

**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS**

**December 7, 2011
5:00 p.m.
R. Emmett Boyle Conference Center**

AGENDA

1. Call to Order
2. Chairperson Comments
3. Swearing in of New Board Member
4. Consent Agenda* 5 Min
 - a. Minutes of the Full Board 10/12/11
 - b. Minutes of the Executive Committee 09/28/11
 - c. Prall Cemetery Lease
 - d. Honorary Degree
 - e. Repeal of Policy 12 – Publications
 - f. Repeal of Policy 52 – Public Relations Representative
 - g. Update of Policy 27 – Order of Responsibility
5. Informational Items:
 - a. Faculty Senate Update 30 Min
 - b. President's Report 15 Min
 - c. Elevation of Certain Departments to Schools 10 Min
 - d. Human Resources Update 20 Min
6. Action Items:
 - a. Health Sciences Building 4th Floor* 10 Min
 - b. Bachelor of Science in Athletic Training Degree Program* 15 Min
7. Adjournment

*Action Items

**West Liberty University
Board of Governors**

**Minutes
October 12, 2011**

Attendance:

Beverly Burke, Richard Carter, George Couch, Paul Limbert, Rob Marks, David Syrylo, Ann Thomas, Carrie White

Unable to Attend:

Brian Joseph, Patrick Kelly, Robert Steptoe, Michael Stolarczyk

Administration/Faculty/Staff:

Robin Capehart, John Davis, Mary Ann Edwards, John Gompers, Tony Koyzis, John McCullough, Jack Wright, Susan Herrick, Rosey Miller, Terry Wallace

1. Call to Order:

Vice Chair Carter called the meeting to order at 5:24 p.m.

2. Swearing in New Board Member:

Vice Chair Carter issued the Oath of Office to Edward "Rob" Marks. Dr. Marks is associated with Wheeling Hospital.

3. Chairperson Comments:

None.

4. Approval of Minutes*:

Full Board	Executive Committee
08/17/11	08/03/11

Vice Chair Carter asked if there were any additions or correction to the listed minutes of the full Board of August 17, 2011 or the August 3, 2011 minutes of the Executive Committee. There being none he asked for a motion to approve said minutes.

A motion that the West Liberty University Board of Governors approve the minutes of the full Board of August 17, 2011 and the Executive Committee of August 3, 2011 was then made by Paul Limbert and seconded by Ann Thomas; motion passed unanimously.

5. Annexation of University Property by Town of West Liberty*:

Mr. Davis stated that most of the Board members will recall that this item, Annexation of University property by the Town of West Liberty, was on the agenda in February as an information item. President Capehart and Mr. Davis presented the item and answered questions. State Code requires that if a town wants to annex the property of an institution there has to be authorization by the Board of Governors; this is why they are on the agenda tonight. West Liberty Mayor Rosey Miller is present this evening and would be glad to answer any questions. The reason for the annexation is pretty straight forward; the town's principal interest is the opportunity to increase the population. With the increased population the town will have the opportunity to apply for and get larger and more grants, and also have a share in a larger portion of West Virginia lottery proceeds. President Capehart stated that this is a good opportunity for us in building a relationship with the town. The normal concerns with annexation are not a problem to WLU to a great degree because we are tax exempt. Annexation will give the town the ability to increase revenue, which will help with water, sewage and town improvements; all of which are extremely important. Mr. Couch asked if the annexation will make students eligible to vote, to which President Capehart stated yes, if they're registered. Mr. Davis stated that there are 1,300 resident students who are an enumerated part of the population if annexed. West Liberty is the only institution in the State left within city limits of a town that is not annexed. Vice Chair Carter asked if there were any other questions.

A motion that the West Liberty University Board of Governors will authorize the University administration to petition the West Liberty, WV Town Council to annex all University property; moreover, the Board will authorize the president to sign the necessary annexation documents was then made by Paul Limbert and seconded by Beverly Burke; motion passed unanimously.

6. Proposal to Repeal Policy 12 – 30-Day Comment*:

Mr. Davis stated that as Board members are aware, President Capehart has a keen interest to get the Board policies, 54 total, updated. In going through this process it was noticed that there are two policies, as noted on the agenda, policies 12 and 52, which are outdated and no longer necessary. This is the first time in eight years of involvement in Board work that we have actually had policies come to the Board for repeal. The proposals are straight forward; 12 deals with Publications, which is outdated and refers to something called the Office of College Relations and Marketing which no longer exists. As a practical matter on how items get generated, published and put on the website on this campus is not, in the president's estimation or Mr. Davis', a policy matter and ought not have been a policy in the first place. If the Board passes this resolution, Policy 12 and the resolution to repeal will be put out for comment and all the usual constituent groups will have the option to comment. Mr. Davis asked if there were any questions. Mrs. Burke stated that while she agreed this should not be policy, should something like this be in the college procedure manual. Mr. Carter stated that we are kind of strapped because it is currently a Board policy and supersedes the procedure manual. By repealing this policy we will be able to create a procedure that is more consistent. Mr. Carter asked if by repealing these policies we won't be in violation of policies we currently have on file, to which Mr. Davis stated "yes." Mr. Carter stated that this is why it's good at times to do what we are doing; going through the policies to make certain they are relevant. That being said, Mr. Carter asked for a motion to put out for 30-day comment the repeal of policies 12 and 52.

A motion that the West Liberty University Board of Governors approves the dissemination – for 30-day review and comment – of a proposal to repeal Policy 12, Publications and Policy 52, Public Relations Representative was then made by Beverly Burke and seconded by Ann Thomas; motion passed unanimously.

7. Proposal to Repeal Policy 52 – 30-Day Comment*:

See combined motion under Item 6.

8. Expansion of Metro Rate Counties*:

Mr. Wright stated that WLU has three tuition rates; in-state, out-of-state and metro for bordering counties in Pennsylvania, Ohio, Maryland and Virginia. The metro rate is \$3,500 cheaper than what we term as the out-of-state rate. The Admissions Department has investigated taking in areas of Columbus and Cleveland; areas not currently covered by the metro rate. We have 72 students who fall into these areas and need to pick up an additional 12 students to break even on the metro versus out-of-state rate. The Admissions group is very confident in being able to take in the Columbus and Cleveland areas and would more than pick up the students needed. This would open up a new area of about two million people for the metro rate that we don't currently have; this is an area that we need for growth. Glenville State College somehow has the entire state of Ohio under their metro rate, but we do very well in Ohio; historically not so well in Pennsylvania. The Admissions Department feels opening these additional counties will certainly help our enrollment and overcome any deficit from the 72 students we have in the area right now.

Mr. Couch asked how these counties were chosen. Mr. Wright stated that the original counties were chosen because they bordered West Virginia. Right now the Admissions Department is asking for Cleveland and Columbus in the metro; so we took all of the counties in between Cleveland and Columbus. President Capehart stated that we have a few students in each county, the largest being in Muskingum County, Cambridge, with 16 students. Again, we feel this opportunity will more than offset the loss of the out-of-state tuition. Mr. Couch asked if we could add Washington County. Dr. Marks stated that Marietta College is the nearest institution to West Liberty with a Physician Assistant Program. At a cost of \$24,000/year it could be beneficial to WLU to include Washington County. Dr. Koyzis stated that he has been having conversations with Gateway Community College. WLU could be the university of choice for these students with the two-plus-two programs. Gateway is very interested in working with West Liberty. Mr. Carter asked for a motion to approve the new metro rate counties, including Washington County.

A motion that the West Liberty University Board of Governors approves the new Metro Rate counties beginning with the 2012-13 academic year as stipulated was then made by Beverly Burke and seconded by George Couch; motion passed unanimously.

9. Approval of WLU Institutional Compact*:

Dr. McCullough stated that the Institutional Compact is the University's contract with the HEPC and with the State of West Virginia legislative body and, quite frankly, the tax payers of West Virginia. This is our commitment to fulfill goals and objectives in the best interest of the University and the State of West Virginia. We have these goals aligned with the HEPC's Master Plan. It should be no surprise to anyone that institutions need to focus on enrollment, graduation rates, retention rates, degree completion rates, and licensure rates. In many of the categories the president was referencing, in retention rates we rank among the highest, if not the highest, of all public four-year institutions in the State of West Virginia. We strive to be effective in fulfilling certain of those goals and the goals we share with the State of West Virginia. You will soon be able to view this report on line, prepared by Paula Tomasik, our Director of Institutional Research and Assessment. A lot of input on the part of individuals at this table is included. Scott Cook provides a lot of data for this report, reviewed by Dr. Koyzis and President Capehart. The Compact had to be submitted a week and a half ago and was approved by the Executive Committee. The Committee recommended it to be addressed here and are asking the Board for approval of this Compact. It will be on line shortly so everyone can see the report. The report is a fairly large document.

A motion that the West Liberty University Board of Governors approves the 2010-11 update to the Institutional Compact was then made by Paul Limbert and seconded by George Couch; motion passed unanimously.

10. President's Report:

President Capehart stated that members of the Board have received a copy of a report of some of the information contained in this evenings update. He then introduced Dr. Marks and gave Dr. Marks an opportunity to tell everyone a little about himself.

Dr. Marks stated that he is honored to be a member of the Board and looking forward to working with everyone. He grew up in Wellsburg, went to Brooke High, medical school at Marshall and back to Wheeling Hospital for training. Having a private practice in Wellsburg, he moved back to Wheeling Hospital four years ago and was designated as the institutional office in charge of all graduate medical education. He is involved with two residency programs, the Osteopathic Medical Program and medical students from five different medical schools. They have affiliations with Physician Assistant schools, including Marietta. Nurse Practitioners and all their schools come through his office, as well as student education with regard to medical training, nursing, dental hygiene, Physician Assistant; all areas of interest to West Liberty University. President Capehart thanked and welcomed Dr. Marks to the Board, also stating that WLU has gone a long way toward an emphasis on the health sciences. Dr. Marks will add a great deal of background and knowledge toward this endeavor.

President Capehart began his presentation with an update on enrollment and comparisons with the fall of 2010. At the completion of the presentation, President Capehart introduced Dr. Susan McGowan, Interim Dean of the Honors College. Dr. McGowan stated that her field is Gifted Education. Last year, \$6.7 Billion was spent on Special Education; only \$1 Billion on Gifted Education. There are three levels of students; high ability level, who understand information after one rep; middle level, who understand the information after six to eight reps; and special education, who take 13-plus reps to get a single concept. The question is what is it that the gifted get in these repetitions, taking 13-plus to get a concept? Calculated out to where they are sitting, these students lose about 1,000 hours of instruction time per year. When Dr. McGowan came to West Liberty and looked at the Honors College with President Capehart, honors students were allowed to graduate with less than a years worth of credit and get "Honors" listed on their transcript. When programs were looked at from around the country and compared to what we have at WLU, students were coming into the Honors Program but we were not meeting their needs. We have reconfigured the class offerings for honor students and this fall, bringing in the first call for the Honors College, we are hoping to have 40 students under contract for 24 to 28 honors credits. All of the Deans, except one, and professors we believe are creative thinkers, will differentiate the curriculum for the honors seminars and sections of course work. What will be new is where we enhance the regular courses for the one or two who want to take honors courses; these courses will be differentiated for them. There will also be a study abroad experience as part of the requirements. We also plan on taking classes to the Linsly Outdoor Environmental Center; we have done this with our honors freshmen. A theme or topic will be selected as required reading prior to coming to WLU, which will give the students somewhat of a common ground on which to speak when they arrive. In the long-term, these students will live together in a dorm and make it a learning, working, and study community. A brochure for recruitment has been printed and the current Director and Dr. McGowan are planning a sweep through

Pennsylvania, Ohio, West Virginia and Virginia to recruit for the Honors College. Dr. McGowan asked if there were any questions.

President Capehart stated that there are other projects Dr. McGowan is currently working on through the Institute for Innovation in Education and will periodically give updates to the Board. These new and exciting projects are what help make West Liberty become a great University.

The Board will recall that a Roundtable was held in June to get community leaders to the hilltop to mingle with Board members and others on campus, and also to talk about the Strategic Plan we have at WLU and how it aligns with the State Strategic Plan. The Roundtable went very well and was very successful. When this meeting was mentioned to the Chancellor he decided he wanted to do this throughout the State of West Virginia, holding five regional forums dealing with the State of West Virginia Strategic Plan, which is set to expire at the end of the academic year. These forums were divided into specific areas, those being: Access, Cost and Affordability, Economic Growth, Innovation, and Learning and Accountability. President Capehart approached Dr. Terry Wallace, who is working on two or three projects with the institution, to attend and discuss our feelings about ways strategic plans unfold. Terry agreed to go and had a tremendous impact. Terry attended all but one of the forums with President Capehart attending the forum to be held in Shepherdstown. Combined with the fact that we had two seminars in higher education we sponsored and conducted at the Business Summit at the Greenbrier with business leaders throughout the state, WLU is establishing a leadership position in West Virginia. Dr. Wallace will give you some background.

Dr. Wallace stated that he has been around Universities most of his adult life, growing up and still residing in Neffs, learning to value education very highly. One of the things he enjoys about WLU is what he has seen for the last four to five years here; the President's leadership, new Provost; hoping for a breath of fresh air and getting a gale. Leadership is essential. Most of what President Capehart just talked about in terms of continued growth and the compliments received at the University are coming about not by leadership itself, but leadership is a key ingredient. 95% of what WLU has was here before. Leadership is a critical component in any successful organization. In healthcare, schools, government and church, with a great leader present you see impact and effect. When that person leaves it's not always the same. If we've learned anything it's that the leadership component is critical.

The unintended outcome by extending the metro rate, with Eastern Gateway going all the way to Erie from Steubenville, is the Ohio post-secondary education options. Kids who live there go to college for free in high school. They will have two years of college under their belt when they finish high school. We will be able to recruit in that population who are already identified for us ahead of time, to come here and finish in two or three years. This creates a lower graduation time, one of the things that the HEPC wants us to do. This also means kids come here for less than in-state tuition. This is a big deal and could mean numbers much larger than the handful we need to break even on the out-of-state tuition. Relationships built with international students can have positive ramifications in the future.

WLU is the only State University with a participant on the panel for these forums. President Capehart will be on Friday's panel held at Shepherd University. WLU has reached a level of understanding, trust and a demonstrated competency with the Chancellor that we could not have imagined three weeks ago. The HEPC is putting together their next five-year plan and need to look 25 years down the road. The problem is that getting to where we have to get with higher education in West Virginia cannot happen with the usual suspects. We are running out of the usual suspects. This year's class will be the largest class of 18-year olds we will see in our lifetime. We need to reach into the pool of graduating West Virginia high school students who have learning challenges, part of the 25% of graduating seniors who have a disability label, and provide not only accommodation but recruit and tell them something teachers and guidance counselors didn't tell them and that is that they can be anything they want to be. We also need a troops to college program. There are smart people loyal to West Virginia coming out of the military with experience, education and commitment who need help to embed them in the community structure of this state.

There are 80,000 jobs in West Virginia they cannot fill because people have not been educated to a level to qualify for those jobs. People are brought in from around the world for these jobs when we know how to train them right here. If we continue to do higher education the way we have in the past it's not in the cards, and doing a little bit better isn't going to get it done. West Virginia did the right thing on the charter schools and the "No Child Left Behind." WLU knows how to do a lot of things that

need to be done in order to solve problems and develop this school into one of the top 30 in the country. This is a great place; we know what we're doing and have the capacity. We need to get off the hill, get it done and get in front of people. The Board of Governors has a big job. You have to figure out how to constantly do more with less. Money and budgets are shrinking and we need to get better results all the time. We can do it here with the right leadership. Dr. Wallace thanked the group for their time.

10. Adjournment:

The meeting adjourned at 6:21 p.m.

Brian Joseph

Chair

George Couch

Secretary

**West Liberty University
Board of Governors**

**Executive Committee
Minutes
September 28, 2011**

Executive Committee Members: Richard Carter, Brian Joseph

WLU Administrators: Robin Capehart, John Davis, John McCullough, Jack Wright

General Counsel: John Gompers

1. Chair Joseph called the meeting to order at 8:05 a.m.
2. BOG Business – The next meeting of the West Liberty University Board of Governors will be held at the R. Emmett Boyle Conference Center at 5:00 p.m. on Wednesday, October 12, 2011. The BOG Finance Committee will meet at 4:00 p.m.
3. Financial Update – Jack Wright presented details and explanation of the WLU financial statements for the fiscal year ending June 30, 2011.
4. Expanded Metro-Rate Counties – Jack Wright explained the rationale and the opportunities behind the proposal to expand the metro rate to twenty-three additional counties in Ohio, including Cuyahoga and Franklin, to be effective with the 2012-13 academic year. The proposal was approved by the BOG Executive Committee.
5. Prall Cemetery Lease – Jack Wright provided an explanation of the details associated with the proposed lease and the utilization of land for a soccer field. The proposal was approved by the BOG Executive Committee, with the understanding that the fair market value of the property does not exceed what is stipulated in the proposed agreement.
6. Health Science Building Project Update – Jack Wright reviewed the progress associated with the project and the various funding sources. Opening of the facility is anticipated to be in August of 2013. The BOG Executive Committee will recommend to the full Board that the project cost be increased by \$4.1 million to \$22.7 million in order to construct a fourth floor on the building.
7. BOG Policy Update – John Davis explained the rationale behind the need to eliminate BOG Policy 12 (Publications) and BOG Policy 52 (PR Representative). These two policies are no longer relevant.
8. Approval of 2011 Update to the Institutional Compact – John McCullough stated that Paula Tomasik, Director of IR&A, has completed the detailed 2011 Update, and it is available for review prior to being sent to the HEPC. The BOG Executive Committee approved the Update and will recommend approval by the full Board.
9. President's Report – Robin Capehart provided an update on (1) the University's smoking policy and (2) possible collaboration between the Executive Committee and the Finance Committee in order to preclude a significant amount of overlap, duplication, and unproductive time utilization.
10. Meeting adjourned at 10:35 a.m.

Brian Joseph

Chair

George Couch

Secretary

LEASE AGREEMENT

THIS LEASE AGREEMENT, effective the ____ day of _____, 2011,
by and between TRUSTEES OF PRALL CEMETERY OF WEST LIBERTY, WEST
VIRGINIA, hereinafter referred to as "LESSOR", and THE BOARD OF GOVERNORS
OF WEST LIBERTY UNIVERSITY, hereinafter referred to as "LESSEE."

WHEREAS, the West Liberty University campus has a shortage of available land
suitable for use as athletic fields for its sports programs; and

WHEREAS, pursuant to the provisions of West Virginia Code §18B-1-2, the
Board of Governors of West Liberty University has found that it is necessary to lease
adjacent land from the Trustees of Prall Cemetery, which abuts the West Liberty
University campus, in order to develop adequate athletic fields and related auxiliary
facilities; and

WHEREAS, the Board of Governors of West Liberty University has certified that
the ground herein leased is necessary for the proper, efficient and economically sound
operation of West Liberty University; and

WHEREAS, Lessor and Lessee have agreed upon a Lease of the leased premises
as hereinafter provided.

WITNESSETH: That for and in consideration of the sum of One Dollar
(\$1.00), the receipt of which is hereby acknowledged, and of the mutual promises
contained herein, the Lessor and Lessee agree as follows:

1. LEASE OF PREMISES. The Lessor leases to the Lessee the
following premises:

A tract of land situate in the Town of West Liberty, Ohio County,
West Virginia, comprising the easterly 9 and 622/1000 acres of the

Prall Cemetery Property as shown on the Plat of Prall's Addition to West Liberty, said plat being recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia, in Plat Book 2, at page 96, and being more particularly bounded and described as follows:

Beginning at a point at the northeasterly corner of the hereindescribed tract, said point also being the southeasterly corner of Alley A as shown on said plat; thence from said beginning point and following along the easterly and southerly lines of said cemetery as shown on said plat, the following two (2) bearings and distances: S. 10° 22' E. 737 and 8/10 feet to a point; thence N. 76° 37' W. 841 and 89/100 feet to a point; thence crossing through said cemetery N. 13° 11' 29" E. 526 and 71/100 feet to a point in the southerly line of Lot 18 as shown on said plat; thence with same S. 86° 39' E. (at 53 and 61/100 feet passing an iron pin found in the westerly line of Normal Street, and at 94 and 78/100 feet passing an iron pin found at the southwesterly corner of Lot 32) 323 and 81/100 feet to a point in the westerly line of Alley B as shown on said plat; thence with same S. 10° 22' E. 7 and 3/10 feet to a point in the southerly line of said alley; thence with same N. 79° 38' E. 245 and 5/10 feet to the place of beginning, containing nine and six hundred twenty-two one thousandths (9 and 622/1000) acres, more or less, as compiled from partial survey and calculations by Stegman & Schellhase, Inc., Civil Engineers and Surveyors on April 13, 2011.

Said tract being subject to any and all conditions, exceptions, reservations, stipulations, rights of way, etc., as may be contained in prior deeds.

Being a part of Prall Cemetery that was acquired by the Trustees of Prall Cemetery, their successors and assigns, by Will of Julia C. Prall, recorded in said County Clerk's Office in Will Book 14, at page 369.

2. USE OF PREMISES. Lessee shall use and occupy the leased premises for athletic fields and activities relating thereto. Lessee agrees, however, that it shall not construct an athletic running track upon the leased premises without obtaining the written permission of Lessor.

3. TERM. The term of this Lease, subject to the provisions hereof, shall begin on September 1, 2011, and end at midnight on August 31, 2031.

Continued possession by Lessee, after the original term, shall create a tenancy from year to year under the same terms and conditions and at a rental of not less than the yearly rental rate payable during the last year of the original term. Such holdover tenancy may be terminated by either party by written notice to the other of not less than thirty (30) days from the first day of any holdover year.

4. RENT. The Lessee covenants and agrees to pay rent to the Lessor based on the following rent schedule:

September 1, 2011 thru August 31, 2021	\$3,000.00 per year
September 1, 2021 thru August 31, 2031	\$6,000.00 per year

Rent shall be paid annually. The first rental payment shall be due on or before the 31st day of August, 2012, and shall be payable on the 31st day of August of each and every year thereafter during the term of this Lease.

5. INSURANCE. The Lessor shall be under no duty to insure the property of the Lessee against fire, liability or other perils, nor shall the Lessor have any duty to insure the Lessee against any liability or claims by others, including claims for bodily injury. The Lessee shall obtain and maintain comprehensive general liability insurance, including public liability and property damage, with a minimum combined single limit of liability of \$1,000,000.00. The policy shall name the Lessor as an additional insured, shall be written by an insurance company or companies authorized to do business in the State of West Virginia, and shall provide that the insurance shall not be canceled or changed unless thirty (30) days' prior written notice shall have been given to

the Lessor. Certificates evidencing such insurance shall be delivered to the Lessor on or before the date of this Lease and upon each renewal of the insurance.

6. UTILITIES. Lessee agrees to bear the cost of any utilities involved with the Lease. Upon termination of this agreement and receipt of written notice from Lessor, Lessee will remove utilities from the property.

7. PROPERTY UPGRADE AND MAINTENANCE. Lessee agrees to bear the cost of lease improvements for the purpose of constructing athletic fields and related auxiliary facilities on the leased premises and will assume the cost and expense for maintaining the leased premises and making all routine and necessary repairs. No permanent structures shall be constructed by Lessee upon the leased premises without written permission from the Lessor.

8. CAMPUS POLICE AND SECURITY. Campus police and security personnel of Lessee will monitor and patrol the leased premises during the tenure of this Lease and will strictly enforce all policies, rules and regulations of West Liberty University, especially those relating to the prohibition of alcoholic beverages and illegal drugs.

9. TAXES AND ASSESSMENTS. The Lessor will pay taxes and assessments, if any, levied on the subject premises during the term of this Lease.

10. TRANSFER OR ASSIGNMENT OF LEASE. The Lessee agrees not to transfer or assign this Lease, or sublet the subject premises without the written consent of the Lessor.

11. NEGLECT OF PREMISES. The Lessee shall not commit waste on the premises herein leased, and the premises will be returned to the Lessor at the termination

of this Lease in substantially as good condition as at the commencement thereof, damages from natural elements, normal wear and tear excepted.

12. DEFAULT BY LESSEE. In the event the Lessee defaults in any of the covenants contained herein, the Lessor shall notify the Lessee, in writing, of such default and if such default is not corrected within sixty days after receipt of notification, the Lessor may notify Lessee that the Lease is terminated, and re-enter the premises herein leased.

13. NOTICES AND PAYMENTS. Any bill, statement, notice, communication or payment which Lessor or Lessee may desire or be required to give to the other party shall be in writing and shall be sent to the other party by United States Mail, postage prepaid, as follows:

TO LESSEE: West Liberty University
c/o Chief Financial Officer
P.O. Box 295
West Liberty, WV 26074

TO LESSOR: Trustees of Prall Cemetery
c/o Nancy Weeks
4041 Oglebay Drive
Wheeling, WV 26003

14. QUIET ENJOYMENT OF PREMISES. The Lessor covenants that at the date of this Lease, Lessor was seized of said premises as the sole owner(s) thereof, in fee simple, free of all liens, encumbrances and any outstanding interests whatsoever, and that upon payment of rentals as hereinbefore set forth, it will warrant and defend the title of Lessee against any and all claims whatsoever, not arising hereunder during the term of this Lease; that the Lessee shall, at all times during the term of this Lease, peaceably and quietly have, hold and enjoy the said leased premises.

15. USE BY YOUTH ATHLETIC ORGANIZATIONS. During the term of this Lease, youth athletic organizations from the West Liberty area, pre-approved by Lessor and having satisfactory liability insurance, will be permitted use of the leased premises. Reservation requests will be administered by Lessee's Athletic Department and must be made seven days in advance. Lessee's athletic teams shall have priority use of the leased premises from August 1 through April 30 and the youth athletic organizations shall have priority use from May 1 through July 31 with the exception of the University having a conference or playoff scheduled game during the month of May. In addition, Lessee agrees to make the softball field presently located on the West Liberty University campus available to local youth athletic organizations on the same terms as referenced above.

16. REMOVAL OF EQUIPMENT. It is understood and agreed that all equipment placed upon the leased premises incident to Lessee's athletic fields, whether annexed to the freehold or not, shall remain the personal property of the Lessee, and Lessee shall have the privilege and right to remove same at any time during the term of this Lease provided the premises are restored to as good condition as existed prior to the placement of said equipment, reasonable wear and tear excepted.

17. MEMORANDUM OF LEASE. Neither Lessor nor Lessee shall record this Lease. Lessor and Lessee hereby agree that, upon the request of the other party, each will execute, acknowledge and deliver a short form or memorandum of this Lease in recordable form. Fees for the preparation and recording of any such memorandum of this Lease shall be paid by the party requesting execution of the same. In the event of termination of this Lease, within thirty (30) days after written request from

Lessor, Lessee agrees to execute, acknowledge and deliver to Lessor an agreement removing any such memorandum of this Lease from record.

18. RIGHT OF FIRST REFUSAL. If Lessor decides to sell the leased premises at some time in the future, Lessor hereby grants to the Lessee a right of first refusal for the purchase of the leased premises. Lessor and Lessee agree that if Lessor receives a bona fide offer from a third party for the purchase of all or any part of the leased premises, which offer Lessor is willing to accept, Lessor will give Lessee written notice thereof, and will send Lessee a copy of the proposed contract of sale to such third party. Lessee shall have the right for fifteen (15) days after the receipt of such notice to enter into a contract for the sale of the property at the same price and on the same terms as contained in the proposed contract of sale to the third party, which right of Lessee shall be paramount to the rights of the third party. If Lessee fails to exercise any such preemptive right within the time herein specified, Lessor shall be at liberty to enter into a contract for the sale of the property with the third party at the same price and on the same terms as contained in the proposed contract of sale sent to Lessee. This right of first refusal shall continue in effect until five (5) years after the termination of this Lease. This right of first refusal shall be binding upon and inure to the benefit of the parties and their respective representatives, successors and assigns.

19. GOVERNING LAW. The laws of the State of West Virginia shall govern the validity, performance and enforcement of this Lease.

20. STATE REQUIREMENTS OF WV CODE §18B-19-12. In accordance with Legislative requirements of West Virginia Code §18B-19-12, the following

provisions, which are required by law to be inserted in all such Leases with Institutions of Higher Learning, are hereby set forth:

(A) The Lessee has the right to cancel this Lease without further obligation on the part of the Lessee upon giving thirty (30) days' written notice to the Lessor at least thirty (30) days prior to the last day of the succeeding month.

(B) This Lease is considered canceled without further obligation on the part of the Lessee if the Legislature or the federal government fails to appropriate sufficient funds for the Lease or otherwise acts to impair the Lease or cause it to be canceled.

(C) This Lease is considered renewed for each ensuing fiscal year during the term of the Lease unless it is canceled by the Lessee before the end of the then current fiscal year.

21. SEVERABILITY. Any provision of this Lease found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of this Lease.

22. HEADINGS. The headings to the various paragraphs of this Lease have been inserted for reference only and shall not in any manner be construed as modifying or amending in any way the express terms and provisions hereof.

IN WITNESS WHEREOF, the parties hereto have caused their names to be
affixed to this Contract of Lease.

TRUSTEES OF PRALL CEMETERY OF
WEST LIBERTY, WEST VIRGINIA

By: _____

Name: _____

Title: _____

Date: _____

BOARD OF TRUSTEES OF WEST
LIBERTY UNIVERSITY

By: _____

Name: Brian Joseph

Title: Chairperson

Date: _____

STATE OF WEST VIRGINIA,

COUNTY OF OHIO, TO-WIT:

I, _____, a Notary Public in and for said
County and State, do hereby certify that _____, who as
_____, signed the foregoing Lease for the TRUSTEES OF
PRALL CEMETERY OF WEST LIBERTY, WEST VIRGINIA, Lessor, has this day
acknowledged the same before me in my said County and declared the same to be the act
and deed of said corporation.

Given under my hand this ____ day of _____, 2011.

Notary Public

My Commission Expires:

STATE OF WEST VIRGINIA,

COUNTY OF OHIO, TO-WIT:

I, _____, a Notary Public in and for said
County and State, do hereby certify that BRIAN JOSEPH, who as Chairperson, signed
the foregoing Lease for THE BOARD OF GOVERNORS OF WEST LIBERTY
UNIVERSITY, Lessee, has this day acknowledged the same before me in my said
County and declared the same to be the act and deed of said corporation.

Given under my hand this ____ day of _____, 2011.

Notary Public

My Commission Expires:

West Liberty University Board of Governors
December 7, 2011

HONORARY DEGREE

It is the recommendation of the Honorary Degrees and Recognition Committee and the President of the University, for the conferral of an honorary Doctor of Humane Letters (DHL) degree from West Liberty University at the December 2011 commencement to Judge Arthur M. Recht.

CONSENT AGENDA ITEMS/POLICIES - EXPLANATION

At its October 12 meeting, the Board of Governors authorized a 30-day review and comment period regarding the proposed repeal of Policy 12, Publications. The policy is outdated, e.g. the Office of College Relations and Marketing (referenced therein) no longer exists. No comments were received regarding the proposed action.

At the same Board meeting, a 30-day review and comment period was authorized regarding the proposed repeal of Policy 52, Public Relations Representative. This policy, too, is outdated. Most of the positions referenced in it no longer exist. Moreover, the process by which media inquiries are handled is an administrative matter, not a Board matter. No comments were received regarding the proposed action.

Policy 27, Order of Responsibility, identifies "Executive Vice President and Chief Administrative Officer" as the position which assumes primary leadership duties in the president's absence. That position was abolished on June 30, 2011.

The Board's executive committee recommends repealing policies 12 and 52 and recommends deleting "Executive Vice President and Chief Administrative Officer" from the order of responsibility in Policy 27.

WEST LIBERTY STATE COLLEGE BOARD OF GOVERNORS

POLICY 12: PUBLICATIONS POLICY

Definition: The term “publications” in this policy refers to all printed materials, as well as any electronic media, including web pages for the Internet. This policy excludes student publications, such as *The Trumpet*.

General Policy Statement: To assure consistency and the quality image of the college, all publications must be coordinated through the Office of College Relations and Marketing. The director of the department must approve all copy, design, layout, artwork, photography and all other aspects of any printed materials. Printing arrangements may be made by the requesting parties or by the Office of College Relations and Marketing under the existing purchasing policy. Web pages must conform to design and content standards established by the Office of College Relations and Marketing. The Office of College Relations and Marketing is responsible for maintaining the public image of the college and the quality standard of written communications and graphic presentation while remaining consistent with the college’s style and design standards.

Procedures/Responsibilities for Implementation: In addition to producing publications about the college as a whole, it is the responsibility of the Office of College Relations and Marketing to assist all requesting parties wishing to produce brochures, web pages and other recruiting and/or marketing materials. The requesting party must first secure the approval of the department chair, director or appropriate supervisor before embarking upon a specific publication.

With the exception of routine, internally-directed forms, all original publications must be cleared with the Office of College Relations and Marketing before being sent to the printer. The College Relations and Marketing staff will assist the requesting party with the writing and editing of the materials and will be responsible for the final design, production and coordination with the printer. The requesting party will review and approve the final draft.

Budget Considerations: Because direct printing expenses will be charged to the budget unit requesting the printing, the requesting party is responsible for securing the approval of the appropriate budget manager to ensure that funds are budgeted before any printing project is initiated. The Office of College Relations and Marketing can advise the requesting party of anticipated expenses and attempt to work within the framework of the designated budget.

Authorship and Copyrights: The college retains the right to copyright all materials. Individuals are not entitled to publish authorship credit. If requested, however, a letter denoting authorship will be placed in the employee’s personnel file.

Approved by the WLSC Board of Governors on 02/26/03.

WEST LIBERTY STATE COLLEGE BOARD OF GOVERNORS
POLICY 52: PUBLIC RELATIONS REPRESENTATIVE

INQUIRIES FROM THE MEDIA

As a general rule, the media representative should contact the director of college relations and marketing (DCRM) for any information about the college. If the inquiry cannot be handled by the DCRM, the media representative may be referred to the correct administrative officer who can handle the inquiry. Anyone other than the DCRM talking officially with the media should understand that he/she may be quoted. If he/she doesn't wish to be quoted, he/she should tell the reporter indicating the conversation is "off-the-record." This phrase should be used sparingly to maintain credibility. Most reporters will honor such a request. The media representative should always be treated with the utmost courtesy and respect.

INTERVIEWS WITH THE MEDIA

All requests for interviews with college personnel should be directed to the DCRM. The DCRM will discuss the subject matter of the interview first with the media representative and then with the interviewee. (The DCRM will be present at the interview to provide any assistance with the interview and to aid the reporter with any follow-up material.) If a media representative calls a member of the college personnel directly for an interview concerning college policy, that person should direct them to the DCRM before making a commitment.

AUTHORIZED SPOKESPERSON

The President, the Provost/Vice President for Academic Affairs, Vice President for Institutional Advancement, Vice President of Student Affairs and Enrollment, Vice President of Administration, CFO, and Director of Athletics, as well as the DCRM should be the only people authorized to present the college's position on matters as designated by the president or appropriate to specific issues under their area of responsibility.. Exceptions may be made with the permission of the President in conjunction with the DCRM.

WRITTEN MATERIAL FOR THE MEDIA

The DCRM is solely responsible for all written material expressing official college business and prepared for general dissemination to the media. If there are exceptions when college personnel wish to prepare their own press releases, those releases should be submitted to the DCRM for editing, possible photographic support, and policy proofing.

CRISIS PLAN

In a crisis, the DCRM is designated as the official spokesperson for the college to prevent rumors and conflicting viewpoints. The following steps should be followed in the event of a crisis:

1. Immediate notification of appropriate college officials.
2. Either a meeting or a telephone conference to determine action to be taken.
3. A fact sheet or press release should be drafted and should contain a summary statement of the situation including all known details to be released to the media. This information should be made available to (and approved by) the President and appropriate Vice President(s). The fact sheet should be analyzed with respect to the public's right to know balanced against concerns for privacy and security.

4. Determine key constituencies that should be informed of the crisis, such as administration, faculty, staff, and students. Among the groups that should be considered for communication in a crisis situation depending on the severity of the crisis are; law enforcement agencies, trustees, parents of students, general public, mass media and alumni.

5. Determine whether the magnitude of the crisis merits establishing a Crisis Command Center and/or Media Briefing Center for coordination of crisis control efforts.

6. If the crisis is of sufficient magnitude, a press conference should be called to make an official statement to the media and to answer any questions. If a press conference is necessary, it should be convened in the R. Emmett Boyle Conference Center of the ASRC. The DCRM will be responsible for organizing and conducting the press conference. College personnel attending the press conference should be the President, the Provost / Vice President of Academic Affairs, and any other pertinent administrative officer. Additionally, a representative of campus security, the President of Faculty Senate, and President of Student Government may also attend if appropriate.

7. If there is a fatality, the name of the victim will be withheld pending notification of the family. The DCRM or other appropriate member of the WLSC staff may be designated to notify the family.

8. The dissemination of the names of any students involved in any kind of crisis will be released to the media only after permission to release such names has been reached by appropriate officers of the College and Campus Safety.

9. The DCRM will be responsible for providing the media with follow-up information and any new developments.

10. The College must always be completely open and honest with the media during a crisis.

Approved by the WLSC Board of Governors on 12/11/06.

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

POLICY 27: ORDER OF RESPONSIBILITY

The President of the University, in accordance with the Board of Governors, has primary responsibility for all activities of the campus. In the President's absence the order of responsibility is as follows:

- A. Provost/Vice President of Academic Affairs
- B. Executive Vice President/Chief Financial Officer
- C. Executive Vice President and General Counsel

Approved by the West Liberty State College Board of Governors on 12/11/06.
Revised 03/03/09; revised 10/28/11.

PRESIDENT'S REPORT TO WLU BOARD OF GOVERNORS
A Condensed Summary of Accomplishments and Activities
December 7, 2011

- In attendance at the Fall 2011 Open House on November 5th were 144 prospective students and their parents, for a total of 327 individuals on campus. This represented an **increase of 38 students (36%)** and **67 total individuals (26%)** over the Fall 2010 Open House.
- With the official pre-registration for the spring semester ending on November 18, 1,932 students had registered for classes, representing an **increase of 60 students (3.2%)** over the same period a year ago.
- 142 students are scheduled to graduate at the December Commencement. December graduates typically number between 120 and 150. This year's number is below that of 2010 and above that of 2009 and 2008. Judge Arthur Recht will be the Commencement speaker.
- As of November 29, contributions in the amount of \$685,000+ have been received by the Office of Development, representing a **3% increase** over the same point in time last year.
- The solicitations for the Annual Fund and for Kelly Theatre were mailed in mid-November.
- New-vendor relationships are working well with EM Media (traditional media buyer) and with Direct Online Marketing (online marketing).
- In addition to the well-received Brad Paisley commercial, Pikewood Creative will have three new WLU commercials ready by February.
- The initial website-revamping project is 95% complete, and student reaction to the enhanced website has been very positive.
- An academic mobile production unit has been purchased for use by WLTV 14 and to serve as an educational laboratory, and the technology inventory for utilization in the unit is being established.
- The Higher Learning Commission just completed its site visitation and review of the proposed Master of Science in Physician Assistant Studies program, which already had been granted approval with provisional status by ARC-PA, the discipline's accrediting agency. If approved by the HLC, the program will be launched in the summer of 2012.

- The Institute for Innovation in Education was officially recognized at a press conference on November 28 at the Highlands Center. A few of the initiatives being directed through the Institute include an Honors College, a Learning Center, an Advanced Academy for high school students, a K-12 Entrepreneurship Project, and an International Outreach.
- The Communications Degree Program is being restructured to reflect new Communications Tracks in Public Relations, Sports Broadcasting, and Documentary Film, as well as restructured Broadcasting, Journalism, and Communication Studies Tracks.
- Initial work has begun on the development of a Public Relations Minor and a Communications Minor, both proposed programs are in response to student interests.
- From this year's Football Team, wide receiver Brandon Schroeder was a First-Team All-WVIAC selection after ranking number two in the league with 71 receptions for 1,007 yards.
- The West Liberty Football program has now produced a First-Team All-WVIAC wide receiver in seven straight seasons, which is unprecedented in the conference.
- Hilltopper junior defensive end Nathan Perry earned First-Team CoSIDA/Capital One Academic All-District One honors and was placed on the ballot for the 2011 Academic All-America Team.
- Senior offensive lineman Larry Wriedt has accepted an invitation to play in the NCAA Division II Senior Bowl in December.
- Coach Jim Crutchfield's two-time defending WVIAC champion Men's Basketball Team received the highest preseason ranking in school history, slotting in at Number 6 in the NCAA Division II Top 25.
- The new Men's Basketball Media Guide and Women's Basketball Media Guide were completed and distributed, representing an ultra-comprehensive compendium of WLU basketball records, statistics, and history.
- Coach Lynn Ullom's Women's Basketball Team captured two victories in the Mount McKinley Bank North Star Invitational Tournament in Fairbanks, Alaska, with Kayla Ayers and Hillary Southworth being named to the All-Tournament Team.

- WLU was well represented in Wheeling's "Festival of Lights" Christmas parade with the marching band, dance team, cheerleaders, mascot Topper the Bear, a float sponsored by Dental Hygiene students, paper mache caricature "heads" of celebrities designed by Art Professor Bob Villamagna's sculpture students, and a float that featured DH student Sara Keedy, Ms. Wheelchair USA 2011.
- The WLU United Way Campaign is currently underway. Last year's campaign was very successful, with contributions increasing 30% over the previous year.
- The Office of Community Engagement, in collaboration with the School of Professional Studies and Dean Tom Michaud, is in the planning process of developing the "Community University" which will promote lifelong learning for seniors by offering non-credit educational programs designed for age 50+ adults. Courses will be offered at the Highlands Center, as well as at other Northern Panhandle locations, and are scheduled to start in March 2012.
- WLU's University and Concert Choir presented their winter choral concert, including Handel's Messiah, at Vance Memorial Church.
- Some near-term University sponsored or related events include:
 - == December 8, 9, 10, 11 – "A Christmas Carol: Scrooge and Marley" will be performed by the West Liberty Hilltop Players in the Kelly Theatre
 - == December 10 – Fall Commencement in the ASRC
 - == December 10 – Reception for Graduates and Guests in the Student Union
 - == December 10 – Benefactors Holiday Reception in the Nutting Art Gallery

Disclaimer: This condensed summary report is intended to provide a relatively comprehensive overview of the contemporary accomplishments and activities associated with WLU; it is not intended to include each and every achievement and event that is part of the University.

**EXPANDED DESIGN FOR HEALTH SCIENCES BUILDING RESOLUTION
WEST LIBERTY UNIVERSITY**

Action Item

The Board of Governors is asked to authorize the addition of a fourth floor to the architectural design of the proposed Health Sciences building. Also, the Board is asked to authorize University administration to fund the project as it deems necessary.

The University's architectural firm has completed the preliminary design for the four-floor building. The fourth floor will not be built out and will be utilized in the future for expansion of the Health Science Program. The cost projection for the four-floor building, including architectural fees, is \$23,250,000. Included in the cost estimate is a ten (10) percent contingency and approximately \$4,000,000 for the additional floor.

Funding to date include State bonds of \$12,750,000, natural gas lease of \$961,000, timber assets of \$239,000 and gifts through Foundation of approximately \$400,000. The balance of funds, \$7,765,000, would come from gifts, borrowings, or bond issues, the latter two to be supported by capital fees from all students. Presently the University's tuition and fees include \$145 capital fee per semester for all students and \$415 capital fee semester for all students in residence halls.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors authorizes the president to expand the scope of the proposed Health Sciences building in order to add a fourth floor, and the Board authorizes the president and administration to fund the project as they deem necessary.

West Liberty University Board of Governors
December 7, 2011

BACHELOR OF SCIENCE IN ATHLETIC TRAINING

ACTION ITEM

Proposed Resolution: Resolved, that the West Liberty University Board of Governors approve the Bachelor of Science in Athletic Training degree program to be offered through the College of Education.