

February 15, 2018

Board of Governors



AGENDA
FSU BOARD OF GOVERNORS' MEETING
FEBRUARY 15, 2018, 9:00 A.M.
LOCATION: BOARD ROOM, FALCON CENTER
1201 LOCUST AVENUE, FAIRMONT, WV



- I. CALL TO ORDER**
 - A. Roll Call
 - B. Public Comment
 - C. Approval of Agenda*Action Item*

- II. APPROVAL OF MINUTES OF DECEMBER 7, 2017**.....*Tab 1 Action Item*

- III. CHAIRMAN'S REPORT**

- IV. PRESIDENT'S REPORT**

- V. REPORTS AND PRESENTATIONS**
 - A. Constituent Report – OSIX (Todd Clark)
 - B. Foundation (RJ Gimbl)
 - C. Construction Project Updates (Tom Tucker)
 - D. IT Update (John Lympany)

- VI. CONSENT AGENDA**.....*Tab 2 Action Item*
 - A. Financial Reports
(Months Ending: November 30, 2017 and December 31, 2017)
 - B. Strategic Plan.....*Tab 3*
 - a. Vision Statement.....*Action Item*
 - b. Mission Statement.....*Action Item*
 - c. Strategic Plan.....*Action Item*

- VII. ACADEMIC AFFAIRS COMMITTEE (Aaron Hawkins, Chair)**
 - A. Intent to Plan – A.S. and B.S. Degrees
Surveying & Geomatics Engineering Technology*Tab 4 Action Item*

- VIII. ATHLETIC AFFAIRS COMMITTEE (Frank Washenitz, Chair)**

- IX. BY-LAWS COMMITTEE (Dixie Yann, Chair)**
 - A. Approval of Designation/Status of Employees Policy
(55-Day Comment Period Over).....*Tab 5 Action Item*
 - B. Approval of Progressive Discipline and Separation from Employment Policy
(55-Day Comment Period Over).....*Tab 6 Action Item*
 - C. Approval of Layoffs and Reductions in Force Policy
(55-Day Comment Period Over).....*Tab 7 Action Item*

- X. ENROLLMENT/HOUSING-STUDENT LIFE COMMITTEE (Bill Holmes, Chair)**

- XI. FINANCE COMMITTEE (John Schirripa, Chair)**
 - A. Approval of Expanded Out-of-State
Neighbors Scholarship Program..... *Tab 8 Action Item*

- XII. EXECUTIVE COMMITTEE (Dixie Yann, Chair)**

XIII. POSSIBLE EXECUTIVE SESSION - Under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel and Property Issues

XIV. ADJOURNMENT

NEXT MEETING: APRIL 19, 2018, 9:00 A.M.,
LOCATION: BOARD ROOM, 3RD FLOOR FALCON CENTER
1201 LOCUST AVENUE, FAIRMONT, WV

Tab 1



FAIRMONT STATE UNIVERSITY
BOARD OF GOVERNORS
MEETING MINUTES
OCTOBER 19, 2017
GASTON CAPERTON CENTER
501 WEST MAIN STREET, CLARKSBURG, WV

I. CALL TO ORDER

A. Roll Call

Chair Dixie Yann convened a meeting of the Fairmont State University (FSU) Board of Governors on December 7, 2017, beginning at approximately 9:00 a.m. at the Gaston Caperton Center in Clarksburg, West Virginia.

At the request of Chair Yann, Serena Scully, Special Assistant to the President, conducted a roll call of the Board of Governors. Present for the meeting were board members Dr. Chris Courtney, Holly Fluharty, Aaron Hawkins, Bill Holmes, Jay Puccio, Dr. Budd Sapp, John Schirripa, and Dixie Yann. Bryan Towns and Frank Washenitz participated by conference call. Alyssa Welling was absent. Deborah Prezioso was present via conference call after roll call.

Others present were Interim President Jones, President Martin, and President's Council members Cindy Curry, Christa Kwiatkowski, Christina Lavorata, Tim McNeely and Tim Oxley. Tom Tucker, Assistant Vice President for Facilities; Stephanie Slaubaugh, Construction Manager; RJ Gimbl, President of the Fairmont State Foundation; Pat Snively, Director of Athletic Compliance; Ryan Courtney, Director of Internal Relations; Carolyn Fletcher, Director of Accounting; Richard Harvey, School of Business Dean; Donald Trisel, Science & Technology Dean; Robynn Shannon, Director of Institutional Assessment and Effectiveness; Todd Ensign, Faculty; Jeff Lawson, Interim Director of the Gaston Caperton Center; and Suttle & Stalnaker representatives. Members of local media were in attendance as well.

B. Public Comment

Dr. Chris Courtney reported that no one had signed up for public comment.

C. Approval of Agenda

Aaron Hawkins made a motion to approve the agenda. Bill Holmes seconded. The motion passed.

II. APPROVAL OF MINUTES OF OCTOBER 19, 2017

Bill Holmes made a motion to approve the minutes of October 19, 2017. Jay Puccio seconded. The motion passed.

III. CHAIRMAN'S REPORT

- A. Chair Yann gave a special farewell and thank you to Interim President Stephen Jones.
- B. Chair Yann mentioned the December graduate event that took place at the Shaw House last weekend. Many students, family, and friends attended the event.

IV. PRESIDENT'S REPORT

- A. Interim President Jones discussed that since his arrival, he has tried to rally the troops; he came to the University with enrollment tracking 5% behind the prior year.
- B. He also recommended that Dr. Martin hold a retreat in spring at the Shaw House. The retreat this past summer was very beneficial and educational for all involved.
- C. Dr. Jones also advised he has completed his final report to the board and it has been shared with Chair Yann.

V. REPORTS AND PRESENTATIONS

A. Constituent Report (Todd Ensign)

Todd Ensign, FSU faculty and Director, NASA IV&V Robotics Alliance Project, presented information regarding robotics.

Last July was the culmination of many years of preparation; the National Robotics Competition was held on campus and was a great event for all parties involved. This event has set the stage for many additional events.

Todd described the many First Lego League events and different robotics competitions that he is now a part of.

December 2nd and 3rd was another competition, on campus, that had an excess of 100 robotic teams.

- B. RJ Gimbl, President and CEO of the Fairmont State Foundation, reported that the fiscal year, at the close of the last quarter, ended at 30.4 million with 21.5 million in endowed funds.

Mr. Gimbl stated that the annual fund continues to gain momentum with over \$58,000 received in gifts to date this calendar year.

Mr. Gimbl reported that the Foundation is currently tracking \$580,000 in major gifts and pledges for the calendar year 2017 (not including the Schoolnic gift).

Mr. Gimbl also mentioned that Ashley Knight, new Alumni Relations and Annual Giving Coordinator, began full-time this week.

- C. Construction Project Updates (Tom Tucker and Stephanie Slaubaugh)

Stephanie Slaubaugh, Construction Manager, gave an update on the various projects that are currently underway and have recently been completed on campus.

Turley Center and Wallman Hall roofing has been completed.

Over winter break, the chiller for the library will be replaced.

Various projects are currently being closed out and loose ends are being tied up; as well as designing and putting together bid packages for various projects.

VI. CONSENT AGENDA

Dr. Budd Sapp moved to accept the following Consent Agenda:

- A. Financial Reports for periods ending August 31, September 30, and October 31, 2017

Aaron Hawkins seconded. The motion passed.

VII. ACADEMIC AFFAIRS COMMITTEE (Aaron Hawkins, Chair)

Mr. Aaron Hawkins, Chair of the Academic Affairs Committee asked that Dr. Christina Lavorata, Provost and Vice President for Academic Affairs, provide an update.

Dr. Lavorata provided a handout on program highlights for programs spanning all over campus, at the request of President Elect Martin. The handout is to provide talking points and highlights for faculty and staff to present to potential students, community members, etc. so the message being shared is consistent.

Dr. Lavorata provided a few highlights of events happenings on campus this week.

VIII. ATHLETIC AFFAIRS COMMITTEE (Frank Washenitz, Chair)

Frank Washenitz, Chair of the Athletic Affairs Committee, asked that Tim McNeely, Athletic Director, give an update for the Athletic Affairs Committee.

Mr. McNeely talked about the presentation made yesterday evening for National Player of the Year – Mackenzie Harrison (volleyball). Her jersey was retired, which was a first in Fairmont State history.

Tim also discussed the relationship athletics has recently established with Dr. Ed Etzel, a professor at WVU specializing in sports psychology and performance.

The athletic department took part in an NCAA compliance review this week. Tim introduced Pat Snively to discuss the review and other athletic items.

Mr. Snively advised that the compliance review went very well and the athletic department will be working on the suggestions provided.

Pat also discussed his role as the men's and women's swimming coach. This season, the swimmers broke two school records, as well as participating in many events, such as thanks for giving initiative, Friday afternoon book club, and an autism swimming challenge.

Mr. Snively also discussed the initiative for coaches to become recruiters and ways the university can entice more student athletes to come to campus. Pat, along with Tim McNeely, put together a growth model for growing rosters. This growth could grow student athletes in quality and quantity.

IX. BY-LAWS COMMITTEE (Dixie Yann, Chair)

Dixie Yann advised that Cindy Curry, VP of HR, put together three draft policies for 30-day comment period.

Dr. Budd Sapp advised that faculty senate had concerns about the 30-day comment period being over break when faculty are not on campus. There was discussion of extending the comment period.

Aaron Hawkins moved to accept the below three policies for 55-day comment period:

A. Designation/Status of Employees Policy

- B. Progressive Discipline and Separation from Employment Policy
- C. Layoffs and Reductions in Force Policy

Dr. Chris Courtney seconded. The motion passed.

The policies will be voted on at the February BOG meeting.

X. ENROLLMENT/HOUSING-STUDENT LIFE COMMITTEE (Bill Holmes, Chair)

Bill Holmes, Chair of the Enrollment/Housing-Student Life Committee asked that Tim Oxley, Vice President of Student Services, give an update for the Enrollment/Housing-Student Life Committee.

Dr. Oxley provided a handout – Annual Enrollment Report. Dr. Oxley asked that all board members take time to review the packet and get back to him with any questions.

Dr. Oxley provided a second handout regarding student housing. We are currently at 90.5% occupancy for spring 2018 and 42% occupancy for fall 2018.

Historically, there is a 9% attrition rate from fall to spring.

Dr. Oxley also provided a funnel summary report for fall 2018 – which provides much optimism.

The recruiters have added 54 high school events to their recruiting circuit since last year.

XI. FINANCE COMMITTEE (John Schirripa, Chair)

John Schirripa, Chair of the Finance Committee, provided a brief update.

The Finance Committee met on November 17th and reviewed the financial statements from August, September, and October, along with the Independent Auditor's Report for the year ending June 30, 2017. John asked the auditors to provide their presentation.

Suttle & Stalnaker representatives provided the audit along with their comments.

John Schirripa asked Christa Kwiatkowski to present the agenda action items.

Dr. Budd Sapp moved to accept the following:

- A. Independent Auditor's Report for the year ending June 30, 2017

Aaron Hawkins seconded. The motion passed.

Dr. Budd Sapp moved to accept the following:

- A. WesBanco Signing Authority

Dr. Chris Courtney seconded. The motion passed.

Dr. Budd Sapp moved to accept the following:

- A. Addition of a TOEFL Testing Fee

Aaron Hawkins seconded. The motion passed.

XIII. EXECUTIVE COMMITTEE (Dixie Yann, Chair)

Dixie Yann reported that the Executive Committee met in November and updates were given for each committee. The presidential transition was also discussed.

XIV. POSSIBLE EXECUTIVE SESSION

Aaron Hawkins made a motion to go into Executive Session “Under the Authority of West Virginia Code §6-9A-4 to discuss personnel matters as well as to discuss the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition.”

Bill Holmes seconded. The motion passed.

Aaron Hawkins made a motion to rise from Executive Session. Bill Holmes seconded. The motion passed.

After reconvening from Executive Session, Aaron Hawkins made a motion to approve the following:

- A. Fairmont State University Board of Governors authorizes legal action regarding the construction of University Terrace.

Bill Holmes seconded. The motion passed.

XV. ADJOURNMENT

Aaron Hawkins made a motion to adjourn the meeting. Dr. Budd Sapp seconded.
The motion passed.

Dixie Yann _____ Date _____ FSU Board of Governors' Chair

Aaron Hawkins _____ Date _____ FSU Board of Governors' Secretary

Tab 2

**Fairmont State University
Board of Governors
January 26, 2018**

Item: November and December Financial Reports

Committee: Committee of the Whole

Recommended Resolution: Be it resolved, that the Board of Governors recognize and accept the November and December Unrestricted and Restricted reports.

Staff Member: Christa Kwiatkowski

Background: Summary of the reports submitted is attached.

Fairmont State University
Board of Governors
November and December 2017

Unrestricted Central E&G and Unrestricted Fund Manager

The unrestricted funds are resources of the institution which are expendable for any purpose in performing the primary objectives of the institution such as instruction, research, and public service.

Central E&G funds are the main operating budget of the institution. The sources of these revenues include tuition and fees, state appropriations, chargeback revenues from Pierpont, and other miscellaneous income. The funding supports academic units, student services, support services, information technology, library services, administration, and physical plant.

Fund Manager funds represent the funds assessed or earned by the academic schools or other departments that support costs specific to that department such as equipment and laboratory supplies.

December 2017

With 50% of the fiscal year completed, the Unrestricted Central E&G year to date operating revenues of \$13,808,708 represents 47.10% of the projected current budget. The year to date operating expenses of \$17,867,272 represents 40.97% of the projected current budget. The year to date non-operating revenues of \$5,147,203 represents 40.66% of the projected current budget. After adjusting for debt service, financial aid match and other transfers, the actual YTD balance at the end of December is a positive \$976,498. The primary contributor to this positive budget balance is the effort to reduce salary expenses through vacancies. Last year at this time, the actual YTD balance was \$979,609. Last year, we ended with a positive balance of \$7,990.

Fund Manager funds year to date operating revenues of \$1,285,212 represents 64.64% of the projected current budget. The year to date operating expenses of \$1,132,988 represents 31.67% of the projected current budget. After non-operating revenues and other transfers, the actual YTD balance at the end of December is a positive \$208,962. Last year at this time, the actual YTD balance was \$247,665. Last year, we ended with a positive balance of \$81,809.

Auxiliary Funds

Auxiliary enterprises are self-supporting activities conducted to primarily to provide facilities or services to students, faculty, and staff. Auxiliary activities include: operation of residence halls, public safety, Falcon Center, bookstore, dining, and intercollegiate athletics.

December 2017

With 50% of the fiscal year completed, the Auxiliary year to date operating revenues of \$6,521,582 represents 47.29% of the projected current budget. The year to date operating expenses of \$4,125,797 represents 48.23% of the projected current budget. After non-operating revenues, the first half of debt service due and other transfers, the actual YTD balance at the end of December is a negative (\$68,018).

The primary contributor to this negative balance is the due to the dining service revenue for fall being received in January. That revenue is estimated to be around \$534,000. Last year at this time, the actual YTD balance was (\$30,797). Last year, we ended with a positive balance of \$412,102.

Restricted Funds

The Restricted Fund group consists of those funds that are expendable for operating purposes by the University but are limited by grantors or an outside agency as to the specific purpose for which they may be expended. Restricted funds at FSU consist primarily of contracts and grants received from federal or state governments for financial aid, research, public service, or other restricted purpose.

December 2017

With 50% of the fiscal year completed, the Restricted year to date operating revenues of \$14,107,580 represents 42.85% of the projected current budget. The year to date operating expenses of \$17,530,037 represents 40.96% of the projected current budget. After adjusting for Pell Grant revenues and other transfers, the actual YTD balance is a negative (\$84,307). The negative balance is mainly attributed to funds not yet received for reimbursable grants.

November and December provided the following grant activity:

First LEGO League Competition - \$7,205
Study Abroad/Canada Outreach - \$1,250
WVDE – STARS – Reduction to Year 2 of (\$40,778) – due to unneeded expected expenses
Close-out of General Education Assessment – (\$4,436)

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Central E&G and Fund Manager Summary

As of November 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	27,577,718	26,444,310	13,294,508	50.27
	Student Activity Support Revenue	471,765	435,765	205,505	47.16
	Faculty Services Revenue	684,799	684,799	26,570	3.88
	Operating Costs Revenue	1,608,764	1,607,856	525,008	32.65
	Support Services Revenue	1,824,852	1,808,039	613,533	33.63
	Other Operating Revenues	327,268	327,268	(12,770)	(3.90)
	Total:	32,495,166	31,308,036	14,652,353	46.80
OPERATING EXPENSE					
	Salaries	24,507,345	24,940,362	7,914,908	31.74
	Benefits	6,096,024	6,260,076	1,840,197	29.40
	Student financial aid-scholarships	3,651,427	3,639,427	2,356,109	64.74
	Utilities	1,427,806	1,439,806	512,240	35.58
	Supplies and Other Services	8,737,631	8,765,748	3,475,954	39.65
	Equipment Expense	1,099,453	949,781	123,737	13.03
	Loan cancellations and write-offs	0	0	20,556	
	Fees retained by the Commission	185,560	185,560	89,858	48.43
	Assessment for Faculty Services	408,460	408,460	8,208	2.01
	Assessment for Support Services	235,806	187,607	49,305	26.28
	Assessment for Student Activity Costs	349,764	338,764	160,297	47.32
	Assessment for Operating Costs	96,283	96,283	4,145	4.30
	Total:	46,795,559	47,211,876	16,555,513	35.07
OPERATING INCOME / (LOSS)		(14,300,394)	(15,903,840)	(1,903,160)	11.97
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	13,472,214	14,579,417	6,123,355	42.00
	Gifts	500	3,800	3,584	94.32
	Investment Income	69,245	69,245	35,770	51.66
	Assessment for E&G Capital & Debt Service Costs	(2,143,319)	(1,994,319)	(935,875)	46.93
	Total:	11,398,640	12,658,143	5,226,834	41.29
TRANSFERS & OTHER					
	Capital Expenditures	(81,773)	(83,431)	(17,258)	20.69
	Construction Expenditures	(7,500)	(71,500)	(34,100)	47.69
	Transfers for Debt Service	(64,863)	(64,863)	(32,409)	49.96
	Transfers for Financial Aid Match	(81,239)	(81,239)	(15,680)	19.30
	Indirect Cost Recoveries	66,245	66,245	29,554	44.61
	Transfers - Other	(36,409)	16,173	2,283	14.12
	Total:	(205,539)	(218,615)	(67,610)	30.93
BUDGET BALANCE		(3,107,293)	(3,464,312)	3,256,064	(93.99)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(3,107,293)	(3,464,312)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		8,889,427	9,587,256		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>5,782,134</u>	<u>6,122,944</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$9,170,798

Unrestricted Net Asset Balance is 20.31% of the current budget total operating expense.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Central E&G

As of November 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	25,610,943	24,540,943	12,118,655	49.38
	Student Activity Support Revenue	471,765	435,765	205,505	47.16
	Faculty Services Revenue	684,799	684,799	26,570	3.88
	Operating Costs Revenue	1,608,764	1,607,856	525,008	32.65
	Support Services Revenue	1,824,852	1,808,039	613,533	33.93
	Other Operating Revenues	242,293	242,293	(46,499)	(19.19)
	Total:	30,443,416	29,319,694	13,442,781	45.85
OPERATING EXPENSE					
	Salaries	23,734,508	23,858,270	7,637,600	32.01
	Benefits	5,984,320	6,072,784	1,798,897	29.62
	Student financial aid-scholarships	3,619,117	3,619,117	2,334,829	64.51
	Utilities	1,423,306	1,423,306	511,367	35.93
	Supplies and Other Services	6,883,750	6,906,949	2,910,805	42.14
	Equipment Expense	523,867	514,778	77,917	15.14
	Loan cancellations and write-offs	0	0	20,556	
	Fees retained by the Commission	185,560	185,560	89,858	48.43
	Assessment for Faculty Services	408,460	408,460	8,208	2.01
	Assessment for Support Services	235,806	187,607	49,305	26.28
	Assessment for Student Activity Costs	349,764	338,764	160,297	47.32
	Assessment for Operating Costs	96,283	96,283	4,145	4.30
	Total:	43,444,741	43,611,880	15,603,782	35.78
OPERATING INCOME / (LOSS)		(13,001,326)	(14,292,186)	(2,161,001)	15.12
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	13,472,214	14,579,417	6,123,355	42.00
	Gifts	0	3,300	3,300	100.00
	Investment Income	69,245	69,245	35,770	51.66
	Assessment for E&G Capital & Debt Service Costs	(2,143,319)	(1,994,319)	(935,875)	46.93
	Total:	11,398,140	12,657,643	5,226,550	41.29
TRANSFERS & OTHER					
	Capital Expenditures	(53,434)	(53,434)	(11,043)	20.67
	Construction Expenditures	(7,500)	(71,500)	0	0.00
	Transfers for Debt Service	(64,863)	(64,863)	(32,409)	49.96
	Transfers for Financial Aid Match	(81,239)	(81,239)	(15,680)	19.30
	Indirect Cost Recoveries	602	602	0	0.00
	Transfers - Other	(43,959)	(73,850)	(48,454)	65.61
	Total:	(250,393)	(344,284)	(107,586)	31.25
BUDGET BALANCE		(1,853,579)	(1,978,827)	2,957,963	(149.48)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(1,853,579)	(1,978,827)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		6,961,393	7,610,679		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>5,107,814</u>	<u>5,631,852</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$9,170,798

Unrestricted Net Asset Balance is 17.45% of the current budget total operating expense.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Fund Manager

As of November 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE	Tuition and Fees	1,966,775	1,903,367	1,175,843	61.78
	Other Operating Revenues	84,975	84,975	33,729	39.69
	Total:	2,051,750	1,988,342	1,209,572	60.83
OPERATING EXPENSE	Salaries	772,837	1,082,092	277,309	25.63
	Benefits	111,704	187,292	41,299	22.05
	Student financial aid-scholarships	32,310	20,310	21,280	104.78
	Utilities	4,500	16,500	873	5.29
	Supplies and Other Services	1,853,882	1,858,799	565,150	30.40
	Equipment Expense	575,586	435,003	45,820	10.53
	Total:	3,350,818	3,599,996	951,731	26.44
OPERATING INCOME / (LOSS)		(1,299,068)	(1,611,654)	257,841	(16.00)
NONOPERATING REVENUE (EXPENSE)	Gifts	500	500	284	56.80
	Total:	500	500	284	56.80
TRANSFERS & OTHER	Capital Expenditures	(28,339)	(29,997)	(6,215)	20.72
	Construction Expenditures	0	0	(34,100)	
	Indirect Cost Recoveries	65,643	65,643	29,554	45.02
	Transfers - Other	7,550	90,023	50,737	56.36
	Total:	44,854	125,669	39,976	31.81
BUDGET BALANCE		(1,253,714)	(1,485,485)	298,101	(20.07)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(1,253,714)	(1,485,485)		
Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,928,034	1,976,577		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>674,320</u>	<u>491,092</u>		

Auxiliary
Actual vs Budget Statement of Revenues and Expenses
Board of Governors
As of November 30, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE	Auxiliary Enterprise Revenue	8,518,824	8,626,308	3,778,524	43.80
	Auxiliary Fees & Debt Service Support Revenue	5,143,400	4,928,400	2,349,753	47.68
	Other Operating Revenues	235,339	235,339	105,591	44.87
	Total:	13,897,563	13,790,047	6,233,868	45.21
OPERATING EXPENSE	Salaries	2,757,073	2,796,689	1,059,128	37.87
	Benefits	677,798	658,967	190,009	28.83
	Student financial aid-scholarships	884,706	878,456	407,317	46.37
	Utilities	884,706	884,706	301,611	34.09
	Supplies and Other Services	3,201,298	3,217,472	2,015,552	62.64
	Equipment Expense	103,316	118,604	45,802	38.62
	Total:	8,508,897	8,554,893	4,019,419	46.98
OPERATING INCOME / (LOSS)		5,388,666	5,235,154	2,214,449	42.30
NONOPERATING REVENUE (EXPENSE)	Gifts	0	535	535	100.00
	Interest on capital asset related debt	(13,602)	(13,602)	(13,602)	100.00
	Total:	(13,602)	(13,067)	(13,067)	100.00
TRANSFERS & OTHER	Capital Expenditures	(62,300)	(62,300)	(6,233)	10.01
	Transfers for Debt Service	(4,887,809)	(4,887,809)	(2,442,219)	49.97
	Transfers for Financial Aid Match	(3,425)	(3,425)	0	0.00
	Transfers for Capital Projects	0	(20,000)	0	0.00
	Transfers - Other	0	(5,166)	(2,283)	44.19
	Total:	(4,953,534)	(4,978,700)	(2,450,736)	49.22
BUDGET BALANCE - Projected Transfer to Reserves		421,531	243,387	(249,354)	
* Add: NET ASSETS - Beginning of Year		<u>7,542,464</u>	<u>7,530,263</u>		
Equals: PROJECTED NET ASSETS - End of Year		<u>7,963,995</u>	<u>7,773,650</u>		

* Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$1,081,994

* Auxiliary Net Assets are required to support future repair and replacement costs. Planning activities continue to document a 20 year plan to support each auxiliary enterprise capital repair/replacement need.

Actual vs Budget Statement of Revenues and Expenses
Current Restricted
For Period Ending November 30, 2017

	Approved Budget*	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE				
Federal Grants and Contracts	23,269,230	23,583,396	9,290,150	39.39
State/Local Grants and Contracts	6,819,242	7,386,317	3,120,395	42.25
Private Grants and Contracts	1,835,200	1,905,302	1,220,219	64.04
Other Operating Revenue	70,520	85,375	79,965	93.66
Total:	31,994,193	32,960,391	13,710,729	41.60
OPERATING EXPENSE				
Salaries	442,776	807,843	267,866	33.16
Benefits	40,253	126,136	45,976	36.45
Student financial aid - scholarships	40,229,776	40,229,776	15,174,465	37.72
Supplies and Other Services	1,264,663	1,716,014	358,026	20.86
Equipment Expense	(61,183)	(46,767)	54,650	-116.86
Total:	41,916,284	42,833,002	15,900,982	37.12
NONOPERATING REVENUE				
Federal Pell Grant Revenues	10,000,000	10,000,000	3,412,400	34.12
Gifts	0	0	0	0.00
Investment Income	0	0	0	0.00
Total:	10,000,000	10,000,000	3,412,400	34.12
TRANSFERS & OTHER				
Capital Expenditures	(23,396)	(23,396)	(44,845)	191.68
Construction Expenditures	(7,500)	(7,500)	0	0.00
Transfers for Fin Aid Match	84,664	84,664	15,680	18.52
Indirect Cost Recoveries	(54,838)	(115,756)	(29,554)	25.53
Transfers - Other	0	0	0	0.00
Total:	(1,070)	(61,988)	(58,719)	94.73
BUDGET BALANCE	76,839	65,401	1,163,428	
Add: RESTRICTED NET ASSETS - Beginning of Year	0	0		
PROJECTED RESTRICTED NET ASSETS - End of Year	<u>76,839</u>	<u>65,401</u>		

*Approved budget is listed at the July budget due to no approvals being required for restricted funds.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Central E&G and Fund Manager Summary

As of December 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	27,577,718	26,444,310	13,339,714	50.44
	Student Activity Support Revenue	471,765	435,765	224,329	51.48
	Faculty Services Revenue	684,799	684,799	26,570	3.88
	Operating Costs Revenue	1,608,764	1,607,856	605,367	37.65
	Support Services Revenue	1,824,852	1,808,039	747,635	41.35
	Other Operating Revenues	327,268	327,268	150,304	45.93
	Total:	32,495,166	31,308,036	15,093,920	48.21
OPERATING EXPENSE					
	Salaries	24,507,345	24,946,836	9,727,995	38.99
	Benefits	6,096,024	6,237,648	2,308,222	37.00
	Student financial aid-scholarships	3,651,427	3,639,427	1,791,466	49.22
	Utilities	1,427,806	1,439,806	657,213	45.65
	Supplies and Other Services	8,737,631	8,765,182	3,991,765	45.54
	Equipment Expense	1,099,453	943,784	133,922	14.19
	Loan cancellations and write-offs	0	0	20,556	
	Fees retained by the Commission	185,560	185,560	89,858	48.43
	Assessment for Faculty Services	408,460	408,460	8,208	2.01
	Assessment for Support Services	235,806	187,607	66,025	35.19
	Assessment for Student Activity Costs	349,764	338,764	176,662	52.15
	Assessment for Operating Costs	96,283	96,283	28,368	29.46
	Total:	46,795,559	47,189,359	19,000,259	40.26
OPERATING INCOME / (LOSS)		(14,300,394)	(15,881,323)	(3,906,340)	24.60
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	13,472,214	14,579,417	6,123,355	42.00
	Gifts	500	3,800	4,154	109.33
	Investment Income	69,245	69,245	48,585	70.16
	Assessment for E&G Capital & Debt Service Costs	(2,143,319)	(1,994,319)	(1,028,037)	51.55
	Total:	11,398,640	12,658,143	5,148,057	40.67
TRANSFERS & OTHER					
	Capital Expenditures	(81,773)	(83,431)	(17,258)	20.69
	Construction Expenditures	(7,500)	(71,500)	(34,100)	47.69
	Transfers for Debt Service	(64,863)	(64,863)	(32,409)	49.96
	Transfers for Financial Aid Match	(81,239)	(81,239)	(15,680)	19.30
	Indirect Cost Recoveries	66,245	66,245	40,906	61.75
	Transfers - Other	(36,409)	16,173	2,283	14.12
	Total:	(205,539)	(218,615)	(56,258)	25.73
BUDGET BALANCE		(3,107,293)	(3,441,795)	1,185,459	(34.44)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(3,107,293)	(3,441,795)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		8,889,427	9,587,256		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>5,782,134</u>	<u>6,145,461</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$9,170,798

Unrestricted Net Asset Balance is 20.32% of the current budget total operating expense.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Central E&G

As of December 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE					
	Tuition and Fees	25,610,943	24,540,943	12,122,195	49.40
	Student Activity Support Revenue	471,765	435,765	224,329	51.48
	Faculty Services Revenue	684,799	684,799	26,570	3.88
	Operating Costs Revenue	1,608,764	1,607,856	605,367	37.65
	Support Services Revenue	1,824,852	1,808,039	747,635	41.35
	Other Operating Revenues	242,293	242,293	82,612	34.10
	Total:	30,443,416	29,319,694	13,808,708	47.10
OPERATING EXPENSE					
	Salaries	23,734,508	23,858,477	9,374,071	39.29
	Benefits	5,984,320	6,072,581	2,253,012	37.10
	Student financial aid-scholarships	3,619,117	3,619,117	1,770,186	48.91
	Utilities	1,423,306	1,423,306	655,758	46.07
	Supplies and Other Services	6,883,750	6,906,949	3,336,722	48.31
	Equipment Expense	523,867	514,778	87,846	17.06
	Loan cancellations and write-offs	0	0	20,556	
	Fees retained by the Commission	185,560	185,560	89,858	48.43
	Assessment for Faculty Services	408,460	408,460	8,208	2.01
	Assessment for Support Services	235,806	187,607	66,025	35.19
	Assessment for Student Activity Costs	348,764	338,764	176,662	52.15
	Assessment for Operating Costs	96,283	96,283	28,368	29.46
	Total:	43,444,741	43,611,884	17,867,272	40.97
OPERATING INCOME / (LOSS)		(13,001,326)	(14,292,190)	(4,058,564)	28.40
NONOPERATING REVENUE (EXPENSE)					
	State Appropriations	13,472,214	14,579,417	6,123,355	42.00
	Gifts	0	3,300	3,300	100.00
	Investment income	69,245	69,245	48,585	70.16
	Assessment for E&G Capital & Debt Service Costs	(2,143,319)	(1,994,319)	(1,028,037)	51.55
	Total:	11,398,140	12,657,643	5,147,203	40.66
TRANSFERS & OTHER					
	Capital Expenditures	(53,434)	(53,434)	(11,043)	20.67
	Construction Expenditures	(7,500)	(71,500)	0	0.00
	Transfers for Debt Service	(64,863)	(64,863)	(32,409)	49.96
	Transfers for Financial Aid Match	(81,239)	(81,239)	(15,680)	19.30
	Indirect Cost Recoveries	602	602	0	0.00
	Transfers - Other	(43,959)	(73,850)	(53,009)	71.78
	Total:	(250,393)	(344,284)	(112,141)	32.57
BUDGET BALANCE		(1,853,579)	(1,978,831)	976,498	(49.35)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(1,853,579)	(1,978,831)		
* Add: UNRESTRICTED NET ASSETS - Beginning of Year		6,961,393	7,610,679		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>5,107,814</u>	<u>5,631,848</u>		

* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$9,170,798

Unrestricted Net Asset Balance is 17.45% of the current budget total operating expense.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
Current Unrestricted - Fund Manager

As of December 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE	Tuition and Fees	1,966,775	1,903,367	1,217,520	63.97
	Other Operating Revenues	64,975	84,975	67,692	79.66
	Total:	2,051,750	1,988,342	1,285,212	64.64
OPERATING EXPENSE	Salaries	772,837	1,088,359	353,924	32.52
	Benefits	111,704	165,067	55,210	33.45
	Student financial aid-scholarships	32,310	20,310	21,280	104.78
	Utilities	4,500	16,500	1,455	8.82
	Supplies and Other Services	1,853,882	1,858,233	655,043	35.25
	Equipment Expense	575,586	429,006	46,076	10.74
	Total:	3,350,818	3,577,475	1,132,988	31.67
OPERATING INCOME / (LOSS)		(1,299,068)	(1,589,133)	152,224	(9.58)
NONOPERATING REVENUE (EXPENSE)	Gifts	500	500	854	170.88
	Total:	500	500	854	170.88
TRANSFERS & OTHER	Capital Expenditures	(28,339)	(29,997)	(6,215)	20.72
	Construction Expenditures	0	0	(34,100)	
	Indirect Cost Recoveries	65,643	65,643	40,906	62.32
	Transfers - Other	7,550	90,023	55,292	61.42
	Total:	44,854	125,669	55,883	44.47
BUDGET BALANCE		(1,253,714)	(1,462,964)	208,962	(14.28)
Add: Estimated Unfilled Position Savings:		0	0		
ADJUSTED BUDGET BALANCE		(1,253,714)	(1,462,964)		
Add: UNRESTRICTED NET ASSETS - Beginning of Year		1,928,034	1,976,577		
Less: USE OF RESERVE		0	0		
Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year		<u>674,320</u>	<u>513,613</u>		

Auxiliary
Actual vs Budget Statement of Revenues and Expenses
Board of Governors
As of December 31, 2017

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE	Auxiliary Enterprise Revenue	8,518,824	8,626,308	3,847,402	44.60
	Auxiliary Fees & Debt Service Support Revenue	5,143,400	4,928,400	2,550,048	51.74
	Other Operating Revenues	235,339	235,339	124,132	52.75
	Total:	13,897,563	13,790,047	6,521,582	47.29
OPERATING EXPENSE	Salaries	2,757,073	2,796,460	1,267,634	45.33
	Benefits	677,798	659,196	234,357	35.55
	Student financial aid-scholarships	884,706	878,456	407,817	46.42
	Utilities	884,706	884,706	392,593	44.38
	Supplies and Other Services	3,201,298	3,217,472	1,761,749	54.76
	Equipment Expense	103,316	118,604	61,647	51.98
	Total:	8,508,897	8,554,893	4,125,797	48.23
OPERATING INCOME / (LOSS)		5,388,666	5,235,154	2,395,785	45.76
NONOPERATING REVENUE (EXPENSE)	Gifts	0	535	535	100.00
	Interest on capital asset related debt	(13,602)	(13,602)	(13,602)	100.00
	Total:	(13,602)	(13,067)	(13,067)	100.00
TRANSFERS & OTHER	Capital Expenditures	(62,300)	(62,300)	(6,233)	10.01
	Transfers for Debt Service	(4,887,809)	(4,887,809)	(2,442,219)	49.97
	Transfers for Financial Aid Match	(3,425)	(3,425)	0	0.00
	Transfers for Capital Projects	0	(20,000)	0	0.00
	Transfers - Other	0	(5,166)	(2,283)	44.19
	Total:	(4,953,534)	(4,978,700)	(2,450,736)	49.22
BUDGET BALANCE - Projected Transfer to Reserves		421,531	243,387	(68,018)	
* Add: NET ASSETS - Beginning of Year		<u>7,542,464</u>	<u>7,530,263</u>		
Equals: PROJECTED NET ASSETS - End of Year		<u>7,963,995</u>	<u>7,773,650</u>		

* Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2017 in the amount of \$1,081,994

* Auxiliary Net Assets are required to support future repair and replacement costs. Planning activities continue to document a 20 year plan to support each auxiliary enterprise capital repair/replacement need.

Actual vs Budget Statement of Revenues and Expenses
Current Restricted
For Period Ending December 31, 2017

	Approved Budget*	Current Budget	YTD Actual	YTD Actual to Current Budget
OPERATING REVENUE				
Federal Grants and Contracts	23,269,230	23,583,396	9,383,406	39.79
State/Local Grants and Contracts	6,819,242	7,345,539	3,389,162	46.14
Private Grants and Contracts	1,835,200	1,905,302	1,248,990	65.55
Other Operating Revenue	70,520	92,580	86,023	92.92
Total:	31,994,193	32,926,818	14,107,580	42.85
OPERATING EXPENSE				
Salaries	442,776	807,408	308,550	38.21
Benefits	40,253	127,127	52,074	40.96
Student financial aid - scholarships	40,229,776	40,229,776	16,730,502	41.59
Supplies and Other Services	1,264,663	1,690,520	383,450	22.68
Equipment Expense	(61,183)	(54,533)	55,461	-101.70
Total:	41,916,284	42,800,297	17,530,037	40.96
NONOPERATING REVENUE				
Federal Pell Grant Revenues	10,000,000	10,000,000	3,407,621	34.08
Gifts	0	0	0	0.00
Investment Income	0	0	0	0.00
Total:	10,000,000	10,000,000	3,407,621	34.08
TRANSFERS & OTHER				
Capital Expenditures	(23,396)	(23,396)	(44,245)	189.11
Construction Expenditures	(7,500)	(7,500)	0	0.00
Transfers for Fin Aid Match	84,664	84,664	15,680	18.52
Indirect Cost Recoveries	(54,838)	(114,888)	(40,906)	35.61
Transfers - Other	0	0	0	0.00
Total:	(1,070)	(61,120)	(69,471)	113.66
BUDGET BALANCE	76,839	65,401	(84,307)	
Add: RESTRICTED NET ASSETS - Beginning of Year	0	0		
PROJECTED RESTRICTED NET ASSETS - End of Year	<u>76,839</u>	<u>65,401</u>		

*Approved budget is listed at the July budget due to no approvals being required for restricted funds.

Tab 3

**Fairmont State University
Board of Governors
February 15, 2018**

Item: Fairmont State University Strategic Plan

Committee: Committee of the Whole

Recommended Resolution: Resolved, that the Fairmont State University Board of Governors approve the vision, mission and the strategic plan for the University-- 'A Quest for Distinction: Strategic Plan.'

Staff Member: Sunil Surendran, Director of Strategic Planning

Background: The Higher Learning Commission (HLC) requires Fairmont State University to submit a strategic plan by March 1, 2018. The attached document, 'A Quest for Distinction: Strategic Plan,' represents the input of the campus community, spanning over 7 months, assembled through committee work with over 80 representatives, with direction from President Mirta Martin. The attached document presents the following components on the plan, namely: 1) The Vision Statement, 2) The Mission Statement, 3) Core Values, 4) Goals, and 5) Strategic Themes.



A QUEST FOR DISTINCTION: STRATEGIC PLAN

2018-2028

VISION

Fairmont State University will be renowned for its innovative pedagogical practices and programs and as the first-choice institution for students seeking a transformative educational experience.

MISSION

Fairmont State University is a comprehensive, regional university committed to educating global citizen leaders in an environment distinguished by a commitment to excellence, student success and transformational impact.

CORE VALUES AND THE GOALS THAT ADDRESS THEM

Family - interdependence and mutual support

Diversity - engendering a culture of respect where all people's views are acknowledged and valued

Excellence - ensuring distinction in programs, service, faculty, staff and students

Entrepreneurship – supporting creative and innovative initiatives that may have an element of risk

Safety - freedom from the occurrence or risk of injury, danger, or loss

Trust - the obligation or responsibility imposed on a person in whom confidence or authority is placed

Respect - esteem for or a sense of the worth or excellence of our people

Integrity - adhering to the highest standards

Transparency - visible foundations for decisions and plans

Stewardship - the responsible overseeing and protection of something considered worth caring for and preserving

GOALS AND OBJECTIVES

A. Strategic Theme #1: Student Success: Retention

- a. Increase first year retention rate
- b. Increase 6 year graduation rates
- c. Reduce transfer-out rate
- d. Ensure student career/graduate school placement
- e. Provide 4-year scholarships

Objectives:

- a. Minimum of 75%
- b. Minimum of 50%
- c. To no more than 25%
- d. To 90% within 6 months of graduation
- e. 100% of students receiving a scholarship will have a 4 year commitment

Strategies:

1. Enhance the University's advising model to ensure best practices across campus.
2. Centralize First Year Experience initiatives under the Office of Retention and develop new programs and initiatives to support students' transition to Fairmont State.
3. Develop a method to identify and support students who may be at greater risk of withdrawing from college.
4. Improve student access to mental health services.
5. Enhance the availability and accessibility of important campus information.
6. Develop a specialized orientation program and other support structures for international students.
7. Develop data through the Office of Career Services to track job placements and admission to graduate school.

B. Strategic Theme #2: Enrollment Management: Growth

- a. Re-engage non-traditional students by understanding, creating, and offering unparalleled innovative programs
- b. Systematically identify and attract out-of-state and international students
- c. Increase enrollment of non-traditional learners
- d. Expand educational program-to-program articulation agreements with community colleges and senior institutions
- e. Create cross-border programs in foreign countries
- f. Improve accessibility

Objectives:

- a. A minimum of 10 new on-line or low-residency programs
- b. Minimum of 20% out-of-state and a minimum of 500 international students
- c. Minimum of 30% non-traditional learners (including part-time and full-time)
- d. Minimum of 100 program-to-program articulation agreements
- e. A minimum of 2 new programs
- f. Maintain tuition and average net price below those of peers; a minimum of 5 new Co-op programs

Strategies:

1. Increase visibility and expand geographic footprint of Fairmont State University to increase the percentage of students who enroll from outside of West Virginia to 30%.
2. Enhance marketing materials to reach specific populations (i.e. in-state, out-of-state, international, transfer, non-traditional, veterans, etc.)
3. Develop/enhance on-line and mobile application process.
4. Enhance processes and initiatives to improve applicant pool and yield rates.
5. Develop program and infrastructure for international recruitment.
6. Formalize study abroad and exchange programs.
7. Establish articulation agreements.
8. Identify and market academic programs of distinction that create a unique identity for the University.

C. Strategic Theme #3: Resource Diversification: Philanthropy

- a. Increase grant funding
- b. Grow foundation endowment to a minimum of \$50 million
- c. Increase the number of endowed student scholarships
- d. Increase alumni engagement/philanthropy to a minimum of 5 percent above the national average

Objectives:

- a. Minimum of \$5 million/year
- b. Minimum of \$50 million
- c. Minimum of 300
- d. Minimum of 5 percent above the national average

Strategies:

1. In partnership with the Foundation and Alumni Association, engage alumni to reconnect with their alma mater, to support current students, and to help sustain the future of the University.
2. Strengthen and maintain integrity of constituent database and improve communication outreach.
3. Establish and strengthen relationships with alumni affinity groups, such as athletes, Greek life, majors, retired faculty and staff, and others.
4. Establish annual "President's Tour" to areas with high concentrations of alumni.
5. Encourage and support alumni chapter development.
6. Develop an alumni mentoring program for current students.
7. Establish University-wide funding priorities that correlate into focal objectives for a scholarship campaign and a comprehensive capital campaign.
8. Encourage and support increased grantsmanship across campus.
9. Foster partnerships within our regional community.
10. Organize a collaborative relationship with local and state government officials and civic organizations to create a town and gown cooperative.
11. Actively seek and create corporate partnerships to develop opportunities for student internships, service learning, guest lecture events, public-private partnerships, and collaborative initiatives for community development.

Tab 4

**Fairmont State University
Board of Governors
February 15, 2018**

- Item:** Creation of Associate and Bachelor’s Degree programs in Surveying and Geomatics Engineering Technology
- Committee:** Academic Affairs
- Recommended Resolution:** Resolved, that the Fairmont State University Board of Governors approve the addition of two degrees in the College of Science and Technology: Associate and Bachelor’s degrees in Surveying and Geomatics Engineering Technology.
- Staff Member:** Christina Lavorata, Provost and Vice President for Academic Affairs
- Background:** The proposed Bachelor of Science Degree in Surveying & Geomatics Engineering Technology (SGET) is a 120-credit hour program. The curriculum is designed as a 2+2 program, with an accompanying Associate of Science degree. Once the Associate of Science degree is earned, students may choose to enter the workforce or continue on to the baccalaureate level. The major will prepare graduates with technical skills required to enter careers in land and boundary surveying, geographic information systems, engineering project surveying, photogrammetry, mapping and geodesy, remote sensing, and other related disciplines.
- The addition of this certification has been approved by the Curriculum Committee and the Academic Affairs Committee of the Board of Governors. The intent to plan has also been forwarded to the Faculty Senate of Fairmont State University.

Fairmont State University

WV-HEPC Series 11 Intent to Plan (Section 5 of Series 11)

Date: January 2018

Title of Degree: Associate of Science (A.S.)
Surveying & Geomatics Engineering Technology

Location: Fairmont State University

**Effective Date
of proposed action:** August 2018

**Submission of full
proposal:** March 2018, or upon approval of Intent to Plan

Fairmont State University

Dr. Mirta Martin, President

Dr. Christina Lavorata, Provost and Vice President for Academic Affairs

Dr. Donald Trisel, College of Science and Technology Dean

Professor Hugh Costello, P.E., Technology Programs Chair

Prepared by:

Professor Tabitha Lafferre, Professor James Vassil, P.E.

Formatting & Review by:

Dr. Jack Kirby, Associate Provost for Academic Affairs

This submission of the WV-HEPC Series 11 Intent to Plan is a proposal for the Associate of Science, Surveying & Geomatics Engineering Technology degree at Fairmont State University. The full proposal will be submitted upon approval in accordance with section 6 of Series 11 – Implementation Plan. Upon internal and external approvals, this program is projected for full implementation Fall 2018.

a. EDUCATIONAL OBJECTIVES

The proposed Surveying & Geomatics Engineering Technology (SGET) Associate of Science major is a 60-credit hour program that will provide students with an interdisciplinary program encompassing technology, natural sciences, social sciences, arts, humanities, and general studies. The curriculum is designed as a 2+2 program. Once the Associate of Science degree is earned, students may choose to enter the workforce or continue on to the baccalaureate level. The major will prepare graduates with technical skills required to enter careers in land and boundary surveying. Graduates will be capable of utilizing modern measurement technologies to acquire spatial data, and employing industry-standard software to solve technical problems.

b. PROGRAM DESCRIPTION

The SGET A.S. program is structured to meet the growing need in surveying and mapping of natural resources, transportation systems, recreational facilities, cities, and subdivisions. As the program will be seeking Accreditation Board for Engineering and Technology (ABET) Accreditation with the Engineering Technology Accreditation Commission (ETAC of ABET), educational objectives and outcomes were designed to meet ETAC of ABET accreditation recommendations.

Graduates of the SGET A.S. degree will have strengths in the following areas:

- i. Utilizing measurement technologies and field mapping.
- ii. Interpreting land records and prepare maps and plats.
- iii. Utilizing industry-standard software

These strengths are designed to meet the FSU College of Science and Technology's, mission statement, which reads: "Our mission is to promote effective student learning in science, math, and technology and to prepare top-quality graduates for their future endeavors, including graduate study, employment or other personal goals."

c. INSTITUTION HIGH QUALITY STANDARDS AND CONTINUING ASSESSMENT

The SGET program will be seeking ETAC of ABET accreditation. The program will undergo regular reviews of both general and program-specific criteria specified by ABET. In addition, an advisory committee will provide advisement on current and future aspects of the technical field, in order to ensure the program is preparing the graduates to meet the need of the workforce. With ETAC of ABET accreditation, graduates will be eligible to continue on the path towards professional licensure.

d. SIMILAR PROGRAMS IN WV

Currently, there are no Surveying & Geomatics Engineering Technology programs in West Virginia. Glenville State College offers an associate degree in Land Surveying Technology. The Glenville A.S. typically accompanies the Bachelor of Science in Natural Resource Management, and with this associate degree, graduates may apply for licensure in West Virginia. It is not, however, recognized by surrounding states in the Appalachian region. Nationally, there are only six ABET accredited A.S. degrees in Surveying & Geomatics Engineering Technology or related fields.

e. SOCIETAL, OCCUPATIONAL, RESEARCH, OR PUBLIC SERVICE NEEDS AND STUDENT DEMAND

Licensed surveyors are an integral part of the country's infrastructure. Surveying and mapping is required for planning transportation systems, city and suburban development, natural resource development, and construction. Surveying is required for governmental agencies, private industries, as well as individuals with small or large projects.

Research is a crucial aspect to the degree and profession. Surveying has been a skill required since the first settlers began establishing property lines with a simple chain. Required documents can be extremely aged and require extensive investigation to acquire.

Based on data from other ABET accredited surveying programs, and from Fairmont State University's ETAC of ABET programs, the SGET program anticipates an enrollment of approximately 50 students each year.

f. ADDITIONAL RESOURCES NEEDED TO OFFER THE PROGRAM

The SGET major implementation will require minimal resources for the program.

i. Equipment and Software

Fairmont State University's College of Science and Technology already possesses a considerable amount of surveying equipment and software. This includes AutoCAD suite, automatic levels, electronic total stations, and GPS receivers with data collectors. There will be no equipment costs for implementation of the A.S. program.

ii. **Faculty**

The program will require one full time faculty and a Program Coordinator. Both of these faculty positions are in place for the program. Qualified adjunct faculty will be employed for special skills as enrollment increases.

iii. **Facilities**

No additional facilities will be required for the program.

g. INSTRUCTIONAL DELIVERY METHODOLOGIES

Courses in the proposed program will be delivered in face-to-face and online learning environments. A hybrid model will be implemented, utilizing technology for online lecture-based classes, while employing face-to-face settings for laboratory components. Instructional methods will include, but not be limited to, lectures, simulations and discussions, laboratory simulations and analysis, and experiential learning.

h. SUMMARY

Fairmont State University's Surveying & Geomatics Engineering Technology major will provide students with more career choices while filling in industry need for licensed surveyors. The SGET Associate of Science degree, along with ETAC of ABET accreditation, will allow graduates to enter directly in to the workforce and to embark on the path for professional licensure. Due to the small amount of accredited surveying programs in the state and country, this major will appeal to students in the state of West Virginia as well as nationally. Letters of support, from both private and government entities, can be found in Appendix C.

APPENDIX A
A.S. Degree in Surveying & Geomatics Engineering Technology
Proposed Program Curriculum

Required Major Courses			
	<i>Course Number</i>	<i>Title</i>	<i>HRS</i>
SURV	2200	Professional Surveying Practices	3
SURV	2210	Interpreting Land Records	3
SURV	2220	Surveying Engineering Graphics	3
SURV	2230	Land Survey Boundary	3
SURV	2260	Dendrology	2
SURV	2290	Boundary Retracement	3
CIVL	1100	Introduction to Civil Engineering Technology	1
CIVL	2200	Introduction to Surveying	3
CIVL	2240	Construction/Land/Route Surveying	3
SCIE	1107	Graphic Information Systems	4

APPENDIX B

A.S. Degree in Surveying & Geomatics Engineering Technology Course Descriptions

SURV 2200 – Professional Surveying Practices

This course will introduce the broad skills required of a surveyor in a business atmosphere. Topics include business plan formulation, basic financial forms and accounting, pricing and bidding projects, marketing, contracts and proposals, and project management. Additional topics include preparing boundary descriptions, preparing survey reports, professional ethics, in addition to dealing with and obtaining oral evidence from landowners and other persons, both clients and adjoining. This course will also introduce working with legal professionals: interaction with and cooperation with attorneys, preparation for depositions and testimony, effectively conveying and defending survey opinions in court.

SURV 2210 – Interpreting Land Records

Course topics include obtaining and analyzing deeds, wills, plats and other recorded documents, including instruction and practice in reading archaic cursive writing in old documents. The course will also incorporate the practices of finding and using other evidence not generally found in courthouse records, including old and new aerial photographs, other photographs, highway and other right of way plans, and assorted archival material.

SURV 2220 – Surveying Engineering Graphics

This course will emphasize field to office data automation as well as the use of coordinate geometry software. Topics will include data analysis, data adjustment and mapping calculations of municipal and rural maps and drawings, drainage applications, plan and profile drawings, cross-sections, earthwork plats, legal descriptions, contour and topography generation, quantity calculators, and other details related to pertinent surveying technology drawings. Computer-aided-drafting (CAD) with Carlson is used for drawings.

SURV 2230 – Land Survey Boundary

Topics include an overview of the basic concepts of boundary law and retracement, understanding the relative importance of different types of boundary evidence, and recognizing the often complex nature of boundary retracement.

SURV 2260 – Dendrology

Course provides an overview of tree taxa of the Appalachian Region. Topics include indigenous species identification, morphology, distribution, habitat and ecology. Students will gain knowledge on how morphology, life history, and ecology are related to habitat and distribution of woody plants.

SURV 2290 – Boundary Retracement

This class will continue with practical and in-depth instruction in the methods of recognizing and analyzing boundary evidence, and correlating record evidence with physical evidence. The class will also focus on applying logic and professional judgment in resolving conflicts between different aspects of the evidence, and reaching sound and defensible conclusions in the resolution of boundary issues.

APPENDIX C

**A.S. Degree in Surveying & Geomatics Engineering Technology
Quantitative Industry Support**



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Jim Justice
Governor

Thomas J. Smith, P. E.
Secretary of Transportation/
Commissioner of Highways

September 13, 2017

Ms. Tabitha M. Lafferre
Assistant Professor of Civil Engineering Technology
Department of Engineering Technology
Fairmont State University
1201 Locust Avenue
Fairmont, West Virginia 26554

Professor Lafferre:

I am writing in follow-up to our recent conversations regarding Fairmont State University exploring the option of a surveying degree. The West Virginia Division of Highways is currently working on new ways to attract and retain surveyors as our current staffing levels are at less than seventy percent. Surveying as a profession is a vital part of our design and construction program.

West Virginia is very much in need of educational paths that lead to well trained and educated surveyors that will meet the minimum standards implemented by the West Virginia Board of Professional Surveyors in 2012.

I would be honored to advise and work with you in your development process. Please feel free to contact me at West Virginia Division of Highways, Engineering Division, 1334 Smith Street, Charleston, West Virginia 25301, telephone: (304) 558-5757, and e-mail at Travis.E.Long@wv.gov.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. Long".

Travis E. Long
Chief of Surveys
Engineering Division

TEL:b

E.E.O./AFFIRMATIVE ACTION EMPLOYER



DIEFFENBAUCH & HRITZ

Engineering | Surveying | Environmental

1095 Chapin Road
Suite 200
Morgantown, WV 26501

T: 304.985.5555

F: 304.985.5557

dandhengineers.com

September 07, 2017

Tabitha Lafferre

Fairmont State University

Assistant Professor of Civil Engineering Technology

FSU ASCE Student Chapter Faculty Advisor

College of Science and Technology

Dear Mrs. Lafferre,

I was excited to learn Fairmont State University was considering adding an accredited survey program to its curriculum. I can speak from personal experience that there are few options available for a two or four year accredited survey program. I am a professionally licensed surveyor and engineer in West Virginia and surrounding states, I actively run a survey department in Morgantown West Virginia. The professional requirements for surveying have changed a lot since I earned my degree. There is a concerted effort across the nation to increase the educational requirements for professional surveyors. As a matter of fact, even with ten years of survey experience and a B.S. degree in Civil Engineering my initial application was turned down by the West Board of Professional Surveyors because I did not possess formal education requirements in particular survey subjects. I am absolutely in favor of raising the educational bar for professional surveyors just as soon as the opportunity for education is available to students and working professionals. In the ten years since that rejected application I have earned the West Virginia Professional Survey License and that of three other states. And yet with four state professional licenses and 20 years of surveying practice I am not qualified to sit for the state exam in our neighboring state of Ohio due to the formal education requirements.

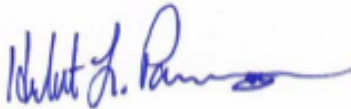
In addition to the education requirements there is a growing need for surveyors in the state and surrounding border states due to a number of factors including, retiring surveyors, technological advances in software, hardware, Global Positioning Systems (GPS) and growing local industries such as energy, transportation and land development. As a result I have personally found it difficult to find qualified candidates to hire in recent years. This is leading to a shortage of qualified surveyors available, albeit with plenty of experience, but lacking the education requirements to qualify for or to pass the exams for licensure. Furthermore with the advancement in hardware and software many surveyors today do not have a full understanding of the technology they are using and therefore do not have a full understanding of the profession. Finally the need for surveyors continues to grow in West Virginia and nationally, with

growing local industries there is an immediate need for surveyors both in the industry and with the consulting service providers that work for them.

Surveying is a broad field much like civil engineering, there is a lot to gain by formalizing the tools and skills needed to be productive in the field the moment you are hired. An advantage an entry level surveyor has with an accredited degree is that they are more likely hired under the assumption that they are on a licensing track. This leads to increased starting salaries and employer investment in career development. Those who do not possess a degree are required to learn all their skills sets through work experience, on the job training has more to do with the work at hand and less to do with their career development. Many field surveyors work hard to hone their field skills and find themselves too valuable to bring into the office to learn the remaining skills sets required to be a well-rounded surveyor. For some this is enough but the career path generally ends at party chief rather than a professionally licensed surveyor.

An accredited survey curriculum designed to meet the professional requirements for licensure will give Fairmont State University a unique program for West Virginia and the surrounding area. It will result in graduates that will be highly sought after and provide those graduates with a clear professional career path in a high demand field locally and nationally. If you add online courses and/or evening courses to your curriculum you will provide opportunity to the working class surveyor for licensure as well. I wish the University the best in their consideration of this program and I am certain if implemented it will be a successful endeavor.

Sincerely,



Herbert L. Parsons III, PS, PE
Operations Leader
Dieffenbauch & Hritz LLC

Lafferre, Tabitha

From: Joseph H. Lowther <jlowther@thethrashergroup.com>
Sent: Monday, September 11, 2017 8:42 AM
To: Lafferre, Tabitha
Subject: RE: Fairmont State Surveying Program

Good morning Tabitha,

It was nice to speak with you on the phone this morning. Aaron had forwarded me your email. Realizing the need for educated surveyors and the benefit of the ABET accreditation Thrasher will try to support as much as feasibly possible to help get this moving forward.

We look forward to working with you!

Thank you,
Joe

JOSEPH H. LOWTHER, PS

Assistant Survey Division Manager | The Thrasher Group, Inc.
office: 304-326-6386 | 800-273-6541
mobile: 304-677-5314
fax: 304-624-7831
600 White Oaks Blvd | P.O. Box 940 | Bridgeport, WV 26330

Lafferre, Tabitha

From: teterdon@frontiernet.net
Sent: Saturday, September 09, 2017 11:47 AM
To: Lafferre, Tabitha
Subject: Fw: FSU Land Surveying

--- On Sat, 9/9/17, Jw Wyatt <jwwyatt619@gmail.com> wrote:

> From: Jw Wyatt <jwwyatt619@gmail.com>
> Subject: FSU Land Surveying
> To: "Don Teter" <teterdon@frontiernet.net>
> Date: Saturday, September 9, 2017, 6:28 AM Don and FSU Administration,
> I am very pleased to hear that FSU is working on establishing of a
> Land Surveying program. There is currently a shortage of trained and
> licensed surveyors in WV. The demand for surveyors steadily increases
> over time more landowners desire to manage their forests as well as
> sub-divide properties for development and other reasons of fracture.
> Several of the surveyors in my working area are approaching retirement
> with very few to no young people seeking educational and career
> opportunities in surveying.
>
> As a forester and land manager of 30,000 + acres I frequently need the
> assistance of a trained land surveyor to survey properties, survey and
> map road right-of-ways as well as retrace and reestablish property
> boundaries so that I may administer timber sales.
> I commend FSU for establishing a land surveying program to provide WV
> and other states with competent trained professional surveyors. The
> program will also benefit FSU's enrollment as well as WV's economy.
>
> J.W. Wyatt WV Registered Forester
> 619Wyatt Land & Timber Management
> LLC PO Box 2343 Elkins, WV
> 26241(304)-642-1073

Fairmont State University

WV-HEPC Series 11 Intent to Plan (Section 5 of Series 11)

Date: January 2018

Title of Degree: Bachelor of Science (B.S.)
Surveying & Geomatics Engineering Technology

Location: Fairmont State University

**Effective Date
of proposed action:** August 2018

**Submission of full
proposal:** March 2018, or upon approval of Intent to Plan

Fairmont State University

Dr. Mirta Martin, President

Dr. Christina Lavorata, Provost and Vice President for Academic Affairs

Dr. Donald Trisel, College of Science and Technology Dean

Professor Hugh Costello, P.E., Technology Programs Chair

Prepared by:

Professor Tabitha Lafferre, Professor James Vassil, P.E.

Formatting & Review by:

Dr. Jack Kirby, Associate Provost for Academic Affairs

This submission of the WV-HEPC Series 11 Intent to Plan is a proposal for the Bachelor of Science, Surveying & Geomatics Engineering Technology degree at Fairmont State University. The full proposal will be submitted upon approval in accordance with section 6 of Series 11 – Implementation Plan. Upon internal and external approvals, this program is projected for full implementation Fall 2018.

a. EDUCATIONAL OBJECTIVES

The proposed Surveying & Geomatics Engineering Technology (SGET) major is a 120-credit hour program that will provide students with an interdisciplinary program encompassing technology, natural sciences, social sciences, arts, humanities, and general studies. The curriculum is designed as a 2+2 program, with an accompanying Associate of Science degree. Once the Associate of Science degree is earned, students may choose to enter the workforce or continue on to the baccalaureate level. The major will prepare graduates with technical skills required to enter careers in land and boundary surveying, geographic information systems, engineering project surveying, photogrammetry, mapping and geodesy, remote sensing, and other related disciplines.

b. PROGRAM DESCRIPTION

The SGET program is structured to meet the growing need in surveying and mapping of natural resources, transportation systems, recreational facilities, cities, and subdivisions. As the program will be seeking Accreditation Board for Engineering and Technology (ABET) Accreditation with the Engineering Technology Accreditation Commission (ETAC of ABET), educational objectives and outcomes were designed to meet ETAC of ABET accreditation recommendations.

Building on the A.S. degree, graduates of the SGET program will have strengths in the following areas:

- i. Utilizing measurement technologies and field mapping.
- ii. Interpreting land records and prepare maps and plats.
- iii. Applying geodetic science, photogrammetry, remote sensing, and data analysis techniques.
- iv. Analyzing positional accuracy.
- v. Planning and selecting appropriate measurement systems.
- vi. Compose land records and plats to meet legal requirements.

These strengths are designed to meet the FSU College of Science and Technology’s mission statement, which reads: “Our mission is to promote effective student learning in science, math, and technology and to prepare top-quality graduates for their future

endeavors, including graduate study, employment or other personal goals.”

c. INSTITUTION HIGH QUALITY STANDARDS AND CONTINUING ASSESSMENT

The program will be seeking ETAC of ABET accreditation. The program will undergo regular reviews of both general and program-specific criteria specified by ABET. The program will also incorporate an integrated capstone experience and cooperative education with an internship. In addition, the program’s advisory committee will provide advisement on current and future aspects of the technical field, in order to ensure the program is preparing the graduates to meet the need of the workforce. With ETAC of ABET accreditation, graduates will be eligible to obtain professional licensure.

d. SIMILAR PROGRAMS IN WV

Currently, there are no Surveying & Geomatics Engineering Technology programs in West Virginia. Glenville State College offers an associate degree in Land Surveying Technology. The Glenville A.S. degree typically accompanies the Bachelor of Science in Natural Resource Management, and with this associate degree, graduates may apply for licensure in West Virginia. It is not, however, recognized by surrounding states in the Appalachian region. Nationally, there are only fifteen ABET accredited B.S. degrees in Surveying & Geomatics Engineering Technology or related fields, four of which are ETAC of ABET accredited surveying programs.

e. SOCIETAL, OCCUPATIONAL, RESEARCH, OR PUBLIC SERVICE NEEDS AND STUDENT DEMAND

Licensed surveyors are an integral part of the country’s infrastructure. Surveying and mapping is required for planning transportation systems, city and suburban development, natural resource development, and construction. Surveying is required for governmental agencies, private industries, as well as individuals with small or large projects.

Research is a crucial aspect to the degree and profession. Surveying has been a skill required since the first settlers began establishing property lines with a simple chain. Required documents can be extremely aged and require extensive investigation to acquire.

Based on data from other ABET accredited surveying programs, and from Fairmont State University’s ETAC of ABET programs, the SGET program anticipates an enrollment of approximately 50 students each year.

f. ADDITIONAL RESOURCES NEEDED TO OFFER THE PROGRAM

The SGET major implementation will require minimal resources for the program.

i. **Equipment and Software**

Fairmont State University's College of Science and Technology already possess a considerable amount of surveying equipment and software. This includes AutoCAD suite, automatic levels, electronic total stations, and GPS receivers with data collectors. Equipment costs for the program will be minimal. The only anticipated equipment cost will be LiDAR scanners and Carlson Software, as recommended by the advisory committee.

ii. **Faculty**

The program will require one full time faculty and a Program Coordinator. Both of these faculty positions are in place for the program. Qualified adjunct faculty will be employed for special skills as enrollment increases.

iii. **Facilities**

No additional facilities will be required for the program.

g. INSTRUCTIONAL DELIVERY METHODOLOGIES

Courses in the proposed program will be delivered in face-to-face and online learning environments. A hybrid model will be implemented, utilizing technology for online lecture-based classes, while employing face-to-face settings for laboratory components. Instructional methods will include, but not be limited to, lectures, simulations and discussions, laboratory simulations and analysis, experiential learning, and a strong capstone experience and internship component.

h. SUMMARY

Fairmont State University's Surveying & Geomatics Engineering Technology major will provide students with more career choices while filling in industry need for licensed surveyors. The SGET Bachelor of Science degree, along with ETAC of ABET accreditation, will allow graduates to enter directly in to the workforce and to embark on the path for professional licensure. Due to the small amount of accredited surveying programs in the state and country, this major will appeal to students in the state of West Virginia as well as nationally. Letters of support, from both private and government entities, can be found in Appendix C.

APPENDIX A
 B.S. Degree in Surveying & Geomatics Engineering Technology
 Proposed Program Curriculum

Required Major Courses			
	<i>Course Number</i>	<i>Title</i>	<i>HRS</i>
SURV	2200	Professional Surveying Practices	3
SURV	2210	Interpreting Land Records	3
SURV	2220	Surveying Engineering Graphics	3
SURV	2230	Land Survey Boundary	3
SURV	2260	Dendrology	2
SURV	2290	Boundary Retracement	3
SURV	3320	Geodesy	3
SURV	3340	Principles of Photogrammetry	3
SURV	3380	Topographic Surveying	3
SURV	4400	Surveying Internship	3
SURV	4420	Surveying Practices & Decision Making	3
SURV	4480	Surveying Projects and Applications	4
CIVL	1100	Introduction to Civil Engineering Technology	1
CIVL	2200	Introduction to Surveying	3
CIVL	2240	Construction/Land/Route Surveying	3
CIVL	2275	Civil Engineering Graphics	3
CIVL	2280	Environmental Engineering Technology I	3
CIVL	3305	Hydraulics and Hydrology	3
SCIE	1107	Graphic Information Systems	4

APPENDIX B

B.S. Degree in Surveying & Geomatics Engineering Technology Course Descriptions

SURV 2200 – Professional Surveying Practices

This course will introduce the broad skills required of a surveyor in a business atmosphere. Topics include business plan formulation, basic financial forms and accounting, pricing and bidding projects, marketing, contracts and proposals, and project management. Additional topics include preparing boundary descriptions, preparing survey reports, professional ethics, in addition to dealing with and obtaining oral evidence from landowners and other persons, both clients and adjoining. This course will also introduce working with legal professionals: interaction with and cooperation with attorneys, preparation for depositions and testimony, effectively conveying and defending survey opinions in court.

SURV 2210 – Interpreting Land Records

Course topics include obtaining and analyzing deeds, wills, plats and other recorded documents, including instruction and practice in reading archaic cursive writing in old documents. The course will also incorporate the practices of finding and using other evidence not generally found in courthouse records, including old and new aerial photographs, other photographs, highway and other right of way plans, and assorted archival material.

SURV 2220 – Surveying Engineering Graphics

This course will emphasize field to office data automation as well as the use of coordinate geometry software. Topics will include data analysis, data adjustment and mapping calculations of municipal and rural maps and drawings, drainage applications, plan and profile drawings, cross-sections, earthwork plats, legal descriptions, contour and topography generation, quantity calculators, and other details related to pertinent surveying technology drawings. Computer-aided-drafting (CAD) with Carlson is used for drawings.

SURV 2230 – Land Survey Boundary

Topics include an overview of the basic concepts of boundary law and retracement, understanding the relative importance of different types of boundary evidence, and recognizing the often complex nature of boundary retracement.

SURV 2260 – Dendrology

Course provides an overview of tree taxa of the Appalachian Region. Topics include indigenous species identification, morphology, distribution, habitat and ecology. Students will gain knowledge on how morphology, life history, and ecology are related to habitat and distribution of woody plants.

SURV 2290 – Boundary Retracement

This class will continue with practical and in-depth instruction in the methods of recognizing and analyzing boundary evidence, and correlating record evidence with physical evidence. The class will also focus on applying logic and professional judgment in resolving conflicts between different aspects of the evidence, and reaching sound and defensible conclusions in the resolution of boundary issues.

SURV 3320 – Geodesy

This course will encompass the techniques of precise horizontal and vertical control surveying. Emphasis will be on practices of both government and private organizations. The use of directional theodolites, levels, and total station measurement is stressed. Topics include geometry of ellipsoids, coordinate systems, precise leveling and orthometric height, geodetic position computation and gravity field of earth.

SURV 3340 – Principles of Photogrammetry

This course will provide an introduction to the advantages of photogrammetry, both as a mapping and planning tool. Topics include vertical photo geometry, scale, displacement due to relief and tilt, viewing and measuring, development of planimetric and topographic maps, flight planning and aerial triangulation.

SURV 3380 – Topographic Surveying

Course will include the use of Global Positioning Systems (GPS) equipment in order to collect and create survey products in a computer aided drafting environment. Topics include geodetic horizontal and vertical datums, projection systems, datum transformations, and cadastral surveying as applied to the U.S. Public Land Survey System.

SURV 4400 – Surveying Internship

Students shall complete an advisor-approved surveying internship or co-op. Responsibilities must be in the field of surveying.

SURV 4420 – Surveying Practices & Decision Making

Students will learn to apply the principles of boundary retracement and boundary law using actual or virtual cases to develop skills in analyzing boundary evidence and making professional decisions, to enable students to begin developing the ability to analyze and resolve boundary issues.

SURV 4480 – Surveying Projects and Applications

This course is designed to serve as a capstone course for Surveying and Geomatics Engineering Technology majors. Students are required to successfully complete and approved senior project, with industry collaboration. This course requires both individual participation and teamwork in presentations, industry standards, and professional written communications.

APPENDIX C

**B.S. Degree in Surveying & Geomatics Engineering Technology
Quantitative Industry Support**



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Jim Justice
Governor

Thomas J. Smith, P. E.
Secretary of Transportation/
Commissioner of Highways

September 13, 2017

Ms. Tabitha M. Lafferre
Assistant Professor of Civil Engineering Technology
Department of Engineering Technology
Fairmont State University
1201 Locust Avenue
Fairmont, West Virginia 26554

Professor Lafferre:

I am writing in follow-up to our recent conversations regarding Fairmont State University exploring the option of a surveying degree. The West Virginia Division of Highways is currently working on new ways to attract and retain surveyors as our current staffing levels are at less than seventy percent. Surveying as a profession is a vital part of our design and construction program.

West Virginia is very much in need of educational paths that lead to well trained and educated surveyors that will meet the minimum standards implemented by the West Virginia Board of Professional Surveyors in 2012.

I would be honored to advise and work with you in your development process. Please feel free to contact me at West Virginia Division of Highways, Engineering Division, 1334 Smith Street, Charleston, West Virginia 25301, telephone: (304) 558-5757, and e-mail at Travis.E.Long@wv.gov.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. Long".

Travis E. Long
Chief of Surveys
Engineering Division

TEL:b

E.E.O./AFFIRMATIVE ACTION EMPLOYER



DIEFFENBAUCH & HRITZ

Engineering | Surveying | Environmental

1095 Chapin Road
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dandhengineers.com

September 07, 2017

Tabitha Lafferre

Fairmont State University

Assistant Professor of Civil Engineering Technology

FSU ASCE Student Chapter Faculty Advisor

College of Science and Technology

Dear Mrs. Lafferre,

I was excited to learn Fairmont State University was considering adding an accredited survey program to its curriculum. I can speak from personal experience that there are few options available for a two or four year accredited survey program. I am a professionally licensed surveyor and engineer in West Virginia and surrounding states, I actively run a survey department in Morgantown West Virginia. The professional requirements for surveying have changed a lot since I earned my degree. There is a concerted effort across the nation to increase the educational requirements for professional surveyors. As a matter of fact, even with ten years of survey experience and a B.S. degree in Civil Engineering my initial application was turned down by the West Board of Professional Surveyors because I did not possess formal education requirements in particular survey subjects. I am absolutely in favor of raising the educational bar for professional surveyors just as soon as the opportunity for education is available to students and working professionals. In the ten years since that rejected application I have earned the West Virginia Professional Survey License and that of three other states. And yet with four state professional licenses and 20 years of surveying practice I am not qualified to sit for the state exam in our neighboring state of Ohio due to the formal education requirements.

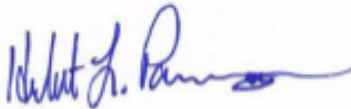
In addition to the education requirements there is a growing need for surveyors in the state and surrounding border states due to a number of factors including, retiring surveyors, technological advances in software, hardware, Global Positioning Systems (GPS) and growing local industries such as energy, transportation and land development. As a result I have personally found it difficult to find qualified candidates to hire in recent years. This is leading to a shortage of qualified surveyors available, albeit with plenty of experience, but lacking the education requirements to qualify for or to pass the exams for licensure. Furthermore with the advancement in hardware and software many surveyors today do not have a full understanding of the technology they are using and therefore do not have a full understanding of the profession. Finally the need for surveyors continues to grow in West Virginia and nationally, with

growing local industries there is an immediate need for surveyors both in the industry and with the consulting service providers that work for them.

Surveying is a broad field much like civil engineering, there is a lot to gain by formalizing the tools and skills needed to be productive in the field the moment you are hired. An advantage an entry level surveyor has with an accredited degree is that they are more likely hired under the assumption that they are on a licensing track. This leads to increased starting salaries and employer investment in career development. Those who do not possess a degree are required to learn all their skills sets through work experience, on the job training has more to do with the work at hand and less to do with their career development. Many field surveyors work hard to hone their field skills and find themselves too valuable to bring into the office to learn the remaining skills sets required to be a well-rounded surveyor. For some this is enough but the career path generally ends at party chief rather than a professionally licensed surveyor.

An accredited survey curriculum designed to meet the professional requirements for licensure will give Fairmont State University a unique program for West Virginia and the surrounding area. It will result in graduates that will be highly sought after and provide those graduates with a clear professional career path in a high demand field locally and nationally. If you add online courses and/or evening courses to your curriculum you will provide opportunity to the working class surveyor for licensure as well. I wish the University the best in their consideration of this program and I am certain if implemented it will be a successful endeavor.

Sincerely,



Herbert L. Parsons III, PS, PE
Operations Leader
Dieffenbauch & Hritz LLC

Lafferre, Tabitha

From: Joseph H. Lowther <jlowther@thethrashergroup.com>
Sent: Monday, September 11, 2017 8:42 AM
To: Lafferre, Tabitha
Subject: RE: Fairmont State Surveying Program

Good morning Tabitha,

It was nice to speak with you on the phone this morning. Aaron had forwarded me your email. Realizing the need for educated surveyors and the benefit of the ABET accreditation Thrasher will try to support as much as feasibly possible to help get this moving forward.

We look forward to working with you!

Thank you,
Joe

JOSEPH H. LOWTHER, PS

Assistant Survey Division Manager | The Thrasher Group, Inc.
office: 304-326-6386 | 800-273-6541
mobile: 304-677-5314
fax: 304-624-7831
600 White Oaks Blvd | P.O. Box 940 | Bridgeport, WV 26330

Lafferre, Tabitha

From: teterdon@frontiernet.net
Sent: Saturday, September 09, 2017 11:47 AM
To: Lafferre, Tabitha
Subject: Fw: FSU Land Surveying

--- On Sat, 9/9/17, Jw Wyatt <jwwyatt619@gmail.com> wrote:

> From: Jw Wyatt <jwwyatt619@gmail.com>
> Subject: FSU Land Surveying
> To: "Don Teter" <teterdon@frontiernet.net>
> Date: Saturday, September 9, 2017, 6:28 AM Don and FSU Administration,
> I am very pleased to hear that FSU is working on establishing of a
> Land Surveying program. There is currently a shortage of trained and
> licensed surveyors in WV. The demand for surveyors steadily increases
> over time more landowners desire to manage their forests as well as
> sub-divide properties for development and other reasons of fracture.
> Several of the surveyors in my working area are approaching retirement
> with very few to no young people seeking educational and career
> opportunities in surveying.
>
> As a forester and land manager of 30,000 + acres I frequently need the
> assistance of a trained land surveyor to survey properties, survey and
> map road right-of-ways as well as retrace and reestablish property
> boundaries so that I may administer timber sales.
> I commend FSU for establishing a land surveying program to provide WV
> and other states with competent trained professional surveyors. The
> program will also benefit FSU's enrollment as well as WV's economy.
>
> J.W. WyattWV Registered Forester
> 619Wyatt Land & Timber Management
> LLCPO Box 2343Elkins, WV
> 26241(304)-642-1073

Tab 5

**Fairmont State University
Board of Governors
February 15, 2018**

- Item:** Adopting the provisions of HB2542/18B-9A-2, adding further criteria to determine nonclassified status among non-faculty positions. The policy is subject to the thirty (30) day comment period. Proposed Policy No. 63.
- Committee:** Committee of the Whole
- Recommended Resolution:** That the Board of Governors adopt the nonclassified definitions of HB2542 enacted as amendments to State Code 18B-9A-2 defining five nonclassified criteria for non-faculty employment. Policy to be posted for a thirty (30) day comment period.
- Staff Member:** Cindy Curry, AVP, Human Resources
- Background:** Legislative changes to State Code 18B-9A-2 enacted via HB2542 in the 2017 session added to the Code definition of nonclassified employees, from three criteria (direct report to the President; policy maker at the institutional or departmental level; and any position deemed critical to the institution, pursuant to policy established by the institution’s Board of Governors) to five (adding all IT-related positions and any non-faculty positions meeting the established criteria for federal Department of Labor FLSA status.)
- This policy complies with federal, state and local laws and regulations. Specifically, this policy upholds West Virginia Code § 18B-9A-2. This is a new policy.

Fairmont State University Board of Governors
POLICY NO. 63

TITLE: DESIGNATION/STATUS OF EMPLOYEES

EFFECTIVE DATE: On passage by the Board

GENERAL:

The purpose of this policy is to define the status of Fairmont State University employees as either Faculty or Staff.

Prior to legislation enacted by the Legislature in spring 2017 via HB2542, amendments to §18B, regular employees in public higher education institutions in West Virginia held one of three designations or statuses: Faculty, Classified Staff or Non-Classified Staff. While the recent legislation had no impact on faculty status, it did serve to broaden the definition of non-classified status, resulting in changes to both classified and non-classified status. In response to those changes, this policy establishes that henceforth all non-faculty positions will be in non-classified status and referred to as Staff.

AUTHORITY: WV Code 18B Section 9A-2; Title 133 WVHEPC, Series 9

DESIGNATIONS/STATUSES:

FACULTY POSITIONS (FACULTY STATUS)

This category includes all full-time and part-time positions with formal academic appointments and such other positions as may be determined by the President. In general, employees in this category are primarily engaged in teaching, research, professional activity and service work having a direct relationship to academic programs in the teaching or allied departments. (WV HEPC Title 133, Series 9.)

STAFF

“Non-classified employee” means a non-faculty regular employee of the University who meets one or more of the following criteria:

- Holds a direct policy-making position at the department or organization level including but not limited to executive, administrative, college, school and academic support departments;
- Reports directly to the president or designated/acting chief executive officer of the University;
- Is in an information technology-related position as outlined by title, working title or job description;

- 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 was in a non-classified position as of January 1, 2017;
- Is designated by the President or designee to be critical to the accomplishment of the mission of the university

Fairmont State University considers all positions critical to the accomplishment of the mission of the institution. Therefore, all staff positions are non-classified as critical and may fall under another non-classified criterion as well.

While critical to daily operations, a non-classified employee may or may not be deemed essential for operational or service purposes. An essential employee is required to report for duty in emergencies or other special situations as identified by the President or his/her designee. Supervisors are required to notify employees annually or as circumstances change if they or their positions are identified as essential.

AT-WILL EMPLOYEES

This status includes full-time and part-time administrative officers, deans (faculty members may serve in administrative roles, with the administrative portion of their duties being at-will), heads of major divisions or departments, information technology-related staff and non-academic staff officers and/or administrators.

The inclusion OR exclusion of a specific position or employee within this category is determined by the President or her/his designee, based on the level of duties and responsibilities assigned to the position and consistent with the provisions of applicable policies and WV Code §18-B-9A-2. Such appointments, so determined, are considered “at-will employment” and, as such, serve at the discretion of the President.

ALL OTHER EMPLOYEES (STAFF)

All regular full-time and part-time positions not covered in the definitions of “at-will” above shall be included in this category. Employees in this category are primarily engaged in non-teaching support and service activities of the University. Such employees are subject to progressive discipline as outlined in BOG policy 64.

Q1 PLEASE ENTER YOUR COMMENTS HERE:

Answered: 5 Skipped: 0

*Comments through
02-02-18*

#	RESPONSES	DATE
1	<p>My concerns about BOG draft policy 63 are noted below (but these are not exhaustive). Let me note first, as a general concern, that draft policies 63, 64 and 65 do nothing to improve morale among Classified staff, non-classified staff, or faculty because the policies remove support and protections for the employees at Fairmont State, and, what should be of graver concern for the Institution, the policies create not just the potential but nearly the guarantee for grievance and/or legal action against the Institution. I am not stating this as a threat; I am stating it as the ipso facto response to policies that border on, if not breach, the draconian. With all due respect, we have seen on more than one occasion Fairmont State's Human Resources (HR) overreach on policies. BOG draft policies 63, 64, and 65 are yet another instance when an attempt to safeguard the Institution from legal action or grievance will likely result in grievances or lawsuits. The main argument presented before Senate, and, presumably, in her reported 19 meeting with staff to sell the policies, Cindy Curry focused on the limitations on salary based on the Mercer Scale. I do not disagree that the Mercer Scale is outdated and thus in need of revamping. Curry claimed in her comments to Faculty Senate that the new policy would allow FSU to provide raises where categories within the Mercer Scale would not. Anecdotally, and certainly verifiable, only a very few, very low paid employees were eligible for raises under the draft policy. Most employees lost significant protections without receiving any additional compensation. FSU's draft policies needlessly gut protections for many long-term, loyal, and student-centered employees. I understand that Dawn George, an HEPC attorney and former attorney for the AG's office, has deemed the draft policies "in compliance" and in keeping with other state institution's policies. That a poll of other institutions thus far reveal no similar policies suggests that not only is Fairmont State laying the groundwork to make its employees' livelihoods more fragile, these draft policies potentially set the precedent to endanger the livelihoods of thousands of public employees across the state. In counter to George's assurances that the policies are within the law, Chris Barr, an attorney with the American Federation of Teachers, states, in regard to draft policy 63, that HB 2542 did not eliminate Classified staff as a status; that eliminating the designation at FSU will remove employee protections that remain in law; and that claiming all employees are "critical to the institution" is an overreach at best. In short, I will quote a colleague who stated, "Just because a policy is legal, doesn't make it wise." Fairmont State could endeavor to be a workplace that is known for treating its employees fairly and respectfully, and as a great place to work. These policies will take FSU in the opposite direction, creating instead an atmosphere of fear and distrust. I urge the Board of Governors to reject these policies or to require them to be revised with input from a broad range of stakeholders, including Classified staff and faculty. Following are Barr's written response to draft policy 63: POLICY NO. 63 – DESIGNATION/STATUS OF EMPLOYEES HB 2542 passed during the 2017 Legislative Session affected the definitions of classified and non-classified employees. Specifically, it excluded from the classified staff designation all information technology-related positions and anyone hired after July 1, 2017 who met the duties test for exempt status under the FLSA (not eligible for overtime pay). FSU has taken the position in their draft policy that "all positions are critical to the accomplishment of the mission of the institution." The criterion "critical to the institution" for designating an employee as non-classified is NOT a new criterion; it was included in state law before passage of House Bill 2542. FSU is abusing its authority and eroding your rights and job protection with this policy. Had the legislature intended on eliminating the classified staff status for all non-faculty staff, it would have. While hundreds of workers might be necessary, very few positions are actually critical to the mission. Non-classified employees serve at the will and pleasure of the organization, unless otherwise established by action of the university. Moreover, many provisions (rights) in state code for classified staff will no longer apply to staff at FSU if this draft policy is approved. Do not be comforted with the draft policy's provision for who is included in the at-will status. Policies can be revised and just by removing the section on AT-WILL EMPLOYEES from the policy, FSU can easily make all non-faculty staff at-will employees. Some state law protections you could lose with the elimination of Classified Staff status: • Due process for discipline and discharge • Progressive discipline • Layoff rights • Summer employment preference in lieu of hiring new staff • Uniform system for classifying jobs • Salary structure and salary schedule • A consistent, objective performance evaluation Comment online for Policy No. 63 and tell the Board of Governors not to eliminate the classified staff designation. The only new requirement under state law for changing an employee from classified to non-classified affects employees in information technology-related</p>	2/2/2018 10:02 AM

Fairmont State University Board of Governors POLICY NO. 63

positions and exempt employees hired after July 1, 2017. Excerpt from state law – §18B-9A-2 – Definitions: "Nonclassified employee" means, an employee of an organization who meets one or more of the following criteria: (A) Holds a direct policy-making position at the department or organization level; (B) Reports directly to the president or chief executive officer of the organization; (C) 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; (D) Is in an information technology-related position; (E) 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 (F) Was in a nonclassified position as of January 1, 2017. Unless otherwise established by action of the institution where employed, a nonclassified employee serves at the will and pleasure of the organization, which authority may be delegated by act of the board.

2	What's the difference between "At-Will" and "Will & Pleasure?"	1/30/2018 11:46 AM
3	<p>FEAP employees should be listed separately and clearly defined. There is much confusion across campus about FEAP employees and there has never been any clear explanation to supervisors or the FEAP employees of their status and work schedule expectations. They are paid from faculty line items and considered as full-time faculty, so they should be able to attend Faculty Senate and be included in faculty communications within their departments and across campus. Not all the FEAP employees are perceived the same or treated equitably across campus. Some departments view them as faculty and include them in their faculty communications and activities, but some do not and they are viewed as staff employees instead. Some FEAP employees are expected to work 37.5 hours a week even if they are also required to do activities during evenings and weekends, and they are expected to work the same 8-4 work day schedule as regular staff employees. Other FEAP employees are permitted to maintain a flexible schedule and do not adhere to the 8-4 daily work schedule or work a total of 37.5 hours per week. They are also not required to work during spring break or between Fall and Spring terms; they are only required to work during the regular academic terms like regular faculty. There is also some discrimination from regular faculty who do not think the FEAP's should have faculty status and do not view them as peers or treat them as peers. They are not included in faculty meetings or discussions even if it is something within their areas of direct responsibility. This is an issue that needs to be addressed by administration and then made clear across campus so all FEAP employees are treated equitably. Supervisors, regular faculty, and the FEAP employees themselves could then have a better idea of where FEAPs fit in the system and how they should be considered in work related situations. It may even be necessary to review each FEAP position and determine if it should remain a FEAP or if it should be recategorized.</p>	1/30/2018 9:56 AM
4	<p>The only new requirement under state law for changing an employee from classified to non-classified affects employees in information technology-related positions and exempt employees hired after July 1, 2017. FSU has taken the position in your draft policy that "all positions are critical to the accomplishment of the mission of the institution." The criterion "critical to the institution" for designating an employee as non-classified is NOT a new criterion; it was included in state law before passage of House Bill 2542. FSU is abusing its authority and eroding the rights and job protection for classified staff with this policy. Had the legislature intended on eliminating the classified staff status for all non-faculty staff, it would have. While hundreds of workers might be necessary, very few positions are actually critical to the mission. Not all employees can be considered essential. There are many provisions in state law which apply to "classified staff" and your proposed policy would eliminate those rights and protections for your employees. Several classified staff have voiced concern of commenting on policies for fear of retaliation. It's sad when employees are too afraid to voice opinions for fear of retaliation; this is your current climate and this policy only exacerbates such fear. I strongly urge you to not approve this proposed policy. Some state law protections current classified staff could lose with the elimination of Classified Staff status:</p> <ul style="list-style-type: none"> • Due process for discipline and discharge • Progressive discipline • Layoff rights • Preferred hire over outside candidates • Summer employment preference in lieu of hiring new staff • Uniform system for classifying jobs • Salary structure and salary schedule • A consistent, objective performance evaluation 	1/22/2018 2:44 PM
5	In which category do FEAP employees fall?	12/8/2017 10:05 AM



Talking Points/Comments for FSU BOG Draft Policies

The three draft policies below are on public comment until 12:00 PM, Wednesday, January 31, 2018. You can review and comment using this link. <https://www.fairmontstate.edu/aboutfsu/board-governors/policies-public-comment> We encourage reading each policy in its entirety before commenting.

POLICY NO. 63 – DESIGNATION/STATUS OF EMPLOYEES

HB 2542 passed during the 2017 Legislative Session affected the definitions of classified and non-classified employees. Specifically, it excluded from the classified staff designation all information technology-related positions and anyone hired after July 1, 2017 who met the duties test for exempt status under the FLSA (not eligible for overtime pay).

FSU has taken the position in their draft policy that “all positions are critical to the accomplishment of the mission of the institution.” The criterion “critical to the institution” for designating an employee as non-classified is NOT a new criterion; it was included in state law before passage of House Bill 2542. **FSU is abusing its authority and eroding your rights and job protection with this policy.** Had the legislature intended on eliminating the classified staff status for all non-faculty staff, it would have. While hundreds of workers might be necessary, very few positions are actually critical to the mission.

Non-classified employees serve at the will and pleasure of the organization, unless otherwise established by action of the university. Moreover, many provisions (rights) in state code for classified staff will no longer apply to staff at FSU if this draft policy is approved. Do not be comforted with the draft policy’s provision for who is included in the at-will status. Policies can be revised and just by removing the section on AT-WILL EMPLOYEES from the policy, FSU can easily make all non-faculty staff at-will employees.

Some state law protections you could lose with the elimination of Classified Staff status:

- Due process for discipline and discharge
- Progressive discipline
- Layoff rights
- Summer employment preference in lieu of hiring new staff
- Uniform system for classifying jobs
- Salary structure and salary schedule
- A consistent, objective performance evaluation

Comment online for Policy No. 63 and tell the Board of Governors not to eliminate the classified staff designation. The only new requirement under state law for changing an employee from classified to non-classified affects employees in information technology-related positions and exempt employees hired after July 1, 2017.

Excerpt from state law - §18B-9A-2 – Definitions:

“Nonclassified employee” means, an employee of an organization who meets one or more of the following criteria:

- (A) Holds a direct policy-making position at the department or organization level;*
- (B) Reports directly to the president or chief executive officer of the organization;*
- (C) 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;*
- (D) Is in an information technology-related position;*
- (E) 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*
- (F) Was in a nonclassified position as of January 1, 2017.*

Unless otherwise established by action of the institution where employed, a nonclassified employee serves at the will and pleasure of the organization, which authority may be delegated by act of the board.

Tab 6

**Fairmont State University
Board of Governors
February 15, 2018**

Item: Defining the steps and criteria for employee progressive discipline and separation from employment. The policy is subject to the thirty (30) day comment period. Proposed Policy No. 64.

Committee: Committee of the Whole

Recommended Resolution: That the Board of Governors establish general disciplinary and employment-separation policies and procedures for Fairmont State University employees, both Faculty and Staff. Policy to be posted for a thirty (30) day comment period.

Staff Member: Cindy Curry, AVP, Human Resources

Background: Fairmont State University needs to more solidly delineate employee performance and behavior expectations and the progressive discipline process, to ensure that University work is done efficiently and well so that operational needs are met and the safety and wellbeing of the University community is ensured so far as is possible.. This policy will provide the framework for managers and supervisors to set employee expectations and goals, and a transparent plan for consequences to be used when expectations, goals and acceptable behavior are not met. Progressive discipline seeks to educate and correct; so this policy is established based on that model, with provisions for at-will employment and egregious behavior.

This policy complies with federal, state and local laws, rules and regulations. This is a new policy.

**Update Following
Comment Period:**

Following the comment period and due to comments made, the policy drafter made some revisions and clarifications to this policy and corrected an error. These revisions were circulated for over a week to constituents for further comment. No further revisions were made by the policy drafter following the extended comment period for the revisions; but those additional comments are compiled following. The revisions made appear in mark-up format in the attached documents provided to the Board for final review.

Fairmont State University Board of Governors
POLICY NO. 64

TITLE: PROGRESSIVE DISCIPLINE AND SEPARATION FROM EMPLOYMENT

EFFECTIVE DATE: On passage by the Board

GENERAL:

The purpose of this policy is to establish and define the general disciplinary and employment-separation procedures for Fairmont State University employees, whether Faculty or Staff.

Staff:

Non-classified employees may be terminated for any reason; however, the University may choose (but is not required) to implement progressive discipline to remediate the conduct of a will and pleasure employee. The University does not waive the employee's will and pleasure status by doing so.

In general, the University believes that progressive discipline for most employees is a best-practice educational approach to correcting and improving employee behavior and will use progressive discipline in most cases. However, the President or her/his designee has the authority to determine if an employee's action or behavior is so egregious or damaging that it warrants disciplinary action outside the confines and parameters of the progressive discipline process.

At-Will Administrators:

Those administrators designated as will and pleasure/at-will appointees by the President (per Board of Governors Policy No. 63) may, at the President's discretion, be subject to either progressive discipline as defined in this Policy or immediate dismissal per at-will provisions.

Faculty:

Termination proceedings and causes for dismissal for faculty members are set forth in West Virginia Higher Education Policy Commission Series 9, Section 12. However, faculty members are expected to adhere to the general provisions of this procedure, are expected to comply with the standards of conduct herein and are expected not to engage in acts of gross misconduct and/or any other conduct proscribed by Series 9. Unacceptable conduct set forth in this procedure may serve as grounds for dismissal of a faculty member for cause in accordance with Series 9. The University may, but is not required to, implement progressive discipline to remediate the conduct and/or unacceptable job performance of a faculty member.

This procedure in no way supersedes Series 9 and does not impose upon the University an obligation to use progressive discipline when addressing misconduct of a faculty member unless otherwise required to do so by law.

GENERAL DISCIPLINE POLICY STATEMENT:

The University has a progressive disciplinary system which allows opportunities for correction of unacceptable workplace conduct and/or job performance while maintaining fair and equitable treatment of all employees. Employees may be disciplined for unacceptable conduct and/or poor job performance and the discipline may include termination of employment. In order to maintain and operate the University in the best interests of both the employee and the University, it is necessary that all employees adhere to certain standards of conduct designed to create a friendly, cooperative, safe and effective work atmosphere. This requires each employee 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. 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, and/or when representing the University in their official capacity as a University employee. Employees are expected to perform their job duties effectively and to maintain satisfactory levels of job performance. Employees may be disciplined for failure to perform the duties of their position and for unacceptable job performance. Off duty conduct may also be the source of disciplinary action 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; for example, the University may decide to discipline an employee charged with embezzlement from a volunteer organization to which the employee belongs; or to prohibit an employee charged with driving under the influence from driving a van of students to an event. Employees found responsible for gross misconduct as described below may be terminated immediately. Determining what constitutes gross misconduct is the purview of the President. All disciplinary actions will be determined on a case-by-case basis; HR is charged with ensuring equitable treatment for comparable past disciplinary actions. The type of discipline imposed by the University may depend upon, but not be limited to, the seriousness of the performance/conduct issue(s) and the impact on the University's operations, credibility and reputation.

Misconduct

Misconduct is defined as any failure of an employee (faculty or staff) to comply with accepted standards of work or behavior. Breaches of discipline by an employee which are not of a similar nature may be added together and result in progression through the disciplinary procedure. Employees found responsible for gross misconduct may be terminated immediately without

progressive discipline. Gross misconduct can be a single act or omission, or short course of conduct, or an accumulation of those things which, taken individually, would not amount to gross misconduct. Gross misconduct that could result in immediate employment termination includes, but is not limited to, the following (this list is not exhaustive):

- Stealing property of the University or of another person;
- Threat of violence or physical harm to any individual;
- Harassment or discrimination in any form;
- Damaging the property of the University or of another person;
- Reporting to work while under the influence of alcohol or drugs or consuming alcohol and/or drugs while at work in violation of University policy;
- Falsification of time records, including not reporting time off or using leave for purposes not covered under the leave definition used;
- Falsification of timecard and/or leave time, including not clocking out timely or reporting hours worked that were not;
- Lying in official matters;
- Failure to report to work for three (3) consecutive scheduled work days without notice;
- Gambling on University property or with University equipment or technology, either during or after work hours;
- Unauthorized possession or use of a firearm and/or deadly weapon and/or destructive device on University property;
- Falsification of employment application or official record;
- Insubordination in any form;
- Sexual harassment including but not limited to acts of sexual violence, discrimination or domestic violence, whether on or outside of work time;
- Unauthorized and excessive absence from work or tardiness;
- Engaging in sexual conduct or harassment in any form in University offices, classrooms, buildings, garages, grounds and/or property;
- Conviction of a crime (state of West Virginia, any other state and/or the federal government law);
- Loss of driver's license where driving on public roads is an essential part of the duties of the position;
- Failure to comply with the University's consensual relationship policy;
- Failure to comply with relevant federal, state and local laws, established Board policy and institutional rules and guidelines;
- Substantial and manifest neglect of duty;
- Failure to maintain in good repair institutional real or tangible property;
- Failure to effectively secure hazardous, medical, drug or other materials/supplies;
- Requesting that a University authority provide false information or testimony on one's behalf;
- Failure to sign a Notice of Appointment, contract or any other required institutional document;

Other serious infractions that may involve immediate termination will be handled on a case-by-case basis at the discretion of the University.

Types of Discipline

The following steps are typical of the procedure followed to counsel an employee; however, each situation is unique and the University reserves the right to choose the level of disciplinary action it deems appropriate at any time and given the infraction or event. No matter the type of discipline being applied as described following, an employee has the right to have an attendee of his/her choice in the meeting with him/her. This can be a co-worker, spouse or friend, but the employee must speak for him/herself. The employee may also bring legal representation, but because disciplinary conferences between the institution and the employee are not legal proceedings, the attorney may not speak for the employee but serve as an observer and/or consultant.

Verbal Counseling: If an employee's work performance or conduct is unsatisfactory, the supervisor or anyone in the employee's chain of command should communicate this information to the employee through counseling, preferably face-to-face, but email is an acceptable form of communication if timeliness is an issue/concern.

Written Warning: The supervisor or anyone in the employee's chain of command should consult with the Chief Human Resources Officer for the reasons for issuing the warning and to obtain approval to issue a written warning. HR shall interview the employee prior to the writing or issuance of any warning letter as part of the employee's due process. Once the written warning has been approved, the supervisor is required to meet with the employee regarding the deficiencies in performance and/or conduct. The written warning is a written summary of the unsatisfactory performance or conduct as well as any violations of University policy if applicable. The written warning and any attachments should be forwarded to the Chief Human Resources Officer for retention in the employee's official University personnel file. Employees will typically be asked to sign a written warning; the employee's signature is not an indication that the employee agrees with the contents of the letter, but rather that the letter has been received and discussed. Employees may add rebuttals to the letter or separately; these must be forwarded to Human Resources.

Suspension without Pay: If, after a reasonable time, performance or conduct deficiencies persist, the employee may be given a disciplinary suspension without pay. The supervisor or anyone in the employee's chain of command is required to consult with the Chief Human Resources Officer for approval prior to suspending an employee without pay. Nonexempt employees may be suspended without pay for a period varying from 1 to 15 working days, depending on the gravity of the offense and the employee's previous record. Exempt employees may be suspended without pay for a period of 1 to 15 working days and must be in week long increments to a maximum of three weeks. Human Resources is required

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to meet with the employee to explain the terms of the suspension and to answer the employee's questions.

Employment Termination: Employment termination may result after an employee's receipt of two (2) written warnings in one twelve (12) month period. The written warnings do not have to be for the same offense. A suspension without pay is not required prior to employment termination. Prior to terminating an employee, the University will issue the employee an intent to terminate employment letter and will provide the employee with an opportunity (within five (5) working days) to rebut the charges set forth in the intent to terminate employment letter to the University's satisfaction. The supervisor or anyone in the employee's chain of command is required to consult with Human Resources prior to issuing an intent to terminate employment letter. The President makes the final decision on all employment terminations. Human Resources is required to meet with the employee to explain the termination and to answer the employee's questions.

Immediate Termination: Immediate termination of an employee without progressive discipline may result, without prior counseling or warning, where/when there are serious violations and/or gross misconduct. The University will issue the employee an intent to terminate employment letter and will provide the employee with an opportunity (within five (5) working days) to rebut the charges set forth in the intent to terminate employment letter, to the University's satisfaction. The supervisor or anyone in the employee's chain of command is required to consult with Human Resources prior to issuing an intent to terminate employment letter. The President makes the final decision on all employment terminations. Human Resources is required to meet with the employee to explain the termination and to answer the employee's questions.

Grievance Procedure

Any eligible employee may seek resolution of an employment related dispute through the Public Employees Grievance Procedure, established by the legislature in W. Va. Code § 6C-2-1, *et seq.* Information about the Grievance Procedure and grievance forms are available in the Human Resources Office and online at: <http://www.pegb.wv.gov/Pages/default.aspx>

Resignation

In accordance with the notification requirements of this section, an employee shall submit a signed and dated resignation letter or statement to his/her immediate supervisor, indicating the date when the resignation is to be effective. A written notice is required; an email from the employee's official assigned University email account is acceptable as written notice. Immediately following receipt of written notice, the employee's supervisor shall confirm acceptance of the resignation in writing to the employee (email is an acceptable format.) The supervisor or departmental business office shall immediately forward a copy of the signed written resignation letter or confirmation to the Human Resources Office for placement in the employee's personnel file so that the termination can be processed.

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Notification Requirements/Restrictions on Leave Usage during Notice Period

Staff: A staff employee shall provide at least two (2) weeks' written notice of his/her resignation, whenever possible. A staff employee at the manager or administrator level is expected to give at least a four (4) week notice. A shorter period of notice may be accepted if authorized by the immediate supervisor and his/her VP or Dean. A staff employee is expected to be present and functioning at his/her position, as scheduled, throughout the two week notice period, unless this requirement is waived by the immediate supervisor. Benefits-eligible employees are not to use sick leave during the notice period unless the need to use the leave is documented by the employee's medical provider and provided to the HR Benefits unit.

Faculty: A faculty member shall give notice of resignation in writing at the earliest opportunity, giving due consideration of the institution's need to have a full complement of faculty throughout the academic year. Notice of resignation shall be forwarded by the Dean or business office to the Provost's Office immediately.

Part-time and Temporary Employees: Part-time and temporary employees are also required to submit resignations in writing to their immediate supervisors. Supervisors should consult with Human Resources immediately in the case of the resignation of a part-time or temporary employee so that the termination can be processed timely.

General Termination Procedures

Resignations shall be regarded as permanent and irrevocable and the employee shall forfeit all eligibility for continued services and benefits, in accordance with the currently existing policies of the Higher Education Policy Commission, the Fairmont State University Board of Governors or University, employment contracts, notices of appointment and/or federal and state laws.

- The employee shall contact Human Resources regarding health insurance benefits, COBRA, annual leave accruals, retirement accounts or other benefits in place for the employee at the time.
- The employee shall settle any outstanding bills or monetary commitments to the University, such as parking tickets, fines, tuition, etc., prior to the termination date.
- The employee shall surrender to his/her supervisor or the appropriate authority all University property, including but not limited to ID card, keys or key cards, computers or tablets, parking permits, other equipment, thumb drives, documents, e.g., on or before the employee's last day physically at work.
- A terminating employee may not "wipe" or erase any files from equipment provided to him/her by the University and must provide any passwords used to lock equipment or files to his/her supervisor and/or IT.
- Benefits-eligible employees will continue to earn leave accruals through their last day at work.
- Employees are not permitted to remain on payroll to exhaust any annual or sick leave balances. Terminating employees will be paid out their accumulated annual leave balances as of the termination date, which will typically be paid in the employee's last

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pay check, paid under the timelines and rules of the payroll system in place at the time of resignation.

Failure to Follow Resignation Procedures

Failure by an employee to meet the above responsibilities and/or the resignation-notice requirements may result in the employee's leaving the University in poor standing, the consequences of which may include ineligibility for re-hire at the University. It is the policy of the University to refer all requests for employment references on all former employees to the Human Resources Office, which provides only dates of employment, job title and salary (which is public information.)

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Expectations of Managers/Supervisors in the Progressive Discipline Process

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Any University employee who serves as a supervisor or manager over other employees (including student workers) in any capacity will be required annually to take supervisory training offered by the University under the auspices and direction of Human Resources. Such training will include, at a minimum, the equitable and fair treatment of all employees, miscellaneous employment law, employee development principles and practices, basic leadership skills, the progressive discipline policy and procedure, employee performance management and evaluation, conflict management, and ethics. Failure to take such supervisory training timely and as mandated may result in progressive discipline for the supervisor/manager as outlined above.

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*Comments
through 02-02-18*

#	RESPONSES	DATE
1	<p>Under the heading of Misconduct, "Sexual Harassment" should be changed to "Harassment of any kind" and the verbiage of sexual violence should read "not limited to acts of sexual harassment, sexual violence, bullying, discrimination, domestic violence, whether on or outside of work time." Regarding Verbal Counseling, verbiage should be changed to "the supervisor of anyone in the employee's chain of command MUST communicate this information" rather than "should be.:" Regarding Written Warning, verbiage should be changed to "anyone in the employee's chain of command MUST consult with the Chief..." Also, in the last amended part, it should read "Employees will be asked to sign." the word typically should be omitted. Suspension without pay: The amended part in red should read "...explain the suspension" not termination. The heading following Part-time and Temporary Employees should be "General Resignation Procedures" not termination. Finally, please stress the importance of training managers/supervisors in the proper progressive discipline process. This is crucial.</p>	2/2/2018 2:20 PM

2

My concerns about BOG draft policies 63, 64, and 65 are noted below (but these are not exhaustive). Let me note first, as a general concern, that the policies do nothing to improve morale among Classified staff, non-classified staff, or faculty because the policies remove support and protections for the employees at Fairmont State, and, what should be of graver concern for the Institution, the policies create not just the potential but nearly the guarantee for grievance and/or legal action against the Institution. I am not stating this as a threat; I am stating it as the ipso facto response to policies that border on, if not breach, the draconian. With all due respect, we have seen on more than one occasion Fairmont State's Human Resources (HR) overreach on policies. BOG draft policies 63, 64, and 65 are yet another instance when an attempt to safeguard the Institution from legal action or grievance will likely result in grievances or lawsuits. I understand that Dawn George, an HEPC attorney and former attorney for the AG's office, has deemed the draft policies "in compliance" and in keeping with other state institution's policies. That a poll of other institutions thus far reveal no similar policies suggests that not only is Fairmont State laying the groundwork to make its employees' livelihoods more fragile, these draft policies potentially set the precedent to endanger the livelihoods of thousands of public employees across the state. In counter to George's assurances that the policies are within the law, Chris Barr, an attorney with the American Federation of Teachers, states, in regard to draft policy 64, which includes a partial list of 25 reasons (e.g. the list is "not exhaustive"), also seems like a lawsuit in the making. When I asked Curry if "insubordination in any form" didn't seem too broad and therefore subject to capricious use, she responded, "I wouldn't use it capriciously." Therein, of course, lies the problem: the policy is in place regardless of who is in the position of deciding what constitutes "gross misconduct." As written, the president has the power to decide, which, as Barr states, "sounds good if you trust the president . . ." I have served under five presidents and three interim presidents, and I may well serve under more before I retire. On its face, the policy raises far more problems than it would solve. Further, deans and chairpersons are against implementation of the policy. In short, I will quote a colleague who stated, "Just because a policy is legal, doesn't make it wise." Fairmont State could endeavor to be a workplace that is known for treating its employees fairly and respectfully, and as a great place to work. These policies will take FSU in the opposite direction, creating instead an atmosphere of fear and distrust. I urge the Board of Governors to reject these policies or to require them to be revised with input from a broad range of stakeholders, including Classified staff and faculty. Below are Barr's written response to draft policy 64: POLICY NO. 64 – PROGRESSIVE DISCIPLINE AND SEPARATION FROM EMPLOYMENT Employees who serve at the will and pleasure of the organization may be terminated for any reason; however, this draft policy purports to apply progressive discipline to remediate the conduct of an at-will and pleasure employee. Please note the "may choose (but is not required)" insertion related to progressive discipline. Reminder: if Policy No. 63 is adopted, employees lose their classified staff designation and the only thing keeping all staff from being designated as at-will staff is a provision in policy that can be removed by the board at any time. According to Policy No. 64, faculty and staff are expected to adhere to the general provisions, comply with the standards of conduct, and not engage in acts of gross misconduct; however, the president determines what constitutes gross misconduct and employees may be disciplined, up to and including termination, for unacceptable conduct and/or poor job performance. The president also determines whether your behavior (on duty or off duty) is so egregious or damaging that it warrants immediate dismissal without progressive discipline. It all sounds good if you trust the president to be fair; however, the list of what constitutes gross misconduct is not only far-reaching compared to what the courts have deemed to be gross misconduct, but also note the reference to "this list is not exhaustive" which means other unidentified conduct could be considered gross misconduct. This policy basically gives the president or his/her designee the authority to terminate anyone for what they deem to be gross misconduct. Comment online for Policy No. 64 and tell the Board of Governors progressive discipline is paramount in all circumstances other than gross misconduct and you don't want the president/designee to arbitrarily determine what constitutes gross misconduct – gross misconduct is not a moving target and has been addressed by various administrative boards and the courts. They are continuing to chip away at your rights and job security so that employees will be afraid to speak out for fear of losing their jobs.

2/2/2018 10:04 AM

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The inclusion of "conviction of a crime" as an example of Gross Misconduct seems to be so vague as to be irrelevant. Is this conviction of a crime before the employee began to work for FSU? Or is gross misconduct limited to being convicted of a crime while in employment? The wording is ambiguous, as is the seriousness of the offense. Are we talking about a traffic violation or a felony here? I would urge that we ignore crimes committed prior to an employee's hiring, unless those crimes bear directly on the employees FSU job responsibilities. I would further urge that we ignore crimes committed while an individual in employed by FSU unless they rise to the level of felony.

2/1/2018 10:40 PM

Fairmont State University Board of Governors POLICY NO. 64

- 4 Under General Discipline Policy Statement: Where it says "Employees are expected to act professionally during working hours" I feel "during working hours" should be struck from the sentence so that it covers conduct after and before normal work hours as well. Under the Misconduct heading: The 3rd or last bulleted item on page 3 should include the term "bullying". Page 4, Verbal Counseling, "employee's chain of command" should communicate this information, would be better changed to "must" communicate this information. Page 5 Suspension without Pay: Exempt employees may be suspended without pay for a period of 1 to 15 working days and must be in week long increments would make better sense if stated "Exempt employees may be suspended without pay for up to 15 working days... Continuing in that section, the last sentence in red says "explain the termination" should be "suspension" since this section is talking about suspension. Please clarify employment termination after 2 written warnings. Does that mean at the time a 3rd is about to be issued, or one warning on file and the 2nd could cause termination? Page 7 the Title "General Termination Procedures" should read "General Resignation Procedures" 2/1/2018 3:42 PM
- 5 In the following, I do not see how you can keep the employees attorney to speak. Some employees simply may not have the capacity to speak effectively in such a pressure situation. I believe the employee's attorney should have full rights to speak - in fact, I doubt that can be stopped. "The employee may also bring legal representation, but because disciplinary conferences between the institution and the employee are not legal proceedings, the attorney may not speak for the employee but serve as an observer and/or consultant." 1/30/2018 10:05 AM
- 6 This policy is seriously flawed because it is needlessly vague and imprecise. One example is that "insubordination in any form" constitutes gross misconduct and is grounds for immediate termination. Another example is that "Conviction of a crime (state of West Virginia, any other state and/or the federal government law)" can be punished in similar fashion." What exactly constitutes insubordination? Can I disagree with a superior? Can I tell them a policy or decision is ill-advised? How is this reconcilable to academic freedom? What constitutes a crime? Can someone be terminated for a speeding ticket? What if someone is arrested in an act of non-violent civil disobedience? Can that person be fired from his or her job? The policy on off-duty conduct also seems haphazard: "Off duty conduct may also be the source of disciplinary action 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." What, pray tell, is a "rational nexus"? Affects the reputation of the University in whose eyes? The academic community's eyes? The city of Fairmont's eyes? The eyes of the alumni? These guidelines are a mess, and interpreted liberally, could provide reason to terminate almost anyone. Approving them would be a serious error. 1/26/2018 3:59 PM
- 7 I do not like this policy. Many of the types of misconduct are very vague. You need to clarify many of the misconduct statements. Some examples: Damaging the property of the University or of another person - what if it is accidental?? Adding "intentional" to this statement would be very helpful. Failure to report to work for three (3) consecutive scheduled work days without notice - what is "without notice." Without notifying your supervisor?? Unauthorized possession or use of a firearm and/or deadly weapon and/or destructive device on University property - what is a destructive device? Does a pocket knife count? Can I be terminated for having a letter opener? Gambling on University property or with University equipment or technology, either during or after work hours; - the students are always having some sort of fund raiser that involves a raffle or elimination dinner.....now I have an excuse to say "no." Insubordination in any form - this one really bothers me. You need to define it clearly and work out a process to determine the type of discipline. If I make 10 more copies than are allotted me, is that insubordination in any form. Could I be terminated for that or just verbal counseling? Engaging in sexual conduct or harassment in any form in University offices, classrooms, buildings, garages, grounds and/or property; - what is sexual conduct? What if my wife drops by my office, and I give her a passionate kiss? Can I be terminated for this? Verbal counseling? Substantial and manifest neglect of duty; - define this please! Who decides "neglect of duty?" My boss does not like me, and I am 5 minutes late to a meeting or miss one, can I be terminated? Failure to maintain in good repair institutional real or tangible property - what does this mean?? My office has a window which is completely opaque from age and has almost 50 year old curtains. Is it my responsibility to repair/replace them? What would be the discipline for this? FINALLY, YOU NEED TO BE "CONVICTED" OF THESE INFRACTIONS BY A JURY OF YOUR PEERS. A FACULTY/STAFF COMMITTEE NEEDS TO BE INVOLVED IN THIS PROCESS. YOU ARE REALLY OPENING A "BIG CAN OF WORMS" WITH THIS POLICY. I ASK THAT YOU REJECT IT.... 1/26/2018 11:57 AM

Fairmont State University Board of Governors POLICY NO. 64

8	<p>Faculty and staff are expected to adhere to the general provisions, comply with the standards of conduct, and not engage in acts of gross misconduct; however, the president determines what constitutes gross misconduct and employees may be disciplined, up to and including termination, for unacceptable conduct and/or poor job performance. The president also determines whether your behavior (on duty or off duty) is so egregious or damaging that it warrants immediate dismissal without progressive discipline. It all sounds good if you trust the president to be fair; however, the list of what constitutes gross misconduct is not only far-reaching compared to what the courts have deemed to be gross misconduct, but also note the reference to "this list is not exhaustive" which means other unidentified conduct could be considered gross misconduct. This policy basically gives the president or his/her designee the authority to terminate anyone for what they deem to be gross misconduct. Progressive discipline is paramount in all circumstances other than gross misconduct and you don't want the president/designee to arbitrarily determine what constitutes gross misconduct – gross misconduct is not a moving target and has been addressed by various administrative boards and the courts. You are continuing to chip away at our rights and job security so that employees will be afraid to speak out for fear of losing their jobs. Do not approve this policy.</p>	1/22/2018 2:49 PM
9	<p>The policy mentions: "Employees may be disciplined for unacceptable conduct and/or poor job performance.."- How are we quantifying poor job performance? Student teaching evaluations? There is a good deal of research suggesting student teaching evaluations are not really valid. What level of crime are we talking about? -Would littering or getting a speeding ticket count? Verbal Counseling: If an employee's work performance or conduct is unsatisfactory, the supervisor or anyone in the employee's chain of command should communicate this information to the employee through counseling. -How are we operationalizing counseling? "Suspension without Pay: If, after a reasonable time..." -What constitutes a reasonable time?</p>	1/18/2018 3:14 PM
10	<p>I think the section outlining grounds for immediate termination needs to be fleshed out a little more. If you are laying out reasons that a person can be immediately fired form their job the factors at play should be more explicit. Some of the examples given are very vague. For example, one of the examples states "failure to maintain in good repair institutional real or tangible property". Does this mean if a faculty member drops their laptop and break it they could be fired for it? I know that is an extreme example but it demonstrates. In addition, the line "Insubordination in any form". There may be instances where insubordination could be called for if a request is not reasonable or legitimate. I think wording similar to what is in the West Virginia Higher education Policy Commission would fit better which states "Insubordination by refusal to abide by legitimate reasonable direction of administrators".</p>	1/10/2018 12:11 PM
11	<p>This is all geared toward the supervisor having total control over the employees. A common practice today which has resulted in very low moral. There needs to be written into these policies rights as an employee to protect themselves from un-equitable and unfair supervisors who bully some staff members. I feel this is a good beginning, but does not "maintain(ing) fair and equitable treatment of all employees" and does not address when it is the supervisor who violates "respect the rights and feelings of others".</p>	1/9/2018 9:12 AM
12	<p>Benefits-eligible employees will stop earning leave accruals once they have submitted their resignations: As long as an employee is still working and earning a paycheck, they should be able to earn leave accruals. We should be paid for whatever vacation we have accrued and any sick leave should go towards health insurance benefits. This rule will hurt retirees. You are taking away any incentive for to observe the notice period.</p>	12/14/2017 3:36 PM
13	<p>If it is required for an employee to provide a notice the university should be required to give notice no less than two (2) weeks before termination. I believe that will help with compliance to the resignation policy as re-hire and negative reference don't really stop individuals from just quitting.</p>	12/12/2017 5:37 AM
14	<p>I don't agree that excessive tardiness should be considered "gross misconduct" in relation to the other items in that category. If you are turning in time or staying later to make up the time on that day then you are committed to the job and are compensating the university with turned in leave or staying later. The bottom line is that you are not deliberately taking advantage of the university. This could be used by a supervisor to get rid of you when you otherwise are a dedicated employee.</p>	12/8/2017 9:57 AM

POLICY NO. 64 – PROGRESSIVE DISCIPLINE AND SEPARATION FROM EMPLOYMENT

Employees who serve at the will and pleasure of the organization may be terminated for any reason; however, this draft policy purports to apply progressive discipline to remediate the conduct of an at-will and pleasure employee. Please note the “may choose (but is not required)” insertion related to progressive discipline.

Reminder: if Policy No. 63 is adopted, employees lose their classified staff designation and the only thing keeping all staff from being designated as at-will staff is a provision in policy that can be removed by the board at any time.

According to Policy No. 64, faculty and staff are expected to adhere to the general provisions, comply with the standards of conduct, and not engage in acts of gross misconduct; however, the president determines what constitutes gross misconduct and employees may be disciplined, up to and including termination, for unacceptable conduct and/or poor job performance. The president also determines whether your behavior (on duty or off duty) is so egregious or damaging that it warrants immediate dismissal without progressive discipline. It all sounds good if you trust the president to be fair; however, the list of what constitutes gross misconduct is not only far-reaching compared to what the courts have deemed to be gross misconduct, but also note the reference to “this list is not exhaustive” which means other unidentified conduct could be considered gross misconduct. This policy basically gives the president or his/her designee the authority to terminate anyone for what they deem to be gross misconduct.

Comment online for Policy No. 64 and tell the Board of Governors progressive discipline is paramount in all circumstances other than gross misconduct and you don’t want the president/designee to arbitrarily determine what constitutes gross misconduct – gross misconduct is not a moving target and has been addressed by various administrative boards and the courts. They are continuing to chip away at your rights and job security so that employees will be afraid to speak out for fear of losing their jobs.

~~POLICY NO. 65 – LAYOFFS AND REDUCTIONS IN FORCE~~

~~Non-classified staff have little job security protections in law, so university policy provisions on layoffs will be the rule. Faculty layoffs in this policy appear to maintain rank/seniority/tenure for layoff purposes. HB 2542 eliminated bumping rights and recall status for classified staff. Current law (see WV Code §18B-7-3) provides, in pertinent part, “(1) Layoffs for reason of lack of funds or work, or abolition of position or material changes in duties or organization, the institution may layoff the incumbent in the position being eliminated. In the case of elimination of some but not all of the positions of the same job title, consideration shall be given to an employee’s documented quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, disciplinary records), skills, seniority as measured by years of service, or other factors, as determined by the board. (2) If the organization desires to lay off a more senior employee, the organization may offer to the more senior employee a severance package, the value of which shall not exceed the more senior employee’s salary for one year.”~~

~~Concerns related to Policy No. 65: Attendance, behavior, years of service in the current position, and job suitability have been included as factors to determine whom to lay off.~~

- ~~• Attendance – there is no separation of excused/unexcused absences. Could you be targeted for layoff due to absences related to an extended medical leave? Medical appointments? Off work with the flu?~~
- ~~• Behavior – this factor is too subjective. Unless there is documented disciplinary action related to conduct, who is evaluating your day-to-day behavior and qualified to determine whether your behavior warrants your being laid off over another employee in the same job title/unit?~~
- ~~• Job suitability – this factor is too subjective. What are they relying upon to determine whether you are less suitable than others in your job title/unit?~~
- ~~• Years of service in the current position – this factor will discourage upward movement in classification. Would you want to change positions if you could be targeted for layoff over a lesser senior employee?~~

Tab 7

**Fairmont State University
Board of Governors
February 15, 2018**

Item: The need to establish a policy by which to effect Fairmont State University employee/position layoffs or reductions in force due to financial, legal, operational or service/work-need conditions that may arise. Proposed Policy No. 65.

Committee: Committee of the Whole

Recommended Resolution: That the Board of Governors establish a policy and procedure by which employee/ position layoffs and reductions in force can be accomplished when times of financial, legal, operational or service/work-need exigencies arise, as determined/declared by the President and Board of Governors. Policy to be posted for a thirty (30) day comment period.

Staff Member: Cindy Curry, AVP, Human Resources

Background: This policy complies with federal, state and local laws, rules and regulations. This is a new policy.

Update Following Comment Period: Following the comment period and due to comments made, the policy drafter made some revisions and clarifications to this policy and corrected an error. These revisions were circulated for over a week to constituents for further comment. No further revisions were made by the policy drafter following the extended comment period for the revisions; but those additional comments are compiled following. The revisions made appear in mark-up format in the attached documents provided to the Board for final review.

**Fairmont State University Board of Governors
POLICY NO. 65**

TITLE: Layoffs and Reductions in Force

EFFECTIVE DATE: Upon passage by the Board

GENERAL

Financial, legal or operational conditions may arise that require a reduction in the institution's labor budget and/or personnel complement.

Purpose

The purpose of this policy is to establish and define the layoff and reduction in force (RIF) procedures for regular (.53FTE and above) Fairmont State University employees, whether Faculty or Staff. Such actions may be taken in response to 1) loss of funding due to the end of a program or grant or other funding; 2) when the University has determined a position, program or function is no longer needed or viable; 3) when a financial condition or exigency (as determined by the Board of Governors upon the President's recommendation) necessitates a reduction in the labor budget.

Scope and Applicability

This policy shall apply to all regular full-time (.53 FTE and above) employees and positions, to include faculty, Faculty Equivalent/Academic Professional (FEAP) and staff employees.

For the purposes and intent of this policy, a mandated and equitably applied FTE and commensurate salary reduction for an employee and/or a position is not considered a reduction in force. The University may, at its sole discretion, opt to utilize an FTE/salary reduction in lieu of or in addition to a layoff or reduction in force.

This policy is intended to apply only to full-time regular employees, i.e., those at .53 FTE and above. Employees at less than .53 FTE, i.e., part-time regular ("1039") or temporary, casual or project employees are not included in this policy, as they are considered "at-will" employees whose positions may be abolished at any time if deemed necessary by the appropriate institutional authority.

Layoffs

Layoffs may occur in either faculty or staff positions/units. For layoffs due to lack of funds or work, abolishment of a position, material changes in duties in a position/positions or organization/work unit or the termination/abolishment of a program:

1. The University may lay off the incumbent in the position being eliminated.
2. The University may offer a laid-off employee another, vacant position but is legally under no obligation to do so. If another position is offered, it will be compensated at the classification and pay range appropriate to the duties of the offered position, taking into account the experience and skill set of the employee. Appropriate compensation will be determined by Human Resources. If the employee declines the offer, the layoff will continue; no further obligation to the employee accrues to the University in regard to layoff.
3. In the case of abolishment of some but not all of the positions of the same job title or in the same job unit, consideration shall be given to the following factors to determine whom to lay off: (a) an employee's documented quality of work performance as demonstrated in performance evaluations or records (including, but not limited to, disciplinary records and letters to the employee, documented counseling sessions, attendance, and behavior); (b) seniority at FSU; and (c) job suitability and the employee's skill set.
4. If after considering these factors the University elects to lay off a regular employee, the University may offer the employee, at the University's discretion, a monetary severance package of not less than two pay periods and not more than the employee's current base salary for one fiscal year. In no case is the University obligated to offer such a severance package,
5. An employee's acceptance of a severance package in any amount ends his/her employment; however, those employees so terminated may be considered for future employment with Fairmont State University if they have had good performance evaluations while employed with FSU and if they have the requisite skill sets, experience and competencies to do the job. Employees wishing to be reemployed must apply and participate in the standard competitive selection process, as there are no automatic recall rights following layoff.
6. For the purposes of this policy, seniority is the length of continuous service at Fairmont State University only and represents only one factor in decision-making regarding layoff. A more senior employee is one with longer service at the University than another employee in the same job title who is also subject to layoff.

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Benefits

Employees laid off under this policy will be treated as terminated for purposes not involving misconduct on the part of the employee and will be treated as such under all applicable state and federal rules, laws and regulations.

Notice

A notice of intent to reduce the workforce will be sent to affected employees as soon as practical after a determination has been made that a reduction is necessary. The employee(s) so identified will be provided a written notice of layoff (including the reasons for the layoff), which will include the effective date of the layoff and separation paperwork to be completed. The University designee in charge of the layoff will schedule a meeting with affected employees to answer employee questions and concerns prior to the processing of an layoff actions.

The University will use its best efforts to provide at least a four-week notice of any layoff. The University may, at its sole discretion, choose to provide pay of up to four weeks in lieu of notice, but is under no obligation to do so.

REDUCTION IN FORCE—FACULTY

It shall be the policy of the Board of Governors to undertake reductions in the faculty workforce or personnel complement in a consistent and equitable manner. Following the decision that a financial or other condition necessitating a reduction exists, the President shall undertake program/curriculum reviews to consider pertinent program/curriculum or administrative information. The President may recommend to the Board of Governors the elimination or reduction of programs/curricula deemed appropriate, given financial and enrollment considerations, and in the best interest of the University in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number of affected faculty positions and personnel will be the preservation of the quality and effectiveness of the University's programs and overall mission. A reasonable reduction in the number of hours an employee works (FTE) is NOT considered a reduction in force and may be utilized by the University as a cost-saving measure in lieu of layoffs or reduction in force.

Basis for Elimination of Faculty Positions: Recommendations by the President to the Board of Governors concerning the elimination of any faculty position will be made on the basis of need within each discipline, as defined by the President after consultation with the Chief Academic Officer/Provost, the Deans and department chairs. For purposes of a reduction in force, FEAPs (Faculty-Equivalent Academic Professionals) will be considered faculty.

Elimination of Positions with Equal Rank in Same Discipline/Department: In the event all other factors are considered to be equal and a choice must be made concerning the elimination of the position of one of two or more faculty members holding the same rank and teaching the same discipline, the faculty member with the greater seniority will be retained. Also, in the event of a conflict between rank and seniority, such as when an assistant professor has substantially more seniority than his or her equally qualified counterpart who is an associate professor, the department chair, dean and the chief academic officer will jointly review the annual evaluations of both faculty members for the previous three years, as well as any other relevant data, and make a recommendation to the President concerning which of the positions better serves the vital interests of the University.

Order for Elimination of Faculty Positions: Non-tenured faculty members within the discipline to be reduced will be terminated prior to the termination of the employment of tenured faculty members. Employment terminations of faculty members will generally follow the order specified below unless there is an identified need to retain faculty members who are deemed to be of key importance to a particular program:

Non-Tenured:

1. Adjunct Faculty
2. Lecturer and Temporary Faculty
3. Instructor
4. Assistant Professor
5. Associate Professor
6. Associate Professor/Senior
7. Professor
8. Professor/Senior

Tenured:

9. Assistant Professor
10. Associate Professor
11. Associate Professor/Senior
12. Professor
13. Professor/Senior

President's Recommendation: In addition to recommendations made in response to a financial condition necessitating a reduction in force, the President may recommend the termination of the employment of faculty members to the Board of Governors at any time for reason of lack of funds, lack of work, reduction in enrollment or abolition of position. Recommendations of the President to the Board of Governors relative to the termination of the employment of faculty members shall not be made until affected faculty members have been afforded a hearing as provided herein.

Notice and Hearing for Tenured Faculty Members: The President shall provide written notice to any full-time tenured faculty member of the intent to recommend termination of employment based upon a reduction in force. The notice shall contain a description of the reasons for the intended recommendation. The President must make every effort to give as much notice as is practical in light of a financial condition necessitating the reduction in force to each affected faculty member in advance of the effective date of the layoff. However, the legislative appropriation process or the recognition of a reduction in revenues and the subsequent analysis needed before a decision that a financial condition necessitating a reduction in the institution's labor budget exists may allow little time for formal notice to the employees who are

to be laid off. Upon receipt of such notice, the affected faculty member may request a hearing to be conducted by the President or his/her designee. A request for a hearing must be made within five (5) working days (excluding holidays) of a notice of recommended termination.

Among the issues to be considered by the President or designee are:

- a. Ensuring that reductions-in-force do not arbitrarily violate the principles of academic freedom or established law on the basis of individual qualifications such as race, color, gender, sex, sexual orientation, gender identity, gender expression/association, national origin, age, height, weight, religion, creed, genetic information, disability or veteran's status, as identified and defined by relevant and appropriate employment law.
- b. The burden of proof in position or employee termination proceedings rests with the faculty member. The decision that a financial condition necessitating a reduction in the institution's labor budget rests solely within the President's authority and discretion, with the approval of the Board, and is not subject to contest by any faculty member.
- c. The hearing shall be recorded by mechanical means and a written transcript provided to all participating and appropriate parties to be included with the final response as described in (e) below. The strict rules of evidence shall not, however, be applied during the hearing.
- d. Following the hearing, the President or designee shall prepare a written decision upon any matters raised by the faculty member who requested the hearing. The decision shall contain a description of the concerns raised by the faculty member and a response to each thereto. A copy of the decision and transcript shall accompany any subsequent recommendation made by the President to the Board of Governors. These actions will all be completed within ten (10) working days (excluding observed holidays) of the appeal meeting, unless an extension is mutually agreed upon by the faculty member and an approved designee of the University.
- e. Use of the appeal procedure does not commensurately delay the effective date of employment termination of the faculty member.

Non-Tenured Faculty Members: In most instances, a reduction in force of faculty members under fixed-term appointments will be accomplished by non-reappointment rather than by layoff during the term of employment. Non-renewal under these circumstances does not entitle a faculty member to notice and hearing under the terms of this policy. In the event a faculty member serving under a fixed-term appointment is recommended for employment termination during the term of employment because of a reduction in force resulting from a decision that a financial condition necessitating a reduction in the institution's labor budget, that faculty member shall be entitled to use the appeal procedure described following.

Action by the Board of Governors: Upon receipt of a recommendation by the President, the Board of Governors may approve the termination of employment of a faculty member. No separate hearing shall be afforded to affected faculty members by the Board of Governors. The affected faculty member shall be provided with written notice of the action taken by the Board of Governors and shall also be provided with a copy of the instructions and form for filing an appeal with the West Virginia Public Employees Grievance Board.

Transfers/Refusals to Transfer: In some cases, the President may decide (as a result of the above-described review process), to abolish or combine certain programs or curricula, or to close certain physical campuses or locations, whether for purposes of a financial condition necessitating a reduction in the institution's labor budget or for reorganization or reallocation of resources. In such a case, an employee may be reassigned to a new program, school or physical location. If a faculty member refuses the reassignment to a program, school or physical location, the President may then terminate that faculty member's employment because an equitable offer has been made and refused. The University is then under no further obligation to maintain the employee's job or employment.

New Faculty Positions: New positions will not be created while a financial condition necessitating a reduction in the institution's labor budget is in effect unless a serious disruption in the functioning of the University or a loss of grant funds would otherwise result, as determined within the sole discretion of the President. New academic programs or faculty positions may be created only when it can be demonstrated that these programs or positions will help the University extricate itself from the financial conditions necessitating the reduction in force. Priority for filling these positions will be given to existing, qualified faculty whose positions are slated for abolishment.

Re-employment Following Financially Based or Other Termination: Notwithstanding any other recall rights contained in the policy, in the case of the termination of the employment of a tenured faculty member occupying a permanent faculty position, the position concerned may not be filled by replacement within a period of two (2) years from the effective date of the termination of employment, unless the faculty member has been offered a return to employment in that position and has not accepted the offer within 30 calendar days after the offer is extended.

Termination of Exigency: The conclusion of a financial condition necessitating a reduction in the institution's labor budget will not imply that employment terminations that were made during that period are automatically withdrawn, revoked or otherwise invalid.

Process for Re-employment of Affected Personnel: The following process shall be observed for determination of recall and reassignment of affected faculty members

following their termination during a financial condition necessitating a reduction in the institution's labor budget: When filling academic positions, the highest ranking qualified tenured faculty member whose employment has been terminated as part of a financial condition necessitating a reduction in force (and who has not been employed in an academic position elsewhere) shall be offered the position. If the position is refused, it shall be offered to other similarly affected faculty members in rank order. Any refusal of employment by a faculty member shall terminate any further rights to recall. However, a refusal to accept a position shall not preclude a faculty member from making application for other posted position openings. The Office of Human Resources shall notify faculty members whose employment has been terminated of position openings in accordance with the terms of this policy. The notice shall be sent by certified mail to the last known address of the employee. It is the responsibility of the employee on the recall list to notify the Office of Human Resources of any change in address in order to retain recall status.

Assumption of Responsibilities: The duties of a faculty member terminated under the provisions of this policy will be assumed by his/her remaining colleagues in so far as is feasible.

Rights of Returning Tenured Faculty Members: A tenured faculty member who has been terminated and who accepts re-employment with the University under the terms of this policy will resume tenure and the rank held at the time of employment termination, be paid a salary commensurate with the rank and length of previous service and, if applicable, be credited with any sick leave accrued as of the date of employment termination and be credited with any annual leave accrued as of the date of employment termination for which payment has not been made. Annual increment service time earned to the date of termination will be restored and new service time will begin accruing again upon reinstatement; no annual increment or other service time accrues during the period of reduction in force.

REDUCTION IN FORCE—STAFF

It shall be the policy of the Board of Governors to undertake reductions in the staff workforce or personnel complement in a consistent and equitable manner and in compliance with applicable law in force at the time of the reduction in force. Following the decision that a financial or other condition necessitating a reduction exists, the President shall undertake program/curriculum reviews to consider pertinent program/curriculum or administrative information. The President may recommend to the Board of Governors the elimination or reduction of programs/curricula deemed appropriate, given financial and enrollment considerations, and in the best interest of the University in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number of affected staff positions and personnel will be the preservation of the quality and effectiveness of the University's programs, operational needs and overall mission.

Basis for Elimination of Staff Positions: It shall be the policy of the Board of Governors to undertake reductions in the workforce of staff personnel in a consistent and fair manner, and in accordance with applicable law at the time of the reduction, insofar as the needs of the institution, its mission and its students are met first. Following a reduction in workforce in the ranks of staff personnel, the continuation of services and programs with appropriately trained and qualified personnel shall be afforded primary consideration in all decisions related to elimination of positions and any reassignment of affected staff personnel.

- 1.) Part-time regular ("1039's"), casual, project and/or temporary staff positions/employees are not covered under the provisions of this policy, and such positions may be abolished at any time deemed necessary. Typically, such positions are to be abolished first, before any regular positions.
- 2.) A reasonable reduction in the number of hours an employee works (FTE) is NOT considered a reduction in force and may be utilized by the University as a cost-saving measure in lieu of layoffs or reduction in force.
- 3.) In the case of abolishment of some but not all of the positions of the same job title or in the same job unit, consideration shall be given to the following factors to determine whom to lay off: (a) an employee's documented quality of work performance as demonstrated in performance evaluations of records (including, but not limited to, disciplinary records, attendance, and behavior), (b) seniority at FSU, (c) years of service in the current position, and (d) job suitability and the employee's skill set. Human Resources is assigned the responsibility for assessing employees' skills sets and competencies.
- 4.) Seniority is only one of many factors the University may employ to determine reductions in force; in no case will it be the determining or primary factor in reduction in force decisions.
- 5.) An employee who is subject to a reduction in force shall, if re-employed by the University, receive credit for previously accumulated service for increment purposes, but shall not accumulate seniority during the period of absence prior to re-employment. The University may but is not required to re-employ an employee terminated under a reduction in force, once circumstances or finances change.

President's Authority and/or Recommendation: The President may eliminate staff positions without prior recommendation to the Board of Governors for reasons other than financial conditions necessitating a reduction in the institution's labor budget. These reasons may include, but are not limited to, lack of funds; expirations of special grants or revenue streams; lack of work; material changes in duties; the employee's own work patterns and leave history that have affected the viability or need for the position as documented by leave records, performance evaluations and/or employee counseling and disciplinary notices/letters; or changes in the organization of units, functions or operations. In the event of a decision that a financial condition necessitating a reduction in the institution's labor budget exists, the President shall, where possible, eliminate filled or vacant part-time ("1039"), casual, project or temporary and non-critical vacant positions prior to recommending the elimination of positions held by regular full-time staff personnel.

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Affected Personnel: Staff personnel who are serving in positions that have been designated for elimination shall be considered for reassignment based upon their classification and any relevant specific qualifications, skills, competencies or training they may possess. Seniority may be considered in such decisions, but the University is under no obligation to make reassignments based on seniority, either in whole or in part. Once positions have been designated for elimination, the affected employees must update their record of credentials and specific qualifications and training within a reasonable timeframe as determined by the Office of Human Resources, if they wish to be considered for reassignment.

Consideration of FTE Status: – FTE status shall be considered in evaluating the suitability of positions for reassignment. Notwithstanding the fact that employees with FTE's between .53 and 1.0 are considered full-time, vacancies and other potential positions for an employee's reassignment must not vary more than .20 of the affected employees' FTE status to be considered suitable. However, if there are no suitable vacancies or other available suitable positions held by employees with less seniority, an employee may be reassigned to a position that would otherwise be considered non-suitable for reason of FTE disparity. If the employee refuses such a reassignment, the termination per reduction in force will proceed.

Process for Reassignment of Affected Personnel: The process for determining eligibility for reassignment will be the responsibility of Human Resources.

RESPONSIBILITIES AND PROCEDURES

Faculty: The President and Chief Academic Officer/Provost shall have primary responsibility for making recommendations to the Board of Governors regarding elimination of faculty positions. Human Resources will be guided in process and implementation by the decisions provided by the President and Chief Academic Officer.

Staff Employees: The Office of Human Resources shall have primary responsibility for the implementation of the provisions of this policy.

It is the responsibility of the Chief Human Resources Officer to oversee implementation of a workforce reduction consistent with this policy statement and corresponding State code. The final authority for interpretation of this policy rests with the Chief Human Resources Officer.

REFERENCE / AUTHORITY

HEPC Title 133, Series 9 (Sections 13 and 14) and WV Code 188-7-3

Q1 PLEASE ENTER YOUR COMMENTS HERE:

Answered: 7 Skipped: 0

*Comments through
02-02-18*

#	RESPONSES	DATE
1	<p>Some of the verbiage needs to be changed. Under Reduction in Force--Staff/Basis for Elimination of Staff Positions, I feel the amended part of 1 regarding PT employees should read, "Such positions are to be abolished first, before any regular positions. Removal of the word "typically." #5--seems truly unfair that an employee that has been laid off would not be the first to be considered for the job.</p>	2/2/2018 2:08 PM
2	<p>My concerns about BOG draft policy 65 are noted below (but these are not exhaustive). Let me note first, as a general concern, that the policies do nothing to improve morale among Classified staff, non-classified staff, or faculty because the policies remove support and protections for the employees at Fairmont State, and, what should be of graver concern for the Institution, the policies create not just the potential but nearly the guarantee for grievance and/or legal action against the Institution. I am not stating this as a threat; I am stating it as the ipso facto response to policies that border on, if not breach, the draconian. With all due respect, we have seen on more than one occasion Fairmont State's Human Resources (HR) overreach on policies. BOG draft policies 63, 64, and 65 are yet another instance when an attempt to safeguard the Institution from legal action or grievance will likely result in grievances or lawsuits. I understand that Dawn George, an HEPC attorney and former attorney for the AG's office, has deemed the draft policies "in compliance" and in keeping with other state institution's policies. That a poll of other institutions thus far reveal no similar policies suggests that not only is Fairmont State laying the groundwork to make its employees' livelihoods more fragile, these draft policies potentially set the precedent to endanger the livelihoods of thousands of public employees across the state. In regard to draft policy 65, Barr points to the subjective aspect of using attendance, behavior, job suitability, and years of service to determine lay-offs. These could be removed from the policy, leaving job evaluations, disciplinary records, skill-set, and seniority as determining factors, all of which are verifiable. In short, I will quote a colleague who stated, "Just because a policy is legal, doesn't make it wise." Fairmont State could endeavor to be a workplace that is known for treating its employees fairly and respectfully, and as a great place to work. These policies will take FSU in the opposite direction, creating instead an atmosphere of fear and distrust. I urge the Board of Governors to reject these policies or to require them to be revised with input from a broad range of stakeholders, including Classified staff and faculty. POLICY NO. 65 – LAYOFFS AND REDUCTIONS IN FORCE Non-classified staff have little job security protections in law, so university policy provisions on layoffs will be the rule. Faculty layoffs in this policy appear to maintain rank/seniority/tenure for layoff purposes. HB 2542 eliminated bumping rights and recall status for classified staff. Current law (see WV Code §18B-7-3) provides, in pertinent part, "(1) Layoffs for reason of lack of funds or work, or abolition of position or material changes in duties or organization, the institution may layoff the incumbent in the position being eliminated. In the case of elimination of some but not all of the positions of the same job title, consideration shall be given to an employee's documented quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, disciplinary records), skills, seniority as measured by years of service, or other factors, as determined by the board. (2) If the organization desires to lay off a more senior employee, the organization may offer to the more senior employee a severance package, the value of which shall not exceed the more senior employee's salary for one year." Concerns related to Policy No. 65: Attendance, behavior, years of service in the current position, and job suitability have been included as factors to determine whom to lay off. • Attendance - there is no separation of excused/unexcused absences. Could you be targeted for layoff due to absences related to an extended medical leave? Medical appointments? Off work with the flu? • Behavior – this factor is too subjective. Unless there is documented disciplinary action related to conduct, who is evaluating your day-to-day behavior and qualified to determine whether your behavior warrants your being laid off over another employee in the same job title/unit? • Job suitability – this factor is too subjective. What are they relying upon to determine whether you are less suitable than others in your job title/unit? • Years of service in the current position – this factor will discourage upward movement in classification. Would you want to change positions if you could be targeted for layoff over a lesser senior employee? Comment online for Policy No. 65 and tell the Board of Governors to remove attendance, behavior, years of service in the current position and job suitability from the factors used to determine layoffs. That leaves them with job evaluations, disciplinary records, skill-set, and seniority – all referenced in WV Code above.</p>	2/2/2018 10:06 AM

Fairmont State University Board of Governors **POLICY NO. 65**

3	This policy looks fair with the current updates. Thanks.	2/1/2018 3:43 PM
4	Do not think its necessary to say "Typically, such positions are to be abolished first, before any regular positions." This tends to dictate a management decision. I do not think we should set the tone that this is the 'norm' when it may not be based on the presidents desire. In item 3, "Human Resources is assigned the responsibility for assessing employees' skills sets and competencies" I beleive this sentence makes the impression that ONLY HR makes the accessments. I am hopeful that many others made accessments as well before an elimination occurs. I believe this sentence " (as documented by leave records, performance evaluations and/or employee counseling and disciplinary notices/letters)" is misplaced in the document. It should follow "work patterns and leave history." Otherwise, the addition brings a different meaning.	1/30/2018 10:11 AM
5	It is understandable why this policy is striking fear in people. Some have been here for many years, some even decades, and it is all they know. This coupled with the possibility of financial ruin if they do indeed get laid off (either temporarily or permanently) is a lot to accept. I believe they all understand that the state and the institution have fallen on hard times, but so have they. I guess most feel that there would be other places to cut expenses before you start letting people go.	1/30/2018 8:57 AM
6	Attendance, behavior, years of service in the current position, and job suitability have been included as factors to determine whom to lay off. • Attendance - there is no separation of excused/unexcused absences. Could you be targeted for layoff due to absences related to an extended medical leave? Medical appointments? Off work with the flu? • Behavior – this factor is too subjective. Unless there is documented disciplinary action related to conduct, who is evaluating your day-to-day behavior and qualified to determine whether your behavior warrants your being laid off over another employee in the same job title/unit? • Job suitability – this factor is too subjective. What are they relying upon to determine whether you are less suitable than others in your job title/unit? • Years of service in the current position – this factor will discourage upward movement in classification. Would you want to change positions if you could be targeted for layoff over a lesser senior employee? Only job evaluations, disciplinary records, skill-set, and seniority are referenced in WV Code. Remove attendance, behavior, years of service in the current position and job suitability from the factors used to determine layoffs.	1/22/2018 2:53 PM
7	All of this needs to be defined in all job postings as it is approved. These regulations seem very broad and look to allow termination and lay off at will for everyone. This will not invite the best employees to apply.	12/12/2017 6:05 AM

~~POLICY NO. 64 – PROGRESSIVE DISCIPLINE AND SEPARATION FROM EMPLOYMENT~~

~~Employees who serve at the will and pleasure of the organization may be terminated for any reason; however, this draft policy purports to apply progressive discipline to remediate the conduct of an at-will and pleasure employee. Please note the “may choose (but is not required)” insertion related to progressive discipline.~~

~~*Reminder: if Policy No. 63 is adopted, employees lose their classified staff designation and the only thing keeping all staff from being designated as at-will staff is a provision in policy that can be removed by the board at any time.*~~

~~According to Policy No. 64, faculty and staff are expected to adhere to the general provisions, comply with the standards of conduct, and not engage in acts of gross misconduct; however, the president determines what constitutes gross misconduct and employees may be disciplined, up to and including termination, for unacceptable conduct and/or poor job performance. The president also determines whether your behavior (on duty or off duty) is so egregious or damaging that it warrants immediate dismissal without progressive discipline. It all sounds good if you trust the president to be fair; however, the list of what constitutes gross misconduct is not only far reaching compared to what the courts have deemed to be gross misconduct, but also note the reference to “this list is not exhaustive” which means other unidentified conduct could be considered gross misconduct. This policy basically gives the president or his/her designee the authority to terminate anyone for what they deem to be gross misconduct.~~

~~**Comment online for Policy No. 64** and tell the Board of Governors progressive discipline is paramount in all circumstances other than gross misconduct and you don't want the president/designee to arbitrarily determine what constitutes gross misconduct – gross misconduct is not a moving target and has been addressed by various administrative boards and the courts. They are continuing to chip away at your rights and job security so that employees will be afraid to speak out for fear of losing their jobs.~~

POLICY NO. 65 – LAYOFFS AND REDUCTIONS IN FORCE

Non-classified staff have little job security protections in law, so university policy provisions on layoffs will be the rule. **Faculty** layoffs in this policy appear to maintain rank/seniority/tenure for layoff purposes. HB 2542 eliminated bumping rights and recall status for **classified staff**. Current law (see WV Code §18B-7-3) provides, in pertinent part, “(1) *Layoffs for reason of lack of funds or work, or abolition of position or material changes in duties or organization, the institution may layoff the incumbent in the position being eliminated. In the case of elimination of some but not all of the positions of the same job title, consideration shall be given to an employee's documented quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, disciplinary records), skills, seniority as measured by years of service, or other factors, as determined by the board. (2) If the organization desires to lay off a more senior employee, the organization may offer to the more senior employee a severance package, the value of which shall not exceed the more senior employee's salary for one year.*”

Concerns related to Policy No. 65: Attendance, behavior, years of service in the current position, and job suitability have been included as factors to determine whom to lay off.

- Attendance - there is no separation of excused/unexcused absences. Could you be targeted for layoff due to absences related to an extended medical leave? Medical appointments? Off work with the flu?
- Behavior – this factor is too subjective. Unless there is documented disciplinary action related to conduct, who is evaluating your day-to-day behavior and qualified to determine whether your behavior warrants your being laid off over another employee in the same job title/unit?
- Job suitability – this factor is too subjective. What are they relying upon to determine whether you are less suitable than others in your job title/unit?
- Years of service in the current position – this factor will discourage upward movement in classification. Would you want to change positions if you could be targeted for layoff over a lesser senior employee?

Comment online for Policy No. 65 and tell the Board of Governors to remove attendance, behavior, years of service in the current position and job suitability from the factors used to determine layoffs. That leaves them with job evaluations, disciplinary records, skill-set, and seniority – all referenced in WV Code above.

AFT-West Virginia/AFL-CIO . 1615 Washington Street, East – Suite 300 . Charleston, WV . 800-222-9838 . 304-344-2679

Tab 8

**Fairmont State University
Board of Governors
February 15, 2018**

Item: Amendment to Out-of-State Neighbors Scholarship Program

Committee: Finance Committee

Recommended Resolution: Resolved, that the Fairmont State University Board of Governors approve recommended amendment of eligibility criteria to the Out-of-State Neighbors Scholarship Program:

Staff Member: Christa Kwiatkowski

Background: **Current Program:**

Level I Award: \$6,000 per year
Criteria: A minimum 3.50 High School GPA with a minimum ACT score of 24 (Equivalent SAT scores are also accepted).

Level II Award: \$4,000 per year
Criteria: A minimum 3.00 High School GPA with a minimum ACT score of 22 (Equivalent SAT scores are also accepted).

Level III Award: \$2,000 per year
Criteria: A minimum 2.00 High School GPA with a minimum ACT score of 18 (Equivalent SAT scores are also accepted).

Proposed eligibility criteria:

- Be a graduating senior who will be a first time freshman in the fall
- Be a U. S. citizen
- Live outside of West Virginia
- Admission into Fairmont State University

Maintenance criteria:

- First year recipients must maintain an overall GPA of 2.75 at the end of their first year to continue renewal eligibility
- An overall GPA of a 3.0 is required for renewal in subsequent years.
- A minimum of 30 credit hours must be maintained per academic year of enrollment for renewal.
- The Out-of-State Scholarship can only be awarded for 8 semesters.
- Recipients must live in on-campus residential housing in order to receive and maintain the scholarship

Proposed Expansion to Program:

Proposed additional eligibility criteria:

- Expand the eligibility to transfer students with cumulative GPA of 3.0

Proposed additional maintenance criteria:

- The Out-of-State Scholarship can be awarded for a maximum of 120 credits earned (including transfer credits for transfer students).