Policy 1 provides the procedural framework through which the policies of the Board are created, amended or deleted. The text of the policy has not been updated since the Legislature established some additional specific requirements relating to comment periods and notice to the campus community of proposed changes in these policies. Most of those changes were generally consistent with the prior practices of Shepherd University in Board Policy promulgation, but were not all expressly provided for in Policy 1. The proposed changes would make the Board Policy fully consistent with those statutory changes. Because the changes are extensive, a mark-up version of the changes is not offered.

The only comment that has been submitted as to this change for Policy 1 is a comment from the Policy Commission Staff. The draft initially circulated for comment included an authorization for the University President to promulgate an emergency policy on behalf of the Board, with a requirement that the Board dismiss or ratify the emergency policy at its next meeting. The HEPC has concluded that the Board may not delegate such authority to a president under existing law. Section Six has therefore been modified to eliminate those provisions.

A copy of the proposed revision to Policy 1 follows on pages 3-6.

Policy 4 and Policy 18 provide for the institutional policies and procedures as to sexual harassment or other harassment incidents and the University’s response to such complaints. Each policy provides for parallel procedures as to informal and formal resolution of complaints. Those procedures have previously been administered by the Ombudsperson.

The proposed amendment of these two policies would shift most of the administrative and record-keeping in these areas to the Affirmative Action Officer (AAO). The Ombudsperson is usually a tenured faculty member who takes on the role of helping to mediate issues and disputes in an informal way, and that faculty member would not have staff support to help with detailed administrative duties.

Comments in response to these proposed changes expressed some concern that the Ombudsperson should continue to be the principal person engaged in informal dispute resolution in cases of harassment complaints. The initial draft revisions shifted all of the duties under these policies to the AAO. The draft has been further modified to provide for the Ombudsperson and the AAO to work cooperatively in response to informal complaints and to indicate that in most informal cases the Ombudsperson will be the primary point of contact for the concerned persons.
A copy of the proposed revisions to Policy 4 and Policy 18 follow on pages 7-14. New language is underlined, and deleted language is shown in strike-through.

The following resolutions are recommended for adoption by the Board:

    RESOLVED, That the Shepherd University Board of Governors approves the amendments to Policy 1, Adoption or Amendment of Policies, as presented in the agenda book of September 11, 2008

    RESOLVED, That the Shepherd University Board of Governors approves the amendments to Policy 4, Sexual Harassment, and Policy 18, Social Justice, as presented in the agenda book of September 11, 2008.