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The Minutes of the Marshall University Board of Governors Meeting, December 15, 2009

Marshall University Board of Governors

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MARSHALL UNIVERSITY

BOARD OF GOVERNORS

Memorial Student Center

December 15, 2009

Members present, in person: John Hess (acting Chair for this meeting), Brent Marsteller, Gary White, Gary Adkins, Matt James, Mike Dunn, Dale Lowther, General Mooney, Tish Chafin, Mike Sellards, Ed Howard, Joe Touma, Larry Stickler, Verna Gibson (via phone)

Members Absent: Bob Shell, Mike Farrell

Others in Attendance: Stephen Kopp, Bill Bissett, Jan Fox, Gayle Ormiston, Ron Area, Layton Cottrill, Anita Lockridge, Jim Schneider, Mike Hamrick, Jeff O'Malley, Beth Wolfe, Perry Chaffin, Karen Kirtley and others from the MU Community. Media was also present.

I. Call to Order

In the absence of Verna Gibson's attendance in person, Mr. John Hess, Vice Chair, called the meeting to order.

II. Minutes Approval

Upon a motion by Gary White, seconded by Letitia Chafin, the minutes of the October 15, 2009, meeting was approved.

III. President's Report

Dr. Kopp discussed enrollment, noting a goal of 1925 new freshmen for fall 2010. While that is an ambitious goal, he feels it is attainable. Dr. Kopp has been making high school visits, the latest one being Parkersburg South. He spent the day teaching 6 classes, namely AP and Honors classes, to Junior students. He was very well received. "We have been hopeful and have been trying to visit Parkersburg High Schools and felt very fortunate to finally be able to visit one of their schools," said Dr. Kopp. Thank you to Dale Lowther and others for their help in facilitating. Dale attended the morning sessions and Jeff Sandy attended the afternoon sessions. A round of applause was given to Dr. Kopp. He stressed that one of the main goals is to have students apply on the spot to MU, and waive the application fee during the visits. By waiving the fee, we feel it is not only an enticement; but it brings diversity to our enrollment base, by getting those that would like to apply but cannot apply to multiple colleges because of the fees. Each year these visits make the high schools more aware of our offerings. For instance, last year Huntington High School had 21 to apply and this year 53, Spring Valley 103 to this year's 115, Cabell Midland 71 to this year's 140, just to name a few. We have also been proactive with the guidance counselors,

instituting a program here on campus with the goal of growing and building those relationships.

Utility Consumption

Dr. Kopp commended Anita Lockridge and Mark Cutlip and their staffs for the environmentally conscientious improvements they have implemented. As a result of these efforts, utility costs savings of \$600,000 are forecast this fiscal year. These operational savings due to conservation measures that have been put in place across campus will reduce utility usage, but unfortunately these savings will be offset by increases in utility rates. We are looking closely at savings on electricity and gas, using environmentally safe cleaning products, and recycling. There are several things we are reviewing, and one is tray-less dining halls. Other examples of how we are conserving are through the installation of motion sensor faucets and motion light sensors. A coordinator to oversee these new products will be hired shortly and there is a “Green Marshall Committee” consisting of mostly students. Overall, we are pleased with the work that has been done.

The CTC Service Agreement is close to being finalized and will be discussed in depth during Executive Session. The final pledge payment from the donor of the Men’s and Women’s Basketball Locker Room has been received and plans are to acknowledge this gift with a naming reception. On November 3rd, BB&T’s former chairman, John Allison was on campus for the American Capitalism Principal Leadership conference. It was quite a successful event with standing room only. The Student Government Association is responsible for the Plane Crash Memorial Service annually on campus on November 14th. This year there was good attendance and the ceremony was very touching. As you know, next year is the 40th anniversary of the crash and if you have any suggestions for the planned activities, please let us know.

On October 24, 2009, we celebrated our newest graduates from the Executive MBA Program. There were 28 graduates and the speaker of the evening was WV Cabinet Secretary of Commerce, Kelly Goes. Kelly is a good friend to Marshall University and is wholly supportive of Bucks for Brains initiative. It was a memorable evening.

For the first time since 1945, we had a “Winter Commencement.” This event was quite successful with 1200 graduates, a greeting from the Board by Governors member, Gary White, and a thought provoking speech given by Professor Simon Perry, one of the five living legends of Marshall University. Dr. Perry is the longest serving professor at Marshall University. He has taught at MU for 48 years. He was entertaining and he sprinkled his address with humor and wisdom, which provided sound advice for our graduates. All in all, it was a great day, and the weather lived up to the event’s name of “Winter Commencement.” John Hess read the honorary degrees given at Commencement. The Honorary Degree’s were given

to Churchill and Mary Hodges and were approved previously by the Board.

On December 9, 2009, the Marshall University Foundation had an event honoring major donors for the new Marching Thunder facilities. The following items were named as approved previously by the Board:

Monica and Mark Hatfield	Marching Band Rehearsal Hall
Churchill and Mary Hodges	Band Director's Office
Bart and Doris Andrews	Marching Band Administrative Suite

The HEPC Finance Summit held in November was an unfortunate meeting. It confirmed the budget outlook for 2011-2013 is not rosy; however, it doesn't look like there will be any mid-year cuts. During the next few years the base funding will be cut and then backfilled with stimulus money. 2012 appears to be the most affected year with permanent reductions and no backfill expected. FY 2013 base reductions of 10% or more are anticipated. The Finance area is working on a multi-year budget plan. The best plan for Marshall University to deal with the cutbacks is to grow enrollment. Each and every person is responsible on this campus to be frugal with state and private funds.

We are working on a legislative agenda for the session that begins mid-January. We are anxious to see what transpires during the session.

We continue to be very concerned about H1N1. The University is monitoring and has measures in place for the return of students in January.

Capital renovations continue across campus. Please note all the changes and if there are questions or comments, please let administration know. The next Board Meeting is February 18, 2010.

IV. Committee Reports

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

Dr. Joe Touma reported on the Finance, Audit and Facilities Planning Meeting held earlier. During the Committee meeting, the members discussed the reformatted reports, which have been developed in accordance with BOG recommendations for the financial data and information provided to the Board. Now reports will not show month to month comparisons but will include comparisons by semester. Room and Board is basically on target. Dr. Touma referred to the Actual to Budget Comparison Report making note of some of the numbers. He noted that there are some "paper" deficits at MURC due to the timing of the data report, which will be reimbursed in coming months. Administration is talking with the State officials and outside sources to recover

costs for the convenience fee. This fee totals approximately \$450,000.

Mr. Hess commented that in order to know where we are and where we've been, more current financials are needed. He appreciates and commended Anita and her staff for complying with these requests.

Dr. Touma read the following resolution for motion and approval:

Resolved, that the Board of Governors receives the Financial Budget Report for the four months ending October 31, 2009. Upon a motion by General Mooney, seconded by Ed Howard, the resolution was unanimously approved.

The next item to discuss was the Investment Earnings Update, which required the Board to receive the report. He noted that our investments have recovered from last year and are catching up now. Dr. Touma read the following resolution for motion and approval:

Resolved, that the Marshall University Board of Governors receives the Investment Earnings Report for the two months ending October 31, 2009. Upon a motion by Dale Lowther, seconded by Tish Chafin, the report was unanimously received.

As an aside, Dr. Kopp mentioned that he would like the WV Legislature to extend the SB 603 investments flexibility extended to Marshall in 2005. We have shown that our investments with CommonFund outperform the investment pool with the state.

The next item approved was the Joan C. Edwards School of Medicine Logan County Rural Health and Clinical Education Center-Construction Contract Award.

At the meeting on June 18, 2009, the MU Board of Governors approved the schematic design of the Center in Chapmanville, pursuant to a \$2.7 million federal earmark appropriation secured by Senator Byrd to provide expanded primary and specialty care physician services to citizens of the region, clinical education opportunities for medical, nursing and other student and advanced training opportunities for medical residents and fellows in a rural practice environment. The Center will be constructed on a one acre site just off US 119 approximately one mile south of Chapmanville which is being leased to Marshall by the Logan Healthcare Foundation, Inc. at a nominal cost for 25 years. Competitive bids for the 10,000 square foot Center were originally received on September 9, 2009; however, all bids exceeded the project construction budget by a significant margin. Design revisions were made to reduce the project scope by essentially removing the interior finishes on the second floor of the facility to construct it as "shell" space for future completion. Bids were again solicited on November 4, 2009, and at least the three low bids fall within the project budget. School of Medicine and Facilities Planning and Management staff have reviewed

the bids. The following resolution for approval was read by Dr. Touma:

Resolved, that the Marshall University Board of Governors approves the award of a construction contract for the Rural Health & Clinical Education Center in Chapmanville, WV to the lowest qualified bidder based upon bids received on November 4, 2009. The lowest qualified bidder was Maynard C. Smith and was recommended by Committee to choose them. Upon a recommendation by Brent Marsteller, seconded by Dr. Touma, the motion passed unanimously.

A question was asked about the Bowl game. Assurance was given to the Board that the conference will cover out of pocket expenses and there are few contractual liabilities. There have been 1,100 tickets sold, need to sell 1,800 tickets to break even. If any person would like to contribute by purchasing tickets for others, we will put them in the "military pool" and let them attend the game via your contribution. Athletics is confident there is no negative cash flow and the football team, especially the seniors, deserves to go.

The next item is an informational item regarding the WV Department of Environmental Protection MMS4 Storm Water Management Program. A presentation was made by Potesta, Inc. during the Finance, Audit & Facilities Planning Committee Meeting. The background on this project is as follows:

The United States Environmental Protections Agency (USEPA) has mandated that all owner/operators of small municipal separate storm sewer systems (MS4) in an urbanized area obtain a National Pollutant Discharge Elimination system (NPDES) permit to cover storm water discharges coming from their systems and entering waters of the United States. The USEPA has granted the West Virginia Department of Environmental Protection (WVDEP) the permitting authority in West Virginia.

General Permit No. WV0116025 was issued on June 22, 2009 and became effective on July 22, 2009 to all small MS4 entities with a population of less than 100,000 persons and discharging into water of the state of West Virginia. It has been determined that Marshall University is located in an urban area, and has what is considered a regulated small municipal storm sewer system. On November 9, 2009, Marshall University filed a Notice of Intent to obtain coverage for its MS4 discharge. On November 23, 2009, a notice of reissuance for Permit #WVR030043 was forwarded to Marshall University and stated that within six months of the effective date of the General Permit, a storm water management program (SWMP) was to be developed and submitted to the Division of Water and Waste Management. The submittal date was January 22, 2010.

Permittees have now been allowed additional time to complete and submit a storm water management program. The program is now due to the Division of Water

and Waste Management no later than January 22, 2011.

There is no action required on this item; it is just informational for now.

VIII. Academic & Student Affairs Committee, Letitia Chafin, Chair

An update from Dr. Ormiston, Provost, was provided. He updated the Board members on the Campus Conversations group and a handout was given with Ad Hoc Faculty Workgroups listed. He then described each group's goal and charge.

Dr. Ormiston cited the Policy in the Greenbook regarding the modified work load for faculty and noted that most faculty members teach four courses per semester. As this policy is finalized by April 15, a financial impact statement will be shown at the bottom of the Policy.

He reported that according to MAP-Works Survey results, some freshmen were reporting they were having a difficult time developing a "real sense of community" on campus. Dr. Ormiston assessed that development of this "community" is essential to our recruitment and retention efforts.

Mike Hamrick updated the Board on the Athletic Academic standings. He noted we were one of 41 AFCA Graduate rates higher than 70%. We have also received 10 awards in Conference USA.

Jim Schneider updated the Board on the Joan C. Edwards School of Medicine. The Medical School accreditation process has started. The selection of a new class is ongoing and our Edwards Comprehensive Cancer Center is in the top tier of the southeast region.

Presented to the Board was an Intent to Plan, Doctorate in Pharmacy Degree (Pharm D). The Joan C. Edwards School of Medicine in collaboration with the College of Health Professions (COHP) is requesting permission to establish a Doctorate in Pharmacy (Pharm. D) degree program. The Pharm.D. degree in Pharmacy is currently the entry level for the professional pharmacy licensure and the opportunity exists for Marshall University to create a state of the art pharmacy program. The pharmacist is a health professional that practices the science of pharmacology to optimize physical and functional abilities of individuals, through participation in scholarship of discovery, integration, application, and teaching. A newer role for pharmacists is pharmaceutical care whereby a pharmacist takes direct responsibility for patients and their disease states, medications, and the management of each. The goal of this practice role is to improve the outcomes for individual patients. An emphasis of the Pharm. D. program will be research and

knowledge development for the advancement of quality practice in pharmacy, and enhanced clinical practice skills for pharmacists.

The proposed program will consist of a minimum of 194 credit hours of required coursework completed over a six year period (48 undergraduate and 146 graduate hours). The basic framework is a two plus four (2+4) approach, which will enable students with the appropriate prerequisites to earn a doctoral degree in pharmacy in 6 years (2 years undergraduate and 4 years graduate: full-time attendance required). To facilitate current student needs, qualified applicants will have two possible entry points into the program: applicants are eligible for admission consideration following completion of all undergraduate prerequisite courses; and applicants from any regionally accredited universities who have completed all admission requirements including prerequisite course work, are eligible to apply for admission and if accepted, transfer into the program.

Currently, WV students wishing to seek a Pharm. D. must choose one of two schools in WV or attend out of state schools. Thus, students from Marshall University (MU) who wish to pursue a Pharm. D. degree are limited in their choices. At least one WV school gives preference to students who obtain their prerequisite course work or BS degree from that school which further limits enrollment opportunities for MU graduates. The second school offering the Pharm. D. degree is a private school with considerably higher costs of attendance. Thus, JCESOM and COHP would like to proceed through judicious planning and expediency towards development of the Pharm. D. program of study.

This is a six year degree. We anticipate 20 additions to faculty, 14 full time, and 6 part time employees.

A full outline of the program was included in the packet. Upon a motion by Gary White, seconded by Brent Marsteller, the following resolution was read and unanimously approved:

Resolved, that the Marshall University Board of Governors approve the Doctorate in Pharmacy Degree (Pharm. D) Intent to Plan.

The Policy on Modified Duties for Nine-Month Faculty was brought back. This Policy provides nine-month faculty with an opportunity to handle personal matters that significantly affect or change their lives without facing penalty. Modified duties would apply to such events as the birth of a child or a newly adopted child, elder care responsibilities, illness of the faculty member or someone in the immediate family, catastrophic issues, etc. Because nine-month faculty do not accrue sick leave as other employees do, it can become difficult to continue

fulfilling the demands of teaching, research and service, while dealing with life responsibilities. Therefore, faculty should have in place a mechanism that would safeguard their positions while they address unexpected situations or a change in familial obligations. This policy would modify the faculty member's duties temporarily, but in no way will suspend or alter them permanently. Moreover, modified duties will only be applied to personal situations that affect the faculty member. A faculty member would not be relieved of any duties assigned to him/her on the basis of making a career change, even if interim. The comments were discussed during the Academic and Student Affairs Committee Meeting. It was noted that this policy came out of MU Advance, for recruiting purposes. The following resolution was read. A motion was made by Dr. Touma, seconded by Gary Adkins and unanimously approved:

Resolved, that the Marshall University Board of Governors approves Policy AA-43, Modified Duties for Nine-Month Faculty.

IX. Executive Session

The Board voted to go into Executive Session upon a motion by Brent Marsteller, seconded by Gary Adkins, and unanimously approved.

After a brief period of time, Brent Marsteller moved, seconded by Gary Adkins, and unanimously approved that the Board rise from executive session into open session.

There are three items to present in open session:

1. The first item is regarding the CTC Service Agreement. The following resolution was read:

Resolved, that the Marshall University Board of Governors approve the terms of the Expense Allocation Contract for Finance, Administration and Support Services (Service Agreement) FY 2009-2010 between Marshall University and Marshall Community and Technical College dated November 30, 2009, as modified by letter dated December 15, 2009, and authorized execution of the same by its chairman.

Upon a motion by Larry Stickler, seconded by Brent Marsteller, the resolution was unanimously approved.

2. The second item is regarding some naming opportunities that have been previously done and a proclamation by the Board to the Honorable Robert C. Plymale. For the previous items approved by a previous email vote, the

following resolution was read:

Resolved, that the Marshall University Board of Governors formally ratifies and endorses its action taken by previous email vote authorizing the honoring of major donors by naming rights of facilities specified below, all in accordance with MUBOG Policy GA-10, "Naming Policy for Units and Facilities."

*Monica and Mark Hatfield
Churchill and Mary Hodges
Bart and Doris Andrews*

*Marching Band Rehearsal Hall
Band Director's Office
Marching Band Administrative Suite*

The proclamation for the Honorable Robert C. Plymale was read by Gary White. A modification added by John Hess, was that with Senator Plymale's permission, we endorse this naming. Upon a motion by Mike Sellards, seconded by Gary Adkins, and unanimously approved, the resolution above and the proclamation that was read, was approved with the modification.

3. The third item is regarding real estate. The following resolution was read by General Mooney:

Resolved, that the administration or its agents be authorized to proceed with the purchase of certain real estate after the completion of all preliminary terms and conditions, and is authorized to cause to be prepared any and all necessary documentation attendant thereto, and final approval for said purchase is hereby delegated to the Marshall University Board of Governors Executive Committee.

Upon a motion by General Mooney, seconded by Ed Howard, and abstained by both Dr. Touma and John Hess, the resolution above was approved.

X. Adjournment

As there were no other matters to bring before the Board, the meeting was adjourned.

Michael G. Sellards, Secretary