

**West Liberty University  
Board of Governors**

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**Minutes**

**August 19, 2009**

Attendance:

Beverly Burke, Richard Carter, Lynne Exley, Brian Joseph, Roseanna Keller, Paul Limbert, Shane Stack, James Stultz, Michael Turrentine

Unable to Attend:

Michael Stolarczyk

Administration/Faculty/Staff:

Robin Capehart, Scott Cook, John Davis, Mary Ann Edwards, John Gompers, Donna Lukich, John McCullough, Brian Warmuth, Jack Wright

**1. Call to Order:**

Chair Joseph called the meeting to order at 5:05 p.m.

**2. Chairperson Comments:**

Chair Joseph informed the Board that John Larch has stepped down from the Board of Governors.

**3. Approval of Minutes\*:**

Chair Joseph asked for a motion to approve the minutes of the full Board of June 10, 2009.

**A motion to approve the minutes of the full Board of June 10, 2009 was then made by Jim Stultz and seconded by Lynne Exley; motion passed unanimously.**

Chair Joseph asked for a motion to approve the Executive Committee minutes of August 5, 2009.

**A motion to approve the minutes of the Executive Committee of August 5, 2009 was then made by Lynne Exley and seconded by Richard Carter; motion passed unanimously.**

**4. Approval of Reports\*:**

Chair Joseph asked for a motion to approve the reports. Lynne Exley stated that she had questions regarding some of the reports but doesn't see the people she wanted to ask in attendance; J.D. Carpenter for example. She wanted to ask him if she could help in any way and was impressed with his report, especially to ask about his experience with Donna Shalala. She stated a lot of exceptional things are going on at the University and his report was interesting reading.

Mike Turrentine stated that it was extremely helpful for both him and Beverly Burke when the president was providing written information to the Board for his report. When he and Beverly do their reports to their constituent groups it's easier to provide correct and accurate information from his report. President Capehart apologized for not providing this information in writing at recent meetings and will go back to including a written report in the Board packet. He will also be updating his blog site.

**A motion to approve the reports submitted by Enrollment Services, Provost, Division of Student Affairs, and Office of Development, was then made by Mike Turrentine and seconded by Roseanna Keller; motion passed unanimously.**

**5. Expulsion Notification Resolution\*:**

Mr. Davis stated that the Expulsion Notification Resolution is an item for final action at this Board meeting not for dissemination for 30-day comment; the item was mislabeled on the Agenda. The next two items of business on the Agenda are for 30-day comment. Jim Stultz stated that maybe this is the way it has to be, but it seemed strange to him that if the State mandates everybody should have this notification process in place, why we have to spend the time and effort of going through this process and not just do what the State says.

President Capehart stated that, over the years, institutions were managed by Charleston and later by individual advisory boards and now by governing boards. He said that, with this control swinging back and forth so much over the years, many policies and procedures have been generated by cutting and pasting Charleston's rules and regulations. The president indicated that Mr. Davis had consulted with HEPC general counsel Bruce Walker and was advised that HEPC envisioned all along that the governing boards would demonstrate initiative by developing and implementing their own policy language. Mr. Capehart noted that, of course, policies are drafted by members of President's Council.

Shane Stack asked if this resolution is out for 30-day comment. Mr. Davis reiterated that the item was mislabeled on the Agenda and is not a policy, just a directive that the Registrar's Office cannot implement until the Board says so. Mr. Davis explained that HEPC has had its own policy that required the sister institutions to notify other sister institutions when they expelled a student. HEPC now has decided to delegate this authority to each governing board. Mr. Davis added that, in his view, it is unimaginable that any college or university would decide that they didn't want to provide such notice to institutions that might consider accepting a student who'd been expelled. There are obvious liability consequences involved. For example, if West Liberty University had a student who sexually assaulted a woman, and the judicial board expelled the student, but the registrar didn't note the expulsion in the student's official record, the University easily could be sued if that student went to another institution and raped a woman. Not only could that woman (the second victim) sue WLU, but the second institution could sue WLU. A first-year law student could win such a case. This resolution needs the Board's vote. It is not a policy; it is a directive to the Registrar's Office to keep doing what they have been doing. Mr. Davis asked Scott Cook to comment regarding the Registrar's current practices in this regard.

Mr. Cook stated that he has had some discussions this summer with HEPC concerning documentation and notification of a student's expulsion. He said that, as Mr. Davis had stated, the notification obligation is no longer an HEPC matter as it has been delegated to the various governing boards and their respective institutions, i.e. notification when an expelled student seeks to transfer and requests a transcript. Mr. Cook said that we, WLU, certainly would want to know if a transfer applicant had been expelled elsewhere. He added that other institutions' registrars use forms that clearly state whether or not a prospective transfer student is eligible for re-admission to the original institution. If a student is expelled from West Liberty University, we do notify inquiring institutions that the individual is not eligible to return to WLU. In such cases, the other institution can inquire about the details of the expulsion by contacting the Office of Student Affairs.

Beverly Burke asked if this was just for students in the State of West Virginia. If a student would apply out-of-state are we not required to put the expulsion on the transcript? Mr. Cook stated that we are only required to notify sister institutions. Ms. Exley asked if we would still be liable if we did not put the expulsion notification on for an out-of-state institution. Mr. Cook stated that most institutions have a clearance form that they require the schools to fill out. We have a transfer clearance form which we require all transfer students to have completed. Ms. Keller asked if, on this form, they are asking us about a student's previous attendance, and through this form we would be notifying them why a student left and whether they are eligible to return. Mr. Cook said, "yes." If the form comes back that a student is not eligible to return to their previous institution it is forwarded to Dr. Carpenter to review the reason.

Mr. Davis stated that a student from a local private institution recently wanted to transfer to West Liberty. In the course of business, the transfer clearance form was sent to that institution to ascertain whether the individual was eligible to return to that institution. The answer was, "no." Mr. Davis explained that Mr. Cook looked into the situation and learned that the student had several problems with drugs at the former institution. WLU did not accept the student for transfer. Mr. Davis commented that it is not in the University's best interests to have such students here.

Mike Turrentine stated that he had previously served on the judicial board and thought that there was something in place back then, more of an informal request from an institution, but did we still have something in place? Dr. McCullough stated that Policy Bulletin #57 was what we had previously followed. In order to continue these notifications we were informed that the Board would have to approve this action. Tonight's action would be in lieu of Policy Bulletin #57.

Jim Stultz asked, in reference to a student being expelled from other institutions and not being able to be admitted, "Is this forever?" Shane Stack also asked for this clarification. Mr. Davis stated that, about a year ago, the University tightened its admission requirements to bar students who'd been expelled for non-academic reasons. With the president's consent, Mr. Davis revised procedural language relating to the disciplinary process to accomplish this. He added that this step was taken to bar drug felons, sex offenders, etc. who'd been expelled from other institutions – public or private - or from WLU. Mr. Cook explained that a student who

has been expelled or suspended for academic reasons, can raise his/her GPA and be admitted or readmitted to West Liberty.

Mr. Stultz stated that this seemed overly harsh to him. There are physicians of prominence, nurses, and other professionals who have lost their license and denied private practice because of drug-related issues. There is a remedial process through rehab with the possibility of reinstatement to be allowed to practice in these areas again; people can change. If a 17-year-old screws up, at 32 they may have learned from that experience and become a better person. Mr. Cook stated that we are being asked to notify the institutions of the expulsion; what action the other institution takes is up to them. Mr. Davis added that the University doesn't keep expelled students (those expelled for non-academic reasons) from finishing their education; we just preclude them from finishing it here since it's not in the best interests of our law-abiding students to have certain kinds of individuals on campus. Mr. Stultz said that he can appreciate and support this action but has reservations about an expelled student not being eligible for admission or readmission.

Mr. Turrentine stated that, from his experience serving on the judicial board, he can reassure the Board of Governors that expulsion is not a sanction handed down lightly. The judicial board expels students only in extreme cases.

**A motion to approve the West Liberty University Board of Governors requiring the Registrar to notify West Virginia public institutions of higher education when the University expels a student was then made by Paul Limbert and seconded by Roseanna Keller; motion passed unanimously. Such notification shall be in writing and attached to the student's official transcript.**

**6. Classified Staff Salary Administration Resolution – 30-Day Comment\*:**

Mr. Warmuth stated that this discussion is similar to the discussion that has already occurred regarding policies. The Classified Staff Salary Scale at West Liberty University has been fully funded since July 1, 2008. We have been following the same rules and regulations to administer the scale, but we have never had a written policy. Margaret Buttrick, Human Resources Administrator with the HEPC, said we should have a policy. West Virginia State code also states that this is a policy West Liberty should have and that we should outline and adopt a policy to give us guidance on how we administer the salary policy.

Mrs. Burke asked if any part of this policy is coming out of the three-year personnel study that was done involving the classified staff personnel. This study was, for the most part, completed in December 2008. This was a very involved study for three years, but the legislature decided to table the entire study during the legislative session following its completion. Mr. Warmuth stated that this policy is in no way connected with the Personnel Study. Mrs. Burke also asked if the legislature comes back and passes something from the Personnel Study, can it be reviewed with our policy and revised. Classified Staff Council will want to review this policy, but we have also been waiting for something to happen on the Personnel Study. Mr. Warmuth stated that this policy contains nothing that we haven't already been doing for years; we're simply putting something down on paper now that the scale is fully funded. Some difference in what we do now and what we have been doing before would be for those classified employees beyond step 15. This policy would allow movement for those employees.

**A motion that the West Liberty University Board of Governors approves the dissemination of the new Classified Staff Salary Administration policy to constituent groups for review and comment was then made by Mike Turrentine and seconded by Paul Limbert; motion passed unanimously.**

**7. Board of Governors Policy No. 3 – Program Review – 30-Day Comment\*:**

Dr. Lukich stated that we have had Policy No. 3 – Program Review, since West Liberty adopted a series of HEPC policies a few years back. The policy is brought before the Board to edit this policy to incorporate changes made in Series 10 from the HEPC. The changes are not dramatic but will bring West Liberty in line with the HEPC guidelines. This is very much a policy that directs the writing of the program review which is done annually with the Board. Lynne Exley and Jim Stultz have participated in the annual review. Allowing this policy to be disseminated for 30-day review will help us to continue the schedule for program reviews as directed by the Commission.

Mrs. Keller asked with regard to Section 3.5 – Program review process must be accomplished within the limits of available staff and resources; can you ask for an extension, depending on the circumstances? Dr. Lukich stated that this section of the policy means that we should not try to make a case for hiring additional individuals at the institution because we say we need more help to get this job done. That was Mrs. Keller's understanding, too.

**A motion that the West Liberty University Board of Governors approves the dissemination of the draft revised policy "Program Review" to constituent groups for review and comment for 30 days was then made by Roseanna Keller and seconded by Lynne Exley; motion passed unanimously.**

#### **8. President's Report:**

President Capehart stated that members may have heard some of this information previously, but asked that Jack Wright first give an overview of West Liberty's finances, which have been very positive over the course of the year.

Mr. Wright stated that he received an unaudited fourth quarter statement dated June 30, 2009 which was reviewed today at the Finance Committee meeting. All of the positive items on the statement have improved from last year and cash is up \$150,000 with total assets up \$1.4 million. Brian Trischler, the outside auditor with Costanzo & Associates, attended the Finance Committee and stated that this statement is almost a mirror image of last year, which was a good year. Mr. Wright stated he would be glad to answer any questions, but generally speaking all of the indicators are positive. There was not much change this year and we have a good base to work from going into the year 2010. Mr. Wright added that the Board did approve a budget that went down state and was approved by the HEPC. This was a break-even budget for 2010; unfortunately, after the budget had been approved by everybody the State changed some of their methods of calculating other employee benefits and added \$480,000 in unfunded benefits. The increase in students should cover this \$500,000 but we won't know until October 1<sup>st</sup> when Scott Cook has filed his final report of what we actually call students.

The HEPC has approved the science building and we are deciding when we are going to get started. No money has been released at this time so what we spend is our money and we will spend prudently.

We understand the Physicians Assistant Program is coming on board; this is not an expensive program and we have planned for and built the program into the budget. The Highlands Center was also built into the budget. Currently there is some revenue coming in from the Highlands, but based on last years Warwood enrollment, the first year is to some degree going to be financially strained.

Getting out of the Warwood Center by September 1st hasn't been as easy as we expected. The HEPC is moving quickly on the sale of the building, but the money does not go to the University. The money will go back to Charleston and we will petition for the return of the money. The HEPC has informed us that if a special session is called by the legislature this should be approved in that session. The total amount would be \$154,000 after taxes and all other fees that would come back to West Liberty.

Mr. Wright stated that other than these items everything is running pretty much as we planned. We have had a big boost in enrollment. In-state enrollment is up tremendously, we're holding our own in the metro areas, and down in out-of-state enrollment. Like any other company, if sales are up substantially it's going to make a big difference in your plus position.

President Capehart stated that last year we saw a significant increase in money for scholarships; we undertook campus paving projects, increased faculty and staff development, student life funding, and salary increases. We had a loss of \$200,000 in interest with the market fall, but even with all of the increases, we still ended up with cash being about \$200,000 over at the end of the year. If you look at this holistically, investments were made in a number of these areas and our figures show we're making investments and getting a good return in terms of enrollment. We hired two new regional representatives in the area of Enrollment Services to go out and live and recruit students in two different parts of the State.

The ribbon cutting ceremony for The Highlands Center will be held Thursday, August 27, 2009 at 1:30 p.m. Governor Manchin will be on hand to say a few words and do the honor of cutting the ribbon. President Capehart invited everyone to attend the ceremony.

Mr. Wright continued with a discussion regarding the SMART-Center by the Board of Governors Executive Committee. He presented a series of figures to the Committee which shows that West Liberty could estimate a \$120,000 to \$130,000 loss at the SMART-Center. Richard Carter indicated that local schools are not taking advantage of this program as they had done in the past. For a variety of reasons, the SMART-Center will close as of August 31, 2009. The Handle on Science, which benefits local schools and WLU in terms of training for instructors, will continue to be funded. The SMART-Center lost about \$775,000 and we cannot perpetuate that program. This was a difficult decision but we saw the evidence that we had to redirect these funds. Educating our students is the first priority. The Handle on Science continues to benefit our students. Mr. Wright asked if there were any questions regarding the SMART-Center.

Chair Joseph asked if the SMART-Center was moving elsewhere and what would be done with the equipment. Mr. Wright stated that we have the right to auction off the equipment, although the equipment would not make for a good auction. He also stated that we could give the equipment to another state agency or send it down to the surplus center. We have been working with RESA 6 and George Krelis and also with the Ohio County school system and Dianna Vargo. Both have said the equipment they already have in place is better than what we have at the Warwood Center. Our next step is to start with Wetzel County and others to see if they could use this equipment. The conclusion may be that we will have to rent the building for another month from the new owner and go through a State auction, which requires us to advertise, sealed bids, etc. and it could end up that the people that currently run the SMART-Center could bid a dollar and end up with all of the equipment. Roseanna Keller stated that Bayer had donated lab equipment to Wetzel County a few years back and they took it and were grateful to get it. We should try Wetzel County and Tyler County to follow. If any area could send trucks to pick up the equipment we would load it for them. Running the ads for an auction would cost more than what we would actually get out of the auction. We can legally give the equipment to any State school board.

Mr. Wright also stated that he and others really made an effort to work with the SMART-Center to make it profitable. It was suggested it be moved to the Consol property but the people who run the Center flatly rejected this suggestion. Oglebay Institute and the Schrader Center, since there is a science center partnership there, were contacted and they were not interested.

President Capehart moved on with an update on the new Science Center. When the HEPC last year issued their strategic plan there was a heavy element on Science and Math. This is something that has obviously been a strength at West Liberty with the Nursing, Dental Hygiene, and upcoming PA Program; we aligned ourselves with what the HEPC wanted us to do. We were a little surprised when the HEPC came back and issued their list of projects to be funded. With our commitment to expand in the master's area, Nursing, Physicians Assistant, and Anesthesiology, those are the types of health care sciences that the State and HEPC want to see expanded. The award came in at \$15 million, although we wanted \$16 million. There is also a rehab list for existing facilities and WLU was the only University on each list. Through the bonding process we should receive approximately \$11.25 million and the Development Office will work toward generating enough to finish the building. Equipping the building will be at a significantly higher cost; from \$15 to \$20 million.

Mr. Turrentine asked what the time period we envision or when the project would start. President Capehart stated that in the next 12 to 18 months, with the bonds selling in the spring, we could be in a position to talk with architects and started by 2012. We should be able to get started on core samples and the location of the building before the bonds are sold. Mr. Turrentine asked if the Physicians Assistant Program will be able to begin before the new Science Center is complete. President Capehart stated that the program is not dependent on the new building, but does make the program more attractive. We received word today that we had an individual accept as director of the Physicians Assistant Program. This person has started two different programs. We needed to make sure we have someone who can get a masters program moving that is accredited. It appears we are headed in the right direction with a second individual who will work with the director to get the program up and running. Accreditation is scheduled for June 2010.

Ms. Exley noted with the new building and our gorgeous campus that she would like an assurance that nothing will be built in the common area between Main Hall and College Hall. The way the campus is set up we receive an astonishing amount of comments on the attractiveness of this area. President Capehart assured that the new building will not be constructed in the quadrangle.

Mr. Wright gave an update on discussions with Federal Marshalls regarding the Roadworthy property. West Liberty was contacted to see if we had an interest in taking over the property, running it, absorb the expenses and keep the revenue until the court case is over. Having spoken with Vic Greco, who designed the main building and log cabins, Vic estimates the total cost of what went into the entire place to be \$3 million. Taxes on the property are \$14,000 and insurance at \$6,000. We offered to take it for a management fee, do security and maintenance checks, and employ anyone doing this work, keep records and logs, all subject to Board of Governor approval. Mr. Wright spoke at length on the risk, disassembling the buildings, gas rights, etc. All-in-all it is a nice piece of property with 38 acres. We would need to put together a plan, what the Board would even want to consider paying for the property, and put in a bid when the time comes. It is estimated that this case may go on anywhere from four months to two years. Nobody is tending to the property at this point. Ms. Keller stated that Bayer owned a 14 acre retreat at one time. It was sold to a private individual. She asked if it would be worth while to enter into an agreement with the fee applied toward the purchase. Mr. Wright stated that at this time it is not high on WLU's priority list.

President Capehart announced that the official ribbon cutting ceremony for The Highlands Center will be on August 27<sup>th</sup> with the Governor in attendance. Also, this Friday at 4:00 p.m. we are trying to bring back or create traditions as a University. We will have a matriculation ceremony and somewhat of a welcome for our incoming freshmen class. This idea came out of J. D. Carpenter's office last year, but we waited until becoming a University to start this tradition. This is a good opportunity for us to basically impress upon the freshmen that they are a part of something, not just going to class. The incoming freshmen will sign a book and the entire ceremony should run about 45 minutes. This will also be an investiture ceremony for new faculty members.

President Capehart stated that the \$500 bonus for State employees that has been in the paper went down in flames. It is his understanding that the Governor plans to work out problems with the House and bring it up again in special session next month.

Mr. Cook gave an update on enrollment figures. Currently we are 4.7% ahead at this same time last year. We have stayed 4% to 6% ahead of numbers this time last year all summer. These numbers exceed what we projected for the budget, which is based on 2,243 students. The freshmen class, which we normally lose some students during the first three to four weeks, is at 607 students. This is the largest freshmen class since 1977. This is also the fourth straight year with an increase in in-state students, but we are down in out-of-state students, which we attribute to the economy. There is a process in place of tracking students who do not reenroll, and the common reason we are hearing is finances. A second group of graduate students were enrolled five days ago which should top us out at 2,600 students this fall. President Capehart stated that Scott's offices deserve a great deal of credit in these times, with the drop in high school students the student pool is going down and our numbers are going up due to much of what his office has done.

President Capehart stated that fundraising is up 10% in a year when the market and economic problems facing most Americans in this area was going down. 50% of non-profits in this country saw the same or less money coming in during the course of the year.

The President stated that the softball field is underway and should be about finished. The dugouts were recently completed and it's shaping up to be a very nice facility. The softball team and coach are very happy and they won't be playing in the cemetery anymore.

Ms. Exley added that if you haven't planned to yet, talk with Mary Ann about attending the Board of Governors Summit to be held this weekend. The summit is Friday and Saturday and hosted by Chancellor Noland. It's a wonderful and informative experience; the summit is short but offers good information.

Mr. Turrentine asked if there is any indication of any capital improvement projects, what we're looking at, and what we are putting our finances toward. Mr. Wright stated that the parking lot behind Hughes Hall will be paved, the roof on Blatnik Hall will be repaired, a sprinkler system update in College Hall, a generator for Blatnik Hall, and additional lighting on campus. There will also be concrete work with repairs to existing concrete areas and refurbishing faculty houses as people move out. We have been investing \$2,500 each in these houses and have three houses yet to be refurbished.

Mr. Wright stated that Beta Hall is complete and open this year. With the numbers we're looking at and students wanting single rooms we are going to need to start taking a serious look at campus housing.

**9. Adjournment:**

The meeting adjourned at 6:25 p.m.

Brian Joseph \_\_\_\_\_  
Chair

Richard Carter \_\_\_\_\_  
Secretary