

WLU Board of Governors

Regular Meeting

Wednesday, October 4, 2017 – 4:00 p.m.

Location: Shaw Hall Board Room

“...to provide our students with the opportunity for a high quality undergraduate, graduate and professional education.”

- I. Call to Order/Roll Call/Quorum and Mission Statement**
- II. Introductions**
 - A. HLC Liaison Update - Linnea Stenson
- III. Swearing in of New Board Member**
- IV. Public Comment** Description: Up to 10 individuals may sign in to speak in open session for three minutes each. The sign-in sheet will be available from Executive Secretary Mary Ann Edwards fifteen minutes prior to the meeting until the noticed start time.
- V. Agenda Order (Board may move to change order of consideration)**
- VI. Approval of Minutes***
 - A. Minutes of the Full Board 08/23/17*
 - B. Minutes of the Executive Committee 09/20/17*
- VII. Board Items**
 - A. Policies*
 - 1. Policy 22 – Employment Innovations*
 - 2. Policy 24 – Terms and Other Definitions*
 - 3. Policy 58 – Compensation Management Rule*
 - 4. Policy 34 – Employment of Relatives – 30-Day Comment Period*
 - 5. Policy 59 - Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting – 30-Day Comment Period*
 - B. Mineral Lease – Greene County, PA, Aleppo Township Property*
 - C. Organizational Chart Update*

*Action Items
- VIII. Reports**
 - A. Chair of the Board of Governors (DeFelice)
 - B. Provost Report (Crawford)
 - C. Enrollment Update (Cook)
 - D. Student Government (Croasmun)
- IX. President's Report**
- X. Finance Report**
- XI. Information Gathering (Members may ask questions or gather information to prepare for future agenda items without general discussion or action at this meeting.)**
- XII. Executive Session**
 - A. President's Contract
- XIII. Actions Emanating from Executive Session**
 - A. President's Contract*
- XIV. Next Meeting Date – Wednesday, November 29, 2017**
- XV. Adjournment**

**West Liberty University
Board of Governors**

**Minutes
August 23, 2017**

Attendance:

Jack Adams, Les DeFelice, Cindy Fluharty, Patrick Ford, Jim Haizlett, Jim Stultz, Teresa Toriseva, Rhonda Tysk

Unable to Attend:

Joe Carey, Rich Lucas, Kris Williams

Administration/Faculty/Staff:

Scott Cook, Brian Crawford, Mary Ann Edwards, Steve Greiner, Diana Harto, Angela Hill, Jason Koegler, Roberta Linger, John McCullough, Ron Witt, Joe Montemurro, Chelsea Williams, Adam Croasmun, Maureen Zambito

I. Call to Order/Roll Call/Quorum and Mission Statement

Chair DeFelice called the meeting to order at 4:00 p.m. and a quorum was established.

II. Introductions

Chair DeFelice welcomed board members and guests.

III. Public Comment

None.

IV. Agenda Order

No changes to the agenda order.

V. Approval of Minutes*

A. Minutes of the Full Board June 14, 2017*

On motion by Jim Stultz and seconded by Jack Adams, it was unanimously adopted by the West Liberty University Board of Governors to approve the minutes of the full Board of June 14, 2017.

B. Minutes of the Executive Committee of August 16, 2017*

On motion by Jim Stultz and seconded by Jim Haizlett, it was unanimously adopted by the West Liberty University Board of Governors to approve the minutes of the Executive Committee of August 16, 2017.

VI. Board Items*

A. President's Goals and Objectives

Dr. Greiner stated that a requirement of the Board for the Higher Learning Commission (HLC) is to have set goals for the president. Based on what he heard during the interview process, Dr. Greiner took the liberty of putting together goals, which eventually need to be approved. With the expiration of Dr. Greiner's contract in December, the WV HEPC will need notification by their December meeting as to the intent of the Board.

With this in mind, there should be an evaluation completed by the October Board meeting. Although not required, it is important that one be done so there's a record and recommendation made to the HEPC. A discussion followed and Chair DeFelice will form a committee for the process.

B. BOG Policies for Approval*

The Board of Governors was asked to authorize a 30-day period during which campus constituencies may review and comment on the following revised Board policies:

- Policy 22 – Employment Innovations
- Policy 24 – Terms and Other Definitions
- Policy 34 – Nepotism – Employment of Relatives

And also for the following new Board policy:

- Policy 58 – Compensation Management Rule

Ms. Harto presented information for each of the policies to the Board, noting that many of the changes are a result of the passage of HB 2542. WLU is keeping in line with how code has changed and how we will need to change our policies. A discussion followed with regard to FTE, .53 benefits eligible FTE, and the elimination of the classified staff group.

On motion by Pat Ford and seconded by Cindy Fluharty, it was unanimously adopted by the West Liberty University Board of Governors to approve the dissemination of the stated policies to constituent groups for 30-day review and comment.

On July 18, 2017, the Board of Governors Executive Committee approved the dissemination of Policy 25 – Definition of Faculty and Staff, to constituent groups for comment. The comments received were reviewed, suggested edits made, and the Board was asked to approve the finalized copy.

On motion by Jim Stultz and seconded by Teresa Toriseva, it was unanimously adopted by the West Liberty University Board of Governors to approve Policy 25 – Definition of Faculty and Staff.

C. Pay Increase*

At the October 5, 2016 meeting of the Board, a pay increase of 2% was approved, with 1% effective January 1, 2017 and the other 1% when more information becomes available with regard to possible mid-year budget cuts. At the Executive Committee meeting held August 16, 2017, Dr. Greiner proposed the additional 1% be made a 2% pay increase, effective October, 2017.

A discussion followed with regard to red circled employees and employees receiving a previous adjustment. It was noted that there should be an approach to recognize long service employees, who have dedicated work effort, to still be eligible for some type of compensation review program.

On motion by Jack Adams and seconded by Pat Ford, it was unanimously adopted by the West Liberty University Board of Governors to approve the 2% pay increase for all employed as of December 31, 2016, and who did not receive an adjustment on August 5, 2017, effective October 2017.

VII. Reports

A. Chair of the Board of Governors (DeFelice)

Although no report, Chair DeFelice noted that with all of the turmoil in the world, this University is a great place to come for students to get an education. As an alum, it makes him proud that the University is doing so well and is progressing. With regard to the recent Board Summit held in Charleston, it was a great learning experience, much of the information applying to both personal and professional life.

B. Provost Update (Crawford)

Dr. Crawford stated that the MS in Dental Hygiene and MA in Clinical Psychology were submitted to the HLC but there has been no response. The HEPC approved the Intent to Plan for the MS in Athletic Training with the proposal now being prepared. The original start date was 2019, but could be 2020 because of the U.S. Department of Education restrictions. We welcomed 23 new faculty members at today's Convocation and still have a few open positions. There will be three different upcoming accreditation sites visits in Business, Music, and Dental Hygiene; Education was extended by a year. The HLC liaison will be attending the October Board meeting.

C. Enrollment Update (Cook)

Mr. Cook distributed enrollment figures as of August 23, 2017. All enrollment areas are currently showing an increase as follows: Overall - 7%; first-time freshman -14%; transfers - 1%; graduate students - 30%; new graduate students - 5%; former students returning – 64%, continuing students – 1%, students in campus housing – 5%; and international students – 5% with 25 countries represented.

D. WLU Foundation Report (Hill)

Ms. Hill distributed the WLU Foundation Development Plan for FY 2018, along with the final Development Report for FY 2017. FY 17 closed out with just over \$1.9 million in fundraising, well above the previous two-year comparison. Investments for the year are up 11% with the portfolio, with \$17+ million in assets. Unrestricted funds are at \$150,000, \$100,000 of which supports scholarships through Mr. Cook's department. There is also a needs request proposal process to assist with funding for campus needs, which can be applied to unfunded projects, faculty travel, study abroad, etc. Hilltopper Athletics had a good year and became an endowed fund this year. There are only about 500 alumni who are actual donors out of the total number of donors in the database; this is an area to work on to increase numbers. A discussion followed on areas of focus for 2018.

The Foundation Board is comprised of 30 members from all different backgrounds professionally, who are involved and committed to the mission. The FY18 budget was passed with \$50,000 more than last year. They will be hiring a new position to better support the needs of the University with a Downtown Center Coordinator.

E. SGA Update

Dr. Greiner announced that Reid Boden has stepped down from the position of President of SGA effective yesterday. Vice President Adam Croasmun and Secretary Chelsea Williams were introduced by Dr. Greiner. Mr. Croasmun stated that he will be acting president of SGA; he is a senior elementary and special education major. A discussion followed with regard to upcoming events and the SGA budget. He invited those in attendance to visit the SGA office in the top of the College Union.

VIII. President's Report

Dr. Greiner noted that there may be a special election for SGA president within the next two weeks. Summer updates and renovations continue, with the biggest project being the technology project coming to a close. Wi-Fi is now accessible in every corner of campus, doubled broadband, and a new phone system.

Boyd and Rogers Hall are both full as single rooms for students. The new convenience store is open, as well as the Slice of Life restaurant. Eventually the restaurant will also carry gluten free pizza, and a pretzel warmer and Starbucks coffee machine will be located in the store.

The latest from McKinley & Associates outlines the houses to be removed for the new soccer field and track. The plan is to move dirt this fall, but eight houses need to be taken down before we can start the project. We will only complete the track and field surface at this time, but hope to be able to also include lights in this first phase. The current soccer house will be eliminated.

At the Board of Governors Summit, it was announced that WLU had the largest increase in pass rates among students enrolled in first-year developmental English, jumping from 40% to 90%.

A group will be meeting with Southwest Energy to negotiate the easement agreement for water lines. An agreement was prepared by the Attorney General's office for the Board.

We are looking into a fleet management program with Enterprise in which WLU would pay a monthly fee, but we would actually own the vehicles. In the future, we would sell these for the next vehicles. With admissions counselors on the road, vans for athletic teams and Biology student field strips, this would cost less than the way we currently handle vehicles.

Momentum is strong right now and when enrollment is up, we cannot back off. West Virginia is losing population and high school graduation rates nationwide are going down; we're working with few students. The time to attack is when things are going well.

We are looking at five new graduate programs in the next five years. When we started graduate programs we had to add faculty and maybe some staff support. The faculty are committed and we are looking at programs that make sense for the University.

IX. Finance Report

Ms. Linger noted that FY17 finished up with a balanced budget. Auditors will be on campus September 5th. Amy Baccelliere, our new Controller, is working hard on putting together a trial balance for the auditors and it's almost complete. Draft statements should be complete by September 15th, with the finals due to the HEPC by October 15th. The FY18 budget statement for one-month looks good; we're trending where we should be, and revenues are up from this time last year. Expenses are at about 8% total. It's early in the year but we are trending good; keeping a close eye on cash reserves due to the Department of Education.

X. Information Gathering

None

XI. Possible Executive Session

None

XII. Actions Emanating from Executive Session

None

XIII. Next Meeting Date – October 4, 2017

XIV. Adjournment

On motion made by Jim Stultz and seconded by Rhonda Tysk, it was unanimously agreed by the West Liberty University Board of Governors to adjourn the meeting at 5:22 p.m.

Leslie DeFelice _____
Chair

James R. Stultz _____
Secretary

**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS**

**Executive Committee
Minutes
September 20, 2017**

Executive Committee Members Present: Les DeFelice, Pat Ford, Jim Stultz

WLU Administrators: Stephen Greiner, Brian Crawford, John McCullough, Scott Cook, Roberta Linger, Diana Harto

Others: Jack Adams, John Gompers, Jim Haizlett

1. Chair DeFelice called the meeting to order at 8:00 a.m.
2. President Greiner reported on the following items:
 - a. Our HLC liaison, Linnea Stenson, will attend the October 4, 2017 Board of Governors meeting. It was agreed that she will be the first item on the agenda.
 - b. Dr. Greiner indicated that there are approximately 25 projects either underway or planned for this fiscal year. He then gave updates on several of these:
 - The track project continues, with demolition of houses starting next week. Soil boring has found bedrock at seven feet or slightly more.
 - Fire pit installation has been awarded to a local vendor, Top Notch, at approximately half the cost of other bids.
 - Repair and renovation to the second floor of Rogers Hall is planned for summer 2018.
 - Shotwell Hall renovation planning is beginning.
 - Technology for instructional spaces is a priority. Funds from new leases or other unplanned income will be applied to these upgrades.
 - Changes to the Annex building: WFF is moving to Hughes Hall, and Campus Safety will move to the Annex. The ceramics studio will be moved to Krise basement. The ground floor of the Annex will be converted to a changing area for baseball and for use as a public restroom facility to support athletics.
 - A fitness center is planned for the Krise Hall basement. This project will take place next summer.
 - A number of baseball alumni are interested in raising money to construct an indoor practice facility on campus. Some pledges have been received and fundraising efforts are ongoing. This will allow Blatnik to become a true recreation facility for the general student population.
 - There are several university vehicles that need to be replaced, including Campus Police vehicles. The plan is to use Enterprise for fleet management. Enterprise is currently in negotiations with the WV Attorney General's office regarding establishment of an indemnification agreement.
 - c. Dr. Greiner reported that the marching band will be returning beginning in the fall of 2018. A press conference is planned for tomorrow, September 21, 2017, to make this announcement to the public.
 - d. Cell Tower – currently WLU leases property to American Tower. The agreement is in place through 2056, and generates just over \$1,200/month in revenue. American Tower has presented two options to modify this lease, which Roberta Linger explained. The first is to increase the monthly payment to \$2,300 and shorten the length of payments to 20 years. The other is for a one-time lump sum payment of \$209,000. A second company has also expressed interest in buying out American Tower's lease, which is still being investigated.

- e. A proposed change to the organizational chart was discussed. The proposed change would move Campus Police under the VP for Student Services and Registrar.
 - f. BOG Policy 34: Nepotism was discussed. Dr. Greiner indicated that a new draft was just received from the Assistant Attorney General this morning. He recommended that discussion of this policy by the full board be delayed until the policy is in a more final form, which he indicated should be in time for the November meeting. Some discussion ensued concerning the restriction of employment of family members of BOG members. Diana Harto will research the policies at other institutions and provide further information to the BOG Executive Committee.
 - g. Information regarding the Reeves County, Texas property was shared. The latest offer to purchase the property is \$60,000, which is being considered. The gift is split between WLU and Bethany College.
 - h. The Southwest Energy land lease agreement has gone to the AGE office. If it is signed by September 25th, Southwest will pay an additional \$25,000.
- 3. Roberta Linger provided a FY18 budget status report. At this point, all revenue and expense indications are good.
 - 4. Diana Harto reported on the following:
 - a. BOG Policies 22 and 24, which have been edited to change terminology from “classified staff” to “staff” are almost through their 30-day comment periods with no comments.
 - b. BOG Policy 58: Compensation Management Rule, is also near the end of its comment period with no comments. A subcommittee has developed a Compensation Administration Guidelines document to create procedures necessary to implement this policy.
 - 5. The committee went into Executive Session at 8:45 a.m. to discuss a personnel matter.
 - 6. At 9:10 a.m. Jim Stultz made a motion to move out of executive session. Pat Ford seconded the motion. Motion passed unanimously.
 - 7. Pat Ford made a motion to recommend to the full Board of Governors that President Greiner be given a three-year contract, with the components of that contract being: in year one, the salary remains at its current level of \$215,000; in year two, the salary would increase to \$225,000; and in year three, the salary would increase to \$235,000; with all benefits to remain the same, subject to approval by the WV HEPC. Jim Stultz seconded the motion. Motion passed unanimously.
 - 8. The meeting was adjourned at 9:12 a.m.

Leslie DeFelice

Chair

James R. Stultz

Secretary

**POLICY 22 – EMPLOYMENT INNOVATIONS
POLICY 24 – TERMS AND OTHER DEFINITIONS
POLICY 58 – COMPENSATION MANAGEMENT RULE
WEST LIBERTY UNIVERSITY**

Action Item

At the August 23, 2017 meeting, the Board of Governors approved the dissemination of Policy 22 – Employment Innovations, Policy 24 – Terms and Other Definitions, and Policy 58 – Compensation Management Rule, to constituent groups for comment. No comments were received on these policies.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approve Policy 22 – Employment Innovations, Policy 24 – Terms and Other Definitions, and Policy 58 – Compensation Management Rule.

**POLICY 34 – EMPLOYMENT OF RELATIVES
POLICY 59 – CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS
IN THE WORKPLACE AND EDUCATIONAL SETTING
WEST LIBERTY UNIVERSITY**

Action Item

The Board of Governors is asked to authorize a 30-day period during which campus constituencies (faculty, staff, and students) may review and comment on revisions to Board Policy 34 – Employment of Relatives, and new Policy 59 – Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approves the dissemination of Policy 34 – Employment of Relatives, and Policy 59 – Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting, to constituent groups for 30-day review and comment.

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

POLICY 34: EMPLOYMENT OF RELATIVES

SECTION I. GENERAL

- 1.1 Authority. W. Va. Code §§ 18B-1-6, 18B-2A-4. The Ethics Act - W. Va. Code Chapter 6B-1-1, et. seq.
- 1.2 This policy is meant to supersede all other hiring and/or employment of relative's policies and/or consensual relationships policies and procedures.

SECTION II. PURPOSE

- 2.1 The purpose of the Employment of Relatives Policy is to comply with the *Ethics Act* and to avoid situations that compromise, or appear to compromise, the fairness and objectivity of employment and educational decisions and the discharge of other professional duties and/or to avoid situations that may interfere with a student or applicant's ability to engage in the University's educational programs and activities and to engage in a work and/or learning environment that is free from harassment. This policy is also intended to promote fair employment decisions and to avoid the appearance of favoritism and the appearance of any impropriety and the abuse of power, as well as to avoid the potential for a hostile work environment and to avoid conflicts of interest between work-related and personal/family-related obligations.
- 2.2 West Liberty University believes applicants and employees should be evaluated on the merits of their qualifications and work and without improper influence or the potential for improper influence or favoritism. West Liberty University is committed to maintaining an environment in which working, learning and discovery take place in a professional atmosphere of mutual respect and trust. While the University respects the privacy of its employees, West Liberty recognizes that there exists the opportunity for the inappropriate use of power, trust or authority. Certain relationships have the potential to compromise, or appear to compromise, the fairness and objectivity of employment decisions and the discharge of professional duties. Additionally, apparent conflicts of interest could adversely affect the morale of the University's employees.

SECTION III. EMPLOYMENT OF RELATIVES

- 3.1 This policy and the *Ethics Act* prohibit public officials and public employees from knowingly and intentionally using their office or the prestige of their office for their own private gain or the private gain of another person. If public officials or employees use their positions to give an unfair advantage to relatives or persons with whom the public official or employee resides, the primary benefit to such action is to the public official or employee or another person rather than to the public.
- 3.2 The *Ethics Act* and this policy also prohibit nepotism, which is favoritism shown, or patronage granted, in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.
- 3.3 All West Liberty University employees, regardless of status or classification, are public employees employed by the State of West Virginia and are subject to the *Ethics Act*. Student employees, including but not limited to graduate assistants, are also included in this policy, however decisions of employment regarding student work-study (financial aid)

assignments or payments to students in the form of scholarships shall not be interpreted as violations of this policy.

- 3.4 "Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law. Under this policy, the half-blood is considered the same as whole blood and stepchildren, stepparents, step-grandchildren, etc., are considered the same as relatives. "Relative" for the purpose of this policy also includes cohabitating individuals (individuals who live together) and intimate partners defined as a person with whom the employee is having a current romantic and/or sexual relationship. An *in loco* relationship is considered the same as a relative to the employee.
- 3.5 The University may employ relatives of employees in different offices and units. Temporary, adjunct employment of a relative in the same office or unit may be permitted if the relative is uniquely qualified, approved by the President, and is subject to the provisions of this policy regarding supervision of relatives.
- 3.6 To the extent possible, no employee of WLU shall supervise any relative, nor shall the employee supervise the relative's supervisor. This prohibition includes, but is not limited to, making decisions on personnel matters, reviewing, auditing or evaluating work, or taking part in discussions or making recommendations concerning employment, appointment, employment termination, merit pay, bonuses, annual evaluations, work assignments, creation of job descriptions specifically for a relative, compensation, discipline, retention, promotion, tenure, salary, distribution of research funds, or leaves of absence, etc.
- 3.7 Employees are prohibited from initiating or participating in, directly or indirectly, discussion, votes, or decisions involving a direct benefit to a relative unless the relative is a member of a class of persons affected. A class shall consist of not fewer than five similarly situated persons. Employees are required to recuse themselves from any such discussion, votes, or decision involving relatives. For an employee's recusal to be effective, he or she must fully disclose his or her interests and excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period of the discussion, vote, or decision.
- 3.8 No employee will assume the role of investigator or decision-maker with respect to the processing, investigation, adjudication or disposition of internal complaints or allegations of any misconduct made against a relative. This prohibition includes, but is not limited to, sexual harassment complaints, discrimination investigations, favoritism claims, any disciplinary investigations and/or hostile work environment claims. There are no exceptions to this provision.
- 3.9 *As members of the Board of Governors are subject to the Ethics Act, no member of the Board of Governors may exert, or attempt to exert, any influence on decisions regarding any aspect of the employment of any relative of the Board member.*

SECTION IV. EXISTING RELATIONSHIPS AND RELATIONSHIPS THAT DEVELOP AFTER EMPLOYMENT

- 4.1 This policy applies to relationships that existed before the enactment of this policy as well as those that may subsequently develop. Any existing relationships or situations must be disclosed immediately in accordance with this policy. Employees in current relationships that violate this policy may remain in their positions unless a direct supervisor-subordinate

relationship exists. However, West Liberty University reserves the right to exercise appropriate managerial judgment to take actions as may be necessary to achieve the intent of this policy which includes but is not limited to addressing and taking steps to avoid the appearance of favoritism, the abuse of power, or potential for a hostile work or academic environment and to avoid conflicts of interest between work-related and personal/family-related obligations, and to relieve any disruptions to or conflicts of interests in the work environment that arise as the result of any relationships that violate this policy.

- 4.2 Any relationship in existence, regardless of when the relationship developed, after the effective date of this policy that violates the terms of any provision of this policy must be reported to the Chief Human Resources Officer and the Cabinet member responsible for the unit in which the relationship exists.
- 4.3 Failure to report an existing relationship or a relationship that develops after the effective date of this policy may be grounds for disciplinary action including termination of employment. This provision applies to all employees. Both employees involved in the relationship are responsible for reporting the relationship using procedures that may be developed to implement this policy.
- 4.4 If current employees become relatives, the University may take appropriate steps to resolve any conflict of interest that is thereby created. Such steps may include, but are not limited to, changing reporting structures and/or transferring either or both of the employees to different positions, and/or terminating the employment of one of the employees in the relationship.

SECTION V. SELF-REPORTING

- 5.1 All employees are required to report, in writing, in accordance with established procedures, to the Chief Human Resources Officer before they make, participate in or attempt to influence (or cause others to make, participate or attempt to influence) decisions covered by this policy.
- 5.2 All employees are required to report any relationship they may have that violates this policy, including but not limited to relationships that existed before the enactment of this policy to his/her immediate supervisor, the appropriate Cabinet member, and the Chief Human Resources Officer.
- 5.3 Cabinet members must report any of their relationships that violate this policy to the Chief Human Resources Officer and the President. The President must report this to the Board of Governors.
- 5.4 Applicants for employment or employees who may be applying for other positions with the University are required to notify the Chief Human Resources Officer of any relatives who are employed by the University.
- 5.5 Failure to self-report may result in disciplinary actions up to and including termination of employment.

SECTION VI. EXCEPTIONS AND ACCEPTABLE ALTERNATIVE ARRANGEMENTS

- 6.1 Exceptions to this policy may be permitted where circumstances present a benefit to the University or when doing so will promote a mission of the University. All exceptions must be requested in writing prior to the individual's employment and be approved by the

President or designee. If one of the related parties is uniquely qualified to work in the same unit or area with the other based on qualifications, and performs work in direct support of teaching or research, the President or designee may permit the related persons to continue to work together, provided that an appropriate management plan is developed, implemented and administered.

- 6.2 The Board of Governors must approve exceptions involving a relative of the President.
- 6.3 In all cases where related persons continue to work together, an appropriate management plan must be developed, implemented and administered.
- 6.4 In unusual circumstances, the President or designee, in consultation with the Chief Human Resources Officer and the appropriate Cabinet member, may permit departures from the terms of this policy provided that appropriate and feasible conflict management procedures are put in place.
- 6.5 Having acceptable alternative arrangements made is not an entitlement. Acceptable alternative arrangements must alleviate any actual or perceived conflicts of interest or potential conflicts of interest. The arrangements may include altering supervisory or reporting lines; moving the individual to another position of the same or comparable status and duties; or establishing alternative means of evaluation of work performance; among other options.

SECTION VII. COMPLAINTS

- 7.1 The Chief Human Resources Officer investigates and resolves violations of this Policy. Any employee who is aware of a violation of this policy may file a written complaint with the Chief Human Resources Officer. Complaints against the Chief Human Resources Officer are filed with the President. Complaints against the President are filed with the Board of Governors
- 7.2 The Ethics Commission (Commission) and its Probable Cause Review Board investigate and resolve violations of the *Ethics Act*. Any citizen who is aware of a violation of the Act may file a written complaint with the Commission.
- 7.3 In the event that an individual, through marriage, adoption, etc. is placed in a prohibited business relationship with a relative, the situation should be resolved within thirty (30) days by the Chief Human Resources Officer in consultation with the Cabinet member responsible for supervising the unit where the prohibited business relationship exists. Resolution may be made by transfer, reassignment, resignation, dismissal, etc., of one of the involved employees or by other accommodation, which protects the interests of the public.

SECTION VIII. ADMINISTRATIVE PROCEDURES

- 8.1 The Chief Human Resources Officer may develop administrative procedures implementing this policy.

Approved by the WLU Board of Governors on MM/DD/YY

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

POLICY 59: CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS IN THE WORKPLACE AND EDUCATIONAL SETTING

SECTION I. GENERAL

- 1.1 Authority. W. Va. Code §§ 18B-1-6, 18B-2A-4. Title IX of the Education Amendments of 1972; the West Virginia Human Rights Act, W. Va. Code §§ 5-11-1 to -20. Repeals and Replaces Section 6 of Board of Governor's Policy 32¹.

SECTION II. PURPOSE

- 2.1 While the University respects the privacy of its members, West Liberty recognizes that there exists the opportunity for the inappropriate use of power, trust or authority. Certain relationships in the work and educational setting have the potential to compromise, or appear to compromise, the fairness and objectivity of employment and educational decisions and the discharge of other professional duties. Additionally, apparent conflicts of interest could adversely affect the morale of the University's employees.
- 2.2 There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the university context, such positions include (but are not limited to) instructor and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, principal investigator and postdoctoral scholar or research assistant, coach and athlete, attending physician and resident or fellow, and individuals who supervise the day-to-day student living environment and their students.

SECTION III. RELATIONSHIPS

- 3.1 Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.
- 3.2 Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems.

¹ Provisions for this policy were taken from Stanford University's Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting Administrative Procedure.

- 3.3 **For all of these reasons, sexual or romantic relationships--whether regarded as consensual or otherwise--between individuals in inherently unequal positions should in general be avoided and in many circumstances are strictly prohibited by this policy.** Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in what follows.

SECTION IV. WITH STUDENTS

- 4.1 At a university, the role of the instructor is multifaceted, including serving as intellectual guide, mentor, role model and advisor. This role is at the heart of the University's educational mission and its integrity must be maintained. The instructor's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.
- 4.2 Accordingly, the University expects instructors to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, instructors include those who are entrusted by West Liberty University to teach, supervise, mentor and coach students, including faculty and consulting faculty of all ranks, lecturers, academic advisors, and principal investigators. The specific policies on instructors outlined below do not apply to West Liberty University students (undergraduates, graduates and post-doctoral scholars) who may at times take on the role of instructors or teaching assistants, policies for whom are addressed in a separate section.
- 4.3 As a general proposition, the University believes that a sexual or romantic relationship between an instructor and a student – even where consensual and whether or not the student is subject to supervision or evaluation by the instructor – is inconsistent with the proper role of the instructor. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students. Furthermore, such relationships may expose the instructor to charges of misconduct and create a potential liability, not only for the instructor, but also for the University if it is determined that laws against sexual harassment or discrimination have been violated.
- 4.4 Consequently, the University has established the following parameters regarding sexual or romantic relationships with West Liberty University students:
- 4.5 *First*, because of the relative youth of undergraduates and their particular vulnerability in such relationships, **sexual or romantic relationships between instructors and undergraduate students are prohibited** – regardless of current or future academic or supervisory responsibilities for that student.
- 4.6 *Second*, **whenever an instructor has had, or in the future might reasonably be expected to have, academic responsibility over any student, such relationships are prohibited.** This includes, for example, any faculty member who teaches in a graduate student's department, program or division. Conversely, no instructor shall exercise academic responsibility over a student with whom he or she has previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards. In this context, students include graduate students.

- 4.7 *Third*, certain staff roles (including deans and other senior administrators, coaches, athletic trainers, supervisors of student employees, student organization advisors, resident assistants within the same building as the student, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at West Liberty University. For this reason, **sexual or romantic relationships between such staff members and undergraduate students are prohibited**. Similarly, relationships between staff members and other students over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.
- 4.8 When a preexisting sexual or romantic relationship between a university employee and a student is prohibited by this policy – or if a relationship not previously prohibited becomes prohibited due to a change in circumstances – the employee must both **recuse** himself or herself from any supervisory or academic responsibility over the student, and **notify** their immediate supervisor and the Chief Human Resources Officer about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. Failure to disclose the relationship in a timely fashion will itself be considered a violation of this policy and individuals responsible for violating this policy may be subject to disciplinary action.

SECTION V. BETWEEN STUDENTS (STUDENT INSTRUCTORS, TEACHING ASSISTANTS AND GRADERS)

- 5.1 Many existing policies govern student responsibilities towards each other. The current policy applies when undergraduate or graduate students are serving in the teaching role as instructors, TAs, graders or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student instructor and a student in a setting for which the student instructor is serving in this capacity, s/he shall not exercise any evaluative or teaching function for that student. **Furthermore, the student instructor must recuse himself or herself and notify his or her supervisor so that alternative evaluative, oversight or teaching arrangements can be put in place.** Failure to notify and recuse in this situation could result in disciplinary action.

SECTION VI. IN OTHER CONTEXTS

- 6.1 Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, faculty and both academic and non-academic staff, and so forth.
- 6.2 Where such a relationship develops, the person in the position of greater authority or power must **recuse** him/herself to ensure that he/she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also **notify** his/her immediate supervisor and the Chief Human Resources Officer so that adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

- 6.3 The University has the option to take any action necessary to insure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work group.

SECTION VII. COMPLAINTS

- 7.1 The Chief Human Resources Officer or designee investigates and resolves violations of this Policy. Any individual who is aware of a violation of this policy may file a written complaint with the Chief Human Resources Officer.

SECTION VIII. PROCEDURES

- 8.1 The Chief Human Resources Officer may develop procedures to implement this policy.

Approved by the WLU Board of Governors on MM/DD/YY

**OIL AND GAS LEASE – GREENE COUNTY, PA
ALEPPO TOWNSHIP PROPERTY**

Action Item

The Board of Governors is asked to consider the approval of an Oil and Gas Lease, which comes to West Liberty University as a result of a search conducted by Rice Drilling B LLC, on property acquired from Henry Elbin and Elizabeth Elbin. Of the 119-acre tract located in Greene County, PA, Aleppo Township, this lease is for less than one (1) acre of mineral rights.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors hereby approve the authorization of the President of West Liberty University to initiate all actions and execute all documents and instruments to carry into effect and finalize the terms of said lease.

ORGANIZATIONAL CHART

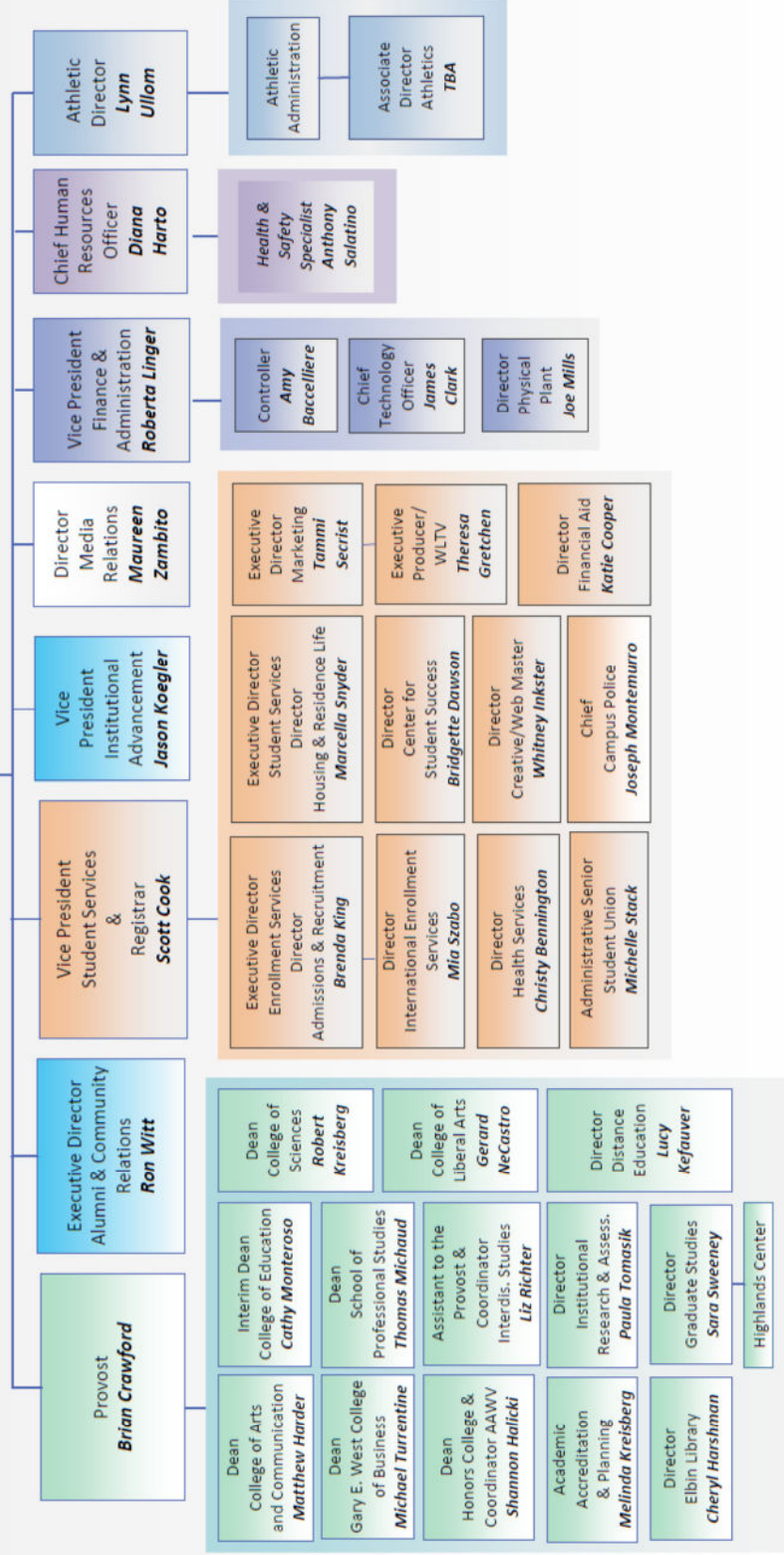
Action Item

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors hereby approve the updated Organizational Chart.



Board of Governors

President
Stephen Greiner



PRESIDENT'S CONTRACT

Action Item

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approve the president's contract extension effective January 1, 2018, conditioned upon approval by the West Virginia Higher Education Policy Commission.