



REVISED 2014



**WEST VIRGINIA STATE UNIVERSITY**  
1891  
**EMPLOYEE HANDBOOK**

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WEST VIRGINIA STATE  
UNIVERSITY

**Employee Handbook**

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## President's Welcome

Welcome to the Yellow Jacket Family.

Whether you're a first-time or returning employee, your interest in State is appreciated and I value any feedback or ideas you would like to share with me or with my senior cabinet members.

At State, we are committed to excellence, accountability and to being student-centered in everything we do. Our students and those who support the valuable resource that is West Virginia State University deserve no less. I can tell you with confidence that we hold ourselves accountable for every aspect of our service to students and to the citizens of West Virginia. We know we won't be perfect, but we are committed to excellence through continuous improvement.

All universities say they are student-centered, but it's harder to *live* that promise. We are not afraid of lofty goals at State and we are putting initiatives into place through our strategic plan, *Vision 2020: State's Roadmap to the Future*, to ensure that we focus on students in every decision, every change and every expenditure we make at this University. Our progress toward these goals will be measured and posted online annually.

We welcome your interest and your feedback as we strive to make West Virginia State University the most student-centered, research and teaching, land-grant University in the state of West Virginia, and beyond.

Brian O. Hemphill, Ph.D.  
President

## INTRODUCTION/DISCLAIMER

This handbook was prepared to introduce you to West Virginia State University (WVSU). The contents of this handbook will acquaint you with the policies, procedures, rules, pay and benefits that apply to you as a classified employee. The information contained in this handbook is informational only, and its contents should not be interpreted as a contract between you and WVSU. This handbook supersedes all previous classified employee handbooks.

The rights or benefits of classified employees are governed by the West Virginia State University Board of Governors who in turn is governed by federal and state law, as well as the University policies and procedures. WVSU policies and procedures, some of which are discussed in this handbook, are subject to change at any time. WVSU reserves the right, in its sole discretion, to change or eliminate any of the policies, procedures or rules, including those covered in this handbook, or to add new ones, at any time. In the event that a conflict occurs regarding the information contained in this handbook, federal and state law, as well as the University policies and procedures will govern.

Please read this handbook carefully and keep it handy for future reference. This handbook does not, and is not intended to cover all matters in complete detail. Because this handbook is only a summary of our policies, please review it and ask your supervisor if you have any questions.

A complete list of all WVSU policies and procedures is available on the University's website at [Policies and Procedures](#). It is your responsibility to review, become familiar with and abide by all policies and procedures.

Classified employees who have questions or concerns regarding the information contained in this handbook are encouraged to contact Human Resources at (304) 766-3156 or [hr@wvstateu.edu](mailto:hr@wvstateu.edu).

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## **MISSION STATEMENT**

Founded in 1891, West Virginia State University is a public, land-grant, historically black college, which has evolved into a fully accessible, racially integrated, and multigenerational institution. The University, "a living laboratory of human relations," is a community of students, staff, and faculty committed to academic growth, service, and preservation of the racial and cultural diversity of the institution. Our mission is to meet higher education and economic development needs of the state and region through innovative teaching and applied research.

The undergraduate education at the University offers comprehensive and distinguished baccalaureate programs in business, liberal arts, professional studies, sciences, and social sciences. In addition, the University provides master's degrees and other opportunities for graduate education.

West Virginia State University offers encouragement and education through flexible course offerings in traditional classrooms, in non-traditional educational settings, and through distance learning technologies. With the goal of improving the quality of our students' lives, as well as the quality of life for West Virginia's citizens, the University forges mutually beneficial relationships with other educational institutions, businesses, cultural organizations, governmental agencies, and agricultural and extension partners.

The following values guide our decisions and behavior:

- academic excellence;
- academic freedom;
- advancement of knowledge through teaching, research, scholarship, creative endeavor, and community service;
- a core of student learning that includes effective communication, understanding and analysis of the interconnections of knowledge, and responsibility for one's own learning;
- lifelong growth, development, and achievement of our students;
- development of human capacities for integrity, compassion, and citizenship;
- our rich and diverse heritage;
- personal and professional development of our faculty and staff; and
- accountability through shared responsibility and continuous improvement.

West Virginia State University is a vibrant community in which those who work, teach, live and learn do so in an environment that reflects the diversity of America. We take great pride in our accomplishments and envision building upon our baccalaureate and graduate offerings for excellence in teaching, research and service.

## **BRIEF HISTORICAL SKETCH OF WEST VIRGINIA STATE UNIVERSITY**

West Virginia State University was founded under the provisions of the Second Morrill Act of 1890 to provide education to black citizens in agriculture and the mechanical arts. Like many other states at that time, West Virginia maintained a segregated education system. On March 17, 1891, the Legislature passed a bill creating the West Virginia Colored Institute to be located in the Kanawha Valley. Federal funds provided \$3,000 for faculty salaries and the West Virginia Legislature appropriated \$10,000 to purchase land and to construct a building. We now celebrate March 17 each year as the official “Founders Day” of West Virginia State University.

In 1915, the West Virginia Collegiate Institute began offering college degrees, academic programs were expanded and new buildings were constructed. In 1927, the Institute received accreditation from the North Central Association and in 1929 it became West Virginia State College.

After the 1954 United States Supreme Court historic decision outlawing school segregation, the Institution welcomed integration and met the unprecedented challenges of enrollment that quadrupled and transformed the institution into a racially and culturally diverse college. At that time, land-grant status was lost due to a decision of the West Virginia Board of Education. The College regained land-grant status in 2001, by an act of Congress and leveraged the accompanying federal funding to strengthen its mission of teaching, research and service to the community.

The first graduate degree programs were established in fall 2003 and with the passage of Senate Bill 448 during the 2004 legislative session; the Institution became West Virginia State *University*.

The University is a distinctive “living laboratory of human relations,” attracting students of all races, creeds, and backgrounds. In 2011-2012, WVSU's student population was 61 percent White, 12.5 percent Black, 1 percent Asian, 1 percent Hispanic, 0.5 percent American Indian and 24 percent of students who preferred not to identify race. Those who work and learn at WVSU do so in an environment that more accurately reflects the diversity of America than any other college or university in West Virginia.

As a 21<sup>st</sup> Century, master's-level university, WVSU has attained national prominence as a historically black institution of higher education that is filling a need for higher education for students who want to obtain the knowledge and leadership capabilities to compete in a global marketplace.

The University has a fully accessible, multigenerational population of faculty, staff and students. Currently, WVSU has an enrollment of approximately 2,644 undergraduate and graduate students, served by approximately 200 full- and part-time faculty members, in 15 academic departments. Ninety percent of entering freshmen receive financial aid.

WVSU students have become judges, educators, mathematicians, chemists, nurses, pilots, activists, dentists, ministers, actors, athletes, lawyers, military generals, artists, musicians, NASA personnel, CEOs, biotechnologists, coaches and one Nobel Peace Prize nominee.

## **THE WVSU BOARD OF GOVERNORS**

West Virginia State University is governed by a Board of Governors which reports to the Higher Education Policy Commission. This Board consists of 11 members. The University contributes three members, one each representing the students, classified staff and faculty. The other eight members are required to be citizens of the state and are appointed by the Governor.

The West Virginia State University Board of Governors delegates to the University President the responsibility and the authority to manage the business and educational affairs of the institution.

## **CLASSIFIED STAFF COUNCIL**

The West Virginia State Advisory Council of Classified Employees provides a structured means for classified employees of the University to discuss and make recommendations regarding job conditions, fringe benefits, employee-employer relations, or anything which affects their jobs. Through its elected Classified Staff Council, they also advise the University President and Administration on these matters and present the ideas and suggestions of the classified employees.

The Classified Staff Council is not a grievance board. It cannot take an active part in a grievance case, but its members are knowledgeable of how to file a grievance and can be of assistance in this area. Likewise, the Council is not a resource for solving problems of employees. It concerns itself primarily with problems affecting classified employees as a whole. The Council is not in a position to make decisions and changes in policies and regulations which are under the control of the Board of Governors.

The Classified Staff Council generally meets on the second Wednesday of each month. Minutes are distributed to all classified employees. The Advisory Council of Classified Employees welcomes all classified employees' suggestions. Correspondence may be sent directly to the current chairperson of the Classified Staff Council or the occupational group representative.

For further information concerning the Advisory Council of Classified Employees, please contact Human Resources.

# **IMPORTANT COMMUNICATIONS**

## **EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND AFFIRMATIVE ACTION**

West Virginia State University (WVSU) provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. WVSU complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

WVSU expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of WVSU employees to perform their expected job duties is absolutely not tolerated. Refer to [BOG Policy #17](#).

## **ANTI-HARASSMENT PROCEDURE**

WVSU is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, WVSU expects that all relationships among persons will be business-like and free of bias, prejudice and harassment.

It is the policy of WVSU to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. WVSU prohibits any such discrimination or harassment.

WVSU encourages reporting of all perceived incidents of discrimination or harassment to the Human Resources Department. It is the procedure of this Institution to promptly and thoroughly investigate such reports. WVSU prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. [BOG Policy #14](#)

## **DEFINITIONS OF HARASSMENT**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy and/or procedure, harassment is verbal, written or physical conduct that degrades or shows hostility or hatred toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes labels, slurs or negative stereotyping; threatening, intimidating or hostile acts; degrading jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

### **CONDUCT COVERED**

These policies and/or procedures apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to WVSU (e.g., an outside vendor, consultant or customer).

Inappropriate conduct prohibited by these policies and/or procedures is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **COMPLAINT PROCESS**

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Human Resources or administration.

WVSU encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and,

where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

#### **NON-RETALIATION**

Retaliation against an individual for reporting unethical behavior, harassment or discrimination or for participating in an investigation of a claim of unethical behavior, harassment or discrimination is a serious violation of this policy and, like unethical behavior, harassment or discrimination itself, will be subject to disciplinary action up to and including termination. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting unethical behavior, harassment, discrimination or retaliation will be dealt with appropriately.

False and malicious complaints of unethical behavior, harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

## **AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of West Virginia State University to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is University policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The University will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the University. Contact the Human Resources Department with any questions or requests for accommodation.

# EMPLOYMENT

## Employment Status

Employees of West Virginia State University are divided into three main categories which are listed below:

- 1) Classified Employees
  - a) Administrative/Managerial
  - b) Professional Non-Faculty
  - c) Clerical/Secretarial
  - d) Technical/Paraprofessional
  - e) Skilled Crafts
  - f) Service/Maintenance

- 2) Non-Classified Employees

In this group are all employees whose responsibilities entail the management of the University or major subdivisions thereof. Each is expected to exercise discretion and independent judgment and to direct the work of others. Non-classified employees are not subject to the classification program but are eligible for benefits. Non-classified employees serve at the "will and pleasure of the President."

- 3) Faculty

This group includes all employees whose primary responsibility is instruction. The following academic ranks are utilized:

- a) Instructor
- b) Assistant Professor
- c) Associate Professor
- d) Full Professor

Librarians also have faculty status and the current ranks being utilized are:

- a) Assistant Librarian
- b) Associate Librarian

In addition to the types of Classified Employees as listed under item 1, Classified Employees are also grouped according to the conditions of their employment ([BOG Policy #12](#)). Specifically:

- A) Full-Time Regular Employee - an employee in a classified position created to last a minimum of nine months of a 12-month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position is no less than 0.53. Such an employee is covered under the classification system and is eligible for all applicable benefits of a full-time regular classified employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE. Length of service as a full-time regular employee with the State of West Virginia shall be credited toward initial placement on the salary schedule.

- B) Part-Time Regular (PTR) Employee - an employee in a position created to last less than 1,040 hours during a 12-month period. An employee in a PTR position is not eligible for benefits, but is covered under the classification program.
- C) Temporary Employee - an employee hired into a position expected to last fewer than nine months of a 12-month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but is covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.
- D) Casual Employee - a casual employee position is a position created to meet specific operational needs at an institution for no more than 225 hours in a 12-month period. Casual employees are not eligible for benefits and are not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.
- E) Student Employee - an employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. A student employee is not eligible for benefits and is not covered by the classification program. Services in this capacity do not apply to any seniority or years of experience.

### **Promotion - Transfer**

Employees are strongly encouraged to improve their employment status through promotion or transfer within the University. This philosophy is based on the belief that employees are more productive and content in situations that allow for unrestricted advancement in keeping with ability, training and experience.

Those employees seeking promotion or transfer must initiate that action by applying, in writing, to the Human Resources Department for the vacant position. At the request of the employee, the Human Resources Department will forward his/her application to the respective hiring supervisor who will review all applications and select the most qualified person for the position vacancy. Promotions and transfers will only be made in keeping with the EEO/AA Policies. Employees who are promoted and transferred must go through the probationary process same as new employees. (See probation period section, pages 17 and 18).

### **Filling of Vacant and New Positions**

When staff vacancies occur, the appropriate Vice President sends to the Human Resources Department a description of the position to be filled and an approved Request to Advertise Form. The Human Resources Department advertises on campus first to allow current employees an opportunity to apply. If there are no qualified candidates in-house then the position is advertised externally. The applications are then evaluated by the respective unit head who will determine the most qualified applicant for the position; Then submitting written justification for the choice to the Human Resources Department. The recommendation is also sent to the appropriate vice president or provost with the final approval being in the hands of the President. Records of such personnel decisions are kept on file in the Human Resources Department.

## **NEW EMPLOYEE ORIENTATION**

Each new employee attends an Orientation Program sponsored by the Human Resources Department. This program explains various personnel rules and regulations, as well as benefits offered by the University. New employees are encouraged to ask questions they may have concerning employment at the University.

### **Immigration Reform and Control Act Of 1986**

Department of Homeland Security requires employees complete their portion of the USCIS Employment Eligibility form (Form I-9) in person on or before the first day of work. Work cannot commence until this form is completed. Employees are required to present acceptable documentation of identity and employment authorization at that time (or within three days of the first day of employment). West Virginia State University retains copies of the completed Form I-9 for a period of three years from the date of hire or one year after the employee terminates employment from WVSU, whichever is later.

### **Identification Card**

Each full-time employee of the University is required to have an official West Virginia State University Identification Card. These cards may be obtained through the Public Safety Department, Room 120 of Ferrell Hall.

### **Probationary Period**

New employees participate in a three-month and six-month probationary period. This is a time for the employee to adjust to his/her new position and the work it requires. The supervisor will monitor the employee's progress and provide counseling if needed.

The employee may resign their employment with the institution if he/she does not find the position acceptable. After consultation with the employee and following one letter of warning, each having occurred within the probationary period, the supervisor may recommend that the employee be terminated. (See section Termination during the Probationary Period below.) The supervisor is the person who sets the standards.

### **Extension of Probationary Period**

Occasionally, longer adjustment periods are needed. Under special circumstances, an adjustment period can be extended to a maximum of 12 months. Extensions can only be made in writing with the consultation and concurrence of the employee's institutional President, or his/her designee. Copies requesting extension must be given to the employee and his/her respective department. The supervisor, in his/her request for extension, must include a planned program outlining specific goals and objectives to be accomplished over a specific time period. These goals and objectives are used to evaluate the employee's job performance during the extension.

### **Termination During Probationary Period**

Employees who do not meet established performance standards may be terminated at any time during the normal or the extended probationary period.

The supervisor or the relevant vice president or Provost must provide a written explanation, including documentation, before the termination occurs and pending approval by the President for such action, will notify the employee that he/she is being terminated. A copy of the termination notice becomes part of the personnel records at the University. Except in the case of gross misconduct (as defined by West Virginia Code), counseling will be provided prior to any termination unless circumstances make this impossible.

### **Completion of Satisfactory Probationary Period**

At the completion of a satisfactory probationary period, the employee will be considered a regular employee.

## SEPARATION OF EMPLOYMENT

- **Resignation:** Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice for nonexempt employees and 30 days' notice for exempt employees in writing, to facilitate a smooth transition. If an employee provides less notice than requested, WVSU may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.
- **Retirement:** Employees who wish to retire are required to notify their department director and the Human Resources Department in writing at least one (1) month before the planned retirement date. Any employee considering retirement should contact the Payroll Office concerning related benefits.
- **Job Abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.
- **Termination:**
  - Dismissal for Cause** - When it is determined by the supervisor that an employee is not meeting performance or conduct standards or fails to comply with legal or policy requirements, termination for cause may occur consistent with the disciplinary procedures.
- **Automatic Termination** - Absence from work for three consecutive work days without proper notice, explanation, and/or authorization shall be deemed gross misconduct, neglect of duty, and the employee's employment will be terminated.

### Exit Interview

The separating employee shall contact the Human Resources Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed on.

The exit interview is designed to identify data, suggestions and recommendations to help WVSU improve the workplace environment.

Accrued annual leave will be paid in the final paycheck.

Health insurance terminates the last day of the month of employment. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be

provided. Employees will be required to pay their share of the insurance premiums through the end of the month.

### **Return of University Property**

The separating employee must return all University property at the time of separation/exit interview, including cell phones, keys, PCs and identification cards. Failure to return any item could be subject to deductions from the final paycheck.

### **Rehire**

Former employees who left WVSU in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department, and the applicant must meet all minimum qualifications and requirements of the position being advertised.

Supervisors must obtain approval from the Human Resources Director or designee prior to rehiring a former employee.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment will be ineligible for rehire.

# WORKPLACE EXPECTATIONS

## **Working Hours and Work Week**

The normal work week is 37 ½ hours beginning Sunday morning midnight and running through Saturday evening midnight or as designated by the President, or his/her designee. Supervisors are charged with informing employees about the details of their work schedules.

## **Punctuality**

All employees are expected to report to work on time. Failure to do so may result in disciplinary action.

## **Personnel Files**

The Human Resources Department maintains a personnel file on each classified and non-classified employee of the University. This file contains a variety of job-related information, much of which is protected by state and federal privacy acts. You may review your personnel file at the Human Resources office Monday through Friday, 8:30 a.m. to 4:00 p.m. You will need to make an appointment with the Human Resources staff and provide a photo ID in order to access your file. Human Resources will need at least twenty-four (24) hours advance notice to pull your file. While Human Resources will make every attempt to schedule your appointment as soon as possible, other factors (i.e. previously scheduled appointments with other employees) may extend that time frame.

In the event an employee changes his/her name, address, marital status, telephone number, beneficiary or number of dependents, the same should be reported to the Payroll Department and Human Resources Department. Delay in doing so may lead to complications in the payment of benefits or salary.

## **Computerized Personnel Records**

The University maintains a computerized personnel system that contains job-related and demographic facts on each staff member.

## **Electronic Communication and Internet Use**

The following guidelines have been established for using the Internet, University-provided computers, cell phones and e-mail in an appropriate, ethical and professional manner as shown in [BOG Policy #53](#) :

- Internet, University-provided equipment (e.g., cell phone, laptops and computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using derogatory, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon, or be contrary to West Virginia State University's best interests; and engaging in any illegal activities, including piracy, software cracking, extortion,

blackmail, copyright infringement, and unauthorized access of any computers and University-provided equipment such as cell phones and laptops.

- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the University.

### **Right to Monitor**

All institution-supplied technology and/or related work records belong to WVSU and not to the employee. WVSU may monitor use of institution-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment. Refer to [BOG Policy #52](#)

### **Social Media**

Below are guidelines for social media use.

Employees may not post financial, confidential, sensitive or proprietary information about the University, clients, employees or applicants.

Employees may not post obscenities, slurs or personal attacks that can damage the reputation of WVSU, clients, employees or applicants.

When posting on social media sites, employees must use the following disclaimer when discussing job-related matters, *“The opinions expressed on this site are my own and do not necessarily represent the views of WVSU.”*

The University may monitor content out on the Internet. Violations may result in discipline up to and including termination of employment.

**Electronic mail (e-mail)** is considered the official method of communications for WVSU. It is cost-effective, convenient and a timely way to transmit official campus communications to staff, faculty and students. Official communication is when an individual or campus department or unit sends an e-mail pertinent to conducting University business, including notification of university-related actions.

It is your responsibility to ensure that you check your e-mail and respond to any requests or complete any necessary action in the required time-frame. Failure to respond or complete a project in a timely manner may result in disciplinary action as appropriate.

### **NON-DISPARAGEMENT**

Employees and former employees are not to make any statements, written or verbal, or cause or encourage others to make any statements, written or verbal, that defame, disparage or in any way criticize WVSU's personal or business reputation, practices, or conduct, its employees, directors, and officers. This prohibition extends to statements, written or verbal, made to anyone, including but not limited to, the news media, investors, potential investors, any board of directors or advisory board of directors, industry analysts, competitors, strategic partners, vendors, employees (past and Present), and clients.

## **ETHICS**

Solicitation of Gifts – Unless otherwise restricted by one’s supervisor, employees shall be permitted to solicit gifts which directly benefit the institution.

Permissible solicitations shall include but are not limited to the following:

1. Grants from governmental agencies, foundations, corporations, or individuals to support teaching, research, publication or service activities of the institution.
2. Contracts with governmental agencies, foundations, corporations, or individuals to an institution to support teaching, research, publication or service activities of the institution.
3. Donations from foundations, corporations, or individuals to the institution to support teaching, research, publication or service activities.

Use of Public Office for Private Gain – No solicitation or other activity permitted by this policy shall be deemed to be the inappropriate use of an employee’s public position or the prestige of that position for one’s own private gain or that of another.

Interest in Public Contracts – Each employee shall be required to disclose any interest the employee or any member of the employee’s immediate family 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.

Details are available in the [BOG Policy #22](#) .

## **DRESS AND GROOMING**

All employees are expected to be suitably attired and groomed during working hours or when representing the interests of WVSU. Your supervisor will advise you on the appropriate dress and grooming requirements for your position.

# **CLASSIFICATION & COMPENSATION**

## **Performance Evaluation**

All employees are given performance evaluations at specified times during their probationary periods, at the end of the probationary periods and annually thereafter.

## **Classification Reviews**

West Virginia State University shall periodically review job descriptions in relationship to the assigned duties and responsibilities, current job title and pay grade of each classified employee. Based upon the data collected through such review, the University shall determine which, if any, of its classified employees should be recommended for a change in job title in order to conform to the classification and compensation system. Any classified employee filling a position or carrying out the duties and responsibilities of a position normally assigned a higher pay grade shall be recommended for a change in job title or shall be returned immediately to the duties and responsibilities outlined in the appropriate job description.

Please refer to Higher Education Policy Commission Series 53 by clicking the link below:

[HEPC Series 53](#)

## **Position and Salary**

Positions are classified in accordance to the nature of duties, responsibilities, education and other variables. Every classified position is assigned a Job Title and a Pay Grade between 1 and 25.

# LEAVE SYSTEM AND REPORTING

## Reporting Absences

Notification of an absence, prior to your scheduled start time, is of the utmost importance. If, for any reason, you are unable to report to work as scheduled, you must notify your supervisor, or his/her designee. Your supervisor will advise you on the proper departmental process for reporting an absence. Failure to notify your supervisor as directed, can lead to disciplinary action up to and including termination of employment.

## Overtime

There are times when the work requirements of a unit make it necessary for employees to work beyond the hours of a normal workweek. The workweek at WVSU is 37 ½ hours. Employees who are nonexempt are eligible for overtime pay or compensatory time off as described in the Fair Labor Standards Act (FLSA).

The rate of pay shall be one and one-half (1½) times the employee's hourly rate for all hours worked in excess of 40 hours during the workweek. Straight time will be paid for the hours worked between 37 ½ and 40 hours.

Overtime hours are scheduled at the discretion of your supervisor, using operational need and seniority as the criteria for selection. You must have your supervisor's permission prior to working overtime.

## Eligibility for Overtime

Only nonexempt employees are eligible for overtime compensation. Most nonexempt employees are those who are classified in the following categories:

- Clerical/Secretarial
- Technical/Paraprofessional
- Skilled Crafts
- Service/Maintenance

Exempt employees are not eligible for overtime pay; they are executive, administrative, and professional staff, as defined by the Fair Labor Standards Act. However, when an exempt employee is required to work on any designated University holiday, the employee will be given substitute time off on an hour-for-hour worked basis.

## Limitations of Overtime

Overtime shall be limited to special situations and shall be performed only upon recommendation of the supervisor and with prior approval of the supervisor.

## Ineligibility for Overtime Compensation

Subject to policies of the HEPC and certain exemptions under the FLSA defining the terms "executive," "administrative" and "professional," employees engaged in supervisory exempt jobs

need not be compensated for overtime. These employees are required to work without additional compensation in most instances.

### **Equalization of Overtime**

Overtime rosters shall be maintained. Employees shall be placed on the roster based on seniority. Overtime will be offered to the most qualified senior employee. The next occasion for overtime will be offered to the next qualified senior employee. This process will continue until the list is exhausted. If the employee whose turn it is to be offered overtime refuses the overtime work, it will be offered to the next person on the list. If all employees decline, then overtime is assigned to the most junior employee whose name appears on the roster and who is capable of doing the work.

### **Required Overtime**

Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration. Also, employee health, safety and endurance must be considered and the direction to work must be issued under reasonable circumstances.

### **Compensatory Time-Off**

When a nonexempt employee is required to work more than the employee's regular daily work schedule, that employee may be given compensatory time-off as follows:

If compensatory time-off can be granted and used before the end of that employee's regularly scheduled workweek, the employee may be given compensatory time-off equal to the actual hours worked beyond the employee's regularly scheduled workday. Such compensatory time-off is calculated at the straight time rate for up to 40 hours per week.

If compensatory time-off cannot be used before the end of the employee's regularly scheduled workweek and the employee works more than 40 hours during the workweek in which the compensatory time is earned, compensatory time-off may be given at one and one-half (1 ½) times the employee's hourly rate for the number of hours actually worked. However, compensatory time-off must be used within a reasonable period of time not to exceed 60 calendar days from the date it is earned. The employee may accrue no more than 37 ½ compensatory hours and shall be paid overtime for any additional hours worked over forty (40). Use of such compensatory time-off must be scheduled with the employee's supervisor so as not to disrupt the operation of the work unit or the institution. For further information, see this link: [HEPC Series 8](#)

When an exempt employee is required to work on any designated institution holiday, that employee shall be given time off on another day, on an hour-for-hour worked basis.

Compensatory time off will be allowed only to the extent authorized by federal and state law. A record shall be maintained in the employees' department in order to calculate final payment in case an employee leaves the University.

## LEAVE POLICIES

Leave policies for employees of state-related institutions of higher education are set forth in the Higher Education Policy Commission, Series 38 at this link: [HEPC Series 38](#) or the Board of Governor's [Policy #18](#).

The policies read:

- A) Major Administrators, Non-classified and Faculty with 12-month contracts shall be eligible for 24 days of leave per year, calculated at the rate of 2.00 days per month from the date of employment.
- B) All other full-time, regular employees in classified positions shall be eligible for annual leave with pay on the following basis:
  - 1) Less than five years of service (60 months): 1.25 days per month (15 days per year);
  - 2) Five-10 years of service (61-120 months): 1.50 days per month (18 days per year);
  - 3) 10-15 years of service (121-180 months): 1.75 days per month (21 days per year);
  - 4) 15 or more years of service: 2.00 days per month (24 days per year).
- C) Length of service shall be total years of service which includes experience with state institutions of higher education and other state agencies. Continuous service is not required to complete the required term. Annual appointment periods of nine (9) months or more shall be credited for one (1) year of service for annual leave calculation purposes.
- D) Employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during a twelve (12) consecutive month period shall accumulate leave on a pro rata basis.
- E) Employees working less than 1,040 hours are not eligible for leave benefits.
- F) An institutional holiday occurring during an employee's leave period shall not be considered as a day of leave.
- G) Accumulated annual leave for continuing employees may be extended beyond that earned during a period of one year by written approval of the President, or his/her designee, but in no case shall it exceed twice the amount earned in any 12-month period.

- H) An employee is entitled to accumulated annual leave at termination of service, but in no case may this exceed the limits established above. Leave time may not be earned during a terminal leave period.
- I) Annual and sick leave may not be taken before it is accrued. If an employee works less than a full month, annual and sick leave shall be accumulated on a pro rata basis.

## **Leave Records**

A complete leave record and file is maintained for each employee. This record shall disclose at all times accrued leave as well as leave that has been used.

It is the responsibility of each staff member to accurately enter their leave record in the leave system at the time of occurrence. In addition, the leave system and employee's time sheet must agree. It is the supervisor's responsibility to ensure accuracy of the time sheet and leave system and to approve each employee's leave in the appropriate time-frame. Inaccurate posting of the leave system may be perceived as falsifying official University records and could be subject to disciplinary action up to and including termination.

## **Other Conditions**

- A) At the request of the employee through established procedures, annual leave may be granted because of illness.
- B) Calculation of annual leave shall be based on years of service under the Higher Education Policy Commission, Series 38, Section 3.5 [HEPC Series 38](#) .
- C) The work requirements of the institution shall take priority over the scheduling of annual leave or other leave for an employee. When operationally possible, the supervisor shall grant earned annual leave at the convenience of the employee. However, departmental needs must be met, and annual leave may not be taken without prior request and approval of the employee's supervisor.
- D) In the event of an employee's death, accumulated annual leave will be paid to the employee's estate.

## **Military Leave**

An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) calendar days in any one calendar year or authorized under provisions of state law. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increase, and experience

with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

### **Leave of Absence Without Pay**

A full-time regular employee upon application in writing and upon written approval by the institutional President, or his/her designee, may be granted a continuous leave of absence without pay for a period of time not to exceed one year (12 months) provided, all accumulated sick (if ill) and annual leave have been used.

The President, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.

The President, at his/her discretion, shall determine if the purpose for such a leave, as requested, is proper and within sound administrative policy.

At the expiration of a leave of absence without pay, the employee shall be reinstated without loss of any rights unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.

### **Sick and Emergency Leave**

The following information describes the policies for proper utilization of sick and emergency leave:

#### **Eligibility and Allowance**

- A) All full-time employees who work more than one-half time on a regular and continuing basis, exclusive of faculty members who work on less than a 12-month appointment, shall be eligible to accumulate and receive sick leave. Full-time employees shall accumulate sick leave at the rate of 1.5 days for every employment month or a major fraction thereof.
- B) Part-time employees working more than one-half time shall accumulate sick leave on a pro-rata basis.
- C) Sick leave may be used by the employee when ill or injured, when a member of the immediate family is seriously ill or when death occurs in the immediate family. Immediate family is defined as: father, brother, mother, sister, son, husband or wife, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children or others considered to be members of the household and living under the same roof.
- D) Disabilities caused by or contributed to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other off-the-job illness

or disability. For this reason, employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of off-the-job illness or disability.

- E) Sick leave for more than five (5) consecutive days shall not be granted to an employee for illness without satisfactory proof of illness or injury as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform her/his duties. Such medical clearance shall be presented in writing.
- F) The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this policy, regardless of the duration of the leave.
- G) In cases where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee to: 1) use any accumulated annual leave until it has expired rather than being removed from the payroll; or 2) to be taken off the payroll immediately after the accumulated sick leave has expired and retain the accumulated annual leave for use after he/she returns to work.
- H) On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work shall not be charged against the employee's accumulated sick leave as long as they are the next three (3) consecutive working days after the injury or illness occurred. If on-the-job injuries or illnesses require a leave beyond the three-day period, the employee may have the option of either of the following: 1) use earned and accumulated sick and annual leave until both are exhausted. 2) reserving for future use any earned and accumulated sick and annual leave and receiving only Workers' Compensation benefits for which the employee is judged eligible.
- I) An employee is required to notify his/her supervisor immediately if ill or unable to work for any reason and to follow the institution's established procedures for absences from work. The notification shall be given to the immediate supervisor prior to the employee's normal starting time and should include the approximate length of absence. Failure to report off from work shall be a basis for disciplinary action, which may include suspension, or discharge.
- J) Students employed on a part-time basis through campus and federal work programs are not eligible for sick leave provisions.

- K) Accumulated sick leave may be transferred with an employee from one state agency or institution to another state agency or institution. Certification of the balance which existed in the losing agency/institution must accompany the request for transfer and bear the signature of an officer of that agency.
- L) Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered cancelled as of the last working day with the institution and no reimbursement shall be provided for unused sick leave except in the event of retirement, in which case sick leave may be converted to insurance coverage or for provisions lawfully provided for at that time. Employees who resign in good standing and are later reemployed may have their accumulated sick leave reinstated if they return within one (1) year from termination.
- M) Each institution shall maintain a sick leave record on each employee for computation, audit and research purposes.
- N) Special emergency leave with pay may be granted by the President or his/her designee to full-time employees in the event of extreme misfortune to the employee or the immediate family, provided annual leave is not available. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any twelve (12) consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring attention by the employee.
- O) The maximum charge against sick leave will be 260 work days per confinement, at which time disability retirement should be considered.

### **Family Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) provides qualified employees with up to twelve (12) weeks of unpaid, job-protected leave per year. At WVSU, FMLA may be paid or unpaid, contingent upon available leave accruals:

You may use FMLA for the following reasons:

- 1) For the birth and care of a newborn child;
- 2) For placement of a child for adoption or foster care;
- 3) To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- 4) To take medical leave when you are unable to work because of a serious health condition.

To be eligible for FMLA you must have worked for at least twelve (12) months and completed at least 1,250 hours over the past twelve (12) month.

For additional information, please contact the Human Resources Office.

## **Catastrophic Leave**

- A) Catastrophic leave is provided for employees and a catastrophic illness is defined as: a medically verified illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off. Refer to the [BOG Policy #49](#) .
- B) A catastrophic leave bank provides for the deposit of sick and annual leave into a "bank" from which employees approved for catastrophic leave may withdraw leave.
- C) When Catastrophic Leave is approved, an employee's status will be changed to hourly and arrears payment will be in effect upon returning to work.

## **Witness and Jury Leave**

- A) Upon the application in writing, a permanent, probationary, provisional or temporary employee of the Board of Regents may be granted leave as indicated hereinafter in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.
- B) When in compliance to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, or a political sub-division thereof, the employee shall be entitled to leave with pay for such duty and for such period of required absence.
- C) When attendance in a Court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty.
- D) When an employee serves upon a jury, or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

# GENERAL POLICIES

## General Conduct

Employees are to conduct themselves in a professional manner and at no time enter into rough or boisterous play which might injure another or self. In case of accidents because of roughhousing, an employee "most probably would not be eligible for Worker's Compensation."

## Campus Mail

Interdepartmental mail is picked-up and distributed to individual offices. The University's mail service is to be used for official communications and not for personal mailings.

## Use of Campus Telephones

The telephones at West Virginia State University are an important tool for University business. Office lines should not be tied up with personal calls. Employees are expressly prohibited from using state telephones to make long distance personal calls except in an immediate emergency and communicated to the supervisor as soon as possible so reimbursement to the University may occur. Misuse of personal calling time is prohibited. Abuse of telephone use is cause for reprimand and, if continued, may result in suspension and/or termination.

## Emergency Calls

- 1) For any dire emergency – 911
  - a) Office phones – dial 9, then 911
- 2) Notify the Department of Public Safety for any emergency, whether or not you have called 911. (Use extension 3353 or 3181)

## Room Reservations

To reserve a meeting room, it is required that communications be made with the appropriate University office. For example:

Meeting Room	Contact
Ferrell Hall – Room 113	President's Office x3111
Ferrell Hall – Room 217	Academic Affairs x3146
Ferrell Hall P. Ahmed - Williams Auditorium	Student Affairs x3140
Wallace Hall Auditorium – Room 122	Academic Affairs x3146
Erickson Alumni Center	WVSU Foundation x3130
Fleming Hall	Athletics Office x3165
Cole Complex – Room 112	Purchasing x3010

## WORKPLACE SAFETY

### Parking

You may purchase your I.D. Card and/or Parking Permit from the administrative office of the Department of Public Safety. This office is located on the first floor of Ferrell Hall.

The Department of Public Safety also has an office in the Howard House which is near the parking lot across the street from Ferrell Hall. Should you have visitors coming to the Campus, please have them park in the Visitor's Lot by Wallace Hall and request a Guest Permit.

The Department of Public Safety may be reached at 766-3353 or 766-3181.

If you plan to work beyond the hours the buildings are open, please notify the Public Safety Department by dialing 3181.

Employees of West Virginia State are required to purchase Parking Permit Decals if they plan to park their cars on Campus. The University's parking regulations are enforced by Campus Police Officers. Failure to purchase a parking permit or to abide by the parking and traffic regulations can result in tickets and/or towing. Parking permits may be purchased from the Department of Public Safety Office located on the first floor of Ferrell Hall.

Parking areas are marked as follows:

Red	Faculty/Staff
White	Student/Faculty/Staff
Blue	Handicapped
Green	Visitor's Lot and 15 minute zones
Yellow	Service Vehicles Only

The internal portion of the Campus is closed to vehicular traffic. Center bollards (poles/pegs) are removable for response to emergency situations. Additional information available at this link: [BOG Policy #38](#).

### Inclement Weather and Emergency Closure

Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement the time be made up.

Absences from work due to weather conditions other than a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, or the employee must be removed from the payroll for the time in question. Use this link to access the policy: [BOG Policy #18](#).

## **Alcoholic Beverages and Drugs**

The use or possession of alcoholic beverages and non-prescribed, controlled substances is forbidden on the campus of West Virginia State University, in accordance to the Drug-Free Campuses and Communities Act of 1989, the Drug-Free Workplace Act of 1988 and WVSU Policy and Procedures. Any employee found in violation of state, federal or local laws concerning alcoholic beverages or drugs is subject to sanctions up to, and including, dismissal.

The use of alcoholic beverages, according to policy does not apply to dwellings located on the campus of West Virginia State University or any of its off-campus or leased facilities which are occupied as a family residence, the Capitol Center, or facilities operated by the WVSU Foundation.

Refer to the use of alcoholic beverages policy: [BOG Policy #36](#)

## **DEPARTMENT OF PUBLIC SAFETY**

There is 24-hour police coverage of our Campus provided by the West Virginia State University Department of Public Safety. Each officer is academy trained and a certified law enforcement official. In addition to providing extra vigilance, there are Contract Security personnel available for special activities and to help watch over the parking areas.

### **Emergency Response Plan**

There is a comprehensive Emergency Response Plan for West Virginia State University. The plan may be activated in the event of environmental situations which potentially affect the safety of the campus community. In almost all instances, the gathering of persons in designated shelter areas is the most safe and proper response. This point cannot be emphasized enough. Safety increases when employees are directed to stay inside buildings with windows closed and air circulating systems shut down. For the most extreme cases, the plan provides for evacuation of campus occupants to a safer location as a precautionary measure.

Unannounced and announced drills will be held throughout the year to familiarize faculty, staff and students with the Emergency Response Plan. Surprise drills will ensure proper test procedures and equipment are in place. This also helps to improve procedures and the ability of the University to safely cope with emergencies.

Every employee should read the EMERGENCY RESPONSE GUIDE describing WVSU's emergency procedures and thoroughly understand it in order to be ready to react to an emergency situation on a moment's notice. During a real emergency there will be little time to review procedures. This booklet is available on WVSU's website at [Public Safety Emergency Procedures Guide](#).

### **Early Warning Alert**

The early warning alert indicates the possibility of an emergency on campus. The alarm will sound by a continuous (up to 3 minutes) high-tone signal from local sirens. It is extremely important to remember the siren(s) only signal the possibility of an emergency that may affect the campus. Upon hearing the early warning alert, follow the Shelter-In-Place Protective Action outlined below.

### **Shelter-In-Place Protective Action**

- 1) All persons on campus, whether in buildings or outside, will go to a pre-designated assembly area as shown in the Shelter-In-Place Procedure Guide. Shelter Coordinators will issue further instructions as necessary.
- 2) Persons will be directed to remain in the Shelter-In-Place designated assembly areas until the emergency situation is resolved and the All Clear Signal is given, or until the Prepare to evacuate procedures are implemented as necessary.

For further information, refer to the manual titled Emergency Response Guide which you were given during New Employee Orientation. The manuals are also available at the Wallace Hall Department of Public Safety Office and online at the link shown above.

## **HAZARD COMMUNICATION (RIGHT-TO-KNOW) POLICY**

Right-to-Know legislation requires all employees be educated regarding proper safety for materials with which they work.

To accommodate this, all new employees at West Virginia State University are presented with Hazard Communication Training. Information is provided during the New Employee Orientation session. Employees who have worked at the University for several years may also participate in special departmental training. The Master Chemical Listing of hazardous materials for WVSU is on file at the Drain-Jordan Library, the Physical Facilities Work Control Center, the Public Safety Office, and at the second floor Chemistry Laboratory stockroom in Hamblin Hall.

In the event of an emergency, knowing what and where materials are stored is invaluable to outside response teams, such as fire departments, etc. In addition, Material Safety Data Sheets (MSDS) are available for materials in the locations where the materials are stored. For example, MSDS for the Chemistry Laboratory may be found in the second floor Chemistry Laboratory stockroom and also in the Physical Facilities Work Control Center. These sheets contain information about the precautions to be used when working with a particular material.

The University has a written Hazard Communication Plan regarding continuing efforts to meet the Right-to-Know Regulations.

### **Hazardous Waste**

Employees are expected to handle and dispose of hazardous material as per established guidelines in the University's Chemical Hygiene Plan titled CHEMICAL SAFETY IN THE WORKPLACE AND CLASSROOM.

## **DRUG-FREE WORKPLACE POLICY/PROCEDURES**

- PURPOSE:** To comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690 Title V, Subtitle D, 41 U.S.C. 701 et. seq.) Federal statute enacted by Congress.
- COVERAGE:** All West Virginia State University employees, including faculty, classified and non-classified staff, administrators and student employees.
- PROHIBITIONS:**
- a) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or alcoholic beverage is prohibited in the workplace.
  - b) Reporting for work under the influence of a controlled substance is prohibited.
- NOTICE TO EMPLOYEES:** As a condition of University employment, every employee shall:
- a) abide by the terms of this policy; and
  - b) notify his/her supervisor and the Director of Human Resources, Provost for Academic Affairs or Director of Financial Aid (as applicable to your employment status) of any criminal drug statute conviction, for a violation occurring in the University workplace, no later than five (5) days after such conviction.
- SANCTIONS:** Any employee found in violation of this prohibition shall be subject to disciplinary action, including dismissal, and/or may be required to participate in a drug abuse assistance or drug rehabilitation program.
- AWARENESS:** An awareness program for WVSU is described in the Alcohol and Other Drugs Policy Handbook. This program will inform employees about:
- the dangers of drug abuse in the workplace;
  - WVSU's policy regarding a drug-free workplace;
  - consequences of violation of the policy

## **Drug-Free Campuses and Communities Act**

Classified employees will be notified annually of the Drug Prevention Program, its requirements, individual and WVSU responsibilities in complying with this federal regulation.

## **Smoking**

Recognizing its obligation to provide safe and healthful surroundings for students, faculty, staff and visitors, WVSU will, to the extent possible, provide a smoke-free environment in all campus facilities as stipulated by Kanawha County Health regulations.

Smoking and tobacco use are prohibited in all facilities and areas except in designed areas of the University campus. This includes, but is not limited to, all indoor and outdoor areas and properties. Indoor areas and properties include, but are not limited to, all common work areas, elevators, hallways, university-owned or leased vehicles, garages, restrooms, cafeterias or dining areas, employee lounges, conference and meeting rooms, and all other enclosed areas. This policy applies to all faculty, staff, contractors and visitors. See Board of Governor's [Policy #8](#) .

Any facilities occupied or controlled by WVSU that are not on the University campus must follow these guidelines.

# DISCIPLINARY PROCEDURE

## Conduct and Disciplinary Action

The purpose of disciplinary action is to correct, not to punish, work-related behavior. Each employee must maintain standards of performance and conduct as outlined by the immediate supervisor, institutional policy, applicable policies and procedures, and laws. When an employee does not maintain the appropriate standards of performance or conduct, disciplinary action, including, but not limited to demotion, suspension, transfer, or dismissal may be taken.

When practical, the supervisor will give the employee notice of the unacceptable performance, an explanation of the supervisor's concerns, and an opportunity to provide an explanation for the behavior in question before any form of disciplinary action occurs.

Dependent upon the actual and potential consequences of the offense, employee misconduct may be considered minor misconduct or gross misconduct. Minor misconduct is that which is generally deemed by the supervisor as correctable by counseling and/or instruction through progressive discipline. Gross misconduct is of substantial actual and/or potential consequence to operations or persons, typically involving flagrant or willful violation of policy, law, or standards of performance or conduct.

1. **Minor Misconduct** – This action can take on many forms, ranging from behavior offenses to minor infractions, which are correctable. When progressive discipline is deemed as the appropriate action and depending on the severity of behavior, progressive discipline requires notice of concern and expectations to the employee through formal counseling and letter(s) of warning, with potential suspension, demotion, transfer and termination.

### Progressive Discipline

Progressive discipline requires notice of concern and expectations to the employee through formal counseling and letter(s) of warning, with potential suspension, demotion, transfer and termination. EARS-Employee Assistance Program/PeopleWork Solutions - This program is provided as a free benefit to the employee and their in-household family members. The program is used along with progressive discipline when employee actions impact work performance

- A. Letter of Counseling - This comes after the supervisor has verbally discussed a concern (personal matter which affects performance) with an employee at least twice. The letter will include prior discussions, dates of occurrences, plan of action, expectations, monitoring of activities, review date and/or progressive disciplinary action. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.
- B. 1st Letter of Warning - Process occurs upon the review date or a breach in the plan that has not been adhered to. The letter will include dates of occurrences, continued plan of action, expectations, monitoring of activities, review date and/or progressive disciplinary action. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.

- C. Suspension (Letter of) - This may come before, after and/or along with a 2nd Letter of Warning (depends on the severity of the situation). Process occurs upon the review date or a breach in the plan of action that has not been adhered to. This will include dates of occurrences, continued plan of action, expectations, monitoring of activities, review date and/or progressive disciplinary action. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.
  - D. 2nd Letter of Warning (Final Warning) - This may come before, after and/or along with Suspension (depends on the severity of the situation). This will include dates of occurrences, a final plan of action, expectations, monitoring of activities, review date and recommendation for termination to the appropriate VP/Dean. This is when the VP informs the President of the matter and request that termination be approved. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.
  - E. Intent to Terminate (Letter of) - This may come between Suspension and 2nd Letter of Warning (depends on the severity of the situation). The employee is informed of our intent and given an opportunity to meet and express his/her concerns prior to being terminated. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.
    - a. Meeting is set up to discuss the Intent
    - b. Employee is informed of his/her right to file a grievance if they feel the action is inappropriate or they have been treated unfairly.
  - F. Termination (Letter of) - This may come the same day as the Intent to Terminate or within the next (5) five days. All letters and documentation will be forwarded to the Human Resources Office for inclusion in the employees personnel file.
    - 1- Meeting is set up to inform employee of their termination and the next step
    - 2- Employee is given his/her rights in respect to filing a grievance
2. **Gross Misconduct** - This action can take many forms, ranging from offenses which jeopardize the functioning of the institution, or the safety and well-being of students, staff, faculty and the community at large. This action can be administered either before progressive discipline or during the progressive discipline process. Examples of gross misconduct are listed below, but are not limited to what is shown in this handbook. This could also include immediate removal of the employee from the campus and placed on Administrative Leave (with/without pay).

Reasons for dismissal include, but are not limited to, the following circumstances:

- 1- reporting for work, or being under the influence of alcohol or narcotics, or partaking of these while on duty
  - 2- malicious destruction or theft of property belonging to the University, its visitors, patrons or employees
  - 3- refusing to comply with or violating University rules and regulations
  - 4- disobedience
  - 5- neglect of duty
  - 6- dishonesty
  - 7- sleeping on duty
  - 8- wrongful injury to an employee
  - 9- insubordination
  - 10- abuse of the telephone
  - 11- failure to maintain performance standards
  - 12- habitual absence from work
  - 13- consistent lateness
3. Immediate Removal from the Campus - Administrative Leave (with/without pay). This action could take place while an investigation is being conducted. The employee is not allowed back on campus until the investigation is complete and the employee is notified to attend a meeting with Human Resources and the immediate supervisor/VP.

Additional information regarding disciplinary action may be obtained by contacting the Human Resources Office.

## GRIEVANCE PROCEDURE

All classified employees may pursue resolution of work-related disputes through the grievance process. Grievances are processed under the rules outlined in WV Code 6C-2 *et seq*, which can be found online at: [WV Code 6C-2-1](#)

Employees are to send a copy of the grievance form to the following:

WVSU President's Office  
103 Ferrell Hall  
Institute, WV 25112

**AND**

State Grievance Board  
1596 Kanawha Boulevard, East  
Charleston, WV 25311

For information about this process, including grievance forms, go to the WVPE Grievance Board web site at: <http://www.pegb.wv.gov/>. Human Resources is also available to answer your questions, call (304) 766-3156 or e-mail [hr@wvstateu.edu](mailto:hr@wvstateu.edu).

## **PAYROLL**

The payroll office is part of the Human Resources Department which falls under the Business and Finance Division. You can find additional information regarding all of their services and forms at [Payroll Forms](#) or you may contact them directly at 304-766-5101. The Payroll & Benefits Office is located in 103 Cole Complex.

### **Pay Frequency**

All employees are paid semi-monthly. For months with 31 days, the mid-month pay day will be on the 16th; for months with 30 days the mid-month payday will be on the 15th. If any of these dates falls on a weekend, checks will be issued on the preceding Friday.

All employees hired will be paid one pay cycle in arrears.

### **Direct Deposit / Pay Card**

The State of WV has implemented a mandatory electronic payroll payment system. Employees are given the option of direct deposit to the bank of their choice or receipt of the WV Pay Card. If the employee selects the WV Pay Card it will be mailed directly to the employee's home address on file.

WVSU employees are encouraged to sign-up to have their pay check directly deposited to their banking institution. The first payment often comes in check form, subsequent payments will be electronic.

At this time whether an employee selects direct deposit or receive a WV Pay Card, a statement of earnings will be mailed, from the Budget Office at the State Capitol. The Budget Office at the State Capitol places the statement of earnings in the mail the afternoon, two working days prior to pay day. The payroll office has no control over mail delivery.

Employees can find the Payroll Payment Election Form at [Payroll Forms](#).

### **Mandatory Salary Deductions**

#### **Federal And State Tax Withholding**

Federal and State taxes will be withheld based on the filing status that you indicated on your completed W-4 and IT-104 forms.

#### **Social Security (FICA/Medicare)**

All employees (excluding student workers) must contribute 7.65 percent of their gross salary to Social Security. The University on your behalf also contributes 7.65 percent to Social Security.

#### **Retirement**

All Benefit employees must participate in either the TIAA/CREF or the Educator's Money retirement plan. You are required to contribute 6 percent of your gross salary and WVSU contributes 6 percent as well. Your contribution is sheltered from both federal and state taxes.

## **BENEFITS**

These benefits are available to all employees working at least 20 hours per week and assigned to a regular budgeted position.

### **Group Supplemental Retirement Annuity**

If you choose, you may tax shelter additional money to a GSRA (403b), or a deferred annuity (457b) provided through TIAA/CREF or Educator's Money. The University does not match these contributions. This allows you to enhance your retirement plan, save on taxes which must be paid while working and you have the ability to borrow against the money paid into any of these plans.

### **Medical Insurance**

Our Medical Insurance Carrier is the Public Employees Insurance Agency (PEIA), each employee may choose between an indemnity (80/20) plan or an HMO plan. The employee's portion of the monthly premium is dependent upon the plan the employee selects and is also affected by their salary. This premium may be sheltered from federal, state and Social Security taxes. Changes in the plan may be made only during an open enrollment period for each plan year unless there is a qualifying event such as: marriage, divorce, new child or dependent, death of spouse or dependent, etc. Contact the Benefits Department at 304-766-3152 should you have any questions.

### **Basic Life Insurance**

Term life insurance in the amount of \$10,000. The premium is paid by the University on your behalf.

### **Optional Life Insurance**

Group term life insurance is available to all employees enrolled for health insurance and/or the basic life insurance plan. There is a wide range of coverage from which to choose. You alone are responsible for paying the entire monthly premium. The premium for up to \$40,000 coverage may be sheltered from federal, state and Social Security taxes.

### **Dependent Life Insurance**

An employee may elect to enroll for dependent life insurance which insures a spouse and/or each eligible child. There are four levels of coverage; you alone are responsible for paying the entire monthly premium.

### **Long Term Total Disability Insurance**

An employee is eligible to enroll in the standard disability plan which becomes effective the month following their employment date. This plan covers 60 percent of the employee's gross

salary and contributes 12 percent of the gross salary to a retirement plan. You alone pay the premium. Read carefully the materials you received from the Payroll Office.

### **Mountaineer Flexible Benefits**

Dental, Optical and Disability insurances; flexible spending accounts; and a group legal plan are available to employees through the Mountaineer Flexible Benefits plan. Premiums for these plans, with the exception of the legal plan, are pretax dollars. Changes in the plans offered may be made during the open enrollment period for each plan year unless there is a qualifying event such as: marriage, divorce, new child or dependent, death of spouse or dependent, etc. Contact the Benefits Department 304-766-3152 should you have any questions.

### **Other Optional Deductions/Benefits**

You may also choose to have deductions made from your paycheck for:

- WV Public Employees Credit Union
- Tax Sheltered Annuities
- Various Supplemental Insurances
- United Way of Kanawha Valley
- WV State University Foundation

## **EMPLOYEE ASSISTANCE RESOURCE SERVICE (EARS)**

An assessment, counseling and referral service that help workers solve personal problems that can affect performance. Provides:

1. 3-8 sessions
2. Free to the employee and their in-household family members

All identifying information is protected and kept confidential. No one outside of the EARS staff has access. They can be reached at:

(304) 722-9119	Charleston WV area
(800) 823-6029	Outside of area

## HOLIDAYS

West Virginia State recognizes a selection of paid holidays in accordance with Higher Education Policy Commission Series 14, ([HEPC Series 14](#)) and the Board of Governors Policy #7 ([BOG Policy #7](#)) . These holidays include:

July 4,  
Labor Day,  
Thanksgiving,  
The day after Thanksgiving,  
Christmas,  
The day after Christmas and  
New Year's Day  
Six assignable holidays as listed in the annual holiday memorandum from the Vice President for Business and Finance.

It has been the practice of WVSU to close the University between Christmas and New Years and to place several of the six assignable holidays around this interval in order to provide employees an extended vacation time. Normally, there will remain several days for which annual leave must be taken during this period if an employee does not have annual leave then it will be taken without pay when the University is closed. Employee must be in pay status before and following paid holidays and administrative closures to be eligible for holiday pay. Should there be an emergency situation which necessitates the presence of classified staff employees on campus, compensatory time and/or the payment of overtime will be utilized consistent with the Overtime and Compensatory Time Policies.

## **WORKER'S COMPENSATION**

All employees (excluding student workers) are fully covered by the Workmen's Compensation Law of West Virginia which covers work-related injuries only. Our carrier for this insurance is BrickStreet located in downtown Charleston. It is the employee's responsibility to notify his/her supervisor and Public Safety if an injury has been sustained.

In case of an on-the-job injury and compensability has been determined by the insurance carrier, employees may be entitled to:

- 1) medical and hospital care, and/or
- 2) weekly compensation as established by the insurance carrier.

To safeguard the employee's rights under the law, every accident or injury sustained must be reported to the supervisor within twenty-four (24) hours, regardless of whether the injury or accident involves lost work time. Failure to report an accident timely may result in loss of benefits.

In the event of an accident or injury, the employee must also report the accident to the Department of Public Safety within 24 hours. In the case of a medical emergency, call 911 before contacting the Department of Public Safety

## **UNEMPLOYMENT COMPENSATION**

Under the West Virginia Unemployment Compensation Law, effective Jan. 1, 1972, all employing units (an individual, partnership, association or corporation having in its employ one or more individuals performing services within West Virginia) are required to participate in Unemployment Compensation. This law permits an unemployed individual, if the eligibility requirements are met, to collect unemployment compensation.

Location of the nearest Unemployment Office:

Office Location: 1321 Plaza East Shopping Center  
Charleston, WV

Phone: (304) 558-0291

Initial Group Claims: M-F 9:00 am, 10:30 am, 1:00 pm and 3:00 pm

## **EMPLOYEE INCENTIVES**

### **Dining Facility**

The University has a Cafeteria and two fast food restaurants which are operated by a vendor and are located on the first floor of the Wilson Union Complex.

### **Faculty and Staff Homes**

A limited amount of transitional housing is available to faculty and staff personnel. Guidelines governing their assignment are available in the office of the Vice President for Business and Finance. The primary purpose of the housing, however, is to assist new faculty and staff attempting to get "started" in our community.

### **Study Opportunity for Staff**

West Virginia State University offers classes to all staff members who meet admission requirements. A limited number of tuition and registration fee waivers (activity fees must be paid) are available to WVSU non-faculty employees who have been employed for 12 months or more. Allocation is generally made on a first come, first served basis.

Staff members may be allowed to take a maximum of one class (up to three (3) credit hours per semester) during regular working hours. Supervisors must approve attendance before registering for the class.

### **Recreational Facilities**

There are recreational facilities in the Wilson University Union. As the Campus Master Plan continues to evolve, more seating areas as well as outdoor recreational opportunities will be announced.

### **Free or Reduced Price Program Possibilities**

Certain cultural and educational entertainment programs are available to staff when showing their current WVSU Identification Card. There are also times when WVSU employees enjoy a reduced admission fee to certain athletic events and/or other activities.

### **West Virginia Public Employees Credit Union**

The State Credit Union is a West Virginia member owned, not-for-profit, financial organization whose membership share the following common bond:

Employees or Retired Employees of the State  
Employees of Political Subdivisions (County & City Employees) of the PERS or PEIA  
Employees of County Boards of Education  
Students Enrolled in State Supported Colleges and Universities and their parents  
Employees of the State Credit Union  
Immediate Family Members of Members

The purpose of the State Credit Union is to promote savings among its members and to provide low cost loans and services to its membership. Visit their website to get started: [www.wvpecu.org](http://www.wvpecu.org)

### **Library Privileges**

The West Virginia State Library contains a significant number of volumes and periodicals for your utilization. Proper identification is required in order to check materials out of the library. Books may be checked out of the library for a designated period of time and may be renewed one time if another patron has not placed a "hold" on the book(s). Periodicals cannot be checked out.

The individual is responsible for any and all books which they check out of the library. Check-out privileges may be revoked when a library patron has unreturned books or has failed to pay library fines. If materials/books are not returned and fines not paid, the Public Safety Office will be notified and it will not be possible for that individual to obtain a new parking permit until such time as the records are cleared. The Registrar's Office is also notified.

A departing staff member will sign-off with the Library and other designated campus offices as part of the termination interview. All pertinent records from the University will be withheld until Library fines are paid and proper clearance is obtained.

Library Hours are as follows:

Monday through Thursday	8:00 a.m.	10:00 p.m.
Friday	8:00 a.m.	5:00 p.m.
Saturday	10:00 a.m.	6:00 p.m.
Sunday	1:00 p.m.	10:00 p.m.

### **Wellness**

Gym membership is available to all employees who enjoy a workout. Your membership to the University Student Union Fitness Center can be paid through payroll deduction, cash, check, money order, Visa, Master Card or Discover. To sign up contact the Student Union Office at: (304) 766-3288 or e-mail: [theunion@wvstateu.edu](mailto:theunion@wvstateu.edu)

## **GLOSSARY OF TERMS**

1. Appeal - Request to transfer a case to a higher committee, person, or court
2. Base Salary – The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.
3. Benefits – Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked, and other employee perquisites.
4. Classification System – An organized structure in which classified jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.
5. Compensation – Earnings provided by an employer to an employee for services rendered.
6. Disciplinary Action - Action taken after employee's inappropriate behavior.
7. Employee Classification or Employee Class – There are three employee classes: Classified, non-classified and faculty.
8. Grievance – A circumstance thought unjust or inaccurate
9. Harassment - Unnecessary tormenting or worrying; subjecting another to unwanted remarks or attention regarding sex, race, age, ability, etc.
10. Job - The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.
11. Job Evaluation - A formal process used to evaluate classified jobs, establish proper pay grades, and slot jobs in pay grades.
12. Job Title - The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
13. Overtime - Work time accumulated beyond the normal workweek
14. Pay Grade - The level to which a job is assigned within a classification structure.

15. Performance Evaluation - A check to see how the supervisor thinks an employee is performing his/her job.
16. Policies - Governing principles - employees are to follow policies of the University
17. Position - A set of duties and responsibilities requiring employment of a single employee at a particular organization.
18. Position Information Questionnaire (PIQ). A tool used in the creation and evaluation of a classified position including the factors of Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Scope and Effect; Breadth of Responsibility; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
19. Probationary Period - A testing or trial work period to see if an employee performs work as required
20. Procedures - Methods for implementation of policies to get work accomplished
21. Promotion. Movement from a classified position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.
22. Salary Schedule - A schedule consisting of a series of pay grades enacted by the Legislature or the Commission.
23. Step - A standard progression in pay rate established within a pay grade.

NOTE: The Staff Handbook is also available on-line at <http://www.wvstateu.edu/administration/human-resources>

Revised: January 2014

## **WVSU BOG POLICIES**

#7 – Holidays

#8 - Smoking

#12 – Classified Employees’

#14 – Sexual Harassment

#17 – Equal Opportunity / Affirmative Action

#18 – Employee Leave

#22 – Ethics

#36 – Alcoholic Beverages

#38 – Parking of Vehicles on campus

#49 – Employees’ Catastrophic Leave

#52 – Information Technology (IT) Security Policy

#53 – responsible uses of Computing Resources

## **HEPC RULES**

Series 8, Section 5 – Personnel Administration

Series 14 – Holidays

Series 38 – Employee Leave

Series 53 – Human Resources Administration

# WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

## Policy # 7

### Title: Holidays

#### Section 1. General

- 1.1 Scope: Policy regarding holidays.
- 1.2 Authority: West Virginia Codes §18B-1-6 and 2-2-1.
- 1.3 Effective Date: March 3, 2004

#### Section 2. Granting Power

2.1 The West Virginia State University Board of Governors hereby delegates to the President the duty to assign, annually, six holidays which will be observed by the employees of that institution in addition to the six holidays specified in Series 14 of the West Virginia Higher Education Policy Commission.

#### Section 3. Application by West Virginia State

- 3.1 It has been the practice of West Virginia State to close the University between Christmas and New Years and to place several of the six assignable holidays around this interval in order to provide employees an extended vacation time and to minimize expenditures for utilities;
- 3.2 Normally, there will remain two or three days for which annual leave is to be taken during this period when the University is closed;
  - 3.2.1 Special arrangements will be made for those employees who do not have unused annual leave days available.
- 3.3 Assignable holidays will not be scheduled on days when classes are in session;
- 3.4 Should there be an emergency situation which necessitates the presence of classified staff to be on campus during a holiday, compensatory time and/or the payment of overtime will be utilized in a manner consistent with other University policies.

#### Section 4. Schedules

- 4.1 Holiday schedules are to be established and used on a fiscal year basis.
- 4.2 The President, or his/her designee, shall publish by June 30 of each year a list of the holidays to be observed at West Virginia State for the upcoming fiscal year and shall assure that the list is posted in appropriate locations on campus.

## **BOG Policy #8**

**Title: Smoking**

### **Section 1. General**

1.1 Recognizing its obligation to provide safe and healthful surroundings for students, faculty, staff and visitors, West Virginia State will, to the extent possible, provide a smoke-free environment in all campus facilities. The Kanawha County Health regulations are a continuing guide in this regard.

1.2 Effective Date: December 4, 2003

### **Section 2. Present Guidelines**

2.1 Smoking and the use of tobacco in any form is prohibited in all buildings and facilities of West Virginia State;

2.1.1 Smoking is permitted outdoors farther than twenty (20) feet from all entrances and exits to buildings;

2.1.1.1 At these locations, receptacles will be provided.

2.1.2 University facilities or properties which have been leased or rented may be exempted from this policy on the approval of the President, or his/her designee.

2.2 Smoking is prohibited in any motor vehicle owned, leased or otherwise operated by West Virginia State;

2.2.1 Privately owned motor vehicles used for university business are exempted from this policy;

2.3 Visitors are expected to comply with this policy;

2.4 Tobacco products will not be sold on campus.

## **BOG Policy #12**

**Title: Classified Employees**

### **Section 1. General**

1.1 Scope: This policy repeats the content from Procedural Rule Series 39 of the Higher Education Policy Commission. The West Virginia State University Board of Governors thought it important to have these definitions and discussion restated in a University Policy for use by the employees of the University.

1.2 Authority: WV Codes §18B-1-6 and 18B-7-1(d), and the Higher Education Policy Commission Procedural Rule Series 8 and 39.

1.3 Effective Date: December 4, 2003

## **Section 2. Definitions**

2.1 Part-Time Regular Employee (PTR). An employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for benefits, but is covered under the classification program as set out in Series 8 of the Policy Commission's rules;

2.2 Temporary Employee. An employee hired into a position expected to last fewer than nine months of a twelve month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but is covered by the classification program as set out in Series 8 of the Policy Commission's rules;

2.3 Casual Employee. A casual employee position is a position created to meet specific operational needs of the University for no more than 225 hours in a 12-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program as set out in Series 8 of the Policy Commission's rules;

2.4 Student Employee. An employee enrolled at the University as a student and whose primary purpose for being at the University is to obtain an education. A student employee is not eligible for benefits and is not covered by the classification program as set out in Series 8 of the Policy Commission's rules;

2.5 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this policy as set out in Series 8 of the Policy Commission's rules;

2.6 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes as set out in Series 8 of the Policy Commission's rules.

## **Section 3. Part-time and Temporary Employees**

3.1 West Virginia State shall not hire part-time employees solely to avoid the payment of benefits or in lieu of full-time employees and shall provide all

## **BOG Policy #14**

### **Title: Sexual Harassment**

#### **Section 1. General**

1.1 Scope: This policy defines sexual harassment, provides guidelines for filing

sexual harassment complaints and indicates what action will be taken against those found to have engaged in sexual harassment.

1.2 Authority: West Virginia 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: October 6, 2005

## **Section 2. Policy**

2.1 It is the policy of West Virginia State University (WVSU) 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. It is the responsibility of each institution to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known;

2.3 Supervisors at every level are of primary importance to the implementation and enforcement of this policy.

## **Section 3. Definition**

3.1 Sexual harassment is 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;

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

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

## **Section 4. Filing of Complaints**

4.1 The President of the University shall designate an Affirmative Action Officer who shall receive training in facilitating the proper resolution of complaints with the authority to investigate and report to the President;

4.1.1 In cases involving the President, any accusation of sexual harassment shall be filed with the Chair of the West Virginia State University Board of

Governors.

4.2 Employees - Any employee who feels he/she has been sexually harassed, and direct communication of such undesired activity has not resolved the situation, should follow one of these two formal procedures: 1) Section 4.2.1 if the immediate supervisor is not involved in the matter, or 2) Section 4.2.2 if the supervisor is involved in the matter:

4.2.1 Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively. These formal procedural steps are to be followed until a successful resolution of the employee's accusation is achieved. **WVSU Employees** -> Supervisor if Staff; Department Chair if faculty -> Unit Head if staff; Dean if faculty -> Relevant Vice President -> Affirmative Action Officer -> President. ;

4.2.2 If a supervisor, either staff or faculty, in the chain of procedural steps of Section 4.2.1 is involved with the employee's accusation of sexual harassment, the employee may choose to take the complaint directly to the Affirmative Action Officer as the initial formal procedural step for resolution;

4.2.3 If the Affirmative Action Officer is involved with the employee's accusation of sexual harassment, the complaint will be taken directly to the supervisor of the Affirmative Action Officer.

4.3 Students - Any student who feels he/she has been sexually harassed, and direct communication of such undesired activity has not resolved the situation, is to follow these formal procedural steps: Student -> Counselor -> Student Affairs Vice President (WVSU)-> Affirmative Action Officer -> President.

4.4 Appeals to a decision rendered by the President shall be directed to the Chair of the Board of Governors.

## **Section 5. Sanctions**

5.1 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;

5.1.1 Depending on the circumstances, sanctions may include termination or expulsion.

## **BOG Policy #17**

### **Title: Equal Opportunity and Affirmative Action**

#### **Section 1. General**

1.1 Scope: This policy extends to all West Virginia State University (WVSU) and West Virginia State Community & Technical College (WVSCTC) activities related to the management of its educational, employment, financial, and business affairs.

1.1.1 It affects all employment practices including but not limited to recruiting, hiring, transfer, promotion, training, compensation, benefits, layoff, and termination.

1.2 Authority: West Virginia Code §18B-1-6

1.3 Effective Date: October 6, 2005

#### **Section 2. General Policy**

2.1 It shall be the general policy of WVSU and WVSCTC to provide equal opportunity for all qualified persons, to prohibit discrimination in employment because of race, sex, age, color, religion, national origin, veterans status or handicap, and to take affirmative action to recruit and employ qualified faculty and staff;

2.2 WVSU and WVSCTC accept the primary and long-term responsibility for the development and implementation of equal opportunity and affirmative action policies consistent with all HEPC, Council for CTC Education, state and federal regulations;

2.3 WVSU and WVSCTC will take the initiative in complying with the affirmative action and equal opportunity policies of the HEPC, the Council for CTC Education, and the state and federal governments;

2.3.1 The presidents of the institutions, or their designees, shall establish and maintain a positive program of equal opportunity and affirmative action within the institutions in accordance with the specific laws and regulations which are applicable;

2.3.2 The related goals and timetables of the institutions shall be appropriately pursued to maintain a proportional representation of minorities and women in the faculty and non-faculty ranks based on their availability.

2.4 Each institution will utilize the following statement on all of its communication documents to insure its constituents and the public are aware of its equal opportunity and affirmative action policy:

2.4.1 Depending on the institution, “‘West Virginia State University’ or

‘West Virginia State Community & Technical College’ is an equal opportunity/ affirmative action institution and does not discriminate against any person because of race, sex, age, color, religion, national origin, or disabilities.”

## **BOG Policy #22**

### **Title: Ethics**

#### **Section 1. General**

1.1 Scope: This policy implements guidelines in accordance with the West Virginia Governmental Ethics Act which apply to West Virginia State University (WVSU)

1.2 Authority: West Virginia Codes §18B-1-6 and 6B-2-5(1)

1.3 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(a), Article 2 of the Act prohibits a public employee from using his or her office or the prestige of that office for private gain. Section 5(c), Article 2 prohibits solicitation of gifts that may confer pecuniary benefits upon the employee. 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.

1.3.1 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.

1.3.2 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.

1.3.3 In 1990, the Ethics Act was amended at Section 5(1), 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.

1.3.4 Therefore, this policy is adopted to set forth an expeditious procedure for granting such approval of exemptions at the institutional level to faculty and staff members who seek to be relieved of certain statutorily imposed prohibitions of the West Virginia Governmental Ethics Act. Nothing in this policy shall be interpreted as restricting or prohibiting the otherwise lawful institutional or outside activities of faculty or staff consistent with their institutional duties and responsibilities or employment contracts, or as requiring the prior approval of such activities by the institution. Nor shall this policy be interpreted as restricting academic freedom as defined by other policies of the West Virginia State University Board of Governors, nor the constitutional rights of employees to free speech and association. However, this policy shall not be interpreted to require or grant institutional approval or sanction of faculty or staff activities that violate or conflict with their institutional duties or responsibilities, employment contract, federal or state law, the policies of this Board of Governors, or the ethical standards imposed by the West Virginia Governmental Ethics Act.

1.4 Effective: May 8, 2006

### **Section 3. Solicitation of Gifts**

3.1 Unless otherwise restricted by one's supervisor, employees shall be permitted to solicit gifts which directly benefit either institution;

3.1.1 Solicitations on behalf of a particular department, on behalf of the University Foundation or on behalf of an affiliated corporation or center shall, for the purposes of this policy, be deemed to be a solicitation on behalf of or for the benefit of the institution;

3.2 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:

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

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

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

3.3 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 or supplies.

#### **Section 4. Use of Public Office for Private Gain**

4.1 No solicitation or other activity permitted by this policy shall be deemed to be the inappropriate use of an employee's public position or the prestige of that position for one's own private gain or that of another person;

4.2 When an employee of the institution uses his/her knowledge and/or personal prestige for private gain without the use of the employee's institutional office or position, then there is no requirement to obtain an exemption under this ethics policy;

4.3 West Virginia Code §6B-2-5(1) gives the institution limited authority to grant exemptions to its employees from the prohibitions in the State Ethics Act relating to the use of their position at the institution, or the use of the prestige of their position at the institution 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.

4.3.1 Therefore, when an employee of the institution seeks to use his/her position at the institution, or the prestige of that position, for the employee's private gain or for the private gain of another person, the employee may seek from the President of the institution, or his/her designee, an exemption (as limited by the Ethics Act) from the prohibition against the use of their institutional position or the prestige of that position for private gain.

4.4 The President, or his/her designee, may grant the employee an exemption to permit the employee to use the employee's position at the institution 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.

4.5 In granting permission for an employee to engage in such outside activities which may be directly or indirectly associated with the employee's position at the institution, consideration should be given to the following:

4.5.1 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;

4.5.2 Whether such activity is customary and usual within that field;

4.5.3 Whether that institution derives any benefit through that prestige or in any other manner from that activity;

4.5.4 Whether that 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;

- 4.5.5 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;
- 4.5.6 Whether the outside activity will interfere with or create an overriding conflict with the employee's responsibility to that institution or will interfere with the satisfactory performance of the employee's institutional duties.
- 4.6 The disclosure by an employee of an employee's position, title, and work history with the Higher Education System of West Virginia 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;
- 4.6.1 However, in these cases the employee has the responsibility to make clear the fact that he/she is not representing the institution nor the Higher Education System of West Virginia, but is speaking as a private citizen.
- 4.7 An employee who obtains an exemption from the Ethics Act prohibitions under the procedure authorized in this policy shall not be deemed an agent of the institution nor the Higher Education System of West Virginia when the employee is acting outside the scope of his or her institutional employment for his or her private benefit;
- 4.8 No exemption granted under this ethics policy shall be deemed to constitute a waiver by the institution of any lawful contractual provision in the employment agreement of a full or part-time employee of the institution.

## **Section 5. Interests in Public Contracts**

- 5.1 Each employee shall be required to disclose any interest the employee or any member of the employee's immediate family 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);
- 5.2 The institution may review any interest an employee or any member of the employee's family may have and determine what, if any, restrictions or limitations should be placed on the employee's activities in that regard;
- 5.3 Without limitation, the following represent examples of interests in public contracts which may be permitted:
- 5.3.1 The employee is the author and copyright owner of a leading textbook in the employee's teaching field and may wish to require the use of the textbook by his/her students;
- 5.3.2 The employee is the inventor and patent owner of a scientific tool necessary for research in the employee's field;
- 5.3.3 The employee is an expert in the region in a particular field and such consulting expertise is being sought by the institution or another

governmental agency, and the providing of such consulting services is not a part of the employee's duties to either institution.

## **BOG Policy #36**

### **Title: Alcoholic Beverages**

#### **Section 1. General**

1.1 Scope: This establishes a policy for the use of alcoholic beverages on the campus of West Virginia State.

1.2 Authority: West Virginia Codes §18B-1-6 and 18B-1-8 1.3 Effective Date:

#### **Section 2. Policy**

2.1 The possession or use of alcoholic beverages is prohibited on property or in facilities (including student housing) of WVSU and WVSCTC;

2.1.1 The possession or use is also prohibited in any of either institution's off-campus or leased facilities.

2.2 This policy does not apply to dwellings located on the campus of West Virginia State University or any of its off-campus or leased facilities which are occupied as a family residence, the Capitol Center, or facilities operated by the WVSU Foundation.

## **BOG Policy #38**

### **Title: Parking of Vehicles on Campus**

#### **Section 1. General**

1.1 Purpose: This policy establishes the color coded system applicable to all parking areas and lots, the parking permit requirements, the violation sanctions, and the parking enforcement agents for West Virginia State.

1.2 Authority: WV State Code §18B-4-6, 18-26-26.

1.3 The internal portion of the campus is closed to routine vehicular traffic and parking;

1.2.1 Center bollards (poles/pegs) are removable for response to emergency situations.

1.4 Department of Public Safety officers have the responsibility and authority to enforce the regulations of this Parking Policy.

1.5 Effective Date: May 25, 2005.

#### **Section 2. Applicability**

2.1 These regulations apply to all parking lots and areas of West Virginia State University as well as to the nearby surrounding community areas used for parking by the constituents of WVSU;

2.2 This policy applies to all students, faculty, staff and visitors of the institution;

2.2.1 Arrangements are generally made by campus organizations in conjunction with the Department of Public Safety so the applicable regulations are simplified or in part eliminated when applied to planned visitors to the campus.

#### **Section 3. Regulations**

3.1 All employees and students of WVSU are required to purchase Parking Permit decals if they plan to park their cars on campus.

3.1.1 Parking decals may be purchased at the Cashier's Office and picked up from the Department of Public Safety "customer window" located on the first floor of Wallace Hall;

3.1.1.1 Parking decal fees are not refundable;

3.1.1.2 The purchase of a parking permit decal does not insure the availability of a parking space, but grants the privilege of parking in appropriate areas when space is available.

3.1.2 Similar types of parking permits should be placed in similar locations on the vehicle;

- 3.1.2.1 Students' parking permits should be placed on the inside lower right-hand corner of the passenger front windshield;
- 3.1.2.2 Employees' parking permits should be hung from the rearview mirror support;
- 3.1.2.3 Retirees' parking permits should be stuck onto the left rear bumper;
- 3.1.3 Parking decals may not be transferred from one vehicle or person to another vehicle or person;
- 3.1.4 Failure to purchase a parking permit or to abide by the other aspects of the parking and traffic regulations can result in tickets, booting and/or towing.
- 3.2 All vehicles parked on the campus of WVSU shall display a current official parking permit granting such privilege;
- 3.3 Visitors shall have arrangements made in advance with the institutional sponsor, or through the Public Safety Office window in Wallace Hall, to obtain a temporary permit for parking while visiting the campus;
- 3.4 All motor vehicles belonging to and operated by students, faculty, staff or visitors shall be registered with the Department of Public Safety;
  - 3.4.1 Vehicle registration for students, faculty and staff occurs during the fall, spring and summer academic registration periods;
    - 3.4.1.1 The cost of parking permits is determined during the Spring Semester for the next full academic year beginning with the Fall Semester;
    - 3.4.2 Vehicles remaining unregistered after two weeks into each of the three academic sessions may be ticketed, booted, or towed from the campus at the owners expense.
- 3.5 Campus parking lots may not be used for storage of vehicles for students, faculty, or staff;
  - 3.5.1 Any vehicle which is not in use, is left on a campus street or parking lot, and whose owner cannot be located, may be ticketed, booted, or towed from the campus at the owners expense;
    - 3.5.1.1 Arrangements in this regard can be made with the Department of Public Safety for students, faculty and staff involved in institutional supported activities which require leaving their personal
- 3.6 Parking spaces are color coded in in the following manner:

**Red:** Faculty/Staff

**White:** Students/Faculty/Staff

**Blue:** Handicapped

**Green:** Visitor's Lot and the 15-minute Zone Spaces

**Yellow: Service Vehicles Only** (these are no-parking spaces)  
vehicles parked on the campus.

## **BOG Policy #49**

### **Title: Employees' Catastrophic Leave**

#### **Section 1. General**

1.1 The West Virginia State University Board of Governors utilizes this policy to guide the acquiring, donation and use of catastrophic leave by its eligible employees.

1.2 Authority: HEPC Series 38; WV State Code §18B-9-10. 1.3 Effective Date: March 13, 2006

#### **Section 2. Definitions**

2.1 Catastrophic illness or injury is defined as an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all sick leave and other paid time off;

2.1.1 Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all sick leave and other paid time off;

2.1.2 Immediate family member is defined consistent with HEPC Series 38 2.2 Employee is defined as a classified, non-classified, or 12-month faculty member who accrues sick and/or annual leave as a regular benefits-eligible employee of West Virginia State University (WVSU).

#### **Section 3. Donating and Receiving Leave**

3.1 To become an approved recipient of catastrophic leave, a WVSU employee must make application to the Director of Human Resources to request establishment of his/her eligibility.

3.1.1 Sick and/or annual leave may be donated to any employee experiencing a catastrophic illness or injury as those terms are defined in Section 2 above;

3.2 Sick and/or annual leave may be donated at the request of the employee upon appropriate verification that the employee is unable to work due to a catastrophic illness or injury as verified by the Director of Human Resources;

3.3 Pending proper approval and written notice to the Human Resources Office, any employee may donate sick and/or annual leave in one-day increments;

3.3.1 Donations will be reflected as a day-to-day deduction from the sick and/or annual leave balance of the donating employee;

3.3.2 No employee shall be compelled to donate sick and/or annual leave.

3.4 An employee receiving the transfer of sick and/or annual leave shall have any time which is donated credited to their account in one-day increments and reflected as a day-for-day addition to the leave balance.

- 3.5 The use of donated credits may not exceed a maximum of twelve continuous calendar months from any one catastrophic illness or injury;
- 3.5.1 The total amount of sick and/or annual leave donated may not exceed an amount sufficient to insure the continuance of regular compensation and shall not be used to extend insurance coverage;
- 3.5.2 An employee receiving donations of sick and/or annual leave shall use any personally accrued leave on a monthly basis prior to receiving additional donated sick and/or annual leave.
- 3.6 Transfers must be made within the time frame allotted each payroll cycle, and adjustments cannot be made retroactive to the pay cycle in progress.
- 3.7 Any employee as defined in Section 2.2 experiencing catastrophic illness or injury desiring to receive sick and/or annual leave donations may make such a request in writing to the Director of Human Resources;
- 3.7.1 The request must be accompanied by a physician's statement that the employee is unable to work due to the catastrophic illness or injury, indicating the probable duration of such incapacity;
- 3.8 The Director of Human Resources will then determine whether the request meets all requirements of the policy and so advise the Office of Administrative Services;
- 3.8.1 With recipient's written approval, the Director of Human Resources sends notification to all employees.
- 3.9 Any employee as defined in Section 2.2 within any West Virginia governed institution of higher education or within the Higher Education Policy Commission who wishes to donate accumulated sick and/or annual leave to an approved recipient shall provide written notice of that desire to the Director of Human Resources.
- 3.9.1 If the transfer of sick and/or annual leave is inter-institutional or involves an institution of higher education and the policy commission, the 3 receiving agency pays the employee accepting catastrophic leave for the transferred days.
- 3.9.2 If the transfer of sick and/or annual leave is inter-institutional or involves an institution of higher education and the policy commission, it is not mandatory that the receiving institution or policy commission accept the transfer.
- 3.10 The Human Resources Office will maintain a record of the dates that a recipient is approved and written donations are received;
- 3.10.1 The transfer of catastrophic leave shall not commence until the receiving employee has used all his/her sick and annual leave;
- 3.10.2 Transfers of sick and/or annual leave time, on a day-for-day basis, will be made in the order written donations are received;

3.10.3 As transfers occur, copies of a written confirmation will be provided to: · the donor; · the recipient; · the office responsible for tracking the donor's accumulated sick and/or annual leave; · the office responsible for tracking the recipient's accumulated sick and/or annual leave; · the Human Resources Office file.

3.11 If a donor subsequently changes his/her mind regarding the contribution of catastrophic leave, written notice of this change must be in writing and made within 15 days of the original letter of intention.

## **BOG Policy #52**

### **Title: Information Technology (IT) Security Policy**

#### **Section 1. General**

1.1 Purpose: This policy establishes guidelines and responsibilities for West Virginia State University (WVSU) employees regarding information security and the protection of West Virginia State University information resources. This information is based on the State of West Virginia Information Security Guidelines.

1.2 Scope: This policy applies to all WVSU employees who have access to WVSU information and to systems that store, access, or process the information.

1.3 Effective Date: 12/31/2002

#### **2.0 Policy**

##### **2.1 Administration**

2.1.1 An ISO (Information Security Officer) role must be assigned. This individual must perform or delegate the necessary functions and responsibilities of the position;

2.1.2 All information resources, regardless of medium, will be used, maintained, disclosed, and disposed of according to law, regulation, or policy;

2.1.3 All employees and others who access computer systems should be provided with sufficient training in policies and procedures, including security requirements, correct use of information resources, and other organizational controls;

2.1.4 A risk analysis program will be implemented and a risk analysis will be conducted periodically;

2.1.5 A cost effective incident response recovery plan will be maintained providing for prompt and effective continuation of critical missions in the

event of a security or other incident that impacts West Virginia State information resources;

2.1.5.1 Procedures, guidelines, and mechanisms that are utilized during a security incident, along with the roles and responsibilities of the incident management teams, must be established and reviewed regularly.

## 2.2 Access Controls

2.2.1 Access controls must be consistent with all state, federal, and local laws and statutes and will be implemented in accordance with this policy;

2.2.2 Procedures must be implemented to protect information resources from accidental, inadvertent, unauthorized, or malicious disclosure, modification, or destruction;

2.2.3 Appropriate controls must be established and maintained to protect the confidentiality of passwords used for authentication;

2.2.4 Individual users must have unique user ids and passwords;

2.2.5 All employees must be accountable for their computer and for any actions that can be identified to have originated from it;

2.2.6 When employees are transferred or their employment is terminated, user ids and authorizations should be disabled immediately;

2.2.7 Confidential or sensitive data (i.e., credit card numbers, calling card numbers, log on passwords, etc.) must be encrypted before being transmitted through the Internet;

2.2.8 The network access control devices and mechanisms must be appropriately configured to control all incoming services in a manner consistent with the mission of West Virginia State and sufficient protection of West Virginia State information assets;

2.2.9 Data and supporting software necessary for the continuation of West Virginia State functions will be periodically backed up;

2.2.10 All information assets must be accounted for and will have an assigned owner;

2.2.10.1 Owners, custodians, and users of information resources must be identified;

2.2.10.2 All access to computing resources will be granted on a need-to-use basis;

2.2.11 Each owner or custodian of information will determine its classification based on the circumstances and the nature of the information;

2.2.12 The owner or custodian will determine the protective guidelines that apply for each level of information. They include the following:

Access

Distribution within West Virginia State University

Distribution outside West Virginia State University

Electronic distribution

Disposal/Destruction

2.2.13 All programmable computing devices must be equipped with up-to-date virus protection software, if available;

2.2.13.1 Virus protection procedures will be developed to address system protection.

2.3 Personnel Practices

2.3.1 All IT assets, including hardware, software, and data are owned by West Virginia State unless excepted by contractual agreement, or federal law or regulation;

2.3.2 Information resources are designated for authorized purposes only. West Virginia State reserves the right to monitor and review employee use as required for legal, audit, or legitimate authorized West Virginia State operational or management purposes;

2.3.3 Employees must receive an appropriate background check when their position is determined by the Information Security Officer, or the President of West Virginia State University, or the President's designees, to be a critical position with respect to IT assets;

2.3.4 Procedures must be established to ensure that all WVSU employees have read, understand, and will abide by West Virginia State University policies and procedures regarding IT security;

2.3.5 All vendors and contractors must sign and abide by a contract/confidentiality statement to ensure compliance with state and West Virginia State University information security policies and procedures;

2.3.6 All employees must abide by any rules regarding acceptable and unacceptable uses of IT resources.

2.4 Physical and Environmental Security

2.4.1 Information resource facilities will be physically secured by measures appropriate to their critical importance;

2.4.2 Security vulnerabilities will be determined and controls will be established to detect and respond to threats to facilities and physical resources;

2.4.3 Critical or sensitive data handled outside of secure areas will receive the level of protection necessary to ensure integrity and confidentiality;

2.4.4 Equipment will be secured and protected from physical and environmental damage;

2.4.5 Equipment used outside West Virginia State University premises will be given the appropriate degree of security protection and will be equivalent to that of on-site information resource equipment used in a similar manner.

### **3.0 ENFORCEMENT**

3.1 Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

### **4.0 DEFINITIONS**

Access - to approach or use an information resource.

Access Control - the enforcement of specified authorization rules based on positive identification of users and the systems or data they are permitted to access.

Authentication - the process of verifying the identity of a user.

Chief Information Officer - the person responsible for West Virginia State University's information resources.

Custodian of Information - the person or unit assigned to supply services associated with the data.

Employee - Individuals employed on a temporary or permanent basis by WVSU as well as contractors, contractors' employees, volunteers, and individuals that are determined by West Virginia State University to be subject to this policy.

Encryption - process of encoding electronic data that makes it unintelligible to anyone except the intended recipient.

Firewall - specialized computers and programs residing in a virtual area between an organization's network and outside networks which are designed to check the origin and type of incoming data in order to control access and block suspicious behavior or high-risk activity.

Information Assets - Any of the data, hardware, software, network, documentation, and personnel used to manage and process information.

Information Security - those measures, procedures, and controls that provide an acceptable degree of safety for information resources, protecting them from accidental or intentional disclosure, modification, or destruction.

Information Security Officer (ISO) - the person designated by the WVSU President, or his/her designee, to administer West Virginia State University's information security program. The ISO is West Virginia State University's internal and external point of contact for all information security matters.

Owner of Information - the person(s) ultimately responsible for an application and its data viability.

Password - a string of characters known to a computer system or network and to a user who must enter the password in order to gain access to an information resource.

Risk Analysis - the evaluation of system assets and their vulnerabilities to threats in order to identify what safeguards are needed.

Security Incident - an event that results in unauthorized access, loss, disclosure,

modification, or destruction of information resources, whether deliberate or accidental.

Threat - includes any person, condition or circumstance that endangers the security of information, or information systems, in the context of Information Security.

User of Information - a person authorized to access an information resource.

## **BOG Policy #53**

### **Title: Responsible Use of University Computing Resources**

#### **Section 1. General**

1.1 As a part of the physical and social learning infrastructure, West Virginia State University acquires, develops, and maintains computers, computer systems, and networks. These computing resources are intended for institution-related purposes, including:

1.1.1 Direct and indirect support of the University's instruction, research, and service missions; of University administrative functions;

1.1.2 Student and campus life activities;

1.1.3 Free exchange of ideas among members of the University community and between the University community and the wider local, national, and world communities.

1.2 The rights of academic freedom and freedom of expression apply to the use of University computing resources.

1.2.1 So, too, do the responsibilities and limitations associated with those rights.

1.3 The use of University computing resources, like the use of any other University-provided resource and like any other University-related activity, is subject to the normal requirements of legal and ethical behavior within the University community.

1.3.1 Thus, legitimate use of a computer, computer system, or network does not extend to whatever is technically possible.

1.4 Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible.

1.4.1 Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

1.5 Effective date: March 29, 2005

## **Section 2. Applicability**

2.1 These regulations apply to all users of West Virginia State networked computing resources, whether affiliated with the University or not, and to all uses of those resources, whether on campus or from remote locations.

2.1.1 Additional policies may apply to specific computers, computer systems, or networks provided or operated by other units of the University or to uses within specific units.

2.1.2 One should consult his/her operator or manager about the specific computer, computer system, or network in which he/she is interested, or the management of the unit for further information.

## **Section 3. Regulations**

3.1 All users of the University computing resources must:

3.1.1 Comply with all federal, West Virginia, and other applicable law; all generally applicable University policies and rules, and all applicable contracts and licenses. (Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit “hacking,” “cracking,” and similar activities; the University’s code of student conduct; the University’s sexual harassment policy; and all applicable software licenses.)

3.1.1.1 Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks;

3.1.1.2 Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular uses.

3.1.2 Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized.

3.1.2.1 Ability to access computing resources does not, by itself, imply authorization to do so;

3.1.2.2 Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding;

3.1.2.3 Accounts and passwords may not, under any circumstances, be shared with, or used by, persons other than those to whom they have been assigned by the University.

- 3.1.3 Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected;
  - 3.1.3.1 Ability to access other persons' accounts does not, by itself, imply authorization to do so;
  - 3.1.3.2 Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding.
- 3.1.4 Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users.
  - 3.1.4.1 Although there is no set bandwidth, disk space, CPU time, or other limit applicable to *all* users of University computing resources, limits are placed on individual disk space and "bandwidth managing" is utilized to provide higher priority for computing resources critical to the University. It must be realized that the University's computing resources are finite and shared;
  - 3.1.4.2 The reasonableness of any particular use will be judged in the context of all of the relevant circumstances.
- 3.1.5 Refrain from using those resources for personal commercial purposes or for personal financial or other gain;
  - 3.1.5.1 In the interest of making the use of IT resources a natural part of the day-to-day learning and work of all members of the University community, incidental personal use is tolerated. However, one should not use University sources of email, Internet access, and other IT services for activities of an extensive nature that are unrelated to University purposes. Excessive use of systems for recreational Internet browsing, email, or game playing is to be avoided and may subject University employees to disciplinary action;
  - 3.1.5.2 Further limits may be imposed upon personal use in accordance with normal supervisory procedures.
- 3.1.6 Refrain from stating or implying that they speak on behalf of West Virginia State University and from using WVSU trademarks and logos without authorization to do so;
  - 3.1.6.1 Affiliation with the University does not, by itself, imply authorization to speak on behalf of the University;
  - 3.1.6.2 Authorization to use WVSU trademarks and logos on University computing resources may be granted only by the appropriate authority. (The use of suitable disclaimers is encouraged.)

## **Section 6. Inappropriate Use of Computer Resources (Computer Abuse)**

6.1 The following delineates activities that constitute abuse of West Virginia State (WVS) resources as established by the preceding rules regarding the use or abuse of all hardware, data, software and communications networks associated with campus computer systems:

6.1.1 Privacy - Investigating or reading another user's file is considered a violation of privacy unless in response to suspected infringement of University policy or required by a law enforcement agency or in the normal course of network and systems operations and maintenance.

6.1.1.1 Violations include but are not limited to:

- Attempting to access another user's files without permission;
- Furnishing false or misleading information or identification in order to access another user's account;
- Attempts to access WVSU computers, computer facilities, networks, systems, programs or data without authorization;
- Unauthorized manipulation of WVSU computer systems, programs or data;
- Unauthorized monitoring of network traffic, for example reading e-mail messages not addressed to the user.

6.1.2 Theft

6.1.2.1 Attempted or detected alteration of software, data or other files as well as disruption or destruction of equipment or resources is considered theft.

6.1.2.2 Violations include but are not limited to:

- Using subterfuge to avoid being charged for computer resources;
- Deliberate, unauthorized use of another users' account to avoid being billed for computer use;
- Abusing specific resources such as the Internet;
- Removing computer equipment (hardware, software, data, etc.) without authorization;
- Copying or attempting to copy data or software without authorization.

6.1.3 Vandalism. Violations include but are not limited to:

- Sending mail or a program that will replicate itself (such as a computer virus) or do damage to another user's resources;
- Sending excessive quantities of mail to a single destination or otherwise generating excessive quantities of network traffic, which have the deliberate effect of overloading a networked resource;
- Tampering with or obstructing the operation of WVSU computer systems;
- Inspecting, modifying or distributing data or software (or attempting to do so) without authorization;
- Damaging computer hardware or software.

6.1.4 Harassment. WVSU has as part of its mission, the responsibility of being a distinctive "living laboratory of human relations," attracting a racially and culturally diverse student body, faculty, and staff. The University cherishes its unique history and its reputation for safeguarding academic freedom, for being innovative in its scholastic programs, and for removing barriers to education and leadership for women, minorities, and the handicapped.

6.1.4.1 Sending or publishing in an electronic form (for example, a World Wide Web page) material that is abusive or obscene, or engaging in other forms of harassment that impedes the progress of the University's mission and/or are detrimental to the University community as a whole. Harassment violations include but are not limited to:

- Interfering with legitimate work of another user;
- Sending unwanted messages or files to other users after being requested not to send them;
- Sending excessive quantities of messages or files;
- Sending or publishing in an electronic form abusive or obscene messages or materials via computers;
- Using computer resources to engage in abuse of other users.

6.1.4.2 Other acts considered unethical and abusive include:

- Unauthorized and time-consuming recreational game playing;
- Using computer accounts for work not authorized for that account;
- Sending chain letters or unauthorized mass mailings;
- Using the computer for personal profit or other illegal purposes;
- Personal advertisements;
- Display of offensive material and graphics in public areas.

**TITLE 133  
PROCEDURAL RULE**

**HIGHER EDUCATION POLICY COMMISSION  
SERIES 8**

**TITLE: PERSONNEL ADMINISTRATION**

**SECTION 1. GENERAL**

1.1 Scope - This rule establishes policy in a number of areas regarding personnel administration for the Higher Education Policy Commission employees.

1.2 Authority - West Virginia Code '18B-1-6, '18B-1-8, '18B-9-4.

1.3 Filing Date - October 22, 2001

1.4 Effective Date - November 22, 2001

**SECTION 5. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF**

5.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law.

5.2 When a full-time or part-time classified non-exempt employee is required to work on any designated board or institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.

5.3 When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

EXCERPT FROM HEPC'S SERIES 8 FOR FULL POLICY GO TO :  
[www.wvhepc.org](http://www.wvhepc.org)

YOU MAY ALSO REFER TO HIGHER EDUCATION POLICY COMMISSION  
FOR POLICIES ON: [www.wvhepc.org](http://www.wvhepc.org).

SERIES 14: HOLIDAYS

SERIES 38: EMPLOYEE LEAVE

SERIES 53: HUMAN RESOURCES ADMINISTRATION

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