

Schedule
Fairmont State University Board of Governors
September 17, 2009

Falcon Center Board Room
Fairmont State University

12:30 p.m. Luncheon..... Room 301

1:30 p.m. Full Board Meeting.....Board Room

Fairmont State University Board of Governors
Meeting of September 17, 2009
Falcon Center Board Room
1:30 p.m.

AGENDA

Call to Order

1. Opening Comments
2. Last Call for Public Comment Sign-up
3. Approval of Minutes (6/18/09 & 8/13/09)

Tab 1 Action Item

Operations Reports

1. Faculty Senate Report (*Chuck Shields*)
2. Classified Staff Report (*Harriet Bower*)
3. Student Government Report (*Emily Miller*)
4. Foundation Report (*Keith Foster*)
5. Alumni Association Report (*Devanna Corley*)
6. Athletic Association Report (*Rusty Elliott*)
7. President's Report (*Thomas Krepel*)
8. Chairman's Report (*Andy Kniceley*)

Consent Agenda

Action Item

1. Executive Committee Report
 - a. Affirmation of the Executive Committee's approval of the bid award to Lombardi Development Company in the amount of \$421,750 for the Education Building Re-roofing Project. (*Rick Porto*)
 - b. Affirmation of the Executive Committee's approval of the change order for the Feaster Center Capital Projects (*Rick Porto*)
2. Financial Report (*Rick Porto*)
3. Approval of Fund Manager Spend Down Plan (*Rick Porto*)
4. Approval of Classified Staff Step Increase (*Rick Porto*)
5. Capital Project Budget Change and Update (*Rick Porto*)

Tab 2

Tab 3

Tab 4

Tab 5

Tab 6

Tab 7

Committee of the Whole

1. Approval of the Institutional Compact Update Report (*Maria Rose*)
2. Approval of Delegation of Powers (*Andy Kniceley*)
3. Enrollment Report (*Rick Porto*) **(Handout at meeting)**

Tab 8 Action Item

Tab 9 Action Item

FYI

Old Business

New Business

Public Comment

Possible Executive Session

_____ moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go into Executive Session to discuss personnel and personnel matters, which if discussed in public might adversely affect the reputation of any person.

Fairmont State University
BOARD OF GOVERNORS
MINUTES
June 18, 2009

1. Call to Order

A meeting of the Fairmont State University Board of Governors was held on June 18, 2009 beginning at 1:30 p.m. in the Board Room of the Falcon Center. Present at the meeting were Board Members: Jeffery Barr, Galen Hansen, James Kettering, Bob Kittle, Andy Kniceley, Rocco Muriale, Mark Pallotta, Shirley Stanton (by phone), Donna Trickett (by phone) and Ron Tucker. Board members Janet Crescenzi and Skip Tarasuk were absent. Also in attendance were: FSU President-elect Thomas L. Krepel, Interim President Charles J. McClain (by phone), Michael Belmear, Jim Decker, Sarah Hensley, Rick Porto and Maria Rose.

2. Approval of Minutes

Bob Kittle moved the minutes of May 21, 2009 meeting be approved. Mark Pallotta seconded. Motion carried.

3. Operation Reports

No Operation Reports were given.

4. Committee of the Whole

1. Galen Hansen moved for the approval of the FY 2010 Capital Projects Budget. Rocco Muriale seconded. Motion carried.
2. The FY 2010 Budget was approved in two parts: Bob Kittle moved for the approval of the Auxiliary Fund Budget and Rocco Muriale seconded. Motion carried with one abstention by Shirley Stanton; Rocco Muriale moved for the approval of the E&G Fund Budget with Mark Pallotta seconding. Motion carried with one opposition from Galen Hansen.
3. Rocco Muriale moved that the Board approve the chargeback agreement change for fiscal year 2010 and the estimated chargeback budget for same. Bob Kittle seconded. Motion carried.
4. Bob Kittle moved approval of the Annual Graduate Degree Report. Rocco Muriale seconded. Motion carried.
5. Rocco Muriale moved approval of the revisions to Policy 12: Phased Retirement. Jeffery Barr seconded. Motion carried.
6. Andy Kniceley asked for nominations for BOG officers for 2009-2010. Bob Kittle moved that the same slate of officers be continued for the next year: Andy Kniceley, Chair; Rocco Muriale, Vice-Chair; Shirley Stanton, Secretary. Mark Pallotta seconded. Mark Pallotta moved the nominations be closed. Ron Tucker seconded. Both motions carried.
7. Dates were discussed for the 2009-10 BOG meetings. A list of dates will be forthcoming.

There being no further business a motion was made by Donna Trickett to adjourn. Bob Kittle seconded. Motion carried.



Chairman

Fairmont State University
BOARD OF GOVERNORS
MINUTES
August 13, 2009

1. Call to Order

An emergency meeting of the Fairmont State University Board of Governors was held on August 13, 2009 beginning at 9:30 a.m. in room 219 Hardway Building. Present at the meeting were Board Members: Kelley Bronson (by phone) Matt Jacques, James Kettering, Bob Kittle (by phone), Andy Kniceley, Bob Mild, Rocco Muriale, Skip Tarasuk, and Ron Tucker (by phone). Board members Janet Crescenzi and Mark Pallotta were absent. Also in attendance were: FSU President Thomas L. Krepel, Sarah Hensley and Rick Porto.

2. Approval of amendments to the Joint Operating Agreement for Academic Programs, dated April 21, 2005 and the Memorandum of Agreement for the Delivery of Associate Degree Programs dated April 21, 2005.

Bob Kittle moved we accept the resolution. Skip Tarasuk seconded. Motion carried unanimously.

There being no further business a motion was made by Rocco Muriale to adjourn. Jim Kettering seconded. Motion carried.



Chairman

**Fairmont State University Board of Directors
Executive Committee Meeting
September 17, 2009**

Item: Affirmation of the Executive Committee's approval of the bid award to Lombardi Development Company in the amount of \$421,750 for the Education Building Re-roofing Project.

Committee: Fairmont State University Board of Governors Executive Committee

Resolution: Resolved, that the Fairmont State Board of Governors Executive Committee approve the Education Re-roofing Project to Lombardi Development Company in the amount of \$421,750.

Background: Two bids for this project were received and the low bid was from Lombardi Development Company.

Please find attached bid report and Paradigm Architecture's recommendation to contract with Lombardi Development Company.

The total budget for this project is \$505,000. This bid of \$421,750 plus the architect fees of \$23,000 currently leaves \$60,250 remaining for contingencies.

BID OPENING

EDUCATION BUILDING - REROOFING PROJECT

August 6, 2009 - 2:00 pm - Physical Plant Room 20

VENDOR	Date & Time Received	Base Bid	Alternate 1	Alternate 2	Alternate 3	Total
GA Brown	8/6/2009 13:15	\$ 450,000.00	\$ 40,000.00	\$ 11,000.00	\$ 53,000.00	\$ 554,000.00
Lombardi Development	8/6/2009 13:51	\$ 349,900.00	\$ 20,200.00	\$ 10,250.00	\$ 41,400.00	\$ 421,750.00



August 7, 2006

Mrs. Lenora Montgomery
Fairmont State University
Procurement Office
1201 Locust Ave
Fairmont, WV 26554-2470

**Re: Bid Opening
0918 FSU Education Building Re-Roofing**

Dear Mrs. Montgomery:

Our office has reviewed the bids submitted for the above referenced project. Lombardi Development Co., is the apparent low bidder on this project. Upon review of this contractor's bid, our office has no reasonable objection for Fairmont State University to proceed with entering into a contractual agreement with this contractor.

The contractor should submit the following items according to the Project Manual and Request for Bids:

- Proof of Insurance
- Performance Bond
- Labor and Material Payment Bond
- Copy of Contractor's License
- Comply with Page 8 Licensing Requirements of the Request for Bids

The contractor should schedule a preconstruction meeting after receiving the Owner's Notice to Proceed, according to specification section 01 3000.

With this letter, I hereby make a recommendation that Fairmont State University directly proceed with entering into a contract with Lombardi Development Co. for the FSU Education Building Re-Roofing

Thank you,

Steve Konya II
Paradigm Architecture Inc.

Cc: James Decker
Jonathan Perry

2450 Valleydale Road • Suite 150
Birmingham, AL 35244
Tele 205•403•2742 205•403•2743 Fax

2223 Cheat Road • Suite 300
Morgantown, WV 26508
Tele 304•284•5015 304•284•5014 Fax

Decker, James

From: Montgomery, Lenora
Sent: Thursday, August 06, 2009 2:17 PM
To: Decker, James
Cc: Slaubaugh, Stephanie; Porto, Enrico
Subject: Education Roof & Waterproofing
Attachments: Bid Opening Summary Sheet.xlsx

Attached is the bid opening sheet for the Education Roof & Waterproofing.

Waterproofing budget is: \$185,000
Roof budget is: \$320,000
Total Budget: \$505,000

Copies of the bids have been given to Paradigm to review. They will be sending a letter of recommendation for award.

If you have any questions, let me know.

Thanks,

Lenora

Lenora Montgomery
Facilities Business Officer
Fairmont State
1201 Locust Avenue
Fairmont WV 26554

304-367-4657
304-367-4656 fax

**Fairmont State University Board of Governors
Executive Committee Meeting
September 17, 2009**

Item: Affirmation of the Executive Committee's approval of the Feaster Center Capital Projects Change Order.

Committee: Executive Committee

Resolution: Resolved, that the Fairmont State Board of Governors Executive Committee approve change order for the Feaster Center Capital Projects.

Staff Member: Rick Porto

Background: In the April 9, 2009 meeting, the contingency fund for the Feaster Center Capital Projects was approved for a \$50,000 increase.

The change orders for the majority of these projects are now known and we need approval of these changes in order to complete these projects. After these change orders are completed, we project an available balance of approximately \$21,600.

Feaster Center Phase Elevator & HVAC

	Original Budget	Budget Adjustments	Total Current Budget	Total Current Expected Costs	Available Budget/Contingency	Current Pending Changes	Remaining Budget After Changes
Feaster Center Elevator	\$ 1,415,382.50		\$ 1,415,382.50				
Budget Adjustments to Date		\$ 89,885.24	\$ 89,885.24	\$ 1,454,794.92			
Lombardi Development	\$ 1,415,382.50	\$ 89,885.24	\$ 1,505,267.74	\$ 1,454,794.92	\$ 50,472.82	\$ 1,355.78	
✓ Bent Plate at Roof						\$ 1,737.05	
✓ Additional Roof Drain						\$ 298.54	
✓ Aluminum Canopy Revisions						\$ 12,582.42	
✓ Piping & Partition Revisions						\$ 1,694.30	
✓ Glass Revisions						\$ (4,162.27)	
✓ Fire Alarm Work						\$ (210.00)	
✓ Fiber Repairs						\$ 5,942.42	
✓ Time Extension							
Omni Associates					\$ 50,472.82	\$ 27,417.24	\$ 23,055.58

Feaster Center Phase Elevator & HVAC

	Original Budget	Budget Adjustments	Total Current Budget	Total Current Expected Costs	Available Budget/Contingency	Current Pending Changes	Remaining Budget After Changes
Feaster HVAC Phase 2	\$ 282,751.37		\$ 282,751.37				
Budget Adjustments to Date		\$ 14,589.35	\$ 14,589.35	\$ 297,058.00			
W. R. Drake							
✓ Duct Revisions at Elevator Lobby						\$ 6,784.00	
Eliminate Louver						\$ (5,068.00)	
					\$ 282.72	\$ 1,716.00	\$ (1,433.28)
Combined Feaster Center Projects	\$ 1,698,133.87	\$ 104,474.59	\$ 1,802,608.46	\$ 1,751,852.92	\$ 50,755.54	\$ 29,133.24	\$ 21,622.30

FEASTER CENTER

Change Order Request Description:

BENT PLATE AT ROOF – This was required to support the parapet wall. Additional work consists of furnishing and installing a bent plate at the roof support steel.

This is basically an error on architect's part.

ADDITIONAL ROOF DRAIN – Roof insulation is approximately 12" up to 18" thick. It appears as if insulation was not removed during prior re-roof project and additional insulation was added. Water was supposed to flow from new roof area onto existing roof area. In lieu of building up with additional layers of roof insulation, a roof drain was added.

ALUMINUM CANOPY REVISIONS – Plans called for a canopy over the new ticket window. A drain was to be installed but no details were provided. As contractor requested information on drains from canopy, the architect realized they had to change the style and design of canopy.

This is basically an error on architect's part.

PIPING AND PARTITION REVISIONS – A third floor janitors closet is being converted into an elevator lobby. Sprinkler lines must be relocated out of this old closet area and duct work must be moved to provide space for exiting the elevator. Sprinkler lines must be cut below floor and above ceiling and relocated into stair tower. A new duct chase will have to be created in the corner of one of the existing offices. Ceilings will have to be removed and replaced to perform this additional work.

This is major error on architect's part.

GLASS REVISIONS – One row of glass around this new addition was changed from non-vision spandrel to vision in the athletic director's office. This will allow director to view parking lot and football field. Project could have worked without this, but is much more visually pleasing from the interior with this change.

FIRE ALARM WORK – A water leak caused by frozen pipes damaged our existing fire alarm panel and components. Piping was to be removed, but contractor did not have this completed and allowed it to freeze. FSU had to change out several pieces inside fire alarm panel and this required programming work by Simplex. We paid direct for this and this is simply a repayment of these charges.

FIBER REPAIRS – Strand of fiber was broke in relocation of fire alarm panel. Physical plant and IT work close together, but this was work that we could not perform. We had to have Ted Duckworth provide services for this repair. We paid for this and this is simple a repayment of these charges.

TIME EXTENSION – Two issues caused delays on this project. The foundations initially delayed the project by approximately one month. The second issue was due to approval process of the aluminum curtain-wall system. The architect initially approved the shop drawings. As the project superintendent reviewed the drawings, he discovered items that were different than the project drawings. The shop drawings had to be re-submitted and by the time the process went around again the window system was backed up nearly 45 days.

OMNI ASSOCIATES – Their request was approximately \$17,500. This was broken into three issues. One was for redesign issues approximately a year and half ago. The other two issues were recent and justifiable. These are charges for geotechnical work on the foundations when pyrite and coal were encountered and for the re-bidding of the HVAC units. Of the original total, I recommend that \$8,179.00 be paid.

DUCT REVISIONS AT ELEVATOR – This is directly related to the issues discussed above with the elevator lobby. There are two contractors on this project and this is the HVAC portion of the project for relocating the ducts.

This is major error on architect's part.

ELIMINATE LOUVER – The plans originally called for a louver to be installed in the exterior wall of the Feaster Center. After further review, the engineers have determined that the louver is not required. This is a credit to the project for not installing this louver.

Fairmont State University
Financial Report
Fiscal Year 2010
for the Period thru August 18, 2009

Unrestricted Fund:

As of the middle of August, the budget balance increased to approximately \$53,000 due to revenue budget increase of approximately \$78,000, and expense budget increase of approximately \$25,000.

The budget office staff is being diligent in their efforts to assure a balanced budget by requiring any new increase in expense budget request is offset by new revenue or an equal decrease in another expense budget line item.

Auxiliary Fund:

Minor adjustment to the Auxiliary Fund occurred thru the middle of August. Planned transfers to plant reserves at the end of fiscal year 2010 approximate \$380,000.

Restricted Fund

The 2010 Restricted Fund budget balance of a \$-280,189 is due to fund balances carried forward in several grant funds. These balances are anticipated to be expended in the 2010 fiscal year.

Please find attached the Unrestricted, Auxiliary, and Restricted Fund reports.

Fairmont State University
 Actual vs Budget Statement of Revenues and Expenses
 Current Year 2010 Prior Year 2009 Period August Current Unrestricted
 LEVEL 2

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES	Tuition and Fees	21,149,990.00	9,828,080.54	46.47
	Tuition and Fees Support Services Revenue	527,829.00	0.00	0.000
	Faculty Services Revenue	1,268,259.00	0.00	0.00
	State/Local Grant and Contracts	0.00	69,623.00	
	Auxiliary enterprises revenue	0.00	0.00	
	Operating Costs Revenue	2,599,664.00	0.00	0.00
	Support Services Revenue	3,742,234.58	0.00	0.00
	Other Operating Revenue	466,854.00	83,444.41	17.87
	Subtotal:	29,754,830.58	9,981,147.95	33.54
OPERATING EXPENSES	Salaries	22,592,138.44	1,399,939.28	6.20
	Benefits	5,747,065.70	392,991.88	6.84
	Student financial aid-scholarships	1,654,260.00	546,823.88	33.06
	Utilities	1,574,964.00	80,439.62	5.11
	Supplies and Other Services	7,413,435.32	782,137.69	10.55
	Equipment Expense	936,496.31	137,024.55	14.63
	Loan Cancellations and write-off	0.00	0.00	
	Fees retained by the Commission	167,829.00	41,957.25	25.00
	Assessment for Faculty Services	1,502,589.00	0.00	0.00
	Assessment for Support Services	368,503.42	0.00	0.00
	Assessment for Tuition, Aux, & Capital Costs	2,862,411.00	0.00	0.00
	Assessment for Operating Costs	215,378.79	0.00	0.00
	Subtotal:	45,035,070.98	3,381,314.15	7.51
NONOPERATING REVENUES (EXPENSES)	State Appropriations	13,769,754.00	2,753,951.00	20.00
	Gifts	25,000.00	6,250.00	25.00
	Investment Income	266,166.00	20.32	0.01
	Other nonoper rev - OPEB Liability	0.00	0.00	
	Reappropriated State Funding	1,250,000.00	(250,000.00)	-20.00
	Subtotal:	15,310,920.00	2,510,221.32	16.39
EXCLUDE OPERATING ACCOUNT	Exclude - Assets	(460,413.00)	(28,314.75)	6.15
	Exclude - Transfers for Fin Aid Match	(170,107.00)	(79,078.00)	46.49
	Exclude - Indirect Cost Recoveries	558,599.93	37,560.66	6.72
	Exclude - Transfers for Capital Projects	94,162.00	0.00	0.00
	Exclude - Transfers - Other	(24.55)	0.00	0.00
	Subtotal:	22,217.38	(69,832.09)	-314.31
OPERATING LOSS WITHOUT STATE APPROPRIATIONS		(15,280,240.40)	6,599,833.80	-43.19
BUDGET BALANCE		52,896.98	9,040,223.03	17090.24
NET ASSETS - Beginning of Year		7,324,058.00		
PROJECTED NET ASSETS - End of Year		7,376,954.98		

FSU Auxiliary Support
Actual vs Budget Statement of Revenues and Expenses

		Current Year	2010	Prior Year	2009	August	Auxiliary		
								Auxiliary - Bd. Of Governors	
								Actual to	
		Budgeted				Actual		Budgeted	
		Current Year				Current Year		Current Year	
OPERATING REVENUES	Auxiliary enterprise revenue				7,882,678.94	3,722,143.15		47.22	
	Auxiliary Support Services Revenue				4,797,696.00	0.00		0.00	
	Other Operating Revenue				305,588.60	32,130.90		10.51	
	Subtotal:				12,985,963.54	3,754,274.05		28.91	
OPERATING EXPENSES	Salaries				2,031,891.00	225,833.89		11.11	
	Benefits				557,496.00	46,273.06		8.30	
	Student financial aid-scholarships				468,960.00	112,722.34		24.04	
	Utilities				843,297.68	45,714.20		5.42	
	Supplies and Other Services				4,896,329.80	265,624.22		5.42	
	Equipment Expense				79,407.00	8,507.54		10.71	
	Loan Cancellations and write-off				1,131.00	0.00		0.00	
	Subtotal:				8,878,512.48	704,675.25		7.94	
NONOPERATING REVENUES (EXPENSES)	Investment Income				0.00	0.00			
	Interest on capital asset related debt				-100,472.60	0.00		0.00	
	Subtotal:				-100,472.60	0.00		0.00	
EXCLUDE OPERATING ACCOUNT	Exclude - Assets				-19,260.00	0.00		0.00	
	Exclude - Transfers for Debt Service				-3,604,849.36	0.00		0.00	
	Exclude - Transfers for Fin Aid Match				-3,425.00	-1,713.00		50.01	
	Exclude - Transfers to Plant Reserves				-379,444.10	0.00		0.00	
	Exclude - Transfers for Scholarships				0.00	0.00			
	Exclude - Transfers - Other				0.00	0.00			
	Subtotal:				-4,006,978.46	-1,713.00		0.04	
OPERATING INCOME/LOSS					4,107,451.06	3,049,598.80		74.25	
BUDGET BALANCE					0.00	3,047,885.80		0.00	
NET ASSETS - Beginning of Year					1,716,560.00				
PROJECTED NET ASSETS - End of Year					1,716,560.00				

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
 Current Year 2010 Prior Year 2009 Aug Current Restricted
 LEVEL 2

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPEATING REVENUES	Federal Grants and Contracts	34,380,253.30	13,975,068.70	40.65%
	State/Local Grants and Contracts	6,159,150.39	163,801.78	2.66%
	Private Grants and Contracts	3,151,175.00	0.00	0.00%
	Other Operating Revenue	79.22	0.00	0.00%
Sub Total		43,690,657.91	14,138,870.48	32.36%
OPERATING EXPENSES	Salaries	1,858,427.37	175,897.12	9.46%
	Benefits	287,158.59	34,171.23	11.90%
	Student Financial Aid-Scholarships	33,354,793.36	13,653,746.50	40.93%
	Utilities	22,400.40	1,583.00	7.07%
	Supplies and Other Services	6,136,291.36	138,868.12	2.26%
	Equipment Expense	1,820,691.91	207,659.69	11.41%
	Assessment for Support Services	0.00	0.00	0.00%
Sub Total		43,479,762.99	14,211,925.66	32.69%
NONOPERATING REVENUES (EXPENSES)	Interest		0.00	
Sub Total:		0.00	0.00	0.00%
EXCLUDE OPERATING	Exclude - Assets	-15,407.10	0.00	0.00%
	Exclude - Transfers for Fin Aid Match	116,527.60	53,579.00	45.98%
	Exclude - Indirect Cost Recoveries	-592,204.79	-37,560.66	6.34%
	Exclude - Transfers - Other		0.00	0.00%
Sub Total:		-491,084.29	16,018.34	-3.26%
OPERATING INCOME/LOSS		210,894.92	-73,055.18	-34.64%
BUDGET BALANCE		-280,189.37	-57,036.84	20.36%
NET ASSETS - Beginning of Year**		292,166.60		
PROJECTED NET ASSETS- End of Year		11,977.23		

**Net Assets adjusted for year end audit entries not budgeted

Fairmont State University
September 17, 2009

Item: Approval of the Fund Manager Spend Down Plan for the 2010 fiscal year and final report of the 2009 spend down activity.

Resolution: Approve the spend down of \$347,000 plus carry over spend down of unspent 2009 funds of \$104,087 and \$40,618 related to purchase orders not completed in 2009, and indirect cost fund balances approved by Dr. McClain. The recommended spend down of Fund Manger Funds for FY 2010 totals \$491,705. This is the second and final year of spend down of these fund manager reserves.

Staff Member: Rick Porto

Background: The 2009 spend down plan approved by the Board of Governors spent \$437,299 of reserves in fiscal year 2009. While the Governing Board approved \$582,004 to be spent \$104,087 in purchase orders did not complete in 2009 and the funds carried over into fiscal year 2010.

Also Dr. McClain, after discussions with Sandy Shriver, provided approval for two indirect cost revenue funds to carry over \$40,618 from FY 2009 to 2010 to cover committed planned expenditures in 2010. (See attached report titled University Funds).

Also attached is a final report of the Fund Manager. Fund balances left from revenue and expenditure activity for the 2009 fiscal year compared to 15% allowable fund balance calculation. This report shows that the Fund Managers left very little unspent from the 2009 revenues earned. We do not recommend taking the small amounts of excess above the target cash value, (see footnotes on report).

UNIVERSITY FUNDS

FUND		Manager	June 30, Balance Vouchers Payable	Cash - PO's not received or paid in FY 2009	Target Cash (15% x Rev Bud)	June 30 Balance - PO's - Target Cash - Spending Plan
Code	Title					
230800	Appalachian Cult III Match-L and L	Deanna Shields	887.71		0.00	887.71
231104	HERF-Social Justice Allocation	Michael Belmear	2,400.00		0.00	2,400.00
240000	BA Degree - BOR	Maria Rose	34,334.60		135.00	34,199.60
241903	Course Fee - Fine Arts New York Tour	Peter Lach	50.00		0.00	50.00
241909	Russia Tour - Fine Arts	Peter Lach	(3,200.00)		2,001.30	0.00
243300	Fine Arts - Ticket Sales	Peter Lach	(594.80)		4,806.30	0.00
269907	National Transportation Academy	Ted Stilgenbauer	21,634.29		1,195.50	20,438.79
269908	Appalachian Workshop	Van Dempsey	5,400.00		1,500.00	3,900.00
360200	Library Borrowers Fee	Theilma Hutchins	30,334.53		1,788.30	28,546.23
361000	Technology Special Services	Anthony Gilberti	53,698.29	35,040.89	0.00	18,657.40
362200	Traditions WV Folklore Journal	Deanna Shields	7,478.31		39.00	7,439.31
362300	Kestrel	Deanna Shields	(31.53)		75.00	0.00
363300	International Exchange Program	Maria Rose	250.00		0.00	250.00
365500	Wheeling Symphony	Maria Rose	2,052.57		2,700.00	0.00
800500	Caperton Center	Nancy McClure	54,187.78		6,156.00	48,031.78
801000	School of Business	Richard Harvey	81,279.99		7,067.40	74,212.59
801500	School of Education	Van Dempsey	54,224.92		10,876.35	43,348.57
802000	School of Fine Arts	Peter Lach	2,243.40		7,731.60	0.00
803000	Dept of Lang/Lit	Deanna Shields	16,747.06		3,422.55	13,324.51
803500	College of Science & Technology	Anthony Gilberti	73,344.78	54,170.11	12,612.15	6,562.52
803507	Science Enrichment Program	Debra Hemler	19,837.75		120.00	19,717.75
804000	Dept of Social Science	Deanna Shields	13,547.06		4,506.75	9,040.31
804100	Department of Behavioral Sciences	Deanna Shields	19,582.05		4,336.50	15,245.55
805500	School of Nursing	Mary Boni	11,241.35		18,828.90	0.00
806000	Honors Program- London Trip	J R Baker	0.00		3,045.00	0.00
806200	Community Music Program	Peter Lach	2,580.74		8,646.00	0.00
807500	Online Adjunct Training Program	Roxann Humbert	1,753.80		3,466.05	0.00
		<i>Sub-Totals</i>	\$505,264.65	\$89,211.00	\$105,055.65	\$346,252.62
269999	Overhead for Grnts & Con 4 Yr State	Phil Mason	29,282.40	29,282.40	0.00	0.00
699999	Overhead for Grnts & Con 4 Yr Fed	Phil Mason	11,335.53	11,335.53	0.00	0.00
800010	Baccalaureate - Buyout	Phil Mason	10,151.26	14,673.31	0.00	0.00
899998	Ind Cost ofr Grnts & Con 4 Yr Dept	Phil Mason	0.00		5,222.56	0.00
899999	Overhead for Grnts & Con 4 Yr	Phil Mason	0.00	\$55,291.24	15,301.70	0.00
		<i>Sub-Totals</i>	\$50,769.19	\$55,291.24	\$20,524.26	\$0.00
		Totals	\$556,033.84	\$144,502.24	\$125,579.91	\$346,252.62

FUND MANAGER FUNDS 15% TARGET CASH AND POTENTIAL LOSS

Code	Title	FUND	Manager	Revenues		Expenditures		Commitments	Spend Down		Current	Spend Down		Net Expenditures	Net Revenues		Cash	Loss of Funds	
				YTD	6/30/2009	YTD	6/30/2009		Totals	6/30/2009		6/30/2009	6/30/2009		6/30/2009	A-G			6/30/2009
269998	Appalachian Workshop		Dempsey, Van	1,000	0	0	0	0	1,980	0	0	0	0	0	1,000	1,500	850		
			Sub-total																
805500	School of Nursing		Boni, Sharon	128,899	189,548	54,750	54,750	0	0	0	134,798	0	0	0	(5,909)	19,333			
801500	School of Education		Dempsey, Van	56,114	54,269	86,713	53,079	0	0	0	54,269	0	0	0	1,885	8,417			
803000	Technology, Special Services		Gilbert, Anthony	0	53,079	0	53,079	0	0	0	35,041	0	0	0	(0)	0			
803000	College of Science & Technology		Gilbert, Anthony	75,846	104,763	81,080	25,082	0	0	0	79,681	0	0	0	(3,834)	11,377			
804000	Dept of Lang/Lit		Shields, Deanna	21,413	32,064	10,576	10,576	0	0	0	21,538	0	0	0	875	3,362			
			Sub-total					0											
			Sub-total	342,027	562,463	293,361	203,729	0	0	0	358,734	0	0	0	(6,609)	8,815			
269998	Ind Cost for Dept 4 yr State		Mason	13,732	84,985	57,271	57,271	0	0	0	27,714	0	0	0	(7,982)	2,960			
269999	Overhead for Grants & Con 4 yr State		Mason	17,486	24,083	14,201	14,201	0	0	0	9,882	0	0	0	7,614	2,624			
699998	Ind Cost for Dept 4 yr Fed		Mason	91,922	238,177	131,269	131,269	202	0	0	107,508	0	0	0	(15,586)	13,788			
699999	Overhead for Grants & Con 4 yr Fed		Mason	81,516	96,220	12,852	12,852	0	0	0	83,368	0	0	0	1,852	12,227			
800010	Baccalaureate Bypass		Mason	57,573	58,991	1,444	1,444	0	0	0	57,546	0	0	0	27	8,636			
			Sub-total					202											
			Sub-total	268,238	503,056	231,711	217,037	0	0	0	286,019	0	0	0	(17,780)	40,236			
243300	Fine Arts - Ticket Sales		Lach, Peter	48,938	41,597	0	0	0	0	0	41,597	0	0	0	7,341	7,341			
806200	Community Music Program		Lach, Peter	55,967	52,542	0	0	0	0	0	52,542	0	0	0	3,425	8,395			
			Sub-total																
			Sub-total	104,905	94,139	0	0	0	0	0	94,139	0	0	0	10,766	15,736			
231104	HERF-Social Justice Allocation		Belmeier, Michael	0	0	0	0	0	0	0	0	0	0	0	0	0			
801000	School of Business		Harvey, Rick	46,434	46,073	0	0	0	0	0	46,073	0	0	0	360	6,955			
803507	Science Enrichment Program		Humber, Roxann	0	(472)	0	0	0	0	0	(472)	0	0	0	472	0			
807500	Online Adjunct Training Program		Humber, Roxann	32,108	27,854	0	0	0	0	0	27,854	0	0	0	4,254	4,816			
360700	Library Enclosures Fee		Hutchins, Thelma	1,828	35,880	0	0	0	0	0	11,126	0	0	0	(9,297)	774			
241303	Course Fee - Fine Arts New York Tour		Lach, Peter	5,250	5,200	24,754	24,754	0	0	0	5,200	0	0	0	50	788			
802000	School of Fine Arts		Lach, Peter	49,641	53,238	0	0	0	0	0	53,238	0	0	0	(3,597)	7,446			
365500	Wheeling Symphony		Rose, Maria	10,696	20,800	0	0	0	0	0	20,800	0	0	0	(10,104)	1,604			
800500	Caperton Center		Oxley, Tim	40,291	41,556	0	0	0	0	0	41,556	0	0	0	(1,265)	6,044			
240000	BA Degree - BOR		Rose, Maria	0	223	0	0	0	0	0	223	0	0	0	(223)	0			
363300	International Exchange Program		Rose, Maria	0	0	0	0	0	0	0	0	0	0	0	0	0			
230800	Appalachian Cult III Match- and I		Shields, Deanna	0	0	0	0	0	0	0	0	0	0	0	(736)	0			
362200	Traditions WV Folklore Journal		Shields, Deanna	0	736	0	0	0	0	0	736	0	0	0	0	0			
269907	National Transportation Academy		Stilgenbauer, Ted	7,370	8,571	0	0	0	0	0	8,571	0	0	0	(1,201)	1,306			
			Sub-total					6,415											
			Sub-total	193,617	239,658	24,754	24,754	0	0	0	214,904	0	0	0	(21,287)	29,043			
			Grand Totals	909,787	1,399,216	551,806	445,520	202	0	0	105,713	0	0	0	933,795	(44,009)	136,468		

Net Expenditures- Current Year Expenses after deducting spend down plan
 Net Revenues - Revenues less Net Expense
 Target Cash- 15% of Revenue
 Loss of Funds - Fund Balance in excess of Target Fund Balance

* Revenues collected from workshops in an effort to supplement the Center for Education in Appalachian Grant
 ** Revenues are part of Carry Over that the Office of Research has requested for FY 10
 *** Negative expenditure is a result of Deposits from afterschool workshops for children to pay for preservice teachers (FSU students) to attend workshops elsewhere.
 (the travel for FY 09 was paid thru another source as part of FY 09 spend down)

Fairmont State University
September 17, 2009

Item: Classified staff step increase progression to keep staff fully funded on Mercer pay scale for years of service step.

Committee: Committee of the Whole

Information Item Only

Staff Member: Rick Porto

Background: In 2009 fiscal year all classified staff employees were brought to their target salary on the Mercer pay scale authorized by the State Legislature several years ago. This action was encouraged by both the Legislature and the Higher Education Policy Commission.

Each year after full funding of the pay scale we should be providing years-of-service step increases to classified staff up to the current 15 year maximum step pay structure. Attached is the Mercer scale structure.

In June the Board of Governors approved the addition of new budget to provide for the bringing of classified staff to the next step (year-of-service) of the Mercer pay scale.

This item is to inform the Board of Governors that the step increase will be implemented in November 2009. Non-arrears employees will see their step increase in the November 15th pay and arrears employees will see their step increase in the November 30th pay.

Please be mindful that this does not provide step increase for all classified employees, only those with less than 15 years of service. Step increases will be given to 95 of the 181 classified staff members.

Please find attached a budget summary report that shows the effect of the step increase on the budget that was set aside for this step increase.

The Unrestricted and Restricted Fund budgets set aside for this step increase is sufficient. The Auxiliary Fund budget set aside for this step increase is short by approximately \$1,200 which will cause an adjustment to the end-of-year Transfer-to-Plant budget line to balance the Auxiliary Fund budget.

Step Structure Effective 7/1/2005

Grade	ENTRY RATE is in Bold - Rounding Applied	Classified salaries listed are based on 12 months														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	12,816 (6.57)	13,094	13,385	13,677	13,968	14,274	14,580	14,900	15,221	15,541	15,876	16,226	16,575	16,939	17,304	17,682
2	13,488 (6.92)	13,764	14,070	14,376	14,696	15,017	15,352	15,687	16,036	16,386	16,750	17,129	17,507	17,886	18,294	18,687
3	14,184 (7.27)	14,478	14,798	15,133	15,483	15,832	16,182	16,546	16,925	17,304	17,697	18,090	18,498	18,920	19,343	19,780
4	14,928 (7.66)	15,250	15,599	15,949	16,313	16,692	17,085	17,478	17,872	18,279	18,702	19,139	19,576	20,027	20,493	20,959
5	15,696 (8.05)	16,066	16,444	16,837	17,231	17,624	18,046	18,469	18,906	19,343	19,794	20,260	20,741	21,222	21,717	22,227
6	16,560 (8.49)	16,954	17,362	17,784	18,207	18,644	19,081	19,547	20,013	20,479	20,974	21,469	21,994	22,518	23,057	23,596
7	17,496 (8.97)	17,915	18,352	18,804	19,255	19,721	20,202	20,697	21,192	21,717	22,241	22,780	23,334	23,902	24,484	25,081
8	18,504 (9.49)	18,949	19,416	19,896	20,391	20,901	21,411	21,950	22,489	23,042	23,610	24,193	24,805	25,416	26,043	26,684
9	19,560 (10.03)	20,056	20,566	21,091	21,615	22,168	22,722	23,290	23,887	24,484	25,096	25,737	26,378	27,048	27,732	28,417
10	19,920 (10.22)	20,421	20,938	21,484	22,029	22,602	23,176	23,763	24,379	25,008	25,638	26,295	26,980	27,666	28,379	29,106
11	21,120 (10.83)	21,665	22,239	22,812	23,400	24,015	24,645	25,288	25,945	26,617	27,316	28,015	28,757	29,498	30,267	31,064
12	22,440 (11.51)	23,022	23,624	24,253	24,896	25,554	26,225	26,924	27,638	28,365	29,120	29,890	30,687	31,498	32,323	33,176
13	23,856 (12.23)	24,477	25,134	25,805	26,505	27,218	27,945	28,701	29,470	30,267	31,078	31,918	32,771	33,652	34,561	35,484
14	25,368 (13.01)	26,057	26,771	27,498	28,253	29,022	29,806	30,631	31,470	32,323	33,204	34,114	35,051	36,002	36,981	38,002
15	27,024 (13.86)	27,764	28,533	29,330	30,141	30,981	31,834	32,715	33,624	34,561	35,512	36,505	37,512	38,547	39,624	40,715
16	28,824 (14.78)	29,624	30,449	31,316	32,197	33,092	34,030	34,981	35,974	36,981	38,030	39,093	40,198	41,331	42,492	43,694
17	30,768 (15.78)	31,638	32,533	33,470	34,421	35,400	36,421	37,456	38,519	39,624	40,757	41,918	43,121	44,352	45,611	46,925
18	32,880 (16.86)	33,820	34,799	35,806	36,841	37,904	39,009	40,142	41,303	42,506	43,736	44,995	46,296	47,639	49,023	50,450
19	37,632 (19.30)	38,718	39,855	41,022	42,219	43,460	44,747	46,064	47,410	48,801	50,238	51,719	53,230	54,801	56,416	58,062
20	40,272 (20.65)	41,471	42,712	43,984	45,301	46,647	48,038	49,460	50,941	52,452	54,023	55,623	57,284	58,990	60,755	62,550
21	43,176 (22.14)	44,478	45,824	47,216	48,637	50,103	51,614	53,170	54,786	56,431	58,137	59,902	61,712	63,568	65,482	67,472
22	46,344 (23.77)	47,754	49,220	50,731	52,272	53,873	55,534	57,224	58,975	60,785	62,640	64,555	66,530	68,579	70,674	72,828
23	49,800 (25.54)	51,330	52,931	54,561	56,252	58,002	59,797	61,653	63,568	65,527	67,562	69,656	71,826	74,040	76,344	78,708
24	53,568 (27.47)	55,234	56,970	58,750	60,605	62,505	64,465	66,485	68,579	70,734	72,948	75,237	77,601	80,039	82,552	85,156
25	57,480 (29.48)	59,483	61,383	63,328	65,348	67,427	69,567	71,781	74,070	76,419	78,842	81,356	83,944	86,607	89,360	92,202

Note: ENTRY RATE is in Bold - Rounding Applied

**FY2010 Classified Staff Raises
University**

Amount	Benefits	Total Labor	Fund Type
504	96	600	11 Current Unrestricted-Bass - Fund Manager
64,754	12,304	77,058	13 Current Unrestricted-Bacc - Pres Control
65,258	12,400	77,658	University - Current Unrestricted
		87,966	Held in Reserve
		10,308	Estimated Budget Savings
824	157	981	21 Current Restricted - Baccalaureate
824	157	981	University - Current Restricted
		1,104	Held in Reserve
		123	Estimated Budget Savings

**FY2010 Classified Staff Raises
Auxiliary**

Amount	Benefits	Total Labor	Fund Type
9,662	1,837	11,499	31 Auxiliary - Bd of Governors
9,662	1,837	11,499	Auxiliary
		10,305	Held in Reserve
		(1,194)	Estimated Budget Savings

Fairmont State University
September 17, 2009

Item: Capital Projects Budget Adjustment for Fiscal Year 2010

Committee: Committee of the Whole

Recommended Resolution: Be it resolved that the Fairmont State University (FSU) Board of Governors approve the modifications to below recommended project budgets due to the need to reduce the 2010 budgets by \$133,032.

Staff Member: Rick Porto

Background: Since the approval of the 2010 Capital Project request on June 18, 2009 a review of fund availability to meet the capital projects budget occurred and we found that the fund balances from the 2009 proceeds (after debt service payments were made) fell short of the Capital Project budgets by \$33,032.

Also as we verified the match dollars available for the Hardway Walks Project we found that the match amount to be provided by the Higher Education Policy Commission was overstated by \$100,000.

To make sure we do not overspend available fund balances we are recommending adjustments to the following capital project budgets:

	<u>Reduction Amount</u>
Hunt Haught Hall Glass Front	\$11,614
IT Emergency Back-up	2,701
Education Roof Project	25,000
Academic Fund	25,000
Locust Avenue Road Widening	<u>68,717</u>
	\$133,032

Please find attached capital project budget report that reflects adjustments to the 2010 capital project budgets.

CAPITAL PROJECTS

FY 2010

Project	Carried Forward Budget		Budget Adjustment FY2010		Total Budget	Equipment	Encumbrances	Available Budget	Project Complete Date
	Budget	Balance	Budget	Balance					
Academic Fund	\$ 100,000.00	\$ (25,000.00)	\$ 75,000.00	\$ 54,400.00	\$ -	\$ -	\$ 20,600.00		
College Apartments - Building A/B Roof	\$ 73,000.00	\$ -	\$ 73,000.00	\$ 48,930.00	\$ -	\$ -	\$ 24,070.00	8/30/2009	
College Apartments - Building G Carpet	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 7,315.88	\$ -	\$ -	\$ 7,684.12	8/15/2009	
Education Building - Exterior Waterproofing	\$ 185,000.00	\$ (12,500.00)	\$ 172,500.00	\$ 3,697.55	\$ 159,632.45	\$ 9,170.00			
Education Building - Roof Replacement	\$ 320,000.00	\$ (12,500.00)	\$ 307,500.00	\$ 3,697.55	\$ 277,722.45	\$ 26,080.00			
Feaster Center - Elevator & Steps	\$ 1,505,267.73	\$ -	\$ 1,505,267.73	\$ 926,108.64	\$ 579,159.09	\$ -			
Feaster Center - HVAC Phase II	\$ 297,340.72	\$ -	\$ 297,340.72	\$ -	\$ 297,058.00	\$ 282.72			
Hunt Haught Hall Glass Front	\$ 250,000.00	\$ (11,614.00)	\$ 238,386.00	\$ -	\$ -	\$ 238,386.00			
Infrastructure - Hardway Hall	\$ 400,000.00	\$ -	\$ 400,000.00	\$ -	\$ -	\$ 400,000.00			
Infrastructure - IT Emergency Back-Up	\$ 200,000.00	\$ (2,701.00)	\$ 197,299.00	\$ -	\$ -	\$ 197,299.00			
Infrastructure - Painting & Striping Roadway & Parking Lots	\$ 58,000.00	\$ -	\$ 58,000.00	\$ -	\$ 57,395.00	\$ 605.00			
Infrastructure - Pierpont Signage	\$ 58,734.00	\$ -	\$ 58,734.00	\$ -	\$ -	\$ 58,734.00			
IT Software - Card System	\$ 40,000.00	\$ -	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00			
Kennedy Barn - Folklife Center - Phase II	\$ 568,789.00	\$ -	\$ 568,789.00	\$ 85,805.22	\$ 397,659.84	\$ 85,323.94			
Locust Avenue	\$ 279,289.00	\$ (88,717.00)	\$ 210,572.00	\$ -	\$ -	\$ 210,572.00			
Physical Plant - Landscaping	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 21,278.77	\$ -	\$ 78,721.23			
Physical Plant Small Projects	\$ 202,959.39	\$ -	\$ 202,959.39	\$ 39,954.98	\$ 12,250.57	\$ 150,753.84		Parking Lot Proj: \$29,259.39; 8/15/09	
	\$ 4,553,379.84	\$ (133,032.00)	\$ 4,520,347.84	\$ 1,191,188.59	\$ 1,780,877.40	\$ 1,548,281.85			

Capital Project Update: September 1, 2009

Academic Fund - Hunt Haught Hall Painting - Floors 3 & 4	Painting was completed on floors 3 and 4 the week of August 24th.
College Apartments Roof Replacement Bldg A/B	Project was completed the week of August 17th.
Education Building Roof & Waterproofing	Project has bid and Lombardi Development was low bidder and has been awarded contract. Pre-construction meeting was held on September 2nd. Documents are in Charleston for approval and Notice to Proceed.
Feaster Center Elevator	Project is 98% complete. Occupancy has been granted by State Fire Marshal. Punch list is being worked on. Landscaping is partially completed.
Feaster Center HVAC	Two new roof top units have been set in place and are running. Air balancing remains to be completed.
Hunt Haught Hall Glass Front	Project has not been started.
Infrastructure - Hardway Hall portico improvements	Architectural firm Ewing Cole was selected as firm to work with. We are waiting on proposal in order to award architectural service contract.
Infrastructure - IT Emergnecy Back-up	Project has not been started.
Infrastructure - painting of roads and parking lots & Inspections	Project was completed week of August 21st.
Infrastructure - Pierpont Signage	Design was forwarded to both BOG for approval week of week of August 31st. Project will be advertised and bid after approval.
Folk Life Center	Underground utilities have been completed and floor slab has been poured. Interior walls are framed and mechanical & electrical utilities are being roughed in.
Locust Avenue	Schedule for work is to be determined by utility companies and WV Department of Highways.
Physical Plant - Landscaping	Several projects have been completed. There will be several more throughout the year.
Physical Plant Small Projects	Several projects have been completed. There will be many throughout the year.

Fairmont State University Board of Governors
Meeting September 17, 2009

ITEM:

Approval of Modification of Compact Goals for
2009 Institutional Compact Update

RECOMMENDED RESOLUTION:

Resolved, That the Fairmont State University Board of Governors approve the modification of the retention and graduation goals for the 2009 Institutional Compact Update.

STAFF MEMBERS:

Maria Rose, Provost and Vice President for Academic Affairs; William Finley, Director of Institutional Research

BACKGROUND:

The 2007-2012 Institutional Compact with Fairmont State University and the Higher Education Policy Commission (HEPC) was approved January 23, 2009. The 2009 update of this compact permits a one-time modification of goals. All compact goals approved by the Commission as of the 2009 update will remain in place for the remainder of the compact period.

Institutional Compact 2009 Update

The Fairmont State University Institutional Compact was submitted to and approved by the Higher Education Policy Commission (HEPC) during its January meeting. A yearly update is required for the report. Requests for modification of compact goals are allowable due to unexpected external factors, such as economic recession and related demographic issues; modification must be approved by the Fairmont State Board of Governors before submission to the HEPC. Elements in the *Compact Reporting Elements: Master Plan 2007-2012* are addressed in the Compact 2009 Update. For the core and elective elements the report includes:

- A summary of strategies undertaken and significant developments for the 2008-2009 academic year to achieve compact goals;
- An assessment of the level of success in goal attainment;
- Recommendations for modification of compact goals.

The critique of the compact review team is also addressed in the Compact Update.

Finally, an expanded response to three of the core elements – enrollment, retention and degree production - is included in the report on how Fairmont State will address Series 23, *Standards and Procedures for Undergraduate Admission*; how developmental education is handled at Fairmont State University; and new degree programs and locations anticipated for the upcoming year and for the duration of the compact planning period.

Request for goal modifications:

- **Retention Rate** – When Fairmont State University and Pierpont Community and Technical College were combined, the retention rate of first-time, full-time degree seeing freshmen was calculated based on retention in either institution. Since the two institutions were co-located and were under one board, had one IPEDS number and one financial aid number, it was easy for students to move from one institution to the other without penalty. Now with the separation of the two institutions, students who transfer to Pierpont will no longer be calculated as retained, but will fall into the category of retained at another state institution. For example, in 2006, the between institution retention rate was 66%; however, the retention rate within the institution was 64%. Based on old calculations, this 2% difference is explained by students transferring to Pierpont C&TC. Going forward, only the intra-institutional rate will be reported to the Higher Education Policy Commission.

- **Graduation Rates, Bachelor degree seeking first-time, full-time freshmen (same institution)** – Fairmont State University awards associate's degrees in nursing and engineering technology. Normally, these associate's degrees are included in graduation rates; however, due to this wording, we are requesting a modification of this goal to reflect omission of the associate's degrees. In 2007, the 41% graduation rate that was reported included 3.5-4% of associate degree completers. The cohort has been adjusted to exclude the associate degree seeking students both from the cohort and from the graduation rates.

We are correcting and revising values that will better handle the distinction of two things: 1. the prior inclusion and now the exclusion of associate degree seeking FSU students in the "bachelors graduation rate"; and, 2. the prior inclusion and now the exclusion of retention rates for intra-institutional only student enrollment relative to either institution that was common practice in the past. These revised values will accommodate the administrative de-linking of the two institutions. This generally alters the rate approximately 4%.

The complete compact update document may be viewed:
<http://www.fairmontstate.edu/institutionalresearch>

FAIRMONT STATE UNIVERSITY BOARD OF GOVERNORS RESOLUTION

(rev. 7 Sep 09)

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.

Fairmont State University Board of Governors
Meeting of September 17, 2009
Falcon Center Board Room
1:30 p.m.

AGENDA

Call to Order

1. Opening Comments
2. Last Call for Public Comment Sign-up
3. Approval of Minutes (6/18/09 & 8/13/09)

Tab 1 Action Item

Operations Reports

1. Faculty Senate Report (*Chuck Shields*)
2. Classified Staff Report (*Harriet Bower*)
3. Student Government Report (*Emily Miller*)
4. Foundation Report (*Keith Foster*)
5. Alumni Association Report (*Devanna Corley*)
6. Athletic Association Report (*Rusty Elliott*)
7. President's Report (*Thomas Krepel*)
8. Chairman's Report (*Andy Kniceley*)

Consent Agenda

Action Item

1. Executive Committee Report
 - a. Affirmation of the Executive Committee's approval of the bid award to Lombardi Development Company in the amount of \$421,750 for the Education Building Re-roofing Project. (*Rick Porto*)
 - b. Affirmation of the Executive Committee's approval of the change order for the Feaster Center Capital Projects (*Rick Porto*)
2. Financial Report (*Rick Porto*)
3. Approval of Fund Manager Spend Down Plan (*Rick Porto*)
4. Approval of Classified Staff Step Increase (*Rick Porto*)
5. Capital Project Budget Change and Update (*Rick Porto*)

Tab 2

Tab 3

Tab 4

Tab 5

Tab 6

Tab 7

Committee of the Whole

1. Approval of the Institutional Compact Update Report (*Maria Rose*)
2. Approval of Delegation of Powers (*Andy Kniceley*)
3. Enrollment Report (*Rick Porto*) **(Handout at meeting)**

Tab 8 Action Item

Tab 9 Action Item

FYI

Old Business

New Business

Public Comment

Possible Executive Session

_____ moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go to into Executive Session to discuss personnel and personnel matters, which if discussed in public might adversely affect the reputation of any person.

Notes