

# Board of Trustees September 15, 2014 Minutes

Board of Trustees

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## Minutes

**The University of Toledo**  
**70<sup>th</sup> Meeting of the Board of Trustees**  
**Monday, September 15, 2014**  
**Radisson Hotel, Mahogany Ballroom, Salon A**  
**1:00 p.m.**

The seventieth meeting of The University of Toledo Board of Trustees was held on Monday, September 15, 2014, at the Radisson Hotel in the Mahogany Ballroom, Salon A. Chair Joseph H. Zerbey, IV called the meeting to order at 1:00 p.m. Ms. Joan Stasa recorded the minutes.

The following Board of Trustees members were in attendance:

Daniel D. Arendt, Student Trustee  
Steven M. Cavanaugh  
Jeffrey C. Cole  
Laura E. Halpin, Student Trustee  
S. Amjad Hussain  
Linda N. Mansour  
Susan F. Palmer  
Sharon Speyer  
John S. Szuch  
Gary P. Thieman  
Joseph H. Zerbey, IV

A quorum of the Board was constituted. All Trustees were in attendance.

The following individuals were also in attendance:

Jamie Barlowe, Dean College of Language, Literature and Social Sciences  
John Barrett, Interim Provost and Executive VP Academic Affairs  
Lawrence Burns, VP External Affairs  
Frank Calzonetti, VP Government Relations/Chief of Staff  
Christopher Cooper, Sr. VP HSC, Dean College of Medicine/Professor  
Cameron Cruickshank, VP Enrollment and Online Education  
David Cutri, Director Internal Audit and Chief Compliance Officer  
Bryan Dadey, Associate VP Finance  
Randy Desposito, President AFSCME Local 2415  
Michael Dowd, Associate Professor/Chair Department of Economics  
Isabel Escobar, Associate Dean Research and Development/Professor Department of Chemical and Environmental Engineering  
Tim Gaspar, Dean College of Nursing  
Mary-Rebecca Gwyn, Interim Associate VP Branding and Creative Services  
Marlene Harris-Taylor, Reporter for *The Blade*  
Kenneth Kilbert, Associate Dean Academic Affairs College of Law

**CALL TO ORDER**

**ATTENDANCE**

Patricia Komuniecki, Dean Graduate Studies  
Patrick Lawrence, Professor and Department Chair Geography  
Chuck Lehnert, VP Corporate Relations  
Cheryl Liebich, Administrative Secretary Food and Nutritional Services  
Heather Lorenz, Sr. Industrial Hygienist Safety and Health  
William S. Messer, Jr., VP of Research  
Diane Miller, Associate VP Federal Relations  
Kelly Moore, Vice Provost/Associate Professor  
David R. Morlock, Executive VP Finance and Administration/CEO UTMC  
Nagi Naganathan, Interim President  
Jeff Newton, Public Safety Officer/Chief of Police  
Michael O'Brien, VP and Director of Athletics  
Peter Papadimos, VP and General Counsel  
Kaye Patten-Wallace, Sr. VP for Student Affairs  
Linda Rouillard, Associate Professor Foreign Languages  
Vern Snyder, VP Institutional Advancement  
Joan Stasa, Secretary Board of Trustees  
Dan Steinbock, Dean College of Law  
Carol Stepien, Director Lake Erie Research Center  
Jon Strunk, Sr. Director University Communications  
Akira Takashima, Professor/Chairperson Medical Microbiology and Immunology  
Jovita Thomas-Williams, Associate VP HRTD  
Mike Valigosky, Assistant Professor Department of Public Health and Prevention

Board of Trustees Chair welcomed new student trustee Mr. Daniel D. Arendt to the meeting. Mr. Arendt was appointed to the Board on September 4, 2014. Mr. Zerbey told Mr. Arendt that the Trustees were glad to have him as a member of the Board and looked forward to his participation.

**WELCOME TO  
NEW STUDENT  
TRUSTEE**

Chair Zerbey requested a motion to waive the reading of the minutes from the June 16, June 23 and July 25, 2014 Board meetings and accept them as written. A motion was received from Trustee Hussain and seconded by Trustee Thieman. The meeting minutes were approved by the Board members.

**APPROVAL OF  
MEETING  
MINUTES**

Chair Zerbey requested a motion for approval of the Consent Agenda items, which was received by Trustee Hussain, seconded by Trustee Cavanaugh, and approved by the Board.

**APPROVAL OF  
CONSENT  
AGENDA**

*President's Report as read by Interim President, Dr. Nagi Naganathan --*

**PRESIDENT'S  
REPORT**

As you know, the last two and a half months for this University have been eventful. From new leadership to addressing difficult issues to great optimism for the future, I am proud of the way members of the UT community, faculty, staff, and students alike, have risen to meet the challenges before us and continue to advance The University of Toledo.

On August 26, the Offices of the President and the Provost held a Convocation ceremony for faculty and staff to welcome our colleagues to the new year. I sincerely believe events like Convocation are important. They are unifying. They provide opportunities for the entire University to gather as a single community, a single University family. In the same vein, this year we will be reestablishing the holiday event that was a part of campus life for many years.

We will be reinstating Outstanding Faculty, Adviser and Staff Awards. It is important for us to recognize that outstanding efforts are put forth at this institution every day.

We do face challenges as a University. Some of the challenges we face, like the water crisis of early August, have also presented us with great opportunities. In a moment I'll ask my colleagues to talk briefly about how UT faculty can be integral in helping to address algal blooms, microcystis and the effects on our region.

I have several topics I would like to present and I will conclude my report looking forward to a number of opportunities The University of Toledo has on the horizon. Let me start with a couple of challenges.

### **Water Crisis**

On August 2, Toledo issued a "do not drink" order for the city's water supply that remained in place until late morning on August 4. I'd like to start my report with a short presentation describing UT's response during that weekend and our plans should it happen again. Mr. Mike Valigosky and Dr. Frank Calzonetti will be the presenters.

Dr. Frank Calzonetti reported that the University made an announcement to close the institution at 11 a.m. on Saturday, August 2, and then reopened the next day on Sunday at 6 p.m. Hospital operations were discussed as well as alternative water sources – tankers were on site and efficient water distribution was underway quickly. Timely and regular communication was provided to the UT community about the crisis. Costs associated with this emergency and preparation for a possible recurrence was discussed by Dr. Calzonetti. On August 5, 2014, a UT Water Forum was held at the Driscoll Alumni Center which attracted approximately 250 people and much media interest. Panel participants at the Forum were introduced as a source of expertise for the public: Kenneth Kilbert, Patrick Lawrence, Isabel Escobar, Thomas Sodeman, Robert McKay from BGSU, and Carol Stepien. Support to public officials and positioning UT for long-term solutions was reviewed with the Trustees. Water Task Force members and subcommittees were also discussed. Future action includes the following:

- Possible APLU Meeting
- Development of White Paper
- Clarification of Research and Public Policy Needs
- Positioning UT for Funding Opportunities – State and Federal
- Future Outreach and Research Events and Conferences

Dr. Nagi then continued with the remainder of his report.

### **Sexual Assault on Campus**

Sexual assault is an issue affecting college campuses across the nation. On September 3, Title IX complaints were filed against four universities, including The University of Toledo. Federal privacy laws prohibit UT from sharing information regarding any specific incident of sexual assault; however, I do want to take this opportunity to restate UT's commitment to ensuring a safe campus.

UT has many resources in place to raise sexual assault awareness and through education; UT works diligently to prevent it from taking place. As is unfortunately the case at UT and at colleges and universities across the nation, sexual assault is a crime that is underreported. We will continue to build on our efforts to strengthen our campus culture in this area where reporting of these violations is supported and encouraged.

It is our mission to make sure all survivors receive the support they need and enable them to control the direction of the process, be that through the counseling center, UT police, the Student Code of Conduct, Title IX or any combination of these services. In addition:

- UT has increased the number of sexual assault Advocates, and is currently in the process of educating additional men and women for this critical role. Advocates receive training from the YWCA HOPE Center how to best assist survivors and help guide them through the various processes available to them.
- All incoming UT students must complete an online sexual assault awareness module called HAVEN. UT has incorporated sexual assault education into its First-Year Experience courses that all first-year students take, and into its ongoing educational messaging to students.
- UT Sexual Assault Education and Prevention Program has a person trained in responding to and assisting sexual assault survivors available 24 hours a day.

In April 2014, the White House Task Force to Protect Students from Sexual Assault announced new guidelines and requirements that UT has integrated into our policies and procedures. In the coming weeks, additional guidance from the White House Task Force is expected. In addition, this Board has charged me and this administration with a review of UT's policies and procedures, which is underway.

### **Enrollment Numbers**

On September 9, we received our official 15-day enrollment figures. While we are not yet gaining students, our decline this year was relatively small. I attribute to this to the focused efforts of a large number of our staff and faculty, who reached out to many of our new and continuing students, encouraging them to enroll. I thank them for their efforts.

Our first-to-second-year retention rate is at 70 percent, higher than it has been in more than a decade and UT enrolled nearly 100 more students than last year in the

highest performing academic band. We also registered double digit increases among out-of-state and international students attending UT.

With a renewed commitment and ownership from all of us, we are bound to deliver higher levels of student success at UT. This, in turn, will also result in continued healthy enrollment growth in future terms.

### **Student Engagement**

Since classes started in August, one of the most enjoyable parts of my times as Interim President has been meeting and speaking with students. I am working with Dr. Kaye Patten-Wallace and her staff, as well as with Student Government President Clayton Notestine to organize weekly “Walks with the President.” Each week we identify a different location on campus and I am able to get students thoughts and ideas on their experiences at UT. I discovered it was not going to be just a walk; it was a shower as well. Clayton Notestine was very happy to cool me off with the help of his fellow-student Connor Titsworth, pouring a very generous amount of cold water on me. However, this was for a good cause as it was part of the ALS ice-bucket challenge.

### **Varian Edge Radiosurgery System**

Many of you were present at the opening of the Eleanor N. Dana Cancer Center a few years ago. In August, UTMC added one of the most advanced cancer-fighting machines in the world. One of only five in the world, the Varian Edge Radiosurgery System attacks tumors with a precision previously unheard of. This “surgery without a knife” provides patients treatment for tumors that were once inoperable and with minimal damage to surrounding healthy tissue. The Edge is just one more way UT medical care is among the best available.

### **UT vs. Missouri on ESPN**

While the end result wasn’t what we wished for, I want to bring attention to UT’s presence on the national stage on September 6 and September 12. Games against teams like Missouri, Ohio State and others, elevate UT’s brand far beyond our region and give us a platform to highlight the beauty of our campus and the fighting spirit of our student athletes. I know you join me in wishing all student athletes the best of luck as they compete this fall.

### **BGSU Collaboration**

One of the things I have committed to since I assumed the interim presidency is an increased effort to collaborate with our partners in the community and in higher education. UT and Bowling Green State University already work closely in a number of academic and research arenas, including nursing and algae and water research. Last Thursday evening, UT administrative and academic leaders met with their counterparts to find ways that we can enhance our partnership. Dr. Mazey and I have met several times since July 1, including once with *The Blade’s* editor to emphasize the importance of higher education to the community.

### **Great Lakes Water Conference**

We spoke earlier about the water crisis and the extensive faculty expertise at UT to address those challenges. On November 7, the UT College of Law and its Legal Institute of the Great Lakes will hold the 14th Annual Great Lakes Water Conference. The topic this year is most fitting — “Defining and Defending Our Waters.” Topics for discussion will include:

- Defining the Reach of the Clean Water Act
- Open Lake Disposal of Harbor Sediments
- Fracking Bans and State Preemption
- Algae and the Toledo Water Crisis

The conference, organized each year by Kenneth Kilbert, Associate Dean for Academic Affairs in the College of Law, is just one more example of UT taking the lead in pushing this conversation toward solutions regarding one of our region’s most precious natural resources.

### **Labor Negotiation Updates**

In July, this Board approved a new three-year collective bargaining agreement with the Communication Workers of America Local 4319. Today, it is my recommendation that the Board approve a three-year contract with the members of the American Federation of State, County and Municipal Employees Ohio Council 8 and AFSCME Local 2415 that approved a tentative contract earlier this month. These two agreements represent a tremendous step forward for the University as we partner to help provide students and patients with the best experiences during their time at UT.

We have ongoing negotiations with the UT Chapter of the American Association of University Professors and it is my hope that an agreement can be reached in the near future.

### **Human Trafficking Conference**

For the 11th consecutive year, UT will host the International Human Trafficking, Prostitution and Sex Work Conference this Thursday and Friday in the student union. Organized each year by the tireless work of Dr. Celia Williamson, a professor of social work and a national leader and researcher in the fight against sexual trafficking. Hosted by The University of Toledo, Lucas County Human Trafficking Coalition and the National Research Consortium on Commercial Sexual Exploitation, the conference brings together researchers, practitioners and others to educate attendees on human trafficking and lay the groundwork for future collaborative research, advocacy and program development. Dr. Joel Filmore will deliver the keynote address at the conference, chronicling his 11-year journey as a victim of homelessness, drug-addiction and prostitution in Chicago to recently earning his doctorate in counselor education and supervision from Northern Illinois University. Other presenters during the two-day conference will cover topics including the recent Boko-Haram abduction of school girls in Nigeria and heightened sex trafficking incidents near the site of each year’s Super Bowl.

### **Partnership With The Cleveland Cavaliers**

During the past several years, UT has partnered with professional sports teams in Detroit, using the power of their brands to help propel UT's name to larger numbers of prospective students. Agreements with the Lions, Tigers and Red Wings have been an important part of the out-of-state student increases I mentioned earlier. Late last month, UT announced another agreement, this time with the Cleveland Cavaliers. Along with an agreement with the Cleveland Indians, UT partnerships are providing internship opportunities and other benefits in addition to getting our name out broadly.

### **uHeart Digital Media Conference**

UT will host the Second uHeart Digital Media Conference October 9 and 10 at the Radisson Hotel at UTMC. The University of Toledo is a leader in the integration of social and digital media into traditional communications efforts and this conference is an opportunity to further brand UT in this arena. Last year the keynote speaker was former USA Today publisher David Hunke and this year will feature Brian Kibby, President of McGraw-Hill's higher education division.

### **Distinguished Lecture Series**

Tonight marks the first lecture for this year's Jesup Scott Honors College Distinguished Lecture Series. Political Strategist Karl Rove, a former adviser to President George W. Bush will share his views on policy and politics as we head into an important election in 2014. I hope you are able to join the UT community.

Early next year, UT will welcome Paul Begala, a political strategist and presidential adviser from the other side of the aisle. And next spring, we will conclude the lecture series with Toledo's own Dr. Brian Kennedy, Director of The Toledo Museum of Art.

### **President's List of Initiatives for 2014-15 Academic Year**

Finally, Mr. Chairman, I wanted to reiterate a point I've made at various times in the last two and a half months. This may be a moment of interim leadership for the University, but no institution of higher education can afford a year of the status quo. This must be a year of action.

To that end, working with members of the administration and faculty leaders, I have compiled a list of campus-wide initiatives that my team and I will be advancing in the coming year:

- A faculty hiring and retention plan
- Enabling an improved undergraduate student experience
- Enhancing the University's stature in research, scholarship and creative activity
- Increasing enrollment and retention
- Transforming the medical enterprise and medical education at UT
- Continuing the Capital Campaign
- Developing a Multi-Campus Master Plan



- Developing a Master Parking Plan
- Improving and upgrading information technology on campus

Clearly these are all initiatives that will continue far beyond the current year. But UT cannot afford to let any of these areas sit idle. In the coming months, we will be engaging the campus community and pushing these items forward.

That concludes my report. I welcome any questions you or the other members of the Board may have.

Mr. Zerbey thanked Dr. Nagi for his very comprehensive report. He mentioned that the Board is excited about his initiatives and they look forward to working with him to accomplish them.

Board Chair Zerbey mentioned that two breakfast meetings have been held to give local community leaders the opportunity to meet Interim President Naganathan. The first meeting was held on September 8; the second session was held this morning -- both were impeccably organized by Mr. Burns and his staff.

An update about the Presidential search was also provided by Mr. Zerbey. He reported that the Search Committee met on September 11 with principals from the Executive Search firm of Witt/Kieffer. It was a very good meeting and the Search Committee members were very enthusiastic, very diverse, and very opinionated. They will be of great assistance in recruiting a very dynamic president.

Committee Chair Hussain requested Mr. David Morlock present the Personnel Action Reports for September 15, 2014. After summary of the reports, Mr. Zerbey requested a motion to approve the Personnel Action Reports. A motion was received by Trustee Thieman, seconded by Trustee Szuch and the Personnel Action Reports were approved by the Board.

Clinical Affairs Committee Chair Gary Thieman presented the minutes for the July and August meetings to the Board. Trustee Zerbey requested a motion to accept the meeting minutes as presented. A motion was received from Trustee Hussain, seconded by Trustee Cole and approved by all Trustees.

Mr. Dan Steinbock was invited to present information about a proposal for reducing the FY 2016 tuition for the College of Law. Dean Steinbock provided information showing declining numbers for law school applications in the region and nationally for years 2010 through 2014 (Source: Law School Admissions Council). He showed three charts displaying:

- Ohio Law Schools Matriculants, 2010-2013
- Ohio Law Schools Percent Change Matriculants, 2010-2013
- Toledo Law Admissions Statistics, 2010-2014

**CHAIRMAN'S  
REPORT**

**ACADEMIC  
AND STUDENT  
AFFAIRS  
COMMITTEE**

**CLINICAL  
AFFAIRS  
COMMITTEE**

**FINANCE  
AND AUDIT  
COMMITTEE**

A list of initiatives were discussed to increase enrollment and a chart showing Toledo Law in-state tuition from 2004 through 2014 was displayed indicating a 79% increase. A tuition and fees comparison chart of Ohio law schools was shown for 2014-2015. The UT proposed tuition reset for the Law School would reduce annual tuition by \$2,678 and this 13% cut effectively resets tuition at the 2010 level. Several law schools across the nation have already taken cuts due to the downward trend in applications and those in Ohio lowering tuition include Akron, Cincinnati and Ohio Northern. Mr. Kenneth Kilbert was asked by Dean Steinbock to explain the net “cost” of UT’s tuition reset and what it will mean for FY16 and FY17. This proposal will put us out in front as no other law school in Ohio has lowered tuition for in-state students. After several questions and answers, Mr. Zerbey requested a motion to approve the request for the College of Law’s tuition reset. A motion was received from Trustee Speyer, seconded by Trustee Hussain and approved by the Board. Trustee Speyer suggested that it would be interesting at another meeting to discuss the strategy.

Trusteeship and Governance Committee Chair Speyer reported that at the last Committee meeting they reviewed suggested revisions to Board Bylaw 3364-01-03: Committees of the Board. The revisions were circulated to all Trustees and each had an opportunity to express their views and suggest any other changes. Mr. Zerbey requested a motion to approve the changes to the Board Bylaw as presented at this meeting. A motion was received from Trustee Cole, seconded by Trustee Cavanaugh and approved by the Board.

Ms. Speyer requested the Trustees review the Conflict of Interest Bylaw, which is done annually at the first Board meeting of the academic year. She also requested that each Trustee review the Board’s Code of Ethics Statement and after signing, forward it to the Board Secretary for filing.

Resolution No. 14-09-19: “Action by Written Consent of the Sole Member of Science Technology & Innovation Enterprises (DBA: The University of Toledo Innovation Enterprises)” was presented by Ms. Speyer to request the addition of Mr. Thomas Winston and Mr. Richard Wasserman to the UTIE Board of Trustees, as well as adding Dr. Nagi as an ex-officio voting director, by virtue of serving as Interim UT President. Mr. Zerbey requested a motion to approve the Resolution, which was received by Trustee Speyer, seconded by Trustee Thieman and approved by the Board.

Board of Trustees Chair Zerbey presented Resolution No. 14-09-18: “Ratification of the Collective Bargaining Agreement Between The University of Toledo and the American Federation of State, County, and Municipal Employees (AFSCME) Ohio Council 8 and AFSCME Local 2415.” Before requesting a motion for approval, Mr. Zerbey asked for comments from President Naganathan. Dr. Nagi reported that the University is pleased to announce an agreement between the American Federation of State, County and Municipal Employees (AFSCME) Ohio Council 8 and AFSCME Local 2415. The three-year agreement

**TRUSTEESHIP  
AND  
GOVERNANCE  
COMMITTEE**

**OTHER BUSINESS**

between embodies the philosophy of the positive, collaborative relationship that the new administration is committed to. Examples are the labor-management committees established by the new contract that will leverage strong partnerships to drive improvements in patient care and satisfaction and to address unique employee occupational categories. Dr. Nagi thanked members of both bargaining committees for their special efforts to create a framework that will facilitate a constructive and mutually beneficial engagement throughout the term of the contract and beyond. He stated that the Board of Trustees and the administration are committed to working with all employees, including those represented by our four unions, to honor the critical role our faculty and staff play in making UT an outstanding University. It is the University's hope that the AFSCME agreement — in combination with our recent agreement with the Communications Workers of America — helps to pave the way for continued constructive dialogue across all bargaining units.

Mr. Zerbey requested a motion for approval of Resolution No. 14-09-18, which was received by Trustee Speyer, seconded by Trustee Thieman and unanimously approved by all members of the Board.

Mr. Zerbey announced that there was a need to go into Executive Session to discuss pending/imminent court action and matters required to be kept confidential by federal (Family Educational Rights and Privacy Act) and state (Uniform Trade Secrets Act) law. Mr. Zerbey requested a motion to enter Executive Session, which was received from Trustee Speyer and seconded by Trustee Cole. Ms. Stasa then conducted a roll call vote -- Mr. Cavanaugh, yes; Mr. Cole, yes; Dr. Hussain, yes; Ms. Speyer, yes; Mr. Szuch, yes; Mr. Thieman, yes; and, Mr. Zerbey, yes.

Upon exiting Executive Session, Chair Zerbey requested a motion to approve the extension of the Learfield Sports Contract. A motion was received from Trustee Hussain, seconded by Trustee Cavanaugh, and approved by the Trustees with the exception of Mr. Cole, Ms. Speyer, and Mr. Zerbey, who all abstained from voting.

With no further business before the Board, Trustee Zerbey adjourned the meeting at 3:15 p.m.

**EXECUTIVE  
SESSION**

**LEARFIELD  
SPORTS  
CONTRACT  
EXTENSION**

**ADJOURNMENT**