



**BOARD OF TRUSTEES  
CLEVELAND STATE UNIVERSITY**

**MINUTES OF THE MEETING**

**BOARD OF TRUSTEES MEETING**

**DATE:** Monday, March 28, 2011, 9:00 a.m.  
**PLACE:** Wolstein Center, Gerald H. Gordon Conference Pavilion  
4<sup>th</sup> Floor, Board Room

**PRESENT:** Chairman Ronald E. Weinberg, Vice Chairman Robert H. Rawson; Treasurer Pro-Tem Morton Q. Levin; Trustees Thomas W. Adler, Richard L. Bowen, Rev. Dr. Marvin A. McMickle and Dan T. Moore III; Community Board Member Dr. Paul E. DiCorleto; Faculty Representative Dr. Stephen F. Duffy; President Ronald M. Berkman; and Associate General Counsel George E. Hamm, Jr., representing Sonali B. Wilson, General Counsel and Secretary to the Board of Trustees.

Chairman Ronald E. Weinberg called the meeting to order at 9:40 a.m. due to the extended Board Officers meeting, which would resume following the Board of Trustees meeting. He called for a motion to approve the Minutes of the January 31, 2011 Board Meeting. Trustee Moore moved and Trustee Levin seconded the motion to accept the Minutes. The Minutes were approved.

**REPORT OF THE CHAIRMAN**

It was reported that the Board Officers were meeting this morning regarding the North Campus project and the 1836 Euclid Avenue property. The meeting discussing real property matters was held in Executive Session. The following Board Officers Resolution regarding the 1836 Euclid Avenue project was passed as amended:

**BOARD OFFICERS' RESOLUTION 2011-02**

**APPROVAL OF THE DEVELOPMENT AGREEMENT AND  
LEASE FOR THE 1836 EUCLID AVENUE PROJECT**

**WHEREAS**, on January 31, 2011, the Cleveland State University Board of Trustees, by Resolution 2011-6, delegated approval of all required agreements related to the 1836 Euclid Avenue Project to the Board Officers, subject to review and approval of the financing plan by the Facilities Committee; and

**WHEREAS**, the Facilities Committee passed an Amended Resolution at its meeting on March 23, 2011, approving the financing plan for the 1836 Euclid Avenue Project, subject to approval of the Lease and Development Agreement for the Project by the Board Officers;

**NOW, THEREFORE, BE IT RESOLVED** that the Board Officers hereby approve the 1836 Euclid Avenue Project Development Agreement substantially in the form attached hereto, but conditioned upon a modification, satisfactory to the University Administration, of the risk sharing formula for use of tax credits to be applied to cost overruns; and

**BE IT FURTHER RESOLVED** that the Board Officers hereby approve the 1836 Euclid Avenue Lease in substantially the form attached hereto, subject to any changes deemed necessary by University General Counsel and special retained counsel; and

**BE IT FURTHER RESOLVED** that the Vice President of Business Affairs and Finance is duly authorized to execute and deliver the Development Agreement and Lease, and related documents in connection with the 1836 Euclid Avenue Project on behalf of Cleveland State University and to take all necessary actions and give all appropriate approvals contained in said documents.

**Appointment of Treasurer**

Chairman Weinberg stated that he had appointed Trustee Morton Q. Levin as Treasurer Pro-Tem to fill the vacancy when Stephanie McHenry resigned from the Board the end of January. The Board of Trustees Bylaws requires Board approval. The Chairman called for a motion. Trustee Moore moved and Trustee McMickle seconded the motion to approve the Chairman's appointment of Treasurer. The following resolution was passed.

**RESOLUTION 2011-7**

**APPROVING THE APPOINTMENT OF  
MORTON Q. LEVIN AS BOARD TREASURER**

**WHEREAS**, former trustee Ms. Stephanie McHenry submitted her resignation as Cleveland State University Trustee to the Governor of Ohio and Chairman of the Cleveland State Board on or about January 28, 2011; and

**WHEREAS**, Section 2.3 of the Board's Bylaws states that officer vacancies shall be filled by the Board Chairman on a pro-tem basis, subject to approval by the Board at the next regular meeting; and

**WHEREAS**, the Board Chairman has appointed Trustee Morton Q. Levin to serve as Board Treasurer on a pro-tem basis;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the appointment of Trustee Morton Q. Levin to serve as Board Treasurer for the unexpired term of former trustee Stephanie McHenry as Treasurer.

## **REPORT OF THE PRESIDENT**

### **State Budget**

President Berkman reported on the schematics of the proposed budget bill that would affect the University. He indicated that the 12% reduction in SSI (student share of instruction) could go up. It would depend upon the change in the funding formula weighing community colleges differently from senior colleges.

The state revenue picture is reported to be more positive with an increase in tax receipts. The \$4.6 million "lapsed" payment might be restored.

President Berkman reported that he has met and spoken to the new chancellor, Jim Petro, about NEOUCOM. He was joined by Mayor Jackson who has helped push and move the project forward. Although the language is not "inked" in the budget bill yet, it would create and allocate dollars to a branch medical campus at Cleveland State.

The President indicated that a serious discussion would need to take place as the Board considers a tuition increase. Authority is given so far for a maximum 3.5% tuition increase. Inasmuch as the Board voted a general fee increase last year, this will need to be taken into

consideration. Serious discussion would need to take place regarding tuition and fees and at what point would CSU price itself out of the market, as asked by Trustee McMickle. President Berkman commented that how the federal budget deals with Pell grants would also have a major impact.

Governor Kasich has placed a \$40 million increment in the budget bill for Cooperative Education, which is a major piece of CSU's "New Pathways" program. President Berkman commented that Trustee Moore requested a study on this topic. Interestingly, this item then appeared in the budget.

There is also language in the budget bill that requires the universities to develop a plan for students to finish in three years. By 2014, sixty percent of the undergraduate degree programs would need to have a three-year option. If this is mandated, then the University will have a serious problem. Provost Mearns commented that some clarification would probably come from the Board of Regents. It would be counterproductive if this would be applied across the board. Flexibility would be needed at the college and department levels.

Trustee Adler inquired about the impact the three-year plan would have on the faculty, as well as Senate Bill 5 regarding collective bargaining. Dr. Duffy stated that the faculty is more concerned about Senate Bill 5. The Faculty Senate passed a resolution in response to S.B. 5, but is waiting to see what changes come from the Statehouse. It was noted that four of the twelve state universities (Akron, Toledo, Shawnee, and Youngstown) do not have unions.

### **Update on Administrative Searches**

President Berkman announced the appointment of Craig M. Boise as the new dean of the Cleveland-Marshall College of Law. He was extremely pleased to hire someone from a Tier 2

law school with a stellar and equally outstanding reputation as the previous dean to lead our law school.

President Berkman reported that the searches for an Athletic Director, Vice President for University Advancement, Vice President for Enrollment Services, and Dean of the College of Education are in their final phases. He expects announcements to be made within the next week or two. He commented that the pool of candidates for each of these searches has produced two or three exceptionally strong candidates, making it difficult to reach a decision. Typically, there is only one exceptional candidate that emerges from the pool.

### **CONSENT AGENDA**

Faculty Promotion and Tenure Recommendations, 2011 (**Attachment A**), Librarian Promotion Recommendations, 2011 (**Attachment B**), Professional Leaves of Absence, 2011-2012 (**Attachment C**), Faculty Tenure Recommendation – Dr. Timothy G. DeGroot (**Attachment D**), and the Master of Legal Studies degree program (**Attachment E**) were considered as part of the Consent Agenda. Trustee Moore moved and Trustee Bowen seconded the motion to approve the consent agenda items. The following resolutions were passed.

### **RESOLUTION 2011-8**

#### **PROMOTION AND TENURE RECOMMENDATIONS 2011-2012**

**WHEREAS**, the individuals in the attached exhibit have been reviewed by the appropriate Department and College committees, the Chairperson, the Dean, the University Peer Review Committee (where appropriate), the Provost and the President; and

**WHEREAS**, they have fulfilled the requirements for promotion and the award of tenure as set forth in Article 12 of the Agreement between Cleveland State University and the CSU Chapter of the American Association of University Professors, or in the case of the College of Law faculty, of Section 8.1.2 of the CSU Faculty Personnel Policies;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the promotions to the rank of Professor, the rank of Associate

Professor with tenure, and the rank of Clinical Associate Professor with tenure effective at the beginning of the 2011-2012 academic year for those individuals as recommended.

#### **RESOLUTION 2011-9**

##### **PROMOTION OF LIBRARIANS RECOMMENDATIONS**

**WHEREAS**, the individuals in the attached exhibit have been reviewed by the appropriate Personnel Action Committee for Promotion of the Michael Schwartz Library, the Director of the Michael Schwartz Library, the Provost and the President; and

**WHEREAS**, they have fulfilled the requirements for promotion as set forth in Section 8.7.3 of the Librarians' Personnel Policies;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the promotion to the rank of Senior Assistant Librarian and to the rank of Librarian, effective July, 1, 2011, for those individuals as recommended.

#### **RESOLUTION 2011-10**

##### **PROFESSIONAL LEAVES OF ABSENCE, 2011-2012**

**WHEREAS**, the individuals in the Professional Leaves of Absence Summary Report for the Academic Year 2011-2012 have been reviewed and approved by the appropriate committees and administrators; and

**WHEREAS**, they have fulfilled the requirements for professional leave as set forth in Article 21 of the Agreement between Cleveland State University and the CSU Chapter of the American Association of University Professors or in the case of the College of Law faculty, of Section 8.1.8 of the CSU Faculty Personnel Policies;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees approves the granting of Professional Leaves of Absences for the academic year 2011-2012 to those individuals as outlined in the Summary Report.

#### **RESOLUTION 2011-11**

##### **AWARD OF TENURE TO DR. TIMOTHY G. DEGROOT**

**WHEREAS**, an external search was conducted in Fall 2010 to fill the position of Chair of the Department of Management and Labor Relations in the College of Business Administration; and

**WHEREAS**, the search attracted a substantial pool of well-qualified candidates, including Dr. Timothy G. DeGroot, Associate Professor and Chair, Department of Management at Midwestern State University, Texas; and

**WHEREAS**, the credentials of Dr. DeGroot have been reviewed by the appropriate faculty peer review committee in the Department of Management and Labor Relations, the Interim Chair, the Dean, the Provost and the President; and

**WHEREAS**, Dr. DeGroot has fulfilled the requirements for tenure at the rank of Associate Professor as set forth in Article 12.9 of the Faculty Collective Bargaining Agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the award of tenure at the rank of Associate Professor to Dr. Timothy G. DeGroot in the Department of Management and Labor Relations, effective the first day of full-time employment at Cleveland State University.

## **RESOLUTION 2011-12**

### **APPROVAL OF MASTER OF LEGAL STUDIES**

**WHEREAS**, the Cleveland-Marshall College of Law has proposed the development of the Master of Legal Studies degree program; and

**WHEREAS**, the program development plan for the proposed degree has been reviewed by the Ohio Board of Regents' Advisory Committee on Graduate Study; and

**WHEREAS**, there is a demonstrated need for such programs in Northeast Ohio; and

**WHEREAS**, the proposed program has been reviewed and approved by all appropriate faculty entities and academic administrators, including approval by the Faculty Senate at its meeting of March 9, 2011;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the Master of Legal Studies degree program in the Cleveland-Marshall College of Law.

### **FINANCIAL AFFAIRS**

Provost Mearns provided the Board members with an update on the President's Budget Advisory Task Force at the request of President Berkman. He reported that the Task Force's role in contingency planning for the FY 12 budget is winding down. The contingency planning phase

for 2012 is ready to go to the college and department level. More information will be provided in mid-April when the Financial Affairs and Academic Affairs committees are scheduled to meet.

The Task Force is in the process of developing a new resource allocation model. Ten different detailed models from across the country are being studied. The Task Force will assess what worked and didn't work with the current model, as well as determine appropriate incentives and accountability standards.

### **EXECUTIVE SESSION**

Trustee Levin moved that the Board adjourn into Executive Session for the purpose of discussing real property matters, personnel matters, collective bargaining matters, and imminent and pending litigation. Trustee Moore seconded the motion. A roll call vote was taken by the Acting Board Secretary and Associate General Counsel George Hamm. The motion passed.

Chairman Weinberg requested that the President, Provost Mearns, Special Assistant McHenry, Associate General Counsel George Hamm, Attorney Irene MacDougall, North Campus consultant Paul J. Komlosi, and Assistant Vice President for Human Resources Bob Pietrykowski were requested to remain for the appropriate segments of Executive Session with the voting trustees and community Board member. The Executive Session began at 10:05 a.m. Chairman Weinberg stated at 10:20 a.m. that the Board had completed its business in Executive Session and was resuming its regular meeting.

### **FACILITIES**

The summary of the Facilities Committee meeting held on March 23 pertaining to the North Campus Neighborhood Project Phase I and the 1836 Euclid Avenue property was presented as **Attachment F**. There were no further comments.



## **COLLECTIVE BARGAINING**

Trustee Levin moved to accept the Fraternal Order of Police one-year successor collective bargaining agreement (**Attachment G**) between the University and the Fraternal Order of Police – Ohio Labor Council, Inc. for the period extending from January 1, 2011 through December 31, 2011, and directing the Administration to execute and implement the agreement. The motion was seconded by Trustee McMickle. The following resolution was passed.

### **RESOLUTION 2011-13**

#### **FRATERNAL ORDER OF POLICE ONE YEAR SUCCESSOR COLLECTIVE BARGAINING AGREEMENT**

**WHEREAS**, Cleveland State University and the Fraternal Order of Police – Ohio Labor Council, Inc. have reached a final tentative agreement for a one year successor collective bargaining agreement for the period extending from January 1, 2011 through December 31, 2011; and

**WHEREAS**, the Fraternal Order of Police bargaining unit members have ratified the tentative agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees directs the Administration to execute and implement the one year successor collective bargaining agreement between Cleveland State University and the Fraternal Order of Police – Ohio Labor Council, Inc. for the period from extending from January 1, 2011 through December 31, 2011.

## **RECOGNITION**

In the absence of Acting Committee Chair Sally Florkiewicz, Trustee Levin reported that the Recognition Committee met on March 17, 2011. Five individuals are being recommended to receive honorary degrees at the May commencement ceremonies (**Attachment H**). Judge Lillian Burke would be conferred at the Cleveland-Marshall College of Law Commencement.

President Berkman stated that the Recognition Committee had asked him to contact former U.S. secretary of health and human services and current University of Miami president Donna Shalala to determine if she would be able to be present and speak at the May 14 CSU

Commencement ceremony when the honorary degree would be conferred upon her mother, Edna Shalala. Unfortunately, she is unable to be present for the commencement ceremony, but will attempt to be here on May 13 for the Radiance recognition reception.

Trustee McMickle moved and Trustee Levin seconded the motion to approve the proposed honorary degree candidates. Chairman Weinberg recused himself from voting because of his relationship with one of the candidates. The following resolution was passed.

### **RESOLUTION 2011-14**

#### **HONORARY DEGREES FOR MAY 2011 COMMENCEMENT**

**BE IT RESOLVED** that based upon the recommendation of the Recognition Committee, the Board of Trustees approves that honorary degrees be conferred upon the nominees named below at the Cleveland State University May 2011 commencement ceremonies as designated, with the concurrence of the Graduation, Convocation and Assembly Committee of the Faculty Senate and the candidates' acceptance.

- Lillian W. Burke (Cleveland-Marshall College of Law Commencement)
- William E. Conway
- Edna Shalala
- Leonard M. Trawick, Ph.D. (Distinguished Emeritus Faculty Honorary Degree)
- Anthony Yen

There being no further business to discuss, Trustee Levin moved and Trustee Rawson seconded the motion to adjourn the meeting. The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

**APPROVED ON MAY 2, 2011**

Sonali B. Wilson

Secretary to the Board of Trustees

**APPROVED ON MAY 2, 2011**

Ronald E. Weinberg

Chairman, Board of Trustees