

WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS

January 29, 2010

The eighty-first meeting of the West Virginia University Board of Governors (scheduled as a Special Meeting via telephone) was held on January 29, 2010, with the call originating in the West Virginia University Stewart Hall President's Conference Room. Board members participating included Ellen Cappellanti, Dr. Nigel Clark, Dr. Thomas Clark, James Dailey, Thomas Flaherty, Dr. Robert Griffith, Ray Lane, Diane Lewis, Carolyn Long, Oliver Luck, Ted Mattern, Jo Morrow, Bill Nutting, Drew Payne, Ed Robinson, Dr. Charles Vest, and Jason Zuccari.

WVU officers, divisional campus officers, and representatives present were:

President, James P. Clements;
Vice President for Administration and Finance, Narvel Weese;
Vice President for University Relations, Chris Martin;
Vice President for Legal Affairs & General Counsel &
Assistant BOG Secretary, Mary Roberta Brandt;
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

Chair Long indicated that the purpose of today's meeting was to seek approval of BOG Policy 54 – Rule on Identify Theft Detection and Prevention Program.

The background set forth within the agenda submission sheet Board members received on this issue provided the following rationale: The Federal Trade Commission adopted a "Red Flags Rule" on October 31, 2007, requiring certain creditors and financial institutions to adopt an identity theft prevention program by June 1, 2010. Although WVU does not generally act as a creditor or financial institution, it does extend credit to students through deferred tuition repayment plans, and in some instances through repayment of forgivable loans, triggering compliance with the rule. Therefore, in order to comply with the rule, WVU established an emergency Identity Theft Detection and Prevention Program Policy and Procedure that became effective on November 1, 2009. The deadline for compliance was postponed by the FTC several times and had been November 1, 2009, making it necessary to pursue an emergency

rule. This policy could remain in effect no longer than three (3) months and would expire unless a final rule was approved under the normal process set out in BOG Policy No. 45, Adoption or Amendment of Rules. Due to comment period requirements of BOG Policy No. 45, the rule was not able to be presented during the December BOG meeting. The next regularly scheduled BOG meeting is February 5, 2010. Therefore, without a special meeting to approve the policy by February 1, 2010, it would lapse and leave WVU to begin the rule process over in order to comply with the current June 1, 2010, FTC deadline.

In developing the policy, WVU staff reviewed the policies of other higher education institutions and the WV Higher Education Policy Commission. Additionally, this policy was put out for public comment for the required thirty (30) day comment period. No comments were received and no changes were made to the policy.

Following a brief discussion among Board members, Dr. Tom Clark moved that the West Virginia University Board of Governors approves Policy 54: Rule on Identity Theft Detection and Prevention Program, as presented.

OTHER BUSINESS AND GENERAL DISCUSSION

President Clements briefed the Board on a Strategic Planning Retreat held yesterday at the Erickson Alumni Center, with all members of his senior leadership team present. The primary discussion focused on strategic planning for West Virginia University. President Clements indicated that he wanted the Board of Governors involved in this process, and will invite Board members to participate as the various teams and focus areas are created.

Chair Long reminded Board members that the next regular meeting is scheduled for Morgantown on February 5, 2010. There being no further business or general discussion, Chair Long asked for a motion to adjourn to Executive Session - under authority in West Virginia Code §6-9A-4(b)(2)(A) and §6-9A-4(b)(7) and 12 - to conduct a brief discussion among Board members, after which the meeting would be adjourned. This motion was made by Diane Lewis, seconded by Ellen Cappellanti, and passed.


John T. Mattern, Secretary