

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

August 14, 2020

The one hundred eighty-fifth meeting of the West Virginia University Board of Governors (scheduled as a Special Board Meeting) was held on August 14, 2020 via teleconference and zoom meeting. Board members in attendance/participating by telephone included David Alvarez, Marty Becker, Charles Capito, Elmer Coppoolse, Kevin Craig, J. Thomas Jones, Dr. Patrice Harris, Dr. Stanley Hileman, Lisa A. Martin, Taunja Willis Miller, Dr. Emily Murphy, Richard Pill, Chase Riggs, Ed Robinson, Dr. Kimberly Weaver and William Wilmoth. Board member Benjamin Statler was absent and excused.

Known WVU officers, divisional campus officers, representatives (and others) participating included:

President, E. Gordon Gee;
Vice President for Strategic Initiatives, Rob Alsop;
General Counsel, Stephanie Taylor;
Provost, Maryanne Reed;
Vice President and Executive Dean of Health Sciences, Clay Marsh;
Vice President for University Relations, Sharon Martin;
Vice President and Chief Financial Officer, Paula Congelio;
Dean of Students, Corey Farris;
Associate Vice President for Finance, Anjali Halabe;
Director of Athletics, Associate Vice President, Shane Lyons;
Deputy Athletics Director, Keli Zinn;
Senior Associate Athletics Director/Business Operations,
CFO, Simon Dover;
WVU Foundation Senior Associate Vice President, Leadership
Philanthropy, Tim Bollng;
Associate Provost for Budget, Facilities and Strategic Initiatives,
Mark Gavin;
Vice Provost for Academic Strategies, Curriculum and Assessment,
Paul Kreider;
Director of Communications and Marketing for Strategic Initiatives,
Erin Newmeyer,
Executive Officer and Assistant Board Secretary, Jennifer Fisher; and
Special Assistant to the Board of Governors, Valerie Lopez.

Call to Order

The meeting was called to order by Chairman David Alvarez, at 9:00 a.m. A roll call was taken to determine who was in attendance and a quorum established. Chairman Alvarez welcomed our newest board member, Dr. Patrice Harris, to her first Board of Governors meeting.

Chairman Alvarez stated that this special meeting was called to discuss and act upon matters relating to West Virginia University's ongoing response to the COVID-19 pandemic.

Executive Session

Chairman Alvarez asked for a motion and second to move to Executive Session, under authority in West Virginia Code §6-9A-4(b)(9), (10) and (12), to discuss confidential legal, personnel, and deliberative matters relating to the following:

- a. Possible naming opportunity related to outdoor education and economic development;
- b. Commercial competition matters, the purchase, sale or lease of property, and/or the investment of public funds; and
- c. West Virginia University's ongoing response to the COVID-19 pandemic.

The motion was made by J. Thomas Jones, seconded by William Wilmoth and passed. Following the conclusion of Executive Session, William Wilmoth moved that the Board rise from Executive Session. This motion was seconded by Kevin Craig and passed. Upon returning to General Session, Chairman Alvarez stated that updates were provided on Covid-19 fall planning and related budget planning for West Virginia University. In terms of any action resulting from today's Executive Session, Chairman Alvarez requested a motion concerning the potential naming opportunities that were discussed during today's Executive Session. Accordingly, Taunja Willis Miller moved that the board approve the potential naming opportunities that were discussed during today's Executive Session, and that this information be withheld until a later date at which time formal announcements and ceremonies may be held. The motion was seconded by Richard Pill and passed.

**Agenda Item: Notice of Proposed Rulemaking for changes to the following Rules:
West Virginia University Board of Governors Governance Rule 1.6 – Rule
Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct,
Domestic Misconduct, Stalking, Retaliation, and Relationships; and West Virginia
University Board of Governors Student Life Rule 6.1 – Student Rights and
Responsibilities; Student Conduct.**

Chairman Alvarez called upon General Counsel Stephanie Taylor to present this agenda item. The following overview was provided:

This Notice of Proposed Rulemaking is for changes to the following Rules:

West Virginia University Board of Governors Governance Rule 1.6 – Rule Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation, and Relationships; and

West Virginia University Board of Governors Student Life Rule 6.1 – Student Rights and Responsibilities; Student Conduct.

The proposed changes are to amend the current BOG Rules to comply with the new Title IX regulations issued by the U.S. Department of Education. Additionally, the proposed amendments include other minor changes to more clearly address University practices and current terminology.

General Counsel Taylor detailed the proposed changes to the Rules as set forth in detail in the table located in the Notice of Proposed Rulemaking agenda item for today's meeting.

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 August 17, 2020 through September 16, 2020. Once the comment period has ended, all public comments received will be posted on the University's policy website. The university will review all comments received and make appropriate revisions to the rules before returning the same to the Board of Governor for final approval.

Following this presentation and any questions and answers, Chairman Alvarez asked for a motion to approve the Notice of Proposed Rulemaking, as presented, pursuant to BOG Governance Rule 1.1. This motion was made by Kevin Craig, seconded by Lisa A. Martin, and passed.

Agenda Item: Emergency Rulemaking for changes to the following Rules: West Virginia University Board of Governors Governance Rule 1.6 – Rule Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation, and Relationships; and West Virginia University Board of Governors Student Life Rule 6.1 – Student Rights and Responsibilities; Student Conduct.

Chairman Alvarez called upon General Counsel Stephanie Taylor to present this agenda item. The following overview was provided:

This Emergency Rulemaking is for changes to the following Rules:

West Virginia University Board of Governors Governance Rule 1.6 – Rule Regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation, and Relationships; and

West Virginia University Board of Governors Student Life Rule 6.1 – Student Rights and Responsibilities; Student Conduct.

The proposed changes are to immediately amend the current BOG Rules to comply with the new Title IX regulations issued by the U.S. Department of Education, which the regulations dictate institutions must have implemented by August 14, 2020. Additionally, the proposed amendments include other minor changes to more clearly address University practices and current terminology.

General Counsel Taylor stated that the proposed changes to the Rules will result in additions or amendments as set forth in the amended Rules attached to this board agenda item.

Following the adoption of the Emergency Rules, the Emergency Rules will be posted on the University's policy website and notice will be given to University faculty, staff, and students. The Emergency Rules will remain in effect for 90 calendar days or until the Rules are amended using the formal rulemaking process.

Following this presentation and any questions and answers, Chairman Alvarez asked for a motion to approve the Emergency Rule Amendments to BOG Governance Rule 1.6 and BOG Student Life Rule 6.1, as presented, pursuant to BOG Governance Rule 1.1, Section 4. This motion was made by Dr. Stanley Hileman, seconded by Charles Captio, and passed.

Agenda Item: Transfer of Buildings and Property to City of Montgomery.

Chairman Alvarez called upon Vice President for Strategic Initiatives, Rob Alsop to present this agenda item. The following overview was provided:

Since the relocation of West Virginia University Institute of Technology to its new campus in Beckley, the University continues to identify new owners and uses of the buildings and real property associated with the former WVU Tech campus in Montgomery. The University remains committed to the redevelopment of the Upper Kanawha Valley and has partnered with the City and other stakeholders to improve the economic outlook of the area. In furtherance of these efforts, the University seeks authority to identify and transfer to the City, those buildings and property located in Montgomery which are determined to be in the University's interest support the economic outlook of the area. At present, the University and City have identified for transfer the property and facilities commonly referred to as the "President House" and is actively working to identify additional buildings, associated greenspaces, and parking areas. Transfers made subject to this authorization shall be by deed, without consideration, and shall also be subject to the formal approval of the Armory Board as well as the West Virginia Board of Public Works. At least quarterly, the Board shall receive a report of any transfers undertaken pursuant to this authorization.

Following this presentation and any questions and answers, Chairman Alvarez asked for a motion that the West Virginia University Board of Governors authorizes the transfer of buildings and parcels of real property, located in Montgomery, West Virginia, to the City of Montgomery and that the Board grants standing authority, through June 30, 2021, to the President or the Vice President for Strategic Initiatives to negotiate and finalize such transfers which are deemed to be in the University's interest. This motion was made by Ed Robinson, seconded by Elmer Coppoolse, and passed.

Adjournment

Before concluding today's meeting President Gee thanked the board members and the university's leadership team for their dedicated support and assistance in working through all relevant issues at hand. There being no further business to come before the Board, Lisa A. Martin moved to adjourn the meeting. The motion was seconded by J. Thomas Jones and passed. The meeting was adjourned at 10:20 a.m.

Taunja Willis Miller, Secretary