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The Minutes of the Marshall University Board Governors Meeting, October 21, 2010

Marshall University Board of Governors

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MARSHALL UNIVERSITY
BOARD OF GOVERNORS

Forensic Science Center
1401 Forensic Science Drive
Huntington, WV 25701

October 21, 2010

Members present, in person: Verna K. Gibson, John G. Hess, Letitia Neese Chafin, Michael G. Sellards, Michael Farrell, Dale Lowther, Brent Marsteller, Joe McDonie, General H. F. Mooney, Larry Stickler, Joe Touma Mike Dunn, Ed Howard, Edward Pride IV

Members Absent: Gary Adkins, Oshel Craigo, A. Michael Perry (Emeritus member);

I. Call to Order

Upon determining that a quorum was present, Verna Gibson, Chair, called the meeting to order.

II. Minutes Approval

Upon a motion by General H. F. Mooney, seconded by Ed Howard, the minutes of the August 26, 2010 and October 8, 2010, meetings were approved.

III. President's Report

Dr. Kopp welcomed the Board Members to the Forensic Science Center and hoped that each of them would have time to take a tour following the meeting today. Dr. Kopp discussed recent newspaper articles and gave the facts to all articles from the newspapers around the area. He then gave a report of past events, speaking engagements he has given on campus and in Washington, DC, and discussed the success of same. He discussed enrollment numbers, noting the increases in each category. He discussed the University's "green" program noting that there are now water bottle "fill" stations at several water fountains to encourage students to use their refillable water bottles that were given to them at the beginning of the semester and that a new bike loan program just began. He announced some upcoming events and told the Board Members that he would enjoy seeing them at any of these events.

IV. Dennis Juran, Audit Partner, Deloitte & Touche, LLP

In the interest of time and Dennis Juran's flight, Mrs. Gibson went to the "action" item regarding the Audited Financial Report for Fiscal Year 2009-2010. The item was discussed at length in the Committee meeting, and it was noted that a "Clean Opinion," which is the highest available, was received by the University. The financial audit of Marshall University or Fiscal Year 2009-2010 has been completed and is available at

<http://www.marshall.edu/finance/FY2010.pdf>. The report contains an “unqualified” opinion from the auditors. Upon a motion by Joseph Touma, seconded by Letitia Neese Chafin, the following resolution was unanimously approved:

Resolved, that the Marshall University Board of Governors accept the audited Financial Report for Fiscal Year 2009-2010.

Also discussed was the OPEB, (Other Post Employment Benefits), which is now required to show as an unfunded liability on the P&L statements annually.

V. Committee of the Whole

Dr. Ormiston discussed the HEPC Compact that was recently submitted on October 1, 2010. According to the West Virginia Higher Education Policy Commission, each public institution of higher education in the state of West Virginia shall submit five year goals with rationales and strategies for achievement of those goals. Each year there is to be an update report submitted by October 1, to indicate progress toward the established goals. For the academic year 2009-2010, indicator data along with the entire report were submitted October 1, 2010. Subsequent reports will be required by this same date in forthcoming years. Upon a motion by Letitia Neese Chafin, seconded by Brent Marsteller, the following resolution was unanimously approved:

Resolved, that the Marshall University Board of Governors approve the Marshall University Higher Education Policy Commission Compact Update, October 1, 2010.

VI. Provost Report

A brief report was given by Dr. Ormiston regarding academics.

VII. Reports

Academic & Student Affairs Committee, Letitia Neese Chafin, Chair

Action items from the Committee were discussed with the Board. They are:

Action Items:

- 1) Approval of a textbook policy as an emergency policy.

Policies approved on an emergency basis are approved when circumstances such as time limitations imposed by external authorities prevent the appropriate notification of constituencies and the policy meets certain criteria listed in HEPC Series 4, Rules, Guidelines and Other Policy Statements by Governing Boards. The emergency policy is

only in effect for 90 days and must be approved in final form once appropriate procedural requirements have been met. This policy is being presented as an emergency in order to comply with a time limitation established by state or federal law or regulations.” Specifically, Higher Education Policy Commission Series 51 requires that each WV institution of higher education has a policy in place by November 27, 2010. Series 51 mandates certain aspects of the policy that the existing AA-17 did not cover.

Policy AA-17 establishes certain goals, practices, and procedures relating to the selection and sale of textbooks with an overall goal of reducing textbook costs to students. While an initial set of goals, practices, and procedures is described in AA-17, Series 51 also requires the creation of a “textbook affordability committee” which will report to the Board on an annual basis. This textbook affordability committee will develop additional strategies to reduce textbook costs to students.

Staff will distribute a Notice of Proposed Rulemaking for this policy and submit the policy for final passage at the next possible meeting.

Upon a motion by Joseph McDonie, seconded by Letitia Neese Chafin, and unanimously approved, the Board adopted the following resolution:

Resolved, that the Marshall University Board of Governors approves Policy AA-17, Textbook Policy on an Emergency Basis.

2) Doctor of Pharmacy School

At the December 15, 2009 meeting of the Marshall University Board of Governors, the Board approved the Doctorate in Pharmacy Degree (Pharm. D) Intent to Plan. Subsequent to this approval, efforts have continued focusing on the feasibility, financial due diligence and foundational steps required for the successful start-up of a pharmacy school at Marshall University, including the identification of the founding dean of the school.

The staging of ACPE accreditation for new schools/colleges involves a distinct, three-step process that entails a progression from earning “precandidate”, followed by “candidate”, and then “accredited” status. Each step involves separate application submissions and review by ACPE and site visitors to evaluate initially the readiness and capacity to meet the standards for accreditation and thereafter the progress of the school’s development toward fulfilling the standards for accreditation.

Pursuing Pre-candidate Status with ACPE is the critical next step in the process to establish this school. **Pre-candidate status** denotes a developmental (new) program, which has demonstrated in its application that it is expected to mature with stated plans and within a defined period of time. Pre-candidate status is awarded to a new

program of a college or school of pharmacy that has not yet enrolled students in the professional program but has a dean and the program's leadership team in place. This status authorizes the school to admit its first class.

Candidate: A new program that has students enrolled but has not had a graduating class may be granted candidate status. The granting of candidate status denotes a developmental program, which has taken into account ACPE accreditation standards and is expected to mature in accord with stated plans within a defined time period. Reasonable assurances exist that the program will become accredited as programmatic experience is gained, generally, by the time the first class has been graduated. Graduates of a class designated as having candidate status have the same rights and privileges as graduates of a program that has accreditation status.

Full accreditation is awarded to a program that has met all ACPE standards for accreditation and has graduated its first class. Graduates of a class designated as having candidate status have the same rights and privileges of those graduates from a fully accredited program. ACPE conveys its decisions to the various boards of pharmacy and makes recommendations in accord with its decisions. Decisions concerning eligibility to licensure, by examination or reciprocity, reside with respective state boards of pharmacy in accordance with their state statutes and administrative rules.

After discussion and questions, Dr. Kopp assured the Board that the reciprocity planning steps have been taken to make this next step. When the document is submitted, we will present the funding schedule. To clarify, the approval from the Board is for the Pre-Candidate Status. Upon a motion by Letitia Neese Chafin, seconded by Brent Marsteller, the following resolution was unanimously approved:

Resolved, that in conjunction with ongoing due diligence and feasibility determinations concerning the development of a Pharmacy School at Marshall University, the Marshall University Board of Governors authorize Administration to proceed with the necessary steps required to meet the accreditation standards for "[Precandidate Status](#)" with the American Council for Pharmacy Education (ACPE).

Finance, Audit and Facilities Planning Committee, John G. Hess, Chair

Regarding the Action Items for the Board to approve, they are:

- 1.) Resolution to authorize the use of the proceeds of the 2001A Bond Refunding. This saves at least \$2 million dollars until the date of pricing.

At the August 26, 2010 Marshall University Board of Governors meeting, a resolution authorizing the refunding of all or a portion of the \$40,690,000 outstanding principal amount of the Higher Education Interim Governing Board University Facilities Revenue Bonds, Series 2001A was approved.

Three options were presented to realize the savings due to the bond refunding. Management recommends taking the savings up front, reducing debt service significantly over the next 2-3 fiscal years. Debt service after that remains almost identical. After much discussion, the Board asked management to change the resolution to

Resolved, that the Marshall University Board of Governors authorize the savings from the 2001A Bond Refunding to be realized upfront. The use of the fund savings will be decided at a later date by the Board of Governors.

Upon a motion by Michael J. Farrell, seconded by Joseph McDonie, the Board unanimously approved the resolution above.

- 2) Approval of changes to the policy on Information Security and approval of a new policy on Conflict of Interest.

“MUBOG IT-2, Information Security Policy” replaces the current IT-2 (available on the Board’s web page at www.marshall.edu/president/board/policies.html) in toto. The existing policy was modeled after a 2002 State of WV Governor’s Office of Technology policy which was substantially revised by the State in 2009. The proposed MUBOG IT-2 policy is modeled after a policy that supports the requirements of higher-education and presents a simplified policy statement which will support future information security standards, guidelines and procedures.

“MUBOG AA-44, Institutional Conflict of Interest in Research Policy” establishes the principles and procedures that enable the University to identify and avoid institutional conflicts of interest of a financial nature that present a significant risk to the perceived or actual objectivity of such research. The purpose of this policy is to provide a process by which the University can ensure that the decision-making processes for its financial and research activities related to research are separate; and that they are independently managed and monitored to avoid any institutional conflict of interest. As a requirement of the Association for the Accreditation of Human Research Protection Programs, Inc. (AAHRPP), this policy has been created by the Office of Research Integrity and reviewed and approved by the Conflict of Interest in Research Committee.

A “notice of proposed rulemaking” was distributed to constituency representatives, and no comments were received. The updated policies are on the MUBOG website.

Upon a motion by Mike Dunn, seconded by Joseph McDonie, the Board unanimously approved the following resolution:

Resolved, that the Marshall University Board of Governors adopts Policy IT-2, Information Security Policy and Policy AA-44, Institutional Conflict of Interest in Research Policy.

VIII. Announcements

Mrs. Gibson discussed the Board Orientation for new members that Joseph McDonie, Oshel Craigo and Edward Pride IV attended and that she, John Hess and Joseph Touma benefitted from the afternoon session. She commended the University on a fantastic job. Mr. McDonie was also complimentary. Dr. Kopp would like for Dr. Jan Fox to show her presentation. It was decided that a “link” would be sent to all Board Members with her presentation.

IX. Executive Session

Upon a motion by Mike Dunn, seconded by Edward Pride IV, and unanimously approve, the Board voted to go into Executive Session under the authority of WV Code §6-9 A-4.

X. Adjournment

After a period of time, the Board returned to Open Session.

Upon a motion by Mike Dunn, seconded by Michael G. Sellards, and unanimously approved, the Board adopted the following motion:

The MUBOG adopts the evaluation documents of President Stephen J. Kopp as presented by the Chair and Executive Committee and that these materials be submitted to the HEPC Chancellor and the Commission pursuant to Title 133 Series 5 “Guidelines for Supervising Boards in Employing and Evaluation of Presidents.”

The date of the next meeting is December 9, 2010. As there were no other matters to bring before the Board, upon a motion by John G. Hess, seconded by Brent Marsteller, and unanimously approved, the meeting was adjourned.

Michael G. Sellards, Secretary