### WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS

July 31, 2023

The two hundred tenth meeting of the West Virginia University Board of Governors was held on July 31, 2023 in Morgantown, WV in person and via zoom webinar. Board members in attendance/participating via zoom included Charles Capito, Bray Cary, Elmer Coppoolse, Kevin Craig, Michael D'Annunzio, Dr. Patrice Harris, Dr. Stanley Hileman, J. Thomas Jones, Alan Larrick, Susan Lavenski, Paul Mattox, Richard Pill, Robert Reynolds, Shirley Robinson, Frankie Tack, Madison Santmyer, and Taunja Willis-Miller.

Note: With this meeting being conducted in person and 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;

Senior Associate Vice President for Finance, Barbara Weiss;

Deputy General Counsel, Gary G. Furbee, II;

Assistant Vice President for Strategic Initiatives, Erin Newmeyer;

Associate Provost for Undergraduate Education, Evan Widders;

Associate Provost for Curriculum and Assessment, Louis Slimak;

Associate Provost for Academic Personnel, Tracy Morris;

Interim Associate Provost of Graduate Academic Affairs, Richard Thomas;

Director of Communications, Office of the Provost, Kimberly Becker;

Executive Officer and Assistant Board Secretary, Jennifer Fisher;

Director of News Communications, Shauna Johnson;

Executive Director of Communications, University Relations,

April Kaull; and,

Special Assistant to the Board of Governors, Valerie Lopez.

From rpk Group: Katie Hagan

Members of the Press also participated.

### CALL TO ORDER AND INITIAL COMMENTS

The meeting was called to order by Chair Taunja Willis-Miller at 1:00 p.m. A roll call was taken to determine who was in attendance and a quorum established.

Chair Willis-Miller welcomed our five new board members, namely, Michael D'Annunzio, Robert Reynolds, Frankie Tack (new faculty representative), Shirley Robinson (new classified staff representative) and Madison Santmyer (new student representative.)

Chair Willis-Miller stated that under Section 4.12 of the WVU Board of Governors By-Laws, individuals who wish to address the board must inform the Assistant Secretary prior to the start of the scheduled meeting. There was a sign-up sheet for today's meeting for any individuals wishing to address the board, but nobody signed up. Chair Willis-Miller also acknowledged that fifteen to twenty emails were received for board review.

Frankie Tack, the current Faculty Senate President and faculty representative on the board, shared the following comments with the board. "Stan Hileman and Frankie Tack created a mechanism for faculty to submit comments to them as faculty representatives to the BOG. The form was released 7/24/23. Through 11am 7/31, they received 46 submissions containing 116 comments. Three themes emerged: 1) seeking accountability of upper administration for the budget deficit and enrollment decline; 2) Seeking shared sacrifice from upper administration via voluntary pay cuts; and 3) the other theme that emerged received by far the most comments was taken up in Executive Session due to its focus on a specific personnel matter."

# PROPOSED FINAL AMENDED RULES AND OFFICIAL COMMENTS SUMMARY FOR THE FOLLOWING: WEST VIRGINIA UNIVERITY BOARD OF GOVERNORS TALENT & CULTURE RULE 3.9 – REDUCTION IN FORCE; WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS FACULTY RULE 4.7 – REDUCTION IN FORCE

Chair Willis-Miller called upon General Counsel Stephanie Taylor, who presented this agenda item.

At the Board's May 17, 2023 meeting, it issued a Notice of Proposed Rulemaking for amendment of the Rules identified above. The proposed changes seek to clarify certain provisions within the employee and faculty Reduction in Force ("RIF") Rules, which were detailed in the Notice of Proposed Rulemaking and in the attached redlines (which were included in today's meeting materials.) The proposed changes to the Rules were posted for the required thirty (30) day public comment period. Several comments were received. Those comments and the University's responses were posted on the University's website for at least ten (10) days in advance of this Board meeting. It was determined that no changes are needed as a result of the comments received. Accordingly, the Board of Governors is asked to approve the final amended Rules as presented. If approved, the amended Rules will be effective in 15 business days, in accordance with our rulemaking procedures

The PowerPoint presentation that accompanied General Counsel Taylor's recitation involving this agenda item is attached hereto and made a part hereof by reference.

Following a brief discussion, Charles Capito moved that the West Virginia University Board of Governors approves the final amended Rules as presented, pursuant to BOG Governance Rule 1.1. This motion was seconded by Richard Pill, and passed.

# PROPOSED FINAL APPROVAL AND OFFICIAL COMMENTS SUMMARY FOR THE FACULTY AND CLASSIFIED STAFF SEVERANCE PACKAGE SCHEDULE

Chair Willis-Miller called upon General Counsel Stephanie Taylor, who presented this agenda item.

University management developed the Faculty and Classified Staff Severance Package Schedule in anticipation of program reductions or discontinuations as part of the ongoing WVU Transformation process. At the Board's May 17, 2023 meeting, the Board approved placing the schedule out for a thirty (30) day public comment period. During the comment period, several comments were received. Those comments and the University's responses were posted on the University's website for at least ten (10) days in advance of this Board meeting. As a result of these comments, the University has amended the new Proposed Schedule to recommend that any tenured, tenured-track, teaching-track, or service-track faculty, who are subject to a Reduction in Force or are Non-renewed as a result of an academic program review that results in Program Reduction or Discontinuation, be offered the equivalent of 12 weeks of their annual base salary as their severance payment. The Board of Governors is asked to approve the final Faculty and Classified Staff Severance Package Schedule, as amended. If approved, the schedule will become effective immediately.

The Amended Faculty and Classified Staff Severance Package Schedule is attached hereto and made a part hereof by reference.

Also, the PowerPoint presentation that accompanied General Counsel Taylor's recitation involving this agenda item is attached hereto and made a part hereof by reference.

Following a brief discussion, Dr. Patrice Harris moved that the Board of Governors approves the faculty and classified staff severance package schedule, as presented, with the change that all references relating to clinical track and library track be stricken, and that University leadership present information relating to the potential financial impact relating to providing commensurate severance packages to clinical and library track faculty who are subject to a non-renewal or a reduction in force relating to academic transformation. This motion was seconded by Kevin Craig, and passed.

#### UPDATE ON ACADEMIC TRANSFORMATION AT WEST VIRIGNIA

This agenda item was presented by Provost Maryanne Reed, Associate Provost for Budget, Facilities and Strategic Initiatives, Mark Gavin, and Katie Hagan (from rpk Group.)

The Academic Transformation PowerPoint used to present this agenda item is attached hereto and made a part hereof by reference. Also, this presentation was for information only and was followed by a brief discussion.

#### APPROVAL OF BOG COMMITTEE ASSIGNMENTS AND OTHER BOARD APPOINTMENTS

The following chart lists the proposed committee structure and other board appointments for West Virginia University Board of Governors members for the period ending June 30, 2024.

#### WVU BOARD OF GOVERNORS COMMITTEE AND REPRESENTATIVE BOARD APPOINTMENTS JULY 2023

#### ACADEMIC AFFAIRS AND ACCREDITATION COMMITTEE

Dr. Patrice Harris, Chair

Charles L. Capito, Jr.

**Bray Cary** 

Dr. Stanley M. Hileman

J. Thomas Jones

Alan Larrick

Susan Lavenski

Madison Santmyer

Frances E. "Frankie" Tack

WVU Administrative Liaison: Provost Maryanne Reed

#### **AUDIT COMMITTEE**

Richard A. Pill, Chair

Elmer Coppoolse

Kevin J. Craig

Michael D'Annunzio

Dr. Stanley M. Hileman

Paul Mattox

Robert L. Reynolds

WVU Administrative Liaison: Director of Internal Audit, Bryan Shaver

#### DIVISIONAL CAMPUS COMMITTEE

Paul Mattox, Chair

Elmer Coppoolse

Alan Larrick

Susan Lavenski

Shirley D. Robinson

Madison Santmyer

Frances E. "Frankie" Tack

WVU Administrative Liaison: Provost Maryanne Reed

#### **EXECUTIVE COMMITTEE**

Elmer Coppoolse (Chair, Strategic Plans and Initiatives Committee)

Kevin J. Craig (Chair, Finance and Facilities and Revitalization Committee)

President E. Gordon Gee (Ex-Officio)

Dr. Patrice Harris (BOG Secretary and Chair, Academic Affairs and Accreditation Committee)

Paul Mattox (Chair, Divisional Campus Committee)

Taunja Willis Miller (BOG Chair)

Richard A. Pill (BOG Vice Chair and Chair, Audit Committee)

#### FINANCE AND FACILITIES AND REVITALIZATION COMMITTEE

Kevin J. Craig, Chair

Charles L. Capito, Jr.

Bray Cary

Dr. Stanley M. Hileman

J. Thomas Jones

Alan Larrick

Richard A. Pill

Robert A. Reynolds

Shirley D. Robinson

WVU Administrative Liaisons: Vice President for Strategic Initiatives, Rob Alsop, and Senior

Associate Vice President for Finance and Chief Financial Officer, Paula Congelio

#### STRATEGIC PLANS AND INITIATIVES COMMITTEE

Elmer Coppoolse, Chair

**Bray Cary** 

Michael D'Annunzio

Dr. Patrice Harris

Susan Lavenski

Paul Mattox

Shirley D. Robinson

Madison Santmyer

Frances E. "Frankie" Tack

WVU Administrative Liaison: President E. Gordon Gee

#### **BOARD APPOINTMENTS**

West Virginia University Hospital Board of Directors: Kevin J. Craig West Virginia United Health System Board of Directors: Kevin J. Craig

WVU Alumni Association Board of Directors: Richard A. Pill

Whereupon Frankie Tack moved that the West Virginia University Board of Governors approves the proposed committee structure, as presented. This motion was seconded by Kevin Craig and passed.

#### **EXECUTIVE SESSION**

Chair Willis-Miller 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, including the evaluation of the President of West Virginia University; 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 privileged report by General Counsel.

The motion was made by Frankie Tack, seconded by Charles Capito, and passed. Following Executive Session Kevin Craig moved that the board rise from Executive Session. The motion was seconded by Alan Larrick and passed. Chair Willis-Miller stated that no actions were taken as a result of today's Executive Session discussions.

# DISCUSSION ON PRESIDENT GEE'S RECENT PERFORMANCE EVALUATION AND CONSIDERATION AND POSSIBLE BOARD ACTION RELATING TO EXTENDING THE CONTRACT OF PRESIDENT GEE TO REMAIN AS PRESIDENT OF WEST VIRGINIA UNIVERSITY FOR ONE ADDITIONAL YEAR, TO JUNE 30, 2025

Chair Willis-Miller stated that President Gee's current contract ends on June 30, 2024. The Board of Governors seeks to extend that contract for one additional year, to June 30, 2025. President Gee's compensation shall remain the same and there are no other substantive changes to his contract proposed.

Chair Willis-Miller continued with the following remarks: During executive session, the Board did review the performance of President Gee, in accordance with WV Code §18B-1B-6(c), and discussed the extension of his contract to June 30, 2025. We considered a variety of factors in our evaluation which is really an ongoing process that spans his tenure. We were guided by the metrics of the statute which included student success, research, health and welfare, and our role in the state's economic development. We noted that the University also is in a state of transformation. We must continue to act boldly. President Gee has shown time and again he is not afraid to do the difficult work required. The Board directed the administration to lead a strategic repositioning of the entire WVU System earlier this year or the end of last year, and we believe he deserves additional time to see that through. With the challenges the University – and all of higher education – is facing right now, we feel we are very fortunate to have a president with his tenure and experience to lead us and would like to proceed with the extension. We acknowledge not everyone will agree with that assessment or the board's decision to extend the contract. I understand there is criticism of the transformation actions being taken, but as a board, we must focus on the larger vision and future of the University. We

do not have to agree, but we do need to move forward.

Whereupon J. Thomas Jones moved that the Chair be authorized to take steps necessary to finalize an amended contact with Dr Gee with an end date of June 30, 2025 and under the same other terms and conditions as in the existing contract. This motion was seconded by Kevin Craig and passed.

#### **ADDITIONAL COMMENTS**

President Gee offered the following closing remarks: I would like to express my gratitude to the Board of Governors for their faith in me and in the vision we share for this great University. I am grateful for the opportunity and look forward to continuing the important work we are doing. I love this University and the people of this state, and I will continue to work hard to reposition West Virginia University to be the national model for the modern land-grant university.

#### **ADJOURNMENT**

There being no further business to come before the board, Charles Capito moved to adjourn the meeting. The motion was seconded by Elmer Coppoolse and passed. The meeting was adjourned at 3:25 p.m.

Dr. Patrice Harris, Secretary



# WVU BOARD OF GOVERNORS BOG RULES 3.9 AND 4.7 July 31, 2023

# DATA ON COMMENTS RECEIVED

### **TOTAL COMMENTS RECEIVED**

Proposed amendments to Rule 3.9 and Rule 4.7 and the Proposed Faculty Classified Staff Severance Packages were posted for a 30-day public comment period between **May 22 – June 21**.

190

Total Comments
Received

7

Comments Received
Relating to Talent
and Culture Rule
3.9 – Reduction in
Force

Only **one** is a classified staff member

119

Comments Received
Relating to Faculty
Rule 4.7 –
Reduction in Force

108

Comments Received
Relating to Faculty
Severance
Package Schedule

# **NUMBER OF COMMENTERS**

320

Number of **Individual Commenters** 

Including anonymous responses

**83** 

Number of Individuals Who Submitted, or Signed Onto, More than One Comment

Number of comments per individual range from **two** to **12** comments

Comment Number 104	55 COMMENTERS
Comment Number 105	58 COMMENTERS
Comment Number 106	8 COMMENTERS
Comment Number 178	165 COMMENTERS

# **CLASSIFICATION OF COMMENTERS**

CLASSIFICATION OF COMMENTERS	NUMBER
Anonymous	73
Classified Staff	3
Faculty	179
Foundation Employees	1
Graduate Teaching Assistant	1
Members of the Public	46
Non-Classified Staff	3
Students	14
Total	320

# **BREAKDOWN OF FACULTY**

FACULTY CLASSIFICATION	NUMBER OF COMMENTERS	
TENURED OR TENURE-TRACK		
Assistant Professor	18	
Associate Professor	35	
Professor	48	
Total	101	
NON-TENURE FACULTY		
Adjunct	2	
Clinical Professor	2	
Instructor	15	
Librarian	1	
Research Associate Professor	3	
Teaching-Track or Service-Track	51	
Visiting Assistant Professor	2	
Total	76	
RETIRED		
Emeritus	2	
Total	2	

# **FACULTY BY COLLEGE**

COLLEGE / SCHOOL	NUMBER OF COMMENTS
Chambers College of Business & Economics	4
College of Creative Arts	20
Davis College of Agriculture, Natural Resources and Design	10
Eberly College of Arts and Sciences	110
Biology	2
Chemistry	4
Communication Studies	1
English	27
Forensic and Investigative Sciences	3
Geology and Geography	9
History	6
Mathematics and Data Sciences	9
Multidisciplinary Studies	3
Physics and Astronomy	8

# FACULTY BY COLLEGE, CONTINUED

COLLEGE / SCHOOL	NUMBER OF COMMENTS
Eberly College of Arts and Sciences (continued)	110
Political Science	3
Psychology	4
Public Administration	1
Social Work	7
Sociology and Anthropology	2
Women's and Gender Studies	2
World Languages	19
Libraries	1
Reed College of Media	2
School of Medicine	10
School of Pharmacy	2
School of Public Health	7
Statler College of Engineering and Mineral Resources	12
WVU Advance	1

# PROPOSED AMENDMENTS TO BOG RULE 3.9

# PROPOSED AMENDMENTS TO BOG RULE 3.9

#### Section 2.9

Clarifying the legal requirements around Equal Opportunity and Affirmative Action.

#### Sections 3.1 and 3.2

Clarifying the legal requirements relating to **notice periods** (i.e., indicating that the notice periods would also comply with any applicable federal and state law).

#### Section 4.2

Is Eliminating the requirement that severance packages be paid in installments, which will allow the University more flexibility in designing and paying out severance packages.

# PROPOSED AMENDMENTS TO BOG RULE 3.9

#### Section 4.3

Clarifying that any waiver in a severance agreement releases the University and current and former agents, employees, board members, servants, and representatives.

#### Section 5.1

Clarifying that voluntary reductions in FTE or appointment length do not trigger the provisions of this Rule.

#### **COMMON THEME #1**

Concern over use of documented performance as a primary factor in determining which classified staff members will be retained as it may not paint the full picture of an employee's contributions.

- This comment does not relate to a proposed amendment to Rule 3.9.
- Rule 3.9, when it was first enacted, listed performance as a factor to consider in reduction in force determinations.
- Performance has always been an important factor at the University to consider in determining whether to continue someone's employment.

# PROPOSED AMENDMENTS TO BOG RULE 4.7

# PROPOSED AMENDMENTS TO BOG RULE 4.7

#### Section 2.2

Clarifying that faculty should be involved in the academic review process, which could lead to a RIF plan for that program, as opposed to the formulation of the actual RIF plan, to ensure that faculty provide input early in the process.

#### Section 3.1

- / Eliminating the **affirmative obligation** to offer a **first right of refusal** to a RIF'd faculty member of another faculty position that becomes vacant that the RIF'd faculty member is qualified.
  - Peplacing that language with the fact that RIF'd faculty members are encouraged to apply for any new or open positions through the normal University hiring process.
- Eliminating any potentially implied obligation of the University to retrain faculty members to be qualified for other faculty positions.

# PROPOSED AMENDMENTS TO BOG RULE 4.7

#### Section 3.2

- Clarifying of the Dean's role and the Office of the Provost's role in the creation of the RIF plan (i.e., the Dean's Office and Provost's Office will work together to create the RIF plan for a program).
- Clarifying that a RIF determination is made based upon a holistic assessment of the three factors: performance, knowledge and qualifications and seniority.
- Clarifying that seniority will be calculated by the length of service as defined by the rules established for the calculation of years of service outlined in WVU BOG Talent and Culture Rule 3.7 Annual Increment.

#### Section 3.3

Clarifying that all notifications will be communicated to faculty through their WVU email account instead of regular mail.

# PROPOSED AMENDMENTS TO BOG RULE 4.7

#### Section 5.2

- Eliminating: "Generally, the value of the severance package should be equivalent to one year of the Faculty Member's annual base pay."
- Replacing with: "The amount of severance that a Faculty Member may be offered will be determined based upon a schedule approved by the Board."
- The original language is permissive and does not require that a severance package equate to one year of salary (meaning 9-month faculty's annual base salary).

#### Section 6.9

Clarifying that Program Reduction may include reducing tenured, tenured-track or certain faculty positions with multi-year contracts.

#### **COMMON THEME #1**

Faculty should be involved in the RIF plan development, not just the academic program review process.

- A determination was made to keep the proposed amendments to Section 2.2.
- It is critical that faculty be involved in the program review process. That is where the decisions that will lead to a RIF Plan will be made and will help to shape the strategic future of the University.
- Once the decisions on program reduction or discontinuation are made, the implementation and execution of a RIF Plan is more tactical.
- / It is not fair to ask faculty to pick which of their colleagues should remain at the University or be subject to a RIF.
  - Decisions on who may be selected for a RIF may be challenged through the grievance process or litigation.
  - Those involved in making those decisions would be subject to interviews, hearings, and depositions to defend their decisions.
  - That is a burden for management.

#### **COMMON THEME #2**

- / The change in severance from "one year" to permitting the Board to determine the severance amount is unfair.
- / Faculty believe this is a change to the existing rules when faculty signed their contracts.

- A determination was made to keep the proposed amendments to Section 5.2.
- First, the Rule currently states that the University is not required to give any severance packages. The current language is permissive and does not require the payment of a year's severance.
  - It also does not require any faculty feedback in setting the schedule. Under the new proposed language, the faculty have had the opportunity, through the public comment period, to review and provide feedback on the severance package plan before it is approved by the Board.
  - It has added a level of transparency to the process and resulted in a change to the Proposed Severance Package Schedule.
  - The University simply does not have the resources financially to pay everyone an additional year of salary after their employment ends.

#### **UNIVERSITY'S DETERMINATION, CONTINUED:**

- Second, the standard language in a faculty's offer letter provides: "Your employment at West Virginia University is governed by and subject to the rules and policies adopted by the University's Board of Governors and any other policies and procedures adopted by the University, all as they may be modified from time to time."
  - As a result, the state of any individual Board Rule or policy at the time a contract is signed is not controlling.
  - The University and the Board of Governors have the authority to amend their rules and policies so long as it is done pursuant to appropriate processes.

#### **COMMON THEME #3**

- Concerns over the elimination of the affirmative obligation to offer a first right of refusal to a RIF'd faculty member of another faculty position that becomes vacant for which that RIF'd faculty is qualified.
- Concerns over the elimination of any potentially implied obligation of the University to re-train faculty members to be qualified for other faculty positions.

- A determination was made to keep the proposed amendments to Section 3.1.
- First, in terms of the first refusal elimination, the University does not plan to re-fill any RIF'd faculty position within the 12-month period as that would defeat the purpose of the reduction. As a result, there is no need to mandate this first refusal.
- Second, the University cannot financially afford to re-train faculty members to find other positions within the University.
  - Many of these positions are not ones that re-training would assist, as faculty positions require years of specialized education and experience to be qualified for the position.
  - The University, however, does plan to provide support services to those RIF'd and non-renewed to assist them in finding new positions within academia and outside of academia.

#### **COMMON THEME #4**

Concern over use of documented performance as a primary factor in determining which faculty will be retained as it may not paint the full picture of an employee's contributions.

- / This comment does not relate to a proposed amendment to Rule 4.7.
- / When it was first enacted, Rule 4.7 listed performance as a factor to consider in reduction in force determinations.
- Performance has always been an important factor at the University when determining whether to continue someone's employment.

#### **COMMON THEME #5**

Commenters stated that they did not believe that tenured faculty members should be subject to a reduction in force and that doing so essentially eliminates tenure and undermines academic freedom.

- / This comment does not relate to a proposed amendment to Rule 4.7.
- When it was first enacted, Rule 4.7 included tenured faculty in the types of faculty that are subject to a reduction in force.
- Rule 4.7 only provides the University with the ability to eliminate certain faculty positions in limited circumstances (e.g., financial exigency, a program reduction, or a program discontinuation).
- / Simply because a RIF can occur in these limited circumstances does not undermine promotion and tenure rules or the principles of academic freedom, both of which remain active and unchanged.

# **QUESTIONS?**

# AMENDED 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).
- In 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 contract 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, teaching-track, and service-track faculty who are subject to a reduction in force or non-renewed following an academic program review that resulted in a Program Reduction or Discontinuation 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	<del>2 weeks</del>
5-9 years	<del>4 weeks</del>
<del>10-19 years</del>	<del>6 weeks</del>
<del>20+ years</del>	<del>8 weeks</del>

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 the end date of their current contact 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 elected 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.

YEARS OF SERVICE	NOTICE PERIOD	WEEKS OF SEVERANCE PAY*
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

<sup>\*</sup>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.

YEARS OF SERVICE	NOTICE PERIOD	WEEKS OF SEVERANCE PAY*
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

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

# PROPOSED FACULTY AND CLASSIFIED STAFF SEVERANCE PACKAGES

#### **COMMON THEME #1**

Teaching-track and Service-track faculty should receive the same number of weeks in severance pay as tenured and tenure-track faculty.

- The University agrees with this comment.
- As result, the University has amended the Proposed Faculty and Classified Staff Severance Package Schedule.

#### **COMMON THEME #2**

12-month faculty members on yearly appointments, such as clinical faculty and librarians, should be included in the Proposed Faculty and Classified Staff Severance Package Schedule.

- A determination was made to keep the Proposed Severance Package Schedule unchanged as it relates to the classifications of faculty members that qualify for severance pay.
- 12-month faculty members, such as clinical faculty or librarians, are generally on annual year-to-year contracts. Those faculty members' employment can be ended for any non-discriminatory reason at the end of their contract via non-renewal. Choosing not to renew a contract doesn't require severance and in past cases, the University has not done so.
- Additionally, unlike teaching-track and service-track faculty, who are primarily 9-month faculty members, 12-month faculty, like clinical faculty and librarians, earn annual leave, which has monetary value. The remaining balance of one's annual leave is paid out when non-renewed. Given this, the University did not opt to provide faculty members with these employment terms with severance pay.

#### COMMON THEMES OF COMMENTS RECEIVED

#### **COMMON THEME #3**

The approximately 8-month notice period before employment would end should not be considered in developing the severance pay amount.

#### **UNIVERSITY'S DETERMINATION:**

- A determination was made to keep the Proposed Severance Package Schedule unchanged as it relates to the notice period consideration.
- The University designed this process to ensure that faculty would have significant notification that their position was being eliminated.
- The University also aligned the RIF or non-renewal notification timeline (September October) to correspond when many other universities engage in hiring for the following academic year.
- The University's goal is to give the lengthy 8-month notice period to maximize the amount of time a faculty member would have to find their next opportunity.
- The severance payments, on the other hand, are designed to provide a bridge over the summer months before that next opportunity may begin.

### FACULTY SEVERANCE PACKAGES, AS AMENDED

#### **FACULTY SEVERANCE PACKAGES**

#### **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).
- ✓ All tenured, tenure-track, teaching-track, and service-track faculty who are subject to a reduction in force or non-renewed following an academic program review that resulted in a Program Reduction or Discontinuation will receive a severance equivalent to twelve weeks of their base salary payable in bi-weekly installment payments starting after May 9, 2024.
- Assuming a notice date of October 16, 2023, with a contract end date of May 9, 2024, an individual would have thirty 30 weeks of notice.

#### **FACULTY SEVERANCE PACKAGES**

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

- 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.
- If an individual leaves before their contract end date, they waive the right to their severance payments.

#### **FACULTY SEVERANCE PACKAGES**

#### 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 (if they remain the entire time) will receive a retention bonus equivalent up to 12 weeks of their base salary. This also will serve as their severance payment.
- 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 the end of the teach-out period (approximately two to three additional years depending on the program).

# CLASSIFIED STAFF SEVERANCE PACKAGES

#### **CLASSIFIED STAFF SEVERANCE PACKAGES**

#### **Overview Information**

- 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.

#### **CLASSIFIED STAFF SEVERANCE PACKAGES**

#### **Example 1**

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

YEARS OF SERVICE	NOTICE PERIOD	WEEKS OF SEVERANCE PAY*		
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 12month appointment.

### **CLASSIFIED STAFF SEVERANCE PACKAGES**

#### **Example 2**

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

YEARS OF SERVICE	NOTICE PERIOD	WEEKS OF SEVERANCE PAY*				
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 12month appointment.

### **SEVERANCE COST SUMMARY**

### SEVERANCE COST SUMMARY, PER EMPLOYEE

As units are required to fund severance payments out of existing allocations. The units will be required to adjust within existing budgets to address the additional cost of equalizing severance amongst Tenure-Track, Teaching-Track and Service-Track faculty.

	AVERAGE SALARY	AVERAGE SALARY AND BENEFITS	ONE WEEK SEVERANCE VALUE	COST PER EMPLOYEE – ORIGINAL SEVERANCE PROPOSAL	COST PER EMPLOYEE – REVISED SEVERANCE PROPOSAL	DIFFERENCE IN COST	
Tenure Track	\$105,500	\$130,000	\$3,333	\$40,000	\$40,000	\$ -	
Teaching Track*	\$78,000	\$96,000	\$2,000	\$12,000	\$24,000	\$12,000	
Service Track*	\$82,000	\$101,000	\$2,103	\$12,615	\$25,231	\$12,615	
Librarian	\$78,500	\$96,500	Ineligible	\$ -	\$ -	\$ -	
Clinical-Track	\$62,200	\$76,500	Ineligible	\$ -	\$ -	\$ -	
Other Faculty*	\$63,000	\$78,000	\$1,500	\$9,000	\$18,000	\$9,000	
FEAP	\$62,600	\$77,000	Ineligible	\$ -	\$ -	\$ -	
Non-Classified	\$84,000	\$103,500	Ineligible	\$ -	\$ -	\$ -	
Classified**	\$37,500	\$46,100	\$887	\$8,865	\$8,865	\$ -	

<sup>\*</sup> Assumes 6 weeks of severance for the Original Proposal on Severance based on years of service assumption

<sup>\*\*</sup> Assumes 10 weeks of severance based on years of service assumption

### **SEVERANCE TIMELINE**

#### **FACULTY SEVERANCE KEY TIMELINE DATES**

- August 11 Notification to Faculty from Deans and Chairs of Provost Office's Preliminary Recommendations for Program Reduction or Discontinuation
- August 21 Board of Governors Meeting on Preliminary Recommendations
- September 15 Board of Governors Meeting for Final Vote on Program Reduction and Discontinuation
- Week of October 16 Notifications to Individual Faculty and Staff of Reduction in Force
- Tenure-Track, Teaching-Track and Service-Track Faculty Absent Unique Circumstances contracts end May 9, and those faculty would receive 12 weeks severance in addition to notice from October to May.
- Classified staff would receive anywhere from four to 32 weeks of severance, depending on the notice period.

### **QUESTIONS?**



# WVU Academic Transformation

**Board of Governors** 

July 31, 2023

## GOALS OF ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT

- 1 Create a more focused academic program portfolio aligned with student demand, career opportunities and market trends that also serves our land-grant and research missions, while retaining our R1 classification.
- Ensure that the programs in the portfolio are being delivered as effectively and efficiently as possible.

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT

- Metrics Used for the Initial Review Process
  - Program-level metrics
    - Enrollment as of Fall 2022
    - Enrollment trend comparing Fall 2022 to the median of the previous four falls (2018-2021)
  - Unit-level metrics
    - Student Credit Hour (SCH) Production trend from 2020-2022
    - Full-Time Faculty from 2020-2023 (excludes temporary and clinical)
    - Student to Full-time Faculty ratios
      - Median of all program enrollment from 2018-2022 vs Full-time Faculty for Fall 2023
      - Median of PhD enrollment from 2020-2022 vs Median Full-time Tenure/Tenure-track Faculty from 2020-2023
    - Net Tuition Revenue trend from 2020-2022
    - ✓ Total Unrestricted Expenses trend from 2020-2022
    - Net Financial Position and trend from 2020-2022
  - For more detailed data, visit provost.wvu.edu/academic-transformation/academic-program-portfolio-review

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT

- Additional Considerations
  - / R1 Research Contributions
    - Doctoral programs and associated non-terminal master's programs within a unit that has annual (FY 2022) external research expenditures of \$1 million are exempted from review
  - State Priority Program (Land-Grant mission)
  - Area of Distinction/Differentiation
- Holistic data-informed approach

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: REASONS FOR EXEMPTION

- A program will be exempt from review if it falls into any one of the three following categories:
  - Non-terminal master's programs associated with a doctoral program. These will only be reviewed if their associated doctoral programs are reviewed.
  - A new program with three or fewer years of enrollment data.
  - Pathway and completion programs.
- Potomac State and WVU Tech programs and WVU Extension are not being reviewed at this time. They are following a separate timeline that is still being established.

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: WHAT DOES "FORMAL REVIEW" MEAN?

- Follows the formal review process per BOG Rule 2.2.
- Does not assume a specific (negative) outcome (i.e., it does not mean a program will automatically close)
- Potential program-level outcomes include:
  - Continuance at the current level of activity
  - Continuance at the current level of activity with specific action
  - Continuance at a reduced level of activity
  - Development of a cooperative program
  - Discontinuance
- Potential unit-level outcomes include personnel reductions.

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: ADDITIONAL CONSIDERATIONS

- / A unit can be identified for review because:
  - One or more of its programs have concerning enrollment metrics, and/or
  - ✓ There are unit-level metrics that are concerning, and/or
  - Some combination of program and unit-level metrics are concerning.
- When a unit has been identified for review, all of its programs are identified for review, except those that have been exempted. Only exempted programs are exempt from BOG program-level outcomes.
- When a unit has been identified for review, all of its resources, financial and otherwise, must be considered and managed as they pertain to delivering programs and supporting unit operations.
- Programs that are not identified for formal review can and should be examined for potential changes to enhance quality and efficiency.

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: DEPARTMENTS IDENTIFIED FOR FORMAL REVIEW

- BENJAMIN M. STATLER COLLEGE OF ENGINEERING AND MINERAL RESOURCES
  - Civil and Environmental Engineering
  - Computer Science and Electrical Engineering
  - Mining Engineering
  - Petroleum and Natural Gas Engineering
- COLLEGE OF APPLIED HUMAN SCIENCES
  - School of Education

- COLLEGE OF CREATIVE ARTS
  - School of Art and Design
  - School of Music
  - School of Theatre and Dance
- / COLLEGE OF LAW
  - / Law
- DAVIS COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND DESIGN
  - Design and Community Development
  - Forestry and Natural Resources
  - Plant and Soil Sciences
  - Resource Economics and Management

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: DEPARTMENTS IDENTIFIED FOR FORMAL REVIEW

- EBERLY COLLEGE OF ARTS AND SCIENCES
  - Center for Women's and Gender Studies
  - Chemistry
  - Communication Studies
  - English
  - Mathematical and Data Sciences
  - Philosophy
  - Public Administration
  - World Languages, Literatures and Linguistics

- HSC SCHOOL OF MEDICINE
  - Human Performance and Communication Sciences and Disorders
- / HSC SCHOOL OF PHARMACY
  - Pharmacy
- / HSC SCHOOL OF PUBLIC HEALTH
  - Public Health
- JOHN CHAMBERS COLLEGE OF BUSINESS AND ECONOMICS
  - Management

## ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: SUMMARY

/	Number of units identified for review	/	25 of 52	(48%)
/	Number of programs identified for review (Note that this does not include some excluded programs)	/	111 of 238	(47%)
/	Number of students (by major) in programs within departments identified for review (Note that this does not include some excluded programs)	/	6,293 of 18,892	(33%)
/	Number of full-time faculty within the departments identified for review	/	590 of 1,230	(48%)

# PROGRAM IDENTIFIED FOR FORMAL REVIEW: CIVIL AND ENVIRONMENTAL ENGINEERING

<u>Undergraduate Programs</u>	_	Median	Fall 22	Change (#	<u>+</u> )	(	Change (%)
Civil Engingeering	_	247.5	185	-62.	5		-25%
Graduate Programs							
Civil Engingeering		24.5	19	-5.	5		-22%
	2020	2021	2022	202	3		Change
Student Credit Hours	5,608	5,638	4,791	N/	4		-817
Total Faculty FTE	20	18	19	2	0		0
Revenue	\$ 2,298,061	\$ 2,407,387	\$ 1,759,682	N/	Ą	\$	(538, 379)
Expenses	\$ 4,649,869	\$ 4,441,650	\$ 4,102,419	N/	Ą	\$	(547,450)
Revenue Net Expenses	\$ (2,351,808)	\$ (2,034,263)	\$ (2,342,738)	N/	Α		

## PROGRAM IDENTIFIED FOR FORMAL REVIEW: CIVIL AND ENVIRONMENTAL ENGINEERING

- Undergraduate enrollment in the Civil Engineering program declined over five years (2018-2022).
- Departmental student credit hours and tuition revenue declined over three years (2020-2022).
- / Full-time faculty were unchanged over four years (2020-2023).
- Expenses decreased over three years (2020-2022).
- Expenses exceed tuition revenues by \$2 million dollars on average over three years (2020-2022).
- The PhD program is not of concern due to external research funding exceeding \$1 million in 2022, but the PhD student to tenured faculty is below the median.

### PROGRAM IDENTIFIED FOR FORMAL REVIEW: WORLD LANGUAGES, LITERATURES AND LINGUISTICS

<u>Undergraduate Programs</u>		Median	Fall 22	Change (#)	Change (%)
Chinese Studies		8	5	-3	-38%
French		5	3	-2	-40%
German Studies		1	1	0	0%
Russian Studies		4.5	2	-2.5	-56%
Spanish		12	9	-3	-25%
Graduate Programs					
Linguistics		14	16	2	14%
Teach Engl Spkrs of Othr Languages		33.5	25	-8.5	-25%
	2020	2021	2022	2023	Change
Student Credit Hours	20,954	19,523	18,891	N/A	-2,063
Total Faculty FTE	36	36	34	32	-4
Revenue	\$ 7,458,630	\$ 6,815,807	\$ 6,647,614	N/A	\$ (811,016)
Expenses	\$ 6,605,960	\$ 5,855,793	\$ 5,846,146	N/A	\$ (759,814)
Revenue Net Expenses	\$ 852,670	\$ 960,014	\$ 801,468	N/A	

# PROGRAM IDENTIFIED FOR FORMAL REVIEW: WORLD LANGUAGES, LITERATURES AND LINGUISTICS

- All undergraduate programs were very small and declined or were flat in enrollment over fiveyears (2018-2022).
- Departmental credit hours and revenue decreased over three years (2020-2022).
- Full-time faculty decreased by four over four years (2020-2023). The ratio of program majors to full-time faculty is well below the median.
- Departmental expenses decreased over three years (2020-2022).
- Revenues exceeded expenses annually over three years (2020-2022).

## PROGRAM IDENTIFIED FOR FORMAL REVIEW: SCHOOL OF PUBLIC HEALTH

Undergraduate Programs		Median	Fall 22	Change (#)	Change (%)
Public Health		167.5	94	-73.5	-44%
<u>Graduate Programs</u>					
Health Administration		27	39	12	44%
Occptnl & Envmntl Health Sci		38.5	29	-9.5	-25%
<u>Doctoral Programs</u>					
Epidemiology		14.5	17	2.5	17%
Occptnl & Envmntl Health Sci		6.5	7	0.5	8%
Social & Behavioral Sciences		11	19	8	73%
	2020	2021	2022	2023	Change
Student Credit Hours	5,955	6,336	6,718	N/A	763
Total Faculty FTE	42	39	34	39	-3
Revenue	\$ 3,039,437	\$ 2,998,764	\$ 3,067,662	N/A	\$ 28,225
Expenses	\$ 7,131,740	\$ 6,792,853	\$ 7,306,607	N/A	\$ 174,867
Revenue Net Expenses	\$ (4,092,303)	\$ (3,794,089)	\$ (4,238,946)	N/A	

## PROGRAM IDENTIFIED FOR FORMAL REVIEW: SCHOOL OF PUBLIC HEALTH

- Undergraduate enrollment in the Public Health program declined substantially over five years (20182022).
- Graduate enrollment declined in one program (Occupational and Environmental Health Sciences) and grew in the other (Health Administration) over five years (2018-2022).
- School student credit hours increased over three years (2020-2022).
- The school reduced full-time faculty by three over four years, but the ratio of full-time faculty to majors is 6:1. HSC schools differ significantly, so a median for those schools was not captured. However, Public Health is similar to other units on Main campus where the median for this metric was 15:1.
- The PhD programs are not of concern because external research funding exceeded \$1 million in 2022.

## PROGRAM NOT IDENTIFIED FOR FORMAL REVIEW: POLITICAL SCIENCE

Undergraduate Programs			Median	Fall 22	Change (#)	(	Change (%)
Political Science	_		334.5	335	0.5		0%
	_		334.3	333	0.5		0 70
<u>Graduate Programs</u>							100/
Political Science			29.5	26	-3.5		-12%
		2020	2021	2022	2023		Change
Student Credit Hours		11,549	10,459	10,505	N/A		-1,044
Total Faculty FTE		20	20	20	19		-1
Revenue	\$	4,503,747	\$ 3,778,110	\$ 4,038,886	N/A	\$	(464,861)
Expenses	\$	3,711,731	\$ 3,655,684	\$ 3,452,724	N/A	\$	(259,006)
Revenue Net Expenses	\$	792,017	\$ 122,426	\$ 586,162	N/A		

## PROGRAM NOT IDENTIFIED FOR FORMAL REVIEW: POLITICAL SCIENCE

- Enrollment was flat over five years (2018-2022).
- Departmental credit hours and revenue decreased over three years (2020-2022).
- / Full-time faculty decreased by one over four years (2020-2023). The ratio of program majors to full-time faculty is above the median.
- Departmental expenses decreased over three years (2020-2022).
- External research funding did not exceed \$1 million in 2022 but the tenured faculty to PhD student ratio is above the median.
- Revenues exceeded expenses on average over three years (2020-2022).

# ACADEMIC PROGRAM PORTFOLIO REVIEW AND REALIGNMENT: TIMELINE

/	Share the list of departments under review and data with the campus community	July 10
/	Program Review Self-Study reports are due	Aug. 1
/	Preliminary recommendations are communicated to colleges/departments	Aug. 11
/	Appeals filed and heard	Aug. 21 – Sept. 5
/	Board of Governors votes on final recommendations	Sept. 15
/	Reduction in force/non-renewal letters sent to individual faculty/staff	Week of Oct. 16