Board of Governors Rule

Finance and Administration
Disposition of Property
Responsible Unit: Strategic Initiatives / Finance / Facilities and Services
Adopted: November 9, 2018
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Review Date: November 2023

BOG FINANCE AND ADMINISTRATION 5.12
DISPOSITION OF PROPERTY

SECTION 1: PURPOSE & SCOPE.

1.1 West Virginia University seeks to establish an efficient framework for disposal of property. Accordingly, this Rule sets forth the guiding principles for disposal of property that is no longer needed, has become obsolete, or is advantageous to sell.

1.2 The University makes efforts to use Property within the University prior to disposal.

1.3 This Rule shall apply to West Virginia University, including West Virginia University Institute of Technology and West Virginia University Potomac State College (collectively the "University").

SECTION 2: DISPOSITION METHODS.

2.1 The University shall adopt policies that provide for disposition of Property consistent with all applicable laws of the state of West Virginia and any applicable sponsored awards.

2.2 The disposition of Property shall be based on sound business practices given existing circumstances and condition and will be limited to the following methods:

2.2.1 Transfer to other governmental agencies or institutions;

2.2.2 Exchange or trade;

2.2.3 Sale by:

2.2.3.1 Public Auction (live or online),
2.2.3.2 Sealed Bid, or
2.2.3.3 Sale as junk or otherwise;

2.2.4 Donation to a nonprofit organization; or

2.2.5 Other methods, as sound business practices warrant under current circumstances and conditions.

2.3 Prior notice to the public shall be given if disposed by sale, pursuant to Section 2.2.3 of this Rule.

2.4 Fees related to the costs of care and handling of the Property with respect to the transfer, warehousing, sale and distribution may be deducted from the disposition proceeds. The remaining proceeds of sales or transfers shall be deposited in the state treasury to the credit on a pro rata basis of the fund or funds from which the purchase of the particular property was made.

2.5 The University shall comply with all reporting requirements required by funding agencies and federal and West Virginia state laws, rules, and regulations.

SECTION 3: DONATION OF PROPERTY.

3.1 Donations of Property shall only be made to promote public welfare.

3.2 Donations of Property shall be made in a fair and equitable manner to ensure there is an impartial distribution of available property.

SECTION 4: DISPOSITION OF COMPUTERS AND COMPUTER RELATED PROPERTY.

4.1 Before disposing of a computer or computer-related equipment, such Property shall meet all standards established by the University to ensure the privacy and security of the data and software on the device.

4.2 Computers or computer-related equipment shall only be donated to educational facilities, nonprofit organizations, juvenile detention centers, municipal and county public safety offices and other public, charitable or educational enterprises or organizations in the state.

4.3 Records of donations of computers and computer-related equipment shall be kept to identify the equipment donated, the age of the equipment, the reasons for declaring it obsolete, the name of the organization to which it was donated and any other information necessary to comply with State Code.

SECTION 5: DEFINITIONS.

5.1 "President" means the President of West Virginia University or his or her designee.

5.2 "Property" includes assets and other physical property owned by the University that have a fair market value that exceeds the cost of disposition. For purposes of this rule, real estate is not considered Property. Property does not include hazardous materials which must be disposed of in compliance with relevant regulations and guidelines.

SECTION 6: DELEGATION.

6.1 The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 7: AUTHORITY.

7.1 W. Va. Code §18B-3-2 and §18B-5-7.

SECTION 8: SUPERSEDING PROVISIONS.

8.1 This Rule supersedes and replaces former Board of Governors Policies 25A, 25B, and 33 and Higher Education Policy Commission ("HEPC") Series 30 (W. Va. Code R. 133-30-1 to 16), which was adopted August 23, 2016; and any other Rule of HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes and replaces any internal University policy or procedure which relates to the subject matter contained within this Rule.