



DIRECTIVE 2021-039

October 12, 2021

RE: JOINT USE AGREEMENT BETWEEN THE ZANE STATE COLLEGE AND
MUSKINGUM UNIVERSITY

Zane State College has been granted appropriations contained in Senate Bill 310 of 133rd General Assembly in the amount of two hundred thousand dollars. Zane State College will use the funds to improve the facility owned by Muskingum University. As required by Ohio Administrative Code section 3333-1-03, Zane State College submitted a Joint Use Agreement for consideration and approval by the Chancellor.

The agreement conforms to Ohio Administrative Code as follows –

- The format of the agreement is appropriate
- The commitment extends no less than twenty years
- The value of use to Ohio higher education institutions is reasonably related to the amount of the appropriation

Agency staff reviewed the agreement and posted its recommendations to the Department's website for the purpose of providing a period of public comment before final approval by the Chancellor. The materials posted for comment and the joint use agreement are attached to this document.

Based on my review of staff recommendations, I hereby approve the Joint Use Agreement between Zane State College and Muskingum University.

This directive will take effect immediately.


Randy Gardner
Chancellor

mlc

JOINT USE AGREEMENT

This Joint Use Agreement (“Agreement”) is entered into by and between Zane State College (ZSC), an instrumentality of the State of Ohio, created under Chapter 3357 of the Ohio Revised Code, whose address is 1555 Newark Road, Zanesville, OH 43701, and Muskingum University (MU) an Ohio Not-for-profit Corporation whose address is 163 Stormont Street, New Concord OH 43762-1837.

WHEREAS, the 133rd Ohio General Assembly appropriated in S. B. No. 310 to ZSC 200,000 dollars for the Muskingum University Health and Wellness Center.

WHEREAS, the funds will be used to construct a building to support a collaborative effort between ZSC and MU for the purpose of providing experiential opportunities for ZSC students.

WHEREAS, Ohio Administrative Code §3333-1-03(E) requires a public institution to submit to the Ohio Department of Higher Education a joint use agreement that contains the requirements in (E)(1)-(11) for review and approval.

WHEREAS, ZSC has demonstrated that the value of the use of the facility is reasonably related to the amount of appropriation through the worksheet included in this Agreement as Attachment A.

NOW, THEREFORE, in consideration of the mutual benefits hereunder, it is hereby agreed to between the parties as follows:

1. **Facility or equipment owned, to be built or purchased by nonprofit or public body.** The facility, located at 29 Stadium Drive, New Concord, OH 43762 is owned by MU. MU’s Health and Wellness Complex (HWC) will include a state-of-the-art diagnostic hub that includes a diagnostic and treatment space and fitness center, a multi-use fieldhouse for practice and training, and multi-purpose classrooms. This will provide integrated health and well-being opportunities for MU, for the ZSC campus community, and for our region.

2. **Use of the facility or equipment by public institution.** The facility will be used to support a collaborative effort between ZSC and MU as referenced in Attachment A, hereby incorporated. The purpose is to provide experiential opportunities for ZSC Students. This involves providing use of specified space for ZSC to use during each semester. The term of this agreement is 20 years from the time that the facility is ready for occupancy.

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3. **Reimbursement of funds.** The State shall be reimbursed by MU should ZSC's right to use the facility be terminated prior to the expiration of the 20-year term, calculated by dividing the funds by 20 and multiplying that sum by 20 less the number of full years the facility or equipment is used by the institution.
4. **Use of funds.** The funds will be used for the construction of a health and wellness complex that includes a high-tech diagnostic screening and therapeutic treatment center that will engage students, faculty, and staff in providing services to community members in partnership with area healthcare providers, technology innovators, and business and industry. Funds will only be used for capital improvements and not for operating costs.
5. **Insurance for facility and hold harmless.** MU has insurance for the facility and it holds ZSC harmless from all liability for construction, operation, and maintenance costs of the facility.
6. **Compliance with federal, state and local law.** MU will comply with all pertinent federal, state and local laws as well as state administrative regulations.
7. **Competitive bidding.** MU follows competitive bidding procedures which include, at a minimum, publishing advertisements to seek bids, receiving sealed bids, and awarding contracts to the lowest responsive and responsible bidder, as described generally in Ohio Revised Code Chapter 153.
8. **Appropriation administrative fee.** ZSC will be reimbursed for administrative costs incurred as a result of the project equal to 1.5% of the appropriated amount.
9. **Amendments.** Any amendments to this JUA require the approval by the Ohio Department of Higher Education before any amendment takes effect.
10. **Payment.** An approved Controlling Board Request will release funds to ZSC. ZSC will encumber the appropriation and disburse the funds to MU upon receipt of the required and approved documentation.
11. **Terms and conditions of use.** ZSC will have access to use the designated area at the MU building as needed in accordance with its collaboration with MU. ZSC plans to use the designated area to support its health programs. Students will have the

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opportunity to use this modern space to enhance their education and include virtual communication between the diagnostic center and healthcare providers.

Muskingum University (MU):



Philip E Laube

Vice President for Finance
and Operations

Zane State College (ZSC):



Terri Baldwin

Chief Financial Officer

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Attachment A

Project: Muskingum University (MU)

Date: 8/31/2021

Section I: State appropriation information.

1. Amount of state appropriation provided: \$200,000
2. Estimated annual debt service on the appropriation: \$15,376.00
3. Term of the state bond, in years: 20

Section II: Estimated value of use of the facility.

Use(s) of the facility*	Annual value of use	# of years
<i>a. Use of Diagnostics Hub 2,370 sq feet</i>	<i>\$13,200</i>	<i>20</i>
<i>b. Use of Consultation Rooms 234 sq feet</i>	<i>\$880</i>	<i>20</i>
<i>c. Classroom 1,036 sq feet</i>	<i>\$5,280</i>	<i>20</i>
<i>d. Classroom 1,092 sq feet</i>	<i>\$5,280</i>	<i>20</i>
<i>e. Satellite AT room 336 sq feet</i>	<i>\$2,640</i>	<i>20</i>
<i>f. Fitness Center section 400 sq feet</i>	<i>\$5,280</i>	<i>20</i>

(* List additional uses on separate page as needed.)

Section III:

ZSC wishes to enter into a Joint Use Agreement with MU for a state appropriation of \$200,000. The annual debt service paid by the state on this appropriation is about \$15,376.00 per year, for 20 years.

Breakout of space: The square footage of the space made available to ZSC is listed below. Included is a cost per hour which was determined based on current rental rates used by ZSC. The usage is based on two courses per semester. The value is calculated by multiplying the cost per hour by the hours per week used times 44 weeks. The 44 weeks represents the timeline when classes are held during a year.

Area in Facility	Sq. Footage	Cost/Hour	Usage	Value for Year
Diagnostic Hub	2,370	\$150	2 hours/week	\$13,200
Consultation rooms	234	\$20	1 hour/week	\$880

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Classroom	1,036	\$60	2 hours/week	\$5,280
Classroom	1,092	\$60	2 hours/week	\$5,280
Satellite AT room	336	\$60	1 hour/week	\$2,640
Fitness Center section	<u>400</u>	\$60	2 hours/week	\$5,280
Total				\$32,560

In addition to the space, equipment will be available to ZSC having a value of up to \$500,000.

Rationale: ZSC currently does not have modern facilities or equipment to support robust, comprehensive health and wellness programs. ZSC needs to use MU's new Health and Wellness Complex to support its faculty and students in its health programs, including but not limited to Occupational Therapy Assistant Program, Physical Therapy Assistant Program, and Medical Assistant Program. The value comes from the dynamic space, state of the art equipment and virtual connections that will be in the Health and Wellness Complex; the faculty and staff time provided from both MU and ZSC for instruction, collaborative research, and clinical supervision; the interactions with area healthcare providers, technology entrepreneurs, and business and industry leaders around research and development, internships and apprenticeships; and new programming that will both strengthen ZSC and MU and serve the workforce of the region.

The space and equipment in the new complex will be used by ZSC faculty and students during normal ZSC operating hours. Students need exposure to modern equipment including virtual communication opportunities available at the new complex between the diagnostic center and healthcare providers. Access to new equipment and technology used in the health therapy fields is critical for students to have experience with current therapy practices. This equipment includes:

- DARI Motional Analysis
- Metabolic cart
- 3D printer
- Wearable Health Data Collection Sensors
- Multi-Use Computing Technology
- Virtual Healthcare Design equipment (housed in other locations but connected to the Health and Wellness Complex space)
 - Virtual Reality (VR) Equipment Hardware
 - Augmented Reality (AR) Equipment Hardware
 - Virtual Cadaver – Anatomage Table
 - VR Video Production Equipment

The space will be used for up to two courses each semester. Students will be trained on the equipment and use the classroom space and fitness floor to practice learning. The satellite system will be used to learn how to communicate with healthcare professionals. Specifically, understanding and using virtual

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communication diagnostic tools is a skill needed in modern healthcare practices. The space can also be used for recruiting events.