

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

April 23, 2009

The seventy-fifth meeting of the West Virginia University Board of Governors (scheduled as a Special Meeting via telephone) was held on April 23, 2009, with the call originating in the Stewart Hall President's Conference Room. Board members participating included Ellen Cappellanti, Dr. Tom Clark, James Dailey, Steve Goodwin, Dr. Steve Kite, Ray Lane, Diane Lewis, Carolyn Long, Oliver Luck, Paul Martinelli, Ted Mattern, Bill Nutting, Drew Payne, Jason Parsons, and Ed Robinson. Board member, Dr. Charles Vest, was absent and excused.

WVU officers, divisional campus officers, and representatives present were:

Interim President, C. Peter Magrath;
President-elect, James P. Clements;
Interim Provost and Vice President for Academic Affairs and Research, E. Jane Martin;
Vice President for Administration, Finance & Human Resources, Narvel Weese;
Vice President for University Relations, Chris Martin;
Vice President for Legal Affairs & General Counsel &
Assistant BOG Secretary, Bobbie Brandt;
Associate General Counsel, Shea R. Browning;
Associate General Counsel, Gary G. Furbee, II;
West Virginia University Institute of Technology, Divisional Campus Provost,
Scott Hurst;
Executive Director, Internal Communications, Becky Lofstead;
Vice President for Development and Alumni Center Marketing,
WVU Alumni Association, Ellen G. Goodwin; and,
Special Assistant to the Board of Governors, Valerie Lopez.

From WVU at Parkersburg:

Marie Foster Gnage, Campus President;

From the Community & Technical College at WVUIT:

Beverly Jo Harris, Campus President.

Members of the Press were also present.

CALL TO ORDER

The meeting was called to order by Board Chairman, Carolyn Long, at 10:00 a.m. A roll call was taken to determine who was in attendance and a quorum established.

EXECUTIVE SESSION

Chairman Carolyn Long requested that the Board go into Executive Session, under authority in West Virginia Code §6-9A-4(b)(2)(A) and §6-9A-4(b)(10) and (12) to discuss: (a) personnel issues; (b) legal matters; and (c) approval of gift acknowledgment namings. The motion was made by Paul Martinelli, seconded by Ted Mattern, and passed. Chairman Long announced that the regular board meeting should re-convene in about an hour. The Board thereupon met in Executive Session. Following the discussion, Dr. Steve Kite moved that the Board rise from Executive Session. The motion was seconded by Jason Parsons, and passed. The Board re-convened in general session at 11:10 a.m.

ACTIONS EMANATING FROM EXECUTIVE SESSION

Chairman Carolyn Long thanked all Board members for their efforts expended during Executive Session.

Regarding discussion of one of the gift acknowledgment namings, Ellen Cappellanti moved that the Board approve construction of a park at the corner of University Avenue and Van Voorhis Road, in the green space adjacent to the new Erickson Alumni Center, and that the area be formally named the *Raymond J. Lane Park*, in recognition of alumnus Ray Lane's generous gift for the development of this project; and further, that the roadway from University Avenue to the Purdy Circle in front of the Erickson Alumni Center be named *One Ray Lane*. The motion was seconded by Paul Martinelli, and passed. Chairman Long thanked Mr. Lane for his munificent donation.

Ted Mattern moved that the naming opportunity related to the Erickson Alumni Center, as discussed, be approved, with details to be released at a later date. The motion was seconded by Paul Martinelli, and passed.

BOARD ITEMS

Diane Lewis moved that the Board adopt the Amendments to the West Virginia University Board of Governors' Operating Procedures, and Paragraph 9 of the Powers & Duties of the West Virginia University Board of Governors, as presented. There being no further discussion, the motion was seconded by Paul Martinelli, and passed.

Paul Martinelli moved that the Board approve the Memorandum of Understanding, Services Agreement, and Assets and Liabilities Agreement involving West Virginia University and the Community and Technical College at West Virginia University Institute of Technology, as presented. Following a brief discussion, the motion was seconded by Ed Robinson, and passed.

Ted Mattern moved that the Board approve the Memorandum of Understanding and Trademark Licensing Agreement involving West Virginia University and West Virginia University at Parkersburg, as presented. The motion was seconded by Tom Clark, and passed. Interim President, C. Peter Magrath, stated that the circumstances surrounding the Trademark Licensing Agreement constituted a legal situation inherited by West Virginia University as a

result of the decision by the West Virginia Legislature. He further stated that the WVU name and trademarks are valuable assets, subject to not only state but federal laws, and that it would be a serious mistake for WVU to compromise these incredible and important trademarks that we have. Dr. Magrath recommended that the provisions within the Trademark Licensing Agreement, as presented, be approved, and that the two-year contract with WVU at Parkersburg be re-negotiated in June of 2011. Dr. Magrath acknowledged that WVU at Parkersburg was not content with this arrangement, but stated that WVU would exhibit good faith in working with their representatives in future negotiations regarding this issue.

CONSENT AGENDA

Chairman Long called for discussion of the Consent Agenda item, as presented. Dr. Steve Kite moved for approval of the singular Consent Agenda item. The motion was seconded by Paul Martinelli, and passed.

Thereupon, the following Consent Agenda item was approved:

Alumni Center Park Construction Project

Resolved: That the West Virginia University Board of Governors approves the construction of the Alumni Center Park with a budget of \$1,400,000.

OTHER BUSINESS AND GENERAL DISCUSSION

Interim President Magrath acknowledged that President-elect, James P. Clements, was on the WVU campus and able to participate in today's Board meeting. Dr. Magrath stated that he and Dr. Clements have been in constant communication and that they have been working well during this transitional period. Dr. Magrath added that Dr. Clements will make a strong leader and advocate for West Virginia University.

President-elect Clements briefly addressed the Board, stating that West Virginia University has been indeed fortunate to have C. Peter Magrath serve as its Interim President. Dr. Clements added that Dr. Magrath has been a valued mentor to him, and that he and his family are looking forward to joining West Virginia University and the Morgantown community.

ADJOURNMENT

There being no further business, Drew Payne moved to adjourn the meeting. The motion was seconded by Ted Mattern, and passed. The meeting was adjourned at 11:25 a.m.

John T. Mattern, Secretary