

**WEST VIRGINIA UNIVERSITY BOARD  
OF GOVERNORS**

May 17, 2023

The two hundred ninth meeting of the West Virginia University Board of Governors was held on May 17, 2023 via zoom. Board members in attendance/participating via zoom included Marty Becker, Bray Cary, Elmer Coppoolse, Kevin Craig, J. Thomas Jones, Dr. Patrice Harris, Dr. Stanley Hileman, Alan Larrick, Susan Lavenski, Lisa A. Martin, Dr. Ashley Martucci, Paul Mattox, Taunja Willis Miller, Richard Pill, and Benjamin Statler. Board members Charles Capito and Chloe Hernandez were absent and excused.

**Note: With this meeting being conducted via zoom, there was no way to ascertain all attendees but the following WVU officers, divisional campus officers, representatives (and others) participated:**

President, E. Gordon Gee;  
Vice President for Strategic Initiatives, Rob Alsop;  
Provost and Vice President for Academic Affairs, Maryanne Reed;  
General Counsel, Stephanie Taylor;  
Vice President for University Relations, Sharon Martin;  
Vice Provost, Paul Kreider;  
Associate Provost for Budget, Facilities and Strategic Initiatives, Mark Gavin;  
Vice President and Chief Financial Officer, Paula Congelio;  
Deputy General Counsel, Gary G. Furbee, II;  
Associate Provost for Academic Personnel, Tracy Morris;  
Associate Provost for Curriculum and Assessment, Louis Slimak;  
Director of Communications, Office of the Provost, Kimberly Becker;  
Assistant Vice President for Strategic Initiatives, Erin Newmeyer;  
Officer and Assistant Board Secretary, Jennifer Fisher;  
Executive Director of Communications, April Kaull;  
Director of News Communications, Shauna Johnson; and,  
Special Assistant to the Board of Governors, Valerie Lopez.

**Members of the Press also participated.**

**CALL TO ORDER**

The meeting was called to order by Chairman J. Thomas Jones at 3:00 p.m. A roll call was taken to determine who was in attendance and a quorum established. Chairman Jones stated that WVU News has been alerted that some members of the media plan to record the meeting today via zoom feed for use in stories about the meeting. Most of the meeting begins with public session, with an executive session to follow.

May 17, 2023

**APPROVAL OF WVU  
TRANSFORMATION TIMELINE**

General Counsel Stephanie Taylor presented this agenda item. The University has created the WVU Transformation Timeline (attached hereto and made a part hereof) for the program review process and for potential personnel reductions. The proposed timeline also includes anticipated BOG meetings, Faculty Senate meetings, Campus Conversations, and other non-academic transformation messages. Within this timeline, faculty and other members of the University community will have opportunities to provide feedback and input before the Board of Governors would vote on a potential program reduction or discontinuation.

There being no questions or discussion on this agenda item, Marty Becker moved that the West Virginia University Board of Governors approves the WVU Transformation Timeline, as presented. This motion was seconded by Kevin Craig and passed.

**NOTICE OF PROPOSED  
RULEMAKING FOR BOG TALENT &  
CULTURE RULE 3.9 – REDUCTION IN  
FORCE AND BOG FACULTY RULE 4.7  
– REDUCTION IN FORCE**

General Counsel Stephanie Taylor presented this agenda item. The proposed changes seek to clarify certain provisions within the employee and faculty Reduction in Force (“RIF”) Rules as detailed in the Notice of Proposed Rulemaking. Substantively, the proposed changes to the Rules above will result in amendments as set forth in detail in the table located in the Notice of Proposed Rulemaking and the attached redlines, included as part of today’s public board meeting materials. Following the issuance of the Notice of Proposed Rulemaking, the proposed changes to the Rules will be posted for the required thirty (30) day public comment period from May 22, 2023 through June 21, 2023.

There being no questions or discussion on this agenda item, Taunja Willis Miller moved that the West Virginia University Board of Governors approves the issuance of a Notice of Proposed Rulemaking, as presented, pursuant to BOG Governance Rule 1.1. This motion was seconded by Bray Cary and passed.

**NOTICE OF PROPOSED COMMENT  
PERIOD FOR FAULTY AND  
CLASSIFIED STAFF SEVERANCE  
PACKAGE SCHEDULE**

General Counsel Stephanie Taylor presented this agenda item. As part of the ongoing WVU Transformation, the University anticipates that some academic programs will be subject to reduction or discontinuation in September of 2023. As a result of a program reduction or

discontinuation, some faculty within those programs may be subjected to a Reduction in Force process or a contract non-renewal. University management has developed a Proposed Faculty and Classified Staff Severance Package Schedule (attached hereto and made a part hereof.). The Board of Governors is asked to approve placing this Proposed Schedule out for a thirty (30) day public comment period from May 22, 2023 through June 21, 2023 before the Board would vote on the Proposed Schedule later this summer.

There being no questions or discussion on this agenda item, Marty Becker moved that the West Virginia University Board of Governors approves placing the proposed Faculty and Classified Staff Severance Package Schedule out for a 30-day public comment period. This motion was seconded by Lisa A. Martin and passed.

### **EXECUTIVE SESSION**

Chair Jones requested a motion to move to Executive Session, under authority in West Virginia Code §§ 6-9A-4(b)(2)(A), (b)(9), and (b)(12) to discuss:

- a. Potential strategic initiatives relating to academic and administrative priorities; personnel matters; and other deliberative matters involving commercial competition which, if made public, might adversely affect the financial or other interest of the University; and
- b. Confidential and preliminary matters involving or affecting the University's budget for the current and upcoming academic year, including retention and enrollment.

The motion was made by Elmer Coppoolse, seconded by Dr. Stanley Hileman, and passed. Following Executive Session Marty Becker moved that the board rise from Executive Session. The motion was seconded by Kevin Craig and passed. Chairman Jones stated that no actions were taken as a result of today's Executive Session discussions.

### **GENERAL DISCUSSION AND ADJOURNMENT**

Chairman Jones called upon Vice President for Strategic Initiatives Rob Alsop, who provided an overview of how these processes will affect employees at WVU. Chairman Jones thanked General Counsel Stephanie Taylor, Vice President for Strategic Initiatives Rob Alsop, and Provost Maryanne Reed for their efforts in assisting to prepare the materials for today's board meeting.

Chairman Jones announced that tentative dates for board meetings this summer will be July 31, 2023 and August 22, 2023, and asked board members to hold these dates on their respective schedules.

There being no further business to come before the board, Kevin Craig moved to adjourn the meeting. The motion was seconded by Lisa A. Martin and passed. The meeting was adjourned at 4:07 p.m.

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Richard Pill, Secretary

# **WVU TRANSFORMATION TIMELINE**

# MAY 2023 TIMELINE

## May 8

### *Faculty Senate Meeting*

- Goals/First Principles/RPK
- WVU Transformation Timeline
- Proposed amendments to BOG Rule 4.7
- Proposed Faculty and Classified Staff Severance Package Schedule

## May 10-19

Operational and financial assessment of Work-Time Reduction expressions of interest by vice presidents, Provost Office and Talent and Culture

## May 11

Indoor Space Temperature Policy becomes effective

## May 17

### *BOG Meeting*

- Issue Notice of Proposed Rulemaking for Rule 4.7 and Rule 3.9
- Vote on placing Proposed Faculty and Classified Staff Severance Package Schedule out for public comment
- Vote on WVU Transformation Timeline

## May 22

Public Comment for Rule 4.7 and Rule 3.9 and Faculty and Classified Staff Severance Package Schedule begins

## May 24

### *Campus Conversation*

## May 26 (no later)

Staff and faculty notified of approvals to participate in the Work-Time Reduction Program

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28	29	30	31			

# JUNE 2023 TIMELINE

**June 5**  
*Faculty Senate Meeting*

**June 21**  
Public comment period for Rule 4.7 and Rule 3.9 and Faculty and Classified Staff Severance Package Schedule ends

**June 22**  
*BOG Meeting*

- Vote on Fiscal Year 2024 Financial Plan
- Update on Fiscal Year 2025 Projections
- Update and potential action on Non-Academic and Academic Transformation Plans

**June 27**  
*Campus Conversation*

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# JULY 2023 TIMELINE

## July 1

Report due to Provost Office identifying programs of concern based on data-driven assessment

## July 10

*Faculty Senate*

## July 10 (week of)

Deans and Chairs notified of programs of concern that will be subject to the program review process. Campus Community notified of programs of concern that will be subject to the program review process

## July 11-31

Deans and Chairs will seek input from Faculty and Staff on the Program Review Self-Study Form before it is submitted to the Provost's Office

## July (TBD)

*BOG Meeting*

- Vote on Rule 4.7 and Rule 3.9 as amended
- Vote on Faculty and Classified Staff Severance Package Schedule
- Discussion of programs of concern that will be subjected to the program review process

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# AUGUST 2023 TIMELINE

- **August 1**  
Deans and Chairs must submit their finalized Program Review Self-Study Form to Provost's Office.
- **August 2**  
*Campus Conversation*
- **August 7**  
*Faculty Senate Meeting*
- **August 11**  
Notification to the Faculty from Deans and Chairs of Provost Office's Preliminary Recommendations for Program Reduction or Discontinuation
- **August 14**  
Campus Community notified of Provost Office's Preliminary Recommendations for Program Reduction or Discontinuation

- **August 18**  
Deadline for Chairs or Faculty to file Notice of Intent to Appeal regarding a specific Provost's Office Preliminary Recommendation for Program Reduction or Discontinuation
- **August 21 or 22 (TBD)**  
*BOG Meeting*  
Provost Office's Preliminary Recommendations for Program Reduction or Discontinuation
- **August 21-September 5**  
Program Review Appeal Committee Hearings
- **August 22-September 8**  
Faculty may submit written comments for review of Board of Governors and/or sign up to speak at the Board of Governor's meeting on September 14 regarding a specific Provost's Office Preliminary Recommendation for Program Reduction or Discontinuation

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- **August 24**  
*Campus Conversation*

# SEPTEMBER 2023 TIMELINE

## September 6

Appeal Process is completed. All the Provost's Office Final Recommendations for Program Reduction and Discontinuation will go to Board of Governors.

## September 11

*Faculty Senate Meeting*

- Present finalized Final Recommendations for Program Reduction and Discontinuation that will go before the Board of Governors
- Review BOG speaking schedule and rules for public comment

## September 14

*BOG Meeting*

- Financial Update
- Update on progress with Academic and Non-Academic Transformation Plans
- Public comment period

## September 15

*BOG Meeting*

Vote on Final Recommendations for Program Reduction and Discontinuation

## September 18

- Campus Community notified of Board of Governors' approval of specific programs that are subject to Program Reduction and Discontinuation
- Notification to students in program subject to Program Reduction and Discontinuation
- Reduction in Force process in programs subject to Program Reduction and Discontinuation begins

## September 20

*Campus Conversation*

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# OCTOBER / NOVEMBER 2023 TIMELINE

**October 16 (week of)**  
Reduction in Force/Non-Renewal Notifications  
to Individual Faculty and Staff

**October 18**  
*Campus Conversation*

**October 23 (TBD)**  
*State of the University Address*

**November 16-17**  
*BOG Meeting*

## OCTOBER

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## NOVEMBER

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# PROPOSED FACULTY AND CLASSIFIED STAFF SEVERANCE PACKAGE SCHEDULE

The Proposed Faculty and Classified Staff Severance Package Schedules outlined below, if approved by the WVU Board of Governors, would only be applicable for employees who are subjected to a Reduction in Force or contract non-renewal following the program review process occurring in 2023.

## Tenured, Tenure-Track, Teaching-Track, and Service-Track

- ✓ Faculty severance packages are only available to tenured, tenure-track, and teaching/service-track faculty (regardless of contract end date).
- ✓ Through the notice period and severance payments, an individual would receive between eight and 10 months of pay. **Note:** *Most faculty positions are nine-month positions.*
- ✓ If an individual leaves before their employment end date, they waive the right to their severance payments.
- ✓ The options below assume a notice date of October 16, 2023, with a contract end date of May 9, 2024. This means the individual would have thirty 30 weeks of notice.
- ✓ All benefits eligible faculty who are involuntarily terminated (including subjected to a Reduction in Force or contract non-renewal) may elect to continue their PEIA insurance for three additional months after their termination date. The faculty member would continue to pay their same employee premium during this three-month period.
- ✓ All **tenured and tenure-track faculty** will receive a severance equivalent to twelve weeks of their base salary payable in bi-weekly installment payments starting after May 9, 2024.
- ✓ All **teaching-track and service-track faculty** will receive a severance equivalent to the number of weeks indicated in the below chart, calculated based upon years of service. These severance payments will be payable in bi-weekly installment payments starting after May 9, 2024.

YEARS OF SERVICE	SEVERANCE AMOUNT
1-4 years	2 weeks
5-9 years	4 weeks
10-19 years	6 weeks
20+ years	8 weeks

*Faculty who are on a 12-month appointment may have a contract end date later than May 9, 2024. Those will be determined on a case-by-case basis based upon the needs of the unit.*

## Research-Track, Library-Track, Clinician-Track, and Lecturer

- Non-renewal of appointment notification will be given as soon as possible, but a minimum of 60-days' notice will be given, if possible (for those ending in 2023) and in the September/October timeline for those ending on May 9, 2024.
- Certain clinical-track faculty who also are employed through University Health Associates ("UHA") may receive up to 120-days' notice before their contract is ended.
- If less than 60-days before appointment end date, a limited short-term appointment may be given to reach 60-days' notice.
- Employees in this job type are employed on annual appointments and are otherwise employed at will. Severance will not be offered.

## Faculty Needed to Teach Out Beyond May 2024 – Retention Bonus

- All tenured, tenure-track, and teaching/service-track faculty asked to remain through a teach-out period, and they remain the entire time, will receive a retention bonus equivalent to up to twelve weeks of their base salary. There will be no separate severance payment available apart from this retention bonus.
- If an individual leaves before their employment end date, they waive the right to their retention bonus.
- The University would like to incentivize selected individuals to stay through end of the teach-out period (approximately two to three additional years, depending on the program).

## Classified Staff

- RIF notice will be given as soon as possible, but a minimum of 60-days' notice will be given.
- Classified Staff who are eligible for severance will be offered a severance package based on the length of the notice period and the details of their years of service, annual base salary, and appointment length.
- All benefits eligible Classified Staff who are involuntarily terminated (including subjected to a Reduction in Force or contract non-renewal) may elect to continue their PEIA insurance for three additional months after their termination date. The Classified Staff member would continue to pay their same employee premium during this three-month period.

## Example 1

Classified Staff RIF with notice on October 16, 2023, and a last day of employment on December 31, 2023.

<b>YEARS OF SERVICE</b>	<b>NOTICE PERIOD</b>	<b>WEEKS OF SEVERANCE PAY*</b>
0 to 10 years	11 weeks	4 weeks
11 years	11 weeks	8 weeks
12 years	11 weeks	10 weeks
13 years	11 weeks	12 weeks
14 years	11 weeks	14 weeks
15 years	11 weeks	16 weeks
16 years	11 weeks	18 weeks
17 years	11 weeks	20 weeks
18 years	11 weeks	24 weeks
19 years	11 weeks	28 weeks
20+ years	11 weeks	32 weeks

*\*Weeks of severance payments may be prorated for classified staff who work less than 12-month appointment.*

## Example 2

Classified Staff RIF with notice on October 16, 2023, and a last day of employment on May 10, 2024.

<b>YEARS OF SERVICE</b>	<b>NOTICE PERIOD</b>	<b>WEEKS OF SEVERANCE PAY*</b>
0 to 15 years	30 weeks	4 weeks
16 years	30 weeks	6 weeks
17 years	30 weeks	8 weeks
18 years	30 weeks	10 weeks
19 years	30 weeks	12 weeks
20+ years	30 weeks	14 weeks

*\*Weeks of severance payments may be prorated for classified staff who work less than 12-month appointment.*