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The Minutes of the Marshall University Board of Governors Meeting, June 25, 2020

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MINUTES
Marshall University Board of Governors
Teams Meeting/virtual
June 25, 2020

Present: James Bailes, Chairman; Shawn Ball, Tim Dagostine, James Farley, Patrick Farrell, Dan Holbrook, Carol Hurula, Christie Kinsey, Chris Miller, Bill Noe, Geoff Sheils, William Smith, Toney Stroud, Sandra Thomas, Gary White, Anna Williams

I. Call to Order

After determining a quorum was present, Chairman Bailes called the meeting to order.

II. Minutes Approval

Upon a motion by Mrs. Kinsey, seconded by Mr. Stroud, the Board approved the minutes for the regular meeting of April 23, 2020.

III. Committee of the Whole

Following are policies that were included for review for this meeting:

A) AA-15 Policy, Course Withdrawal

This policy was approved, as presented. Upon a motion by Mr. Smith, and Ms. Hurula, the following resolution was read.

Resolved, that the Marshall University Board of Governors approve Policy No. AA-15, Course Withdrawal with an effective date of July 16, 2020.

Motion carried.

B) AA-18 Policy, Equivalencies for College Teaching

This policy was returned to the Committee upon a motion by Dr. Holbrook, seconded by Mrs. Kinsey, to clarify the specifications of tenure.

C) AA-31 Policy, Emeritus Status of Retired Professionals

This policy was tabled and will be returned at a future meeting upon a motion by Dr. Holbrook, seconded by Mrs. Hurula.

D) AA-33 Policy, Plan for Meeting Financial Exigency

This policy was approved, as presented. Upon a motion by Mrs. Kinsey, seconded by Mrs. Hurula, the following resolution was read:

Resolved, that the Marshall University Board of Governors approve Policy No. AA-33, Plan for Meeting Financial Exigency, with an effective date of July 16, 2020.

Motion carried.

E) AA-XX Policy, Alternative Credentials for College Teaching

Thanked Dr. Pittenger for putting together this policy. This was determined to put a salary for outside academia and to handle the new program for aviation. This will be a separate policy; however, after discussion, upon a motion by Mr. Farrell, seconded by Mrs. Kinsey, and the policy was returned to the Academic Committee.

F) Final Approval of updated policies HR-10, Employee Infractions

Mr. McGuffey reported on this policy. The policy is approved, subject to the suggestion made that someone goes through and makes sure the typographical errors are corrected. Upon a motion by Mr. Stroud and seconded by Mr. White, the following resolution was read:

Resolved, that the Marshall University Board of Governors does hereby give final approval to Policy No. HR-10, Employee Infractions. The effective date of each will be June 25, 2020.

Motion Carried.

The other section of this agenda item, FA-11, Capital Project Management, was tabled until the next meeting.

G) Fall 2020 Health and Safety Measures

The Comprehensive Plan was submitted. Tracy Smith, Ginny Painter, Provost Jaime Taylor, Mistie Bibbee, Jim Terry, and Travis Bailey wrote the Plan in conjunction with Bruce Felder. There are three key areas. People, discussion of prevention; contract tracing; Student

Compliance, and travel, both international and domestic. Places, sanitizing, and protecting by wiping and having sanitization items available. This item was to be “cleaned up” and did not need to be returned to the Board. Upon a motion by Mr. Smith and seconded by Mr. Stroud, motion carried, the following resolution was read:

Resolved, that the Marshall University Board of Governors extends its support of the proposed Health and Safety Measures for fall 2020.

Motion carried, noting after the typographical errors are corrected.

H) Approval of Updated Policy No. SA-1, Student Rights and Responsibilities

Ms. Lisa Martin discussed the Code of Conduct and sections that need changed and/or added. If no major comments, this will pass and not bring back to the Board. Procedures will be added to enforce faculty authorizations. Upon a motion by Dr. Holbrook, seconded by Mr. Stroud, the following resolution was read:

Resolved, that the Marshall University Board of Governors does hereby approve Policy No. SA-1, Student Rights and Responsibilities, as revised.

Motion carried.

IV. Committee Reports

Finance, Audit, and Facilities Planning Committee

Mr. Sheils, Chair of the Committee, reported for the Finance Committee. Following are the action items:

A) **Nine months ended March 31, 2020, Financial/Budget Report**

Resolved, that the Board of Governors receives the Financial/Budget Updated Report for the eleven months ending March 31, 2020.

Upon a motion by Mr. Sheils, seconded by Mr. Stroud, motion carried.

Due to a few questions from Board Members, Dr. John Maher from MURC will be having a presentation to the Board regarding MURC operations and finances.

B) **Investment Earnings Update**

Resolved that the Marshall University Board of Governors receives the Investment Earnings report for the period ending May 31, 2020.

Upon a motion by Mr. Sheils, seconded by Mrs. Kinsey, the Board voted to accept the updated Investment report.

There was an additional agenda item regarding Agility and the proposed Investment Firm called Meketa Investments Ltd. Discussion regarding the notice of redemption was made at the last board meeting, which was done as a recommendation from the Investment Committee. The Investment Committee now recommends that the funds be moved to Meketa Investments Ltd. and request approval from the Board of Governors.

Resolved, that the Board of Governors, upon recommendation by the Investment Committee, hereby recommends that the funds in the account with Agility, be withdrawn and a new investment be made with Meketa Investments Ltd.

Upon a motion by Mr. Stroud, seconded by Mr. White, the Board approved this recommendation. Motion carried.

C) Room and Board Section of Marshall University Tuition and Fees for the Fiscal Year 2020-2021

Ms. Jacobs Jones gave a report regarding Fairfield Landing. She noted that there would be a marketing strategy introduced in the fall for the 20-21 semesters. The purpose of this change in the Room and Board Section of the MU Tuition and Fees is that Capstone has proposed to make available a limited number of single rooms with bath. University Housing & Residence Life supports this request. Fairfield Landing rates have been added to reflect the new rate on the section of the Tuition and Fees schedule.

Resolved, that the Marshall University Board of Governors approves the change of the Room and Board Section of the Marshall University Tuition and Fees for the Fiscal Year 2020-2021.

Upon a motion by Mr. Sheils, seconded by Dr. Holbrook, motion approved.

D) Schedule of Marshall University Tuition and Fees for the Fiscal Year 2020-2021

Mr. Robinson reported that mainly the Tuition and Fees schedule needs to be changed for the Physician Assistant Program which was approved by the Board on April 25, 2018. However, other additions needed also to be added to the schedule: Physician Assistant Program fees, FOIA fees decreased from \$1.00 to \$.50 per page, and a few other institutional fees.

Resolved, that the Marshall University Board of Governors approves the change of the Other Institutional Fees and addition of Physician Assistant Program sections of the Marshall University Tuition and Fees for the Fiscal Year 2020-2021.

Upon a motion by Mr. Sheils, seconded by Mr. Farley, motion carried.

E) FY 21 Proposed Budget Reductions

Mr. Robinson and Dr. Gilbert discussed the proposal of budget reductions and the recommendations of the Budget Work Group. After consideration of the report from the Budget Work Group, there are proposed reductions for the 2021 Fiscal Year due to COVID-19. Dr. Gilbert classified them as Level 1 Reductions and Level 2 Reductions. The Level 1 reductions are Campus-wide Salary Reductions, which are for employees whose salaries are \$100,000 or greater. This impacts about 140 employees. The reductions are temporary for a period of up to one year and will begin July 4, 2020. If Fall 2020 enrollment and tuition revenue decrease are such that additional savings are needed, Part 2 of the salary reductions, which include employees whose salaries are greater than \$50,000.00 and less than \$100,000. Level 2 reductions will be implemented based on an evaluation of fall enrollment and associated tuition revenue. If revenues are deemed sufficient, salaries could be reinstated to their previous levels before the end of the one-year temporary reduction period. This reduction will begin August 29, 2020, if necessary. If revenues are deemed sufficient, salaries could be reinstated to their previous levels before the end of the one-year temporary reduction period. Separately, the university funds to the athletic budget will be reduced by \$3.4 million.

Noted is Level 1 has total potential savings of \$14,746,000, and Level 2 has potential savings of \$11,700,000. We do not want to activate Level 2 unless it is needed.

The Budget Work Group did an excellent job. Dr. Gilbert wishes that these things were not necessary. However, they are, and we must proceed. As soon as the revenues are up, the salaries will be restored. This is a temporary fix to get us through this year. The report is added for reference as **Exhibit A** to these minutes.

Mr. Sheils said he asks for the support of the Board for Administration. After some clarifications from questions asked by Dr. Holbrook and further discussion, upon a motion by Mr. Farley, seconded by Mrs. Kinsey, the following resolution was passed:

Resolved, that the Marshall University Board of Governors extends its support of the Proposal for Budget Reductions for the 20201 Fiscal Year due to COVID-19.

Motion carried.

F) Proposed Marshall University Budget FY 2020-21

The proposed budget, which was presented for FY 21, incorporates the Level 1 budget reductions and half of the recommended reductions being reviewed by the Graduate Office and Graduate Council. When actual fall enrollments are known, an updated FY21 budget will be developed.

Mr. Sheils noted that it is important to pass a contingency budget.

Upon a motion by Mr. Farrell, seconded by Mr. Dagostine, the following resolution was passed.

Resolved, that the Marshall University Board of Governors authorizes 1st quarter spending in accordance with Dr. Gilbert's proposed budget for FY 2020-2021.

Motion carried.

G) FY 2021-26 Capital Budget Request

Discussion regarding the Capital Budget was included. The HEPC requires this and while we have a "wish list" by priority, the HEPC submits it to the WV Budget Office. The funding is through them.

Upon a motion by Mr. Sheils, it was seconded by Mrs. Kinsey, with opposition by Dr. Holbrook.

Resolved, that the Marshall University Board of Governors approve the attached FY 2021-26 Capital Project List.

Motion carried.

H) Restrictive Use Declaration with SWVA, Inc.

Steel of West Virginia owns property adjacent to Marshall University's Huntington, WV campus. Recently, Steel of WV requested that its property be rezoned to Heavy Industrial. Marshall University had objected to this rezoning as it was concerned that such a rezoning would, in the long term, have a negative impact upon our Campus. To address Marshall University's concerns, Steel of WV has agreed to execute a Restrictive Use Declaration with the University, that if they were sold or transferred to another entity that the property would not be used for any purpose that would violate Light Industrial regulations as defined by the City of Huntington zoning ordinances.

Upon a resolution by Mr. Sheils, seconded by Mr. Stroud, the Board adopted the following resolution:

Resolved, that the Marshall University Board of Governors authorizes the President of the University to execute the Restrictive Use Declaration.

Mr. Sheils asked for updates, and the following reported: Operations (Ms. Jacobs Jones); School of Medicine (Mrs. Hammers); Internal Audit (Mr. Chaffin); and Finance (Mr. Robinson)

Athletic Committee Report

Mr. Farrell said that the Athletic Committee met on June 24, 2020, via Teams.

Action items were as follows:

A) 2021 Athletics Budget

Upon a motion by Mrs. Kinsey, seconded by Mrs. Hurula, the following resolution was read, and the motion was carried.

Resolved, that the Marshall University Board of Governors does hereby authorize 1st quarter spending in accordance with Dr. Gilbert's proposed Athletic Budget for FY 2020-2021.

Athletics Department Employee Contracts

There were two, one-year contracts for coaches that were approved in the Committee Executive Session in accordance with GA-7. A motion was passed accepting these contracts in Committee. Upon a motion by Mrs. Kinsey, seconded by Mr. Miller, the following resolution was read for the Board's Approval:

Resolved, that the Marshall University Board of Governors does hereby approve the changes to the contracts presented to the Committee as directed in GA-7.

Mr. Farrell discussed the following Information Items:

- A) Contingencies in college athletics related to the pandemic and the impact of decisions of CUSA and NCAA related to COVID.
- B) FY 20 Actual vs. Planned Budget
- C) Athletic Department Strategic Plan Update – being worked on but is exasperated by COVID
- D) General Updates were given
- E) Compliance Reports were given
- F) Athletics Teams Updates were given

Academic and Student Affairs Committee

Mr. Farley, Chair of the Committee, presented on behalf of the Committee. The action items were as follows:

- A) Degree Change “BS in Safety Technology” to “BS in Occupational Safety and Health”

The name change best reflects the curriculum's content and direction, and the mission of the Division of Applied Science and Technology, and College of Information Technology and

Engineering. The name change will aid program graduates as prospective employers recognize and place higher esteem on graduates with a BS in Occupational Safety and Health.

Upon a motion by Mr. Toney, seconded by Mr. Farley, motion carried and the following resolution was read and unanimously approved:

Resolved, that the Marshall University Board of Governors approve the program name change.

Information items were given by Dr. Taylor for Academic Affairs, and Dr. Shapiro gave an update on the School of Medicine.

V. Executive Session under the authority of WV Code §6-9A-4

There was no Executive Session for this meeting.

VI. President's Report

Following are the highlights from Dr. Gilbert's report:

Dr. Gilbert talked about Anti-Racism and recommended reading "Just Mercy", which he is planning to use in making a book club on campus.

COVID-19. The campus plan is to keep safe. Planning all summer for the fall. All safety marks, social distancing, appropriate cleaning. Encouraged everyone to wash their hands a lot.

He elaborated on the cuts being made. Going full speed ahead for face to face classes.

Dr. Gilbert reminded the Board that the members of the Board are chosen by The Governor for a specified (in State Code) term. We have 5 total members whose terms are ending. Dr. Gilbert paid tribute virtually showing a gift of a desk clock with an inscription to the Board Members whose terms were over. He gave Mr. Bailes his clock in person, the others will be mailed. He recognized the service of Jim Bailes, Stephanie Rogner, Christie Kinsey, Tim Dagostine, and Gary White.

VII. Chairman Report

Chairman Bailes provided his closing remarks:

Mr. Bailes complimented Dr. Gilbert and other members of the Board of Governors. He gave a history of his tenure on the Board and also as Chairman for the past year for his alma mater. He gave some insight to the future referencing the complicated tasks ahead for continuing and new members. Through the leadership of President Gilbert and the sound judgement of this board, he felt the decisions made will be through discussion and debate and not influenced by the loudest forces or transitory popularity. Mr. Bailes virtually and officially passed the gavel to Chairman Farrell.

Chairman Farrell thanked and complimented Mr. Bailes. When we look at the board as it stands today, we are losing 36 years of collective experience. He thanked Mr. Bailes for his service as Chair and to the leaving Members, he noted appreciation for being such exemplary members and examples to all of us.

VIII. Adjournment

Upon a motion by Mr. Farley, seconded by Mr. White, the meeting was adjourned.