

February 16, 2017

# Board of Governors



**AMENDED AGENDA**  
FSU BOARD OF GOVERNORS' MEETING  
FEBRUARY 16, 2017, 9:00 A.M.  
LOCATION: BOARD ROOM, FALCON CENTER  
1201 LOCUST AVENUE, FAIRMONT, WV



- I. CALL TO ORDER**
  - A. Roll Call
  - B. Public Comment
  - C. Approval of Agenda .....*Action Item*
  
- II. APPROVAL OF MINUTES OF DECEMBER 8, 2016.....***Tab 1 Action Item*
  
- III. CHAIRMAN'S REPORT**
  
- IV. PRESIDENT'S REPORT**
  
- V. REPORTS AND PRESENTATIONS**
  - A. Constituent Report
  - A. Foundation (RJ Gimbl)
  - B. Construction Project Updates (Tom Tucker)
  
- VI. CONSENT AGENDA.....***Tab 2 Action Item*
  - A. Financial Reports (Months Ending: November 30, 2016 and December 31, 2016)
  
- VII. ACADEMIC AFFAIRS COMMITTEE** (Aaron Hawkins, Chair)
  
- VIII. ATHLETIC AFFAIRS COMMITTEE** (Frank Washenitz, Chair)
  
- IX. BY-LAWS COMMITTEE** (Dixie Yann, Chair)
  
- X. ENROLLMENT/HOUSING-STUDENT LIFE COMMITTEE** (John Myers, Chair)
  - A. Campus Solicitation Policy Draft for 30-Day Comment Period.....*Tab 3 Action Item*
  
- XI. FINANCE COMMITTEE** (John Schirripa, Chair)
  - A. Approval of the Independent Auditor's Report  
for the Year Ending June 30, 2016.....*Tab 4 Action Item*
  - B. Approval of University Terrace Change Order #8.....*Tab 5 Action Item*
  
- XII. STUDENT HOUSING COMMITTEE** (Aaron Hawkins, Chair)
  
- XIII. EXECUTIVE COMMITTEE** (Dixie Yann, Chair)
  
- XIV. POSSIBLE EXECUTIVE SESSION - Under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel and Property Issues**
  - A. Presidential Search
  
- XV. ADJOURNMENT**

***NEXT MEETING: APRIL 20, 2017, 9:00 A.M.,  
LOCATION: BOARD ROOM, 3<sup>RD</sup> FLOOR FALCON CENTER  
1201 LOCUST AVENUE, FAIRMONT, WV***

# Tab 1



FAIRMONT STATE UNIVERSITY  
BOARD OF GOVERNORS  
**MEETING MINUTES**  
**DECEMBER 8, 2016**  
**BOARD ROOM, 3<sup>RD</sup> FLOOR FALCON CENTER**  
**1201 LOCUST AVENUE, FAIRMONT, WV**

**I. CALL TO ORDER**

A. Roll Call

Chair Dixie Yann convened a meeting of the Fairmont State University (FSU) Board of Governors on December 8, 2016, beginning at approximately 3:00 p.m. in the Board Room, 3<sup>rd</sup> Floor Falcon Center, and 1201 Locust Avenue, Fairmont, West Virginia.

At the request of Chair Yann, Serena Scully conducted a roll call of the Board of Governors. Present for the meeting were board members Rachel Ball, Holly Fluharty, Aaron Hawkins, Bill Holmes, Deborah Prezioso, Budd Sapp, John Schirripa, and Dixie Yann. Chris Courtney and Bryan Towns participated by conference call and Frank Washenitz was present following the roll call. John Myers was absent.

Others present were President Rose and President's Council members Christina Lavorata, John Lympany, Tim Oxley, Al Skudzinskas and Debbie Stiles. Tom Tucker, Assistant Vice President for Facilities; Stephanie Slaubaugh, Construction Manager; Tim McNeely, Athletic Director; Chad Fowler, Assistant Athletic Director; RJ Gimbl, President of the Fairmont State Foundation; Cindy Curry, Assistant VP of HR; Sharon Boni, Dean, School of Nursing; Tanya Rogers, Associate Dean, School of Nursing; Richard Harvey, Dean, School of Business; Amantha Cole, Director of Planning and Grants; Alicia Kalka, Director of Housing and Residence Life; Marah Fluharty, Residence Hall Specialist; Amy Baker, Director of Marketing; Donna Long, English Faculty; John O'Conner, Drama/Theatre Arts Faculty; Albert Magro, Biology Faculty; Galen Hansen, Physics Faculty; Charles Shields, Criminal Justice Faculty; and Porter Stiles, also attended. Members of local media were in attendance as well.

B. Public Comment

There were four people signed up for public comment.

1. Donna Long – Representing Faculty Senate  
Dr. Long presented a petition with 79 signatures requesting there be additional faculty included on the presidential search committee; the petition requested 3 additional faculty members.
2. John O'Connor – Representing Himself  
Dr. O'Connor voiced his concerns regarding the presidential search process and the lack of campus involvement as well as transparency in the process.
3. Galen Hansen – Representing Himself  
Dr. Hansen expressed his concerns regarding the presidential search process and the importance of the faculty in respect to shared governance. Dr. Hansen expressed his feeling that the faculty can provide insight from previous searches.
4. Albert Magro – Representing Himself  
Dr. Magro stated his concerns regarding the presidential search process and made two requests. Dr. Magro requested that BOG members meet with faculty during faculty development week. Dr. Magro also requested an electronic form of communication be started to allow faculty/staff/students input in the process.

C. Approval of Agenda

Budd Sapp made a motion to approve the agenda. Aaron Hawkins seconded. The motion passed.

## II. APPROVAL OF MINUTES OF OCTOBER 20, 2016

Budd Sapp made a motion to approve the minutes of October 20, 2016. Rachel Ball seconded. The motion passed.

## III. CHAIRMAN'S REPORT

- A. Chair Yann thanked the following individuals for their time and effort to the flood relief in southern West Virginia: Porter Stiles, who initiated the idea to donate appliances from College Park; Alicia Kalka, Tim Oxley and all residence life staff; Tom Tucker, Stephanie Slaubaugh and all physical plant staff, as well as the TKEs.
- B. Chair Yann reminded everyone of the All Boards Social and basketball game following the BOG meeting.
- C. The Chair reminded everyone of the next BOG meeting on Thursday, February 16th at 9:00.

#### **IV. PRESIDENT'S REPORT**

- A. President Rose reported that the WVHEPC approved a number of measures at the November 18<sup>th</sup> meeting. Several of the measures are currently out for a 30 day public comment period. Some of the items out for comment are: changes to the Promise Scholarship program, changes to the policy for dealing with the organization of schools and colleges within universities, West Virginia Higher Education grant program, residency requirements for admissions and fees, changes in the research trust corporation reporting, changes in the reauthorization for institutions, and monitoring and discontinuation of academic programs.
- B. She also mentioned the human resources report card was presented at the HEPC meeting. Trish Clay reported that of the 19 institutions, there are over 12,280 employees; 5,000 of those are classified staff members and 1,700 are non-classified staff members.
- C. President Rose also mentioned that there is a new proposed Mercer scale that is up for review and consideration. HEPC is thinking it could be implemented as soon as July of 2017.
- D. She also mentioned that the HEPC approved a list of capital projects that all of the institutions have on their lists for the upcoming year.

#### **V. REPORTS AND PRESENTATIONS**

- A. Constituent Report (Tanya Rogers)

Tanya Rogers, Associate Dean, School of Nursing, provided an informative report regarding the School of Nursing.

Recently, at the West Virginia State Board of Nursing meeting one of the high level staff members advised that Fairmont State has the biggest (or close to the biggest) undergraduate nursing school in the state – neck and neck with WVU.

The part-time weekend program is beginning in January.

Over the next year, the nursing program will be preparing for their national accreditation visit that will take place in 2018.

The current retention rate for the nursing program is 80%. Along with retention, the ASN and BSN graduates also have very high job placement rates.

The nursing program recently began offering a part-time option as well as offering every class every semester to make the program more flexible for students.

Dr. Rogers also presented a few of the challenges that the program is currently facing. Recruiting and retaining qualified faculty is a current challenge and is being attributed to faculty salaries. Students with an associate's degree can enter the field and begin in a salary range of \$65,000 - \$68,000 a year. The beginning salary of a master's degree prepared faculty start out at \$45,000. Dr. Rogers also discussed the challenge of recruiting qualified students.

#### B. Foundation (RJ Gimbl)

RJ Gimbl, President and CEO of the Fairmont State Foundation, reported that the 2016 annual fund is in progress and continues to gain momentum with over \$50,000 received in gifts to date this calendar year. 275 donors have participated in the annual fund this year (up over 100 from 2015). Of those donors, half are first time annual fund donors and a quarter made their first gift to FSU this year.

Mr. Gimbl stated that on the major gifts front they continue to be out visiting current and prospective donors. They have received gifts for three new endowed scholarships this year and one pledge to increase a current scholarship by \$50,000.

The Foundation has four pending grant requests for the Title III federal match and hopes to have a response to all by December 31<sup>st</sup>.

RJ advised that the Foundation received their NIP allocation in the amount of \$25,000 this year and all of those credits have been awarded or are waiting on the gifts to come in.

The 2017 class campaign is underway in its brick campaign. They are planning to create a sidewalk on the north side of the Falcon Center that leads towards housing buildings. They want to create a common area for students to gather.

#### C. Construction Project Updates (Tom Tucker and Stephanie Slaubaugh)

Stephanie Slaubaugh, Construction Manager, gave an update on the various projects that are currently underway and have recently been completed on campus.

The Jaynes Hall and Falcon Center projects have been completed.

University Terrace building three was completed and opened with students moving in the week before Thanksgiving.

College Park apartments E, F, and G have been demolished. The abatement of apartments A, B, C, and D was completed this morning. Power is to be turned off next week.

## **VI. CONSENT AGENDA**

Bill Holmes moved to accept the following Consent Agenda:

- A. Financial Reports for periods ending August 31, 2016, September 30, 2016 and October 31, 2016

Aaron Hawkins seconded. The motion passed.

## **VII. ACADEMIC AFFAIRS COMMITTEE (Aaron Hawkins, Chair)**

Mr. Aaron Hawkins, Chair of the Academic Affairs Committee asked that Dr. Christina Lavorata, Provost and Vice President for Academic Affairs, give a brief update.

Dr. Lavorata thanked everyone that was able to attend the November Faculty Senate meeting and discussed some of the events that have taken place in Academic Affairs over the last month.

Post-election seminar was recently held on campus for students. Faculty members and counselors were there to talk to students.

The School of Nursing currently has 10 applications for their new weekend program.

The School of Education had their yearly holiday party and raffled off handmade craft items. They raised \$750, of which 50% is going toward the local soup opera and 50% is going to the Clendenin area to assist flood victims.

Master of Architecture program recently had their master's level students present projects, all of which were targeted to revitalizing downtown Fairmont. Local community members and government officials were invited as well.

Last weekend the 1<sup>st</sup> Lego League which was sponsored by Science & Technology was held on campus and had a great turnout. We had student groups participating from as far away as Wisconsin.

Dr. Oxley discussed the 2016 Update and Report for the Institutional Compact and shared his feelings that progress is being made. Dr. Oxley expressed his confidence that the initiatives are helping with retention.

HEPC will provide feedback and there will be a time for our response.

Budd Sapp moved to approve the following:

- A. 2016 Update and Report of the Institutional Compact

Aaron Hawkins seconded. The motion passed.



**VIII. ATHLETIC AFFAIRS COMMITTEE (Frank Washenitz, Chair)**

Frank Washenitz, Chair of the Athletic Affairs Committee, asked that Chad Fowler, Assistant Athletic Director, give an update for the Athletic Affairs Committee.

Mr. Fowler advised the \$1,000 Club just finished its third year. They have reached over \$450,000.

He also provided a summary of accomplishments of the football, volleyball, swimming, and basketball teams.

Frank Washenitz commended the fundraising efforts of Tim McNeely and Chad Fowler.

**IX. BY-LAWS COMMITTEE (Dixie Yann, Chair)**

Dixie Yann reported that the By-Laws committee would be meeting in January.

**X. ENROLLMENT/HOUSING-STUDENT LIFE COMMITTEE (John Myers, Chair)**

John Myers, Chair of the Enrollment/Housing-Student Life Committee, was absent.

**XI. FINANCE COMMITTEE (John Schirripa, Chair)**

John Schirripa, Chair of the Finance Committee, introduced the new VP of Admin and Fiscal Affairs, Al Skudzinskas. John then provided a brief update.

The Finance Committee met on November 16<sup>th</sup>. At that meeting, Tom Tucker gave an update on construction projects, Tim Oxley gave an interesting presentation on the Promise Beyond Scholarship, Debbie Stiles presented the August, September and October financial reports, and an audit update was given.

Bill Holmes moved to approve the following:

- A. Approval of Promise Beyond Scholarship Updates

Budd Sapp seconded. The motion passed.

**XII. STUDENT HOUSING COMMITTEE (Aaron Hawkins, Chair)**

Aaron Hawkins, Chair of the Student Housing Committee, thanked Stephanie and Tom for all of their hard work on the University Terrace project.

Aaron Hawkins deferred the remainder of his discussion until Executive Session pursuant to §6-9A-4-2b of the West Virginia code.

**XIII. EXECUTIVE COMMITTEE (Dixie Yann, Chair)**

Dixie Yann reported that the Executive Committee met in November and reviewed and approved the presidential search job description. The job has been posted.

**XIV. POSSIBLE EXECUTIVE SESSIONS**

Aaron Hawkins made a motion to go into Executive Session “Under the Authority of West Virginia Code §6-9A-4 to discuss personnel matters as well as to discuss the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition.”

Bill Holmes seconded. The motion passed.

Budd Sapp made a motion to rise from Executive Session. Frank Washenitz seconded. The motion passed.

After reconvening from Executive Session, Aaron Hawkins made a motion to approve the following:

- A. University Terrace Change Order #6

Budd Sapp seconded. The motion passed.

**XV. ADJOURNMENT**

Bill Holmes made a motion to adjourn the meeting. Aaron Hawkins seconded. The motion passed.

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Dixie Yann \_\_\_\_\_ FSU Board of Governors’ Chair  
Date

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Aaron Hawkins \_\_\_\_\_ FSU Board of Governors’ Secretary  
Date

# Tab 2

Fairmont State University  
Board of Governors  
Financial Report  
For the period ending November 30, 2016

**Unrestricted Central:**

At the end of November, the Unrestricted Central Fund negative budget condition increased by \$18,877 over that reported for October. Actual updates for the PEIA increases for the current year exceeded the projection by \$525. Additional adjustments to the PEIA cost estimates due to vacancies, new hires, and coverage changes were responsible for \$24,599 of the change to the budget condition. Adjustments to labor budget activity from prior periods resulted in an overall decrease of \$5,852 to the labor cost estimates. Indirect Cost Recoveries declined by \$223 and miscellaneous transfers of budget between and among labor and operating accounts resulted in a budget savings of \$172.

Tuition and fee revenue is 50.56% of the budget estimate for the current year. Transfers of Student Activity Support Revenue are 49.63% of the annual estimate. Total Operating Revenue calculates to 46.16% of that anticipated for the current year. Non-Operating Revenue is 40.69% of the total annual anticipated. At the end of November, Operating Expenses are 35.48% of the budget estimate for the current year. The YTD Actual condition at the end of November is \$3,515,485 portraying a surplus of revenue over expenses.

**Unrestricted Fund Manager:**

During the month of November, the planned budget condition of (\$921,185) for FY 2017 remained constant. Adjustments to labor and operating budgets were offset by increases to revenue projections.

At the end of the period, the total revenue is 48.60% of that anticipated for the fiscal year. Operating expenses are 22.13% of that planned for the fiscal year. The YTD Actual condition reflects a surplus of revenue over expenses of \$291,577.

**Auxiliary:**

The anticipated transfer to reserve amount for the Auxiliary funds decreased by \$35,552. This decrease in the transfer value is the direct result of PEIA cost increases for the current year.

The Operating Revenue is 45.00% of that estimated for FY 2017. Operating Expenses are 41.77% of the budget estimated for the year. The YTD Actual condition represented by the report at the end of November is \$364,995.

**Restricted:**

New grant activity of \$24,947 for November:

- \$ 4,500 Appalachian Teaching FY 2017
- \$ 3,447 First LEGO League competition – other income
- \$17,000 NASA Space Grant FY 17

Existing grant activity:

- (\$37,500) ISTE Grant/Consulting Services Agreement – closed

Restricted revenue is 44.10% of the projection for the fiscal year. Non-Operating Revenue (Pell Grant) is 35.96% of the budget for FY 2017. Operating Expenses are 42.70% of the annual budget projection. The YTD Actual calculation at the end of November is (\$234,101).

Following are the financial reports for the month of November 2016.

Fairmont State University  
Actual vs Budget Statement of Revenues and Expenses  
Current Unrestricted - Central E&G

As of November 30, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>					
	Tuition and Fees	24,120,664	24,120,664	12,195,858	50.56
	Student Activity Support Revenue	471,765	471,765	234,149	49.63
	Faculty Services Revenue	1,272,439	1,272,439	0	0.00
	Operating Costs Revenue	1,652,395	1,598,714	572,321	35.80
	Support Services Revenue	1,919,837	1,996,803	640,633	32.08
	Other Operating Revenues	323,137	329,137	107,973	32.80
	<b>Total:</b>	<b>29,760,237</b>	<b>29,789,522</b>	<b>13,750,934</b>	<b>46.16</b>
<b>OPERATING EXPENSE</b>					
	Salaries	23,978,766	23,707,772	7,602,592	32.07
	Benefits	5,783,010	6,093,238	1,973,702	32.39
	Student financial aid-scholarships	3,192,992	3,192,992	1,632,960	51.14
	Utilities	1,450,976	1,450,976	560,601	38.64
	Supplies and Other Services	6,637,569	6,574,230	3,200,406	48.68
	Equipment Expense	663,576	662,329	108,224	16.34
	Fees retained by the Commission	185,560	185,560	87,851	47.34
	Assessment for Faculty Services	946,574	946,574	0	0.00
	Assessment for Support Services	227,874	226,188	64,364	28.46
	Assessment for Student Activity Costs	349,764	349,764	181,455	51.88
	Assessment for Operating Costs	100,134	96,283	14,846	15.42
	<b>Total:</b>	<b>43,516,794</b>	<b>43,485,906</b>	<b>15,427,001</b>	<b>35.48</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(13,756,557)</b>	<b>(13,696,385)</b>	<b>(1,676,067)</b>	<b>12.24</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>					
	State Appropriations	15,277,769	15,277,769	6,416,663	42.00
	Gifts	0	3,000	3,000	100.00
	Investment Income	25,245	25,245	18,788	74.42
	Interest on capital asset related debt	0	0	32,458	
	Assessment for E&G Capital & Debt Service Costs	(2,143,380)	(2,143,380)	(1,115,103)	52.03
	<b>Total:</b>	<b>13,159,634</b>	<b>13,162,634</b>	<b>5,355,807</b>	<b>40.69</b>
<b>TRANSFERS &amp; OTHER</b>					
	Capital Expenditures	(90,384)	(90,384)	(72,957)	80.72
	Construction Expenditures	0	0	(7,500)	
	Transfers for Debt Service	(64,775)	(64,959)	(64,917)	99.93
	Transfers for Financial Aid Match	(81,239)	(81,239)	(18,881)	23.24
	Indirect Cost Recoveries	825	2,039	0	0.00
	Transfers - Other	(18,959)	(18,959)	0	0.00
	<b>Total:</b>	<b>(254,533)</b>	<b>(253,502)</b>	<b>(164,254)</b>	<b>64.79</b>
<b>BUDGET BALANCE</b>		<b>(851,456)</b>	<b>(787,252)</b>	<b>3,515,485</b>	<b>(446.55)</b>
<b>Add: Estimated Unfilled Position Savings:</b>		<b>1,000,000</b>	<b>0</b>		
<b>ADJUSTED BUDGET BALANCE</b>		<b>148,544</b>	<b>(787,252)</b>	<b>3,515,485</b>	
<b>* Add: PROJECTED UNRESTRICTED NET ASSETS - Beginning of Year</b>		<b>7,126,814</b>	<b>7,126,814</b>		
<b>Less: USE OF RESERVE</b>		<b>0</b>	<b>0</b>		
<b>Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year</b>		<b><u>7,275,358</u></b>	<b><u>6,339,562</u></b>		

\* Projected Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$8,911,409  
The projected value will be finalized after October 2016 with the conclusion of the FY 16 financial audit.

Unrestricted Net Asset Balance is 16.39% of the current budget total operating expense.

Fairmont State University  
Actual vs Budget Statement of Revenues and Expenses  
Current Unrestricted - Fund Manager

As of November 30, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Tuition and Fees	1,873,725	1,964,220	996,272	50.72
	State/Local Grants and Contracts	0	17,000	0	0.00
	Other Operating Revenues	141,625	141,625	35,346	24.96
	<b>Total:</b>	<b>2,015,350</b>	<b>2,122,845</b>	<b>1,031,618</b>	<b>48.60</b>
<b>OPERATING EXPENSE</b>	Salaries	911,424	863,264	237,315	27.49
	Benefits	112,016	116,135	35,997	31.00
	Student financial aid-scholarships	32,310	32,310	21,756	67.34
	Utilities	4,500	4,500	1,510	33.56
	Supplies and Other Services	1,920,763	1,920,238	271,357	14.13
	Equipment Expense	204,969	204,969	127,232	62.07
	<b>Total:</b>	<b>3,185,982</b>	<b>3,141,416</b>	<b>695,168</b>	<b>22.13</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(1,170,632)</b>	<b>(1,018,571)</b>	<b>336,450</b>	<b>(33.03)</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Gifts	500	500	550	110.00
	<b>Total:</b>	<b>500</b>	<b>500</b>	<b>550</b>	<b>110.00</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(20,000)	(20,000)	(67,639)	338.20
	Indirect Cost Recoveries	64,125	73,636	22,215	30.17
	Transfers - Other	43,250	43,250	0	0.00
	<b>Total:</b>	<b>87,375</b>	<b>96,886</b>	<b>(45,424)</b>	<b>(46.88)</b>
<b>BUDGET BALANCE</b>		<b>(1,082,757)</b>	<b>(921,185)</b>	<b>291,577</b>	<b>(31.65)</b>
<b>Add: Estimated Unfilled Position Savings:</b>		<b>0</b>	<b>0</b>		
<b>ADJUSTED BUDGET BALANCE</b>		<b>(1,082,757)</b>	<b>(921,185)</b>	<b>291,577</b>	
<b>Add: PROJECTED UNRESTRICTED NET ASSETS - Beginning of Year</b>		<b>1,894,768</b>	<b>1,894,768</b>		
<b>Less: USE OF RESERVE</b>		<b>0</b>	<b>0</b>		
<b>Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year</b>		<b><u>812,011</u></b>	<b><u>973,583</u></b>		

Auxiliary  
Actual vs Budget Statement of Revenues and Expenses  
Board of Governors  
As of November 30, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Auxiliary Enterprise Revenue	8,883,109	8,893,761	3,736,047	42.01
	Auxiliary Fees & Debt Service Support Revenue	5,033,400	5,033,400	2,532,604	50.32
	Other Operating Revenues	235,339	235,339	104,482	44.40
	<b>Total:</b>	<b>14,151,848</b>	<b>14,162,500</b>	<b>6,373,133</b>	<b>45.00</b>
<b>OPERATING EXPENSE</b>	Salaries	2,752,807	2,746,960	1,106,878	40.29
	Benefits	629,516	661,098	215,069	32.53
	Student financial aid-scholarships	836,956	836,956	356,461	42.59
	Utilities	939,175	939,175	335,202	35.69
	Supplies and Other Services	3,161,578	3,183,441	1,432,091	44.99
	Equipment Expense	112,659	112,316	96,677	86.08
	<b>Total:</b>	<b>8,432,691</b>	<b>8,479,946</b>	<b>3,542,379</b>	<b>41.77</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>5,719,157</b>	<b>5,682,554</b>	<b>2,830,754</b>	<b>49.81</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Gifts	0	2,647	2,034	76.84
	Interest on capital asset related debt	(91,042)	(91,042)	(20,406)	22.41
	<b>Total:</b>	<b>(91,042)</b>	<b>(88,395)</b>	<b>(18,372)</b>	<b>20.78</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(135,523)	(135,523)	(7,000)	5.17
	Construction Expenditures	0	0	(1,482)	
	Transfers for Debt Service	(4,885,273)	(4,885,273)	(2,438,905)	49.92
	Transfers for Financial Aid Match	(3,425)	(3,425)	0	0.00
	<b>Total:</b>	<b>(5,024,221)</b>	<b>(5,024,221)</b>	<b>(2,447,388)</b>	<b>48.71</b>
<b>BUDGET BALANCE - Projected Transfer to Reserves</b>		<b>603,895</b>	<b>569,938</b>	<b>364,995</b>	
* <b>Add: PROJECTED NET ASSETS - Beginning of Year</b>		<b><u>9,259,125</u></b>	<b><u>9,259,125</u></b>		
<b>Equals: PROJECTED NET ASSETS - End of Year</b>		<b><u>9,863,020</u></b>	<b><u>9,829,063</u></b>		

\* Projected Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$1,054,647  
The projected value will be finalized after October 2016 with the conclusion of the FY 16 financial audit.

\* Auxiliary Net Assets are required to support future repair and replacement costs. Planning activities continue to document a 20 year plan to support each auxiliary enterprise capital repair/replacement need.



FAIRMONT STATE UNIVERSITY  
Actual vs Budget Statement of Revenues and Expenses  
Current Restricted  
As of November 30, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Federal Grants and Contracts	22,802,166	23,540,192	9,623,223	40.88
	State/Local Grants and Contracts	7,191,217	7,330,292	3,629,088	49.51
	Private Grants and Contracts	1,843,122	1,883,822	1,187,202	63.02
	Other Operating Revenue	700	4,147	5,527	133.28
	<b>Total:</b>	<b>31,837,204</b>	<b>32,758,452</b>	<b>14,445,040</b>	<b>44.10</b>
<b>OPERATING EXPENSE</b>	Salaries	600,434	1,046,506	337,785	32.28
	Benefits	57,542	120,125	51,098	42.54
	Student financial aid - scholarships	40,238,176	40,238,176	17,301,222	43.00
	Utilities	0	0	0	0.00
	Supplies and Other Services	953,823	1,108,144	453,684	40.94
	Equipment Expense	8,356	222,679	104,416	46.89
	<b>Total:</b>	<b>41,858,332</b>	<b>42,735,630</b>	<b>18,248,206</b>	<b>42.70</b>
<b>NONOPERATING REVENUE</b>	Federal Pell Grant Revenues	10,000,000	10,000,000	3,592,918	35.93
	Gifts	0	5,000	5,000	0.00
	Investment Income	0	0	0	0.00
	<b>Total:</b>	<b>10,000,000</b>	<b>10,005,000</b>	<b>3,597,918</b>	<b>35.96</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(15,000)	(17,500)	(17,500)	100.00
	Construction Expenditures	(7,500)	(7,500)	(7,500)	100.00
	Transfers for Fin Aid Match	84,664	84,664	18,881	22.30
	Indirect Cost Recoveries	(29,226)	(75,675)	(22,735)	30.04
	Transfers - Other	0	0	0	0.00
	<b>Total:</b>	<b>32,938</b>	<b>(16,011)</b>	<b>(28,854)</b>	<b>180.21</b>
<b>BUDGET BALANCE</b>		<b>11,810</b>	<b>11,811</b>	<b>(234,101)</b>	
<b>Add: RESTRICTED NET ASSETS - Beginning of Year</b>		<b>531,290</b>	<b>531,290</b>		
<b>Equals: PROJECTED RESTRICTED NET ASSETS - End of Year</b>		<b><u>543,100</u></b>	<b><u>543,101</u></b>		

Fairmont State University  
Board of Governors  
Financial Report  
For the period ending December 31, 2016

**Unrestricted Central:**

At the end of December, the Unrestricted Central Fund negative budget condition improved by \$26,269 over that reported for November. Labor cost estimates show a net decrease of \$18,480. This savings may be attributed to the close-out of vacant positions with minimal wage budget – and related benefits. PEIA cost estimates decreased by \$15,888 due to vacancies, new hires, and coverage changes. These changes to the labor and benefit cost estimates resulted in a reduction of \$8,322 to the estimate for Support Services Revenue. Supplies Expense decreased by \$223 as an offset to an Indirect Cost Recoveries posting in the previous period.

Tuition and fee revenue is 50.52% of the budget estimate for the current year. Transfers of Student Activity Support Revenue are 50.51% of the annual estimate. Total Operating Revenue calculates to 47.61% of that anticipated for the current year. Non-Operating Revenue is 40.30% of the total annual anticipated. At the end of December, Operating Expenses are 42.22% of the budget estimate for the current year. The YTD Actual condition at the end of December is \$979,609 portraying a surplus of revenue over expenses.

**Unrestricted Fund Manager:**

During the month of December, the planned budget condition of (\$921,185) for FY 2017 remained constant. Transfers of budget among labor and operating accounts resulted in a net change of zero. Additional updates to supply and equipment expense budgets were offset by revenue budget modifications.

At the end of the period, the total revenue is 50.62% of that anticipated for the fiscal year. Operating expenses are 25.97% of that planned for the fiscal year. The YTD Actual condition reflects a surplus of revenue over expenses of \$247,665.

**Auxiliary:**

The anticipated transfer to reserve amount for the Auxiliary funds decreased by a net value of \$1,480. This decrease is the direct result of PEIA cost adjustments and the split-funding condition on a full-time position.

The Operating Revenue is 46.08% of that estimated for FY 2017. Operating Expenses are 47.66% of the budget estimated for the year. The YTD Actual condition represented by the report at the end of December is \$15,291.

**Restricted:**

New grant activity of \$111,803 for December:

- \$31,803 Green Bank Observatory Project
- \$40,000 WV Department of Education – Robotics-Monongalia County
- \$40,000 WV Department of Education – Robotics-Nicholas County

Existing grant activity:

\$ 3,655 First LEGO League Competition

Restricted revenue is 45.24% of the projection for the fiscal year. Non-Operating Revenue (Pell Grant) is 36.11% of the budget for FY 2017. Operating Expenses are 43.06% of the annual budget projection. The YTD Actual calculation at the end of December is \$930.

Following are the financial reports for the month of December 2016.

Fairmont State University  
Actual vs Budget Statement of Revenues and Expenses  
Current Unrestricted - Central E&G

As of December 31, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Tuition and Fees	24,120,664	24,120,664	12,186,438	50.52
	Student Activity Support Revenue	471,765	471,765	238,311	50.51
	Faculty Services Revenue	1,272,439	1,272,439	0	0.00
	Operating Costs Revenue	1,652,395	1,598,714	688,910	43.09
	Support Services Revenue	1,919,837	1,983,304	781,112	39.38
	Other Operating Revenues	323,137	329,137	280,743	85.30
	<b>Total:</b>	<b>29,760,237</b>	<b>29,776,023</b>	<b>14,175,513</b>	<b>47.61</b>
<b>OPERATING EXPENSE</b>	Salaries	23,978,766	23,708,103	9,421,719	39.74
	Benefits	5,783,010	6,053,744	2,431,649	40.17
	Student financial aid-scholarships	3,192,992	3,192,992	1,631,168	51.09
	Utilities	1,450,976	1,450,976	711,468	49.03
	Supplies and Other Services	6,637,569	6,573,626	3,650,317	55.53
	Equipment Expense	663,576	662,329	105,980	16.00
	Fees retained by the Commission	185,560	185,560	87,851	47.34
	Assessment for Faculty Services	946,574	946,574	0	0.00
	Assessment for Support Services	227,874	226,188	79,235	35.03
	Assessment for Student Activity Costs	349,764	349,764	185,013	52.90
	Assessment for Operating Costs	100,134	96,283	40,150	41.70
	<b>Total:</b>	<b>43,516,794</b>	<b>43,446,139</b>	<b>18,344,549</b>	<b>42.22</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(13,756,557)</b>	<b>(13,670,115)</b>	<b>(4,169,036)</b>	<b>30.50</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	State Appropriations	15,277,769	15,277,769	6,416,663	42.00
	Gifts	0	3,000	3,000	100.00
	Investment Income	25,245	25,245	33,550	132.90
	Assessment for E&G Capital & Debt Service Costs	(2,143,380)	(2,143,380)	(1,148,453)	53.58
	<b>Total:</b>	<b>13,159,634</b>	<b>13,162,634</b>	<b>5,304,760</b>	<b>40.30</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(90,384)	(90,384)	(97,276)	107.62
	Construction Expenditures	0	0	(7,500)	
	Transfers for Debt Service	(64,775)	(64,959)	(32,458)	49.97
	Transfers for Financial Aid Match	(81,239)	(81,239)	(18,881)	23.24
	Indirect Cost Recoveries	825	2,039	0	0.00
	Transfers - Other	(18,959)	(18,959)	0	0.00
	<b>Total:</b>	<b>(254,533)</b>	<b>(253,502)</b>	<b>(156,115)</b>	<b>61.58</b>
<b>BUDGET BALANCE</b>		<b>(851,456)</b>	<b>(760,983)</b>	<b>979,609</b>	<b>(128.73)</b>
<b>Add: Estimated Unfilled Position Savings:</b>		<b>1,000,000</b>	<b>0</b>		
<b>ADJUSTED BUDGET BALANCE</b>		<b>148,544</b>	<b>(760,983)</b>	<b>979,609</b>	
<b>* Add: UNRESTRICTED NET ASSETS - Beginning of Year</b>		<b>7,126,814</b>	<b>7,235,274</b>		
<b>Less: USE OF RESERVE</b>		<b>0</b>	<b>0</b>		
<b>Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year</b>		<b><u>7,275,358</u></b>	<b><u>6,474,291</u></b>		

\* Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$8,911,409

Unrestricted Net Asset Balance is 16.65% of the current budget total operating expense.

Fairmont State University  
 Actual vs Budget Statement of Revenues and Expenses  
 Current Unrestricted - Fund Manager  
 As of December 31, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Tuition and Fees	1,873,725	1,964,220	1,021,379	52.00
	State/Local Grants and Contracts	0	17,000	0	0.00
	Other Operating Revenues	141,625	141,625	53,145	37.53
	<b>Total:</b>	<b>2,015,350</b>	<b>2,122,845</b>	<b>1,074,524</b>	<b>50.62</b>
<b>OPERATING EXPENSE</b>	Salaries	911,424	867,514	289,123	33.33
	Benefits	112,016	116,316	39,907	34.31
	Student financial aid-scholarships	32,310	32,310	21,756	67.34
	Utilities	4,500	4,500	2,105	46.79
	Supplies and Other Services	1,920,763	1,810,528	303,377	16.76
	Equipment Expense	204,969	320,196	162,287	50.68
	<b>Total:</b>	<b>3,185,982</b>	<b>3,151,364</b>	<b>818,555</b>	<b>25.97</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(1,170,632)</b>	<b>(1,028,519)</b>	<b>255,970</b>	<b>(24.89)</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Gifts	500	30,828	30,878	100.16
	<b>Total:</b>	<b>500</b>	<b>30,828</b>	<b>30,878</b>	<b>100.16</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(20,000)	(40,380)	(67,639)	167.51
	Indirect Cost Recoveries	64,125	73,636	28,457	38.65
	Transfers - Other	43,250	43,250	0	0.00
	<b>Total:</b>	<b>87,375</b>	<b>76,506</b>	<b>(39,182)</b>	<b>(51.21)</b>
<b>BUDGET BALANCE</b>		<b>(1,082,757)</b>	<b>(921,185)</b>	<b>247,665</b>	<b>(26.89)</b>
<b>Add: Estimated Unfilled Position Savings:</b>		<b>0</b>	<b>0</b>		
<b>ADJUSTED BUDGET BALANCE</b>		<b>(1,082,757)</b>	<b>(921,185)</b>	<b>247,665</b>	
<b>Add: UNRESTRICTED NET ASSETS - Beginning of Year</b>		<b>1,894,768</b>	<b>1,894,768</b>		
<b>Less: USE OF RESERVE</b>		<b>0</b>	<b>0</b>		
<b>Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year</b>		<b><u>812,011</u></b>	<b><u>973,583</u></b>		

Auxiliary  
Actual vs Budget Statement of Revenues and Expenses  
Board of Governors  
As of December 31, 2016

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Auxiliary Enterprise Revenue	8,883,109	8,898,867	3,820,252	42.93
	Auxiliary Fees & Debt Service Support Revenue	5,033,400	5,033,400	2,581,480	51.29
	Other Operating Revenues	235,339	235,339	127,235	54.06
	<b>Total:</b>	<b>14,151,848</b>	<b>14,167,606</b>	<b>6,528,967</b>	<b>46.08</b>
<b>OPERATING EXPENSE</b>	Salaries	2,752,807	2,736,814	1,302,348	47.59
	Benefits	629,516	672,389	253,610	37.72
	Student financial aid-scholarships	836,956	836,956	362,664	43.33
	Utilities	939,175	939,175	424,946	45.25
	Supplies and Other Services	3,161,578	3,188,882	1,599,876	50.17
	Equipment Expense	112,659	112,316	101,072	89.99
	<b>Total:</b>	<b>8,432,691</b>	<b>8,486,532</b>	<b>4,044,516</b>	<b>47.66</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>5,719,157</b>	<b>5,681,074</b>	<b>2,484,452</b>	<b>43.73</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Gifts	0	2,647	2,034	76.84
	Interest on capital asset related debt	(91,042)	(91,042)	(23,807)	26.15
	<b>Total:</b>	<b>(91,042)</b>	<b>(88,395)</b>	<b>(21,773)</b>	<b>24.63</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(135,523)	(135,523)	(7,000)	5.17
	Construction Expenditures	0	0	(1,482)	
	Transfers for Debt Service	(4,885,273)	(4,885,273)	(2,438,905)	49.92
	Transfers for Financial Aid Match	(3,425)	(3,425)	0	0.00
	<b>Total:</b>	<b>(5,024,221)</b>	<b>(5,024,221)</b>	<b>(2,447,388)</b>	<b>48.71</b>
<b>BUDGET BALANCE - Projected Transfer to Reserves</b>		<b>603,895</b>	<b>568,458</b>	<b>15,291</b>	
* <b>Add: NET ASSETS - Beginning of Year</b>		<b><u>9,259,125</u></b>	<b><u>9,259,125</u></b>		
<b>Equals: PROJECTED NET ASSETS - End of Year</b>		<b><u>9,863,020</u></b>	<b><u>9,827,583</u></b>		

\* Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2016 in the amount of \$1,054,647

\* Auxiliary Net Assets are required to support future repair and replacement costs. Planning activities continue to document a 20 year plan to support each auxiliary enterprise capital repair/replacement need.

**FAIRMONT STATE UNIVERSITY**  
**Actual vs Budget Statement of Revenues and Expenses**  
**Current Restricted**  
**For the period ending December 31, 2016**

		<b>Approved Budget</b>	<b>Current Budget</b>	<b>YTD Actual</b>	<b>YTD Actual to Current Budget</b>
<b>OPERATING REVENUE</b>					
	Federal Grants and Contracts	22,802,166	23,571,995	9,869,113	41.87
	State/Local Grants and Contracts	7,191,217	7,330,292	3,783,358	51.61
	Private Grants and Contracts	1,843,122	1,963,822	1,212,789	61.76
	Other Operating Revenue	700	7,802	7,952	101.92
	<b>Total:</b>	<b>31,837,204</b>	<b>32,873,910</b>	<b>14,873,213</b>	<b>45.24</b>
<b>OPERATING EXPENSE</b>					
	Salaries	600,434	1,065,906	404,403	37.94
	Benefits	57,542	122,350	64,545	52.75
	Student financial aid - scholarships	40,238,176	40,238,176	17,363,282	43.15
	Utilities	0	0	0	0.00
	Supplies and Other Services	953,823	1,154,332	496,873	43.04
	Equipment Expense	8,356	266,840	120,844	45.29
	<b>Total:</b>	<b>41,858,332</b>	<b>42,847,603</b>	<b>18,449,947</b>	<b>43.06</b>
<b>NONOPERATING REVENUE</b>					
	Federal Pell Grant Revenues	10,000,000	10,000,000	3,607,760	36.08
	Gifts	0	5,000	5,000	0.00
	Investment Income	0	0	0	0.00
	<b>Total:</b>	<b>10,000,000</b>	<b>10,005,000</b>	<b>3,612,760</b>	<b>36.11</b>
<b>TRANSFERS &amp; OTHER</b>					
	Capital Expenditures	(15,000)	(17,500)	(17,500)	100.00
	Construction Expenditures	(7,500)	(7,500)	(7,500)	100.00
	Transfers for Fin Aid Match	84,664	84,664	18,881	22.30
	Indirect Cost Recoveries	(29,226)	(79,161)	(28,977)	36.60
	Transfers - Other	0	0	0	0.00
	<b>Total:</b>	<b>32,938</b>	<b>(19,497)</b>	<b>(35,096)</b>	<b>180.01</b>
<b>BUDGET BALANCE</b>		<b>11,810</b>	<b>11,810</b>	<b>930</b>	
<b>Add: RESTRICTED NET ASSETS - Beginning of Year</b>		<b>531,290</b>	<b>531,290</b>		
<b>Equals: PROJECTED RESTRICTED NET ASSETS - End of Year</b>		<b><u>543,100</u></b>	<b><u>543,100</u></b>		

# Tab 3



**Fairmont State University  
Board of Governors  
February 16, 2017**

**Item:** Campus Solicitation Policy. The policy will participate in the thirty (30) day comment period.

**Committee:** Committee of the Whole

**Recommended Resolution:** The Board of Governors approves the Campus Solicitation Policy to be posted for a thirty (30) day comment period.

**Staff Member:** Robin Yeager

**Background:** Fairmont State University seeks to implement a Campus Solicitation Policy to establish a protocol regulating solicitation on campus in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

Fairmont State University worked with Dawn George, attorney in the Attorney General's Office and HEPC, to develop this policy.

# **CAMPUS SOLICITATION POLICY**

## **PURPOSE**

The purpose of this procedure is to establish a protocol regulating solicitation on the campuses of Fairmont State University and Pierpont Community & Technical College in order to avoid disruption of business operations or disturbance of faculty, staff, visitors, and students.

As part of this policy, the policy is entitled to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the West Virginia Constitution. Free speech is central to the university's academic mission and it encourages and supports open, vigorous, and civil debate across the full spectrum of society's issues as they present themselves to this community.

The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. The purpose and intent of this regulation is to place reasonable limitations on solicitation activities occurring on University property so that the university may fulfill its primary missions of teaching, researching, and extension. This policy provides the applicable rules and procedures for any form of solicitation on campus.

## **2. DEFINITIONS**

2.1 "Charitable Contribution" means a pledge or grant of anything of value to a charitable organization, where the value of the pledge or grant exceeds the value of anything received in return.

2.2 "Charitable Organization" means an organization that has humane and philanthropic objectives, whose activities benefit humanity or a significant rather than limited segment of the community without expectation of profit or reward and is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

2.3 "Commercial Solicitation" means any proposal to sell, seeking or asking of an offer to buy, dissemination of information for the purpose of facilitating the sale of goods or services, any activity which attempts to raise funds, whether through sale of goods and services or donations, for any entity that is not a charitable organization, or the dissemination or collection of surveys for a commercial purpose.

2.4 "Distribution" means individuals handing materials to other individuals who may refrain from receiving them. Leaving materials unattended on a surface or vehicle to be picked up is considered littering, not distribution.

2.5 “Non-Commercial Solicitation” means any hand distribution of leaflets, brochures or other written materials designed for informational and not commercial purposes. This definition does not include the dissemination of information for purposes of the administrative, academic, research, or extension activities of the University.

2.6 “Non-University Groups” means a group of individuals, other than Student or University Groups, that are legally separate entities from the University, even though some of the members of participants may be University personnel, alumni, or students.

2.7 “Student” means any person from the time he or she accepts admission to University up through the date of graduation. This includes new students at orientation and any other person currently enrolled in a credit earning course offered by the University.

2.8 “Student Group” means a group of students who have satisfied the university’s procedures and requirements for registration or recognition.

2.9 “University Group” means an administrative or academic unit, department or center within the University.

### **3. General Procedures**

3.1 When reservations of space for solicitation are required, reservations will be confirmed if the space is available and not otherwise reserved or scheduled. In addition, the use of the space for solicitation may be subject to the reasonable time, place, or manner limits listed in this section. The University does not impose restrictions on any forms of solicitation because of the content or viewpoint of the expression or the possible reaction to that expression. In addition, the university does not assume any obligation or responsibility for the content of materials distributed by Students, Student Groups, or Non-University Groups or individuals.

3.2 Groups and individuals can reserve space in advance by contacting Falcon Center for the Falcon Center and campus outdoor space, or the administrator responsible for scheduling the use of the university facility where the solicitation is to take place. The number of groups and individuals that may be scheduled for use of the space shall be controlled by space availability as determined in the discretion of the Director, of Falcon Center, or his/her designee, giving due consideration to the provisions of section 3.4 below.

3.3 Except for University-approved vendors, groups may not conduct commercial solicitation or solicitation for charitable contributions at University-sponsored or hosted events held at Falcon Center and/or the parking lots surrounding this facility.

3.4 The following apply to all forms of solicitation activities:

3.4.1 Groups and individuals may not block or otherwise interfere with the free flow of vehicular, bicycle or pedestrian traffic. The rights of way on streets and sidewalks must be maintained.

3.4.2 Groups and individuals may not block or otherwise interfere with ingress and egress into and out of University buildings.

3.4.3 Groups and individuals shall not obstruct, disrupt, interrupt or attempt to force the cancelation of any University-sponsored event or activity, or by users authorized to use University facilities.

3.4.4 Groups and individuals shall not engage in harassing, physically abusive, threatening or intimidating conduct toward any person.

3.4.5 Classes, meetings, ceremonies, scheduled activities, educational activities, and other essential University processes shall not be disrupted.

3.4.6 The use of public address systems or amplified sound will not be allowed without prior approval from Falcon Center.

3.4.7 The safety of members of the campus community, collectively and individually, must be protected at all times.

3.4.8 Solicitation activities shall not damage University property or its grounds, including lawns, shrubs, or trees.

3.4.9 Groups and individuals must comply with all applicable University policies, regulations, and rules, and with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

3.4.10 Groups and individuals shall comply with the directions of University officials when enforcing these provisions.

3.5 Groups and individuals participating in solicitation activities, whether sponsored or not, are accountable for compliance with the provisions of this regulation. Violations of this regulation may be grounds for disciplinary action. University Groups, Student Groups, and Students who sponsor non-university participants may be held accountable for such participant's compliance with this regulation. In addition, since non-university individuals or groups are not subject to the University's disciplinary procedures, their failure to comply with these provisions may result in appropriate action under State or Federal law.

#### **4. PRIORITY FOR USE**

4.1 The use of space for solicitation shall be reserved according to the following priorities:

4.1.1 Consistent with the University's mission, academic classes, research, and extension activities, will have the highest priority for the use of space.

4.1.2 University groups uses for activities other than academic classes, research and extension activities, will have next highest priority in the use of space.

4.1.3 Student Groups, students and sponsored Non-University Groups and individuals will have the next highest priority.

4.1.4 Un-sponsored Non-University Groups and individuals will have the lowest priority.

4.2 A reserved use shall have priority over any unscheduled use, even when reserving space is not required by this regulation.

## **5. PROCEDURES FOR NON-COMMERCIAL SOLICITATION**

### **5.1 University Groups, Student Groups, Students and Sponsored Participants**

5.1.1 University Groups, Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct non-commercial solicitation without reserving space in any outdoor area of campus and the common areas of the University, the use of which is not otherwise restricted, reserved, or scheduled. However, a member of the University or Student Group or the student sponsoring the Non-University groups or individuals must be present at all times with these participants while conducting such activity.

5.1.2 Although no required, to further the effectiveness of the use, these groups and individuals are encouraged to reserve space for the solicitation. Advance reservation enables the university to help ensure that the solicitation does not conflict with a reserved or scheduled use, takes place in constructive and effective manner, and to assist the groups and individuals in seeing that the activity does not disrupt the university's educational activities and essential processes.

### **5.2 Un-sponsored Non-University Groups and Individuals**

Non-university groups or individuals desiring to conduct non-commercial solicitation must reserve space at least 48 hours in advance of the activity. Reservations will be approved on a space-available basis.

### **5.3 Procedures Specific to University Housing**

University Groups, Student Groups, Students, and Non-University Groups and individuals may engage in noncommercial solicitation in University Housing facilities upon the following conditions:

5.3.1 All groups and non-residents desiring to conduct non-commercial solicitation must reserve space in the desired University Housing facility by contacting University Housing at least 48 hours in advance of the activity. Residents do not have to reserve space for non-commercial solicitation for the University Housing facility in which they reside.

5.3.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence or Community Director, but never in individual residents' living quarters. Solicitation will not be allowed to disrupt the University Housing environment.

5.3.3 Residents may engage in door-to-door non-commercial solicitation in the University Housing facility in which they reside, consistent with normal community interactions. Groups and other individuals may not conduct door-to-door solicitation.

5.3.4 Bulletin boards in University Housing areas may be used for noncommercial solicitation only in accordance with any content and viewpoint neutral rules issues by University Housing.

## **6. PROCEDURES FOR COMMERCIAL SOLICITATION**

6.1 University Groups, Student Groups, and Students may conduct commercial solicitation on University premises subject to the conditions below. Non-University Groups and individuals, are prohibited from engaging in commercial solicitation unless sponsored by a University Group, Student Group, or Student.

6.2 All commercial solicitation must be conducted under the following conditions:

6.2.1 Students and members of the University or Student Group must conduct all commercial solicitation on behalf of the sponsored Non-University Groups and individuals. However, this provision shall not prohibit a University Group from contracting with Non-University Groups to conduct commercial solicitation on University premises, so long as the contract is signed by a University employee with proper signatory authority.

6.2.2 Groups and individuals must reserve space to conduct commercial solicitation. Groups and individuals can reserve outdoor space by contacting Falcon Center or a University facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

6.2.3 Food offered for sale or given away in connection with the solicitation must comply with all applicable health code standards.

6.3 Procedures Specific to University Housing

**6.3.1 Non-University Groups or individuals may not conduct commercial solicitation in University Housing.**

6.3.2 Fraternities, sororities and their governing councils, residence hall house councils, Inter Residence Council, and University Housing may generate funds in the residence halls or chapter facilities for programming activities consistent with their purposes. University Housing and/or Fraternity or Sorority Life may establish rules for these internal fundraising activities.

6.3.3 University Groups, Student Groups, and Students may engage in commercial solicitation to generate funds for their programming activities consistent with the stated purpose of the group, subject to the following conditions:

(a) Groups wishing to conduct solicitation must reserve space by contacting University Housing at least 48 hours in advance of the activity.

(b) Solicitation may occur only within the lobby, waiting parlor or other common area(s) as designed by the Residence or Community Director, but never in individual residents' living quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the University Housing environment.

6.4 Residents of University Housing facilities are not permitted to use their rooms for commercial solicitation, to have product demonstrations or parties, to advertise their room number for sale purposes, or to regularly conduct a business from their rooms. However, residents may sell their used personal possessions, and may advertise their room or phone number for this purpose. Residents are allowed to use their rooms to perform services that are within the scope of their University employment.

6.5 Nothing in this section shall prevent a student from inviting anyone into his or her residence hall living quarters for the purposes of that student considering or pursuing the invitee's goods or services.

6.6 Bulletin boards in University Housing facilities may be used for commercial solicitation only in accordance with any content and viewpoint-neutral rules issued by University Housing.

## **7. PROCEDURES FOR SOLICITATION OF CHARITABLE CONTRIBUTIONS**

7.1 University Groups, Student Groups, Students, and their sponsored Non-University Groups and individuals may conduct solicitations of charitable contributions. However, a member of the University or Student Group or the student sponsoring the Non-University Group or individuals must be present at all times with these participants while conducting such activity. Unsponsored Non-University Groups and individuals are prohibited from conducting independent solicitations of charitable contributions.

7.2 Groups and individuals must reserve space to conduct solicitation of charitable contributions. Groups and individuals can reserve outdoor space by contacting Falcon Center or a University

facility by contacting the administrator responsible for scheduling the use of the facility. Groups and individuals must request the use of such space at least 48 hours in advance of the activity.

7.3 If the solicitation is to be conducted in a University facility the group may be required to sign a Facility Use Agreement.

7.4 Food given away in connection with solicitation may not be prepared at the place of distribution, and must comply with all applicable health code standards. Goods and services offered for sale must comply with applicable State and Federal health and safety laws and regulations.

#### 7.5 Procedures Specific to University Housing

Solicitation for charitable contributions may be carried out in University Housing, subject to the following restrictions:

7.5.1 Groups or individuals desiring to conduct the solicitation must reserve space by contacting University Housing at least 48 hours in advance of the activity.

7.5.2 The solicitation may occur only within the lobby, waiting parlor or other common area(s) as designated by the Residence or Community Director, but never in individual residents' living Quarters. No door-to-door solicitation is permitted. Solicitation will not be allowed to disrupt the University Housing environment.

### **8. EXCLUSIONS**

8.1 Nothing in this regulation shall be deemed to affect the activities of University Groups whose official activities include selling or promoting the sale of goods or services or taking surveys.

8.2 Nothing in this regulation shall prohibit the University from barring solicitation on University property that are non-public forums. These areas are not traditionally open to the public for speech, such as libraries, office space, residence halls, laboratories, and classrooms, which may be limited to University uses.



# Tab 4

**Fairmont State University  
Board of Governors  
February 16, 2017**

**Item:** Independent Auditor's Report by Suttle & Stalnaker of Fairmont State University's financial statements for the year ending June 30, 2016.

**Committee:** Committee of the Whole

**Recommended Resolution:** Be it resolved, that the Board of Governors accepts the Independent Auditor's Report.

**Staff Member:** Al Skudzinkas  
Vice President for Administrative & Fiscal Affairs

**Background:** The firm of Suttle & Stalnaker presented the audit report of the University's financial statements to the Finance Committee on January, 25, 2017.

The report indicated that statements prepared by staff presented fairly, in all material aspects, the financial position of Fairmont State University. The University was provided an unmodified opinion.

The following are comments about the University's financial statements from Management:

- Fiscal year 2016 is the second year for reporting of Governmental Accounting Board Statement No. 68, *Accounting and Financial Reporting for Pensions-an Amendment of GASB Statement No. 27*. As with the 2015 audit, all WV State Agencies were delayed in issuing financial audits due to waiting on the issuance of the WV Consolidated Public Retirement Board's State Teachers System audit. The audit provided the schedules of employer allocations and pension amounts by employer needed for the GASB No. 68 accrual entries. After the release of the audit, the determination of the entries had to be finalized by the audit firms and financial statements updated. The University received final drafts of the audit on December 21, 2016 and the audited financial statements were issued on January 17, 2016. Fairmont State's audit is normally issued by October 31<sup>st</sup>.

- The financial statements include Management Discussion and Analysis, the Statement of Net Position, the Statement of Revenues, Expenses, and Changes in Net Position (SRECNP), and the Statement of Cash Flows, and the footnotes. All of these items were prepared by staff in preparation for the annual audit.
- The 2016 Audit Report continues to include details of the Separation of Assets and Liabilities Agreement between Fairmont State University and Pierpont Community and Technical College sharing with interested bond holders of both institutions commitment toward bond debt, operating budgets of the bond related auxiliaries, and repair and renovation of all Shared Education and General Facilities. This information is found in financial statement note 17.
- Significant changes in the Statement of Net Position reflect the use of the Series 2015A Revenue Bonds issued in April 2015 for \$30,200,000 for construction of University Terrace housing project.
- Current cash increased by \$4,477,558 due primarily to the portion of bond proceeds obligated for the payment of current liabilities (accounts payable and retainages payable) in the amount of \$5,194,256 for construction costs as of June 30, 2016.
- Noncurrent cash and cash equivalents decreased by \$27,109,564 due primarily to the use of bond proceeds for construction.
- OPEB liability increased by \$581,169 or 6.19% to \$9,966,056 at June 30, 2016. The cumulative OPEB liability for the Current Unrestricted and Auxiliary Funds at June 30, 2016 were \$8,911,409 and \$1,054,647, respectively.
- Net Pension Liability decreased by \$249,354 to \$1,132,445. This liability is a result of GASB No. 68.
- Net Position decreased by \$177,741 with all funds combined.
  - Net investment in capital assets increased by \$1,397,639.
  - Restricted net position decreased by \$1,770,476 due primarily to a decrease in capital projects net position of \$423,979 and a decrease in debt service of \$1,314,891. The decrease in debt service net position was due to the interest payment made for the Series 2015A bonds during

construction of University Terrace. The bond proceeds provided the funds for the payment of interest on 2016.

- Unrestricted net position decreased by \$177,741.
  - Unrestricted net position designated for Auxiliaries increased by \$859,768 to \$8,204,478. At year end transfers to Auxiliary reserves were made from Housing for \$1,055,000, Falcon Center for \$238,000, Regular Athletics for \$125,000, Athletic Special Equity fund for \$25,000 and Facilities fee fund for \$10,000.
  - Unrestricted funds designated as fund manager funds increased by \$535,014 to \$1,894,768. These funds are used by departments and schools to fund purchases not covered by their E&G budget allocation and are derived primarily from program fees.
  - Undesignated Unrestricted net position decreased by \$1,199,686 after the increase for OBEB liability of \$522,111.
- The Current Unrestricted Fund Net Position of \$9,130,042 (before OPEB liability) is 19.55% of operating expenses for fiscal year 2016. The auditors recommend a benchmark of 10% to 15%. Fairmont State has historically set the benchmark for Net Position at 15%. This includes unrestricted fund manager net position of \$1,894,768.
- Since the completion of the Audit we have submitted to WesBanco, our Bond Trustee, the required information to comply with the continuing disclosure agreements of the Series 2015A and Series 2012A and 2012B bonds. The information included the financial audits of both the University and Pierpont, along with the additional financial and operating data updates for each bond series. WesBanco staff submitted the information to the Electronic Municipal Market Access (EMMA) database. We have also submitted the final audits to BB&T as required for the Series 2006 Bonds.

# Tab 5