

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

May 18, 2018

The one hundred fifty ninth meeting of the West Virginia University Board of Governors (scheduled as a Special Board Meeting) was held on May 18, 2018 in Morgantown, WV. Board members in attendance/participating by telephone included David Alvarez, Marty Becker, Elmer Coppoolse, Thomas Heywood, Dr. Stanley Hileman, Blake Humphrey, J. Thomas Jones, Lisa A. Martin, Taunja Willis Miller, Dr. Matthew Valenti, Dr. Kimberly Weaver and William Wilmoth. Board members, Thomas Flaherty, Ed Robinson, J. Robert (J.R.) Rogers and Benjamin Statler, were absent and excused.

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

President, E. Gordon Gee;
Vice President for Strategic Initiatives, Rob Alsop;
General Counsel, Stephanie Taylor;
Deputy General Counsel, Gary G. Furbee, II;
Vice Provost, John Campbell;
Vice President for University Relations, Sharon Martin;
Vice President for Finance and Chief Financial Officer, Paula Congelio;
Associate Vice President for Planning & Treasury Operations, Elizabeth Reynolds;
Associate Provost for Graduate Academic Affairs, Katherine Karraker;
Associate Provost for Academic Personnel, C. B. Wilson;
Executive Officer and Assistant Board Secretary, Jennifer Fisher;
Senior Executive Director of Communications, University Relations,
John Bolt;
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 9:00 a.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 David Alvarez, seconded by Marty Becker, and passed. Following the conclusion of Executive Session, Lisa

A. Martin moved that the Board rise from Executive Session. This motion was seconded by J. Thomas Jones, 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: APPROVAL OF FINAL RULES AND REPEAL/OR AMENDMENT OF CURRENT BOARD OF GOVERNORS POLICIES

Chairman Wilmoth called upon General Counsel, Stephanie Taylor – who introduced Deputy General Counsel, Gary G. Furbee, II – to provide the following overview: At the Board's March 6, 2018 meeting, it issued a Notice of Proposed Rulemaking for the existing Policies and new Rules addressed today. 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 2542 (2017) and 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. Additional specific changes were set forth in detail in the table that was included in the March 6, 2018 Notice of Proposed Rulemaking, attached hereto and incorporated herein by reference.

The proposed changes to the existing Policies and the new Rules were posted for the required thirty (30) day public comment period. Sixteen comments were received. These comments and the University's response to these comments are summarized in the chart attached hereto and incorporated herein by reference.

The revised final amended Rules and the summary of all comments received have been posted for at least ten (10) calendar days, as required under BOG Governance Rule 1.1 – Adoption, Amendment, and Repeal of Rules.

Deputy General Counsel Furbee then covered the items listed on said chart and answered any questions regarding any of the proposed rules.

Following a brief discussion, Marty Becker moved that (a) the Board of Governors approves the final draft of the Rules listed below (as contained in today's meeting agenda materials), namely:

- BOG Faculty Rule 4.7 – Reduction in Force**
- BOG Academics Rule 2.1 – Administration and Practices**
- BOG Academics Rule 2.2 – Program Creation and Review**
- BOG Academics Rule 2.3 – Undergraduate Admissions**
- BOG Academics Rule 2.4 – Residency Status for Admission, Tuition, and Fee Purposes**

BOG Academics Rule 2.5 – Student Rights and Responsibilities

and (b) the Board of Governors approves the repeal and/or amendment of the current Board of Governors policies listed below:

West Virginia University Board of Governors Policy 7 – Grade Point Average for Associate and Baccalaureate Degree Students

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 23 – Credit for Public School Service

West Virginia University Board of Governors Policy 35 – Accreditation and Degree Standards

Said motion was seconded by Thomas Heywood, and passed.

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, Thomas Heywood 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: Public History within the Master of Arts in History**
Resolved: That the West Virginia University Board of Governors approves the creation of the Public History major within the Master of Arts in History in the Eberly College of Arts and Sciences.
- 2. Approval of Change in Name of Major: Change the current major in Agronomy to Environmental, Soil, and Water Sciences within the MS degree program in Plant and Soil Sciences**
Resolved: That the West Virginia University Board of Governors approves the change in the name of the major in Agronomy to the major in Environmental, Soil, and Water Sciences within the MS degree program in Plant and Soil Sciences.
- 3. Approval of New Major: Nurse Anesthesia within the Doctor of Nursing Practice**
Resolved: That the West Virginia University Board of Governors approves the creation of the major in Nurse Anesthesia within the Doctor of Nursing Practice in the School of Nursing.
- 4. Approval of New Degree Program: PhD in Higher Education**
Resolved: That the West Virginia University Board of Governors approves the creation of the PhD in Higher Education in the College of Education and Human Services.

5. Approval of New Major: Research and Evaluation within the Master of Arts in Educational Psychology

Resolved: That the West Virginia University Board of Governors approves the creation of the Research and Evaluation major within the Master of Arts in Educational Psychology in the College of Education and Human Services.

ADJOURNMENT

Chairman Wilmoth announced that the Board will conduct its next regular meeting on June 22, 2018 in Morgantown. There being no further business to come before the Board, Thomas Heywood moved to adjourn the meeting. The motion was seconded by Lisa A. Martin, and passed. The meeting was adjourned at 10:12 a.m.

Taunja Willis Miller, Secretary

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.



WVU BOARD OF GOVERNORS – PROPOSED FACULTY RULE 4.7 OFFICIAL COMMENTS & DETERMINATIONS MADE

Date Received	Proposed Rule	Comment	Determinations Made
3/18/2018	BOG Faculty Rule 4.7 – Reduction in Force	While I certainly understand the desire to create a uniform, centralized framework for how WVU will deal with RIFs, 3 aspects of this give me pause, and I would appreciate action being delayed on this until the WVU faculty are provided more information about whether or not this plan matches the procedures at other R1 institutions. Is 60 days the norm at R1s? If so, fine, but I'd appreciate confirmation. Likewise, is no assurance of any severance whatsoever the norm at R1s? A system wherein faculty members with strong records of performance can be let go with no severance with only 60 days notice is, as I'm sure you can imagine, frightening to many WVU faculty members. WVU faculty should be made aware of this possibility, and that it matches the norms at peer institutions. And if it does not match those, the faculty should be told why. Finally, as the Provost herself has noted on multiple occasions, there are often communications breakdowns between the faculty/departments and her office. Given that, I believe the committees that review RIFs should have a relevant faculty voice added to them. If, as is currently the plan, they only involve senior Stewart Hall administrators, HR representatives, and Deans, it is entirely possible that those staff and senior administrators will lack pertinent knowledge when making their decisions. Whether or not committees of	<p>To the extent that this commenter is concerned about Faculty involvement in the reduction in force process, Section 2.2 already states that the Dean shall, <i>in consultation with appropriate Faculty Members</i>, develop a proposed RIF Plan.</p> <p>Accordingly, to ensure that Faculty are involved in the development of a RIF Plan, the minimum criteria for a RIF Plan must now:</p> <ul style="list-style-type: none"> 2.1.1 Identify the reasons for implementing the RIF; 2.1.2 Describe any re-organization of the Unit or other changes that will occur as a result of the RIF; 2.1.3 List reasonable alternative solutions (e.g., where applicable, reductions of operating expenses other than payroll, moratorium on further hiring, or voluntary separation) to a RIF that were considered; 2.1.4 Identify the positions recommended for elimination and the reasons for the elimination;

Date Received	Proposed Rule	Comment	Determinations Made
		<p>that sort are the norm at R1s, I believe such a formation is unwise and could needlessly disregard pertinent information. I strongly recommend these committees be broadened to include participation from relevant faculty members.</p>	<p>2.1.5 Describe the impact of the RIF Plan to other employees, including whether other positions will also be eliminated;</p> <p>2.1.6 Describe academic impact on students who may be affected and plans for providing them with completion of their program; and</p> <p><u>2.1.7 Describe the extent to which faculty were involved in developing the proposal; and</u></p> <p>2.1.7<u>2.1.8</u> Any other matters required by the Provost.</p> <p>Further, Section 2.3 has been modified to further clarify that the plan being referenced is a result of the criteria stipulated in Section 2.1 and it will be proposed by the Provost to the Review Committee.</p> <p>The required notice for a Faculty RIF under the proposed rule is at least 60 days. It is expected that an impacted Faculty Member will receive more than the minimum notice.</p>

Date Received	Proposed Rule	Comment	Determinations Made
3/20/18	BOG Faculty Rule 4.7 – Reduction in Force	<p>To the best of my knowledge, faculty have been given no justification for many of the terms contained in this proposed rule. Before any such change is adopted, faculty should receive a report that states, at a minimum, the justification for the change and how the proposed rule compares to similar rules in force at other universities. A quick perusal of rules at other universities suggests that several terms in this proposed rule are highly atypical. For example: (1) Section 3.1.3 states "If, within one year following the Faculty RIF, a Faculty position on the same campus becomes vacant for which the Faculty Member is qualified, the University shall make every reasonable effort to extend an offer of first refusal to the Faculty Member so terminated." Two to three years seems to be the norm for such clauses, and I have seen four years in some policies, as well. (2) In combination, Section 4.1 and Section 5.2 establish the amount of time that eliminated faculty would have to find new employment. Section 5.2 would effectively establish a year's notice if it weren't completely undercut by the "may" in the following sentence in section 5.1 "The University may offer a severance package to a Faculty Member who is impacted by a RIF, if financially feasible." The way I read this, the University could give faculty, including tenured faculty, only 60 days' notice if it determined that offering a severance package was not feasible. This is highly atypical and quite alarming. The norm for tenured faculty seems to be a year. The American Association for University Professors suggest a minimum of a year of notice or severance salary, and most universities seem to follow that recommendation. Some universities use a minimum of a year for tenured-faculty members while using a shorter term for tenure-track faculty in the first year of</p>	<p>It was determined that a modification to WVU BOG Faculty Rule 4.7 was not needed in response to this comment.</p> <p>The required notice for a Faculty RIF under the proposed rule is at least 60 days. It is expected that an impacted Faculty Member will receive more than the minimum notice.</p>

Date Received	Proposed Rule	Comment	Determinations Made
		<p>their probationary period, teaching-track faculty, etc. In any case, leaving open the possibility of terminating tenure-track faculty with only 60 days' notice is highly unusual. I also feel strongly that it is misguided and frankly quite offensive. In composing this comment, I have referred to the following internet sites as well as others: [Web Addresses Appear in the Notes Section at the End of this Chart]</p>	
4/5/18	BOG Faculty Rule 4.7 – Reduction in Force	<p>Dear Rules committee members, I have had a chance compare new rule 4.7 with former Policy 2 regarding faculty reduction in force. Many of the rules I found the same or similar, and appreciate the effort at clarity and transparency. I would like to register one concern with proposed section 2.3. This section appears to be new (I couldn't locate it in the former policy) and states, in part: "The members of the Review Committee should include, but are not limited to, representatives from the Provost's Office, Strategic Initiatives, and Talent and Culture, with advice from the Office of General Counsel." While I appreciate and note the language "not limited to", I am concerned about the lack of faculty representation in such a committee convened to "consider and approve" a plan for a faculty reduction in force. I would like to recommend that this committee consider adding Faculty Senate representatives or other faculty representatives to the</p>	<p>To the extent that this commenter is concerned about Faculty involvement in the reduction in force process, Section 2.2 already states that the Dean shall, <i>in consultation with appropriate Faculty Members</i>, develop a proposed RIF Plan.</p> <p>Accordingly, to ensure that Faculty are involved in the development of a RIF Plan, the minimum criteria for a RIF Plan must now:</p> <p>2.1.82.1.9 Identify the reasons for implementing the RIF;</p> <p>2.1.92.1.10 Describe any re-organization of the Unit or other changes that will occur as a result of the RIF;</p> <p>2.1.102.1.11 List reasonable alternative solutions (e.g., where applicable,</p>

Date Received	Proposed Rule	Comment	Determinations Made
		Review Committee in the spirit of shared governance at WVU. Thank you for considering faculty feedback.	<p>reductions of operating expenses other than payroll, moratorium on further hiring, or voluntary separation) to a RIF that were considered;</p> <p>2.1.11<u>2.1.12</u> Identify the positions recommended for elimination and the reasons for the elimination;</p> <p>2.1.12<u>2.1.13</u> Describe the impact of the RIF Plan to other employees, including whether other positions will also be eliminated;</p> <p>2.1.13<u>2.1.14</u> Describe academic impact on students who may be affected and plans for providing them with completion of their program; and</p> <p><u>2.1.15</u> Describe the extent to which faculty were involved in developing the proposal; and</p> <p>2.1.14<u>2.1.16</u> Any other matters required by the Provost.</p> <p>Further, Section 2.3 has been modified to further clarify that the plan being referenced is a result of the criteria stipulated in Section 2.1 and it will be proposed by the Provost to the Review Committee.</p>

NOTES FROM COMMENT:

<https://www.aaup.org/report/financial-exigency-academic-governance-and-related-matters>

http://academicaffairs.uoregon.edu/sites/academicaffairs2.uoregon.edu/files/article_25.pdf <https://regulations.utah.edu/academics/6-313.php>

<https://policy.vcu.edu/sites/default/files/Procedures%20for%20Declaration%20of%20Financial%20Emergency%20and%20Consequent%20Reduction%20C%20Reorganization.....pdf> <https://docs.legis.wisconsin.gov/statutes/statutes/36/22> <http://provost.virginia.edu/guidelines-general-faculty-staffing-due-financial-stringency> <https://policy.psu.edu/policies/ac23#CC>



WVU BOARD OF GOVERNORS – PROPOSED ACADEMICS RULES OFFICIAL COMMENTS & DETERMINATIONS MADE

Date Received	Proposed Rule	Comment	Determinations Made
3/28/2018	BOG Academics Rule 2.1 – Administration and Practices	I appreciate that the university is setting a baseline GPA standard in the major, in addition to the traditional overall GPA.	It was determined that a modification to WVU BOG Academics Rule 2.1 was not needed in response to this comment.
3/14/2018	WVU BOG Academics Rule 2.2 – Program Creation and Review	<p>In regards to the time period for review. Review of each individual program is not likely necessary every 5 years.</p> <p>For new programs a 5-year review likely meets with other accreditation body standards to ensure academic needs are addressed, however, it is important to consider that new programs may take some time to become established and gain the status necessary to meet desired recruitment levels. Additionally, established programs are more likely able to address needs and even their own accrediting bodies (like NAACLS for MLS programs) will only require review every 10 years.</p> <p>Please evaluate and reconsider the time period established for review in section 3.1.</p>	<p>It was determined that a modification to WVU BOG Academics Rule 2.2 was not needed in response to this comment.</p> <p>Pursuant to W. Va. Code § 18B-2A-4 the Board of Governors has the duty to “[r]eview, at least every five years, all academic programs offered at the institution under its jurisdiction.”</p> <p>Furthermore, the Section 3.2.1, acknowledges that, “where appropriate, the reviews should coincide with the reviews required by [an] accrediting body.”</p>

Date Received	Proposed Rule	Comment	Determinations Made
4/3/2018	BOG Academics Rule 2.2 – Program Creation and Review	<p>Dear Members of the Board of Governors: I am an assistant professor . . . on the Beckley Campus. I have questions and comments about section 2, which deals with new programs.</p> <p>The rule says that new programs must be approved by the University and the board. Additionally, it says that new programs “at new locations” must be reviewed by the Policy Commission.</p> <p>I was wondering what would constitute a “new program” and a “new location.” For example, I hope that someday we might begin an English minor at Tech. Would minors count as new programs—even minors and other programs like the English minor that exist on Main Campus? And what about nondegree programs? Would, for instance, the creation of a campus writing center be considered a “new program”?</p> <p>If that’s the case, would proposing a minor or “new program” in any discipline at Tech further be considered a “new location”?</p> <p>So the questions I have are: could these rules be clarified regarding the definition of “new programs” and “new locations”?</p> <p>And does “new program” also apply to the adoption of programs such as minors that exist already on Main Campus?</p> <p>Finally, I feel that these rule changes could inhibit the growth of departments and programs at Tech. Our campus is expected to experience growth. Growth is part of the reason for relocating to Beckley. Limiting the creation of programs at Tech seems counterintuitive. We should be prepared to respond to student need so that we can maintain our relevance to students. This could likely mean adopting minors and non-degree programs that enrich our current programs.</p> <p>Therefore, I advocate a less stringent review process for the adoption of Main Campus programs at Tech--particularly the adoption of minors and non-degree programs.</p>	<p>It was determined that a modification to WVU BOG Academics Rule 2.2 was not needed in response to this comment.</p> <p>The University’s existing campuses in Morgantown, Beckley, and Keyser are not “new locations.” Further, adopting an Academic Program already offered on another of the University’s campuses would not constitute a “new program.”</p>

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3/13/18	BOG Academics Rule 2.5 – Student Rights and Responsibilities	<p>I am concerned about the implications of the student "right" to posted midterm grades for several reasons.</p> <p>1) University courses are necessarily structured differently than secondary/high school courses. In many classes, the first half of the term builds knowledge and skills that are applied in the second half of the term. Midterm grades, under these conditions, would be built upon a limited amount of information and may be misleading.</p> <p>2) Many university faculty members teaching large sections (100+ students) are untenured assistant professors. In addition, course sizes vary substantially among disciplines. This requirement would unevenly distribute substantial additional work.</p> <p>3) One of my colleagues teaching a 200+ student course experienced significant problems uploading his midterm grades this term. The system generated errors that created even more work for him to recover grades that were spoiled by the faulty system of import/export from Ecampus. [I raised this issue at the ECAS Dean's Advisory Committee.]</p> <p>In sum, while I agree with the principle of appropriate and timely feedback, a right to a formally posted midterm grade is problematic from a curricular, workload distribution, and technical standpoint. The potential for midterms to provide faulty information may also inhibit, rather than enhance, retention efforts.</p>	<p>The following is provided in response to the comment:</p> <p>1) Mid-semester grades may not represent fifty (50%) completion of a particular course. Nonetheless, there should be ample opportunity for evaluation and feedback prior to determination of a mid-semester grade. The meaning of a mid-semester grade for a particular course should be explained to students in the course syllabus. Accordingly, the Rule has been revised to now include the following:</p> <p><u>3.1.4.1.1 Mid-semester grades may not always represent fifty (50%) completion of a particular course; rather, the instructor shall determine the meaning and value of a mid-semester grade for the course and shall explain the meaning and value in the course syllabus.</u></p> <p>2) Providing mid-semester grade to all students who are enrolled in undergraduate courses may result in more work, but the opportunity to provide this feedback is not unreasonable.</p> <p>3) With respect to software or technical errors, the University's Help Desk is available to assist all faculty members with such challenges. Further, training is available to help Faculty become proficient users of the University's existing systems.</p>

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3/14/18	BOG Academics Rule 2.5 – Student Rights and Responsibilities	The proposed policy requiring faculty to provide a mid-term grade to all students is not practical. First, many faculty have large classes and uploading grades twice each semester (rather than once each semester) is an unnecessary time burden. In addition, many upper level courses have semester-long projects or assignments. Receiving a midterm grade would be impractical and useless for the majority of students in these courses.	<p>It is acknowledged that providing mid-semester grade to all students who are enrolled in undergraduate courses may result in more work, but the opportunity to provide this feedback is not unreasonable.</p> <p>Mid-semester grades may not represent fifty (50%) completion of a particular course. Nonetheless, there should be ample opportunity for evaluation and feedback prior to determination of a mid-semester grade. The meaning of a mid-semester grade for a particular course should be explained to students in the course syllabus. Accordingly, the Rule has been revised to now include the following:</p> <p style="text-align: center;"><u>3.1.4.1.1 Mid-semester grades may not always represent fifty (50%) completion of a particular course; rather, the instructor shall determine the meaning and value of a mid-semester grade for the course and shall explain the meaning and value in the course syllabus.</u></p>
3/15/2018	BOG Academics Rule 2.5 – Student Rights and Responsibilities	<p>Regarding BOG Academics Rule 2.5:</p> <p>"3.1.3 Feedback on Assignments" does not specify the nature of the feedback. Does this rule guarantee the right to written feedback? Does verbal feedback communicated during office hours count as feedback? Does verbal feedback on common problems students encountered with the assignment count as feedback? The nature of the feedback students are entitled to should be clarified.</p> <p>"3.1.3.1 Each student shall have the right to receive feedback on assignments in a timely manner, generally within two</p>	<p>In response to the comment regarding Section 3.1.3, faculty members are empowered to determine the appropriate type of feedback to provide in light of the course and curriculum.</p> <p>In response to the comment regarding Section 3.1.3.1, the section has been revised as follows to clarify the general timeframe for providing feedback:</p> <p>3.1.3.1 Each student shall have the right to receive feedback on assignments in a timely manner,</p>

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		<p>weeks of the instructor's receipt of the work" does not specify whether the two weeks is business days or includes weekends. My assumption is two weeks of business days, but this should be clarified. It's worth noting that this right creates more of a burden for faculty members who teach writing-intensive courses relative to those who do not.</p>	<p>generally within two weeks <u>ten (10) consecutive University instructional days</u> of the instructor's receipt of the work.</p> <p>Further, it should be noted that by using the term "generally" the Rule permits reasonable deviations from the time frame given.</p>
3/18/2018	<p>BOG Academics Rule 2.5 – Student Rights and Responsibilities</p>	<p>I write in opposition to this rule, unless 3 problems with section 3 ("Student Rights") are addressed. First as both a legal matter and an implementation matter, I am flabbergasted that "Feedback on Assignments" is being created as a new student right without any definition of what that entails. This may be a "student right", but in practice this is a demand on faculty. That being the case - what is being demanded of faculty? In this document, the BOG is not informing faculty of that, and that is a significant management problem. This section should either be clarified or deleted. Given that the phrase is given no meaning, it is meaningless, and a meaningless right is highly problematic. Secondly, section 3.1.3.1 should end with "timely manner." The following reference to "two weeks" is deeply problematic. What if faculty have grant applications due and conferences to attend within those two weeks? What if their children are seriously ill? Why give a time frame at all given the variation in time it takes to grade and edit weekly assignments versus an entire class of upper-level research papers? The phrase that starts with "generally" should be deleted, and its intent should be handled through intra-departmental performance reviews - not through universal university-wide policies that will inevitably conflict with other university-wide priorities (for example, research development and funding, maintaining a positive quality of life and work-life balance, carefully developing students' communication skills).</p>	<p>A mid-semester grade may not represent fifty (50%) completion of a particular course; nonetheless, there should be ample opportunity for evaluation and feedback prior to determination of a mid-semester grade. Faculty members are empowered to determine the meaning of a mid-semester grade for a particular course and to explain its meaning to students in the course syllabus. Accordingly, the Rule has been revised to now include the following:</p> <p><u>3.1.4.1.1 Mid-semester grades may not always represent fifty (50%) completion of a particular course; rather, the instructor shall determine the meaning and value of a mid-semester grade for the course and shall explain the meaning and value in the course syllabus.</u></p> <p>Faculty members are empowered to determine the appropriate type of feedback to provide in light of the course and curriculum. While providing mid-semester grade to all students who are enrolled in undergraduate courses will result in more work, the burden is not unreasonable.</p> <p>In response to the comment regarding Section 3.1.3.1, the section has been edited as follows to</p>

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		<p>Finally, while I know the BOG will not follow my advice on this last point, given the viewpoints of certain current senior administrators have, 3.1.4 is problematic, as it pertains to mid-term grades. No matter what is in the syllabus, or what they are told, many students think that their mid-term grade is half their course grade. That is true in some classes, but in many others it captures far less than that, given large projects that are by necessity due at the end of a semester. Putting more and more focus on mid-term grades will, at least at the margins, lead students who can still pass the course to drop, and, it will lead some others to become complacent and not be concerned by how far their mid-term grade can fall from what it was during week 7. This is a lesser matter than what I have raised above given that it only affects a fraction of students. But in 16 years of teaching here I have seen both of these patterns happen repeatedly, therefore I want to make sure the BOG is aware of this problem when it comes to increasingly prioritizing mid-term grades.</p>	<p>clarify the general timeframe for providing feedback:</p> <p>3.1.3.1 Each student shall have the right to receive feedback on assignments in a timely manner, generally within two—weeks <u>ten (10) consecutive University instructional days</u> of the instructor’s receipt of the work.</p> <p>Further, it should be noted that by using the term “generally” the Rule permits reasonable deviations from the time frame given.</p>
<p>March 2018</p>	<p>BOG Academics Rule 2.5 – Student Rights and Responsibilities</p>	<p>Pharmacy has a concern about midterm grades intention for undergraduate vs. professional and graduate classes. Shall the committee better specify in the language? What is the original intention?</p>	<p>In response to this comment, Section 3.1.4, references to “Undergraduate students” have been replaced with “students who are enrolled in Undergraduate Courses.” Likewise, references to “Graduate students” have been replaced with “students who are enrolled in Graduate Courses.” Within the Rule, “Undergraduate Courses” is now a defined term meaning “100- to 400-level courses” and “Graduate Courses” means “500-level courses and above.”</p> <p>[Revisions on Next Page]</p> <p>3.1.4 <i>Posted Grades.</i></p> <p>3.1.4.1 <u>Undergraduate Courses.</u> During regular terms (fall and spring), undergraduate students <u>who are</u></p>

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			<p><u>enrolled in Undergraduate Courses</u> have the right to, at the minimum, <u>a full range of grades</u> posted mid-semester and final grades. <u>All such grades shall be assigned by the course instructor.</u> <u>During all other terms, students have the right to, at the minimum, a posted final grade assigned by the course instructor.</u></p> <p>3.1.4.1.1 <u>Mid-semester grades may not always represent fifty (50%) completion of a particular course; rather, the instructor shall determine the meaning and value of a mid-semester grade for the course and shall explain the meaning and value in the course syllabus.</u></p> <p>3.1.4.2 <u>Graduate Courses.</u> During all other terms, undergraduate students have the right to, at the minimum, a posted final grade. Graduate students <u>Students who are enrolled in Graduate Courses</u> have the right to a posted final grade <u>assigned by the course instructor.</u></p>
3/28/2018	BOG Academics Rule 2.5 – Student Rights and Responsibilities	This is a policy that will aid student success while adding no financial cost to the institution. Research shows that frequent and timely feedback to students leads to better student performance. I support a policy that includes all undergraduate courses, regardless of the level. In several departments in my college, it is possible for freshmen to take 300- or 400-level courses because they have no pre-	It was determined that a modification to WVU BOG Academics Rule 2.5 was not needed in response to this comment.

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		<p>requisite. There might be rare instances where a midterm grade is difficult to assign at the 400 level, depending on the nature of the course, but I would expect that individual faculty, departments, and colleges will communicate these exceptions clearly to students.</p> <p>As a adviser, I always found it difficult to assess how my advisees were doing at midterm, as they only often had their perception of their performance, rather than a posted grade. Having instructor-verified feedback at midterm is incredibly useful.</p>	
4/4/2018	BOG Academics Rule 2.5 – Student Rights and Responsibilities	<p>Regarding the rule outlined in 3.1.4 Posted Grades. "During regular terms (fall and spring), undergraduate students have the right to, at the minimum, posted mid-semester and final grades."</p> <p>This represents a change to the current procedure of only assigning grades of D and F at the mid-semester. I have the following objections</p> <ol style="list-style-type: none"> 1) First, this involves additional work for faculty - it may not seem a lot of work but if you have a large class then it could be substantial and the work load on faculty continues to increase little by little - "dying a death of a thousand cuts." So when dismissing this point please ask yourselves how willing you would be to provide feed back and evaluations to faculty every 6 months instead of on a yearly basis. 2. In my experience giving just Ds and Fs is quite effective - it gets students' attention and often gives a clear wake up call. 3. For most of the classes I teach, the mid-semester grade will only cover about 25% of the final grade - usually only the first of 3 exams and less than half the problem sets have been covered. Leaving 2 more exams, a final, a project, and the remaining problem sets. Thus any grade the student receives 	<p>A mid-semester grade may not represent fifty (50%) completion of a particular course; nonetheless, there should be ample opportunity for evaluation and feedback prior to determination of a mid-semester grade. Faculty members are empowered to determine the meaning of a mid-semester grade for a particular course and to explain its meaning to students in the course syllabus. Accordingly, the Rule has been revised to now include the following:</p> <p style="text-align: center;"><u>3.1.4.1.1 Mid-semester grades may not always represent fifty (50%) completion of a particular course; rather, the instructor shall determine the meaning and value of a mid-semester grade for the course and shall explain the meaning and value in the course syllabus.</u></p> <p>Faculty members are empowered to determine the appropriate type of feedback to provide in light of the course and curriculum. While providing mid-semester grade to all students who</p>

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		<p>is a weak indicator of their final grade. That's why the D/F grades ARE effective, namely they give a warning. On the contrary, giving a student an A (say) at midterm may give the student a sense of false security and cause the student to slack off.</p> <p>4. Further to the last point - I see all sorts of appeals when a student gets a poor final grade after receiving an A or a B at midterm - do we want to open this can of worms?</p>	<p>are enrolled in undergraduate courses will result in more work, the burden is not unreasonable.</p> <p>The purpose of mid-semester extends to other academic decisions to be made by other academic administrators, academic counselors, and to students. Adequate feedback and evaluation should be provided throughout the remainder of the semester. Therefore, a students should not be surprised by a final grade.</p> <p>With regard to concerns about grade appeals, please note that Section 3.1.3.2 provides a “right to appeal a final grade assigned[.]” That said, the Rule has been revised in the following way to confirm that a student’s right to appeal a final grade may vary from college to college:</p> <p>3.1.3.2 . . . Each student shall have the right to appeal a final grade assigned in accordance with the policy and process of the college that offers the course. violation of the criteria set out in Section 2.2.4.</p>
4/5/18	BOG Academics Rule 2.5 – Student Rights and Responsibilities	<p>Dear committee members, I support the new proposed rule 3.1.4 regarding mid-semester and final grade reporting. Mid-semester reporting for those students earning a D or F has long been a practice in the Eberly college and in my classes the practice seems to help my students, especially those new to WVU and learning how to adjust to life at college. I support formalizing the custom of reporting grades at midterm, certainly for struggling students, and perhaps for all students. Thank you for considering faculty feedback.</p>	<p>It was determined that a modification to WVU BOG Academics Rule 2.5 is needed in response to this comment to clarify that a full range of grades shall be posted at the mid-semester, not just a D or an F. The Rule has been amended to reflect this in Section 3.1.4.1:</p> <p>3.1.4.1 <u>Undergraduate Courses.</u> During regular terms (fall and spring), undergraduate students <u>who are enrolled in Undergraduate Courses</u></p>

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			<p>have the right to, at the minimum, a full range of grades posted mid-semester and final grades. All such grades shall be assigned by the course instructor. During all other terms, students have the right to, at the minimum, a posted final grade assigned by the course instructor.</p>
4/10/2018	BOG Academics Rule 2.5 – Student Rights and Responsibilities	<p>I would like to comment specifically on the following piece of the proposed amendment to the policy: "3.1.4 Posted Grades. During regular terms (fall and spring), undergraduate students have the right to, at the minimum, posted mid-semester and final grades. During all other terms, undergraduate students have the right to, at the minimum, a posted final grade. Graduate students have the right to a posted final grade. The instructor of each course is responsible for assigning grades to students enrolled in the course, consistent with the academic rights set out in the preceding sections." Students and academic advisers, as well as other faculty and administrative personnel benefit greatly from the ability to see a student's standing at midterm in all coursework. Students make the determination to drop a course or pick up midsemester coursework based on the feedback they have in the course and they try to utilize the midterm grade to make these important decisions. In my opinion, it is unfair to withhold grades from a student until 2/3rds of the way into the semester, particularly when many classes have varying policies about dropping a bad test, replacing a test with a quiz, discounting the three lowest homework scores, etc. Students need a firm grasp of where they stand in the class, and providing feedback six weeks or so into the course is not an unreasonable expectation. An administrator often uses performance in coursework to determine whether a student qualifies for a course overload petition, an override into a particular course or a number of other academic functions that are dependent on an accurate understanding of course</p>	<p>It was determined that a modification to WVU BOG Academics Rule 2.5 was not needed in response to this comment.</p>

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		<p>performance. Without a midterm grade we are as in the dark as the student. An advising specialist often utilizes the midterm reports to determine whether a student on academic probation is allowed to add another course at midsemester or whether that student is better served with the course load he or she has. Without data, we are simply guessing. Advisers use the midterm grade to help determine whether students are on track or need intervention. If I can run an ARGOS report that shows all advisers how their advisees are performing, they can then reach out to those students who need extra attention. We don't know that without a midterm grade unless the student self-reports, and we cannot verify the self-report without data. Many students self-report better midterm grades than they have actually earned, but an adviser cannot have that difficult, realistic conversation with a student without this information. In short, so much depends on the accuracy of information. There are many academic decisions that need to be made that are based on student performance. We need more, not less, information.</p>	
4/11/2018	<p>BOG Academics Rule 2.5 – Student Rights and Responsibilities</p>	<p>As an advisor of probation students, I find mid-term grades to be extremely valuable as they provide an opportunity for students to have a better understanding of their academic situation at a point in the semester when a positive change can still be made. They also maximize an advisor's ability to target early messaging and intervention thereby increasing the chances to work one on one with students at a very critical time.</p>	<p>It was determined that a modification to WVU BOG Academics Rule 2.5 was not needed in response to this comment.</p> <p>Probationary student success is one of the reasons we are seeking this additional stipulation.</p>

Note: A technical edit was made in Section 3.1.3.2 by replacing “his/her” with “his or her”.