



Meeting Minutes  
January 25, 2023  
Zoom

**MEMBERS PRESENT**

Lindsay Morgan	WVU Parkersburg
Deirdre Guyton	Bluefield State University
Jane Fouty	BridgeValley Community and Technical College
Amy Pitzer	Concord University
Michele Lang	Glenville State University
Dee Preston	Mountwest Community and Technical College
Erin Trump	New River Community and Technical College
J. Christopher Gray	Southern WV Community and Technical College
Yodev Ocasio	West Liberty University
Michael Casey	West Virginia State University
Jenna Derrico	West Virginia Northern Community College
Barbara Sanders	West Virginia School of Osteopathic Medicine
Shirley Robinson	West Virginia University
Dara Massey	West Virginia University Institute of Technology
Verne Britton	WVNET

**MEMBERS ABSENT**

Vacant	Blue Ridge Community and Technical College
Vacant	Community and Technical College System of WV
Vacant	Eastern WV Community and Technical College
John DeVault	Fairmont State University
Teresa Meddings	Marshall University
Vacant	Pierpont Community and Technical College
Jayne Angle	Shepherd University
Jamey Kesner	WVU Potomac State College

**GUESTS**

Ken Harbaugh, ACCE Emeritus  
Robert Long, ACCE Emeritus  
Matt Turner, Executive Vice Chancellor of Administration, Higher Education Policy Commission  
Ashley Vogles, Legislative Intern, Higher Education Policy Commission, and BridgeValley CTC student



Chair Morgan called the meeting to order at 9:09 am. The Chair determined that a quorum was present.

### **LEGISLATIVE UPDATE FROM THE HEPC**

Matt Turner updated the group on the 2023 legislative session. Chancellor Tucker will be giving a budget presentation to the House Finance Committee later in the day, and Executive Vice Chancellor Turner will be providing an update to the council of presidents.

HB 2005 is a HEPC bill establishing a dual credit pilot program which would be paid for by the state. West Virginia is one of a handful of states without such a program. The bill passed out of House Education and a committee substitute passed out of Workforce.

- Currently the floor for dual credit costs is \$25/credit hour which does not cover schools' expenses. This bill would increase that to \$75/credit paid by the state.
- Estimated cost for the pilot program is \$6 million. To keep costs down and boost matriculation rates, Chancellor Tucker wants classes to be career-track-oriented.
- There is support in the House but the Senate is trying to avoid adding to the budget because they are trying to justify tax cuts.
- HEPC is very positive about this bill, but the ACCE has questions about who would determine what a career-track-oriented course is. The majority of dual credit classes currently being taken are general education because high schoolers have not picked their majors yet. Other concerns are how taking more classes in high school may affect students' GPA and financial aid eligibility by the time these students are at the college level. Some dual enrollment students have difficulty staying full time because of prior coursework, or they run out of funding before their expected time in college is finished. The supports provided to high school students may not be as good as college support services; students may enter college at a disadvantage if they did not do well in dual-enrollment. College may also lose out on revenue from college students if too many graduate while in high school.

HB 2297 would require higher ed institutions to use state contracts issued by the Department of Purchasing. The HEPC opposes this since higher education has such unique purchasing needs and their own purchasing rules, including the ability to use existing state contracts if desired.

HB 2542 (and others such as SB 215) would prohibit Tiktok use through a government device due to concerns about privacy, and the HEPC expects at least one to pass. The WV Office of Technology already has filters in place for the state government network. Some schools have purchased advertising on Tiktok, and the HEPC has issued non-binding guidance to avoid purchasing interactions with Tiktok for the moment.

HB 2757 makes non-profit hospitals with allied health programs to be eligible to use WV Invests funding. The HEPC does not object but keeps an eye on how this can inflate costs. The Promise Scholarship program, for instance, no longer covers a student's full costs as it used to because costs have increased so much and the cost for this program is now up to \$45 million. WV Invests is currently at \$7 million.



HB 2768 requires state entities including higher education to use .gov domain addresses, which runs counter to the educational discounts we rely on which require .edu addresses. The HEPC does not see this passing and opposes it.

HB 2800 (the HEPC rules bundle) passed the House. HEPC will monitor for amendments.

HB 2833 Behavioral Health Workforce bill is an HEPC initiative which would provide additional residencies for psychiatrists and psychologists and build a career pipeline for behavioral healthcare providers. The HEPC thinks this has a better chance of passing than for the past 2 years when it stalled in Finance Committee. The expected cost is \$1.8 million.

SB 1 - Promise Plus Program provides additional money to fully fund students who meet certain criteria. HEPC is unsure if it will pass out of Finance, but would be supportive of the legislature providing additional funding for the Promise program.

SB 121 The Student Journalist Press Freedom Protection Act restates 1<sup>st</sup> amendment protections that college student journalists already enjoy and extends those to high school student journalists. This is a national bill.

SB 251 Displaying the Official Motto in Public Schools would require schools to display a sign that says In God We Trust if someone donates one. So far it has passed out of Senate Ed.

#### SB 10 Campus Self-Defense Act

- Matt asked what the talk on our campuses is about this bill. Concord staff oppose it because of student mental health issues. WVNCC staff joined faculty in opposing anything that removes local control of safety issues. WLU is very concerned, particularly in housing and residence life, as well as their counseling services which are already overwhelmed and having to delay or deny assistance to students in need. Amy Pitzer says there's no fiscal note on that bill but we all know there's a significant cost. WV State, Concord, and Shepherd sent a letter to lawmakers expressing concerns about the cost. Marshall/WVU didn't mention the cost but spoke up for local control.
- In the last two sessions, the NRA was not pushing this legislation like they did in 2019 when it died by a razor thin margin in Senate Judiciary. This year, NRA made some concessions in the committee substitute with certain exceptions and have essentially told institutions that if they do not support it, Republicans will pass a version without the concessions. With the supermajorities in both houses, Republicans have to check every conservative box they can in order to win their primaries, so they are willing to vote for bad legislation to get the NRA's approval.
- The HEPC expects this legislation to pass this year. There were only 4 No votes in the Senate (all three Democrats plus Maroney). Senator Caputo expressed that as a concealed carry permit holder, he still thinks college campuses are a bad place for this. There are several companion bills if SB 10 were to stall.



- HEPC said they can't tell exactly what this is going to cost; schools can charge students for gun lockers, but installation, metal detectors, and additional security may cost some schools millions. Rob Alsop from WVU dismissed the idea that this would be costly to implement, which may be the case at a large, well-funded school, but the ACCE was disappointed that he did not speak up for the colleges with fewer resources who may not be able to afford this unfunded mandate from the legislature. Omitting any fiscal note is a ploy to avoid the bill dying in Finance as it has in prior years.
- Deirdre Guyton recommended that if this passes, everyone needs to examine how best to keep themselves and their communities safe within the limited exceptions provided. Maybe additional locked doors, cameras, buzzers, etc. can provide extra layers of protection for staff, whose offices are more likely than faculty's to be open to the public.
- Amy Pitzer shared that some employees may feel the need to arm themselves if this passes, but having had two direct experiences of guns being brandished at her on campus, she can say that having a gun herself would not have made her safer.

The governor has said he intends to ask for \$75 million in this year's budget for deferred maintenance costs to be allocated from surplus funding. The HEPC asked for \$100 million, while the actual amount needed for deferred maintenance of the insured value of \$7 billion in campus infrastructure is closer to \$300-400 million. Good practice is for schools to reserve 2% of their annual budgets for deferred maintenance, but they are not able to do so.

The governor's budget is also expected to include a "5% increase" for state employees, which means allocating 5% of the average employee paid out of general revenue. Due to many employees being paid out of special revenue, this means many employees will either not see the full 5% raise or that their institutions need to find other funding in order to be able to provide that raise. It's up to administrations to determine how to use this funding. Percentage increases exacerbate inequalities and do nothing to address employees who are below their market rates. Verne Britton asked if the HEPC or ACCE could try to explain better to the governor's office the unique funding situation that exists in higher education in order to get more funding for raises; however, the governor's office may already understand the issue but sees the political benefit in keeping costs low while getting credit from the public for providing 5%. Shirley Robinson recommended the ACCE draft such a letter specifically so that legislators cannot say they were uninformed on the issue. Chair Morgan noted this as an area of follow-up for the legislative committee.

Student representatives have been working with lawmakers on the Campus Hunger Bill to allocate \$1 million to fund campus pantries, support swipe programs so students can donate meals from their meal plan to those in need, and otherwise fight food insecurity. Senate is reluctant to add anything to the base because of proposed tax cuts.

The Speaker of the House is committed to addressing post-secondary attainment rate. Employers need skilled workers in order to locate their businesses in WV and so the legislature among other ideas will consider easing pathways between trades/apprenticeships and degrees.



PEIA will no longer be accepted at the Northern Panhandle's only hospital as of mid-2023 and contract negotiations with Kroger broke down so employees cannot use their pharmacy benefits there. PEIA reimbursement rates are exceptionally low for certain services and hospitals have had to absorb that. A Blue Ribbon Committee made recommendations to resolve the issue which were not adopted. There are several bills introduced to adjust the reimbursement rate, but PEIA needs funds in order to pay those higher rates, which has to come from the state, from premiums, and/or from cutting costs.

According to ACCE's discussion with a member of House Finance in October, the legislature believes they've been fully funding the healthcare system and the higher ed system. Delegate Erikka Storch said the Commission/Council and PEIA need to ask for what they actually need; if they don't ask for it, they can't be granted it. However, the HEPC informs the legislature in each budget presentation that the governor has requested flat budgets, even in the face of rising inflation and costs and declining enrollment. It's naïve to believe they can truly ask for what they need. The budget has been kept flat for so long that agencies cannot backfill areas of need or improve services. The legislature sent agencies a questionnaire concerning inflation and got back reports of difficulties attracting and retaining employees. The governor's intentionally low projections are also being used to create a non-existent surplus which is being used to justify tax cuts instead of being used to invest in solutions to the state's current and future needs.

## **MINUTES**

Deirdre Guyton motioned to approve December 2022 minutes as amended. Michele Lang seconded. December 2022 minutes were approved.

## **SHARED GOVERNANCE SURVEY**

The Communication Committee will write a letter to all institutions and send it on Feb 13 asking for emails of all non-faculty employees to be sent to Chair Morgan by March 1. Volunteers will take on communication and follow-up duties with institutions with no ACCE rep. Chair Morgan would share the emails, in a CSV file separated by institution, to Melanie Baker at the HEPC and the survey could go out in March or very early April. It would be open for 2 weeks allowing time for follow-up with those who have not responded, and ensuring all responses are gathered prior to the semester ending. Responses will go to the HEPC SurveyMonkey account and Melanie Baker would export results to ACCE, who would need to summarize open-ended responses prior to releasing results publicly.

Matt Turner did not talk to the Chancellor about the survey, but he met with presidents after ACCE's December meeting. He said he addressed it with the presidents so it's on their radar.

## **COMMITTEE REPORTS**

Legislative Committee – The committee identified some legislators to connect with and local legislators to invite to campus-based ACCE meetings. The committee reviewed legislative priorities and issues and made slight modifications. Amy Pitzer is putting together a brochure to leave with or email to legislators; Jane Fouty offered help if needed. Amy Pitzer was able to connect with Senators Rucker, Caputo, and Oliverio at Concord's day at the legislature. Senator Rucker said she will not discuss Campus Carry with the group but would discuss other needs. The ACCE needs to reach out to legislators earlier before the



legislative session, in September or October, as legislation takes longer to draft now, and the ACCE should push to once again provide updates to LOCEA on at least an annual basis. The group discussed the benefits and risks of proposing specific legislation (such as a clearer definition of non-classified or reinstating a cap on the non-classified percentage, or perhaps mandating and funding regular market studies). Ken Harbaugh thought without a majority leader's strong support, we'd likely do more harm than good.

The group discussed putting focus onto helping staff councils to have meaningful meetings, tackle important issues such as pay and benefits, and invite their local legislators to engage. Shirley Robinson proposed a meeting with all willing staff council chairs which Chair Morgan supported doing quarterly. Chair Morgan will poll staff council chairs on availability and interest and asked the group to review staff chair information on the ACCE website prior to those invites going out.

Retreat Committee – Shirley Robinson looked at suggestions for several places to host the retreat. Currently, Canaan is still offering the best deal, but she's waiting on a few responses.

Communication Committee – Verne Britton will work with Ken Harbaugh to identify which photos to use on the ACCE website, including the most recent retreat photos.

#### **NEW BUSINESS**

John DeVault has resigned from his position at Fairmont, creating an ACCE vacancy. Chair Morgan will follow up to ensure Fairmont is planning for an election to fill the ACCE vacancy.

Michele Lang will be moving to Tennessee in the future, though the timing is not yet determined.

Amy Pitzer motioned to adjourn. Michele Lang seconded. The meeting was adjourned at 12:06 pm.

Respectfully submitted  
Jenna Derrico, ACCE Secretary