

NEW BOARD MEMBER

ORIENTATION MANUAL



Southern West Virginia Community and  
Technical College  
Board of Governors



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**Southern West Virginia Community and Technical College  
Board of Governors  
Meeting Schedule  
July 1, 2024 - June 30, 2025**

2

<b>Board of Governors Agenda Committee Meeting 8:30 AM</b>	<b>Agenda Items Due</b>	<b>Annotated Agenda Due To the Board of Governors and Board of Governors Agenda Due</b>	<b>Board of Governors Business Meeting 6:00 PM</b>	<b>Business Meeting Location</b>
July 30, 2024	August 6, 2024	August 13, 2024	August 20, 2024	Executive Conference Center Room 428, Logan Campus, Building C and Via Zoom **
September 24, 2024	October 1, 2024	October 8, 2024	October 15, 2024	Executive Conference Center Room 428, Logan Campus, Building C and Via Zoom **
November 26, 2024	December 3, 2024	December 10, 2024	December 17, 2024	Executive Conference Center Room 428, Logan Campus, Building C and Via Zoom **
January 28, 2025	February 4, 2025	February 11, 2025	February 18, 2025	Executive Conference Center Room 428, Logan Campus, Building C and Via Zoom **
March 25, 2025	April 1, 2025	April 8, 2025	April 15, 2025 Board of Governors Annual Retreat	TBD****
May 27, 2025	June 3, 2025	June 10, 2025	June 17, 2025	Executive Conference Center Room 428, Logan Campus, Building C and Via Zoom **

\*Additional meetings may be necessary for emergency or time-sensitive issues.

\*\*Meetings will be held in person; however, a Zoom link will be provided should remote attendance be necessary. All meetings will be noticed in accordance with the requirements of the West Virginia Governmental Open Meetings Act and the rules by the Board of Governors in compliance with the Act.

\*\*\*Changes to Business Meeting Locations will be shared as soon as possible.  
\*\*\*\*Retreat Meeting Location will be shared as soon as possible.





# 20

## essential questions

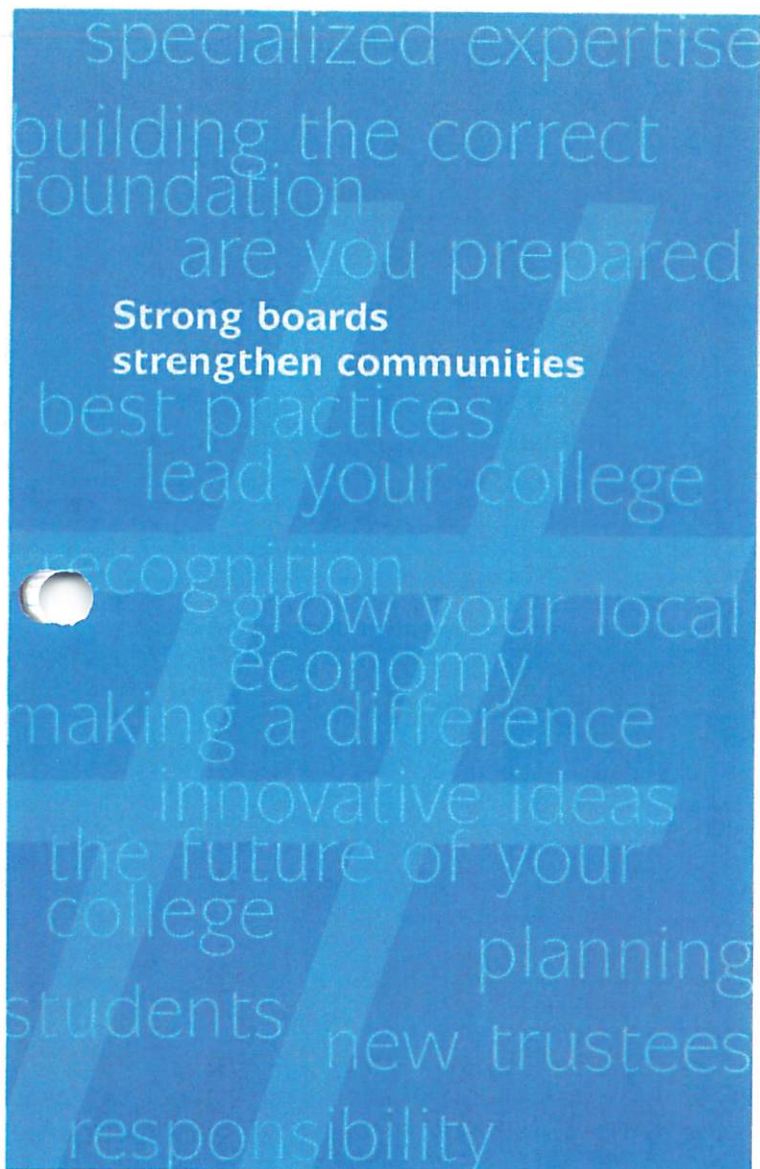
every board member must answer



The Association of Community College Trustees  
1233 20th Street NW, Suite 605  
Washington, DC 20036

202-775-4667





# 1

## Are you prepared to lead your college into the future?

"The face of our population is changing. Working adults, recent immigrants and second-career seekers make up our emerging demographic landscape. To keep pace with the expanding community college-going population, we must look at the hard demographic truths about the future; a maturing labor force, increasing ethnic diversity, more newcomers seeking a better future and a stubbornly persistent digital divide."

SENIOR RESEARCH CONSULTANT  
RAND CORPORATION

"Trustees must provide stability in the midst of change. Some Trustees are not prepared to serve as policy makers, but instead want to opt for the quick fix. They need stronger grounding in how to make policy and see it get moved into action."

CEO, COMMUNITY COLLEGE IN OHIO

As the demands on our institutions become more complex, your Board's ability to navigate these uncertain waters will likely be tested — as never before.

Community expectations are rising. Funding models are evolving. And many colleges simply can't keep up with the dizzying array of requests for more targeted programs to support their community's goals and objectives. Tough, strategic decisions are placed on the board table daily. Strong leadership and effective governance in these dynamic times are crucial ingredients for success. The risk associated with making policy decisions "in isolation" has never been greater for you or your fellow Board members.



# #2

## Do you realize the responsibility you carry as a trustee?

**"Trustees must find a healthy balance of being able to support the CEO and at the same time, ask the right questions."**

BOARD CHAIR, COMMUNITY COLLEGE  
IN ILLINOIS

**"Too many Trustees have no real understanding of what their visit to a campus can do to the staff of a college. They can do immeasurable harm without meaning to — out of ignorance."**

EXPERIENCED ACCT MEMBER

Your Board is accountable for the college you govern. Behind every successful college stands a committed Board of trustees who collectively represent the interests of the large group who own the institution — the community. This creates the "owner-representative" nature of your Board's work.

These responsibilities are demanding in times of relative calm. In today's climate of diverse interests, escalating growth, and frivolous lawsuits — no Board should assume they inherently have all the answers. Instead, every responsible Board member should constantly strive to enhance their competence and limit their exposure to the unknown.



# #3

## Are your Board's practices... best practices?

**"Being engaged in ACCT gives our Board a chance to see how we're performing. It answers the question, are we state-of-the-art in our approach to governance?"**

TRUSTEE, COMMUNITY COLLEGE  
IN IOWA

**"ACCT addresses three issues of primary concern to Board Members. 1) Deciding how to deal with the capacity crunch colleges are facing across the nation. 2) Helping Trustees become better local advocates. 3) Equipping trustees to consider new sources of revenue and dealing with tough financial management issues during tough times."**

PRESIDENT, LARGE COMMUNITY  
COLLEGE IN THE NORTHEAST

Trustees across the nation have refined a wide variety of strategies and techniques for dealing with delicate topics. Timely and relevant discussions take place formally and informally at ACCT's Annual Leadership Congress around topics like:

- Presidential/Board Evaluations
- Board Meeting Agenda Development
- Mission Review Sessions
- Budget Development
- Programming Decisions

The next time a difficult issue arises, wouldn't it be nice to have several proven solutions to consider? Why experiment at the potential expense of your community? Learn from other colleges of your size across the nation, and put their best ideas to work in your boardroom. Your Board will likely have several best practices to share, as well.







#4

## How do you avoid making common mistakes?

**"When I go to ACCT meetings I can quickly gain insight from Trustees across the nation that helps me better serve students, our community, and the leadership at our college."**

TRUSTEE, COMMUNITY COLLEGE IN MISSISSIPPI

**"ACCT allows Board Members to develop relationships with other Board Members outside the college and state. This is most helpful as Trustees are often isolated in their colleges."**

CEO, COMMUNITY COLLEGE IN OKLAHOMA

There's never enough time to explore all the options as a trustee (volunteering precious time). The fastest and best way to solve difficult problems is to scan the landscape for proven solutions — already in action. ACCT conferences provide a forum for trustee interaction and a time-effective opportunity to build a network of experienced trustee advisors. Are you plugged in? If not, why not?

#5

## Where do you go for innovative ideas?

**"During a recent ACCT conference, our Board toured a San Diego community college that has a strong focus on business incubation and entrepreneurship. The visit allowed the college Trustees to visualize what seemed to be an abstract concept. Since that visit, we have developed plans to create an enterprise campus and have pursued legislation to make this development a possibility."**

BOARD CHAIR AND ACCT MEMBER

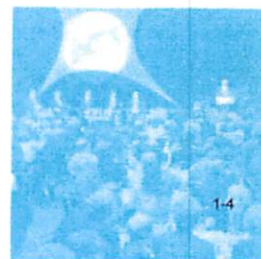
**"In exploring ways to address the critical shortage in nurses and health care professionals, we learned at ACCT meetings about innovative approaches (like online offerings) that have helped us become far more responsive to the community."**

TRUSTEE, SOUTH CAROLINA

**"ACCT has been instrumental in some of the changes and policies we have put in place on our campus. For instance, their focus on energy issues helped us rethink how we controlled energy costs on our campus."**

LONG-TIME TRUSTEE FROM IOWA

ACCT scans the landscape (across 1,100+ colleges) looking for board strategies that work. Trustees discuss these emerging trends at conferences and workshops.



# #6

## Does your Leadership team attend Leadership conferences as a single decision-making unit?

"I really like attending ACCT meetings as a Board. As we travel together and spend time together, we get to know each other on a much deeper level. Afterwards, we attend each other's weddings, funerals, etc. and learn that while we may not always agree with one another, we can work together effectively for the college."

LONG-TIME TRUSTEE FROM THE MIDWEST

"Many times this is an ideal environment for me to get together with my own Board — in a different setting to get to know them on a deeper level and learn how we can work more effectively together."

CEO, COMMUNITY COLLEGE IN THE NORTHWEST

"I learn a great deal from listening to other Trustees discuss the challenges they're facing because they are very much like the challenges our Board faces."

LONG-TIME TRUSTEE FROM THE SOUTH

Every year more boards (and their CEOs) adopt the practice of attending the National Legislative Summit and the Annual Leadership Congress collectively as a team. The benefits of learning together and getting to know one another on a different level are realized by leading Boards across the nation. Have you begun this process?



8

# #7

## Are you building the correct foundation for new trustees?

"ACCT really helped me in the first couple of years as a Trustee. I had very little idea what I should do as a Trustee. After attending the meetings over the years and participating in the conferences, I am far more confident and competent as a Board Member."

TRUSTEE, COMMUNITY COLLEGE IN WASHINGTON STATE

"New Trustees need to hear their responsibilities outlined early in their careers as Trustees, and frequent reinforcement is healthy for everyone. ACCT does a good job preparing new Board members to serve effectively."

FORMER TRUSTEE, COMMUNITY COLLEGE IN THE MIDWEST

Accelerating the learning curve for new trustees is crucial in these fast-paced times. Learning "on-your-own" takes too long. The challenges come too quickly — no need to gamble. You have a finite amount of time and energy to give. Shave months off the orientation process by joining hundreds of new trustees at an upcoming ACCT conference.

1-5



#8

## Do you enrich the knowledge base of experienced trustees?

"ACCT is crucial in helping Trustees develop the expertise to engage in "blue sky" discussions about what the future should be for the college. In addition, helping Trustees know how to effectively develop 5-year rolling vision plans tied to realistic budgeting tools is most beneficial. In general, understanding the planning process for new programs, etc. is an important skill for them to acquire."

CEO, COMMUNITY COLLEGE IN NEW ENGLAND

"Trustees need to continue to understand how to deal with the variety of special interest groups out there pushing their particular agendas. We should help Trustees learn to balance the needs of the college with the special interest groups. Over time, about 50% learn to balance the requests of these various groups. We can help more reach that point."

LONG-TIME CEO FROM NORTHEAST COMMUNITY COLLEGE

**"We must continually be reminded of our roles and responsibilities as Trustees"**  
ELECTED TRUSTEE

Where does an experienced trustee turn for continued growth? The "brightest and best" often capitalize on fresh ideas presented in the Trustee Quarterly. They take leading edge concepts shared in advanced ACCT workshops and integrate them into their board's strategic planning activities. Don't allow yourself to get stale — invigorate your boardroom!



#9

## Are you effectively serving your community's interest?

"Our greatest challenge is to not only serve those who come to us for help, but to also seek out those individuals who really need our help. As an institution, we can develop unique techniques to get our students ready for training."

LONG-TIME ACCT MEMBER

**"ACCT helps Trustees become more effective communicators with the community — keeping our focus looking outwards vs. inwards."**

CEO, COMMUNITY COLLEGE IN ILLINOIS

"As a result of our involvement in ACCT programs, we are now more effective at helping to create jobs in the community that capitalize on the research done by our local universities. We're able to avoid patents being implemented elsewhere and capitalize on the investments currently being made by universities in our community."

SOUTH CAROLINA BOARD MEMBER

Maximizing your local influence for the college should be a key professional objective. Your membership in the association is designed to optimize your impact. Whether you choose to leverage our web-based tools or our "Guide to Advocacy", you'll be poised with the right knowledge, perspective, and skills to make a real difference for your constituency. Don't leave your next election or appointment to chance. Serve the people.



## Are you making a difference at the state level?

"Trustees should be prepared to take a more aggressive role in advocacy at the state legislature level. There are so many things they can accomplish (that a president is unable to get done). They can provide legislators with honest feedback about what their college needs to be successful."

LONG-TIME CEO

"Every year at the National Legislative Summit, the valuable research ACCT has done is shared with our membership. This organized approach allows us to go directly to our local congressman with issues that impact our colleges and communities and seek support."

BOARD MEMBER AND COMMUNITY COLLEGE ADVOCATE

"ACCT helps us with our challenge, as Trustees, to become advocates at the state and local level for the college. Proper funding is essential to maintain access."

TRUSTEE, TECHNICAL COLLEGE IN SOUTH CAROLINA

Over 27 state associations collaborate with the Association of Community College Trustees to garner state-by-state support for issues that matter. Extend your leverage and optimize your effectiveness by bringing the size and scope of a national organization to bear on important state matters.




10

## Are you making a difference at the national level?

"The National Legislative Summit provides the primary opportunity to discuss federal issues — but it does more. While the focus is on national issues, we take home new strategies to help with state legislative agendas. We are in the trenches making the case for community colleges to the state and local government leaders."

ACCT MEMBER AT COMMUNITY COLLEGE IN THE SOUTHEAST

"Where there are numbers — there is strength!"

TRUSTEE FROM LARGE COMMUNITY COLLEGE BOARD

You can focus on specific public policy initiatives and raise the national sense-of-urgency for your community's priorities. You'll find you have powerful tools, resources, venues and partners at your disposal. Attend the National Legislative Summit and address members of Congress. Amplify your board's voice via the ACCT Legislative Action Center. Communicate with nationally elected officials readily and remove barriers to access across the nation. Join us once a year — and your message will be heard on Capitol Hill.



1-7





#12

## Is your Board prepared to select your next long-term CEO?

"As a Trustee, our responsibility is to make policy and hire a good president to lead the college within set policy guidelines. With the impending retirements of senior faculty members and administrators, Trustees must prepare for the inevitability of a difficult search process."

BOARD CHAIR AND MEMBER OF ACCT

"The various services rendered by ACCT are extremely helpful to our Board. We have leveraged their executive search techniques for finding our CEO and they have provided timely advice on how to perform even more effectively as a Board."

TRUSTEE FROM LARGEST COLLEGE IN THE STATE

"ACCT was helpful in doing an objective assessment of potential CEO candidates. This is a very important role they play."

PRESIDENT, COMMUNITY COLLEGE IN THE SOUTHWEST

ACCT has a unique interest in your board's success in finding the right long-term leader for your institution. After all, governance is our business. Your participation in the association will continue long past the search — so we have every incentive to help you get it right.

ACCT tailors college-specific options into affordable packages that provide access for every institution — regardless of size. We're partners in this important endeavor, so we help.

#13

11

## Do you leverage specialized expertise in unusual situations?

"With all the corporate scandals, etc. It is important that our Trustees know how to step out in front of the college and address some of the concerns regarding governance. The conflicts of interest faced by corporate America are different from the governance challenges of a college — but we need the entire team (especially our Trustees) to be able to effectively address this topic. Otherwise, it drains the administration of valuable energy."

PRESIDENT, COMMUNITY COLLEGE IN OHIO

"Consulting services delivered at Board retreats are helpful. Workshops on financial topics and advocacy are important."

CEO, COMMUNITY COLLEGE IN THE NORTHEAST

"One of the best things to happen for us with ACCT was the consulting work they did on policy governance. They gave our board an excellent process by which they could write or modify procedures that changed the way we work together. That really helped the administration. It also helped shape everyone's understanding of the different roles of the board and the CEO."

COMMUNITY COLLEGE PRESIDENT IN THE MIDWEST

Board retreats are an effective way to get everyone on the same page. This is especially true during volatile times or as your board is making important decisions. Capitalize on your relationship with ACCT to arrange on-site support on topics related to governance, leadership and finance. Visit [www.acct.org](http://www.acct.org) for a complete list of available board services.



# #14

## How is your board planning for the future of your college?

**"Trustees should be asking about alternative funding mechanisms, how the school is integrating the right technologies and how we are creatively finding new (qualified) staff to replace those leaving the institution."**

PRESIDENT, RURAL COMMUNITY COLLEGE

**"On another level, the ongoing ACCT focus on our 'Open Door Policy' has ensured that our college has continued to serve those who might otherwise have not had access to education."**

LONG-TIME TRUSTEE

**"ACCT brings in experts from the business community to help Trustees develop the right perspective on their roles in serving the community at large."**

PRESIDENT, RURAL COMMUNITY COLLEGE IN ILLINOIS

Your lasting legacy (as a trustee) is to position your institution for a brighter future. Many forward-thinking boards engage ACCT professionals to guide strategic discussions that enhance the long-term viability of the college and the community.



# #15

## What can your board do to help grow your local economy?

**"Our colleges have a tremendous opportunity to educate students in the fields most needed to support the economy. Trustees have the obligation to make sure the college is serving this key need of each community."**

ACCT BOARD MEMBER IN THE SOUTHERN U.S.

**"The challenge at the state level is working with the political forces that see names, course descriptions, etc. They have no idea how it all ties back to economic development. Community colleges are all about economic development and you can't have one without the other. Without courses, you can't grow the local economy. Without economic growth, there is no need for course development."**

TRUSTEE, COMMUNITY COLLEGE ON THE EAST COAST







#16

## Can your students count on you?

"State politicians need to understand that working people's lives are at stake. These people go to school part-time and work at the same time. They are trying to improve their lives and the political community often doesn't see this as economic development. That's a problem."

FORMER CHAIR OF ACCT BOARD

"Young people also need to be able to share the issues they face including financial aid, so we can better understand how to help."

FORMER CHAIR OF ACCT DIVERSITY COMMITTEE

"Trustees need to see students who have succeeded in community colleges across the nation and hear their stories. These students should be recognized for the obstacles they have overcome (to become a productive Member of society). That's why many of us serve in this capacity. It's all about the students."

TRUSTEE FROM LARGE RURAL COLLEGE

ACCT capitalizes on its core expertise in public policy to help community colleges secure resources to better serve students. Students benefit — as they acquire the multidimensional skills required to participate in the social and economic growth of their community.

#17

## Are you getting the recognition you deserve?

"On a national level, ACCT recognizes Trustees for exemplary service. This is not only important to our Board, but it's also important recognition for faculty and staff."

TRUSTEE, RURAL COLLEGE IN THE SOUTHEAST

"My observation is that when you find a really wound-up State Chair, great things can happen."

FORMER STATE CHAIR

Your contribution to governance should be realized on a local and national level. Step up onto a platform that promotes your passion and unique talents. Consider these options:

- ACCT Board of Directors
- ACCT Select Committees (Executive, Diversity, Governance, Finance, etc.)
- Regional Nominating Committees
- International Committees
- Other targeted advisory groups

Boards often pay special tribute to long-term trustees by awarding ACCT Lifetime Membership status to particularly valuable board members. Make your contribution count.



# #18

## Why is ACCT right for you?

**"ACCT is the only organization with the correct venue to provide leadership and trustee training."**

CEO, TECHNICAL COLLEGE IN MIDWEST

**"Serving as a college Trustee is the most rewarding community service you could ever do. The people are delightful, and you know you're helping those who need it most. ACCT makes that possibility a probability."**

FORMER BOARD MEMBER

The Association of Community College Trustees is a nonprofit educational organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 community, technical, and junior colleges in the United States, Canada, and England.

Our mission is to promote effective board governance through advocacy and education.

- We enhance the knowledge and skills to master our role as board members.
- We develop and affect public policy to help achieve the mission of our institutions.
- We exemplify a standard of leadership that is ethical and embraces diversity.
- We ensure all persons have the opportunity to succeed through access to quality education and services.
- We provide policy leadership in support of community economic development.



# #19

## Are you actively engaged as a member of ACCT?

**"ACCT provides an outstanding balance between trustee education and the preservation of local governance. ACCT provides the tools to help us become advocates for civilization and prosperity."**

LONG-TIME BOARD MEMBER

**"We implement many of the ideas trustees bring back after attending conferences."**

PRESIDENT, TECHNICAL COLLEGE IN WISCONSIN

**"As long as a multitude of impatient Trustees are on hand, we will continuously blend the culture inside the college walls with the needs of the community and great things will happen!"**

FORMER LONG-TIME BOARD MEMBER

**"ACCT activities and publications provide a constant stream of information to help educate Trustees about their roles."**

TRUSTEE, CAROLINAS

If you're a member of ACCT, you've taken the FIRST step. Don't squander the opportunity to benefit from your relationship with your association. Reap the rewards! Your trustee network, conferences, and advisory services will turbo-charge your board's success.



# #20

## What are the risks in procrastinating?

"Trustees can undermine the presidency without realizing it."

TRUSTEE, COMMUNITY COLLEGE IN IOWA

"In areas where board members are not aware of ACCT, trustees wind up sitting in on sessions that have nothing to do with policy and everything to do with administration. As a result, we see Trustees who mistakenly move further away from policy and into the administrative work that should not be their focus. That breeds a group of leaders who are in governance, but want to manage. This is unfortunate."

FORMER ACCT CHAIR

"Too often, when it comes to important information, it doesn't get shared with the Board."

STATE ASSOCIATION LEADER

Get engaged. Your community is counting on you!



are you actively engaged

decision-making  
planning

avoiding mistakes  
navigate uncertain  
waters

scan the landscape

relevant discussions  
specialized expertise  
proven solutions

visit [www.acct.org](http://www.acct.org) today

lead your college





## Southern's History

Southern West Virginia Community College was established as an independently accredited, comprehensive community college on July 1, 1971, through the consolidation of two existing branches of Marshall University. These branches, located in Mingo and Logan Counties, had been in operation under Marshall's direction since 1963 and provided the first two years of liberal arts and teacher education, as well as career programs in secretarial science and radiologic technology. In 1971 these two locations became the first two campuses of Southern when it became an independently accredited institution of higher education. It was also in 1971 that Southern's first building was completed in Williamson.

Since 1971 the College has continued to expand its academic, workforce development, and community service offerings. In 1976 the West Virginia Board of Regents established formal service areas for each of the state's public colleges and universities. Southern was assigned an area of approximately 1,900 square miles that included the counties of Boone, Logan, Mingo, and Wyoming. In 1981 the College's service area was expanded through an interstate agreement with Kentucky, which provided for students from Martin and Pike counties to attend Southern at the in-state tuition rate.

In 1995, with a renewed emphasis on workforce development and technical training, the state legislature changed the names of all community colleges in the state to emphasize their technical components, and Southern's name became Southern West Virginia Community and Technical College. In addition to the name changes, Senate Bill 547 also outlined eleven community and technical college districts throughout the state, which added three additional West Virginia counties—Lincoln, McDowell and Raleigh—to Southern's district. McDowell and Raleigh were identified as "shared counties" with responsibility for providing educational opportunities shared with two other community colleges.

Along with increasing enrollment, expansion of the geographic area served, and growth in the number and types of programs offered, the College's physical facilities have also grown through the years. Beginning with the original building on the Williamson Campus in 1971, new facilities have been constructed throughout the College's district. The construction of the first Logan Campus building was completed in 1979, and a new addition was added in 1987. In Wyoming County, a new location was selected near Twin Falls State Park, and a building was constructed there in 1989. This location has added new classrooms and remodeled the student commons area since that time. In 1996, the Boone Campus relocated from a renovated facility in Madison to a new building adjacent to the Boone County Career and Technical Center. The Earl Ray Tomblin Workforce Development Center and Administrative Complex (Building B) opened in Logan in October 1998, and in 1999 a new library wing was added to the Williamson Campus. In the fall of 2007, a first of its kind classroom physically connected to the Lincoln County Comprehensive High School was opened to better serve the Lincoln County area. The College welcomed students into a new 55,000 square foot, state-of-the-art Allied Health and Technology Center on the Logan Campus in January 2008. In April of 2013 Southern proudly opened its state-of-the-art Applied Technology Center on the Williamson Campus, which greatly enhances the opportunities for career training in Mingo County and surrounding communities. In 2016, the College acquired and continues to renovate the adjacent National Guard Armory building and property. These facilities allow Southern to continue to provide comprehensive education and training to meet the needs of current and future credit and non-credit students.

Through the years, Southern has developed educational agreements with several public and private colleges and universities to provide local access to additional opportunities for those who have completed the associate degree. This local access to baccalaureate and master's degree programs utilizes a variety of delivery modes, including on-campus, traditional instruction, as well as electronic distance learning and on-line instruction. These agreements with higher education institutions throughout the state and across the nation are continuously updated and new ones initiated as needed.

Higher education governance in West Virginia has undergone many changes over the years. Since 2001, Southern West Virginia Community and Technical College has been a member of the West Virginia Council for Community and Technical College Education. This system provides for each member institution to have a local Board of Governors, and the Council serves as a policy and coordinating board.

In 2006, in cooperation with the Southern West Virginia Community College Foundation, the College launched its first Major Gifts Campaign, *Vision 2020*, with the purpose of raising additional funds to assist in achieving a number of long-range goals related to academic programs, physical facilities, and improving student financial support. This campaign's success and support by the local communities has been extraordinary.

Although the institution continues to face many challenges, Southern continues to provide the highest quality programs and services and remains committed to meeting the educational and training needs of the residents of its service district.



## Mission Statement

Southern West Virginia Community and Technical College provides, accessible, affordable, quality education and training that promotes success for those we serve.

## Institutional Commitments

As a comprehensive community and technical college, Southern is committed to providing:

- Developmental and pre-college level education for those who lack the necessary academic background for direct entry into college-level courses.
- Programs of study leading to the associate in arts and the associate in science degrees which can be effectively transferred and applied toward the baccalaureate degree.
- Programs of study in career and technical fields leading to a skill-set certification, certificate degree and/or the associate in applied science degree for entry into the workforce.
- Workforce development, continuing education and training programs that support the needs of employees and employers and serve as a mechanism for economic development.
- Support services that assist students in achieving their education and training goals. Community interest programs and activities that promote personal growth and cultural enrichment.

Reviewed and reaffirmed February 19, 2019  
Southern WV Community and Technical College Board of Governors



## Vision Statement

Southern aspires to establish itself as a model of leadership, academic excellence, collaboration, and occupational training, equipping its students with the tools necessary to compete and prosper in the regional and global economies of the twenty-first century.

## Our Core Values

- We will accomplish our mission by:
- Achieving excellence in education and service.
- Exhibiting integrity in all that we do.
- Collaborating and communicating actively with others.
- Being committed in word and deed.
- Imparting passion and compassion to our every task.
- Leading by encouragement and support of lifelong learning.
- Embracing change through bold actions.
- Being creative and innovative at all levels.
- Initiating opportunities for the community.
- Celebrating success.

## Southern's Campuses and Locations



### Boone/Lincoln Campus

3505 Daniel Boone Pkwy  
Suite A  
Foster, WV 25081-8126  
(V) 304.369.2952  
(F) 304.369.2954



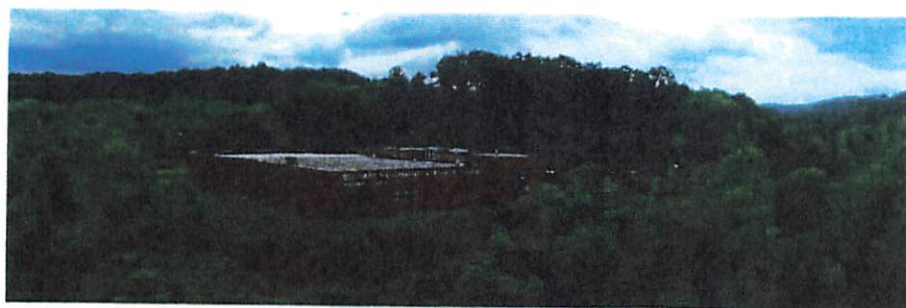
### Logan Campus

100 College Drive  
Logan, WV 25601  
(V) 304.792.7098  
(F) 304.792.7028



### Williamson Campus

1601 Armory Drive  
Williamson, WV 25661  
(V) 304.235.6046  
(F) 304.235.6042



### Wyoming/McDowell Campus

128 College Drive  
Saulsville, WV 25876  
(V) 304.294.8346  
(F) 304-294-6426



### Lincoln Location

81 Lincoln Panther Way  
Hamlin, WV 25523  
(V) 304.307.0710  
(F) 304.824.2339

## **WEST VIRGINIA CODE**

### **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS. ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.**

#### **§6-9A-1. Declaration of legislative policy.**

The Legislature hereby finds and declares that public agencies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for the proceedings of public agencies be conducted openly, with only a few clearly defined exceptions. The Legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies that serve them. The people in delegating authority do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government created by them.

Open government allows the public to educate itself about government decisionmaking through individuals' attendance and participation at government functions, distribution of government information by the press or interested citizens, and public debate on issues deliberated within the government.

Public access to information promotes attendance at meetings, improves planning of meetings, and encourages more thorough preparation and complete discussion of issues by participating officials. The government also benefits from openness because better preparation and public input allow government agencies to gauge public preferences accurately and thereby tailor their actions and policies more closely to public needs. Public confidence and understanding ease potential resistance to government programs.

Accordingly, the benefits of openness inure to both the public affected by governmental decisionmaking and the decision makers themselves. The Legislature finds, however, that openness, public access to information and a desire to improve the operation of government do not require nor permit every meeting to be a public meeting. The Legislature finds that it would be unrealistic, if not impossible, to carry on the business of government should every meeting, every contact and every discussion seeking advice and counsel in order to acquire the necessary information, data or intelligence needed by a governing body were required to be a public meeting. It is the intent of the Legislature to balance these interests in order to allow government to function and the public to participate in a meaningful manner in public agency decisionmaking.

#### **§6-9A-2. Definitions.**

As used in this article:

(1) "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.



(2) "Emergency meeting" means any meeting called by a governing body for the purpose of addressing an unexpected event which requires immediate attention because it poses:

(A) An imminent threat to public health or safety;

(B) An imminent threat of damage to public or private property; or

(C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves.

(3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.

(4) "Governing body" means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.

(5) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or Court of Claims proceeding;

(B) Any on-site inspection of any project or program;

(C) Any political party caucus;

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

(6) "Official action" means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.

(7) "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the

foregoing, authorized by law to exercise some portion of executive or legislative power. The term "public agency" does not include courts created by article eight of the West Virginia Constitution or the system of family law masters created by article four, chapter forty-eight-a of this code.

(8) "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

(9) "Regular meeting" means a meeting of a governing body at which the regular business of the public is conducted.

(10) "Special meeting" means a meeting of a governing body other than a regular meeting or an emergency meeting.

**§6-9A-3. Proceedings to be open; public notice of meetings.**

(a) Except as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and except as provided in section four of this article, all meetings of any governing body shall be open to the public.

(b) Any governing body may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend.

(c) This article does not prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised: *Provided*, That persons who desire to address the governing body may not be required to register to address the body more than fifteen minutes prior to time the scheduled meeting is to commence.

(d) Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media.

(e) Each governing body of the executive branch of the state shall electronically file a notice of each meeting with the Secretary of State for publication on the Secretary of State's website.

(1) Each notice shall state the date, time, place and purpose of the meeting.

(2) Each notice of a special meeting or a regular meeting shall be filed in a manner to allow each notice to appear on the Secretary of State's website at least five business days prior to the date of the meeting.

(3) When calculating the days, the day of the meeting is not to be counted. If a meeting notice is filed anytime other than during the Secretary of State's regular business hours, the date of filing will be considered the next business day.

(f) The Secretary of State shall retain copies of all notices filed for ten years.

(g) The Secretary of State may promulgate procedural rules governing the electronic filing of meeting notices.

(h) In the event of an emergency a governing body may call an emergency meeting.

(1) The governing body of a state executive branch agency shall electronically file a notice for an emergency meeting with the Secretary of State, as soon as practicable prior to the meeting. Any other governing body shall notice an emergency meeting in a manner which is consistent with this article and the Ethics Commission Committee on Open Governmental Meeting's opinions issued pursuant to the authority of section ten of this article, as soon as practicable prior to the meeting.

(2) The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

(i) Upon petition by any adversely affected party any court of competent jurisdiction may invalidate any action taken at any meeting for which notice did not comply with the requirements of this section.

#### **§6-9A-4. Exceptions.**

(a) The governing body of a public agency may hold an executive session during a regular, special or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the governing body shall identify the authorization under this section for holding the executive session and present it to the governing body and to the general public, but no decision may be made in the executive session.

(b) An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:

(1) To consider acts of war, threatened attack from a foreign power, civil insurrection or riot;

(2) To consider:

(A) Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or

(B) For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a



public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of an individual shall be taken in an open meeting;

(3) To decide upon disciplining, suspension or expulsion of any student in any public school or public college or university, unless the student requests an open meeting;

(4) To issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting;

(5) To consider the physical or mental health of any person, unless the person requests an open meeting;

(6) To discuss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;

(7) To plan or consider an official investigation or matter relating to crime prevention or law enforcement;

(8) To develop security personnel or devices;

(9) To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: *Provided*, That information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: *Provided, however*, That information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session;

(10) To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;

(11) Nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded;

(12) To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

**§6-9A-5. Minutes.**

Each governing body shall provide for the preparation of written minutes of all of its meetings. Subject to the exceptions set forth in section four of this article, minutes of all meetings except minutes of executive sessions, if any are taken, shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- (1) The date, time and place of the meeting;
- (2) The name of each member of the governing body present and absent;
- (3) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- (4) The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the governing board for recording roll call votes, the vote of each member, by name.

**§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.**

The circuit court in the county where the public agency regularly meets has jurisdiction to enforce this article upon civil action commenced by any citizen of this state within one hundred twenty days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also order that subsequent actions be taken or decisions be made in conformity with the provisions of this article: *Provided*, That no bond issue that has been passed or approved by any governing body in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least ten days prior to the meeting by a Class I legal advertisement published in accordance with the provisions of article three, chapter fifty-nine of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

**§6-9A-7. Violation of article; criminal penalties; attorney fees and expenses in civil actions.**

(a) Any person who is a member of a public or governmental body required to conduct open meetings in compliance with the provisions of this article and who willfully and knowingly violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars: *Provided*, That a person who is convicted of a second or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars.

(b) A public agency whose governing body is adjudged in a civil action to have conducted a meeting in violation of the provisions of this article may be liable to a prevailing party for fees and other expenses incurred by that party in connection with litigating the issue of whether the governing body acted in violation of this article, unless the court finds that the position of the public agency was substantially justified or that special circumstances make an award of fees and other expenses unjust.

(c) Where the court, upon denying the relief sought by the complaining person in the action, finds that the action was frivolous or commenced with the primary intent of harassing the governing body or any member thereof or, in the absence of good faith, of delaying any meetings or decisions of the governing body, the court may require the complaining person to pay the governing body's necessary attorney fees and expenses.

**§6-9A-8. Acting by reference; written ballots.**

(a) Except as otherwise expressly provided by law, the members of a public agency may not deliberate, vote, or otherwise take official action upon any matter by reference to a letter, number or other designation or other secret device or method, which may render it difficult for persons attending a meeting of the public agency to understand what is being deliberated, voted or acted upon. However, this subsection does not prohibit a public agency from deliberating, voting or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted or acted upon, are available for public inspection at the meeting.

(b) A public agency may not vote by secret or written ballot.

**§6-9A-9. Broadcasting or recording meetings.**

(a) Except as otherwise provided in this section, any radio or television station is entitled to broadcast all or any part of a meeting required to be open.

(b) A public agency may regulate the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting, so as to prevent undue interference with the meeting. The public agency shall allow the equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of the equipment may not



be declared to constitute undue interference: *Provided*, That if the public agency, in good faith, determines that the size of the meeting room is such that all the members of the public present and the equipment and personnel necessary for broadcasting, photographing, filming and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public agency, acting in good faith and consistent with the purposes of this article, may require the pooling of the equipment and the personnel operating it.

**§6-9A-10. Open governmental meetings committee.**

The West Virginia ethics commission, pursuant to subsection (j), section one, article two, chapter six-b of this code, shall appoint from the membership of the commission a subcommittee of three persons designated as the West Virginia ethics commission committee on open governmental meetings. The chairman shall designate one of the persons to chair the committee. In addition to the three members of the committee, two additional members of the commission shall be designated to serve as alternate members of the committee.

The chairman of the committee or the executive director shall call meetings of the committee to act on requests for advisory opinions interpreting the West Virginia open government meetings act. Advisory opinions shall be issued in a timely manner, not to exceed thirty days.

**§6-9A-11. Request for advisory opinion; maintaining confidentiality.**

(a) Any governing body or member thereof subject to the provisions of this article may seek advice and information from the executive director of the West Virginia Ethics Commission or request in writing an advisory opinion from the West Virginia Ethics Commission Committee on Open Governmental Meetings as to whether an action or proposed action violates the provisions of this article. The executive director may render oral advice and information upon request. The committee shall respond in writing and in an expeditious manner to a request for an advisory opinion. The opinion is binding on the parties requesting the opinion.

(b) Any governing body or member thereof that seeks an advisory opinion and acts in good faith reliance on the opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on the opinion unless the committee was willfully and intentionally misinformed as to the facts by the body or its representative.

(c) A governing body or member thereof that acts in good faith reliance on a written advisory opinion sought by another person or governing body has an absolute defense to any civil suit or criminal prosecution for any action taken based upon a written opinion of the West Virginia ethics commission committee, as long as underlying facts and circumstances surrounding the action were the same or substantially the same as those being addressed by the written opinion.

(d) The committee and commission may take appropriate action to protect from disclosure information which is properly shielded by an exception provided in section four of this article.

**§6-9A-12. Duty of attorney general, secretary of state, clerks of the county commissions and city clerks or recorders.**

It is the duty of the attorney general to compile the statutory and case law pertaining to this article and to prepare appropriate summaries and interpretations for the purpose of informing all public officials subject to this article of the requirements of this article. It is the duty of the secretary of state, the clerks of the county commissions, joint clerks of the county commissions and circuit courts, if any, and the city clerks or recorders of the municipalities of the state to provide a copy of the material compiled by the attorney general to all elected public officials within their respective jurisdictions. The clerks or recorders will make the material available to appointed public officials. Likewise, it is their respective duties to provide a copy or summary to any newly appointed or elected person within thirty days of the elected or appointed official taking the oath of office or an appointed person's start of term.

## Open Meetings Checklist



### Meetings

Most gatherings of a quorum of members of a governing body of a public agency to discuss and deliberate toward a decision on matters requiring official action are subject to the requirements set forth below:

### Notice

#### For State Agencies *Only*

- ☐ Are notices of all regular and special meetings stating the date, time, place and purpose of the meeting filed electronically with the West Virginia Secretary of State's Office for publication on the Secretary of State's website at least five business days in advance of each meeting? W. Va. Code § 6-9A-3(e).
- ☐ Are notices of any emergency meetings stating the date, time, place and purpose of the meeting, as well as the facts and circumstances of the emergency, filed electronically with the Secretary of State's Office as soon as practicable prior to the meeting? W. Va. Code § 6-9A-3(h).

#### For *All* Governing Bodies of Public Agencies

- ☐ Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W. Va. Code § 6-9A-3. If not, the Ethics Commission's Committee on Open Governmental Meetings has concluded that a governing body may provide reasonable advance notice of its meetings and of the agenda items to be acted upon as follows:

At regular meetings: by posting the meeting notice and making the meeting agenda available at least three business days in advance of each meeting. O.M.A.O. 2006-11. Public bodies that meet at least weekly need only two business days of advance notice. O.M.A.O. 2007-09. Once an agenda has



been issued, the agenda may only be amended up to two business days in advance of the meeting. O.M.A.O. 2001-04.

At special meetings: by posting the meeting notice and making the meeting agenda available at least two business days in advance of each meeting. O.M.A.O. 2006-11. (State agencies, however, must also file their notices of special meetings for publication on the Secretary of State's website at least five days before the special meeting.)

At emergency meetings that require immediate official action: as soon as practicable prior to the meeting. The emergency meeting notice must also state the purpose of the meeting and the facts and circumstances of the emergency. W. Va. Code § 6-9A-3(h).

- ☐ Are notices of all meetings posted in a public place, such as the agency's office, the County Courthouse and/or the local Post Office in advance of the meeting? O.M.A.O. 2006-15.
- ☐ In calculating the notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded? O.M.A.O. 2007-06. Half-day holidays may be included in calculating the notice period. O.M.A.O. 2016-01.

### **Agendas**

- ☐ Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting or at a later meeting? O.M.A.O. 2001-13.

A governing body is not required to indicate whether a matter is anticipated to be taken up in executive session. O.M.A.O. 2001-15.

- ☐ Has the meeting agenda either been posted in a public place at the governing body's central office, or have copies of the agenda been made available to be picked up at the same location during regular working hours? O.M.A.O. 2006-15

### **Executive Sessions**

- ☐ Before holding an executive session, has the matter been included on the agenda? O.M.A.O. 2006-13.

☐ Has the governing body:

- (1) Determined by a majority vote to hold an executive session to consider one of the actions permitted under the Open Meetings Act, and
- (2) Identified to the public and to the governing body the authorization in the Act which permits such executive session? W. Va. Code § 6-9A-4(a) & (b)

The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2) above by describing the subject matter for which an exemption in the Act authorizes an executive session rather than reciting the applicable numbered section in the W. Va. Code. O.M.A.O. 2004-09. While certain privileged matters may be discussed in executive session, most matters requiring official action, excluding, for example, rulings on student disciplinary matters and developing security procedures, must be voted upon in public. W. Va. Code § 6-9A-4.

- ☐ Has the governing body attempted to segregate the portions of the meeting allowed to be discussed in executive sessions from the portions not allowed to be discussed in executive session unless segregation would make a coherent discussion impossible? O.M.A.O. 2018-02.

### **Voting**

- ☐ Are all votes conducted by voice, show of hands or by rising, without use of a secret or written ballot? W. Va. Code § 6-9A-8(b).

### **Minutes**

- ☐ Are meeting minutes prepared and made available to the public and media one business day after the next regular meeting? O.M.A.O. 2010-04.
- ☐ Do the minutes reflect the date, time and place of the meeting? W. Va. Code § 6-9A-5(1).
- ☐ Do the minutes reflect the name of each member of the governing body who was present and absent? W. Va. Code § 6-9A-5(2).

- ☐ Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same, and their disposition, reflected in the minutes? W. Va. Code § 6-9A-5(3).
- ☐ If the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes? W. Va. Code § 6-9A-3(h)(2).
- ☐ Are the results of all votes reflected in the minutes? W. Va. Code § 6-9A-5(4).
- ☐ If a member requested a roll call vote on a particular matter, pursuant to applicable rules of the governing body, is the vote of each member by name reflected in the minutes? W. Va. Code § 6-9A-5(4).

### **Other**

- ☐ If a public comment period is provided at any time during the meeting, are members of the public allowed to address the governing body without being required to register more than 15 minutes before the start of the meeting? W. Va. Code § 6-9A-3.

The Open Meetings Act does not require governmental bodies to provide public comment periods. O.M.A.O. 2001-30.

- ☐ Are members of the public and media permitted to record or broadcast the open portion of a meeting so long as their filming or recording does not unduly interfere with the conduct of the meeting? W. Va. Code § 6-9A-9(a) & (b); O.M.A.O. 2019-02.
- ☐ If the governing body elects to convene with one or more members participating by telephone, are the members telephonically participating audible to all those personally present, including the public and media? O.M.A.O. 1999-08.

### **WEST VIRGINIA ETHICS COMMISSION**

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Revised 12/13/2019



# Is This A Meeting?

*West Virginia Higher Education Policy Commission*



Board members make a number of phone calls among themselves trying to agree on an acceptable percentage increase in tuition

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because the Board is deliberating towards making a decision.



The President calls a number of Board members to get their advice on a coach he is thinking about hiring

NO!

This does not constitute a meeting, because the President will be making the decision, not the Board.





Board members visit together to take a tour of the on-going construction of the college's new library

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(B), this does not constitute a meeting. See text below.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(B) Any on-site inspection of any project or program.

*West Virginia Higher Education Policy Commission*



The Executive Committee of the Board meets to decide on a recommendation to the full Board on an increase in the President's salary

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because it is a committee of the Board. All committees that are comprised of a majority of Board members must notice meetings.



The Secretary of the Board calls each Board member to determine whether to reschedule the next meeting

NO!

According to the Open Governmental Proceedings Act 6-9A-2(4)(E), this does not constitute a meeting. See the text below.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.



The Board has a retreat to listen to a consultant speak on future issues facing higher education

NO! (as long as they don't deliberate towards a decision)

According to the Open Governmental Proceedings Act W. Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial, or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed, but there is no intention for the discussion to lead to an official action.





The Board has a cocktail party the night before a meeting and discuss among themselves pending legislation, the gubernatorial election and similar other public issues

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial, or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed, but there is no intention for the discussion to lead to an official action.



An ad hoc committee appointed by the Board, consisting of three Board members and seven local citizens, makes recommendations to the Board on accessibility issues in the community

NO!

Since the committee had less than a majority of its members coming from the Board, it would not constitute a meeting.

Four Board members visit the President to talk about future goals the Board might want to address

NO!

This does not constitute a meeting, because there is not a quorum present and no decisions are being made.



Full Board interviews with presidential candidates

YES!

This constitutes a meeting that should be noticed with the Secretary of State's Office, because the Board is deliberating towards making a decision.





The Board visits Charleston to attend a training session conducted by the HEPC

NO!

According to the Open Governmental Proceedings Act W.Va. Code 6-9A-2(4)(D), this does not constitute a meeting. See text below.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial, or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed, but there is no intention for the discussion to lead to an official action.



A Board member sends an e-mail to the President with questions regarding an issue on the next agenda and copies all other Board members. The President replies to all Board members

YES!

This would constitute a meeting pursuant to recent Ethics Committee opinions. When the President replies, he or she should only do so to the person who sent the e-mail, rather than replying to all.



## **WEST VIRGINIA CODE: §18B-2A-1**

**§18B-2A-1. Findings; composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.**

**(a) Findings. (**

The Legislature finds that the State of West Virginia is served best when the membership of each governing board includes the following:

- (1) The academic expertise and institutional experience of faculty members and a student of the institution governed by the board;**
- (2) The technical or professional expertise and institutional experience of a classified employee or, as appropriate, nonclassified employee of the institution governed by the board;**
- (3) An awareness and understanding of the issues facing the institution governed by the board; and**
- (4) The diverse perspectives that arise from a membership that is balanced in terms of gender and varied in terms of race and ethnic heritage.**

**(b) Boards of governors established. (**

A board of governors is continued at each of the following institutions: Bluefield State College, Blue Ridge Community and Technical College, Bridgemont Community and Technical College, Concord University, Eastern West Virginia Community and Technical College, Fairmont State University, Glenville State College, Kanawha Valley Community and Technical College, Mountwest Community and Technical College, Marshall University, New River Community and Technical College, Pierpont Community and Technical College, Shepherd University, Southern West Virginia Community and Technical College, West Liberty University, West Virginia Northern Community and Technical College, the West Virginia School of Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia University at Parkersburg.

**(c) Board membership. (**

- (1) An appointment to fill a vacancy on the board or reappointment of a member who is eligible to serve an additional term is made in accordance with the provisions of this section.**
- (2) The Board of Governors for Marshall University consists of sixteen persons. The Board of Governors for West Virginia University consists of seventeen persons. The boards of governors of the other state institutions of higher education consist of twelve persons.**

**(3) Each board of governors includes the following members:**

**(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty of the respective institution;**

**(B) A member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body of the respective institution; and**

**(C) A member from the institutional classified employees duly elected by the classified employees of the respective institution or, if the respective institution does not have classified employees, a member from the institutional nonclassified employees duly elected by the nonclassified employees of the respective institution.**

**(4) For the Board of Governors at Marshall University, thirteen lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section;**

**(5) For the Board of Governors at West Virginia University, twelve lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and additionally:**

**(A) The Chairperson of the Board of Visitors of West Virginia University Institute of Technology;**

**(B) A full-time faculty member representing the extension service at the institution or a full-time faculty member representing the health sciences, selected by the faculty senate.**

**(6) For each board of governors of the other state institutions of higher education, nine lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section.**

**(A) Of the nine members appointed by the Governor, no more than five may be of the same political party. Of the thirteen members appointed by the Governor to the governing board of Marshall University, no more than eight may be of the same political party. Of the twelve members appointed by the Governor to the governing board of West Virginia University, no more than seven may be of the same political party.**

**(B) Of the nine members appointed by the Governor, at least five shall be residents of the state. Of the thirteen members appointed by the Governor to the governing board of Marshall University, at least eight shall be residents of the state. Of the twelve members appointed by the Governor to the governing board of West Virginia University, at least seven shall be residents of the state.**

**(7) In making lay appointments, the Governor shall consider the institutional mission and membership characteristics including the following:**

**(A) The need for individual skills, knowledge and experience relevant to governing the**



institution;

(B) The need for awareness and understanding of institutional problems and priorities, including those related to research, teaching and outreach;

(C) The value of gender, racial and ethnic diversity; and

(D) The value of achieving balance in gender and diversity in the racial and ethnic characteristics of the lay membership of each board.

(d) Board member terms. (

(1) The student member serves for a term of one year. Each term begins on July 1.

(2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty members are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(3) The member representing classified employees or, as appropriate, nonclassified employees serves for a term of two years. Each term begins on July 1. Members representing classified employees or, as appropriate, nonclassified employees are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(4) The appointed lay citizen members serve terms of four years each and are eligible to succeed themselves for no more than one additional term, except that citizen members who are appointed to fill unexpired terms are eligible to succeed themselves for two full terms after completing an unexpired term.

(5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty days of the occurrence of the vacancy in the same manner as the original appointment or election. Except in the case of a vacancy, all elections are held and all appointments are made no later than June 30 preceding the commencement of the term. Each board of governors shall elect one of its appointed lay members to be chairperson in June of each year. A member may not serve as chairperson for more than four consecutive years.

(6) The appointed members of the boards of governors serve staggered terms of up to four years except that four of the initial appointments to the governing boards of community and technical colleges that became independent July 1, 2008, are for terms of two years and five of the initial appointments are for terms of four years.

(e) Board member eligibility, expenses. (

(1) A person is ineligible for appointment to membership on a board of governors of a state institution of higher education under the following conditions:

(A) For a baccalaureate institution or university, a person is ineligible for appointment who

is an officer, employee or member of any other board of governors within this state; an employee of any institution of higher education within this state; an officer or member of any political party executive committee; the holder of any other public office or public employment under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to article twelve of this chapter; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission: Provided, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities. This subsection does not prevent the representative from the faculty, classified employees or, as appropriate, nonclassified employees, students or the superintendent of a county board of education from being members of the governing boards.

(B) For a community and technical college, a person is ineligible for appointment who is an officer, employee or member of any other board of governors within this state; a member of a board of visitors of any public institution of higher education; an employee of any institution of higher education within this state; an officer or member of any political party executive committee; the holder of any other public office, other than an elected county office, or public employment, other than employment by the county board of education, under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to §18B-12-1 et seq. of this code; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission: Provided, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities. This subsection does not prevent the representative from the faculty, classified employees or, as appropriate, nonclassified employees or students from being members of the governing boards.

(2) Before exercising any authority or performing any duties as a member of a governing board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof shall be filed with the Secretary of State.

(3) A member of a governing board appointed by the Governor may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the Governor.

(4) The members of the board of governors serve without compensation, but are reimbursed for all reasonable and necessary expenses actually incurred in the performance of official duties under this article upon presentation of an itemized sworn statement of expenses.

(5) The president of the institution shall make available resources of the institution for conducting the business of its board of governors. All expenses incurred by the board of

**West Virginia Code §18B-2A-1**

**governors and the institution under this section are paid from funds allocated to the institution for that purpose.**

## **WEST VIRGINIA CODE: §18B-2A-2**

### **§18B-2A-2. Meetings.**

(a) The boards of Governors shall hold at least six meetings in every fiscal year, including an annual meeting each June for the purpose of electing officers.

Of the sixteen voting members of the boards of Governors of Marshall University and West Virginia University, nine shall constitute a quorum. Of the twelve voting members of the boards of Governors of the other state institutions of higher education, seven shall constitute a quorum. A majority vote of the quorum shall be necessary to pass upon matters before the institutional board of Governors.

(b) The boards of Governors may set aside time as they consider appropriate to afford administrators, faculty, students and classified staff an opportunity to discuss issues affecting these groups.



## **WEST VIRGINIA CODE: §18B-2A-3**

### **§18B-2A-3. Oversight of governing boards; promulgation of rules; data collection and dissemination.**

(a) The governing boards are subject to the oversight of the commission or the council, as appropriate, except that the authority of the commission relating to the exempted schools is limited to the specific authorities granted under this chapter.

(b) The Chancellor for Higher Education and the Chancellor for Community and Technical College Education, under the supervision of their respective boards, are responsible for the coordination of policies, purposes and rules of the governing boards except the exempted schools and shall provide for and facilitate sufficient interaction among the governing boards and between the governing boards and the State Board of Education to meet the goals and objectives provided in the compacts and in section one-a, article one and article one-d of this chapter.

(c) The governing boards and the State Board of Education shall provide all information requested by the commission and the council, whether the request is made separately or jointly, in an appropriate format and in a timely manner.

(d)(1) Each governing board shall cooperate with the West Virginia Network for Educational Telecomputing (WVNET) in designing appropriate interfaces with the databases of institutions under its jurisdiction and shall grant WVNET direct access to these databases.

(2) WVNET, on behalf of the commission or council or both, shall generate reports from the data accessed for the purposes set forth in section five, article one-a and sections eight and ten, article one-d of this chapter.

(3) All data accessed or received from an institution shall be treated in a manner consistent with the privacy protections outlined in section ten, article one-d of this chapter.

## **WEST VIRGINIA CODE: §18B-2A-4**

### **§18B-2A-4. Powers and duties of governing boards generally.**

Each governing board separately has the following powers and duties:

(a) Determine, control, supervise and manage the financial, business and education policies and affairs of the state institution of higher education under its jurisdiction;

(b) Develop a master plan for the institution under its jurisdiction.

(1) The ultimate responsibility for developing and updating each master plan at the institution resides with the governing board, but the ultimate responsibility for approving the final version of each master plan, including periodic updates, resides with the commission or council, as appropriate: Provided, That commission approval is not required for master plans of exempted schools.

(2) Each master plan shall include, but is not limited to, the following:

(A) A detailed demonstration of how the master plan will be used to meet the goals, objectives and priorities of the compact;

(B) A well-developed set of goals, objectives and priorities outlining missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinates and projections necessary in a plan to assure that the needs of the institution's area of responsibility for a quality system of higher education are addressed;

(C) Documentation showing how the governing board involved the commission or council, as appropriate, constituency groups, clientele of the institution and the general public in the development of all segments of the master plan.

(3) The plan shall be established for periods of not fewer than three nor more than five years and shall be revised periodically as necessary, including adding or deleting programs. The commission may review and comment upon the master plan of an exempted school. The commission may review, but may not approve or disapprove, additions or deletions of degree programs, except as expressly provided for in subdivision (39), subsection (a), section four of article one-b of this chapter.

(4) For the exempted schools, the master plan shall be updated at least bi-annually and include the steps taken to meet the legislatively established policies contained in article one-d of this chapter and reports on each of the data elements identified in article one-d of this chapter, including progress that the exempted schools are making relating to retention and graduation rates for resident students by organization and each college within the organization. The exempted schools shall provide copies of their respective master plan to

the Legislative Oversight Commission on Education Accountability and the commission.

(c) Develop a ten-year campus development plan in accordance with article nineteen of this chapter;

(d) Prescribe for the institution, under its jurisdiction, in accordance with its master plan and compact, specific functions and responsibilities to achieve the goals, objectives and priorities established in articles one and one-d of this chapter to meet the higher education needs of its area of responsibility and to avoid unnecessary duplication;

(e) Direct the preparation of an appropriation request for the institution under its jurisdiction, which relates directly to missions, goals and projections found in the master plan and the compact;

(f) Consider, revise and submit for review and approval to the commission or council, as appropriate, an appropriation request on behalf of the institution under its jurisdiction, including the exempted schools;

(g) Review, at least every five years, all academic programs offered at the institution under its jurisdiction. The review shall address the viability, adequacy and necessity of the programs in relation to established state goals, objectives and priorities, the master plan, the compact and the education and workforce needs of its responsibility district. As a part of the review, each governing board shall require the institution under its jurisdiction to conduct periodic studies of its graduates and their employers to determine placement patterns and the effectiveness of the education experience. Where appropriate, these studies should coincide with the studies required of many academic disciplines by their accrediting bodies;

(h) Ensure that the sequence and availability of academic programs and courses offered by the institution under its jurisdiction is such that students have the maximum opportunity to complete programs in the time frame normally associated with program completion. Each governing board is responsible to see that the needs of nontraditional college-age students are appropriately addressed and, to the extent it is possible for the individual governing board to control, to assure core course work completed at the institution is transferable to any other state institution of higher education for credit with the grade earned;

(i) Subject to article one-b of this chapter, approve the teacher education programs offered in the institution under its control. In order to permit graduates of teacher education programs to receive a degree from a nationally accredited program and in order to prevent expensive duplication of program accreditation, the commission may select and use one nationally recognized teacher education program accreditation standard as the appropriate standard for program evaluation;

(j) Involve faculty, students and classified employees in institution-level planning and decision making when those groups are affected;

(k) Subject to federal law and pursuant to articles seven, eight, nine and nine-a of this chapter and to rules adopted by the commission and the council, administer a system for the management of personnel matters, including, but not limited to, discipline for employees at the institution under its jurisdiction: Provided, That any rules adopted by the commission and the council do not apply to exempted schools;

(l) Administer a system for hearing employee grievances and appeals. Notwithstanding any other provision of this code to the contrary, the procedure established in article two, chapter six-c of this code is the exclusive mechanism for hearing prospective employee grievances and appeals;

(m) Solicit and use or expend voluntary support, including financial contributions and support services, for the institution under its jurisdiction;

(n) Appoint a president for the institution under its jurisdiction, subject to section six, article one-b of this chapter;

(o) Conduct written performance evaluations of the president, pursuant to section six, article one-b of this chapter;

(p) Employ all faculty and staff at the institution under its jurisdiction. The employees operate under the supervision of the president, but are employees of the governing board;

(q) Submit to the commission or council, as appropriate, any data or reports requested by the commission or council within the time frame set by the commission or council;

(r) Enter into contracts or consortium agreements with the public schools, private schools or private industry to provide technical, vocational, college preparatory, remedial and customized training courses at locations either on campuses of the state institutions of higher education or at off-campus locations in the institution's responsibility district. To accomplish this goal, the boards may share resources among the various groups in the community;

(s) Provide and transfer funds and property to certain corporations pursuant to section ten, article twelve of this chapter;

(t) Delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of the institution to the president in any case where it considers the delegation necessary and prudent in order to enable the institution to function in a proper and expeditious manner and to meet the requirements of its master plan and compact. If a governing board elects to delegate any of its power and control under this subsection, it shall enter the delegation in the minutes of the meeting when the decision was made and shall notify the commission or council, as appropriate. Any delegation of power and control may be rescinded by the appropriate governing board, the commission or council, as appropriate, at any time, in whole or in part, except that the commission may not revoke



delegations of authority made by the governing board of the exempted schools.

(u) Unless changed by the commission or the council, as appropriate, continue to abide by existing rules setting forth standards for accepting advanced placement credit for the institution under its jurisdiction. Individual departments at a state institution of higher education, with approval of the faculty senate, may require higher scores on the advanced placement test than scores designated by the governing board when the credit is to be used toward meeting a requirement of the core curriculum for a major in that department;

(v) Consult, cooperate and coordinate with the State Treasurer and the State Auditor to update as necessary and maintain an efficient and cost-effective system for the financial management and expenditure of appropriated and nonappropriated revenue at the institution under its jurisdiction. The system shall ensure that properly submitted requests for payment are paid on or before the due date but, in any event, within fifteen days of receipt in the State Auditor's Office;

(w) In consultation with the appropriate chancellor and the Secretary of the Department of Administration, develop, update as necessary and maintain a plan to administer a consistent method of conducting personnel transactions, including, but not limited to, hiring, dismissal, promotions, changes in salary or compensation and transfers at the institution under its jurisdiction. Each personnel transaction shall be accompanied by the appropriate standardized system or forms, as appropriate, which shall be submitted to the respective governing board and the Department of Administration:

(1) Not later than July 1, 2012, the Department of Administration shall make available to each governing board the option of using a standardized electronic system for these personnel transactions.

(2) The Secretary of the Department of Administration may suspend a governing board's participation in the standardized electronic system if he or she certifies to the Governor that the governing board has failed repeatedly and substantially to comply with the department's policies for administering the electronic system;

(x) Notwithstanding any other provision of this code to the contrary, transfer funds from any account specifically appropriated for its use to any corresponding line item in a general revenue account at any agency or institution under its jurisdiction as long as the transferred funds are used for the purposes appropriated;

(y) Transfer funds from appropriated special revenue accounts for capital improvements under its jurisdiction to special revenue accounts at agencies or institutions under its jurisdiction as long as the transferred funds are used for the purposes appropriated in accordance with article nineteen of this chapter;

(z) Notwithstanding any other provision of this code to the contrary, acquire legal services that are necessary, including representation of the governing board, its institution,

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***West Virginia Code §18B-2A-4***

employees and officers before any court or administrative body. The counsel may be employed either on a salaried basis or on a reasonable fee basis. In addition, the governing board may, but is not required to, call upon the Attorney General for legal assistance and representation as provided by law; and

(aa) Contract and pay for disability insurance for a class or classes of employees at a state institution of higher education under its jurisdiction.

(bb) A governing board under the jurisdiction of the commission may contract and pay for any supplemental employee benefit, at the governing board's discretion: Provided, That if such supplemental benefit program incurs institutional expense, then the board may not delegate the approval of such supplemental employee benefit program.

## **WEST VIRGINIA CODE: §18B-2A-5**

### **§18B-2A-5. Public school service program.**

Each governing board shall establish and implement a policy through which college students obtain credit toward graduation for service performed in the public schools as tutors, student advisors and mentors to instill in public school students the benefits of postsecondary education attainment.

## **WEST VIRGINIA CODE: §18B-2A-7**

**§18B-2A-7. Transfer of orders, resolutions, policies and rules, obligations, etc.; division of assets and liabilities; financial audits.**

(a) When a board of Governors is established for the Community and Technical College of Shepherd or New River Community and Technical College, all orders, resolutions, policies and rules adopted or promulgated by the community and technical college's sponsoring institution relating to the community and technical college or community and technical college education, or which the newly established board of Governors finds necessary for the exercise of its lawful powers and duties pursuant to the provisions of this chapter, shall continue in effect until rescinded, revised, altered or amended by the newly established board of Governors. Nothing in this section requires the initial rules or policies of the community and technical college to be promulgated again under the rule adopted by the council for community and technical college education pursuant to section six, article one of this chapter unless such rules or policies are rescinded, revised, altered or amended.

(b) Each valid agreement and obligation, undertaken or agreed to on behalf of either of the above community and technical colleges by its sponsoring institution before a board of Governors is established for the community and technical college is hereby transferred to the board of Governors of the community and technical college once established.

(c) The boards of Governors of each former sponsoring institution and community and technical college shall jointly agree on a division of all assets and liabilities between the sponsoring institution and the community and technical college. If the boards of Governors are unable to reach agreement concerning a division of assets and liabilities on or before May 1 following the date on which the board of Governors of the community and technical college is established, the boards of Governors shall submit a summary of issues in dispute to the Higher Education Policy Commission and the council for community and technical college education which shall jointly resolve all outstanding issues concerning the division of assets and liabilities.

(d) The division of all assets and liabilities between the former sponsoring institution and community and technical college shall be effective on July 1, following the date on which the board of Governors of the community and technical college is established.

(e) Any financial audit conducted for the period before the effective date of the division of assets and liabilities shall treat the community and technical college as an administratively linked institution.

## **WEST VIRGINIA CODE: §18B-2A-7A**

### **§18B-2A-7a. Transfer of orders, resolutions, policies and rules, obligations, etc.**

(a) Effective July 1, 2008, a governing board is established for the following state institutions of higher education pursuant to section one of this article:

- (1) Marshall Community and Technical College;
- (2) Pierpont Community and Technical College, formerly a division of Fairmont State University;
- (3) The Community and Technical College at West Virginia University Institute of Technology;
- (4) West Virginia State Community and Technical College; and
- (5) West Virginia University at Parkersburg.

(b) All orders, resolutions, policies and rules adopted or promulgated by a governing board of a former administratively linked community and technical college, regional campus, or division within an accredited institution on behalf of an institution named in subsection (a) of this section relating to the community and technical college or community and technical college education, or which the newly-established board of Governors finds necessary or expedient for the exercise of its lawful powers and duties pursuant to the provisions of this chapter, shall continue in effect until rescinded, revised, altered or amended by the newly-established board of Governors. Nothing in this section requires the initial rules or policies of a community and technical college to be promulgated again under the rule adopted by the council pursuant to section six, article one of this chapter unless such rules or policies are rescinded, revised, altered or amended.

(c) Each valid agreement and obligation, undertaken or agreed to by the former sponsoring institution or governing board of a division, regional campus or administratively-linked community and technical college before July 1, 2008, on behalf of a community and technical college named in subsection (a) of this section is hereby transferred to the board of Governors of that community and technical college.

(d) Each newly established board of Governors and each appropriate institution formerly sponsoring a community and technical college shall jointly agree on a division of all assets and liabilities. If the boards of Governors are unable to reach agreement concerning a division of assets and liabilities on or before December 1, 2008, the boards of Governors shall submit a summary of issues in dispute to the commission and the council which shall jointly resolve all outstanding issues concerning the division of assets and liabilities.

(e) For purposes of generating audited financial statements for inclusion in the higher  
*December 4, 2020*



education fund and state single audits, the division of all assets and liabilities shall be effective retroactively to July 1, 2008.

(f) Any other disputes between an independent community and technical college and its former sponsoring institution, regarding their respective rights and responsibilities under this chapter of the code, which cannot be resolved by the governing boards, shall be resolved as follows:

(1) The matters in dispute shall be summarized in writing and submitted to the chancellors jointly for resolution;

(2) If the matters in dispute cannot be resolved by the chancellors within thirty days, they shall be submitted to the council and commission for resolution;

(3) If the commission and council jointly cannot reach a resolution following their first regularly scheduled meeting or within sixty days, whichever is sooner, the chairpersons of the commission and council respectively shall establish a three-person panel to hear the matters and issue a decision within thirty days:

(A) The three-person panel is comprised of one person appointed by the chairperson of the commission, one person appointed by the chairperson of the council, and one person appointed jointly by the two chairpersons.

(B) The decision rendered by the three-person panel is binding on the governing boards, commission and council, and may not be challenged in the courts of this state.

(g) Each former sponsoring institution and community and technical college shall enter into a comprehensive agreement to address the division of assets and liabilities and the allocation of revenues and expenditures between former sponsoring institutions and newly independent community and technical colleges.

(h) Absent manifest injustice as determined jointly by the council and commission, the following general principles apply to the division of assets and liabilities and allocation of revenues and expenditures between former sponsoring institutions and the newly independent community and technical colleges:

(1) For accounting purposes, the institution that assumes responsibility for any asset also shall assume responsibility for any associated liabilities.

(2) Although one institution may assume responsibility for an asset and associated liabilities for accounting purposes, both institutions shall agree on their respective responsibilities for reducing and ultimately eliminating the liability over time if the asset was originally acquired and/or is being used for the benefit of both institutions.

(A) Any agreement to allocate system and institution educational and general and auxiliary debt service payments shall be consistent with the provisions of all applicable bond

covenants.

(B) Absent a controlling bond covenant or other agreement, debt service payments associated with bonded indebtedness presumptively shall be allocated based on the relative full-time equivalent student enrollment of the two institutions either as a whole or on the campus where the asset is located and may be adjusted annually to reflect enrollment changes at the two institutions.

(3) The institutions shall agree to allocate educational and general and auxiliary capital fees in excess of those needed to cover bonded indebtedness to ensure that assets of both institutions are maintained in proper repair and that the institutions assume responsibility for a reasonable share of the total costs of maintaining the facilities.

(4) The institutions shall develop a plan that ensures the financial stability of auxiliary enterprises, including, but not limited to, student housing, student centers, dining services, parking, and athletics through fiscal year 2012.

(A) If community and technical college students pay a mandatory athletics fee for the benefit of a former sponsoring institution, but receive no direct benefit from that fee, the community and technical college may phase out that fee over a five-year period.

(B) If certain community and technical college students were required to live in institution housing consistent with rules or policies in effect on the effective date of this section, the former sponsoring institution may continue to require these students to live in institution housing for at least one year.

(i) If either institution proposes to reduce the services that it provides or purchases from the other institution by more than ten percent in any one year and the reduction exceeds \$200,000, the institution shall obtain the approval of both the council and the commission before doing so. In evaluating the proposal, the council and commission shall consider the following:

(1) The benefit to be obtained for the institution seeking to reduce the services it provides or purchases;

(2) The impact of the proposed reduction on the institution currently providing the services;

(3) Any additional costs that might be incurred as a result of the reduction in services; and

(4) The adequacy of the transition plan.

(j) To the extent practicable, state financial systems shall be set up for higher education institutions which participate in shared services agreements to facilitate ease of processing while ensuring that data from the two institutions are readily segregable at the state level.

## **WEST VIRGINIA CODE: §18B-2A-8**

### **§18B-2A-8. Additional powers and duties of governing boards.**

(a) The governing board of a state institution of higher education is granted the additional powers and assigned the associated duties pursuant to this section previously granted and assigned to the governing boards of Marshall University and West Virginia University, if the commission or council, as appropriate, approves granting the powers and assigning the duties to that governing board. (b) The powers and duties that may be granted and assigned pursuant to this section are the following: (1) Sections five, six and seven, article three, chapter twelve of this code;

(2) Section two, article three of this chapter;

(3) Sections five, six and seven, article four of this chapter;

(4) Section seven, article five of this chapter; and

(5) Section six-a, article ten of this chapter.

(c) Additional powers and duties related to purchasing – The powers and duties granted and assigned to the governing boards of Marshall University and West Virginia University by section four, article five of this chapter are extended to the governing boards of all other state institutions of higher education under the following conditions:

(1) The commission and council shall conduct a study to determine the capacity of each governing board under their respective jurisdictions to implement the additional powers and carry out the additional assigned duties related to purchasing;

(2) Based upon the findings of the study, the commission and council shall approve the governing boards under their respective jurisdictions that they determine have the capacity to exercise the powers and carry out the assigned duties pursuant to section four, article five of this chapter; and

(3) The commission and council shall report their findings together with a list of the governing boards they each have approved to the Legislative Oversight Commission on Education Accountability by December 1, 2011.

(d) The commission and council have the power and the duty to monitor participation and provide technical assistance, as requested or required, to governing boards under their respective jurisdictions and to limit or rescind exercise of the powers, in whole or in part, granted by this section to a governing board if, in the sole determination of the commission or council, as appropriate, that action is warranted.

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
SCP-8600**

**SUBJECT:** Board of Governors Operational Guidelines Policy

**REFERENCE:** West Virginia Code §18B-2A-1, et seq.; 135 C.S.R. 4, *Rules and Administrative Procedures*

**ORIGINATION:** August 2001

**EFFECTIVE:** July 19, 2018

**REVIEWED:** February 10, 2023

**SECTION 1. PURPOSE**

- 1.1 To establish the operational guidelines which shall govern the actions of the Board of Governors for Southern West Virginia Community and Technical College in setting forth policies to govern the college.

**SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 This policy is applicable to the members, current and future, of the Board of Governors of Southern West Virginia Community and Technical College as the representative body of its constituents.

**SECTION 3. DEFINITIONS**

- 3.1 None.

**SECTION 4. POLICY**

- 4.1 It is the policy of the Board of Governors (BOG or the Board) of Southern West Virginia Community and Technical College to perform the duties and responsibilities assigned to the BOG by the State of West Virginia as described in the applicable statutes, including without limitation W.Va. Code § 18B-2A-1, et seq. In performing such duties and responsibilities, the BOG, as constituted by its representative membership, shall be directed by the Operational Guidelines approved by the Board on April 19, 2023, and Policy Statements as adopted. The Operational Guidelines are hereby attached to and incorporated herein as a part of this policy.

**SECTION 5. BACKGROUND OR EXCLUSIONS**

- 5.1 None.

**SECTION 6. GENERAL PROVISIONS**

- 6.1 The Operational Guidelines of the BOG of Southern West Virginia Community and Technical College shall include statements relative to the following topics and any other categories the Board deem appropriate.
- 6.1.1 General Policies
  - 6.1.2 Board Organization

- 6.1.3 Board Operations
- 6.1.4 Meeting Protocol
- 6.1.5 Presidential Relations

## **SECTION 7. RESPONSIBILITIES**

- 7.1 It is the responsibility of the Board of Governors to periodically review the policy statement on Operational Guidelines to ensure its compliance with the applicable statutes, including without limitation W.Va. Code § 18B-2A-1, et seq. and to maintain its relevance to the operations of the Board and the mission of the College. This policy and the Operational Guidelines shall be amended only in accordance with procedures outlined in the Operational Guidelines.

## **SECTION 8. CANCELLATION**

- 8.1 All previous operational guidelines of any previously existing governing or advisory board of Southern West Virginia Community and Technical College are superseded by this policy and the attached Operational Guidelines of the Board of Governors as approved April 19, 2023.

## **SECTION 9. REVIEW STATEMENT**

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend to the Board that the policy be amended or repealed.

## **SECTION 10. SIGNATURES**

<b>Board of Governors Chair</b>	<b>Date</b>

<b>President</b>	<b>Date</b>

**Attachments:** SCP-8600.A, *Board of Governors Operational Guidelines*

**Distribution:** Board of Governors (12 members)  
www.southernwv.edu

**Revision Notes:** October 18, 2007 – Revised to remove any reference to the Institutional Compact. *Operational Guidelines* were updated to reflect a change in legislation affecting the number of terms the Board of Governors Chair may serve.

September 28, 2012 – Reviewed policy and added Title 135, Procedural Rule, West Virginia Council for Community and Technical College Education, Series 4, *Rules and Administrative Procedures*, to the Reference Section which addresses the process for the adoption, amendment, or repeal of rules and administrative procedures by institutions.

March 1, 2018 – Revised *Operational Guidelines* to remove any reference to the *State Register*, and to reflect a change in legislation regarding the electronic filing of meeting notices with the Secretary of State for publication on the Secretary of State's website.

February 10, 2023 – Changes reflect update to references and grammatical corrections.



**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL  
COLLEGE BOARD OF GOVERNORS  
SCP-8600.A  
Board of Governors Operational Guidelines**

**REFERENCE:** SCP-8600, Board of Governors Operational Guidelines Policy; W. Va. Code § 18B-2A-4

**ORIGINATION:** August 2001

**EFFECTIVE:** April 19, 2023

**REVIEWED:** February 10, 2023

**SECTION 1. GENERAL POLICIES**

- 1.1 Purpose – The Board of Governors of Southern West Virginia Community and Technical College is appointed by the Governor of the State of West Virginia and serves as a representative body of its constituents to set forth policies to govern the college in the best interests of the community as a whole and in accordance with the statutes of West Virginia and applicable Federal laws.
- 1.2 Role of the Board of Governors – The role of the Board of Governors is to:
  - 1.2.1 Establish the Mission, Vision, and Master Plan of the College and set clear written policy direction that is focused on community needs.
  - 1.2.2 Represent the community by knowing and understanding its needs and seeking a variety of perspectives when setting College policy.
  - 1.2.3 Define standards for College operations which set forth high quality programs, ensure wise and prudent expenditure of funds, and fair and equitable treatment of students and employees.
  - 1.2.4 Monitor the performance of the College to insure progress towards defined goals and adherence to policies.
  - 1.2.5 Select, hire and retain the President and define and monitor the President's performance through periodic evaluations.
  - 1.2.6 Promote the College in the community and advocate for its interests with government officials and in its fund-raising efforts.
  - 1.2.7 Create a positive leadership environment which fosters learning and focuses on outcomes.
  - 1.2.8 Act with integrity, promoting ethical behavior in all College dealings.
  - 1.2.9 Function as a unit, speaking with one voice which recognizes that the power of Board rests with the whole Board, not individual members.

- 1.3 Role of Individual Board Members – The role of the individual board member is to:**
  - 1.3.1 Know the community and represent its best interests.**
  - 1.3.2 Support the College in its mission.**
  - 1.3.3 Understand the College and represent it in a positive manner to all constituent groups.**
  - 1.3.4 Adhere to Board of Governors policies and Code of Ethics.**
  - 1.3.5 Work as a member of the Board.**
  - 1.3.6 Adhere to the Board's policy-making role and recognize the President's role as Chief Executive Officer.**
  - 1.3.7 Avoid conflicts of interest.**
  - 1.3.8 Maintain confidentiality.**
  - 1.3.9 Speak for the Board only when delegated to do so by the Board.**
  - 1.3.10 Refer complaints and problems regarding the College to the President.**
  - 1.3.11 Attend and actively participate in Board meetings and work sessions.**
  - 1.3.12 Refuse to participate in any action which is not in accordance with Board policy.**
- 1.4 Duties and Responsibilities of the Board of Governors (extracted and summarized from W. Va. Code § 18B-2A-4) are as follows:**
  - 1.4.1 Determine, control, supervise and manage the financial, business and education policies and affairs of Southern West Virginia Community and Technical College.**
  - 1.4.2 Develop and amend as necessary the campus Facilities Master Plan for the College.**
  - 1.4.3 Develop a 10-year campus development plan in accordance with article W. Va. Code § 18B-19-4.**
  - 1.4.4 Prescribe specific functions for the College to meet the higher education needs of the service area without unnecessary duplication.**
  - 1.4.5 Develop a budget for the College that relates directly to its mission, goals, and projections as found in its Strategic Plan and submit it as an appropriation request to the West Virginia Council for Community and Technical College Education (Council).**
  - 1.4.6 At least every five years, review all academic programs offered at Southern West Virginia Community and Technical College.**
  - 1.4.7 Ensure the sequencing and availability of academic programs and courses offered by the College to ensure program completion in a reasonable time frame and to assure that the needs of non-traditional students are met.**

- 1.4.8 Utilize faculty, students and classified staff in institutional-level planning.
- 1.4.9 Administer a system for the management of personnel matters.
- 1.4.10 Administer a system for the hearing of employee grievances and appeals in accordance with the Public Employees Grievance Procedure established at W. Va. Code § 6C-2-1, et seq.
- 1.4.11 Solicit, utilize or expend voluntary support including financial contributions and support services.
- 1.4.12 Appoint a President of the College and conduct written appraisals of the President's performance in accordance with Council rules.
- 1.4.13 Employ all faculty and staff of the College, who shall be supervised by the President but are employees of the Board.
- 1.4.14 Submit to the Council any data or reports requested by the Council within the timeframe stated in the request.
- 1.4.15 Enter into contracts or agreements with other educational institutions or private industry to offer educational services within the College's responsibility district. To this end, the Board may share resources among the various groups in the community.
- 1.4.16 As prescribed by W. Va. Code § 18B-2A-4, delegate the part of its power and control over the business affairs of the College to the President where it considers the delegation necessary and prudent to enable the College to function in a proper and expeditious manner and to meet the requirements of the College's Strategic Plan.
- 1.4.17 Abide by the existing rules for acceptance of advance placement credit.
- 1.4.18 Consult, cooperate, and coordinate with the State Treasurer and the State Auditor to operate and maintain a system for the financial management and expenditure of appropriated and non-appropriated revenue by the College.
- 1.4.19 Consult, cooperate, and coordinate with the Council's Chancellor and the Secretary of the Department of Administration to operate and maintain a plan to administer a consistent method of conducting personnel transactions.
- 1.4.20 Transfer funds from any account appropriated for the College's use to any corresponding line item in a general revenue account at the College as long as the transferred funds are used for the purposes appropriated and transfer funds among appropriated special revenue accounts for capital improvements at the College so long as the transferred funds are used for the purposes appropriated in accordance with W. Va. Code § 18B-19-1, et seq.
- 1.4.21 Acquire necessary legal services. The Board may, but is not required to, call upon the Attorney General for legal assistance and representation as provided by law.
- 1.4.22 Contract and pay for disability insurance for a class or classes of employees at the College.

## **SECTION 2. BOARD ORGANIZATION**

- 2.1 **Organization and Authority** – Effective the first day of July 2001, the Board of Governors of Southern West Virginia Community and Technical College are appointed by the Governor of the State of West Virginia and confirmed by the State Senate to determine, control, supervise, and manage the financial, business, and education policies and affairs of the College and to govern in the best interests of the college in accordance with the law of West Virginia.
- 2.2 **Membership of the Board of Governors** – The membership of the Board of Governors consists of 12 persons including the following:
  - 2.2.1 A full time member of the faculty with the rank of instructor or above, duly elected by the faculty;
  - 2.2.2 A member of the student body in good academic standing, enrolled for college credit and duly elected by the student body;
  - 2.2.3 A member from the institutional classified and non-classified employees duly elected by the classified and non-classified employees; and
  - 2.2.4 Nine lay members appointed by the Governor of the State of West Virginia with the advice and consent of the Senate, with no more than five members from the same political party. At least five members shall be residents of the State of West Virginia.
- 2.3 **Terms of Office**
  - 2.3.1 **Faculty Member** – The faculty member serves a term of two years beginning on July 1 and ending on June 30 each odd year and may succeed themselves for three terms, not to exceed a total of eight consecutive years.
  - 2.3.2 **Student Member** – The student member serves a term of one year beginning on July 1 and ending on June 30 of each year.
  - 2.3.3 **Classified Employee** – The classified or non-classified employee member serves a term of two years beginning on July 1 and ending on June 30 each odd year and may succeed themselves for three terms, not to exceed a total of eight consecutive years.
  - 2.3.4 **Lay Members** – The lay members of the Board serve terms of four years each and are eligible to succeed themselves for no more than one additional four-year term. Lay members who are appointed to fill unexpired terms are eligible to succeed themselves for two full terms after completing an unexpired term.
- 2.4 **Oath of Office** – Prior to becoming a member of the Board of Governors, the member is required to take the Oath of Office prescribed by Article IV, Section 5 of the Constitution of West Virginia and file the certificate with the Secretary of State.
- 2.5 **Board Vacancies** – The appropriate appointing or electing authority shall fill a vacancy in an unexpired term of a Board member within 30 days of the occurrence of the vacancy in the same manner as the original appointment or election.

## **2.6 Ineligibility for Board Membership (extracted and summarized from W. Va. Code § 18B-2A-1)**

- 2.6.1** A person is ineligible for appointment who is an officer, employee or member of any other board of governors within this State; a member of a board of visitors of any public institution of higher education; an employee of any institution of higher education; an officer or member of any political party executive committee; the holder of any other public office, other than an elected county office, or public employment, other than employment by the county board of education, under the government of this State or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to W. Va. Code § 18B-12-1, et seq.; an employee of any affiliated foundation organized and operated in support of one or more State institutions of higher education; or a member of the Council or the Higher Education Policy Commission. A board appointee may be an employee or board member of an out-of-state institution of higher education. This subsection does not prevent the representative from the faculty, classified or non-classified employees or students from being members of the governing boards.
- 2.6.2** A member of the Board of Governors, appointed by the Governor, may only be removed from membership on the Board in the manner prescribed by law for reasons of official misconduct, incompetence, neglect of duty, or gross immorality.

## **SECTION 3. BOARD OPERATIONS**

### **3.1 Board Principles**

- 3.1.1** The Board's governance style is intended to encourage diversity of viewpoints and collective rather than individual decision making. Prior to setting policy, the Board will insure that it has received input from a variety of sources to insure representation of constituents and staff and sound decision-making principles.
- 3.1.2** The Board's focus will be on providing strategic leadership and representing the community it serves rather than administrative detail.

### **3.2 Code of Ethics – The Southern West Virginia Community and Technical College Board of Governors is subject to the West Virginia Governmental Ethics Act, W. Va. Code § 6B-1-1, et seq. In addition, the Board's Code of Ethics is as follows:**

- 3.2.1** To demonstrate that the Board recognizes the public trust attendant in its position; that its decisions and actions are made free from undue influence, favoritism, or threat; and that it will comport itself in such a way that the public can have confidence in its integrity and impartiality.
- 3.2.2** To devote time, thought, and study to its duties to insure effective service.
- 3.2.3** To work cooperatively with fellow Board members in spite of differences of opinion.
- 3.2.4** To base decision-making on all available facts and to vote honestly, unswayed by personal bias of any kind, and to uphold the majority decision of the Board.
- 3.2.5** To act in all College-related contacts, including employees, media and citizens, in a way that reflects the fact that there is no individual authority outside of the meetings of the Board.



- 3.2.6 To refrain from using the Board position to benefit personally or for the personal benefit of any other individual.
- 3.2.7 To comply with the West Virginia Ethics Act in all areas including without limitation confidentiality, private gain, prohibited representation, gifts, use of College resources including subordinates, contracts, and procurement.

### 3.3 Committee Principles

- 3.3.1 The Board will normally function as a committee of the whole without standing committees.
- 3.3.2 If the Board forms an ad hoc committee, it will be for the purpose of assisting the Board to do its job, not to advise employees or help employees do their jobs.
- 3.3.3 Generally, the Board will appoint ad hoc committees for a specified purpose and a defined time period.
- 3.3.4 Board committees have no authority over employees nor may they speak on behalf of the Board of Governors unless specifically authorized to do so.
- 3.3.5 If necessary, Board members may call upon the Chancellor of the West Virginia Council for Community and Technical College Education for advice or assistance in executing its duties and responsibilities.

### 3.4 Officers of the Board – The Chairperson, Vice Chairperson, and Secretary shall be elected from the lay Board membership in June of each year at the Board’s annual organizational meeting. A member may not serve as Chairperson for more than four consecutive years.

#### 3.4.1 Duties of the Chairperson – The duties of the Chairperson are as follows:

- 3.4.1.a To preside at all Board meetings in an efficient and effective manner and set the general tone for the meeting through effective leadership.
- 3.4.1.b To insure the Board and individual Board members follow the Board’s own rules and policies and those established by law.
- 3.4.1.c To promote deliberation at Board sessions that is open and thorough, but also efficient, timely, orderly, and to the point.
- 3.4.1.d To insure that all Board members are properly informed of current and pending Board and College issues.
- 3.4.1.e To perform the same duty of voting on matters as other Board members.
- 3.4.1.f To speak on behalf of the Board of Governors as its designated representative.
- 3.4.1.g To appoint or arrange for the election of committees established by the Board.
- 3.4.1.h To call emergency meetings as necessary in accordance with the Open Governmental Proceedings Act, W. Va. Code § 6-9A-1, et seq.

- 3.4.1.i To call for and participate in the Board's evaluation of the President on an annual basis.
- 3.4.1.j To call for and participate in the self-evaluation of the Board of Governors on an annual basis.
- 3.4.1.k To sign all official Board minutes.
- 3.4.1.l To perform other duties as may be required by action of the Board.
- 3.4.2 Duties of the Vice Chairperson – The duties of the Vice Chairperson are to preside at Board meetings in the absence of the Chairperson or to fulfill the duties of the Chairperson as needed.
- 3.5 New Board Member Orientation – The Board will assist each new Board member to understand the Board of Governors' role and responsibilities. The Board will develop and periodically review selected materials to be provided to new Board members to facilitate this process. The Board Chairperson and the President will invite new Board members to meet with them to acclimate the new members to their roles and responsibilities. The Council will also provide training for new Board members in accordance with W. Va. Code § 18B-1D-9.
- 3.6 Board of Governors Compensation and Expense Reimbursement – Members of the Board of Governors serve without compensation, but are reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties. Expenses are reimbursed through College funds allocated for this purpose upon presentation of an itemized statement.
- 3.7 Board of Governors Self-Evaluation – The Board of Governors will develop a self-evaluation tool to regularly monitor and discuss Board process and performance. The self-evaluation tool will include a comparison of Board activities to Board policy as defined in this document.

#### SECTION 4. MEETING PROTOCOL

- 4.1 General – The Board of Governors is subject to the *Open Governmental Proceedings Act*, W. Va. Code § 6-9A-1, et seq. The purpose of this section is to establish the protocol by which the College will make publicly available the date, time, place, and agenda of all regularly scheduled meetings and the date, time, place, and purpose of all special or emergency meetings of the Board of Governors. It is also the purpose of this section to establish rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. This protocol also establishes procedures related to the conduct of all meetings.
- 4.2 Scope – This protocol applies to all meetings of the Board of Governors, whether regular or special or, to the extent possible, emergency.
- 4.3 Definitions
  - 4.3.1 Regular Meeting – a meeting of the Board of Governors at which it conducts the regular business of the College. The Board of Governors shall establish a regular meeting schedule for the next ensuing fiscal year at its final regular meeting of each fiscal year. The Agenda Committee, which consists of the Chairperson, Vice Chairperson, Secretary, Past Chairperson, one lay member, and the President, shall establish the agenda for all regular meetings. The Agenda Committee shall meet in person, or by telephone conference, or by video conference at an established time prior to the commencement of each regular Board meeting for the

purpose of establishing an agenda. However, any member of the Board of Governors may direct that an item be placed upon the agenda of an upcoming regular meeting by communicating such direction to the Chairperson in advance of the publication of the particular agenda, preferably prior to the meeting of the Agenda Committee.

- 4.3.2 **Special Meeting** – a meeting of the Board of Governors other than a regular or emergency meeting. The Chairperson or seven members of the Board may call a special meeting of the Board of Governors. The agendas of all special meetings shall state the purpose of the meeting.
- 4.3.3 **Emergency Meeting** – any meeting called by the Board of Governors for the purpose of addressing an unexpected event that requires immediate attention because it poses an imminent threat to public health or safety; an imminent threat of damage to public or private property; or an imminent material financial loss or other imminent substantial harm to the College, its employees, or the members of the public that it serves. The agendas of all emergency meetings shall state the purpose of the meeting and the facts and circumstances of the emergency.

#### 4.4 Pre-Meeting Procedures

- 4.4.1 **Notice of Regular Meetings** – The College shall post and maintain notices of all regular meetings on its web page that is accessible to the public at least five-working days in advance of a scheduled regular meeting. Each notice shall state the date, time, and place of the meeting and include an agenda of the meeting. If the Board cancels or postpones a regular meeting, its designee shall post a notice of the cancellation or postponement on the College's website as soon as feasible prior to the meeting's scheduled date and time.
- 4.4.2 **Notice of Special Meetings** – The College shall post and maintain notices of all special meetings on its web page that is accessible to the public at least three working days in advance of a scheduled special meeting. Each notice shall state the date, time, place and purpose of the meeting. If the Board cancels or postpones a special meeting, its designee shall post a notice of the cancellation or postponement on the College's website as soon as feasible prior to the meeting's scheduled date and time.
- 4.4.3 **Notice of Emergency Meetings** – The College shall post and maintain notices of all emergency meetings on its web page that is accessible to the public as soon as practicable prior to the meeting. The notice shall state the date, time, place, and purpose of the meeting and the facts and circumstances of the emergency. If the Board cancels or postpones an emergency meeting, its designee shall post a notice of the cancellation or postponement on the College's website as soon as feasible prior to the meeting's scheduled date and time.
- 4.4.4 In accordance with the *Open Governmental Proceedings Act*, W. Va. Code § 6-9A-1, et seq., the President's designee shall electronically file all meeting notices with the Secretary of State's Office for publication on the Secretary of State's website. Each notice shall state the date, time, place and purpose of the meeting and be filed in accordance with the timeframes established in the Act.

#### 4.5 Meeting Procedures

- 4.5.1 **Compliance with the Open Governmental Proceedings Act** – The Chairperson of the Board and each member of the Board shall be familiar with the provision of the Open Governmental Proceeding Act and shall comply with the Act in relation to the conduct of its meetings,

including all motions to convene in an executive session. Executive sessions shall not be recorded by mechanical means, however, Board minutes shall identify the statutory authorization for each executive session and shall record the persons in attendance.

- 4.5.2 **Presentations** – All persons desiring to address the Board regarding an agenda item at a regular meeting or a matter identified within the stated purpose of a special meeting shall register prior to the meeting. Persons will not be required to register more than 15 minutes prior to the meeting's scheduled start time.
- 4.5.3 **Public Comment** – If the Board allows time on an agenda for public comment, any person who addresses the Board during such period shall identify himself or herself clearly to the Board for the record. Any person attending a Board meeting by telephone or videoconference shall identify himself or herself by name upon request of the Chairperson or the Chairperson's designee. The Board reserves the right to remove from the telephone or videoconference any person who does not identify himself or herself upon request.
- 4.5.4 **Reconvening Meeting When Space is Limited** – In the event the place where a meeting is initially convened has inadequate space to accommodate members of the public who desire to attend, the Chairperson of the Board may adjourn the meeting and reconvene the meeting at an alternate location on a date and at a time announced at the time of adjournment. The President's designee shall provide notice of the reconvened meeting in accordance with the *Open Governmental Proceedings Act* and Section 4.4 of this Policy.
- 4.5.5 **Telephone/Electronic Attendance** – Members of the Board of Governors may attend and participate at any meeting by means of telephone or videoconference. Telephone or electronic equipment that is used to allow such attendance and participation shall be configured to allow those present, including members of the public, hear the members who are attending and participating by telephone or electronic means. When the Board uses videoconferencing technology for a meeting, it shall take all practicable steps to insure that Board members and the public can see the meeting, in addition to hearing it.
- 4.5.6 **Availability of Meeting Materials** – All documents or materials utilized by the Board during its meetings shall be available to the public at the meeting where such documents or materials are considered to the extent such documents or materials are not exempt from public disclosure by the State's Freedom of Information Act or other law governing confidentiality or privacy.
- 4.5.7 **Parliamentary Procedure** – The Board of Governors shall observe *Robert's Rules of Order, New Revised*, as a guide for conducting its business.
- 4.5.8 **Voting** – Board members may vote verbally or by a show of hands. The presiding officer shall announce the outcome of all votes, and the recording secretary shall record the vote accordingly. Any member may request a roll-call vote immediately following the presiding officer's announcement of the outcome of a vote.
- 4.5.9 **Quorum** – Seven of the 12 members of the Governing Board constitute a quorum. A majority of those members present and eligible to vote are required to vote in the affirmative for the passage of all motions. If a majority of those members present and eligible do not vote in the affirmative on a motion, then the motion fails.
- 4.5.10 **Minutes** – The College shall maintain official Board of Governors meeting minutes in a permanent location and safe condition. The Board Chairperson shall sign all official minutes.

The Board's designee shall provide copies of Board minutes to all Board members. The College shall also maintain the Board's official minutes on its website and make them available to the public upon written request in accordance with the West Virginia *Freedom of Information Act*, W. Va. Code § 29B-1-1, et seq.

## **SECTION 5. PRESIDENTIAL RELATIONS**

- 5.1 **General** – The President is the chief executive officer of the College and the Board's single link with operating the institution may manage the business affairs of the College pursuant to delegation of that authority from the Board in accordance with W. Va. Code § 18B-2A-4(t) and Section 5.2 of this policy. The role of the Board is to provide clear direction to the President with regard to the financial, business, and educational policies and affairs of the College. The role of the President is to carry out the Board's direction and administer the day-to-day operations of the College.
- 5.2 **Board Delegation of Administrative Authority** – The Board may delegate to the President part of its power and control over the College's business affairs when the Board considers the delegation necessary and prudent to enable the College to function in a proper and expeditious manner and to meet the requirement of the College's Strategic Plan. If the Board elects to delegate any of its power and control over the College's business affairs to the President, the Board shall enter in the minutes of the meeting at which the decision was made a list of the powers and duties so delegated and notify the Council of the same. The Board, in its sole discretion, or the Council may rescind any delegation of power and control at any time, in whole or in part, without notice to the President: *Provided*, That the Board shall notify the President immediately upon such rescission.
- 5.3 **Presidential Evaluation** – The Board of Governors shall conduct an annual written evaluation of the President in accordance with W. Va. Code § 18B-1B-6 and the Council's rule entitled *Employing and Evaluating Presidents*, 135 C.S.R. 5, and using the following criteria:
  - 5.3.1 The President's job description.
  - 5.3.2 The President's goals and objectives, established each year in consultation with the Board.
  - 5.3.3 Progress toward the College's Strategic Plan.
  - 5.3.4 Adherence to Board policies.
- 5.4 **Presidential Search Process** – The Board of Governors is responsible to hire and appoint a President of Southern West Virginia Community and Technical College in compliance with W. Va. Code § 18B-1B-6.

## **SECTION 6. REFERENCES**

- 6.1 West Virginia Code §§ 6-9-A-1, et seq.; 18B-2A-1; 18B-2A-4; 18B-1B-6 and 29B-1-1, et seq.
- 6.2 Carver, John and Miriam Mayhaw. *A New Vision of Board Leadership: Governing the Community College*. Washington, DC. Association of Community College Trustees, 1994.
- 6.3 Smith, Indra, J. *Trusteeship in Community Colleges. A Guide for Effective Governance*. Washington, DC. Association of Community College Trustees, 2000.
- 6.4 The Ethics Act. *A Code of Conduct for Public Servants*. West Virginia Ethics Commission.
- 6.5 Treasure Valley Community College. *Board of Education Policies*. Ontario, Oregon:1998.

*Revised 02/19/2008; Approved Revisions 04/15/2008*

*Revised 09/28/2012 with legislation passed through the 2012 1<sup>st</sup> Special Session Revised 03/01/2018 with legislation passed through the 2017 Regular Session*

*Revised 02/10/2023; Approved Revisions 04/19/2023*



**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
SCP-8601**

**SUBJECT:** Emergency Presidential Succession Plan

**REFERENCE:** West Virginia Council for Community and Technical College Education, Title 135, Legislative Rule, Series 5, Employing and Evaluating Presidents

**ORIGINATION:** May 22, 2014

**EFFECTIVE:** January 15, 2021

**REVIEWED:** August 26, 2020

**SECTION 1. PURPOSE**

- 1.1 The purpose of this policy is to outline the process for the temporary appointment of an Acting President for Southern West Virginia Community and Technical College in the event of a planned or unplanned departure of the current president due to disability, death, or other instance of significant absence.
- 1.2 Should Southern West Virginia Community and Technical College be faced with a planned or unplanned vacancy, or other type of significant absence in the Office of the President, this policy regarding emergency succession planning will be implemented in order to insure that the President's duties in organizational leadership, program development, program administration, operations, Board of Governors' relations, financial operations, resource development, and community presence are performed during the aforementioned planned or unplanned absence.

**SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 In order to protect the Southern West Virginia Community and Technical College Board of Governors (Board) from sudden loss of Presidential services, the College President will have at least two senior College Vice Presidents familiar with Board and Presidential matters and processes. The College President will furnish the Board with the names of the individuals familiar with Board and Presidential matters and processes at the first regular meeting of the Board at the beginning of each academic year.
- 2.2 In the event of a sudden loss of Presidential services, the Board will make a recommendation for an Acting President and for compensation of these services for the interim period to the Chancellor for the West Virginia Community and Technical College System.

**SECTION 3. DEFINITIONS**

- 3.1 Short-term or Unplanned Absence – An absence of more than one month, but less than six months, in which it is expected that the President will return to his/her position once the events precipitating the absence are resolved.
- 3.2 Long-term or Planned Absence – An absence that is expected to last more than six months in which the President will not return to his/her position for an unknown period of time or permanently.

## **SECTION 4. POLICY**

### **4.1 Short-term or Unplanned Absence**

- 4.1.1 In the event of the short-term or unplanned absence of the President, in contrast to a planned leave, the Southern West Virginia Community and Technical College Board of Governors authorizes the Board Chair to activate the terms of this Emergency Presidential Succession Plan.
- 4.1.2 In the event of the short-term or unplanned absence of the President, the Executive Assistant to the President and Board of Governors will immediately inform the Board Chair of the absence. As soon as feasible, the Board Chair will convene a meeting of the Board of Governors to affirm the procedures prescribed in this Emergency Presidential Succession Plan or make modifications as the Board deems appropriate.
- 4.1.3 The Board Chair will submit in writing the name of the individual whom the Board has recommended as Acting President, and a recommendation for compensation of the duties assigned for the interim period to the Chancellor for the West Virginia Council for Community and Technical College Education. Upon the Council's selection of an Acting President and compensation for these services, the Board of Governors will be responsible for monitoring the work of the Acting President and be sensitive to the support needs of the Acting President in the temporary leadership role.
- 4.1.4 Immediately upon transferring the responsibilities to the Acting President, the Board Chair will notify the employees of Southern West Virginia Community and Technical College and key stakeholders of the delegation of authority.

### **4.2 Long-term or Planned Absence**

- 4.2.1 Should a long-term absence (an absence of more than six months) occur, in which the President will not return to his/her position for an unknown period of time, the Executive Assistant to the President and Board of Governors will inform the Board Chair of the absence. As soon as feasibly possible, the Board Chair will convene a meeting of the Board of Governors to activate the procedures prescribed in this policy.
- 4.2.2 The Board Chair will submit in writing the name of the individual whom the Board has recommended as Acting President, and a recommendation for compensation of the duties assigned for the interim period to the Chancellor for the West Virginia Council for Community and Technical College Education. Upon the Council's selection of an Acting President and compensation for these services, the Board of Governors will be responsible for monitoring the work of the Acting President. He or she will serve at the will and pleasure of the Board of Governors.
- 4.2.3 Immediately upon transferring the responsibilities to the Acting President, the Board Chair will notify the employees of Southern West Virginia Community and Technical College and key stakeholders of the delegation of authority.
- 4.2.4 Should the long-term absence of the College President develop into a permanent absence, the Board of Governors will follow the procedures of the West Virginia Council for Community and Technical College Education, Title 135, Legislative Rule, Series 5, Employing and Evaluating Presidents.

## **SECTION 5. BACKGROUND OR EXCLUSIONS**

- 5.1 None.

## **SECTION 6. GENERAL PROVISIONS**

6.1 None.

## **SECTION 7. RESPONSIBILITIES**

- 7.1 The President of Southern West Virginia Community and Technical College will furnish the Board of Governors with the names of the Vice President's familiar with Board and Presidential matters and processes at the first regular meeting of the Board at the beginning of each academic year.
- 7.2 In the event of a short-term or long-term absence of the President, the Executive Assistant to the President and Board of Governors will inform the Board Chair of the absence.
- 7.3 As soon as feasible, the Board Chair will convene a meeting of the Board of Governors to activate the procedures prescribed in this policy.

## **SECTION 8. CANCELLATION**

8.1 None.

## **SECTION 9. REVIEW STATEMENT**

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend to the Board that the policy be amended or repealed.

## **SECTION 10. SIGNATURES**

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<b>Board of Governors Chair</b>	<b>Date</b>
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<b>President</b>	<b>Date</b>
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**Attachments:** None.

**Distribution:** Board of Governors (12 members)  
www.southernwv.edu

**Revision Notes:** May 22, 2014 – Initial Release

August 26, 2020 – Policy reviewed for accuracy and no modifications are necessary.

## Glossary of Terms

In higher education and specifically at Southern West Virginia Community and Technical College, you will often hear acronyms or specialized terminology. This glossary is provided to help explain these.

### A

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#### **AACC**

***American Association of Community Colleges.*** Headquartered in the National Center for Higher Education in Washington, D.C., AACC is the primary advocacy organization for community colleges at the national level and works closely with directors of state offices to inform and affect state policy. AACC supports and promotes its member colleges through policy initiatives, innovative programs, research and information and strategic outreach to business and industry and the national news media.

#### **ABE**

***Adult Basic Education*** means adult basic skills education designed to improve the basic literacy needs of adults, including information processing skills, communication skills and computational skills, leading to a high school equivalency diploma under the jurisdiction of the state board of education.

#### **Academic Advisor**

A faculty or professional staff member who assists students with course selection and academic decision making appropriate to personal, professional, and academic needs and goals.

#### **Academic Year**

A period of time colleges use to measure a quantity of study. The academic year at Southern West Virginia Community and Technical College is divided into three academic terms called semesters. The cycle of academic terms is fall, spring and summer.

#### **Accreditation**

Recognition by an accrediting organization or agency that a college meets certain acceptable standards in its education programs, services, and facilities. Regional accreditation applies to a college as a whole and not to any particular programs or courses of study. Regional accreditation is administered by nongovernmental, voluntary institutional or professional associations. Southern West Virginia Community and Technical College is accredited by the Higher Learning Commission. Agencies accrediting specific program offerings at Southern include:

<b>ACEN</b>	Accreditation Commission for Education in Nursing
<b>CAAHEP</b>	Commission on Accreditation of Allied Health Education
<b>CoAEEMSP</b>	Committee on Accreditation of Educational Programs for the Emergency Medical Services Profession
<b>CoARC</b>	Commission on Accreditation for Respiratory Care
<b>JRCERT</b>	Joint Review Committee on Education in Radiologic Technology
<b>NAACL</b>	National Accrediting Agency for Clinical Laboratory Sciences
<b>WVRNBOARD</b>	West Virginia Board of Examiners for Registered Professional Nurses

### **ACCT**

The *Association of Community College Trustees* (ACCT) is a non-profit educational organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 community, technical, and junior colleges in the United States, Canada, and England which promotes professional development and standards advocated for effective trusteeship.

### **ACCUPLACER**

The College Board developed the ACCUPLACER Computerized Placement Tests (CPTs) to provide placement and advising information for students entering college. It is a self-paced, untimed test given on a personal computer. ACCUPLACER assesses students' skill levels in writing, English, and mathematics to help determine which courses they should start with at Southern. There are eight multiple choice computerized placement tests available in the ACCUPLACER program as well as two different writing tests for which students write an essay. College personnel determine which of these tests students should take.

### **ACEN**

Accreditation Commission for Education in Nursing.

### **ACT Assessment**

Test battery of ACT, Inc., formerly known as the **American College Testing Program**, given at test centers in the United States and other countries on specified dates throughout the year. The ACT is America's most widely accepted college entrance exam. It measures high school students' general educational development and their ability to complete college-level work. The multiple-choice tests cover four skills areas: English, mathematics, reading, and science. The Writing Test, which is optional, measure skill in planning and writing a short essay. Usually students take this test during their junior or senior year of high school.

### **Add/Drop**

A process at the beginning of the term when students can change their course schedules, adding or dropping classes with the instructor's permission.

**Adjunct Faculty**

Part-time instructors employed by the College on a semester-by-semester contract basis for the delivery of courses of instruction. Adjunct faculty teaching load is a maximum of nine credit hours per semester.

**Administratively Linked Community and Technical College**

Those community and technical colleges who are co-located with and/or receive administrative services from a four-year institution in West Virginia.

**ADN**

Associate Degree in Nursing.

**Adult Students**

Students age 20 and above.

**Annual Headcount Enrollment**

The unduplicated for-credit student (full- and part-time) enrollment number of all enrollment periods during the academic year.

**Annualized FTE**

The sum of summer, fall and spring end-of-term FTE divided by 2.

**AP**

**Advanced Placement Program.** Series of tests offered by The Educational Testing Service (ETS) and used to earn credit for college subjects studied in high school. Tests are scored on a scale from one to five; with five being the best possible score. Southern West Virginia Community and Technical College recognizes the examinations of the College Board Advanced Placement Program and requires a minimum score of three for granting credit.

**Articulation Agreement**

A formal agreement between two higher educational institutions, stating specific policies relating to transfer and recognition of academic achievement in order to facilitate the successful transfer of students without duplication of course work.

**Assessment**

Systematic gathering of information (and acting upon that information) for purposes of improving the learning and the teaching in educational settings. Assessment is used in multiple ways within higher education.

- For students assessment typically refers to the assessment of college-level skills in reading, writing, and mathematics which is used to determine appropriate course placement.



- For the institution as a whole, institutional assessment is typically reflected in the types of measurements used to assess institutional quality or compliance with external regulations.

### **ASSET Assessment**

A testing and evaluation program that helps identify your readiness levels in writing, reading, and math.

### **Associate Degree**

A defined program for student in a specific occupational area consisting of a minimum of sixty (60) collegiate credit hours. This degree is granted by a college or university after the satisfactory completion of the equivalent of a two-year, full-time program of study. Associate degrees issued by Southern West Virginia Community and Technical College are:

**A. A. Associate of Arts (A.A.)** means a degree which recognizes a mastery in the liberal arts (social sciences, humanities, and similar subjects) and in the fine arts (music, art, etc.). The program is intended for transfer to an equivalent Bachelor of Arts degree program at four-year institutions.

**A. A. S. Associate of Applied Science (A.A.S.)** means a degree which recognizes a mastery of technical occupational skills (nursing, computer technology, law enforcement, etc.). The program is intended for those seeking immediate employment opportunities. However, the program does not preclude a student from transferring to a technical baccalaureate degree program such as a bachelor's degree in technology or a bachelor's degree in technical or professional studies, or from transferring non-technical courses to a four-year institution.

**A. S. Associate of Science (A.S.)** means a degree which recognizes a mastery in science or technology (natural sciences, nursing) with a heavy emphasis on undergraduate mathematics or science. The program is intended for transfer to a Bachelor of Science degree program at four-year institutions.

### **Audit**

Individuals enrolled for a course without receiving a grade or credit. The student pays the regular tuition fee for the course, receives instruction and participates in classroom activities, but does not receive a grade.

## **B**

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### **Bachelor's or Baccalaureate Degree**

A degree received after satisfactory completion of a four- or five-year, full-time program

of study (or its part-time equivalent) at a college or university. The **bachelor of arts** (B.A.) and **bachelor of science** (B.S.) are the most common baccalaureates. There is no absolute difference between the degrees, and policies concerning their award vary from college to college.

### **Benchmark**

Statement that provides a description of student knowledge expected at specific grades, ages, or developmental levels. Benchmarks often are used in conjunction with standards.

### **BOG**

Board of Governors.

## **C**

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### **CAAP Test**

The *Collegiate Assessment of Academic Proficiency* (CAAP) enables postsecondary institutions to measure, evaluate, and optimize the outcomes of their general education programs.

### **CAAHEP**

Commission on Accreditation of Allied Health Programs (accrediting agency).

### **Campus-based Aid**

Financial aid programs administered by the College. The federal government provides the college with a fixed annual allocation that is awarded by the financial aid administrator to deserving students. The Perkins Loan Program, Supplemental Education Opportunity Grant (SEOG), and Federal Work-Study are examples of campus-based aid.

### **Career-Technical Programs**

Community and technical college degree programs that prepare students to enter the workforce directly upon completion of the program.

### **Certificate Program**

A defined program of study in a specific occupational area consisting of a minimum of thirty (30) collegiate credit hours.

### **CCSSE**

**Community College Survey of Student Engagement** assesses quality in community college education to help colleges improve educational practice and performance. Lead and staffed by a team headquartered at the University of Texas at Austin.

**Census Date / Final Submission**

The official date at which enrollment is reported to the West Virginia Higher Education Policy Commission (HEPC).

**Certification**

Recognized industry-based training. A process by which individuals who have demonstrated the level of knowledge and skill required in a profession, occupation, or the competent use or support of a product, are identified to the public.

**CEU**

**Continuing Education Units** are the national standard for certifying certain kinds of educational offerings that are formal and structured but not applicable toward a degree. Such work is aimed at professional development or personal enrichment. One CEU is awarded for 10 clock hours of instruction.

**Chancellor for Community and Technical College Education**

Chief executive officer of the West Virginia Council for Community and Technical College Education.

**CIP Code**

Classification of Instructional Programs.

**CJ**

Criminal Justice Program.

**Classified Employee**

West Virginia Code §18B-9-2 defines a classified employee as "any regular full-time or regular part-time employee of a governing board, the commission, the council or the West Virginia network for educational telecomputing who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by law."

**CLEP College-Level Examination Program®**

A series of examinations in undergraduate college courses that provides students of any age the opportunity to demonstrate college-level achievement, thereby reducing costs and time to degree completion. The examinations, which are sponsored by the College Board, are administered at colleges and at some high schools year-round. All CLEP exams are delivered on computer, providing test-takers instant score results.

**CoAEEMSP**

Committee on Accreditation of Educational Programs for the Emergency Medical Services Profession (accrediting agency).

**CoARC**

Commission on Accreditation for Respiratory Care (accrediting agency).

**College Catalog**

An official publication giving information about Southern's academic programs, degree requirements, administrative policies, course descriptions, entrance requirements, and student life.

**Comp Time**

**Compensatory Time.** Time taken off work in lieu of receiving payment in the form of overtime pay. Compensatory hours are calculated at one and one-half times the hours actually worked in the excess of 40.

**Continuing Education**

Non-credit courses and programs offered by the department of Economic, Workforce, and Community Development.

**Contact Hours**

The number of hours of instruction provided to students in a given course.

**Council**

West Virginia Council for Community and Technical College Education (WVCCTCE).

**Course Delivery Method**

Means by which a course is accessible to the student; can be Traditional or Face-to-Face Format, Hybrid/Blended Delivery, ICR (interactive classroom), Online/Distance Education (Internet). Southern's course delivery definitions:

- **Traditional or Face-to-Face** - This delivery method allows learners and faculty to meet in person or as a group for regularly scheduled class sessions either on campus or at another physical location.
- **Hybrid/Blended Delivery** - An instructional delivery method which combines the face-to-face delivery and the distance delivery formats.
- **Online/Distance Education** - All instruction is provided via the Internet and no face-to-face instruction is required. This format is a virtual classroom where course instruction, course content, and external resources such as academic links are provided to learners who are physically separated from the instructor.

**Course Number**

A three-digit number following the subject designator that identifies a specific course with a subject area; e.g., EN 101, English Composition I; BS 101, General Biology I.

**Credit Course**

A class with specified learning goals which the student is required to meet in order to pass the course and that may be applied toward the fulfillment of degree requirements

at a college or university.

### **Credit Hours**

The credit hour value assigned to academic courses; e.g., EN 101, English Composition I, is 3-credit hours; BS 101, General Biology I, is 4-credit hours.

### **CRN**

**Course Reference Number** is a three-digit number assigned to credit courses to uniquely identify each course section offered in a term.

### **CTC**

Community and Technical College.

### **CTCS**

Community and Technical College System of West Virginia. Also known as the West Virginia Council for Community and Technical College Education.

### **Curriculum (plural *curricula*)**

A plan of instruction that details what students are to know, how they are to learn it, what the teacher's role is, and the context in which learning and teaching will take place.

### **Cumulative GPA**

The overall grade point average (GPA) for the semesters of enrollment at Southern.

## **D**

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### **Dean's List**

The Dean's List announces those students who have achieved outstanding scholastic success each academic term. To qualify, a student must have earned a quality point average of 3.25 or better and have completed 12 credits or more during the term.

### **Degree Program**

An organized sequence of classes that leads to the awarding of a college degree.

### **Distance Education**

A formal learning activity which occurs when students and instructor are separated by geographic distance or by time, delivered by distance learning technologies. Southern offers distance learning opportunities using the following instructional formats:

- Blackboard     Southern's Online Courses
- HEITV          Higher Education Instructional Television
- ICR             Interactive Classroom
- KCTCS          Online Initiative through the Kentucky Community and Technical College System

- **SREC** Southern Regional Education Board's Electronic Campus
- **WV-ExclTE** Statewide Information Technology Program
- **WVROCKS** West Virginia Remote Online Collaborative Knowledge System

### **Dual Credit**

In cooperation with a local school system, high school students who qualify for college admission may be offered undergraduate college courses. At the discretion of the high school, the course may be offered for high school credit; e.g., the student will be awarded high school credit as well as college credit for successful completion of the college course.

## **E**

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### **EDGE Credit**

**Earn a Degree • Graduate Early** allows students to take high school courses for community and technical college credit.

### **Entrepreneurship Education**

The number of focused courses and workshops offered in the area of entrepreneurship.

### **Executive Session**

A meeting of the Board of Governors closed to the public to discuss sensitive matters allowed under the authority of West Virginia State Code §6-9A-4.

## **F**

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### **FASFA**

The **Free Application for Federal Student Aid** is the official application form for all federal financial aid programs.

### **FasTrack Degree Program**

An associate degree program that provides an opportunity for goal-oriented students to earn a degree in a shorter period of time by offering courses on a year-round basis in an accelerated format of two, three, and four-week blocks. This block format allows student to focus on one or two courses during each block rather than four or five courses as required of full-time students in the traditional semester format.

### **Fast Track Jobs**

**Fast Track Jobs** are training programs that provide individuals with a new opportunity for quick, convenient training that represent the job areas that are currently hiring in West Virginia. These programs are delivered in 90 days or less.



**Federal Pell Grant**

A need-based financial aid program funded by the federal government. Students with an expected financial contribution (EFC) less than \$x are eligible for the Pell Grant. The amount of the award is based on the student's enrollment level (full-time, part-time) and the cost of attendance.

**Fees**

An amount charged by colleges and universities, in addition to tuition, to cover costs for itemized services or materials involved with higher education classes.

**Financial Aid**

The general term that describes financial assistance offered to a student to help reduce the cost of postsecondary education. Programs can include scholarships, grants, loans or work programs, and are funded by federal, state, and private sources. They are meant to supplement what the student (and parents, if dependent, or spouse, if married) is expected to contribute toward educational expenses.

**Fiscal Year**

July 1 through June 30.

**FTE**

Full-time equivalency. A numerical measure used for reporting purposes. For example, full-time equivalent students is calculated by summing up total credit hours and dividing by 15.

**Full-time Faculty**

Those individuals so designated by the College whose major responsibility is delivery of courses of instruction. Faculty are employed to perform instruction and instructional related duties that meet the needs of the institution and the students it serves. The full-time instructional load for community and technical college faculty in West Virginia is 15 credit hours or the equivalent per semester.

**Full-time Student**

A student enrolled in 12 or more credit hours per semester.

**G****GED**

**General Education Development.** An alternative to a high school diploma.

**GPA**

**Grade Point Average.** A system used for evaluating the overall scholastic performance of students. Grade points are determined by first multiplying the number

of credit hours for each course by the numerical value of the final grade for the course, and then dividing the sum of all grade points by the total number of hours carried.

### **Grade Points**

The numerical value of a grade (A = 4, B = 3) multiplied by the number of credit hours for a course. For example, a student earning an "A" (4 points) in a three-credit hour course will earn 12 grade points (also referred to as "quality points.") The numerical value for grades at Southern is A = 4, B = 3, C = 2, D = 1, and F = 0.

## **H**

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### **Headcount**

The actual number of students enrolled a specific course or at an institution.

### **HEAPS**

**Higher Education Adult Part-Time Student (HEAPS) Grant Program.** The purpose of the HEAPS Grant Program is to encourage and enable needy West Virginia students, who have been out of high school for at least two years and who desire to continue their education on a part-time basis at the post-secondary level.

### **HEITV**

**Higher Education Instructional Television.** Distance learning method where courses are broadcast over West Virginia Public Broadcasting stations.

### **HEPC**

**West Virginia Higher Educational Policy Commission.** Also referred to as the "Policy Commission."

### **HLC**

The **Higher Learning Commission** (accrediting agency) is an organization tasked with the regional accreditation responsibilities for post-secondary education institutions in the central United States. The HLC was formerly known as the Higher Learning Commission of the North Central Association of Schools and Colleges or **NCA**.

### **HR**

Human Resources.

## **I**

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### **ICR**

**Interactive Classroom Systems** are classrooms fitted with technology that allows sessions at one campus to be transmitted to other campus or off-site locations. Instructors are trained to operate the cameras for best effect. Students can view the

session, see demonstrations, ask and respond to questions, and communicate with all other locations. All four Southern campuses offer interactive classrooms capable of sending and receiving signals; off-site locations have receive-only capabilities.

### **Institutional Effectiveness**

Institutional Effectiveness refers to the process of establishing effectiveness measures to ensure that the College is meeting its intended outcomes.

### **Industry-recognized Credential**

A credential, most often in the form of an industry-based certification, issued to an individual who has successfully completed a technical skill assessment aligned with industry recognized standards.

### **IPEDS**

***Integrated Postsecondary Educational Data System.*** A system of surveys to gather information from all institutions and educational organizations whose primary purpose is to provide post secondary education. Data includes information about enrollments, program completions, faculty, staff, and finances. The surveys are administered by the National Center for Educational Statistics.

### **IT**

Information Technology Program.

## **J**

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### **JRCERT**

Joint Review Committee on Education in Radiologic Technology (accrediting agency).

## **K**

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### **KCTCS**

Online Initiative through the Kentucky Community and Technical College System. West Virginia Community and Technical College System (CTCS) and the Kentucky Community and Technical College System (KCTCS) have entered into an agreement whereby the CTCS is making available, to a limited number of West Virginia college students, access to online courses provided by the KCTCS. These courses are created, taught, and controlled by the KCTCS and cross-listed as credit courses by West Virginia community and technical colleges. Southern West Virginia Community and Technical College is participating in this program.

## **L**

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### **LEAP**

**Life Experiences Assessment Program.** Under certain conditions a student may apply for college credit related to life experiences provided those experiences are related to material content normally covered in a course or courses offered by Southern West Virginia Community and Technical College (also referred to as credit-by-experience).

**Licensure Passage Rate**

The percentage of students taking and passing a licensure examination within one year after graduation.

## **M**

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**MLT**

Medical Laboratory Technology Program.

## **N**

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**NAACLS**

National Accrediting Agency for Clinical Laboratory Sciences

**Non-classified Employee**

West Virginia Code §18B-9-2 defines a non-classified employees as "an individual who is responsible for policy formation at the department or institutional level, or reports directly to the president, or is in a position considered critical to the institution by the president pursuant to policies adopted by the governing board."

## **O**

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**OIT**

Office Information Technology.

**Official Transcript**

A printed record of a student's academic history issued by the Records Office that bears the college seal and is enclosed in a sealed envelope.

**Open Meeting**

Refers to regular public meetings of the Board of Governors. Meeting notices must be posted in advance and are open to the public.

## **P**

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**Pay Grade**

The number assigned by the commission and council to a particular job title and refers to the vertical column heading of the salary schedule established in §18B-9-3 of the West Virginia Code.

### **Personnel Classification System**

The process of job categorization adopted by the commission and council jointly by which job title, job description, pay grade and placement on the salary schedule are determined.

### **Pell Grant**

*See Federal Pell Grant.*

### **Perkins Funds**

The Federal Carl D. Perkins Vocational and Technical Education Act (Perkins III/VTEA) provides funds to postsecondary institutions, preparing students to be more competitive in the world economy. These funds improve the academic performance of students, especially special population students, who are enrolled in career and technical education programs. Funds are used to provide the supplementary services that students may need to succeed in career and technical programs through Basic Grants and Tech Prep Grants. Basic Grant funding includes the initiative to improve gender participation and completion in nontraditional programs that prepare individuals for under represented occupations.

### **PIQ**

**Position Information Questionnaire.** The specific listing of duties and responsibilities as determined by the appropriate governing board, the commission or council and associated with a particular classified employee job title.

### **Placement Tests**

A series of tests administered to determine a student's basic skill level for course eligibility. Students are required to take placement tests in reading, mathematics, and English. (Also referred to as assessment tests).

### **Prerequisite**

A requirement which must be completed prior to enrollment in a course. If required, it is listed in the course description in the college catalog.

### **PROMISE Scholarship**

The West Virginia PROMISE (*Providing Real Opportunities for Maximizing In-state Student Excellence*) Scholarship Program, approved by the Legislature in 1999, offers each West Virginia high school graduate who completes school in West Virginia with a 3.0 grade point average in the core and overall course work as well as a composite ACT score of at least 21, or a combined SAT score of 1000 (with a minimum ACT sub score of 20 in all subject areas or a minimum score of 490 on the verbal section and a

480 on the math section of the SAT), a full tuition scholarship to a state college or university or an equivalent dollar scholarship (\$3160) to an in-state private college.

### **Professional Development Activity**

A variety of facilitated learning opportunities, specialized training, formal education or advanced professional learning involving topics and formats intended to assist faculty, staff, and administrators in improving their professional knowledge, competence, skill, and/or effectiveness.

## **R**

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### **Rad Tech**

Radiologic Technology Program.

### **RCAC**

The **Regional Contracting Assistance Center, Inc. (RCAC)** is a non-profit corporation funded by the Defense Logistics Agency, the State of West Virginia, Southern West Virginia Community and Technical College, the Robert C. Byrd Institute, the West Virginia Small Business Development Center (SBDC), and Verizon to provide assistance to West Virginia companies seeking to do business with Federal, State, or local government agencies. The principal role of this program is to provide counseling and consultative services to small businesses in order to help them be awarded government contracts for their services at the federal, state, and local levels.

### **RCCA**

The **Rural Community College Alliance** is a network and advocacy group that helps build the capacity of member community colleges to improve the educational and economic prospects for rural America. The Alliance seeks to reduce rural isolation and share effective solutions to problems facing distressed rural communities.

### **RCCI**

The **Rural Community College Initiative (RCCI)**, supported by the Ford Foundation, aims to help community colleges in distressed rural areas to expand access to postsecondary education and help foster regional economic development.

### **Remedial Education**

Programs designed to provide college-readiness skills in such areas as reading, writing, mathematics, and study skills.

### **Retention Rate**

The percentage of students (full- and part-time) enrolled during the fall term of one academic year at a community and technical college and returning the next fall term at any West Virginia higher education institution.

# S

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## SAT

Standardized tests of developed language skills and mathematical reasoning abilities (formerly called SAT I), given on specified dates throughout the year at test centers in the United States and other countries. The SAT is required by many colleges and sponsors of financial aid programs. While SAT is owned by the private, non-profit, College Board, it is developed, published, and scored by the Educational Testing Service.

## SBDC

Southern's *Small Business Development Center* provides small business owners and entrepreneurs assistance with business counseling, problem solving, loan packaging, training, marketing, customer assessment and start-up information.

## SCP

*Southern College Policy* is used to publish policy statements, delegation of authority, program or institutional administrative decisions; general guidelines or procedures; and other college administrative information of a continuing nature.

## SEOG

The **Supplemental Education Opportunity Grant (SEOG)** is a federal grant program for undergraduate students with exceptional need. SEOG grants are awarded by the school's financial aid office, and provide up to \$4,000 per year. To qualify, a student should be a recipient of a Pell Grant.

## Service District

The legally designated area in which Southern West Virginia Community and Technical College offers programs and services, as defined by the State of West Virginia. Southern's service district includes Boone, Logan, Lincoln, McDowell, Mingo, Wyoming and Raleigh counties in West Virginia, and by interstate agreement serves Martin and Pike counties in Kentucky.

## SGA

Student Government Association.

## Southern's Online Courses

Students attend class and complete course assignments via the Internet. This type of instructional delivery does not require the students to be physically present in the same location or at the same time as the instructor.

## SREB

The **Southern Regional Education Board** assists state leaders by directing attention



to key education issues; collecting, compiling and analyzing comparable data; and conducting broad studies and initiating discussions that help states and institutions form long-range plans, actions and policy proposals.

### **SREC**

The **Electronic Campus** of the SREB provides a link to distance learning courses and programs offered by more than 300 colleges and universities. Southern is a member of the **Southern Regional Education Board's Electronic Campus**. Currently Southern's Managerial Accounting (AC 249) and Adolescent Literature (ED/EN 219) are listed on the SREB's Electronic Campus.

### **Student Financial Aid Participate Rate**

The percentage of a college's total student enrollment receiving student financial aid assistance consisting of grants, scholarships and tuition waivers, but not student loans.

### **Surg Tech**

Surgical Technology Program.

## **T**

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### **Tech Prep**

A Tech Prep program links secondary and post-secondary curriculums and programs of study to build a seamless path for students from high school that leads to an associate degree or two-year certificate. The program provides technical preparation in at least one field of engineering technology, applied science, mechanical, industrial, or practical art or trade, or agriculture, health, or business; builds student competence in mathematics, science and communications through a sequential course of study; and leads to placement in employment.

### **Tenured Faculty**

A tenured faculty member is one who has attained tenure status as determined by Southern.

### **Tenure-track Faculty**

A tenure-track faculty member is one who has been appointed on a full-time basis and designed by Southern as being in a tenure-track position.

### **Term Faculty**

A term faculty member is one who has been appointed for a specific term as defined by Southern and is not eligible for tenure.

### **Time-to-Degree**

The total number of years of enrollment at the institution by a full-time student at the

time of the awarding of an associate degree.

### **Traditional Student**

Students between the ages of 18 and 20.

### **Two-plus-Two (2+2)**

A formal agreement between two higher educational institutions (e.g., Southern and Marshall University) which eases transfer of credits by a prearrangement in order to facilitate transfer of community college credit to a fully accredited four-year university.

## **W**

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### **WEB**

Another name for World Wide Web.

### **WorkKeys Assessment**

WorkKeys, a registered trademark of ACT, Incorporated, is a job skills assessment system measuring "real-world" skills that employers believe are critical to job success.

### **Workforce Skill Sets**

A course, series of courses or competencies that prepare individuals for a specific job skill.

### **WVCCTCE**

West Virginia Council for Community and Technical College Education or "Council" is the agency assigned to oversee community and technical college education in West Virginia.

### **WV-ExcITE**

Statewide Information Technology Program. Southern's Technical Studies in Information Systems Program was developed as part of a statewide Information Technology (IT) curriculum program (WV-ExcITE). This program offers students a solid background in computer technology complemented by a full array of vendor certification training choices.



# The Ethics Act

## A Code of Conduct for Public Servants

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### **What is the Ethics Act?**

The West Virginia Governmental Ethics Act (W. Va. Code §§ 6B-1-1 through 6B-3-11) is a code of conduct to guide public officials and public employees in avoiding conflicts between their personal interests and their public responsibilities. The term "public official" includes a public servant volunteer, which is "any person who, without compensation, performs services on behalf of a public official and who is granted or vested with powers, privileges, or authorities ordinarily reserved to public officials."

### **Who is covered by the Act?**

The code of conduct established by the Act applies to all full-time and part-time public servants (public employees, elected and appointed public officials) who serve in the legislative, judicial and executive branches of state, county and municipal governments and their respective boards, commissions and agencies. It also applies to "public servant volunteer," which are persons who, without compensation, perform services on behalf of a public official and who are granted or vested with powers, privileges, or authorities ordinarily reserved to public officials.

### **What is the Ethics Commission?**

The West Virginia Ethics Commission was created to administer the Ethics Act. It is comprised of nine part-time citizen members appointed by the Governor and approved by the West Virginia Senate. The Commission is supported by a staff of five full-time and two part-time employees.

### **What does the Commission do?**

The Ethics Commission is responsible for enforcing the Ethics Act and advising public servants regarding the Act.

Many questions from the public can be addressed by staff over the phone ((304)558-0664). Staff also may be contacted by email at [ethics@wv.gov](mailto:ethics@wv.gov).

Some questions require consideration by the full Commission at its regular monthly meeting through the issuance of a written Advisory Opinion.

The Commission's Committee on Open Governmental Meetings answers questions from governing bodies and their members, and provides Advisory Opinions on the meaning and application of the Open Meetings Act.

The Committee on Standards of Conduct for Administrative Law Judges answers questions from ALJs and provides Advisory Opinions to them which interpret the Code of Conduct for state Administrative Law Judges. It also rules on complaints filed against ALJs.

The Ethics Commission is also responsible for the registration and reporting of lobbyists; the processing of Financial Disclosure Statements, and the collection of disclosures of interested parties to contracts.



## Minimal Ethical Standards\* Established by the Act

*\*Agencies may impose stricter rules of conduct than those set forth in the Ethics Act.*

### Private Gain

The basic principle underlying the code of conduct created by the Ethics Act is that those in public service must use their positions for the benefit of the public and not for their own private gain or for the private gain of another.

For example:

- Public employees and public officials may not use their agency's supplies or equipment for personal projects or activities.
- Public employees and public officials may not work on personal projects or activities during work hours for which they are paid by their government employer.
- Public employees and public officials may not use subordinates to work on personal projects or activities during work hours or compel them to do so on their own time.

### Nepotism

The Ethics Act prohibits "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. "Public official" and "public employee" include all elected and appointed public officials and public employees, whether full- or part-time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards. The term "public official" includes a public servant volunteer, which is "any person who, without compensation, performs services on behalf of a public official and who is granted or vested with powers, privileges, or authorities ordinarily reserved to public officials."

"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.

A public agency, including its officials and employees, must administer the employment and working conditions of a relative of a public employee or a public official or a person with whom the public official or employee resides in an impartial manner. To the extent possible, a public official or public employee may not participate in decisions affecting the employment and working conditions of his or her relative or a person with whom he or she resides. If he or she is one of several people with the authority to make these decisions, others with authority shall make the decisions.

A public official or public employee may not directly supervise a relative or a person with whom he or she resides. This prohibition includes reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline or related matters. This prohibition does not extend to matters affecting a class of five or more similarly situated employees.

If a public official or public employee must participate in decisions affecting the employment, working conditions or supervision of the public official or public employee's relative or a person with whom the public official or public employee resides, then:

- An independent third party shall be involved in the process. A public official or public employee may not use a subordinate for the independent third party unless it is an elected public official who may not lawfully delegate the powers of his or her office, *e.g.*, county assessor or county clerk, and
- The public official or employee shall exercise his or her best objective judgment in making the decision, and be prepared to justify his or her decision.

### Gifts

The Ethics Act provides that public officials and public employees may not solicit a gift unless the solicitation is for a charitable purpose, and the charitable purpose must be one from which they and their immediate family members derive no direct personal benefit. (However, see the exceptions set forth below.)

Public officials and employees may not directly solicit a subordinate for any gift even if the gift is for a charitable purpose. The Ethics Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions.

The Ethics Act prohibits public officials and public employees from accepting gifts from lobbyists or any person whom the official or employee knows or has reason to know is doing or seeking to do business of any kind with his or her agency; is engaged in activities which are regulated or controlled by his or her agency; or has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duties.

Notwithstanding the general prohibitions set forth in the prior two sections against public officials and employees accepting gifts, the Ethics Act provides that the following types of gifts **may** be accepted by public employees or public officials from lobbyists or others:

- (A) Meals and beverages of any dollar value may be accepted if the person purchasing the meal is present. Otherwise, public officials and employees may accept meals and beverages totaling \$25;
- (B) Ceremonial gifts or awards which have insignificant monetary value;
- (C) Unsolicited gifts of nominal value or trivial items of informational value are permissible if the value of any one item, or a combination of items from the same source, given to a public official or employee does not total more than \$25 in one calendar year;
- (D) Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or has a speaking engagement. A public official or employee **may not** accept expenses for amenities at the event such as free golf or spa treatments unless they are part of the room package for all guests staying at the hotel.



Reasonable expenses for food, travel and lodging for one guest to attend may be accepted;

- (E) Gifts of tickets or free admission extended to a public official or public employee to attend charitable, cultural or political events if the purpose of such gift or admission is a courtesy or ceremony customarily extended to the office and the tickets are given by the sponsor of the event. Free tickets to sporting events may only be accepted if the ticket is \$25 or less and the ticket is given by a sponsor of the event. If the price of entrance is greater than \$25, an official may accept the ticket only if it is incidental to the conduct of official or ceremonial duties;
- (F) Gifts that are purely private and personal in nature, or
- (G) Gifts from relatives by blood or marriage or a member of the same household.

### **Selling to Subordinates**

Although they may choose to buy from a supervisor, a public servant may not personally solicit (in person, by phone or by personal letter) private business from subordinates who the public servant directs, supervises or controls. Solicitations directed to the public at large for sale of property which the public servant is not regularly engaged in selling are permitted.

### **Voting\***

A public official may not vote on a matter in which she, or an immediate family member, has a financial interest or matters involving a business with which she or an immediate family member is associated.

Legislative voting is governed by a separate provision in the Act which permits voting by Legislators after a ruling from the presiding officer in their chamber regarding a potential conflict is obtained.

*\*See Voting Provisions of the WV Ethics Act Guideline for detailed information.*

### **Private Interests in Public Contracts, Purchases and Sales**

A public servant may not have a financial interest in any contract, purchase or sale over which his or her public position gives him or her control. The public servant's spouse, dependent parents or dependent children also may not have such an interest unless the total value of the contracts, purchases or sales is less than \$1,000 in a calendar year. The Commission has authority to grant an agency a hardship exemption from this provision.

This provision applies only to:

- (1) those contracts which one's job gives him authority to award or control, and
- (2) those purchases and sales he or she is authorized to make or direct others to make.



Part-time appointed officials (except those covered by W. Va. Code § 61-10-15) are not subject to this prohibition provided they recuse themselves from considering and acting on such matters consistent with the provision regarding voting.

#### **Use of Name or Likeness Using Public Funds**

This section of the Act is commonly referred to as the "trinkets statute" and provides that public officials, their agents, or anyone on the public payroll may not place the official's name or likeness on trinkets and other places paid for with public funds in violation of the section's limitations and prohibitions. This section is set forth in W. Va. Code § 6B-2B-1 through -6.

This section of the Act provides limitations and prohibitions on the use of public officials' names or likenesses on "trinkets," advertising, vehicles, table skirts, banners, websites and social media if these items are paid for with public funds.

The statute does not prohibit a public official's name and likeness on educational materials or any official record, official report, letterhead, document, certificate or instructional material issued in the course of his/her duties as a public official. Other official documents, such as fax cover sheets, press release headers, office signs and envelopes may include the public official's name, but not his or her likeness.

#### **Licensing and Rate-Making**

A public employee or official may not take official action on a license or rate-making matter affecting an entity in which she, or the members of her immediate family, own or control an interest of 10% or greater. In addition, unless he or she files a prior written public disclosure with his or her agency, a public employee or official may not take official action on a license or rate-making matter affecting a person to whom the entity in which he or she has an interest has sold goods or services totaling more than \$1,000 during the preceding year.

#### **Changing Jobs**

Full-time public employees and officials may not: (1) seek employment with, (2) be employed by or (3) seek to purchase from, or sell or lease real or personal property to, any person or business:

(a) that has a matter before the agency on which they are taking, or a subordinate is known to be taking, regulatory action, or

(b) that had, within the preceding 12 months, a matter on which they took, or a subordinate is known to have taken, regulatory action.

The Ethics Commission has authority to grant an exemption from this prohibition.

#### **Conflicts of Interest: Employment**

Full-time public employees and officials may not take personal regulatory action on matters affecting a person:

(a) by whom they are secondarily employed, or

(b) with whom they are seeking employment or have an agreement concerning future employment.

### **Dual Compensation**

No public employee or official may receive compensation from two sources in state, county or municipal government for working the same hours except under certain limited circumstances. Persons who are allowed to make up time missed with a governmental employer to perform the duties of another governmental position are required to maintain specific time records. Their employers are required to submit these records to the Ethics Commission on a quarterly basis.

### **Private Pay Prohibited**

Full-time public employees and officials may not accept private pay for providing information or services which are within the scope of their public duties. They cannot sell, even on their own time, services which their public position requires them to provide.

## **Limitations During and After Governmental Service**

**Confidential Information:** Public employees and officials may not, during or after governmental service, knowingly and improperly disclose confidential information acquired through their public positions or use it to further the personal interests of themselves or of another person.

**Prohibited Representation:** The Ethics Act requires a public servant to obtain his or her agency's consent before he or she represents a client in a matter in which he or she is or was substantially involved on behalf of the agency. This applies both during and after the person's governmental service.

The prohibition applies only to those matters in which the public servant was personally involved in a decision-making, advisory or staff support capacity. It does not apply to legislators or legislative staff.

**Limitation on Practice:** Certain public employees and officials are prohibited from representing persons before the agency which they serve during their employment or service and for one year after the termination of their employment or service. This is referred to as the "revolving door prohibition."

This prohibition applies only to elected and appointed public officials and full-time staff attorneys and accountants in agencies authorized to hear contested cases or make regulations.

This prohibition applies to representation in contested cases, regulation filings, license or permit applications, rate-making proceedings and in efforts to influence the expenditure of public funds. It does not apply to legislators or legislative staff.

The Ethics Commission has authority to grant an exemption from this prohibition.

**Lobbying:** The following public officers or employees may not, during or for one year after the termination of their public employment or service, be allowed to register as lobbyists:

- (1) Members of the Legislature;
- (2) Members of the Executive Department as referenced in article VII, section one of the Constitution of West Virginia (Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Attorney General);
- (3) Will and pleasure professional employees of the Legislature under the direct supervision of a member of the Legislature;
- (4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participate in a decision-making or advisory capacity regarding agency or department policy;
- (5) Members of the Supreme Court of Appeals;
- (6) Secretaries of the Departments of Administration; Environmental Protection; Health and Human Resources, Military Affairs and Public Safety; Revenue; Transportation; Commerce, and Veterans' Assistance; and
- (7) Heads of any state departments or agencies.

## For County Public Servants Only

Certain county personnel are also subject to W. Va. Code § 61-10-15, which is a criminal statute containing a similar, but more comprehensive, prohibition regarding contracts. The Ethics Commission is responsible for advising public servants about this statute but has no role in its enforcement.

W. Va. Code § 61-10-15 applies to:

- (1) elected county officials (including sheriffs, county commissioners and school board members),
- (2) appointed county officials (those who serve on county boards, commissions, authorities and agencies), and
- (3) public school superintendents, principals and teachers.

It does not apply to other county workers.

W. Va. Code §61-10-15 prohibits these county employees and officials from having personal financial interests, directly or indirectly, in a contract, purchase or sale over which their public position gives them "voice, influence or control." The prohibition extends to their spouses, those whom they support, and businesses in which they have an ownership interest or by which they are employed.

The Ethics Commission has authority to grant exemptions to a county agency based upon documented hardship.

W. Va. Code §61-10-15 imposes strict limitations on nepotism in employment. County officials may not hire their spouses or dependent family members.

There are certain very specific exceptions to this statute. Contact the Ethics Commission with questions.



## Complaints

The Ethics 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. In addition, the Commission itself may initiate a complaint if it receives credible evidence of a material violation of the Act.

Complaints are first reviewed by the three-member Probable Cause Review Board to determine whether the allegations in the complaint, if taken as true as they are required to be at that stage, would constitute a violation of the Ethics Act. The Review Board dismisses complaints which allege trivial or inconsequential violations without an investigation.

Complaints which allege violations of the Ethics Act, and which are not trivial or inconsequential violations, are investigated. After an investigation is completed, the Review Board may either dismiss the complaint or issue an order finding that there is probable cause to believe that the person against whom the complaint was filed violated the Ethics Act. The matter will then proceed to a public hearing or be resolved through a settlement, or "conciliation," agreement.

Persons found guilty of a material violation of the Act may be publicly reprimanded and fined up to \$5,000 per violation. The Commission also may order restitution and reimbursement to the Ethics Commission for its costs of investigation and prosecution. It also may recommend that the person be terminated from employment or removed from office.

It is a violation of the Ethics Act to give false and misleading information to the Commission or to procure or induce another person to provide false information to the Commission. If the Commission finds by clear and convincing evidence that a complaint was made in bad faith, it may issue sanctions against the person who filed the complaint.

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**TITLE 133  
PROCEDURAL RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 31  
ETHICS**

**SECTION 1. GENERAL**

- 1.1 Scope - This rule establishes guidelines for institutional governing boards in adopting policies in accordance with the West Virginia Governmental Ethics Act.
- 1.2 Authority - West Virginia Code § 18B-1-6, 6B-2-5(L)
- 1.3 Filing Date – July 2, 2002
- 1.4 Effective Date – August 1, 2002
- 1.5 Preamble - In 1989, the West Virginia Legislature enacted the West Virginia Governmental Ethics Act, set out in Chapter 6B of the West Virginia State Code, declaring unlawful certain activities by public employees. Section 5(b), Article 2 of the Act prohibits a public employee from using his or her office or the prestige of that office for his or her private gain or that of another person. Section 5(c), Article 2 prohibits solicitation of gifts that may confer pecuniary benefits upon the employee or his or her immediate family. Section 5(d), Article 2 prohibits an interest in the profits or benefits of a public contract which an employee has direct authority to enter into or over which he or she may have control.

The original version of the Ethics Act subjected all public employees, including higher education employees, to fines, sanction, and criminal prosecution for violation of the Ethics Act unless they obtained prior approval for the proposed activity from the West Virginia Ethics Commission. Many of the teaching, research, consulting and publication activities of higher education faculty and staff necessarily result in known and appropriate private benefits or gain which are customary and normal in higher education, but which were identified as potential violations of these provisions of the Ethics Act after its enactment.

In 1990, the Ethics Act was amended at Section 5(l), Article 2 to allow higher education employees who derive private benefits from teaching, research, consulting, or publication activities the option of seeking exemption from the above prohibitions from their employing institution instead of through the Ethics Commission.

The previous Board of Trustees and Board of Directors adopted a rule to set forth an expeditious procedure for granting such approval of

exemptions at the institutional level to faculty and staff members who sought to be relieved of certain statutorily imposed prohibitions of the West Virginia Governmental Ethics Act. The Policy Commission has previously transferred that rule to the jurisdiction of the institutional governing boards. This rule shall govern any modification of that rule by a governing board.

- 1.6 Repeal of Former Rule - Repeals and replaces Series 43 of Title 128 and 131.

## **SECTION 2. APPROVAL OF ACTIVITY**

- 2.1 Any rule governing ethics of its faculty or staff adopted by an institutional governing board shall include at least the following:
- 2.1.1 That institutional approval of any activity pursuant to the rule shall be deemed to be a part of the employee's employment contract with the board.
  - 2.1.2 That any institutional approval granted pursuant to the rule may be revoked upon reasonable notice to the employee.
  - 2.1.3 That approval for any activity pursuant to this rule may only be given by an institution's president or the president's designee or designees. Such delegation of authority by a president shall be in accordance with the needs of the institution but in no case shall such delegation be at an authority level lower than a departmental chair, director or other similar department supervisor.
  - 2.1.4 That approval for any activity may be granted on a case-by-case basis or, when such activities are common within an institution, a department or other category or grouping of employees, to all of an institution's employees or any subgrouping thereof.
  - 2.1.5 That the institution shall establish appropriate procedures for the review and approval of those employee activities covered by this rule.
  - 2.1.6 That disclosures required by the rule are personal in nature and shall be kept confidential, as permitted by law.

### **SECTION 3. SOLICITATION OF GIFTS**

**3.1 Any such rule shall also include provisions that state:**

**3.1.1 Unless otherwise restricted by one's supervisor, employees shall be permitted to solicit gifts which directly benefit the board or the employing institution. Solicitations on behalf of a particular department, on behalf of the institution's supporting foundation or on behalf of an affiliated corporation or center shall, for the purposes of the rule, be deemed to be a solicitation on behalf of or for the benefit of the institution.**

**3.1.2 Permissible solicitations shall include but not be limited to the following, even though the soliciting employee may work in a position which will be directly or indirectly supported thereby:**

**3.1.2.1 Grants from governmental agencies, foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution;**

**3.1.2.2 Contracts with governmental agencies, foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution;**

**3.1.2.3 Donations from foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities of the institution.**

**3.1.3 Support for teaching, research, publication and service activities shall include but not be limited to such normal and regular institutional needs as support for salaries; scholarships; capital improvements or repairs; and classroom, laboratory, athletic, medical, scientific, and other similar equipment supplies.**

### **SECTION 4. USE OF PUBLIC OFFICE FOR PRIVATE GAIN**

**4.1 Any such rule shall also provide that:**

**4.1.1 No solicitation or other activity permitted by the rule shall be deemed to be the inappropriate use of an employee's public office (position) or the prestige of that office for one's own private gain or that of another person.**



- 4.1.2** When an employee uses his or her knowledge and personal prestige for private gain without the use of the employee's public office, then there is no requirement to obtain an exemption under the ethics rule.
- 4.1.3** W. Va. Code § 6B-2-5(l) gives institutions of public higher education limited authority to grant exemptions to their employees from the prohibitions in the State Ethics Act relating to the use of public office or the prestige of public office for private gain when the employee is using his or her field of expertise as an author, speaker, consultant or through other approved activities such as service as a board member for outside agencies or businesses and when an employee of the institution seeks to use his or her public office or the prestige of their public office for the employee's private gain or for the private gain of another person, the employee may seek from an appropriate institutional authority an exemption (as limited by the Ethics Act) from the prohibition against the use of public office or the prestige of public office for private gain.
- 4.1.4.** The appropriate institutional authority may grant the employee an exemption to permit the employee to use the employee's public office to derive private benefit from the employee's field of expertise as an author, speaker, consultant, or through other approved activities such as service on the board of an outside agency or business.
- 4.1.5** In granting permission for an employee to engage in such outside activities which may be directly or indirectly associated with the employee's position with the institution, consideration should be given to the following:
- 4.1.5.1** Whether the employee brings to his/her position his/her own unique personal prestige which is based upon his/her own intelligence, education, experience, skills and abilities, or other personal gifts or traits.
- 4.1.5.2** Whether such activity is customary and usual within the field;
- 4.1.5.3** Whether the institution derives any benefit through prestige or otherwise from the activity;
- 4.1.5.4** Whether the institution expects or anticipates that the employee will gain financially from the activities which are not a part of the employee's required employment activities;

- 4.1.5.5 Whether the employee's activity will increase his/her personal or professional development or will lend service or benefit to the nation, state or community;**
- 4.1.5.6 Whether the outside activity will interfere with or create an overriding conflict with the employee's responsibility to the institution or will interfere with the satisfactory performance of the employee's institutional duties.**
- 4.1.6 The disclosure by an employee of an employee's position, title, and work history with the institution in the promotion of an employee's private activities shall be exempt from the prohibition against the use of prestige of public office for a private gain. However, in these cases the employee has the responsibility to make clear the fact that he or she is not representing the institution but is speaking as a private citizen.**
- 4.1.7 An employee who obtains an exemption from the Ethics Act prohibitions under the procedure authorized in this rule shall not be deemed an agent of the institutions when the employee is acting outside the scope of his or her other employment for his or her private benefit.**
- 4.1.8 No exemption granted under this ethics rule shall be deemed to constitute a waiver by the institution of any lawful contractual provision in the employment contract of a full or part-time employee of the institution.**

## **SECTION 5. INTERESTS IN PUBLIC CONTRACTS**

- 5.1 Any such rule shall also provide that:**
- 5.1.1 Each employee shall be required to disclose any interest the employee or any member of the employee's immediate family or a business with which he or she is associated may have in the profits or benefits of a contract which the employee may have direct authority to enter into or over which the employee may have control unless such interest is limited within the meaning of West Virginia Code 6B-2-5(d)(2).**
- 5.1.2 The institution may review any interest an employee or any member of the employee's family or a business with which he or she is associated may have and determine what, if any, restrictions or limitation should be placed on the employee's activities.**

## **SECTION 6. ADDITIONAL ETHICAL STANDARDS**

- 6.1 A governing board may establish additional ethical standards for its employees not inconsistent with this rule or the West Virginia Governmental Ethics Act.

## **SECTION 7. PRESIDENTS**

- 7.1 The chair of a governing board shall have the authority to review and grant approval of those activities of the institution's president which may involve a conflict of interest pursuant to this rule or the institution's rule.