

**WEST LIBERTY STATE COLLEGE
BOARD OF GOVERNORS**

**February 11, 2009
5:00 p.m.
R. Emmett Boyle Conference Center
WLSC**

AGENDA

1. Call to Order Ms. Exley
2. Chairperson Comments..... Ms. Exley
3. University Week Events.....10 Min.....Mr. Witt
4. Approval of Minutes*
Full Board 12/10/085 Min..... Ms. Exley
5. Approval of Reports*5 Min..... Ms. Exley
6. Outside Legal Counsel Resolution*5 Min..... Mr. Capehart
7. Policy Revision Approval – Ethics*5 Min..... Mr. Davis
30-Day Comment Period
8. Campus Bookstore Policy*10 Min..... Mr. Davis
Review of Comments Received
9. Students Privileges and Responsibilities Policy*10 Min..... Dr. Carpenter
Review of Comments Received
10. West Virginia Route 2 Resolution*5 Min..... Mr. Capehart
11. President’s Report25 Min..... Mr. Capehart
12. Adjournment

*Action Items

**West Liberty State College
Board of Governors**

Executive Summary

December 10, 2008

Attendance:

Beverly Burke, Richard Carter, Lynne Exley, Roseanna Keller, John Larch, Paul Limbert, Larry Miller, Shane Stack, Mike Turrentine, Jim Stultz

Unable to Attend:

Brian Joseph, Mike Stolarczyk

Administration/Faculty/Staff:

Robin Capehart, J. D. Carpenter, Jim Clark, Steve Cohen, Scott Cook, John Davis, Mary Ann Edwards, Pat Henry, Joselyn King, Jeff Knierim, Donna Lukich, John McCullough, Brian Warmuth, Jim Watson, Ron Witt, Jack Wright

1. Call to Order:

Chair Exley called the meeting to order at 5:00 p.m.

2. Chairperson Comments:

Chair Exley gave an update on events coming up on campus and other information as presented in full text on the BOG web site and in the WLSC Elbin Library.

3. Swearing In of New Board Members*:

Chair Exley swore in three new Board members, Richard Carter, Paul Limbert, and James Stultz. Former Board member and WLSC graduate Bernie Twigg was recognized as presented in full text on the BOG web site and in the WLSC Elbin Library.

4. Approval of Minutes*:

Chair Exley asked for a motion to approve the minutes of the full Board of October 22, 2008 and the Executive Committee minutes of October 15, 2008.

Full Board
10/22/08

Executive Committee
10/15/08

J. Stultz, J. Larch, PASSED, that the listed minutes be approved by the Board of Governors as presented in full text on the BOG web site and in the WLSC Elbin Library.

5. Approval of Reports*:

L. Miller, S. Stack, PASSED, that the reports be approved as presented in full text on the BOG web site and in the WLSC Elbin Library.

6. Official Date of University Name Designation*:

This item was moved to the President's Report later in the meeting.

7. Approval of Institutional Master Plan*:

L. Miller, J. Stultz, PASSED, that the Institutional Master Plan be approved as presented in full text on the BOG web site and in the WLSC Elbin Library.

8. Proposed Policy – Campus Bookstore*:

R. Keller, B. Burke, PASSED, that the Campus Bookstore policy be disseminated to constituent groups for 30-day review and comment as presented in full text on the BOG web site and in the WLSC Elbin Library.

9. Proposed Policy – Student Privileges and Responsibilities*:

B. Burke, S. Stack, PASSED, that the Student Privileges and Responsibilities policy be disseminated to constituent groups for 30-day review and comment as presented in full text on the BOG web site and in the WLSC Elbin Library.

10. President's Report:

R. Keller, J. Stultz, PASSED, B. Burke, opposed, that May 3, 2009 be approved as the official date of the change in name to West Liberty University as presented in full text on the BOG web site and in the WLSC Elbin Library.

11. Executive Session – Personnel Matter:

Pursuant to WV Code § 6-9A-4, a motion was made by Lynne Exley and seconded by Shane Stack to retire to executive session.

Following discussion in executive session, a motion was made to rise from executive session.

12. Adjournment:

The meeting adjourned at 6:20 p.m.

Lynne Exley _____
Chair

Mike Stolarczyk _____
Secretary

**West Liberty State College
Board of Governors**

**Minutes
December 10, 2008**

Attendance:

Beverly Burke, Richard Carter, Lynne Exley, Roseanna Keller, John Larch, Paul Limbert, Larry Miller, Shane Stack, Mike Turrentine, Jim Stultz

Unable to Attend:

Brian Joseph, Mike Stolarczyk

Administration/Faculty/Staff:

Robin Capehart, J. D. Carpenter, Jim Clark, Steve Cohen, Scott Cook, John Davis, Mary Ann Edwards, Pat Henry, Joselyn King, Jeff Knierim, Donna Lukich, John McCullough, Brian Warmuth, Jim Watson, Ron Witt, Jack Wright

1. Call to Order:

Chair Exley called the meeting to order at 5:00 p.m.

2. Chairperson Comments:

Chair Exley thanked Mary Ann for her set up of the meeting. As members know, WLSC was granted university status on November 21, 2008. This is an important occasion in history, and Chair Exley took a few minutes to discuss this change in status. During the history of West Liberty State College there have been many important events. Although there have been many people on campus who helped work toward university status and it's coming to fruition, Chair Exley asked to identify and acknowledge two people in the room who have worked diligently, focused, and with tenacity to bring about this change, those being Dr. Donna Lukich and Dr. John McCullough. Chair Exley acknowledged President Capehart and his leadership through this process. Chair Exley asked Dr. McCullough how long he has been a part of the university status process, to which he stated the last couple years were the most intense, but the process has been on-going for five years.

Chair Exley asked Dr. Lukich if she would like to add to these comments. Dr. Lukich stated that it was a pleasure to attend the HEPC meeting on November 21 with President Capehart, Dr. McCullough, and faculty representative Dr. Susan Herrick. For as long as it took to get to this point to achieve university status, the process went fast at the meeting. At 3:30 p.m. the topic was ready to be addressed. Dr. Flack addressed the entire body so that everyone could hear the criteria, hear the movement to university status, and how WLSC met the criteria. By 3:33 p.m. the motion was declared moved, seconded, and approved. Dr. Lukich was pleased to be there to hear everyone congratulate us and share in this moment. Dr. Lukich provided a photo to the Board members for posterity.

Dr. McCullough stated that this was a campus-wide effort which involved all parties. Without question the leadership provided by the President, Dr. Lukich, and all of the faculty, staff, and students involved in the process lead to this big day. This was a culmination of a lot of good work and effort with an eye on the prize on the part of WLSC. The best is yet to come at this institution. This will be a landmark signature event with our first graduate program already in place and operating as we speak. This is a new commitment for all of us and it's fun to be a part of and see us reach that next level.

Chair Exley thanked those for their comments and asked for comment from the Board members in regard to the university status. Ms. Keller stated that having been a Board member since 1999, this has been the most triumphant accomplishment she has been through with the Board and the College. She thanked Donna and John for making it come true, and all of the West Liberty staff and administration for this dream come true.

Chair Exley then read the following Special Resolution of Congratulations on Earning University Status from the Board:

SPECIAL RESOLUTION OF CONGRATULATIONS

ON EARNING UNIVERSITY STATUS

WHEREAS, West Liberty State College has fulfilled the criterion of offering a master's degree program;

WHEREAS, West Liberty State College has fulfilled the criterion of having an approved mission statement which provides for the offering of graduate programs;

WHEREAS, West Liberty State College has fulfilled the criterion of obtaining the approval of the Higher Learning Commission of the North Central Association to offer a master's degree program;

WHEREAS, West Liberty State College has fulfilled the criterion in which at least two-thirds of tenured and tenure-track faculty hold the terminal degree;

WHEREAS, West Liberty State College has for the past five years actively and progressively pursued the fulfillment of criteria for university status;

WHEREAS, West Liberty State College has effectively fulfilled all established criteria for university status; and

WHEREAS, West Liberty State College has been unanimously approved by the West Virginia Higher Education Policy Commission for the designation of university status;

THEREFORE, BE IT RESOLVED THAT the West Liberty State College Board of Governors extends sincere appreciation and congratulations to the students, faculty, staff, administration, alumni, and friends of **West Liberty University**.

FURTHER BE IT RESOLVED THAT this resolution be inscribed upon the minutes of the Board and that a copy be prominently displayed on campus.

*Lynne Exley, Chair
West Liberty State College Board of Governors*

Adopted by the West Liberty State College Board of Governors on this 10th day of December 2008

Chair Exley stated she hoped that all members can attend commencement Saturday to see the 120 graduating young people. She promised nice weather and stated that it makes a difference to the families and students that the Board members are in attendance. She also thanked John Larch for assuming the Chair of the Finance Committee. If you have any money questions call John. Please take the WLSC mug as a souvenir from the College. These will no longer be printed.

3. Swearing In of New Board Members*:

Chair Exley swore in three new Board members, Richard Carter, Paul Limbert, and James Stultz. Former Board member and WLSC graduate Bernie Twigg was recognized with the following Resolution read by Chair Exley:

RESOLUTION HONORING BERNARD P. TWIGG

WHEREAS, Bernard P. Twigg has demonstrated exceptional dedication to West Liberty State College, serving as a member to the Board of Governors from January 2004 through October 2008;

WHEREAS, Bernard P. Twigg effectively served the Board as Chair in 2004-2006;

WHEREAS, Bernard P. Twigg is an enthusiastic advocate of West Liberty State College, giving freely of his time, energy, and dedication to the West Liberty State College Board of Governors;

WHEREAS, Bernard P. Twigg holds the College, the Board, and himself accountable to high standards of quality, integrity, and loyalty;

WHEREAS, Bernard P. Twigg supports the vision for West Liberty State College as a model of educational excellence;

THEREFORE, BE IT RESOLVED THAT the West Liberty State College Board of Governors extends sincere appreciation to Bernard P. Twigg for his exemplary service to the Board and the College;

FURTHER, BE IT RESOLVED THAT this resolution be inscribed upon the minutes of this Board and that a copy be delivered to Bernard P. Twigg.

*Robin C. Capehart, President
West Liberty State College*

Adopted by the West Liberty State College Board of Governors on this 10th day of December 2008

Chair Exley stated that Mr. Twigg served on the Board as Chair and Co-Chair. Mr. Twigg stated that it was a pleasure serving on the Board and that WLSC has gone through a lot since 2004. A lot of negative enrollment and management issues have been turned around to the positive. This has been done through the leadership and help of the people in this room. Mr. Twigg stated that J. D. Carpenter has personally helped his son through his first semester here at WLSC and he's waiting to see just how successful that turns out. Mr. Twigg also thanked President Capehart for his leadership.

4. Approval of Minutes*:

Chair Exley asked for a motion to approve the minutes of the full Board of October 22, 2008 and the Executive Committee minutes of October 15, 2008.

<u>Full Board</u>	<u>Executive Committee</u>
10/22/08	10/15/08

A motion to approve the minutes of the full Board of October 22, 2008, and the minutes of the Executive Committee of October 15, 2008 was then made by Jim Stultz and seconded by John Larch; motion passed unanimously.

5. Approval of Reports*:

Chair Exley noted the three reports contained in the Board packet and asked if there was a request from anyone to put any of those reports in the regular agenda for further discussion. With no request to move any of the reports to the regular agenda, Chair Exley asked for a motion to approve the reports.

A motion to approve the reports submitted from the Provost, Executive Director of Enrollment Services, and the Vice President of Student Affairs was then made by Larry Miller and seconded by Shane Stack; motion passed unanimously.

6. Official Date of University Name Designation*:

This item was moved to the President's Report later in the meeting.

7. Approval of Institutional Master Plan*:

President Capehart stated that back in November an Institutional Master Plan was developed, a copy of which is in front of the Board members. For those on the Board since February or March, March kicked off the Strategic Focus, which we've put together and done in a timely manner. We wanted to get the Master Plan done for this Board meeting for approval so that the HEPC can act on it at their January 23rd meeting. The Legislature will meet in February so we should be in a position to be looked upon with favor in regard to some issues we are undertaking. What's before you, with the exception of some possible technical changes, and we ask for the discretion to make some technical adjustments that may need made, is the completed Institutional Master Plan. This is the same Plan the Board reviewed in November, and there have been no substantive changes. We are now ready to move forward with submission of the Plan to the HEPC and ask for the Board's approval with the reservation for technical and style changes. We will send the Master Plan to the HEPC to review before the actual January meeting. The HEPC may ask for changes prior to the meeting, and we ask that we have the discretion to make any such changes.

A motion to approve the Institutional Master Plan as submitted was then made by Larry Miller and seconded by Jim Stultz; motion passed unanimously.

Chair Exley congratulated everyone involved in the Institutional Master Plan who really put a lot of work into the Plan, especially in a compressed time schedule to finalize.

8. Proposed Policy – Campus Bookstore*:

Mr. Davis stated that as most of us know, the Board has 50 some policies, most of which grew out of an initiative mandated by the HEPC that we create these policies; the policy concerning the College bookstore operation is one such mandated item. The HEPC, since May 2008, has been reminding us and other colleges and universities in the state that the State Code requires each institution to have a policy on bookstores. So far only one other institution has a policy on bookstores in place. If we get this policy out, reviewed, and approved in its final form, we will probably be the second. This resolution is simply to disseminate this document for 30-day appraisal. Mr. Davis then asked for questions on the policy.

A motion to approve the dissemination of the new Campus Bookstore policy to constituent groups for 30-day review and comment was then made by Roseanna Keller and seconded by Beverly Burke; motion passed unanimously.

9. Proposed Policy – Student Privileges and Responsibilities*:

Dr. Carpenter stated that this policy follows a similar vein to what Mr. Davis was speaking of, that being this is another policy in that family of policies regarding our student privileges and responsibilities. Basically what this policy does is it gives the College the ability to create and enforce what is our student code of conduct. The parameters as constructed are contained in the judiciary, appropriate sanctions, and appeal process currently listed in the Student Handbook. The policy as presented is very similar to those adopted by Shepherd, West Virginia State, Concord, and WVNCC. The actual code of conduct contained in the Handbook already fits the parameters of the policy, based on the work of Ed Stoner. Most institutions are using his work as a model for student codes. He is a national expert on the student disciplinary process, and his model code has been endorsed by unlimited educators, the Association of Student Judicial Administrators (ASJA), and college and university appointed attorneys. Dr. Carpenter noted that this, too is a request authorizing the dissemination of the proposed policy to the appropriate constituent groups on campus for 30-day comment.

A motion to approve the dissemination of the new Student Privileges and Responsibilities policy to constituent groups for 30-day review was then made by Beverly Burke and seconded by Shane Stack; motion passed unanimously.

Mr. Turrentine asked Dr. Carpenter what the major differences were between the current and proposed policy. Dr. Carpenter stated that the current policy has not been substantially changed. The biggest difference between what was contained in the 2002 policy is that it was under the old State College System Board. Some language was edited but nothing substantive was changed. The policy basically sets forth rules; students can't do this and that. It also sets what's fair, student's rights, and that there is a judicial process so that WLSC can't just arbitrarily kick students out of school. Mr. Turrentine commented that the students are given the privilege to attend WLSC, and the president has the authority to take away that privilege. This policy should help down the road with the tension there seems to be on what to do with a student with allegations pending against them, etc. Dr. Carpenter stated that the policy will delineate between what students see as a right, which may not necessarily be a right, to be here or enjoy housing or participation in organizations. All privileges are granted by the institution. We do not want to confuse this with student's legal rights. We are hopeful the change in the vernacular will help explain those situations. President Capehart stated that there are certain contract rights when students enroll in the university. Those rights are outside what the student would have by paying tuition; this is more of a student life program. Mr. Stultz stated that it would be helpful if he could get a copy of the student handbook. Dr. Carpenter stated that he would send either a hard copy or e-mail a pdf file to the Board members.

10. President's Report:

President Capehart thanked retiring Board members John Moore and Bernie Twigg for their service to the Board and the commitment they shared with their time and efforts. There has been a transition period on this campus and to be involved during this time has taken a great deal of commitment on the part of many. President Capehart welcomed new Board members Paul Limbert, Jim Stultz, and

Richard Carter, and stated that they will find their service on the Board a very rewarding experience. Since 1969 the way colleges and universities have been governed has changed every time you turn around. Legislation over the years has given this process a great deal of autonomy, settling in as to what we can do and what we can get. The HEPC approval of our university status will give us plenty of room for creativity and leadership; not just because we are now a university, but through our actions. This is a very exciting time.

Events taking place in the future are commencement this Saturday at 11:00 a.m. This is an important commencement, since this is the last class to graduate from West Liberty State College as it is known by that name. The last change in name for WLSC was in June of 1943 to West Liberty State College. We thought it would be fitting that the commencement speaker be Dr. Clyde Campbell. Dr. Campbell is an entertaining speaker, served for eleven years as President of the College, and was also a student at WLSC. As the last class we thought this would be a great opportunity for him and to really give those encouraging words as we move on as a university. The next graduating class in May we anticipate to be from West Liberty University.

President Capehart stated that another area we are moving forward in is the possibility of a Physician Assistant Program. A consultant was on campus and gave some tremendous insight in a short period of time on some things we need to do to start this program. There is a demand for this type of program from the students, public, and especially the people of West Virginia. Mr. Stultz recognized the need for this program, too. The Kreisbergs were very instrumental in getting the necessary information together to move forward with this program. It was a year ago in October that the Health Care Advisory Committee first met in this room to see what we needed, and this was a program they came up with. It's important we look at this program and really integrate it into the community and listen to what they have to say.

The Try College Program was just announced in the local paper and on public radio with good coverage in other areas, too. This program shows the community we're taking our responsibility as a public institution to heart. We are looking at what we have as a resource for people who may be on the edge as to whether or not to go to College. The program offers an opportunity to take a class, free of charge, and make the decision whether College is right for you. After one day in the local newspapers we've already had three inquiries and one registration. Mr. Cook stated that we also have some staff members looking into the program as well.

The Chancellor was in the area to see the lights at Oglebay with his family on December 15 and also took this opportunity to meet with President Capehart. The meeting gave us an opportunity to talk with him about some of our priorities, especially the health care undertaking, and the Institutional Master Plan.

As some in attendance may know, the new Metro Rate counties were approved by the HEPC. The 17 new counties are Carroll, Harrison, Stark, Tuscarawas, and Washington in Ohio; Butler and Westmoreland in Pennsylvania; Allegheny, Frederick, Garrett, Montgomery, and Washington in Maryland, and Clarke, Frederick, Loudoun, Shenandoah, and Warren in Virginia. As the population in West Virginia declines, these areas have been targeted to spread the net further for WLSC and give us more leverage with the students from these areas. We have become more competitive with the metro rate in Pennsylvania, and should be more competitive in Maryland and Virginia. We are hoping to reach more students through this pipeline, and the Eastern Panhandle is a major target area.

The Development and Alumni Offices had an idea to hold a midnight breakfast during finals week. The breakfast started at 11:00 p.m. on Monday evening and ended at 1:00 a.m. Tuesday morning. Some of the volunteers included Beverly Burke, President Capehart, and other faculty, staff, and administrators. This was a free breakfast of hash browns, eggs, pancakes, sausage, biscuits and gravy, coffee, and juice. We would have been very pleased with 200-250 plates served. The response was enormous; over 700 plates were served. The students thought it was a great idea. It was truly a good time and it looks like the start of another new tradition.

Mr. Turrentine asked if the Try College courses will be offered every semester. At this time, these courses are only going to be offered in the spring. Enrollment normally drops in the spring and it is the most advantageous time to have extra space in some courses. There may come a time when courses could be offered in the fall.

President Capehart stated that there are many important events coming up on campus, but the biggest of these is the date WLSC will become a university. Over the years there have been four

notable name changes on the campus. The date for the change to West Liberty University will be May 3, 2009. There will be a week of events prior to the name change which we are calling "University Week." This week will include academic, athletic, and social events held on campus with a pep rally similar to what we held last year, along with a scholarship dinner.

Mrs. Burke asked why such a late date for the change when there have already been many articles in the paper informing the public about the change in status. In talking with other people in the campus community, she stated that Founder's Day, March 30th, seemed like the more appropriate date to hold such an event. President Capehart stated they have looked at many factors in the selection of the May 3rd date. Later in the semester will give us the best shot at good weather in addition to the fact that there will need to be a lot of time for preparation for this event. Business cards, signs, uniforms, shirts, mugs, etc.; a lot of things need to change to assure a smooth transition. We will need plenty of time to prepare. Mrs. Burke stated she also had a concern about the weekend date. She didn't think there would be many students on campus or employees wanting to come back to campus for this event. President Capehart stated that there will be many people traveling a long distance to take part in this event, whether it is students, alumnae, benefactors, etc. A lot of thought and time will be put into this event.

Chair Exley read the resolution for the official date of university name designation to the group.

A motion to approve May 3, 2009 as the official date of the change in name to West Liberty University was then made by Roseanna Keller and seconded by Jim Stultz; Beverly Burke opposed; motion passed.

Mr. Turrentine asked how we should refer to the College between now and May 3rd, to which President Capehart replied, "West Liberty State College."

11. Executive Session – Personnel Matter:

Pursuant to WV Code § 6-9A-4, a motion was made by Lynne Exley and seconded by Shane Stack to retire to executive session.

Following discussion in executive session, a motion was made to rise from executive session.

12. Adjournment:

The meeting adjourned at 6:20 p.m.

Lynne Exley _____
Chair

Mike Stolarczyk _____
Secretary

Enrollment Services Board of Governor's Report

February 11, 2009

- 1) As of February 3, 2009, the spring enrollment headcount has increased approximately 5% over the spring 2008 headcount. 2310 students were registered for the spring 2009 semester as of February 3. We will lose approximately 20 students through the enrollment verification process. 2178 students were registered for the spring 2008 semester.
- 2) According to the February 1 Admission's Office Application Report, we have received 51 less applications than we did at this time last year. However, we do have 9 more accepted new students as compared to last year. Academic Departments are currently contacting our applicant pool. The Enrollment Services Division will also be following up via telephone with our applicant pool in February.
- 3) Our initial academic scholarship letters have been mailed to prospective students for the fall 2009 semester. We have 42 Elbin Scholars accepted as of January 23, 2009 for the Fall 2009 semester. This is an increase of 15 over last year.
- 4) Our Spring Open House is scheduled for Saturday, March 28.
- 5) The Spring Commencement Ceremony is scheduled for 11:00 a.m. on Saturday, May 9. This ceremony will feature the first graduating class from West Liberty University.

Submitted by Scott Cook, February 3, 2009.

Provost Report for BOG
2/11/09

1. The HLC Progress Report was submitted by January 31 as required. We believe it provides sincere evidence of our improvement in assessment planning in general studies and academic programs, the two areas requested by the Commission.
2. Faculty Positions- Open for fall: chemistry, biology, DH, foreign languages, management, nursing (program director), theatre, graphic design, CIS.
3. Both Deans Screening Committees are reviewing applicants and preparing for interviews.
4. The HEPC has approved our submission of the **Intent to Plan** for a Bachelor in Music Degree. It is anticipated that the full program proposal will be prepared this semester. It will be presented to all appropriate College committees before it is brought to the Board for your approval.
5. NASM has responded to our Report submitted following the accreditation site visit. Their decision is to seek further information before completing its work with our accreditation renewal. Thus, we were placed in a deferral status. Dr. Brown and the faculty are preparing additional information to be submitted in two parts: May 1 and October 1. Many of the areas of concern have been or are being addressed and we are confident that the Music Education Program will be able to satisfy the issues and concerns presented.
6. First master's cohort added 7 students this semester making our total number of graduate students 24.
7. The Compact was approved by HEPC and we will be continuing with the initiatives described within it to meet the expectations of the College to service the community in the northern panhandle. One area needing attention is the addition of online courses.
8. The Institutional Master Plan was submitted to HEPC for their January meeting. We believe it is aligned very well with the statewide Master Plan.
9. A post tenure review policy is being developed. Once a draft is completed, it will be circulated among Deans Council, Chairs Council, and Faculty Senate Personnel Committee before it is presented to the President.
10. We continue to anticipate opening The Highlands in August. We need to see how much work is done by March 1 to have a better idea of when our building will be ready for occupancy.

Division of Student Affairs
February 2009 Report to the Board of Governors
J.D. Carpenter, Ed.D., Vice President for Student Affairs

- We are very excited about the preliminary data from our first “Hilltopper Academy” that was held the last week of July (this was the program that targeted incoming higher-risk students based on test scores). One of the first benchmarks for the program would be the return rate of those students for the spring 2009 semester. Those who were invited to the program and participated had a retention rate for the spring semester of 86%, while those who were invited and did not participate had a spring semester retention rate of 76%.
- Ashley Carter has joined our staff in a position as an activities coordinator. This is another initiative in our effort to provide additional activities and support for students’ experiences outside of the classroom. Ashley is hitting the ground running as evidenced by the number and variety of programs that are becoming available.
- We are currently in the process of two searches. The first is for a campus police officer to augment the services currently offered and increase the level of safety and security on campus. The second is for an area coordinator in housing to replace Andrew Lewis, who resigned at the end of the fall semester to take a position at another institution.
- Shirley Carter, the Director of Catholic Campus Ministries at West Liberty and Bethany was recently awarded a \$10,000 grant from an anonymous foundation to work on service learning initiatives at both institutions. The program under development, called “Spring into Service,” will offer service project opportunities at a variety of locations throughout the community.
- Housing occupancy, as of January 23rd, was at 1088. This is a 6.5% increase over spring 2008; however, the proportion of students who did not return was slightly higher than in the previous several years (9% compared with 7.3% and 7.7%). That represents the number of students who paid to be released from their contract (25 this year vs. 15 each of the previous two years), the number of students who were academically suspended, and the students who did not return to school at all.
- West Liberty completed its campaign for the United Way a couple of weeks ago and we are very happy to report that, thanks to the dedication and concern of the campus community, there was a 22% increase in giving this year, an amount which has tripled since 2004.

OFFICE OF DEVELOPMENT REPORT

2/11/09

Total Gifts Received: As of December 31, 2008, the West Liberty State College Foundation had received \$579,387 in contributions since July 1, 2008. This compares to \$494,370 for the same period last year, a 17% increase. Also, as of December 31, 2008, we have received 1,170 gifts compared to 673 gifts for the same period last year. A 73% increase.

Department News:

On December 15th, Chick O'Data, consultant for the Office of Development, facilitated a session on major gift solicitation. The title of the presentation was "Preparing and Making the Ask". In attendance were Robin Capehart, Jeff Knierim, Jason Koegler, Ron Witt and Chuck Jeswilkowski.

WLSC will officially become a University on May 3rd. Many activities are currently being planned for "University Week", April 27th-May 3rd. President Capehart has asked the Office of Development to plan a Scholarship Dinner which will be held on Friday, May 2nd. This will be a fundraising event with the proceeds benefiting Foundation scholarships. More information will follow.

Members of the Office of Development will be attending the CASE District II Conference in Baltimore, March 22-24.

Development officers Ron Witt and Jason Koegler attended a "webinar" conference in November. The topic was electronic fundraising and the title of the training session was "Lessons Learned from the 2008 Election."

Submitted by:

Jeff Knierim
Chief Development Officer
2/3/09

WEST LIBERTY STATE COLLEGE

2008-2009 Budget Status

As of February 6, 2009

(000)

	<u>Budget</u>	<u>Actual</u>	<u>%</u>	
Revenue	\$ 34,228	\$ 30,334	88.6	(1)
Salary & Benefit	16,339	9,126	55.9	(2)
Expenses	<u>18,149</u>	<u>10,996</u>	60.6	(3)
	- \$ 260	+ \$ 10,212		

(1) Last state appropriation of \$3,011,296 due April 1. Revenue budget will be met.

(2) On target.

(3) No major items.



WEST LIBERTY STATE COLLEGE
WEST LIBERTY, WV 26074-0295

INTERIM FINANCIAL STATEMENTS

Second Quarter

December 31, 2008 and 2007

APPROVED BY _____ TITLE _____ DATE _____

APPROVED BY _____ TITLE _____ DATE _____

WEST LIBERTY STATE COLLEGE

STATEMENT OF NET ASSETS December 31, 2008 and 2007

ASSETS:	<u>12/31/2008</u>	<u>12/31/2007</u>
Current assets:		
Cash and cash equivalents	\$ 6,693,694	\$ 6,005,916
Appropriation due from Primary Government	802,620	258,657
Accounts receivable—net	10,232,766	9,363,662
Due from commission	7,857	21,000
Loans to students—current portion	335,232	310,118
Prepaid expenses	19,615	29,921
Inventories	<u>72,000</u>	<u>83,000</u>
Total current assets	<u>18,163,784</u>	<u>16,072,274</u>
Noncurrent assets:		
Cash and cash equivalents	1,120,811	1,156,435
Loans to students—net of allowance of \$700,284 and \$649,684	985,619	911,781
Capital assets—net	<u>45,678,570</u>	<u>44,188,836</u>
Total noncurrent assets	<u>47,785,000</u>	<u>46,257,052</u>
TOTAL ASSETS	<u>\$ 65,948,784</u>	<u>\$ 62,329,326</u>
LIABILITIES:		
Current liabilities:		
Accounts payable	\$ 838,961	\$ 826,480
Due to commission	2,726	19,994
Due to other state agencies	40,806	80,271
Accrued liabilities	951,495	532,127
Deferred revenue	371,892	268,651
Compensated absences—current portion	817,224	602,779
Debt obligation to commission—current portion	358,633	351,512
Capital leases—current portion	134,524	288,424
Bonds payable—current portion	<u>400,000</u>	<u>380,000</u>
Total current liabilities	<u>3,916,261</u>	<u>3,350,238</u>
Noncurrent liabilities:		
Advances from federal sponsors	1,526,664	1,592,505
Other postemployment benefits liability	171,428	42,020
Debt obligation to commission	3,335,157	3,693,789
Capital leases	27,133	161,657
Bonds payable	<u>11,724,335</u>	<u>12,116,976</u>
Total noncurrent liabilities	<u>16,784,717</u>	<u>17,606,947</u>
Total liabilities	<u>20,700,978</u>	<u>20,957,185</u>
NET ASSETS:		
Invested in capital assets—net of related debt	<u>29,629,415</u>	<u>27,052,352</u>
Restricted for:		
Expendable:		
Scholarships	438,185	15,944
Debt service	1,120,658	1,111,834
Capital Projects	<u>25,479</u>	<u>87,610</u>
Total restricted expendable	<u>1,584,322</u>	<u>1,215,388</u>
Unrestricted	<u>14,034,069</u>	<u>13,104,401</u>
Total net assets	<u>45,247,806</u>	<u>41,372,141</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 65,948,784</u>	<u>\$ 62,329,326</u>

For Management Use Only

WEST LIBERTY STATE COLLEGE

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS PERIODS ENDED December 31, 2008 and 2007

	<u>12/31/2008</u>	<u>12/31/2007</u>
OPERATING REVENUES:		
Student tuition and fees (net of scholarship allowance of \$1,446,806 and \$1,280,000)	\$ 10,728,593	\$ 9,567,029
Contracts and grants:		
Federal	1,416,660	1,432,868
State	2,022,842	1,207,920
Private	374,158	6,750
Interest on student loans receivable	8,513	6,831
Auxiliary enterprise revenue (net of scholarship allowance of \$1,123,819 and \$1,005,000)	8,332,187	7,287,208
Miscellaneous—net	17,771	138,980
Total operating revenues	<u>22,900,724</u>	<u>19,647,586</u>
OPERATING EXPENSES:		
Salaries and wages	5,913,440	5,393,528
Benefits	1,679,332	1,715,783
Supplies and other services	5,096,318	3,624,157
Utilities	923,069	621,732
Student financial aid—scholarships and fellowships	394,237	146,772
Depreciation	1,004,999	1,064,120
Loan cancellations and write-offs	28,336	20,212
Fees assessed by the Commission for operations	84,442	80,138
Total operating expenses	<u>15,124,173</u>	<u>12,666,442</u>
OPERATING INCOME (LOSS)	<u>7,776,551</u>	<u>6,981,144</u>
NONOPERATING REVENUES (EXPENSES):		
State appropriations	4,632,557	3,732,221
Investment income	68,086	157,618
Interest on indebtedness	(353,007)	(367,709)
Payments made on behalf of college	134,531	144,828
Fees assessed by the Commission for debt service	(216,898)	(221,006)
Net nonoperating revenues (expenses)	<u>4,265,269</u>	<u>3,445,952</u>
INCOME (LOSS) BEFORE OTHER REVENUES, EXPENSES, GAINS OR LOSSES	12,041,820	10,427,096
CAPITAL AND BOND PROCEEDS FROM THE COMMISSION	210,000	
INCREASE (DECREASE) IN NET ASSETS	<u>12,251,820</u>	<u>10,427,096</u>
NET ASSETS—Beginning of year	32,995,986	29,378,430
CUMULATIVE EFFECT OF A CHANGE IN ACCOUNTING PRINCIPLE - OPEB LIABILITY		<u>1,566,615</u>
NET ASSETS—Beginning of year after cululative effect change	<u>32,995,986</u>	<u>30,945,045</u>
NET ASSETS—End of period	<u>\$ 45,247,806</u>	<u>\$ 41,372,141</u>

For Management Use Only

WEST LIBERTY STATE COLLEGE

STATEMENT OF CASH FLOWS

PERIODS ENDED December 31, 2008 and 2007

	12/31/2008	12/31/2007
CASH FLOWS FROM OPERATING ACTIVITIES:		
Student tuition and fees	\$ 5,669,299	\$ 5,822,536
Contracts and grants	3,815,298	2,703,838
Payments to and on behalf of employees	(7,921,651)	(7,431,768)
Payments to suppliers	(5,053,490)	(4,352,876)
Payments to utilities	(659,654)	(535,666)
Payments for scholarships and fellowships	(394,237)	
Loans issued to students	(150,862)	(161,317)
Collection of loans to students	74,260	101,861
Auxiliary enterprise charges	4,115,587	4,449,820
Fees assessed by Commission	(84,442)	(80,138)
Other receipts—net	<u>11,769</u>	<u>158,415</u>
Net cash provided (used) in operating activities	<u>(578,123)</u>	<u>(1,846,042)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:		
State appropriations	3,829,936	3,473,564
William D. Ford direct lending receipts	5,424,288	4,811,064
William D. Ford direct lending payments	<u>(5,424,288)</u>	<u>(4,811,052)</u>
Cash provided by noncapital financing activities	<u>3,829,936</u>	<u>3,473,576</u>
CASH FLOWS FROM CAPITAL FINANCING ACTIVITIES:		
Purchases of capital assets	(2,341,494)	(1,501,457)
Capital and Bond proceeds from the Commission	210,000	
Proceeds from sale of assets		916
Principal paid on long term liabilities	(234,466)	(305,469)
Interest paid on bond obligations	(348,781)	(355,906)
Interest paid on long term liabilities	(2,486)	(11,486)
Decrease (Increase) in noncurrent cash and cash equivalents	41,589	324,971
Debt service assessed by Commission	<u>(216,898)</u>	<u>(221,006)</u>
Cash used in capital financing activities	<u>(2,892,536)</u>	<u>(2,069,437)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Interest on investments	<u>69,765</u>	<u>159,532</u>
Cash provided by investing activities	<u>69,765</u>	<u>159,532</u>
INCREASE (DECREASE) IN CASH	429,042	(282,371)
CASH AND CASH EQUIVALENTS—Beginning of year	<u>6,264,652</u>	<u>6,288,287</u>
CASH AND CASH EQUIVALENTS—End of year	<u>\$ 6,693,694</u>	<u>\$ 6,005,916</u>

For Management Use Only

WEST LIBERTY STATE COLLEGE

STATEMENT OF CASH FLOWS

PERIODS ENDED December 31, 2008 and 2007

RECONCILIATION OF NET OPERATING INCOME (LOSS) TO NET

CASH USED IN OPERATING ACTIVITIES:

	<u>12/31/2008</u>	<u>12/31/2007</u>
Operating income (loss)	\$ 7,776,551	\$ 6,981,144
Adjustments to reconcile net income (loss) to net cash used in operating activities:		
Depreciation expense	1,004,999	1,064,120
Expenses paid on behalf of the College	134,531	144,828
Changes in assets and liabilities:		
Due from Primary Government	(2,620)	(258,657)
Accounts receivable, net	(9,676,710)	(8,864,070)
Due from Commission and other state agencies	7,915	15,048
Loans to students, net	(56,780)	(39,244)
Prepaid expenses	(16,360)	20,055
Inventories	120	(351)
Accounts payable	609,566	(13,584)
Due to Commission and other state agencies	(38,482)	(23,052)
Accrued liabilities	(458,924)	(987,640)
Compensated absences	121,550	(57,185)
Deferred revenue	154,357	102,219
Advances from federal sponsors	(13,134)	(1,947)
Other operating activities	<u>(124,702)</u>	<u>72,274</u>
 NET CASH PROVIDED (USED) IN OPERATING ACTIVITIES	 <u>\$ (578,123)</u>	 <u>\$ (1,846,042)</u>

NONCASH TRANSACTIONS:

Cumulative effect of adoption of accounting principle	<u>\$</u>	<u>\$ 1,566,615</u>
Fixed asset additions in accounts payable	<u>\$ 69,372</u>	<u>\$ 186,901</u>
Fixed asset additions in accrued liabilities	<u>\$</u>	<u>\$</u>

For Management Use Only

West Liberty State College Board of Governors
February 11, 2009

**OUTSIDE LEGAL COUNSEL RESOLUTION
WEST LIBERTY STATE COLLEGE**

Action Item

The Board of Governors is asked to authorize the president to retain the services of L. Frederick Williams, Jr., Esq., of Steptoe & Johnson, PLLC. WV Code 18B-2A-4 provides in pertinent part, "Each governing board separately has the following powers and duties...[paragraph 'y']...to acquire legal services that are necessary."

Mr. Williams is arguably the state's preeminent legal expert on issues relating to formation of "public-private ventures" through which private funding is used to construct public buildings (in this instance, specialized or theme housing for students as envisioned in the Institutional Master Plan). A contract for Mr. Williams' services would be reviewed and approved by the Attorney General.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors authorizes the president to enter into a short-term, reasonable fee contract with attorney L. Frederick Williams, Jr. for the sole purpose of providing advice and preparing documents in regard to a public-private venture, i.e. construction of student housing.

West Liberty State College Board of Governors
February 11, 2009

**POLICY REVISION RESOLUTION
WEST LIBERTY STATE COLLEGE**

Action Item

The Board of Governors is asked to authorize a 30-day period during which campus constituencies (faculty, staff, and students) may review and comment on the draft of a revised policy titled "Ethics". On June 12, 2008, President Capehart assigned members of President's Council the task of reviewing Board policies and offering edits to address the following issues, as needed: context, organization, compliance, and timeliness.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approves the dissemination of the draft revised policy "Ethics" to constituent groups for review and comment.

WEST LIBERTY STATE COLLEGE BOARD OF GOVERNORS

POLICY 48: ETHICS

Section 1. General

Scope: This policy establishes guidelines in accordance with the West Virginia Governmental Ethics Act for all employees of West Liberty State College. It requires all employees to avoid conflicts between their personal interests and their public responsibilities. This policy is not intended as a comprehensive treatment on the subject of ethics. It only highlights key elements of the Ethics Act and supplements Higher Education Policy Commission regulations.

Authority: W.Va. Code sections 18B-1-6, 29-3A-4, and 6B-2-5

History: The Higher Education Policy Commission has delegated general ethics policy responsibility to its member institutions while retaining control over the specific content of such policies (reference HEPC Series 31). Persons serving on institutional governing boards are subject to the conflict of interest standards in the Ethics Act, just as state college and university employees are.

Filing Date: February 11, 2009

Effective Date:

Section 2. Approval of Activity

- 2.1 Institutional approval of any activity pursuant to this policy shall be deemed to be part of the employee's employment contract or similar documentation and shall be in writing.
- 2.2 Any institutional approval granted pursuant to this policy may be revoked upon reasonable notice to the employee.
- 2.3 Approval of any activity under this policy may be given only by the president or the president's designee. Such delegation of authority by the president shall be in writing and shall be in accordance with the needs of the College, but in no case shall such delegation be at an authority level lower than vice president or an academic dean.
- 2.4 Approval for any activity may be granted on a case-by-case basis, or when such activities are common within the College, a department, or other category or grouping of employees, to all employees or any sub-grouping thereof.
- 2.5 The College shall establish appropriate administrative procedures for the review and approval of those employee activities covered by this policy.
- 2.6 Disclosures required by this policy are personal in nature and shall be kept confidential, as permitted by law.

Section 3. Solicitation of Gifts

- 3.1 An employee may solicit gifts only for charitable purposes from which the employee or immediate family members derive no direct personal benefit. An employee may not solicit a gift from a subordinate even for a charitable purpose.
- 3.2 An employee may not accept a gift from a lobbyist or from an “interested person” (an individual who seeks to do business with the College or who does business with the College or is otherwise financially interested in the activities of the College) unless the gift fits one of the exceptions identified in the Ethics Act, e.g. meals and beverages, unsolicited gifts of a value of \$25 or less, or free tickets to political, charitable, or cultural events customarily given as a courtesy to the office.
- 3.3 Unless otherwise restricted by one’s supervisor, employees shall be permitted to solicit gifts which directly benefit the College. Solicitations on behalf of a particular department, on behalf of the College’s supporting foundation, or on behalf of an affiliated corporation shall, for the purposes of this policy, be deemed to be a solicitation on behalf of or for the benefit of the College.
- 3.4 Permissible solicitations shall include but not be limited to the following even though the soliciting employee may work in a position which will be directly or indirectly supported thereby: grants or donations from, and contracts with, individuals or entities to support College activities enumerated in the Ethics Act, e.g. teaching, research, publication, and service activities.
- 3.5 Support for teaching, research, publication, and service activities shall include but not be limited to such normal and regular institutional needs as support for salaries, scholarships, capital improvements or repairs, and classroom, laboratory, athletic, medical, scientific, and other similar equipment supplies.
- 3.6 External funds or in-kind items (or services) of value solicited or otherwise received in consideration of advertising, promotion, etc. shall not be acknowledged, reported, or otherwise treated as gifts.

Section 4. Misuse of Public Office

- 4.1 An employee may not work on personal projects or activities for private gain – including but not limited to, other employment – during hours for which the employee is being paid by the College.
- 4.2 An employee may not use the College’s computers or other equipment, vehicles (including vehicles rented or leased by the College), facilities, supplies, etc. for personal projects or for activities that result in private gain – including but not limited to, other employment – to the employee or to another individual.
- 4.3 An employee may not use subordinate employees to work on personal projects or activities during work hours or compel them to do so on their own time.

- 4.4 A supervisor may not authorize or permit employee projects or activities described above. Moreover, every supervisor shall have an affirmative duty to explain the provisions of this section to his/her subordinates.

Section 5. Interest in Public Contracts

- 5.1 Each employee shall be required to disclose any interest the employee or any member of the employee's immediate family may have in the profits or benefits of a contract which the employee may have direct authority to enter into or direct others to enter into or over which the employee may have control (including via participation in preparation of contract specifications and/or participation in the quote/bid and award process) unless such interest is limited within the meaning of W.Va. Code Section 6B-2-5(d)(2). The term "contract" shall include purchase orders and other procurement documents.
- 5.2 The College may review any interest an employee or any member of the employee's immediate family may have and determine what, if any, restrictions or limitation should be placed on the employee's activities.
- 5.3 Without limitation, the following represent examples of interests in public contracts which may be permitted:
- 5.3.1 The employee is the author and copyright holder of a leading textbook in the employee's teaching field and may wish to require the use of the textbook by his/her students;
- 5.3.2 The employee is the inventor and patent owner of a scientific tool necessary for research in the employee's field; and
- 5.3.3 The employee is an expert in the region in a particular field and such consulting expertise is being sought by the College or another governmental agency and the providing of such consulting services is not a part of the employee's duties to the College.

Section 6. Copyright

- 6.1 The Board of Governors and the College respect the copyright protections given by federal law (Title 17, U.S. Code) to the authors of original works of authorship, including literary, dramatic, musical, artistic, and certain other intellectual works whether published or unpublished. In particular, copyrights of textbooks and licensed software shall not be violated.
- 6.2 Members of the campus community are expected to become as knowledgeable as possible regarding copyright and its impact on their responsibilities. Supervisors in academic and administrative departments have an affirmative duty to inform subordinate employees concerning the provisions of this section. Students shall be informed regarding copyright via the Student Handbook.

6.3 Faculty, staff, administrators, and students who willfully disregard the law and this policy do so at their own risk and may be subject to personal liability. Any violation of this policy shall be treated as a serious matter and shall be subject to disciplinary action up to and including termination in the case of employees and expulsion in the case of students.

West Liberty State College Board of Governors
February 11, 2009

**CAMPUS BOOKSTORE RESOLUTION
WEST LIBERTY STATE COLLEGE**

Action Item

The Board of Governors is asked to adopt a new policy entitled "Campus Bookstore". At its December 10 meeting, the Board resolved to disseminate this draft policy for 30-day comment period. No comments were received during that period. This policy is mandated WV Code 18B-10-14.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors adopts the new policy entitled "Campus Bookstore".

POLICY
WEST LIBERTY STATE COLLEGE

Action Item

At the December 10, 2008 meeting, the Board of Governors approved the dissemination of a policy on Student Privileges and Responsibilities. One comment was received by the close of the 30-day comment period. The issues noted in that comment were addressed in the subsequent draft of the policy posted on the Board of Governors' web site on February 2, 2009. Therefore, the Board of Governors is asked to approve the policy as amended.

Proposed Resolution: *Resolved*, that the West Liberty State College Board of Governors approves the following policy:

- **No. XXX – Student Privileges, Rights and Responsibilities**

STUDENT PRIVILEGES AND RESPONSIBILITIES

Comments (by J. Davis, January 26, 2009)

Reflecting on a conversation I had with Dr. Carpenter in December, I feel that this policy's title *does* need to include the word "rights" because the document does reference a few constitutionally protected rights (speech, free press, and, arguably, legal counsel in an administrative hearing) which are distinguishable from "privileges". Privileges can be limited or even rescinded by the College. That is generally not the case with rights. Title should be "Student Privileges, Rights and Responsibilities" and related changes should be made throughout the document (mark-up will be provided to Dr. Carpenter).

Almost half of this document – the language of sections 5, 6, and 7 - is actually a *procedure*, not a policy. Topics covered in these sections are covered (sometimes, verbatim) in the existing WLSC Student Code of Conduct. So, it would be redundant and otherwise unnecessary to duplicate the SCC (a procedure) and call these sections a "policy". Policies answer the questions "what?" and "why?". Statements that answer the question "how?" are *procedures*. Section 5 et seq. describe "how" student misconduct is addressed. These sections are procedural. They should be deleted, especially because the SCC already covers these topics. A new Section 5 should be inserted stating: "The Vice President for Student Affairs shall be responsible for ensuring that an administrative procedure, e.g. a Student Code of Conduct, exists to implement this policy."

Generic jargon needs to be edited. The terminology "rules and regulations" and "policies, rules and regulations" needs to be changed. In HEPC parlance, rules are the same as policies. It's redundant to use both terms. The WLSC Board of Governors traditionally uses the term "policies", not "rules". Also, the Board uses "administrative procedures", not "regulations". For consistency's sake, "policy(ies)" and "administrative procedure(s)" should be used in this document (reference, the mark-up).

Spelling and nomenclature corrections also are noted via mark-up.

Section 7.4.5. needs to be edited so that WLSC's traditional terminology, "Judicial Board" is used instead of "hearing authority". This edit needs to be made throughout the document. Then, policy language will be consistent with SCC language. Also, this section needs to reflect the Judicial Board's longstanding role of *determining* sanctions (not just *recommending* sanctions). Students, faculty, and administrators who serve on the Judicial Board have always determined sanctions.

Section 7.5 is inconsistent with WLSC practice. It indicates or at least implies that the president makes expulsion decisions. That's not the case. The Judicial Board determines sanctions, including the sanction of expulsion. Also, this section, as written, omits the appeal an expelled student has to (a) the Vice President for Student Affairs, and (b) the president. Therefore, the draft needs to be edited so it will be consistent with current practice under the WLSC Student Code of Conduct.

Section 7.2.4. is not consistent with existing WLSC disciplinary practice. The Student Handbook defines “expulsion” as “*permanent* separation of the student from the college” [emphasis added]. As written, Section 7.2.4. would permit an expelled student to re-enter WLSC after a one-year hiatus. It also would permit students who were suspended or expelled from other WV public colleges and universities to enroll at WLSC. It is not in the best interests of WLSC that, for example, a student found responsible for sexual assault here or elsewhere - or convicted of rape - be admitted to WLSC. “Permanent separation from the college” should mean precisely that. The pertinent portion of Section 7.2.4. needs to be edited to read:

“A sanction of suspension or expulsion imposed by any college or university shall apply to the person sanctioned not only at the institution where the sanction was imposed but also at West Liberty State College. A student who has been expelled from West Liberty State College or from any college or university shall not be considered for admission to West Liberty State College. A student who has been suspended from West Liberty State College or from another college or university may be considered for admission to West Liberty State College so long as (a) the terms and conditions of the suspension have been satisfied and (b) the individual is eligible for re-admission to the other college or university or, if suspended from West Liberty State College, is eligible for re-admission to West Liberty State College.”

WEST LIBERTY STATE COLLEGE POLICIES
Policy XXX: STUDENT PRIVILEGES, RIGHTS AND RESPONSIBILITIES

Section 1. General

- 1.1. Scope - Policy regarding student privileges, rights and responsibilities and conduct at West Liberty State College.
- 1.2. Authority - *West Virginia Code* §18B-1-6
- 1.3. Effective Date:
- 1.4. Repeal of former rule - Repeals and replaces Series 57 of Title 131 Interpretive Rule of the Board of Directors of the State College System of West Virginia effective July 1, 1985.

Section 2. Purpose

- 2.1. Purpose - The purpose of this policy includes, but is not limited to, the following:
 - 2.1.1. To establish a general policy on student life, including a statement on student privileges, rights and responsibilities, at West Liberty State College.
 - 2.1.2. To identify behavioral expectations of students and certain prohibited acts by students at West Liberty State College.
 - 2.1.3. To prescribe penalties and sanctions for such prohibited conduct.
 - 2.1.4. To define generally the powers, authority and duties to be exercised by the president and other officials of West Liberty State College in applying this policy.
 - 2.1.5. To establish proceedings to be taken in cases of the violations of this policy.

Section 3. Definitions

- 3.1. Board of Governors - The West Liberty State College Board of Governors.
- 3.2. Institution— West Liberty State College and any other component of West Liberty State College over which the Board of Governors shall have authority, responsibility or control.
- 3.3. President - The chief executive officer of the institution, whatever the title, whether responsible directly to the Board of Governors or through some other officer to the Board of Governors and shall include all those acting for or on behalf of such chief executive officer, at or by his/her discretion or at or by the direction of the Board of Governors.
- 3.4. College premises includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- 3.5. Activity - All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.
- 3.6. Facility - Any and all property of an institution used or usable in any activity of the institution.
- 3.7. Campus - All the property and facilities of the institution serving as the locus in quo of any activity of the institution.
- 3.8. Faculty - any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

3.9. College official - any person employed by the College, performing assigned administrative or professional responsibilities (including student paraprofessional staff such as resident assistants).

3.10. Student - all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students" as are persons who are living in College residence halls, although not enrolled in this institution. This Student Code applies at all locations of the College, including areas outside of the main campus where classes or activities are held.

3.11. Member of the College community - any person who is a student, faculty member, College official or any other person employed by the College.

Section 4. Policies Regarding Student Privileges, Rights and Responsibilities

4.1. The submission of an application for admission to the institution represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board of Governors and the institution. Institutional approval of that application, in turn, represents the extension of a privilege to join the institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the Board of Governors and the institution.

4.2. Freedom of expression and assembly - The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms, the student has certain privileges and responsibilities, including, but not limited to, the following:

4.2.1. To have access to campus resources and facilities;

4.2.2. To espouse causes within the bounds of constitutionally protected speech;

4.2.3. To inquire, discuss, listen to and evaluate;

4.2.4. To listen to any person through the invitation of organizations recognized by the institution;

4.2.5. To have a free and independent student press (as protected by the constitutions of West Virginia and the United States) which adheres to the canons of responsible journalism;

4.2.6. Not to violate the rights of others in matters of expressions and assembly;

4.2.7. To abide by policies, rules and regulations of the Board of Governors and the institution and federal, state and local statutes and ordinances pertaining to freedom of expression and assembly.

4.3. Freedom of association - Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institution.

4.4. Privacy - The student is entitled to the same safeguards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:

4.4.1. Privileged communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries;

4.4.2. Freedom from unreasonable and unauthorized searches of student living quarters;

- 4.4.3. Confidentiality of academic and disciplinary records;
- 4.4.4. Legitimate evaluations made from student records.
- 4.5. Responsibilities of citizenship - The student is expected, as are all citizens, to respect and abide by local ordinances and state and federal statutes both on and off the campus. As a member of the educational community, the student is expected to abide by the institution's Student Code of Conduct which clarifies those behavioral standards considered essential to its educational mission.
- 4.6. Disciplinary proceedings - Disciplinary proceedings for students accused of committing offenses must be consistent with provisions guaranteeing a process of fundamental fairness as are applicable to them. In all disciplinary proceedings, the student shall be considered not responsible until proven responsible of any charge. The president or designee shall have authority for promulgating procedures consistent with the policies of the Board of Governors.

Section 5. Standards of Conduct; Policies and Procedures

- 5.1. Conduct required in general - All students at the institution are subject to and are required to comply with, observe and obey the following:
 - 5.1.1. The laws of the United States;
 - 5.1.2. The laws of the state of West Virginia;
 - 5.1.3. Local city, county and municipal ordinances;
 - 5.1.4. The policies and procedures of the Board of Governors and the institution;
 - 5.1.5. The directions and orders of the officers, faculty and staff of the institution who are charged with the administration of institutional affairs on campus.
- 5.2. Disorderly conduct - Any and all students who behave in a disorderly or unlawful manner, such as the actions listed below, but not limited to those listed, on campus or off campus, are subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such violations in local, state or federal courts:
 - 5.2.1. Fights;
 - 5.2.2. Assaults or battery;
 - 5.2.3. Public disturbances;
 - 5.2.4. Unlawful assembly;
 - 5.2.5. The violation of any municipal, state or federal law or the policies and procedures of the Board of Governors or the institution.
- 5.3. Theft or damage of property - No student shall individually or by joining with one or more others misuse, steal, damage or destroy any institutional property or facilities or the property of any member of the institutional community. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such actions or conduct in local, state or federal courts.
- 5.4. Disruption - No student shall individually or by joining with one or more other persons do any of the following:
 - 5.4.1. Disrupt or interfere with any institutional activity, program, meeting or operation;
 - 5.4.2. Interfere with the privileges or rights of any member of the institutional community;

5.4.3. Injure or threaten to injure or coerce by bodily harm or restraint or threats thereof or any other means any member of the institutional community or persons lawfully on the institution's campus, property or facilities;

5.4.4. Seize, hold, commandeer or damage any property or facilities of the institution or threaten to do so or refuse to depart from any property or facilities of the institution upon direction, pursuant to the policies and procedures of the Board of Governors or the institution, by an institutional officer, faculty or staff member or other person authorized by the president. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such actions in local, state or federal courts.

5.5. Hazing - No student shall individually or by joining with one or more other persons engage in any act of hazing involving another member of the institutional community. The president shall promulgate procedures prohibiting hazing in any form. Such procedures shall include provisions to:

5.5.1. Prohibit any action which subjects a pledge, initiate or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities;

5.5.2. Include the institutional hazing policy in the student handbook or such other publications which are readily distributed to all students as may be appropriate. The institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of probation, educational sanction, restitution, activity or privilege restriction, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such actions in local, state or federal courts;

5.5.3. Identify through student publications and other appropriate mechanisms the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to: denial of the use of institutional facilities, removal of some or all social privileges, removal of institutional recognition and a recommendation to regional or national headquarters that the organizational charter be revoked. The president shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations;

5.5.4. Ensure that students accused of hazing offenses where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing as provided in Section 7.4 of this policy.

5.6. Discrimination - No student shall individually or by joining with one or more other persons promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion or other sanction as articulated in the Student Code of Conduct whether or not there is prosecution for such actions in local, state or federal courts.

Section 6. Institutional Authority for Promulgating and Enforcing Policies and Procedures Related to Student Conduct

6.1. It shall be the president's duty to attend to and administer the laws of the state of West Virginia which may be applicable on the campus, the policies and procedures of the Board of Governors and the policies and procedures of the institution. The president is hereby vested with authority requisite to that end subject to the control of the Board of Governors.

6.2. Delegation of authority and responsibility - Any authority, responsibility or duty granted to or imposed upon the president by this policy may be delegated by the president, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the president shall be required to deal with the persons to whom the president shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the president through such designees except on appeal to the president as specified by the president.

6.3. Promulgation of institutional procedures for student discipline - The president of the institution or designee shall have authority and responsibility, subject to the policies of the Board of Governors, for the discipline of all students at the institution. The president, with the advice of faculty, staff and students and subject to the policies of the Board of Governors, shall develop, promulgate and use disciplinary procedures and channels at the institution not inconsistent with the policies, and regulations of the Board of Governors.

6.4. Activities on and use of institutional property or facilities - The use by any person of the property or facilities of the institution shall be controlled and governed by the policies and procedures of the Board of Governors.

6.5. Public use of institutional property or facilities and restrictions imposed - Subject to the control of the Board of Governors, notwithstanding any procedure, policy or express or implied permission for the use of or presence in or on the property or facilities of the institution, any person who (a) is not a student presently registered for current classes or course work at the particular institution or is not an employee of the Board of Governors currently on duty at the institution and (b) by his/her conduct or speech or expressions, causes or, in the opinion of the president of the institution or the president's designee may be reasonably expected to cause harm to persons, property or facilities or disruption of or interference with any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the president of the institution or designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The president or designee may take whatever legal or institutional action is necessary to effectuate this authority.

6.6. Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations - The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to or use of the institution's property, facilities, activities, programs or operations by those properly and regularly using the same is expressly prohibited, any policy, procedure or permission express or implied notwithstanding.

6.7. Limitations of assembly and student use of institutional property or facilities - Subject to the control of the Board of Governors, when, in the judgment of the president, an assembly is not in the best interests of the institution or the individuals concerned in that it presents a clear and present danger of harm to persons, property or facilities or interference with or disruption of activities the president or designee shall prohibit such assembly and shall take measures to prevent harm to persons, property or facilities or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.

6.8. Limitation of activities and emergency measures - When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board of Governors, when the president deems it necessary to end or to control such occurrences and the circumstances caused thereby, the president shall take any or all of the following actions or other appropriate actions:

6.8.1. Declare a state of emergency to exist on the campus; and

6.8.1.1. Close down any part of the institution for any length of time or limit use of certain parts of the campus, property or facilities to certain persons at certain times;

6.8.1.2. Impose curfews on the presence of persons in or on institutional facilities or property;

6.8.1.3. Place bans on gatherings of persons at places or times on or in the institution's property or facilities or

6.8.1.4. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.

6.8.2. Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with this policy.

6.8.3. See to the enforcement of the laws of the state of West Virginia, the policies, and procedures of the Board of Governors or the rules of the Higher Education Policy Commission and the policies and procedures of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

West Liberty State College Board of Governors
February 11, 2009

WEST LIBERTY STATE COLLEGE BOARD OF GOVERNORS

RESOLUTION

Whereas, the State of West Virginia has the responsibility of constructing and maintaining the highways and roadways within the State of West Virginia; and,

Whereas, the State of West Virginia should consider the potential for economic development and public safety when considering where and when to construct highways; and,

Whereas, the Ohio Valley area of West Virginia has great potential for economic development due to the availability of land, the availability of alternate forms of transportation needed for the transportation of manufactured goods and raw materials, the availability of sources of energy, and the availability of water; and,

Whereas, the current condition of portions of West Virginia Route 2 is detrimental to the economic development of the Ohio Valley and presents a potential risk to the many citizens who travel this busy highway;

Therefore be it resolved:

That the Board of Governors of West Liberty State College requests and urges that the State of West Virginia place a high priority on the upgrading of West Virginia Route 2 to a modern four-lane highway to serve the Ohio Valley.

Given under our hand this _____ day of _____ at the meeting of the Board of Governors of West Liberty State College held in West Liberty, West Virginia.