

RESOLUTION

WHEREAS, the State of West Virginia has reorganized the governance structure of higher education; and

WHEREAS, the Marshall University Board of Governors was created and assumed responsibility for the governance of Marshall University and its component parts, facilities, programs and services on July 1, 2001, pursuant to that reorganization; and

WHEREAS, at its meetings held on June 29 and November 16, 2001, the West Virginia Higher Education Policy Commission resolved and determined “that all power and control over the business affairs of each state institution of higher education previously delegated to its president remains in effect until February 1, 2002, or until determined otherwise by its governing board or the Chancellor, and that each governing board is to undertake a review of the powers delegated to its president and notify the Chancellor as to its future delegation of those powers by February 1, 2002.”, and

WHEREAS, this Board finds that, in order for the business affairs of the University to function in a proper and expeditious manner and to meet the requirements of the University’s institutional compact, it is necessary and prudent for this Board to delegate certain power and control over the University’s affairs to the president of the University; and

WHEREAS, in making this delegation of authority, this Board recognizes it is retaining all of those powers and duties which are exclusive to the Board and not subject to delegation and notes its powers and duties in relation to the appointment and assessment of the performance of the president; and, further, recognizes its overall responsibility under the law to act as the governing body of the University; and

WHEREAS, in making this delegation of authority, this Board intends the delegation to be limited to such authority as was previously delegated to the president by law, policy, practice or resolution or prior boards and the West Virginia Higher Education Policy Commission which are in effect at the time of this resolution; and

WHEREAS, this Board recognizes it may rescind all or any part of any such delegation of authority at any time it deems it to be in the best interest of the University; and

WHEREAS, West Virginia Code 18B-2A-4(q) authorizes the Board to make this delegation of authority;

NOW THEREFORE BE IT RESOLVED that the Marshall University Board of Governors does hereby delegate certain of its power and control over the day-to-day business affairs of Marshall University, including its component parts, to the president of the University. In making this delegation of authority, this Board authorizes the president, in turn, to make such further delegations of authority to others, as the president

may deem necessary and appropriate for the day-to-day management of the business and affairs of the University. Further, in making this delegation, this Board intends for all current delegations from the president to others to remain in effect until such time as this Board, the president or such other authorized person in the chain of authority rescinds the delegation.

In the exercise of such delegated authority, the Board expects and requires the president to function as the chief executive officer of the University (including all of its component parts, facilities, programs and services) and, both directly and through others, to exercise sound management of the academic, financial, and other operational aspects of this institution.

The authority delegated to the president includes, but is not limited to:

1. The authority to contract on behalf of the Board in accordance with laws of the State;
2. The authority to solicit and utilize or expend voluntary support for the University;
3. The authority to communicate and collaborate with the governor, the state treasurer, the state auditor, and with other state, federal and local officials on matters related to university affairs;
4. The authority to prepare budget requests related to the University's missions, goals and objectives;
5. The authority to ensure the appropriate sequence and availability of academic programs and courses and such other practices as may be necessary to address the various statutory and administrative operational requirements associated with the University's academic programs, including those of nontraditional college age students;
6. The authority to take such actions as may be necessary for the administration of personnel transactions, and to administer the applicable personnel and grievance systems and processes;
7. The authority to transfer and expend appropriated funds as permitted by law for the purposes appropriated;
8. The authority to acquire necessary legal, accounting and consulting services;
9. The authority to hire, transfer and remove employees;
10. The authority to manage all auxiliary enterprises of the University;

11. The authority to advance the interests of the University by acting as its primary spokesperson;
12. The authority to seek charitable funds and other contributions, and federal and private support for University programs and other services;
13. The authority to represent the University on its affiliates and on the boards of partnerships and other enterprises that directly or indirectly fulfill the mission of the University, all without compensation other than expenses related to such service;
14. The authority to supervise the administration of all laws and policies related to the University affairs including those governing the University's strategic plan and compact;
15. The authority to take any and all actions necessary to do the foregoing.

PROVIDED, HOWEVER, that the president:

1. Shall continue to bring to the Board all matters required by statute or policy;
2. Shall continue to advise the Board of all matters not specifically required by law but which as a matter of sound management practice should be brought to the Board's attention;
3. Shall continue to provide appropriate notices of public meetings and provide such other support as may be necessary for planning for the successful operations of the Board;
4. Shall work with the Board in the development of goals and objectives in addition to those formal presidential performance evaluation processes set forth in statute or policy.

BE IT FURTHER RESOLVED that this delegation of authority to the president shall remain in effect until such time as it is specifically limited by this Board or by other lawful authority.

AND, BE IT FURTHER RESOLVED that the Chairman of this Board shall notify the Chancellor of this Board's delegation to the president.

Approved this 23 day of January, 2002



Gary G. White, Chairman