

**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS**

June 6, 2012

5:00 p.m.

R. Emmett Boyle Conference Center

AGENDA

1. Call to Order
2. Chairperson Comments
3. Consent Agenda* 10 Min
 - a. Minutes of the Full Board 04/18/12, 05/23/12
 - b. Minutes of the Executive Committee 04/04/12, 05/23/12
 - c. Annual Graduate Degree Report
 - d. Tentative Schedule of Meetings July 2012-June 2013
4. Informational Items:
 - a. President's Report 25 Min
 - b. Advanced Academy of West Virginia 10 Min
5. Action Items*:
 - a. Pipeline Right-of-Way Agreement 5 Min
 - b. Certificate in Entrepreneurship 5 Min
 - c. New Teaching Specializations: French, Theater, Gifted Endorsement 10 Min
 - d. Policy 47-Tobacco Use and Guidelines 15 Min
 - e. Election of Officers 15 Min
6. Adjournment

*Action Items

**West Liberty University
Board of Governors**

Minutes

April 18, 2012

Attendance:

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

Unable to Attend:

Lisa Allen, Robert Steptoe

Administration/Faculty/Staff:

Bill Baronak, Robin Capehart, Scott Cook, John Davis, Mary Ann Edwards, John Gompers, Tony Koyzis, Melinda Kreisberg, Robert Kreisberg, Susan McGowan-Koyzis, Jim Stultz, Jack Wright, Leanne Yeater

1. Call to Order:

Chair Joseph called the meeting to order at 5:13 p.m.

2. Chairperson Comments:

Chair Joseph noted that the senior art show being held this evening in the Nutting Gallery runs until 7:00 p.m. for those interested in attending following the meeting.

3. Consent Agenda*:

Chair Joseph asked for a motion to approve the consent agenda items, those being the minutes of the full Board of February 8 and 27, 2012, Honorary Degrees, Elevation of Programs to Schools, Gary E. West College of Business Department Name Changes, Program Reviews, and Annual Report of WLU Funds Transferred to Research Corporation.

A motion that the West Liberty University Board of Governors approve the Consent Agenda items was then made by Beverly Burke and seconded by Rob Marks; motion passed unanimously.

Beverly Burke asked with regard to the honorary degrees; this is generally given to the commencement speaker. Are they both speaking or just being recognized for something? President Capehart stated that because this is WLU's 175th anniversary, instead of having the usual speaker set-up, he thought it would be nice to have Jim and Al each speak. They are highly deserving of this opportunity with a total of about 87 years between the two of them at WLU. Mrs. Burke agreed and was just wondering if that was the case or if they were retiring.

4. Informational Items:

a. President's Report

President Capehart stated that he had a couple of matters to talk about, much of them dealing with some things we started to look at back in November dealing with enrollment, budgets, and the growth we have enjoyed over the past six years. Sometimes you just have to start looking at data to try and project the future.

Starting with the enrollment trends at WLU, enrollment was fairly high in 2002, which doesn't include high school students taking classes. Enrollment bottomed out around 2005-2006, and then started to climb considerably all the way through 2011. WLU currently has the highest enrollment overall since 1973. Some of the factors for this are aggressive and smart recruiting, a really good Enrollment Management Plan from Scott Cook, enhanced representatives of the school over the past five or six years, and the addition of new programs. Freshmen enrollment has increased from 2006 to 2010 with the most recent increase of 13.5% for first time freshmen, the third highest in West Virginia behind WVU and Shepherd. The class of 2009 was the largest since 1976.

With regard to retention, as we continue to grow, Student Services have done an excellent job keeping students at a rate of 79.6%, the second highest in the State. Also, when you look at the quality of our students coming in, from 2001 to 2011 we've gone from five to eleven class valedictorians. The increased number of scholarships is attracting higher quality students. These students bring money with them, such as the PROMISE Scholarship. Students staying at WLU help enrollment growth, even when the freshmen class is flattening. There has also been a dramatic increase in the last five years for Elbin Scholars.

Degrees conferred since 2006 actually went down until 2009. The reason for this is a reflection on the lower enrollments we had four, five, and six years ago. In 2010 we actually had a 26.7% increase from 2009 to 2010. Some of this is attributable to the addition of a Masters' Program.

Investments have produced increased enrollment; marketing, public relations, scholarships, and new and higher quality programs. Resources for investment are available due to incoming enrollment exceeding graduating students. Higher retention and higher achieving students will produce a higher number of graduates. Larger graduating classes create greater pressure to increase enrollment through first year students, transfers, and retention. We have maximized potential graduates from area high schools. A few years ago we made the decision to hire recruiters who did not live here, but lived in an area we wanted to recruit students; the eastern panhandle. It takes time to nurture those relationships, but that is what we have done and enrollment from those areas has increased and it's starting to pay off. We have to get outside this area and are eventually going to need to maximize students from other areas.

Another concern is tuition and fees; WLU is currently below the market rate, third lowest in West Virginia and seventeenth out of our 20 peer institutions. We are \$1,356 below the peer average and \$1,322 below peer average for total cost of attendance. Peers are carefully selected by programs, geography, and other factors. Based on fulfilling State Policy goals, WLU has done very well and we are doing projects that the State wants us to do. The bottom line concern is how do we maintain our momentum while staying financially prudent. We started looking at budgets at the end of last semester and into January and February; we need to maintain and stay prudent.

For the FY 2013 budget parameters, we have conservative estimates on enrollment since the State came down with new rules on accepting students. Last year we had only rejected about 20 students at this time, but we have rejected approximately 80 students because of new directives from the HEPC. We are projecting no new enrollment increases for undergraduate and graduate budget purposes.

We want to increase institutional efficiency without hurting quality as we go through the budget process. There will be an increase in the President's involvement in fundraising now that the new Provost has settled in and others have settled in for Institutional Advancement. President Capehart has recently been off campus fundraising, not just private funds but working with the legislature. As the Legislative Liaison for the President's Council he is working to push through funding for the new formula worked out by former Chancellor Noland. We would like to have a minimum reserve of 10%, but try to make it higher down the road. There will be no additional new personnel but some replacements. We will delay certain funding and expenditures until we have a handle on the fall enrollment. Some things need to be funded now, like the Director of Athletic Training, and we will go through the process for this position. We will be working through the Executive Committee to prioritize expenditures. As funds become available through enrollment generating revenues, and there is a comfortable cushion, we will start funding some of the needed projects. Also, in the future a fiscal note will be required when looking at positions that need funding or anything we need to put money into. This will give us an idea as to where the item stands with regarding to funding, etc.

Fiscal Year '13 strategies, with no growth in graduate and undergraduate enrollment, are additional summer school sessions, an undergraduate tuition and fee increase of five percent (5%), and a room and board increase of seven percent (7%). A \$200 capital fee will be added in the Spring 2013 semester to fund the Health Science building, a \$265/Credit fee for the BA in Leadership and Administration, and a one-time fee for LiveTech and Hilltopper for Life.

Dr. Kreisberg stated that the LiveTech Program is an online assessment management data system that will be used to maintain accurate assessment records. This computer based system

will collect all data entered in classes and makes this data available to levels of administration. As you move up it will generate levels of reports. To do this by hand is virtually impossible at this point. There will be a one-time fee that every student will pay that will take care of the entire time the student is at WLU.

With many colleges and universities struggling with alumni dues, WLU has created the Hilltopper for Life program. Most bigger schools, such as Rutgers, have eliminated alumni dues because they were finding people would pay \$35 in dues, and when it came time to request a donation to the school the alumni would state they had already given in the form of dues, making it difficult to go after a larger donation. Freshmen would pay one fee and automatically become a member of the Alumni Association. Part of the problem we have with so many alumni is that they get their diploma, a picture taken, head to the reception and we never see them again. Unless they make the effort to come back to campus it's difficult to find them once they're gone. By using this program we can make a connection with students the moment they walk on campus. Freshmen, Sophomores, and Juniors will have the opportunity to work with the alumni where they will put a program together in their field with alumni, look at what the field entails, have a conversation with the alumni and start building relationships with the institution while they're here. They will be providing support for the students through mentoring and possible internships. The program at Texas A&M has been extremely successful and we will be able to attach students with our alumni. There is a \$150 one-time fee to be a member for the rest of their life. There will also be a periodic magazine to stay in touch.

WLU currently has 385 students taking more than 21 credit hours; one student is taking 34 hours; twelve credit hours are considered full-time. There is literature out there which shows that students cramming excessive hours into a semester hurt themselves academically. A service fee will be added to those students taking more than 21 hours to forgo some of the costs we have to the Registrar's and Admissions offices when these students decide to drop or change these classes.

Classified Staff salaries will again be fully funded at the Mercer Scale and those with 15 years or more of service will receive a two percent (2%) raise. Faculty has a three percent (3%) pool available for raises on January 1, 2013. A 12% increase has been given to faculty over the last five years. Non-Classified employees pool is yet to be determined and will be available January 1, 2013. A specific fund has been set up for adjuncts and a policy will be looked at for adding adjuncts, including a priority list, who have the ability to teach a 300 or 400 level class, and need due to a tremendous growth in students and not wanting to "cram" students in classes.

With regard to programs, whether new or existing, we want to utilize existing personnel if we have people we can move from one place to another and change responsibilities to be able to fund. We can transfer operating funds from other budgets and not create new funding; the funding can follow the person to the new responsibilities.

Scott Cook has done a great job with the Learning Center, which has been an extremely high priority and will kick off next year. This will be a great tool to provide help for students who need it and should have a tremendous impact on greater retention.

With the creation of the Executive Fellowship Program, we will be working with employees, faculty members for the most part, who want to learn how the University operates. If, say, four individuals are selected to serve, they will do rotations through the school; spend time in athletics, human resources, the business office, etc. They may go to president's council meetings and the executive council meetings with the hope to one day move up to be a chair, dean or other position, but also have a chance to see what actually goes on in these areas. Funding for the program will be through professional development.

The Center for Entrepreneurship, funded by Gary West, was an idea that came about a couple years ago. After not much movement, Carrie White took over the Center. Carrie has done a good job, especially in defining the different programs WLU is going to have at the Center. The Center's primary purpose is curriculum development; develop the classes and get them approved so anyone can take classes in Entrepreneurship.

The Honors College and Advanced Academy give WLU the opportunity to attract high achieving students. At the recent Black & Gold day on campus there were many people lined up at this

table for more information. WLU is the second school in the state with an honors college. The Advanced Academy is two weeks away from approval by two county boards of education and the State Board of Education.

The Institute for Innovation for Education will be the area you turn to when there is an idea on campus and need guidance. This group will assist when the information is prepackaged and ready to go. You will work with alumni or faculty, develop a budget, look at the revenue impact, and the impact on students.

The Small and Family Business Program held a program at River City with approximately 120 in attendance to hear speakers from the local area. WLU has been a great resource for the community on this subject.

The Intellectual Property and Innovation Program, in cooperation with WVU, will work to assist students and others interested in pursuing information regarding patents, copyright, and trademark protection. WLU has partnered with the WVU College of Law for this endeavor.

Patrick Kelly asked with regard to the students WLU has rejected; has an analysis been done to determine whether this is due to some kind of technicality or should we go to the state when we think these students can be successful. President Capehart stated that new admissions standards have been thrust upon us by the State. Scott Cook stated that four years ago the HEPC increased the minimum admission requirements to an 18 ACT and 2.0 GPA minimum, and allowed us to admit 15% of the freshmen who did not meet these requirements. They have since dropped the percentage down to 5% of the freshmen who did not meet these requirements this year. Retention for these first year students is at about 40%. Mr. Kelly stated that there's no point in losing a bunch of students. This is an HEPC rule.

Mrs. Burke asked with regard to the salary increases; the three percent for faculty and non-classified are not to take effect until January 1, 2013 and the classified staff Mercer Scale will take effect January 1, 2013; if we get additional students can these dates be changed? It was stated that we need to see enrollment figures. Classified staff will receive their Mercer Scale step increase if they are still moving through the scale. Those classified employees above the 15 years will receive a two percent increase beginning July 1st.

Dr. Marks asked with regard to tuition and fees and room and board; we don't know where our competitors will go with their increases but we know where they are currently. President Capehart stated that WLU added five percent to everyone. Mr. Wright stated that Marshall and WVU both announced yesterday a five percent increase. The capital fee we are adding in the second semester will probably count against our projected increase. We did not increase the out-of-state tuition and fees, just the in-state and metro. Mr. Cook felt WLU was getting out of line with our out-of-state competition and the government loans also effect this situation.

Mr. Syrylo stated with regard to the service fee; he understands students taking 18 to 21 hours and the extra work involved; what about students who are maintaining these hours with a consistently high GPA; will those students still have to pay that fee? President Capehart stated that the service is a greater burden for those students taking 19 hours and above. The \$100 fee will affect about 385 students. Mr. Burke asked if it's a flat fee, even if the student takes an extra ten hours, which is correct. It was estimated that if WLU would charge per hour for the extra hours like most privates do, we would have \$1.8 Million more last year for those hours.

5. Action Items*:

a. Policy 47 – Tobacco Use and Guidelines

Mr. Stultz stated that a decision needs to be made as to whether we should or should not approve the revised Policy No. 47 – Tobacco Use and Guidelines. Before getting into the specifics about the results received from the various constituent groups on campus, there is reasoning as to why WLU is going with this policy. First and foremost it is important to note that as a student of this University you're learning a way of life that will last you for the rest of your life. With education you are given a chance to acquire incredible knowledge and morally feel that with this opportunity, by changing this policy, it will enable you to experience a healthy environment and to do what we can to encourage wellness in your life and be a whole person by in fact, being in an environment free of tobacco.

As we move toward growth in the medical sciences with the PA Program, an established Nursing Program, Dental Hygiene Program, Exercise Physiology, and Athletic Training, with more focus on what helps sustain and make for a healthier life, WLU needs to create a proper environment. In the need to clean-up campus, the current policy designated smoking areas but the problem is policing. WLU encouraged staff and students to utilize receptacles to extinguish cigarettes but it was not successful. As the State moves its health care toward wellness and tobacco-free incentives this year during the open enrollment period, although it is not a must immediately but in the long-term, we need to get tobacco users to make a change in life style and reduce the cost of health care, which has a direct impact on the institution. An employee who is a non-tobacco user, through PEIA, can save \$25/month as a single employee and \$50/month for a family. One of the reasons WLU decided to pursue a tobacco-free campus is that 648 campuses in the country are tobacco-free; we're not the first out of the box on this move and certainly not the last. WVU is going tobacco-free on July 1, 2013 and have a policy somewhat similar to WLU's; WVNCC is going tobacco-free and anticipate final approval for their policy in the next three weeks.

Mr. Davis gave notice of the policy to the campus community, giving plenty of opportunity for a response back from the various constituent groups. Attending the meeting this evening to give their perspective is the Student Government President, David Strylo, and the Classified Staff representative to the Board, Beverly Burke. The bottom line on the responses received is that WLU will not be able to enforce this policy. We realize success in the long-term to get WLU tobacco-free is education. WLU is working to see what we can provide in the way of opportunities to end the habit of smoking with cessation. Management supports the direction we are looking to go with this policy and are looking for the Board's approval. Mr. Stultz stated that personally, he recognizes this as an addiction and it's up to us to do what we can to assist those involved in overcoming their tobacco use habit. We are on the right track as the country sees the need to make tobacco-free environments. The only school in the state totally tobacco free is the WV School of Osteopathic Medicine.

President Capehart stated that the biggest problem is litter. At the time the possibility of a tobacco-free campus was announced, you could walk from one end of the College Union to the other and it was a mess; there were cigarette butts everywhere. Cigarette butts would be laying right next to a container for their disposal. People from facilities maintenance are sent out first thing every morning to pick up butts and it's costing the University. There was a good article in the Trumpet last semester by one writer who liked to smoke, but did make the point that we have to be responsible and can't throw cigarette butts all over the place. We don't want parents with their kids visiting campus and seeing 50 to 60 cigarette butts in front of the College Union. It's unsightly and expensive.

Mr. Stultz stated that we don't know whether this would have an effect on student recruitment and thought possibly something could be added to the application to track students who smoke. At a recent Black & Gold day a parent asked if we were a tobacco-free campus; in one case it was important enough for consideration. Mrs. Burke stated that the classified staff were divided approximately half and half on the policy. Those for the policy did not agree with the enforcement wherein employees would turn-in their peers and were not willing to rat on fellow employees. There is also a question on campus housing; you can smoke in your house but you can't smoke on campus. Mr. Stultz stated that WVU's policy for compliance is the same with student's disciplinary sanction up to and including expulsion and termination of employment for employees. In our case Mr. Cook, campus safety and Mr. Stultz will oversee enforcement, but they don't anticipate walking around with a clip board and camera to catch offenders.

We plan to recognize this as an addiction issue and are concerned about loyal employees who have dedicated many years to WLU and smoke. This will be geared towards what we can offer in a way to overcome this habit through the PEIA tobacco help line and a cessation plan. We don't anticipate the worst case scenario; termination or expulsion. We want to work with people through their primary care doctor and make some common sense decisions. Chair Joseph asked how the policy will be enforced. Mr. Stultz stated that the disciplinary progressive set of steps will be taken first; warnings and assistance with quitting without being written up. Ultimately it could lead to termination of employment. Mr. Couch asked if there were any changes to the policy as a result of information received during the 30-day comment period, to which Mr. Stultz replied that there were no changes made to the policy. The responses involved enforcement, suggestions for cessation and related products, and the sense of expression or the rightness or wrongness of the policy.

Mrs. Burke asked if instead of a smoke-free campus could there be a smoking area, especially since the current policy is that smoking is to be 20 feet from any entrance and what we have in policy now isn't enforced. What she heard from people was the suggestion for a specified area for smoking. Mr. Syrylo asked how those using smokeless tobacco would be identified. Mr. Stultz stated that he didn't know, but that we would need to move on all aspects of tobacco use.

Mr. Carter stated that he understands all the discussion on enforcement, but what if somebody does rat on a fellow employee; now you've got the issue. Has a criteria been established as far as punishment and discipline? Mr. Stultz stated that we have not gone that far. Mr. Carter stated that very soon after the policy is passed, WLU will need to have this in place; you have to establish what you're going to do. Mr. Stultz stated that there was a rather intense difference of opinion on how enforcement should be set up. He would prefer to get into it and see what can be done. Mr. Carter stated that WLU is asking for a lot of trouble not having something set up in advance. It's a wonderful concept to wait, but when you have a policy that states what happens up to and including termination, you need some sort of established criteria. Mrs. Burke stated that she was in total agreement.

President Capehart stated that there is a committee on campus that put a lot of work and discussion into this policy. At the end of the day you're not going to stop it; you're going to reduce it. Are people going to sneak out and smoke and someone try to catch them; probably not. It should make a tremendous impact on dissuading people who smoke and clean up the litter on our beautiful campus. We do not have a structured disciplinary policy. We need to develop some type of disciplinary program that works with the clear understanding on what is the discipline, how to apply, get it into the hands of supervisors to have in place and utilize. This is a small part of the bigger issue. Mr. Cook stated that the issue was discussed at length and we know there are employees who are not going to tell people they can't smoke. Looking at the student perspective there are students who are not going to smoke because we have a policy. There will be some who will smoke until confronted and some who will challenge us. There is a judicial process for the students.

Mr. Couch stated that he absolutely supports the policy, having worked at three hospitals with this type of policy that works, and normally would move to approve this policy. He also stated he just wants to be sure WLU takes one additional step and moved that the Committee be asked to meet one more time with the comments from faculty and students to consider potential revisions and report back to this Board at the June meeting. He would like to take this action until the next meeting.

A motion that the West Liberty University Board of Governors table action on Policy 47 – Tobacco Use and Guidelines was then made by George Couch and seconded by Beverly Burke; motion passed unanimously.

b. Pipeline Right-of-Way Agreement:

Mr. Wright stated that Appalachia Midstream Services, L.L.C., a Chesapeake subsidiary, has requested a permanent easement on the backside of the undeveloped portion of the University property. He and John Gompers met with them and made changes to the easement. There was a small disagreement on the upfront payment. They wanted to pay \$500 upfront for the lease and pay the balance at the end of two years. WLU wants \$107,000 upfront for the two pipelines and do what they want at the end of two years. In the meeting they were reluctant to change and have not gotten back to us as of today's meeting. Mr. Wright asked if there were any questions. Without a response from them at this time, there is no Board action required this evening.

c. Inducement – Health Science Building:

Mr. Wright noted the one-page status of Campbell Hall contained in the Board packet. Bond counsel has been here to talk about what is proposed and we have advertised for counsel. The three responding firms from the Charleston area are Jackson Kelly; Spilman, Thomas & Battle, and Steptoe & Johnson. We chose Steptoe & Johnson and Fred Williams is our bond counsel. What follows at this point is a schedule of events dealing with the bond process and receiving final approval by the Board. Once the Board has approved the bond it will go to the HEPC for approval and move forward to the Governor for final signature. Fred Williams is here this evening to give some background on the procedure that will allow WLU to move forward with the bond process.

Mr. Williams stated that in the process for a public university to receive bonding there are several steps. First is the adoption of the resolution before the Board tonight which primarily, does not bind the University to do anything but will begin the process. The next step pertains to Federal tax laws; if you want to sell your bond to take money and reimburse yourself for expenditures you've made on projects, you have to adopt a reimbursement resolution which gives you that ability and language in the resolution to make this permissible. One of the other things that will be done because of the time frame and nature of the bond issue is that University is looking at selling the entire \$10 million to one financial institution. Mr. Wright has talked with three local financial institutions who are still formulating proposals, but they will come up with the best offer for the University and then would come back next month for final approval. That financial institution would be elected and approved in that resolution and the terms of the bond would be set in the resolution itself. The next step goes to the HEPC and they have to approve the bond issue and under statute they are required to look at it from a financial feasibility standard. They would go through the bond, with the financial staff and come back to the Board for final approval of all items. This bond issue is a process where these bonds would be secured by the revenue stream created by the additional capital fee, which is the only collateral; no other buildings on campus or other fees. The financial institution buying the bonds would have to be comfortable that there is sufficient revenue to repay the bonds plus a little surplus in case things drop a little. As a revenue bond the interest is free of Federal and West Virginia income tax because WLU is a government entity. Mr. Williams asked if there were any questions about the process; there were none.

A motion that the West Liberty University Board of Governors approve the Inducement Resolution for the Health Science building was then made by George Couch and seconded by Ann Thomas; motion passed unanimously.

d. Approval of FY 2013 Budget/Tuition & Fees:

Mr. Wright stated that the FY 2013 information this evening shows a positive variance of about \$43,000. The capital fee is not included because it does not go to the University and we do not have University funds going into the Health Science building, other than commitments the Board has previously made. He continued with a review of the FY 2013 budget parameters and the various changes and percentage increases, along with a run through of the capital expenditures listing various renovations and upgrades on campus. Mr. Wright asked if there were any questions. Ms. White asked with regard to the faculty positions posted new at this point; are they not being considered until January. Mr. Wright stated that any open faculty position that is a replacement will be filled, but there will be no new positions. Chair Joseph commended Mr. Wright for putting together the budget information.

A motion that the West Liberty University Board of Governors approve the FY 2013 budget was then made by Paul Limbert and seconded by George Couch; motion passed unanimously.

Mr. Wright reviewed the various breakdowns for the proposed tuition and fees for graduate and undergraduate programs and asked if there were any questions.

A motion that the West Liberty University Board of Governors approve the FY 2013 tuition and fees was then made by George Couch and seconded by Richard Carter; motion passed unanimously.

6. Adjournment:

The meeting adjourned at 7:06 p.m.

Brian Joseph

Chair

George Couch

Secretary

**West Liberty University
Board of Governors**

Minutes

May 23, 2012

Attendance:

Beverly Burke, Richard Carter, George Couch, Brian Joseph, Patrick Kelly, Rob Marks, Ann Thomas, Carrie White

Unable to Attend:

Lisa Allen, Paul Limbert, Robert Steptoe, David Syrylo

Administration/Faculty/Staff:

Robin Capehart, John Davis, Mary Ann Edwards, John Gompers, John McCullough, Fred Williams, Jack Wright

2. Call to Order:

Chair Joseph called the meeting to order at 8:34 a.m.

3. Chairperson Comments:

None.

3. Action Items*:

a. WesBanco Commitment Letter

Mr. Wright, for those present and attending by telephone, offered some background on the commitment letter. WLU had three banks who submitted proposals for the bonds; WesBanco at 2.85% interest on \$12 million over 15 years with the capital fee as back-up; United at 3.45% interest on roughly \$13 million with the capital fee as back-up; and Huntington at 3.49% interest with the capital fee as back-up. The difference between Huntington and United equaled \$37,000 on \$13 million. Without question WesBanco was better than both and we picked WesBanco with a payment of roughly \$830,000/year. The commitment letter refers to the backing solely of the capital fee with a 2% penalty if we run into default. The penalty exists only during the time of default. The bonds will be supported by the \$200 per student per semester capital fee, subject to the passing of this fee today. Mr. Wright asked Mr. Williams if there is anything he would like to add. Mr. Williams stated that the interest rates in the commitment letter and also in the resolution are virtually identical to what was on the open market yesterday. These are very good market rates.

Mr. Couch asked approximately how much the student fee would generate per year. Mr. Wright stated approximately \$1 million, with excess going toward capital improvements or a fund for capital improvements. We would need to drop to roughly 2,060 students to put us at a breakeven. Right now on full-time student FTE and converting part-time students we have approximately 2,500 FTE. Online students pay their respective portion of the fee; if taking a three-hour online course they get charged their three-hour portion of the \$200. Every student pays some portion whether full-time or not. Mr. Williams stated with respect to the payment structure, there is no period of time restricted for prepayment. This is a nice feature if you finance and are able to pay off early. Mr. Couch asked if there are a minimum of years for repayment; three or five. Mr. Williams stated that there is not a minimum; we could turn around and pay off if we wanted.

Mr. Joseph stated that he received an email from Lisa Allen addressing any liabilities to the Board of Governors. Mr. Williams stated that under the resolution and state law, these bonds are revenue bonds that are payable only from the capital fee. There would be no liability, no mortgages on any property, and no lien on any of the University's revenues. It does not restrict refinancing other bonds or other bonds from other revenue sources and there is no liability to the individual members of the governing board for taking this action.

Mr. Joseph asked if there were any other questions. Mr. Carter stated that we are stipulating that our method of payment for the bonds is the capital fee and it's anticipated that our annual capital fee revenue generated will probably exceed what is needed. Should this excess be there for other capital items; is there anything that restricts us as to what it can be used for? Mr. Williams stated that the excess can only be used for capital items; that's really the only restriction. Statute provides that the capital fee can be used for land acquisition, construction of new buildings, renovations, furniture, etc. It cannot be used for auxiliary items.

Mr. Couch asked if the excess can be used for other existing debt with a higher interest rate. Mr. Williams stated that this is a good question; since these are required education and general capital fees you could not use them to pay off debt for auxiliary items since auxiliary bonds for dormitories are a different set up. If there was a debt that was issued for required core educational items then you could technically use it, but if you issued a refunding bond you could not make a pledge of these revenues to repay those bonds on a parity with the bonds issued now without the consent of WesBanco. Mr. Wright stated that we plan to take a look at existing bonds at a later date. The reason we didn't combine existing bonds is that the same day the Governor is going to sign this bond he's leaving for Japan, and it's also the day bids are due on the building. We didn't have time to combine the existing bonds but we will look at that as soon as we get these items in line for this building. Mr. Couch stated that it is a simple way to pay off something else without incurring additional expense.

A motion that the West Liberty University Board of Governors approve the WesBanco commitment letter was then made by George Couch and seconded by Richard Carter; motion passed unanimously.

b. Educational and General Capital Fee Resolution

Mr. Wright stated that the Board is approving the \$200 per semester fee that will be included for the spring semester of fiscal year 2013, and will continue thereafter for the length of the bond and until terminated by the Board. This fee will be paid by all full-time students as well as proportionally by all other students. It is to be used, as Mr. Williams mentioned, for the acquisition of land, construction of new buildings, renovations, furniture, etc., but cannot be put into auxiliary facilities. After the bonds are paid off it then becomes the discretion of the Board as to whether to continue the fee for other capital projects or not. Mr. Williams had nothing further to add, stating that in essence the Board has already approved the fee for fiscal year 2013 through the previous action, but bond lawyers like to have this item clear as to how long the fee takes place and how it can be used. Mr. Joseph asked if there was any further discussion.

A motion that the West Liberty University Board of Governors approve the Educational and General Capital Fee Resolution was then made by Beverly Burke and seconded by Ann Thomas; motion passed unanimously.

c. Bond Resolution of the Board of Governors

Mr. Wright stated that the bond resolution will allow the university to go forward and conclude the bonds using the commitment letter from WesBanco, approving them as the bank, Steptoe & Johnson as the attorney, the issuance of the \$10 million, and allowing the people involved to conclude any administrative functions needed to be done. Mr. Williams stated that the bond resolution contains all of the final terms for the bond issuance. The amortization schedule on page four lists the bonds being issued, maturing dates and percentages. Beginning November 1, 2013 the University will actually start paying down the principal of the first bonds with a payment of \$720,000 that year and would gradually work its way down and start on the next payment. The first payment is a little higher because there is a longer period to accumulate the amount. Mr. Wright stated we will be taking down \$75,000 at the time of the signing of the bonds. Mr. Williams stated that no interest will be paid until we draw money down on the bond. Mr. Joseph asked if there was any further discussion.

A motion that the West Liberty University Board of Governors approve the Bond Resolution of the Board of Governors was then made by Richard Carter and seconded by Ann Thomas; motion passed unanimously.

4. Information Item:

a. Trust Indenture

Mr. Williams stated that there are still one or two things to work out on the Trust Indenture. Mr. Joseph asked with regard to the Trust Indenture; what is its purpose. Mr. Williams explained the Trust Indenture to the group. Mr. Joseph asked if there was any other business to discuss.

5. Adjournment

The meeting adjourned at 8:55 a.m.

Brian Joseph

Chair

George Couch

Secretary

**West Liberty University
Board of Governors**

**Executive Committee
Minutes
April 4, 2012**

Executive Committee Members: Richard Carter, George Couch, Brian Joseph

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

General Counsel: John Gompers

1. Chair Joseph called the meeting to order at 8:15 a.m.
2. BOG Business – The next Board of Governors meeting will be held in the R. Emmett Boyle Conference Center at 5:00 p.m. on Wednesday, April 18, 2012. The BOG Finance Committee will meet at a yet-to-be-determined date/time.
3. President's Report – President Capehart will update the Board on a number of events and activities associated with the University, with a major emphasis on the HLC approval of the Master's Degree Program in Physician Assistant Studies, which will commence its inaugural class on July 2, 2012.
4. Honorary Degrees – President Capehart reported that it is anticipated that Honorary Doctorates will be conferred upon Al de Jaager (46 years of service) and Jim Watson (41 years of service) at the Spring Commencement on May 12, 2012. Al and Jim will give short acceptances and words to the graduating class.
5. Elevation of Departments/Programs to Schools – Anthony Koyzis reported that the Dental Hygiene Program and the Nursing Program will be designated as Schools, reflecting their status within the University and providing for greater fundraising opportunities. Per the recommendation of the ARC-PA, the accrediting body for the discipline and with approval now having been granted by the Higher Learning Commission, the Physician Assistant Studies Program should be designated a School. This will be included in the Consent Agenda.
6. Department Names Changes – Anthony Koyzis stated that, within the West College of Business, the Department of Administrative Systems will be changed to Management and Marketing, and the Department of Financial Systems will be changed to Accounting, Finance, and Information Systems. This will be included in the Consent Agenda.
7. Transfer of Funds – John Davis reported that, as required on an annual basis, the BOG has to "review the use [of funds that have been transferred from West Liberty University to the West Liberty University Research Corporation] and evaluate the need for continuing such transfers."
8. BOG Policy No. 47 – Tobacco Use and Guidelines – John Davis stated that comments continue to be received within the thirty-day comment period on this proposed policy revision.
9. Program Reviews – Anthony Koyzis explained that the Board will need to approve the BOG Program Review of Mathematics and the Assessment Follow-Up/Progress Reviews of the following programs: Business, Communications, Criminal Justice, English, Exercise Physiology, Graphic Design, Medical Laboratory Science, Psychology, Social Sciences, and Interdisciplinary Studies.

10. Memorandum of Pipeline Right-of-Way Agreement – Jack Wright reported that the Memorandum between WLU and Appalachia Midstream Services from Oklahoma City, OK will need to be formally approved by the Board.
11. Inducement Resolution – Jack Wright explained that the Resolution must be approved by the Board as part of the process for bond funding for the proposed Health Science building. The Resolution contains a non-inclusive list of potential projects that could be funded through the sale of bonds.
12. FY 2013 Budget and Tuition/Fees – President Capehart and Jack Wright stated that the BOG Finance Committee will carefully review all elements of the proposed FY 13 operating budget for WLU, along with an analysis of proposed tuition/fees, and will make a recommendation to the entire Board.
13. Meeting adjourned at 10:05 a.m.

Brian Joseph _____
Chair

George Couch _____
Secretary

**West Liberty University
Board of Governors**

**Executive Committee
Minutes
May 23, 2012**

Executive Committee Members: Richard Carter, Brian Joseph

WLU Administrators: Robin Capehart, John McCullough, Jim Stultz, Jack Wright

General Counsel: John Gompers

14. Chair Joseph called the meeting to order at 8:05 a.m.
15. BOG Business – The next Board meeting will be held in the Boyle Conference Center at 5:00 p.m. on Wednesday, June 6, 2012. The BOG Finance Committee will meet at a yet-to-be determined date/time.
16. President's Report – President Capehart will update the Board on June 6th on a number of events/activities associated with the University.
17. Memorandum of Pipeline Right-of-Way Agreement – Jack Wright reported that the Agreement has been approved by the WV Attorney General. An option for a second pipeline is effective within two years. Any additional pipelines are subject to negotiation. Proceeds from this agreement will be committed to the new Health Science Building. The Agreement was approved by the Executive Committee.
18. BOG Policy 47 – Tobacco Use and Guidelines – Jim Stultz stated that revisions have been made eliminating specific "rules." It is anticipated that the revised policy will go into effect on January 1, 2013.
19. Proposed Administrative Procedure 247 – Tobacco-Free Campus Enforcement – Jim Stultz explained that this proposed procedure has been developed to effectuate the enforcement of BOG Policy 47 – Tobacco Use and Guidelines. This procedure is expected to become effective on January 1, 2013.
20. The meeting adjourned at 8:25 a.m.

Brian Joseph _____
Chair

George Couch _____
Secretary



WEST LIBERTY UNIVERSITY

GRADUATE STUDIES

From: Dr. Kay L. Clawson, Director of Graduate Studies

Dr. Anthony Koyzis, Provost

Date: 6/6/2012

Re: Annual Graduate Degree Report

1. The number of programs being offered and the courses offered within each program:

- Master of Arts in Education (MAED)
Areas of emphasis available within the degree include:
 - Advanced Teaching
 - Leadership Studies
 - Multi-Categorical Special Education
 - Sports Leadership and Coaching
 - Technology Integration
- Master of Science in Physician Assistant Studies (MS in PAS)

2. The disciplines in which programs are being offered:

- College of Education
 - Department of Professional Education
 - Department of Health and Human Performance
- College of Science
 - Department of Physician Assistant Studies

3. The locations and times at which courses are offered:

- The MAED courses are offered Monday through Thursday from 5:00 pm to 7:50 pm at the WLU Highlands Center.
- The MS in PAS is offered daily on WLU Main Campus, West Liberty, WV.

4. The number of students enrolled in the program:

- Master of Arts in Education
 - As of May 2012 ninety (90) students are enrolled in program with 10 additional admissions for Fall 2012.
- Master of Science in Physician Assistant Studies
 - As of May 31, 2012 seventeen (17) students are enrolled for July 1, 2012.

5. The number of students who have obtained master's degrees through each program:

Master of Arts in Education:

- 2010 – December 25 students
- 2011 – May 1 student
- 2011 – August 2 students
- 2011 – December 3 students
- 2012 – May 14 students

Master of Science in Physician Assistant Studies

- None until July 2014

Additional information:

- Director of Graduate Studies was appointed during the Fall of 2011.
- Each Master's programs is governed by their own program director.
- A WLU Graduate Council was established in April 2012.
- Master of Arts in Education:
 - All CORE courses for the MAED are now being offered each semester with Education 500 and Education 503 also being offered during the summer. The emphasis courses are offered yearly.
 - All of the MAED Graduate Faculty hold doctorates in the CORE courses and only one adjunct in each of the MAED areas of emphasis does not have their doctorate completed.
 - Intent to plan for an Alternative Certification has been sent to the provost.
- International Masters of Business Administration (International MBA)
 - Dr. Koyzis delivered the program proposal to HEPC in May 2012.
 - Three graduate classes are scheduled for fall 2012.
- Master of Professional Studies (MPS)
 - Intent to plan was sent to the provost in May 2012.

West Liberty University

Board of Governors

Schedule of Meetings **July 2012—June 2013**

Wednesday, August 15, 2012	5:00 p.m.
Start-up meeting for new school year	
Wednesday, October 17, 2012.....	5:00 p.m.
Discuss/review fall initiatives, enrollment, academics, etc.	
Wednesday, December 12, 2012.....	5:00 p.m.
Need to approve audit	
Wednesday, February 6, 2013.....	5:00 p.m.
Prepare for legislative year and FY '13 budget	
Wednesday, April 17, 2013... ..	5:00 p.m.
Budget approval for FY '13	
Wednesday, June 5, 2013	5:00 p.m.
End of year, officer's elections, schedule, etc.	

Unless otherwise specified, all meetings will be held in the R. Emmett Boyle Conference Center.
We may schedule additional meetings to allow for discussion of unforeseen issues.

PRESIDENT'S REPORT TO WLU BOARD OF GOVERNORS
A Condensed Summary of Accomplishments and Activities
June 6, 2012

- As of May 31, 875 students have enrolled in the 2012 Summer School, representing a **7% increase** in the number of enrollees over the same period a year ago.
- As of May 31, 1907 students have pre-registered for the Fall 2012 Semester, representing a **2.7% increase** in the number of enrollees over the same period a year ago.
- As of May 31, reservations for student housing for the Fall 2012 Semester are showing an **increase** over the number for the same time a year ago.
- The Spring Commencement Ceremony was held on May 12 at 11:00 a.m. in the ASRC. With nearly **2,500 individuals** in the Arena, approximately **11% more graduates** received their degrees than did one year ago.
- As of May 25, in excess of \$1,340,000 in contributions has been received by the WLU Foundation (excluding planned gifts). The total amount of contributions, including planned giving, exceeds \$1,600,000.
- The Second Annual Great Gala, held April 28, generated over \$96,000 in gifts and pledges which, after expenses, will be committed to the Kelly Theatre Renovation Project.
- The President's Circle appeal has generated over \$1,200,000 in this current fiscal year, and the Circle continues to grow, with its membership now standing at 137.
- As of May 25, corporate and foundation support is approaching the \$400,000 mark.
- The "Top of the Hill" Magazine will have a new and dynamic look next fiscal year. The annual publication will be divided into a quarterly newsletter which will be distributed to all alumni—approximately 12,000 working addresses.
- The Master of Science in Physician Assistant Studies program is preparing to launch its inaugural class of eighteen students on July 2.
West Liberty is the **only** public regional university in West Virginia to offer a **terminal-degree program** and is the **only** public institution of **any kind in the state** to offer the unique and highly in-demand PA graduate degree.
- Dr. David Hanna, formerly at Wheeling Jesuit University, has been hired as Program Director for the newly approved baccalaureate degree program in Athletic Training. He will spend the next year in the process of developing all aspects of the program, recruiting students, and hiring specialized faculty, with the timeline for launching the program set for August of 2013. The field of athletic training is projected to be one of the faster growing occupational/professional areas in the nation.

- The Advanced Academy of West Virginia, a program dedicated to academically talented high school juniors and seniors, has been formally approved by the West Virginia Higher Education Policy Commission, by the West Virginia State Department of Education, and by RESA VI. The program, developed by the WLU Institute for Innovation in Education, will initially be serving students from Wheeling Park High School and John Marshall High School in the fall of 2012 at the Highlands Center. This unique and creative program has the potential to eventually serve academically gifted students from throughout the state.
- The Master's Program in Education has added a concentration in Sports Leadership and Coaching in order to further broaden the opportunities for professional educators and individuals in the Northern Panhandle to continue their academic pursuits and career development.
- Coach Jim Crutchfield earned the prestigious Furfari Award as West Virginia Collegiate Coach of the Year (all sports/all divisions) for the second consecutive year. He is one of only a very few coaches to be accorded such recognition in back-to-back years.
- Crutchfield's Hilltoppers have produced the highest winning percentage in Men's Basketball in the nation over the past two years and the highest number of victories over the past two years.
- WLU Senior Kayla Ayers led the nation as the most prolific three-point shooter per game in the NCAA's Division II, marking the seventh time that one of Coach Lynn Ullom's Lady Hilltoppers has earned such national recognition.
- Senior Tennis standout Tyler McCullough was named the recipient of the International Tennis Association's Arthur Ashe Jr. Leadership and Scholarship Award for all of Division II. Tyler is the first-ever WVIAC national honoree of the prestigious Ashe Award.
- Junior Ryan Thomson earned a berth in the NCAA Division II Championship Golf Tournament in Kentucky, along with being named a Second-Team All-WVIAC Golf selection.
- Junior sprinter Justin Frazier (100-meters and 200 meters) and Senior Kylie Emfinger (hammer throw) won their WVIAC championships, along with being named First-Team All-WVIAC Track and Field selections.
- Junior shortstop Felicia Hulslander was a Second-Team All-WVIAC Softball selection, and freshman catcher Hayden Mobley was a Second-Team All-WVIAC Baseball honoree.
- The inaugural term of WLU's Community University at the Highlands Center was a huge success as sixteen courses were offered by volunteer lecturers as lifelong learning opportunities for adults aged 50 or older. Nearly 100 "students" participated in the spring term, and twelve courses will be offered in the summer term running from June 28 – August 10. A fall term will commence at the end of September.

- WLU will again be participating in the YMCA Corporate Team Challenge, which is a series of athletic events that will take place this summer. Last year, our team brought home a second-place trophy in the overall competition, which provides an opportunity for the University to interact with other organizations in the Greater Wheeling area.
- The West Liberty University High School Civics Challenge championship match was held on April 27 in the Media Arts Center. John Marshall High School defeated Toronto High School in a very competitive match. Each team member from John Marshall received a \$1,000 scholarship, and team members from Toronto each received a \$500 scholarship. The Civics Challenge allows WLU to showcase our campus to some of the best and brightest high school students in the Upper Ohio Valley.
- One of the more significant locational moves in recent times is presently ongoing as most all administrative offices—except for athletics and academics (at the college/departamental level)—are moving to newly renovated Shaw Hall, with the ultimate objective of providing better service to our students, prospective students, employees, alumni, donors, and BOG members.
- Some near-term University sponsored or related events include:

== June 25 – Lary Loew Hilltopper Scramble at Oglebay

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.

PIPELINE RIGHT-OF-WAY AGREEMENT

Action Item

The Pipe-Line Right-of-Way Agreement between the Board of Governors of West Liberty University and Appalachia Midstream Services, L.L.C. from Oklahoma City, OK has been approved by the West Virginia Attorney General. An option for a second pipeline is effective within two years, with any additional pipelines being subject to negotiation. The Agreement was reviewed by the Board's Executive Committee on May 23, 2012, and approved for consideration by the full Board.

Proposed Resolution: *Resolved, that the West Liberty University Board of Governors Chairman is hereby authorized, empowered and directed to execute and deliver to Chesapeake Appalachia, LLC, a Pipeline Right-of-Way Agreement in accordance with the form of the Agreement attached hereto. The Chairman and/or President and/or Executive Vice President/Chief Financial Officer, John E. Wright, are hereby authorized, empowered and directed to execute and deliver any other agreements, documents, instruments, certificates and other papers and do all such acts and things as may be necessary and desirable to consummate the transaction authorized herein and otherwise to carry out the purposes and intent of this Resolution.*

PIPELINE RIGHT-OF-WAY AGREEMENT

STATE OF WEST VIRGINIA)
 \$ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF OHIO)

Grantor(s): **The Board of Governors of West Liberty State College, now referred to as The Board of Governors of West Liberty University**
 208 University Drive
 West Liberty, WV 26074

Grantee: **APPALACHIA MIDSTREAM SERVICES, L.L.C.**
 PO Box 54382
 Oklahoma City, OK 73154-1382

GRANT. For and in consideration of the sum of One Hundred Dollars (\$100.00), the receipt and sufficiency of which is acknowledged, and in consideration of the premises and the mutual covenants and agreements set forth, Grantor (whether one or more), grants to **APPALACHIA MIDSTREAM SERVICES, L.L.C. ("AMS")**, an Oklahoma limited liability company, as Grantee, its successors and assigns, all of the following:

1. **Easement.** A permanent easement and right-of-way, ("Easement"), for the purpose of constructing, maintaining, operating, replacing or altering the size of without interruption of service and removing or abandoning pipelines for the transportation of gas or fluids, whether hydro-carbon or non hydro-carbon, including water used in or resulting from oil and gas well drilling and production operations, gas or fluids produced or derived from wells, lands and/or formations not owned or controlled by Grantor, and appurtenant above-ground facilities, including temporary surface water lines for drilling, completion testing and production operations when necessary, and appurtenant above-ground facilities, including cathodic protection, fluid removal, and data acquisition facilities, using methods and techniques not restricted to current technology; to perform necessary pre-construction work; to install electric power and telephone service, and to have reasonable off right-of-way ingress to and egress from its facilities across lands herein described or on lands contiguous thereto which are owned by Grantor ("Grantor's Land"); across and through Grantor's Land located all or in part in the **District of Liberty, Ohio County, West Virginia**, and described as follows:

Prepared by: Appalachia Midstream Services, L.L.C., PO Box 54382, Oklahoma City, OK 73154-1382

Tax Map ID Number: 03-L1-0035-0000

Bounded currently or formerly as follows:

On the North by lands of:	West Liberty University;
On the East by lands of:	David Beck; Robert Duvall;
On the South by lands of:	Lori McGlumphy;
On the West by lands of:	Harvey Road;

Including lands acquired by Deed from West Virginia Higher Education Policy Commission, successor in interest to the State Board of Control, The West Virginia Board of Education, and the West Virginia Board of Directors of the State College System, a West Virginia Corporation, dated June 14, 2005, recorded in Book 760, Page 360, Ohio County, West Virginia, including contiguous or appurtenant lands owned by Grantor ("Grantor's Land") Approximate location of the pipeline right of way is as located on Exhibit A. attached hereto.

2. **AMS' Right of Possession.** At the time of pipeline construction or during times of pipeline maintenance, repair, replacement or removal, AMS is granted reasonable temporary off Easement use of the Grantor's Land while exercising its operations. Once the initial pipeline is constructed, the Easement area will be established which will occupy all of the lands described which lie within thirty-two and one-half (32.5) feet on each side of said pipeline, and this Easement area or parts thereof will be maintained by AMS. In the event that the original Easement area becomes unsuitable for existing or future pipeline facilities, AMS is granted the right to reasonably relocate the pipeline and the Easement area from said unsuitable area.
3. **Grantor's Right of Possession.** All underground pipelines installed by AMS will be buried to a depth of at least three (3) feet below the surface, where reasonably possible. Grantor may fully use and enjoy Grantor's Land, except for AMS' rights under this Easement. However, Grantor shall not change the depth of cover over pipelines or obstruct the Easement area in a manner which would impede AMS' ability to operate and maintain its facilities.
4. **Grantor's Warranty.** Grantor warrants that to its knowledge, the lands encompassed by this Easement area contain no substances or materials which if disturbed would cause or threaten impairment to human health or the environment.
5. **Damages.** AMS will remove unnecessary equipment and materials and reclaim the Easement area at the completion of construction activities, and will repair any damaged improvements to the land, such as fences, drain tiles and the like.
6. **Payment / Terms.** AMS agrees to pay Grantor the sum of Eleven Thousand Dollars (\$11,000.00) per disturbed acre as a one-time payment for the Easement and rights granted to AMS, and for actual surface damages incurred by Grantor; including damages to crops and marketable timber, as a result of AMS' occupation and use of the Easement. A width of one hundred (100) feet and the actual length of Easement will be used to calculate the disturbed acres. As evidence that the Easement has been granted by Grantor to AMS, a Memorandum of Pipeline Right-of-Way Agreement will be filed in the Ohio County deed records. Grantor and AMS mutually agree this Easement will become null and void if one of two things has not happened within two (2) years from the date hereof; (i) pipeline construction has not begun; or (ii) payment as outlined above has not been made by AMS to Grantor. AMS agrees to make payment to Grantor and deliver this Pipeline Right-of-Way Agreement to Ohio County deed records for recording within sixty (60) days of commencing construction on Grantor's Land. In the event that the Easement becomes null and void, the Pipeline Right-of-Way Agreement will not be filed of public record.
7. **Title Warranty.** Grantor agrees to execute affidavits, ratifications, amendments, permits and other instruments as may be necessary to carry out the purpose of this Pipeline Right-of-Way Agreement.

Prepared by: Appalachia Midstream Services, L.L.C., PO Box 54382, Oklahoma City, OK 73154-1382

8. **Binding Effect / Counterparts.** The terms and conditions of this agreement shall extend to, benefit and be binding upon the parties hereto and their respective heirs, executors, administrators, devisees, successors, and assigns. This Pipeline Right-of-Way Agreement may be executed in any number of counterparts, each of which shall be deemed an original for all purposes, and of which together shall constitute one and the same instrument. If any named Grantor fails to execute this instrument for any reason, it shall nevertheless be binding upon the signing parties.

9. **Successors.** AMS, its successors and assigns, will have the right to assign or transfer this Pipeline Right-of-Way Agreement in whole or in part. All rights and duties under this Easement benefit and bind Grantor, AMS, their heirs, successors and assigns.

IN WITNESS WHEREOF, Grantor sets his hand and seal this this _____ day of _____

Grantor:
The Board of Governors of West Liberty University

By: _____
Name: Brian E. Joseph
Title: Chairman of the Board of Governors

After recording return to:
William C. Abel and Associates, Inc.
2 Elm Grove Crossing Mall, Ste B
Wheeling, WV, 26003

Prepared by: Appalachia Midstream Services, L.L.C., PO Box 54382, Oklahoma City, OK 73154-1382

Panhandle GGS
Project #2443 / West Liberty Pipeline Ph 1
Tract 539.00

Page 3 of 4

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Witness my hand and official seal:

Printed Name:

(S E A L)

ADDENDUM TO THE PIPELINE RIGHT-OF-WAY AGREEMENT

This Addendum to the Pipeline Right of Way Agreement ("Addendum") is attached to and made part of that certain Pipeline Right-of-Way Agreement ("Agreement") dated this ____ day of _____, 2012, by and between, **The Board of Governors of West Liberty University**, ("Grantor") and **Appalachia Midstream Services, L.L.C.**, an Oklahoma limited liability company, ("Grantee"). In the event of a conflict or inconsistency between the printed terms of the Agreement and the Addendum shall control and be deemed to supersede the printed terms of the Agreement.

Hold Harmless Clause

Grantee agrees it will protect and save and keep Grantor harmless and indemnified against and from any penalty or damage or charges imposed for any violation of any laws or ordinances, whether occasioned by the neglect of Grantee or those holding under, and Grantee will at all times protect, indemnify and save and keep harmless the Grantor against and from any and all loss, damage or expense, including any injury to any person or property whomsoever or whatsoever arising out of or caused by any negligence of Grantee or those holding under Grantee.

Payment for Additional Pipelines

It is agreed by both parties that said Right of Way is for one (1) gas Pipeline. Grantor further grants and conveys to the Grantee, the right to install one (1) additional Pipeline within the same right of way on Grantor's property, as necessary, provided that for the additional Pipeline installed on Grantors property, Grantee shall pay a dollar amount per disturbed acre of new Pipeline Right of Way equal to the per disturbed acre amount paid to Grantor for the initial Pipeline laid hereunder. For clarification purposes, it is agreed by both parties that the second pipeline would be paid at the same amount as the first one, any additional pipeline requests thereafter would be subject to a separate negotiation between the two parties.

Insurance

Grantee, and any person acting on Grantee's behalf under this Agreement, shall carry such insurance in such amounts as are consistent with industry standards and reflective of the operations and risks at the Premises, including, without being limited to, (i) worker's compensation and employer's liability insurance; (ii) commercial general liability and umbrella liability insurance; (iii) business auto and umbrella liability insurance; and (iv) insurance to cover seepage and leakage, pollution, clean-up and contamination, and equipment in Grantee's care, custody and control.

No Operations outside easement area

Grantee shall limit its operations on the premises to the easement area described herein. In the event it becomes necessary for Grantee to conduct operations on the premises outside said easement area, Grantee agrees to obtain Grantor's prior consent. This consent is not to be unreasonably withheld, delayed or conditioned.

Restricted Areas

It is agreed by both parties that there are two areas of the Grantors property that are to be off limits to any ingress, egress or areas designated as relocation areas for the pipeline right of way granted herein. The first area is the University Main Campus and the second area is the Eco Park as shown on the attached Exhibit A. Should it become necessary to relocate the pipeline right of way, grantee agrees to obtain Grantor's prior written consent. Any relocation shall be as near to the initial right of way as possible. This consent is not to be unreasonably withheld.

Right of way Contingency

This entire Right of Way Agreement is contingent upon the following:

- A. Approval by the Board of Governors of West Liberty University.
- B. Compliance with any applicable statute and/or regulation for the conveyance of a right of way by State Universities, and
- C. Execution of the right of way agreement "Order of Payment" by Grantee agreeing to pay Grantor within 60 days of the signing of this Right of Way Agreement.

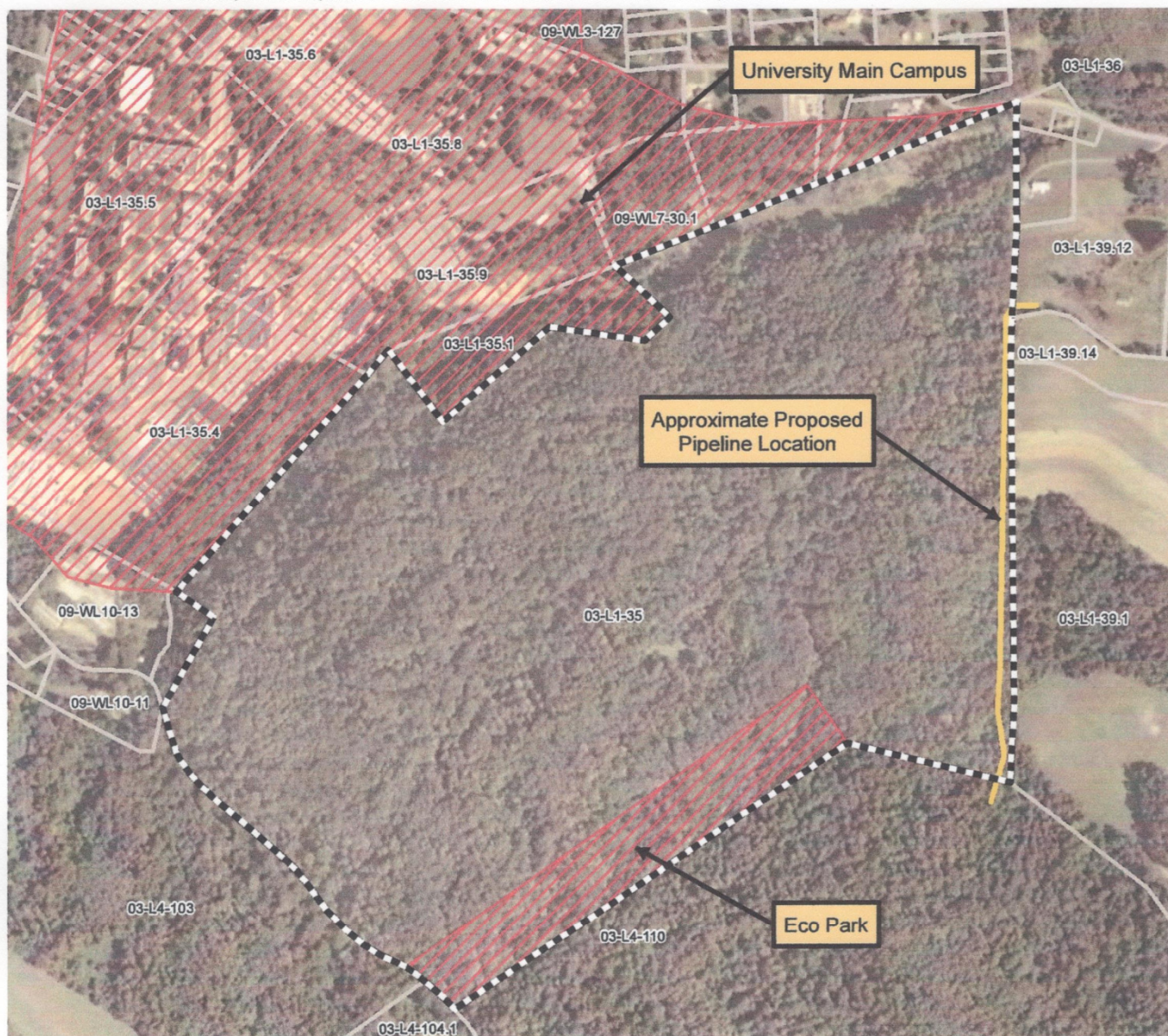
This Addendum to the Pipeline Right of Way Agreement is attached this day of , 2012.

GRANTOR:

Exhibit "A"

This Exhibit "A" is attached to and made part of that certain Easement And Right-Of-Way Agreement on this _____ day of _____, 20____, by and between The Board Of Governors Of West Liberty University, whose address is 208 University Drive, West Liberty, WV 26074 ("Grantor") and APPALACHIA MIDSTREAM SERVICES, L.L.C., an Oklahoma limited liability company, whose address is PO Box 54382, Oklahoma City, OK 73154-1382 ("Grantee").

Location Description of Proposed Access Road and/or Surface Use Site and/or Pipeline Route on the Herein Premises.



Any/All Surface Use Site(s) and/or Access Road(s) and/or Pipeline locations depicted are approximate

Scale: 1 in = 600 ft

Tax Map ID Number: 03-L1-0035-0000

Grantor Signature:

Date: _____

CERTIFICATE PROGRAM IN ENTREPRENEURSHIP

Action Item

This Certificate Program in Entrepreneurship was approved by the WLU Curriculum Committee in April 2012. It will appear in the new WLU Academic Catalogue.

This certificate program will be open to any student who chooses to complete it. Certificate students need not be already active full-time or part-time students in order to enroll in the program.

The certificate will require 15 academic credit hours. The courses will not have any prerequisites nor will a particular sequence be required. Certificate students will have the option to enroll in the courses for a grade or for "K" (Pass/Fail) credit.

Upon completion of the certificate program, students will be awarded a certificate and the courses and program will be properly recorded on the transcript.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approve the Certificate Program in Entrepreneurship within the School of Professional Studies.



WEST LIBERTY UNIVERSITY

School of Professional Studies
192 Campus Service Center
208 University Drive
West Liberty, WV 26074

Dr. Thomas Michaud, Dean
Office: 304- 217-2800
Fax: 304-547-0745
tmichaud@westliberty.edu

School of Professional Studies

Curriculum Summary Sheet

Required Entrepreneurship Certificate Courses

ENT 202 – Creative Problem Solving (3 hours)

ENT 300 – Foundations of Entrepreneurship (3 hours)

ENT 301 – Entrepreneurial Promotions (3 hours)

ENT 450 – Entrepreneurial Finance (3 hours)

ENT 350 – Entrepreneurship and Law (3 hours)

FRENCH AND THEATER CERTIFICATIONS GIFTED ENDORSEMENT

Action Item

The French and Theater Certifications provide WLU students the opportunity to be certified to teach at Pre-K-Adult level in each field respectively. The provided curriculum designates the courses required to achieve certification in either field. All of the courses are currently available except the Curriculum and Methods course. In both cases, no new faculty is required for these proposed certifications.

The Gifted Endorsement provides students within the education majors the opportunity to add to their degree. Students completing the provided curriculum will have the designation for Gifted and Talented in addition to their primary certification area. No new faculty is required to implement a Gifted endorsement at WLU.

All three areas are focused on high demand fields and reflect the needs of the region, state and nation.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors approve the French and Theater Certifications and the Gifted Endorsement within the College of Education.



WEST LIBERTY UNIVERSITY

College of Education

147 Campus Service Center
PO Box 295
West Liberty, WV 26074

Dr. Keely Camden, Dean
Coordinator of the Master of Arts in Education
Office: (304) 336-8247/8047
Fax: 304-336-8256
kcamden@westliberty.edu

College of Education
French Certification

Curriculum Summary Sheet
PreK-Adult

I. REQUIRED COURSES	18
FREN 101 (Elementary French I)	3
FREN 102 (Elementary French II)	3
FREN 201 (Intermediate French I)	3
FREN 202 (Intermediate French II)	3
FREN 303 (Advanced French Grammar and Writing)	3
FREN 340 (French for Current Affairs)	3

RESTRICTED FRENCH ELECTIVES ----- 9

Select two of the following three

FREN 310 (Survey of French Literature)	3
FREN 311 (Survey of French Cinema)	3
FREN 470 (Advanced French Oral Expression and Phonetics)	3

Any three additional hours in French 3

*Prerequisite to student teaching is a minimum of "Advanced Low" on ACTFL Oral Proficiency Test Interview (OPI).

Professional Education Course ComponentRequired (42 Credit Hours) Sem. Hrs.

EDUC 450 C & M in World Languages-----	3
***EDUC 100 Intro to Profess. Educ. -----	1
***EDUC 207 Foundations of Education -----	3
EDUC 290 Instructional Technology-----	3
***EDUC 293 Instructional Design -----	3
***EDUC 301 Educational Psychology-----	3
SPED 241 Intro To Exceptionalities-----	3
SPED 320 Collaborative Teaching of Secondary Student with With Special Needs-----	3
READ 302 Reading for Content Area-----	3
(must be admitted to the Program to enroll in this course)	

Professional Semester Courses: **

EDUC 470 Student Teaching Seminar -----	1
EDUC 409 School Law-----	1
EDUC 484 Student Teaching in MCE-----	5
EDUC 482 Student Teaching in AE .-----	5

*A letter grade of "C" or better is required for every course in the Professional Education Component.

** One must be eligible to student teach to enroll in professional semester courses.

*** Field Experience Required

Praxis II (Content & Pedagogy Test also required for WV Certification) See Website www.ets.org/praxis/register
Test Number 0173 (Score 131)

Prepared by: Dr. Keely Camden, Dean/Certification Officer



WEST LIBERTY UNIVERSITY

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College of Education
Theatre Certification

Curriculum Summary Sheet
Comprehensive Pre-K – Adult

I. REQUIRED COURSES.....	34
THE 242 Introduction of Stagecraft	3
THE 243 Acting & Stage Technique.....	3
THE 340 Drafting for the Stage.....	3
THE 341 History of Theater I.....	3
THE 345 Costuming for the Stage.....	3
THE 347 Stagecraft.....	4
THE 360 Script Interpretation.....	3
THE 442 Stage Lighting	3
THE 443 Play Directing.....	3
THE 445 Advanced Acting	3
THE 446 Scene Design.....	3
RESTRICTED THEATRE ELECTIVES	6
Six (6) hours from the following:	
THE 245 Theater Practicum I.....	1
THE 249 Movement for the Stage.....	3
THE 346 Makeup for Stage.....	3
THE 342 Playwriting.....	3
THE 343 Voice for Stage I	3
THE 358 History of Theatre II	3
THE 441 Contemporary Drama	3
THE 478 Special Topics (in Theatre)	3
THE 479 Special Problems (in Theatre)	3
THE 311 Shakespeare.....	3
Professional Education Course Component	Required (42 Credit Hours) Sem. Hrs.
EDUC 450 C & M in Theatre	3
***EDUC 100 Intro to Profess. Educ.	1
***EDUC 207 Foundations of Education	3
EDUC 290 Instructional Technology	3
***EDUC 293 Instructional Design	3
***EDUC 301 Educational Psychology.....	3
SPED 241 Intro To Exceptionalities.....	3
SPED 320 Collaborative Teaching of Secondary Student with With Special Needs.....	3
READ 302 Reading for Content Area..... (must be admitted to the Program to enroll in this course)	3
Professional Semester Courses: **	
EDUC 409 School Law & Organization	1
EDUC 464 Education Assessment	2
EDUC 470 Student Teaching Seminar	1
EDUC 484 Student Teaching in MCE.....	5
EDUC 482 Student Teaching in AE	5

*A letter grade of "C" or better is required for every course in the Professional Education Component.

** One must be eligible to student teach to enroll in professional semester courses.

*** Field Experience Required

No Praxis II Content Test Required for Theatre

Prepared by: Dr. Keely Camden



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College of Education
[Gifted Endorsement](#)

Curriculum Summary Sheet
[K-6 or 5-Adult](#)

I. REQUIRED COURSES	
SPED 241 (Introduction to Exceptionalities)-----	3
SPED 320 (Collaborative Teaching of Students with Special Needs)-----	3
SPED 341 (Policies and Procedures in Special Education)-----	3
SPED 353 (Gifted I)-----	3
SPED 354 (Gifted II)-----	3

The gifted endorsement can be added to a general education certification for those teacher candidates seeking elementary education or content area licensure in social studies, English, science, or math.

There is no Praxis II test associated with this endorsement.

Prepared by: Dr. Keely Camden, Dean/Certification Officer

**TOBACCO USE AND GUIDELINES RESOLUTION
WEST LIBERTY UNIVERSITY**

Action Item

The Board of Governors is asked to adopt a revision to its Policy 47, Tobacco Use and Guidelines. At the Board's April 18 meeting action on this policy was tabled in order for the Committee to meet one more time with the comments from faculty and students to consider potential revisions and report back to the Board at the June meeting. The substantive comments have been addressed in the revision's final form.

Proposed Resolution: *Resolved*, that the West Liberty University Board of Governors adopts the revision to Policy 47, Tobacco Use and Guidelines.

DRAFT (6a)

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

POLICY 47: TOBACCO USE AND GUIDELINES

(Revised March, 2012)

STATEMENT:

West Liberty University has a responsibility to its employees and students to provide a safe and healthful environment. Research findings show that smoking and secondhand smoke constitute a significant health hazard. In addition to direct health hazards, smoking contributes to institutional costs associated with employee absenteeism, health care, and medical insurance. The United States Environmental Protection Agency and the National Institute for Occupational Safety and Health have determined that environmental tobacco smoke and side stream smoke are carcinogenic. Secondhand tobacco smoke also can lead to increased risk of heart disease in non-smokers. Tobacco smoke is also a major contributor to indoor air pollution and a significant health hazard.

Section 1. Provisions.

- 1.1 The use of all smoking tobacco products, simulated tobacco products (electric cigarettes, etc.), natural/artificial tobacco-like substitutes, devices (Hookah, etc.), smokeless tobacco, or tobacco-like substitutes (particularly, spit-and-chew varieties) is prohibited in all University buildings, campus facilities (e.g. sports venues, parking lots, grounds), and off-campus locations such as the Highlands Center (and adjacent parking area) which are under the control of West Liberty University.
- 1.2 This tobacco use policy applies to all members of the campus community – students, guests, faculty, staff, contracted service personnel, vendors, contractors, visitors, and the Board of Governors.

- 1.3 All smoking and smokeless tobacco products and tobacco-like substitutes, as described in Section 1.1, are prohibited in any motor vehicles owned, leased, or otherwise operated by West Liberty University.
- 1.4 The sale of or free distribution of tobacco products or tobacco-like substitutes on campus is prohibited. This includes the delivery of tobacco products or tobacco-like substitutes to campus by means of delivery services of any kind. In addition, tobacco advertisements are prohibited in all University produced publications.
- 1.5 All tobacco products or tobacco-like substitutes must be extinguished and tobacco residue should be placed in an appropriate waste receptacle prior to arrival on West Liberty University property or those locations under the control of the University.

Section 2. Exception.

- 2.1 Dwellings located on campus property and occupied as a family residence.

Section 3. Enforcement.

- 3.1 The President, or his designee, shall be responsible for developing and updating an administrative procedure detailing specific sanctions, etc. that will apply to those who violate this policy. Enforcement of this rule will depend on the cooperation of all members of the campus community, both to comply and encourage others to do so. Faculty, staff, and students who see individuals smoking or using tobacco products or tobacco-like substitutes are asked to inform these individuals in a professional and courteous manner that University policy prohibits tobacco and tobacco-like substitutes use anywhere on campus. Offenders are to be reported appropriately to the Dean of Enrollment and Student Services/Registrar, the Vice President of Human Resources, or Campus Police.

Section 4. Assistance.

- 4.1 West Liberty University will use all resources at its disposal to assist any individual within the University community in their effort to eliminate the personal use of tobacco or tobacco-like substitutes in any form.
- 4.2 Specific assistance will be obtained, as appropriate, from the West Virginia Tobacco Coalition, West Virginia Wellness Council, and the Ohio County, West Virginia, Health Department.
- 4.3 The West Liberty University Health Promotion-Tobacco Coalition Committee will assist in implementation and evaluation of compliance with this smoking policy. Membership includes representatives from all University constituents and interested parties.

Section 5. Review.

- 5.1 Approved by the West Liberty State College Board of Governors on 12/11/06
- Revised by the West Liberty State College Board of Governors on 10/24/07
- Revision approved by the Board of Governors executive committee on April 15, 2009
- Revised and approved by the West Liberty University Board of Governors on _____, 2012

Section 6. Effective Date.

- 6.1 January 1, 2013