

**BOARD OF TRUSTEES
FINANCE AND ADMINISTRATION COMMITTEE**

**January 15, 2016
9:00 a.m., University Center, Room 214**

Agenda

1.0 Action Items

**1.1 Resolution F01-16
Approval of Policy 4.90REV, Tuition and Other Student Fees, Fines and Charges**

This resolution approves revisions to Policy 4.90Rev that updates the policy for clarity and incorporates a provision for academic program fees in programs in which specialized supplies, equipment or services are required.

**1.2 Resolution F02-16
Approval of Revisions to the Shawnee State University Alternative Retirement Plan (ARP)**

This resolution approves the “restatement” of the alternative retirement plan required to remain compliant with applicable provisions of the Internal Revenue Code.

**1.3 Resolution F03-16
SSUDF Member Appointments**

This resolution identifies new Shawnee State University Development Foundation Board members and Officers nominated and approved at the November 19, 2015 SSUDF Board meeting for the Committee’s review and recommendation to the SSU Board of Trustees.

2.0 Information Items

2.1 FY16 Second Quarter Budget Status

2.2 Personnel Report

2.3 Joint Agreement – Athletic Facilities

2.4 University Investment Report

2.5 Capital Projects Report

3.0 Education

Cheryl Hacker, General Counsel, will make an ethics presentation designed to fulfill the expected ethics training for individual University Board members.

RESOLUTION F01-16

APPROVAL OF UPDATED AND RENAMED POLICY 4.90REV, TUITION AND OTHER STUDENT FEES, FINES AND CHARGES

WHEREAS, a systematic review of institutional policies has been undertaken in order to remove outdated policies, and to modify and update policies; and

WHEREAS, Policy 4.90, *Taxonomy for the Review and Approval of Tuition and Other Student Fees, Fines and Charges* was approved by the Board of Trustees on November 2, 2012; and;

WHEREAS, the Policy was reviewed and modified to provide greater clarity for the purpose of the Policy and to incorporate the category of Program Fees that may supplement or replace course-specific fees for certain major programs requiring state of the art equipment, specialized supplies and individualized services;

THEREFORE BE IT RESOLVED, that the SSU Board of Trustees hereby approves the modification and renaming of Policy 4.90Rev, Tuition and Other Student Fees, Fine and Charges.

(January 15, 2016)

Shawnee State University

| | |
|-------------------------|---|
| POLICY TITLE: | TUITION AND OTHER STUDENT FEES, FINES AND CHARGES |
| POLICY NO. : | 4.90REV |
| ADMIN CODE: | 3362-4-60 |
| PAGE NO.: | 1 OF 2 |
| EFFECTIVE DATE: | 01/15/16 |
| NEXT REVIEW DATE: | 01/2019 |
| RESPONSIBLE OFFICER(S): | VPF&A |
| APPROVED BY: | BOARD OF TRUSTEES |

1.0 PURPOSE

This policy establishes authority for the review and approval of tuition and other student fees, fines, and cost recovery charges assessed to students.

2.0 TUITION AND OTHER STUDENT FEES

2.1 Tuition, Program and Course Fees, and Miscellaneous Fees that will be assessed to students must receive prior approval from the Board of Trustees and follow parameters established in the state biennial budget bill or other state law.

2.2 Definitions:

2.2.1 Tuition – Fees charged to all students each term on a per-credit-hour basis, based on their enrollment status.

2.2.1.1 Includes instructional, general, and technology fees; fees assessed to high school students (college credit plus), graduate workshop credit fee, fees assessed to all students for a specific purpose (e.g., University Center bond fee), and any future fees meeting this definition.

2.2.2 Course Fees – Fees charged only to students enrolled in courses for which a supplemental fee has been established to defray the cost of lab supplies, technology needs, or other special requirements of the course

2.2.3 Program Fees – Fees charged only to students who have been accepted into an academic program that requires specialized supplies, equipment, or individualized services. Examples may include studio-based programs,

programs requiring state-of-the-art equipment, and programs with clinical requirements.

2.2.4 Miscellaneous Fees – Fees assessed to students based on their participation in specific activities (e.g., health sciences application fee).

3.0 FINES AND COST RECOVERY CHARGES

3.1 The establishment of fines and cost recovery charges that may be assessed to students must be approved by the President and will be reviewed with the Board of Trustees annually.

3.2 Definitions:

3.2.1 Fines – Fines assessed to students as a result of disciplinary action.

3.2.2 Cost Recovery Charges – Charges assessed to students to defray the cost of providing an optional service (e.g. express mail charge for a rush transcript).

4.0 PROCEDURES

Procedures for the effective administration of this policy, including authorized use of course fees, shall be established.

History

Effective: 11/02/12

Revised: 01/15/16

Applicable Procedure: 4.90:1 Course Fees – Management and Use

Shawnee State University

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|-------------------------|---|
| POLICY TITLE: | TAXONOMY FOR THE REVIEW AND APPROVAL OF TUITION AND OTHER STUDENT FEES, FINES AND CHARGES |
| POLICY NO. : | 4.90-REV |
| ADMIN CODE: | 3362-4-60 |
| PAGE NO.: | 1 OF 32 |
| EFFECTIVE DATE: | 01/15/16 |
| NEXT REVIEW DATE: | 01/2019 |
| RESPONSIBLE OFFICER(S): | VPF&A |

1.0 PURPOSE

This policy establishes ~~a taxonomy to be followed~~ authority for the review and approval of tuition and other student fees, ~~including the comprehensive review of fines,~~ and ~~cost recovery~~ charges assessed to students.

2.0 ~~APPROVAL OF~~ TUITION AND OTHER STUDENT FEES

2.1 ~~The Shawnee State University Board of Trustees shall approve annually the~~ Tuition, ~~Program and~~ Course Fees, and Miscellaneous Fees that will be assessed to students ~~must receive prior approval from the Board of Trustees and follow in accordance with any~~ parameters established in the state biennial budget bill or other state law.

2.2 Definitions:

2.2.1 Tuition – Fees charged to all students each term on a per-credit-hour basis, based on their enrollment status.

2.2.1.1 Includes instructional, general, and technology fees; ~~fees assessed to high school students- (college credit plus),~~ graduate workshop credit fee, fees assessed ~~for to all students for~~ a specific purpose (e.g., University Center bond fee), and any future fees meeting this definition.

2.2.2 Course Fees – Fees charged only to students enrolled in courses for which a supplemental fee has been established to defray the cost of lab supplies, technology needs, or other special requirements of the course

2.2.3 Program Fees – Fees charged only to students who have been accepted into an academic program that requires specialized supplies, equipment, or individualized services. Examples may include studio-based programs, programs requiring state-of-the-art equipment, and programs with clinical requirements.

2.2.4 Miscellaneous Fees – Fees assessed to students based on their participation in specific activities (e.g., health sciences application fee).

3.0 ANNUAL BOARD REVIEW OF FINES AND COST RECOVERY CHARGES

3.1 ~~The University President shall establish~~ The establishment of fines and cost recovery charges approved by the President that may be assessed to students must be approved by the President and will be reviewed with the Board of Trustees annually. ~~A list of all fines and cost recovery charges will be presented annually to the Board of Trustees for review.~~

3.2 Definitions:

3.2.1 Fines – Fines assessed to students as a result of disciplinary action.

3.2.2 Cost Recovery Charges – Charges assessed to students to defray the cost of providing an optional service (e.g. express mail charge for a rush transcript).

4.0 OTHER UNIVERSITY CHARGES

~~With approval by the President, the University's shall establish all other charges for its services (e.g. facility rental fees). Such charges will be reviewed with the Board on a periodic basis.~~

4.0 PROCEDURES

Procedures for the effective administration of this policy, including authorized use of course fees, shall be established.

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History

Effective: 11/02/12

Revised: ~~12/18/15~~ 01/15/16

POLICY NO. 4.90REV4.90REV4.90REV4.90REV4.90REV4.90REV

[Applicable Procedure 4.90.1: Course Fees {hyperlink to Course Fees}](#)

INFORMATION ONLY

| | |
|-------------------------------|----------------------------------|
| PROCEDURE TITLE: | COURSE FEES – MANAGEMENT AND USE |
| PROCEDURE NO.: | 4.90:1 |
| RELATED POLICY: | 4.90REV |
| PAGE NO.: | 1 OF 3 |
| RESPONSIBLE ADMINISTRATOR(S): | VPF&A/ Provost |
| EFFECTIVE DATE: | 01/15/16 |
| NEXT REVIEW DATE: | 01/2017 |
| APPROVED BY: | PRESIDENT |

1.0 DEFINITION AND APPLICATION

1.1 Course fees are defined by university policy as:

Fees charged only to students enrolled in courses for which a supplemental fee has been established to defray the cost of lab supplies, technology needs, or other special requirements of the course (Policy 4.90 REV, section 2.2.2).

1.2 Course fees are used to support expenses that go beyond normal classroom instruction and directly benefit the students enrolled in the course – present and future. Course fees may be collected to pay for current expenses, or may be carried forward in order to pay for larger, infrequent expenditures associated with a course.

1.3 Course fees are applied only to courses for which the fee can be justified. In some programs, this may include the majority of the courses offered. In other programs, only a small percentage of the courses will require an additional fee assessment.

2.0 AUTHORITY TO ESTABLISH COURSE FEES

2.1 The Course fee rate schedule is approved annually by the Board of Trustees – typically at its March meeting.

2.2 The decision to apply an existing course fee to particular courses must be approved by the Provost and must directly offset distinct instructional expenses related to the applicable course.

3.0 AUTHORIZED USES OF COURSE FEES

3.1 Course Fees may be used to pay for expenses as follows:

3.1.1 Special equipment needed in a lab or classroom to support specific courses

- 3.1.2 Service contracts and repair for specialized lab or classroom equipment.
 - 3.1.3 Instructional technologies, materials, software, furniture, and supplies for a lab or classroom that is used for a course or laboratory section. Travel by faculty and staff to field and clinical locations.
 - 3.1.4 Communication with field and clinical locations regarding contracts and student placement.
 - 3.1.5 Stipends paid to site-based clinical supervisors (non-SSU personnel) or to the facilities directly supporting a course (e.g. student teaching or clinical sites).
 - 3.1.6 Course-related field trip costs (up to the amount of course fees paid by the students enrolled in that course).
 - 3.1.7 Student employees or part-time student assistants in course settings (including tutors and supplemental instructors).
 - 3.1.8 Temporary employment contracts to cover duties directly related to courses or labs (e.g. animal care).
 - 3.1.9 Design, renovation, remodeling, and/or upgrades to course space (only with prior approval through the university's space allocation process).
 - 3.1.10 Specialized Library resources (e.g. access to an expensive database that is not widely used or available through OhioLink).
 - 3.1.11 Development of course materials (tests, lab manuals, online resources) that benefit student in all sections of a particular course.
 - 3.1.12 Other academic related purpose that is approved jointly by the Dean, Provost and Vice President for Finance and Administration.
- 3.2 Purpose and Use of Course Fees
- 3.2.1 The examples in this document are not intended to replace other sources of funding currently available. For instance, each department has an annual Library allocation for books and periodicals that will continue, and some departments use student employee funds in their regular budgets to staff labs. However, if a department shifts existing expenses from its primary account to its course fee account, there is no guarantee it will retain the same baseline funding in its primary account during the annual budget process.

3.2.2 Course fees are intended to support the instruction of the specific courses for which students are paying. Exceptions to this rule are cases where planning and savings are required by the department to purchase a piece of equipment, replace items such as microscopes or computers, or develop or renovate lab/lecture room spaces that will improve the delivery of instruction to the applicable courses. Such larger expenses may justify deferred expenditures, but must be part of an annual departmental plan (with a distinct accounting code established to enable tracking) that has been approved by the Dean.

3.3 Course fees may not be used for the following:

3.3.1 Salary, benefits, professional development, research or other expenses to support SSU faculty (full-service, temporary or adjunct).

3.3.2 Salary, benefits, professional development, or other expenses to support SSU administrators or support staff.

3.3.3 Department/program expenses that are not related to a specific course.

4.0 COLLEGE COURSE FEE FUND

Each Dean holds 10% of each department's/program's course fees for College expenses. This share provides the Deans with funds to support programs that encounter unusually high expenses such as an unanticipated lab or classroom equipment replacement or repair. In addition, the Dean's share may be used to equip a lab used by multiple programs, or to cover start-up expenses associated with a new program or degree.

5.0 COURSE FEE ACCOUNTING

Course fees are assessed when a student registers and they are recorded as income in the Dean's course fee account. Each term, the Dean's office allocates 90% of those funds to the applicable academic areas. While unexpended course fee revenue rolls forward to the following year, prior years' fund balances may only be spent according to the departmental plan approved annually by the Dean and Provost, and identified by a distinct project code.

6.0 PROCEDURE REVIEW

These procedures were developed in active collaboration between the Provost, Deans, Director of Budget Planning, and the VP for Finance and Administration. They will be reviewed and updated as necessary by the same group. Major deviations or modifications will require the President's approval.

History

Effective: 01/15/16

RESOLUTION F02-16

APPROVAL TO AMEND AND RESTATE THE SHAWNEE STATE UNIVERSITY ALTERNATIVE RETIREMENT PLAN

WHEREAS, the Board of Trustees (“Trustees”) originally adopted the Shawnee State University Alternative Retirement Plan (“the Plan”), effective March 1, 1999; and

WHEREAS, the University amended and restated the Plan on November 12, 2010, and subsequently amended the Plan on November 30, 2011 and then on November 2, 2012 in accordance with the Internal Revenue Code and other applicable laws; and

WHEREAS, the University is a participating employer under the Ohio Public Higher Education Institutions’ Alternative Retirement Plan (“Universities Plan”), which is a pre-approved plan and Ohio State University (OSU) serves as the Volume Submitter Practitioner for the Plan; and

WHEREAS, OSU recently submitted an updated version of the Plan to the IRS to address applicable legislative changes, including significant changes in the Pension Protection Act of 2006, and incorporates changes required under the Internal Revenue code, the Heroes’ Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008; and

WHEREAS, the IRS has issued an advisory letter to OSU that the Plan has been preapproved; and

WHEREAS, IRS rules require that all adopting employers of the Plan update their respective Plan documents to reflect the amendments submitted by OSU, and

WHEREAS, the University, with assistance of special counsel, has prepared a restated Plan that reflects the OSU amendments and such Plan must be adopted by the Board of Trustees prior to the April 30, 2016 filing deadline with the IRS;

THEREFORE, BE IT HEREBY RESOLVED, that the Restatement of the Plan is hereby adopted, effective January 1, 2016.

BE IT FURTHER RESOLVED, that the Vice President for Finance and Administration is hereby authorized to execute the Restatement of the Plan and any other instruments or documents necessary to effectuate and carry out the Restatement of the Plan.

(January 15, 2016)

Background Summary for Board Approval of the Amendment and Restatement of the Shawnee State University Alternative Retirement Plan

Background Information

The University's Alternative Retirement Plan (the "ARP") is an alternative to participating in the Ohio State Teacher Retirement System (STRS), the Ohio Public Employee Retirement System (OPERS), and where applicable, the Ohio School Employees Retirement System (OSERS). The ARP is a tax-qualified retirement plan and participants do not pay taxes on their contributions or accounts until those amounts are distributed. The Plan also is subject to Chapter 3305 of the Ohio Revised Code.

Shawnee State University participates in a pre-approved plan along with all other Ohio public higher education institutions. Ohio State University serves as the Volume Submitter Practitioner (sponsor) for the plan. A Volume Submitter Plan is a specimen plan (sample plan) of the Volume Submitter Practitioner and the participating institutions adopt the plan and must complete a new adoption agreement for any restated plan. SSU Board of Trustees originally adopted the Plan in 1999. A restated Plan was adopted by the Board in 2010 and amendments were adopted in 2011 and 2012.

Ohio State University recently submitted an updated version of the Plan. The IRS then issued an advisory letter in March 2014, indicating that IRS had approved all of the OSU prepared provisions and options under the Plan. In order to remain qualified and retain reliance on the advisory letter, SSU must amend and restate the Plan by April 30, 2016.

Summary of Changes and Due Diligence Review

- The Plan will incorporate significant legislative changes brought by the Pension Protection Act of 2006.
- The restatement also incorporates changes required under the Internal Revenue Code Section 415 regulations, the Heroes' Earning Assistance and Relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008. Most of these changes were already addressed in prior Plan amendments.
- The restated Plan for the SSU Board of Trustees approval was separately reviewed by special counsel from the Porter Wright law firm. The Ohio State University also reviewed the SSU proposed Plan restatement and found it is consistent with the preapproved Plan.

Board Action

The resolution would approve the restatement of the ARP, effective January 1, 2016. The resolution would also authorize the Vice President for Finance and Administration to execute the restatement of the Plan and to take action as needed to carry out the restated Plan.

January 15, 2016

RESOLUTION F03-16

SHAWNEE STATE UNIVERSITY DEVELOPMENT FOUNDATION MEMBER APPOINTMENTS

WHEREAS, as the sole member of the Shawnee State University Development Foundation, the Board of Trustees of Shawnee State University ratifies Development Foundation policies and members; and

WHEREAS, the Shawnee State University Development Foundation recommended the appointment of new board members and officers at its November 19, 2015 quarterly meeting;

THEREFORE, BE IT RESOLVED, that the Board of Trustees of Shawnee State University hereby approves the appointment of the following members to the Development Foundation Board for the term expiring December 31, 2018, and the election of the following new officers.

Three-year Term:

Tom Covert
Dan Mooney

Officers – 2016

President – Mark Morgan
Vice President – Cynthia Jenkins
Secretary – Janice Darnell

(January 15, 2016)

| Personnel Action | Name | Employment Status | | Effective | Salary | Comments |
|--------------------------|---------------------|---|---|-----------|-----------|---|
| | | From | To | | | |
| Appointments | Robert Matthew Ward | | Associate Director, Development | 11/09/15 | \$60,000 | Masters in Public Administration, Certified in Fund Raising, 4 yrs Fundraising Experience |
| | Shawna Singler | | Coordinator, Clinical & Field Exp, Teacher Education | 10/19/15 | \$50,000 | M Ed, MBA, 9 yrs teaching exp, Teacher mentor for University Students & Interns |
| | Chris Moore | | Head Coach/Academic Program Coordinator | 08/01/15 | \$39,000 | 15 yrs experience coaching amateur baseball (8 yrs at SSU), Director of Gene Bennett Classic, experience with at risk student-athletes. |
| | | | | | | |
| Changes in Status | Linda Koenig | Associate Director, Counseling & Health Services | Director, Counseling & Health Services | 12/01/15 | \$72,000 | Promotion |
| | Bernard Cooper | Security Officer, Public Safety | Security Officer, Public Safety | 11/07/15 | \$26,291 | Status Change from Part-time to full-time |
| | Joanne Charles | Associate Vice-President for Finance & Administration | Acting Vice-President of Student Affairs | 09/25/15 | \$106,844 | Reassignment- Acting Appointment |
| | Bob Trusz | Vice President, Student Affairs | Dean, Library Services | 09/25/15 | \$112,200 | Department and position reassignment |
| | Jonica Burke | Director, Budget & Financial Analysis | Acting Associate VP, Finance & Administration | 10/10/15 | \$93,935 | Reassignment- Acting Appointment |
| | Amanda Hedrick | Head Teacher, Children's Learning Center | Acting Director, Children's Learning Center | 12/19/15 | \$44,539 | Reassignment- Acting Appointment |
| | Jeff Bauer | Dean, College of Arts & Sciences | Interim Provost & Vice-President of Academic Affairs | 09/12/15 | \$133,576 | Reassignment- Acting Appointment |
| | Andy Napper | Professor/Chair, Chemistry | Interim Dean, College of Arts & Sciences | 09/12/15 | \$100,283 | Reassignment- Acting Appointment |
| | Shawn Rose | (Visiting Faculty) Senior Instructor, Math | (Full-time Faculty) Senior Instructor, Math | 08/24/15 | \$50,464 | Hired as Full-time Faculty from Visiting faculty |
| | Jessica James | Program Assistant, Upward Bound | Program Assistant, Upward Bound & Upward Bound Math Science | 09/25/15 | \$35,006 | Status change from Part-time to Full-time |
| | Cathy Mullins | Officer, Academic Grants | Officer, Academic Grants | 01/01/16 | \$64,653 | Retired effective 12/31/2015. Rehired to same position/salary 1/1/2016. |
| | Heather Cantrell | Project Director, Student Support Services | Coordinator, Advising & Student Support | 10/17/15 | \$43,205 | Reassignment - previous position eliminated due to unsuccessful TRIO grant approval |
| | | | | | | |
| | William Hannah | Acting Director, OIT | | 12/01/15 | | Retirement |
| | Joseph Flanagan | Security Officer, Public Safety | | 11/29/15 | | Resigned |
| | Michael Hughes | Director, Counseling & Health Services | | 12/01/15 | | Retirement |
| | Cheryl Clevenger | Assistant Professor, Nursing | | 01/02/16 | | Resignation |

Board of Trustees

| | | | | | | |
|---------------------|-------------------|--|--|----------|--|--------------|
| Terminations | Beth Rice | Director, Children's Learning Center | | 11/20/15 | | Resignation |
| | Kim Patton | Analyst, Department of Institutional Research & Sponsored Programs | | 10/23/15 | | Resignation |
| | Rebekah Clevenger | Assistant Director, Development | | 10/23/15 | | Resignation |
| | Chaylee Liberator | Assistant Director, Admissions | | 10/02/15 | | Resignation |
| | Jenny Remington | Clinical & Field Coordinator, Teacher Education | | 08/19/15 | | Resignation |
| | Jessica Bryant | Project Assistant, Student Support Services | | 08/31/15 | | End of Grant |
| | Alan Walker | Interim Provost & Vice-President, Academic Affairs | | 09/11/15 | | Resignation |
| | Stephanie Davis | Officer, Police | | 10/09/15 | | Resignation |
| | Emily Pierce | Coordinator, Budget & Analysis | | 12/31/15 | | Resignation |
| | Dennis Vince | Coordinator, EOC Outreach | | 10/01/15 | | Retirement |

Ref: Policy 5.16Rev., President's Authority University Personnel Actions

**JOINT AND RECIPROCAL AGREEMENT
FOR USE OF ATHLETIC FACILITIES BETWEEN
SHAWNEE STATE UNIVERSITY AND PORTSMOUTH CITY SCHOOLS**

This reciprocal Facility Use Agreement (the "Agreement") is made and entered into on the date of the final signature by and between Shawnee State University (SSU) and Portsmouth City Schools (PCS).

SCOPE

The primary scope of this Agreement covers shared use of facilities for the purpose of games/meets and practices for the athletic venues listed below, however other facilities may be included upon written agreement by both parties.

| Shawnee State University | Portsmouth City Schools |
|---|---|
| Rhodes Athletic Center Gymnasium Warsaw Natatorium (pool, locker rooms) Dr. William E. Daehler Tennis Center Shawnee Turf (soccer field) | High School Gymnasiums Hadsell Track & Field Facility Hatcher Field |

WHEREAS, both parties own, operate, and maintain certain athletic facilities that may be utilized by the other party to further athletic opportunities and control costs.

WHEREAS, SSU and PCS have found it to be of mutual benefit, both economically and practically, to cooperate with each other in regard to this Agreement. Thus, there will be no monetary charge (except those addressed in section 4) to either party for use covered by this Agreement.

NOW, THEREFORE, for and in consideration of this Agreement and conditions contained herein, both parties agree as follows:

SECTION 1- SCHEDULING

Scheduling of facilities will be based on availability. Both parties agree that scheduled use will not interfere with any other planned activities by the owner. Both parties agree to give the other party ample notice of any request for use so as to allow for appropriate planning by the owner. Such notice will be given through the contacts identified in Section 8.

SECTION 2- TERMINATION/AMENDMENT

It is the intent of the parties to give a year's prior notice to the other party of its desire to terminate this Agreement or use of any facility identified in this Agreement, unless the desire to terminate is due to exigent circumstances. This Agreement may be amended as mutually agreed upon in writing by SSU and PCS.

SECTION 3 RULES/REGULATIONS

In performing the duties required by this Agreement each party is subject to the other party's rules and regulations for use of its athletic facilities.

SECTION 4- DUTY TO REPAIR

Each party shall be responsible for the normal operation, maintenance, and repair of its own buildings and facilities. Each party shall have the authority to postpone, cancel or stop any event if the party

determines the safety of the users or the condition of the facility will be compromised. Both parties shall have a reciprocal agreement to repair, cause to be repaired, or reimburse the owner for the cost of repairing or damage to facilities occurring during any period of use by the other party pursuant to this Agreement, except where such damage is the result of ordinary and reasonable use. Neither party has authority to repair damage it caused to other party's property without the written permission of the property owner.

SECTION 5- LIABILITY

Each party agrees to be responsible for any negligent acts or negligent omissions by or through itself or its agents, employees and each party further agrees to defend itself and pay any judgments and costs arising out of such negligent acts or negligent omissions as determined by a court of competent jurisdiction, and nothing in this Agreement shall impute or transfer any such responsibility from one to the other.

SECTION 6- INSURANCE

Both parties shall keep in full force and effect during the term of this Agreement general liability insurance, insuring and protecting the other party, and their respective officers and employees from and against any and all liability for damages arising out of or connected with, the use the other party, its agents, employees, or others of the subject premises or any building, facility or equipment located thereon pursuant to this Agreement. The public liability insurance required hereunder shall be in the minimum amount of one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) aggregate. A certificate of such insurance shall be provided by each party upon request.

SECTION 7- USE OF FACILITIES IN ACCORDANCE WITH LAW

Neither party shall permit any person or organization to use any of its facilities, buildings or accessories where such use is inconsistent with the provisions of Local, State or Federal law.

SECTION 8 – CONTACTS

The parties and/or positions listed below are authorized to execute and manage the details of this Agreement:

Jeff Hamilton
Director of Athletics
Shawnee State University
740-351-3393

Joe Albrecht
Athletic Director
Portsmouth City Schools
740-354-3494 Ext 1243

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement by their duly authorized officers whose signatures appear below, and agree to its terms.

Shawnee State University

Portsmouth City Schools

By: 
SSU President Rick Kurtz

By: _____
PCS Superintendent, Scott Dutey

Date: 1/4/16

Date: _____

INVESTMENT PORTFOLIO PERFORMANCE

FISCAL YEAR 15:

| INVESTMENT COMPANY | VALUE AS OF JUNE 30, 2014 | GAIN/(LOSS) JULY | GAIN/(LOSS) AUGUST | GAIN/(LOSS) SEPTEMBER | GAIN/(LOSS) OCTOBER | GAIN/(LOSS) NOVEMBER | GAIN/(LOSS) DECEMBER | GAIN/(LOSS) JANUARY | GAIN/(LOSS) FEBRUARY | GAIN/(LOSS) MARCH | GAIN/(LOSS) APRIL | GAIN/(LOSS) MAY | As of EOY | | TOTAL YTD GAIN/(LOSS) |
|--|---------------------------|------------------|--------------------|-----------------------|---------------------|----------------------|----------------------|---------------------|----------------------|-------------------|-------------------|-----------------|------------------|------------------|-----------------------|
| | | | | | | | | | | | | | GAIN/(LOSS) JUNE | GAIN/(LOSS) JUNE | |
| U.S. BANK FIXED INCOME MUTUAL FUNDS | \$ 3,028,564.29 | \$ (22,964.54) | \$ 13,873.79 | \$ (40,794.95) | \$ 22,018.55 | \$ (8,558.61) | \$ (73,916.09) | \$ 24,704.49 | \$ 21,446.39 | \$ 18,672.95 | \$ 66,687.94 | \$ 11,048.91 | \$ (38,560.98) | \$ | \$ (6,342.15) |
| U.S. BANK EQUITY MUTUAL FUNDS | \$ 6,204,923.35 | \$ (100,679.37) | \$ 188,247.24 | \$ (147,747.04) | \$ 105,050.06 | \$ 132,007.32 | \$ (112,648.17) | \$ (131,068.64) | \$ 332,317.50 | \$ (87,091.72) | \$ 118,715.71 | \$ 48,615.06 | \$ (131,976.01) | \$ | \$ 213,741.94 |
| U.S. BANK TACTICAL BALANCED MUTUAL FUNDS | \$ 1,625,071.97 | \$ (12,651.87) | \$ 26,218.20 | \$ (22,954.25) | \$ 19,313.78 | \$ 24,472.72 | \$ (10,677.40) | \$ (22,908.17) | \$ 50,545.77 | \$ (21,624.74) | \$ 16,956.59 | \$ 2,235.39 | \$ (29,856.92) | \$ | \$ 19,069.10 |
| AGINCOURT CAPITAL | \$ 2,928,640.37 | \$ (7,478.21) | \$ 34,138.73 | \$ (24,940.36) | \$ 22,446.76 | \$ 21,899.08 | \$ (2,560.38) | \$ 76,608.78 | \$ (33,603.69) | \$ 13,386.81 | \$ (19,587.56) | \$ (13,830.58) | \$ (34,999.80) | \$ | \$ 31,479.58 |
| TAMRO CAPITAL PARTNERS | \$ 1,030,816.08 | \$ (71,975.70) | \$ 42,445.82 | \$ (49,588.72) | \$ 71,388.85 | \$ 7,434.27 | \$ 14,975.11 | \$ (40,699.29) | \$ 65,361.87 | \$ 5,534.42 | \$ (31,286.02) | \$ 25,373.34 | \$ 13,471.86 | \$ | \$ 52,435.81 |
| MANNING & NAPIER | \$ 1,727,527.35 | \$ (24,704.72) | \$ 34,027.80 | \$ (56,823.97) | \$ 3,029.81 | \$ 22,815.42 | \$ (20,199.70) | \$ (16,825.64) | \$ 66,126.25 | \$ (26,806.54) | \$ 22,406.25 | \$ (6,608.22) | \$ (19,100.90) | \$ | \$ (22,664.16) |
| CURRENT MTD TOTAL GAIN/(LOSS) | | \$ (240,454.41) | \$ 338,951.58 | \$ (342,849.29) | \$ 243,247.81 | \$ 200,070.20 | \$ (205,026.63) | \$ (110,188.47) | \$ 502,194.09 | \$ (97,928.82) | \$ 173,892.91 | \$ 66,833.90 | \$ (241,022.75) | \$ | \$ 287,720.12 |

INVESTMENT FUND BALANCES:

| | | | | | | | | | | | | | |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| U.S. BANK FIXED INCOME MUTUAL FUNDS | \$ 3,005,599.75 | \$ 3,019,473.54 | \$ 2,978,678.59 | \$ 3,000,697.14 | \$ 2,992,138.53 | \$ 2,918,222.44 | \$ 2,942,926.93 | \$ 2,964,373.32 | \$ 2,983,046.27 | \$ 3,049,734.21 | \$ 3,060,783.12 | \$ 3,022,222.14 | |
| U.S. BANK EQUITY MUTUAL FUNDS | \$ 6,104,243.98 | \$ 6,292,491.22 | \$ 6,144,744.18 | \$ 6,249,794.24 | \$ 6,381,801.56 | \$ 6,269,153.39 | \$ 6,138,084.75 | \$ 6,470,402.25 | \$ 6,383,310.53 | \$ 6,502,026.24 | \$ 6,550,641.30 | \$ 6,418,665.29 | |
| U.S. BANK TACTICAL BALANCED MUTUAL FUNDS | \$ 1,612,420.10 | \$ 1,638,638.30 | \$ 1,615,684.05 | \$ 1,634,997.83 | \$ 1,659,470.55 | \$ 1,648,793.15 | \$ 1,625,884.98 | \$ 1,676,430.75 | \$ 1,654,806.01 | \$ 1,671,762.60 | \$ 1,673,997.99 | \$ 1,644,141.07 | |
| AGINCOURT CAPITAL | \$ 2,921,162.16 | \$ 2,955,300.89 | \$ 2,930,360.53 | \$ 2,952,807.29 | \$ 2,974,706.37 | \$ 2,972,145.99 | \$ 3,048,754.77 | \$ 3,015,151.08 | \$ 3,028,537.89 | \$ 3,008,950.33 | \$ 2,995,119.75 | \$ 2,960,119.95 | |
| TAMRO CAPITAL PARTNERS | \$ 958,840.38 | \$ 1,001,286.20 | \$ 951,697.48 | \$ 1,023,086.33 | \$ 1,030,520.60 | \$ 1,045,495.71 | \$ 1,004,796.42 | \$ 1,070,158.29 | \$ 1,075,692.71 | \$ 1,044,406.69 | \$ 1,069,780.03 | \$ 1,083,251.89 | |
| MANNING & NAPIER | \$ 1,702,822.63 | \$ 1,736,850.43 | \$ 1,680,026.46 | \$ 1,683,056.27 | \$ 1,705,871.69 | \$ 1,685,671.99 | \$ 1,668,846.35 | \$ 1,734,972.60 | \$ 1,708,166.06 | \$ 1,730,572.31 | \$ 1,723,964.09 | \$ 1,704,863.19 | |
| TOTAL | \$ 16,545,543.41 | \$ 16,305,089.00 | \$ 16,644,040.58 | \$ 16,301,191.29 | \$ 16,544,439.10 | \$ 16,744,509.30 | \$ 16,539,482.67 | \$ 16,429,294.20 | \$ 16,931,488.29 | \$ 16,833,559.47 | \$ 17,007,452.38 | \$ 17,074,286.28 | \$ 16,833,263.53 |

FISCAL YEAR 16:

| INVESTMENT COMPANY | VALUE AS OF JUNE 30, 2015 | GAIN/(LOSS) JULY** | GAIN/(LOSS) AUGUST | GAIN/(LOSS) SEPTEMBER | GAIN/(LOSS) OCTOBER | GAIN/(LOSS) NOVEMBER | GAIN/(LOSS) DECEMBER | GAIN/(LOSS) JANUARY | GAIN/(LOSS) FEBRUARY | GAIN/(LOSS) MARCH | GAIN/(LOSS) APRIL | GAIN/(LOSS) MAY | GAIN/(LOSS) JUNE | TOTAL YTD GAIN/(LOSS) |
|--|---------------------------|--------------------|--------------------|-----------------------|---------------------|----------------------|----------------------|---------------------|----------------------|-------------------|-------------------|-----------------|------------------|-----------------------|
| U.S. BANK FIXED INCOME MUTUAL FUNDS | \$ 3,022,222.14 | \$ 5,260.30 | \$ (62,605.80) | \$ (55,395.64) | \$ 50,165.16 | \$ (2,961.15) | \$ (66,808.66) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (132,345.79) |
| U.S. BANK EQUITY MUTUAL FUNDS | \$ 6,418,665.29 | \$ 55,995.83 | \$ (390,614.80) | \$ (158,383.34) | \$ 428,121.77 | \$ (18,274.26) | \$ (101,591.66) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (184,746.46) |
| U.S. BANK TACTICAL BALANCED MUTUAL FUNDS | \$ 1,644,141.07 | \$ 10,066.57 | \$ (54,657.92) | \$ (29,765.25) | \$ 68,234.75 | \$ (1,466.04) | \$ (23,138.00) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (30,725.89) |
| AGINCOURT CAPITAL | \$ 2,960,119.95 | \$ 19,723.76 | \$ (7,704.81) | \$ 21,679.28 | \$ (576.49) | \$ (6,821.46) | \$ (17,134.21) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 9,166.07 |
| TAMRO CAPITAL/VAUGHAN NELSON## | \$ 1,083,251.89 | \$ (10,859.54) | \$ (63,955.47) | \$ (71,593.87) | \$ 35,941.01 | \$ 6,626.04 | \$ (53,856.88) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (157,698.71) |
| MANNING & NAPIER | \$ 1,704,863.19 | \$ 3,757.17 | \$ (68,126.27) | \$ (37,697.40) | \$ 71,060.30 | \$ (9,989.05) | \$ (27,835.04) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (68,830.29) |
| CURRENT MTD TOTAL GAIN/(LOSS) | | \$ 83,944.09 | \$ (647,665.07) | \$ (331,156.22) | \$ 652,946.50 | \$ (32,885.92) | \$ (290,364.45) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ (565,181.07) |

INVESTMENT FUND BALANCES:

| | | | | | | |
|--|------------------|------------------|------------------|------------------|------------------|------------------|
| U.S. BANK FIXED INCOME MUTUAL FUNDS | \$ 2,927,482.44 | \$ 2,864,876.64 | \$ 2,809,481.00 | \$ 2,859,646.16 | \$ 2,856,685.01 | \$ 2,789,876.35 |
| U.S. BANK EQUITY MUTUAL FUNDS | \$ 5,799,661.12 | \$ 5,409,046.32 | \$ 5,250,662.98 | \$ 5,678,784.75 | \$ 5,660,510.49 | \$ 5,558,918.83 |
| U.S. BANK TACTICAL BALANCED MUTUAL FUNDS | \$ 1,554,207.64 | \$ 1,499,549.72 | \$ 1,469,784.47 | \$ 1,538,019.22 | \$ 1,536,553.18 | \$ 1,513,415.18 |
| AGINCOURT CAPITAL | \$ 2,754,843.71 | \$ 2,747,138.90 | \$ 2,768,818.18 | \$ 2,768,241.69 | \$ 2,761,420.23 | \$ 2,744,286.02 |
| TAMRO CAPITAL/VAUGHAN NELSON## | \$ 1,272,392.35 | \$ 1,208,436.88 | \$ 1,136,843.01 | \$ 1,172,784.02 | \$ 1,179,410.06 | \$ 1,125,553.18 |
| MANNING & NAPIER | \$ 1,608,620.36 | \$ 1,540,494.09 | \$ 1,502,796.69 | \$ 1,573,856.99 | \$ 1,563,867.94 | \$ 1,536,032.90 |
| TOTAL | \$ 16,833,263.53 | \$ 15,917,207.62 | \$ 15,269,542.55 | \$ 14,938,386.33 | \$ 15,591,332.83 | \$ 15,558,446.91 |

** During the month of July 2015, the University liquidated the following investment amounts from their respective portfolios. The proceeds from the liquidation were transferred to the University Operating Cash account to meet July and August cash needs.

| | |
|--|-----------------|
| U.S. BANK FIXED INCOME MUTUAL FUNDS | \$ 100,000.00 |
| U.S. BANK EQUITY MUTUAL FUNDS | \$ 475,000.00 |
| U.S. BANK TACTICAL BALANCED MUTUAL FUNDS | \$ 100,000.00 |
| AGINCOURT CAPITAL | \$ 225,000.00 |
| MANNING & NAPIER | \$ 100,000.00 |
| TOTAL AMOUNT OF WITHDRAWALS FROM INVESTMENT PORTFOLIO | \$ 1,000,000.00 |

During the month of July 2015, the University terminated their investment contract with TAMRO Capital Partners and entered into a new agreement with Vaughan Nelson to manage the Equity portion of our investment portfolio. In addition to receiving the funding from the TAMRO Capital Partners portfolio, \$200,000 from the U.S. Bank Equity Mutual Fund Account (Vanguard 500 Index Fund) was placed under Vaughan Nelson's management in July 2015.

Status of Construction/Renovation Projects through December 31, 2015

| Project | Status | Projected Budget | Funding Source |
|---|--|------------------|------------------------|
| VRCFA Roof Project | <ul style="list-style-type: none"> • Replace roof on the academic wing of the Fine Arts building. • New roof will replace original system with a single membrane EPDM system that includes a 20 year warranty. • All work complete. | \$200,000 | State Capital/Local |
| Center for Fine Arts Cooling Tower Replacement | <ul style="list-style-type: none"> • Cooling towers will be replaced on VRCFA. • The existing towers are 20 years old and are obsolete. The design includes an option to increase capacity to allow the existing chiller plant to be upsized to serve chilled water to other buildings. | \$188,000 | State Capital/Local |
| Health Sciences Program Expansion | <ul style="list-style-type: none"> • Kricker Hall, Health Science, and ATC Buildings space programming complete. • Architect interviews scheduled mid-January; STEMM Program design to begin mid-February. | \$4,000,000.00 | State Capital |