

Shepherd

UNIVERSITY

Board of Governors



Meeting Agenda

August 12, 2010

Board Members

Mary Clare Eros, Chair

Gat Caperton, Vice Chair	Veronique N. Walker
W. Mark Rudolph, Secretary	John Younis
John Beatty	Anna Boh, Student
Lacy I. Rice III	Jason Best, Faculty
D. Scott Roach	Diane Shewbridge, Classified Staff

Suzanne Shipley, President

Meeting of the
SHEPHERD UNIVERSITY
BOARD OF GOVERNORS

President's Conference Room, Ikenberry Hall
301 North King Street, Shepherdstown, WV

August 12, 2010
2:00 p.m.

AGENDA

- | | |
|-----------------------------------------------------------------|-------------------------------------|
| 1. Call to Order | Chair Mary Clare Eros |
| 2. Oath of Office for New Member | Chair Eros |
| 3. Public Comments | |
| 4. Adoption of the Minutes from the June 10, 2010 Board Meeting | Chair Eros |
| 5. Fiscal Year 2012 Capital Funding Priorities | Dr. Suzanne Shipley,
President |
| 6. Athletic Program Philosophy Annual Approval | Dr. Shipley |
| 7. Right of Way Conveyance to Allegheny Power | Mr. Alan Perdue,
General Counsel |
| 8. New Business | Chair Eros |

Shepherd University Board of Governors

Minutes of the Meeting of June 10, 2010

The Shepherd University Board of Governors met on June 10, 2010 in a regular meeting. Members participating were: Daniel Bascom, Jason Best, Gat Caperton, Mary Clare Eros, Doris Griffin, Lacy Rice III [Phone], D. Scott Roach, W. Mark Rudolph, Diane Shewbridge, Veronique N. Walker and John Younis. Also present were Shepherd University President Suzanne Shipley, members of the executive staff and others. Board member John Beatty was absent from the meeting.

1. **PUBLIC COMMENTS**

No public comments were made.

2. **MINUTES OF THE MEETING OF May 13, 2010**

M (Roach), S (Younis), PASSED, that the minutes of the May 13, 2010 meeting of the Board of Governors be adopted as presented at the meeting.

3. **PRESIDENT'S REPORT**

Daniel Bascom, the Student Representative to the Board of Governors, was recognized by Dr. Shipley for his service this past year. The June meeting would be his last serving in this capacity.

Dr. Shipley took a moment to provide a recap of the 2010 Commencement ceremonies where Phil and Lily Hill were honored with the President's Award, and Justice Margaret Workman provided wonderful remarks after accepting an honorary doctoral degree from Shepherd. She encouraged members of the board to participate in this event celebrating the accomplishments of our graduates.

Board members were reminded of the 20th Anniversary Season of the Contemporary American Theater Festival. Cast and crew members have arrived on campus.

Following the President's Report, Chair Eros provided a reminder of the upcoming WV Higher Education Policy Commission Board of Governors Summit, July 23-24.

4. **WELLNESS CENTER UPDATE**

Director of the Wellness Center, Jim Sweeney, along with members of his staff, provided an update on the center's progress during the past year.

5. **CAPITAL FUNDING PRIORITIES AND PROJECTS UPDATE**

President Shipley and Dr. Ed Magee, Vice President for Administration and Finance, presented to the Board Shepherd's Capital Funding Priorities and Projects Update.

6. **APPROVAL OF PROPOSED CONCENTRATION**

M (Rudolph), S (Caperton), PASSED, that the following resolution be adopted by the Board:

RESOLVED, That the Shepherd University Board of Governors approves the Master of Business Administration–Accounting concentration, effective for the Fall 2010 academic semester.

7. **ACADEMIC AFFAIRS ANNUAL REPORT**

Dr. Richard Helldobler, Vice President for Academic Affairs, presented to the Board the Academic Affairs Annual Report.

8. **ELECTION OF OFFICERS FOR 2010-2011**

Mr. Caperton nominated a slate of Ms. Eros as chair, Mr. Caperton as Vice Chair, and Mr. Rudolph as Secretary. There were no other nominations; **PASSED BY ACCLAMATION**, that the slate of officers for 2010-2011 be elected.

Chair Eros then nominated Ms. Eros, Mr. Rice, and Mr. Rudolph for membership of the Audit Committee; **PASSED BY ACCLAMATION**, that these members be elected to the Audit Committee.

9. **PROPOSED MEETING SCHEDULE FOR 2010-2011**

Chair Eros presented the meeting schedule for 2010-2011.

10. **EXECUTIVE SESSION**

M (Walker), S (Younis), PASSED, That pursuant to Section 4 of Article 9A of Chapter 6 of the WV Code, it was moved that the Board enter into executive session for the purpose of discussion of matters relating to personnel matters as to one or more specific employees of the University and matters that would be an invasion of privacy if publicly discussed.

At the conclusion of the executive session, the Board returned to open session.

11. **ACTION ARISING OUT OF EXECUTIVE SESSION**

M (Caperton), S (Rudolph), PASSED, that the following resolution be adopted by the Board:

RESOLVED, That the Shepherd University Board of Governors authorizes the Chair to submit a Triennial Evaluation Report to the Chancellor and the Chair of the Higher Education Policy Commission on its behalf; **RESOLVED FURTHER**, that the Board designates the Chair to act on its behalf, in consultation with the other members of the Executive Committee, in finalizing the terms of employment of the President for FY2011, consistent with the consensus of the entire Board as to the terms, and authorizes the Chair to execute an annual appointment letter for FY2011 on behalf of the Board.

12. **NEW BUSINESS**

The Chair discussed her new initiative of matching up Board members with Vice Presidents to help the Board members obtain a greater understanding of the operations of the University.

Mary Clare Eros
Chair

FISCAL YEAR 2012 CAPITAL FUNDING PRIORITIES

West Virginia Higher Education Policy Commission (HEPC) Series 12 requires each higher education institution to file its capital funding priorities with the Commission each year. The Commission has directed that the capital priorities be filed with the Commission staff prior to Shepherd University's scheduled September Board of Governors' meeting.

The purpose of the annual capital projects list is to identify to the Commission the capital projects which the University would wish to pursue during the next year or two, if funding were available. The Commission may receive direct appropriations from the Legislature to fund capital priorities, or the Commission may receive authorization to issue additional capital bonds. In either event, the University's list will be integrated by the Commission with lists from all other institutions and the Commission will establish its statewide priorities for funding projects.

The following list of capital priorities reflects the projects which would allow the University to continue to implement the objectives of the Campus Master Plan.

The following resolution is recommended for adoption by the Board:

RESOLVED, That the Shepherd University Board of Governors approves the Capital Funding Priorities as presented in the agenda book, and authorizes the President to file the Capital Funding Priorities on its behalf to the West Virginia Higher Education Policy Commission.

FY2012 Capital Funding Priorities

Frank Center Renovation and Addition	
Renovation of performance space and addition to the Frank Center to expand instructional space	16,000,000
Classroom Building HVAC replacements	
Snyder Hall	900,000
Stutzman Slonaker Hall	1,100,000
Total	2,000,000
Snyder Annex Renovation	
Renovation of free-standing building adjacent to Snyder Science Hall for public history programs	500,000
Parking Structure	
400 space parking structure	11,000,000
Demolish Sara Cree Hall and landscaping	700,000
New Maintenance Facility	
Facilities building, 20,160 square feet	4,533,600
Motor pool facility, 2560 square feet	512,000
Storage bins, 2,400 square feet	264,000
Demolish buildings and remove trailers from existing west campus maintenance area	525,000
Renovation of existing maintenance building for other use	525,000
Total	6,359,600
Dining Hall Renovation and Addition	
Construction of addition to and renovation of the Dining Hall	10,000,000
Route 480 Pedestrian Underpass	
	4,000,000
King Street Pedestrianization	
Conversion of King Street to pedestrian walkway and replacement of water lines	2,450,000
New Student Center/ Dining Facility	
New Student Center to house dining operations, conference rooms, bookstore and administrative offices, 109,000 square feet	30,184,000
Campus Entrances and Border Definitions	
Construction of walls and landscaping to define the University's borders	500,000
Artificial Turf Soccer Field	
	1,500,000

Shepherd University Board of Governors
August 12, 2010
Agenda Item No. 6

ATHLETIC PROGRAM PHILOSOPHY

National Collegiate Athletic Association (NCAA) regulations require the Shepherd University Board of Governors to review and approve the institutional Athletic Program Philosophy on an annual basis. The current Athletic Program Philosophy is contained on the following page. There are no recommendations for changes this year.

The following resolution is recommended for adoption by the Board:

RESOLVED, That the Shepherd University Board of Governors approves the Shepherd University Athletic Program Philosophy for the period July 1, 2010 – June 30, 2011 as presented in the agenda materials of August 12, 2010.

SHEPHERD UNIVERSITY

Athletic Philosophy

At Shepherd University, athletes shall be treated as all other students in reference to admissions, scholarships, programs of study, part-time employment, eligibility, and participation in activities representing the University. Shepherd University provides opportunity to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, sex, sexual orientation, religion, age, national origin, or disability.

The purposes of the University's Athletic Program are to:

- provide friendly competition and cooperation with other colleges and universities in a sportsmanship-like game environment.
- develop the physical, mental, emotional, social and moral well-being of each participant.
- stimulate participants to a high caliber of citizenship.
- furnish recreational value to University students, faculty, and community.
- provide practical experiences for careers in coaching and teaching.
- provide opportunities for community engagement between athletes, Shepherd University and the greater Shepherd community.

In order that the University may continue to carry on intercollegiate athletics programs pursuant to policies recommended by the North Central Association of Colleges and Secondary Schools, the following minimum standards have been specifically approved by the University.

- a. The conduct of the intercollegiate athletics program is exercised by the President upon the recommendation of the Athletics Committee, which is composed of representatives of the faculty, staff and the student body.
- b. Students who plan to participate in athletics, like all other students, are admitted by the Office of Admissions subject to policies set by the Committee on Admissions and Credits. Athletes are required to maintain the same academic standards as non-athletes.
- c. The award of any student aid, student loan, or student employment to an athlete is made through the regular agency of the University for aid to all students. Such aids are awarded on a basis, which will not discriminate for or against presumed or recognized athletes. An athlete is required to give full and honest return for aid received.
- d. All athletic funds are controlled by the Vice President for Administration and Finance. An audit of the receipts and disbursements of these funds is made annually by the auditors of the State and a report made to the President and to the Board of Governors.
- e. An effort is made to compete with colleges having similar educational and athletic policies.
- f. Shepherd University is a member of the West Virginia Intercollegiate Athletic Conference and the National Collegiate Athletic Association (NCAA) - Division II. As a member, the University is committed to the principles of sportsmanship and ethical conduct, rules compliance and amateurism. All eligibility rules from these associations govern the intercollegiate program.

RIGHT OF WAY CONVEYANCE TO ALLEGHENY POWER

The University is completing extensive renovations and improvements in White Hall. This work includes a comprehensive electrical service upgrade. To accommodate that upgrade, the University has requested Allegheny Power to install a new 750 kVA transformer for the building. The electrical service will run from the poles along Princess Street, underground, to the new transformer's location on the Princess Street side of White Hall. As is typical for a change in service of this type, Allegheny Power (which is the local business name for the Potomac Edison Company) requires a Right-Of-Way conveyance for the underground lines and the transformer pad.

A copy of the proposed Right of Way grant follows.

The following resolution is recommended for adoption by the Board:

RESOLVED, That the Shepherd University Board of Governors approves the conveyance of a ten foot right of way to Potomac Edison Company for the purpose of supplying electrical service and a new transformer at White Hall, and authorizes the President to execute the attached proposed agreement.

RIGHT-OF-WAY AGREEMENT
(Distribution – Maryland/West Virginia)

For good and valuable consideration, the receipt of which is acknowledged, and of the covenants and agreements herein contained, I/we, Shepherd University

The undersigned Grantors, grant unto THE POTOMAC EDISON COMPANY (dba Allegheny Power), a Maryland and Virginia corporation, its successors and assigns, (the "Company") a right-of-way Ten feet (10') wide for the purpose of constructing, reconstructing, inspecting, operating and maintaining an underground electric and communication system including all necessary poles, anchors, wires, trenches, conduits, cables, and other facilities under and upon the property which I/we own or in which I/we have any interest, situated in Shepherdstown District of Jefferson County, State of West Virginia, acquired by me/us from Line, et al

by deed dated the 30th day of March, 1911, of record in DEED Book No. 106, Page 113 of the land records of Jefferson County, State of West Virginia, together with right of ingress to and egress from said right-of-way at all times over the lands of Grantors; said system and easement to be located as indicated on Company's Drawing No. 1454187, which is incorporated herein by reference and is either attached hereto or filed in Company office, said right-of-way being more particularly described as follows:

See Company's Drawing No. 1454187, including above-ground transformer

and to permit the installation of wires, cable, conduit or other facilities of any Company or persons. The Grantors, and their successors in ownership of the property, shall not, and shall not permit others to, plan any trees or erect or place any buildings or other structures on said property, except usual fences, nor alter the surface elevation of said property from the elevation existing upon completion of construction and/or burial of facilities hereunder. The Company shall have the right to install, maintain, operate and replace its underground and overhead facilities without responsibility for any damage caused thereby to trees, shrubs, flowers or any other obstruction grown, constructed or placed on said right-of-way and shall at all times have the right to clear and keep clear the right-of-way and to control, cut down, trim and removed trees, limbs and brush under and alongside of said facilities sufficiently for the safe and proper operation and maintenance thereof; said sum being in full payment therefore.

The Company shall pay for or repair all damages to fences, crops, and livestock caused by the construction, operation, maintenance, rebuilding and removal of said facilities, if notice in writing is given within thirty days after such damages are suffered, otherwise it is understood that such damages are waived.

Witness the following signatures and seals this _____ day of _____ in the year _____.

GRANTORS:

Shepherd University

By _____

State of _____ County of _____ to wit:

I hereby certify that on this _____ day of _____ before me, a
(MONTH/YEAR)

Notary Public in and for the State and County aforesaid, personally appeared _____
Known to me to be the person(s) whose name(s) is/are signed to the written instrument hereto annexed and acknowledged before me in said County that he/she/they executed the same for the purposes therein contained, and that the actual consideration paid, including amounts assumed by the Grantee, is in the sum total of ZERO.

My Commission Expires _____

(NOTARY PUBLIC)

State of _____ County of _____ to-wit:
I hereby certify that on this _____ day of _____ before me, a
(MONTH/YEAR)
Notary Public in and for the State and County aforesaid, personally appeared _____

known to me to be the person(s) whose name(s) is/are signed to the written instrument hereto annexed and acknowledged before me in my said County that he/she/they executed the same for the purposes therein contained, and that the actual consideration paid, including amounts assumed by the Grantee, is in the sum total of _____ .

My Commission Expires _____ (NOTARY PUBLIC)

MARYLAND CERTIFICATION

This instrument was prepared by the undersigned, an employee of Allegheny Power, a party to the above instrument.

(EMPLOYEE) (TITLE)

**DECLARATION OF CONSIDERATION
(West Virginia)**

The undersigned does hereby declare that the transfer involved in the document to which this declaration is appended is not subject to State Excise Tax upon the privilege of transferring the right-of-way for the reason designated as follows:

The cost being less than One Hundred Dollars (\$100).

Executed this _____ day of _____ .

By _____
(RIGHT-OF-WAY SOLICITOR)

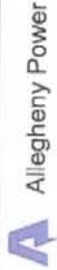
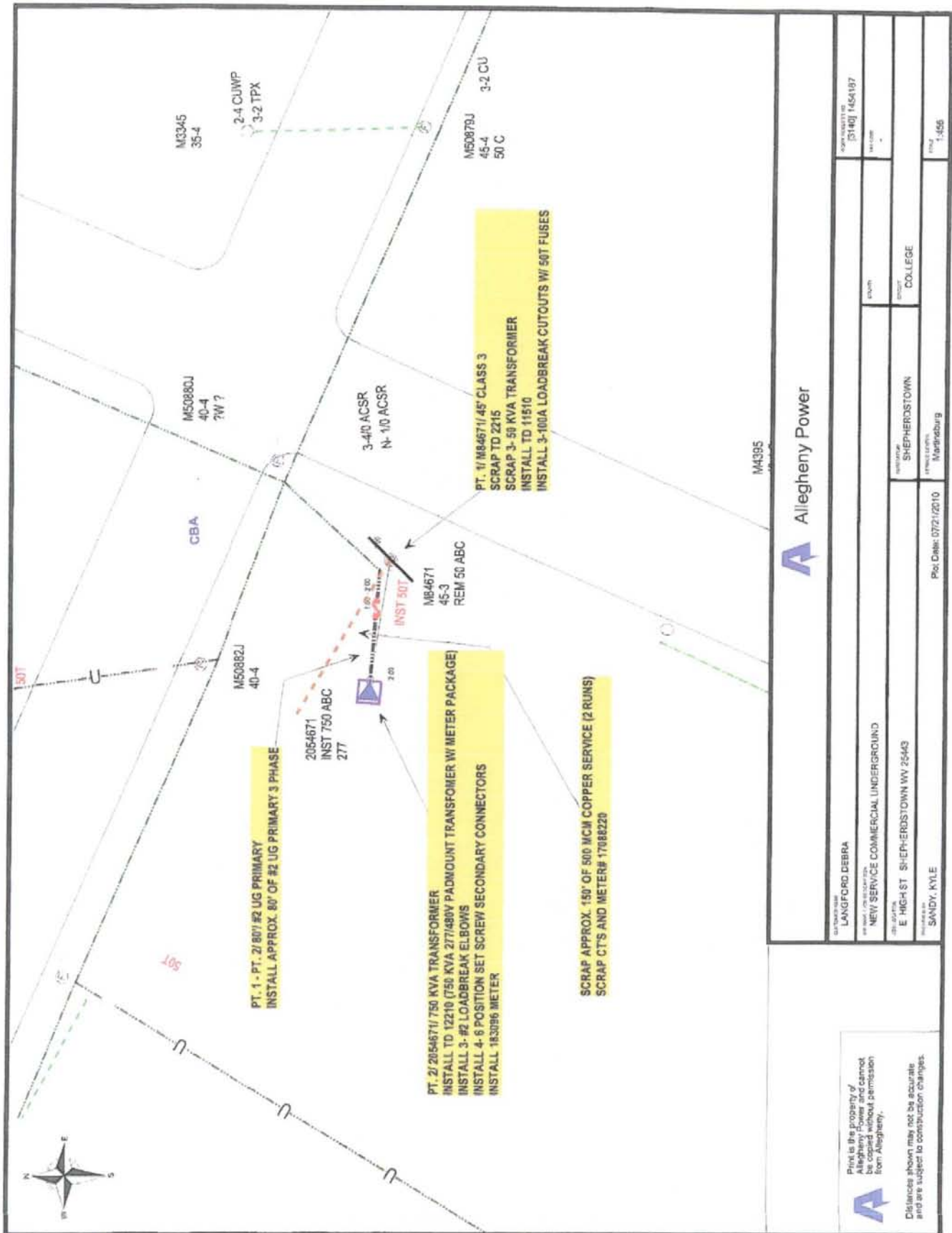
Kyle E. Sandy

This instrument prepared by Kyle E. Sandy *under the direction of Edward G. Kennedy, Attorney for Allegheny Power.*

RIGHT-OF-WAY

COUNTY LAND RECORDS

Name _____
Line _____
WBS Element/Internal Order _____
Company _____
Service Center _____
State _____ County _____
Date _____



SHEET NO. 145A197	
DATE: 07/21/2010	
PROJECT: COLLEGE	LOCATION: SHEPHERDSTOWN
SHEPHERDSTOWN WY 25443	
SANDY, KYLE	
P.O. DATE: 07/21/2010	
MATERIALS: Medtronic	
SCALE: 1:50	

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