

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION MEETING

April 17, 2020 | 9:00 a.m. | By Conference Call

1-646-558-8656 and enter meeting ID 380-987-909

AGENDA

- I. **Call to Order**
- II. **Chairman's Report**
- III. **Chancellor's Report**
- IV. **Updates from Constituent Groups**
 - A. Advisory Council of Classified Employees
 - B. Advisory Council of Faculty
 - C. Advisory Council of Students
- V. **Update from Council of Presidents**
- VI. **Approval of Minutes (*Pages 2-8*)**
- VII. **Approval of Chancellor Search Procedure (*Pages 9-13*)**
- VIII. **Approval of Amendments to the West Virginia Higher Education Retirement Plan (*Pages 14-16*)**
- IX. **Approval of Modification to National Testing Requirement for the PROMISE Scholarship (*Page 17*)**
- X. **2020 Census Update (*Page 18*)**
- XI. **Confirmation of Shepherd University Campus Facilities Master Development Plan (*Pages 19-21*)**
- XII. **Approval of Institution Capital Assessments for Fiscal Year 2021 (*Pages 22-24*)**
- XIII. **Approval of Conveyance by Deed of Roads within the West Virginia Regional Technology Park to the City of South Charleston (*Page 25*)**
- XIV. **Confirmation of Interim President at West Virginia State University**
- XV. **Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Issues**
 - A. Approval of Chancellor's Contract
- XVI. **Additional Board Action and Comment**
- XVII. **Adjournment**

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

February 7, 2020

I. Call to Order

Chairman Michael J. Farrell convened a meeting via conference call of the Higher Education Policy Commission on February 7, 2020, at 9:00 a.m. The following Commissioners participated: James W. Dailey, Michael J. Farrell, Diane Lewis Jackson, Dale Lowther, Andrew A. Payne, and Donna L. Schulte. Absent were Commissioners Robert L. Brown, (Ex-Officio) and Steven L. Paine, (Ex-Officio). Others who participated were Interim Chancellor Sarah Armstrong Tucker, institutional presidents and their staff, Commission staff, and members of the statewide higher education system.

II. Chairman's Report

Chairman Farrell welcomed Commission members and the audience to the meeting. He addressed the proposed transfer of the West Virginia Regional Technology Park to the City of South Charleston. He added that legislative officials are working with Commission staff drafting the necessary legislation for consideration by the Legislature.

Chairman Farrell reported that Commission staff along with the institutional presidents are developing a funding formula at the request of the legislative leadership.

Chairman Farrell further reported that he received a letter from Reverend Mark Brennan, Bishop of the Diocese of Wheeling-Charleston, responding to the Commission's inquiry regarding the Diocese's relationship with Wheeling University. Bishop Brennan wrote that the Diocese will provide the University \$5 million over the next five years to help it maintain financial stability as it develops a plan for long-term viability. He welcomed Chairman Farrell's and Chancellor Tucker's invitation to meet with him.

III. Chancellor's Report

Dr. Sarah Armstrong Tucker, Interim Chancellor, reported that she met with the Council of Presidents in January to discuss the funding formula. She added that the presidents submitted a letter to legislative leadership stating their commitment to work directly and cooperatively with each other, with their colleagues in the Legislature, and the Commission to develop a new funding model.

Chancellor Tucker reported that the Commission is developing a new campaign to market financial aid opportunities to students. Of concern to higher education officials is the continued decrease of the college-going rate in the state.

Chancellor Tucker introduced Dr. Juliana Serafin as the new director of the Division of Science and Research and EPSCoR. Chairman Farrell welcomed Dr. Serafin. Dr. Serafin addressed the Commission to express her joy over the opportunity to help advance and develop science and research in her native state.

IV. Council of Presidents' Report

Ms. Jacqueline Sikora, General Counsel at Fairmont State University, reported on behalf of the Council's Chair, President Mirta Martin, who was absent due to the passing of a family member. Ms. Sikora reported that the presidents have agreed to pursue these three goals during the current legislative session: funding for deferred maintenance and capital projects, visibility marketing campaign, and funding of baccalaureate schools on the basis of their contribution as economic engines that bring prosperity to their communities. She added that the Council continues to collaborate with the Commission and legislative representatives in the development of a permanent funding formula.

V. Consent Agenda

- A. Commissioner Lewis Jackson moved to approve the minutes of the Higher Education Policy Commission meetings held on December 5, 2019 and January 7, 2020. Commissioner Payne seconded the motion. Motion passed.
- B. Commissioner Dailey moved to approve Shepherd University's new program post-audits for the Bachelor of Arts in Global Studies and the Bachelor of Science in Data Analytics. Commissioner Schulte seconded the motion. Motion passed.
- C. Commissioner Lowther moved to accept a report on the goals of the new Underwood-Smith Teaching Scholars Program, including the budget and enhancements, as well as the requirements for students, and the number of applications to-date. Commissioner Lewis Jackson seconded the motion. Motion passed.
- D. Commissioner Dailey moved to accept a presentation of the new 2019 Higher Education Almanac, formerly the Higher Education Report Card. Commissioner Lowther seconded the motion. Motion passed.
- E. Commissioner Payne moved to accept the 2019 Financial Aid Comprehensive Report with descriptions of and changes, policy recommendations for West Virginia student financial aid programs, and longitudinal data about recipients of state financial aid and outcomes of these recipients. Commissioner Schulte seconded the motion. Motion passed.

VI. 2020 Census Update

Mr. Matthew Turner, Executive Vice Chancellor for Administration, provided an overview of the undergoing preparation for the 2020 Census. Mr. Turner

announced the grant awarded to the Commission by the Benedum Foundation, in the amount of \$25,000, for the 2020 Census Awareness and Complete Count events on West Virginia college campuses to encourage students to complete the census survey. In addition, Governor Jim Justice has allocated \$1 million in contingency funds to the Census Awareness Program. Mr. Turner added that a census committee has been formed at the Commission office and that it is working with the Student Government Associations, the institutional presidents and their provosts to raise awareness among the students of the importance of filling-out the census questionnaire. He further added that the money from the Benedum grant will be distributed to the institutions in the coming weeks.

VII. Approval of Fiscal Year 2021 Distribution Plan for the West Virginia Higher Education Grant Program

Mr. Brian Weingart, Senior Director of Financial Aid, provided an overview of the proposed Fiscal Year 2021 distribution plan for the West Virginia Higher Education Grant Program.

Commissioner Lowther moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the proposed Fiscal Year 2021 Distribution Plan for the West Virginia Higher Education Grant.

Commissioner Schulte seconded the motion. Motion passed.

VIII. Approval of Eligibility Requirements, Annual Award Amount, and Summer Awards for the PROMISE Scholarship Program

Mr. Weingart provided an overview of the proposed eligibility requirements and award amounts for the PROMISE Scholarship Program.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves proposed eligibility requirements, the annual award amount, and summer awards for the PROMISE Scholarship Program.

Commissioner Lewis Jackson seconded the motion. Motion passed.

IX. Approval of Presidential Search Procedure

Chancellor Tucker presented an overview of the presidential search procedure proposed by West Virginia State University.

Commissioner Dailey moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Presidential Search Procedure adopted by the West Virginia State University

Board of Governors.

Commissioner Schulte seconded the motion. Motion passed.

X. Approval of Presidential Contract at Fairmont State University

Ms. Kristin Boggs, General Counsel, provided an overview of the proposed contract for the president of Fairmont State University.

Commissioner Lowther moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission confirms the appointment of Dr. Mirta Martin as President of Fairmont State University and approves her compensation as proposed by the Fairmont State University Board of Governors.

Commissioner Lewis Jackson seconded the motion. Motion passed.

XI. Additional Board Action and Comment

There were no additional items for approval nor comments.

XII. Adjournment

There being no further business, Commissioner Payne moved to adjourn the meeting. Commissioner Dailey seconded the motion. Motion passed.

Michael J. Farrell, Chairman

Diana Lewis Jackson, Secretary

DRAFT MINUTES
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SPECIAL MEETING

March 20, 2020

I. Call to Order

Chairman Michael Farrell convened a special meeting of the Higher Education Policy Commission at 11:00 a.m. by conference call. The following Commission members participated: Clayton Burch, Interim State Superintendent of Schools, Ex-Officio; James W. Dailey, Michael J. Farrell, Diane Lewis Jackson, Dale Lowther, Donna L. Schulte, and Andrew A. Payne. Others participating included state college and university representatives, Interim Chancellor Sarah Armstrong Tucker and Commission staff.

Chairman Farrell secured a quorum and gave a brief overview of the agenda.

Chairman Farrell proceeded to administer the Oath of Office to Mr. Clayton Burch, Interim State Superintendent of Schools, as Ex-Officio member of the West Virginia Higher Education Policy Commission.

II. Formation of Nominating Committee

Chairman Farrell announced the appointments of Commissioners Clayton Burch, Robert Brown, and Dale Lowther as the nominating committee. The Committee will report at the Commission meeting on June 26, 2020.

III. Approval of Appointments to the West Virginia Regional Technology Park Board of Directors

Chancellor Tucker gave an overview of the proposed appointees to the West Virginia Regional Technology Park Board of Directors.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the appointments to the West Virginia Regional Technology Park Board of Directors.

Commissioner Lowther seconded the motion. Motion passed.

IV. Approval of Degree Programs

Dr. Corley Dennison, Vice Chancellor for Academic Affairs, gave an overview of the proposed programs for approval.

Commissioner Lewis Jackson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the following new degree programs:

Bachelor of Science in Surveying and Geomatics Engineering Technology at Fairmont State University;

Master of Education in Educational Leadership at Fairmont State University;

Bachelor of Arts in Criminal Justice at Shepherd University;

Master of Science in Speech-Language Pathology at West Liberty University.

Commissioner Schulte seconded the motion. Motion passed.

V. Approval of Modification to State Financial Aid Programs

Mr. Brian Weingart, Senior Director of Financial Aid, gave an overview of the proposed program modifications to the State financial aid programs.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves suspension of academic renewal requirements for state financial aid and extension of the West Virginia Higher Education Grant deadline.

Commissioner Schulte seconded the motion. Motion passed.

VI. Approval of Temporary Modification to Requirement of Presidential Search Procedure During Declared State of Emergency

Ms. Kristin Boggs, General Counsel, gave an overview of the proposed temporary modification to the presidential search procedures at Glenville State College, West Liberty University, and West Virginia State University.

Commissioner Lewis Jackson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the temporary modification of the requirement that the finalist candidates for president be interviewed in-person on campus prior to final selection.

Commissioner Burch seconded the motion. Motion passed.

VII. Additional Board Action and Comments

There were no additional board action items or comments.

VIII. Adjournment

There being no further business, Commissioner Lowther moved to adjourn the meeting. Commissioner Payne seconded the motion. Motion passed.

Michael J. Farrell, Chairman

Diana Lewis Jackson, Secretary

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM: Approval of Chancellor Search Procedure

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia Higher Education Policy Commission approves the Chancellor Search Procedure and authorizes the Chairman to establish the search committee and instructs staff to conduct the search.*

STAFF MEMBER: Matt Turner

BACKGROUND:

During the 2020 Regular Session of the Legislature, House Bill 4022 was passed which amended statutory language to allow an individual serving as the Chancellor of the West Virginia Higher Education Policy Commission (Commission) to also serve as the Chancellor of the West Virginia Council for Community and Technical College Education (Council).

Dr. Sarah Armstrong Tucker has served in a dual role as Interim Chancellor of the Commission and as the Chancellor of the Council since April 26, 2019. As this employment has been on an interim basis, the Commission must move forward with filling the position on a permanent basis.

In accordance with West Virginia Code §18B-1B-5 and in consultation with the Council and its chairman, who will serve as a member of the search committee, staff recommends a nationwide search for qualified candidates commence as soon as possible. Staff further recommends approval of the proposed search procedure, which includes a proposed timeline and draft position announcements. The abbreviated announcement may be utilized for advertising with national higher education outlets while the more detailed announcement may be made available on the Commission's website.

Proposed Search Procedure for the Position of Chancellor West Virginia Higher Education Policy Commission

April 17, 2020

Chronology:

April 2020	Commission Chair appoints Chancellor Search Committee which reviews search procedure and salary range.
	Position description finalized and initiate national distribution of position announcement.
May 2020	Application process opens, position announcement distributed to national higher education outlets and remains open to afford full consideration for receipt of nominations and applications.
June 2020	Search committee meets to review applications and select candidates for interviews.
	Search committee meets to conduct interviews with preliminary finalists.
	Search committee recommends finalists for interviews with the full Commission.
	On-site interviews with finalists may be conducted with senior administrative staff, Presidents, Governor's staff, legislative leadership, and full Commission.
	Finalist's background check and references contacted.
June 26, 2020	Commission selects and announces new Chancellor.

Search Committee Membership:

The Search Committee will be appointed by the Chairman of the Commission.



POSITION ANNOUNCEMENT

CHANCELLOR

The West Virginia Higher Education Policy Commission (Commission) invites applications for the position of **Chancellor**. The Commission is the coordinating agency for a state higher education system comprising 10 colleges and universities and serving more than 65,000 undergraduate and graduate students.

The Commission's annual agency budget is approximately \$110 million, with coordination of an additional \$286 million in state appropriations at the 10 public baccalaureate institutions. The Commission provides shared services and state-level coordination for West Virginia's 10 public baccalaureate colleges and universities, as well as higher education research and policy development support for the legislative and executive branches of state government.

For more information, please visit <https://www.wvhepc.edu/> and select the "About the Commission" dropdown menu.

The **Chancellor** is the Chief Executive Officer of the Commission and reports to a nine-member Commission, serving at its will and pleasure.

HOW TO APPLY

Applications must be received by **April 15** 2020. The application must include a letter of interest; a current résumé (or Curriculum Vitae); and the names of five professional references with each person's position, office or home address, e-mail address, and telephone numbers.

Applications will remain confidential.

Nominations and applications should be sent electronically (PDF format) to cindy.anderson@wvhepc.edu.

Equal Opportunity/Affirmative Action Employer/Veterans/Disabled

The West Virginia Higher Education Policy Commission is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or protected veteran status and will not be discriminated against on the basis of disability. The Commission provides a collegial, respectful and inclusive environment that values the diversity, creativity and contributions of its staff.



POSITION ANNOUNCEMENT

CHANCELLOR

The West Virginia Higher Education Policy Commission (Commission) invites applications and nominations for the position of Chancellor. The Commission has charged the Search Committee to identify a mature, student-centered, politically astute leader with proven skills in innovation, fiscal management, and creative problem solving. The Commission is the coordinating board for a system comprising 10 colleges and universities and serving a student population of more than 65,000 undergraduate and graduate students. The Commission's annual agency budget is approximately \$110 million, with coordination of an additional \$286 million in state appropriations at the 10 public baccalaureate institutions. The Chancellor's coordinating role varies with each institution according to their size, mission and statutory or performance-based exemption from state-level oversight.

The Chancellor is the Chief Executive Officer of the Commission and reports to the Commission, serving at its will and pleasure. The Chancellor also is a member of the West Virginia State Board of Education and several other state boards and commission, and exercises oversight for fiscal, academic, administrative, and health sciences education functions.

EXPECTATIONS

The Chancellor will track national higher education trends, communicate with peers in other states and collaborate with the leadership at the state's institutions to provide strategic direction sought for Commission, college students, and the state. The Chancellor will be an outspoken and bold advocate for students, the universities and colleges—free of institutional or regional biases. Together with the Commission and institutional leadership, the Chancellor will work to improve access to higher education and raise degree completion, and make a lasting, positive impact on the state's economic future by increasing the state's educational attainment level. The Commission requires a staunch advocate with the ability to bring differing opinions together through sound, stable leadership and professional collegiality. The Chancellor should bring experience and skills in the following areas:

ATTRIBUTES

- Appreciation for the mission, characteristics, and distinctive qualities of a diverse system of universities and colleges;
- Capacity to develop and maintain cooperative relationships with K-12, the West Virginia Community and Technical College System, and sister institutions;
- Business acumen with a record of success in fiscal management, budgeting, and implementation of higher education funding models;
- Ability to establish rapport with multiple constituencies, including the Governor, Legislature and state agencies, institutional boards of governors, business, and residents from all parts of the state;
- Student-oriented focus with experience in sound recruitment methods, retention, and enrollment management;

- Commitment to an affirmative environment with a diverse, multicultural, inclusive culture in all levels of system work;
- Working knowledge of information technology capabilities and applications in relationship to the delivery of higher education;
- Ability to analyze data for research-based development and implementation of higher education policy;
- Excellent communication skills with the ability to be the statewide champion of higher education;
- Ability to resolve complex, strategic, and challenging problems and take decisive action;
- Transparent and supportive team player, balancing presidents' leadership with the work of the Commission's staff;
- Ability to listen carefully, communicate openly, and build a climate of candor, change, and continuous improvement;
- Commitment to guiding and carrying out the Commission's mission and policies;
- Senior level administrative work in a higher education/system setting (preferred); and
- Advanced degree required (terminal degree preferred).

NOMINATIONS AND APPLICATIONS

Applications must be received by April __, 2020. The application must include a letter of interest; a current résumé (or Curriculum Vitae); and the names of five professional references with each person's position, office or home address, e-mail address, and telephone numbers.

Applications will remain confidential until the finalist stage of the search. References will not be contacted without prior authorization from the applicant.

Nominations and applications should be sent electronically (PDF format) to cindy.anderson@wvhepc.edu.

Equal Opportunity/Affirmative Action Employer/Veterans/Disabled

The West Virginia Higher Education Policy Commission is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or protected veteran status and will not be discriminated against on the basis of disability. The Commission provides a collegial, respectful and inclusive environment that values the diversity, creativity and contributions of its staff.

West Virginia Higher Education Policy Commission
Meeting of April 17, 2020

ITEM: Approval of Amendments to the West Virginia Higher Education Retirement Plan

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves implementation of the provisions of the CARES Act for the Qualified 401(a), 403(b) and 457(b) Plans of the West Virginia Higher Education Retirement Plan and delegates authority to the Finance Committee to implement other compliant flexibility provisions as may be necessary through expiration of the CARES Act on December 31, 2020.

STAFF MEMBER: Patricia Humphries

BACKGROUND:

On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law, providing \$2 trillion in relief to individuals, businesses, healthcare and education. The Act contains key provisions that will affect the West Virginia Higher Education Retirement Plan.

West Virginia's Higher Education Retirement Plan contains three plan types:

1. The mandatory Qualified 401(a) Plan in which employees are required to contribute six percent of gross wages and the State matches at the same six percent rate. This is higher education's state-supported pension plan, which receives employer match funding similar to the previous Teacher's Retirement System retirement plan.
2. The voluntary 403(b) Supplemental Tax Deferred Retirement Savings Plan; and
3. The voluntary 457(b) Deferred Compensation Plan

While state higher education employees are required to participate in the 401(a), the 403(b) and the 457(b) plans are supplemental, meaning that employees may choose to place additional withholdings for investment into these available plans.

The following sections represent the proposed amendments. The plans affected by each change are indicated in the headings.

Suspension of Required Minimum Distributions (RMDs) from 401(a), 403(b) and 457(b)

The Act allows suspension of Required Minimum Distributions (RMDs) in 2020 for retirees over the age of 70½. This provision will be implemented for all Higher Education Policy Commission (HEPC) sponsored plans. The plan provider, Teachers Insurance Annuity Association (TIAA) will communicate to retirees the need to proactively request suspension of recurring or lump sum RMD payments. Suspension of RMDs is not a discretionary option for the plan sponsor and affects all plan participants receiving RMD payments. Suspension of RMDs will be allowed for all plan types: 401(a), 403(b) and 457(b).

Qualifying for Coronavirus-Related Provisions

The legislation includes relief for participants who need to access their retirement plan funds due to COVID-19. The relief applies to coronavirus-related distributions (cash withdrawals) and coronavirus-related loans between January 1, 2020 and December 31, 2020. A coronavirus-related distribution from the 403(b) and/or the 457(b) plans, or a loan from the 401(a) plan will be available to a participant:

- who is diagnosed with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention,
- whose spouse or dependent (as defined in section 152 of the Internal Revenue Code) is diagnosed with such virus or disease by such a test, OR
- who experiences adverse financial consequences as a result of
 - being quarantined,
 - being furloughed or laid off or having work hours reduced due to such virus or disease,
 - or cannot work due to lack of childcare due to such virus or disease,
 - closing or reducing hours of a business owned or operated by the individual as a result of such virus or disease,
 - or other factors as determined by the Secretary of the Treasury.

Certification of coronavirus related qualifying reasons will be required.

Coronavirus-Related Loans from 401(a), 403(b) and 457(b)

The Act allows participants affected by the coronavirus as described above to borrow more than previously available. Up until September 23, 2020, the Act allows affected participants to borrow 100 percent of a participant's accumulation not to exceed \$100,000. This is an increase in the current plan loan limit of 50 percent of a participant's accumulation not to exceed \$50,000. Requests for loans in excess of \$50,000 will require specific documentation of coronavirus-related need.

Plan participants are limited to a maximum of three concurrent loans across all plan types – 401(a), 403(b) and 457(b); however, the maximum dollar amount of the combined three loans will double for coronavirus-related loans.

Deferral of 2020 Payments on Loans from 401(a), 403(b) and/or 457(b)

Any existing or new loan payments due between March 27, 2020 and December 31, 2020, may be deferred for a period of one year by borrowers affected by the coronavirus as described above. Interest will continue to accrue during the payment suspension period. This provision sunsets on September 23, 2020.

Coronavirus-Related Distributions from 403(b) and 457(b)

The Act creates a new in-service cash withdrawal qualifying event for participants impacted by COVID 19. Eligible participants affected by coronavirus as described above may withdraw up to \$100,000 from their supplemental 403(b) and/or 457(b) plans between now and December 31, 2020.

This new in-service coronavirus-related distribution is exempted from the 10 percent IRS early withdrawal penalty (pre-age 59-½). The plan administrator is not required to withhold the usual 20 percent federal tax. However, the coronavirus- affected participant will be offered the option to have tax withheld.

Unless a participant opts to include all coronavirus-related distributions in gross income for the year of the distribution(s), (i.e. calendar year 2020), coronavirus-related distributions may be spread out over three years beginning with the year of the distribution for federal income tax purposes.

The participant may repay coronavirus-related distributions (in any amount up to the aggregate amount of the coronavirus-related distribution(s)) to the plan (or any other eligible retirement plan or IRA) at any time during the three-year period beginning on the day after the distribution as long as the participant remains an active employee under the eligible retirement plan.

Staff have worked with the Finance Committee and TIAA to implement provisions of the CARES Act based on our interpretation of the law as it is written in the CARES Act. In the event future IRS guidance conflicts with our interpretation, staff shall expeditiously analyze the extent to which the guidance affects the changes made and, with approval of the Commission, amend the plan as required.

In an effort to protect the long term financial interests of participants and in recognition of other actions being taken to support employees who are adversely impacted by the coronavirus, we recommend approval of these amendments and the recommendation to allow the Finance Committee of the Commission to modify the plans as necessary to serve participants and promote plan stability through the expiration of the CARES Act on December 31, 2020.

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM:	Approval of Modification to National Testing Requirement for the PROMISE Scholarship
INSTITUTIONS:	All
RECOMMENDED RESOLUTION:	<i>Resolved</i> , That the West Virginia Higher Education Policy Commission approves suspension of requirement that an eligible standardized test score must come from a national test.
STAFF MEMBER:	Brian Weingart

ACT and the College Board have had to cancel and/or postpone national ACT and SAT tests because of the state of emergency. Colleges have the ability to offer residual standardized tests; the residual tests are the same as ACT and SAT tests that are taken on a national test date but are proctored and scored by administrators at the college and traditionally are only used by the college that administers the test.

Staff recommend having the ability to accept a residual test score provided directly by an institution instead of a national test score for a student to qualify for the PROMISE Scholarship during the state of emergency.

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM: 2020 Census Update

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Matt Turner

BACKGROUND:

Matt Turner will provide an update about state preparations for the 2020 Census.

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM: Confirmation of Shepherd University Campus Facilities Master Development Plan

INSTITUTION: Shepherd University

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia Higher Education Policy Commission confirms the updated Shepherd University Campus Facilities Master Development Plan.

STAFF MEMBER: Ed Magee

BACKGROUND:

In accordance with Series 12, Legislative Rule, Capital Project Management, Shepherd University has completed its Campus Facilities Master Development Plan Update. Series 12 requires each governing board to update its current campus development plan and submit the updated plan to the Commission for confirmation. A campus development plan must cover a ten-year period. Each governing board must update its campus development plan at least once during each ten-year period.

The term confirmation, when used in reference to action by the Commission, means action in which substantial deference is allocated to the governing authority of a governing board under its jurisdiction. The action of the Commission is to review whether the proposed institutional action is consistent with law and established policy.

Shepherd University's update to its 2014 Campus Master Plan reflects the institution's re-evaluation, modification and positioning of its capital initiatives to guide the design and construction of new facilities; renovations of existing facilities; and plans to completely repurpose the area designated as the "East Loop" on campus. The updated vision is based on the recent student enrollment decrease and the shifting expectations of the community and the University's regional market for student recruitment.

The revised plan may be found here: <http://www.wvhepc.edu/wp-content/uploads/2020/04/2020-Campus-Master-Plan-2014-UPDATE.pdf>

The East Loop project is a key initiative identified in the plan. This project will address the four buildings to the south of the Potomac River and to the east of Rt. 480. It will incorporate a comprehensive redesign of the area that is currently the site of Turner Hall, Kenamond Hall, and the Dining Hall. Turner Hall and Kenamond Hall are residence halls that have been decommissioned. The decommissioned residential floors of the adjacent Gardiner Hall and a parking garage with about 450 spaces may also be included in the

project, depending upon the outcome of a solicitation for a public private partnership (“P3”) development agreement.

A P3 is a contractual agreement between a public agency (federal, state, or local) and a private sector entity. Through such an agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility. The specific characteristics of the proposed P3 development will depend upon the solicitation responses submitted by developers.

Another significant project identified in the plan is a 12,000 square feet addition to the Boone field house. It would provide space for a larger weight room, expanded training facilities, classrooms, offices and meeting rooms. The anticipated cost is about \$7.5 million.

The campus development plan is consistent with law and established policy.

March 2, 2020

WVHEPC
Attn: Interim Chancellor Tucker
1018 Kanawha Boulevard
East - Suite 700
Charleston, WV 25301

Dear Interim Chancellor Tucker:

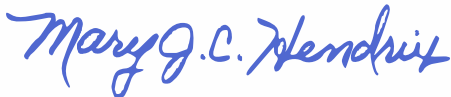
Shepherd University has completed an update to its Campus Facilities Master Development Plan. The core of the update is a thorough, narrative review of progress and changes as to the vision presented in the 2014 Plan. The University presented a copy of that core narrative to Dr. Ed Magee earlier in February to help him initiate his review of these complex documents.

The appendices provide detailed information and data relating to each building on the campus and or ongoing project planning. You and the Commissioners will see that, even in challenging fiscal periods, Shepherd has continued to invest in critical repairs and alterations. However, our deferred maintenance needs far outweigh the resources that were available during the last several years.

The entire Shepherd University Campus Facilities Master Development Plan Update is attached to this letter. A printed copy will also be provided via FedEx, at your request.

We ask for your support in placing this on the April Agenda of the HEPC for their confirmation. As always, I and our Vice President for Finance/CFO, Pam Stevens, are happy to be of any further assistance to you or Dr. Magee, as needed.

Respectfully,



Mary J.C. Hendrix
President

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM: Approval of Institution Capital Assessments for Fiscal Year 2021

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the institution capital assessments for Fiscal Year 2021.

STAFF MEMBER: Ed Magee

BACKGROUND:

The Commission staff pays system-wide debt service payments on behalf of the four-year and two-year institutions to the trustees, the Municipal Bond Commission and The Bank of New York Mellon. Approval of the Fiscal Year (FY) 2021 allocations are requested.

Table 1 shows the total amount of debt service payments due in Fiscal Year 2021. Of the \$33,730,844 required for this year, \$12,542,063 must be allocated to institutions and paid from student fees; \$19,850,496 will be paid from Lottery revenue appropriated to the Commission; and \$1,338,285 will be paid from the Federal Government as a subsidy from the 2010 Build America Bonds. Beginning in FY 2014, this subsidy was reduced by the Federal Government annually by about \$99,000 on average. Because this annual reduction is expected to continue, the 2017 refunding reduced the debt service requirement from Lottery revenues to ensure sufficient funds are available to pay the annual debt service.

Staff also requests the approval of the Commission and the West Virginia Council for Community and Technical College Education to allocate the student fee portion of the FY 2021 debt service, \$12,542,063, and the facilities planning and administration assessment of \$441,111 as shown in Table 2 to the institutions. This assessment is allocated by the percentage of institutional square feet.

Staff will move the funds from the institutions' accounts on September 1 and March 1 to make the debt service payments to the trustees. Institutions are restricted from using their Education and General Capital Fees until adequate funds have been collected for debt service payments in any given fiscal year.

Table 1

**West Virginia Higher Education Policy Commission
West Virginia Council for Community & Technical College Education
FY 2021 Capital Debt Payment Summary**

	FY 2021 PAYMENTS			Principal Outstanding
	Principal	Interest	Total	
Higher Education Policy Commission System Bonds				
Series 1998 A	2,535,000	1,282,313	\$3,817,313	\$21,890,000
Series 2000 A	1,914,064	4,885,936	\$6,800,000	\$13,744,772
Series 2017 HEPC	<u>1,415,000</u>	<u>509,750</u>	<u>\$1,924,750</u>	<u>\$8,780,000</u>
Total University System Bonds	\$5,864,064	\$6,677,999	\$12,542,063	\$44,414,772
Excess Lottery Revenue Bonds:				
Series 2010 A and B	0	2,485,388	\$2,485,388	\$50,265,000
Series 2012 AB	<u>5,340,000</u>	<u>4,653,358</u>	<u>\$9,993,358</u>	<u>\$97,770,000</u>
Series 2017 CTC	<u>1,975,000</u>	<u>3,018,250</u>	<u>\$4,993,250</u>	<u>\$58,390,000</u>
Series 2017 HEPC	<u>1,775,000</u>	<u>603,500</u>	<u>\$2,378,500</u>	<u>\$10,295,000</u>
Total Excess Lottery Revenue Bonds	\$9,090,000	\$10,760,496	\$19,850,496	\$216,720,000
Total FY 2021 Debt Service Payments	<u>\$14,954,064</u>	<u>\$17,438,495</u>	<u>\$32,392,559</u>	<u>\$261,134,772</u>
 Fund 4903-2021	 12,979,064	 14,420,245	 27,399,309	 202,744,772
Fund 4908-2021	<u>1,975,000</u>	<u>3,018,250</u>	<u>4,993,250</u>	<u>58,390,000</u>
	<u>\$14,954,064</u>	<u>\$17,438,495</u>	<u>\$32,392,559</u>	<u>\$261,134,772</u>

Table 2

**West Virginia Higher Education Policy Commission
West Virginia Council for Community & Technical College Education
FY 2021 Institutional Assessments to Cover System Bond Debt**

Formula based System Bonds Debt Schedule								
Institution	Principal	Interest	Facilities Fee	Square Feet	Percent	Total	1st Half Assessment	2nd Half Assessment
Blue Ridge Community and Technical College	\$0	\$0	\$2,249	145,958	0.51%	\$2,249	\$1,124	\$1,125
Bluefield State College	0	0	5,710	370,571	1.29%	5,710	2,855	2,855
BridgeValley Community and Technical College	0	0	6,213	403,201	1.41%	6,213	3,106	3,107
Concord University	0	0	13,404	869,939	3.04%	13,404	6,702	6,702
Eastern West Virginia Community and Technical College	0	0	852	55,309	0.19%	852	426	426
Fairmont State University	195,186	70,315	21,819	1,416,080	4.95%	287,320	143,660	143,660
Glenville State College	62,373	22,470	12,324	799,828	2.79%	97,167	48,583	48,584
Marshall University	949,640	342,105	83,645	5,428,587	18.96%	1,375,390	687,695	687,695
Mountwest Community and Technical College	55,989	20,170	2,864	185,903	0.65%	79,023	39,512	39,511
New River Community and Technical College	0	0	4,777	310,001	1.08%	4,777	2,388	2,389
Pierpont Community and Technical College	0	0	1,131	73,400	0.26%	1,131	565	566
Shepherd University	0	0	16,321	1,059,224	3.70%	16,321	8,160	8,161
Southern West Virginia Community and Technical College	0	0	4,778	310,084	1.08%	4,778	2,389	2,389
West Liberty University	151,812	54,690	16,308	1,058,389	3.70%	222,810	111,405	111,405
West Virginia Northern Community College	0	0	4,629	300,425	1.05%	4,629	2,315	2,314
West Virginia School of Osteopathic Medicine	0	0	7,158	464,529	1.62%	7,158	3,579	3,579
West Virginia State University	0	0	15,471	1,004,098	3.51%	15,471	7,736	7,735
West Virginia University	4,449,064	6,168,249	216,098	14,024,867	48.99%	10,833,411	5,416,706	5,416,705
WVU Parkersburg	0	0	5,360	347,871	1.22%	5,360	2,680	2,680
Total System Bonds	\$5,864,064	\$6,677,999	\$441,111	28,628,264	100.00%	\$12,983,174	\$6,491,586	\$6,491,588

**West Virginia Higher Education Policy Commission
Meeting of April 17, 2020**

ITEM: Approval of Conveyance by Deed of Roads within the West Virginia Regional Technology Park to the City of South Charleston

INSTITUTION: West Virginia Regional Technology Park

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves execution of the Deed that conveys to the City of South Charleston certain roadways within the West Virginia Regional Technology Park and delegates authority to the Chancellor to approve the final documents and execute the Deed on behalf of the Commission.

STAFF MEMBER: Kristin Boggs

BACKGROUND:

When the Commission acquired the West Virginia Regional Technology Park (Tech Park) in 2010, the Commission and the City of South Charleston (City) agreed to transfer the roadways within the Tech Park to the City. The City assumed responsibility for the roadways at that time and has maintained them, including snow removal and placement on its paving schedule, ever since. For unknown reasons, the 2010 Deed was never executed and recorded in the Kanawha County Clerk's Office, so the transfer was not legally finalized. Therefore, it is necessary to execute a Deed transferring the roadways within the Tech Park to the City in order to complete the transaction contemplated in 2010.

The Deed will convey to the City all the roadways within the Tech Park, including Union Carbide Drive, Hendrickson Drive, Commission Drive, Science Drive, Research Drive, and the connector road between Kanawha Turnpike and Union Carbide Drive designated as the Employee Entrance. On September 5, 2019, the City of South Charleston adopted Ordinance No. 2281, which allows the City to accept this proposed transfer of the above-listed streets within the Tech Park for public use.