

**West Liberty University  
Board of Governors**

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**Minutes**

**April 18, 2012**

Attendance:

Beverly Burke, Richard Carter, George Couch, Brian Joseph, Patrick Kelly, Paul Limbert, Rob Marks, David Syrylo, Ann Thomas, Carrie White

Unable to Attend:

Lisa Allen, Robert Steptoe

Administration/Faculty/Staff:

Bill Baronak, Robin Capehart, Scott Cook, John Davis, Mary Ann Edwards, John Gompers, Tony Koyzis, Melinda Kreisberg, Robert Kreisberg, Susan McGowan-Koyzis, Jim Stultz, Jack Wright, Leanne Yeater

**1. Call to Order:**

Chair Joseph called the meeting to order at 5:13 p.m.

**2. Chairperson Comments:**

Chair Joseph noted that the senior art show being held this evening in the Nutting Gallery runs until 7:00 p.m. for those interested in attending following the meeting.

**3. Consent Agenda\*:**

Chair Joseph asked for a motion to approve the consent agenda items, those being the minutes of the full Board of February 8 and 27, 2012, Honorary Degrees, Elevation of Programs to Schools, Gary E. West College of Business Department Name Changes, Program Reviews, and Annual Report of WLU Funds Transferred to Research Corporation.

**A motion that the West Liberty University Board of Governors approve the Consent Agenda items was then made by Beverly Burke and seconded by Rob Marks; motion passed unanimously.**

Beverly Burke asked with regard to the honorary degrees; this is generally given to the commencement speaker. Are they both speaking or just being recognized for something? President Capehart stated that because this is WLU's 175<sup>th</sup> anniversary, instead of having the usual speaker set-up, he thought it would be nice to have Jim and Al each speak. They are highly deserving of this opportunity with a total of about 87 years between the two of them at WLU. Mrs. Burke agreed and was just wondering if that was the case or if they were retiring.

**4. Informational Items:**

**a. President's Report**

President Capehart stated that he had a couple of matters to talk about, much of them dealing with some things we started to look at back in November dealing with enrollment, budgets, and the growth we have enjoyed over the past six years. Sometimes you just have to start looking at data to try and project the future.

Starting with the enrollment trends at WLU, enrollment was fairly high in 2002, which doesn't include high school students taking classes. Enrollment bottomed out around 2005-2006, and then started to climb considerably all the way through 2011. WLU currently has the highest enrollment overall since 1973. Some of the factors for this are aggressive and smart recruiting, a really good Enrollment Management Plan from Scott Cook, enhanced representatives of the school over the past five or six years, and the addition of new programs. Freshmen enrollment has increased from 2006 to 2010 with the most recent increase of 13.5% for first time freshmen, the third highest in West Virginia behind WVU and Shepherd. The class of 2009 was the largest since 1976.

With regard to retention, as we continue to grow, Student Services have done an excellent job keeping students at a rate of 79.6%, the second highest in the State. Also, when you look at the quality of our students coming in, from 2001 to 2011 we've gone from five to eleven class valedictorians. The increased number of scholarships is attracting higher quality students. These students bring money with them, such as the PROMISE Scholarship. Students staying at WLU help enrollment growth, even when the freshmen class is flattening. There has also been a dramatic increase in the last five years for Elbin Scholars.

Degrees conferred since 2006 actually went down until 2009. The reason for this is a reflection on the lower enrollments we had four, five, and six years ago. In 2010 we actually had a 26.7% increase from 2009 to 2010. Some of this is attributable to the addition of a Masters' Program.

Investments have produced increased enrollment; marketing, public relations, scholarships, and new and higher quality programs. Resources for investment are available due to incoming enrollment exceeding graduating students. Higher retention and higher achieving students will produce a higher number of graduates. Larger graduating classes create greater pressure to increase enrollment through first year students, transfers, and retention. We have maximized potential graduates from area high schools. A few years ago we made the decision to hire recruiters who did not live here, but lived in an area we wanted to recruit students; the eastern panhandle. It takes time to nurture those relationships, but that is what we have done and enrollment from those areas has increased and it's starting to pay off. We have to get outside this area and are eventually going to need to maximize students from other areas.

Another concern is tuition and fees; WLU is currently below the market rate, third lowest in West Virginia and seventeenth out of our 20 peer institutions. We are \$1,356 below the peer average and \$1,322 below peer average for total cost of attendance. Peers are carefully selected by programs, geography, and other factors. Based on fulfilling State Policy goals, WLU has done very well and we are doing projects that the State wants us to do. The bottom line concern is how do we maintain our momentum while staying financially prudent. We started looking at budgets at the end of last semester and into January and February; we need to maintain and stay prudent.

For the FY 2013 budget parameters, we have conservative estimates on enrollment since the State came down with new rules on accepting students. Last year we had only rejected about 20 students at this time, but we have rejected approximately 80 students because of new directives from the HEPC. We are projecting no new enrollment increases for undergraduate and graduate budget purposes.

We want to increase institutional efficiency without hurting quality as we go through the budget process. There will be an increase in the President's involvement in fundraising now that the new Provost has settled in and others have settled in for Institutional Advancement. President Capehart has recently been off campus fundraising, not just private funds but working with the legislature. As the Legislative Liaison for the President's Council he is working to push through funding for the new formula worked out by former Chancellor Noland. We would like to have a minimum reserve of 10%, but try to make it higher down the road. There will be no additional new personnel but some replacements. We will delay certain funding and expenditures until we have a handle on the fall enrollment. Some things need to be funded now, like the Director of Athletic Training, and we will go through the process for this position. We will be working through the Executive Committee to prioritize expenditures. As funds become available through enrollment generating revenues, and there is a comfortable cushion, we will start funding some of the needed projects. Also, in the future a fiscal note will be required when looking at positions that need funding or anything we need to put money into. This will give us an idea as to where the item stands with regarding to funding, etc.

Fiscal Year '13 strategies, with no growth in graduate and undergraduate enrollment, are additional summer school sessions, an undergraduate tuition and fee increase of five percent (5%), and a room and board increase of seven percent (7%). A \$200 capital fee will be added in the Spring 2013 semester to fund the Health Science building, a \$265/Credit fee for the BA in Leadership and Administration, and a one-time fee for LiveTech and Hilltopper for Life.

Dr. Kreisberg stated that the LiveTech Program is an online assessment management data system that will be used to maintain accurate assessment records. This computer based system

will collect all data entered in classes and makes this data available to levels of administration. As you move up it will generate levels of reports. To do this by hand is virtually impossible at this point. There will be a one-time fee that every student will pay that will take care of the entire time the student is at WLU.

With many colleges and universities struggling with alumni dues, WLU has created the Hilltopper for Life program. Most bigger schools, such as Rutgers, have eliminated alumni dues because they were finding people would pay \$35 in dues, and when it came time to request a donation to the school the alumni would state they had already given in the form of dues, making it difficult to go after a larger donation. Freshmen would pay one fee and automatically become a member of the Alumni Association. Part of the problem we have with so many alumni is that they get their diploma, a picture taken, head to the reception and we never see them again. Unless they make the effort to come back to campus it's difficult to find them once they're gone. By using this program we can make a connection with students the moment they walk on campus. Freshmen, Sophomores, and Juniors will have the opportunity to work with the alumni where they will put a program together in their field with alumni, look at what the field entails, have a conversation with the alumni and start building relationships with the institution while they're here. They will be providing support for the students through mentoring and possible internships. The program at Texas A&M has been extremely successful and we will be able to attach students with our alumni. There is a \$150 one-time fee to be a member for the rest of their life. There will also be a periodic magazine to stay in touch.

WLU currently has 385 students taking more than 21 credit hours; one student is taking 34 hours; twelve credit hours are considered full-time. There is literature out there which shows that students cramming excessive hours into a semester hurt themselves academically. A service fee will be added to those students taking more than 21 hours to forgo some of the costs we have to the Registrar's and Admissions offices when these students decide to drop or change these classes.

Classified Staff salaries will again be fully funded at the Mercer Scale and those with 15 years or more of service will receive a two percent (2%) raise. Faculty has a three percent (3%) pool available for raises on January 1, 2013. A 12% increase has been given to faculty over the last five years. Non-Classified employees pool is yet to be determined and will be available January 1, 2013. A specific fund has been set up for adjuncts and a policy will be looked at for adding adjuncts, including a priority list, who have the ability to teach a 300 or 400 level class, and need due to a tremendous growth in students and not wanting to "cram" students in classes.

With regard to programs, whether new or existing, we want to utilize existing personnel if we have people we can move from one place to another and change responsibilities to be able to fund. We can transfer operating funds from other budgets and not create new funding; the funding can follow the person to the new responsibilities.

Scott Cook has done a great job with the Learning Center, which has been an extremely high priority and will kick off next year. This will be a great tool to provide help for students who need it and should have a tremendous impact on greater retention.

With the creation of the Executive Fellowship Program, we will be working with employees, faculty members for the most part, who want to learn how the University operates. If, say, four individuals are selected to serve, they will do rotations through the school; spend time in athletics, human resources, the business office, etc. They may go to president's council meetings and the executive council meetings with the hope to one day move up to be a chair, dean or other position, but also have a chance to see what actually goes on in these areas. Funding for the program will be through professional development.

The Center for Entrepreneurship, funded by Gary West, was an idea that came about a couple years ago. After not much movement, Carrie White took over the Center. Carrie has done a good job, especially in defining the different programs WLU is going to have at the Center. The Center's primary purpose is curriculum development; develop the classes and get them approved so anyone can take classes in Entrepreneurship.

The Honors College and Advanced Academy give WLU the opportunity to attract high achieving students. At the recent Black & Gold day on campus there were many people lined up at this

table for more information. WLU is the second school in the state with an honors college. The Advanced Academy is two weeks away from approval by two county boards of education and the State Board of Education.

The Institute for Innovation for Education will be the area you turn to when there is an idea on campus and need guidance. This group will assist when the information is prepackaged and ready to go. You will work with alumni or faculty, develop a budget, look at the revenue impact, and the impact on students.

The Small and Family Business Program held a program at River City with approximately 120 in attendance to hear speakers from the local area. WLU has been a great resource for the community on this subject.

The Intellectual Property and Innovation Program, in cooperation with WVU, will work to assist students and others interested in pursuing information regarding patents, copyright, and trademark protection. WLU has partnered with the WVU College of Law for this endeavor.

Patrick Kelly asked with regard to the students WLU has rejected; has an analysis been done to determine whether this is due to some kind of technicality or should we go to the state when we think these students can be successful. President Capehart stated that new admissions standards have been thrust upon us by the State. Scott Cook stated that four years ago the HEPC increased the minimum admission requirements to an 18 ACT and 2.0 GPA minimum, and allowed us to admit 15% of the freshmen who did not meet these requirements. They have since dropped the percentage down to 5% of the freshmen who did not meet these requirements this year. Retention for these first year students is at about 40%. Mr. Kelly stated that there's no point in losing a bunch of students. This is an HEPC rule.

Mrs. Burke asked with regard to the salary increases; the three percent for faculty and non-classified are not to take effect until January 1, 2013 and the classified staff Mercer Scale will take effect January 1, 2013; if we get additional students can these dates be changed? It was stated that we need to see enrollment figures. Classified staff will receive their Mercer Scale step increase if they are still moving through the scale. Those classified employees above the 15 years will receive a two percent increase beginning July 1<sup>st</sup>.

Dr. Marks asked with regard to tuition and fees and room and board; we don't know where our competitors will go with their increases but we know where they are currently. President Capehart stated that WLU added five percent to everyone. Mr. Wright stated that Marshall and WVU both announced yesterday a five percent increase. The capital fee we are adding in the second semester will probably count against our projected increase. We did not increase the out-of-state tuition and fees, just the in-state and metro. Mr. Cook felt WLU was getting out of line with our out-of-state competition and the government loans also effect this situation.

Mr. Syrylo stated with regard to the service fee; he understands students taking 18 to 21 hours and the extra work involved; what about students who are maintaining these hours with a consistently high GPA; will those students still have to pay that fee? President Capehart stated that the service is a greater burden for those students taking 19 hours and above. The \$100 fee will affect about 385 students. Mr. Burke asked if it's a flat fee, even if the student takes an extra ten hours, which is correct. It was estimated that if WLU would charge per hour for the extra hours like most privates do, we would have \$1.8 Million more last year for those hours.

## **5. Action Items\*:**

### **a. Policy 47 – Tobacco Use and Guidelines**

Mr. Stultz stated that a decision needs to be made as to whether we should or should not approve the revised Policy No. 47 – Tobacco Use and Guidelines. Before getting into the specifics about the results received from the various constituent groups on campus, there is reasoning as to why WLU is going with this policy. First and foremost it is important to note that as a student of this University you're learning a way of life that will last you for the rest of your life. With education you are given a chance to acquire incredible knowledge and morally feel that with this opportunity, by changing this policy, it will enable you to experience a healthy environment and to do what we can to encourage wellness in your life and be a whole person by in fact, being in an environment free of tobacco.

As we move toward growth in the medical sciences with the PA Program, an established Nursing Program, Dental Hygiene Program, Exercise Physiology, and Athletic Training, with more focus on what helps sustain and make for a healthier life, WLU needs to create a proper environment. In the need to clean-up campus, the current policy designated smoking areas but the problem is policing. WLU encouraged staff and students to utilize receptacles to extinguish cigarettes but it was not successful. As the State moves its health care toward wellness and tobacco-free incentives this year during the open enrollment period, although it is not a must immediately but in the long-term, we need to get tobacco users to make a change in life style and reduce the cost of health care, which has a direct impact on the institution. An employee who is a non-tobacco user, through PEIA, can save \$25/month as a single employee and \$50/month for a family. One of the reasons WLU decided to pursue a tobacco-free campus is that 648 campuses in the country are tobacco-free; we're not the first out of the box on this move and certainly not the last. WVU is going tobacco-free on July 1, 2013 and have a policy somewhat similar to WLU's; WVNCC is going tobacco-free and anticipate final approval for their policy in the next three weeks.

Mr. Davis gave notice of the policy to the campus community, giving plenty of opportunity for a response back from the various constituent groups. Attending the meeting this evening to give their perspective is the Student Government President, David Syrylo, and the Classified Staff representative to the Board, Beverly Burke. The bottom line on the responses received is that WLU will not be able to enforce this policy. We realize success in the long-term to get WLU tobacco-free is education. WLU is working to see what we can provide in the way of opportunities to end the habit of smoking with cessation. Management supports the direction we are looking to go with this policy and are looking for the Board's approval. Mr. Stultz stated that personally, he recognizes this as an addiction and it's up to us to do what we can to assist those involved in overcoming their tobacco use habit. We are on the right track as the country sees the need to make tobacco-free environments. The only school in the state totally tobacco free is the WV School of Osteopathic Medicine.

President Capehart stated that the biggest problem is litter. At the time the possibility of a tobacco-free campus was announced, you could walk from one end of the College Union to the other and it was a mess; there were cigarette butts everywhere. Cigarette butts would be laying right next to a container for their disposal. People from facilities maintenance are sent out first thing every morning to pick up butts and it's costing the University. There was a good article in the Trumpet last semester by one writer who liked to smoke, but did make the point that we have to be responsible and can't throw cigarette butts all over the place. We don't want parents with their kids visiting campus and seeing 50 to 60 cigarette butts in front of the College Union. It's unsightly and expensive.

Mr. Stultz stated that we don't know whether this would have an effect on student recruitment and thought possibly something could be added to the application to track students who smoke. At a recent Black & Gold day a parent asked if we were a tobacco-free campus; in one case it was important enough for consideration. Mrs. Burke stated that the classified staff were divided approximately half and half on the policy. Those for the policy did not agree with the enforcement wherein employees would turn-in their peers and were not willing to rat on fellow employees. There is also a question on campus housing; you can smoke in your house but you can't smoke on campus. Mr. Stultz stated that WVU's policy for compliance is the same with student's disciplinary sanction up to and including expulsion and termination of employment for employees. In our case Mr. Cook, campus safety and Mr. Stultz will oversee enforcement, but they don't anticipate walking around with a clip board and camera to catch offenders.

We plan to recognize this as an addiction issue and are concerned about loyal employees who have dedicated many years to WLU and smoke. This will be geared towards what we can offer in a way to overcome this habit through the PEIA tobacco help line and a cessation plan. We don't anticipate the worst case scenario; termination or expulsion. We want to work with people through their primary care doctor and make some common sense decisions. Chair Joseph asked how the policy will be enforced. Mr. Stultz stated that the disciplinary progressive set of steps will be taken first; warnings and assistance with quitting without being written up. Ultimately it could lead to termination of employment. Mr. Couch asked if there were any changes to the policy as a result of information received during the 30-day comment period, to which Mr. Stultz replied that there were no changes made to the policy. The responses involved enforcement, suggestions for cessation and related products, and the sense of expression or the rightness or wrongness of the policy.

Mrs. Burke asked if instead of a smoke-free campus could there be a smoking area, especially since the current policy is that smoking is to be 20 feet from any entrance and what we have in policy now isn't enforced. What she heard from people was the suggestion for a specified area for smoking. Mr. Strylo asked how those using smokeless tobacco would be identified. Mr. Stultz stated that he didn't know, but that we would need to move on all aspects of tobacco use.

Mr. Carter stated that he understands all the discussion on enforcement, but what if somebody does rat on a fellow employee; now you've got the issue. Has a criteria been established as far as punishment and discipline? Mr. Stultz stated that we have not gone that far. Mr. Carter stated that very soon after the policy is passed, WLU will need to have this in place; you have to establish what you're going to do. Mr. Stultz stated that there was a rather intense difference of opinion on how enforcement should be set up. He would prefer to get into it and see what can be done. Mr. Carter stated that WLU is asking for a lot of trouble not having something set up in advance. It's a wonderful concept to wait, but when you have a policy that states what happens up to and including termination, you need some sort of established criteria. Mrs. Burke stated that she was in total agreement.

President Capehart stated that there is a committee on campus that put a lot of work and discussion into this policy. At the end of the day you're not going to stop it; you're going to reduce it. Are people going to sneak out and smoke and someone try to catch them; probably not. It should make a tremendous impact on dissuading people who smoke and clean up the litter on our beautiful campus. We do not have a structured disciplinary policy. We need to develop some type of disciplinary program that works with the clear understanding on what is the discipline, how to apply, get it into the hands of supervisors to have in place and utilize. This is a small part of the bigger issue. Mr. Cook stated that the issue was discussed at length and we know there are employees who are not going to tell people they can't smoke. Looking at the student perspective there are students who are not going to smoke because we have a policy. There will be some who will smoke until confronted and some who will challenge us. There is a judicial process for the students.

Mr. Couch stated that he absolutely supports the policy, having worked at three hospitals with this type of policy that works, and normally would move to approve this policy. He also stated he just wants to be sure WLU takes one additional step and moved that the Committee be asked to meet one more time with the comments from faculty and students to consider potential revisions and report back to this Board at the June meeting. He would like to take this action until the next meeting.

**A motion that the West Liberty University Board of Governors table action on Policy 47 – Tobacco Use and Guidelines was then made by George Couch and seconded by Beverly Burke; motion passed unanimously.**

**b. Pipeline Right-of-Way Agreement:**

Mr. Wright stated that Appalachia Midstream Services, L.L.C., a Chesapeake subsidiary, has requested a permanent easement on the backside of the undeveloped portion of the University property. He and John Gompers met with them and made changes to the easement. There was a small disagreement on the upfront payment. They wanted to pay \$500 upfront for the lease and pay the balance at the end of two years. WLU wants \$107,000 upfront for the two pipelines and do what they want at the end of two years. In the meeting they were reluctant to change and have not gotten back to us as of today's meeting. Mr. Wright asked if there were any questions. Without a response from them at this time, there is no Board action required this evening.

**c. Inducement – Health Science Building:**

Mr. Wright noted the one-page status of Campbell Hall contained in the Board packet. Bond counsel has been here to talk about what is proposed and we have advertised for counsel. The three responding firms from the Charleston area are Jackson Kelly; Spilman, Thomas & Battle, and Steptoe & Johnson. We chose Steptoe & Johnson and Fred Williams is our bond counsel. What follows at this point is a schedule of events dealing with the bond process and receiving final approval by the Board. Once the Board has approved the bond it will go to the HEPC for approval and move forward to the Governor for final signature. Fred Williams is here this evening to give some background on the procedure that will allow WLU to move forward with the bond process.

Mr. Williams stated that in the process for a public university to receive bonding there are several steps. First is the adoption of the resolution before the Board tonight which primarily, does not bind the University to do anything but will begin the process. The next step pertains to Federal tax laws; if you want to sell your bond to take money and reimburse yourself for expenditures you've made on projects, you have to adopt a reimbursement resolution which gives you that ability and language in the resolution to make this permissible. One of the other things that will be done because of the time frame and nature of the bond issue is that University is looking at selling the entire \$10 million to one financial institution. Mr. Wright has talked with three local financial institutions who are still formulating proposals, but they will come up with the best offer for the University and then would come back next month for final approval. That financial institution would be elected and approved in that resolution and the terms of the bond would be set in the resolution itself. The next step goes to the HEPC and they have to approve the bond issue and under statute they are required to look at it from a financial feasibility standard. They would go through the bond, with the financial staff and come back to the Board for final approval of all items. This bond issue is a process where these bonds would be secured by the revenue stream created by the additional capital fee, which is the only collateral; no other buildings on campus or other fees. The financial institution buying the bonds would have to be comfortable that there is sufficient revenue to repay the bonds plus a little surplus in case things drop a little. As a revenue bond the interest is free of Federal and West Virginia income tax because WLU is a government entity. Mr. Williams asked if there were any questions about the process; there were none.

**A motion that the West Liberty University Board of Governors approve the Inducement Resolution for the Health Science building was then made by George Couch and seconded by Ann Thomas; motion passed unanimously.**

**d. Approval of FY 2013 Budget/Tuition & Fees:**

Mr. Wright stated that the FY 2013 information this evening shows a positive variance of about \$43,000. The capital fee is not included because it does not go to the University and we do not have University funds going into the Health Science building, other than commitments the Board has previously made. He continued with a review of the FY 2013 budget parameters and the various changes and percentage increases, along with a run through of the capital expenditures listing various renovations and upgrades on campus. Mr. Wright asked if there were any questions. Ms. White asked with regard to the faculty positions posted new at this point; are they not being considered until January. Mr. Wright stated that any open faculty position that is a replacement will be filled, but there will be no new positions. Chair Joseph commended Mr. Wright for putting together the budget information.

**A motion that the West Liberty University Board of Governors approve the FY 2013 budget was then made by Paul Limbert and seconded by George Couch; motion passed unanimously.**

Mr. Wright reviewed the various breakdowns for the proposed tuition and fees for graduate and undergraduate programs and asked if there were any questions.

**A motion that the West Liberty University Board of Governors approve the FY 2013 tuition and fees was then made by George Couch and seconded by Richard Carter; motion passed unanimously.**

**6. Adjournment:**

The meeting adjourned at 7:06 p.m.

Brian Joseph

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Chair

George Couch

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Secretary