



**Minutes  
Board of Governors  
June 19, 2007 Teleconference  
10:00 a.m., The Concord Room  
201A Marsh Hall  
Concord University**

**Members Present:** Dr. Deborah Akers, Mr. Lane Bailey, Mr. Jim Brown, Mr. Jesse Call, Mr. Joe Long, Mr. Wayne Meisel, Mrs. Amy Pitzer, Mr. R. T. "Ted" Rogers, Mrs. Margaret Sayre

**Members Absent:** Mr. Eugene Fife, Dr. Darrin Martin

**Others Present:** Dr. Jerry Beasley, Mr. Jim Cannon, Dr. Hugh Campbell, Mr. Kent Gamble, Mrs. Sharon Manzo, Mr. Jonathan Prince, Mr. Travis Prince, Mr. Greg Quick, Dr. Steve Rowe, Mr. Jeff Shumaker, Dr. Jane Smith, Dr. John David Smith, Dr. Dean Turner, Dr. Darla Wise, Ms. Loretta Young, representatives from TRANE

**Call to Order and Determination of Quorum:** A quorum being present, Chairman Rogers called the meeting to order.

**Swearing In of Board Member, Lane Bailey:** Judge John R. Frazier administered the oath of office to Mr. Lane Bailey. Judge Frazier also took the opportunity to announce that the Concord University Alumni Association has committed \$50,000 for the University Point project, and has joined with the Concord University Foundation to help raise the funds required to finish the project.

**Approval of the April 3, 2007, Minutes:** Mr. Bailey moved the approval of the minutes, Dr. Akers seconded, motion carried.

**Approval of the May 30, 2007, Minutes:** Ms. Pitzer moved the approval of the minutes, Mr. Bailey seconded, motion carried.

**Progress Report, North Central Accreditation:** Dr. Jane Smith, Associate Dean for Academic Affairs, reported that three of four sections of the report are drafted. Data are on the CU home page, and her goal is for individuals to be able to review and comment. To access the data, go to [www.concord.edu](http://www.concord.edu), select Academics/Faculty, select Accreditation select Self-study for Accreditation Web Site. A mock review is planned for late October when approximately four reviewers (in-state and accreditation personnel) will spend two to three days to identify holes and gaps. Five criteria are used in the evaluation—Mission and Integrity, Dr. Roy Ramthun, chair; Preparing for the Future, Dr. Charles Brichford, chair; Student Learning and Effective Teaching,

Dr. Danette Light, chair; Acquisition, Discovery, Dr. Cheryl Trull, chair; and Application of Knowledge, Engagement and Service, Dr. John David Smith, chair.

**Updates or Questions Regarding Administrative Reports:** Dr. Turner reported that Dr. Terry Mullins has been hired as Associate Professor of Education.

**Action Items:**

a. **Budget** ([attachment 01](#)) – Dr. Beasley reported that budget planning for FY07-08 is on schedule, and the request before the board is permission to spend at last year's level. He mentioned two items anticipated in the budget for next year: recommended 5% pay raises effective October 1, 2007, distributed through the respective pay plans. In addition, there would be a provision for the annual faculty/staff increment, as well as provisions for promotions and reclassifications. This means increases for next year will be closer to 6 percent. Preliminary figures indicate there will still be about \$460,000 available for investment in Concord's future. Rather than committing this money now, he intends to continue conversations with the Strategic Planning Committee and others. Board authorization will be requested at a later date.

Mr. Call called asked how long it will before the Board has the full commitments. Dr. Beasley said his intent is to have it by the next Board meeting.

Mr. Bailey asked the relative level of faculty compensation based on other institutions in the State. Dr. Beasley said after this increase, among the other four-year institutions, excluding WVU and Marshall, Concord will be competitive within the State, although we will still lag peers in the southern region and nationally. Our funding is about 65 percent of funding for national peers.

Mr. Bailey posed the same question related to State commitments to Concord as compared to the other four-year institutions. Dr. Beasley said our funding per student in WV is about average but approximately \$2000 per student below the SREB average. In fact, WV is last in the SREB state appropriations per student. Ms. Pitzer requested that the expenditure commitments of the \$460,000 be brought back to the Board; Dr. Beasley said this is his intent.

Ms. Pitzer moved the following: Resolved, the Concord University Board of Governors approves authority for the University to operate under a continuing budget resolution at 2007 level.

Mr. Bailey seconded. Motion carried

Dr. Beasley added that in doing analysis of where faculty salaries rank compared to others we found our full professors lag even further behind than other ranks. Faculty senate voted for the weighting to be increased for full professors, so included in pay raises is a significant catch-up effort for Concord's most experienced faculty.

b. **Capital Spending** ([attachment 02a, 02b](#)) – Mr. Cannon asked if there were any questions regarding the policy as presented in the Board materials. Mr. Bailey asked what State level restrictions govern the Board's actions relative to capital spending.

Mr. Cannon said the Board must approve spending over \$250,000; HEPC must approve spending over \$1,000,000. Board restrictions would involve levels of debt, if

projects were to be funded by debt. In terms of limitations regarding how funds may be used, there is a distinction between Education and General (E&G) and auxiliary. We may not take E&G monies to fund auxiliary entities such as the bookstore, housing, dining.

Dr. Akers moved the following: Resolved, the Concord University Board of Governors approves the proposed policy for Capital Spending.

Mrs. Sayre seconded. Motion carried.

c. **Emeritus Status ([attachment 03](#))** – Dr. Beasley requested awarding emeritus/a status to three, former, long-standing employees who had served the institution meritoriously for twenty-plus years each.

Mr. Brown moved the following: Resolved, that the Concord University Board of Governors approves the awarding of emeritus status to Mr. Gene Fields, Mr. Tom Bone, and emerita status to Mrs. Nancy Meade.

Mr. Long seconded. Motion carried.

d. **Sexual Harassment Policy ([attachment 04a, 04b](#))**: Dr. Turner told the board that formation of this policy has been a two-year process, and numerous individuals have been involved. Significant changes are the inclusion of a section on consensual relations and deletion of a section on immunity for reporting an incident.

Mrs. Sayre noted redundancy in section 4.1, 4.1.1., a typo in 4.2.1, “Presideny” should be President, also in 4.2.1 the need to change “The Office of Social Justice” to the Vice President of Student Affairs. Dr. Turner said he would make the noted changes and review again for other typos.

Mrs. Pitzer asked if someone had a complaint against the Vice President of Student Affairs with whom would the complaint be filed. Dr. Beasley said it would be appropriate to file this with the President. It was agreed this would be included with the corrections. Mr. Quick mentioned 3.2 includes consensual relationships between supervisors and staff, faculty and students, staff and students but 3.2.1 addresses only student-teacher relationships. He asked about other staff members. Dr. Turner said the recommendation received was just for faculty but this could be changed. The decision was made to insert the word “staff” in 3.2.1.1.

Mrs. Sayre moved the following: Resolved That the Concord University Board of Governors adopts the proposed Sexual Harassment Policy, with the recommended changes.

Mr. Bailey seconded. Motion carried. Mr. Call opposed.

e. **Performance Contracting ([attachment 05](#))** – Mr. Cannon reminded the Board that the institution has gone through a competitive process to solicit proposals for performance contracting. TRANE corporation was selected to conduct a study on what energy savings might be available by updating our 30-year old heating, ventilation, lighting, and water systems. Although the study is on going, Mr. Cannon invited TRANE personnel to make a presentation to the Board. Performance contracting would be paid for using money we are currently paying to either the utility companies or in debt service. (We are paying approximately \$322,000 yearly on debt the institution has plus the system debt we are subsidizing.) This debt will pay out in 2012. As of 2013 there will be over \$300,000 available to begin investing in campus projects. The proposal is to commit \$250,000 to performance contracting to help leverage a \$10.5 million benefit. There would be a 15-year capital lease on equipment; the capital lease would be paid for by money we are already spending. He said the request before the Board is to decide if there is enough potential benefit to continue working with TRANE and if so to develop a contract for services.

Dr. Beasley said the resolution to be considered should read as follows, Resolved, the Concord University Board of Governors approves authority for President Beasley to develop a performance contract with Trane Corporation for Board of Governors review. If a contract is developed, the details will be presented to the Board.

Mr. Cannon introduced Mark Donihe of TRANE, who addressed key points of the information in the Board packets as follows:

- WV code now allows institutions to engage in performance contracting.
- TRANE guarantees first-year savings in electricity, natural gas, water, and sewage of about \$400,000.
- CU will realize additional operational and maintenance savings, basically costs to be avoided in the future because of replacement of worn-out equipment.
- A 3.5 percent increase in Towers dorm fees has been proposed to offset additional cost of air-conditioning these facilities.
- In the detailed audit, TRANE found approximately \$25,000,000 worth of things the University has asked for or could be improved. TRANE and a campus committee have developed a priority list.
- In sum, CU will receive \$10.5 million worth of benefits, infrastructure upgrades, and new equipment paid for over a period of time with money we are already spending.

Mr. Bailey mentioned the broad scope of the project and asked how this initiative was determined. Mr. Cannon explained that performance contracting has been discussed by Chief Financial Officers for sometime, but there had been no guarantees for work of this nature. With the passage of legislation allowing performance contracting and the institution's need for improvements, a committee was formed to consider the project and identify priorities—windows and walls in Towers, HVAC systems in Science building and Marsh Hall, and items in the Student Center. TRANE performed the audit and the University entered into an agreement that if we chose not to go forward with a contract the University would reimburse TRANE the cost of the audit.

Dr. Rowe reminded the Board that last year they had approved a library renovation project and he recommended including the library in TRANE'S improvements, at the very least he requested that a member of the library staff be included in committee discussions.

Mr. Bailey asked about the guarantee and TRANE's experience in these types for projects. Mr. Donihe said in the last five years TRANE had done approximately \$50,000,000 in performance contracting – three projects for the VA Department of Mental Health, a \$4 million project for Wise County Schools, and projects for Tazewell and Lee County schools. They have had no experience with colleges or universities with the exception of a small job for Hampden/Sydney.

Mr. Bailey asked if the Board would be required to issue an RFP for the implementation or do we now have the ability to sign a contract with TRANE. Mr. Cannon said he believes the current RFP is sufficient but since CU is the first small school in the State to engage in performance contracting, he will be working closely with HEPC staff.

Mrs. Pitzer asked for an explanation of the redirection of debt funding. Mr. Cannon explained that between systems funding and the 1989 renovations of the Science and Administration buildings there was debt in Concord's name of about \$1,200,000. The payout will be complete in 2012. He said an option is to use \$250,000 of this by redirecting it to fund part of the performance contract.

Mr. Call moved the following: Resolved, the Concord University Board of Governors approves authority for President Beasley to develop a performance contract with Trane Corporation for Board of Governors' Review.

Mr. Bailey seconded, Mrs. Pitzer requested the record show she abstained. Motion carried. When asked why she abstained, Mrs. Pitzer stated she is not convinced of the savings. She said this is a long-term commitment and a lot of money, which could mean increases for our students.

f. **Paving College Courts Parking Lot** ([attachment 06](#)) - Mr. Cannon reminded the Board of the April 2006 approval of the College Courts Parking Lot Project, which included paving. Paving this lot will yield over 200 parking spaces.

Mr. Long expressed his concern that there was only one bid, which seems excessively high. Mr. Cannon said we advertised extensively, and we believe the bid is a fair price, especially since this paving will be combined with paving the Rahall Center parking lot, and the bidder did not know there would be no competitive bids.

Mr. Long asked if we can do something in an attempt to attract additional bids. Mr. Call asked how long it would take if we do re-advertise. Mr. Cannon said approximately four to six weeks.

Mrs. Pitzer asked if the project will be complete by the beginning of fall semester. Mr. Cannon said that if we are going to get this project done this summer, we need to move now; this is part of the contract.

Mr. Call asked if curbing is included. Mr. Cannon said SWOPE will do the curving and the power has already been laid for the lighting in the islands.

Mrs. Pitzer asked the source of the funding. Mr. Cannon said from housing and capital funds.

Mr. Bailey moved the following: Resolved, The Concord University Board of Governors approves paving of the College Courts Parking Lot at a cost of \$272,796.

Mrs. Sayre seconded. Motion carried.

8. **President's Report** – Dr. Beasley said the report included in the Board packet is the beginning of a draft he is preparing, which in part is an institutional analysis the Presidential Search committee may want to consider as they begin the search for a new president. He said he is following a format suggested by the Association of Governing Boards, but he will also address items specific to Concord. He said he will share more in the future, and he would like Board members to suggest areas they would like him to address.

He said the Alumni Association has joined the Foundation in fund raising efforts for University Point. Approximately six to seven hundred thousand additional dollars need to be raised. He said we have made a proposal to the Shott Foundation also.

SWOPE should be finished with the Rahall Center soon and a building dedication is planned Homecoming Day, October 6, 2007.

He said we must pass muster with North Central and he mentioned two initiatives under way. Dr. John David Smith and committee are developing a First-Year Experience course that will be a requirement for all incoming freshmen this fall. Dr. Bill O'Brien is developing an academy for adjunct faculty, which could be beneficial to our adjunct professors and high school dual-credit teachers. There is a great need to mentor, orient, and support these professionals.

In a recent meeting with classified employees, rising energy costs were discussed, especially as it relates to commuting costs for employees and students. In some cases, commuting costs are 1 percent of an employee's salary. Two possible solutions were discussed, a four-day work week and housing opportunities closer to the University. In September, Robert Barron, formerly associated with the Rouse family development interests, will be making an on-campus presentation on community living opportunities. Information will be shared with both the Strategic Planning Committee and the Board.

In the next few months Dr. Beasley will be evaluating cabinet officers and individuals who report to him. He said he will discuss with the three vice presidents for whom the faculty and classified staff recently took votes of confidence/no confidence reasons for these votes. Some concerns are legitimate; some are based on misinformation.

He ended by saying he will assist the Presidential Search Committee in any way the Board sees fit.

**9. Election of Officers** – Mr. Rogers reminded the Board of the need to elect a chair, vice-chair and secretary for the next two years.

Mr. Call nominated Mr. Long for chair. Mr. Meisel seconded. Nomination passed.

Mrs. Sayre nominated Mr. Bailey for vice chair. Nomination passed.

Mr. Long nominated Mrs. Sayre for secretary. Dr. Akers seconded. Nomination passed.

**10. Executive Session** - Pursuant to WV code §6-9A-4, Mrs. Pitzer moved to adjourn to executive session. Mr. Brown seconded. Motion passed.

Returning to meeting of the full Board, Mr. Rogers asked for a motion regarding Dr. Beasley's contract for FY'07-08. Mr. Long moved for an 8 percent increase, subject to approval by HEPC. Mrs. Sayre seconded. Motion carried with one no vote.

Mr. Bailey stated that we need to insure that Dr. Beasley's professorship, under his contract, is included in the budget for the "out years," however long this is. Eighty percent of his current salary is to be available to him for a period of time.

Appreciation was expressed to Mr. Call for his service on the board, and to Mr. Rogers for his service as chair.

Dr. Akers moved for adjournment. Mr. Bailey seconded. Meeting adjourned.

Respectfully submitted,

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R. T. Ted Rogers, Chair

Margaret Sayre, Secretary

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**Attachment 01**

**Concord University Board of Governors**  
**Meeting of June 19, 2007**

TEM: Approval for the University to operate under a continuing budget resolution.

COMMITTEE : Finance and Facilities

**RECOMMENDED RESOLUTION:** Resolved, the Concord University Board of Governors approves authority for the University to operate under a continuing budget resolution at 2007 levels.

STAFF MEMBER James Cannon  
Vice President for Business and Finance

BACKGROUND: The budget development process for FY 2008 was changed to allow more input. This has resulted in a different schedule than initially anticipated.

**Attachment 02a**

**Concord University Board of Governors**  
**Meeting of June 19, 2007**

ITEM: Approval of the policy for Capital Spending.

COMMITTEE: Finance and Facilities

RECOMMENDED RESOLUTION: Resolved, the Concord University Board of Governors approves the proposed policy for Capital Spending.

STAFF MEMBER: Jim Cannon  
Vice President for Business and Finance

**BACKGROUND:**

Please see the attached.

**Attachment 02b****CONCORD UNIVERSITY BOARD OF GOVERNORS**POLICY NO. DRAFT**CAPITAL SPENDING POLICY****Section 1. General**

- 1.1 Scope: Consistent with the provisions of WV Code §18B-1-6, the following policy will govern the management of Concord University Facilities Master Plans, Five Year Campus Development Plans and capital projects in excess of \$250,000.
- 1.2 Authority: This rule is promulgated under the authority granted in WV Code § 18B-1-6, 18B-1B-4, and 18B-10-8.
- 1.3 Effective Date:

**Section 2. Purpose**

- 2.1 The purpose of this policy is to establish guidelines, delegate appropriate authority and assign responsibility for the governance of capital planning and management activities under the authority of the Concord University Governing Board.
- 2.2 These activities shall include but are not limited to the following:
  - a. Development of the Ten-year Campus Facility Master Plan
  - b. Development of the University's five-year development plan.
  - c. Planning, financing, acquiring, building and/or renovating capital facilities and equipment.
  - d. Demolition of existing facilities.
  - e. Acquisition or disposal of real property.
  - f. Preparing capital project reports as required.

This policy shall also govern the acquisition of facilities, real property, and capital equipment by lease or lease/purchase.

**Section 3. Governing Board's Assignment of Responsibility and Process for Review and Approval of Capital Projects.**

- 3.1 It shall be the responsibility of the University President or his (her) designee to propose to the Governing Board for review and approval all of the following:
  - Ten-year facilities master plans
  - Five-year development plans and reports.
  - Capital projects expected to exceed a total of \$250,000.

- Capital lease or lease /purchase agreements in excess of \$250,000.
- Acquisition or disposal of real property.

3.2 Such projects as cited in section 3.1 above shall be submitted to the Board of Governors through its committee on Finance and Facilities.

3.3 Capital projects including capital leases expected to exceed one million dollars require HEPC approval.

3.4 In the event of multiple capital projects exceeding \$250,000, the projects should be recommended in proposed order of priority.

3.5 Prior to submission to the HEPC, Facilities Master Plans should be reviewed by the Governing Board to insure that the plans are designed to support the mission and current programs of the University and are realistically consistent with anticipated funding.

3.6 Prior to submission to the HEPC, five year campus development plans should be reviewed by the Governing Board to insure that the plans are designed to support the mission and current programs of the University and are realistically consistent with changing conditions and anticipated funding.

3.7 Individual Capital Projects exceeding \$250,000 should be reviewed by the Governing Board for funding availability and consistency with the objectives of the current campus five-year development plan or such other justification as may be warranted.

3.8 The Governing Board and the institution shall not approve or promote projects involving private sector businesses, which would have the effect of reducing property taxes on existing properties or avoiding, in whole or in part, the full amount of taxes which would be due on newly developed or future properties.

## **Attachment 03**

**Concord University Board of Governors  
Meeting  
June 19, 2007**

**ITEM:** Approval of emeriti status for three former employees

**RECOMMENDATION:** Resolved, that the Concord University Board of Governors approves the awarding of emeriti status to Mr. Gene Fields, Mr. Tom Bone, and Mrs. Nancy Meade

**STAFF MEMBER:** Jerry Beasley

**BACKGROUND:** Concord University Board of Governors Policy 16 establishes a process to award emeriti status to retiring Concord University faculty and staff for extended meritorious service.

Mr. Gene Fields meritoriously served Concord for 20 years as Manager, Physical Plant I.

Mr. Tom Bone meritoriously served Concord for 21 years as Director of Public Information.

Mrs. Nancy Meade meritoriously served Concord for 36 years as Administrative Assistant to the President.

## **Attachment 04a**

### **Concord University Board of Governors Meeting of June 19, 2007**

**ITEM:** Approval of Sexual Harassment Policy

**COMMITTEE:** Not Applicable

**RECOMMENDATION:** Resolved, That the Concord University Board of Governors adopt the proposed Sexual Harassment Policy.

**STAFF MEMBER:** Dean Turner

#### **BACKGROUND:**

Concord's Sexual Harassment Policy (Effective Date June 15, 1998) requires regular review and updates. In 2005 the Sexual Assault Response Team (SART) drafted policy changes and sent these to the Administrative Policies and Procedures Committee (APPC). These changes were incorporated by the APPC into a significantly revised draft which was then considered, revised again, and approved by the Faculty Senate on May 9, 2006.

The draft adopted by the Faculty Senate was converted to policy format and put-out for public comment late fall 2006. Comments received were considered and a revised draft was again circulated for public comment, March 2007. Additional comments received after the April 26, 2007 deadline were considered, additional revisions in policy format were incorporated and the final iteration of the policy is attached for Board of Governors review.

The significant policy changes in the process noted above were:

1. The section on consensual relations was removed from the APPC version by the Faculty Senate. A format-modified version has been reinserted in the attached draft (see 3.2) based on comments received and a historical need for specific guidelines. On average, Concord investigates one complaint of consensual relations between a faculty or staff member and a student annually with some complaints leading to the filing of a grievance.
2. A section on Immunity for reporting an incident was deleted after the initial comment period based on HEPC General Counsel Bruce Walker's legal opinion.

**Attachment 04b**

**CONCORD UNIVERSITY BOARD OF GOVERNORS  
POLICY NO. \_\_\_\_\_  
SEXUAL HARASSMENT POLICY**

**PREFACE** Concord University is committed to providing faculty, staff, and students with a work and educational environment free from all forms of sexual harassment. Therefore, sexual harassment, in any manner or form, of Concord University students and employees is a violation of University policy and expressly prohibited. Sexual harassment is demeaning, degrading, and illegal. It affects an individual's self-esteem, and can have a negative impact on an individual's work or academic

performance. including University Concord educational

Therefore, this policy shall encompass all academic faculty, adjunct and temporary; all staff and other employees on the payroll; and students enrolled in programs under the auspices of University. It is the responsibility of the University to provide opportunities and to take appropriate corrective action when sexual harassment is reported or becomes known. Moreover, it is the responsibility of the University to keep this policy up-to-date and distribute this policy to the University community through publications (particularly faculty and student handbooks), websites, new employee orientations, student orientations, and other appropriate channels of communication.

**SECTION****1. GENERAL.**

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

1.2 Authority. -- W. Va. Code §18B-1-6. A policy statement issued by the Office for Civil Rights of the U. S. Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment.

1.3 Effective Date: \_\_\_\_\_

1.4 Approved by: \_\_\_\_\_

**SECTION****2. SEXUAL HARASSMENT RULE.**

2.1 It is the rule of Concord University to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment, or student.

2.2 Sexual harassment in any manner or form is expressly prohibited.

2.3 It is the responsibility of the University to provide educational opportunities to create this sexual harassment free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known.

2.4 Supervisors at every level are of primary importance in the implementation and enforcement of this rule.

**SECTION 3. DEFINITION AND CONSENSUAL RELATIONSHIP**  
**GUIDELINES SEXUAL HARASSMENT DEFINITION**

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

- 3.1.1. Submission to such conduct is an explicit or implicit condition of employment or academic achievement.
- 3.1.2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions or:
- 3.1.3. Such conduct has the purpose or effect of:
  - 3.1.3.1 Unreasonably interfering with an individual's work or educational performance, or:
  - 3.1.3.2 Creating an intimidating, hostile or offensive work or educational environment, or:
  - 3.1.3.3 Causing a reasonable person mental injury, fear, or emotional distress.

3.2 Although the University acknowledges that consensual relationships are within the realm of individual privacy, it is necessary to advise that these relationships, particularly those occurring between supervisors and staff members or between faculty and students or between staff and students, can lead to circumstances that can be interpreted as sexual harassment. Consensual relationships can also be interpreted as causing hostile or offensive work environments when other staff members or students believe that person(s) are receiving favorable treatment in employment or educational decisions.

3.2.1 Student-Teacher Relationships

- 3.2.1.1 It is a University policy violation for a faculty member to engage in an amorous, dating or sexual relationship with a student.
- 3.2.1.2 Where there is an existing or preexisting amorous, dating or sexual relationship, the individual with the power or status advantage shall notify their immediate supervisor.
- 3.2.1.3 The supervisor has the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the University or to either party in the relationship.
- 3.2.1.4 Persons engaging in such conduct may be subject to disciplinary action.

3.2.2 Supervisor-employee relationships

- 3.2.2.1 The University views as inappropriate any amorous, dating, or sexual relationship with a power differential between an administrator, manager, supervisor, or staff

- employee when the superior has the authority, influence, or responsibility with regard to that employee.
- 3.2.2.2 Where there is an existing or preexisting amorous, dating or sexual relationship, the individual with the power or status advantage shall notify their immediate supervisor.
  - 3.2.2.3 The supervisor has the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the University or to either party in the relationship.
  - 3.2.2.4 Persons engaging in such conduct may be subject to disciplinary action

- SECTION      4.      COMPLAINT PROCEDURES
- 4.1      Requirement for Filing Complaints
- 4.1.1 Any current employee, student or applicant to Concord University, regardless of whether he or she is applying for employment or for admission as a student (herein referred to as complainant) may file a sexual harassment complaint with the Vice President of Student Affairs, Office of Social Justice. Likewise, any current employee or student may file a sexual harassment complaint with the Vice President of Student Affairs, Office of Social Justice.
  - 4.1.2 A complaint may be filed with the Vice President of Student Affairs, Office of Social Justice without first discussing the issues with any other University official. However, it is encouraged that individuals first attempt to resolve the complaint by bringing the issue to their or the accused's supervisor or next level supervisor, unless the complaint involves activity that can be considered a sexual-assault.
  - 4.1.3 A complaint should be filed within forty five (45) days following the alleged act of harassment, or the date on which the complainant knew or reasonably should have known of said act.
- 4.2      Requirements for Handling Complaints
- 4.2.1 Personnel Involved: The Vice Presidency of Student Affairs Office of Social Justice shall be charged with investigating the complaint. The Office of Social Justice shall have the responsibility of appointing investigators, who shall be trained and certified in investigative procedures. The Vice President of Student Affairs, Office of Social Justice, investigators involved in the complaint, and/or the complainant may request the help or advice of a trained Sexual Assault Response Team (SART) person if necessary. The investigation shall proceed as soon as possible within the times set in this policy following any report of sexual harassment. All results shall be reported to the President, who will carry out sanctions if warranted. If criminal activity is determined, the Vice President of Student Affairs Office of Social Justice shall report its findings to both the President and the Office of Public Safety.

During all interviews regarding a sexual harassment charge, both the complainant and the accused shall have the right to be accompanied by an advocate or professional counsel. Both individuals shall also have the right to clarify or respond to the accusation in writing and to be apprised in writing of the outcome of the complaint.

4.2.2 The University's Vice President of Student Affairs Office of Social Justice shall:

- 4.2.2.1 Receive a complaint and assist the complainant in defining the charge and completing the complaint form—the Vice President of Student Affairs Office of Social Justice and/or the complainant can request the assistance of a trained SART person if necessary;
  - 4.2.2.2 Apprise the person(s) named in the complaint (herein referred to as the respondent) and the appropriate administrative offices of the allegation and notify them that no retaliation may occur;
  - 4.2.2.3 Assist the individuals named in the complaint in interpreting the charge;
  - 4.2.2.4 Take no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation;
  - 4.2.2.5 Obtain a response to the complaint within fifteen (15) ~~ten (10)~~ working days, excluding breaks, after receipt of the allegations;
  - 4.2.2.6 Upon receipt of the response from the respondent named in the complaint, investigate the complaint further if necessary and appropriate, having access to all necessary documents and the right to interview witnesses, including the complainant and the respondent;
  - 4.2.2.7 Issue a finding on the case, in writing, to all individuals named in the complaint within twenty-five (25) working days, excluding breaks, of completion of the investigation;
  - 4.2.2.8 Make recommendations for the resolution of the complaint; and
  - 4.2.2.9 Monitor the recommendations for implementation, and see that appropriate action is taken without retaliation against the complainant or respondent.
- 4.2.3 The respondent shall:
- 4.2.3.1 Provide a response to the charge within ten (10) ~~fifteen (15)~~ working days, excluding breaks, after receipt of the charge.

- 4.2.3.2 Take no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation.
- 4.2.4 The complainant is responsible for:
  - 4.2.4.1 Whenever possible, attempting to resolve complaints through their or the accused's supervisor. If such discussions fail to resolve the complaint, the complainant may seek a review of his or her complaint in accordance with subsections below.
  - 4.2.4.2 Contacting the University's Vice President of Student Affairs ~~Office of Social Justice~~, the Office of Public Safety, and/or SART for advice and/or counseling if there is a concern about being sexually harassed, and
  - 4.2.4.3 Filing ~~Filing~~ a complaint of sexual harassment with the University's Vice President of Student Affairs ~~Office of Social Justice~~, as set forth herein, if the situation remains unresolved.
- 4.2.5 No employee of the University shall retaliate against either a complainant or respondent or any witness, or against any person whom s/he believes to be either a complainant or respondent or witness, nor will s/he encourage any other person to do so

SECTION	<p><b>5. ACTIONS TO BE TAKEN</b></p> <p><b>5.1 ENGAGED IN SEXUAL HARASSMENT:</b> Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action. Depending on the circumstances, sanctions may include termination of employment or expulsion.</p> <p><u>5.1.1 This section does not limit the University's right and authority to discipline any respondent who has been found to have committed sexual harassment.</u></p> <p><b>5.2 DISHONEST OR FRIVOLOUS COMPLAINTS:</b> Any student, supervisor, agent or other employee of the University who is found, after appropriate investigation, to have engaged in intentional false accusation, or <u>the bringing of</u> <u>false charges</u> shall be subject to disciplinary action, which could include suspension or expulsion to the extent <u>allowed</u> <u>allowable</u> by the Board of Governors.</p> <p><b>5.3 CONFIDENTIALITY:</b> The confidentiality of all parties involved in a sexual harassment charge shall be strictly respected insofar as it does not interfere with the University's obligation to investigate misconduct allegations and to take corrective action.</p> <p><b>5.4 SEXUAL ASSAULT, ABUSE, OR BATTERY:</b> In all reported accusations of sexual assault, abuse, or battery, the Director of Public Safety</p>
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and the appropriate law enforcement agencies shall be the primary investigators, and shall follow procedure as with any crime investigation pursuant to state statute, as per state statute.

**SECTION 6. RETALIATION: Any student, supervisor, or employee who files a report, or otherwise takes action with regard to a sexual harassment complaint shall be protected from retaliation. Retaliation is a grievable offense. Any student or employee found guilty of retaliation shall be disciplined to the maximum extent allowed.**

## **Attachment 05**

### **Concord University Board of Governors Meeting of June 19, 2007**

**ITEM:** Approval for the University to conclude a performance contract with Trane.

**COMMITTEE:** Finance and Facilities

**RECOMMENDED RESOLUTION:** Resolved, the Concord University Board of Governors approves authority for President Beasley to conclude a performance contract with Trane Corporation.

**STAFF MEMBER:** Jim Cannon  
Vice President for Business and Finance

#### **BACKGROUND:**

See attachment

## **Attachment 06**

### **Concord University Board of Governors Meeting of June 19, 2007**

**ITEM:**

Approval for the University to pave the College Courts Parking Lot.

**COMMITTEE:**

Finance and Facilities

**RECOMMENDED RESOLUTION:**

Resolved, The Concord University Board of Governors approves paving of the College Courts Parking Lot at a cost of \$272,796.

**STAFF MEMBER:**

Jim Cannon  
Vice President for Business and Finance

**BACKGROUND:**

On April 19, 2006, the Board approved the overall College Courts Parking Lot Project of which this paving is a part. The only bid received was from WV Paving.