

WEST VIRGINIA UNIVERSITY BOARD
OF GOVERNORS

March 17, 2023

The two hundred seventh meeting of the West Virginia University Board of Governors was held on March 17, 2023 via zoom. Board members in attendance/participating via zoom included Marty Becker, Charles Capito, Bray Cary, Elmer Coppoolse, Kevin Craig, J. Thomas Jones, Dr. Patrice Harris, Dr. Stanley Hileman, Alan Larrick, Susan Lavenski, Lisa A. Martin, Dr. Ashley Martucci, Paul Mattox, Taunja Willis Miller, Richard Pill, and Benjamin Statler. Board member Chloe Hernandez was absent and excused.

Note: With this meeting being conducted 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;
Interim Associate Provost for Graduate Academic Affairs, Richard Thomas;
Associate Provost for Undergraduate Education, Evan Widders;
Deputy General Counsel, Gary G. Furbee, II;
Associate Provost for Academic Personnel, Tracy Morris;
Associate Provost for Curriculum and Assessment, Louis Slimak;
Director of Communications, Office of the Provost, Kimberly Becker;
Assistant Vice President for Strategic Initiatives, Erin Newmeyer;
Assistant Vice President of Enrollment Management, George Zimmerman;
Associate Vice President, Institutional Data and Analytics, Office of the Provost, Lisa Castellino-Gergich;
Director of Government Relations, Travis Mollohan;
Contractor for the WV Legislative Session, Danielle Waltz;
Executive Officer and Assistant Board Secretary, Jennifer Fisher;
Director of News Communications, Shauna Johnson; and,
Special Assistant to the Board of Governors, Valerie Lopez.

Members of the Press also participated.

CALL TO ORDER

The meeting was called to order by Chairman J. Thomas Jones at 10:00 a.m. A roll call was taken to determine who was in attendance and a quorum established.

EXECUTIVE SESSION

Chair Jones 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; corporate collaborations and financial matters relating to public private partnerships; the purchase, sale or lease of property; and other deliberative matters involving commercial competition which, if made public, might adversely affect the financial or other interest of the University; and
- b. Potential and preliminary strategic initiatives relating to academic and administrative priorities, confidential and preliminary matters, data, and trends involving or affecting the University's budget for the current and upcoming academic year, including retention, enrollment and potential strategic actions.

The motion was made by Elmer Coppoolse, seconded by Dr. Patrice Harris, and passed. Following Executive Session Marty Becker moved that the board rise from Executive Session. The motion was seconded by Kevin Craig and passed. Chairman Jones stated that no actions were taken as a result of today's Executive Session discussions.

RECAP OF THE 2023 WEST VIRGINIA LEGISLATIVE SESSION

President Gee introduced the Director of Government Relations, Travis Mollohan, and Contractor for the WV Legislative Session, Danielle Waltz, to provide a recap of the 2023 WV Legislative Session. President Gee stated that these two advocate on behalf of WVU with the WV State Legislature and the WV Governor's Office, as well as state, county and local officials across the Mountain State.

Both presenters stated that the 2023 Legislative Session was monumental for WVU. Each provided highlights of bills considered and passed, such as Campus Carry, PEIA changes, Tax Reform and the Budget and activities happening in Charleston as the Senate and House of Delegates enter and close out the final week of the first session of the 86th Legislature. An overview of important matters resulting from this session, as highlighted by these two presenters, is detailed in the attached "Under the Dome" document. Under the Dome delivers a review of issues being considered by the West Virginia Legislature. It provides information on matters that affect WVU and higher education, as well as other hot topics being addressed that impact the Mountain State and its citizens.

AUTHORIZING RESOLUTION

Chair Jones next addressed the Authorizing Resolution of the West Virginia University Board of Governors for the financing of the first phase of the Enterprise Resource Planning (ERP) Platform Modernization Plan of West Virginia University (the “Phase I ERP Project”); and reimbursement of related costs incurred prior to issuance of financing bonds.

The request is that the West Virginia University Board of Governors approves the execution of an Authorizing Resolution for the financing of the Phase I ERP Project through the issuance of Revenue Bonds in an aggregate principal amount not to exceed \$31,000,000; and reimbursement of related costs incurred prior to issuance of such bonds.

In support of its information technology planning initiatives, WVU desires to issue up to \$31 million of additional bonds. Proceeds from this issue will be used to finance the costs of the Phase I ERP Project. Related costs incurred for this Phase I ERP Project prior to issuance of the bonds may be reimbursed from bond proceeds under this resolution.

With no questions raised regarding passage of this Authorizing Resolution, Marty Becker moved that the board approve the Authorizing Resolution, as presented. This motion was seconded by Taunja Willis Miller. The motion passed with a notation that board members Charles Capito and Dr. Patrice Harris abstained from voting on this motion and board member Benjamin Statler voted no.

COMMENTS FROM THE CHAIRMAN

Chair Jones made the following comments before closing out today’s meeting:

The board appreciates both presentations on the two above listed agenda items. We believe it is important to continue with the ITS Modernization program and agree it is wise to slow down the tempo in lieu of budget concerns. This is an important project for the University, and we need to get it right. The board appreciates the thoughtful way the University is approaching the work.

We also want to thank President Gee, Travis Mollohan, Danielle Waltz and the entire government relations team for their incredible work during this legislative session. On behalf of the board, we are extremely grateful for the appropriations the Governor and the legislature has designated to West Virginia University.

The board appreciates the State support to enable NCI-designation for our Cancer Institute; it is an incredible start to take our renowned cancer institute to a whole new level. Funding for deferred maintenance will be incredibly helpful in ensuring our facilities and buildings are maintained at a level that is worthy of an R1, flagship university. We appreciate the support our Governor and our legislators have demonstrated toward WVU.

It occurs to me, that with each presentation we hear, we are reminded of the amazing work – and the incredible impact – that the teams at WVU make on our campus and within our state every day - and it makes us very proud. But it is also a reminder of the important responsibility we have as the land-grant university for this state. Our students, our communities, our citizens depend on us for a quality education, life-changing healthcare and hope for a better future - and it is our mission and purpose to serve those needs every day.

We also know that higher education faces some serious headwinds in the future. We are facing a demographic cliff, declining college-going rates, financial stresses that were exacerbated by the pandemic, and significant inflation. It is not an easy time for higher education. We are a strong and steady University, but we need to ensure that we remain strong and steady into the future – that we are better because we turned those challenges into opportunities and put students first. President Gee, on behalf of the board, I ask that you and the leadership team continue to develop a strategy that will position WVU as a leader in higher education in the coming decade putting students first.

I would encourage us to continue to address the financial challenges we face and identify the immediate and long-term actions we need to take to create a stable and financially secure future. However, we know we cannot cut our way to prosperity. We need to plan and invest for growth – particularly in those areas that are, or could be, areas of strength. I would encourage us to look at every administrative and academic program for ways to improve and advance our university. Do not be timid in making changes that may be overdue in making.

One of the great lessons we learned from the pandemic is that we can do things differently. I would encourage you to explore how we can do things differently so that WVU is ahead of the curve. We want to be positioned for growth so that we can continue to provide a high-quality education, innovative research and live-changing health care for generations to come - and the board is here to support you in every way that we can.

GENERAL DISCUSSION AND ADJOURNMENT

There being no further business to come before the board, Elmer Coppoolse moved to adjourn the meeting. The motion was seconded by Dr. Stanley Hileman and passed. The meeting was adjourned at 11:50 a.m.

Richard Pill, Secretary

UNDER the DOME



MARCH 16, 2023

In Review

Under the Dome delivers a review of issues being considered by the West Virginia Legislature. It provides information on matters that affect WVU and higher education, as well as other hot topics being addressed that impact the Mountain State and its citizens. This edition includes a rundown of bills that completed the legislative process and those that failed to cross the finish line by the midnight deadline on March 11.

The Budget

In his introduced budget, Governor Justice proposed significant investment in higher education – increasing our line items to provide moneys for pay increases and setting aside \$75 million for higher education deferred maintenance. The Legislature, due to increased revenue estimates that were announced later in session, was able to increase those investments and provide additional support to WVU and the higher education system.

The final fiscal year 2024 budget, as passed in House Bill 2024, includes approximately \$3.5 million more for WVU than last year. This includes \$3 million for pay raises and \$500,000 for the Northern Brownfields Center.

Additionally, in the surplus section of the budget, the Legislature set aside:

- \$500,000 for the West Virginia Grant Resource Centers, a joint effort between WVU, Marshall and the West Virginia Department of Economic Development to assist communities in seeking and administering federal and nonprofit grants;
- \$20 million for expansion of the HEPC Nursing Program;
- \$50 million for WVU to pursue national center institute designation;
- \$125 million for consolidation and design of a new State Labs building; and
- \$282 million for deferred maintenance projects within higher education and correctional facilities.

Tax Reform

The Legislature overwhelmingly passed House Bill 2526, which reduces the personal income tax by 21.25% across all tax brackets. It also creates a rebate process for the car tax, equipment and inventory taxes paid by certain employers, and homestead real property taxes for 90-100% service-disabled veterans. Governor Justice, who has championed tax cuts for two years, signed the bill into law on March 7.

Through the surplus section of the budget, the Legislature also established a \$400 million Personal Income Tax Reserve Fund to help with future costs associated with lowering State revenues.

PEIA

Senate Bill 268, which the Governor signed into law earlier this week, makes significant changes to PEIA. The measure raises the hospital reimbursement rate to 110% of Medicare, establishes cost-share of premiums between employers and employees be 80% and 20%, implements costs for spousal coverage if an employee's spouse has health coverage elsewhere, requires fiduciary training and reporting of conflicts-of-interest for members of the PEIA Finance board and requires an actuarial study be conducted by July 1, 2024.



Economic Development

Working with the West Virginia Department of Economic Development, the Legislature set aside funding to assist in the recruitment of new businesses and investment in site-ready economic development and infrastructure projects.

In Senate Bill 181, the Legislature directed the Secretary of Economic Development to identify potential sites for natural gas power plants and to speed up the permitting process.

In House Bill 2882, the Legislature appropriated \$105 million as part of the incentive package for Form Energy, a battery technology manufacturer that estimates it will create nearly 700 jobs on part of the former Weirton Steel site in Hancock County.

In HB 2883, the Legislature appropriated a total of \$684 million to several economic development and infrastructure investment projects:

- \$5 million to Department of Economic Development for site-readiness projects;
- \$20 million to the Reclamation of Abandoned and Dilapidated Property Program;
- \$482 million to the Economic Development Authority; and
- \$177 million to the Water Development Authority.

Through surplus, the Legislature also set aside an additional \$38 million in the budget for the Water Development Authority.

Hydrogen Taskforce

House Bill 2814 establishes the Hydrogen Power Task Force, which will study hydrogen-fueled energy in West Virginia's economy and energy infrastructure, review regulations and legislation needed to guide development for a hydrogen ecosystem, examine how to position the state to take advantage of competitive incentives and programs created by the federal Infrastructure Investment and Jobs Act and the federal Inflation Reduction Act, and recommend post-secondary education or workforce initiatives to prepare the state's workforce for hydrogen fueled energy-related jobs.

The taskforce, appointed by the Governor, shall include representatives from:

1. A regulated electric utility company;
2. The fossil fuel energy industry;
3. A manufacturing industry with experience in hydrogen fueled energy technology;
4. An environmental organization that advocates for renewable energy;
5. The chair of the Public Service Commission or designee;
6. The secretary of DEP or designee;
7. The secretary of commerce or designee;
8. The secretary of economic development or designee; and
9. Higher education.

Nuclear Consortium

House Concurrent Resolution 11 creates a higher education consortium, led by WVU and Marshall with the assistance of HEPC, to develop and scale critical solutions to West Virginia's challenges and opportunities related to the development of nuclear energy technologies. The consortium will also identify areas for public-private partnerships that can help further facilitate those developments. The consortium shall report recommended policies to the Joint Committee on Government and Finance no later than December 31, 2023.



Learn and Earn Pilot

House Bill 3417 would have allowed WVU Potomac State College to participate in the Learn and Earn Program, which matches higher education grant funding with employer contributions to assist workers with attaining additional training or post-secondary degrees. The bill did not make it across the finish line this year but will be a top priority for the 2024 session.

Higher Education Policies

Several bills this year changed higher education rules and procedures. Senate Bill 488 seeks to align state and federal accreditation rules, while Senate Bill 543 streamlines the legislative rulemaking process for higher education. House Bill 2008 authorizes the rules package for higher education, and House Bill 3441 establishes certain requirements for higher education governing board training.

DHHR

House Bill 2006 reorganizes the Department of Health and Human Resources into three separate agencies: the Department of Health, the Department of Human Services, and the Department of Healthcare Facilities. The bill goes into effect on January 1, 2024.

In the budget, the Legislature also separated the individual line items for the three new agencies in order to better track how funding is spent by the departments.

Grievance Process

Senate Bill 461, which passed the Senate 30-3 and the House 78-18, requires employees filing a grievance to have the grievance notarized, lays out specific timelines for filing and appealing a grievance, requires certain disclosures and guidelines while pursuing a grievance and provides for the prevailing party to receive certain attorney's fees and court costs.

Dual Enrollment

House Bill 2005, which passed both chambers unanimously, creates a four-year pilot program for dual enrollment courses. Students shall be enrolled in eligible courses with eligible institutions leading to careers in certain designated career pathways, namely direct care health professions; information technology; education; science, technology, engineering and math (STEM) fields; advanced manufacturing; welding and fabrication; construction; agriculture; and any other program that meets a workforce need in the state as determined by the Department of Commerce working with the chancellor of higher education and the state superintendent of schools.

Other Issues

A number of bills, which ultimately did not pass during the Regular Session, would have affected the University. Those include:

- Senate Bill 251, Displaying the Official Motto of the United States in Public Schools and Colleges and Universities
- Senate Bill 426, Banning Use of Certain Products and Platforms on Government Devices and Systems
- Senate Bill 535, Religious and Philosophical Exemptions for School-Age Vaccines
- House Bill 2768, Requiring the Use of “.gov” websites and emails for State Entities and Boards and Commissions
- House Bill 3049, Creating the American Campuses Act
- House Bill 3273, Creating the State Tech Transfer Commission.



Bill Rundown

More than 2,300 bills were introduced during the regular session, but only 332 made it across the finish line. Here are some high-profile bills that may be of interest:

Senate

SB 10 – The Campus Self Defense Act

SB 89 – Requiring Hospitals to Staff Qualified Personnel to Perform Sexual Assault Forensic Exams

SB 121 – Creating Student Journalist Press Freedom Protection Act

SB 128 – Clarifying Authority of Governor and Legislature to Proclaim and Declare State of Emergency and Preparedness

SB 188 – Creating Grid Stabilization and Security Act of 2023

SB 220 – Industrial Hemp Development Act

SB 237 – Relating to Public Employees Retirement System and State Teachers Retirement System

SB 241 – Patient Brokering Act

SB 244 – Making Rosters of Individuals Who Obtain Professional, Occupational, and Trade License, Registrations, and Certificates Available to Public

SB 267 – Updating Law Regarding Prior Authorizations

SB 268 – Relating to PEIA

SB 298 – Relating to Non-Federally Declared Emergencies and Non-States of Emergency

SB 423 – Increasing Salary for Certain State Employees

SB 461 – Relating to West Virginia Public Employees Grievance Procedure

SB 481 – Extending Sunset Provision of Upper Kanawha Valley Resiliency and Revitalization Program

SB 488 – Aligning State and Federal Accreditation Rules

SB 508 – Clarifying Reporting and Disclosure Requirements for Grassroots Lobbying Expenditures

SB 516 – Relating to Requirements for Disclosure of Donor Contributions

SB 523 – Clarifying Purpose and Use of Economic Development Project Fund

SB 526 – Including Early Detection and Diagnosis of Alzheimer's and Other Dementias in Public Health Programs and Services

SB 534 – Relating to Nonintoxicating Beer, Nonintoxicating Craft Beer, Cider, Wine, and Liquor License Requirements

SB 543 – Authorizing Rule-Making Changes to Terms, Procedures and Reporting Duties in Higher Education

SB 546 – Adding and Removing Certain Compounds from Controlled Substance List

SB 552 – Relating to Abortion

SB 577 – Reducing Copay Cap on Insulin and Devices and Permitting Purchase of Testing Equipment without Prescription

SB 609 – Obtaining Approval for Decommissioning or Deconstructing of Power Plants

SB 613 – Exempting Hospitals from Certificate of Need Requirements

SB 674 – Providing Statutory Recognition and Appointment of Board Members for West Virginia First Foundation

SB 734 – Requiring Adoption of Cloud Computing Services by State Agencies



House

- HB 2005** – Establishing Dual Enrollment Pilot Program to Be Administered by HEPC and CTC in Conjunction with State Board of Education
- HB 2006** – Reorganizing DHHR
- HB 2007** – Prohibiting Certain Medical Practices
- HB 2008** – Requiring Local Entities to Enforce Immigration Laws
- HB 2024** – Budget Bill
- HB 2218** – Distracted Driving Act
- HB 2515** – Require State Agencies to Develop and Maintain an Inventory of Available Services for Single Parents Wanting to Obtain Degrees, Training or Reenter Workforce
- HB 2526** – Reducing the Personal Income Tax
- HB 2757** – Expanding Institutional Eligibility for the West Virginia Invests Grant Program
- HB 2759** – Updating the Health Care Provider Tax
- HB 2800** – Authorizing Higher Education Rules
- HB 2814** – Create a Hydrogen Power Taskforce
- HB 2993** – Relating to Rural Emergency Hospital Licensure
- HB 3012** – Encouraging Economic Development of Rare Earth Elements and Critical Minerals by Providing Temporary Severance Tax Relief
- HB 3018** – Establishing Age of Consent and Removing Ability of an Underage Person to Obtaining a Consent to Marry through Their Parents, Legal Guardians, or By Petition to the Circuit Court
- HB 3036** – Increasing the Number of Districts and the Limit on Approved Costs under the BUILD West Virginia Act
- HB 3042** – Equal Protection for Religion Act
- HB 3135** – Modifying the Salaries of the Governor and Constitutional Offices Beginning January 1, 2025
- HB 3141** – Relating to the Practice of Dentistry
- HB 3146** – Establishing the Uniform Public Meetings During Emergencies Act
- HB 3166** – To Permit a Hospital to Hold a Patient Experiencing Psychiatric Emergency for Up to 72 Hours
- HB 3191** – Relating to Obtaining a License for Certain Facilities Operated by the State Government
- HB 3199** – Removing the Requirement that an Ectopic Pregnancy Be Reported
- HB 3218** – Requiring Suicide Prevention Resources Be Printed on Student ID Cards
- HB 3224** – Adding West Virginia Junior College to the List of Eligible Institutions that Accept PROMISE Scholarship Recipients
- HB 3261** – Relating to Social Workers Qualifications
- HB 3307** – Establishing the West Virginia-Ireland Trade Commission
- HB 3332** – Creating Judicial Circuits and Assigning the Number of Circuit Judges in Each Circuit to Be Elected in the 2024 Election
- HB 3340** – Revise the West Virginia Tax Increment Financing Act
- HB 3354** – Authorize Municipalities to Combine Operations with Other Municipalities and Counties to Provide Governmental Services
- HB 3369** – Creating a School Safety Unit within the Division of Protective Services
- HB 3371** – Relating to Federal Funds for Land-Grant Institutions
- HB 3441** – Revising Training Requirements for Members of Higher Education Policy Commission, Council for Community and Technical College, and Institutional Boards



HB 3479 – Creating Requirements for Use of Unmanned Aerial Vehicles

HB 3555 – Relating to Student Purchases and Refunds of Course Material

More Information

To learn more about the Legislature, including district maps, committee assignments, bill tracking and a summary of daily activities, please visit wvlegislature.gov.

To learn more about WVU's government relations and legislative initiatives, please visit governmentrelations.wvu.edu or contact Travis Mollohan, director of government relations, at travis.mollohan@mail.wvu.edu.