

MINUTES OF THE MEETING
OF THE
MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES

November 8, 1996

Trustee Finance Committee and Trustee Policy Committee meetings were held in the Board Room of the Administration Building beginning at 9:00 a.m. on Friday, November 8, 1996. Minutes of the meetings are on file in the Office of the Secretary of the Board of Trustees.

President McPherson called the meeting of the Board of Trustees to order at 10:20 a.m. in the Board Room.

Trustees present: Dolores M. Cook, Dorothy Gonzales, Colleen McNamara, Donald W. Nugent, David L. Porteous, John D. Shingleton, Bob Traxler, and Robert E. Weiss.

University officers present: President McPherson, Provost Simon, Secretary Pogel, Vice President and General Counsel Noto, Vice Presidents Denbow, Greenleaf, June, Webb, Webster, and Wilkinson, Acting Vice President Gast, and Executive Director Williams. Faculty Liaison representatives present: Ludmilla L. Litus, Maureen McDonough and Deborah Moriarty. Student Liaison representatives present: Frank Aiello, Joseph Caro, Precious Johnson, and Karin Peterson.

All actions taken were by unanimous vote of the Trustees present, unless otherwise noted.

1. On a motion by Mr. Nugent, supported by Mr. Porteous, **THE BOARD VOTED to approve** the proposed agenda.
2. On a motion by Mr. Nugent, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the minutes of the Board meetings of September 13, 1996 and October 10, 1996.
3. Trustee GPA Recipients for Fall Semester 1996, listed below, were congratulated for their exceptional academic performance. Chairperson Weiss and President McPherson presented awards to Kevin James, Amy Lynn Malone, Angela Smith, and Peter Yanik. Daniel Hornbaker had to leave prior to the presentation, and Brian Fedewa was unable to attend.

Trustee GPA
Award Recipients

President McPherson noted the extraordinary achievements of Dan Hornbaker, a math major with an additional major in Physics, who completed 20 honors courses when the basic requirement is 8 courses at the honors level.

Angela M. Smith	3.9826 GPA, First Highest
Peter J. Yanik	3.9658 GPA, Second Highest
Kevin J. James	3.9636 GPA, Third Highest
Amy Lynn Malone	3.9489 GPA, Fourth Highest
Brian S. Fedewa	3.9439 GPA, Fifth Highest
Daniel J. Hornbaker	3.9390 GPA, Sixth Highest

4. President's Report
 - A. President McPherson reported that Board members can be pleased with the imagination, diligence, and progress that is being made on various projects currently underway throughout the University.
 - B. President McPherson said it has been a pleasure to work with Trustee Porteous on the Board and he appreciated his contributions.

President's
Report

5. Guiding Principles Report

Guiding
Principles Report

Vice President Greenleaf reported on Academic Environment in the Residence Halls related to the Guiding Principle of active learning and strengthening active connections between the classroom and student life. A committee of about 15 persons including student representatives has been developing proposals which are in various stages of discussion and development. Mr. Greenleaf cited examples including plans for a foreign-language living-learning community that would prepare students for study abroad. He also explained "mapping," which would provide faculty with campus addresses for students in their classes so that study groups, examination review sessions and other activities could be planned in appropriate residence halls. Additional ideas included a computers-for-rent program, faculty or distinguished guest residents in residence halls, more freshmen seminars as well as new career seminars, and the possibility of weekend classes that could help involve non-traditional students in residence hall settings.

6. There were no requests to address the Board of Trustees on issues germane to the agenda.

Public
Participation
Germane to Agenda

November 8, 1996

Personnel
Actions

7. Personnel Actions

Provost Simon presented the following academic appointments and faculty promotion and tenure recommendations.

Appointments

A. Appointments

- 1) Biocca, Frank, AY-Ameritech Endowed Chair in Telecommunication Technologies and Information Services, Department of Telecommunication, \$80,000, with Tenure, effective January 1, 1997.
- 2) Fairweather, James S., AY-Professor, Department of Educational Administration, \$73,000, with Tenure, effective January 1, 1997.

Faculty
Promotions and
Tenure
Recommendations

B. Faculty Promotions and Tenure Recommendations

Most of the recommendations for faculty members whose current probationary appointments in the tenure system end on August 15, 1997, were made at the Board meeting on June 14, 1996. Tenure actions were delayed last spring on recommendation of the college for the faculty members listed below.

The following actions are recommended by the Departmental Chairperson, the Dean, and the Provost in accordance with the tenure rules.

The following promotions which include the award of tenure are recommended:

- 1) Hooker, Clarence O., promotion to Associate Professor, Department of American Thought and Language.
- 2) Maligo, Pedro, promotion to Associate Professor, Department of Romance and Classical Languages.

On a motion by Mr. Nugent, supported by Ms. Cook, **THE BOARD VOTED to approve** the Appointments and Faculty Promotions and Tenure Recommendations.

Information
Reports

- C. Information Reports of Academic Personnel Actions of September 27, 1996, and October 25, 1996 were distributed with the Board Agenda and have been included with the agenda materials in the Office of the Secretary of the Board of Trustees.

Gift, Grant and
Contract Report

8. The Gift, Grant and Contract Report for the period of August 24, 1996 through October 18, 1996 was presented by Acting Vice President Gast. The report is a compilation of 460 Gifts, Grants and Contracts, 47 Consignment/Non-Cash Gifts, and no Consignment/ Non-Cash Loans, with a total value of \$73,933,230.00. The report is included with the Board Agenda in the Office of the Secretary of the Board of Trustees.

On a motion by Mr. Nugent, supported by Mr. Shingleton, **THE BOARD VOTED to approve** the Gift, Grant and Contract Report.

Dr. Gast said the current report was about 21 percent greater than the second report of last year largely because of an improved process initiated by the Contract and Grant Administration office. Dr. Gast complimented Dan Evon and his staff for streamlining the process which will allow more accurate comparisons of contract and grant activity.

Trustee Finance
Committee

9. The Trustee Finance Committee report and recommendations were presented by Committee Chairperson Nugent.

Bids and Contract
Awards

A. Bids and Contract Awards were recommended as follows:

- 1) a contract in the amount of \$243,000 be awarded to Sandborn Construction, Inc., of Portland, Michigan, and that a budget in the amount of \$308,000 be established for the project entitled: Beef Cattle Research - Sewer System Extension.
- 2) a contract in the amount of \$1,919,682 be awarded to Kamminga & Roodvoets, Inc., of Grand Rapids, Michigan, and that a budget in the amount of \$2,600,000 be established for the project entitled: Campus - Sewer Separation.
- 3) a contract in the amount of \$252,485 be awarded to Bornor Restoration, Inc., of Lansing, Michigan, and that a budget in the amount of \$310,000 be established for the project entitled: Cherry Lane Apartments/Spartan Village - Reroofing Buildings 808, 1403, 1443, 1529, 1530, 1535, 1633, and 1647.

Beef Cattle
Research - Sewer
System ExtensionCampus - Sewer
SeparationCherry Lane
Apartments/Spartan
Village - Reroof
Buildings

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Trustee Finance
Committee cont.
Bids and Contract
Awards cont.Kresge Art Center -
Museum Air
ConditioningParking Ramp
No. 1 - Install
ElevatorInvestment
Changes

- 4) a contract in the amount of \$393,768 be awarded to Dard, Inc., of Lansing, Michigan, and that a budget in the amount of \$499,000 be established for the project entitled: Kresge Art Center - Museum Air Conditioning.
- 5) a contract in the amount of \$177,700 be awarded to Moore Trosper Construction Company, of Holt, Michigan, and that a budget in the amount of \$243,000 be established for the project entitled: Parking Ramp No. 1 - Install Elevator in Northeast Corner.
- 6) Investment changes were recommended as follows:
 - a. Changes in asset allocation to provide for a target of 80% equity and 20% fixed income, together with combining the real estate category with the oil and gas category of equity holdings, and modifications of the proposed targets and ranges for each of the four classes of equity as recommended by Cambridge Associates;
 - b. Transfer of \$5 million from the Common Fund Intermediate Cash Fund to the Common Fund Bond Fund;
 - c. Investment of \$5 million with EII Realty Securities, Inc., a publicly-traded REIT manager;
 - d. Investment of \$3 million in Lazard Freres emerging market funds, divided equally between the two funds offered by this firm, together with authorization to the administration to invest an additional \$3 million in these two funds if the emerging markets sector experiences a correction of more than 10%;
 - e. Funding of the above two investments through use of internal available cash and withdrawal of funds as necessary from equity manager W. P. Stewart; and
 - f. Modification of the Investment Objectives as necessary to reflect the above changes.

On a motion by Mr. Nugent, supported by Mr. Weiss, **THE BOARD VOTED to approve** the recommendations.

- B. The Committee received a report prepared by the Land Management office on the University's Real Property Holdings. The Committee also completed reviews of investment performance and structure for the Pooled Cash Funds and for the permanent investment funds. Mr. Nugent said he was pleased to report the funds are doing better than average in the market.

Reports on
University's Real
Property Holdings
and Investment
Funds

10. Committee Chairperson McNamara presented the report of the Trustee Policy Committee which included two recommendations.

Trustee Policy
Committee

- A. Gender Equity in Intercollegiate Athletics

Gender Equity in
Intercollegiate
Athletics

The Trustee Policy Committee recommended to the Board of Trustees that the Board direct the administration, through the Department of Intercollegiate Athletics, in consultation with the Athletic Council, to develop and implement a gender equity plan that complies with Federal law and regulations (Title IX), and NCAA and Big Ten Conference requirements.

Prior to the vote, Trustees discussed the importance and necessity of complying with Federal law. Board members noted that they supported gender equity and want to assure that intercollegiate athletic programs remain viable and excellent and provide additional support for women. To the greatest extent possible, emphasis should be placed on inclusiveness rather than to limit opportunity. In response to the comment of having sufficient revenues generated to support new scholarships, President McPherson stated that the University must take a fairly firm position that academic support (general fund) monies should not be spent on athletic programs, but that athletic programs should generate those monies.

On a motion by Ms. McNamara and supported by Ms. Cook, the **BOARD VOTED unanimously to approve the recommendation.**

Trustee Policy
Committee cont.

Gender Equity in
Intercollegiate
Athletics cont.

Conflict of
Interest in
Educational
Responsibilities
Resulting From
Consensual Amorous
or Sexual
Relationships

Annual Report on
University Relations

November 8, 1996

Mr. Weiss said he did not want to take anything away from the resolution just passed, but he did want to suggest a supplementary motion. He moved that the Board instruct the administration to continue to work on the national scene with the rest of the academic community to discover additional ways to provide reasonable flexibility in advancing gender equity under Title IX.

On a **ROLL CALL VOTE** by Secretary Pogel, the recommendation was approved by a 7 to 1 vote. Trustee McNamara voted no. She asked to have it on record that she believes the second resolution dilutes the first one. She noted that Title IX is "the law of the land and Michigan State University needs to be in compliance with the law."

B. Conflict of Interest in Educational Responsibilities Resulting From Consensual Amorous or Sexual Relationships*

An amorous or sexual relationship between a student and a faculty member, a graduate teaching assistant or another University employee who has educational responsibility for that student may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty member, graduate assistant or other employee's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty member, graduate teaching assistant or other employee assumes or maintains educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations.

It is, therefore, the policy of Michigan State University that each faculty member, graduate teaching assistant and other University employee who has educational responsibilities for students shall not assume or maintain educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations, even if such relations were consensual. Whether such amorous or sexual relationships predate the assumption of educational responsibility for the student, or arise out of the educational relationship, the faculty member, graduate teaching assistant or other employee shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.

In unusual circumstances, the achievement of the affected student's academic requirements may necessitate continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee who has engaged in amorous or sexual relations with that student. In such circumstances the unit administrator shall, therefore, have authority, after consulting the affected student, to permit the continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee, provided that the faculty member, graduate teaching assistant or other University employee shall not grade or otherwise evaluate, or participate in the grading or other evaluation of, the work of the affected student, and that the alternative arrangements for grading or evaluating the affected student's work treat the student comparably to other students.

*Other relevant policies include "Supervision of Academic Work by Relatives" and "Conflict of Interest in Employment."

On a motion by Ms. McNamara, supported by Mr. Weiss, **A ROLL CALL VOTE was conducted** by Secretary Pogel. The vote was 5 to 3 in favor of the recommendation. Trustees Gonzales, Nugent, and Traxler voted No.

It was the consensus of Board members that they should receive a report on the policy in one year. Trustee Traxler suggested that a statement be included as a footnote to the policy approved by the faculty that this conduct is to be discouraged. Further discussion included comments by Faculty and Student liaison members.

On a motion by Mr. Nugent, supported by Mr. Weiss, **THE BOARD VOTED to adopt** a subsequent motion which emphasized the view of the Board that consensual amorous or sexual relations between faculty and students are discouraged.

C. Ms. McNamara reported that the annual report on University Relations was presented to the Trustee Policy Committee.

November 8, 1996

11. The following individuals addressed the Board of Trustees on issues not germane to the agenda.

Public
Participation on
Issues Not Germane
to Agenda

- A. Micheal D. Irish, Sr., former employee, commented that he had addressed the Board on two previous occasions during the last four years to request an investigation of his previous employment situation at the University.
- B. Lonna Burch, representing the Spartan Youth Parent Organization, expressed concern that the University plans to discontinue the facility agreement with Spartan Youth Gymnastics effective May 31, 1997. She asked to have the decision reconsidered since the program has had a long-standing affiliation with the University.
- C. Ed Benson, parent of an eight-year old participant in Spartan Youth Gymnastics, stated that the main thrust of the program is recreational. It is relaxed, non-restrictive, enjoyable, and based on the motivation of the individual gymnast. Mr. Benson said the program is an example of University Outreach and asked the Board to review the decision of the athletic department.
- D. Josh Olson, a gymnast in the Spartan Youth Gymnastics program, said the program has given him an opportunity to work out and compete against other clubs. He said the self discipline of gymnastics has taught him to work hard and he has benefitted from the program. He asked to have the decision reconsidered.
- E. Larry Nassar, National Team Physician for the sport of gymnastics and team physician and faculty member at MSU, commented that closing the Spartan Youth Program will have local and national effects. He requested Board members to look at the reasons the club is being closed.
- F. Pamela Romano Dilley, an art teacher, spoke in support of the graduate Art Education Department at MSU. She said two MSU professors in the department impact hundreds of teachers who impact thousands of students. Ms. Dilley commented that to balance a student's education, art needs to be an integral part of the school curriculum along with technology.
- G. George Szypula, MSU emeritus faculty member and Gymnastics Coach for 42 years, spoke of successful former MSU gymnasts. He said the Spartan Youth Program is excellent and should be retained. Also, Mr. Szypula remarked that he would like to have a cooperative effort to achieve equality in athletics at the University without using Federal guidelines.

12. Chairperson's Report and Trustees' Comments:

Chairperson's
Report and
Trustees' Comments

- A. Prior to Mr. Szypula's comments, President McPherson said Trustee Cook wished to comment before leaving for a luncheon meeting with a donor of a major gift to the University.

Trustee Cook complimented public participant Josh Olson for his charm, poise, and sincerity in addressing the Board. She congratulated Mr. Joel Ferguson for being elected and Trustee Weiss for his reelection and service as chairperson of the Board. Ms. Cook thanked Trustee David Porteous for serving as a Board member and said she is hopeful he will consider being a candidate again.
- B. Mr. Weiss thanked the voters of the State for their vote of confidence. He also welcomed Mr. Ferguson back to the Board. Chairperson Weiss said he is hopeful the discussion of academics versus athletics has ended. He said there are many challenges facing the University to focus on such as instituting technology and keeping tuition affordable. He commented that he is looking forward to a harmonious working relationship.
- C. Mr. Traxler congratulated Mr. Weiss on his reelection. He complimented Trustee David Porteous as an exceptionally gifted and talented member of the Board and looks forward to his continuing counsel as a Trustee Emeritus.
- D. Mr. Porteous stated that he had enjoyed the campaign for Trustee. It was a vigorous campaign and he has been "enriched beyond description for the opportunity to be able to serve on the Board of a University that he loves and has meant so much to him and his family."

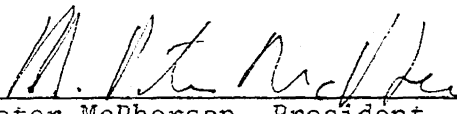
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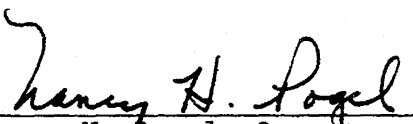
Chairperson's
Report and
Trustees' Comments
continued

- E. Mr. Nugent congratulated Mr. Weiss and Mr. Ferguson and acknowledged the positive contributions of Trustee Porteous. He commented on the meeting he and Trustee McNamara attended in Washington, DC, and reminded Board members of the annual College of Agriculture and Natural Resources Autumnfest event.
- F. Ms. Gonzales reminded Board members of the MAGB conference at the Kellogg Center on November 18. She congratulated Mr. Weiss and said she looks forward to working with him and Mr. Ferguson.
- G. Mr. Shingleton congratulated Trustee Weiss and Mr. Ferguson on their victories and said he looks forward to working with them in the coming years. He thanked Trustee Porteous for his participation. Mr. Shingleton also remarked that he believes strongly in the youth gymnastic program and complimented the people who spoke. He believes it is an excellent program and would hope it will continue.

Request for
Executive Session

- 13. An Executive Session was not requested.
- 14. On a motion by Mr. Traxler, supported by Ms. Gonzales, **THE BOARD VOTED to adjourn.** Board members were joined at lunch by University officers and administrators, faculty liaisons and student liaisons.


Peter McPherson, President


Nancy H. Fogel, Secretary