

MINUTES  
MEETING OF THE BOARD OF TRUSTEES  
APPALACHIAN STATE UNIVERSITY

Friday, June 23, 2017  
Parkway Ballroom  
Plemmons Student Union

CALL TO ORDER: The Board of Trustees of Appalachian State University met in open session at the call of the Chair and the Chancellor on Friday, June 23, 2017, at 9:00 a.m. in the Parkway Ballroom of the Plemmons Student Union on the campus of Appalachian State University in Boone, North Carolina. Dr. Alice G. Roess, Chair, presided and called the meeting to order.

MEMBERS PRESENT:

George M. Baldwin  
James M. Barnes  
M. Lee Barnes, Jr.  
Donald C. Beaver  
John M. Blackburn  
Susan M. Branch  
Anderson B. Clayton  
Charles V. Murray  
Alice G. Roess  
D. Kenan Smith  
Carole P. Wilson

MEMBER ABSENT:

Robert C. Hatley

CONSTITUENCY REPRESENTATIVES

PRESENT (ex-officio):

Carolyn J. Clark, President  
Alumni Council  
Carole M. Greene, Chair  
Staff Senate  
Barbara B. Howard, Chair  
Faculty Senate

MEDIA PRESENT:

Jeff Cloninger  
University Communications  
Anna Oakes  
*Watauga Democrat*

CONFLICT OF INTEREST NOTICE: Chair Roess read the following statement:

“Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today's

meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now.” [None reported]

RECOGNITION OF VISITORS: Chair Roess welcomed Mr. Jeff Cloninger, University Communications, and Ms. Anna Oakes, *Watauga Democrat*.

APPROVAL OF ABSENCES: Chair Roess stated that Trustee Bob Hatley would be absent due to personal reasons. Upon motion duly made and seconded, the Board approved the absence of Trustee Bob Hatley.

APPROVAL OF MINUTES: The minutes of the March 24 and April 24, 2017 meetings had been delivered to all members via email. Upon motion duly made and seconded, the minutes of both meetings were approved as presented with a date correction noted.

REMARKS FROM CHANCELLOR EVERTS: (See Attachment 1).

REPORT FROM ACADEMIC AFFAIRS COMMITTEE: Chair Roess recognized Trustee Susan Branch, Chair of the Academic Affairs Committee, for this report.

Trustee Branch stated that the Academic Affairs Committee met on Thursday afternoon, and heard the following reports:

#### *Faculty Handbook Revisions*

Dr. Sue Edwards, Vice Provost for Faculty Affairs, summarized the *Faculty Handbook* changes that were passed by the Faculty Senate and approved by the Provost and Chancellor. There are seven changes proposed, many of which simply clarify existing policies and procedures.

Trustee Branch, on behalf of the Academic Affairs Committee, recommended approval of the *Faculty Handbook* revisions as presented (see Attachment 2). The Committee’s recommendation was approved.

#### College Update

Dr. Neva Specht, Dean of the College of Arts and Sciences, provided a college overview and identified four focus areas for the upcoming year, which all draw from the college’s current strategic plan: 1) International Connections; 2) Diversity and Inclusion; 3) Building capacity within growing programs; and 4) College of Arts and Sciences 50th Anniversary (1968-1918).

The Committee members also heard from two students--Ryan Hellenbrand and Julia Hinds. Ryan recently graduated from Appalachian with majors in Global Studies and Sustainable Development; he had a number of study abroad experiences and just received a highly competitive Fulbright award to study in Innsbruck, Austria this coming year. Julia Hinds, spent last summer doing research at the University of Angers in France, and then used that research to land a highly sought after internship in New York last semester. She’s currently a junior with majors in Physics and Chemistry and a minor in Mathematics.

## Diversity Presentation and Underrepresented Population Trend Data

Heather Langdon, Director of Institutional Research, Assessment, and Planning, and Dr. Willie Fleming, Chief Diversity Officer, presented on the topic of Diversity at Appalachian and shared some underrepresented population trend data.

### Update on Searches

Provost Kruger provided an update on recent position searches within Academic Affairs.

#### New Deans

Dr. Dane Ward – Dean of the Library – starts August 1

Dr. James Douthit – Dean of the Hayes School of Music – starts July 17

Dr. Marie Huff – Dean of the Beaver College of Health Sciences – starts August 1

Dr. Jeff Vahlbusch – Dean of the Honors College – starts July 17

#### Other Hires

Cindy Barr – Associate Vice Chancellor for Enrollment Management – starts August 1

Jordyne Blaise – Associate Vice Chancellor for Equity, Diversity & Compliance – starts July 1

Jeff Ramsdell – Interim Vice Provost for Research – started June 15

Mark Ginn – Vice Provost for Undergraduate Education – starts July 1

Trustee Branch indicated that this concluded the report from the Academic Affairs Committee (see Appendix A).

REPORT FROM ATHLETICS COMMITTEE: Chair Roess recognized Trustee Carole Wilson, Chair of the Athletics Committee, for the report. Trustee Wilson reported the following:

### Report from Student-Athletes

Rising senior student-athletes, Eric Boggs from Football, and Madison Story from Women's Basketball, gave the Committee insight into their transformational experiences as student-athletes at Appalachian. Both student-athletes have excelled athletically, having earned Sun Belt Student-Athlete of the Week honors in recent years, as well as preseason and postseason all-conference team honors in their respective sports. In addition, both Eric and Madison have achieved great success in the classroom in their degree programs, and are on track to graduate following the spring 2018 semester.

### Presentation by Director of Athletics

To conclude the open session, Director of Athletics, Doug Gillin, presented a year-end review to the Committee for the 2016-17 academic year:

- Academically, Appalachian student-athletes achieved their 10<sup>th</sup> consecutive semester above a 3.0 grade point average, while earning the 2017 Sun Belt Graduation Rate Award;
- Competitively, three sport programs including Women's Cross Country, Football and Wrestling won conference championships. Additionally, Football won their second consecutive Camellia Bowl championship, and Wrestling was ranked in the Top 25 in all three national polls;
- Financially, Appalachian Athletics maintained a balanced budget in Fiscal Year 2016, and is projecting a balanced budget in Fiscal Year 2017. Earlier this spring, *A Mountaineer Impact Initiative* was designed and launched to provide essential resources for Appalachian State Athletics programs;
- During the 2016 Football season, seven games were televised nationally, including Appalachian's home contest against the University of Miami in September. Future game agreements were inked with the University of North Carolina Chapel Hill, who will visit Kidd Brewer Stadium in 2022, and East Carolina University, who will visit in 2025; and
- Finally, Mr. Gillin gave an overview of the Department of Athletics broad campus committee participation, academic partnerships, and community involvement in 2016-17. Details were also presented from a recent Economic Impact Study, completed by the Walker College of Business, which showed the incredible economic impact of Appalachian Athletics on the local community.

Trustee Wilson indicated that this concluded the report from the Athletics Committee, with the exception of one item to be discussed in closed session (see Appendix B).

REPORT FROM AUDIT COMMITTEE: Chair Roess recognized Trustee Charles Murray, Chair of the Audit Committee, for the report. Trustee Murray reported the following:

An update was given regarding two external audits that are in progress. Interim fieldwork has begun for the 2017 ASU Financial Audit as well as the 2017 ASU Foundation Financial Audit.

#### Audit Activity Charter

There was review and discussion of the updated internal Audit Activity Charter. This Charter defines the purpose, authority, and responsibility of the internal audit activity. It is consistent with the mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework. The Audit Committee recommended the approval of the updated internal Audit Activity Charter to the full Board.

Trustee Murray, on behalf of the Audit Committee, recommended approval of the updated Audit Activity Charter as presented (see Attachment 3). The Committee's recommendation was approved.

#### Audit Committee Charter

There was review, discussion and reaffirmation of the Audit Committee Charter. This Charter defines the purpose, authority, organization, duties and responsibility of the Audit Committee of

the Board of Trustees. The Audit Committee recommended the approval of the reaffirmed Audit Committee Charter to the full Board.

Trustee Murray, on behalf of the Audit Committee, recommended approval of the reaffirmed Audit Committee Charter as presented (see Attachment 4). The Committee's recommendation was approved.

#### Audit Plan

The UNC Board of Governors requires that the Office of Internal Audits at each University develop and implement an annual audit plan based on consideration of risk and potential internal control deficiencies. This plan also must be approved by the Board of Trustees Audit Committee. There was review, discussion, and approval of the 2017-2018 Internal Audit Plan by the Audit Committee. The Audit Committee recommended the approval of the 2017-2018 Internal Audit Plan to the full Board.

Trustee Murray, on behalf of the Audit Committee, recommended approval of the 2017-2018 Internal Audit Plan. The Committee's recommendation was approved.

#### Quarterly Reviews

The internal audits reviewed and discussed for this quarter were: (1) Payment Card Services Audit; (2) Privileged User IT Security Awareness Training Review; (3) Compliance with Policy 509.1 "Purchasing Office" and University Policies Concerning Conflict of Interest Disclosures; (4) ASU/NCRC Human Performance Lab (HPL) Departmental Review; (5) Follow-up reviews; and (6) Campus-wide reviews. In addition, the Office of Internal Audits provided an update on their annual quality assurance and improvement program.

Trustee Murray indicated that this concluded the report from the Audit Committee (see Appendix C).

REPORT FROM BUSINESS AFFAIRS COMMITTEE: Chair Roess recognized Trustee George Baldwin, Chair of the Business Affairs Committee, for the report. Trustee Baldwin reported the following:

#### Write-Off of Uncollectible Accounts

The write-off of uncollectible accounts in excess of \$1,000 requires action by the Board of Trustees. All attempts to collect these accounts have been exhausted. Following discussion, the motion was made and seconded to write off the uncollectible accounts as presented. The motion carried.

Trustee Baldwin, on behalf of the Business Affairs Committee, recommended approval of the write off of accounts as presented (see Attachment 5). The Committee's recommendation was approved.

### Update Parking and Traffic Manual

Pursuant to North Carolina General Statute 116-44.4, Board of Trustees approval is required for changes to the University's Parking and Traffic Manual. In addition to changes in dates, a rate increase of \$3 a month for most categories and minor changes in other rates was requested.

Trustee Baldwin, on behalf of the Business Affairs Committee, recommended approval of the changes to the Parking and Traffic Manual as presented (see Attachment 6). The Committee's recommendation was approved.

### Easement – Town of Boone – Historic Cemetery

The Town of Boone is requesting an easement to construct a retaining wall in order to maintain a boundary, reinforce the current wall, and maintain the appearance of the historic cemetery.

Trustee Baldwin, on behalf of the Business Affairs Committee, recommended approval of the easement as presented (see Attachment 7). The Committee's recommendation was approved unanimously.

Trustee Baldwin indicated that this concluded the report from the Business Affairs Committee (see Appendix D).

REPORT FROM STUDENT DEVELOPMENT COMMITTEE: Chair Roess recognized Trustee John Blackburn, Chair of the Student Development Committee, for the report. Trustee Blackburn reported the following:

Recently-appointed Vice Chancellor for Student Development, J. J. Brown, gave an overview of some of the changes happening within the division. The overview included information about the revised divisional Mission Statement, Vision Statement, Diversity and Inclusion Statement and a name change from Student Development to Student Affairs, effective late Summer 2017.

Traci Royster, Director of Professional Development and Strategic Initiatives, Malik Hargrave and Alan Lee, both rising seniors, gave an update on the proposed National Pan-Hellenic Council Plots at Appalachian.

Anderson Clayton, President of Student Government Association, and Alan Lee, Vice President of Student Government Association, presented on the administration's goals for the upcoming academic year.

Trustee Blackburn indicated that this concluded the report from the Student Development Committee (see Appendix E).

REMARKS FROM CHAIR ROESS:

Chair Roess made the following comments/announcements/reminders:

- Thanked the committees and their chairs for their reports.
- Thanked the Trustees for all their efforts on behalf of Appalachian's students, faculty and staff.
- The next scheduled Board of Trustees meeting will be held on Thursday and Friday, September 21 and 22, 2017.
- Nominating Committee for the next slate of Board officers: Carole Wilson, Chair, Bob Hatley and Kenan Smith.
- Recognized outgoing board member, Carolyn Clark.

CLOSED SESSION: Chair Roess announced that she would entertain a motion that the Board convene in closed session, Chair Roess asked that the voting Trustees, Chancellor Everts, Vice Chancellors, General Counsel, Acting Chief of Staff, Athletics Director, Director of Human Resources and the Recording Secretary join the voting members in closed session.

Upon motion duly made, seconded and approved, the Board convened in closed session to:

- prevent the disclosure of privileged information under Chapter 126 of North Carolina General Statutes or 20 United States Code 1232g of United States laws or regulations [N.C.G.S. §143-3 18.11(a)(1)];
- prevent the premature disclosure of an honorary award or scholarship [N.C.G.S. §143-318.11(a)(2)];
- consult with its attorney to preserve the attorney-client privilege [N.C.G.S. §143-318.11(a)(3)]; and
- establish or instruct the staff or agent concerning negotiations of the amount of compensation or other terms of an employment contract [N.C.G.S. §143-3 18.11(a)(5)].

PUBLIC SESSION RECONVENED: Upon motion duly made, seconded and approved, the Board reconvened in open session at 11:00 a.m.

Chair Roess recognized Trustee Carole Wilson, Chair of the Athletics Committee, for the following item:

Employment Agreement: Hoerner

Trustee Wilson, on behalf of the Athletics Committee, recommended approval of the following employment agreement as presented: Shelley Hoerner, Head Coach, Softball (Attachment 8).

The Committee's recommendation was approved unanimously.

Personnel Item: Foreman

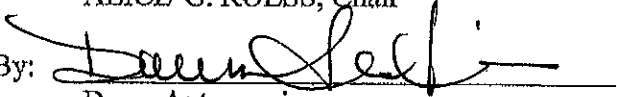
Chancellor Everts respectfully requested the Board of Trustees to approve her recommendation for Mr. Hank Foreman to serve as Vice Chancellor and Chief of Staff.

The Chancellor's recommendation was approved unanimously.

ADJOURNMENT: There being no further business, the meeting adjourned at 11:06 a.m.

ALICE G. ROESS, Chair

By:

  
Dawn Antonucci

Recording Secretary



**Good morning Trustees and thank you for the opportunity to share a brief update. Please join me again in recognizing our Board of Governors liaison C. Philip Byers. Philip, we appreciate your continued support and all your efforts in securing our BOG appointees for the class of 2017 Board of Trustees:**

- **Carole Wilson**
- **Lee Barnes**
- **Charlie Murray**

**Carole, Lee and Charlie, we are pleased to have you return for another term and thank you for your service to Appalachian. In addition, new trustee Bonnie Schaefer's term begins in July.**

**Clear indicators for how well our university is meeting its academic mission are enrollment and student success. While I must stress these numbers are preliminary, I am pleased to share that enrollment continues to grow at a slow and steady pace. Our projections for fall enrollment are up and we anticipate:**

- **total enrollment of 18,618**
- **3,175 first-year students**
- **1,275 transfer students**
- **1,731 graduate students**
- **1,246 distance education students**

**Not only are the numbers up, all profile indicators are up as well. In addition to increasing test scores, here are a few facts we know about our first year students:**

- **31% identify as first generation**

- **10% received application fee waivers**
- **5% have at least 30 college credit hours**
- **4% are from early college**

**Our top counties for student enrollment are:**

- **Wake**
- **Mecklenburg**
- **Guilford**
- **Forsyth**
- **and Union**

**Also, this incoming first-year class is on course to be the most diverse ever to attend Appalachian as we nudge closer to 18% who identify as underrepresented.**

**Transfer students continue to be a growth area for us as well. This year's transfers numbers are up and:**

- **43% identify as first generation**
- **14% receive application fee waivers**
- **16.5% identify as underrepresented**
- **and 5% served in the military**

**Our community college partners continue preparing students to succeed here at Appalachian. Our top community colleges for transfer enrollment are:**

- **Caldwell**
- **Wake Technical**
- **Central Piedmont**
- **Catawba Valley**

- and Wilkes

While it is important that we continue our slow and steady growth, it is also vitally important our students succeed during their time at Appalachian. We cannot fulfill our academic mission if we cannot retain students and ensure their success. The key indicators for success in this area bode well for us.

- Our retention rate surpasses our peers at just over 87%
- Our 6-year graduation is also a leader among our peers at nearly 72%

At the end of the day, all these numbers tell us that an Appalachian degree continues to grow in value and the experience our students receive is transformational and life-changing. As we continue to attract stellar students, faculty and staff, our campus must meet the infrastructure needs to support our steady growth and the academic community. A key component of meeting these needs is space and facilities.

The recent purchase of the old Watauga High School property provides us with an opportunity to strategically meet our current and future needs. While we continue to participate in our due diligence to best capitalize on this opportunity, we are challenging ourselves to think outside of the box about how this property can strengthen the support for our core academic mission on central campus. Many things are under review including:

- Parking
- Recreation facilities for all students
- Multipurpose fields for intramurals and club sports

- **Recreational opportunities for the community at large**
- **Residence halls**
- **and campus daycare**

**As you can see, a number of immediate and long-term needs could be met through strategic use of this property. A key point to keep in mind is that this breathing room is important to better utilizing space on our main campus for classrooms, labs, faculty offices and meeting spaces.**

**While it was closed long before my arrival, the Broyhill Inn site has now been prepared for a new future. The site was addressed with much attention to processing the materials as sustainably as possible. For more than two years, our community has been investigating how this area could best support our core academic work. The recent Master Plan, with wide community input, offers a possible solution that builds on the 67-acre nature preserve and our strategic needs. The plan puts forth possible facilities connecting innovation and sustainability to support our students, faculty and staff in the transformational work of our academic mission.**

**In a connecting program, I was honored to announce Appalachian's first class of Innovation Scholars funded through my office. Projects include:**

- **Urban farm-to-table development and technologies to extend year-round local food production**

- **Innovation in health professions education: interpersonal, rural-focused primary care simulations**
- **Socially assistive robotics for traumatic brain injury rehabilitation, education and outreach**
- **Demonstration of root zone heating supported by the biomass greenhouse heating system at local cooperative farms, and**
- **Interdisciplinary collaboration to create micro-business opportunities for students and alumni with intellectual and developmental disabilities**

**These five represent the outstanding research and service conducted by our faculty and staff each and every day. In a show of support, the College of Arts and Sciences and the Research Institute for Environment, Energy and Economics funded additional proposals from the applications. These thought leaders are making a difference in our community and in the lives of the students they teach and mentor.**

**Just two weeks ago, we joined our colleagues at Rodgers Builders to celebrate the “topping off” of the new Beaver College of Health Sciences Building. The ceremony, which celebrates reaching the highest point in the building and craftworker safety, was thrilling and indicates how quickly this project is moving forward. The first of the Connect NC bond projects to begin construction, we are on schedule for our fall 2018. The work of the college, this facility and our partnerships with Appalachian Regional Healthcare System and Wake Forest ensure a bright future for health care in our region.**

**The Winkler Hall project continues to move forward. Chief among our concerns is to ensure we best meet our needs for the best price. To this end, we continue to do our due diligence so that our investment reaps the appropriate benefits for the cost. We will be providing future updates about this and all our facilities projects as we move ahead.**

**I am very pleased to share that Appalachian has a full slate of deans! All 9 dean positions have been filled. I congratulate Provost Kruger and our colleagues in Academic Affairs on the selection of outstanding individuals to fill these critical roles. I have a few slides here to recognize all of our deans...new and more established alike. In addition, you can find a handout in the general information section of your notebook. We have included a photo and brief biography for each dean. The areas include: [three on a slide]**

- Beaver College of Health Sciences; Belk Library and Information Commons, and; College of Arts & Sciences**
- Williams School of Graduate Studies; Fine and Applied Arts, and; Hayes School of Music**
- Honors College; Reich College of Education, and; Walker College of Business**

**It is also important to share Appalachian has hired an associate vice chancellor for enrollment management as well as an associate vice chancellor for equity, diversity and compliance. All these positions are extremely vital for our campus' success and**

**I am elated to have a full team of excellent educators and administrators. We will ensure you have opportunities to meet all these individuals in the months ahead. Just last week, I traveled to Washington, DC to participate in an Appalachia Initiative Roundtable for Rural Health. This is part of the Bipartisan Policy Center's Task Force on Appalachia. By invitation from Senator Thom Tillis, specialists from our university are participating in discussions led by Senators Tillis, Mark Warner of Virginia, Joe Manchin of West Virginia and David Perdue of Georgia on education and the workforce, entrepreneurialism and job creation, energy and infrastructure and rural health. Our faculty and staff have firsthand knowledge and experience to contribute around each of these issues affecting Appalachia. The opportunity to share our ideas with a bipartisan team of U.S. senators could have unprecedented impacts on health care, education, job creation and energy initiatives in the region.**

**I would like to conclude my remarks with two special recognitions. First, please join me in recognizing Chair Alice Roess for her leadership on the Board of Trustees. It is evident to anyone who meets and spends even a small amount of time with Alice that Appalachian holds a special place in her heart. Likewise, she holds a special place in ours. Thank you Alice.**

**Trustee Baldwin, will you please join me at the podium. In May, George was awarded the Order of the Long Leaf Pine. Since 1963, North Carolina's governors have reserved their highest honor, The Order of the Long Leaf Pine award, for**

**persons who have made significant contributions to the state and their communities through their exemplary service and exceptional accomplishments. George, on behalf of your colleagues and friends at Appalachian, it is my pleasure to present you with the Order of the Long Leaf Pine pin.**

**Madam Chair, this concludes my remarks.**



***Faculty Handbook***  
**Revisions for 2016-17**

Prepared for Provost and Executive Vice Chancellor  
Darrell Kruger by  
Sue Edwards, Vice Provost for Faculty Affairs  
Kathy Ray, Executive Assistant, Academic Affairs

May 25, 2017

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Black = Existing *Handbook* language  
Red = Proposed new *Handbook* language

*Faculty Handbook*  
Revisions for 2017

The following recommended Faculty Handbook revisions are the result of actions by the Faculty Senate and approvals by the Provost during the academic year 2016-2017.

**Item 1: Section 7.3.4.16 regarding Committees**

7.3.4.16 University Forum Committee – Approved by Faculty Senate on April 10, 2017

Explanation: The addition 7.3.4.16 creates a section for the University Forum Committee following the same format as sections in the Faculty Handbook for other University Committees.

7.3.4.16 University Forum Committee

(a) Members on Committee: 7 faculty. The vice-provost for undergraduate education shall serve as an ex-officio non-voting member and shall convene the first meeting, at which the voting membership shall elect a chair;

(b) report to: the provost and executive vice-chancellor;

(c) areas of responsibility: select and arrange for campus appearances of a variety of distinguished speakers for the purpose of enlightening and educating the campus community on issues of current interest; administer the External Scholars Grant Program, which brings distinguished academics and scholars from across all disciplinary areas to enhance the scholarship and/or pedagogy of the faculty.

**Item 2: Section 4.4.6 Submission of the Portfolio for Tenure and/or Promotion**

4.4.6 Submission of the Portfolio for Tenure and/or Promotion -- Approved by Faculty Senate on April 10, 2017.

Explanation: This is to update the Faculty Handbook to show current procedures.

**4.4.6 Submission of the Portfolio for Tenure and/or Promotion**

The entire P&T Portfolio (the P&T dossier and the collection of artifacts/documentation) shall be submitted to the department chair for consideration by the departmental promotion and tenure committee. The P&T Dossier as highlighted in section 4.4.5.1 must be submitted electronically. Artifacts and documentation may be submitted electronically or in printed form or a combination. The departmental promotion and tenure committee and department chair shall use both the dossier and the collection of artifacts when evaluating the candidate for tenure and/or promotion. However, after departmental deliberations are completed, only the P&T dossier shall leave the department and go to the dean of the candidate's college. The collection of

artifacts/documentation shall be stored in the department and be available upon request during the remainder of that faculty member's P&T process.

**Item 3: Section 4.6.3 Conference with the Dean**

4.6.3 Conference with the Dean – Approved by Faculty Senate on April 10, 2017.

Explanation: The proposed change adds a time period within which a faculty member can request a conference with a dean concerning non-reappointment.

**4.6.3 Conference with the Dean**

The dean of the faculty member's college/school shall send the faculty member by certified mail, return receipt requested, a written notice of non-reappointment. This notice shall direct the faculty member to section 4.11 of this *Faculty Handbook* for information on review procedures and to this section of the *Faculty Handbook* regarding the right to a formal conference with the dean, and subsequently with the provost and executive vice chancellor. Within ten (10) working days after receiving a written notice of non-reappointment, the faculty member may request in writing a private conference with the dean to discuss the reasons for non-reappointment. This request shall be granted and the conference held within ten (10) working days after receipt of the request if possible, at which time the reasons for the decision shall be communicated to the faculty member.

Within ten (10) working days after the conference, the dean shall give the faculty member a written statement of whether the original decision remains in effect. Each such decision shall be communicated for information to the provost and executive vice chancellor. Following the conference with the dean, the faculty member may within fifteen working days request a conference with the provost and executive vice chancellor to review reasons for non-reappointment.

At the conference with the dean and provost, on three working days' written notice, the faculty member may be accompanied by an observer of their choosing. If the faculty member chooses an observer, the dean/provost may be accompanied by an administrator observer. Unless otherwise agreed, observers may not take part in the discussion between the faculty member and the dean/provost. Observers may not be present as attorney for either party. Because confidential personnel file information will be discussed at the conference, the faculty member and any observers must sign an Observer Waiver. This document includes the faculty member's authorization of the observer(s) to hear such confidential information, and commits the observer(s) to maintain the confidentiality of such information unless the faculty member subsequently authorizes disclosure.

**Item 4: Section 4.11.3.7.2 regarding The Grievance Procedure**

4.11.3.7.2 section regarding Grievance Procedure – Approved by Faculty Senate on November 14, 2016.

Explanation: This change adds a timeframe to ensure a case is heard in a timely manner.

4.11.3.7.2 If mediation fails, no record of the mediation will be released other than an unelaborated written statement from the mediator to the chair of the FGHC that mediation was attempted and was unsuccessful. Copies of the unelaborated written statement will be provided to the parties specified in section 4.11.3.5.1, above. Under no circumstances may the mediator be called as a witness in any subsequent proceeding, nor may any statements made during mediation be used against either party in a formal grievance hearing or any other forum. The mediator will dispose of any documents used in the process. Upon notification of the failure of mediation, the grievant must notify the chair of the faculty grievance committee in writing within 5 working days of the desire to proceed with the grievance hearing. decide whether to pursue a formal grievance hearing. Since the FGHC has already determined that the grievant's petition merits the committee's consideration, the grievant's written notification to the FGHC chair of a desire to proceed to a formal grievance hearing will be automatically granted. The grievant may end the process at any time from this point forward.

**Item 5: Section 4.11.3.9 regarding The Grievance Procedure**

4.11.3.9 Grounds and Procedures for Review of Grievance (Non-disciplinary) Cases - Approved by Faculty Senate on April 10, 2017.

Explanation: Addition to clarify that an advisor-advocate may not be called as a witness.

**4.11.3.9** Faculty members shall be allowed to be represented at a grievance hearing by an advisor-advocate of his or her choice as long as that person is not serving as the faculty member's attorney. If the faculty member chooses to be represented by an advisor-advocate, the respondent may likewise be represented by an advisor-advocate. However, no advisor-advocate may be called as a witness. The faculty member also shall be allowed to have an attorney present as an observer, and if the faculty member so elects, the respondent may likewise have an attorney present as an observer. Attorney-observers are not, however, permitted to speak, although a party may consult with her or his attorney-observer during breaks in the hearing as well as at any other stage in the process aside from the hearing. Presence at the hearing is limited to the members of the FGHC, the grievant, the respondent(s), the parties' advisor-advocates and/or attorney-observers, if any, and a designated recorder.

The hearing shall begin with a presentation by the faculty member or faculty member's advisor-advocate of evidence designed to support the faculty member's contentions. The presentation shall be limited to those matters specified in the request for a hearing on which the FGHC based its agreement to conduct the hearing or to such other matters specified in section 4.11.3.5.2. FGHC members may question all witnesses presented by any party, the grievant, and the respondent(s). At the conclusion of the hearing, the FGHC shall meet in closed session to

consider the matter. The FGHC may consider only such evidence as was presented at the hearing and need consider only the evidence offered that it considers fair and reliable. The burden is on the aggrieved faculty member to satisfy the FGHC, by a preponderance of the evidence, that her or his contention is true. After the conclusion of the hearing, the FGHC shall complete its deliberations and produce its decision within twenty (20) working days.

**Item 6: Section 4.13.4.4.5 regarding Periodic Reopening of the Departmental Chair Position**

4.13.4.4.5 Periodic Reopening of the Department Chair Position – Approved by Faculty Senate on April 10, 2017. Deletion of current 4.13.4.4.6 approved April 10, 2017)

Explanation: The change to 4.13.4.4.5 exchanges the position of “dean of the college” for the “department’s Equal Opportunity Associate (EOA) in that section since the position of EOA no longer exists. 4.13.4.4.6 was removed to reflect current procedures.

4.13.4.4.5 The dean of the college department’s Equal Opportunity Associate (EOA) will convene the meeting. The faculty shall select a member to chair the meeting, conduct all balloting, prepare minutes of the meeting, and immediately inform the departmental faculty and the dean of the college of the ballot results. Minutes of the meeting shall only record those faculty present and the ballot results, and shall be sent to the dean of the college. The paper ballots for this vote shall be kept in sealed, labeled, and dated envelopes, and filed in the office of the dean.

~~4.13.4.4.6 In order to institute the reopening of the chair position in an orderly way so that all chair positions will not be reopened at the same time, the following schedule is to be implemented. Beginning with the first academic year in which the new policy is adopted (i.e., the 1999–2000 academic year), if a chair has served in that position for:~~

- ~~(a) 1–2 years, the first reopening would occur 5 years later;~~
- ~~(b) 3–5 years, the first reopening would occur 3 years later;~~
- ~~(c) 6 or more years, the first reopening would occur 2 years later.~~

**Item 7: Section 6.2.2.1.3 Procedures for Application and Approval**

6.2.2.1.3 Procedures for Application and Approval — Approved by Faculty Senate on April 10, 2017.

Explanation: Clarification that tenure-track faculty votes on OCSAs since only tenure-track faculty are eligible for an OCSA.

**6.2.2.1.3 Procedures for Application and Approval**

- (a) A request for an off-campus scholarly assignment must include a detailed statement of the proposed project or activity and be submitted to the chair of the department;

- (b) Departmental approval by majority vote of the tenure-track faculty and the endorsement of the departmental chair are required before an application is submitted to the dean of the college/school for action. The dean will thereafter submit the proposal, along with the dean's endorsement or rejection, to the provost and executive vice chancellor;
- (c) A request for an off-campus scholarly assignment should be submitted at least six months prior to its effective date;
- (d) Every effort will be made to grant approved OCSA requests for faculty; however, all requests for OCSAs are resource-dependent.

# **Appalachian State University**

## **Office of Internal Audits**

### **Audit Activity Charter**

#### **MISSION, PURPOSE AND SCOPE OF WORK:**

The Institute of Internal Auditors' *International Professional Practices Framework (IPPF)* defines the mission of internal audit as follows: "to enhance and protect organizational value by providing risk-based and objective assurance, advice and insight." The mission, purpose and scope of this office is consistent with both the *IPPF* mission statement and the mandatory elements of the *IPPF*. Internal Auditing is an independent and objective assurance and consulting activity that is designed to add value to improve the operations of Appalachian State University. The Office of Internal Audits assists the University in accomplishing its objectives through a systematic and disciplined approach to evaluate and improve the effectiveness of the organization's risk management, control, and governance processes. The scope of internal audit activities encompasses, but is not limited to, objective examinations of evidence for the purpose of providing independent assessments to the Chancellor, the Appalachian State University Board of Trustees Audit Committee (hereafter referred to as the "Audit Committee"), other management, and outside parties on the adequacy and effectiveness of governance, risk management, and control processes for the University.

#### **ROLE AND ACCOUNTABILITY:**

The internal audit activity is established by the Audit Committee. The Office of Internal Audits' responsibilities are defined by the Audit Committee as part of its oversight role. Final approval of the internal audit charter resides with the Board of Trustees.

#### **STANDARDS FOR THE PROFESSIONAL PRACTICE OF INTERNAL AUDITING:**

The Office of Internal Audits' will govern itself by adherence to The Institute of Internal Auditors' *IPPF* mandatory guidance including the Definition of Internal Auditing, the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, and the *International Standards for the Professional Practice of Internal Auditing (Standards)*. This mandatory guidance constitutes principles of the fundamental requirements for the professional practice of internal auditing and for evaluating the effectiveness of the internal audit activity's performance. The Chief Audit Officer (hereafter referred to as CAO) will report periodically to the Chancellor and the Audit Committee regarding the Office of Internal Audits' conformance to the Code of Ethics and the Standards.

The Institute of Internal Auditors' Implementation Guides, Practice Advisories, and Supplemental Guidance will also be adhered to as applicable to guide operations. In addition, the Office of Internal Audits will adhere to Appalachian State University's relevant policies and procedures and the standard operating procedures manual (Audit Manual).



**AUTHORITY:**

The Office of Internal Audits, with strict accountability for confidentiality and safeguarding records and information, is authorized full, free, and unrestricted access to any and all records, physical properties, and personnel pertinent to carrying out any engagement in accordance with *North Carolina General Statute 147-64.7* and *Session Law 2010-194, Section 21*. All university employees are directed to assist the Office of Internal Audits in fulfilling its roles and responsibilities upon request. The Office of Internal Audits will also have free and unrestricted access to the Audit Committee.

The Office of Internal Audits is not authorized to perform operational duties for the University, implement internal controls, initiate or approve accounting or other transactions external to the internal audit office, nor direct the activities of any university employee not employed in the Office of Internal Audits.

**ORGANIZATION:**

The CAO will report functionally to the Chair of the Audit Committee and administratively (i.e., day-to-day operations) to the Chancellor. The CAO will communicate and interact directly with the Audit Committee, including in closed sessions and between regularly scheduled Audit Committee meetings, as appropriate.

The Audit Committee shall be composed and organized in accordance with the Audit Committee Charter approved by the Board of Trustees.

**INDEPENDENCE AND OBJECTIVITY:**

The Office of Internal Audits should be free from interference in determining the scope of internal auditing, performing work, and communicating results. To provide for the independence of the Office of Internal Audits, its personnel should report to the CAO, who reports administratively to the Chancellor and functionally to the Audit Committee. The CAO shall have full and independent access to the Chancellor and the Audit Committee. The CAO will confirm to the Audit Committee and the Board of Trustees, at least annually, the organizational independence of the Office of Internal Audits. If the CAO determines that independence or objectivity may be impaired in fact or appearance, the details of impairment will be disclosed to appropriate parties. The CAO will disclose to the Chancellor and the Audit Committee any interference and related implications in determining the scope of internal auditing, performing work and communicating results.

Internal auditors must exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors must make a balanced assessment of all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgment.

Objectivity and independence are crucial to the duties of the Office of Internal Audits. Either may be compromised if auditors participate directly in any activity that may impair their judgment, including implementing internal controls or developing procedures, preparing records or accounting transactions, designing systems and operations, or directing activities of any organization personnel not employed in the Office of Internal Audits. In addition, the Office of Internal Audits staff will not assess specific operations for which they had responsibility within the previous year. Therefore, the Office of Internal Audits' staff will serve only in an advisory capacity in these matters.

### **RESPONSIBILITY:**

The Office of Internal Audits is responsible for:

- Evaluating the means of safeguarding assets and, as appropriate, verifying the existence of such assets.
- Evaluating operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out effectively and efficiently.
- Monitoring and evaluating the effectiveness of the organization's risk management processes.
- Evaluating the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations that could have a significant impact on the organization.
- Assessing information security and information technology controls in all appropriate projects.
- Performing consulting and advisory services related to governance, risk management and control as appropriate for the organization, provided the Office of Internal Audits does not assume management responsibility.
- Maintaining a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the Charter.
- Communicating to the Chancellor and the Audit Committee the impact of resource limitations, if any, on the internal audit plan.
- Ensuring the audit activity conforms to the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing (Standards)*.
- Establishing a quality assurance and improvement program by which the CAO assures the operation of internal auditing activities. This will include assuring adherence to both internal policies and procedures and University policies and procedures.
- Issuing periodic reports summarizing results of audit activities to management, the Chancellor, and the Audit Committee.
- Keeping the Chancellor and Audit Committee informed of emerging trends and issues that could impact the University.
- Ensuring that emerging trends and successful practices in internal auditing are considered.
- Assisting and/or conducting the investigation of suspected fraudulent activities within the

organization and notifying the Chancellor and the Audit Committee of the results.

- Serving as a liaison between University management and external auditors. In addition, as appropriate, coordinating activities and considering reliance on the work of other external assurance and consulting service providers as needed.
- As appropriate, providing consulting services to management that add value and promote the best interests of the organization.
- Developing a flexible annual audit plan using an appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the Chancellor and Audit Committee for review and approval as well as periodic updates.
- Implementing the annual audit plan, as approved, including any special tasks or projects requested by management and the Audit Committee.

#### **REPORTING AND MONITORING:**

A written report will be prepared and issued by the CAO or audit designee following the conclusion of each internal audit engagement and will be distributed as appropriate. Internal audit results will also be communicated to the Audit Committee and the Board of Trustees. The Office of Internal Audits will be responsible for appropriate follow-up on engagement findings and recommendations. Opportunities for improving the efficiency of governance, risk management, and control processes may be identified during engagements. These opportunities will be communicated to the appropriate level of management.

The internal audit report may include management's response and corrective action to be taken in regard to the specific findings and recommendations. Management's response, whether included within the audit report or provided thereafter (i.e., within fifteen days) by management of the audited area, should include a timetable for anticipated completion of action to be taken or an explanation for any corrective action recommendations that will not be implemented (management will accept the risk). The CAO will report to the Chancellor and the Audit Committee any response to risk by management that, in the CAO's opinion, may be unacceptable to the University.

The Office of Internal Audits will be responsible for appropriate follow-up on audit findings and recommendations. All significant findings will remain in an open issues file until they are cleared.

#### **QUALITY ASSURANCE AND IMPROVEMENT PROGRAM:**

The internal audit activity will maintain a quality assurance and improvement program that covers all aspects of the internal audit activity. The program will include an evaluation of the internal audit activity's conformance with the Definition of Internal Auditing and the Standards, and an evaluation of whether internal auditors apply the Code of Ethics. The program also assesses the efficiency and effectiveness of the internal audit activity and identifies opportunities for improvement.

The CAO will communicate to the Chancellor and the Audit Committee on the Office of Internal Audits' quality assurance and improvement program, including results of ongoing internal assessments and external assessments conducted at least every five years by a qualified, independent assessor or assessment team from outside of Appalachian State University.

**PERIODIC ASSESSMENT:**

The CAO will periodically report to the Chancellor and the Audit Committee on the Office of Internal Audits' purpose, authority, and responsibility, as well as performance relative to its audit plan. The reporting will include any resource requirements of the Office of Internal Audits as well as the Office of Internal Audits' conformance with the IIA's Code of Ethics and Standards. Action plans to address significant conformance issues, if any, will be reported. Reporting will also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters as determined in the discretion of the CAO or requested by senior management or the Audit Committee.

**Updated and approved this 23rd day of June, 2017.**

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Chief Audit Officer

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Chancellor

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Chair of the Audit Committee

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Chair of the Board of Trustees

# **Appalachian State University**

## **Charter of the**

### **Audit Committee of the**

#### **Board of Trustees**

#### **BACKGROUND**

Appalachian State University (the “University”) has chosen to use the North Carolina Office of the State Auditor (the “State Auditor”) to conduct its annual financial audits. The State Auditor determines staff assignments for individual audits, including rotation of Audit managers for each audit client. In addition, constituent institutions have internal audit departments to address the institution’s operating risks and internal controls, review the effectiveness and efficiencies of programs, conduct investigative audits when necessary, and perform other audit-related activities. The UNC Board of Governors has required that the Board of Trustees of each UNC constituent institution have an active committee generally responsible for audit activities and reporting to the Board of Trustees and UNC Board of Governors.

#### **PURPOSE**

The primary purpose of the Audit Committee (the “Committee”) of the Appalachian State University Board of Trustees (the “Board”) is to assist the Board in fulfilling its oversight responsibilities for (i) the integrity of the financial statements of the University, (ii) the performance of the University’s internal audit function, and (iii) the assurance that the University is performing self-assessments of operating risks and evaluation of internal controls on a regular basis.

#### **AUTHORITY**

The Committee has authority to conduct or authorize investigations into any matters within its scope of responsibility, including resolving any disagreements between University administration and the auditor regarding financial reporting and any audit findings and recommendations.

#### **ORGANIZATION**

The Committee shall be a standing committee of the Board consisting of at least four (4) members of the Board. Each Committee member must be (i) independent of the University’s administrative and executive officers and (ii) free of any relationship that would impair such independence.

If possible, at least one member of the Committee must be a financial expert; the other members should be able to understand financial information and statements. For this purpose, a “financial expert” is someone who has an understanding of generally accepted accounting principles and financial statements; experience in applying such principles; experience in preparing, auditing, analyzing, or evaluating financial information; experience with internal controls and procedures for financial reporting; and an understanding of the audit committee function. It is desirable for the role of financial expert to be rotated no less

frequently than biennially. The members of the Committee shall be selected in the same manner as other committees of the Board.

### **MEETINGS**

The Committee shall meet at least four (4) times a year and may hold additional meetings as circumstances require. The Committee will invite representatives of University administration, auditors, legal counsel, and others to attend meetings and provide pertinent information as necessary. It will also hold private meetings with the University's Chief Audit Officer (the "CAO") at least annually. Meeting agendas shall be prepared and provided in advance to members, along with appropriate briefing materials. Minutes of the meetings shall be prepared.

### **DUTIES AND RESPONSIBILITIES**

The principal duties and responsibilities of the Committee shall be as follows:

- Meet at least four times during the year.
- Review the results of the University's annual financial audit with the North Carolina Office of the State Auditor (OSA) or a designated representative thereof.
- Discuss the results of any other audit performed and report/management letter (e.g., information systems audits, investigative audits) issued by the OSA with the State Auditor or OSA staff, the CAO, and/or the appropriate campus official(s).
- For any audit finding contained within a report or management letter issued by the OSA, review the institution's corrective action plan and receive a report once corrective action has taken place.
- Discuss the results of any audit performed by independent auditors and, if there were audit findings, review the institution's corrective action plan and receive a report once corrective action has taken place in accordance with North Carolina General Statutes 116-30.1, as amended.
- Review all audit reports and management letters issued with respect to entities associated or affiliated with the University as defined in section 600.2.5.2 [R] of the UNC Policy Manual.
- Institute and oversee special investigations as needed.
- Have a functional reporting relationship with the CAO to enable the CAO to meet privately to discuss professional issues freely with the Committee and its chairperson, even though the CAO also will report administratively to the Chancellor.
- Receive and review quarterly reports from the CAO that, at a minimum, report material (significant) reportable conditions and the corrective action plan for these conditions.
- Receive, review, and approve a summary of the annual internal audit plan for the University at the beginning of the annual audit cycle. The annual audit plan should be based upon the results of an institutional risk assessment, testing of internal controls, and audits.
- Receive and review an annual summary of audits performed by the CAO's office and a comparison of the plan set forth at the beginning of the cycle to the audits actually performed.

- Review internal audit reports when issued by the CAO. Ensure that internal audit functions are conducted in accordance with professional standards, including assurance that the University is performing self-assessment of operating risks and evaluation of internal controls on a regular basis.
- Review and consult with the Chancellor in the appointment, replacement, or dismissal of the CAO and the compensation package.
- Resolve, or assist the Board in resolving, disagreements between the CAO and University administration concerning audit findings and recommendations.
- Engage, in accordance with state laws, rules and regulations, independent counsel or other advisors if and as necessary to carry out its duties. The University shall provide funding as determined by the Committee, subject to the oversight of the Board, for payment to any such advisors that may be engaged by the Committee.
- Prepare and forward to the UNC Board of Governors an annual summary certification of the work performed by the Committee.
- Confirm annually that all responsibilities outlined in this Charter have been carried out as part of the annual internal assessment.
- Perform such other duties and tasks as may be assigned or requested from time to time by the Board.

#### **AMENDMENTS**

The Committee, with the assistance of the CAO and University legal counsel, should periodically review and assess the adequacy of this Charter, and propose any suggested revisions or additions to the Board for its consideration. Revisions or additions to this Charter shall be made and effective as approved by the Board.

**Updated and approved this 23rd day of June, 2017.**

\_\_\_\_\_  
Chief Audit Officer

\_\_\_\_\_  
Chancellor

\_\_\_\_\_  
Chair of the Audit Committee

\_\_\_\_\_  
Chair of the Board of Trustees

### Write off Uncollectable Accounts - University Treasurer/ Student Accounts

The write off of uncollectable accounts in excess of \$1,000 requires board action by the Board of Trustees. All attempts to collect these accounts have been exhausted. The administration is seeking approval to write-off the accounts attached.

	2017	2016	\$ Variance	% Variance
Tuition	63,311.99	115,151.72	(51,839.73)	45.02%
Fees	20,198.62	42,058.80	(21,860.18)	51.98%
Financial Aid	83,019.80	154,456.73	(71,436.93)	46.25%
Late Fees/ Interest	43,559.06	77,663.53	(34,104.47)	43.91%
Library	689.30	802.00	(112.70)	14.05%
Other State Funds	1,500.16	3,674.51	(2,174.35)	59.17%
Payroll	-	1,613.28	(1,613.28)	100.00%
Food Services	5,813.92	14,493.89	(8,679.97)	59.89%
Health Services	14,727.88	23,033.25	(8,305.37)	36.06%
Housing	6,462.24	27,208.53	(20,746.29)	76.25%
Bookstore	2,666.23	7,963.01	(5,296.78)	66.52%
Other Trust Funds	2,190.00	3,512.27	(1,322.27)	37.65%
	<b>244,139.20</b>	<b>471,631.52</b>	<b>(227,492.32)</b>	<b>48.24%</b>

**Total University and Student Accounts**

**\$ 244,139.20**

#### University and Student Accounts

Name	Total Due
Aldred, Sarah Ashley	10,205.97
Bailey, Pamela Christine	4,635.87
Bullins, Anthony Joseph	2,022.46
Cable, Matthew	1,809.66
Carter, Lindsey Rachelle	1,091.24
Cheek, Lloyd Mcforrest	4,028.91
Cuevas, Jose Antonio	3,206.52
Dennison, Theresa Angelyn	6,137.68
Dixon, Kathryn Leigh	2,371.19
Doe, Erica Dianne	1,024.74
Dunning, Samuel Vance	1,901.69
Earp, Jacob Jonathan Hal	1,129.74
Fordham, Jennifer Mendenall	1,970.37
Fultz, Nicholas Logan Stokely	7,101.74
Gabe, Timothy Hayden	1,243.05
Gray, Hannah Rosemary	1,201.03
Greene, Stephanie Michelle	1,240.76
Griffin, George Bradley Dean	4,269.74
Harper, Nathaniel David	2,670.08
Hawkins, Chelsea Maria	1,127.89
Haynes, Jonathan Brett	2,181.57
Hedglin, Taylor Drake	3,018.86
Hileman, Joel	2,811.22
Hogg, Joshua E.	1,732.71
Horn, Arthur Cornell	4,653.27
Hudson, Derrick Shane	6,249.19



Name	Total Due
Johnson, Melissa A.	2,850.27
Justice, Christian Daniel	4,980.40
Krause, Benjamin Ryan Howarc	5,772.70
Kromah, Roseline Ciatu	7,773.00
Krull, Sara Melissa	13,147.77
Larkin, Nicholas Song Min	5,405.70
Lindberg, Holly Christine	4,983.62
Maloney, Andrew John	5,074.94
McGown, Ashley Marie	2,558.13
Miller, Jessica S.	2,354.67
Muniz, Jose Raphael	2,356.29
Okam, Brian Emeka	1,279.78
Oliver, Amanda Lynn	1,405.57
Oliver, Tiana Sarita	6,709.39
Parker, Lauren Brooke	1,026.11
Patel, Chirag V.	6,767.63
Pence, Mark Sayre	6,373.49
Purser, Anna Dawn	1,454.72
Robinson, Meta Menee	1,980.41
Robinson, Shaquiela Michelle	1,880.91
Rutty, Kristin-Armani Salasha	1,536.71
Sanders, Kimberly Dianne	1,315.26
Schumann, Alex	4,536.42
Shields, Kristin Elizabeth	3,832.97
Smith, Harold Anthony	4,859.19
Smith, Robyn	8,822.53
Tate, Clyde William	11,226.56
Uc-Tun, Emilio Patrick	9,932.74
Villeda, Josafat	1,290.88
Ware, Gregory Jamal	16,785.20
Wheless, Rachel Anne	4,604.94
Woods, Jessica Ann	7,147.90
Woosley, Nina Alexandra	1,075.25
<b>TOTAL</b>	<b>244,139.20</b>

### Write off Uncollectable Accounts - New River Light and Power Company

Action is required by the Board of Trustees for the write off of uncollectable accounts in excess of \$1,000. The Administration is seeking permission to write off the following New River Light and Power Company accounts:

No accounts above \$1,000 are to be written off for FY2017

Total New River Light and Power \$ -

## **Appalachian State University Parking and Traffic Regulations**

(Requesting deletions noted in ~~red~~ and additions highlighted in yellow.)

Effective ~~August 15, 2016~~ August 21, 2017

University Parking and Traffic Department  
461 Rivers Street, Suite A  
Boone, North Carolina 28608  
(828) 262-2878

## **FOREWORD**

Welcome to Appalachian State University! The Parking and Traffic Department is responsible for providing parking services and traffic control for all faculty, staff, students, and visitors to the campus. Management of the University's more than 6,000 parking spaces is accomplished through vehicle registration, as well as enforcement of the regulations set forth in this manual. These regulations are designed to enhance the safety and welfare of the entire University community.

Through the following resolutions, the Board of Trustees of Appalachian State University has adopted the regulations contained herein as official policy of the University.

BE IT RESOLVED THAT pursuant to authority vested in North Carolina General Statutes, Chapter 116, Article 1, Part 6, the Board of Trustees of Appalachian State University hereby repeals all prior actions authorizing Regulations Governing Parking, Traffic and the Registration of Motor Vehicles for Appalachian State University at Boone and on ~~June 24, 2016~~ June 23, 2017 adopts and records in its proceedings the following Regulations Governing Parking, Traffic, and the Registration of Motor Vehicles on the campus of Appalachian State University at Boone in lieu thereof. The regulations are intended only to supplement North Carolina General Statutes, Chapter 20, N.C. Motor Vehicle Laws, all provisions of which, under the terms of the law referenced above now apply to the campus of Appalachian State University at Boone except as provided in North Carolina General Statutes, Chapter 116, Article 1, Part 6. These regulations shall apply to and be in effect on all parts of the campus of Appalachian State University immediately; and be it

FURTHER RESOLVED, that the Office of Business Affairs shall be responsible for all physical arrangements, including implementation and installation of additional traffic control signs and signals on University property as deemed necessary; and be it

FURTHER RESOLVED, that copies of these regulations shall be filed in the Office of the President of the University of North Carolina and the Office of the Secretary of State of North Carolina.

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## **Article I—General Regulations**

### **Section 1 DEFINITIONS**

The definitions of all terms used in these regulations shall be those provided in Chapters 20-38 and other applicable sections of the General Statutes of North Carolina insofar as they are provided. The meaning of other terms shall be as follows:

- A. **ACADEMIC YEAR:** From the beginning of one fall semester to the beginning of the next fall semester.
- B. **CAMPUS:** All properties belonging to Appalachian State University, including New River Light and Power, the Child Development Center, the holdings of the permanent Endowment Fund and all properties leased or controlled by the University.
- C. **CHANCELLOR:** Chief Administrative Officer of Appalachian State University.
- D. **CROSSWALK:** That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by line or other markings on the surface.
- E. **DIRECTOR OF PARKING AND TRAFFIC:** The person designated by the Vice Chancellor for Business Affairs to be responsible for enforcing the provisions of these regulations.
- F. **DORMANT STORAGE:** The parking of a non-operative motor vehicle for a period longer than seven days. State owned vehicles and privately owned motor vehicles displaying a current parking permit and parked in an area authorized by the displayed permit shall not be classified as dormant unless there is evidence that the vehicle is inoperative. Failure to display a current authorized state license plate classifies a vehicle as inoperative. Inoperative vehicles may be removed from the campus after seven days at the owner's expense.
- G. **FACULTY MEMBER:** Employees with faculty or equivalent professional status. (Graduate Assistants are not included.)
- H. **IMMOBILIZATION (BOOTING):** The placing of a mechanical wheel lock (boot) on a vehicle to prevent movement of the vehicle.
- I. **INTERSECTION:** The area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of two or more

highways, streets or roadways, which join one another at any angle whether or not one such highway, street or roadway crosses the other.

- J. **LEGAL PARKING SPACE:** An area that has been clearly designated by pavement markings as a parking space.
- K. **NO PARKING AREA:** Any area not clearly designated by pavement markings as a parking space shall be considered a no parking area.
- L. **PARK:** The standing of a vehicle whether occupied or not.
- M. **PARKING AREA:** Any place or area set aside, marked, or intended for the parking of vehicles, either permanently or temporarily.
- N. **PAY LOT:** Any parking lot or area where payment for parking is required based on the length of time the vehicle is parked. Pay lots may be operated by automated pay machines, meters or by attendants who collect the parking fees.
- O. **SIDEWALK:** Any area designated for or marked by proper authorities for the exclusive use of pedestrians.
- P. **STAFF MEMBER:** Any non-faculty employee paid by the state and employed at the University on a full or part-time basis.
- Q. **STOP:** When required, means complete cessation of movement of a vehicle.
- R. **STREET:** Any way or place designated or marked by proper authorities for vehicular travel.
- S. **STUDENT:** Any person registered with the University as a full-time, part-time, graduate or other special student. This does not include employees of the University who are in a full-time permanent position and subject to SPA or EPA guidelines.
- T. **TOWING:** The removal of a vehicle from the campus by a contracted towing firm at the vehicle operator's expense.
- U. **UNIVERSITY:** Unless otherwise provided, the word "University" throughout these regulations shall be interpreted to mean Appalachian State University at Boone.
- V. **VEHICLE:** Any device in, upon, or by which any person or property is or may be transported or drawn upon the campus, excepting devices moved by human power; the term motorcycle, motor bike, or motor scooter in these regulations applies to any two-wheeled or three-wheeled motor propelled vehicle.

W. VISITOR: Any person on the campus who is not classified as faculty, staff or student.

Section 2 These regulations are in effect twenty-four hours a day, except as herein provided. Any revisions will be announced in official University publications.

Section 3 AUTHORITY

The Chancellor shall delegate to the Vice Chancellor for Business Affairs the responsibility for administering the provisions of these regulations. The Vice Chancellor for Business Affairs shall designate the Director of Parking and Traffic to be responsible for enforcing the provisions of these regulations.

Section 4 LIABILITY

Appalachian State University assumes no liability or responsibility for damage to or theft of any vehicle parked or in operation on all University owned, leased or controlled property.

Section 5 PEDESTRIAN REGULATIONS

Pedestrians have the right of way in crosswalks and on sidewalks at all times. Pedestrians should only cross streets at designated crosswalks.

Section 6 PROPERTY DAMAGE

No person shall deface, injure or remove any signs or other equipment used for the purpose of parking and traffic control. Violators can face criminal charges as well as being referred to Student Judicial Affairs.

Section 7 SNOW EMERGENCY

In order to provide for public safety the University Parking and Traffic Department shall have the authority during times of severe winter weather conditions to relocate a legally or illegally parked vehicle from one street or parking area to another in order to assist in snow removal.

Section 8 VEHICLE COVERS

No person shall utilize any type of vehicle cover or sun shield which prevents full visibility of a properly displayed parking permit. It is the vehicle operator's responsibility to make any necessary alterations to the device to allow for the parking permit to be viewed from outside the vehicle.

Section 9 USE OF PARKING FACILITIES

Campus parking areas are designated for vehicular parking only and vehicles must be in compliance with the University's Facility Use Policy as it pertains to

advertising. All other uses are prohibited, unless authorized by the Vice Chancellor for Business Affairs.

## Section 10 VIOLATION OF REGULATIONS

In addition to the criminal penalties set by North Carolina General Statutes, any person violating these regulations is subject to a civil penalty as set forth in this document. When a vehicle is found to be in violation of these regulations, it will be considered prima facie evidence that the vehicle was parked: (1) by the person holding a University parking permit for that vehicle; (2) by the person registered with the University for a parking permit displayed on that vehicle or (3) by the person on file as the vehicle's owner with the North Carolina Division of Motor Vehicles or corresponding agencies of another state or nation.

### **Article II—Vehicle Registration**

Individuals who park a motor vehicle between the hours of 7:00am and 5:00pm, Monday through Friday on University controlled property, for any period, however short, must immediately register their vehicle(s) with the University Parking and Traffic Department. Parking permits are not required from 5:00pm until 7:00am, Monday through Friday and at all times on Saturday and Sunday, unless otherwise posted.

Several types of permits are available, dependent upon the category of the registrant. The University Parking and Traffic Department will provide the appropriate parking permit at the time of registration. Only one permit will be issued per faculty member, staff member or student, therefore persons wishing to register and operate multiple vehicles will be issued a hang tag permit that can easily be transferred between vehicles. A parking permit serves as permission to park and does NOT guarantee a parking space.

#### Section 1 PERMIT TYPES

- A. **Hang Tag Parking Permits:** Hang from rearview mirror, ~~adhere to lower corner of front windshield on DRIVER'S SIDE,~~ or adhere to display on vehicle dashboard directly above steering wheel with numbers facing outward. Entire permit number must be visible from outside of the vehicle.
- B. **Guest Parking Vouchers:** Hang from rearview mirror, or display on vehicle dashboard directly above steering wheel with ~~writing~~ numbers facing outward. Entire permit must be visible from outside of the vehicle. Permit is valid for one day only, and correct month, day, and year must be scratched off.

**NOTE:** In all cases, parking permits remain the property of the Appalachian State University Parking and Traffic Department and may not be resold or transferred



to any person other than the original registrant. Display of a permit on any vehicle not registered to the permit is a violation of University policy.

## Section 2 ELIGIBILITY FOR PERMITS

- A. **Faculty/Staff Parking Permits:** Persons eligible for this permit shall be faculty members and all permanent or temporary non-student employees. Categories are as follows.
- **Parking Deck Permit:** Allows parking in the assigned deck, as well as all surface lots on campus.
  - **General Permit:** Allows parking in all surface lots on the campus.
  - **Adjunct Faculty/Part-Time Staff:** Persons eligible for this permit must be classified as adjunct faculty members, teaching 6 or fewer hours, or a part-time staff member working 20 or fewer hours per week. No one eligible for this reduced rate permit may be enrolled as a student. Documentation verifying this employment status must be provided by the faculty or staff member's department prior to obtaining a parking permit. This permit allows parking in all surface lots on the campus.
- B. **Student Parking Permits:** All students registered for classes are eligible to apply for these permits. Assignments will be based on student classification and availability of space. These permits allow parking at all times in area(s) indicated on the permit, except during home football games.
- C. **Evening Parking Permit:** All students except freshmen are eligible for this permit which allows parking on the campus after ~~2:00~~ 1:30 pm in all student lots (Stadium, Hill Street, Greenwood, and State Farm).
- D. **Reserved Space Permit:** These permits are allocated only to persons with very extenuating circumstances. Requests for these permits require the approval of the Vice Chancellor for Business Affairs.
- E. **Appalachian Heights/Appalachian Pan-Hellenic Hall/Mountaineer Hall:** Persons eligible for these permits must be a resident of the complex.
- F. **Disability Parking Permits:** See Article IV
- G. **Graduate Assistant Permits:** Persons eligible for this permit must have a signed contract with the University. Parking lot assignment will be made at the time the permit is purchased.
- H. **Vendor Permits:** Persons eligible for this permit are not employed by the University, but yet are performing work on the campus. Any vendor

requiring a parking space on campus must purchase and display a valid University parking permit.

- I. **Retired Permits:** All Appalachian State University retirees are eligible to apply for a complimentary campus parking permit. Verification of retirement status is required before a permit may be issued. However, employees who return to work are subject to the appropriate parking fees.
- J. **Temporary Permits:** These permits are to cover emergency situations subject to the approval of the Director of the Parking and Traffic Department.
- K. **Special Permits:** Certain cases may merit special parking consideration. In such cases, application shall be made by the individual at the Parking and Traffic Department. No consideration will be given to situations involving off-campus employment.
- L. **Motorcycle Permits:** See Article VIII
- M. **Visitor Permits:** Pay by the hour parking is available for visitors in the Rivers Street Parking Deck. In certain situations, visitors may be issued temporary permits for other areas of campus. Campus departments are eligible to purchase visitor parking permits for their guests at a reduced rate.
- N. **Loading Permits:** Students may obtain a short term permit to allow the use of a legal parking space for loading their vehicle.

**NOTE:** Parents picking up/dropping off a student may obtain a complimentary 30 minute loading permit from the Parking and Traffic Department.

- Section 3 Students registering for fall semester parking permits must do so online via their AppalNET account. Check [www.parking.appstate.edu](http://www.parking.appstate.edu) for more information. Registration at all other times of the year must be done in person at the Parking and Traffic Department.
- Section 4 Faculty and staff new to the University should make application for parking privileges at the University Parking and Traffic Department. Existing employees may renew their parking registration online in August, or by visiting the Parking and Traffic Department in person. Check [www.parking.appstate.edu](http://www.parking.appstate.edu) for more information.
- Section 5 Parking permits must be affixed in accordance with the directions accompanying them. Parking permits allow parking only in assigned areas or the areas designated on them and only in legally marked parking spaces. It does not permit parking in "No Parking Zones" or other illegal parking areas.

- Section 6 If at any time, the parking permit is defaced, lost, stolen or removed, it becomes the responsibility of the registrant to replace it immediately. Replacement permits may be obtained from the University Parking and Traffic Department for a fee of ~~\$5.00~~ \$10.00.
- Section 7 A faculty member, staff member or student may not register a vehicle that is owned or used by another faculty member, staff member or student. Violation of this rule is false registration and constitutes a civil penalty of \$200.00, as well as loss of campus parking privileges. Violator(s) will be required to surrender the parking permit to the University Parking and Traffic Department with no refund.
- Section 8 A faculty member, staff member or student displaying a counterfeit or altered campus parking permit or a campus parking permit issued to another vehicle registrant will pay a civil penalty of \$200.00. If the parking permit is listed as stolen, the situation may be referred to the University Police Department.
- Section 9 Registration of a vehicle at the University requires accurate information. Giving of false information constitutes false registration and will result in a civil penalty of \$200.00 as well as loss of campus parking privileges. Violator(s) will be required to surrender the parking permit to the University Parking and Traffic Department with no refund.
- Section 10 All parking permits shall be valid from the date of issuance and shall expire on August 15 of the academic year issued, unless otherwise noted on the permit. Persons assigned to park in off campus storage lots will be reassigned at the end of spring semester if summer parking is needed.
- Section 11 Faculty members, staff members, students and visitors are allowed to park in timed spaces for the amount of time designated by posted signs without displaying a campus parking permit. However, parking in excess of the posted time limit shall be considered a violation, with the appropriate civil penalty applying. ~~There is no limit to the number of citations received while parked overtime in a timed zone or space.~~
- Section 12 If two or more members of a family are employed or enrolled as students and use multiple parking spaces, each automobile must display a valid parking permit.
- Section 13 The State of North Carolina requires that all students requesting parking privileges on the campus must certify that their vehicle(s) are insured at or higher than the levels mandated in North Carolina General Statute 20-279.1(11). Prior to a parking permit being issued, the applicant must provide the insurance company name, policy number and certify that the coverage meets the minimum standards indicated below:

The levels set by G.S./20-279.1 (11) state it is the proof of ability to respond in damages for liability in the amount of:

- A. \$30,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person.
- B. \$60,000 because of bodily injury to or death of two or more persons in any one accident.
- C. \$25,000 because of injury to or destruction of property of others in any one accident.

**NOTE:** This requirement applies to motor vehicles registered in other states, as well as those registered in the State of North Carolina.

#### Section 14 PAY LOT PARKING

- A. Anyone may park in the Rivers Street Parking Deck, subject to space availability, and pay the appropriate fee upon exit.
- B. Fees are free for the first 30 minutes, \$2.00 for each additional hour or part, with a daily maximum of \$10.00 per vehicle exit.
- C. All hourly pay lot customers are required to exit the facility no later than the posted closing time. Failure to do so will be considered a parking violation.
- D. Annual permit holders are required to use their AppCard to enter and exit the Rivers Street Parking Deck. Failure to do so will result in being required to pay the daily parking fee in order to exit.

#### Section 15 OVERNIGHT PARKING RESTRICTIONS

Overnight parking is prohibited in campus parking decks without display of a valid annual permit for the facility.

### Article III—Vehicle Registration Fees

#### Section 1 FEES

##### A. Faculty/Staff Permits

- Reserved Space: ~~\$504.00~~ \$540.00 (Allocated based on special circumstances by the Vice Chancellor for Business Affairs.)
- Reserved Space for Disability: ~~\$360.00~~ \$396.00 (Allocated based on special circumstances by the Vice Chancellor for Business Affairs.)

- Reserved Space for Resident Director: \$396.00
- Parking Decks: ~~\$360.00~~ \$396.00
- Surface Lots: ~~\$204.00~~ \$240.00
- Adjunct Faculty/Part-Time Staff: ~~\$102.00~~ \$120.00/year, ~~\$43.00~~ \$50.00/semester, \$20.00/summer

B. **Student Permits**

- Parking Deck: ~~\$504.00~~ \$540.00
- Surface Lots: ~~\$204.00~~ \$240.00
- Evening: ~~\$102.00~~ \$120.00 (Allows parking AFTER ~~2:00~~ 1:30 pm in student lots: Stadium, Hill Street, Greenwood, and State Farm)

C. **Vendor Permits: ~~\$204.00~~ \$240.00**

- D. **Short Term Temporary Permits:** Parking permits may be sold to certain short-term employees at a rate of ~~\$1.00 per day of \$5.00 per week~~ \$20.00 per month.

Section 2 PAYMENT

- A. **Faculty/Staff:** Parking fees will be payroll deducted on a monthly basis.
- B. **Students:** Parking fees will be charged to students' University accounts.

Section 3 REFUNDS

- A. Refunds of vehicle registration fees will be prorated on a monthly basis less a ~~\$5.00~~ \$10.00 service charge. The parking permit must be returned at the time of the refund request.
- B. No refund requests will be accepted after March 31, ~~2017~~ 2018!

Section 4 Parking permits purchased after the beginning of the fall semester will be sold on a prorated basis dependent upon the amount of time the permit will be valid.

Section 5 Lost or stolen permits may be replaced for ~~\$5.00~~ \$10.00. The person the permit is registered to must fill out a lost/stolen permit report in person at the Parking and Traffic Department.

Section 6 All permits are valid from the purchase date until August 15, ~~2017~~ 2018 unless otherwise indicated.

## Article IV—Disability Parking

- Section 1 All faculty, staff and students, including those with disabilities, must obtain and properly display an Appalachian State University parking permit appropriate to their category. In addition, parking for persons with disabilities is governed by North Carolina General Statutes, 20-37.5, 20-37.6, and 20-37.6A
- A. N.C.G.S. 20-37.6(a) provides that: “Any vehicle that is driven by or is transporting a person who is handicapped and that displays a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard may be parked for unlimited periods in parking zones restricted as to the length of time parking is permitted. This provision has no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Any qualifying vehicle may park in spaces designated as restricted to vehicles driven by or transporting the handicapped.”
- Pursuant to N.C.G.S. 20-37.6A, any vehicle displaying “an out-of-state handicapped license plate, placard, or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction may park in any space reserved for the handicapped pursuant to G.S. 20-37.6.”
  - Because wheelchair-accessible parking spaces are limited, individuals with properly displayed distinguishing license plates or placards who do not require a wheelchair-accessible space are encouraged to use other available spaces, if possible, as a courtesy to those who do use wheelchairs.
- B. Individuals with disabilities who wish to avail themselves of parking permitted under N.C.G.S. 20-37.6(a) must obtain from the North Carolina Division of Motor Vehicles (“DMV”) and properly display a “distinguishing license plate” or “a removable windshield placard or a temporary removable windshield placard” pursuant to N.C.G.S. 20-37.6(b) and (c). Applications for these license plates and windshield placards may be obtained from the University Parking and Traffic Department or the nearest office of the DMV. Pursuant to N.C.G.S. 20-37.6(c), the initial application to the DMV must be “accompanied by a certification of a licensed physician, ophthalmologist, or optometrist or of the Division of Services for the Blind that the applicant is handicapped.”
- C. N.C.G.S. 20-37.6(e) makes it unlawful:

- To park or leave standing any vehicle in a space designated with a sign [designating parking] for handicapped persons when the vehicle does not display the distinguishing license plate, removable windshield placard, or temporary removable windshield placard as provided in this section, or a disabled veteran registration plate.
- For any person not qualifying for the rights and privileges extended to handicapped persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, removable windshield placard, or temporary removable windshield placard issued pursuant to the provisions of this section;
- To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14.

D. Violations of these provisions are punishable with penalties of “at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00),” and a law enforcement officer “may cause a vehicle parked in violation of this section to be towed.” N.C.G.S. 20-37.6(f)(1) and (3).

## Section 2 DISPLAY

- A. A Disability Placard issued by the DMV should be displayed by hanging from the rearview mirror.
- B. A University Permit should be ~~affixed to the lower corner of the inside front windshield on the passenger side~~ displayed on the vehicle dashboard directly above the steering wheel with numbers facing outward.

## Article V—Regulations Governing Parking

### Section 1 GENERAL

The control of parking on the campus is necessary to provide for public safety and to permit the proper conduct of University business. These regulations specifically stipulate where parking is authorized, and all other areas shall be deemed to be unauthorized, and therefore illegal. Inability to locate a legal parking space near where one works, resides or attends class is not a valid excuse for violating parking regulations.

### Section 2 REGULATIONS

- A. No person shall park a vehicle at any time on the campus in an area not specifically designated by pavement markings as a parking space.
- B. Display of a valid parking permit is required from 7:00 am-5:00 pm Monday through Friday, unless otherwise posted. Parking permits are not required from 5:00 pm-7:00 am Monday through Friday and at all times Saturday and Sunday, unless otherwise posted.
- C. Vehicles must park in the area appropriate for the displayed permit.
- D. No person shall stop, stand or park a vehicle upon a street or roadway in such a manner as to block the movement of vehicular traffic, except that a driver may stop temporarily to load or unload passengers, or when directed to stop by traffic signs or signals, or at the instruction of a police officer or parking control officer.
- E. Each person operating and parking a vehicle on the campus shall be responsible for doing so in accordance with the established parking and traffic regulations.
- F. Where "No Parking" signs are placed, erected or installed in conspicuous places, giving notice thereof, or the curbing or streets have been painted (yellow markings) in such a manner as to give notice thereof in lieu of signs no person shall park a vehicle.
- G. No parking is permitted in the bicycle lane on Rivers Street except on special occasions as deemed necessary by the administration. Such events include, but are not limited to, football games, basketball games, concerts and graduations. AT ALL OTHER TIMES IT IS CONSIDERED A NO PARKING ZONE, AND WILL BE ENFORCED AS SUCH.
- H. When signs are placed, erected or installed in a time zone giving notice thereof, or the curbing or street has been painted in such a manner as to give notice thereof of the time zone in lieu of signs, no person shall park vehicle for a period of time longer than that indicated by the sign or painting.
- I. Spaces posted as reserved for a particular person, department or vehicle are reserved 24 hours per day, seven (7) days per week.
- J. No person shall park in an area of the campus specifically reserved for special events and so designated by the erection of appropriate signs, or supervised by the traffic enforcement personnel.
- K. All persons visiting a faculty member, staff member or student must obtain a parking permit when on the University campus.



- L. Whenever a particular angle or manner of parking is indicated in a parking area by signs, fences, barriers or markings, no person shall park a vehicle except in the manner so indicated, and no vehicle shall be parked in such a manner as to occupy more than the space indicated with lines, signs, or markings for a vehicle.
- M. No person, firm or corporation shall park a vehicle upon any street, roadway, alley, parking lot or driveway for the principle purpose of:
- Washing, greasing or repairing such vehicles, except such repairs necessitated by an emergency.
  - Storage which is not incidental to the bona fide use and operation of such vehicle.
  - Maintaining an abode or sleeping quarters, whether temporary or otherwise.
- N. The administration shall have the authority to cause closing of any street, roadway, parking lot, alley or driveway or any portion thereof on the campus when it shall appear necessary or appropriate to facilitate construction or maintenance work, for the protection of pedestrians or for special events. When such closing has been caused and when proper signs, barriers or obstructions have been erected to give notice thereof, no person shall willfully drive into or upon such street, roadway, alley and driveway, or portion thereof, or break down, remove, injure or destroy any such sign, barrier or obstruction.

### Section 3 TOWING

Parking Control Officers and University Police Officers shall have the authority to remove to a place of storage at the owner's expense any vehicle parked in such a manner as listed below:

- A. Any vehicle illegally stopped or parked in such a manner as to be blocking the normal movement of a properly parked car.
- B. Any vehicle obstructing the flow of traffic or that is a safety hazard endangering life and property.
- C. Any vehicle parked in an area reserved for a special event as designated by signs or traffic enforcement personnel.
- D. Any vehicle that meets the criteria for dormant storage.
- E. Any vehicle whose operation and parking privileges have been suspended.
- F. Any vehicle parked on sidewalks or walkways.

- G. Any vehicle parked within an intersection or crosswalk or in front of a public driveway.
- H. Any vehicle parked on the grass or landscaped areas.
- I. Any vehicle parked in the approaches or other portions of a parking area, which are not clearly marked for parking.
- J. Any vehicle blocking fire hydrants, trash receptacles, fire lanes and service ..... entrances.
- K. Any unauthorized vehicle parked in "Reserved" and "Disability" parking .....spaces.
- L. Any vehicle that has had an immobilization device placed on it and remains unclaimed as of 11:00pm on the date of the immobilization.
- M. Any vehicle parked in the bicycle lanes on Rivers Street from the intersection of Depot Street and Rivers Street, running along Rivers Street to the intersection of Rivers Street and US 321.
- N. Any vehicle parked in reserved spaces, areas, or lots without authorization.
- O. Any vehicle parked in violation of the posted restrictions for that area.
- P. Any vehicle parked in bus stop zones

Section 4 TOWING FEE

All towing is done by private companies at the request of the Parking and Traffic Department. All fees associated with the towing and storage of a vehicle is the responsibility of the vehicle operator or owner. In the event that the operator of the vehicle to be towed arrives at the tow scene prior or subsequent to the tow truck, but prior to actual towing, such operator may be required to pay a service fee to the tow truck driver.

The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate in the county where the vehicle was towed. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the person who requested the hearing, or someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. The only issue at this hearing is whether or not probable cause existed for the towing. If the magistrate finds that probable cause did exist, the tower's lien continues. If the magistrate finds that probable cause did not exist, the tower's lien is extinguished. At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of this vehicle by:

- A. Paying the towing fee, or
- B. Posting a bond for double the amount of the towing fee.

**Section 5 IMMOBILIZATION**

When feasible, the University Parking and Traffic Department may immobilize vehicles in lieu of towing. The vehicle operator will be required to report to the University Parking and Traffic Department to obtain the release of the vehicle. Failure to report to the University Parking and Traffic Department prior to 11:00pm on the date of immobilization may result in the vehicle being towed off campus at the owner's expense.

**NOTE:** The penalty for unauthorized removal of the immobilization device (boot) shall be equal to the cost of repair or replacement of the device.

**Section 6 RESPONSIBILITY**

All persons registered for parking on the campus are responsible for all violations issued to the vehicles they have registered. Citations issued to unregistered vehicles will be billed to the faculty member, staff member, or student identified as being associated with the vehicle owner. Citations issued to unregistered vehicles operated by persons not associated in any way with the University shall be the responsibility of the vehicle owner.

**Article VI—Regulations Governing The Operation of Motor Vehicles**

- Section 1** All provisions of North Carolina Motor Vehicle Law (N.C. General Statutes, Chapter 20) shall apply to the campus.
- Section 2** For the purpose of determining the speed limit on the University campus, it shall be deemed to be a business district, and the speed limit shall be 20 miles per hour unless otherwise posted.
- Section 3** No vehicle shall be driven or ridden except upon the streets, roadways, alleys and driveways of the campus and shall not be driven or ridden upon or within any sidewalk area, or walking area, or within any area which is marked by posts, signs, or other markings, as being prohibited to vehicles. This section shall not be deemed to prohibit service vehicles or any utility company vehicles from being driven in any area necessary for them to enter to perform the necessary construction and maintenance work.
- Section 4** All accidents involving motor vehicles which occur on University property should be immediately reported to the University Police.

## **Article VII—Parking for Special University Events**

### Section 1 HOME FOOTBALL GAMES

Most campus parking areas have specific restrictions on football home game days. The campus community will be notified of these restrictions via electronically mailed information, press releases and signage posted at the parking lot entrances. The Director of Parking and Traffic is authorized to remove and/or cite for violation of this regulation any vehicle parked in restricted areas.

### Section 2 OTHER EVENTS

The Director of Parking and Traffic shall have the authority to restrict access to University streets and parking areas to accommodate the needs of various special events, including but not limited to athletic functions, academic conferences and cultural events. Notice of these temporary restrictions will be prominently posted. The Director of Parking and Traffic is authorized to remove and/or cite for violation of this regulation any vehicle parked in restricted areas.

## **Article VIII—Motorcycle Parking**

Section 1 Motorcycles may be parked only in areas designated by signage as being for that purpose. No permit is required to utilize these areas. The parking of a motorcycle anywhere on the campus other than these areas shall be considered a parking violation.

**EXCEPTION:** A faculty/staff member who is registered for a campus automobile parking permit may park a motorcycle in a regular parking space, provided they first register the motorcycle with the Parking and Traffic Department. However, the employee's motorcycle and automobile may not be parked on campus consuming parking spaces at the same time.

## **Article IX—Non-Motorized Vehicles**

Section 1 The University strictly prohibits the use of skateboards, in-line skates or similar devices on the entire campus. Students found in violation of this regulation will be referred to the Office of Student Judicial Affairs for disciplinary action under the procedures outlined in the Code of Student Conduct.

Section 2 Bicycles, mopeds and similar devices may be operated and parked in designated racks located throughout the campus. However, parking or securing any of these devices in stairwells, hallways, doorways, etc. is considered a safety hazard endangering life and property, and will result in the device being removed and impounded at the owner's expense. To aid in property identification, these devices may be registered free of charge at the University Police Department.

### **Article X—Parking Violations and Civil Penalties**

Section 1 RESPONSIBILITY

Pursuant to North Carolina General Statutes, Section 116-44.4 (g), none of the violations listed below or otherwise described in these regulations shall be infractions. Any person who parks or operates a motor vehicle in violation of these regulations is subject to a written citation from an authorized officer and shall be held responsible for payment of the civil penalty indicated by the violation.

Section 2 VIOLATIONS AND CIVIL PENALTIES

- A. Unauthorized parking in a disability space ..... \$250.00  
(Includes blocking designated accessible isle, path or curb cut.)
- B. False registration of a vehicle ..... \$200.00
- C. Displaying counterfeit/altered parking permit..... \$200.00
- D. Displaying lost/stolen parking permit..... \$200.00  
(These matters may also be referred to the University Police Department and Student Judicial Affairs.)
- E. Parking in a fire lane or blocking hydrant ..... \$50.00
- F. Unauthorized parking in a reserved space or lot..... \$50.00
- G. Unauthorized parking in an area reserved for a special event..... \$50.00  
(Article VII)
- H. Unauthorized parking in faculty/staff area..... \$30.00
- I. Parking in an improper area for permit ..... \$30.00
- J. Parking in a "no parking" area ..... \$30.00  
(Any area not specifically marked and designated for parking.)

K. No valid permit displayed .....	\$30.00
L. Unauthorized parking in service area .....	\$30.00
M. Unauthorized motorcycle parking .....	\$30.00
N. Vehicle not registered to permit.....	\$30.00
O. Overtime in a timed space .....	<del>\$10.00</del> <u>\$30.00</u>
P. Permit improperly displayed.....	\$5.00
Q. Registered vehicle not displaying permit.....	\$5.00
R. Failure to exit pay facility by the posted time .....	<del>\$10.00</del> <u>\$30.00</u>
S. Obstructing the flow of traffic .....	\$30.00
T. Encroachment of two parking spaces.....	<del>\$10.00</del> <u>\$30.00</u>
U. Parking on sidewalk/pedestrian walkway .....	\$30.00
V. Parking on grass/landscape .....	\$30.00
W. Warning for circumstances .....	\$15.00

Section 3 PAYMENT

- A. Students may pay civil penalties at the Student Accounts office in the John E. Thomas Academic Support Building. Civil penalties not paid or not waived following appeal will be charged to the student’s account.
- B. Faculty members and staff members will have civil penalties payroll deducted.

Section 4 Citations issued to unregistered vehicles will be billed to the faculty member, staff member or student identified as being associated with the vehicle owner.

Section 5 Upon receiving ten parking violations in a semester, a person may lose the privilege to park on the campus for the remainder of that semester. Vehicles in violation may be immobilized or towed at the owner’s expense. Persons who lose their parking privileges are not eligible for refunds.

**Article XI—Appeals of Parking Violations**

Section 1 HOW TO APPEAL A PARKING CITATION

Complete an online appeal form via Appalnet Self Service within fourteen days from the date of issuance of the citation. Appeals filed later than the fourteen day limit will not be reviewed.

Section 2 APPEALS PROCESS

The appeal will be read and ruled on by an Appeals Officer designated by the Vice Chancellor for Business Affairs. Subject to rules and regulations adopted by the Board of Trustees of Appalachian State University and the Board of Governors of the University of North Carolina, the Appeals Officer's ruling shall be considered binding.

Section 3 POINTS TO CONSIDER PRIOR TO FILING AN APPEAL

- A. Hazard lights and/or notes left on vehicles do not permit parking in unauthorized areas, no matter how short the time period.
- B. The absence of "NO PARKING" signs/pavement markings does not mean that parking is allowed. Any area not specifically designated by pavement markings as a parking space shall be considered a "no parking area".
- C. Inability to find a legally marked parking space does not constitute an excuse for parking illegally.
- D. Unauthorized parking in disability spaces and/or reserved spaces is strictly prohibited for ANY reason.
- E. You are responsible for any parking violations pertaining to your vehicle, regardless of whom you allow to operate the vehicle.
- F. Familiarize yourself with the Parking and Traffic Regulations. Lack of knowledge is not an excuse for committing parking violation.

Form PO-2  
Rev. 10/01  
Original and one copy to State Property Office

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ADMINISTRATION  
DISPOSITION OF REAL PROPERTY**

Institution or Agency: Appalachian State University

Date: June 23, 2017

The Department of Administration is requested, as provided by GS §146-28 et seq., to dispose of the real property herein described by *purchase, lease, rental, or other (specify)*. **Temporary Construction Easement and permanent maintenance easement**

This disposition is recommended for the following reasons:

**The Town of Boone is requesting an easement to construct a retaining wall in order to maintain a boundary, reinforce the current wall, and maintain the appearance of the historic cemetery.**

Description of Property: *(Attach additional pages if needed.)*

**Proposal to build retaining wall along Brown Street, Parcel ID#: 2900-97-0608-000, approximately 138 feet long with heights ranging from approximately 18" to 4' tall. About 56' of the wall will be on university property. See Exhibit A attached.**

Estimated value: \_\_\_\_\_

Where deed is filed, if known: Watauga County Registry

If deed is in the name of agency other than applicant, state the name:  
\_\_\_\_\_

Rental income, if applicable, and suggested terms:

Funds from the disposal of this property are recommended for the following use:

*(Complete if Agency has a Governing Board.)*

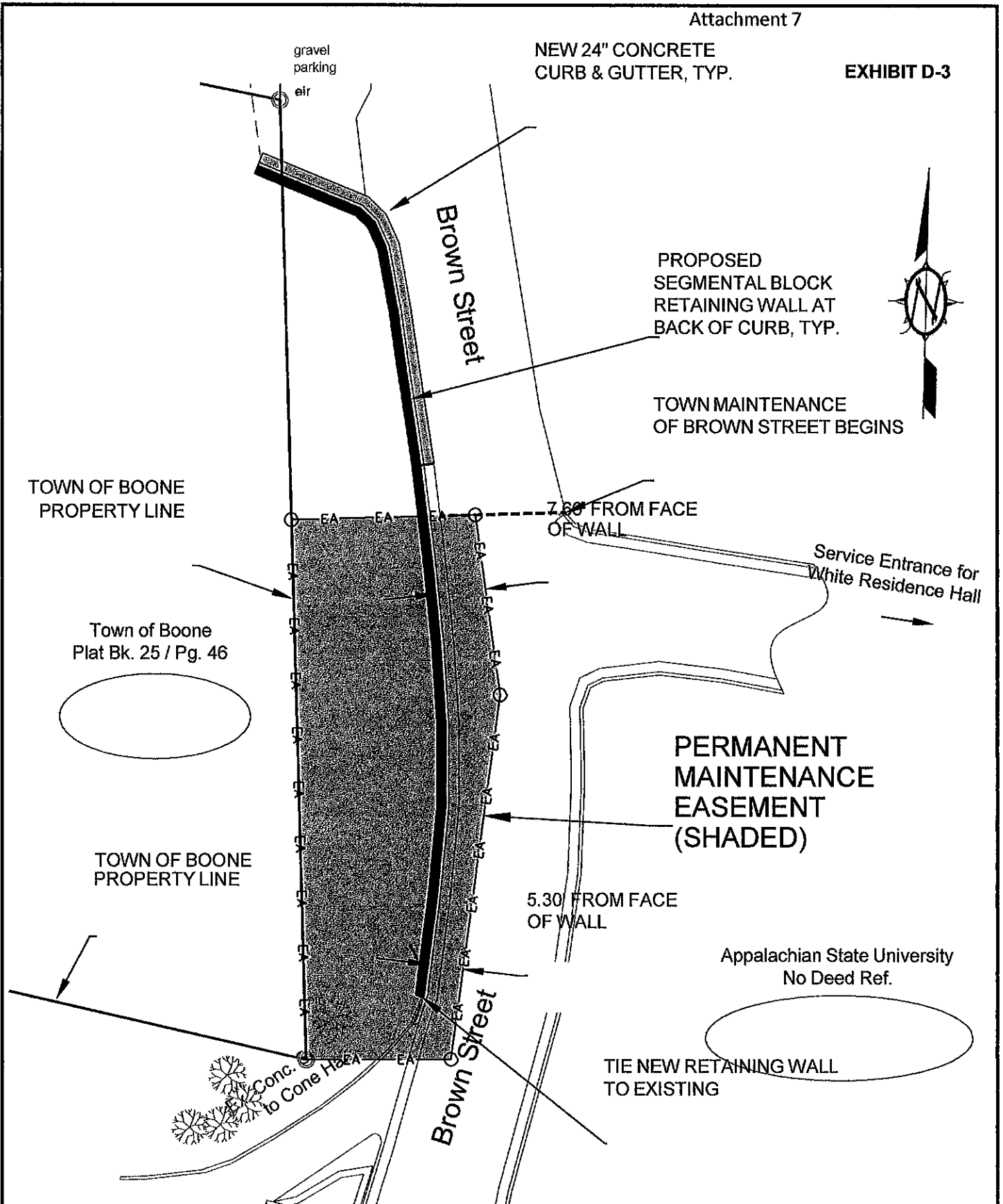
Action recommending the above request was taken by the Board of Trustees of Appalachian State University and is recorded in the minutes thereof on June 23, 2017.

Signature: \_\_\_\_\_  
Title: Sheri N. Everts, Chancellor



NEW 24" CONCRETE  
CURB & GUTTER, TYP.

EXHIBIT D-3



**TOWN OF BOONE RETAINING WALL  
PERMANENT MAINTENANCE EASEMENT  
(BROWN STREET)**

PROJECT NUMBER:  
B16034.3

SCALE:  
1" = 20'

DATE:  
05/05/2017



## EMPLOYMENT AGREEMENT FOR SOFTBALL HEAD COACH

This Employment Agreement (the "Agreement") is made by and between Appalachian State University ("Appalachian") and Shelly Hoerner ("Coach"), and shall become effective as of the latest date of signature by the parties below. In consideration of the mutual covenants, promises and conditions in this Agreement, Appalachian and Coach agree as follows:

### 1.0 Employment:

1.1 Subject to the terms and conditions stated in this Agreement, Appalachian agrees to employ Coach as head softball coach at Appalachian, and Coach agrees to and accepts the terms and conditions of employment outlined in this Agreement.

1.2 Coach's employment at Appalachian will be subject to all applicable policies and procedures adopted and approved by the Board of Governors of The University of North Carolina (the "University"), the Board of Trustees and the Chancellor of Appalachian and Appalachian's Department of Athletics (the "Department"), all as may be revised from time to time. Coach's position is classified as EHRA non-faculty and is not subject to the State Human Resources Act, North Carolina General Statutes, Chapter 126, except for articles 6, 7, 14 and 15 thereof. The employment policies contained in Chapter 300 of The UNC Policy Manual, approved by the Board of Governors of the University, and adopted as institutional policies by the Board of Trustees of Appalachian (collectively, the "EHRA Policies") apply to Coach. In the event of any conflict between the terms of this Agreement and the EHRA Policies, the EHRA Policies will govern. Coach acknowledges and agrees that Coach has reviewed and understands the policies and procedures of the University found at <http://www.northcarolina.edu/policy/index.php> (in particular, Policy 300.2.1, a copy of which has been provided to Coach with this Agreement) and those of Appalachian found at [http://policy.appstate.edu/Policy\\_Manual](http://policy.appstate.edu/Policy_Manual), and has been provided with a copy and has reviewed and understands those in the Department Policies and Procedures Manual. Coach acknowledges and agrees that Coach's position is not a position eligible for tenure.

1.3 Coach will work under the immediate supervision of the Director of Athletics of Appalachian, (the "Director of Athletics") and/or the Director of Athletics' designee. The Director of Athletics and the Chancellor will evaluate Coach's performance on an annual basis and the Director of Athletics will provide Coach with an annual performance evaluation.

1.4 Coach will coach and be responsible for the softball team (the "Sports Team"), and perform such other duties in the intercollegiate athletics program of Appalachian as may be assigned from time to time by the Director of Athletics. Appalachian reserves the right to reassign Coach to duties other than as set forth in this Agreement while continuing the salary and benefits stated herein. In no event, however, will Coach be assigned to any position which is not consistent with Coach's education and experience. In the event of reassignment, Appalachian will not be liable to Coach for loss of any collateral business opportunities or any other benefits, perquisites, or income from any sources whatsoever.

1.5 Appalachian is committed to providing equal opportunity in employment to all applicants and employees. Appalachian does not discriminate with respect to hiring or the terms and conditions of employment, on the basis of race, color, national origin, religion, sex, gender identity and expression, political affiliation, age, disability, veteran status, genetic information or sexual orientation (the "Equal Employment Opportunity Policy" or "EEO Policy"). Appalachian actively promotes diversity among students and employees. Coach will implement the EEO Policy in all recruitment, supervision and other activities with applicants and employees.

1.6 Appalachian is committed to providing students equal opportunities to participate in and receive the benefits of its educational and extra-curricular programs and activities. Coach will not discriminate against students on any business prohibited by federal or State law, or University or Appalachian policies, in any activity contemplated by this Agreement.

2.0 Term:

2.1 The employment conferred herein is for a stated, definite term commencing on July 1, 2017 and terminating on June 30, 2021, subject to the EHRA Policies and the conditions stated herein.

3.0 Compensation:

3.1 The annual salary for the work performed in this position during the stated term is payable in approximately equal monthly installments, less customary and applicable deductions and withholdings. Subject to all necessary approvals required by University policies the total annual salary ("Base Salary") shall be as follows:

1. from July 1, 2017 – June 30, 2018: Seventy-Five Thousand Dollars (\$75,000.00);
2. from July 1, 2018 – June 30, 2019: Seventy-Seven Thousand Two Hundred Fifty Dollars (\$77,250.00);
3. from July 1, 2019 – June 30, 2020: Seventy-Nine Thousand Five Hundred Sixty-Seven Dollars (\$79,567.00); and
4. from July 1, 2020 – June 30, 2021: Eighty-One Thousand Nine Hundred Fifty-Four Dollars (\$81,954.00).

3.2 Appalachian will reimburse your reasonable moving expenses up to Seven Thousand Five Hundred Dollars (\$7,500.) upon receipt of satisfactory documentation within thirty days (30) days of your completed move.

3.3 Coach's compensation may be reviewed periodically, subject to any policies adopted by the Board of Trustees of Appalachian or the Board of Governors of the University. Increases in salary during the term of Coach's employment, if any, are at the sole discretion of the Director of Athletics and subject to the approval of the Chancellor and the Board of Trustees of Appalachian. Currently, Appalachian's supplemental pay policy (the "Supplemental Pay Policy") limits supplemental income to 20% of an employee's base

salary during the academic term and 38.4% during the non-academic term (i.e., the summer). A copy of the existing Supplemental Pay Policy can be found at [http://policy.appstate.edu/Supplemental\\_Pay](http://policy.appstate.edu/Supplemental_Pay). Coach acknowledges and agrees that Coach has reviewed and understands the Appalachian Supplemental Pay Policy. Coach acknowledges and agrees that all supplemental income described in Sections 3.6 and 3.8 of this Agreement is subject to the Supplemental Pay Policy. Incentive compensation, if any, will be provided in accordance with the Addendum attached hereto and incorporated herein.

3.4 While actively employed, Coach will be entitled to receive all employment-related benefits that are normally available to other EHRA non-faculty employees with like appointments. Such benefits may include group family health insurance, group family life insurance, and a retirement program. Coach acknowledges that fringe benefits provided by Appalachian are subject to change from time to time by Appalachian, the University and/or the North Carolina General Assembly.

3.5 Coach may earn other revenue while employed by Appalachian with prior approval of the Director of Athletics and the Chancellor. Any outside compensation opportunities are specifically subject to compliance with the "Policy on External Professional Activities for Pay" of the Board of Governors of the University (specifically UNC Policy 300.2.2.1[R]), found at <http://www.northcarolina.edu/policy/index.php>, and Appalachian's policies on external professional activities and conflicts of interest and commitment, found at: [http://policy.appstate.edu/Policy\\_Manual](http://policy.appstate.edu/Policy_Manual). Coach acknowledges and agrees that Coach has reviewed and understands such policies. Additionally, such opportunities are subject to all other relevant State and Federal policies and laws concerning conflicts of interest. Such activities are independent of Coach's employment with Appalachian, and Appalachian will have no responsibility for any claims arising therefrom. Opportunities for outside compensation will include, but are not limited to, engaging in any radio, television, motion picture, Internet, stage, writing or any similar activity, personal appearances, speeches, commercial endorsements, camps, and clinics, except as outlined below. Subject to specific reporting requirements established by Appalachian, no external activities for pay will be allowed without having on file with the Athletics Director a signed approval of the "Notice of Intent to Engage in External Professional Activities for Pay" prior to engaging in those activities.

3.6 In accordance with Appalachian policies and NCAA Bylaw 11.2.2, which are incorporated herein by reference, Coach will report annually on July 1 to the Chancellor through the Director of Athletics all athletically-related income from sources outside Appalachian, including, but not limited to, income from annuities or any other sources, including sports camps and clinics, television and radio programs, commercial endorsements, consulting agreements, and all other athletically-related income from any source other than Appalachian. Further, Coach agrees to provide or cause to be provided to Appalachian reasonable and prompt access to all records related to such income.

3.7 With respect to the operation of camps and/or clinics using Appalachian service marks, trademarks, and other indicia, or for any such operation on Appalachian's property, such activity will only be allowed with the prior written approval of the Director

of Athletics, and will be conducted in accordance with all applicable Appalachian policies, including those requiring the payment of fees for use, if any, of Appalachian facilities, indicia or other property. To the extent any such camp or clinic is operated through Appalachian or is otherwise under the sponsorship of Appalachian, Coach's compensation therefrom will be subject to Appalachian's Supplemental Pay Policy. Coach acknowledges and agrees that Coach has reviewed and understands the Appalachian Supplemental Pay Policy. Further, Coach agrees that such policy applies to income earned through camps and/or clinics which are run through or sponsored by Appalachian. Appalachian expressly makes no guarantee of any compensation to Coach from such activities.

3.8 While actively employed, Coach will be entitled to annual leave in accordance with the EHRA Policies.

3.9 In addition to the monthly salary, dependent upon and subject to the availability of funds of the Athletics Department, Coach may receive either a courtesy car or a car allowance in the amount of Three Hundred Fifty Dollars (\$350) per month less customary withholding and deductions for vehicle expenses in lieu of mileage and/or rental car expenses incurred in the performance of Coach's employment responsibilities. Should the Director of Athletics, or the Director's designee, determine in his/her sole discretion, that the courtesy car or stipend shall no longer be provided to Coach, Coach will be informed as soon as practicable.

#### 4.0 Coach's Duties and Responsibilities:

4.1 Coach is employed by Appalachian as Head Coach of the Sports Team with all the duties, responsibilities, and obligations normally associated with such position at a university such as Appalachian. Duties will include, but not be limited to, the following:

4.1.1 Coach and oversee conduct of all activities of the Sports Team in keeping with the educational purpose, traditions, integrity and ethics of Appalachian by fostering educational values and maintaining a program of integrity;

4.1.2 Conduct himself/herself and the Sports Team in accordance with the Constitution and the Bylaws of the Sun Belt Conference (or such other conference with which Appalachian may be affiliated from time to time) ("Conference") and of the National Collegiate Athletic Association ("NCAA"), all State and Federal laws, the University's policies and procedures, Appalachian's policies and procedures, and the Department's policies and procedures, all of which as may be amended from time to time. Coach shall conduct himself/herself within the traditional high standards associated with Coach's profession. Failure of the Sports Team to comply with the same standards will, at the option of Appalachian, be deemed a violation of the provisions of this Agreement and may be determined to be grounds for disciplinary action up to and including termination of this Agreement;

4.1.3 Recruit and retain only academically qualified student-athletes and promote, contribute, and encourage academic progress, in conjunction with Appalachian's faculty and administrators, of such student-athletes toward graduation in defined degree programs;

4.1.4 Use Coach's best effort to ensure that student-athletes on the Sports Team conduct themselves in a sportsmanlike manner and in other ways that will result in a positive image of Appalachian both on and off the field;

4.1.5 Maintain responsibility for the fiscal and budgetary functions associated with the Sports Team under the direction of the Director of Athletics;

4.1.6 Provide a positive energy and excitement to the campus community and Appalachian's fan base in order to increase student and fan attendance for the Sports Team;

4.1.7 Maintain a visible and positive presence with students, faculty, and staff;

4.1.8 Contribute to the positive culture of the Department by attending coaches meetings, departmental staff functions, outings, etc., as well as ensuring that Coach's staff does the same;

4.1.9 Maintain responsibility and promote an atmosphere for compliance within the program overseen by Coach, and monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to Coach. In addition, Coach is responsible for compliance with policies of the University, Appalachian, the Department, the Conference and the NCAA. Coach stipulates that Coach's employment may be suspended for a period of time, without pay, or terminated, if Coach is found to be involved in deliberate or serious violations of NCAA Regulations. Likewise, Coach stipulates that Coach's employment may be suspended for a period of time, without pay, or terminated, if the Athletics Director or Chancellor of Appalachian determines that Coach knew or should have known that assistant coaches or other staff subject to Coach's supervision were involved in deliberate or serious violations of NCAA Regulations. Further, Coach will provide annual performance evaluations for assistant coaches and staff;

4.1.10 Conduct recruiting activities, practices, game preparation, and coaching duties so as to develop and maintain a program of the highest quality and which is competitive within the Conference and the NCAA;

4.1.11 Maintain and enforce any and all disciplinary policies and drug policies of the University, Appalachian, the Department, the Sports Team, the Conference and the NCAA;

4.1.12 Attend meetings of the Appalachian Yosef Club to promote the Sports Team, the number of meetings and related activities to be determined on an annual basis by the Director of Athletics; and

4.1.13 Comply with such other directives that the Director of Athletics may reasonably make from time to time.

4.2 It is recognized by the parties that a student-athlete may be declared not eligible for competition for academic reasons, because Appalachian believes such student-athlete would not be an appropriate representative of Appalachian, as a disciplinary sanction under Appalachian's student conduct code, or because Appalachian believes that such student-athlete is not eligible according to the rules for athletic competition specified by the Conference or the NCAA or for similar reasons. This decision may be made either by Coach, the Director of Athletics or the Chancellor.

4.3 Coach will seek to maximize print, radio and television coverage favorable to Appalachian.

4.4 Coach agrees that Appalachian may use, without additional compensation, Coach's name, picture, likeness and voice in connection with programs and endorsements that promote Appalachian athletics and in all other respects for purposes of this Agreement.

4.5 If Coach is found to be in violation of NCAA or Conference rules and regulations, whether while employed by Appalachian or during prior employment at another NCAA member institution, Coach will be subject to disciplinary action as set forth in NCAA enforcement procedures and/or applicable Appalachian policies, rules or regulations. Such disciplinary action may include termination for cause in accordance with section 5.0 of this Agreement.

4.6 Coach agrees to faithfully and diligently perform the duties of this position, and to devote such time, attention, and skill to the performance of these duties as necessary to perform the responsibilities of the position of Head Coach for the Sports Team. During the term of this Agreement, Coach will report and be under the immediate supervision of the Director of Athletics and/or the Director of Athletics' designee and will regularly confer with the Director of Athletics or such designee on matters concerning administrative and technical decisions. Coach agrees that Coach's failure to discharge any of these duties constitutes a breach of this Agreement that would allow Appalachian to discharge Coach "for cause" pursuant to section 5.0 of this Agreement.



5.0 Termination for Cause:

5.1 Appalachian has the right to terminate this Agreement "for cause" in accordance with EHRA Policies. In addition to the meaning of "for cause" in University and/or Appalachian policies and procedures, as well as its normally understood meaning in employment agreements, the term "for cause" includes, but is not limited to, any of the following:

5.1.1 A violation of the duties set forth in this Agreement or refusal or unwillingness to perform such duties in good faith and to the best of Coach's abilities;

5.1.2 A violation by Coach of any of the other terms and conditions of this Agreement;

5.1.3 Any conduct of Coach that constitutes moral turpitude, or which would tend to bring public disrespect, contempt or ridicule upon Appalachian, or failure to follow the high moral and ethical standards commonly expected of a coach as a leading representative of the Department at Appalachian;

5.1.4 A major (Level 1 or Level II) violation by Coach, or knowing participation by Coach in a major violation, or similar violation by an assistant coach or staff member of which Coach had reason to know, or should have known through the exercise of reasonable diligence, or which Coach condoned, of: (i) an NCAA rule, regulation or bylaw; (ii) a Conference regulation or bylaw; or (iii) any University/Appalachian policy, regulation, rule or procedure. For purposes of this subparagraph, whether or not a major violation has occurred shall be reasonably determined in the discretion of Appalachian after its review of the relevant facts and circumstances;

5.1.5 Misconduct of the Coach, or of assistant coaches or staff of which the Coach knew, had reason to know, or should have known through the exercise of reasonable diligence, or which Coach condoned, of such a nature that such misconduct would offend the traditions and ethics of Appalachian, or which brings discredit to Appalachian;

5.1.6 Any conduct of Coach that would constitute legitimate grounds for termination under the common law of North Carolina or under case law interpreting Title VII of the Civil Rights Act of 1964, as amended, including, but not limited to, insubordination, failure or refusal to cooperate with others in the Department or Appalachian, conduct that adversely affects morale or a supervisor's ability to supervise in the Department or Appalachian, and other conduct that is detrimental to Appalachian's legitimate interests;

5.1.7 Failure to positively represent Appalachian and Appalachian's athletics programs in private and/or public forums; or

5.1.8 Financial exigency or program curtailment or elimination as provided for in the EHRA Policies.

5.2 In the event of termination of the Coach's employment "for cause" prior to the expiration of this Agreement, all obligations of Appalachian to make further payments and/or provide other consideration hereunder will cease as of the end of the month in which such termination occurs. In addition, Appalachian will not be liable to Coach for loss of any collateral business opportunities or any other benefits, perquisites, or income from any sources whatsoever.

5.3 Coach has the right to terminate this Agreement, if Appalachian is in substantial breach of the terms of this Agreement and such breach is not remedied within thirty (30) days from the Director of Athletics' receipt of written notice thereof from Coach. Neither party will have any further obligation to the other from and after the effective date of such termination.

#### 6.0 Termination Without Cause:

6.1 Appalachian may terminate this Agreement without cause at any time by giving written notice to Coach, subject to the following provisions:

6.2 Appalachian shall, on or before the expiration of 60 days following the effective date of termination, pay Coach any Incentive Compensation already earned, but not yet paid, under the Addendum to this Agreement.

6.3 The parties recognize that a termination of this Agreement by Appalachian without cause prior to its natural expiration could cause Coach to lose certain benefits, supplemental compensation, or external compensation relating to Coach's employment at Appalachian, which damages are difficult to determine with certainty. Therefore, the parties have agreed upon this liquidated damages provision.

6.3.1 In the event of a termination without cause pursuant to this Section, Appalachian shall pay Coach liquidated damages in lieu of any and all other legal remedies or equitable relief in the amount of seventy-five percent (75%) of the Base Salary only that would have been owed to Coach under Section 3.1 for the remainder of the term of this Agreement. Payment of such liquidated damages, if any, will be made on a monthly basis, subject to customary and applicable deductions and withholdings, until all payments due under this Section 6.3 have been paid in full.

6.3.2 The parties agree that, pursuant to this liquidated damages provision, Appalachian will not be liable to Coach for any loss of any collateral business opportunities or any other benefits, perquisites, or income from any sources

whatsoever that might ensue as a result of Appalachian's termination of this Agreement without cause.

6.4 Notwithstanding any other provision of this Agreement, Coach agrees to mitigate Appalachian's obligation to pay liquidated damages. The compensation due the Coach under paragraph 6.3 will be reduced by the Coach's earned income from all other sources during the Remainder Term. The measure of income earned by the Coach during the Remainder Term will be determined by Appalachian from signed individual or joint income tax returns of the Coach covering any and all parts of the Remainder Term as submitted by the Coach to the United States Internal Revenue Service (IRS). The Coach hereby agrees to provide Appalachian certified copies of said tax returns at the same time they are filed with the IRS, authorizes Appalachian to obtain directly from the IRS certified copies of all such tax returns, and agrees to execute and cause execution of any documents necessary to effect such authorization upon request. Coach will refund immediately to Appalachian any payments in excess of the compensation remaining due under this paragraph after reductions have been calculated. Failure of Coach to perform any obligations set forth in this paragraph, or acceptance by Coach of new employment at a salary exceeding that which Coach was earning at Appalachian at the time of termination under Section 6.0, will relieve Appalachian of all further obligations under this Agreement. The obligations of the Coach to refund payments and provide tax returns to Appalachian will extend beyond the ending date of the term of this Agreement or any extension thereof.

#### 7.0 Termination By Coach:

7.1 Coach agrees that the promise to work for Appalachian for the entire term of the Agreement is essential to Appalachian. The parties agree that the Coach has special, exceptional, and unique knowledge, skill and ability as a Coach for the Sports Team, which, in addition to the continuing acquisition of coaching experience at Appalachian, as well as Appalachian's special need for continuity in its Sports Team, render Coach's services unique. Coach therefore agrees, and hereby specifically promises, not to actively seek, negotiate for or accept softball related employment, under any circumstance, without first obtaining written permission from the Director of Athletics, such employment including, but not limited to, a softball coach or administrator of or over a softball program at any institution of higher education which is a member of the NCAA or for any professional team participating in any professional league or conference in the United States or elsewhere, or in softball broadcasting, requiring performance of duties prior to the expiration date of the term of the Agreement or any extension thereof.

7.2 Coach agrees that Appalachian will have the right, in addition to any other rights which Appalachian may possess, to obtain an injunction by appropriate judicial proceedings to prevent Coach from performing coaching activities or other related services in violation of this Agreement, for any person, university, firm, corporation or other entity; and against any other breach of this Agreement. Coach also agrees to indemnify and hold Appalachian harmless for its costs in any judicial proceeding necessary or appropriate to enforcement of Appalachian's rights under this Agreement, including court costs and attorneys' fees.

7.3 Coach acknowledges that Coach's acceptance of employment from any other person or entity without first obtaining the permission of the Director of Athletics constitutes a breach and automatic termination of this Agreement. In the event of such breach, Coach shall pay Appalachian liquidated damages in lieu of any and all other legal remedies or equitable relief in the amount of Coach's Base Salary as set forth in 3.1 of this Agreement multiplied by the number of full and partial contract years remaining under the Agreement. Payment of the total amount of liquidated damages shall occur over the remaining term of the Agreement as follows: 1) on the effective date of breach by Coach, payment shall be made of amounts due with respect to the remainder of that contract year; and 2) payments due hereunder with respect to each subsequent contract year shall be made on or before the last day of such subsequent contract year, until all amounts due under this section have been paid in full.

7.4 This is an agreement for personal services. The parties recognize and agree that a termination of this Agreement by Coach prior to its natural expiration could cause Appalachian to lose its valuable investment in Coach's continued employment at Appalachian and could cause Appalachian additional damages beyond its lost investment, including but not limited to a possible adverse effect on recruiting. The parties further agree that it is difficult or impossible to determine with certainty the damages that may result from such termination by Coach and that the liquidated damages provision of this section shall not to be construed as a penalty, but as an attempt by Coach and Appalachian to establish adequate and reasonable compensation to Appalachian in the event Coach terminates this Agreement prior to its natural expiration. Therefore, the parties have agreed on this liquidated damages clause.

8.0 Termination for Death or Disability of Coach:

8.1 This Agreement shall terminate automatically if Coach dies, or if Coach becomes disabled and is unable to perform the essential functions of the job with or without a reasonable accommodation.

8.1.1 If this Agreement is terminated pursuant to this section because of death, Coach's salary and all other benefits shall terminate as of the calendar month in which death occurs, except that Coach's personal representative or other designated beneficiary shall be paid all such death benefits, if any, as may be contained in any benefit plan now in force or hereafter adopted by Appalachian and due to Coach as an EHRA non-faculty employee. Coach's personal representative or designated beneficiary shall be paid all earned but unpaid compensation pursuant to the terms of this Agreement.

8.1.2 In the event that Coach becomes and remains unable, in the sole judgment of the Director of Athletics, to perform the essential functions of Coach's employment hereunder for a period of ninety (90) days because of medical illness or incapacity and Appalachian thereupon affords notice of termination, except for payment of amounts due Coach accrued hereunder prior to the date of termination and payment of any disability benefits to

which Coach may be entitled pursuant to any disability program in which Coach is enrolled through Appalachian, Appalachian shall have no further liability to Coach pursuant to this Agreement. Specifically and without limitation, at the end of such ninety (90) day period, all salary and other benefits shall terminate, except that Coach shall be entitled to receive any disability benefits to which Coach is entitled under any disability program in which Coach is enrolled through Appalachian.

9.0 Restrictions On Other Employment:

9.1 In the event of a termination of this Agreement prior to its natural expiration, Coach agrees that Coach will not obtain employment as a coach with any Conference member institution for the Remainder Term under this Agreement. The parties agree that money damages would be inadequate to remedy a breach of this covenant; therefore, Appalachian shall have the right to obtain from any court such equitable, injunctive, or other relief as may be appropriate, including a decree enjoining Coach from violating this section.

10.0 Relationship Between the Parties:

10.1 The relationship between Coach and Appalachian will be determined solely by the terms and conditions of this Agreement, including, but not limited to, the EHRA Policies and all other applicable Appalachian, Department and University policies and procedures as they may be amended from time to time.

11.0 Ownership of Information:

11.1 All materials or articles of information including, without limitation, personnel records, recruiting records, team information, films, statistics or any other material or data 1) furnished to Coach by Appalachian; or 2) developed by Coach on behalf of Appalachian or at Appalachian's direction, or for Appalachian's use or otherwise in connection with Coach's employment hereunder; are and shall remain the sole and confidential property of Appalachian. If Appalachian requests access to or the return of such materials at any time during, or at or after the termination, of Coach's employment, Coach shall immediately deliver all such information to Appalachian.

12.0 Taxes:

12.1 Coach acknowledges that, in addition to the salary provided for in this Agreement, certain benefits that Coach receives incident to this employment relationship with Appalachian may give rise to taxable income. Coach agrees to be responsible for the payment of any taxes (including federal, state and local taxes) due on such income. Coach also understands that Appalachian shall withhold taxes on amounts paid or due to Coach, and the value of benefits provided to Coach, to the extent required by applicable laws and regulations.

13.0 Public Record:

13.1 Coach acknowledges and understands that, upon execution of this Agreement, the payment amounts and other terms and conditions contained herein shall not be confidential and shall be considered a public record within the meaning of the North Carolina Public Records Act, N.C. Gen. Stat. § 132-1 *et seq.*

14.0 Governing Law:

14.1 This Agreement will be governed by and construed under the laws of the State of North Carolina without regard to its conflicts of law provisions. The courts of North Carolina will be the forum for any lawsuits arising from or incident to this Agreement. The parties agree that any rule to the effect that an agreement shall be construed against the party drafting it shall have no application to this Agreement.

15.0 Severability:

15.1 If any provision of this Agreement is determined to be void, invalid, unenforceable or illegal for any reason, it will be ineffective only to the extent of such prohibition and the validity and enforceability of all the remaining provisions will not be affected thereby.

16.0 Board of Trustees' Approval:

16.1 The parties understand that, in accordance with a policy of the Board of Governors of the University, this Agreement will not be valid until it is approved by the Board of Trustees of Appalachian.

17.0 Compensation Conditional:

17.1 Since support for this position is funded in whole or in part from sources other than continuing State budget funds, the continuation of your employment in this position is contingent upon the continued availability of funds from such other sources to support this position. The source of funding for this position is Athletics Department receipts. The effect of this contingency may apply without the additional notice of intent not to renew otherwise required by Sections III.B and III.C of *The UNC Policy Manual*, Policy 300.2.1; provided, you shall be informed at the earliest practicable date of the occurrence of such a funding contingency.

18.0 Non-assignment:

18.1 Neither party to this Agreement will assign this Agreement as a whole, or in part, without the written consent of the other. Any attempt to do so will render this Agreement null and void.

19.0 Notices:

19.1 Whenever it will be required or permitted that notice or demand be given or served by either party to this Agreement on the other, unless otherwise specifically provided, such notice or demand will be given or served in writing by hand delivery or certified mail, return receipt requested, addressed as follows:

*If to Appalachian:*

Mr. Douglas P. Gillin  
Director of Athletics  
Appalachian State University  
Athletics Center  
Boone, NC 28608  
Facsimile: 828-262-2556

*If to Coach:*

Shelly Hoerner  
Head Coach Women's Softball  
Appalachian State University  
Athletics Center  
Boone, NC 28608  
Facsimile: 828-262-2556

With copy to:  
Office of General Counsel  
Appalachian State University  
ASU Box 32126  
Boone, NC 28608

20.0 Entire Agreement:

20.1 This Agreement constitutes the full and complete agreement of the parties. No prior or subsequent written or oral understandings or representations pertaining to the subject matter of this Agreement shall be binding upon the parties unless contained herein or set forth in the form of written amendments(s) to this Agreement, executed by both parties prior to becoming effective.

21. Offer Conditional

21.1 This offer is conditional upon acceptance and will be held open until 5:00 p.m. Eastern Standard Time on the tenth day following the date below indicating approval by Appalachian's Board of Trustees. Please indicate your acceptance by signing and dating the enclosed copy in the space indicated and returning it to the Director of Athletics at or before that time. Your failure to do so will be deemed to constitute a rejection of an initial offer of employment or resignation from employment, as the case may be.

[SIGNATURES APPEAR ON NEXT PAGE]

Sincerely,

\_\_\_\_\_  
Douglas P. Gillin  
Director of Athletics

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheri N. Everts  
Chancellor

\_\_\_\_\_  
Date

**AGREED AND ACCEPTED:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
**APPROVED** by the Board of Trustees of Appalachian State University at its meeting on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Dr. Alice G. Roess, Chair  
Board of Trustees of Appalachian State University

\_\_\_\_\_  
Date



## **Addendum for Head Coach Softball**

Shelly Hoerner

### **Incentive Compensation**

#### **1. Academic Performance of Softball Team**

1.1 In years in which the Academic Progress Rate (APR) is 950 or above, Coach will receive additional compensation from Appalachian in the amount of Two Thousand Five Hundred Dollars (\$2,500).

1.2 Coach shall receive additional compensation of Two Thousand Five Hundred Dollars (\$2,500) for each academic year (fall and spring term combined) that the aggregate team grade point average is 3.0 or above as determined by the Director of the Academic Support Program for Student-Athletes.

#### **2. Competitive Team Success**

2.1 In years in which Appalachian's softball team wins outright or shares the regular season Conference championship, Coach will receive additional compensation in the amount of Five Thousand Dollars (\$5,000).

2.2 In years in which Appalachian's softball team advances to the NCAA Regionals, Coach will receive additional compensation in the amount of Five Thousand Dollars (\$5,000).

2.3 In years in which Appalachian's softball team advances to the NCAA Super Regionals, Coach will receive additional compensation in the amount of Five Thousand Dollars (\$5,000).

2.4 In years in which Appalachian's softball team advances to the NCAA College World Series, Coach will receive additional compensation in the amount of Ten Thousand Dollars (\$10,000).

2.5 In years in which Coach is named the Conference Coach-of-the-Year, in addition to the compensation specified above, Coach will receive additional compensation in the amount of Two Thousand Five Hundred Dollars (\$2,500).

3. **Compensation Subject to Withholding.** All incentive compensation paid under the provisions of this Addendum will be subject to customary and applicable deductions and withholdings, including but not limited to State and federal income tax withholding.

4. **Time of Payment.** All amounts owed to Coach pursuant to this Addendum shall be paid within sixty (60) days of the close of the Sport Team's season or the satisfaction of the condition stated if such condition occurs after the close of the season.

APPENDIX A

MINUTES  
MEETING OF THE ACADEMIC AFFAIRS COMMITTEE  
APPALACHIAN STATE UNIVERSITY  
BOARD OF TRUSTEES

Thursday, June 22, 2017  
Room 417 – Beacon Heights  
Plemmons Student Union

CALL TO ORDER: The Academic Affairs Committee of the Board of Trustees of Appalachian State University met at the call of the Chair on Thursday, June 22, 2017, at 2:00 p.m. in the Beacon Heights Room of the Plemmons Student Union on the campus of Appalachian State University in Boone, North Carolina. Chair Susan Branch presided and called the meeting to order.

MEMBERS PRESENT:

Susan M. Branch  
M. Lee Barnes, Jr.  
John M. Blackburn  
Anderson B. Clayton  
Carole P. Wilson

CONSTITUENCY REPRESENTATIVES  
PRESENT (*ex-officio*):

Carolyn J. Clark, President, Alumni Council  
Barbara B. Howard, Chair, Faculty Senate

OTHERS PRESENT:

Alice Roess	Sheri Everts
Darrell Kruger	J. J. Brown
Paul Forte	Dayton Cole
Hank Foreman	Matthew Dockham
Anna Oakes	Carole Greene
Heather Langdon	Willie Fleming
Neva Specht	Sue Edwards
Amy Page	Mike Mayfield
Julia Hinds	Ryan Hellenbrand

Conflict of Interest Notice: Chair Branch read the following:

“Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today’s meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now.” [None Reported]

### Approval of Meeting Minutes

A motion was made by Carole Wilson and seconded by John Blackburn to approve the meeting minutes from the Academic Affairs Committee meeting on March 23, 2017. The motion was approved unanimously.

### Faculty Handbook Revisions

Dr. Sue Edwards, Vice Provost for Faculty Affairs, summarized the *Faculty Handbook* changes that were passed by the Faculty Senate and approved by the Provost and Chancellor. There are seven changes proposed, many of which simply clarify existing policies and procedures.

A motion was made by Alice Roess and seconded by John Blackburn that the Academic Affairs Committee accept the *Faculty Handbook* revisions, as presented in Exhibit A-1, and to make the recommendation to the full Board for approval. The motion was approved unanimously.

### College Update

Dr. Neva Specht, Dean of the College of Arts and Sciences, provided a college overview and identified four focus areas for the upcoming year, all of which draw from the college's current strategic plan: 1) International Connections; 2) Diversity and Inclusion; 3) Building capacity within growing programs; and 4) College of Arts and Sciences 50th Anniversary (1968-1918).

The Committee heard from two students--Julia Hinds and Ryan Hellenbrand. Julia spent last summer doing research at the University of Angers in France, and then used that research to land a highly sought after internship in New York last semester. Julia is currently a junior with majors in Physics and Chemistry and a minor in Mathematics. Ryan just graduated from Appalachian with majors in Global Studies and Sustainable Development; he had a number of study abroad experiences and just received a highly competitive Fulbright award to study in Innsbruck, Austria.

### Diversity Presentation and Underrepresented Population Trend Data

Heather Langdon, Director of Institutional Research, Assessment, and Planning and Dr. Willie Fleming, Chief Diversity Officer, presented on the topic of Diversity at Appalachian and shared some underrepresented population trend data.

#### Key points from Heather Langdon -

Appalachian's underrepresented student population has grown steadily over the past several years, from 1,683 (10%) in 2010 to 2,695 (15%) in 2016. The largest number of underrepresented students at Appalachian is in the Hispanic/Latino category (843 in 2016). Appalachian is one of three institutions in the UNC System in which the Hispanic/Latino population is the largest among underrepresented student populations. Retention rates of underrepresented students are similar to the retention rates of the freshman cohort as a whole, but there are gaps in graduation rates. When underrepresented students transfer out, they tend to enroll at institutions closer to home. The numbers and percentages of underrepresented *faculty and staff* at Appalachian have remained relatively flat over the past several years. When looking at other comparable institutions in the UNC System, Appalachian is somewhat lower in underrepresented students and faculty.

Key points from Willie Fleming -

Some significant initiatives of the Chief Diversity Officer to influence recruitment and retention of students, faculty, and staff include: the inaugural Inclusion Summer Institute, which was held June 5-7, the Faculty Fellows recruitment program, the Faces of Courage Award, the Chancellor's Student Advisory Board for Diversity, the National Coalition Building Institute, and the Fleming Scholars and Mentors group.

Other Key Points Discussed -

The Office of Academic Affairs has made financial resources available to the colleges so that they may better advertise and recruit in diverse publications. Faculty networking and faculty engagement continues to be an essential part of recruiting and retaining underrepresented individuals. Students respond more favorably to messages of inclusion and commonality rather than of difference. We must also ensure that the appropriate support services and resources are in place after the recruitment phase is over so that we may successfully retain these individuals. The Chief Diversity Officer and Academic Affairs is exploring a potential pipeline/exchange with Winston Salem State University to deliver high performing diverse talent to Appalachian. The Chief Diversity Officer is looking ahead at continued and increased collaborations with SGA, Faculty Senate and Staff Senate.

Update on Searches

Provost Kruger provided an update on recent position searches within Academic Affairs and he thanked the various search committees for their leadership and diligence throughout the search process.

Adjourn Meeting

There being no further business, a motion was made by Carole Wilson and seconded by Lee Barnes to adjourn at 3:00 p.m. The motion was approved unanimously.

Respectfully submitted,

David H. Cook  
Recording Secretary

MINUTES  
MEETING OF THE ATHLETICS COMMITTEE  
APPALACHIAN STATE UNIVERSITY  
BOARD OF TRUSTEES

Thursday, June 22, 2017  
Room 415 - Rough Ridge  
Plemmons Student Union

CALL TO ORDER: The Athletics Committee of the Board of Trustees of Appalachian State University met at the call of the Chairperson and the Chancellor on Thursday, June 22, 2017, at 1:03 p.m. in the Rough Ridge Room of the Plemmons Student Union on the campus of Appalachian State University, Boone, North Carolina. Carole P. Wilson presided and called the meeting to order.

MEMBERS PRESENT:

George M. Baldwin  
Donald C. Beaver  
Charles V. Murray  
D. Kenan Smith  
Carole P. Wilson

OTHERS PRESENT:

James M. Barnes  
Steve Behr  
Sharon B. Bell  
John M. Blackburn  
Jonathan E. Boggs  
Dayton T. Cole  
Anderson B. Clayton  
Matthew T. Dockham  
Randy K. Edwards  
Sheri N. Everts  
Hank T. Foreman  
Paul D. Forte  
Denise N. Foutz  
Douglas P. Gillin  
Carole M. Greene  
David T. Jamison  
Tom L. Kane  
Darrell P. Kruger  
Suzette S. Mauney  
Jonathan B. Reeder  
Alice G. Roess  
Madison M. Story

CONFLICT OF INTEREST NOTICE: Chair Wilson read the statement: “Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today’s meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now.” None reported.

APPROVAL OF MINUTES: Chair Wilson stated the March 23, 2017 Athletics Committee meeting minutes were included in Committee members’ notebooks. A motion was made, seconded and approved to accept the minutes as distributed.

COMMENTS FROM STUDENT-ATHLETES: Rising Senior student-athletes, Eric Boggs from Football, and Madison Story from Women’s Basketball, gave the Committee insight into their transformational experiences as student-athletes at Appalachian State University. Both Eric and Madison are on track to graduate following the spring 2018 semester, and discussed their plans following graduation with the Committee.

PRESENTATION BY DIRECTOR OF ATHLETICS: Mr. Doug Gillin, Director of Athletics, provided the Committee with a year-end review presentation, overviewing the following:

- **Academics:** Appalachian State University student-athletes achieved their 10<sup>th</sup> consecutive semester above a 3.0 grade point average, while earning the 2017 Sun Belt Conference Graduation Rate Award.
- **Competitive:** Three sport programs, including Women’s Cross Country, Football and Wrestling, won conference championships in 2016-17. Additionally, Football won their second consecutive Camellia Bowl championship, and Wrestling was ranked in the Top 25 in all three national polls.
- **Financially:** Appalachian State University Athletics maintained a balanced budget in Fiscal Year 2016, and is projecting a balanced budget in Fiscal Year 2017. Earlier this spring, *A Mountaineer Impact Initiative* was designed and launched to provide essential resources for Appalachian State University Athletics programs.
- **National Exposure:** During the 2016 Football season, eight games were nationally televised, including Appalachian State University’s home contest against the University of Miami in September. Future game agreements were inked with the University of North Carolina at Chapel Hill, who will visit Kidd Brewer Stadium in 2022, and East Carolina University, who will visit in 2025.
- **Campus & Community Collaboration:** To conclude the presentation, Mr. Gillin gave the committee an overview of the Department of Athletics’ broad campus committee participation, academic partnerships, and community involvement in 2016-17. Details were also presented from a recent Economic Impact Study, completed by the Walker College of Business.

OPEN SESSION ADJOURNED: A motion was made and seconded that the Committee convene in closed session to:

1. prevent the disclosure of confidential or privileged information under Chapter 126 of North Carolina General Statutes or regulations [N.C.G.S § 143-318.11(a)(1)];
2. consult with its attorney to preserve the attorney-client privilege [N.C.G.S § 143-318.11(a)(3)]; and
3. establish or instruct the staff or agent concerning the negotiations of the amount of compensation or other terms of an employment contract [N.C.G.S § 143-318.11(a)(5)].

The motion was approved unanimously. Board of Trustees members, Mr. Dayton T. Cole, General Counsel, Mr. Doug Gillin, Director of Athletics, and Mr. Jonathan Reeder, Recording Secretary, were asked to remain for closed session. All others were excused.

OPEN SESSION RECONVENED: Chair Carole P. Wilson reconvened the open session.

ADJOURNMENT: After the open session reconvened, the meeting of the Athletics Committee adjourned at 1:52 p.m.

Respectfully submitted,

Jonathan B. Reeder  
Recording Secretary

MINUTES  
MEETING OF THE AUDIT COMMITTEE  
APPALACHIAN STATE UNIVERSITY  
BOARD OF TRUSTEES

Thursday, June 22, 2017  
Room 417 – Beacon Heights  
Plemmons Student Union

CALL TO ORDER: The Audit Committee of the Board of Trustees of Appalachian State University met at the call of the Chair on Thursday, June 22, 2017, at 12:00 p.m. in the Beacon Heights Room of the Plemmons Student Union on the campus of Appalachian State University in Boone, North Carolina. Mr. Charles V. Murray, Chair, presided and called the meeting to order.

MEMBERS PRESENT:

Charles V. Murray, Chair  
John M. Blackburn

MEMBERS ABSENT:

Robert C. Hatley  
Carolyn J. Clark

CONSTITUENCY REPRESENTATIVE PRESENT:

Carole M. Greene, Chair  
Staff Senate

OTHERS PRESENT:

Dawn Antonucci  
Jimmy Barnes  
Sharon Bell  
JJ Brown  
Anderson Clayton  
Dayton Cole  
Eloise Covalt  
Sheri Everts  
Hank Foreman  
Denise Foutz  
David Jamison  
Paul Forte  
Alice G. Roess  
David Venable

CONFLICT OF INTEREST NOTICE: Chair Murray read the following:

"Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for



today's meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now." [None reported.]

APPROVAL OF MINUTES: The minutes of the March 23, 2017 Audit Committee meeting were delivered to all members of the Audit Committee prior to the meeting. Chair Murray called for a motion to approve the minutes of the March 23, 2017 Audit Committee meeting. There being no corrections, upon motion duly made and seconded, the minutes of the meeting were approved as presented.

REVIEW OF THE 2016-2017 AUDIT PLAN: Ms. Eloise Covalt, Chief Audit Officer, updated the Committee on the status of the 2016-2017 Audit Plan to include completed-to-date and in-progress audits. Percentage of completion for the concluded 2016-2017 Audit Plan was also discussed.

SUMMARY OF RECENT INTERNAL AUDITS AND REVIEWS: Ms. Eloise Covalt gave the summary of recent internal audits:

- ASU Policy 503.8 "Payment Card Services Policy" - Oversight/Compliance Audit: This review assessed the effectiveness of the oversight process and evaluated campus merchants' internal practices and support of policy objectives. The review also evaluated the progress that management has made in resolving compliance gaps identified as a result of an annual self-assessment process. A recommendation was made to strengthen the administration of training employees as required by policy.
- Privileged User Information Technology Security Awareness Training: This review assessed the effectiveness of the procedures and controls implemented to provide training to those employees who have "Privileged User" access. There were no reported findings.
- Compliance with Policy 509.1 "Purchasing Office" and University Policies Concerning Conflict of Interest Disclosures: Based upon an internal request, a review was completed to determine if an employee made required Conflict of Interest disclosures and complied with the Purchasing Office policy. No findings reported.
- ASU/NCRC Human Performance Lab (HPL) for the period July 2015 – December 2016: Departmental audit assessed: 1) the adequacy of internal controls, 2) if financial transactions were properly supported and described, and 3) compliance with University policies and procedures. The review scope was limited to state, trust, and sales/service funds. Grant funds were not included. No findings reported. In addition, an update was given regarding an internal audit review in progress regarding the 2017 final installment of an existing contract.
- Follow-Up Reviews: To monitor management's implementation of recommendations from previous audits that were performed. Monitoring will continue by Internal Audits regarding the implementation of these recommendations and additional follow-up reviews are scheduled in conjunction with the 2017-2018 Audit Plan.

- Follow-Up to Procurement Card Review - monitoring compliance with ASU Policy 509.23 "Procurement Card Program." Status of Finding: Partially Resolved.
- Follow-Up to ASU/NCRC HPL Review - monitoring compliance with policies over P-Card and the storage and safeguarding of funds. Status of Finding: Regarding the P-Card: Resolved. Regarding the storage and safeguarding of funds: Partially Resolved.
- Follow-Up to Food Services Reconciliation of Banner to CS Gold - monitoring the improvement of the process to reconcile Banner to CS Gold. Status of Finding: Resolution in progress.
- Campus-Wide Reviews: Quarterly reviews were conducted in the areas of fund reconciliations, fixed assets, procurement card disbursements, travel disbursements and foundation expenditures. In addition, monthly reviews were conducted regarding the removal of network access for terminated employees and regarding the appropriate access assigned to employees who changed positions within the University. Recommendations were made regarding following policy concerning departmental bookkeeping, procurement cards, travel expenditures and fixed assets. No other significant findings to report.

EXTERNAL AUDITS IN-PROGRESS:

- ASU Financial Audit for FY 2017. Auditor: NC Office of the State Auditor
- Foundation Financial Audit for FY 2017. Auditor: Elliott Davis Decosimo

INTERNAL AUDIT ACTIVITY:

- Quality Assurance and Improvement Program Update for 2016/2017 was provided.

2017-2018 AUDIT PLAN FOR REVIEW AND APPROVAL: The Risk Assessment/Audit Plan approach and analysis was discussed. The summation of this analysis resulted in the compilation of the 2017-2018 Audit Plan. The 2017-2018 Audit Plan was presented, reviewed and discussed. Upon motion being duly made and seconded, the Committee approved the 2017-2018 Audit Plan as presented.

UPDATE, REVIEW AND APPROVAL OF CHARTERS: As per IIA Standard 1000 and in conjunction with the Quality Assurance and Improvement Program, the Charters were reviewed with the Audit Committee to determine whether the Charters' provisions continue to enable the internal audit activity to accomplish its objectives. In conjunction with a review of IIA guidance and subsequently reviewed by General Counsel, updates/revisions were presented. Summary of revisions, as follows:

1. Internal Audit Activity Charter:

- Inclusion of certain statements to align with updated mandatory guidance references.
- Minor edits for increased clarity.

2. Audit Committee Charter:

- None – Only review and reaffirmation required at this time.

Upon motion being duly made and seconded, the Committee approved the Charters as presented.

CLOSED SESSION: At 12:43 p.m., Chair Murray announced that he would entertain a motion that the voting members of the committee convene in closed session to:

1. Prevent the disclosure of privileged or confidential information pursuant to North Carolina General Statutes, section 132-6.1(c). [N.C.G.S § 143-318.11(a)(1)]; and
2. Consult with our attorney to preserve the attorney-client privilege [N.C.G.S §143-318.11(a)(3)].

Upon motion duly made, seconded and approved, the Committee convened in closed session.

OPEN SESSION RECONVENED: Upon motion duly made, seconded and approved, the Committee reconvened in open session.

ADJOURNMENT: There being no further business, the meeting of the Audit Committee adjourned at 1:08 p.m.

CHARLES V. MURRAY, Chair

By:

\_\_\_\_\_  
Dawn Antonucci  
Recording Secretary

MINUTES  
MEETING OF THE BUSINESS AFFAIRS COMMITTEE  
APPALACHIAN STATE UNIVERSITY  
BOARD OF TRUSTEES

Thursday, June 22, 2017  
Room 417 – Beacon Heights  
Plemmons Student Union

CALL TO ORDER: The Business Affairs Committee of the Board of Trustees of Appalachian State University met at the call of the Chairperson and the Chancellor on Thursday, June 22, 2017, at 4:00 p.m. in the Beacon Heights Room of the Plemmons Student Union on the campus of Appalachian State University, Boone, North Carolina. Mr. George Baldwin presided.

MEMBERS PRESENT:

Mr. George M. Baldwin  
Mr. Don C. Beaver  
Mr. Charles V. Murray  
Dr. Alice G. Roess  
Mr. D. Kenan Smith  
Mrs. Carole P. Wilson

CONSTITUENCY REPRESENTATIVE  
PRESENT:

Ms. Anderson B. Clayton, President  
Student Government Association

OTHERS PRESENT:

Mr. Mark Bachmeier  
Mrs. Sharon Bell  
Mr. J.J. Brown  
Mr. Philip Byers  
Mr. Dayton Cole  
Mr. Todd Corley  
Mr. Matthew Dockham  
Mr. John Eckman  
Dr. Randal Edwards  
Dr. Sheri N. Everts  
Mr. Hank Foreman  
Mr. Paul Forte  
Mrs. Denise Foutz  
Mr. Doug Gillian  
Ms. Carole Greene  
Mr. Jalyn Howard  
Mr. David Jamison  
Mr. Tom Kane  
Dr. Darrell Kruger  
Mrs. Heather Langdon

Mr. Jerry Marshall  
Ms. Stephanie Marshall  
Mr. Steve Martin  
Ms. Diane Pitts  
Mrs. Amy Roberts  
Ms. Traci Royster  
Mr. Ken Smith  
Mr. Andy Stephenson  
Mr. Leroy Wright

MEDIA PRESENT:

Ms. Anna Oakes, *Watauga Democrat*

CONFLICT OF INTEREST NOTICE:

Mr. George Baldwin, read the following: "Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today's meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now." [None reported]

APPROVAL OF MINUTES:

The minutes of the March 23, 2017 meeting have been reviewed by the Business Affairs Committee. Following discussion, the motion was made and seconded to approve this revision. The motion carried.

WRITE-OFF UNCOLLECTIBLE ACCOUNTS – STUDENT ACCOUNTS:

The write-off of uncollectible accounts in excess of \$1,000 requires action by the Board of Trustees. All attempts to collect these accounts have been exhausted. The administration is seeking permission to write off the student accounts as described in Exhibit D-1. Following discussion, the motion was made and seconded to write off these uncollectible accounts. The motion carried. Charlie Murray opposed approving the motion.

WRITE-OFF UNCOLLECTIBLE ACCOUNTS – NEW RIVER LIGHT AND POWER COMPANY:

New River Light and Power Company had no accounts to be written off this year.

UPDATE PARKING AND TRAFFIC MANUAL:

Paul Forte presented the proposed updates to the Parking and Traffic Manual. The proposed updates include editorial changes, dates, a rate increase of \$3.00/month for most categories and minor changes in other rates. Following discussion, the motion was made and seconded to accept these changes to the Parking and Traffic Manual. The motion carried.

BASEMENT – TOWN OF BOONE – HISTORIC CEMETERY:

The Town of Boone is requesting an easement to construct a retaining wall in order to maintain a boundary, reinforce the current wall, and maintain the appearance of the historic cemetery. Following discussion, the motion was made and approved to grant this easement to the Town of Boone. The motion carried.

There being no further business, the meeting adjourned at 4:40 p.m.

Respectfully submitted,

Diane Pitts

MINUTES  
MEETING OF THE STUDENT DEVELOPMENT COMMITTEE  
APPALACHIAN STATE UNIVERSITY  
BOARD OF TRUSTEES

Thursday, June 22, 2017  
Room 415 – Rough Ridge Room  
Plemmons Student Union

CALL TO ORDER: The Student Development Committee of the Board of Trustees of Appalachian State University met at the call of the Chair on Thursday, June 22, 2017, at 3:05 p.m. in the Rough Ridge Room of Plemmons Student Union on the campus of Appalachian State University in Boone, North Carolina. Mr. John Blackburn, Chair, presided and called the meeting to order.

MEMBERS PRESENT:

John M. Blackburn  
Susan M. Branch  
Anderson B. Clayton  
D. Kenan Smith

CONSTITUENCY REPRESENTATIVES  
PRESENT:

Carol M. Greene  
Barbara B. Howard

OTHERS PRESENT:

James M. Barnes  
Mark D. Bachmeier  
Sharon Bell  
J. J. Brown  
Philip Byers  
Dayton T. Cole  
Matthew T. Dockham  
Ethan Dodson  
Matt C. Dull  
Randy Edwards  
Susan Edwards  
Sheri N. Everts  
Denise Foutz  
Hank T. Foreman  
Paul D. Forte  
Willie Fleming  
Malik Hargrave  
Megan Hayes  
Jalyn A. Howard  
Molly A. Kadyk-Bruch

Tom Kane  
Darrell P. Kruger  
Heather Langdon  
Alan G. Lee  
Susan D. McCracken  
Anna Oakes  
Alice G. Roess  
Traci D. Royster  
Heather H. Stewart  
Adrian Thompson  
Elizabeth Tiddy  
Troy Tuttle  
Carole P. Wilson  
Leroy Wright

CONFLICT OF INTEREST NOTICE: Mr. Blackburn read the following: "Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today's meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now." [None reported]

APPROVAL OF MINUTES: Mr. Blackburn stated the March 23, 2017 Student Development Committee minutes were included in Committee member's notebooks. A motion was made by Alice Roess and seconded by James Barnes to approve the minutes as distributed. The motion was approved unanimously.

Mr. Blackburn welcomed J. J. Brown to his first Board of Trustee meeting in his new capacity as Vice Chancellor of Student Development. Mr. Brown began his new role on May 1, 2017. Mr. Blackburn thanked Leroy Wright for his service to the division as the interim Vice Chancellor. He also thanked Alice Roess for her service to the Board and announced that this is Dr. Roess' last meeting. Mr. Blackburn turned the meeting over to Mr. Brown who gave a brief update on the new changes happening within Student Development.

STUDENT DEVELOPMENT UPDATE: J. J. Brown also thanked Leroy Wright for his service as interim Vice Chancellor and for all he has done for the division. He thanked Chancellor Everts for her support and is grateful for the opportunity. He updated the Board on several new changes happening within Student Development over the summer. A lot of hard work has been done redefining the division. The focus of two all-day divisional planning meetings this summer was telling the division story, where we want to go and how we get there. The Student Development staff is working collaboratively to refocus and redefine the Division Mission and Vision Statements, making sure each statement speaks to both the Appalachian and UNC Strategic Plans. The division is working towards a Culture of Assessment, using data collected to also tell the story. Effective August 1, 2017, the division name will change from Student Development to Student Affairs. This change will better align the division with other UNC Schools, Academic and Business Affairs and the College of Student Affairs graduate program. Chancellor Everts approved the name change. Mr. Brown



is excited about all the positive energy, momentum and hard work put forth within the division this summer. There is more to come and he looks forward to sharing it with the Board. John Blackburn noted that he likes the new way of labeling the division. He thanked Mr. Brown and asked if there were any questions.

NATIONAL PAN-HELLENIC COUNCIL (NPHC) PLOTS UPDATE: Mr. Blackburn introduced Traci Royster, Malik Hargrave and Alan Lee who presented sample renderings of NPHC Plots on other campuses and the research currently being done at Appalachian. Ms. Royster explained that the National Pan-Hellenic Council is the governing body to the nine historically black fraternities and sororities, known as the "Divine Nine." Seven of those nine have active chapters here at Appalachian. The NPHC Plots are the largest symbols of African-American Greek Life on college campuses across the country. The plots will represent Appalachian's commitment to Diversity and Inclusion and help bring awareness to NPHC, the chapters and the alumni. They will be used every day for students to hang out, special events, new member presentations, homecoming and tailgating. The Committee is currently working with an architect on the design, gathering feedback from conversations with students and alumni, and working with University Advancement on fundraising. Ms. Branch thanked Chancellor Everts, Leroy Wright, SGA and NPHC for their support in this exciting project. She noted that this is a great example of how student organizations can partner with administration. She wants to make sure that we can educate the campus and maintain a sacred space. Mr. Blackburn asked about the price of the project. Mr. Brown explained that these were new images many on the Committee are seeing for the first time today. Once the designs are finalized, a price can be negotiated. Mr. Blackburn applauded the Committee for its hard work. He hopes this begins the dialogue to move the project forward. Mr. Blackburn thanked Ms. Royster, Mr. Hargrave and Mr. Lee and asked if there were any further questions.

STUDENT GOVERNMENT ASSOCIATION (SGA) INTRODUCTION: Mr. Blackburn introduced Anderson Clayton, the Student Body President, and Alan Lee, the Student Body Vice President, who shared the campaign process and how it was instrumental in writing their platform. Their platform consists of six pillars - governance, equity, student rights, sustainability, safety, and health. During the campaign, they spoke with over 60 clubs and 1000 people in a two-week period. While talking to the students they realized the biggest issues pressing them today are cost, safety, parking and having a diverse experience. They are also hoping that students of color will sit on more University Committee Meetings. Two of the issues discussed were campus accessibility and food insecurities, both issues currently facing many students at Appalachian. Chancellor Everts was delighted to hear about SGA's focus on accessibility. Chancellor Everts shared that the Americans with Disabilities Act Compliance Audit will be in held during the 2017 -2018 academic year. The Chancellor's Office has received many complaints about the difficulty in getting around campus. Ms. Clayton invited the Board to the first Senate Meeting on September 19th, hoping to bridge the gap between the Senate Members and the Board of Trustees members. With no further questions, Mr. Blackburn thanked Ms. Clayton and Mr. Lee for their work and looks forward to working with them.

ADJOURNMENT: There being no further business to come before the Committee, a motion was made by Alice Roess, seconded by Susan Branch, and approved to adjourn the meeting at 3:56 p.m.

Respectfully submitted,

Heather H. Stewart  
Recording Secretary