

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

December 11, 2009

The eightieth meeting of the West Virginia University Board of Governors (scheduled as a telephone meeting) was held on December 11, 2009, with the call originating in the Rhododendron Room at the WVU Mountainlair. Board members in attendance were Ellen Cappellanti, Dr. Nigel Clark, Dr. Tom Clark, James Dailey, Thomas Flaherty, Dr. Robert Griffith, Raymond Lane, Diane Lewis, Carolyn Long, Oliver Luck, Ted Mattern, Jo Morrow, Drew Payne, Ed Robinson, Dr. Charles Vest, and Jason Zuccari. Board member, Bill Nutting, was absent and excused.

WVU officers, divisional campus officers, and representatives participating included:

President, James P. Clements;
Chief of Staff, Jay Cole;
Interim Provost and Vice President for Academic Affairs and Research, E. Jane Martin;
Health Sciences Chancellor, Christopher Colenda;
Senior Associate Provost, Russell Dean;
Vice President for Administration and Finance, Narvel Weese;
Vice President for Student Affairs, Ken Gray;
Vice President for University Relations, Chris Martin;
Vice President for Legal Affairs & General Counsel, & Assistant BOG Secretary,
Mary Roberta Brandt;
Deputy General Counsel, Beverly D. Kerr;
Vice President for Human Resources, Margaret Phillips;
Executive Officer for Social Justice, Jennifer McIntosh;
Executive Officer for Policy Development, Jennifer Fisher;
Associate Provost, Office of Graduate Academic Affairs, Jonathan Cumming;
Associate Provost, Office of Undergraduate Academic Affairs, Elizabeth Dooley;
Associate Vice President for Facilities, Joe Fisher;
Director, Asset Development, WVU Research Office, David Satterfield;
Director of Internal Audit, William Quigley;
Director for Facilities Planning and Scheduling, Rob Moyer;
Director of Real Estate Services, Shannon Mundell;
Associate General Counsel, Shea R. Browning;
Associate General Counsel, Rossi E. Wiles;
Assistant General Counsel, Amanda H. Williams;
Executive Director, Internal Communications, Becky Lofstead; and,
Special Assistant to the Board of Governors, Valerie Lopez.

Members of the Press were also present.

CALL TO ORDER

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

BOARD ITEM

Tobacco Free Health Sciences Center:

Health Sciences Chancellor Christopher Colenda updated the Board on efforts to achieve a tobacco free Health Sciences Center. Highlights from his presentation included the following:

- WVU buildings have been smoke free since 1990 – but not tobacco free.
- According to the Centers for Disease Control, approximately 26% of West Virginians smoke, ranking us as one of the top states in terms of percentage of smokers.
- In 2000, the Health Sciences Center designated the area around its entrances to be smoke free areas so that patients and employees could enter the building without walking through smoke. In 2006, the Health Sciences Center expanded the smoke free area to a perimeter of 50 feet from the building and delineated a green line so employees could identify the area where smoking was prohibited on WVU Health Sciences Center property.
- On November 19, 2009 (the American Cancer Society's Great American Smoke-out Day) Ruby Memorial Hospital and the Physicians Office Center became tobacco free on all of their property, which they lease from WVU. They were joined by Monongalia General Hospital and HealthSouth Rehabilitation Hospital.
- The policies adopted by WVU Hospitals, Inc. and University Health Associates do not permit the use of tobacco in or around their facilities by employees, patients, visitors, or WVU employees or students working in the hospital or in the clinics. Tobacco cessation programs have been offered to employees and patients since the implementation of their policies. However, WVU's Health Sciences Center is being affected by the policies of the hospital and UHA because their employees now come onto property of the Health Sciences Center to smoke.
- As an academic health sciences center, WVU should join other health sciences centers around the country in going tobacco free. As educators of health care professionals, WVU should be leading our institution on this critical issue.
- President Clements has established a task force to explore a tobacco free WVU and the group will soon begin meeting.
- The current proposal is for the Board of Governors to allow the Health Sciences Center to present a policy (which would be posted for appropriate public comment) designating all of the Health Sciences Center property to be tobacco free prior to the President's task force finalizing their work, especially since the Health Sciences Center has been working on this issue for several years. This policy would be applicable to all WVU employees and students at the HSC. Patients and visitors to the Family Medicine Clinic and to the School of Dentistry clinics would also be affected by this policy.

- The proposed policy would contain provisions for disciplinary action as set forth in WVU Human Resources disciplinary policies and the student codes of academic and professional conduct.

EXECUTIVE SESSION

Chairman Long requested a motion that the Board go into Executive Session - under authority in West Virginia Code §6-9A-4(b)(2)(A) and §6-9A-4(b)(9), (10), (12) to discuss personnel issues, legal matters, purchase of real estate, and approval of Honorary Degree candidates. The motion was made by Diane Lewis, seconded by Dr. Robert Griffith, and passed.

DISCUSSION EMANATING FROM EXECUTIVE SESSION

Chairman Long requested a motion to move the Approval of Honorary Degree Candidates to today's Consent Agenda. This motion was made by Dr. Robert Griffith, seconded by Ellen Cappellanti, and passed.

NEW BOARD MEMBER

Chairman Long welcomed new Board member, Thomas Flaherty. Although Mr. Flaherty was "officially" sworn in by Vice President for Legal Affairs & General Counsel & Assistant BOG Secretary, Mary Roberta Brandt, on November 19, 2009, Ms. Brandt again administered the Oath of Office to Mr. Flaherty during this, his first public Board meeting.

INFORMATION ITEM

There were no questions or concerns expressed by any Board members pertaining to the Information Item contained within the agenda.

CONSENT AGENDA

Chairman Long called for any discussion of the Consent Agenda items. Nigel Clark moved that the Drug and Alcohol Testing for Federal Transit Administration (FTA) & Federal Motor Carrier Safety Administration (FMCSA) Covered Positions policy be pulled from the Consent Agenda and voted on separately, to incorporate BOG Policy Language – Technical Clarification Changes Only related to section 2.4.2, which changes were made after this policy was posted in today's agenda booklet. This motion was seconded by Diane Lewis and the Board thereupon approved the Drug and Alcohol Testing for Federal Transit Administration (FTA) & Federal Motor Carrier Safety Administration (FMCSA) Covered Positions policy, incorporating the technical clarification changes only related to section 2.4.2, as presented.

Ted Mattern then moved that the Board accept the remaining Consent Agenda items as presented in today's agenda booklet. This motion was seconded by Jason Zuccari, and passed.

Thereupon, the following Consent Agenda items were approved:

1. West Virginia Freedom of Information Act Policy

Resolved: That the West Virginia University Board of Governors approves Policy 55 – West Virginia Freedom of Information Act Policy, as presented.

2. Purchase of Floors #2 and #4 of the Marina Tower Condominium Association, Inc., Wharf District, Morgantown, West Virginia

Resolved: That the West Virginia University Board of Governors approves the acquisition of Floors #2 and #4 of the Marina Tower Condominium Association, Inc., situate in the historical Wharf District of the First Ward in the City of Morgantown, Monongalia County, West Virginia from Bocci, LLC, a West Virginia limited liability company, with such documentation related to the acquisition being subject to the approval “as to form” by the West Virginia Attorney General.

3. Approval of a Financing and Reimbursement Resolution of the West Virginia University Board of Governors to enable the University to reimburse costs incurred for the acquisition and build out of two floors of Marina Tower from the proceeds of a future financing transaction.

Resolved: That the West Virginia University Board of Governors approves the Financing and Reimbursement Resolution, as presented.

4. Approval of Honorary Degree Candidates

Resolved: That the West Virginia University Board of Governors approves individuals for Honorary Degrees from West Virginia University. The persons to be honored will be announced at a later date.

OTHER BUSINESS AND GENERAL DISCUSSION

President James P. Clements shared the following announcements:

- President Clements congratulated BOG member and current president of U.S. National Academy of Engineering, Charles M. Vest, on his recent induction into the Chinese Academy of Engineering. Dr. Vest, president emeritus of the Massachusetts Institute of Technology, is one of only 36 foreign members of the Chinese Academy of Engineering.
- President Clements also pointed to another WVU graduate, Irene Berger, who was recently installed as a U.S. federal judge. She is the first African American judge to serve on the federal bench in West Virginia. She was also appointed by the first African American President of our country and will serve with the first African American Attorney General.
- President Clements stated that he has thoroughly enjoyed his tenure thus far at West Virginia University and looks forward to the exciting plans being formulated for the future. He additionally thanked all Board members for their counsel and support, and concluded by wishing everyone a very happy holiday season.

Chairman Carolyn Long shared the following announcements:

- All Board members who attended the WVU Board of Governors Strategic Planning Retreat held on July 23-24, 2009 at Oglebay Resort & Conference Center in Wheeling, West Virginia, have been granted six hours of in service training credits by the Chancellor of the West Virginia Higher Education Policy Commission, in compliance with the requirements of Senate Bill 373 (2009).
- The Board anticipates scheduling a Special Meeting near the end of January, 2010 to approve WVU Board of Governors Policy 54 – Rule on Identity Theft Detection and Prevention Program (heretofore adopted as an Emergency Policy on November 1, 2009) to comply with the legal requirement that an emergency policy can remain in effect no longer than three (3) months and shall expire unless approved as a final policy under the normal process set out in BOG Policy No. 45, Adoption or Amendment of Rules.
- Chairman Long wished all Board members and everyone at WVU a wonderful holiday season and concluded that she looked forward to seeing many familiar faces at the upcoming Gator Bowl game in Florida.

NEXT MEETING

Chairman Long announced that the next regular meeting is scheduled for February 5, 2010, in Morgantown.

ADJOURNMENT

There being no further business, Drew Payne moved to adjourn the meeting. The motion was seconded by Ed Robinson, and passed. The meeting was adjourned at 11:05 a.m.

John T. Mattern, Secretary