

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

March 6, 2018

The one hundred fifty seventh meeting of the West Virginia University Board of Governor, (called as a Special Meeting) was held on March 6, 2018 in Morgantown, WV. Board members in attendance, participating by telephone included David Alvarez, Marty Becker, Thomas Flaherty, Thomas Heywood, Dr. Stanley Hileman, Blake Humphrey, J. Thomas Jones, Lisa A. Martin, Taunja Willis Miller, Ed Robinson, J. Robert (J.R.) Rogers, Benjamin Statler, Dr. Matthew Valenti, Dr. Kimberly Weaver and William Wilmoth. Board member, Elmer Coppoolse, was absent and excused.

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

President, E. Gordon Gee;
Vice President for Strategic Initiatives, Rob Alsop;
Provost, Joyce McConnell;
Vice Provost, John Campbell;
General Counsel, Stephanie Taylor;
Deputy General Counsel, Gary G. Furbee, II;
Vice President for University Relations, Sharon Martin;
Vice President and Chief Financial Officer, Paula Congelio;
Associate Provost for Undergraduate Education, Paul Kreider;
Vice President for Diversity, Equity and Inclusion, Meshea Poore;
Associate Provost for Academic Personnel, C. B. Wilson;
Dean of Students, Corey Farris;
Executive Officer and Assistant Board Secretary, Jennifer Fisher;
Director of News, University Relations/Communications, April Kaull; 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 1:30 p.m. A roll call was taken to determine who was in attendance and a quorum established.

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 Blake Humphrey, seconded by Marty Becker, and passed. Following the conclusion of Executive Session, Taunja Willis Miller moved that the Board rise from Executive Session. This motion was seconded by J. Robert (J.R.) Rogers, and passed.

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 introduced Deputy General Counsel, Gary G. Furbee, II – to provide the following overview related to the 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 1 – Program Review;
West Virginia University Board of Governors Policy 7 – Grade Point Average;
West Virginia University Board of Governors Policy 9 – Policy Regarding the Assignment of Academic Credit and Financing Noncredit Instruction;
West Virginia University Board of Governors Policy 15 – Student Academic Rights;
West Virginia University Board of Governors Policy 23 – Credit for Public School Service; and
West Virginia University Board of Governors Policy 35 – Accreditation and Degree Standards.

Additionally, a Notice of Proposed Rulemaking is submitted for three new Rules: West Virginia University Board of Governors Academics Rule 2.1 – Administration and Practices; West Virginia University Board of Governors Academics Rule 2.3 – Undergraduate Admissions; and West Virginia University Board of Governors Academics Rule 2.4 – Residency Classification and Fee Purposes.

The proposed changes are to amend, approve, rename/renumber, and, in some cases, repeal the current policies in order to implement new 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 will be used when applicable. Moreover, all BOG Rules will be updated to supersede and repeal W. Va. Higher Education Policy Commission Rules, where applicable.

Deputy General Counsel Furbee provided an overview of the 6 rules – one faculty and five academic rules – detailing the additions, amendments or repeals resulting from the proposed changes to the BOG policies, plus the content for the three new rules - 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 March 7, 2018 until April 5, 2018 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, Dr. Stanley Hileman moved that the board approve the Notice of Proposed Rulemaking, as presented. This motion was seconded by Lisa A. Martin, 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 Deputy General Counsel Furbee during his presentation, all of which are summarized on the chart incorporated within the Notice of Proposed Rulemaking attached hereto.

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. Robert (J.R.) Rogers 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 Major: Cybersecurity

Resolved: That the West Virginia University Board of Governors approves the creation of a BS in Cybersecurity in the Statler College of Engineering.

2. Approval of New Major: Health Informatics and Information Management

Resolved: That the West Virginia University Board of Governors approves the creation of an AA in Health Informatics and Information Management at the Potomac State College of West Virginia University

3. Authorization to Enter into an Amended Agreement Related to Food Services and Training Table for Athletics.

Resolved: That the West Virginia University Board of Governors approves the authorization to enter into an Amended Agreement related to food services and training table for athletics, as presented

ADJOURNMENT

There being no further business to come before the Board, J. Robert (J.R.) Rogers moved to adjourn the meeting. The motion was seconded by Lisa A. Martin, and passed. The meeting was adjourned at 2:40 p.m.

Taunja Willis Miller, Secretary

WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS
Meeting of March 6, 2018

- ITEM:** Notice of Proposed Rulemaking for changes to the following Policies:
- West Virginia University Board of Governors Policy 1 – Program Review;
- West Virginia University Board of Governors Policy 7 – Grade Point Average;
- West Virginia University Board of Governors Policy 9 – Policy Regarding the Assignment of Academic Credit and Financing Noncredit Instruction;
- West Virginia University Board of Governors Policy 15 – Student Academic Rights;
- West Virginia University Board of Governors Policy 23 – Credit for Public School Service; and
- West Virginia University Board of Governors Policy 35 – Accreditation and Degree Standards.
- Additionally, Notice of Proposed Rulemaking is submitted for three new Rules: West Virginia University Board of Governors Academics Rule 2.1 – Administration and Practices; West Virginia University Board of Governors Academics Rule 2.3 – Undergraduate Admissions; and West Virginia University Board of Governors Academics Rule 2.4 – Residency Classification and Fee Purposes.
- INSTITUTION:** West Virginia University
- COMMITTEE:** Full Board
- RECOMMENDATION:** Resolved: That the West Virginia University Board of Governors approves the issuance of a Notice of Proposed Rulemaking, as presented.
- STAFF MEMBER:** Joyce McConnell, Provost and Vice President of Academic Affairs
Stephanie Taylor, General Counsel

BACKGROUND:

The proposed changes are to amend, approve, rename/renumber, and, in some cases, repeal the current policies in order to implement new 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 will be 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 policies above will result in additions, amendments, or repeals as set forth in detail in the table located in the Notice of Proposed Rulemaking.

Following the issuance of the Notice of Proposed Rulemaking, the proposed changes to the Policies will be posted for the required thirty (30) day public comment period from March 7, 2018 through April 5, 2018. The Board of Governors is asked to approve the issuance of the Notice of Proposed Rulemaking, as presented.

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 1 – Program Review;
- West Virginia University Board of Governors Policy 7 – Grade Point Average;
- West Virginia University Board of Governors Policy 9 – Policy Regarding the Assignment of Academic Credit and Financing Noncredit Instruction;
- West Virginia University Board of Governors Policy 15 – Student Academic Rights;
- West Virginia University Board of Governors Policy 23 – Credit for Public School Service; and
- West Virginia University Board of Governors Policy 35 – Accreditation and Degree Standards.

Additionally, Notice of Proposed Rulemaking is submitted for three new Rules: West Virginia University Board of Governors Academics Rule 2.1 – Administration and Practices; West Virginia University Board of Governors Academics Rule 2.3 – Undergraduate Admissions; and West Virginia University Board of Governors Academics Rule 2.4 – Residency Classification and Fee Purposes.

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:

New BOG Rule	Current BOG Policy (if applicable)	Recommended Action	Comments
BOG Faculty Rule 4.7 – Reduction in Force	BOG Policy 2 – Academic Freedom, Professional Responsibility, Promotion, and Tenure (Sections 13 and 14)	Approve	<ul style="list-style-type: none"> ▪ Reorganizes and expands upon the substance removed from Sections 13, regarding termination because of reduction or discontinuation of an existing program, and Section 14, regarding termination due to financial exigency, of current BOG Policy 2. <ul style="list-style-type: none"> ○ Under this rule, a Faculty RIF may occur in response to institutional reorganization as a result of a Program Reduction or Program Discontinuation (pursuant to Academics Rule 2.2), and/or a Financial Exigency. ○ Establishes that prior to a reduction in force, reasonable alternatives must be considered along with the impact on employees and students. ○ Sets forth the criteria to be considered when determining the faculty positions to be terminated. ▪ Sets forth the notice requirements to faculty in the event of a reduction of force, University’s obligation with regard to reassigning and/or recalling any faculty member impacted by the a RIF. ▪ Defines a ““Financial Exigency”” to mean a situation that curtails operations requiring immediate steps by the University to remedy, which may include, but is not limited to, budget reductions, loss of funding, or an emergency. ▪ Establishes that University may offer a severance package of up to one year’s annual base pay to a Faculty Member who is impacted by a RIF, if financially feasible.

New BOG Rule	Current BOG Policy (if applicable)	Recommended Action	Comments
BOG Academics Rule 2.1 – Administration and Practices	BOG Policy 7 – Grade Point Average; BOG Policy 9 – Policy Regarding the Assignment of Academic Credit and Financing Noncredit Instruction; BOG Policy 23 – Credit for Public School Service; BOG Policy 35 – Accreditation and Degree Standards	Approve	<ul style="list-style-type: none"> ▪ Incorporates a clear delegation of authority regarding academic matters to the President similar to those granted in the Board’s February 8, 2002 Delegation of Authority to President. ▪ Recognizes that, at the discretion of the President, the Provost shall serve as the University’s chief academic officer and shall be responsible for the academic affairs of the University. ▪ Incorporates certain statutory requirements regarding academic administration. ▪ Affirms and stipulates to the need for engagement with campus stakeholders regarding the development and implementation of academic policies and procedures. ▪ Establishes minimum degree standards. ▪ Articulates clear minimum expectations for the University’s academic catalogs. ▪ Incorporates concepts currently stated in BOG Policy 7, regarding grade point average; BOG Policy 9, regarding academic credit and financing noncredit instruction; BOG 23, regarding credit for public school service; and BOG Policy 35, regarding accreditation.
BOG Academics Rule 2.2 – Program Creation and Review	BOG Policy 1 – Program Review	Amend and Approve	<ul style="list-style-type: none"> ▪ Re-organizes and streamlines for clarity substance from HEPC Series 10 and current BOG Policy 1. <ul style="list-style-type: none"> ○ Incorporates certain statutory requirements regarding program reviews being performed at least every five years. ○ Identifies the core components of an academic program to be reviewed as being a) mission, b) faculty productivity, c) student enrollment and

New BOG Rule	Current BOG Policy (if applicable)	Recommended Action	Comments
			<p>graduation history, d) facilities and equipment, f) assessment, and g) program improvement.</p> <ul style="list-style-type: none"> ○ Establishes that at the conclusion of the University’s review of an Academic Program, the Provost will prepare a preliminary recommendation to the Board including the continuation, reduction or discontinuation of an Academic Program. ○ Affords the department chair or program coordinator/director to appeal Provost’s final recommendation to the Institutional Program Review Appeals Committee. ○ Reserves the Board’s ability to request additional information or request further analysis of an academic program be made prior to accepting any recommendation regarding an academic program. ▪ Defines “Academic Program” as any academic program that grants a certificate, associate, baccalaureate, graduate, or professional degree upon its completion as well as other curricula not included in program review such as minors, areas of emphasis, and teacher specializations.
BOG Academics Rule 2.3 – Undergraduate Admissions	None	Approve	<ul style="list-style-type: none"> ▪ This is a new Rule that replaces HEPC Series 10. <ul style="list-style-type: none"> ○ Sets forth regular and conditional admission standards for residents and nonresidents who seek undergraduate admission at any of the University’s campuses. ○ Identifies the core academic requirements for admission.

New BOG Rule	Current BOG Policy (if applicable)	Recommended Action	Comments
			<ul style="list-style-type: none"> ○ Addresses admission of transfer students, non-degree seeking students, and international students. ▪ Authorizes separate Schools and Colleges of the University to establish admission policies which are more rigorous than those established by this Rule for basic admission into specific programs.
BOG Academics Rule 2.4 – Residency Classifications for Admission and Fee Purposes	None	Approve	<ul style="list-style-type: none"> ▪ This is a new Rule that reorganizes and streamlines for clarity substance contained within HEPC Series 25. <ul style="list-style-type: none"> ○ Establishes that residency shall be determined solely by the University and such determination shall be based upon the student’s domicile. ○ Permits students to apply for residency reclassification and grants one final appeal of the decision. ○ Changes in residency status resulting from an appeal shall be effective for the academic term or semester next following the date of the application for reclassification. ○ Recognizes and distinguishes special circumstances that may exist for military service and changes in a student’s dependency status. ▪ This Rule increases to four years, from one year, the period of time that a state resident may leave and return without losing their status as a resident; provided, the student must have been a resident when they graduated high school and continued to be enrolled as a student in post-secondary education. This provision encourages WV residents to return to WVU for graduate or professional school.

New BOG Rule	Current BOG Policy (if applicable)	Recommended Action	Comments
BOG Academics Rule 2.5 – Student Rights and Responsibilities	BOG Policy 15 – Student Academic Rights	Amend and Approve	<ul style="list-style-type: none"> ▪ Re-organizes and streamlines for clarity text of current BOG Policy 15. ▪ Affirms that students are entitled to access to the academic catalog, class syllabi during the first week of classes, feedback on assignments in a timely manner, and posted grades. <ul style="list-style-type: none"> ○ Establishes that undergraduate students have the right to, at the minimum, posted mid-semester and final grades. ▪ Requires the Provost to provide clear guidance and assistance to students ensuring they understand the requirement to maintain academic integrity and are aware that failure to maintain academic integrity constitutes academic dishonesty. ▪ Empowers the Provost to administer a fair and consistent system for defining and responding to academic dishonesty, including establishing a range of outcomes.
N/A	WVU BOG Policy 7 – Grade Point Average	Repeal and Relocate	<ul style="list-style-type: none"> ▪ Substance incorporated into proposed BOG Academic Rule 2.1.
N/A	WVU BOG Policy 9 – Policy Regarding the Assignment of Academic Credit and Financing Noncredit Instruction	Repeal and Relocate	<ul style="list-style-type: none"> ▪ Substance incorporated into proposed BOG Academic Rule 2.1.
N/A	WVU BOG Policy 23 – Credit for Public School Service	Repeal and Relocate	<ul style="list-style-type: none"> ▪ Substance incorporated into proposed BOG Academic Rule 2.1.
N/A	WVU BOG Policy 35 – Accreditation and Degree Standards	Repeal and Relocate	<ul style="list-style-type: none"> ▪ Substance incorporated into proposed BOG Academic Rule 2.1.

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 March 7, 2018 until April 5, 2018 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 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.