

**WEST VIRGINIA UNIVERSITY**  
**BOARD OF GOVERNORS**

February 8, 2019

The one hundred sixty-sixth meeting of the West Virginia University Board of Governors was held on February 8, 2019 in Morgantown, WV. Board members in attendance/participating by telephone included David Alvarez, Marty Becker, Elmer Coppoolse, Thomas Flaherty, Thomas Heywood, Dr. Stanley Hileman, Lisa A. Martin, Taunja Willis Miller, Isaac Obioma, Ed Robinson, Benjamin Statler, Dr. Matthew Valenti, and William Wilmoth. Board members J. Thomas Jones, J. Robert (J.R.) Rogers and Dr. Kimberly Weaver were absent and excused.

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

President, E. Gordon Gee;  
Vice President, Legal, Government and Entrepreneurial Engagement, Rob Alsop;  
Provost, Joyce McConnell;  
General Counsel, Stephanie Taylor;  
Vice Provost, John Campbell;  
Vice President and Executive Dean of Health Sciences, Clay Marsh;  
Vice President for Talent and Culture, Cris DeBord;  
Vice President and Chief Financial Officer, Paula Congelio;  
Vice President for Research, Fred King;  
Vice President for Diversity, Equity and Inclusion, Meshea Poore;  
Vice President for Global Strategies in Higher Education, William Brustein;  
Associate Provost for Budget, Facilities and Strategic Initiatives,  
Mark Gavin;  
Dean of Student, Corey Farris;  
Associate Vice President for Finance, Anjali Halabe;  
Executive Officer and Assistant Board Secretary, Jennifer Fisher;  
President, Potomac State College of West Virginia University, Jennifer Orlikoff;  
Associate Vice President for Academic Affairs, WVU Health Sciences,  
Louise Veselicky;  
Deputy General Counsel, Gary G. Furbee, II;  
Director of Internal Audit, Bryan Shaver;  
Director of Scientific Development, WV Clinical & Translational Science  
Institute, Julie Lockman;  
Senior Associate Vice President for Academic and Public Strategy,  
Rochelle Goodwin;  
Associate Vice President of Enrollment Management, Stephen Lee;  
Assistant Vice President for Student Life Communications, Sabrina Cave;

Director of Communications and Marketing for Strategic Initiatives,  
Erin Newmeyer;  
State and Local Relations Specialist, Rocco Fucillo;  
Research Scholar for West Virginia Forward, Josh Cook;  
Dean of the College of Creative Arts, Keith Jackson;  
Dean of the WVU Libraries, Karen Diaz;  
Acting Dean of the Honors College, Ryan Claycomb;  
WVU ACCE Representative, Shirley Robinson;  
Senior Executive Director of Communications, University Relations,  
John Bolt; 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 Chairman William Wilmoth, at 8:30 a.m. A roll call was taken to determine who was in attendance and a quorum established.

### **BOARD PRESENTATION Academic Affairs Updates**

Provost Joyce McConnell shared the following Academic Affairs Updates:

**WVU maintains R1 Status, Ranking Alongside Most Prestigious Research** West Virginia University continues to rank among the nation's elite research institutions as reflected in the Carnegie Classification of Institutions of Higher Education. Carnegie released its every-three-year assessment in December 2018, and WVU continues to be rated as an R1, or very high research activity, institution, the most elite category for research-focused schools, alongside such institutions as Harvard, Yale, Columbia and Johns Hopkins. Only 130 of the nation's 4,500 colleges and universities attain this ranking. To achieve R1 status, a university must award doctoral degrees in at least 20 different areas amass at least \$43.8 million in total research expenditures, as reported through a National Science Foundation survey

**West Virginia University Energy Institute:** The WVU Energy Institute serves to facilitate collaborative and innovative solutions to the energy future of West Virginia and the United States. As the central coordinating institution for energy research at the flagship, land-grant university in West Virginia, it is central to the Energy Institute's mission to work with stakeholders within the university and across the state and region to help further the land-grant mission. A key aspect of that land-grant mission

is to assist in stimulating economic development in West Virginia. Provost McConnell commented that the incredible growth of this organization was overseen by Brian Anderson, who left WVU for another position. Provost McConnell announced that James F. Wood will continue as Interim Director while a new search is underway,

**Introduction of key administrators:** Provost McConnell introduced the following key administrators, three of whom were in the audience and will join board members for lunch:

Dr. Keith Jackson, who was named Dean of the College of Creative Arts in November

Dr. Karen Diaz, who was named Dean of the WVU Libraries in November

Dr. Ryan Claycomb, who founded the WVU Humanities Center in July 2017 and was named Acting Dean of the Honors College in December 2018

Dr. Ken Blemings, who is serving as Interim Dean of the Davis College of Agriculture, Natural Resources and Design, is out of town today but will join the Board in April. Dr. Blemings was not available to attend today's meeting.

**IDEA Fellows Applications Open:** The nomination period for the 2019-2020 Innovation, Design and Entrepreneurship Applied Faculty Fellows Program is now open. The program presents a unique opportunity for faculty to create curriculum to enhance student skills in the areas of innovation, design and entrepreneurship. Fellows receive extensive training on how to effectively teach entrepreneurship from the Symposium for Entrepreneurship Educators at Babson College in Massachusetts.

**Discontinuation of Academic Common Market:** WVU has elected to discontinue its Academic Common Market agreement for undergraduate students, beginning with students entering in the summer 2020 term. This was a difficult but necessary decision to provide better academic and financial opportunities to our students. They will have more flexibility to change their major and will have scholarship opportunities without restrictions. In fact, we are adding more scholarships to get talented out-of-state students closer to in-state costs.

**Intensive English Program Moving:** Following discussions across academic and administrative offices, our Intensive English Program will return to its original home in Eberly. Effective July 1, the program will be housed in the World Languages Department, with all offices working together to ensure a smooth transition. The move is intended to provide an academic home for IEP's identity, and to facilitate the program's work with other related units.

**New Digital Learning Awards:** In advance of National Digital Learning Day on Feb. 28, the Office of the Provost launched a new awards program to celebrate innovations in digital learning by faculty and staff. Up to 13 awards will be given to teaching faculty, graduate teaching assistants and staff engaged in P-20 outreach across all disciplines. Each recipient will receive \$500 in professional development monies and their work will be showcased on campus on National Digital Learning Day.

**Expanding Undergraduate Research Mentoring Award:** The Office of Undergraduate Research is expanding the Faculty Award for Distinction in Mentoring Undergraduates in Research to honor four undergraduate research mentors with an increased award of \$1,000 each to be used toward their continued support of undergraduate students' participation in their research. Funding for the additional awards is provided by the Provost's Office.

**New Graduate Research Mentor Award:** The Office of Graduate Education and Life and the Research Office are proud and excited to announce a new award for faculty: the Outstanding Graduate Research Mentoring Award. The purpose of this award is to honor and encourage the considerable efforts and accomplishments of faculty who have demonstrated exceptional commitment to the mentorship of graduate students. Four finalists will be selected, with one winner from those four awarded \$5000.

**Working on Research Week:** Our office is currently working in conjunction with several others on the development of a week-long Research Week to celebrate our R1 status and the high caliber of research we have going on university wide. Research week will take place during the first week in April. Please look to WVUToday and some direct communications from my office for the announcement of the week's schedule later this spring.

## **BOARD PRESENTATION West Virginia Forward**

Senior Associate Vice President for Academic and Public Strategy, Rochelle Goodwin, provided an update on the West Virginia Forward – as follows:

West Virginia Forward constitutes a blueprint with a host of recommendations and ideas to advance West Virginia's economic future, West Virginia Forward began as an unprecedented collaboration between West Virginia University, the West Virginia Department of Commerce and Marshall University. This partnership has developed into a larger, statewide effort to identify West Virginia's unique assets and pair them with economic trends that will leverage growth and development opportunities to strengthen and diversify all regions of the state.

With a sharp focus on short- and long-term objectives, and a refined vision, the partners are working alongside key stakeholders and experts across West Virginia and beyond. So far, innovative solutions and opportunities include advancing West Virginia's workforce, business climate, educational opportunities, community development, energy sector, cybersecurity, entrepreneurship and infrastructure. With a shared vision, this initiative is advancing our state into prosperity, energizing even more partnerships while blazing a new path toward improving West Virginia's economic future. Our efforts, already under way, truly affect every West Virginian. Ms. Goodwin further commented on why this initiative is important to the state; explained why McKinsey & Company (a global management consulting firm that serves leading businesses, governments, non-governmental organizations and not-for-profits) was chosen to do this analysis; how the data was collected; other partners involved in this project; what areas of growth are being considered; and what are the next steps involved in moving forward.

## **GREAT VALUE COLLEGES RECOGNITION OF PRESIDENT GORDON GEE**

Chairman Wilmoth announced the results of a recent survey published by Great Value Colleges, ranking the 50 best college presidents. The organization consulted current sources online that highlight which college presidents are notable. The final ranking identified a definitive list of college presidents that have had and continue to have stellar careers. They are sorted by the organization's estimations of the level of achievement, innovative leadership approaches, evidence of positive impact on a college and commitment to a college. To no one's surprise below is an excerpt identifying the number one college president:

*“Time* considers E. Gordon Gee to be America's greatest current president. When that article was written, he was the president of Ohio State University. However, in 2013, he retired from this position and has since had a successful tenure as the head of West Virginia University. What puts E. Gordon Gee ahead of all the competition is that there has never been an American with more college president experience. He has been the president of more universities than any US citizen, living or dead. And the other colleges that he has run are all prestigious. Namely, they are Vanderbilt, Brown, and the University of Colorado. And his current presidency of West Virginia University is also notable, as it is the second time that he has held that post. Initially, he was president of the college from 1981 to 1985. He resumed the presidency in 2014. And lastly, what makes E Gordon Gee truly remarkable is that despite his distinguished career, he still takes time to consider every student's needs. In fact, he makes “it a point to visit students where they live, learn and socialize.”

## **BOARD PRESENTATION AND POSSIBLE ACTION: APPROVAL OF PROPOSED NEW RULES**

Chairman Wilmoth called upon Deputy General Counsel, Gary G. Furbee, II, who provided an overview related to the approval of new rules. Mr. Furbee stated that at the Board's November 9, 2018 and December 14, 2018 meetings, it issued a Notice of Proposed Rulemaking for the new Rules referenced below. 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 November 8, 2018 and December 14, 2018 Notices of Proposed Rulemaking, attached to this agenda item in today's meeting agenda booklet.

The proposed changes to the new Rules were posted for the required thirty (30) day public comment period. The comments received, and the changes made in response, are detailed in the comment charts attached to this agenda item in today's meeting agenda booklet. Revised versions of the proposed rules incorporating the changes were also attached to the agenda item in question.

Mr. Furbee went over the BOG policies and proposed new rules in question listed below, along with the vetting process for each, as well as any comments received:

- BOG Policy 17 – Ethics (proposed to be amended as Governance Rule 1.4 – Ethics, Conflict of Interest, and Outside Consulting Arrangements);
- BOG Policy 54 – Rule on Identity Theft Detection and Prevention Program (proposed to be amended as Governance Rule 1.11 – Information Technology Resources and Governance); and
- BOG Policy 57 – Tobacco Free Policy (proposed to be amended as Finance and Administration Rule 5.6 – Tobacco and Smoke Free Campus)

Regarding proposed Governance Rule 1.4 – Ethics, Conflict of Interest, and Outside Consulting Arrangements, following a brief discussion, Lisa A. Martin moved that Rule 1.4 be approved with one small amendment, namely, that Section 2.3.3.1, relating to acceptance of honorariums, be amended to say through that section "Faculty, Non-Classified Staff, and Classified Staff" instead of just "Faculty and Non-Classified Staff." This amended motion was seconded by David Alvarez and passed.

Regarding proposed Rule 1.11 – Information Technology Resources and Governance, the same addresses more clearly the duties and scope of Information Technology.

Regarding proposed Rule 5.6 – Tobacco and Smoke Free Campus, the major theme deals with identification and enforcement contained in the previously approved policy. A smoking task force, with State and Local Relations Specialist, Rocco Fucillo, heading the same, provided many of the changes contained in today’s proposed rule. Mr. Furbee noted, however, that implementation will not take place after the rule is approved today, to provide ample time for the steering committee to continue work on the comprehensive communication and enforcement strategies embodied therein.

Following brief discussions, Thomas Flaherty moved that Governance Rule 1.11 – Information Technology Resources and Governance, and Finance and Administration Rule 5.6 – Tobacco and Smoke Free Campus be approved, as presented. The motion was seconded by Thomas Heywood and passed.

**BOARD PRESENTATION AND POSSIBLE ACTION:  
NOTICE OF PROPOSED RULEMAKING FOR CURRENT BOARD OF  
GOVERNORS POLICIES AND/OR RULES DESCRIBED BELOW**

Chairman Wilmoth called upon Deputy General Counsel, Gary G. Furbee, II, who provided an overview related to this Notice of Proposed Rulemaking. Mr. Furbee explained that 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 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.

Substantively, the proposed changes to the policy in question will result in additions, amendments, or repeals as set forth in detail in the table located in the Notice of Proposed Rulemaking, attached to this agenda item in today’s meeting agenda booklet. Mr. Furbee described the content of the proposed rule and the process involved in developing and vetting the same. The Board of Governors Policy and/or Rule involved cover:

- BOG Policy 4 – Travel (proposed to be amended as Finance and Administration Rule 5.8 – Travel; and,

- ROB Policy 42 – Procurement and Purchasing (proposed to be amended as Finance and Administration Rule 5.9 – Procurement)

Mr. Furbee described the vetting process involved with these proposed rules and covered the specific changes involved with each.

Following the issuance of the Notice of Proposed Rulemaking, the proposed changes to the Policy and Rule will be posted for the required thirty (30) day public comment period from February 11, 2019 through March 13, 2019. Any comments received will be summarized and presented to the board. Following any proposed changes, the final Rule will then be presented to the full board for review and approval.

Following a discussion among board members, it was decided that Finance and Administration Rule 5.8 – Travel, would not be up for consideration today as there appears to be more work that needs to be done in the development of this rule. Whereupon, David Alvarez moved that the Board of Governors approve the Notice of Proposed Rulemaking, as amended to include only proposed Finance and Administration Rule 5.9 – Procedure. Said motion was seconded by Taunja Willis Miller and passed.

### **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 Marty Becker, seconded by Ed Robinson and passed. Following the conclusion of Executive Session, Thomas Flaherty moved that the Board rise from Executive Session. This motion was seconded by David Alvarez and passed.

### **DISCUSSIONS/ACTIONS EMANATING FROM EXECUTIVE SESSION**

Chairman Wilmoth stated that there were no actions emanating from today's Executive Session discussions.



## APPROVAL OF MINUTES

Marty Becker moved that the minutes of the November 8, 2018 regular meeting and December 14, 2018 regular meeting be approved. The motion was seconded by Thomas Heywood and passed

## COMMITTEE REPORTS

**February 7, 2018 Audit Committee Meeting:** Audit Committee Chairman, David Alvarez, reported on yesterday's Audit Committee meeting - during which committee members received a report from the Chief Financial Officer, and then moved to executive session – wherein they received a report from WVU's General Counsel, and a report from the Director of Internal Audit. Chairman Alvarez advised that there were no actions emanating from said Executive Session.

**February 7, 2019 Academic Affairs and Accreditation Committee Meeting:** Thomas Heywood, chairman of this committee, reported that the committee received many reports and updates on R1 research status, online classes and other academic affairs, and that no board action was taken.

**February 7, 2019 Joint Finance and Facilities and Revitalization/Strategic Plans and Initiatives Committee Meeting:** Marty Becker, chairman of the Strategic Plans and Initiatives Committee, reported on this joint committee meeting, during which there were Execution Session discussions that an extensive agenda on a variety of topics, and that no board action was taken.

## PRESIDENT'S REPORT

President Gee offered the following comments:

**Maintaining Our R1 Ranking:** Our University continues to rank among the nation's top research institutions in the Carnegie Classification of Institutions of Higher Education. Just before winter break, Carnegie released its latest assessment, and our University continues to rank as an R1, or very high research activity, institution, the most elite category for research-focused schools. Only 130 of the nation's 4,500 colleges and universities attain this ranking. Getting to the top is easier than staying there. Repeating this honor is even more of an accomplishment than earning it for the first time in 2015.

**Energy Innovation Testimony:** Our high profile in research—specifically energy research—was on display yesterday in the nation’s capital. James Wood, interim director of the Energy Institute at West Virginia University, was part of a panel discussing U.S. energy innovation before the U.S. Senate Committee on Energy and Natural Resources. In his testimony, Dr. Wood outlined WVU’s work to improve existing coal-fired power generation, advance the storage and production of natural gas, and otherwise diversify America’s energy portfolio.

**Statewide Musical Talent Competition:** As a music lover, I am excited about a new statewide musical talent competition the College of Creative Arts is launching to promote the arts in our communities. Talent West Virginia, sponsored by WVU Medicine and WVU Health Systems, is open to West Virginia residents and college students attending a West Virginia institution. Not only will competitors have the chance to earn recognition, but students in our music industry program will gain the skills needed to produce a major talent competition.

**New Community Standards for Greek Recruitment:** Sorority and fraternity recruitment under new Reaching the Summit standards began this semester on the Morgantown campus. New standards include higher grade point averages for new members, a four-week new member educational period and a membership review for each chapter prior to entering the recruitment process. These changes, along with the deferred recruitment of first-year students which we adopted in 2015, are helping to create a more positive culture in fraternity and sorority communities.

**Estate Gift to the Statler College:** A \$2.3 million estate gift from the late Forrest Coontz will benefit students in the Statler College of Engineering and Mineral Resources. The gift will boost the already established and endowed Forrest & Barbara Coontz Scholarship. After serving in World War II, Forrest Coontz attended West Virginia University and then built a successful career with General Motors.

**Merry Ann Nehlen remembered:** Mountaineers mourned the passing of Merry Ann Nehlen, 82, wife of Hall of Fame coach Don Nehlen. She died January 28 following a long battle with Alzheimer's disease.

## INFORMATION ITEMS

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

## 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 no such request made, Thomas Flaherty moved that today's Consent Agenda be approved – with a notation that board member Taunja Willis Miller will recuse herself from voting on Consent Agenda Item 10 listed below. This motion was seconded by Elmer Coppoolse and passed.

Thereupon, the following Consent Agenda items were approved:

- 1. Approval of New Certificates: Graduate Certificates in Business Data Analysis, Business Data Science, Business Data Technology Management, and Business Operations Research**  
Resolved: That the West Virginia University Board of Governors approves the creation of four new Graduate Certificates within the John Chambers College of Business and Economics, as presented.
- 2. Approval of New Degree Programs and Majors in Linguistics, Spanish, and Teaching of English to Speakers of Other Languages (TESOL)**  
Resolved: That the West Virginia University Board of Governors approves the creation of new Master of Arts degree programs and majors in Linguistics, Spanish, and Teaching of English to Speakers of Other Languages (TESOL) in the Eberly College of Arts and Sciences.
- 3. Termination of Graduate Certificate Program: Information Assurance and Biometrics**  
Resolved: That the West Virginia University Board of Governors approves the termination of the Graduate Certificate in Information Assurance and Biometrics in the Benjamin M. Statler College of Engineering and Mineral Resources
- 4. Approval of New Degree: Health Sciences at Potomac State College of West Virginia University**  
Resolved: That the West Virginia University Board of Governors approves the creation of an AAS in Health Sciences at Potomac State College of West Virginia University.
- 5. Transitioning Athletic Training from a Program in the College of Physical Activity and Sport Sciences to a Division in the Department of Human Performance with Professional Programs within the School of Medicine**

Resolved: That the West Virginia University Board of Governors approves the transition of Athletic Training from a program in the College of Physical Activity and Sport Sciences to a Division in the Department of Human Performance with Professional Programs within the School of Medicine. (It is noted for the record that this should have been an Information Item on the February 8, 2019 meeting agenda – but was included instead as an item on the Consent Agenda.)

**6. Use of Ruby Farm by the West Virginia National Guard**

Resolved: That, pursuant to BOG Governance Rule 5.1, the West Virginia University Board of Governors approves the granting of a land use permit and license to the State of West Virginia, Adjutant General's Department, for the West Virginia National Guard to use the Ruby Farm, located in Reedsville, WV, for military training and maneuver purposes.

**7. Milan Puskar Center Home Team Locker Renovation**

Resolved: That the West Virginia University Board of Governors approves the design-phase for this project, namely the Milan Puskar Center Home Team Locker Renovation, as presented.

**8. Jackson's Mill STEM Building**

Resolved: That the West Virginia University Board of Governors approves the construction of this project with a total budget of \$1,400,000, as presented.

**9. Interim Appointment to the West Virginia University Health System Board of Directors**

Resolved: That the West Virginia University Board of Governors approves the appointment discussed in executive session to replace Rick Pill, on an interim basis, on the West Virginia University Health System Board of Directors

**10. Authorizing Resolution of the West Virginia University Board of Governors in connection with an Energy Savings Contract Phase 3D for the Downtown, Evansdale, and Health Sciences Center campuses of the University relating to a previously approved energy savings program being implemented through a Master Performance Contracting Agreement and financed through lease purchase financing in an amount not to exceed \$4,715,377**

Resolved: That the West Virginia University Board of Governors approves the entry of an Energy Savings Contract Phase 3D, as presented.

**11. Appointment to County Extension Committees**

Resolved: That the West Virginia University Board of Governors approves the nominees and alternates for positions on the County Extension Service Committees in West Virginia, as presented.

**ADJOURNMENT**

Chairman Wilmoth announced that the Board will conduct its next regular meeting on April 12, 2019 in Morgantown. There being no further business to come before the Board, Thomas Flaherty moved to adjourn the meeting. The motion was seconded by Marty Becker and passed. The meeting was adjourned at 10:50 a.m.

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Taunja Willis Miller, Secretary