

MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS
AGENDA
Friday, February 20, 2009
8:00 a.m.
Marshall Community & Technical College
Cabell Hall – Corner of 20th Street and Seventh Avenue
Huntington, WV

- I. Call to Order and Determination of Quorum
- II. Approval of Minutes – January 16, 2009*
- III. Appointment of Ad Hoc Committee on Presidential Evaluation – Sue Richardson
- IV. Committee of the Whole – Sue Richardson
 - a) Recommendation Relating to the Arbitration Process*
- V. President’s Report - Dr. Cotroneo
- VI. Academic and Student Services Committee Report – Donna Donathan, Chair
 - a) Academic and Student Services Committee Report and Discussion
 - b) Other
- VII. Rules and By-Laws Committee Report – Mark Bugher, Chair
 - a) Rules and By-Laws Committee Report and Discussion
 - b) Proposed Change to Rule IT1: Information Technology Acceptable Use Policy*
 - c) Proposed Change to Rule AA-3: Reduced Tuition for Persons 65 and Older*
 - d) Proposed Change to Rule FA-5: Disposition of Surplus Property*
 - e) Proposed Change to Rule GA-1: Sexual Harassment*
 - f) Proposed Change to Rule GA-8: Smoking*
 - g) Proposed Change to Rule FA-4: Policies on Use of Institutional Facilities*
 - h) Proposed Change to Rule GA-11: Policy on Rulemaking*
 - i) Repeal of Rule HR-9: Classified/Non-Classified Employment Appointments in December*
 - j) Other
- VIII. Announcements:
 - 1. Next Regularly Scheduled Meeting of the IBOG – March 20, 2009
 - 2. Other

- IX. Finance and Facilities Committee Report – Jeffrey Porter, Chair
 - a) Finance and Facilities Committee Report and Discussion
 - b) Recommendation Relating to Cost Analyses for Future MCTC Sites*
 - c) Other

- X. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Land Acquisitions and Leases

- XI. Adjournment

* Action Item

MINUTES

MARSHALL COMMUNITY & TECHNICAL COLLEGE INSTITUTIONAL BOARD OF GOVERNORS

Friday, January 16, 2009

8:00 a.m.

Marshall Community & Technical College
Cabell Hall – Corner of 20th Street and Seventh Avenue
Huntington, WV

PRESENT: Bob Bailey, Mark Bugher, Ruth Cline, Donna Donathan, Mark George, Jim Hale, Mike Herron, Jason Moses, Criss Nance, Jeffrey Porter, Susan Richardson, and Monica Shafer.

ABSENT: None.

ALSO ATTENDING: President Keith J. Cotroneo, Billie Brooks, Steven Brown, Jean Chappell, Mary Beth Dickerson, Herb Karlet, Mike McComas, Stephanie A. Neal, Carol Perry, Senator Bob Plymale, Terri Tomblin-Byrd, Linda Vinson, Dave Wellman, John Whiteley, and guests.

AGENDA ITEMS:

I. Call to Order and Determination of Quorum:

Ms. Richardson called the meeting to order at 8:05 a.m. A quorum was established.

II. Approval of Minutes – December 19, 2008:

A motion was made by Jason Moses and seconded by Mark George to approve the December 19, 2008 minutes as submitted. The motion was approved.

III. President's Report – Dr. Cotroneo:

Dr. Cotroneo distributed to the board a number of handouts, briefly discussing each and reported the following:

- MCTC Enrollment Comparison (2008-2009). Current enrollment figures indicate that there is currently a 12.3% increase in Spring 2009 as compared to the same time period for Spring 2008.
- A copy of the IPEDS Data Feedback Report for 2008 was distributed and discussed. All higher education institutions are required to submit data to IPEDS (Integrated Postsecondary Education Data System). The information supplied by IPEDS is helpful in comparing MCTC with peer institutions.
- Dr. Cotroneo asked Nick Napier, Applications Systems Analyst Programmer Senior at MCTC, to distribute a website traffic report for discussion. Between December 4 and January 15, 2009, the MCTC website has had a total of 12,708 visitors.

IV. Finance & Facilities Committee – Jeffrey Porter, Chair:

Jeffrey Porter indicated the Finance and Facilities Committee met January 14, 2009 and reported the following:

- There is still no resolution with the university relating to the Budgeted Indirect Cost Agreement. Donna Donathan expressed faculty concerns relating to a recent article in the Herald-Dispatch stating MCTC had not paid its bills to Marshall University. Ms. Richardson acknowledged the concerns but expressed the fact that in order for MCTC to pay its bills, the Budgeted Indirect Cost Agreement must first be approved. Once this occurs, the bills will be paid.
- The process of separating the Banner database is moving forward and the Banner Implementation Plan is going well.
- A Memorandum of Understanding between MCTC and MU along with related support documentation regarding the Student Health & Wellness Center Fee was provided to the MU administration on January 13, 2009 for review/approval. Although no approval had been received to date, the MU administration did make contact with the MCTC administration regarding the possibility to modify from a headcount to FTE calculation.

Three recommendations from the Finance & Facilities Committee were distributed for consideration:

- That the MCTC Institutional Board of Governors approve of the Site Selection Process – Plan of Action as presented. A motion was made by Jason Moses and seconded by Mark Bugher to approve this recommendation. The motion was approved.

- That public notice be given that a proposed rule on “Travel” be available for a 30-day comment period and that if no substantial comments are received, the MCTC-IBOG extends its final approval of the rule. A motion was made by Jason Moses and seconded by Mark Bugher to approve this recommendation. The motion was approved.
- That a contract of lease, effective February 1, 2009 through July 31, 2010 for the 2,500 square foot property located at 917 Third Avenue, Huntington, WV be approved. The space will be used for administrative staff with the space they would be vacating to be used by Student Services. A motion was made by Jason Moses and seconded by Mark Bugher to approve this recommendation. The motion was approved.

IV. Announcements:

- The next regularly scheduled meeting of the Board will be February 20, 2009 with the time and location to be determined. Bob Bailey offered the option for the Board to meet at the Cabell County Commission office.
- Donna Donathan indicated the Academic and Student Services Committee is scheduled to meet February 6, 2009.
- Mark Bugher announced the Rules and By-Laws Committee will be scheduling a meeting soon.

V. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Land Acquisitions:

None.

VI. Adjournment:

There being no other agenda items, the meeting was adjourned at 8:47 a.m.

Susan K. Richardson Chairman

Ruth Cline Secretary

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Arbitration Process

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: *Resolved*, that in the event that issues associated with HB3215 are not fully resolved by the February 27, 2009 deadline set by the Central Office, the MCTC Institutional Board of Governors authorizes the Executive Committee and the President to initiate the arbitration process. The administration shall prepare a document for approval by the Executive Committee summarizing each issue to be submitted to the Chancellors jointly for resolution.

STAFF MEMBER: Dr. Keith J. Cotroneo
President

BACKGROUND

The Central Office has established February 27, 2009 as the deadline for Marshall Community & Technical College and Marshall University to resolve issues related to HB 3215. In the event that such issues are not resolved by this date, this recommendation will provide the action to be followed relating to the arbitration process.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on Information Technology Acceptable Use.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on Information Technology Acceptable Use is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (IT-1) be replaced with the attached policy on Information Technology Acceptable Use.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY

General:

- 1.1 Scope: This policy sets standards of acceptable use of the information technology environment at Marshall Community & Technical College.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date:
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall Community & Technical College

Policy:

- 2.1 It is the policy of the MCTC BOG that authorized users of College IT resources abide by all institutional procedures as well as applicable federal, state and local regulations regarding use of these resources. Appropriate and responsible use of these resources must be consistent with the common good. These resources may NOT be used for commercial or profit-making purposes. Users must adhere to the ethical standards governing copyright, software licensing, and intellectual property.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on Reduced Tuition for Persons 65 and Older.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on Reduced Tuition for Persons 65 and Older is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (AA-3) be replaced with the attached policy on Reduced Tuition for Persons 65 and Older.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXXX

REDUCED TUITION FOR WEST VIRGINIA RESIDENTS 65 AND OVER

General:

- 1.1. Scope: This rule establishes a reduced tuition and fee program for residents of West Virginia who are at least 65 years of age to take courses or classes at Marshall Community & Technical College on a space available basis.
- 1.2. Statutory References: W. Va. Code §18B-10-7a
- 1.3. Passage Date:
- 1.4. Effective Date: Upon passage
- 1.5. Background: Replaces MUBOG Policy AA-3 which was transferred by the MUBOG to the institutional board of governors of Marshall Community & Technical College. This policy was previously numbered as MUBOG Policy No. AA-3.

Purpose:

- 2.1. The purpose of this rule is to establish a reduced tuition and fee program for residents of West Virginia who are at least sixty-five years of age to take courses or classes on a space available basis. The program includes an option for those who attend courses on a no credit basis and an option for individuals who attend courses for credit.

Eligibility and Participation:

- 3.1. A participant will be permitted to register for a course under either of the two options of this program provided that the participant is a resident of West Virginia and is at least sixty-five years of age.
- 3.2. A participant may register for a course under either of the two options of this program provided that classroom space is available.
- 3.3. A participant may register for a course under either of the two options of this program provided that the instructor of the course consents.

- 3.4. A participant will be subject to the institutional programmatic and financial guidelines for enrollees in this program and to the rules, regulations, procedures, and requirements, including course prerequisites, of MCTC.
- 3.5. The College will determine the following for participation under either of the two options of this program:
 - 3.5.1. A method of establishing priority for allowing a participant to register for and attend a course.
 - 3.5.2. Whether to require a participant to pay special fees, including laboratory fees, if the fees are required of all other students.
 - 3.5.3. Whether to require a participant to pay for parking.

No Credit Option:

- 4.1. The total tuition and fees charged for each course under the no credit option, excluding laboratory and parking fees, may not exceed fifty dollars.
- 4.2 A grade or credit may not be given under the no credit option.

Credit Option:

- 5.1. The total tuition and fees charged in the program under the “for credit” option shall not exceed fifty percent of the normal rates charged to state residents by the institution.

Registration:

- 6.1. The College may develop an abbreviated student registration form for the convenience of participants in this program.

Institutional Guidelines:

- 7.1. The College shall develop guidelines to establish a reduced tuition and fee program for West Virginia residents who are at least sixty-five years of age to take classes on a space available basis. These guidelines shall be consistent with the provisions of this policy and shall be published in the College bulletin and/or other appropriate institutional publications.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on the Disposition of Surplus Property.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on the Disposition of Surplus Property is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (FA-5) be replaced with the attached policy on the Disposition of Surplus Property.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

DISPOSITION OF SURPLUS PROPERTY

General:

- 1.1 Scope: Policy regarding the sale, transfer, or other disposal of obsolete or unusable equipment surplus.
- 1.2 Statutory References: W. Va. Code §18B-5-7
- 1.3 Passage Date:
- 1.4 Effective Date: Upon passage

Policy:

- 2.1 The term “surplus property” shall refer to all obsolete or unusable equipment, surplus supplies, and other unneeded materials.
- 2.2 The College will dispose of surplus property in a manner consistent with all applicable laws, policies, and procedures of the State of West Virginia and all relevant governing authorities.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on Sexual Harassment.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on Sexual Harassment is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (GA-1) be replaced with the attached policy on Sexual Harassment.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

SEXUAL HARASSMENT POLICY

General:

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

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

1.3 Passage Date:

1.4 Effective Date: Upon passage

Policy:

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

Sexual Harassment Defined

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

- 3.1.1 Submission to such conduct is an explicit or implicit condition of employment;
- 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:
 - a. Unreasonably interfering with an individual's work or educational performance, or;
 - b. Creating an intimidating, hostile or offensive work or educational environment.

Filing of Complaints

- 4.1 The College shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on Smoking.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on Smoking is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (GA-8) be replaced with the attached policy on Smoking.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

SMOKING POLICY

General:

- 1.1 Scope: Policy description
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage date:
- 1.4 Effective date: Upon passage
- 1.5 Controlling over: Marshall Community & Technical College

Policy:

- 2.1 In response to serious and documented health concerns, Marshall Community & Technical College prohibits smoking in any college building or vehicle.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on the Use of Institutional Facilities.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on the Use of Institutional Facilities is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (FA-4) be replaced with the attached policy on the Use of Institutional Facilities.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

POLICY ON USE OF INSTITUTIONAL FACILITIES

General:

- 1.1. Scope: This rule governs use of institutional facilities by persons or groups.
- 1.2. Statutory References: W. V. Code §18-26
- 1.3. Passage Date:
- 1.4. Effective Date: Upon passage
- 1.5. Background: Replaces MUBOG Policy No. FA-4 which was transferred by the MUBOG to the institutional board of governors of Marshall Community & Technical College. This policy was previously numbered as MUBOG Policy No. FA-4.

Policy:

- 2.1. Facilities of Marshall Community & Technical College are intended for use in the conduct of its educational programs. As such, first priority for use of facilities will be given to the academic, administrative, and student functions at the institution.
- 2.2. In its many aspects of service to the public, the Board of Governors also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from campus and off-campus groups will be guided by the following policy statements.

By Off-Campus Groups or Individuals (Non-state Employee):

- 3.1. It is the policy of Marshall Community & Technical College to permit the use of facilities by the general community in a manner which does not compete with the ongoing programs of the colleges and universities of the State. The community use of a College facility must have an educational or cultural purpose

and must have a campus sponsor. The facilities that will be made available to non-campus groups will tend to be of a nature which is unique in the community.

3.2. Use of campus facilities by non-campus individuals or organizations will be permitted within the following guidelines:

- a. Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the institution;
- b. The nature of the activities of the non-campus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed. While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States.
- c. A standard rental/lease agreement accompanied by evidence of such insurance protection as may be required to adequately protect the institution shall be executed by the campus sponsor and also be signed by a responsible officer of the non-campus organization desiring to use a campus facility.
- d. All charges assessed for the use of campus facilities shall be sufficient at least to cover all identifiable costs of both a direct and indirect nature except that charges for indirect costs may be waived at the discretion of the institution for non-profit organizations and/or public bodies of the State of West Virginia, such as county school systems, etc. All charges must be reasonable, charged equally to all similar groups, and be published in advance. In turn, such groups using campus facilities may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. All surplus revenue derived from the conduct of an event will accrue to the benefit of the institution, except for public or non-profit groups for which this provision may be waived.

By Campus Groups for Non-traditional Programs (State Employee):

4.1. To encourage the institution to extend their offerings, it shall be the Board's policy to permit its facilities to be made available for use by recognized campus units to conduct educational or cultural programs, including youth camps, for which fees are charged and from which staff members may be paid beyond their regular annual salary. The following guidelines will apply for these activities:

- a. Faculty and staff members who conduct non-traditional programs may be compensated on the basis of the number of attendees, hours worked, or percentage of net revenue. The conditions for such payments are that: (a) extra compensation for the activity be paid from funds other than state appropriations allocated by the Marshall Community & Technical College; and (b) the amount of combined non-traditional and consulting activity for which additional compensation is received is consistent with institutional policy and, where twelve (12) month employees are involved, annual leave is taken. Institutional officials will be responsible for approval of employees participating in programs covered by this policy and for maintenance of employees' records of annual leave and/or consulting time;
- b. All revenues and expenditures shall be handled by the business office of the institution. All revenues from these programs shall be deposited into the appropriate state special revenue account. Charges for special services provided by the institution may be deducted from revenues; however, the institution may require that a deposit be made in advance for such services.
- c. A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and the President of the institution or his/her designee. Said agreement shall establish the responsibilities of the institution and the sponsor, including detailed financial obligations to the institution from revenues. All agreements must ensure that the institution will receive reimbursement for all identifiable direct and indirect costs;
- d. Programs must be sponsored by the institution. The name to be used for the program is left to the discretion of the institution;
- e. All personnel receiving compensation for involvement in the programs must be paid on a regular state payroll or a standard 48 or 48A service agreement, as prescribed by the original contract agreement;
- f. All publicity must indicate that checks for payment of fees are to be made payable to the institution and not to an individual or outside organization;

- g. Adequate insurance must be underwritten by the sponsors of the program.

Selling of Articles on College Campuses:

- 5.1. All solicitation and selling of products and articles upon property under the jurisdiction of Marshall Community & Technical College is prohibited except by organizations and groups directly connected with or sponsored by the institution and upon written approval of the respective President or his/her designee.

§18-55-6 General:

- 6.1. The College president shall designate the administrator(s) of this policy. A standard rental/lease agreement approved by the Board of Governors or its representative shall be used by the institution, along with any other forms needed to execute this policy.

- 6.2. It is not the intent of this policy to cover non-credit instruction offerings.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period for a policy on the Rulemaking by the Board.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that a proposed rule on Rulemaking by the Board is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC is requesting that the existing board policy (GA-11) be replaced with the attached policy on Rulemaking by the Board.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. XXXXX

POLICY ON RULEMAKING BY THE BOARD

General

- 1.1 Scope: This policy governs rulemaking by the Board of Governors and is applicable to policies for Marshall Community & Technical College.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date:
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall Community & Technical College

Definitions

- 2.1. The term “rule” shall be defined as it is in WV Code §18B-1-6(c). The current definition is quoted below:
 - 2.1.1. §18B-1-6(c)(1) – “Rule” means any regulation, guideline, directive, standard, statement of policy or interpretation of general application which has institution-wide effect or which affects the rights, privileges or interests of employees, students, or citizens. Any regulation, guideline, directive, standard, statement of policy or interpretation of general application that meets this definition is a rule for the purposes of this section.
 - 2.1.2 §18B-1-6(c) (2) – Regulations, guidelines, or policies established for individual units, divisions, departments or schools of the institution, which deal solely with the internal management or responsibilities of a single unit, division, department or school or with academic curricular policies that do not constitute a mission change for the institution, are excluded from this subsection, except for the requirements relating to posting.
- 2.2. The term “policy” as it is used by the Board shall be synonymous with the term “rule” defined in 2.1. above.

2.3. The term “administrative procedure” means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a “rule.”

Adoption, Amendment, and Repeal of Policies

3.1. The Board authorizes the president and his/her staff to initiate the rulemaking process on its behalf.

3.1.1. All policies shall be brought to the Board for approval pending appropriate notice and comment period requirements except as provided in 3.1.2.

3.1.2. The Board may also approve emergency policies without the normal notice and comment period. A policy approved as an emergency must be approved, following the normal procedures in this policy, within three months of its emergency approval or it shall expire.

3.1.3. The Board authorizes the president and his/her staff to make modifications to a proposed policy in response to comments. Comments or summaries of comments and responses to those comments will be included with the proposed policy in the agenda for the Board meeting in which it is to be approved. Notification to constituencies and the public may be accomplished by publication of the comments, responses, and any modified policy in the Board’s meeting agenda or direct notification to the individuals listed in section 3.3.

3.2. The Board will approve policies in a manner consistent with all applicable laws, policies, and procedures of the State of West Virginia and all relevant governing authorities.

3.3. The following individuals shall be notified of a “request for comment” on a proposed policy:

3.3.1. The classified employee representative to the Board of Governors.

3.3.2. The faculty representative to the Board of Governors.

3.3.3. The student representative to the Board of Governors.

3.3.4. The chancellor of the Community and Technical College System.

3.3.5. The Board of Governors.

3.4. Paper copies of all policies and proposed policies will be maintained at the College.

3.5. Electronic copies of all policies and proposed policies will be available for viewing on the MCTC Board of Governors web page.

Administrative Procedures

4.1. Administrative procedures do not require approval of the Board.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Approval to give public notice of a 30-day comment period that the existing policy on Classified/Nonclassified Employment Appointments in December is being repealed.

COMMITTEE: Rules and By-Laws Committee

RECOMMENDED RESOLUTION: *Resolved*, public notice will be given that the intent to repeal the existing Institutional Board of Governors Policy on Classified/Nonclassified Employment Appointments in December is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of repealing the rule.

STAFF MEMBER: Mark Bugher, Chair
Rules and By-Laws Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. Therefore, MCTC has reviewed the existing Board Policy on Classified/Nonclassified Employment Appointments in December (HR-9) and requests that the policy be repealed.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS**

Policy No. HR-9

CLASSIFIED/NONCLASSIFIED EMPLOYMENT APPOINTMENTS IN DECEMBER

1 General Information:

- 1.6 Scope: This policy governs the tendering and processing of personnel actions to create new employment appointments in December.
- 1.7 Authority: N/A
- 1.8 Passage date: March 8, 2006
- 1.9 Effective date: Upon passage
- 1.10 Controlling over: Marshall Community & Technical College
- 1.11 History: This policy was originally published as a Human Resource Services policy and procedure, *Classified/Nonclassified Appointments in December*, on January 3, 2005.

2 Policy:

- 2.1 Classified and nonclassified regular-status employment appointments (new hires) at Marshall Community & Technical College may not begin at the second pay period in December unless authorized in advance by the chief human resources officer.

**Marshall Community & Technical College
Institutional Board of Governors
Meeting of February 20, 2009**

ITEM: Site Selection Process

COMMITTEE: Finance and Facilities Committee

RECOMMENDED RESOLUTION: *Resolved*, that the MCTC Institutional Board of Governors authorizes the MCTC administration to move forward with further investigations and the preparation of cost analyses for those sites discussed during Executive Session.

STAFF MEMBER: Jeffrey Porter, Chair
Finance and Facilities Committee

Dr. Keith J. Cotroneo
President

BACKGROUND

The Finance and Facilities Committee met February 11, 2009 with John Harris, Architect with Bastian & Harris Architects, LLC, for the purchase of discussing the Site Selection Process for a facility. The Committee recommends that the administration move forward with further investigations and the preparation of cost analyses for those sites discussed with the architect.