

## MINUTES

### HIGHER EDUCATION POLICY COMMISSION

October 5, 2010

#### 1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at 1:00 PM in the 9<sup>th</sup> Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Bob Brown, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, and David Tyson. Absent: John Leon and Steve Paine.

#### 2. Report on Master Planning and Development of the West Virginia Education, Research and Technology Park

Dr. Paul Hill, Vice Chancellor for Science and Research, introduced Mr. Mitch Horowitz, Vice President and Managing Director of Battelle Technology Partnership Practice, to provide a report on progress related to master planning and development of the West Virginia Education, Research and Technology Park, formerly the South Charleston Technology Park owned by The Dow Chemical Company. Dr. Hill noted that Battelle is the firm that was selected through a competitive process to provide master planning and development assistance to the Commission regarding the future direction of the WVERTP.

Mr. Horowitz thanked the Commission for the opportunity to provide an overview of Battelle's work with various groups including the Transition Steering Committee as well as representatives from business and industry and government.

Chairman Hendrickson inquired about outreach efforts to the Union Carbide retired community regarding the future direction of the Park. Dr. Hill responded that the Commission distributed informational brochures at a recent gathering of retirees. Chairman Hendrickson encouraged Dr. Hill and Mr. Horowitz to find a way to engage this group.

Commissioner Brown inquired about potential environmental issues at the Park. Chancellor Noland responded that environmental issues were examined at multiple levels and in multiple phases prior to acceptance of the donation. Chancellor Noland also noted that the donation agreement provides for a variety of protection against any future discoveries or environmental issues.

Commissioner Eddy thanked Mr. Horowitz for his presentation and commented on her excitement regarding the future of the Park. Chairman Hendrickson concurred with Commissioner Eddy's comments.

**3. Approval of Funding for the West Virginia Education, Research and Technology Park**

Mr. Richard Donovan, Chief Financial Officer, provided background information pertaining to the American Recovery and Reinvestment Act State Fiscal Stabilization Fund Grant provided through the Governor's Office for modernization and transitional operation of the West Virginia Education, Research and Technology Park. Mr. Donovan stated that the Grant Contract was signed by representatives of the Governor's Office and the Commission on September 21, 2010; however, before the Commission can draw down the grant funds, the specific resolution must be adopted by the Commission and forwarded to the Governor's Office to be incorporated into the Grant Contract.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission shall hereby be legally authorized to enter into an agreement with the Governor's Office for grants authorized by the American Recovery and Reinvestment Act State Fiscal Stabilization Fund.

Secretary Goodwin seconded the motion. Motion passed.

**4. Approval of Revision to Series 20, Authorization of Degree Granting Institutions**

Dr. Bruce Flack, Director of Academic Affairs, provided an overview of the proposed revisions to Series 20, the Commission's rule for the authorization of degree granting institutions. Dr. Flack stated that the proposed revisions are the result of an increase in the number of requests from out-of-state, proprietary institutions to operate in West Virginia and the need to re-examine the process and criteria for reviewing and approving such requests. The proposed revisions, which are the result of an extensive staff review of policies in other states, will clarify the authority of the Commission and assign greater responsibility to the Commission for monitoring the quality of postsecondary education within the state. Dr. Flack noted that the rule will be filed with the Secretary of State for an official thirty-day public comment period before being finalized and forwarded to the Legislative Oversight Commission on Education Accountability for further action.

Chancellor Noland thanked Dr. Flack and his staff for their quality work on revising this rule consistent with the Commission's request to provide greater protection to the state's current and future students.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves revisions to Series 20, Authorization of Degree Granting Institutions, for filing with the Secretary of State for a thirty-day public comment period.

*Further Resolved*, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no comments are received.

Dr. Berry seconded the motion. Motion passed.

**5. Approval of Refunding of the West Virginia Higher Education Interim Governing Board University Facilities Revenue Bonds Series 2001A for Marshall University**

Mr. Donovan provided an overview of a request from Marshall University to refinance bonds from 2001 for an aggregate principal amount not to exceed \$45,000,000 and fully paid in May 2031, which is the same pay-off date as the original bond. Mr. Donovan reported that the institution's board of governors is currently considering two different financing proposals, both of which result in a significant savings to the institution.

Chairman Hendrickson inquired about a pending request from the Commission for the institution to provide additional information regarding the submission of the institutional annual report as required by the Research Trust Fund. Chairman Hendrickson expressed his disappointment that the institution submitted a brief report and a lack a response requesting follow-up. Dr. Stephen Kopp, President of Marshall University, noted that the institution is preparing a response and will provide the requested material to the Commission in the coming weeks.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the resolution drafted by bond counsel authorizing the issuance by the Board of Governors of Marshall University of up to \$45,000,000 in aggregate principal amount of the Board's University Refunding Revenue Bonds Series 2010.

Dr. Berry seconded the motion. Motion passed.

**6. Approval of Option for Construction of Allied Health and Technology Building at the Erma Byrd Public Higher Education Center**

Mr. Donovan provided an overview regarding a \$3.96 million Health Resources and Services Administration (HRSA) grant that the Commission received to construct an Allied Health and Technology Building at the Erma Byrd Public Higher Education Center site. Mr. Donovan stated that Commission staff and representatives from Bluefield State College, Concord University, New River Community and Technical College, and Southern West Virginia Community and Technical College have been working with a programming consultant to identify the allied health and technology programs to be housed in this facility and the space needed to teach these programs, along with faculty offices and ancillary space needs.

Mr. Donovan reported on the three options regarding the placement and construction of the proposed facility at the Higher Education Center site. Mr. Donovan stated the staff recommendation was to proceed with the most cost-effective option that included the most amount of square footage.

Chancellor Noland indicated that Father Acker, who oversees the day to day operations of the Higher Education Center, provided various objections on behalf of the Higher Education Foundation regarding the Commission's consideration of this item. Secretary Goodwin stated that it was important for the Commission to approve the placement and size of the building as the agency that is fiscally responsible for the grant.

Secretary Goodwin moved approval of the following resolution:

*Resolved*, that the West Virginia Higher Education Policy Commission selects Option 3 for design and construction of the Allied Health and Technology Building at the Erma Byrd Public Higher Education Center site.

Dr. Berry seconded the motion. Motion passed.

## **7. Adjournment**

Prior to adjourning the meeting, Chancellor Noland expressed his appreciation to Ashley Schumaker, his Executive Assistant, for her dedicated service to the Chancellor's Office and the Commission over the course of the past few years. Chancellor Noland wished Ms. Schumaker well during her upcoming maternity leave and looks forward to her return after the New Year.

There being no further business, the meeting was adjourned.

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David K. Hendrickson

Chairman

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Kathy Eddy

Secretary