



# SUMMARY OF PROPOSED AMENDMENTS TO WVU BOARD OF GOVERNORS RULES

\*All of these proposed amendments will be recommended for Notice of Proposed Rulemaking at the May 17, 2023 BOG Meeting\*

Current BOG Rule	Proposed Action	Brief Description of Proposed Amendments
WVU BOG Tal. & Cult. Rule 3.9 – Reduction in Force	Amend & Approve	<ul style="list-style-type: none"> <li>• An amendment to Section 2.9 provides a clear reference to the legal requirements around Equal Opportunity and Affirmative Action.</li> <li>• Amendments to Sections 3.1 and 3.2 provide a clear reference to the legal requirements relating to notice periods.</li> <li>• An amendment to Section 4.2 removes the requirement that severance packages be paid in installments, which will allow the University more flexibility in designing and paying out severance packages.</li> <li>• Amendments to Section 4.3 would ensure that any waiver in a severance agreement releases the University as well as current and former agents, employees, board members, servants, and representatives and to add a clarifying cross-reference.</li> <li>• Amendments to Sections 5.1, 5.1.3, and 5.1.4 clarify that voluntary reductions in FTE or appointment length do not trigger the provisions of this Rule.</li> </ul>
WVU BOG Faculty Rule 4.7 – Reduction in Force	Amend & Approve	<ul style="list-style-type: none"> <li>• Amendments to Section 2.2 clarify that faculty should be involved in the academic review process which could lead to a RIF plan for that program, as opposed to the formulation of a specific RIF plan, to ensure faculty input early in the process.</li> <li>• Amendments to Section 3.1 first eliminate the affirmative obligation to offer a first right of refusal to a RIF'd faculty member of another faculty position that becomes vacant that the RIF'd faculty for which the faculty member is qualified. The amendments replace with that language with the fact that RIF'd faculty members are encouraged to apply for any new or opened positions through the normal University hiring process. Next, the amendments to this Section eliminate any potentially implied obligation of the University to re-train faculty members to be qualified for other faculty positions.</li> <li>• Amendments to Section 3.2 first clarify the Dean's role and the Provost's Office role in the creation of the RIF plan (i.e., that the Dean's Office and Provost's Office will work together to create the RIF plan for a program). Amendments to this Section also clarify that a RIF determination is made based upon a holistic assessment of the three factors: performance, knowledge and</li> </ul>

		<p>qualifications, and seniority. Finally, these amendments clarify that seniority will be calculated by the length of service as defined by the rules established for the calculation of years of service outlined in WVU BOG Tal. &amp; Cult. R. 3.7 – Annual Increment.</p> <ul style="list-style-type: none"> <li>• An amendment to Section 3.3 clarifies that all notifications will be communicated to Faculty through their WVU email account instead of regular mail.</li> <li>• An amendment to Section 3.5 is recommended as a clear reference to the legal requirements around Equal Opportunity and Affirmative Action.</li> <li>• An amendment to Section 4.1 is recommended to clarify the legal requirements around notice periods.</li> <li>• An amendment to Section 5.2 eliminates the following language: “Generally, the value of the severance package should be equivalent to one year of the Faculty Member’s annual base pay.” Amendment replaces that language with: “The amount of severance that a Faculty Member may be offered will be determined based upon a schedule approved by the Board.” The current language is permission and does not require the payment of a year’s severance. It also does not require any faculty feedback in setting the schedule. Under the new language, the faculty would have the opportunity through the public comment period to review and provide feedback to the severance package plan before it is approved by the Board.</li> <li>• An amendment to Section 5.2 also removes the requirement that severance packages be paid in installments, which will allow the University more flexibility in designing and paying out severance packages.</li> <li>• An amendment to Section 5.3 would ensure that any waiver in a severance agreement releases the University as well as current and former agents, employees, board members, servants, and representatives and to add a clarifying cross-reference.</li> <li>• A new Section 6.2 provides the definition of an “Affiliate,” which was previously absent from the Rule.</li> <li>• An amendment to Section 6.9 clarifies that Program Reduction may include reducing tenured, tenured-track, or certain faculty positions with multi-year contracts.</li> </ul>
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