

## REGULAR MEETING OF THE BOARD OF TRUSTEES OF WESTERN CAROLINA UNIVERSITY

John W. Bardo Fine & Performing Arts Center

September 4, 2020

The Board of Trustees of Western Carolina University met in regular session on September 4, 2020 in John W. Bardo Fine & Performing Arts Center. Chair Kinney called the meeting to order at 9:30 a.m.

### **ATTENDANCE**

Present from the Board: Chair Bryant Kinney, Mr. Bob Roberts, Mrs. Haden Boliek, Mrs. Becky Brown; Mr. Casey Cooper, Ms. Joyce Dugan, Mr. Tim Haskett, Mr. John Lupoli, Mr. Kenny Messer, Mr. Ken Hughes, Mrs. Kathy Greeley, Mrs. Rebecca Schlosser, and Mr. Dawson Spencer.

Present – Board of Governors Member, Phil Byers; Faculty and staff of Western Carolina University: Chancellor Kelli R. Brown; Dr. Richard Starnes, Interim Provost; Mr. Ben Pendry, Staff Senate Chair; Dr. Kadence Otto, Faculty Senate Chair; Mr. Neal Andrews, Alumni Association President; Dr. Melissa Wargo, Chief of Staff; Mr. Mike Byers, Vice Chancellor for Administration and Finance; Mrs. Lisa Gaetano, Internal Audit; Mr. Shea Browning, General Counsel; Mr. Bill Studenc, Chief Communications Officer; Ms. Jamie Raynor, Interim Vice Chancellor for Advancement; Dr. Sam Miller, Vice Chancellor for Student Affairs; Mr. Craig Fowler, Chief Information Officer; Mr. Alex Gary, Athletics Director; Mr. Brian Mullen, Chief Marketing & Communication Strategist; Dr. Cory Causby, Associate Vice Chancellor for Human Resources and Payroll; Ms. Myah Baird, Administrative Support Associate; Ms. Karen Woody, Budget Officer; Mr. Tim Metz, Assistant Vice Chancellor for Institutional Planning and Effectiveness and Ms. Jessica Woods, Assistant Secretary to the Board of Trustees.

### **WELCOME**

Chair Kinney welcomed and recognized Governor Phil Byers (WCU's BOG liaison), representing the Board of Governors to the September 4<sup>th</sup> BOT meeting. Chair Kinney also welcomed the Faculty and Staff Senate Chairs, Alumni Association President, as well as staff and faculty attending the meeting.

### **ROLL CALL**

Ms. Woods called the roll of the Board members in attendance. A quorum of the board was present.

### **ETHICS STATEMENT**

Mr. Kinney read the Ethics Statement as follows:

“As Chair of the Board of Trustees, it is my responsibility to remind all members of the Board of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflicts of interest as required by this Act. Each member has received the agenda and related information for this Board of Trustees’ meeting. If any Board member knows of any conflict of interest or appearance of conflict with respect to any matter coming before the Board of Trustees at this meeting, the conflict or appearance of conflict should be identified at this time.” **No conflicts of interest were disclosed.**

Chair Kinney reminded the board that the meeting was a public meeting and is being recorded, via the Zoom platform, and is being livestreamed.

### **APPROVAL OF MINUTES**

Chair Kinney asked for a motion to approve the minutes of the June 5, 2020 Regular Board meeting and June 29, 2020 Special Telephone meeting, and August 19, 2020 Special Telephone meeting. Mrs.

Schlosser made a motion to approve minutes. Mr. Messer seconded the motion. The minutes were unanimously approved.

### **COMMENTS FROM CHANCELLOR KELLI R. BROWN**

Chancellor Brown welcomed the Board of Trustees, Executive Council members, Faculty Senate and Staff Senate Chairs and Senators and thanked them for attending the Board of Trustees meeting. Chancellor Brown shared her appreciation for everyone's effort to help keep Western Carolina University moving forward, thanked everyone for their patience and understanding to hold the in-person meeting. Chancellor Brown also welcomed the university faculty and staff, members of the news media and others who attended the meeting both in-person and virtually. Chancellor Brown extended her appreciation to the faculty and staff for their formidable efforts to meet the challenge put before them this spring, summer, and fall to keep Western Carolina University running.

Chancellor Brown shared a COVID-19 update. Chancellor Brown shared that we saw our first cluster of COVID-10 cases this week. Chancellor Brown noted that Trustees heard details from each Executive Council member on fall operations on Thursday, but she wanted to highlight a few. Chancellor Brown shared that the updated COVID-19 dashboard now offers additional information about testing, positivity rates, isolation and quarantine. She shared that it provides a more in-depth look at how the pandemic is affecting the campus community, which helps us make decisions as we move forward. Chancellor Brown shared that we have placed signs campus wide for our Catamounts Care initiative – reminding everyone about proper and necessary safety measures to help faculty, staff and students stay healthy as we move through this semester. Chancellor Brown shared that thousands of bags of personal protective equipment were assembled, and each bag contained several WCU-branded reusable cloth masks, a large container of sanitizing wipes, a thermometer and a set of “Catamounts Care” guidelines. Chancellor Brown noted that the dining halls have been reconfigured to serve students quickly and to help ensure good physical distancing, with one-way foot traffic and well-marked signs. She mentioned that the Cat Tran shuttles are running at 50 percent capacity to allow for physical distancing and passengers and drivers are always required to wear face coverings. Chancellor Brown shared that we have implemented enhanced cleaning and sanitization processes throughout all academic buildings, residence halls, dining halls and Cat Tran shuttles.

Chancellor Brown also commented on the alerts of two different videos on social media recently involving a total of five WCU students making racial slurs. Chancellor Brown noted that we responded quickly and those students are no longer enrolled at WCU nor will they return. She shared that WCU students, faculty, staff, alumni, leaders and community members joined last week at our Central Plaza for the “Whee Unite March” against racism, in response to those videos, organized by members of the WCU football team.

Chancellor Brown shared an enrollment update and noted that out of the past 10 years, WCU has experienced an increase in total enrollment - about 0.62 percent, or 76 students from last year. She shared that WCU has a new record of 12,243 students enrolled for the 2020 fall semester — and an all-time high retention rate. Chancellor Brown mentioned that the growth in the WCU graduate student enrollment, this fall, was up about 1.65 percent and that factor in that increase is WCU's new master's degree program in experiential and outdoor education. Chancellor Brown congratulated Dr. Andrew Bobilya, director of the new experiential and outdoor education graduate program as well as the Deans of the College of Education and Allied Professions and the Graduate School, for the new program and increase in graduate student enrollment.

Chancellor Brown mentioned that the National Science Foundation awarded several members of our biology department a grant of \$517,282 and the money will be used to create a central and dedicated

location on the fifth floor of the new Tom Apodaca Science building for the university's herbarium that will showcase the herbarium's extensive collection of plant specimens and taxidermy specimens of birds and mammals. Chancellor Brown congratulated Dr. Kathy Matthews, director of the herbarium and the grant's principal investigator, and her co-investigators Dr. Luiz Silveira, Dr. Barbara Ballentine, and Dr. Aimee Rockhill. Chancellor Brown also mentioned that the Catamounts Care Ambassadors received funding from a partnership with the University of North Carolina Asheville to support healthy campuses during the COVID-19 pandemic.

Chancellor Brown noted that Forbes named WCU as one of the best places to work in North Carolina and out of the top 100 organizations to make the North Carolina list — WCU was ranked number 66. Chancellor Brown thanked all the faculty and staff who made this distinguished ranking possible. Chancellor Brown shared that WCU will be the site of the “Best in the West: North Carolina’s 11 Congressional District Forum” for those wanting to hear from the candidates running in that race. She shared that the event will include WCU’s own Dr. Chris Cooper and Dr. Edward Lopez, as well as Richard Sneed, principal chief of the Eastern Band of Cherokee Indians.

Chancellor Brown shared that the WCU Bardo Arts Center turns 15 this year, and that we will celebrate this milestone despite the effects of the pandemic. She noted that the Bardo Arts Center is offering an Interactive 360-degree Virtual Tour of the WCU Fine Art Museum exhibition: Cultivating Collections: Paintings, Ceramics, and Works by Latinx and Latin American Artists. She noted that the Bardo Arts Center is also offering a free streaming documentary film series to the campus and community covering topics such as racial bias and gender discrimination. Chancellor Brown also provided a legislative update. She shared that WCU will be prioritizing faculty and staff salaries, as we prepare for the upcoming legislative long session.

#### **COMMENTS FROM BOG MEMBER**

Phil Byers thanked the board for the opportunity to attend the BOT meeting. Governor Byers shared his appreciation and President Hans’ appreciation to Chancellor Brown and the Senior Leadership team. Governor Byers shared some messages to Chancellor Brown, Trustees, and faculty and staff from President Hans, Chair Ramsey, and Andrew Kelley. Governor Byers shared information from Drew Moretz and Public Relations board.

#### **COMMENTS FROM CHAIR BYRANT KINNEY**

Chair Kinney thanked Chancellor Brown for her Chancellor’s Report. Chair Kinney extended his thanks to the Chancellor’s office staff, event’s office team, Information Technology team, and University Communications and Marketing team for planning and preparing for the BOT meeting. Chair Kinney thanked the executive team, as well as the entire campus, for their efforts in making Western Carolina University an outstanding institution. Chair Kinney shared his belief that all aspects of the WCU campus are operating with excellence, during the challenging time in Higher Education, due to COVID-19. Chair Kinney recognized that there is simply no possible way to develop plans and operations to address the response to COVID-19 that will satisfy everyone, but shared that he is convinced that the executive team has done their best to work with students, staff and faculty, as well as the System administration, to open WCU in the safest, most productive way possible. He shared that the implementation of Catamounts Care and the transparency of the campus reporting dashboard are two examples. Chair Kinney noted that WCU is not through this challenge and things may change, but he knows that WCU has the leadership team that can manage those changes in the best possible manner.

Chair Kinney shared his appreciation for the efforts of leaders from the WCU Catamount football team, particularly Senior Donovan Spencer, as well as students from other organizations, when they demonstrated what a university can deliver to society when students graduate. Chair Kinney shared his

belief that WCU student leaders made a tremendous difference and congratulated them for organizing the Unity march.

Chair Kinney shared that the Chancellor's "virtual" swearing in was a great success. He thanked the folks that attended in-person and those who attended virtually. Chair Kinney congratulated and thanked everyone involved in the steam plant project and thanked the supporters in the legislature for all their help. Chair Kinney also thanked the legislators for funding NC Promise and enrollment growth. Chair Kinney shared his appreciation to the Trustees for their commitment to the university and willingness to jump in and offer their support, at any time.

#### **REPORT OF ACADEMIC AFFAIRS AND PERSONNEL COMMITTEE**

Chair Kinney recognized Mr. Lupoli to give the report of the Academic Affairs and Personnel Committee. The Academic Affairs and Personnel Committee reviewed several discussion and informational items. Dr. Starnes reviewed the Fall 2020 Instructional Plan implementation, acknowledging the faculty and staff, who completed a monumental amount of work to have campus ready for fall semester. Dr. Causby provided information on the UNC COVID-19 Special Leave Provisions and Workforce Percentages. As of August 17, 2020, 73.5% of WCU's staff total scheduled hours are working onsite and 11.8% are working 100% remotely. For faculty, 63.7% total scheduled hours are working onsite and 16.1% are working 100% remotely. Dr. Starnes shared information on faculty appointments, administrative appointments, and athletic appointments in TAB C-4.

#### **REPORT OF ADMINISTRATION, GOVERNANCE, AND TRUSTEESHIP COMMITTEE**

Chair Kinney recognized Mr. Roberts to give the report of the Administration, Governance, and Trusteeship Committee. The Administration, Governance, and Trusteeship Committee considered two action items, two items for discussion, and six information items.

The committee considered the nomination of Ann Summers as a new Foundation Director to replace the final two years of Becky Brown's term beginning October 1, 2020 and ending June 30, 2022, when she will be eligible for a three-year term of her own, as noted in Tab D-2 of the Trustee materials. She will serve in the class of 2022. The committee recommended the election of Ann Summers as the new Foundation Director to the full board of approval. The motion comes from committee and does not require a second. The nomination of Ann Summers as a new Foundation Director was unanimously approved.

The committee considered a Resolution – Regarding Southwestern Region Small Business Activator Hub in Tab D-3 of the Trustee materials. The committee recommended to the full board that they approve the proposed Resolution– Regarding Southwestern Region Small Business Activator Hub. The motion comes from committee and does not require a second. The Resolution– Regarding Southwestern Region Small Business Activator Hub was unanimously approved.

Mr. Roberts asked Mr. Spencer to give the SGA Report. Mr. Spencer shared updates on reopening and welcoming class of 2024 and provided an update on COVID-19. Mr. Spencer thanked Chancellor Brown and the senior administrators that were panelist for the SGA Town Hall that was scheduled on August 10<sup>th</sup>. Mr. Spencer thanked faculty and staff for all the work they have put in over the past six/seven months to make the best out of a difficult situation, due to COVID-19. Mr. Spencer shared information on SGA accomplishments including cabinet members, student survey, budget; and the goals/next steps for SGA, including Town Hall. Mr. Spencer shared information on the UNCASG activities. (SGA REPORT IS IN REPORT MATERIALS AND AGT MINUTES ON FILE).

Mr. Browning provided an update on the recent regulatory changes to Title IX. Ms. Gibson provided background and context to the current law and new rules Title IX is a gender equity law implemented by

the Department of Education. The Department of Education promulgates the rules implementing the law. Those rules were revised and published in April and they required modification to policies no later than August 14th. The Legal Counsel Office contains the Title IX Office and it is where the WCU Title IX Coordinator is housed.

Mr. Monteith presented a report of the condition of the Chancellor's residence which can be found in the Board of Trustees material under TAB D-4. Items completed at the residence were listed by Mr. Monteith. Members of the Chancellor's residence ad hoc committee: Bryant Kinney, Kathy Greeley, John Lupoli, Melissa Wargo, and Coleman Leopard conducted the walkthrough on September 3rd. Mr. Coleman Leopard listed projects which were in process such as the furniture re-upholstery project. Based on the inspection conducted on September 3rd, Mr. Monteith stated that the walkway should be replaced and new brick pavers to be installed.

Dr. Wargo introduced Mr. Brian Mullen, WCU's new Chief Mktg. & Communications Strategist. He stated he had prior experience at Lonestar College, Georgia Southern, Clemson, and the Smithsonian and that he is thrilled to be at WCU.

Ms. Meredith Whitfield provided a Legislative Update. Ms. Meredith Whitfield reported the Legislature was in session this week to allocate the remaining federal CARES money to the state. Since the federal government did not pass legislation clarifying whether we could use the funds for budget shortfall replacement, the state had \$903 million in funds it needed to allocate. Ms. Whitfield shared that last week the Governor proposed in his budget to give one-time bonuses to teachers and state employees, including University employees. The legislature took a different approach in their relief bill and chose to use \$440 million of the funds to send all households in North Carolina with parents of children 17 and younger a \$335 stimulus check to offset the costs associated with remote learning due to the pandemic. She shared that other items that directly affect the University system as a whole were \$5 million to the Board of Governors for COVID-19 testing, tracing, enforcement and health care services and \$13 million for funds to purchase PPE to be allocated to the institutions. The system had requested \$100 million to continue to support ongoing expenses related to COVID-19. Ms. Whitfield noted that after passing the relief bill this afternoon, the legislature adjourned for the year. Ms. Whitfield shared that several legislators, that we have strong relationships with are retiring and aren't running for reelection, and asked Trustees to contact them and thank them for their support to WCU, including Rep. Chuck McGrady, Rep. Josh Dobson, Rep. Michele Presnell, Rep. Craig Horn, Rep. John Fraley, and Senator Jim Davis. Ms. Joyce Carpenter shared the Board of Trustees Meeting Schedule for 2020-2021 (Tab D-5) with the committee. Please note the important dates of the regular Trustee meetings as well as the dates for commencement, which is scheduled for December 12-13, 2020.

Dr. Sam Miller reported on the Fall Census Summary, this information was sent to you via email from Ms. Jessica Woods. Dr. Miller shared that facts from the Fall Census Summary are reported to the UNC System on the 10th day of every school year. Dr. Miller mentioned that the overall head count of total enrollment was 12,243 on the 10th day of class and that new first-time, full-time freshmen dropped to 1,780 from 2,083. Dr. Miller said we saw a slight decline in transfer students down to 939 from 1,011 and small increases were noted in SAT and Undergraduate GPA. He mentioned the all-time record Freshman retention rate of 81.37%, significantly increased over last year.

Mr. Roberts noted that the committee was also provided two additional information items: Sports Sponsorship Student Document and FY Advancement Update. It was noted that in the fall of 2019, the Trustees asked WCU administration to conduct a feasibility study of adding a men's wrestling program. A consultant was hired to conduct the study and their final report is complete and is included in the Trustee materials in Tab D-6. It was noted that given the circumstances associated with the COVID-19 pandemic, WCU administration does not feel that the timing is conducive for the topic of adding sports to the athletic program. They offered the final report for information to the Trustees and will invite the

consultant back to make a presentation at a future date. The FY21 Advancement update was provided in the Board of Trustees material under TAB D-7.

### **REPORT OF FINANCE AND AUDIT COMMITTEE**

Chair Kinney recognized Mr. Messer to give the report of the Finance and Audit Committee. The Finance and Audit Committee discussed two action items and reviewed a few discussion items.

Mr. Messer shared that the committee heard from Mr. Mike Byers, who explained Western Carolina is prepared to issue special obligation bonds, the proceeds of which will be applied by WCU for the construction and equipping of the Lower Campus Residence Halls project on WCU's campus, as well as refinancing of existing debt for Courtyard Dining Hall. Mr. Messer shared that the refinancing is expected to result in savings estimated to be \$2.7 million. The Finance and Audit committee recommended the Resolution for the issuance of the Special Obligation Bonds as presented in Tab E-2 of the Trustee materials to the full board for approval. The motion comes from committee and does not require a second. The Resolution for the issuance of the Special Obligation Bonds was unanimously approved.

Mr. Messer shared that Mr. Craig Fowler presented the annual IT Update for 2019-2020 in Tab E-3 of the Trustee materials. The presentation covered WCU's information technology capability in the time of COVID, IT results for the past academic year, and IT objectives for 2020-2021. Mr. Fowler also included information on the performance metrics for the past year and the technical currency for learning spaces, the data center, networking, and internet bandwidth capacity.

Mr. Joe Walker presented a capital projects status report to include highlights from the Apodaca Science Building, the lower campus residence hall, the parking garage, and the steam plant. The full report on all capital projects is provided in Tab E-4 of the Trustee materials.

Mr. Messer shared that an Internal Audit update was provided in Tab E-5 of the Trustee materials. An Internal Audit Update was provided to the committee by Ms. Lisa Gaetano. She updated the committee on the audit plan that ended on June 30, 2020. Currently, there are 13 completed items and 9 items in progress. Currently, there are no adverse opinions or significant findings within the WCU R&D Corporation, The Corporation for Entrepreneurship and Innovation, The NC Arboretum Society, Forest Stewards, Inc, and the WCU Foundation. There are also no revealed material exceptions for the Bookstore or Intercollegiate Athletics.

### **STRATEGIC PLAN REPORT FOR 2020**

Chair Kinney recognized Mr. Tim Metz for the Strategic Plan Report for 2020. Mr. Metz discussed and presented on the 2019-20 highlights.

### **STAFF SENATE INFORMATION REPORT**

Chair Kinney recognized Mr. Pendry to give the Staff Senate Report. Mr. Pendry shared information on the 2020-21 Staff Senate Roster and Representation; Training Survey; Staff Senate Blog; Virtual Forums; Staff Senate Initiatives; Community Service Initiatives; Operational Excellence; and Employee Wellness opportunities and educational tools. (REPORT IS IN REPORT MATERIALS ON FILE).

### **FACULTY SENATE INFORMATION REPORT**

Chair Kinney recognized Dr. Otto to give the Faculty Senate Report. Dr. Otto shared information on Faculty Senate Initiatives, Campus Forums, and Resolutions. Dr. Otto shared information on upcoming

Campus Forum Series and Faculty Senate Working Initiatives. (REPORT IS IN REPORT MATERIALS ON FILE).

### **ALUMNI ASSOCIATION INFORMATION REPORT**

Chair Kinney recognized President Neal Andrews to give the Alumni Association Report. President Andrews gave an update on Virtual and Upcoming Opportunities offered by the Office of Alumni Engagement. He also shared information on Alumni Affinity Programs. (REPORT IS IN REPORT MATERIALS ON FILE.)

### **CLOSED SESSION**

Chair Kinney asked for a motion to go into closed session. Mr. Roberts made a motion to go into closed session to prevent the disclosure of privileged or confidential information, or information not considered a public record within the meaning of the NC Public Records Act; to protect the attorney-client privilege to discuss a legal issue; and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial appointment, of a public officer or employee or prospective officer or employee and to consider and give instructions concerning existing lawsuits as noted on the closed session agenda provided before the regular board meeting. The motion was seconded by Mr. Messer. The motion to go into Closed Session was unanimously approved by the board.

Chair Kinney asked Chancellor Brown and Mr. Browning to remain for the action item and litigation update. Chair Kinney asked Chancellor Brown, Mr. Browning, Dr. Miller, Dr. Wargo, Dr. Smith, and Mr. Eaves to remain for the first closed session discussion item. Chair Kinney asked Chancellor Brown, Mr. Browning, Ms. Raynor, Mr. Pendry, and Mr. Fowler, and Ms. Gibson to remain for the second closed session discussion item. Chancellor Brown remained for the final closed session item.

### **RESUMPTION OF OPEN SESSION**

Chair Kinney asked for a motion to return to open session. Mr. Cooper made the motion to return to open session. The motion was seconded by Mr. Hughes. The board unanimously approved to return to Open Session.

### **ADJOURNMENT**

Chair Kinney asked for a motion and a second to adjourn. Motion to adjourn from Mr. Messer and a second from Mrs. Schlosser. The motion was unanimously approved by board.

The meeting was adjourned at 12:00 p.m.