CSC MEETING

Wednesday, July 22, 2015
2:30 pm
Room 300 ET

Agenda

I. Call to Order
II. Appointment of Vice Chair and Secretary
III. Roll Call – Vice Chair
IV. Approval of Last Meeting’s Minutes
V. Chair – Rosetta Kolar
   a) Welcoming new members
   b) Scholarship Award
VI. Dr. Rose Report
VII. Dr. Lavorata Report
    Vacation until Monday 27, 2015
VIII. Dr. Kirby Report
IX. Cindy Curry – Cook Book +
X. BOG Report – Holly Fluharty
XI. ACCE Report – Sherry Mitchell
XII. Committee Reports
    a) By-Law/Constitution
    b) Fund Raisers
XIII. Next Meeting
XIV. Adjournment
July 22, 2015 at 2:30pm in 300 ET Building

2:38pm Meeting called to order by Rosetta Kolar

**Attendee List:** attached

Becky Miller - roll call for CSC Reps:

- Donna Trickett - excused due to vacation.
- Teresa Palmer - absent
- All others present

**Rosetta:**

- Rough draft of the Bylaws and Constitution (attached)
  - Please review and bring changes/updates to next meeting.
  - The CSC will begin following these.
- CSC Scholarship
  - Need 2 or 3 volunteers to stay after this meeting to vote on who appoint the CSC Scholarship to.
  - George Herrick, Chris Daniels, and Kathy Cox agreed to stay.
  - Next year we will look at increasing the scholarship to $2,000 (full-time) and $1,000 (part-time) or to give multiple awards.
- Welcomes all new members to the Council and wants to make sure it is known that this is not a “social club” rather a council who is working to address problems and make progress.
- Is planning with Holly Fluharty’s help, a meet and greet with the Board of Governors. It was recommended to have this on August 20th around 11:30, after the BOG meeting, since the Board members will already be on campus. It was suggested to have an Ice Cream Social at the Falcon Center.
- The Start Smart Program which collects school supplies is still on-going. Rosetta suggests making it in to a contest between departments/buildings next year.

**Dr. Maria Rose:**

- Summer is going by quickly. Before we know it, classes will be starting.
- OASIS – Phase 1 has been implemented.
- HR/Payroll (Phase 2) has a go-live date of middle of November with the first pay date being December 11. Hoping all goes well with this. Cindy Curry reminded
the group that Dr. Harvey has faculty that are willing to hold a workshop to help individuals with preparing for the 26 pay instead of 24 pays.

- Kronos will follow.
- This next wave will be IT and Payroll top priority!
- If you see anyone from IT, Rick Porto, Maria Marshall, Cindy Curry, Cinda Ewing, Sherry Baldwin, or Ginger Burns tell them thank you for all of their hard work.
- Housing is at 93% capacity.
- Ground breaking for the new apartments was held but the contractors found bad soil with large amounts of pyrite, which wasn't stable enough for building. Geospier Company will be building a strong foundation for the apartments so the project can continue. It will take them 3 - 5 weeks to put the 500 - 700 piers in the ground. Building 1 and 2 should be complete by fall 2016 with Building 3 following right behind.
- Enrollment is holding steady. Incoming freshmen is up 120.
- HEPC Board Summit is being held August 7 & 8. Dr. Rose will be attending to convey concerns with OASIS. She will be recommending that we hold off on the new pay until after the first of the year.
- Faculty Development week is approaching. There will be a short presentation of upcoming changes in OASIS.
- Introduce new hires

Dr. Chris Lavorata:

- Not in attendance today.

Dr. Jack Kirby:

- Not in attendance today.

Cindy Curry:

- Will send reminders about setting up a myapps account. This is very important for ALL employees to do since the pay/leave requests will soon be through myapps.
- Kronos training will be forthcoming for all employees (students included).
- Title IX training will be mandatory this year. It is a 17 minute online training. More info to come.
- Cookbook moving along. Title contest is up and due by July 24th. We currently have around 130 recipes but would like to have more. Any old photos following with the Fairmont State history are welcome. The books should be available for sale in September or October. We will put a book in the time capsule.
- The RFP was awarded by HEPC to Mercer for the salary study.
- SB439 - non-classified ratio of 20% has been changed to 25% - we are good.
• Pierpont is currently looking to hire an Interim President. Dale Bradley is currently in this role. They would like to have an Interim for about a year before hiring a permanent.

• First draft of the Harassment Policy #9 was handed out. Cindy would like for it to be reviewed and comments sent to her. It will be taken to the Board for review/approval in September. It will also be shared at Faculty Senate.

• Andrea Pammer and Amy Snively are in charge of the Safe Zone trainings. Would like to see more of this across campus. Becky Miller said it is a very interesting training. Would like to see a list posted around campus as to the offices that are “Safe Zones”.

Holly Fluharty (BOG Rep):

• Mark Pallotta is the new Chair of the Board.
• Working on the meet and greet – ice cream social
• HEPC Summit coming up
• Mini Board Retreat – will be held at the President’s Home on August 28 at 11:30. Will report at the next meeting.
• Sent emails about Fairmont State becoming a Tobacco Smoke Vapor Free Campus as of August 1. It has been agreed to offer classified and non-classified employees the option of working 8am to 4:30pm – allowing for an hour lunch break to be able to leave campus to smoke. Also information for Cessation help is included in the email.
• Travel policy will go-live shortly after HR/Payroll. The mileage reimbursement is changing as is the meal per diem.

Sherry Mitchell (ACCE Rep):

• ACCE Reports - attached
  ✓ The next meeting is being held at Southern CTC in September and at Fairmont State on October 27, 2015.

New Business:

• It was suggested to move the meetings to 10am so that the custodial workers can attend. It was also suggested to move them to 10am on a quarterly basis because it is harder for some to get out of the office at 10 rather than later in the day. If those that cannot make it to the meetings have any concerns they would like to have addressed, they are welcome to share it with any of the CSC reps and it will be brought to a meeting.
• The Vice Chair (Becky Miller) will now be sending out the minutes/agendas for the meetings.
• 3 unexcused absences (from any of the reps) in 2 years; you will be removed from your position. The alternate will be put in your place.

Holly Fluharty made a motion to adjourn meeting at 4:06pm, second by Priscilla Steed.

If there are any topics for the next meeting that you would like to discuss please send to Rosetta Kolar (Rosetta.Kolar@fairmontstate.edu).

Meetings are held the 4th Wednesday of each month -- Next meeting is scheduled for
Wednesday, August 26, 2015 at 2:30pm in 300ET.
CSC Meeting July 23, 2015

Tami Winston
Priscilla Steed
Maria Rose
George Herrick
Chris Daniels
Sheree Mitchell
Rosetta Koler
Kathleen Cox
Shane Scully
Andy Ridgeway
Linda Casey
Dale Hume
Holly Huberty
Becky Miller
Julie Cia
Introduction

The Fairmont State University Classified Employees Council was created by the West Virginia Legislature via HB 2224 under WV State Code §18B-6-6, for the purpose of providing the classified staff employees at state institutions of higher education with a means to share information and discuss issues affecting them or the efficient and effective operations of an institution. This council was formed with recognition that all matters at Fairmont State University are governed by state law, by the Fairmont State University Board of Governors, and Fairmont State University policies and procedures.

The term “Classified Staff Employees” as used herein is defined as any regular full-time or part-time employee of Fairmont State University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by West Virginia Code §18B-9-2 or by the Higher Education Policy Commission.

ARTICLES:

Article I  Name
Article II  Authority
Article III  Purpose
Article IV  Membership
Article V  Terms of Office
Article VI  Elections
Article VII  Officers and their Duties
Article VIII  Meetings
Article IX  Executive Committee
Article X  Committees
Article XI  Procedures
Article XII  Amendments
Article XIII  Parliamentary Authority
Article I – Name

The name of this organization shall be the Fairmont State University Classified Employees Council, hereinafter referred to as the Staff Council.

Article II – Authority

A. Authority for the Staff Council is granted by WV State Code §18B-6-6. The Staff Council shall at all times conduct its affairs as defined by prevailing state law and this Constitution.

B. The Staff Council will be a unit of Fairmont State University (hereafter referred to as the University) and will continue to be so until such time as the West Virginia Legislature withdraws recognition. The Staff Council will be a unit of Fairmont State University (hereafter referred to as the University) and will continue to be so until such time as the West Virginia Legislature withdraws recognition.

C. The organization of the Staff Council will in no way affect the right of the University employees to belong to other organized groups of their choice, nor will it preclude the functioning of such organizations. The organization of the Staff Council will in no way affect the right of the University employees to belong to other organized groups of their choice, nor will it preclude the functioning of such organizations.

Article III – Purpose

The purpose of the Staff Council is:

A. The Staff Council will serve to serve as a representative body for the classified employees of the University and to provide a forum for discussion of classified staff concerns.

B. The Staff Council shall strive to encourage the improvement of working conditions for classified staff and to increase operating efficiency of the University, promote, improve, and make recommendations for the good of the general welfare and working conditions of all classified personnel bewing aware and concerned with the subsequent effect on Fairmont State University as a whole.

C. To participate in such policy matters and decision-making processes of the University as may directly affect the classified staff employees. The Classified Staff will act in fostering improvement of working conditions for employees.
through input into staff development programs and appointment of election of classified employees to major University committees.

D.C. To facilitate staff input into decisions which affect classified staff by making recommendations to the President and appropriate administrators. The Staff may consider questions, concerns and recommendations of any individual or groups of individuals within the classified personnel of Fairmont State University.

E. To consider methods and means by which employment conditions may be improved and operating efficiency of the University increased. The Staff Council shall act in an advisory capacity and will have the responsibility of making recommendations related to concerns of the classified personnel to the Higher Education Policy Commission, Board of Governors, the President, University administration and legislature as deemed appropriate.

F. To provide a two way medium for the exchange of information between employees and employers relative to problems of mutual concerns. The Staff Council will oversee all aspects of the Classified Employee Scholarship Fund established and maintained by the Classified Staff Council in conjunction with the Executive Director of Fairmont State University.

G. To act in an advisory capacity to the President of the University. The Staff Council responsibilities DO NOT include acting as a grievance board for individual cases.

H. To convey classified employee concerns to the University’s Board of Governors (BOG) and to the State Advisory Council of Classified Employees (ACCE).

I. To foster a spirit of unity and cooperation among all employees of the University.

J. To act in a manner in which the Staff Council is accountable to both the President of the University and the classified staff in furthering the mission of the institution.

K. Not to act as a grievance board on individual cases.

Article IV – Membership

A. Eligibility: Must be a classified employee, defined as a regular full-time or part-time employee of the University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by WV State Code §18B-9-2.
B. The Staff Council shall consist of:

1. the Staff Council Chair (voting);

2. the Institutional Board of Governors (BOG) Classified Employee Representative (ex officio, voting);

3. the State Advisory Council of Classified Employees (ACCE) Representative (ex officio, voting);

4. two classified employees from the administrative/managerial sector (Equal Employment Opportunity Commission (EEOC) category 1);

5. two classified employees from the professional/non-teaching sector (EEOC category 3);

6. two classified employees from the secretarial/clerical sector (EEOC category 4);

7. two classified employees from the paraprofessional sector (EEOC category 5);

8. and two classified employees from the physical plant/maintenance sector (EEOC categories 6 and 7).

9. The University BOG classified staff representative shall serve as a voting member.

C. There shall also be one elected, non-voting alternate for each council member in EEOC categories 1, 3, 4, 5, 6/7. In the temporary or permanent absence of a Council member, the appropriate category alternate shall serve as a voting member.

D. The retiring Chair of the Staff Council may serve as advisor during the transition from one administration to another upon approval of the Council during a fiscal year.

Article V - Terms of Office

A. The term of office for a member of Staff Council shall be two years and shall begin on July 1 of each odd-numbered year.

B. Elections of representatives will be done in the manner prescribed in Article VI of this Constitution.
C. Transfer of a Staff Council member from one EEO category to another shall not affect his/her unexpired term on the Council.

D. Vacancies will be created by death, termination of service to the University, resignation, or four (4) total unexcused absences from regularly scheduled Staff Council Meetings.

E. After a member has accrued three unexcused absences, the Council Chair will notify the member, in writing, that one additional absence will result in his/her removal from the Council. Vacancies will be filled according to the procedures as outlined in Article VI of this Constitution.

F. Staff Council category members, Chair, and ACCE representative are have unlimited eligibility to succeed themselves. However if the BOG representative is eligible to succeed herself/himself for three additional terms, not to exceed a total of eight consecutive years.

Article VI – Elections

A. Elections shall be held each odd-numbered year in the month of April.

B. Elected positions shall consist of:

1. Staff Council Chair
2. State Advisory Council Representative
3. Institutional Board of Governor’s Representative
4. EEOC Category Representatives

C. The Council’s chosen designee will accept nominations and conduct the elections as described in this Constitution.

D. All classified employees will have the opportunity to vote for their representative to the ACCE, their representative to the BOG, and the Staff Council Chair.

1. Nominations for the elected positions of representatives to the ACCE, the BOG, the Staff Council Chair, and the members of each category of Classified Staff and their alternates will be accepted by campus mail or email one week prior to the specified election date. The Council’s designee will confirm that the nominee accepts the nomination. A list of nominees will be distributed to all classified staff employees at least two work days prior to the scheduled election date.

2. Votes for nominees to the positions of ACCE Representative, BOG Representative, Staff Council Chair, and Classified Representatives will
only be accepted on the specified election date and can be provided either in-person at the designated polling area or via email.

3. If more than one candidate is nominated for the ACCE, BOG, or Staff Council Chair position, the elected person must receive the majority of the votes cast. In the event of a tie, a run-off election will be held between the tied candidates.

4. If only one person is nominated for either the ACCE, BOG, or Staff Council Chair position, that person will be accepted to the position; a formal vote is not necessary.

E. Only classified employees from within each EEOC job category may nominate and vote for their respective representatives and alternates.

1. Nominations for EEOC category representatives and alternates will be accepted by campus mail or email during the week prior to the specified election date.

2. Votes for nominees to the positions of EEOC category representatives and alternates will only be accepted on the specified election date and can be provided either in-person at the designated polling area or via email.

3. If more than one candidate is nominated for an individual category representative or alternate position, the elected person must receive the majority of the votes cast. In the event of a tie, a run-off election will be held between the tied candidates.

4. If only one person is nominated for an individual category representative or alternate position, that person will be accepted to the position; a formal vote is not necessary.

5. The elections will be held for the ACCE representative, the BOG representative, the Staff Council chair, and the members of each category of classified staff and their alternates during the second week of April of each odd-numbered year. Nominees for Staff Council Chair should have been a member of the Council for at least one year.

6. The Council President shall request a current list of Classified Staff eligible to be nominated for Classified Staff Council Positions prior to the election held in April. This list shall be distributed to Classified Staff one week before the election.

F. The Council's designee will conduct the final vote for each election by secret ballot. The ballots will be retained in the designee's office for a period of 60
days after elections are complete, and are subject to Freedom of Information Act (FOIA).

G. The Executive Officers of the outgoing Staff Council will review the nominee submissions and count and certify the election results. In cases where officers are running for reelection, the Chair will appoint a Council Member as a substitute for the ineligible officer.

H. In the event a vacancy should occur in the positions of Staff Council Chair, the representative to the ACCE, or the representative to the BOG, a special election will be held to fill the unexpired term, with nominations accepted by mail or email two weeks prior to the election from all classified employees.

I. In the event that a vacancy should occur in a category representative's position, the elected alternate will assume the Council position. The staff members in the affected category will be asked to nominate and elect a person for the unexpired term of that alternate.

J. All special elections will be held within 30 days of the occurrence of the vacancy. In the event of a tie, a run-off election will be held between the tied candidates.
Article VII - Officers and their Duties

A. The Officers of the Staff Council shall be Chair, Vice Chair, and Secretary.

1. The Chair will be elected in the regular election. The Chair shall appoint a Vice Chair and a Secretary. If either office becomes vacant later, an election by members of the Council shall be held as soon as possible after notice of such vacancy is given.

B. The Chair will:

1. preside at all regular and special meetings and enforce all regulations and policies of the Staff Council,
2. serve as a member of the President’s Council,
3. preside over the Executive Committee and be responsible for preparing the committee structure,
4. provide the Classified Staff report along with the ACCE Representative at scheduled BOG meetings,
5. be responsible for the Staff Council budget,
6. call special meetings when it is deemed necessary,
7. prepare an agenda for each regular meeting at least seven working days prior to the scheduled meeting,
8. appoint standing committee chairs,
9. appoint ad-hoc committees and chairs, as necessary,
10. appoint classified employees to serve on University committees,
11. coordinate public relations efforts for the Staff Council,

C. The Vice Chair will:

1. assume the duties of the Chair in the absence of or at the request of the Chair,
2. record and prepare meeting minutes in the absence of the Secretary,
3. prepare an agenda for each regular meeting at least seven working days prior to the scheduled meeting,
4. track attendance of council members and report to Chair,
5. distribute the meeting agenda to all classified staff within five working days prior to the scheduled meeting,

D. In the event of the absence of both the Chair and Vice Chair at a regularly scheduled meeting, a President Pro Tempore will be elected by the Staff Council members present to conduct the meeting.
E. The Secretary will:

1. distribute the meeting agenda to all classified staff within five working days prior to the scheduled meeting.
2. record and prepare minutes of Executive Committee meetings,
3. record and prepare minutes of regular meetings,
4. record and prepare minutes of special meetings,
5. provide a draft copy of the minutes to each member of Staff Council via email within ten working days after the meeting,
6. have the approved minutes posted to the Council's web site and distribute a copy of the approved minutes to:
   a. All classified employees
   b. The President of the University
   c. All faculty and non-classified supervisors of classified employees
   d. All members of the University Board of Governors
7. be responsible for retaining all records of the Staff Council, including fiscal records obtained from the Fairmont State Foundations Office.

F. The Staff Council may relieve any Officer of the Staff Council, except the Chair, of his/her duties by a two-thirds vote of the total body of the Staff Council.

G. In the absence of the duly elected classified employee representative to the ACCE, the Chair of the Staff Council shall appoint an alternate to attend the ACCE meeting. The alternate will be authorized to serve as a proxy (voting member) at the designated ACCE meeting.

H. Restrictions:

1. No agreement made by the officers or members of the Council will be considered to be the Staff Council's position until it has been approved by the Staff Council.
2. No expenditure of funds allocated under Staff Council or expenses incurred by its members will be made or reimbursed unless approved by the Staff Council. In the interim between regular monthly meetings, the Executive Committee will have authority to incur or approve costs.

Article VIII – Meetings

A. Regular meetings of the Staff Council shall be held once a month. The date of the next meeting will be decided at each meeting. There will be no scheduled meeting in the month of July.
B. Council members shall be given release time from their regular duties to attend Council meetings and conduct Council business. **Supervisors and managers will be notified of meeting dates and time in advance to encourage employee attendance.**

C. The Chair may authorize special meetings of the Staff Council when necessary or appropriate in matters concerning classified employees.

D. The Staff Council will meet with the President of the University at least quarterly to discuss matters affecting classified employees.

E. The Staff Council will meet with the University Board of Governors at least once each fiscal year **in an informal meet and greet format.**

F. A quorum at a regular meeting will be a majority of the total voting membership present at that meeting.

G. All Council meetings will be open to the public except as provided for in Executive Session by state law. Non-members of Staff Council may participate in discussions upon recognition by the Chair of the Council.

**Article IX – Executive Committee**

A. The Executive Committee shall be composed of the Staff Council Chair, the Vice Chair, the Secretary, the ACCE representative, and the BOG representative.

B. The Executive Committee is authorized to act for the Staff Council on an emergency basis between meetings of the Council and to assist the Chair in making appointments to all committees.

C. Any actions of the Executive Committee must be presented to the entire Staff Council for approval at the next regularly scheduled meeting.

**Article X – Committees**

A. Unless otherwise specified, the Chair, with the assistance of the Executive Committee, shall appoint all committee members and designate a chair for each committee from within the membership of the Council. Committee members shall receive release time to attend committee meetings.

B. The Staff Council shall have the following Standing Committees:
1. Legislative Affairs - The Legislative Affairs Committee serves to identify issues relevant to Classified Employees and the University community and bring those issues to the attention of our regional legislators with the goal of making positive changes through legislation. The Committee shall maintain and provide a key list of area legislators and key members of the Executive and Legislative branches of state government for distribution to Staff Council.

2. Election – The Election Committee, working with the Council's designee, shall coordinate elections for the positions of Council members and alternates, Staff Council Chair, BOG representative, and ACCE representative. The committee also ensures appropriate procedures are followed as outlined in the Constitution and recommends changes to Staff Council.

3. Staff Development - The Staff Development Committee shall be concerned with the promotion and coordination of development, training, and educational opportunities to heighten the professional level and effectiveness of classified employees in their assigned duties and for personal advancement. The Committee shall make recommendations to the Council. The Committee shall also coordinate the Classified Staff Council tuition waiver program.

4. Website – The Website Committee is responsible for maintaining and updating the Council website.

5. Special Events - The Special Events Committee is responsible for coordinating, planning, and publicizing the annual Classified Employee of the Year/Service Awards, Classified Staff Employee Recognition luncheon, holiday luncheons, and other social activities.

C. Each Committee Chair will bring all proposals in writing to the Staff Council for approval prior to implementation. Each Committee Chair will report at each regular monthly Council meeting.

D. Each member of Staff Council will serve on at least one Council committee but not more than two.

E. Committee appointments will be for the duration of the two-year Council membership term or until the Committee is dissolved by the Council.

F. No position or agreement made by any Standing Committee or member shall be considered to be the Staff Council's position until it has been approved by Staff Council.

G. The Staff Council will create Ad-Hoc committees as deemed necessary. The Council Chair, with assistance from the Executive Committee, will appoint Ad-
Hoc committee members and designate a Chair for each. No agreement made by any Ad-Hoc committee will be considered to be the Staff Council’s position until it has been approved by the Council.

**Article XI – Procedures**

A. Any classified staff employee may present ideas, opinions, and requests to any member of the Staff Council to consider for inclusion on the agenda of the next regular meeting. The Council member will forward the information to the Vice Chair who will consult with the Chair then to determine whether or not the request will be included on the agenda. The employee will receive notification of the disposition of the Council regarding the request.

B. All formal proposals created and approved by the Staff Council will be submitted to the President for his/her consideration.

C. The Staff Council reserves the right, after the President’s review, to forward the proposal to the BOG and/or the ACCE.

**Article XII – Amendments**

A. Amendments to the Constitution may be proposed by any Council member and must be presented to the Council in the form of a motion.

B. A notice that an amendment is being proposed must be distributed to all classified employees at least 20 working days prior to the meeting at which voting will occur.

C. Amendments to the Constitution will be considered approved with the majority vote at the Council meeting at which it is presented.

**Article XIII - Parliamentary Authority**

Robert’s Rules of Order, newly revised, shall govern the proceedings of the Staff Council except where otherwise specified in this Constitution.
Fairmont State University Board of Governors
POLICY NO. 9

TITLE: Policy on
1) Discrimination and Harassment;
2) Sexual Harassment/Sexual Misconduct and Violence
   (Sexual Assault and Rape/Stalking/Dating and Domestic Violence)
3) Consensual Romantic or Sexual Relationships
4) Title IX and Clery Compliance

SUPPLANTS (in whole): BoG Policy No. 8, Social Justice, 12/05/01
BoG Policy No. 9, Sexual Harassment, 07/01/02
BoG Policy No. 42, 11/10/05, Consensual Romantic or Sexual Relationships

SUPPLANTING POLICY DATE: February 23, 2015

REASONS FOR INCORPORATION/REVISIONS: Revised and Enhanced Policy re: changes in
                                          federal law effective March 2013, for

AUTHORITIES: Federal and State Code citations and descriptions can be found
              in Appendices A and B

AUTHOR: Human Resources

SECTION 1. GENERAL STATEMENT ON AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY

Fairmont State University is an Equal Opportunity-Affirmative Action Institution. In compliance with
Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act, the West Virginia Human Rights
Act, Title IX (Educational Amendments of 1972), Section 504 of the Rehabilitation Act of 1973, the
Americans with Disabilities Act of 1990, all as amended, and all other applicable laws and regulations,
the institution provides equal opportunity to all prospective and current members of the student body,
faculty, and staff on the basis of individual qualifications and merit without regard to race, color,
gender, national origin, age, height, weight, religion, creed, genetic information, disability, veteran’s
status, sexual orientation, gender identity, and gender expression/association as identified and defined by
law in employment, admissions, and educational programs, and activities. Fairmont State University
neither affiliates knowingly with nor grants recognition to an individual, group or organization having
policies that discriminate on the basis of race, color, gender, national origin, age, height, weight, religion,
creed, genetic information, disability, veteran’s status, sexual orientation, gender identity, and gender
expression/association/affiliation as identified and defined by law in
employment, admissions, educational programs, housing and residence life, organizations and institutional on- or off-campus activities.

This affirmative action policy covers all aspects of the employment relationship, including recruitment, hiring, assignment of duties, promotion, tenure, compensation, selection for training, and termination. The policy applies to all employees and work units on every campus or site designated as a campus and governs employment of all employees, including student employees.

Diversity has a value to be weighed in the hiring process. It is not enough for us to say that we will not discriminate. It is our legal and moral obligation to take positive action to ensure the full realization of equal opportunity for all who work or seek to work for our institution. We must make special efforts to identify promising minority persons, women, persons with disabilities and protected veterans for positions in all areas and at all levels in which these groups are unrepresented or underrepresented relative to their availability. We then base our selections on the candidates’ qualifications to carry out the responsibilities of the positions and the University’s affirmative action goals.

The administration of the University is committed to and reaffirms its support of the principle of equal employment opportunity and charges each unit administrator/manager/supervisor within the University to conduct its recruitment and employment practices in conformity with this principle and in accordance with the Affirmative Action Plan. Responsibility for monitoring the implementation of this policy is delegated to the Chief Human Resources Officer, who serves as the institutional Affirmative Action Officer and Section 504 and Title IX Coordinator, or the Americans with Disabilities Act Coordinator.

SECTION 2. Sexual Harassment/Sexual Misconduct and Violence (Sexual Assault and Rape/Stalking/Dating and Domestic Violence)—Further Definitions Follow in Appendix B

Fairmont State University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from coercion, intimidation and violence. The University mission statement states that the University will “provide opportunities for individuals to achieve their professional and personal goals and discover roles for responsible citizenship that promote the common good.” The University is committed to free inquiry, free expression, and the vigorous discussion and debate on which advancement of its mission depends. Sexual harassment is destructive of such a climate and will not be tolerated in the University community. This policy applies to institutional faculty, staff, students, contract workers, visitors to all campuses and locations, and participants in University programs and activities, both on campus and in other locations.

This policy document is intended to inform members of the university community, including guests and visitors, about sexual harassment, including sexual misconduct and violence, and the procedures they should follow if they encounter or observe it. This Policy applies to all conduct in any
academic, educational, extra-curricular, athletic, or other University program and activity, whether those programs and activities occur in University facilities, on or off campus. Accordingly, the University will investigate all Complaints regardless of where the alleged conduct occurs. Should the University become aware that any contractor, vendor, partner, or other affiliate engages in sex-based misconduct, it will take appropriate action, up to and including termination of the business relationship or partnership. The institution maintains the right to investigate harassment and sexual misconduct claims brought by any employee of a contractor or vendor that relate to institutional circumstances or actionable behavior.

2.1 The University prohibits sexual harassment by any student, staff member, faculty member, contract worker, visitor and others in the university community;
2.2 Encourages reporting of sexual harassment before it becomes severe or pervasive;
2.3 Identifies persons to whom sexual harassment may be reported;
2.4 Prohibits retaliation against persons who bring sexual harassment complaints or participate in investigations;
2.5 Assures confidentiality to the extent possible consistent with the need to address and resolve harassment appropriately;
2.6 Assures all members of the University community that each complaint of sexual harassment will receive an adequate, appropriate, reliable and impartial investigation; and
2.7 Provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment through education and the development of a sense of community. However, if sexual harassment occurs, the University will respond firmly and fairly, and in a timely manner. As befits an academic community, the University's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

What Sexual Harassment Is
The University has adopted the following definition of sexual harassment based on guidance from the federal Equal Employment Opportunity Commission and Department of Education:
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement, or employment;
(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual;
(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs or activities; or
(4) The intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment.

Whether conduct is sexual harassment does not depend on the biological gender of either the victim or the harasser. Sexual harassment also includes sexual violence, which consists of physical sexual acts (including, for example, sexual assault) that are perpetrated against a person’s will or without a
person's consent, or when a person is incapable of giving consent due to his or her age, family relation to the other person, the ingestion of drugs or alcohol, or the person's intellectual or other disability. Depending on each situation's particular circumstances, sexual harassment may include, but is not limited to, the following:

- Actual or attempted rape, sexual assault, sexual battery or molestation, without consent or against another's will, whether achieved through force, threat or intimidation, or advantage gained by the aggrieved party's mental or physical incapacity or impairment.
- Non-consensual or forcible sexual touching.
- Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to sexual conduct.
- Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because submission to sexual conduct is rejected.
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted, or comments about a person's sexuality that are so severe, persistent or pervasive that they would reasonably be perceived as creating a hostile or abusive work or educational environment. A single incident involving severe misconduct may rise to the level of harassment.

Examples of the above may include but are not limited to the following conduct, particularly when unwelcome:

- Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work, academic or educational environment;
- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets or jokes; written or verbal references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, experiences, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, etc., on clothing or via media;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments, threats, or innuendos of a sexual nature;
- Unwanted physical contact such as touching, hugging, brushing against a person's body, impeding or blocking movements;
• Stalking, whether of a current partner, former partner, acquaintance or stranger;
• Gender harassment, including sexist statements and behavior that convey insulting, degrading, or sexist attitudes;
• Gender identity or affiliation harassment;
• Persistent and unwanted requests for dates; unwelcome and inappropriate letters, telephone calls, email, texts, graphics, and other communications or gifts;
• Direct or implied threats that indicate that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
• Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (verbal, written, email, text messages, etc.);
• Sexually explicit gestures, movements, actions or behaviors;
• The display of inappropriate sexually oriented materials in a location where others can view them, including on computers or other mobile devices; or
• Sexual violence such as domestic or intimate partner violence, sexual assault, sexual battery, sexual coercion, attempted rape, and rape.

What Sexual Violence Is

In this Policy, the term “sexual violence” refers to a physical act perpetrated against a person’s will, or where a person is so incapacitated that he or she is incapable of giving consent due to the use of drugs or alcohol, or where a person is incapable of giving consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including but not limited to, rape, sexual assault, sexual battery, domestic violence, and dating violence. Use of alcohol or other drugs by a perpetrator or victim does not excuse acts of sexual violence. Sexual violence is considered sexual harassment, and is therefore considered to be discrimination.

What Consent Is

The determination regarding the presence or absence of consent shall be based upon the totality of circumstances in a particular case, including the context in which the alleged incident(s) occurred. If an individual can comprehend the sexual nature of the proposed act, can understand he or she has the right to refuse to participate, and possesses a rudimentary grasp of the possible results arising from participation in the act, he or she has the capacity to consent. However, a person may be incapable of giving consent because of mental deficiency or disease, or because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender. Consent will not necessarily be inferred from silence or passivity alone.

Nothing in this policy limits academic freedom, as guaranteed by the current edition of the Faculty Handbook, and this policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern shall not be construed as sexual harassment. However, a person who has been determined to have committed sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.
SECTION 3. Consensual Romantic or Sexual Relationships

Emphasizing the University’s commitment to foster an educational and work environment free from all forms of harassment and discriminatory behavior, and in compliance with both the letter and the spirit of federal law embodied in xxxxxxxxxxxxxxxxxxxxxxxxxx, Fairmont State University prohibits romantic or sexual relationships between faculty and student, staff and student, supervisor and subordinate employee (whether direct or I direct), and any other relationship where a power differential exists between the parties, or where one party may be perceived as having authority over the other.

Even if consensual, these relationships are always a cause for concern because:

- They may involve one person’s exerting power over another;
- Conflict of interest issues may arise in evaluating a student or employee;
- There is a strong potential for retaliation when the relationship ends;
- A third party may allege favoritism;
- They undermine the professional interaction upon which faculty-student/staff-student/supervisor-subordinate relationships should be based.
- When a consensual relationship ends, there is the potential for a faculty/staff member or supervisor in the relationship to threaten the student with a bad grade or the employee with a poor evaluation (sexual harassment); and/or for a student or employee to allege such action.

Exceptions to this rule are recognized where two employees are married or have a long-term partnership, or bring such a relationship when they are initially employed by the University.

SECTION 4. Title IX and Clery Compliance

Title IX Statement

It is the policy of Fairmont State University to comply with Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination (including sexual harassment and sexual violence) based on sex, gender, gender identity or gender affiliation in the University’s educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Fairmont State has designated Title IX coordinators, to coordinate the University’s compliance with and response to inquiries concerning Title IX.

For more information about Title IX, please go to xxxxxxxxxxxxxxxxxx A person may also file a complaint with the Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 800-421-3481.
Coverage under Title IX

Title IX
Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that:
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The United States Department of Education (ED) maintains an Office for Civil Rights, with 12 enforcement offices throughout the nation and a headquarters office in Washington, D.C., to enforce Title IX.

Education Programs and Activities Covered by Title IX
Title IX covers state and local agencies that receive ED funds. These agencies include approximately 16,000 local school districts, 3,200 colleges and universities, and 5,000 for-profit schools as well as libraries and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.
Programs and activities that receive ED funds must operate in a nondiscriminatory manner. These programs and activities may include, but are not limited to:

- Admissions
- Recruitment
- Financial aid
- Academic programs
- Student treatment and services
- Counseling and guidance
- Discipline
- Classroom assignment
- Grading
- Vocational education
- Recreation
- Physical education
- Athletics
- Housing
- Employment

Retaliation Prohibited
Likewise, retaliation is prohibited. Any person who is found to have retaliated against another for making a complaint under Title IX, being a witness for purposes of any such investigation, or being otherwise involved in the complaint and/or investigative process, will be subject to discipline, up to and including termination or expulsion, depending on the circumstances, even if no responsibility is found for the alleged sex-based misconduct. Retaliation should be reported immediately to the Office of Equal Opportunity, 1017 Harrison Street, MSC 5802, Harrisonburg, VA 22807, (540) 568-6991.

Application of this Policy
This Policy applies to all conduct in any academic, educational, extra-curricular, athletic, or other University program and activity, whether those programs and activities occur in University facilities, on or off campus. Accordingly, the University will investigate all Complaints regardless of where the alleged conduct occurs. Should the University become aware that any contractor, vendor, partner, or other affiliate engages in sex-based misconduct, it will take appropriate action, up to and including termination of the business relationship or partnership.

More about Title IX...

The federal law prohibiting sex discrimination in educational institutions is Title IX of the Educational Amendments Act of 1972 (amending the Higher Education Act of 1955). This act is codified as Title 20, United States Code, Chapter 38, Sections 1681-1688. The act was also amended by the Civil Rights Restoration Act of 1987 ("Title IX").

The law states that "no person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."
The amendment in 1987 expanded the definition of program or activity to include all the operations of an educational institution, governmental entity or private employer that receive federal funds.

Title IX forbids sex discrimination in all university student services and academic programs including, but not limited to, admissions, financial aid, academic advising, housing, athletics, recreational services, college residential life programs, health services, counseling and psychological services, Registrar’s office, classroom assignments, grading and discipline. Title IX also forbids discrimination because of sex in employment and recruitment consideration or selection, whether full time or part time, under any education program or activity operated by an institution receiving or benefiting from federal financial assistance (“recipient”).

Following the passage of Title IX, the U.S. Department of Education (the “Department”) issued its regulations for compliance with Title IX. The Office for Civil Rights (“OCR”) in the Department is responsible for enforcing “Title IX. OCR’s responsibility to ensure that institutions that receive federal funds comply with Title IX is carried out through compliance enforcement. The principle enforcement activity is the investigation and resolution of complaints filed by those alleging sex discrimination. In addition, through a complaint review program of selected recipients, OCR is able to identify and remedy sex discrimination which may not be addressed through complaint investigation. The OCR has discretion to select an institution for review in order to assess its compliance with Title IX even absent the filing of a complaint if the investigation indicates there has been a violation of Title IX, OCR will attempt to obtain voluntary compliance and negotiate appropriate remedies. Title IX also protects people from discrimination on the basis of sex in employment and employment practices in educational programs or activities receiving federal financial assistance. The prohibition encompasses, but is not limited to, recruitment, advertising, hiring, upgrading, tenure, firing, rates of pay, fringe benefits, leave for pregnancy and childbirth, and participation in employer sponsored activities. Because employment discrimination is not a part of the Title IX Coordinator/Equal Employment Officer (“Title IX Officer”) duties, I will focus on its application to the JMU student population.

OCR requires each recipient to issue notices of nondiscrimination. It recommends using one statement to comply with the requirements of Title VI, Title IX and Section 504 regulations. This combined notice must contain two elements: a statement of nondiscrimination on the basis of which OCR enforces civil rights statutes; and the identity by name or title, address and telephone number of the employee(s) responsible for coordinating the agency’s compliance efforts.

Following its passage, Title IX has been interpreted by the federal government to cover all activities and programs of educational institutions receiving federal funds and all education programs of institutions whose primary mission is not education. In 1984 however, the U.S. Supreme Court, in Grove City College v. Bell, ruled that Title IX was restricted to only those specific programs or activities funded with federal money. As a result, discrimination in many programs or activities was no longer prohibited. On March 22, 1988, Congress enacted the Civil Rights Restoration Act of 1987 over President Reagan’s veto. This act overturned the Supreme Court’s earlier decision and restored Title IX coverage so that once again it applies to the entire institution regardless of where federal funds are utilized.

Although some schools are exempt from coverage with regard to admissions, all schools must treat their students without discrimination on the basis of sex. Courts have interpreted Title IX to prohibit institutions from, on the basis of sex: (1) denying any person aid, benefits or services in all areas, including course offerings, extracurricular activities such as student organizations and competitive athletics, financial aid; facilities and housing; (2) providing different aid, benefits, or services or provide them in a different manner; (3) subjecting any person to separate or different rules of behavior, sanctions, or treatment, including rules pertaining to appearance; (4) providing significant assistance such as facilities or act as a sponsor to any organization or person which discriminates on the basis of sex in providing any aid or benefits to students or employees; and (5) limiting any person in the enjoyment of any right, privilege, advantage or opportunity. In sum, schools cannot use sex as a category to classify student

Clery Act Statement

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Assistance for Victims of Sexual Violence

Members of the University community who are subjected to sexual violence may obtain guidance from Andrea Pammer: Students may obtain confidential counseling regarding incidents involving sexual violence from the University Counseling Center. Counselors can be reached 7 days a week, 24 hours a day, at (XXX) XXX-XXXX? Counselors are licensed professionals, and their communications with individuals they counsel are protected from disclosure under the law.

Members of the University community may obtain further information about resources relating to sexual harassment and violence from the University’s Title IX Coordinator and the Title IX webpage (reached by one click from the main FSI website).

Additional resources and contacts: XXXXXXXXXXXXXXXXXXXXXXX

Appendix A: Federal and State Code citations/references and descriptions

- W. Va. Code § 18B-1-6
- W. Va. Code § 133-4

Appendix B: Sexual Harassment/Sexual Misconduct and Violence (Sexual Assault and Rape/Stalking/Dating and Domestic Violence)
1.1 Scope: This policy defines social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.
1.2 Authority: West Virginia Code §18B-1-6
1.3 Effective Date: December 6, 2001

SECTION 2. SOCIAL JUSTICE POLICY
2.1 The Fairmont State University Board of Governors is committed to bringing about mutual understanding and respect among all individuals and groups at Fairmont State University and to eliminating all forms of discrimination as provided by West Virginia and federal law.
2.2 Consistent with its comprehensive mission, and recognizing that the development of human potential is a fundamental goal in a democratic society, the Fairmont State University Board of Governors promotes an educational system that values cultural and ethnic diversity and understanding, that provides for the preparation of students for full and meaningful participation in a changing world, and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons, regardless of race, color, national origin, sex, sexual preference, sexual orientation, age, religion, veteran status, or disability.

SECTION 3. IMPLEMENTATION
3.1 Fairmont State University shall develop a program for social justice consisting of the following elements:
3.1.1 Activities, including education, which have a goal of eliminating prejudice or discrimination based upon race, color, national origin, sex, sexual preference, sexual orientation, age, religion, veteran status, or disability from student life and working conditions in the institution.
3.1.2 An appraisal of the institution’s educational environment, job structure, and employment practices as they relate to social justice.
3.1.3 Provision for counseling and responding to employees, applicants, and students who charge that they have been discriminated against, and for the informal resolution of such matters before the filing of a formal complaint.
3.2 Responsibility for carrying out the social justice program is assigned as follows:
3.2.1 The President of Fairmont State University shall designate an administrative officer who will be responsible for overseeing the social justice program as part of his or her other duties and responsibilities. This officer is expected to carry out the institution’s social justice program, as directed by the president, by developing plans, procedures, and regulations necessary to carry out the institution’s program, and by examining the operations of the institution at regular intervals to assure their conformity with this social justice policy.
3.2.2 Each dean, chair, director, unit head, and supervisor has the immediate day-to-day responsibility for implementing the social justice policy.
3.2.3 All employees are expected to set the tone and help create an environment for positive change and results within the social justice area.

SECTION 4. AREAS OF IMPLEMENTATION
4.1 The social justice officer is authorized to carry out the institution’s program as authorized by the president in the following areas:

4.1.1 Developing plans, procedures, and regulations necessary to carry out the institution’s program. Specifically, an acceptable social justice plan will be developed with assistance and support from persons recommended by the president to assist in carrying out the program.
4.1.2 Evaluating the operations of the institution at regular intervals to assure their conformity with this rule. Require such reports as deemed appropriate from all divisions of the institution.
4.1.3 Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs, and administrative procedures designed to eliminate discriminatory practices which are covered by this section and improve the institution’s program for social justice and assisting the institution’s administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution.
4.1.4 Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the University.
4.1.5 Providing for the prompt receipt, investigation, disposition, and resolution of any recommendation made by the president of general allegations made by organizations or third parties of systematic discrimination.

SECTION 5. FILING OF COMPLAINTS
5.1 Fairmont State University shall assure that procedures are available for applicants, students, and employees for the handling of social justice complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students.
Fairmont State University Board of Governors

POLICY NO. 9

TITLE: SEXUAL HARASSMENT

SECTION 1. GENERAL

1.1 Scope—This rule defines sexual harassment, provides guidelines for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment.


1.3 Effective Date—July 1, 2002

SECTION 2. POLICY

2.1 It is the policy of the Fairmont State University Board of Governors to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment or student. Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of Fairmont State University to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known. Supervisors at every level are of primary importance in the implementation and enforcement of this rule.

SECTION 3. DEFINITION

3.1 Sexual Harassment Definition—Sexual harassment is intended to be defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

3.1.1 Submission to or rejection of such conduct is an explicit or implicit condition of employment;

3.1.2 Submission to or rejection of such conduct is used as the basis for employment decisions; or

3.1.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

SECTION 4. FILING OF COMPLAINTS

4.1 Fairmont State University shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. The Director of Affirmative Action shall facilitate the proper resolution of complaints with the authority to investigate and report to the president. In cases involving the president, the complaint shall be filed with the chancellor of the Higher Education Policy Commission.

4.1.1 Employees—Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees shall report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.

4.1.2 Students—Any student who feels he or she is being sexually harassed should contact the appropriate school chair or the Director of Affirmative Action.

4.2 Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action. Depending on the circumstances, sanctions may include termination or expulsion.

Fairmont State University Board of Governors

POLICY NO. 42

TITLE: CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS
EFFECTIVE DATE: November 10, 2005

In a commitment to foster an educational and work environment free from all forms of harassment and discriminatory behavior, Fairmont State University strongly discourages romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern because:

a) they may involve one person's exerting power over another;
b) conflict of interest issues may arise in evaluating a student or employee;
c) there is a strong potential for retaliation when the relationship ends;
d) a third party may allege favoritism;
e) they undermine the professional interaction upon which faculty-student/supervisor-subordinate relationships should be based.

When a consensual relationship ends, there is the potential for a faculty member or supervisor in the relationship to threaten the student with a bad grade or the employee with a poor evaluation (sexual harassment); and/or for a student or employee to allege such action.

Harassment, whether verbal, physical, or visual, that is based on any of those characteristics is a form of discrimination. This includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual's academic or work performance, or creating what a reasonable person would perceive is an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence.

Examples of discrimination and harassment may include:

- Refusing to hire or promote someone because of the person's protected status
- Demoting or terminating someone because of the person's protected status
- Jokes or epithets about a person's protected status
- Teasing or practical jokes directed at a person based on his or her protected status
- Displaying or circulating written materials or pictures that degrade a person or group
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.
Review of survey results and suggestions from leadership conference.

**Institution By-law Review**
Reviewed “need to know” information that should absolutely be included and followed.

Of note:
~CSC may invite a BOG board member to a meeting, however, more than one BOG member cannot attend as more than one BOG member discussing any business that may or will be voted on constitutes an illegal meeting UNLESS the meeting is posted as a BOG meeting.

~CSC shall meet at least once monthly or at the call of the Chairperson. Example: Concord notifies the Pres. that they are calling an information sharing meeting with all classified staff and request his/her presence along with the CFO and CHRO. All CS are to attend, if possible. This is done fall and spring semester.

~BOG shall meet at least annually with CSC. This does not need to be a presentation and can be an actual meeting. New River CTC meets with the BOG in Feb. Since more than one BOG member is present, the meeting must be posted as a BOG meeting.

~Institution by-laws should address replacing members who have resigned within a certain amount of time (ACCE officers will be elected within 30 days). FSU does this.

~Regarding travel for official business: Abide by the stated guidelines. Although we all know of faculty and administrators who take advantage of the system, we also know that our travel can be scrutinized. If we don't take advantage of the system, we don't have to worry.

**Bylaw “Best Practices”:**

~What categories of classified employees does code state should be able to vote? Full time, part-time permanent should be explicitly recorded in our bylaws.

~Determine whether or not BOG rep should be a voting member (they are ex-officio but voting or not is not stated in code, as ACCE rep is). Since BOG rep may also hold another office within CSC, does it matter if they do vote? FSU states the BOG is a voting member.

~It is important to remember that the BOG rep, when voting on the BOG, does not necessarily represent the CSC, as they may be privy to information that the CSC is not aware of and cannot be shared.

~What constitutes a quorum? For what business is a quorum required?

~What do we do about absentee members? (FSU is addressing this) FYI: Work is not typically a valid excuse for missing multiple meetings.

~Who is invited to your meetings? List in bylaws.

~How are vacancies handled? Specify who votes, (our article VI-H does not specify what groups of classified staff can vote)

Members voted to establish a sub-committee with the purpose of reviewing institutions' bylaws.
Tuesday, July 14, 2015

Panel Discussion on SB439

~The "personnel bills" and the 2001 salary schedule were a result of a lawsuit between MU and employees who were not being paid equitably. However, the 2001 schedule was meant to be updated annually, and wasn't.

See notated copy of SB 439 (Attached)

Trish Clay Report
~Introduced Bruce Cottrill, New compensation and classification specialist for HEPC. He was in charge of c/c for WV state division of personnel.

Classified Employee Market Study
~Trish announced that Mercer has signed a contract for all parts of our RFP. Was the lowest bid. Contract includes RFP, the questions that were asked, etc.

~Timeline concern: 9/2015 is deadline for job info. from CHROs.

~Software pkg. from Mercer, HRTMS, will be used to collect job info. HRs will need to plan the number of people and capital they will need to do this. Mercer will include this SAS in their price as long as the study is happening, then we will purchase it. $507,000 for study (includes e-prism software), $100,000+ for software and annual survey and reporting requirements.

~Will collect job info. And complete the market study first, then will complete the rest of the project.

~Trish reported that WVU was unwilling to release info. Regarding their salary structure and employee placement on steps, but she hopes that has been worked through. Trish reported that after 2016 schools will no longer report their step info. as we will not be using a step system.

~Trish is very concerned that OASIS HR payroll info. will not be accurate as WVU and Marshall have been allowed not to report their information. Trish reported that the central ofc. was not consulted when the decision to exempt those schools was made.

~Wave 2 bi-weekly pay periods begin the pay before Christmas. This includes HE.

~FLSA salary test raise to $55000 proposal – comments due 9/3/15. It could take 2 years to implement after changes.(This concerns the ceiling salary amount that an exempt employee can earn and earn overtime pay)

~TIAA-CREF loan policy change. Great West did not sign agreement that would allow their employees to check the number of loans the borrowers have had before they grant a loan request. For now, the Central Ofc. must approve/deny loan requests. SAS “Advent” will handle this process once it is up and running.

PIQ TRAINING
Amy Pitzer presentation: Your Job as an Advocate

~There are 3 classified staff advocates on campus:
   ACCE rep
   BOG rep
   CSC Chair

✓ As an advocate you uphold policies, uphold rules, make judgment calls about right and wrong.
✓ You champion policies that are equitable for all employees
✓ It is not always a pleasant job as you must be willing to tell people when their point of view is wrong.
✓ We do not usurp HR’s role.
✓ It is ok to attend a meeting with an employee if he/she is afraid to speak for themselves.

Why is this important?
✓ Advances change that could benefit a large group – SB 439 is an example
✓ Keeps your staff’s interests on the radar screen of the decision makers – if there are issues that need to be resolved, try to have a resolution (or 3) available before taking the issues to the decision makers. Be available to those you represent so that they know they can come to you.
✓ Gives staff a voice that they might not have otherwise – Be upfront with everyone involved.
✓ Be an objective voice – get both sides of the story to make certain you are getting ALL of the necessary information – speak with everyone involved: employee, supervisor, HR, etc. This is best done with both the employee and HR present.
✓ Doing the above will ensure that you only grieve policy issues and the most egregious fairness issues.

How do you get started?
✓ Have (or find) an interest that has not been well addressed
✓ Find out all that you can about that interest
✓ Ask like-minded co-workers to join you
✓ Know your policies

Ways to advocate
✓ Talk with employees regularly to find out the issues
✓ Talk with staff council, CHRO, President about those issues, when appropriate
✓ Do your homework – Is this truly an issue? Sometimes, people just need to vent and don’t truly want you to act on their behalf
✓ Bring workable solutions to the table and not just problems
✓ Be a participant in the solution – not just a bystander (tattle tale)
✓ Report to those you advocate for throughout the process

Rules of Advocacy
✓ We are under no obligation to represent employees in a grievance
✓ Do the right thing – integrity is EVERYTHING
✓ Make sure everyone is being upfront with you – verify what they say
✓ Remember that in a grievance either you or the employee can speak. It is usually best to allow the employee to speak unless they can’t stay quiet, have an explosive personality, etc.
Elections

Chair: Amy Pitzer, elected by acclamation
V Chair: Teri Wells, elected by acclamation
Secretary: Lori Midkiff, elected by acclamation

Committee Assignments

Benefits committee
Me: Chair
Carol: V chair
Paul: Recorder

Presentation committee
Verne: Chair
Michelle: V chair
Mel: Recorder
Me: member

Legislative
Amy: chair
Lindsey: V Chair
Lori: Recorder
Me: member

Event
Bev: Co-Chair
Lori: Co-Chair
Teri: Recorder

Student/Employee Advocacy
Carol: Chair
Robin: V Chair
Barb: Recorder

2015-2016 Calendar

August
ACCE: Thursday, 27th Southern
BOG: Thursday, 20th FAL
HEPC: Friday, 7th Charleston

September
ACCE: Wednesday, 23rd WVUP

October
ACCE: Tuesday, 27th FSU
BOG: Thursday, 15th, Caperton

November
ACCE: Thursday, 19th, New River, Beaver campus
HEPC: Friday, 20th Bluefield
Interims: 15, 16
Interims: 18, 19

December
ACCE: Wednesday, 9th MUGC
CTCS presentation: Thursday 10th Charleston
BOG:

January
ACCE: Thursday 14th BridgeValley Charleston

February
ACCE: Thursday 25th Marshall

March
ACCE: Friday 11th MUGC
Session ends: Saturday 12th
HEPC: Friday 25th Charleston

April
ACCE: Wednesday 21th SOM

May
ACCE: Thursday 19th Eastern

June
ACCE: Monday 13th Shaperd
HEPC: Friday 24th Concord
Chancellor Skidmore – CTCS Master Plan Overview

~WV has 64% people of retirement age and new people need to be trained.
~Energy (oil/gas) will impact WV in a positive way. Cracker plants will also help WV people find jobs.
~Only 18% current year HS graduates will attend CTC that year.
~Student Success target: Accelerate time to degree. Goal: 80% first year students will complete first level math and English courses within the 1st 24 credits.
~ 90% pass rate of licensure exams for students that must take them to be employable.
~ Early entry courses put students on the college path and improves persistence.
~ Veterans benefit greatly from CTCs technical programs
~Objective 4.3 – 100% funding of whatever classified salary schedule is in code. Also ensures professional development opportunities for staff

Paul Martinelli report on WVU issues

40 Hour Work week

~Pres. Gee believes all colleges should work a 40 hour week.
~All 2500 classified staff (53 fte) were given a survey.
  1110 hourly staff voted
  424 salary voted:
    963 yes
    663 no
~Average increase was $3000 (This is how it was told to staff)
~CSC overwhelmingly voted against the increase
~Pres. Gee is still insistent and said that it will happen eventually
~BOG voted in favor of the 40 hr week
~At this time, it will be implemented
~HEPC must approve, WVU is selling it to them under the guise of “flexibility”

Salary Increases

~Pres Gee believes in merit system of pay and is expected to go into effect Oct. 1, 2015, along with any salary increase.
~Narvell Weese, VP of Admin & Finance, is the acting CHRO.
Day 2

Victoria Ledford – Guest speaker

How to persuade people

Persuasion is everywhere

How:

1. Gain credibility
   Know your subject
   Relate to your audience – “who are they to me?”
   What is your audience’s motivation? How will they benefit from your message?
   Appearance & context – be appropriate – dress the part

2. Establish a relationship
   (Ongoing process)
   2 types of relationships:
   1. People you know
   2. People you don’t know
   Establish mutual contacts – networking – builds trust
   Previous interactions – make an effort to remember those people
   Type of relationship – consider what type of relationship you want to have with your audience? What is your goal?
   Establishes “what do we want from each other? How will we communicate?”
   Listen to how people talk – tells you everything you want to know about them.

3. Present your message
   Consider:
   Relevency – does it affect me? WIFM
   Efficiency ~ Make your point. Be direct and don’t waste your audience’s time
   Timing – You want your audience to be able to focus on your message
   Timeliness – Topic should be current and relevant. Create a sense of urgency by focusing on short and long term outcomes of what you want.

4. Commit to change
   Maintain relationships even if you don’t think that person is relevant to you at the time
   Stay up to date – stay current with your topic
   Make multiple contacts
   Re-evaluate your strategy and think about feedback from your audience
   Remember that everyone has a valid opinion.
   Remember that you are qualified – you know something about something
**Presenting to the BOG**

~ Investing in your classified staff – Human Capital
~ CS are the biggest contributors to the college – use statistics (and have them verified) ~ money saved – how many CS have degrees (shows them that CS are marketable – we are educated and experienced). Show number of 15+ year employees, total years of experience, average employee’s years of service,
~ Administration has no issue spending money on buildings, etc.
~ Show % of CS who are “front line” workers – who work with students. Also show how many administrators and non-CS do not see students on a daily basis.
~ Have video running of CS with names, titles, years of service
~ It is important for as many CS employees to attend the presentation
~ Be realistic – have resolution for issues college is facing – budget cuts, etc.
~ Last thing – Focus on issues – staff leaving and not replaced, no professional development funding, lack of communication, etc.
~ Explain what CSC does – committees, scholarship, bylaw revision, etc.
~ Remind them that CSC is in state code

**Following year:**

~ Conduct SWOT analysis (Strengths, weaknesses, opportunities and threats (challenges)
~ Base presentation on findings of HLC accreditation and how CS contribute to those positive findings.
~ Report on how CS take those findings and make them goals.
~ Have a presentation committee and include ALL CS so you have a better idea of successes, challenges, concerns. “What do you want us to present on your behalf?”
VCHR LIASON REPORT
~3 vendors bid on RFP
~Decision of vendor will be made by 6/18
~Need updated PIQs from all CHROs
~Trish received $70000 for HR employee job classification and other relevant training
~Vendor consultants will meet with institution presidents and CHROs by region.
~Vendor information on market study cost due in December.
~Class and comp person for the VCHR office (new position) will start in July.
~Classification audits will be performed on campus in the future to ensure fraud is not occurring when supervisors inflate PIQs to give some employees raises.
~A vendor bid on the RFP who did a market study for WVU in 2014. There was concern that the vendor would think that they had already “done the job” and apply the WVU schedule to every institution automatically. They assured Trish that this would not happen. ACCE will keep watch over this.
~Segal, Deloitte and Mercer are the vendors who bid.

Further discussion regarding SB439
SWOT Analysis

What does it stand for?

Strengths
Weaknesses
Opportunities
Threats

Used originally to help businesses determine the best course of action in considering a new venture. Has been adapted to help non-profits and other formal organizations to assess where the organization is, and to develop a course of action to get where they need to be.

Answer the following questions:

1.) In what area(s) is your CSC doing well?

2.) In what area(s) could your CSC improve?

3.) What are some opportunities that exist (or could exist, if nurtured) that could be of benefit to your CSC/Classified staff?

4.) What are some threats (both internally and externally) that either already does or could potentially cause problems for the CSC if left unchecked?

Consider some of the following areas/questions in answering the above questions:

1.) Classified Staff attendance at CSC meetings
   - How is attendance?
   - Is where and when meetings are held work for a majority of classified staff?
   - How is it advertised and are reminders sent out?
   - Are staff being discouraged from attending by supervisors?
   - Are staff simply not engaged on campus?

2.) Classified Staff knowledge/awareness of CSC
   - Do your Classified Staff know about the purpose and goals of your CSC?
   - What do they know? What do they think they know but may be wrong about?
   - How can you better educate and involve Classified Staff in CSC operations?

3.) Communication:
   Who are you communicating with?
   - with Classified Employees
   - with Administration
   - with Faculty Senate
   - with Board of Governors Rep.
- with BOGs
- with local legislators
- with CHROs/Human Resources

How does your CSC communicate with everyone? Website w/ meeting minutes? Email? ListServ? Social Media? Word of mouth? Other avenues not yet explored?

How often?

Is it effective? If not, why? How can you better communicate with everyone?

4.) Organization:

- Constitution & By-Laws (are they up-to-date? Anything in them that run counter to state code? Area for improvement?)
- Institutional Governance Charters (is the CSC included? If so, is information accurate?)
- Does your CSC have Standing or Special Committees? Are the affective? Could some be eliminated or does your CSC need more committees?

5.) Staff Development:

- What Professional Development opportunities does your institution provide for Classified Staff?
- What opportunities do your Classified Staff want or need for Professional Development?

6.) Shared Governance:

- Are Classified Employees included in your institution's Decision-Making process? (I.e. President's Cabinet/Advisory Board, Search Committees, Steering Councils, etc.)

7.) Relationships:

- Who are the key players on your campus?
- How is your personal and CSCs relationship with those players?
- How can you build stronger relationships, or initiate new ones, with the key players?
- What can you do to earn their trust? (What is on their agenda that you may be able to help with?)

Ideally, at the end of this exercise, you will be able to identify your strengths, your weaknesses, any internal or external threats, and come up with a plan of action that turns all of these into opportunities. Opportunities to create, reform, or strengthen existing practices and relationships, and thus opportunities to create a better working experience for your Classified Employees.