

**WEST VIRGINIA UNIVERSITY**  
**BOARD OF GOVERNORS**

October 27, 2017

The one hundred fifty second meeting of the West Virginia University Board of Governors was held on October 27, 2017 in Morgantown, WV. Board members in attendance/participating by telephone included David Alvarez, Timothy Bailey, Marty Becker, Elmer Coppoolse, Thomas Flaherty, Thomas Heywood, Dr. Stanley Hileman, Blake Humphrey, J. Thomas Jones, Dixie Martinelli, Taunja Willis Miller, Ed Robinson, J. Robert (J.R.) Rogers, Benjamin Statler, Dr. Matthew Valenti, Dr. Kimberly Weaver and William Wilmoth.

**WVU officers, divisional campus officers, representatives (and others) present included:**

President, E. Gordon Gee;  
Vice President, Legal, Government and Entrepreneurial Engagement, Rob Alsop;  
Provost, Joyce McConnell;  
General Counsel, Stephanie Taylor;  
Vice President for University Relations, Sharon Martin;  
Vice President and Chief Financial Officer, Paula Congelio;  
Associate Provost for Undergraduate Education, Paul Kreider;  
Assistant Vice President for Finance, Anjali Halabe;  
Dean of Students, Corey Farris;  
Executive Officer and Assistant Board Secretary, Jennifer Fisher;  
President, Potomac State College of West Virginia University, Jennifer Orlikoff;  
Provost, West Virginia University Institute of Technology, Nigel Clark;  
Director of Internal Audit, Bryan Shaver;  
Associate Vice President for Academic Affairs, WVU Health Sciences,  
    Louise Veselicky;  
Assistant Vice President for Strategic Action, Elizabeth Hamilton;  
Deputy General Counsel, Gary G. Furbee, II;  
Director of Scientific Development, WV Clinical & Translational Science Institute,  
    Julie Lockman;  
Associate Vice President for Facilities and Services, Randy Hudak;  
Student Affairs Chief Business and Planning Officer, Les Carpenter;  
Assistant Vice President, Parent Program, Sabrina Cave;  
Senior Executive Director of Communications, University Relations,  
    John Bolt; and,  
Special Assistant to the Board of Governors, Valerie Lopez.

**Members of the Press were also present.**

## **CALL TO ORDER**

The meeting was called to order by the Chairman, William Wilmoth, at 8:30 a.m. A roll call was taken to determine who was in attendance and a quorum established.

## **BOARD PRESENTATION ACADEMIC AFFAIRS UPDATES**

Provost, Joyce McConnell, first introduced Associate Provost for Undergraduate Education, Paul Kreider, who provided details on a Winter Session that will be offered at West Virginia University exclusively online from December 14, 2017 to January 4, 2018. The Winter Session will be limited in offerings and enrollment. Associate Provost Kreider stated that some students may want to take the courses to retain their scholarship or their financial aid, while some students may want to take the winter term because it will allow them to get ahead, or not have to attend classes during the summer. The new term may also help students maintain good academic standing and preserve scholarships, as well as improve retention and four-year graduation rates. Enrollment will initially be limited to 255 students, and the cost is set at a flat rate of \$349.00 per credit hour, based on regular in-state tuition and fees, regardless of residence. A dozen courses will be offered from the following four colleges: Eberly College of Arts and Sciences; College of Creative Arts; College of Physical Activity and Sports Sciences and Davis College of Agriculture, Natural Resources and Design. Promotion and registration for the courses will begin next week. Associate Provost Kreider noted that several competing schools which offer winter terms have seen them grow in popularity. The session will be administered by WVY Online. Following Dr. Kreider's presentation, board member, David Alvarez, moved that the board approve the offering of the Winter Session, as presented. This motion was seconded by Marty Becker, and passed. It is noted, however, that the Tuition and Fee Schedule for the Winter Session is on today's Consent Agenda for board approval.

Provost Joyce McConnell then announced:

- The formalization of the West Virginia Public Education Collaborative with Donna Peduto as the Executive Director and Gayle Manchin as the Chair. This expanded scope of the WVPEC is made possible by a grant from the Benedum Foundation. Donna's first big project will come to fruition next week: along with staff in the Provost's office, she has put together a Legislators' Forum on Education and the Economy, happening in Charleston on November 2nd.
- The new Humanities Center, initially helmed by Dr. Ryan Claycomb as Interim Director. The Center will focus on promoting and supporting faculty research, especially collaborations and work across disciplines. Dr. Claycomb has already developed a mission statement, convened an Advisory Board, and begun planning and co-sponsoring campus-wide events.

- Dr. John Campbell, our Vice Provost, was recently honored by his own alma mater and former employer, Purdue University, as a Distinguished Alumnus from their College of Education. WVU extends our congratulations to Vice Provost Campbell on this recognition.
- This year, WVU has endorsed five students for three of the most prestigious and competitive international scholarships that exist. We endorsed four students for the Rhodes Scholarship—including SGA President Blake Humphrey, whom you all know. We endorsed one of these same students for the Marshall Scholarship. These Scholarships, like the Rhodes, bring students to study at universities in the UK, but specifically commemorate the humane ideals of the Marshall Plan. And we endorsed a fifth exceptional student for both the Marshall and a new, but extremely exciting award, the Schwarzman Scholarship, which is comparable to the Rhodes but sends students to China. The even better news here is that our nominee, Colin Lopez, has been named a semi-finalist for the Schwarzman and will be interviewing in New York City soon.

## **ANNOUNCEMENTS**

Marty Becker, a member of both the BrickStreet and WVU boards, announced a \$100,000.00 scholarship at the West Virginia University College of Law, endowed by The BrickStreet Foundation and honoring Charleston attorney Thomas Flaherty (also a member of both boards.) Mr. Becker stated that the gift is a modest recognition of all that Mr. Flaherty has contributed to both boards. Mr. Flaherty was deeply moved by this gesture and expressed his heartfelt appreciation to all involved – adding that knowing that this scholarship (in his name) can change others’ lives is extremely gratifying and he could think of no greater honor for he and his family.

The above gift was in conjunction was the WVU Foundation’s upcoming Day of Giving, a 24-hour online fundraising campaign undertaken as a simple way for University supporters to contribute to the Foundation’s “State of Minds” Campaign. In these regards, Mr. Becker also announced that he and his wife, Kathy, were making a challenge gift to the Day of Giving campaign and encouraged other board members, as well as the boards of the WVU Foundation and WVU Alumni Association, to also sponsor challenge gifts.

## **EXECUTIVE SESSION**

Chairman Wilmoth requested a motion that the Board go into Executive Session, under authority in West Virginia Code §§6-9A-4(b)(2)(A), (b)(9), and (b)(12) to discuss legal, personnel, and deliberative matters; matters not considered public records; matters related to construction planning, commercial competition matters, the purchase, sale or lease of property, and/or the investment of public funds. The motion was made by Marty Becker, seconded by Ed Robinson, and passed. Following the conclusion of Executive Session, Thomas Heywood moved that the Board rise from Executive Session. This motion was seconded by J. Robert (J.R.) Rogers, and passed.

Chairman Wilmoth noted before the board moved to Executive Session that they would be finished with the same and break at approximately 10:45 a.m. so that all board members could attend today's John Chambers lecture in the Mountainlair Ballrooms, and that the regular board meeting would resume following lunch.

## **DISCUSSIONS/ACTIONS EMANATING FROM EXECUTIVE SESSION**

Chairman Wilmoth stated that there were no actions emanating from today's Executive Session discussions.

## **BOARD PRESENTATION AND POSSIBLE ACTION: NOTICE OF PROPOSED RULEMAKING**

Chairman Wilmoth called upon General Counsel, Stephanie Taylor, who provided the following overview related to the Notice of Proposed Rulemaking. The proposed changes to current Board of Governors Policies are to:

- West Virginia University Board of Governors Policy 5, Changes in Organizations;
- West Virginia University Board of Governors Policy 6, Naming of Buildings;
- West Virginia University Board of Governors Policy 36, Separation of Programs and Personnel at Admin. Linked Institutions;
- West Virginia University Board of Governors Policy 37, Board of Governors Meetings;
- West Virginia University Board of Governors Policy 38, Emeritus Status;
- West Virginia University Board of Governors Policy 44, Policy Regarding Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation;
- West Virginia University Board of Governors Policy 49, Children on Campus; and
- West Virginia University Board of Governors Policy 55, West Virginia Freedom of Information Act.

Additionally, Notice of Proposed Rulemaking for two new Rules:

- West Virginia University Board of Governors Governance Rule 1.2 – Administration; and
- West Virginia University Board of Governors Governance Rule 1.9 – President and Staff Emeritus Staff.

The proposed changes are to amend, approve, and, in some cases, repeal current BOG Policies in order to implement new BOG Rules in accordance with W. Va. House Bill 2815 (2017). To that end, the term "Policy" will be replaced with "Rule" and these Policies will be reformatted to the new design for BOG Rules, renumbered, and standard terms are used, when applicable. Moreover, all BOG Rules will be updated to supersede and repeal W. Va. Higher Education Policy Commission Rules, where applicable.

General Counsel Taylor provided an overview of the additions, amendments or repeals resulting from the proposed changes to the BOG policies, and stated that if the Board approves the Notice of Proposed Rulemaking, the proposed changes to the Policies will be posted for a required thirty (30) day comment period from October 30, 2017 until November 28, 2017 for the submission of written comments. Once the comment period has ended, all public comments received will be posted on the University's policy website. The Rules may be changed, subject to comments received.

Following this presentation, and after a brief discussion among board members, Taunja Willis Miller moved that the board approve the Notice of Proposed Rulemaking, as presented. This motion was seconded by Dixie Martinelli, and unanimously approved. **NOTE:** The approved Notice of Proposed Rulemaking is attached hereto, made a part hereof, and incorporated herein by reference. It is further noted that the proposed changes to the BOG policies will result in the additions, amendments, or repeals as outlined by General Counsel Taylor during her presentation, all of which are summarized on the chart incorporated within the Notice of Proposed Rulemaking attached hereto.

### **APPROVAL OF MINUTES**

J. Robert (J.R.) Rogers moved that the minutes of the September 8, 2017 regular meeting be approved. The motion was seconded by J. Thomas Jones, and passed.

### **COMMITTEE REPORTS**

**September 29, 2017 Joint Finance and Facilities and Revitalization/Strategic Plans and Initiatives Committee Meeting:** Strategic Plans and Initiatives Committee Chair, Marty Becker, reported on this joint committee meeting, during which there were Execution Session discussions related to plans to improve revenues, but no board action was taken.

**October 26, 2017 Audit Committee Meeting:** Audit Committee Chair, David Alvarez, reported on yesterday's Audit Committee meeting - during which committee members received a report from the Chief Financial Officer and then moved to executive session – during which they received a report from WVU's General Counsel, and a report from the Director of Internal Audit. Chair Alvarez advised that there were no actions emanating from said Executive Session.

**October 26, 2017 Joint Finance and Audit Committee Meeting:** Audit Chairman, David Alvarez, reported that while in Executive Session members of WVU's External Audit Firm, CliftonLarsonAllen, appeared before this joint committee meeting - along with the participation from other Board of Governors members (resulting in a quorum of all board members being present) – to facilitate a discussion and answer any questions posed by board members – related to the FY 2017 Financial Statements and Audit Report for West Virginia University as prepared by this firm.

Chairman Alvarez further reported that the Audit Committee accepted and approved the FY 2017 Financial Statements and Audit Report for West Virginia University –and further that

it is the recommendation that the full board accept and approve the FY 2017 Financial Statements and Audit Report for West Virginia University as part of today's Consent Agenda.

Chairman Alvarez noted that during this joint committee meeting members received an overview of the FY 2017 Financial Statements, and then called upon Assistant Vice President for Finance, Anjali Halabe, who provided a brief public summary: The 2017 Annual Financial Report included an unqualified (clean) opinion and covered the combined financial activity for West Virginia University, Potomac State College of West Virginia University, West Virginia University Institute of Technology, West Virginia University Beckley Campus, West Virginia University Research Corporation, and West Virginia University Innovation Corporation. She covered Positive Trends to Consider, The FY 2017 Statement of Revenues, Expenses and Changes in Net Position (Income Statement); Analysis of FY 2017 Loss Before Capital Revenues; Analysis of Cash Flows – FY 2017; and Statement of Net Position (Balance Sheet) as of June 30, 2017. Overall, WVU's total unadjusted net position increased by \$8.4 million. WVU's unadjusted operating margin, before capital related revenues, was negative \$33.9 million. After adjusting for the extraordinary events/items the negative operating margin is reduced to negative \$10.6 million. The University continues to invest in its employees and facilities as evidenced by increases in salaries & wages, benefits and capital assets. Finally, the University's balance sheet remains stable with adequate working capital (current assets less current liabilities) to meet current obligations

**October 26, 2017 Divisional Campus Committee Meeting:** Committee Chair, Ed Robinson, reported on this joint committee meeting, during which there were Execution Session discussions related to the needs and challenges of both divisional campuses, but no board action was taken.

**October 26, 2017 Academic Affairs and Accreditation Committee Meeting:** Committee Chair, Thomas Heywood, reported on this committee meeting, during which there were Execution Session discussions related to the upcoming Higher Learning Commission visit and academic integrity in athletics, but no board action was taken

**October 26, 2017 Joint Finance and Facilities and Revitalization/Strategic Plans and Initiatives Committee Meeting:** Finance Committee Chair, J. Thomas Jones, reported on this committee meeting, during which there were Execution Session discussions related to the review of year to date financial statements, revenue generating opportunities and expenses for 2018-2019 and improving the student experience, but no board action was taken.

**Trip to Bahrain:** Chairman Wilmoth reported on his recent trip to Bahrain with President Gee and others celebrating the fact that West Virginia University has opened Civil Engineering Degree Program in Bahrain. He noted that the West Virginia University Civil and Environmental Civil Engineering degree program at the Royal University for Women (Bahrain) is a testament to the international reach of WVU and commitment to the partnerships in the Kingdom of Bahrain.

## **PRESIDENT'S REPORT**

President Gee offered the following as today's president's report:

### West Virginia Forward Update

- As you know, this summer we announced the WV Forward initiative, a collaboration with the West Virginia Department of Commerce and Marshall University. The three-part plan calls for a strengthened foundation supporting economic growth, identification of sectors in which our economy can grow and a clear roadmap, helping partners around the state unite toward a prosperous West Virginia. I cannot overstate the importance of WV Forward to our state's future. We are at a tipping point. We are navigating an economic crisis. It is time to take risks, be bold and have the courage necessary to make change. It is time we stack hands to work on initiatives that will make a difference for all 1.8 million West Virginians.

### Another gravitational wave discovery

- For the first time, scientists have directly detected gravitational waves—ripples in space and time—from the spectacular collision of two neutron stars. Scientists believe this event will become one of the most studied astrophysical events in history.
- The new discovery was made using the U.S.-based Laser Interferometer Gravitational-Wave Observatory, called LIGO; the Europe-based Virgo detector; and some 70 ground-and space-based observatories.
- Two West Virginia University researchers have been part of the LIGO scientific collaboration since before the first detection of gravitational waves, a discovery for which three of the original founders of LIGO were recently awarded the 2017 Nobel Prize for Physics.
- This new field of gravitational-wave astronomy is providing opportunities to understand new ways to understand the universe, and we are proud that Sean McWilliams, assistant professor of physics and astronomy, and Zachariah Etienne, assistant professor of mathematics, and their team of students and postdocs in the Eberly College of Arts and Sciences are in the forefront of this research.

### A Day of Giving on November 8, 2017

- On November 8, the University is reaching out to students, faculty and staff, alumni and friends, encouraging them to make gifts to support the general, unrestricted needs of the University and our schools and colleges.
- The WVU Foundation is organizing the University's inaugural Day of Giving, 24-hour online fundraising effort, as a simple way for University supporters to contribute to the Foundation's "State of Minds" Campaign, which ends in December.

- As costs increase and state funding decreases, private support is critical to help us serve our students move the state forward in the areas of education, healthcare and economic prosperity.
- We are especially hoping to attract support from students and young alumni. The web site [dayofgiving.wvu.edu](http://dayofgiving.wvu.edu) will provide a convenient platform for donating.

#### Improving efficiency and effectiveness

- We have realigned several administrative units to improve efficiency and effectiveness.
- Institutional Research is moving from Strategic Initiatives to the Office of the Provost and will report to Vice Provost John Campbell.
- Enrollment Management, which includes student recruitment and financial aid, is moving from the provost's office to an expanded University Relations, where it will report to Vice President Sharon Martin. Also, the Parents Club will move from Student Life to University Relations.
- It is crucial as we go forward that the University is structured in a way that creates synergies within key areas. This realignment does just that and will make West Virginia University more agile and responsive.

#### Most Loyal Mountaineers

- Mountaineer Week takes on added significance this week as we continue celebrating the University's 150th birthday.
- As is our tradition, we will recognize some of our "most loyal" Mountaineers this weekend.
- This year's Most Loyal West Virginian is Dr. Ronald Wilkinson, clinical professor in our Department of Otolaryngology-Head and Neck Surgery. A Sissonville native and WVU alumnus, Dr. Wilkinson has served his nation in the U.S. Army and his state as a private otolaryngologist as well as a professor. He has served on the WVU Alumni Association board and is a member of the WVU Foundation's Woodburn Circle Society.
- Our Most Loyal Alumnus is Jon Hammock, president, CEO and founder of Morgantown-based KeyLogic Systems, a successful professional services, engineering and technology firm with an extensive presence in the government market. He is also part of an angel investment group that is providing capital to emerging businesses with a focus in West Virginia. Jon and his wife, Lynn, support the WVU Foundation, Mountaineer Athletic Club, WVU Solar Decathlon Team, WVU Robotics Team and CyberWVU competition.
- Our Most Loyal Faculty Member is Mannon Gallegly emeritus professor of plant pathology. After graduating from the University of Wisconsin in 1949 with his doctorate in plant pathology, he began his career here as an assistant professor and worked his way up to serving as director of the Division of Plant and Soil Sciences, a post he held from 1970-1986.
- Our Most Loyal Staff Member is Barbara Bodkins, senior administrative assistant in employee relations within the Division of Talent and Culture. A graduate of Potomac State College of WVU, she provides administrative,



professional and technical support for her department and manages a variety of different projects, such as Staff Council elections and the employee remembrance ceremony.

## **BOARD PRESENTATION SERVICE FIRST**

Blake Humphrey, the student representative on the board, reported on a special project of the Student Government Association – Service First - A Day for Students to Give Back to West Virginia. This initiative started with a vision: To empower and enable the student body of West Virginia University to engage in meaningful, impactful service learning in places outside of the greater Morgantown area in order to embrace our land grant mission. Mr. Humphrey presented a short slide show detailing the projects undertaken by the Service First students – all of which occurred on October 21, 2017. More than 300 WVU students provided service to multiple sites across the state in Brooke, Monongalia, Mineral, Clay, Fayette, McDowell, Jackson and Ritchie counties. Divisional campuses in Keyser and Beckley also coordinated efforts for this day as well.

## **INFORMATION ITEMS**

Chairman Wilmoth advised that the agenda submission on Major Capital Projects Update, Item 9(c) under today's Information Items, is not the final version and will be withdrawn from consideration during today's meeting.

## **CONSENT AGENDA**

Chairman Wilmoth called for any discussion of today's Consent Agenda items, and asked whether any items needed to be pulled for a separate discussion/vote. There being none, J. Thomas Jones moved that the Board accept the Consent Agenda items as presented in today's agenda booklet. This motion was seconded by Dr. Stanley Hileman, and passed.

Thereupon, the following Consent Agenda items were approved:

**1. Approval of New Degree Program: Master of Science in Resource Economics and Management/Termination of Degree Program: Master of Science in Agricultural and Resource Economics**

Resolved: That the West Virginia University Board of Governors approves the creation of the Master of Science in Resource Economics and Management program and the termination of the Master of Science in Agricultural and Resource Economics program in the Davis College of Agriculture, Natural Resources, and Design.

**2. Approval of change in name of major: Change the current major in Sport and Exercise Psychology to a new major in Sport, Exercise, and Performance Psychology within the PhD degree program in Kinesiology**

Resolved: That the West Virginia University Board of Governors approves the change in the name of the major in Sport and Exercise Psychology to the major in Sport, Exercise, and Performance Psychology within the PhD degree program in Kinesiology in the College of Physical Activity and Sport Sciences.

**3. Approval of New Major: Sports and Adventure Media in the Reed College of Media**

Resolved: That the West Virginia University Board of Governors approves the creation of a BSJ in Sports and Adventure Media in the Reed College of Media.

**4. Tuition and Fee schedule update – Winter Session**

Resolved: That the West Virginia University Board of Governors approves the tuition and fee schedule update – Winter Session – as presented.

**5. Appointment to County Extension Committees**

Resolved: That the West Virginia University Board of Governors approves the nominees and alternates for positions on the County Extension Service Committees in West Virginia, as presented.

**6. Approval of amended WVU Voluntary Separation Incentives Plan Description**

Resolved: That the West Virginia University Board of Governors approves the amended WVU Voluntary Separation Incentives Plan Description, as presented.

**7. Milan Puskar Center Training Room Renovation**

Resolved: That the West Virginia University Board of Governors approves the renovation of the Puskar Training Room, as presented.

**8. Receipt and Acceptance of the FY 2017 Financial Statements and Audit Report for West Virginia University**

Resolved: That the West Virginia University Board of Governors approves the receipt and acceptance of the FY 2017 Financial Statements and Audit Report for West Virginia University, as presented.

**ADJOURNMENT**

Chairman Wilmoth announced that the Board will conduct its next regular meeting on December 15, 2017 in Morgantown. There being no further business to come before the Board, David Alvarez moved to adjourn the meeting. The motion was seconded by Taunja Willis Miller, and passed. The meeting was adjourned at 2:15 p.m.

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Taunja Willis Miller, Secretary

### **NOTICE OF PROPOSED RULEMAKING**

This Notice of Proposed Rulemaking is issued pursuant to West Virginia University Board of Governors Governance Rule 1.1. The proposed changes to current Board of Governors Policies are to:

- West Virginia University Board of Governors Policy 5, Changes in Organizations;
- West Virginia University Board of Governors Policy 6, Naming of Buildings;
- West Virginia University Board of Governors Policy 36, Separation of Programs and Personnel at Admin. Linked Institutions;
- West Virginia University Board of Governors Policy 37, Board of Governors Meetings;
- West Virginia University Board of Governors Policy 38, Emeritus Status;
- West Virginia University Board of Governors Policy 44, Policy Regarding Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation;
- West Virginia University Board of Governors Policy 49, Children on Campus; and
- West Virginia University Board of Governors Policy 55, West Virginia Freedom of Information Act.

Additionally, Notice of Proposed Rulemaking for two new Rules:

- West Virginia University Board of Governors Governance Rule 1.2 – Administration; and
- West Virginia University Board of Governors Governance Rule 1.9 – President and Staff Emeritus Staff.

The proposed changes are to amend, approve, and, in some cases, repeal current BOG Policies in order to implement new BOG Rules in accordance with W. Va. House Bill 2815 (2017). To that end, the term “Policy” will be replaced with “Rule” and these Policies will be reformatted to the new design for BOG Rules, renumbered, and standard terms are used, when applicable. Moreover, all BOG Rules will be updated to supersede and repeal W. Va. Higher Education Policy Commission Rules, where applicable.

Substantively, the proposed changes to the BOG Policies above will result in additions, amendments, or repeals as set forth below:

| Current BOG Policy  | Proposed Change           | New BOG Rule  | Brief Description   |
|---|---------------------------|---|---|
| BOG Policy 5 – Changes in Organization  | Relocate & Repeal         | BOG Governance Rule 1.2 – Administration  | <ul style="list-style-type: none"> <li>• Incorporates substance of BOG Policy 5 into new BOG Governance Rule 1.2.</li> </ul>  |
| BOG Policy 6 – Naming of Buildings  | Relocate & Repeal         | BOG Governance Rule 1.2 – Administration  | <ul style="list-style-type: none"> <li>• Incorporates substance of BOG Policy 6 into new BOG Governance Rule 1.2.</li> </ul>  |
| BOG Policy 36 – Separation of Programs and Personnel at Admin. Linked Institutions                | Repeal                    | N/A   | <ul style="list-style-type: none"> <li>• Policy involved separating out programs and employees from community college originally part of WVU Tech; thus, no longer relevant.</li> </ul>   |
| BOG Policy 37 – Board of Governors' Meeting   | Repeal                    | N/A   | <ul style="list-style-type: none"> <li>• Meeting requirements contained within BOG By-Laws.</li> <li>• No statutory requirement to have a separate Rule on this topic.</li> </ul>   |
| BOG Policy 38 – Emeritus Status   | Partial Repeal & Relocate | BOG Governance Rule 1.9 – President and Staff Emeritus Status   | <ul style="list-style-type: none"> <li>• Incorporates substance relating to President and Administrator Emeritus status into new BOG Governance Rule 1.9.</li> <li>• Portion of BOG Policy 38 regarding the ability to grant faculty Emeritus status is not being repealed. However, that portion will eventually be incorporated into a new BOG Faculty Rule in 2018.</li> </ul>   |
| BOG Policy 44 – Policy Regarding Discrimination, Harassment, Sexual Harassment, Sexual & Domestic | Amend & Approve           | BOG Governance Rule 1.6 – Rule Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, | <ul style="list-style-type: none"> <li>• Re-organizes and streamlines text for clarity, especially sections on Consent and Confidentiality.</li> <li>• Substantive changes include: <ul style="list-style-type: none"> <li>○ Updates definition of terms to comply with recent W. Va. Code changes.</li> <li>○ Clarifies that criminal violations may (as opposed to must) be referred to prosecuting authority to better address a victim's wishes.</li> </ul> </li> </ul> |

| Current BOG Policy                 | Proposed Change | New BOG Rule                                       | Brief Description   |
|------------------------------------|-----------------|--|---|
|                                    |                 | Retaliation, and Relationships                     | <ul style="list-style-type: none"> <li>○ Adds “threat or intimidation, express or implied, that the aggressor will retaliate or cause damage to the victim’s reputation if the victim does not give into the aggressor’s sexual advances” to definition of Forcible Compulsion under Consent.</li> <li>○ Clarifies certain relationships are prohibited when one individual has authority or control over the other individual.</li> <li>○ Adds that failure to disclose certain consensual relationship could lead to discipline.</li> <li>○ Broadens definition of “Members of the University Community.”</li> </ul>  |
| BOG Policy 49 – Children on Campus | Amend & Approve | BOG Governance Rule 1.7 – Rule on Child Protection | <ul style="list-style-type: none"> <li>• Re-organizes and streamlines text for clarity.</li> <li>• Substantive changes include: <ul style="list-style-type: none"> <li>○ Centralizes responsibility and development of appropriate guidelines to Title IX Coordinator; however, individual Units maintain obligation to notify Title IX Coordinator of events involving children and to implement the guidelines Title IX Coordinator develops for that program.</li> <li>○ Clarifies that background checks for those participating in programs involving children must be conducted a minimum of every 3 years.</li> <li>○ Adds that failure to abide by Rule can result in discipline.</li> <li>○ Streamlines definitions of terms for clarity to reader, but references W. Va. Code.</li> </ul> </li> </ul> |

| Current BOG Policy                                       | Proposed Change | New BOG Rule  | Brief Description  |
|--|-----------------|---|--|
| BOG Policy 55 – West Virginia Freedom of Information Act | Amend & Approve | BOG Governance Rule 1.10 – West Virginia Freedom of Information Act | <ul style="list-style-type: none"> <li>• Re-organizes and re-formats text into Rule format.</li> <li>• Streamlines text for clarity and to reflect current University structure.</li> </ul>  |
| N/A  | Approve         | BOG Governance Rule 1.2 – Administration                            | <ul style="list-style-type: none"> <li>• Combines BOG Policies 5 and 6 into new Rule.</li> <li>• Incorporates statutory requirements to develop a University Master Plan that is submitted bi-annually to Legislative Oversight Committee and HEPC.</li> <li>• Substantive changes to text of BOG Policy 5 – <u>Change in Organization</u>: <ul style="list-style-type: none"> <li>○ Removes requirement to inform HEPC of major organization changes.</li> <li>○ Provides BOG the right to take action on any significant organization change.</li> </ul> </li> <li>• Substantive changes to BOG Policy 6 – <u>Naming of Building</u>: <ul style="list-style-type: none"> <li>○ Provides additional guidelines and restrictions for naming facilities or academic units.</li> </ul> </li> </ul> |
| N/A  | Approve         | BOG Governance 1.9 – President and Staff Emeritus                   | <ul style="list-style-type: none"> <li>• Incorporates substance relating to President and Administrator Emeritus status from BOG Policy 38</li> <li>• Amends version to include ability to grant Emeritus status to retired staff.</li> <li>• Portion of BOG Policy 38 regarding the ability to grant faculty Emeritus status is not being repealed. However, that portion will eventually be incorporated into a new BOG Faculty Rule in 2018.</li> </ul>   |

A copy of the current Policies can be found at <http://bog.wvu.edu/policies> and a copy of the proposed Rules and this Notice of Proposed Rulemaking can be found at <http://policies.wvu.edu/>. Additionally, copies of both are available at the President's Office in Room 103 of Stewart Hall.

There will be a 30-day public comment period from October 30, 2017 until November 28, 2017 for the submission of written comments. Comments should be submitted using the online submission form for each Rule, which can be found by clicking on the link to the Rule located at: <http://policies.wvu.edu/>. If there are any questions about the submission process, they can be directed to Valerie Lopez, Special Assistant to the Governing Board, at [Valerie.Lopez@mail.wvu.edu](mailto:Valerie.Lopez@mail.wvu.edu) or Valerie Lopez, Office of the President, West Virginia University, PO Box 6201, Morgantown, West Virginia 26506-6201.

Once the comment period has ended, all public comments received will be posted on the University's policy website. The Rules may be changed, subject to comments received.