GLENVILLE STATE UNIVERSITY POLICIES

PERSONNEL POLICY 16

HUMAN RESOURCES ADMINISTRATION

16.1. General

1.1. Scope – This Policy established procedures related to West Virginia Code §6C and §18B.

1.2. Authority – The Fair Labor Standards Act of 1938, as amended 29 U.S.C. 201, et seq.; W. Va. Code §§ 6C-2-1, et seq., 18B-1-6, 18B-2A-4, 18B-6-3(f), 18B-6-6(f),18B-7-10; and 18B-9A-2.

1.3. Effective Date – ~~April 21, 2020~~

1.4. Revision of Former Policy – Repeals and replaces Title 131, Series 31 of the Board of Directors of the State University System, Glenville State University Policy 16 - Classified Employees [2005], Glenville State University Policy 22 - Personnel Administration [2005], Glenville State University Policy 25C - Recruitment and Hiring [2010], Glenville State University Policy 16 – Human Resources Administration [2018][2020]. Modifies Sections 4.1 and 5.1.1 of Glenville State University Policy 19 - Staff Development [2004][2018] and section 3.2 of Glenville State University Policy 17- Annual Leave, Sick Leave, Military Leave and Other Leaves [2003][2020].

16.2. Purpose and Applicability

2.1. Glenville State University (sometimes "GSU" or "University") seeks to administer a fair and flexible compensation program for employees that allows the University to attract, retain, and motivate high performing employees.

2.2. The purpose of this policy is to set forth the guiding principles for establishing human resource practices for all GSU faculty and staff as defined herein and covers other employment practices required by state law. This policy applies to all GSU employees unless stated otherwise. Specific application to various job types may be limited by each section below.

16.3. Definitions

3.1. "Academic Administrator" means an exempt employee who performs administrative duties that support the academic mission of the institution. Academic administrator appointments are non-classified, at-will appointments. Academic administrator compensation is not governed by the West Virginia Higher Education Compensation Management Program; compensation is determined at the discretion of the President.

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3.2. "Athletic Appointment Employee" means an exempt employee whose primary duties are instructing student athletes in the rules and fundamentals of their respective sports and/or strength and conditioning. Athletic appointments are non-classified, at-will positions and include Head Coaches, Assistant Coaches, and/or any other title as determined by the President. Compensation for athletic appointments is not governed by the West Virginia Higher Education Compensation Management Program; compensation is determined at the discretion of the President~~.~~ in accordance with Glenville State University Board of Governors Policy 24, Faculty Salaries.

~~3.2.~~3.3. "Casual Employee" means a position created to meet business needs for no more than 450 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits.

3.4. "Compression" means the situation encountered when a new employee enters into the organization at or above the pay of someone who is currently in the same role in the organization. It can also exist when you have two jobs in the same job family with someone in the "lower" job earning more than the person in the "higher" job. There are some families in which this may make sense such as software development where a senior developer may appropriately earn more in base than a manager of the function. (West Virginia Higher Education Policy Commission (WVHEPC) and West Virginia Council for Community and Technical College Education, *Salary Administration Guidelines, Employee Classification and Compensation Program*, September 1, 2017, p. 24)

3.4~~5~~."Essential Employee" means an employee in a position who may be required to remain at their work location or to report to work to protect, recover and continue operations when the University is faced with an institutional emergency.

3.~~5~~6. "Executive Level Employee" typically means exempt employees employed in Vice President, Executive Director, and/or the Athletic Director positions, ~~-~~but may include any position designated as executive level by the President and not otherwise covered by the West Virginia Higher Education Compensation Management Program. Job titles, job duties, and compensation for executive level employees/positions are determined at the discretion of the President or designee. Employees holding executive level positions are non-classified, at-will employees. Executive level employees are expected to report to work during regular business hours Monday through Friday.

~~3.3.~~3.7."Faculty Employee" "Faculty Members~~.~~" and "Faculty" ~~members are~~mean employees appointed at the discretion of the President or designee to support the academic mission of the institution, via teaching, research, public service, and or academic administration. Faculty employee positions excepting academic administrator positions, are typically all classifications as defined by Glenville State University Board of Governors Policy 18 ("BOG Policy 18") and West Virginia Higher Education Policy Commission Series 9 ("Series 9").

~~3.4.~~3.8."Faculty Senate" means an elected council of faculty employees that advises the

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President on matters pertaining to faculty employee concerns and is comprised of the officers and the elected constituency representatives.

3.9.“Full Time Equivalency” (FTE) means the percentage of time for which a staff position is established, with a full-time position working 1,950 hours per year being 1.00 FTE.

3.9.1 “Full-time regular” is a designation that is used to determine benefits and payroll eligibility. A Full-Time Regular Employee is any employee in a position created to last a minimum of nine months of a twelve-month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.

3.9.2 Part-Time Regular Employee. An employee in a position created to last less than 1,040 hours during a twelve-month period. Part-time regular positions typically continue from one fiscal year to another. An employee in a part-time regular position is not eligible for benefits.

~~3.5.~~

3.10.“Information Technology Related Employee” means an employee whose primary responsibility is supporting information technology functions, as determined by the President or his/her designee. Information Technology related employees are non-classified, at-will employees.

3.11. “Job Family” means a series of job titles in an occupational area or group.

~~3.6.~~ 3.12.“Non-classified Employee.” West Virginia Code § 18B-9A-2(11) defines “non-classified employee” as an employee of an organization who meets one or more of the following criteria:

~~3.6.1.~~ 3.12.1.Holds a direct policy-making position at the department or organization level;

3.~~9~~12.2. Reports directly to the president or chief executive officer of the organization;

~~3.9.3.~~ 3.12.3.Is in a position considered by the president or designee to be critical to the institution pursuant to policies or decisions adopted by the governing board;

~~3.9.4.~~ 3.12.4.Is in an information technology-related position;

~~3.9.5.~~ 3.12.5.Is hired after July 1, 2017, and meets the duties test for exempt status under the provisions of the Fair Labor Standards Act at the time of hire or anytime thereafter; or

3.~~9~~12.6. Was in a non-classified position as of January 1, 2017.

GSU considers all employee positions to be critical to the institution. ~~Therefore, a~~All staff positions (i.e., all employees not employed in faculty positions) are non-classified. While critical to daily operations, a non-classified employee may or may not be deemed essential to report for duty in emergencies or other special situations as identified by the President or his/her designee.

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~~3.7.~~ 3.13.~~.~~"Student Employee." An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. The employee category of "student employee" is for students who work at the institution in jobs or positions that are solely available to students enrolled at the institution, as opposed to the general public. When the student worker is no longer enrolled he/she is no longer eligible to work in the student worker position. A student employee is not eligible for benefits.

~~3.8. 3.12."Staff, Staff Member or Staff Employee" means any employee not employed in a faculty, academic administrator, executive level, or athletic appointment position. Staff are not eligible for salary increases until after six months of employment.~~

~~3.9.~~ 3.14."Staff Council" means an elected council of staff employees that advises the President on matters pertaining to staff concerns, and is comprised of the officers of the ~~staff~~Staff Council, the staff Board of governors elected representative, the state advisory representative, and the elected constituency representatives.

3.15. Student Employee. An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. The employee category of "student employee" is for students who work at the institution in jobs or positions that are solely available to students enrolled at the institution, as opposed to the general public. When the student worker is no longer enrolled he/she is no longer eligible to work in the student worker position. A student employee is not eligible for benefits.

3.16. "Temporary Employee" means an employee hired into a position expected to last fewer than nine months of a twelve-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.

This list is not exhaustive. Other relevant terms are defined in other sections of this policy.

16.4. Delegation of General Administration of Human Resources Practices to President

4.1. To enable GSU to function in a proper and expeditious manner and to advance GSU's mission and objectives, the GSU Board of Governors delegates to the President the following authority:

4.1.1. To administer a system for all personnel matters, including but not limited to, hiring, promotions, demotions, transfers, compensation and benefits administration, discipline, performance management, alternative dispute resolution, and dismissal.

4.1.2. To contract for supplemental health and welfare benefit and retirement plans for

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any or all employees in addition to the benefits the employees otherwise receive. Provided that if the supplemental employee benefit program incurs expense to GSU, the President shall first obtain approval from the GSU Board of Governors.

4.1.3. To adopt additional human resources internal procedures to effectuate the implementation of this policy or in the furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by the policy. Procedures implemented in accordance with this section will be made available to employees in the Human Resources Office and online.

4.2. All human resources practices and procedures shall be consistent with federal and state law and any policy adopted by the GSU Board of Governors.

4.3. The President may delegate the authority granted in this or any other section of this policy as appropriate.

16.5. ~~Meetings on Human Resources Policies~~Staff Council and Faculty Senate Quarterly Meetings with the President

5.1. In compliance with W.Va. Code §18B-6-3(f) and §18B-6-6(f), ~~T~~the President or his/her designee of the institution ~~-~~shall meet at least quarterly with representatives of Staff Council and Faculty Senate to discuss the ~~implementation and effectiveness of any human resources policies.~~matters affecting faculty and staff and the effective and efficient management of the institution.

5.2. In compliance with W.Va. Code §18B-6-3(g) and §18B-6-6(g), the Board of Governors shall meet at least annually with the faculty senate and staff council respectively to discuss matters affecting faculty and the effective and efficient management of the institution.

~~5.1.~~5.3. Where appropriate, the President or his/her designee is encouraged to seek input from the University community, including, but not limited to, Staff Council and the Faculty Senate, regarding the development and implementation of internal human resource policies and procedures.

~~5.2. Where appropriate, the President or his/her designee shall make recommendations to the Board of Governors to address concerns or issues identified by Staff Council or Faculty Senate regarding the implementation and effectiveness of the human resources policies.~~

~~5.3. Where appropriate, the Human Resources Director is encouraged to seek input from all employees regarding the development and implementation of internal human resource procedures.~~

16.6. Part time and Temporary Employees.

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6.1. Pursuant to 133 CSR 55 &6.1 ~~Institutions~~ institutions are discouraged from hiring part-time employees solely to avoid the payment of benefits or in lieu of full-time employees.

16.7. Staff Job Classification and Compensation System

7.1. Attracting, retaining, and motivating a highly talented and committed workforce is vital to supporting GSU's unique missions and goals. Competitive pay is a key element in attracting, retaining, motivating and rewarding the type of employees needed to fulfill GSU's mission. The goal of GSU is to pay competitive salaries by using systems clearly communicated to employees and readily administered by managers. To further this goal, job classification and employee compensation for all staff employees/positions except for Executive Level and Athletic Appointment Employees at Glenville State University will be determined using the West Virginia Higher Education Compensation Management Program ("WVHEPC Compensation Program") as approved and/or modified and/or amended by the West Virginia Higher Education Policy Commission ("WVHEPC"), its supporting component documents and any procedural or legislative rules promulgated by the Commission to implement the Compensation Program. The Compensation Program supporting component documents as created by the WVHEPC include the following:

7.1.1. The "West Virginia Higher Education Compensation Philosophy" which outlines the goals, objectives, and strategies of the compensation management system;
7.1.2. The "West Virginia Higher Education Job Classification Guidelines" which assist human resources officers with determining the appropriate classification for jobs;
7.1.3. The "West Virginia Higher Education Employee Salary Schedule" consists of pay grades with pay range spreads and indicates the minimum, midpoint and maximum salary levels for each pay grade; and
7.1.4. The "West Virginia Higher Education Salary Administration Guidelines" which assist human resources officers and institutional administrators in making appropriate pay decisions in a variety of employment situations.

16.8. Compensation Adjustments and Performance Based Merit Increases

8.1. Higher education organizations may grant merit increases or implement pay for performance programs which are in accordance with state law and the West Virginia Higher Education Compensation Management Program Salary Administration Guidelines.

8.2. The Human Resources Director in consultation with the appropriate cabinet member is authorized to develop objective administrative procedures for making adjustments to all employee compensation and for performance-based merit increases that are consistent with the WVHEPC Compensation Program and this policy. All procedures will be approved by the President.

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16.9. Salary Compression Committee

~~8.2.~~

9.1. A standing committee of the University shall be established to review and make recommendations for employee salary adjustments annually to combat salary compression, inequity, and inversion. The standing committee shall include the following: Human Resources Director, Vice President of Finance & Administration/CFO/CPO, Faculty Senate President, Staff Council Chair, Board of Governors Faculty and Staff Representatives, one Faculty member at-large, and one Staff member at-large. Using agreed-upon metrics, this committee would create a list of employees warranting salary adjustments arranged from most-warranted to least-warranted. This standing committee will report to both Faculty Senate and Staff Council.

9.2. Recommendations for salary adjustments must include the following information:

9.2.1 Evidence-based recommendation for the salary adjustment

9.2.2 The anticipated cost for adjusting the salary

9.2.3 Description of the methodology for adjusting the salary

9.2.4 The effective date for implementing the salary adjustment

9.3. The standing committee recommendations shall be forwarded to the Human Resources Director. The Human Resources Director shall consult with the VP for Finance & Administration/CFO/CPO to determine the viability of the recommendation. The Human Resources Director shall then forward the recommendations to the President, along with the feedback from the VP for Finance & Administration/CFO/CPO, for the President's consideration. The President may accept some, all, or none of the recommendations, including as any such recommendations may be modified by the President based on his/her judgement. The President is not obligated to ~~to~~ implement any recommendations provided by the standing committee. The President is responsible for making all final employee salary adjustment decisions.

9.4. Employees may submit a written request for an internal equity salary adjustment to the committee. An internal equity adjustment refers to a compensation adjustment made to make an employee's pay when compared with that of other employees who have comparable education and comparable work experience, and who hold similar positions in the same classification. The purpose of an internal equity adjustment is to facilitate equitable pay among similarly situated employees. Internal equity adjustments may be made to correct salary compression in the pay range. Internal equity adjustments are not intended to ensure employees in the same job classification receive exactly the same salary. Rates of compensation may differ between employees in the same job classification or grade, although both have comparable duties and responsibilities.

9.5. All final approved salary adjustments ~~are~~will be added to the employee's base salary.

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16.~~9~~10. Job Descriptions

~~9.1.~~ 10.1. The Human Resources Director is responsible for developing and maintaining job titles, minimum base compensation per position, and alignment of job titles to respective pay for all staff in accordance with the WVHEPC Compensation Program; provided that supervisors most familiar with work performed in their respective units and the abilities of the employees who do the work may recommend pay to the Human Resources Director. Final approval of an employee's pay rests with the President.

~~9.2.~~ 10.2. In conjunction with supervisors, the Office of Human Resources shall develop and maintain a job description for all faculty and staff positions using the ~~Position Description Form/~~Job Description Form ~~(PDF/JDF)~~ developed by the Commission.

~~9.3.~~ 10.3. Individual job descriptions must include a summary of the essential duties and the level of the work performed.

~~9.4.~~ 10.4. To maintain accurate job descriptions, supervisors shall review individual job descriptions annually and will notify the Office of Human Resources if the content of a position undergoes a fundamental change.

~~9.5.~~ 10.5. For all new positions or vacated positions, the Office of Human Resources shall review a position's submitted duties, responsibilities, functions, skills, education, and experience required for the position, as provided by the respective supervisor, and then compare those factors to internal and external jobs to determine the job title and the corresponding minimum base compensation for the position using the Compensation Program.

~~**16.1011. Staff Reduction in Force**~~

~~10.1. 11.1. GSU seeks to provide a positive and stable work environment. However, conditions may arise that necessitate the elimination of filled staff positions, otherwise known as a Reduction in Force ("RIF"). This policy outlines the guiding principles for, and is applicable to, Reductions in Force for Staff employees of GSU unless otherwise exempted in this policy.~~

~~10.1.1. 11.1.1. RIF Process and Review Committee~~

~~1011.1.1.1. Reasons to implement a RIF may include, but are not limited to, budget reductions, loss of funding, reorganization, material changes to the duties or responsibilities of a position, program change/elimination, or an emergency that curtails operations.~~

~~1011.1.1.2. The President shall establish and appoint a review committee to review, propose and implement any RIF Plan upon the President's approval. The members of the review committee shall include but are not limited to the following individuals or his/her designee: Vice President for Business and~~

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Finance, Vice President for Academic Affairs/Provost, Faculty Senate President, Staff Council Chair, Human Resources Director, Vice President of Enrollment and Student Life.

1011.1.1.3. Prior to undertaking any RIF the Chief Resources OfficerHuman Resources Director shall at a minimum:

10.111.1.3.1. Identify the reasons for the RIF

1011.1.1.3.2. List reasonable alternative solutions to a RIF that were considered;

1011.1.1.3.3. Identify the positions recommended for elimination and the reasons for the elimination;

1011.1.1.3.4. Describe any reorganization of the department or other changes that will occur as a result of the RIF;

1011.1.1.3.5. Any other matters required by the review committee or the Human Resources Director.

1011.1.1.4. A RIF is not intended to be a performance management tool.

1011.1.1.5. In situations where some, but not all of the positions within the same department may be eliminated, the Human Resources Director shall evaluate the performance, skills and qualifications of the individual employees potentially subject to the RIF. The Human Resources Director will oversee the review process in consultation with appropriate supervisors and will evaluate performance criteria, and provide seniority validations. Consideration shall be given to the following:

10.1.1.5.1. Performance: each employee's documented quality of work performance over the previous twenty-four months as demonstrated in performance evaluations of record including, but not limited to, performance evaluations and disciplinary history;

10.1.1.5.2. Skills and qualifications: specific duties and responsibilities of each positions, the employee's knowledge and skills; and

10.1.1.5.3. Seniority, the length of service in the position as a GSU employee.

10.1.1.6. If the employee did not receive a written performance evaluation for any year within the last twenty-four months, for any such year that employee shall be deemed to have received a "valued performer" or an equivalent rating.

1011.2. **Equal Employment Opportunity and Affirmative Action**

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10.2.1. All decisions under this Policy shall be made without regard to race, ethnicity, color, religion, sex (including pregnancy), gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti-discrimination laws.

10.2.2. The Human Resources Director shall undertake an adverse impact analysis to determine that all RIF Plans under this Policy comply with this section.

10.2.2.1. GSU shall provide an employee at least ninety days written notice ("Notice Period") that his or her position will be eliminated as part of a RIF, unless the financial circumstances of GSU dictate a shorter notice period, as determined by the President.

10~~11~~.3. **Severance Agreement**

10.3.1. GSU may but is not required to offer a severance package to an employee who is impacted by a RIF, if financially feasible.

10.3.2. All severance package agreements shall provide the employee forty-five days From from the date of receipt to consider the terms and conditions of the agreement and to accept the severance package agreement. Additionally, after an employee executes (signs) a severance package agreement, the employee may revoke acceptance of the agreement within seven working days after execution.

10.3.3. GSU is not required to pay any severance benefits until after the expiration of the seven-day revocation time period. No severance benefits will be paid to any employee who revokes execution of a severance package agreement.

10.3.4. Generally, the value of any severance package will not exceed the employee's annual base pay. Any severance shall be paid in installments.

10.3.5. GSU may also subsidize health insurance premiums for a predetermined period of time as appropriate.

10.3.6. Severance package agreements shall include a statement indicating the employee waives all claims against GSU, except for those claims that cannot be waived by law, and including any claims that could be raised in accordance with the West Virginia Public Employees Grievance Procedure set forth in W. Va. Code Section 6C-2-1, *et seq*.

10.3.7. Nothing in this section shall prevent GSU from implementing a RIF Plan if an employee declines to accept a severance package agreement.

10~~11~~.4. **Exclusions**

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~~10.4.1. The rights, duties and responsibilities of the Reduction in Force section apply to staff positions held by Full-Time Regular employees. The Reduction in Force section does not apply to any position that is not a staff position and also does not apply to the following types of employees:~~

~~10.4.1.1. Temporary positions;~~
~~10.4.1.2. Part-Time positions;~~
~~10.4.1.3. Casual employees;~~
~~10.4.1.4. Grant funded positions hired on or after July 1, 2017;~~
~~10.4.1.5. A reduction of a position FTE by 20% or less that does not result in a loss of benefits eligibility;~~
~~10.4.1.6. Transfers from one position to another;~~
~~10.4.1.7. Student employees.~~

16.11. Recruitment and Hiring

11.1. The posting of all staff and faculty vacant or new positions will be conducted in accordance with the procedures set forth in the Glenville State University Staff Search Manual and the Glenville State University Faculty Search Manual, subject to the terms of this section.

11.2. The President will approve in writing the individuals to chair and serve on the Search Committee. The Search Committee will evaluate and interview applicants in accordance with the search manuals. The committee will narrow down the applicant pool and submit a summary of strengths and weaknesses of their finalists for review by applicable area Cabinet member and President. Once a hiring decision is made, a conditional offer may be extended by the appropriate University official contingent upon the applicable results of the completed background check.

11.3. The Office of Human Resources will execute the applicable employment forms and initiate the background check process. The official offer will be made in writing by the President.

16.12. Staff Employee Probationary Period

12.1. Full-time regular staff employees shall serve a six-month probationary period beginning at the original date of employment. Staff are not eligible for salary increases until after six months of employment.

12.2. Prior to the end of the six-month probationary period, the employee shall receive a written evaluation of her/his performance and shall be informed as to whether her/his employment will continue beyond the probationary period. Supervisors are encouraged to provide frequent feedback to new employees during this initial phase of employment.

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12.3. During or at the close of the probationary period, a probationary employee may be dismissed for any reason that is not arbitrary and capricious; progressive discipline is not required prior to the dismissal of a probationary employee. The probationary period may be extended up to an additional six months upon written notice to the employee.

12.4. As with all positions, continued employment of a probationary employee is based on adequate funding, satisfactory performance and adherence to institution rules and regulations.

12.5. Any probationary employee whose employment continues beyond the probationary period will receive an annual written performance review in accordance with the performance management section of this policy.

16.13. Performance Management

13.1. Strategic alignment of GSU's workforce with its mission, vision, and values is critical to the continued growth and success of GSU. Performance management will be used to ensure strategic alignment and also support employees as they work to achieve their fullest potential.

13.2. The Human Resources Director will develop a performance management plan for all non- classified employees that accomplishes the following objectives:

13.2.1. Provide a fair assessment of job performance;
13.2.2. Provide counseling regarding development opportunities or areas of needed improvement;
13.2.3. Provide a basis for compensation decisions; and
~~Serve as a factor for reduction in force decisions; and;~~
13.2.4. ~~13.2.5.~~ Support and provide documentation for personnel actions.

13.3. All faculty members, including but not limited to tenured faculty members~~,~~ and ~~executive~~ academic administrators, will be evaluated annually by the Provost/VP for Academic Affairs or by his/her designee in accordance with GSU BOG Policy 18, Series 9 and/or any applicable promotion and/or tenure procedures. The ~~Vice-President of~~Provost/VP for Academic Affairs will develop an annual evaluation form for faculty members and academic administrators. The annual evaluation of the performance of an academic administrator does not alter the at-will status of the academic administrator position.

~~13.3.~~

13.4. Supervisors shall undertake performance management in a manner that is consistent and objective, and should not reflect personal prejudice, bias, or favoritism. Any employee who supervises one or more employees shall complete a training on performance

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management policies, procedures, and processes, as required by the Human Resources Director.

13.5. Each year the Human Resources Director shall offer training on performance management policies, procedures, and processes for newly appointed supervisors prior to completion of the performance evaluation process.

13.6. All supervisors shall be provided with refresher materials on performance management policies, procedures, and processes, minimally, every three years.

13.7. All non-classified employees shall receive an annual written performance review based on the performance standards or annual goals established by the supervisor for the position, during the time period determined by the department, and approved by the Human Resources Director.

Supervisors should also provide regular, informal feedback throughout the year. Before a performance review is completed, a supervisor shall solicit feedback from the employee's prior GSU supervisor if the employee has changed supervisors within the current performance review period.

13.7.1. Rights of Employees - Once the annual written performance review is completed, the supervisor shall meet with the employee and explain the contents of the review. An employee who receives an evaluation or review of "development needed" or its equivalent designation shall be placed on a written performance improvement plan with defined objectives and timelines for improvement, as determined by the employee's supervisor. An employee who does not meet the objectives for improvement in accordance with the timeline specified in the improvement plan may be considered for additional personnel action, including termination of employment.

13.7.2. If an employee has a concern that does not involve protected class status, he/she is encouraged to first talk to his/her supervisor, next-level supervisor, or the Human Resources Director. However, GSU considers a performance review finalized 15 business days after the employee receives the evaluation. Protected class status concerns should be addressed using the procedure set forth in GSU BOG Policy 6A.

13.7.3 Performance Reviews – If an employee disputes their performance evaluation and elects to formally raise the concern, they shall proceed using one of the following established options:

13.7.3.1. *Option One:* Within five days of receipt of the written performance review, employees may submit a written request for review to the supervisor's supervisor. The written request must include a copy of the evaluation, and must outline the specific areas of disagreement and set forth the reasons the employee disagrees with the supervisor's evaluation. The supervisor's supervisor will issue a written decision five days after receipt of the employee's

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request. The decision of the supervisor's supervisor will be the final decision on the evaluation. The employee's appeal, the written decision and the final evaluation will be placed in the employee's personnel file. The original evaluation, if different than the final evaluation, will also be kept in the personnel file for recordkeeping purposes but will not be relied upon to make any personnel decisions.

13.7.3.2. *Option Two:* Within five days of receipt, an employee who disagrees with the evaluation of his or her supervisor may submit a written rebuttal to the Human Resources Director. The employee will send a copy of the rebuttal to his/her supervisor. The employee's written rebuttal and performance evaluation will be placed in the employee's personnel file.

13.7.3.3. *Option Three (leave as is):* An employee shall be given 5 business days to respond in writing regarding the results of his/her performance review, if the employee would like to do so. The response shall be delivered to the employee's supervisor.

Upon receipt, the supervisor will review the employee's written response and determine if any changes should be made to the performance review.

Only one of the three options listed above for addressing the performance evaluation will be used.

13.8. Supervisors who fail to conduct evaluations of employees who report to them may be subject to disciplinary action.

13.8.1. Faculty employee performance management and merit salary increases will be conducted in accordance with established objective faculty employee performance management and merit increase BOG policies and administrative procedures as developed by the President or designee. Faculty members shall have the same rights to submit an annual evaluation or performance appraisal rebuttal or to request a review as non-classified employees, in accordance with Section 16.413.7.3 of this policy. ~~Faculty members have the same annual evaluation/performance appraisal rebuttal/review request rights as non-classified employees.~~

13.9. If the employee did not receive a written performance evaluation for any year within the last twenty-four months, for any such year that employee shall be deemed to have received a "valued performer" or an equivalent rating.

16.14. Faculty

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14.1. Faculty member compensation will be determined in accordance with Glenville State University Board of Governors Policy 24 and any other policies and procedures applicable to faculty members.

14.2. Academic rank, dismissal and promotion and tenure of faculty members will be determined in accordance with BOG Policy 18~~,~~ and Series 9 and any procedures enacted by the President and/or designee. Faculty employees are expected to maintain acceptable job performance and may be disciplined for unacceptable work performance. Faculty employees are also expected not to engage in acts of gross misconduct and/or any other conduct proscribed by BOG Policy 18 or Series 9.

14.3. Unacceptable conduct as set forth in this policy, any other Board of Governors policy or administrative procedure may serve as grounds for dismissal of a faculty member for cause in accordance with BOG Policy 18 and Series 9. This policy in no way supersedes BOG Policy 18 or Series 9 and does not impose upon the University an obligation to use progressive discipline when addressing faculty employee performance issues and/or misconduct of a faculty member unless otherwise required to do so by law.

16.15. Discipline and Misconduct

~~15.1. This section establishes a progressive disciplinary system which allows opportunities for correction of unacceptable workplace conduct and/or job performance.~~

~~15.2.~~15.1. All employees are required to adhere to certain standards of conduct designed to create a friendly, cooperative, safe and effective work atmosphere. Collegiality, as well as professional and ethical conduct, enhances teaching, learning and the general reputation of the University.

~~15.3.~~15.2. All employees are expected to serve in a collegial fashion and in accordance with professional and ethical principles when dealing with other faculty members, staff members, students, administrators, and members of the public. All employees are expected to adhere to the general provisions of any standards of conduct established by this policy or any administrative procedures established by the President or designee.

~~15.4.~~15.3. All employees are expected to be present and working during assigned work hours as determined by their supervisors.

~~15.5.~~15.4. All employees are required to respect the rights and feelings of others as well as to ensure that each employee's personal conduct is not harmful to others or to the University. All employees are expected to act professionally during working hours, (including but not limited to lunch hours), when conducting University business, when performing their job duties, when conducting University business and/or when representing the University in their official capacity as a University employee. All employees are expected to perform their job duties effectively and to maintain satisfactory levels of job performance.

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~~15.6.~~15.5. Off duty conduct may also be the source of disciplinary action up to and including employment termination if the conduct adversely affects the employee's ability to perform his/her job duties and/or bears a rational nexus to the employee's job and the reputation of the University.

~~15.7.~~15.6. All employees may be disciplined for unacceptable conduct and/or poor job performance and the discipline may include, but is not be limited to, verbal counseling, letters of warning, suspension with or without pay, performance improvement plans and/or termination of employment.

~~15.8.~~15.7. Employees ~~subject to progressive discipline who are~~ found responsible for gross misconduct as defined by policy or administrative procedures may be terminated immediately. Gross misconduct may include but is not limited to:

~~15.8.1.~~15.7.1. Stealing property of the University or of another person;

~~-~~15.7.2. Threat of violence or harm to any individual;

~~15.8.2.~~ 15.7.3. ~~15.8.3.~~ Harassment or discrimination in any form;

~~15.8.4.~~ 15.7.4. Insubordination by refusal to abide by legitimate reasonable directions of administrators;

~~15.8.5.~~ 15.7.5. Intentionally damaging the property of the University or of another person;

~~15.8.6.~~ 15.7.6. ~~-~~Reporting to work while under the influence of alcohol or illegal drugs or consuming, selling or distributing alcohol and/or illegal drugs on University property or during University activities in violation of University policy;

~~15.8.7.~~ 15.7.7. Falsification of time records, including not reporting time off or using leave for purposes not covered under the leave definition used;

~~15.8.8.~~ 15.7.8. ~~-~~Falsification of timecard and/or leave time, including reporting hours worked that were not;

~~15.8.9.~~ 15.7.9. Dishonesty and/or lying;

15.7.10. ~~15.8.10.~~ Failure to report to work for three (3) consecutive scheduled work days without notice and/or without following proper calling off procedures

~~Gambling on University property or with University equipment or technology, either during or after work hours;~~

15.~~8~~7.11. Unauthorized possession or use of a firearm and/or deadly weapon and/or destructive device on University property;

15.~~8~~7.12. Falsification of employment application or official record;

15.~~8~~7.13. Sexual harassment including but not limited to acts of sexual violence, discrimination or domestic violence, whether on or outside of work time;

15.~~8~~7.14. Unauthorized and/or excessive absence from work, tardiness and/or excessive failure to hold classes;

15.~~8~~7.15. Conviction of a crime (state of West Virginia, any other state and/or the federal government law);

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15.~~8~~7.16. Loss of driver's license where driving on public roads is an essential part of the duties of the position;
15.~~8~~7.17. Failure to comply with the University's consensual relationship policy;
15.~~8~~7.18. Substantial and manifest neglect of duty;
15.~~8~~7.19. Failure to effectively secure hazardous, medical, drug or other materials/supplies;
15.~~8~~7.20. Requesting that a University authority provide false information or testimony on one's behalf;
15.~~8~~7.21. Conduct that could constitute a violation of state, local or federal law; ~~and~~
15.~~8~~7.22. Other serious infractions that may constitute gross misconduct will be handled on a case- by-case basis at the discretion of the University~~.~~; and
15.~~8~~7.23.Gambling on University property or with University equipment or technology, either during or after work hours.~~;~~

~~15.9.~~15.8. All disciplinary actions will be determined on a case-by-case basis. Factors that may be considered when determining the type of discipline include but are not limited to the seriousness of the performance/conduct issue(s), prior disciplinary/work performance history and/or the impact of the offense on the University's operations, credibility and reputation.

~~15.10.~~ 15.9. All ~~executive level employees, employees who directly report to the President, athletic coaching positions, athletic department appointments, academic administrator appointments, temporary employees and student employees~~employees are at-will employees with the exception of the faculty and serve at the will and pleasure of the President. At-will employees may be terminated for any reason in accordance with state at-will law and are not subject to progressive discipline. The University may but is not required to implement progressive discipline to remediate the misconduct and/or poor work performance of an at-will employee but GSU does not waive the employee's will and pleasure status by doing so. ~~All other staff employees not mentioned above are subject to progressive discipline procedures as outlined in the employee handbook.~~

16.16. Grievance Procedure

16.1. The statutory grievance procedure set forth in W. Va. Code § 6C-2-1, *et seq.*, is available to eligible employees for resolution of most work-related concerns. Exceptions include pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer.

16.17. Essential Employees

17.1. While critical to daily operations, an employee may or may not be deemed an essential employee for the purposes of reporting to work during institutional emergencies. Absent extraordinary circumstances, supervisors are required to notify an employee they have been identified as an essential employee in advance of institutional emergencies.

16.18. Board of Governors Membership

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18.1. The membership of the Glenville State University Board of Governors is governed by W. Va. Code §18B-2A-1(c)(3).
W. Va. Code Section 18B-2A-1(c)(3) states the following: Each board of governors includes the following members:

(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty of the respective institution, who shall serve as a nonvoting, advisory member;

(B) A member of the student body in good academic standing, enrolled for college credit, and duly elected by the student body of the respective institution, who shall serve as a nonvoting, advisory member; and

(C) A member from the institutional classified or non-classified employees duly elected by the classified or non-classified employees of the respective institution, who shall serve as a nonvoting, advisory member.
~~In accordance with state law, in addition to the other members stated in the code section, the Glenville State University Board of Governors shall include a full-time member of the faculty with the rank of lecturer~~ instructor ~~or above duly elected by the faculty of the respective institution and a member from the non-classified employees duly elected by the non-classified employees who both serve as non-voting, advisory members~~.

16. 19. Equal Employment Opportunity and Affirmative Action

19.1. All decisions under this Policy shall be made without regard to race, ethnicity, color, religion, sex (including pregnancy), gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti-discrimination laws.

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