

Fairmont State University Board of Governors
Meeting of February 18, 2010
Falcon Center Board Room
1:30 p.m.

AGENDA

- | | | | |
|-------|---|---------------|--------------------|
| I. | Call to Order | | |
| | a. Roll Call | | |
| | b. Public Comment | | |
| | c. Approve Agenda | | Action Item |
| II. | Approval of Minutes (12/17/09) | <i>Tab 1</i> | <i>Action Item</i> |
| III. | Chairperson's Report | | |
| IV. | President's Report | | |
| V. | Reports and Presentations | | |
| | a. Faculty Senate (<i>Chuck Shields</i>) | | |
| | b. Classified Staff (<i>Harriet Bower</i>) | | |
| | c. Student Government (<i>Jane Ryan</i>) | | |
| | d. Foundation (<i>Bun Perkinson</i>) | | |
| | e. Alumni Association (<i>Devanna Corley</i>) | | |
| | f. Athletic Association (<i>Shannon Kelley</i>) | | |
| VI. | Consent Agenda | | Action Item |
| | a. Financial Report | <i>Tab 2</i> | <i>FYI</i> |
| | b. Capital Project Report | <i>Tab 3</i> | <i>FYI</i> |
| | c. Legislative Audit Update – Fixed Asset Management FY 2008 | <i>Tab 4</i> | <i>FYI</i> |
| | d. Bookstore Textbook Affordability Committee Progress | <i>Tab 5</i> | <i>FYI</i> |
| VII. | Academic Affairs/Admissions (<i>Janet Crescenzi, Chair</i>) | | |
| | a. Approval of the Intent to Plan BA in Music | <i>Tab 6</i> | <i>Action Item</i> |
| VIII. | Student Life (<i>Skip Tarasuk, Chair</i>) | | |
| IX. | Executive Committee (<i>Rocco Muriale, Chair</i>) | | |
| | a. Approval of MOU FSU/Foundation | <i>Tab 7</i> | <i>Action Item</i> |
| | b. Acceptance of the 2009 Fiscal Year Audit | <i>Tab 8</i> | <i>Action Item</i> |
| | c. Approval of Funding for Locust Avenue Street Lighting
And Signal Lighting | <i>Tab 9</i> | <i>Action Item</i> |
| X. | By-laws Committee (<i>Shirley Stanton, Chair</i>) | | |
| | a. Approval of FSU BOG Operating Procedures | <i>Tab 10</i> | <i>Action Item</i> |
| XI. | Possible Executive Session | | |
| XII. | Adjournment | | |

Fairmont State University
BOARD OF GOVERNORS
MINUTES
December 17, 2009

1. Call to Order

A meeting of the Fairmont State University Board of Governors was held on December 17, 2009 beginning at 1:30 p.m. in the Board Room of the Falcon Center. Present at the meeting were Board Members: Kelley Bronson, Janet Crescenzi, Matt Jacques, James Kettering, Bob Mild, Rocco Muriale, Mark Pallotta, Shirley Stanton, Skip Tarasuk, Bryan Towns, Ron Tucker and Jack "Bob" White. Also in attendance were: FSU President Thomas L. Krepel, Sarah Hensley, Rick Porto, Maria Rose and David Tamm.

- a. Shirley Stanton moved to add the MOU between FSU and Foundation as an information item XI on the agenda. Jim Kettering seconded. Motion carried.
- b. Mark Pallotta moved the agenda be approved. Matt Jacques seconded. Motion carried.

2. Approval of Minutes

Bob Mild moved to accept the minutes of 10/29/09. Mark Pallotta seconded. Motion carried.

3. Consent Agenda

Bob Mild moved the Consent Agenda items be approved. Matt Jacques seconded. Motion carried. The following items were approved:

- a) Financial Report
- b) Capital Project Report
- c) Moody's Update of Bond Ratings

4. Executive Committee

Skip Tarasuk moved the FSU/PC&TC Separation of Assets and Liabilities Agreement be approved. Mark Pallotta seconded. Motion carried.

5. By-laws Committee

A copy of the proposed by-laws was shared and will go out for 30 day public comment.

6. Adjournment

Skip Tarasuk moved to adjourn. Mark Pallotta seconded. Motion carried.



Chairman

**Fairmont State University
Board of Governors
Financial Report
Thru January 20, 2010**

Unrestricted Fund:

Budget adjustments made since the December report offset and the budget balance was not changed. The budget reflects a projection of a surplus of \$110,452. The spring term fee revenues are being realized as the classes have started. Approximately 78% of the revenue budget has been realized to-date with approximately 47% of operating expenses realized. Actual net revenues thru January 20th are \$11,225,946.

Note 1: A utility rate increase of 12.6% for electric has yet to be budgeted for. This budget will be added prior to the next report.

Note 2: A mid-year reduction in state appropriation of \$476,376 will also be adjusted for before the next report. This reduction will be offset by federal stimulus funding.

Auxiliary Fund:

There were no budget changes since the last reporting period. Approximately 83% of the revenue budget has been realized to-date with approximately 63% of operating expense budget realized. Actual net revenues thru January 20th are \$5,237,472.

Note: A utility rate increase of 12.6% for electric has yet to be budgeted for. This budget will be added prior to the next report.

Restricted Fund:

Revenue and expense budgets decreased by \$689 during the period. Approximately 76% of the revenue budget (inclusive of non-operating revenues) has been realized with 74% of the operating expense budget realized. Actual net revenues thru January 20th are \$857,862.

Please find attached the financial reports referenced above.

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

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES	Tuition and Fees	21,179,651.50	19,258,133.59	90.93
	Tuition and Fees Support Services Revenue	547,829.00	281,243.00	51.34
	Faculty Services Revenue	1,268,259.00	611,409.00	48.21
	Federal Grants and Contracts	0.00	(764.42)	
	State/Local Grant and Contracts	0.00	(2,400.00)	
	Auxiliary enterprises revenue	0.00	0.00	
	Operating Costs Revenue	2,621,804.09	1,140,680.69	43.51
	Support Services Revenue	3,735,630.47	1,701,753.96	45.55
	Other Operating Revenue	462,254.00	258,179.29	55.85
	Subtotal:	29,815,428.06	23,248,235.11	77.97
OPERATING EXPENSES	Salaries	22,475,579.14	10,062,196.63	44.77
	Benefits	5,761,574.32	2,666,954.84	46.29
	Student financial aid-scholarships	1,656,760.00	1,361,357.31	82.17
	Utilities	1,579,464.00	663,769.22	42.02
	Supplies and Other Services	7,408,143.46	3,250,683.00	43.88
	Equipment Expense	1,000,581.31	658,977.57	65.86
	Loan Cancellations and write-off	0.00	0.00	
	Fees retained by the Commission	167,829.00	89,312.50	53.22
	Assessment for Faculty Services	1,502,589.00	739,284.00	49.20
	Assessment for Support Services	358,599.64	163,808.59	45.68
	Assessment for Tuition, Aux, & Capital Costs	2,877,011.00	1,433,371.00	49.82
	Assessment for Operating Costs	235,961.71	87,162.37	36.94
	Subtotal:	45,024,092.58	21,176,877.03	47.03
NONOPERATING REVENUES (EXPENSES)	State Appropriations	13,769,754.00	9,225,736.00	67.00
	Gifts	25,000.00	12,500.00	50.00
	Investment Income	266,166.00	11,262.75	4.23
	Other nonoper rev - OPEB Liability	0.00	0.00	
	Reappropriated State Funding	1,250,000.00	0.00	0.00
	Subtotal:	15,310,920.00	9,249,498.75	60.41
EXCLUDE OPERATING ACCOUNT	Exclude - Assets	(499,100.20)	(177,433.00)	35.55
	Exclude - Transfers for Fin Aid Match	(170,107.00)	(108,831.00)	63.98
	Exclude - Indirect Cost Recoveries	582,876.75	190,963.54	32.76
	Exclude - Transfers for Capital Projects	94,162.00	0.00	0.00
	Exclude - Transfers - Other	365.32	389.87	106.72
	Subtotal:	8,196.87	(94,910.59)	-1157.89
OPERATING LOSS WITHOUT STATE APPROPRIATIONS		(15,208,664.52)	2,071,358.08	-13.62
BUDGET BALANCE		110,452.35	11,225,946.24	10163.61
NET ASSETS - Beginning of Year		7,324,058.00		
PROJECTED NET ASSETS - End of Year		7,434,510.35		

FSU Auxiliary Support
Actual vs Budget Statement of Revenues and Expenses

Current Year 2010 Prior Year 2009 January Auxiliary
Auxiliary - Bd. Of Governors

		Budgeted	Actual	Actual to
		Current Year	Current Year	Budgeted
		Current Year		
OPERATING REVENUES	Auxiliary enterprise revenue	7,970,663.94	8,215,032.90	103.07
	Auxiliary Support Services Revenue	4,797,696.00	2,470,133.00	51.49
	Other Operating Revenue	245,303.60	141,603.06	57.73
	Subtotal:	13,013,663.54	10,826,768.96	83.20
OPERATING EXPENSES	Salaries	2,044,715.00	1,125,495.56	55.04
	Benefits	530,271.00	224,674.35	42.37
	Student financial aid-scholarships	468,960.00	309,879.48	66.08
	Utilities	843,297.68	339,223.76	40.23
	Supplies and Other Services	4,893,724.80	3,533,886.63	72.21
	Equipment Expense	77,407.00	56,137.45	72.52
	Loan Cancellations and write-off	1,131.00	0.00	0.00
	Subtotal:	8,859,506.48	5,589,297.23	63.09
NONOPERATING REVENUES (EXPENSES)	Investment Income	0.00	0.00	
	Interest on capital asset related debt	(100,472.60)	(50,236.30)	50.00
	Subtotal:	(100,472.60)	(50,236.30)	50.00
EXCLUDE OPERATING ACCOUNT	Exclude - Assets	(19,260.00)	(35,077.75)	182.13
	Exclude - Transfers for Debt Service	(3,604,849.36)	(1,782,340.76)	49.44
	Exclude - Transfers for Fin Aid Match	(3,425.00)	(1,713.00)	50.01
	Exclude - Transfers to Plant Reserves	(426,150.10)	0.00	0.00
	Exclude - Transfers for Scholarships	0.00	0.00	
	Exclude - Transfers - Other	0.00	0.00	
	Subtotal:	(4,053,684.46)	(1,819,131.51)	44.88
OPERATING INCOME/LOSS		4,154,157.06	5,237,471.73	126.08
BUDGET BALANCE		0.00	3,368,103.92	0.00
NET ASSETS - Beginning of Year		1,716,560.00		
PROJECTED NET ASSETS - End of Year		1,716,560.00		

**Board of Governors
Financial Report
Fairmont State University
Restricted Fund
For the period as of January 19, 2010**

Operating Revenues:

Revenues decreased	(\$688.56)
Title III Grant Close Out	(688.56)

Non-Operating Revenues

No Change

Operating Expenditures:

Expenditures decreased	(\$688.56)
Title III Grant Close Out	(688.56)

Net Change **0.00**

The budget balance of \$-274,199.64 is covered by the restricted fund cash balance of 292,166.60 on June 30, 2009.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses

Current Year 2010 Prior Year 2009 Jan Current Restricted

LEVEL 2

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES	Federal Grants and Contracts	30,133,097.10	22,292,128.41	73.98%
	State/Local Grants and Contracts	6,481,297.33	4,805,333.97	74.14%
	Private Grants and Contracts	2,390,000.00	983,644.47	41.16%
	Other Operating Revenue	79.22	0.00	0.00%
Sub Total		39,004,473.65	28,081,106.85	71.99%
OPERATING EXPENSES	Salaries	1,835,518.38	536,101.26	29.21%
	Benefits	289,182.92	100,918.18	34.90%
	Student Financial Aid-Scholarships	38,133,807.38	32,585,038.80	85.45%
	Utilities	24,749.00	1,583.00	6.40%
	Supplies and Other Services	4,870,269.41	990,018.99	20.33%
	Equipment Expense	1,769,919.09	684,836.84	38.69%
	Assessment for Support Services	0.00	0.00	0.00%
Sub Total		46,923,446.18	34,898,497.07	74.37%
NONOPERATING REVENUES (EXPENSES)	Federal Pell Grant Revenues	8,120,137.00	7,770,541.00	95.69%
Sub Total:		8,120,137.00	7,770,541.00	95.69%
EXCLUDE OPERATING	Exclude - Assets	-15,407.10	0.00	0.00%
	Exclude - Transfers for Fin Aid Match	116,527.60	89,283.00	76.62%
	Exclude - Indirect Cost Recoveries	-582,876.74	-190,963.54	32.76%
	Exclude - Transfers - Other	6,392.13	6,392.13	0.00%
Sub Total:		-475,364.11	-95,288.41	20.05%
OPERATING INCOME/LOSS		-7,918,972.53	-6,817,390.22	86.09%
BUDGET BALANCE		-274,199.64	857,862.37	-312.86%
NET ASSETS - Beginning of Year**		292,166.60		
PROJECTED NET ASSETS- End of Year		17,966.96		

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

Capital Project Update: January 25,2010

Academic Fund - Hunt Haight 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 is substantially complete. Minor punchlist items remain to be completed and/or touched up
Feaster Center Elevator	Project is 99% complete. Punch list work is continuing.
Feaster Center HVAC	Two new roof top units have been set in place and are running. Air balancing remains to be completed.
Hunt Haight Hall Glass Front	Project has not been started.
Infrastructure - Hardway Hall portico improvements	Contract with Paradigm Architecture has been finalized. Core boring work has been awarded to Triad Engineering. Plaster removal work has started under stairs and in small closets
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	Contract has been finalized with J D Signs. Work should be completed within 60 days of Notice to Proceed.
Folk Life Center	Painting and floor covering work is complete. HVAC work is complete with furnaces operating. Plumbing fixtures are being installed.
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.

CAPITAL PROJECTS

FY 2010

Project	Carried Forward Budget	Budget Adjustment FY 2010	Total Budget	Expenses	Encumbrances	Available Budget	Project Complete Date
Academic Fund	\$ 100,000.00	\$ (25,000.00)	\$ 75,000.00	\$ 54,400.00	\$ -	\$ 20,600.00	Painting HHH : \$54,400 9/1/09
College Apartments - Building A/B Roof	\$ 73,000.00	\$ (24,070.00)	\$ 48,930.00	\$ 48,930.00	\$ -	\$ -	8/30/2009
College Apartments - Building G Carpet	\$ 15,000.00	\$ (7,684.12)	\$ 7,315.88	\$ 7,315.88	\$ -	\$ -	8/15/2009
Education Building - Exterior Waterproofing	\$ 185,000.00	\$ (12,500.00)	\$ 172,500.00	\$ 126,463.57	\$ 36,866.43	\$ 9,170.00	
Education Building - Roof Replacement	\$ 320,000.00	\$ (12,500.00)	\$ 307,500.00	\$ 206,805.72	\$ 74,614.29	\$ 26,079.99	
Feaster Center - Elevator & Steps	\$ 1,489,127.93	\$ -	\$ 1,489,127.93	\$ 1,470,314.99	\$ 18,812.94	\$ (0.00)	
Feaster Center - HVAC Phase II	\$ 298,774.00	\$ -	\$ 298,774.00	\$ 268,896.60	\$ 29,877.40	\$ -	
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	\$ 5,062.50	\$ 52,512.50	\$ 342,425.00	
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	\$ 57,543.08	\$ -	\$ 456.92	9/1/2009
Infrastructure - Pierpont Signage	\$ 58,734.00	\$ -	\$ 58,734.00	\$ 1,450.00	\$ 26,686.00	\$ 30,598.00	
IT Software - Card System	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 40,000.00	\$ -	\$ -	completed - not capitalized
Kennedy Barn - Folklife Center - Phase II	\$ 568,789.00	\$ -	\$ 568,789.00	\$ 405,046.40	\$ 88,990.79	\$ 74,751.81	
Locust Avenue	\$ 279,289.00	\$ (68,717.00)	\$ 210,572.00	\$ -	\$ -	\$ 210,572.00	
Physical Plant - Landscaping	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 43,779.28	\$ 3,200.00	\$ 53,020.72	
Physical Plant Small Projects	\$ 202,959.39		\$ 202,959.39	\$ 59,069.14	\$ 91,560.89	\$ 52,329.36	Parking Lot Proj; \$29,259.39; 8/15/09
	\$ 4,638,673.32	\$ (164,786.12)	\$ 4,473,887.20	\$ 2,795,077.16	\$ 423,121.24	\$ 1,255,688.80	

**Board of Governors
Fairmont State University
February 18, 2010**

ITEM: Legislative Audit Update – Fixed Asset Management
Fiscal Year 2008

INFORMATION ITEM:

COMMITTEE: Committee of the Whole

STAFF MEMBER: Rick Porto

BACKGROUND:

Legislative Auditors have been reviewing selected accounting processes and records since November 2008. Their initial review focused on Auxiliary Enterprise operations (including Athletics).

More recently, they completed a review of our Fixed Asset Management and issued their report to the Legislative Post Audit Subcommittee on January 11, 2010.

The Special Report on Inventory is a combined report on the audits of Fairmont State University, Concord University and WVU Institute of Technology. The report cites five findings for Fairmont State University. The complete report has been released by the Post Audit Subcommittee and can be viewed on the Legislative Post Audit website (<http://www.legis.state.wv.us/Joint/postaudit/reports.cfm>). Please find attached the recommendations for Fairmont State University and our responses to the findings.

As a result of the audit findings we will complete an annual physical equipment inventory with proper documentation completed for missing or lost items. The policy is to capitalize items with a cost of \$5,000 or more. Although firearms do not meet the cost criteria, we have added all firearms to the equipment inventory as recommended. Also, the Office of Information Technology has implemented an inventory system to track all computer systems throughout all campuses and locations.



President of Fairmont State University

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Fairmont, West Virginia 26554
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December 11, 2009

Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division
Building 1, Room W-329
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305-0610

Dear Ms. Sneed,

This letter is in response to your letter dated December 8, 2009 concerning the preliminary draft of findings of the post audit special report on inventory. We have reviewed the report and have prepared the attached responses to be included in the special report for presentation to the Post Audit Subcommittee on Monday, January 11, 2010.

I have asked Mr. Rick Porto, Vice President for Administrative and Fiscal Affairs, to represent Fairmont State University at the formal exit conference scheduled for Friday, December 18, 2009 and again on Monday, January 11, 2010 when the special report is presented to the Post Audit Subcommittee.

If you have any questions or concerns following your review of our responses, please feel free to contact Mr. Rick Porto at 304-367-4689.

Sincerely,

Dr. Thomas L. Krepel
President, Fairmont State University

CC: Chancellor Brian Noland, Ph.D.
West Virginia Higher Education Policy Commission

Fairmont State University (FSU)
Inventory Management – Assets
Legislative Audit – Response to Findings
Audit Period: July 1, 2007 – June 30, 2008

Finding 1 – Improper Inventory Management:

Recommendation:

We recommend CU and FSU perform an institution-wide audit and physical inventory of the institution's assets on an annual basis; update items in the inventory system, as determined necessary; using the proper documentation; and keep an accurate inventory record at all times in accordance with Legislative Rule 133, Series 30 states in part, and Section 9.3.4 of the West Virginia Higher Education Purchasing Procedures Manual. Also, FSU should record the assigned location, model number, and serial number for all assets in the inventory system in accordance with Section 9.3.3 of the West Virginia Higher Education Purchasing Procedures Manual. In addition, we recommend CU and FSU affix asset tags to all assets meeting the requirements detailed in Legislative Rule Title 133, Series 30 and Board of Governor's Policies and ensure the tags are placed in a visible location.

Response:

Fairmont State University will implement an inventory policy in accordance with Section 9.3.4 of the West Virginia Higher Education Purchasing Procedures Manual. This policy will provide for an institutional-wide audit and physical inventory on an annual basis. The Accounting Office and Physical Plant Business Office will be responsible for completion of the annual physical inventory of capitalized equipment for financial reporting purposes. The Office of Information Technology will be responsible for maintaining a revolving inventory of computers and computer related equipment under \$5,000. The University will also keep proper documentation and accurate inventory records at all times. Also, in accordance with Section 9.3.3 of the West Virginia Higher Education Purchasing Procedures Manual FSU will record the assigned location, model number, and serial number for all assets in the Banner Fixed Asset Management System. Also, FSU will continue to affix asset tags to all assets within the fixed asset system with an acquisition cost of \$5,000 or greater. Also, in cases where a tag cannot be attached directly on the asset, the serial number or an alternative identifier will be used to identify the asset.

In fiscal year 2008, the Accounting staff worked with the Director of Information Technology to reconcile the Banner Fixed Asset Inventory Management System computer inventory with the database maintained by the Office of Information Technology. We believe that additional items

previously surplused should have been removed from the Banner System at that time. We will be doing a complete physical inventory of the campus in response to this review. This initial review will allow us to further update the Banner System records by removing any additional computers that were surplused without proper documentation being provided to Accounting to initiate the surplus action. For this initial review, we will be reasonably assured that that the assets have been surplused based on the acquisition date and life-cycle of the asset.

We recognize that proper documentation and required surplus actions have not taken place to remove assets from the Banner Fixed Asset Inventory Management System. We believe that once the initial annual inventory is completed and necessary adjustments are made to the records, the inventory system can be maintained accurately at all times. The current policy to capitalize equipment with cost of \$5,000 or greater will be continued by Fairmont State University.

Finding 2 -- Improper Retirement:

Recommendation:

We recommend CU and FSU comply with Chapter 18B, Article 5, Section 7 of the West Virginia Code; and Legislative Rule Title 133, Series 30; and Section 10.3.1 of the WV Higher Education Purchasing Procedures Manual by completing and maintaining all retirement documentation for retired/surplus fixed assets.

Response:

It is the intent of Fairmont State's Management to comply with Section 10.3.1 of the West Virginia Higher Education Purchasing Procedures Manual by completing and maintaining all retirement documentation for retired/surplus fixed assets. In prior years, computers have been surplusd as they were replaced on the three year life-cycle as budget was available. In the spring of 2008, Accounting determined from a review of the computers on the fixed asset management system that many of the computers had been replaced and not removed from the fixed asset records. Therefore, information was attained from a meeting with the Director of Information Technology in the spring of 2008 to compare the fixed asset management system records with the database maintained by Information Technology. The Director signed off on the Banner Fixed Asset Management System report that computers prior to a certain date could be removed with assurance that they had been surplusd by Information Technology. All except one of the items in the sample were computer items surplusd in the month of April 2008 and were part of this one time reconciliation of the Banner Fixed Asset Management System to the Information Technology records. However, Fairmont State's Management fully understands the responsibility to maintain proper records in regard to the retirement of fixed assets including computers. The Office of Information Technology has developed Computer Inventory Processes effective November 2009. The Office of Information Technology has implemented an inventory system to track computer systems and projectors throughout all campuses and locations. This system is focused on a secure centralized MS Access database. This database will provide a complete inventory of all active computer systems and projectors as well as those that have been retired (surplusd). Both the Office of Information Technology Computer Inventory Processes for tracking surplusd computers and the Banner Fixed Asset Management System surplusd items will be supported by proper retirement documentation including authorized signatures in the future.

Finding 3 – Computers Not Being Entered Into Inventory System:

Recommendation:

We recommend FSU, WVU, and WVUIT establish policies that mirror the State of West Virginia Purchasing Division's requirements that all computers with a value of \$500.00 or greater are to be included in the institution's respective inventory system. Also, we recommend the WVHEPC consider changing its policies to require all institutions under the WVHEPC include computers in their respective inventory system.

Response:

Fairmont State University is required to follow the West Virginia Higher Education Purchasing Procedures Manual (July 2004). Authority to purchase and acquire materials, supplies, equipment, services and printing, entering into lease and lease-purchase agreements, and to dispose of surplus, obsolete and unusable materials, supplies and equipment is granted to the Council, Commission and Governing Boards in West Virginia code Section 18B-5-4 through Section 18B-5-9. As required by law, the Council and Commission have promulgated a procedural rule, *Series 30, Purchasing*, and a legislative rule, *Series 43, Purchasing Efficiencies*, to manage higher education purchasing. The West Virginia Higher Education Purchasing Procedures Manual does not require computers with a value of \$500.00 or greater to be included the Banner Fixed Asset Management System. Fairmont State will not adopt policies and procedures requiring computers with a value of \$500.00 or greater to be included in FSU's Banner Fixed Assets Management System. However, Fairmont State's Administration does recognize the responsibility to ensure that these assets are safeguarded from theft. Therefore, the Office of Information Technology has developed Computer Inventory Processes effective November 2009. The Office of Information Technology has implemented an inventory system to track all computer systems and projectors throughout all campuses and locations. This system is focused on a secure centralized MS Access database. This database will provide a complete inventory of all active computer systems and projectors as well as those that have been retired (surplused). The Administration and Management of the University support this new process of tracking computers because it provides safeguards to the assets without the costs of reporting these as assets on the financial statements along with three years of associated depreciation expense. It also provides for support for the physical inventory of computers to come from the Office of Information Technology who work with and upgrade the computers in their regular course of business.

Please find attached the Fairmont State University Office of Information Technology Computer Inventory Processes document.

Finding 4 – Annual Physical Inventory Not Properly Performed:

Recommendation:

We recommend CU and FSU perform an institution-wide physical inventory of the institution's assets on an annual basis and update the inventory records as necessary in accordance with Legislative Rule Title 133, Series 30 and the West Virginia Higher Education Purchasing Procedures Manual.

Response:

In accordance with Legislative Rule Title 133, Series 30 and the West Virginia Higher Education Purchasing Procedures Manual, Fairmont State University will perform an institution-wide physical inventory on an annual basis and update the inventory records as necessary.

Finding 5 – Firearms Not Being Entered Into Inventory System:

Recommendation:

We recommend FSU and WVUIT establish policies that mirror the State of West Virginia Purchasing Division's requirements that all firearms are to be logged into the institution's respective inventory system. Also, we recommend the WVHEPC consider changing its policies to require all institutions under the WVHEPC include firearms in their respective inventory system.

Response:

Fairmont State University is required to follow the West Virginia Higher Education Purchasing Procedures Manual (July 2004). Authority to purchase and acquire materials, supplies, equipment, services and printing, entering into lease and lease-purchase agreements, and to dispose of surplus, obsolete and unusable materials, supplies and equipment is granted to the Council, Commission and Governing Boards in West Virginia code Section 18B-5-4 through Section 18B-5-9. As required by law, the Council and Commission have promulgated a procedural rule, *Series 30, Purchasing*, and a legislative rule, *Series 43, Purchasing Efficiencies*, to manage higher education purchasing. The West Virginia Higher Education Purchasing Procedures Manual does not mandate that firearms regardless of cost be included in FSU's Banner Fixed Asset Management System. However, Fairmont State's Administration believes that such practice is in the best interest of the University and will implement a practice to add all firearms regardless of cost to the fixed asset inventory.

The Department of Public Safety is responsible for safeguarding all firearms owned by the University. The Department has written procedures for both the police officer firearms and for the classroom training firearms. Officers are assigned a gun lock box for safekeeping the firearm when they are off duty. The classroom firearms are kept in a locked gun safe in the Department of Public Safety. The only person permitted to check out and sign in the student classroom guns is the instructor. The only person with the key to the gun safe for the classroom guns is the Chief of Police. We believe that these procedures and the gun lock boxes adequately safeguard the firearm assets in addition to them being included in the Banner Inventory System.

Please find attached the Department of Public Safety's Firearms Procedures.

**Board of Governors
Fairmont State University
February 18, 2010**

ITEM: Bookstore Textbook Affordability Committee Progress

INFORMATION ITEM:

COMMITTEE: Committee of the Whole

STAFF MEMBER: Rick Porto

BACKGROUND:

Since the last report the Bookstore Textbook Affordability Committee met and reviewed Procedural Rule Series 51 (copy attached).

This rule is in the 30 day comment period and the committee will be providing feedback to this rule.

The committee is working on an update of the Bookstore web-site to make available to students and faculty information related to federal and state rules for textbook affordability. They are also working on the Institutional Bookstore Policy update incorporating information from Series 51 and committee developed enforcement rules that will lend to timelier book adoptions and provide for the bookstore manager an ability to enforce policy rules.

The committee is hopeful to be able to provide a revised policy to the Board of Governors at the April meeting.

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

SERIES 51

BOOKSTORES AND TEXTBOOKS

§133-51-1. General.

- 1.1. Scope - Rule establishing process and guidelines for institutions to adopt rules governing the selection, adoption, use and sale of textbooks and other course materials.
- 1.2. Authority - - W. Va. Code § 18B-1B-4, 18B-10-14.
- 1.3. Filing Date -
- 1.4. Effective Date -

§133-51-2. Purpose.

- 2.1. To require institutions to promulgate rules that fully and adequately address the mandates in W. Va. Code § 18B-10-14 regarding the operation of bookstores and the actions of employees of the institution in the selection and adoption of textbooks and course materials.
- 2.2. To require institutions to promulgate rules that will effectuate the mandates regarding textbooks and supplementary course materials set out by Congress in the Higher Education Opportunity Act (HEOA) enacted on August 14, 2008, and any successor to that Act.
- 2.3. To require institutions to promulgate rules addressing the recommendations of the Statewide Task Force on Textbook Affordability contained in the final report of that Task Force jointly adopted by the Higher Education Policy Commission (Commission) and the Council for Community and Technical College Education.

§133-51-3. West Virginia Code Mandates.

- 3.1. Each institutional governing board under the jurisdiction of the Commission shall promulgate rules that fully and adequately address the statutory mandates of W. Va. Code § 18B-10-14. Specifically, these rules shall, at a minimum:

3.1.1. Provide specific mechanisms to ensure that bookstores operated at institutions under the governing board's jurisdiction minimize the costs to students for textbooks and course materials. To that end, the governing board rule shall:

3.1.1.1. Commit, to the maximum percent practicable, the number of used books the bookstore will repurchase from students at the end of each semester.

3.1.1.2. Commit, to the maximum percent practicable, a range of percentage repurchase prices based on the new textbook price.

3.1.1.3. Commit, to the maximum percent practicable, to a selection procedure that will ensure certain basic textbooks will be utilized for a reasonable number of consecutive years without new editions being adopted, or selection of basic textbooks where earlier editions are easily utilized in the courses.

3.1.2. Prohibit any employee of the governing board from receiving any payment, loan, subscription, advance, deposit or money, service benefit or thing of value, present or promised, as an inducement for requiring students to purchase a specific textbook or supplemental course materials, provided, however, that an employee may receive royalties or other compensation from such sales that include the employee's own writing or work. An employee may also receive free sample copies, instructor's copies and instructional material but may not resell those items and retain the proceeds.

3.1.3. Prohibit any employee of the governing board from requiring for any course a textbook that includes his or her own writing or workbook if the textbook incorporates either detachable worksheets or workbook-style pages intended to be written in or removed from the textbook. This does not prohibit an employee from requiring as a supplement to a textbook any workbook or similar material which is published independently from the textbook.

3.1.4. Provide firm deadlines for faculty to be assigned to courses and textbooks and course materials to be selected prior to each semester.

3.1.4.1. For those deadlines not met there shall be a mechanism in place reasonably calculated to ensure that used textbooks, if available, can be located and purchased by the time of enrollment each semester, to the maximum extent practicable.

3.1.4.2. This mechanism may include such measures as default selection of certain textbooks, continuing to use the previous

textbook, or having a chair or dean select the textbook. Any such textbook default selection must be strictly enforced and faculty not allowed to change the selection

3.1.5. Provide that a listing of all selected textbooks and materials selected and assigned prior to each semester shall be prominently posted immediately after such selection process is completed and the textbook and course materials are designated for order by the bookstore.

3.1.5.1. In a central location on campus communicated to the student body;

3.1.5.2. In every campus bookstore operated at the institution;

3.1.5.3. On the institution's website; and

3.1.5.4. With the International Standard Book Number (ISBN), edition number and any other relevant information regarding each textbook or supplemental course materials.

3.1.6. Provide that by November 1 of each year, the institution shall report to the Chancellor of the Commission, for the prior fiscal year, the deadlines established for faculty to be assigned to courses; the deadlines for textbooks and course materials to be selected; the percentages of those deadlines met; and the dates the listing of assigned textbooks and course materials were posted pursuant to the requirements of Section 3.1.5 of this rule.

3.1.7. Provide that all revenue the institution receives from a private entity for bookstore operation be utilized for non-athletic scholarships at the institution.

§133-51-4. Federal Mandates.

4.1. Each institutional governing board under the jurisdiction of the Commission shall promulgate rules that fully and adequately address the federal mandates regarding textbooks contained in the Higher Education Opportunity Act of 2008 (Public Law 110-315). Specifically, these rules shall, at a minimum:

4.1.1. Provide that textbook publishers soliciting any employee of the governing board to select textbooks or supplemental course material provide that employee, in writing:

4.1.1.1. The price of the textbook and supplemental course materials;

4.1.1.2. The copyright dates of the three previous editions, if any;

4.1.1.3. A description of substantial content revisions from the previous editions;

4.1.1.4. Whether the textbook is available in other lower; cost formats and, if so, the price to the institution and the general public;

4.1.1.5. The price of textbooks unbundled from supplemental material; and

4.1.1.6. The same information, to the extent practicable, for custom textbooks.

4.2.1. Provide that no employee of the governing board shall select or assign a textbook or supplemental course materials if the publisher has not supplied the information, in writing, required by Section 4.1.1 of this rule.

4.3.1. Provide a penalty for publishers that do not supply the information required by Section 4.1.1 of this rule.

4.4.1. Provide that the institution shall provide on its electronic course schedule, or through a link to its bookstore's website, prior to course enrollment each semester for all required or recommended textbooks and supplemental material:

4.4.1.1. The ISBN number and retail price, or if the ISBN number is not available then the author, title, publisher and copyright date.

4.4.1.2. If such disclosure is not practicable, then the designation "To Be Determined."

4.4.1.3. A reference shall be made on any written course schedule to the information available on the electronic course schedule accessible through the institutional website and the internet address for the electronic course schedule.

4.5.1. Provide that the institution will include on its website or through a link to its bookstore's website and electronic course schedule any of its policies or provisions for:

4.5.1.1. Rental of textbooks;

- 4.5.1.2. The purchase of used textbooks;
- 4.5.1.3. Textbook repurchase or buy backs; and
- 4.5.1.4. Alternative content delivery programs.

4.6.1. Provide that the institution will update its policies to comply with any future federal mandates.

§133-51-5. Textbook Affordability Committee.

5.1. Each institution shall establish a permanent Textbook Affordability Committee consisting of faculty, students, administrators and bookstore representatives which shall meet periodically, but at least annually, to advise the faculty senate, student government, administration, and institutional board of governors on affordability issues and initiatives, textbook selection guidelines and strategies, and educational opportunities.

5.2. The governing board shall annually meet with the Textbook Affordability Committee to receive any recommendations or reports it may have generated and copies of any such recommendations and reports shall be transmitted to the Chancellor of the Commission.

§133-51-6. Required Provisions.

6.1. In adopting the policies required by this rule each governing board shall:

6.1.1. Adopt guidelines for faculty in the selection of textbooks and supplementary course materials that ensure appropriate, high quality course materials are selected but give students timely access to the most affordable materials. Institutions are encouraged to consider:

6.1.1.1. Requiring faculty to consider more than one textbook publisher and compare prices for textbooks and course materials;

6.1.1.2. Requiring that all new textbook selections submitted to the appropriate dean or chair for approval be accompanied by the written information required from the publisher pursuant to Section 4.1.1 of this rule;

6.1.1.3. Discouraging selection of textbooks in which less than 50 percent of the content will be used in the course unless the same textbook will be utilized by the student in other courses;

6.1.1.4. Encouraging selection of textbooks that have low cost alternative editions available;

6.1.1.5. Encouraging selection of textbooks it is believed will not be revised by the publisher in the near future;

6.1.1.6. Utilizing consortiums which make available open source textbooks or course materials to faculty and students free or at low cost;

6.1.1.7. Directing an examination of the feasibility of operating a textbook rental program;

6.1.1.8. Providing that the institution shall conduct training for all faculty, at the time of hire and periodically thereafter, on textbook selection and strategies that guarantee high quality course materials at the most affordable cost;

6.1.1.9. Providing that at least one administrator at the institution shall be designated as a liaison with textbook publishers, to be responsible for dissemination of relevant information to the faculty on textbook strategies and education and training opportunities regarding textbook selection, and to enforce the policies the governing board adopts.

6.1.1.10. Providing that the institution, to the maximum extent practicable, consider placing a copy of required textbooks on reserve in the institutional or departmental library;

6.1.1.11. Addressing the issue of providing financial aid to students prior to the start of classes that will allow them to purchase course materials; and

6.1.1.12. Addressing the institution's commitment to utilizing various 21st Century technology innovations for the provision of textbooks and course materials, such as electronic textbooks, on-line textbooks, print-on-demand services, open source materials, and institution produced textbooks.

§133-51-7. Deadline.

7.1. The rules required by this rule shall be adopted by each governing board within 180 days of the effective date of this rule.

FAIRMONT STATE BOARD OF GOVERNORS

ITEM: School of Fine Arts/Music Department Request for Intent to Plan a Bachelor of Arts in Music.

COMMITTEE: Academic Affairs and Student Life Committee

RECOMMENDED RESOLUTION:

Resolved, That the Fairmont State Board of Governors approve a Request for Intent to Plan a Bachelor of Arts in Music and direct the President to so inform the West Virginia Higher Education Policy Commission.

STAFF MEMBER (S): Dr. Maria Rose
Mr. Peter Lach

PROGRAM: Bachelor of Arts in Music

PROJECTED DATES:

Full Proposal: February, 2010
Implementation: Fall, 2010

PROGRAM GOALS/CONSISTENCY WITH INSTITUTIONAL MISSION:

The Bachelor of Arts in Music will:

- Support the ideal of a well-educated population.
- Contribute to the cultural growth of the region.
- Provide a body of course work allowing a student to expand his or her artistic/creative/musical expression.
- Coordinate with the School of Education's Master of Arts in Teaching (five-year program), to graduate future teachers with additional preparation in content.
- Provide a path to graduation for those students with an interest in music as a career.
- Accomplish the University's mission of "fostering individual growth, professional and career development, lifelong learning, global understanding, and a commitment to excellence in academic and community pursuits."

Currently, the School of Fine Arts offers the B.A. in Education, Comprehensive Music PreK-Adult degree. The B.A. in Music would provide a degree path for those students not interested in the current offering as well as complement the School of Education's five-year Masters program.

PROGRAM DESCRIPTION:

Students in the B.A. Music program will be required to take classes totaling 128 hours consisting of 53 hours in major courses, 43 hours of elective courses, and 32 hours of General Studies courses. Approximately 12 hours of General Studies requirements will be met by required music courses.

PROGRAM STANDARDS AND ASSESSMENT OF QUALITY:

Students admitted to the B.A. in Music would meet the admission requirements for Fairmont State University. The program is based on a recommended curriculum by the National Association of Schools of Music, which is the accrediting body for music programs in the United States. This new program would be subject to periodic program review processes currently in place at Fairmont State.

OTHER WEST VIRGINIA INSTITUTIONS WITH SIMILAR PROGRAMS:

Currently, Alderson-Broaddus College, Shepherd University, West Virginia Wesleyan College, Marshall University and West Virginia University offer a B.A. degree in music with specific concentrations in performance, musical theatre, or composition and theory. Our proposed B.A. in Music would be a unique offering by a public institution in West Virginia because it is a degree program with options for individual student design.

STATEMENT OF NEEDS MET BY THE PROGRAM:

National standards in education have recommended a more concentrated study of students' chosen content areas. This program also supports the School of Education's goals to bring all associated programs into compliance. It provides an opportunity for students to pursue the M.A.T. with a B.A. in an area of concentration, as recommended by the School of Education.

The intent of this program is to allow flexibility in courses offered and the option to choose free electives in disciplines related to music, such as psychology, business and theatre, in order to prepare students for diverse occupations. Additionally, music students have requested this option for several years. The School of Fine Arts Music Department loses potential students who choose to attend other schools which offer degrees other than music education. The B.A. in Music will allow students who begin a Music Education degree program, and who decide later not to complete the education program, an option to remain in the music discipline. It also provides an option for students who wish to pursue graduate studies in the field of music.

ADDITIONAL RESOURCES NEEDED FOR THE PROGRAM:

This program is comprised of existing courses currently offered by the Music Department. Course fees were recently approved for many of these classes. Any increased demand for materials due to enrollments would be met by generated revenue from those course fees.

**Memorandum of Understanding
Between the Fairmont State University Board of Governors
And
Fairmont State Foundation, Inc.**

This Agreement, entered into this _____ day of _____, 20__, (the Effective Date) by and between the Fairmont State University Board of Governors (“the Board of Governors”) and the Fairmont State Foundation, Inc. (“the Foundation”).

WHEREAS, the Foundation was organized and incorporated on December 12, 1960, to aid, strengthen and further in every proper and useful way the work and services of Fairmont State University, (the “University”), and to develop and utilize the ties of interest, sympathy and affection existing between the University and its alumni and friends throughout the state and the nation;

WHEREAS the Foundation exists to raise and manage private and public resources supporting the mission and priorities of the University and provide opportunities for students and a margin of institutional excellence unavailable solely from public funds;

WHEREAS, the Foundation is dedicated to assisting the University in the building of the endowment and in addressing through financial support the long-term academic and other priorities of the University; and

WHEREAS, the Foundation is a separately incorporated non-profit organization, is qualified under Section 501(c)(3) of the Internal Revenue Code, and is responsible for identifying and nurturing relationships with potential donors and other friends of the University, soliciting private and public resources for the support of the University, and acknowledging and stewarding such gifts in accordance with donor intent and its fiduciary responsibilities.

THEREFORE, in consideration of the mutual commitments herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Use of Name, Seal and Logotype

The Board of Governors and the University grant to the Foundation a nonexclusive, nontransferable, royalty-free, worldwide license to use, reproduce, display, make derivative works of, publish, or engage in any other activity utilizing the name, trademarks, service marks, trade dress, seals and/or logotypes of Fairmont State University in furtherance of the mission and priorities of the University

University Governance

The Board of Governors is responsible for overseeing the mission, leadership, and operations of the University.

The Board of Governors is responsible for setting priorities and long-term plans for the University.

The Board of Governors is responsible for the performance and oversight of all aspects of Fairmont State University operations.

The Board of Governors is responsible for the employment, compensation, and evaluation of all Fairmont State University employees, including the President of the University and the Vice President for Institutional Advancement.

The Board of Governors possesses and retains to its self all powers and duties set forth in State law, not otherwise properly delegated.

Foundation's Relationship to the University

The Foundation is a separately incorporated non-profit 501(c)(3) organization created to raise, manage, distribute, and steward private and public resources to support the various missions of the University.

The Foundation is authorized to solicit, utilize or expend contributions and resources in the name of the University based on the delegation of those powers by the President of the University, as authorized by the Board of Governors.

The Foundation is responsible for the control and management of all assets of the Foundation, including the prudent management of all gifts consistent with donor intent.

The Foundation is responsible for the performance and oversight of all aspects of its operations.

The Foundation participates in the selection and evaluation of the Foundation's chief executive officer.

University's Relationship to the Foundation

The University is responsible for communicating its priorities and long-term plans, as approved by the Board of Governors, to the Foundation.

The University recognizes that the Foundation is a private corporation with the authority to keep all records and data confidential consistent with the law.

Pursuant to this memorandum, the Vice President for Institutional Advancement also may serve as the Executive Director of the Foundation, reporting directly to the

Foundation Board of Directors and not the University President in the capacity of Executive Director.

The University may provide in-kind support to the Foundation, including office space, computer and telephone systems, utilities, office supplies, staff and other such services that may be reasonably necessary or required for the Foundation to fulfill its responsibilities and obligations.

The University is responsible for the employment, compensation, oversight and evaluation of any University staff provided to the Foundation as in-kind support, provided that the University shall consult with the Foundation in the hiring, evaluation and termination of any such staff.

The University will work in conjunction with the Foundation Board of Directors and Executive Director to identify, cultivate, and solicit prospects for private and public gifts.

The University shall establish and enforce policies that support the Foundation's ability to respect the privacy and confidentiality of donor records.

Foundation Responsibilities

Fund Raising

The Foundation, having agreed and accepted delegated responsibility for coordinating all private and certain public fundraising for the University, shall create an environment conducive to increasing levels of private and public support for the mission and priorities of the University.

The Foundation, in consultation with the University, is responsible for planning and executing comprehensive fund-raising and donor-acquisition programs in support of the University's mission and priorities. These programs include annual giving, major gifts, planned gifts, special projects, and campaigns as appropriate.

The Foundation has established, adheres to, and periodically assesses its gift-management and acceptance policies, and provides appropriate recognition and stewardship of such gifts.

The Foundation has established and enforces policies to protect donor confidentiality and rights.

Asset Management

The Foundation has established asset-allocation, disbursement, and spending policies that adhere to applicable federal and state laws including the Uniform Prudent Investor Act (UPIA), the Uniform Prudent Management of Institutional Funds Act (UMIFA) and the Solicitation of Charitable Funds Act.

The Foundation receives, holds, manages, invests, and disburses contributions of cash, securities and all other forms of property, both tangible and intangible, including immediately vesting gifts and deferred gifts that are contributed in the form of planned and deferred-gift instruments.

The Foundation engages an independent accounting firm to conduct an audit of the Foundation's financial and operational records and provides the University and the Board of Governors with a copy of the annual audited financial statements.

The Foundation shall have the sole responsibility for managing and administering the assets of the Foundation. The University shall communicate to the Foundation the academic and other priorities of the University.

Institutional Flexibility

The Foundation may explore current opportunities, including acquisition of assets on behalf of the University for future allocation, transfer or use.

When distributing gift funds to the University, the Foundation will disclose any terms, conditions, or limitations imposed by donor or legal determination on the gift. The University will abide by such restrictions and provide appropriate documentation as may be required by the terms of the gift.

Transfer of Funds

The Foundation is the primary depository of private and certain public gifts and transfers funds to the University in compliance with applicable laws, University policies, and gift agreements.

The Foundation's disbursements on behalf of the University must be reasonable business expenses that support the University, are consistent with donor agreements, and do not conflict with applicable law.

Foundation Funding and Administration

The Foundation is responsible for establishing a financial plan/budget to underwrite the cost of Foundation programs, operations, and services.

The Foundation shall maintain, at its own expense, copies of the plans, budgets, and donor and alumni records developed in connection with the performance of its obligations. The Foundation shall provide the University copies of its annual report and other information that the Foundation deems appropriate or releases to the public.

Terms of the Memorandum of Understanding (MOU)

This Memorandum of Understanding, made as of the Effective Date, by and between the Board of Governors and the Foundation is intended to set forth policies and procedures that will contribute to the coordination of their mutual activities and interests.

To ensure effective achievement of the items of the agreement, representatives of the Board of Governors and the Foundation shall hold periodic meetings to foster and maintain productive relationships and to ensure open and continuing communications and alignment of priorities.

Either party may, upon 90 days prior written notice to the other, terminate this agreement. Notwithstanding the foregoing, either party may terminate this MOU in the event the other party defaults in the performance of its obligations and fails to cure the default within a reasonable time after receiving written show cause notice.

All previous Memoranda of Understanding between the Foundation and the Board of Governors, if any, are hereby terminated as null and void.

Consistent with provisions appearing in the Foundation's articles of incorporation and applicable law, should the Foundation cease to exist or cease to be qualified as a 501(c)(3) organization, all the business, property and assets of the Foundation not subject to a condition of return in the event of dissolution, shall, after payment of all liabilities, be transferred to non-profit 501(c)(3) charitable organizations, as the Foundation Board of Directors determines. Any such assets not so distributed shall be distributed by order of the Circuit Court of Marion County, West Virginia.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized officers as of the Effective Date.

Chair
Fairmont State University
Board of Governors

Date: _____

Witness:

Secretary
Fairmont State University
Board of Governors
Date: _____

President
Fairmont State Foundation, Inc.

Date: _____

Secretary
Fairmont State Foundation, Inc.

Date: _____

**Board of Governors
Fairmont State University
February 18, 2010**

ITEM: Financial Statement Audit for Fiscal Year 2009

ACTION REQUESTED: Acceptance of the 2009 Fiscal Year Audit

COMMITTEE: Committee of the Whole

STAFF MEMBER: Rick Porto

BACKGROUND:

Dennis Juran, Partner, from Deloitte & Touche LLP, met with the Fairmont State University and Pierpont Community & Technical College Executive/Audit Committees to review the financial statements and notes on November 18, 2009.

In attendance for the meeting were:

FSU Board of Governors Members –
Andy Kniceley, former Chair
Rocco Muriale
James Kettering
Shirley Stanton

PCTC Board of Governors Members –
James Griffin, Chair
Kyle Hamilton
Linda Aman

Administration and Staff -
Dr. Thomas Krepel, President, FSU
Blair Montgomery, President, PCTC
Rick Porto, VP Administrative & Fiscal Affairs
Dale Bradley, VP for Finance and Continuing Ed., PCTC
Carolyn Fletcher, Director of Accounting
Cindy Smith, Financial Reporting Manager
Christa Kwiatkowski, Financial Reporting Manager

Dennis Juran reviewed with committees selected financial statement highlights including:

- He encouraged the BOG Members to read the Management Discussion & Analysis (MD&A) prepared by the finance staff.

- Discussed the uncertainty surrounding the Other Post Employment Benefits (OPEB) Liability and the possibility of the liability increasing to \$2 to \$3 million at the end of fiscal year 2010. The June 30, 2009 OPEB liability balance was \$1,026,065.
- Net Assets at June 30, 2009 increased by \$4 million dollars. This increase is inflated by the posting of Reappropriated State funding (appropriations) as a receivable at June 30, 2009 in the amount of \$1,625,000. (\$1.25 million for FSU and \$375,000 for PCTC)
- Revenues increased nearly \$3 million.
- Recommended that Net Assets at year end should equal 5% to 10% of the operating expense less depreciation. Guidelines on Net Assets are available from other sources but Dennis Juran supported the 5% to 10% guideline. *Administration supports a more conservative percentage of 15%.*

One BOG member did request that the Net Assets percentages be calculated for the President's Control Unrestricted Funds and the Fund Manager Funds at June 30, 2009. This information is attached.

The Board of Governors had the option to continue the meeting with Dennis Juran without the Administration and Staff present. The Board of Governors representatives had no additional inquires and declined the invitation to meet with Dennis Juran in private session.

**Fairmont State University
Net Asset Percentages
As of June 30, 2009**

	Unrestricted President's Control	Unrestricted Fund Manager	Unrestricted Fairmont State Board of Governors Support
Operating Expenses*	33,722,149	1,303,588	9,777,170
Net Assets	6,798,282	543,950	2,716,521
% of Net Assets to Operating Expenses	20.16%	41.73%	27.78%
*Operating Expenses include the following:			
Unrestricted - University - Central	40,642,766		
Unrestricted - University - Fund Managers		1,303,588	
Subtotal	40,642,766	1,303,588	
Less revenues from PCTC for assessments:			
- Faculty services revenue	1,292,363	0	
- Support services revenue	3,291,665	0	
- Operating costs revenue	2,336,589	0	
Unrestricted Operating Costs - Adjusted	33,722,149	1,303,588	

**Fairmont State Board of Governors
Meeting of February 18, 2010**

ITEM: Funding for Locust Avenue Street Lighting and
Signal Lighting

COMMITTEE: Committee of the Whole

WHEREAS, Board of Governors approved motion, in August 2008, to pay for moving of utility poles to rear of FSU property and for installation of decorative lighting along Locust Avenue between Bryant Street and Squibb Wilson Boulevard.

WHEREAS, Board of Governors did not approve to pay for installation of decorative signal lighting.

WHEREAS, Allegheny Power could not obtain necessary rights of way and easements required to move poles to rear of FSU property and now will only relocate overhead lines back enough to accommodate widening of Locust Avenue.

WHEREAS, Capital funding currently exists for work on this project in the amount of \$210,572.

NOW, Therefore, be it resolved that funding be appropriated for decorative signal poles in lieu of moving power poles to rear of FSU property along Locust Avenue.

NOW, Therefore, be it further resolved that FSU enter into agreement with Department of Highways and City of Fairmont in amount of \$153,000.00 Of this amount, \$33,000.00 was previously approved to cover cost of decorative street lighting. This will leave balance of Capital Funding of \$57,572.00

STAFF MEMBER Jim Decker

BACKGROUND:

This project has been ongoing for several years. Allegheny Power had worked on several iterations for relocation overhead lines, both underground and to back of FSU property. Underground costs were in excess of what FSU desired to pay. Overhead

relocation brought easement and right of way problems that could not be resolved in timely manner.

Initially the DOH was to reimburse Allegheny Power for this relocation and FSU was only supplementing additional dollars for what we desired between our two entrances. Changes in legislation put the relocation cost back on utility companies, in lieu of DOH. At this point FSU was still willing to pay for our desires. We have now been made aware that easements and rights of way can not be easily and timely obtained. Therefore, Allegheny Power is moving ahead with plans to only relocate lines back far enough to accommodate the widening of Locust Avenue.

Capital dollars that were set aside for the relocation of utilities could be used for the installation of decorative traffic signals.

Existing capital funding	\$210,572.00
Previously approved street lighting	(\$33,000.00)
Balance that may be used for signals	<u>\$177,572.00</u>
Cost of decorative signal poles	(\$120,000.00)
Remaining project balance	<u>\$57,572.00</u>

Fairmont State University Board of Governors' Operating Procedures

- Article 1: The Board
- Article 2: Officers
- Article 3: Meetings
- Article 4: Committees
- Article 5: Relationship of the Board and the University President
- Article 6: Amendments

ARTICLE 1: THE BOARD

1.1 Name, Authorization and Mission

The official name of the Board shall be the "Fairmont State University Board of Governors." The Board of Governors and their successors in office are created by the legislature of West Virginia through the Code of West Virginia [§18B-2A] as a governing body, known as the Fairmont State University Board of Governors, with the mission of general supervision and control over the academic and business affairs of Fairmont State University.

1.2 Membership, Elections & Appointments

The Board consists of twelve members: one full-time member of the faculty with the rank of instructor or above duly elected by the faculty; one member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body; one member of the institutional classified employees duly elected by the classified employees; and nine lay members appointed by the Governor with the advice and consent of the Senate. Except in the case of a vacancy, all member elections shall be held and all appointments shall be made no later than the thirtieth day of June preceding the commencement of the term.

1.3 Terms of Appointment

The student member serves for a term of one year. The faculty member and the classified staff member serve for terms of two years. Terms begin each year on the first day of July. Faculty and Staff members are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years. The appointed lay citizen members serve terms of four years each and are eligible to succeed themselves for no more than one additional term. The appointed members of the Board serve staggered terms.

1.4 Vacancies

A vacancy in an unexpired term of a member shall be filled for the unexpired term in the same manner as the original appointment or election.

1.5 Continuation

Other than in the case of written resignation submitted to the Board, each member shall remain in office until a successor has been established by the required process.

1.6 Qualifications

Of the nine members appointed by the Governor, no more than five may be of the same political party. At least six five of the members shall be residents of the state. No lay person shall be eligible for appointment to membership on the Board who is an officer, employee or member of any other board of governors; ~~; a member of an institutional board of advisors of any public institution of higher education;~~ an employee of any affiliated research corporation created pursuant to article twelve of this chapter; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; an employee of any institution of higher education, an officer or member of any political party executive committee, the holder of any other public office or public employment under the government of West Virginia or any of its political subdivisions; or a member of the Policy Commission, or a member of the West Virginia Council for Community and Technical College Education.

1.7 Oath of Office

Before exercising any authority or performing any duties as a member of the Board of Governors, each member shall qualify as such by taking and subscribing to the oath of office prescribed by Article IV, § 5 of the Constitution of West Virginia, and the certificate thereof shall be filed with the Secretary of State.

1.8 Removal

A member of the Board of Governors appointed by the Governor may not be removed as a member of the Board by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the Governor.

1.9 Compensation

The members of the Board of Governors serve without compensation, but are reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

1.10 Supervision

The Board of Governors is subject to the supervision of the Higher Education Policy Commission. It is the responsibility of the Board of Governors to exercise its authority

and obligations in a manner consistent with and complementary to the powers and duties assigned by law or policy to the Council for Community & Technical College Education in matters pertaining to associate degrees offered by Fairmont State University.

1.11 Collective Authority and Action

The authority of the Governors is conferred upon them as a Board, and they can bind the Board and the University only by acting together through a majority vote of the Board as described in these operating procedures and applicable law.

Except as noted herein, permitted by act of the Board or otherwise provided by law, no individual member may commit the Board to any policy, declaration, directive or action without prior approval of the Board.

1.12 Code of Conduct

Members of the Board of Governors have an obligation to fulfill their responsibilities in a manner which fosters the public's respect, trust and confidence. Accordingly, Board members shall comply with the West Virginia Ethics Act, applicable law, and the highest standards of integrity. Each member of the Board shall vote in a manner the member reasonably believes to be in the best interests of the University. Each member must further recognize his or her personal fiduciary responsibility for protecting and advancing the integrity, interests and assets of the University. Members of the Board shall refrain from placing themselves in situations in which their duty or loyalty to or stewardship of the University may be compromised.

The Board of Governors oversees and supports the management, academic and administrative operations of the University. Members of the Board recognize the role of the President as the chief executive officer of and primary spokesperson for the University and the role of the Chairman of the Board as the primary spokesperson for the Board. The authority of the Board is based on the authority of the Board as a whole, and not on the authority of individual members. Board members shall participate actively in the duties of the Board, exercise critical and independent judgment, and communicate promptly to the Chairman or the President any significant concern regarding the operations of the Board or University.

1.13 Conflicts of Interest

Members of the Board shall perform their responsibilities in a manner which avoids conflicts of interest, or the appearance of such conflicts or of impropriety. Board members shall not use the authority, title, influence, or prestige of their positions, or any confidential information gained as a result of their membership, to solicit business for themselves or others or otherwise obtain any private financial, social, or political benefit

which in any manner would be inconsistent with the interest and mission of the University. The standards set out in this policy are intended to supplement, not replace, applicable law, and must be applied using the good judgment of every Board member.

While the University benefits from a Board whose members come with broad and varied experience and successful involvement in business, industry, education, the professions and government, such a membership also brings broad exposure to interests and influences which may directly or indirectly affect their obligations to the University. It is further possible that, from time to time, the University's best interests, objectively determined, may be served by entering into an appropriate business transaction with a member of the Board of Governors, or an entity in which the member has an interest. Recognizing that the potential for such conflicts of interest cannot be entirely avoided, it is the purpose of this section to set forth appropriate standards for identifying, managing and, where possible, resolving such conflicts with a member (the interested member) in a manner which protects the University's public mission and integrity.

Accordingly, each Board member shall comply with the West Virginia Ethics Act and shall execute an annual conflict of interest statement and provide a copy thereof to the Secretary of the Board. In addition, each member of the Board has an ongoing obligation to disclose at the earliest practicable time all conflicts and potential conflicts and appearances of impropriety, and any such actual or potential conflicts must be addressed pursuant to applicable law and the procedures set forth herein. An interested member shall fully disclose in writing any such conflict or potential conflict, including all pertinent facts, to the Chairman; or, in the case of the Chairman, to the University's President, promptly after becoming aware of such a conflict or potential conflict. Whenever a Board member is in doubt as to whether a conflict might exist, he or she is encouraged to consult with the Chairman, who may, in his or her discretion, confer in turn with the President. Any information so presented shall, to the extent permitted by law, be held in confidence except when it is determined that a conflict does in fact exist or that it will be in the best interest of the University to disclose the information in executive session to the Board or a committee of the Board. Such disclosure will be made only after informing the Board member concerned.

In the event of a conflict or potential conflict, the interested member shall neither participate in nor be present during any discussion by the Board regarding the matter in conflict; provided, however, that the Board may elect in its discretion to seek information or clarification from the interested member. The interested member shall abstain from all votes on any such matter and the disclosure of such a conflict and the member's recusal shall be recorded in the minutes of the affected meeting.

ARTICLE 2: OFFICERS

2.1 Officers

The Officers of the Fairmont State University Board of Governors shall be: Chair, Vice Chair, and Secretary. An Assistant Secretary may be appointed by the Chair to facilitate board activities. The Assistant Secretary shall not be considered an officer of the Board and need not be a member of the Board.

2.2 Election and Tenure

The Board shall elect the officers of the Board for a one year term at its annual meeting in June. The Chair shall be elected from among the nine lay members of the Board. No member may serve as chair for more than four consecutive years except as specified below under Vacancies (2.5).

2.3 Resignation

Any officer may resign at any time by giving written notice to the Chair and to the President of the University.

2.4 Removal

Any officer may be removed by the Board at any time by majority vote of the members of the Board.

2.5 Vacancies

In the event of a vacancy in the office of Chair, the Vice Chair shall succeed to the office of Chair for the rest of that fiscal year (July 1 – June 30), and shall remain eligible to serve as chair in the following fiscal years (maximum of ~~28~~ 48 consecutive months). In the event of a vacancy in the offices of Vice Chair or Secretary, the members shall elect the new officer at the next meeting following the occurrence of the vacancy. No limitation shall apply as to the consecutive years of service as Vice Chair or Secretary.

2.6 Duties of the Officers

2.6.1 Chair:

- a. The Chair shall preside, with right to vote, at all meetings of the Board of Governors and the Executive Committee.
- b. The Chair shall be an ex officio member, without vote, on all committees unless appointed as a regular voting member of a committee.
- c. The Chair may sign, on behalf of the Board or University, any documents or instruments that the Board has authorized to be executed.
- d. The Chair shall appoint the members of all committees, subject to approval by the Board.
- e. The Chair shall perform all duties incident to the office of the Chair, including setting

meeting agendas, and such other duties as may be prescribed by the Board from time to time, and shall be the spokesperson for the Board.

2.6.2 Vice Chair:

- a. The Vice Chair shall perform all the duties and exercise the powers of the Chair during the Chair's absence or incapacity.
- b. The Vice Chair shall perform such other duties as may be assigned to the Vice Chair by the Chair of the Board.

2.6.3 Secretary:

- a. The Secretary shall provide for the keeping of the minutes of all meetings of the Board and shall assure that such minutes are filed with the records of the University, and made available to the members of the Board, officers of the University and the public consistent with the provisions of these bylaws.
- b. The Secretary shall provide for the preparation of reports of the Executive Committee and for distribution of the reports to each member of the Board.
- c. The Secretary shall give or cause to be given appropriate notices in accordance with these bylaws or as required by law.
- d. The Secretary shall distribute the agenda for all Board meetings.
- e. The Secretary shall perform all duties incident to the office of the Secretary and such other duties as may be assigned from time to time by the Chair of the Board.
- f. The Secretary may delegate to the Assistant Secretary any or all of those duties associated with the taking or distribution of minutes, the providing of notices, or other similar administrative duties.

2.6.4 Assistant Secretary:

- a. The Assistant Secretary shall perform such duties as may be assigned by the Secretary or the Chair.
- b. If the Assistant Secretary is not a member of the Board, the Assistant Secretary shall not be entitled to vote or otherwise participate in meetings as a member of the Board.

2.7 Offices:

The principal offices of the Board of Governors shall be the Office of the President, Fairmont State University, 1201 Locust Avenue, Fairmont, West Virginia, 26554.

ARTICLE 3: MEETINGS

3.1 Frequency

The Board of Governors shall meet in regular session not less than six times in each fiscal year. The schedule of meetings will be determined by the Chair in consultation with the Board.

3.2 Annual Meeting

The annual meeting shall be held each year in June.

3.3 Notification & Access

The date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings shall be announced in advance in the State Register, as prescribed by the Open Governmental Proceedings Act (§6-9A). Meetings of the Board shall be open to the public as provided by law.

3.4 Emergency Meetings

In the event of an emergency, the Chairperson, or three members and a board officer, may file an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency. The meeting shall be limited to the emergency agenda identified in the notice.

3.5 Meeting Location

Meetings will ordinarily be held on the main campus of Fairmont State University in Fairmont, but may be held at such other places as the Board may determine.

3.6 Quorum

A majority of members (7) shall constitute a quorum to do business, but a smaller number may meet and adjourn to some other time or until a quorum is obtained. Telephonic or other electronic means of attending the meeting shall qualify toward the quorum.

3.7 Parliamentary Procedure

The business at each meeting shall be conducted under general parliamentary rules set forth in Robert's Rules of Order as modified or interpreted by the Board.

3.8 Agendas

The agenda for every meeting of the Board shall be prepared by the Chair of the Board with the assistance of the President of the University. Any member of the Board of Governors may present to any meeting of the Board any item for information or discussion whether or not the same is on the agenda of the meeting, but no final action shall be taken on an item that is not consistent with the agenda or purpose of the meeting.

3.9 Minutes

Minutes of each meeting of the Board shall be prepared, approved by the Board, and recorded permanently with the signature of the Secretary.

Subject to the exceptions set forth under the Open Governmental Proceedings Act, minutes of all meetings shall be available to the public within a reasonable period of

time after the meeting and shall include, at least, the following information:

1. The date, time, and place of the meeting;
2. The name of each member of the Board, present and absent;
3. All motions, proposals, resolutions, orders and measures proposed, the name of the person proposing the same and their disposition; and
4. The results of all votes and, upon the request of a member, pursuant to the rules of the Board for recording roll call votes, the vote of each member by name.

3.10 Voting

3.10.1 Manner of Voting

Votes on all matters coming before the Board or any of its committees shall be taken by voice vote, but a roll call vote shall be taken upon the request of a member for a roll call vote.

3.10.2 Off-Site Voting

Whenever any member participates in a meeting of the Board by telephone or any other means when not physically present at the meeting location, such member(s) shall be individually polled as to each vote of the Board.

3.10.3 Proxy Voting

No member may vote by proxy.

3.11 Executive Session

By vote of a majority of the members present at any meeting of the Board, and in accordance with the Open Governmental Proceedings Act, portions of a meeting, including committee meetings, may be closed to the public.

No minutes shall be taken of executive sessions of the Board and no decision may be made in the executive session. No person not a member of the Board shall be in attendance at such executive session except at the direction of the members.

3.12 Protocol for Meetings of the Board of Governors

All those in attendance at meetings of the Board of Governors may be asked to identify themselves before addressing the Board or in appropriate circumstances upon entry to the meeting. Only members of the Board of Governors, the President, those recognized by the Chair or by majority vote of the members present may address the Board.

If space is limited in the meeting room, those with business before the Board of Governors and the members of the press shall have priority over those who are visitors.

The Board may remove from the meeting any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

3.13 Appearances before the Board

~~Persons who desire to have an item placed on the Board's regular or special meeting agenda may submit a request in writing to the Chair or to the President of the University. After consultation with the President, the Chair may either place the requested item on an upcoming agenda or reject it, notifying the person of the reasons for the decision; the Chair may also refer the item to a committee of the Board. Such a request may include a request to address the Board in relation to the proposed agenda item and shall be made in sufficient time to be considered prior to the issuance of the agenda.~~

At any meeting where the Board agenda includes a public comment opportunity, requests that persons who desire to address the Board register to address the body; persons may not be required to register more than fifteen (15) minutes prior to the time the scheduled meeting is to commence.

~~When deemed proper, a majority of the Board may waive these rules and hear any person on any subject, before either the committee of the whole or any committee of the Board.~~

ARTICLE 4: COMMITTEES

4.1 Formation and Operating Procedures:

4.1.1

The Board may appoint committees and prescribe their duties and functions. All committees shall keep a record of their proceedings and shall report to the Board as required. The delegation of any authority of the Board to any committee shall not operate to relieve the Board or any member thereof of any responsibility imposed by law.

4.1.2

All resolutions and all committee reports offered which involve matters for record in the minutes shall be made in writing.

4.2 Standing Committees

The Board of Governors may have the following Standing Committees:

The Executive Committee (including Audit)

Admissions/Academic Affairs

Finance and Facilities (including Audit)

Student Life

4.2.1

The purpose of the standing committees is to review Board level policy concerns and transactions and to provide the full Board its advice and counsel relative to matters assigned to the committees.

4.3 Special Committees

Additional Committees, such as a Nominating Committee, may be established from time to time and for such period as required to complete their mission. Members and chairs of such committees shall be appointed by the Board Chair.

4.4 Executive Committee

4.4.1 Membership:

The Executive Committee shall be chaired by the Chair of the Board and shall consist of the Board's Officers.

4.4.2 Duties:

The duties of the Executive Committee shall include acting on behalf of the Board when so directed by the Board.

4.4.3

When Board action is required between scheduled meetings of the Board, and a special meeting of the Board is not practicable, the Chairman, in his/her discretion, may convene the Executive Committee to act on the Board's behalf, subject, as appropriate, to vote by the full board at the next regular meeting of the Board.

4.4.4

All members of the Board shall be notified of any meeting of the Executive Committee and shall be entitled to participate in the discussion, provided however, that a quorum for this purpose shall consist of a majority of the members of the Executive Committee and approval requires a majority vote of the Executive Committee members present.

4.5 Committee Appointments

All committees of the Board shall be appointed by the Chair of the Board, who shall also designate members of each committee to serve as its chair and assistant chair. The chair of each committee may from time to time appoint subcommittees from the committee's membership and designate the chair of each subcommittee.

ARTICLE 5: RELATIONSHIP OF THE BOARD AND THE UNIVERSITY PRESIDENT

5.1

The President shall be the chief executive officer of the University and the official advisor to and executive agent of the Board of Governors and its Executive Committee. The President shall, as educational and administrative head of the University, exercise a general superintendence over all the affairs of the institution, and bring such matters

to the attention of the Board as are appropriate to keep the Board fully informed in meeting its policy-making responsibilities. The President shall be the spokesperson for the University.

5.2

The President shall have power to perform all acts and execute all documents to make effective the actions of the Board. The President may delegate to officers of the University administration authority to execute documents on behalf of the University, to make effective actions of the Board, or as necessary for the general operation of the University in accordance with these guidelines and with the Delegation of Powers enacted by the Board.

5.3

Unless otherwise determined by the Board, the President shall attend all meetings of the Board and its committees, and have the right to speak, offer advice and otherwise participate in such meetings, except that the President shall not vote on any board matter.

ARTICLE 6: AMENDMENTS

These operating procedures may be amended or repealed at any meeting of the Board by an affirmative vote of a majority of the Board, provided that copies of such amendments or notices of repeal are submitted in writing to each member at least ten days in advance of such meeting and that proper public notice has been given consistent with HEPC Series 4 and FSU Board of Governors Policy 50.

This Board recognizes that certain of these procedures are intended to accurately reflect current applicable State law and that whenever any change in State law occurs, whether by change in statute or judicial interpretation, such change shall take precedence over and be deemed to be an amendment to the conflicting procedure.

Fairmont State University Board of Governors
Meeting of February 18, 2010
Falcon Center Board Room
1:30 p.m.

AGENDA

- I. Call to Order
 - a. Roll Call
 - b. Public Comment
 - c. Approve Agenda

Action Item

- II. Approval of Minutes (12/17/09)

Tab 1 Action Item

- III. Chairperson's Report

- IV. President's Report

- V. Reports and Presentations
 - a. Faculty Senate (*Chuck Shields*)
 - b. Classified Staff (*Harriet Bower*)
 - c. Student Government (*Jane Ryan*)
 - d. Foundation (*Bun Perkinson*)
 - e. Alumni Association (*Devanna Corley*)
 - f. Athletic Association (*Shannon Kelley*)

- VI. Consent Agenda
 - a. Financial Report
 - b. Capital Project Report
 - c. Legislative Audit Update – Fixed Asset Management FY 2008
 - d. Bookstore Textbook Affordability Committee Progress

Action Item

Tab 2 FYI

Tab 3 FYI

Tab 4 FYI

Tab 5 FYI

- VII. Academic Affairs/Admissions (*Janet Crescenzi, Chair*)
 - a. Approval of the Intent to Plan BA in Music

Tab 6 Action Item

- VIII. Student Life (*Skip Tarasuk, Chair*)

- IX. Executive Committee (*Rocco Muriale, Chair*)
 - a. Approval of MOU FSU/Foundation
 - b. Acceptance of the 2009 Fiscal Year Audit
 - c. Approval of Funding for Locust Avenue Street Lighting
And Signal Lighting

Tab 7 Action Item

Tab 8 Action Item

Tab 9 Action Item

- X. By-laws Committee (*Shirley Stanton, Chair*)
 - a. Approval of FSU BOG Operating Procedures

Tab 10 Action Item

- XI. Possible Executive Session

- XII. Adjournment

Notes