External</i>	502	417	600	416	262.93
Total	1,551	1,430	1,578	1,451	1264.67

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	116	112.13
<i>Sophomore</i>	168	165	152	166	167.27
<i>Junior</i>	147	156	144	145	146.60
<i>Senior</i>	231	202	186	185	173.60
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	612	599.60

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	103	91.53
<i>First-time</i>	295	290	321	319	310.00
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	422	401.53

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	345	143.00
<i>FCI Gilmer</i>	57	60	87	120	99.13
<i>Huttonsville</i>	125	103	81	94	66.20
Total	502	417	600	559	308.33

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	612	599.60
<i>New</i>	381	382	422	422	401.53
<i>External</i>	502	417	600	559	308.33
Total	1,551	1,430	1,578	1,593	1309.47

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	116	112.13
<i>Sophomore</i>	168	165	152	166	167.20
<i>Junior</i>	147	156	144	145	146.87
<i>Senior</i>	231	202	186	185	173.60
<i>Other</i>	0	1	1	0	0.00
Total	668	631	556	612	599.80

<i>New Traditional & Online</i>					
Stdnt Type	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Trans/Readm</i>	85	91	99	104	91.80
<i>First-time</i>	295	290	321	318	309.20
<i>Other</i>	1	1	2	0	0.00
Total	381	382	422	422	401.00

<i>External Programs</i>					
Program	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Dual Enroll</i>	320	254	432	353	144.53
<i>FCI Gilmer</i>	57	60	87	116	94.73
<i>Huttonsville</i>	125	103	81	94	66.00
Total	502	417	600	563	305.27

<i>Summary</i>					
Category	Fall 2017	Fall 2018	Fall 2019	Fall 2020	F20 FTE
<i>Returning</i>	668	631	556	612	599.80
<i>New</i>	381	382	422	422	401.00
<i>External</i>	502	417	600	563	305.27
Total	1,551	1,430	1,578	1,597	1306.07

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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**Glennville State College Board of Governors
Meeting of October 20, 2020**

ACTION ITEM: Glennville State College Audit Report for FY2020

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Be it RESOLVED that the Board of Governors approves the FY2020 audit.

STAFF MEMBER: Dr. Mark A. Manchin, President

BACKGROUND:

An audit of the financial statements of Glennville State College will be completed within the WV Higher Education Policy Commission deadline of October 15, 2020. The financial statements will comprise the respective financial position of the business-type activities, the discretely presented component unit as of June 30, 2020, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

*Financial Statements will be provided under separate cover.

**Glennville State College Board of Governors
Meeting of October 20, 2020**

ACTION ITEM: DRAFT Amended Board Policy 6A

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Be it RESOLVED that the Board of Governors approve the proposed revised Board draft policy 6A for final filing with the Higher Education Policy Commission if no comments are received after the thirty-day comment period.

STAFF MEMBER: Dr. Mark A. 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.

The attached draft policy 6A is being amended to bring the procedure into further compliance with the USDE Final Rule. The policy was submitted to the constituent groups (WV HEPC Chancellor, Faculty Senate, Staff Council, and Student Government Association) for review and suggested revisions. The draft policy was also posted on the College's website for a twelve (12) day informal public comment period. There were no suggested revisions/comments received during the comment period.

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 policy will be submitted as a final draft policy 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 policy will be forwarded to the Higher Education Policy Commission for final approval.

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

1.3. Effective Date- ~~August 5, 2020~~

1.4. Revision and Renaming of Former Policy. Revises and replaces Glensville State College Administrative Policy 6A [2015][August 5, 2020].

6A.2. Policy

2.1. Glensville 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 Director

Title IX Coordinator

Affirmative Action/Equal Opportunity Officer

303 Harry B. Heflin Administration Building

Telephone: (304) 462-6193

FAX: (304) 462-6198

Tegan.McEntire@glenville.edu

Mailing Address:

Human Resources Office

Glenville State College

200 High Street

Glenville, 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:

Stacy Adkins

Academic Success Center Director

Title IX Co-Coordinator

314 Robert F. Kidd Library

Telephone: (304) 462-6054

Stacy.Adkins@glenville.edu

Mailing Address:

Academic Success Center

Glenville State College

200 High Street

Glenville, 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 policy and procedure the College follows when it receives a report alleging conduct prohibited under the jurisdiction of Title IX. These policies and procedures 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, and 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 and Other Handbooks.** Harassment on the basis of sex is prohibited by Glenville State College Board of Governors Policy 36 ~~and~~ the Student Conduct Code and various other employee, student, student athlete and academic program handbooks. These procedures take precedence over and will be used instead of procedures set forth in the Policy 36 ~~and/or~~ the Student ~~conduct~~ Conduct Ccode and/or any other procedures set forth in any other employee, student, student athlete, academic program or any other College handbook to address sexual harassment 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 individuals 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.

N. **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.

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

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

Q. **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.~~ Sexual Harassment; Sexual Exploitation; and Hazing on the basis of sex occurring within a College Education Program of Activity occurring in and outside the United States are Prohibited Conduct addressed using this Sexual Harassment Grievance Procedure (SHGP). Conduct occurring outside the College's control where the complainant has to interact with the respondent in the College's education program or activity, or where the effects of the underlying Prohibited Conduct create a hostile environment in the complainant's workplace or educational environment is also Prohibited Conduct addressed using the SHGP. Retaliation is also prohibited. (See section XX for retaliation procedures).

R. **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.

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

T. **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.

U. **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.

V. **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).

W. 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.

X. 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, which 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, and 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. If a complaint is dismissed based upon this reason and a Respondent seeks reemployment or readmission, the complaint will be reinstated and the investigation will resume in accordance with this SHGP at point in the process at time of the withdrawal or employment termination.

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 or adjudication under other ~~college~~ 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.

E. Dismissals under this section may be appealed in accordance with section XVI.

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.

C. 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.

D. 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.

E. 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.

F. 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
PE Health Building 2nd Floor -Rm 206
200 High St., Box 1931
Glennville, West Virginia 26351
(304) 462-6432
timothy.underwood@glenville.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:

Glennville State College Department of Public Safety
320 Mollohan Campus Community Center
200 High Street
Glennville, WV 26351
Telephone: (304) 462-4132
On Campus Ext.: 6450

West Virginia State Police
(Department of Public Safety)
Troop 3
4640 WV Highway 5E
Glennville, WV 26351-7624
Telephone: (304)-462-7101
Facsimile: (304)-462-8684

City of Glennville Police Department
Court Street
Glennville, WV 26351
Telephone: (304) 462-7411

Gilmer County Sheriff's Office
10 Howard St - # 102
Glennville, WV 26351
Telephone: (304) 462-7441

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 non-forcible 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).

H. 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; whether violence or use of a weapon is alleged, and the wishes of the person alleged to have been victimized by the Prohibited Conduct regarding how the College should respond. If an alleged victim of Prohibited Conduct does not want to proceed with an investigation, the Title IX Coordinator will also evaluate whether the College can honor the request while still providing a safe and non-discriminatory environment for all students.

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 and are so intertwined that the allegations directly relate to all of the parties. 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) including notice that the Respondent may submit a response to the allegations to Title IX Coordinator within six business days of receipt of the notice of complaint and allegations.-

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, date of the alleged conduct and the specific alleged conduct. 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~~ formal process or informal process and that an advisor will be assigned to any Party who does not have one during the live hearing stage only.

5. Notice that the Respondent may submit a response to the allegations to Title IX Coordinator within six business days of receipt of the notice of complaint and allegations

56. 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.

67. 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.

78. 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.

89. 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.

910. 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.

~~40~~11. A statement about the availability of supportive measures and how to request them.

~~41~~12. 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.

~~42~~13. 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 a complaint.

~~43~~14. Notice that retaliation is prohibited and the procedure for filing a retaliation complaint.

15. Notice that providing false statements during any part of the process is a violation of this policy, that any individual found responsible for providing false statements may be subject to separate disciplinary actions up to and including employment termination or expulsion and that a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

16. Advisor consent and/or consent to record forms if no already provided.

17. Any other information at the discretion of the Investigator.

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.* The Investigator at the Investigator's discretion may continue the prehearing investigation based upon the information received in the Parties' responses. The Investigator will notify the parties in writing either electronically or by hard copy of the Investigator continue to investigate the complaint based upon the responses of the Parties.

E. If the Investigator does not continue the prehearing investigation, ~~W~~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 and a list of the documents/evidence collected/received by the Investigator. 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~~ five working days after the expiration of the ten day time frame set forth in section XI(F), 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 select 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 written 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. Written requests must be submitted to the Title IX Coordinator on or before ten working days prior to the hearing. The Title IX Coordinator will notify the Chair of the request and is responsible for coordinating the technology with the Office of Technology.

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.

~~L. 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. Each Party's advisor will have the opportunity to ask the other Party and any witnesses relevant questions and follow-up questions, including relevant questions challenging a party's or witness's credibility. Cross-examination at the live hearing will be conducted orally, directly, and in real time by the Party's advisor, and never by a Party personally.~~

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

N. 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.

O. 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.

P. 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. A witness should not answer any question until the Chair advises the witness that the witness may or may not answer the question. Advisors are not permitted to challenge the relevancy decisions of the Chair during the hearing. Statements of a Party or witness who is not present for Cross-Examination and medical/treatment records of any Party must be excluded by the Chair.

Q. 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.

R. 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.

S. 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.

T. 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.

8. Remedies that only impact the Complainant will be provided to the Complainant separately.

9. If more than one formal complaint has been consolidated into one complaint, all Complainants and Respondents receive the same responsibility determination.

D. 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.

E. 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.

F. 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.

G. 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 times lines set forth in this section apply to any appeal filed with the President. Appeals must be received by the appeal decision-maker on or before five business days after receipt of the

dismissal order or responsibility determination and must include all supporting documentation appealing party wants the appeal decision-maker to consider when making a decision.

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.
The appeal must include an explanation of the conflict or interest or bias and why the bias or conflict of interest was not known at the time of the prehearing investigation or hearing and why the conflict or bias affected the outcome.
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.

F. 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.

G. 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.

5. 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.

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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. The following sanctions for employees include but are not limited to:

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.
2. Demotion.
3. Suspension without pay.
4. Dismissal.

5. Any sanction set forth in any College policy governing employee disciplinary matters.

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 within 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. A determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

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-individual 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~~ SHGP.

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.

C. 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.

D. 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.

E. 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
Website: www.pegb.wv.gov

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 to 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.

DRAFT

**Glenville State College Board of Governors
Meeting of October 20, 2020**

ACTION ITEM: International Tuition Rate Proposal

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: Be it RESOLVED that the Board of Governors approves the International Tuition Rate beginning the FY2021 academic year as proposed.

STAFF MEMBER: Dr. Mark A. Manchin, President

BACKGROUND:

It is a well-known fact that the number of high school graduates and college-bound high school graduates in West Virginia has been on a steady decline for the past several years and forecasters believe this trend will continue for the foreseeable future. Regional colleges and universities like Glenville State that rely on these West Virginia graduates as their main source of revenue will struggle to meet enrollment goals due to the significant reduction of prospective students in the pipeline. For this reason, an already competitive West Virginia market will become even more competitive as major universities claim their traditional share of the market.

Glenville State must penetrate new markets where distance is a limited issue, our academic and athletic programs are in demand, and our cost can be competitive. International areas are markets where the College can be an option when international students consider the cost of attending college in the United States.

* The International Tuition Rate Proposal will be submitted under separate cover.