

FAIRMONT STATE UNIVERSITY BOARD OF GOVERNORS RESOLUTION

(Revision adopted September 17, 2009)

WHEREAS, the State of West Virginia has reorganized the governance structure of higher education; and

WHEREAS, the Fairmont State University Board of Governors was created and assumed responsibility for the governance of Fairmont State University and its regional campuses, facilities, programs and services on July 1, 2001, pursuant to that reorganization; and

WHEREAS, at its meeting held on June 29, 2001 the West Virginia Higher Education Policy Commission resolved and determined “that all power and control over the business affairs of each state institution of higher education previously delegated to its president remains in effect until December 1, 2001, or until determined otherwise by its governing board or the Chancellor, and that each governing board is to undertake a review of the powers delegated to its president and notify the Chancellor as to its future delegation of those powers by December 1, 2001.”; and

WHEREAS, this Board finds that, in order for the business affairs of the University to function in a proper and expeditious manner and to meet the requirements of the University’s institutional compact, it is necessary and prudent for this Board to delegate certain power and control over the University’s affairs to the president of the University; and

WHEREAS, in making this delegation of authority, this Board recognizes it is retaining all of those powers and duties which are exclusive to the Board and not subject to delegation and notes its powers and duties in relation to the appointment and assessment of the performance of the president; and, further, recognizes its overall responsibility under the law to act as the governing body of the University; and

WHEREAS, this Board recognizes it may rescind all or any part of any such delegation of authority at any time it deems it to be in the best interest of the University; and

WHEREAS, West Virginia Code 18B-2A-4(s) authorizes the Board to make this delegation of authority;

NOW THEREFORE BE IT RESOLVED that the Fairmont State University Board of Governors does hereby delegate certain of its power and control over the day to day business affairs of Fairmont State University, including its regional campuses, to the president of the University. In making this delegation of authority, this Board authorizes the president, in turn, to make such further delegations of authority to others as the president may deem necessary and appropriate for the day to day management of the business and affairs of the University.

In the exercise of such delegated authority, the Board expects and requires the president to function as the chief executive officer of the University (including all of its campuses, facilities,

programs and services) and, both directly and through others, to exercise sound management of the academic, financial, and other operational aspects of the Institution.

The authority delegated to the president includes the following:

1. The authority to supervise and manage the financial, business, and educational policies and affairs of Fairmont State University;
2. The authority to contract on behalf of the Board in accordance with laws of the State;
3. The authority to acquire necessary legal, accounting and consulting services;
4. The authority to make expenditures deemed necessary and appropriate when conditions require the activation of the institutional emergency operations center;
5. The authority to take such actions as may be necessary for the administration of personnel transactions, including the authority to grant tenure, promotion, and sabbatical leave requests, and to administer the applicable personnel and grievance systems and processes;
6. The authority to hire, transfer and remove employees;
7. The authority to solicit and utilize or expend voluntary support for the University;
8. The authority to seek charitable funds and other contributions - including state, federal and private support - for University programs and other services;
9. The authority to communicate and collaborate with the governor, the state treasurer, the state auditor, and other state, federal and local officials on matters related to university affairs;
10. The authority to develop a strategic plan, capital facilities master plan, and emergency operations plan for the institution;
11. The authority to prepare budgets and appropriation requests related to the University's missions, goals and objectives;
12. The authority to transfer and expend appropriated funds as permitted by law for the purposes appropriated;
13. The authority to approve capital project bid awards and change orders so long as those do not exceed the capital project budget approved by the Board;
14. The authority to ensure the appropriate sequence and availability of programs and courses and such other practices as may be necessary to address the various statutory and administrative operational requirements and student constituencies associated with the University's academic mission;
15. The authority to report to the state Community and Technical College Council on any matters related to two-year degree programs included in the academic portfolio of the University;
16. The authority to manage all auxiliary enterprises of the University;
17. The authority to advance the interests of the University by acting as its primary spokesperson;
18. The authority to represent the University on boards, partnerships, and other enterprises that directly or indirectly fulfill the mission of the University, all without compensation other than expenses related to such service;

19. The authority to supervise the administration of all laws and policies related to the University affairs, including those governing the University's strategic plan, capital facilities master plan, emergency operations plan, and compact;
20. The authority to sign, authorize, and endorse any document relating to the registration of the Fairmont State University trademarks, including, but not limited to, those documents which originate from the federal government, state government, or local government;
21. The authority to take any and all actions necessary to do the foregoing.

PROVIDED, HOWEVER, that the president:

1. Shall continue to bring to the Board all matters required by statute or policy;
2. Shall continue to advise the Board of all matters not specifically required by law but which as a matter of sound management practice should be brought to the Board's attention;
3. Shall timely inform the Executive Committee of the Board of any adjustments to previously approved annual budgets that singly amount to more than fifty thousand dollars (\$50,000);
4. Shall seek the approval of the Executive Committee of the Board prior to any personnel action that creates a permanent obligation beyond that previously authorized in annual budgets of the institution;
5. Shall continue to provide appropriate notices of public meetings and provide such other support as may be necessary for planning and for the successful operations of the Board;
6. Shall work with the Board in the development of the president's annual goals. The development and review of the president's goals and objectives and other similar presidential personnel matters shall be in addition to those formal performance evaluation processes set in statute or policy.

THE FAIRMONT STATE UNIVERSITY BOARD of GOVERNORS retains the following powers and duties:

1. Approval of the financial, business, and educational policies of the University;
2. Approval of all new degree programs as recommended by the administration;
3. Adopting, amending, or repealing rules, guidelines, or policy statements of the University governing board consistent with rules of the HEPC;
4. Approval of the strategic plan and capital facilities master plan for the University;
5. Approval of the annual operating, auxiliary, and capital facilities budgets of the University;
6. Setting annual tuition and fees consistent with HEPC guidelines;
7. Issuing and redeeming revenue bonds in accordance with state code and HEPC policy;
8. Approval of all capital projects consistent with state code and HEPC policy;
9. Appointing, compensating, and evaluating the President, consistent with state code and HEPC policy, and subject to HEPC approval;
10. Disciplining or terminating the President;

11. Adopting salary policies for faculty, classified, non-classified employees, and the President consistent with state code and HEPC policy;
12. Reporting to the Chancellor of the HEPC the results of the program reviews conducted each year;
13. Approving the teacher education programs offered by the institution;
14. Submitting to the HEPC by November 1st each year an annual report on the institution's performance in relation to the master plan and compact.

BE IT FURTHER RESOLVED that this delegation of authority to the president shall remain in effect until such time as it is specifically limited by this Board or by other lawful authority.

AND, BE IT FURTHER RESOLVED that the Chairman of this Board shall notify the Chancellor of this Board's delegation to the President.