



**BOARD OF TRUSTEES  
CLEVELAND STATE UNIVERSITY**

**MINUTES OF THE MEETING**

**BOARD OF TRUSTEES MEETING**

**DATE:** Thursday, May 20, 2021, 8:00 a.m.

**PLACE:** Hybrid, In-Person and Zoom Meeting.  
Wolstein Center, Fourth Floor, West Wing.

**PRESENT:** Chair David H. Gunning II, Trustees Thomas W. Adler, Timothy J. Cosgrove, Stephen Kirk, Lisa K. Kunkle, David Reynolds, and Vanessa L. Whiting; Student Trustee Arlindo Ahmetaj; Community Board Members Robyn N. Gordon, Thomas E. Hopkins, and Heather Lennox; Faculty Representatives Dr. Rachel K. Carnell and Dr. Robert A. Krebs; President Harlan M. Sands; and General Counsel and Secretary to the Board of Trustees Sonali B. Wilson.

Others in attendance: Dr. Jianping Zhu, Provost; Jonathan Wehner, Vice President and Dean of Admissions, Enrollment Management and Student Success; Dr. Forrest Faison, Sr. Vice President of Research & Innovation and Chief Healthcare Strategy Officer; Jeanell N. Hughes, Vice President of Administration and Chief of Staff; Dr. Julie M. Rehm, Vice President, University Advancement; Dr. Ronnie Dunn, Interim Chief Diversity and Inclusion Officer; Scott Garret, Director of Athletics; and Heather A. Link, Assistant Board Secretary.

Chair Gunning called the annual meeting to order at 8:07 a.m. and confirmed the presence of a quorum. He asked if there were any corrections, additions or deletions to the minutes of the March 18, 2021 Board meeting. Hearing none, he called for a motion to approve the minutes. Moved by Trustee Reynolds, and seconded by Trustee Kunkle, the minutes were approved by voice vote.

**REPORT OF THE CHAIR**

Chair Gunning opened his remarks by noting the hybrid style of the meeting, with some Board members participating in-person and others remotely via Zoom. He noted being pleased to

be back on campus after a year of fully-remote meetings and he especially appreciated being on campus because it was the last meeting of his nine-year term as a Trustee.

Chair Gunning welcomed members of the Bowen family who were in attendance, and he brought forth a memorial tribute resolution honoring former Trustee Richard L. Bowen. The Chair remembered Mr. Bowen as a remarkable person who helped to shape the University during an important time in its history. Trustee Kunkle moved the resolution and Trustee Cosgrove seconded the motion. The following was approved by voice vote.

### **RESOLUTION 2021-18**

#### **MEMORIAL TRIBUTE TO RICHARD L. BOWEN**

**WHEREAS**, the Cleveland State University community was saddened to learn of the passing of former trustee Richard L. Bowen on April 5, 2021, and pays tribute to his life and accomplishments; and

**WHEREAS**, in 2010 Governor Ted Strickland appointed Mr. Bowen to the CSU Board of Trustees, where he served the University with honor throughout his term; and

**WHEREAS**, Mr. Bowen was a registered architect across the United States and in many other countries around the world, winning many awards and recognitions for his designs, and successfully establishing the architectural firm Richard L. Bowen and Associates which has been in operation for more than sixty years; and

**WHEREAS**, Richard L. Bowen was a visionary in his field, serving on many boards and committees including the Cleveland Orchestra, Cleveland Institute of Art, American Institute of Architects, International Council of Shopping Centers, and Cleveland Museum of Contemporary Art; and

**WHEREAS**, Mr. Bowen was dedicated to advocating for Cleveland State University capital projects with the governor and state legislature, and also supported projects on campus through his own philanthropy, including supporting The Richard L. Bowen + Associates Inc. Architects/Engineers Lounge in the CSU Student Center; and

**WHEREAS**, Mr. Bowen understood that scholarships are key to attracting and retaining outstanding students and encouraged others to support Cleveland State University, leading by example via the Richard L. Bowen and Associates Scholarship for engineering students:

**NOW, THEREFORE, BE IT RESOLVED** that, on behalf of the Cleveland State University community, the Board of Trustees extends its deepest sympathy to Richard L. Bowen's wife, Gail Bowen, as well as the other members of his family. Mr. Bowen will be remembered as a dedicated

leader, far-sighted scholar, and generous benefactor whose efforts will positively impact Cleveland State University students for future generations.

Chair Gunning announced that Mr. Len Komoroski had resigned from the Board of Trustees and brought forth the following resolution. Trustee Reynolds moved, and Trustee Kunkle seconded the resolution to recognize Mr. Komoroski for his contributions. The resolution was approved by voice vote.

### **RESOLUTION 2021-19**

#### **RECOGNITION OF TRUSTEE LEN KOMOROSKI**

**WHEREAS**, Leonard A. Komoroski was appointed to the Cleveland State University Board of Trustees by Governor John R. Kasich on October 3, 2017, having previously served as a Community Board Member since September 30, 2016; and

**WHEREAS**, Trustee Komoroski, a cum laude graduate of Duquesne University, joined the Cleveland Cavaliers in 2003 as President, successfully restructuring and transforming approaches with the region's business community, marketing and communications operations, and business development, and culminating in his current position as Chief Executive Officer of the Cleveland Cavaliers and Rocket Mortgage FieldHouse; and

**WHEREAS**, as a principle of JACK Entertainment, Trustee Komoroski was a key contributor to bringing top-notch, full-service casino gaming to downtown Cleveland and the Thistledown Racino, including providing job opportunities and millions of dollars of positive economic impact for local and statewide communities; and

**WHEREAS**, community and civic leadership is important to Trustee Komoroski as evidenced by his service on boards including the Greater Cleveland Partnership, the Downtown Cleveland Alliance, Destination Cleveland, the Rock and Roll Hall of Fame, the Cleveland chapter of the United Way, and others, Mr. Komoroski also played a significant leadership role in the City of Cleveland securing the 2016 Republican National Convention; and

**WHEREAS**, Trustee Komoroski has served Cleveland State with dignity and integrity throughout his tenure, including as Chair of the Athletics Committee and at different times as a member of the Academic Affairs and Student Success Committee and the Governance Committee; and

**WHEREAS**, Mr. Komoroski enthusiastically and unequivocally champions the benefits of the University and its athletics opportunities to the region, including offering sage advice to advance philanthropic support:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees expresses its sincere appreciation to Trustee Komoroski for his support of scholarship and for his business acumen, both of which have been invaluable. Furthermore, the University

wishes him all the best in future endeavors and extends an invitation to Mr. Komoroski to stay engaged with the Cleveland State University community.

Chair Gunning brought forth a resolution to recognize Community Trustee Robyn N. Gordon whose term expires at the end of June. Trustee Whiting moved the resolution, and Trustee Kunkle seconded the motion. The resolution was approved by voice vote.

### **RESOLUTION 2021-20**

#### **RECOGNITION OF COMMUNITY BOARD MEMBER ROBYN N. GORDON**

**WHEREAS**, the Bylaws of the Board of Trustees were amended on January 20, 2006 to expand the Board's membership and expertise with other faculty and community members to serve as non-voting members; and

**WHEREAS**, Robyn N. Gordon, as director of the Center Operations Directorate at the National Aeronautics and Space Administration (NASA) John H. Glenn Research Center was first appointed as a Community Board Member in September 2016 and was reappointed in 2018 and 2020; and

**WHEREAS**, throughout her tenure as Community Board Member, Ms. Gordon served on the Academic Affairs and Student Success Committee, and additionally at times on the Financial Affairs and Governance Committees; and

**WHEREAS**, Ms. Gordon has been recognized for her leadership throughout her career by regional and national organizations, including *Crain's Cleveland Business* as a Woman of Note, Girl Scouts of Northeast Ohio, Junior League of Cleveland, Glenn Federal Women's Program, National Women of Color, and others; and

**WHEREAS**, as a Community Board Member and a two-time graduate of Cleveland State University, Ms. Gordon offered insight to the University's strategic initiatives, with a keen focus on student success, including awareness into successful internship structures and current market needs:

**NOW THEREFORE, BE IT RESOLVED** that on behalf of the Cleveland State University community, the Board of Trustees extends its deepest appreciation to Robyn N. Gordon for her dedicated service, respected counsel, and alumna spirit throughout her role as a Community Board Member. Furthermore, the University wishes her all the best in future endeavors and extends an invitation to Ms. Gordon to stay engaged with the Cleveland State University community.

Chair Gunning brought forth a resolution to recognize Community Trustee Heather Lennox whose term also expires at the end of June. Trustee Kunkle moved the resolution, and Trustee Cosgrove seconded the motion. The resolution was approved by voice vote.

**RESOLUTION 2021-21**

**RECOGNITION OF COMMUNITY BOARD MEMBER  
HEATHER LENNOX**

**WHEREAS**, the Bylaws of the Board of Trustees were amended on January 20, 2006 to expand the Board's membership and expertise with other faculty and community members to serve as non-voting members; and

**WHEREAS**, Heather Lennox as partner-in-charge of the Cleveland office of the global law firm Jones Day was first appointed as a Community Board Member in June 2017 and was reappointed in 2019; and

**WHEREAS**, throughout her tenure as a Community Board Member, Ms. Lennox served on the Financial Affairs Committee, and additionally at times on the Financial Affairs Real Estate and Facilities Subcommittee; and

**WHEREAS**, Ms. Lennox has been recognized by her peers throughout her career including by *The American Lawyer* as a Dealmaker of the Year and a Midwest Trailblazer, and *IFLR1000* as a Notable Practitioner, among others, and regional recognitions, including *Crain's Cleveland Business* as a Woman of Note; and

**WHEREAS**, Cleveland State University's signature fundraising event, Radiance, celebrated \$4.2 million raised to support current and prospective CSU students, and Ms. Lennox served as a co-chair of the host committee for the event:

**NOW THEREFORE, BE IT RESOLVED** that on behalf of the Cleveland State University community, the Board of Trustees extends its deepest appreciation and heartfelt thanks to Heather Lennox for her dedicated service and respected counsel throughout her position on the Board of Trustees. Furthermore, the University wishes her all the best in future endeavors and extends an invitation to Ms. Lennox to stay engaged with the Cleveland State University community.

Chair Gunning brought forth a resolution to recognize Faculty Representative to the Board, Trustee Rachel K. Carnell who has served two one-year terms, and whose term expires at the end of August. Trustee Reynolds moved the resolution, and Trustee Kirk seconded the motion. The resolution was approved by voice vote.

**RESOLUTION 2021-22**

**RECOGNITION OF RACHEL K. CARNELL, Ph.D.**

**WHEREAS**, Rachel K. Carnell, Ph.D., a tenured Professor of English, was elected to a one-year term as faculty representative to the Board of Trustees by the Cleveland State Faculty Senate in 2019 and re-elected in 2020; and

**WHEREAS**, Dr. Carnell is an outstanding faculty leader who during this unprecedented year that saw the University reorient to a virtual learning environment during the COVID-19 pandemic, embraced the technology needed to continue to teach her students as well as collaborate with her faculty colleagues on best-practices to do so; and

**WHEREAS**, Professor Carnell is an accomplished scholar and teacher, serving as a member of the Academic Affairs and Student Success Committee of the Board of Trustees, providing valuable insights into student and faculty adaptation to the virtual learning environment, and representing the views of the faculty to the Administration and the Board of Trustees, and;

**WHEREAS**, during her terms of service, Professor Carnell continued in her pursuit of scholarship as evidenced by her 2020 book *Backlash: Libel, Impeachment, and Populism in the Reign of Queen Anne*, and an opinion editorial in the *Plain Dealer*, “A divisive 1710 election reveals the value of political pragmatism”;

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees expresses its sincere appreciation to Dr. Rachel K. Carnell for her contributions and support of Cleveland State University during her two terms of service on the Board of Trustees and wishes her every future success as she continues to focus on educating future generations of students.

Chairman Gunning commented that it was bittersweet to recognize the departing members of the Board because each of them made valuable contributions toward the betterment of the University.

Former Trustee Komoroski thanked the Board, President Sands, and Athletic Director Garrett for tremendous leadership. Trustee Gordon commented that it was an honor and privilege to have served. Trustee Lennox remarked that Cleveland State is a great university on a fantastic track moving forward. Trustee Carnell noted that she has been on the faculty for 26 years, and that serving on the Board with such a talented community of professionals was one of the highlights of her career; she thanked the Trustees for their commitment to the students.

President Sands thanked each of the retiring Trustees for their service, contributions, and insights, and he hopes that there will be opportunities for each of them to continue to stay engaged with the University.

### **REPORT OF THE PRESIDENT**

President Sands welcomed and thanked the Board for their support that helped make the May in-person commencement possible and successful, for CSU students, faculty, and community. A short video was shown that highlighted graduates and the commencement atmosphere at Progressive Field. Approximately 2,500 graduating doctoral, graduate, law, and undergraduate students participated; and the first “Say Yes to Education” student, Leean Andino, received her undergraduate degree from CSU.

The President reported being optimistic about the accreditation process noting that the Higher Learning Commission campus visit went well; more updates will be available in the fall.

President Sands updated the Board on the State Bill 135 being proposed in Columbus. Some of the language has been amended and communication efforts are ongoing to address issues that could negatively affect state universities.

The CSU 2.0 plan is moving forward, and implementation teams and the framework will be announced in June. The President noted that CSU’s Faculty Senate voted in support of the CSU 2.0 blueprint and a majority also supported the college realignment plan.

President Sands provided an update on enrollment noting that re-enrollment numbers are lagging at the University and nationwide; current students are waiting longer to enroll, in part, due to the uncertainty of the pandemic and plans for the fall semester. CSU will soon announce plans for a full on-campus presence and full in-person class schedule for the fall. Fall enrollment numbers are indicating a drop in undergraduate enrollment and an increase in graduate headcount. President Sands noted that these numbers will change closer to the beginning of the semester and that enrollment and retention strategies are being implemented to assist the efforts. Strategies include a new summer enrichment academy for 100 Cleveland Municipal School District incoming freshmen and investing Cares Act funds to cover student account balances that may be a barrier to enrolling, among others.

President Sands closed his report noting that it is important, and that he is enthusiastic, about seeing people back on campus; plans for the fall semester include renewed co-op and experiential learning opportunities, residence halls open with full programming, re-starting student organization events, and a phased return to campus for faculty and staff. The University will continue to promote vaccination recommendations and safety protocols.

### **ACADEMIC AFFAIRS and STUDENT SUCCESS COMMITTEE UPDATE**

Committee Chair Cosgrove reported on the meeting of May 6, 2021 which included updates on enrollment, student success and retention efforts, and strategies being implemented to address lagging registration rates. The Committee also received a report from Provost Zhu on the CSU 2.0 plan and timeline, new faculty recruitment efforts, and diversity, equity, and inclusion initiatives currently underway at Cleveland State.

Trustee Cosgrove noted that the Committee approved, and is recommending full Board approval for policy revisions concerning expressive activity and University space, which are included in the consent agenda.

He provided background information for the Cleveland-Marshall Fund allocation, noting that historically the allocation was approved annually by the Board. The proposed resolution brought forward, moves the allocation approval to the President or appropriate designee, consistent with the purposes set forth in the trust agreement.

Committee Chair Cosgrove moved, and Trustee Reynolds seconded the motion, which was approved by voice vote.

### **RESOLUTION 2021-23**

#### **PROPOSED ALLOCATION OF CLEVELAND-MARSHALL FUND INCOME FY22**

**WHEREAS**, the value of the Cleveland-Marshall Fund as of December 31, 2020 was \$5,051,911, and it is projected that \$252,596 in spendable income will become available in FY22; and

**WHEREAS**, the proposed commitment of this accumulated income will contribute to the general enrichment of legal education at Cleveland-Marshall College of Law and provide scholarships; and

**WHEREAS**, historically, allocations have been proposed by the Cleveland-Marshall Fund Committee, approved by the Faculty, and submitted to the Board of Trustees by the Dean of the College of Law through the Provost of the University:



**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby directs Key Bank, as Trustee of the Cleveland-Marshall Fund, to remit the sum of \$252,596 to Cleveland State University to be used for the purpose of education and program enrichment at the Cleveland-Marshall College of Law in FY22 as proposed; and

**BE IT FURTHER RESOLVED** that the Cleveland State University Board of Trustees hereby authorizes the President or designee to designate and approve future allocations from the Cleveland-Marshall Fund annually, moving forward, consistent with the purposes set forth in the trust agreement.

### **FINANCIAL AFFAIRS COMMITTEE**

Committee Chair Kirk reported on the May 5, 2021 meeting in which Interim Chief Financial Officer Spencer reported on unrestricted operating funds and the proposed refunding of CSU series 2012 bonds process. He noted that the Committee also reviewed the Financial Scorecard.

The Committee also approved and is recommending full-Board approval for items that are included on the consent agenda. Those items include tuition and fees, the RN to BSN program, approval of the FY21 continuation budget, two joint-use agreements, and amendments to policies regarding formulation and issuance of policies and the CSU police policy for public events held on campus.

### **REPORT OF THE CSU FOUNDATION**

CSU Foundation Chair and Trustee Hopkins, reported on a successful Radiance fundraising event, which was celebrated virtually this year and raised a record two-year total of \$4.2 million. The event was very well received with more than 500 active viewers; Trustee Hopkins noted that the Foundation Board is actively debriefing from the event and looking forward to the future.

Trustee Hopkins reported that the Foundation Board is considering adding new members, and they are celebrating three retiring members who have cumulatively contributed 40 years of service to the Foundation (Steve Percy, Linda Kane, and Leah Gary).

Vice President of University Advancement Rehm reported that she is optimistic that fundraising attainment for the year will reach the \$11 million goal. She has received positive feedback on the Radiance virtual event, and her team is discussing ways to further capitalize on its success. Vice President Rehm thanked the Board for their significant efforts and contributions toward a successful signature event, noting that the event can still be viewed on CSU's YouTube channel.

### **CONSENT AGENDA**

Chair Gunning stated that routine matters, or those recommended by committees and discussed previously, are considered on the Consent Agenda. He asked if there were any items that Board members wished to discuss; there were none.

Trustee Cosgrove moved, and Trustee Reynolds seconded, the motion to approve the following consent agenda items: Approval of Tuition and Fees; Approval of waiver for RN to BSN Program (continuation); Approval of FY 21 Continuation Budget; Accepting Gift and Pledge Payments; Approval of Amendments to Policy 3344-2-01: Formulation and issuance of policies policy; Approval of Amendments to Policy 3344-2-06: Expressive Activity; Approval of Amendments to Policy 3344-90-01: University Space; Approval of Amendments to Policy 3344-90-02: Use of Space for Non-Academic Purposes Policy; Approval of Amendments to Policy 3344-92-01: Law enforcement policy for public events held on the campus of Cleveland State University; Approval of Joint Use Agreement with Mandel Jewish Community Center; and Approval of Joint Use Agreement with Jennings Center for Older Adults.

### **RESOLUTION 2021-24**

#### **APPROVAL OF FY22 and FY23 TUITION**

**WHEREAS**, the State of Ohio's FY22-FY23 budget and tuition authority legislation (House Bill 110) is not yet signed into law; and

**WHEREAS**, undergraduate tuition increases are limited by the approved state budget; and

**WHEREAS**, increases in graduate (masters and doctoral) and law programs of study may be increased at the directive of the President as delegated by the Board of Trustees; and

**WHEREAS**, the Financial Affairs Committee reviewed the FY22 and FY23 tuition rates at its last committee meeting and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the FY22 and FY23 tuition rates.

#### **RESOLUTION 2021-25**

##### **TUITION WAIVER FOR REGISTERED NURSE TO BACHELOR OF SCIENCE IN NURSING PROGRAM**

**WHEREAS**, Cleveland State University has an agreement with Cuyahoga Community College (Tri-C) to provide a smooth transition from Tri-C's associate degree program for a registered nurse (RN) to CSU's bachelor's degree program for a bachelor of science in nursing (BSN); and

**WHEREAS**, the RN to BSN curriculum is a blended delivery model that includes both classroom instruction and on-line teaching; and

**WHEREAS**, CSU seeks to maintain a cost competitive program with other institutions in the region by establishing tuition rates that are lower than standard undergraduate rates; and

**WHEREAS**, CSU must submit a biennial tuition waiver under Ohio state law to request an exception from standard undergraduate tuition rates for the RN to BSN program; and

**WHEREAS**, Cleveland State University intends to maintain the waiver for the RN to BSN program for the foreseeable future; and

**WHEREAS**, the Financial Affairs Committee reviewed the RN to BSN tuition waiver at its last committee meeting and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the tuition waiver for the RN to BSN program.

#### **RESOLUTION 2021-26**

##### **FIRST QUARTER BUDGET SPENDING AUTHORITY**

**WHEREAS**, the beginning of the state of Ohio's and Cleveland State University's fiscal year biennium (FY22-FY23) is July 1, 2021; and

**WHEREAS**, the level of the State Share of Instruction (SSI) provided to the University as a result of the adoption of the FY22-FY23 budget appropriations act (House Bill No.110) by the Ohio General Assembly and the Governor is vital to operations; and

**WHEREAS**, the eventual budget appropriations act's passage will include language concerning the allowable increases for in-state undergraduate student tuition; and

**WHEREAS**, the state of Ohio's budget appropriation act for FY22- FY23 is expected to be signed into law by the time the Cleveland State Board of Trustees has convened to approve the University budget at its duly noticed meeting in September 2021; and

**WHEREAS**, in order to advance the mission of Cleveland State, the University will need to continue to expend funds from its current unrestricted Operating Budget, General Fee Budget and Auxiliary Business Units budget for a period beginning July 1, 2021 and until a final budget is presented to the Board at their September 2021 meeting; and

**WHEREAS**, the University is seeking approval to expend such funds consistent with the proposed budget that will be shared with the Board in June and formally presented for approval at its September 2021 meeting; and

**WHEREAS**, the Financial Affairs Committee reviewed the first quarter budget spending authority at its last committee meeting and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the first quarter budget spending authority.

#### **RESOLUTION 2021-27**

Accepting Gifts and Pledge Payments  
3rd Quarter, FY 2021  
January 1, 2021 to March 31, 2021

**RESOLVED**, that the gifts and pledge payments totaling \$2,324,150 received by the Cleveland State University Foundation during the period January 1, 2021 to March 31, 2021 are hereby accepted with thanks, and;

**BE IT FURTHER RESOLVED**, that the President is hereby directed to use these gifts subject to their terms and conditions.

#### **RESOLUTION 2021-28**

##### **PROPOSED REVISIONS TO FORMULATION AND ISSUANCE OF POLICIES POLICY**

**WHEREAS**, the current Formulation and Issuance of Policies Policy was last revised in June 2014; and

**WHEREAS**, the University Administration has recognized the need for a revision to the Formulation and Issuance of Policies Policy 3344-2-01 to:

- Reflect changes in business processes;
- Amend certain definitions;
- Add a process for implementing emergency procedures in situations that pose an immediate threat to the health, safety, or security of the University or campus community; and
- Provide for periodic review of policies and procedures; and

**WHEREAS**, the University Administration recommends the above listed revisions; and

**WHEREAS**, the Financial Affairs Committee reviewed the proposed policy revisions at its last committee meeting and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the revised Formulation and Issuance of Policies Policy; and further instructs the University Administration to file the revised Policy with the Ohio Legislative Services Commission after the thirty-day comment period at which time said Policy shall become final, subject to any changes or revisions deemed necessary by the General Counsel.

#### **RESOLUTION 2021-29**

#### **RECOMMENDATION TO APPROVE REVISIONS TO EXPRESSIVE ACTIVITY POLICY**

**WHEREAS**, new legislation addressing free speech on Ohio campuses became effective March 24, 2021; and

**WHEREAS**, the new legislation, SB 40 titled "Forming Open and Robust University Minds Act" provides, among other things, the following: adds definitions around expressive activity and harassment, as well as new reporting requirements to state leadership; declares outdoor areas on campuses "public forums" and prohibits "free speech zones" on campuses; prohibits institutions from interfering with any noncommercial expressive activity as long as it is lawful and does not "materially and substantially disrupt the functioning of the institution"; students and student groups cannot be charged security fees based on content of the expression or invited guest or anticipated reaction to invited guests; prohibits individuals from engaging in conduct that "intentionally and substantially disrupts another individual's expressive activity" occurring in a campus space reserved for exclusive use of a particular group - the "heckler's veto"; and requires campus-wide training and education; and

**WHEREAS**, the University has revised its Expressive Activity Policy to comply with the new legislation; and

**WHEREAS**, the University Administration recommends the approval of the revised Expressive Activity Policy to ensure compliance with the new regulations; and

**WHEREAS**, the Academic Affairs and Student Success Committee reviewed the proposed revisions at its last committee meetings and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the revised Expressive Activity Policy; and further instructs the University Administration to file the revised Expressive Activity Policy with the Ohio Legislative Services Commission after which time said Policy shall become final, subject to any changes or revisions deemed necessary by the General Counsel.

**RESOLUTION 2021-30**  
**RECOMMENDATION TO APPROVE REVISIONS TO**  
**UNIVERSITY SPACE POLICY**  
**and**  
**USE OF SPACE FOR NON-ACADEMIC PURPOSES POLICY**

**WHEREAS**, the current University Space Policy 3344-90-01 was last revised in June 2014 and needs to be revised: to more succinctly state the purpose of the Policy; to reflect changes in titles of the members of the University space advisory committee; and to make minor grammatical corrections; and

**WHEREAS**, the current Use of Space for Non-Academic Purposes 3344-90-02 was also last revised in June 2014 and needs to be revised: to delete language that limits the University's ability to grow events revenue; to state that applicable fees as set forth in the facilities use procedures may be charged for use of space for non-academic purposes; and to make a grammatical correction; and

**WHEREAS**, the University Administration recommends approval of the proposed revised University Space Policy 3344-90-01 and the proposed revised Use of Space for Non-Academic Purposes Policy 3344-90-02; and

**WHEREAS**, the Academic Affairs and Student Success Committee reviewed the proposed revisions at its last committee meetings and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the revised University Space Policy 3344-90-01 and the revised Use of Space for Non-Academic Purposes Policy 3344-90-02; and further instructs the University Administration to file the revised policies with the Ohio Legislative Services Commission after the thirty-day comment period at which time said both Policies shall become final, subject to any changes or revisions deemed necessary by the General Counsel.

**RESOLUTION 2021-31**

**PROPOSED NEW CLEVELAND STATE UNIVERSITY POLICE POLICY TO  
REPLACE THE CURRENT LAW ENFORCEMENT POLICY FOR PUBLIC EVENTS  
HELD ON THE CAMPUS OF CLEVELAND STATE UNIVERSITY**

**WHEREAS**, the current Law Enforcement Policy for Public Events Held on the Campus of Cleveland State University 3344-92-01 was approved in September 1991, was created to coincide with the opening of the Wolstein Center in November 1991, and to be in place for large events at the Wolstein Center; and

**WHEREAS**, due to changes in applicable law, including but not limited to new legislation addressing free speech on Ohio campuses, titled "Forming Open and Robust University Minds Act", which became effective March 24, 2021, changes in business processes, and the need for consistency of University Policies, the University Administration recommends that the current Policy be rescinded and replaced with a new Cleveland State University Police Policy; and

**WHEREAS**, the proposed new Cleveland State University Police Policy references current law and provides that the Chief of University Police is responsible for adopting procedures to administer the Policy; and

**WHEREAS**, the Financial Affairs Committee reviewed the proposed revisions at its last committee meetings and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the rescission of the current Law Enforcement Policy for Public Events Held on the Campus of Cleveland State University and its replacement with the new Cleveland State University Police Policy; and further instructs the University Administration to file the new Policy with the Ohio Legislative Services Commission after the thirty-day comment period at which time said Policy shall become final, subject to any changes or revisions deemed necessary by the General Counsel.

**RESOLUTION 2021-32**

**JOINT USE AGREEMENT BETWEEN  
CLEVELAND STATE UNIVERSITY AND  
MANDEL JEWISH COMMUNITY CENTER OF CLEVELAND**

**WHEREAS**, pursuant to Am. Sub. House Bill Number 481, the University received a capital appropriation in the amount of \$210,000 for capital improvements related to the Mandel Jewish Community Center of Cleveland ("Mandel JCC") for expansion of its Beachwood facility; and

**WHEREAS**, the release of this appropriation for its intended recipient is contingent upon the execution of a joint use agreement between the University and Mandel JCC; and

**WHEREAS**, the University has concluded that the value of the use of the renovated Mandel JCC facility by the University, as provided in the proposed Joint Use Agreement, is reasonably related to the amount of the appropriation, and the terms of the Agreement are more favorable to the University than to others; and

**WHEREAS**, the Financial Affairs Committee reviewed the proposed joint use agreement at its last committee meetings and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the proposed Joint Use Agreement between the University and Mandel JCC in substantially the form attached hereto, subject to changes deemed necessary by the University General Counsel and/or required by the Chancellor of the Ohio Department of Higher Education; and further, that the Administration is hereby authorized to take all steps necessary to execute said Joint Use Agreement once approved by the Chancellor.

### **RESOLUTION 2021-33**

#### **JOINT USE AGREEMENT BETWEEN CLEVELAND STATE UNIVERSITY AND JENNINGS CENTER FOR OLDER ADULTS**

**WHEREAS**, pursuant to Senate Bill Number 310, the University received a capital appropriation in the amount of \$250,000 to be passed through to the Jennings Center for Older Adults (“Jennings Center”) for the purchase and installation of ceiling mounted lift systems throughout Jennings’ nursing home to reduce manual lifting and transfer injuries among nursing home residents and staff; and

**WHEREAS**, the release of this appropriation for its intended recipient is contingent upon the execution of a joint use agreement between the University and Jennings Center; and

**WHEREAS**, the University has concluded that the value of the use of the new lift equipment and Jennings facilities by the University, as provided in the proposed Joint Use Agreement, is reasonably related to the amount of the appropriation, and the terms of the Agreement are more favorable to the University than to others; and

**WHEREAS**, the Financial Affairs Committee reviewed the proposed joint use agreement at its last committee meetings and recommends full Board approval:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the proposed Joint Use Agreement between the University and Jennings Center in substantially the form attached hereto, subject to changes deemed necessary by the University General Counsel and/or required by the Chancellor of the Ohio Department of Higher Education; and further, that the Administration is hereby authorized to take all steps necessary to execute said Joint Use Agreement once approved by the Chancellor.



### **EXECUTIVE SESSION**

Trustee Cosgrove moved to adjourn into Executive Session for the purpose of discussing imminent and pending litigation with the University General Counsel; to consider personnel matters involving the employment, compensation and contracts of public employees; to discuss collective bargaining matters; to consider real estate matters; and to discuss trade secret information required by law to be kept confidential. Trustee Kunkle seconded the motion.

A roll call vote was taken by the Secretary of the Board; voting in the affirmative were Mr. Adler, Mr. Cosgrove, Mr. Kirk, Ms. Kunkle, Mr. Reynolds, Ms. Whiting, and Chair Gunning. The motion carried.

Chair Gunning excused everyone except the voting and community trustees present, President Sands, General Counsel and Board Secretary Wilson, Vice President of Administration and Chief of Staff Hughes, and Sr. Vice President of Research & Innovation and Chief Healthcare Strategy Officer Faison. The executive session began at 9:54 a.m.

Chair Gunning announced at 10:43 a.m. that the Board had finished its business in Executive Session and was returning to its regular meeting.

### **NEW BUSINESS**

Chair Gunning announced that there were items to be brought forth as a result of the Executive Session; the first item demonstrates the University's and Coach Gates' commitment to student success on-and-off the basketball court and in the classroom.

Trustee Reynolds moved the resolution, and Trustee Kirk seconded the motion to authorize the administration to enter into an amended and restated employment contract with the men's head basketball coach. The motion was passed by voice vote.

### **RESOLUTION 2021-34**

#### **AUTHORIZATION FOR ADMINISTRATION TO ENTER INTO AMENDED AND RESTAED EMPLOYMENT CONTRACT WITH MEN'S HEAD BASKETBALL COACH**

**WHEREAS**, Dennis Gates has served admirably as the Head Coach of the Cleveland State University Men's Basketball Team since 2019, including leading the team to the University's third trip to the NCAA Division I Men's Basketball Tournament in the Program's history, being named a two-time Horizon League Coach of the Year, and inspiring on and off the court academic and personal success in his players; and

**WHEREAS**, the Director of Athletics wishes to retain Coach Gates and reward him for outstanding performance; and

**WHEREAS**, the parties negotiated a Memorandum of Understanding that memorializes the essential terms and conditions of Mr. Gates' employment as the Cleveland State University Men's Head Basketball Coach, and further committed to develop a definitive Amended and Restated Employment Agreement for Mr. Gates consistent with the terms and conditions set forth in the Memorandum of Understanding:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby authorizes the Cleveland State University Director of Athletics to execute the Memorandum of Understanding with Men's Head Basketball Coach Dennis Gates containing the essential terms as attached hereto, subject to any changes deemed necessary by University General Counsel; and

**BE IT FURTHER RESOLVED** that the University Administration is authorized to negotiate and execute any and all documents and agreements to effectuate the terms of a final Amended and Restated Employment Agreement that incorporates and is consistent with the essential terms of the Memorandum of Understanding.

Trustee Cosgrove brought forth a resolution for a new degree program in the Ahuja College of Business for a Bachelor of Arts in Business Studies, noting that the program went through the appropriate approval process and supports students with a large amount of transfer credit hours from previous educational studies and who seek a more flexible Business-focused degree. The degree will be offered and marketed for enrollment in the fall.

After providing a background for the resolution, Trustee Cosgrove moved, and Trustee Kunkle seconded the motion, which was approved by voice vote.

### **RESOLUTION 2021-35**

#### **BACHELOR OF ARTS IN BUSINESS STUDIES**

**WHEREAS**, the Monte Ahuja College of Business has proposed the development of the Bachelor of Arts degree program in Business Studies; and

**WHEREAS**, the program development plan for the proposed major has received preliminary authorization from the Ohio Department of Higher Education; and

**WHEREAS**, there is a demonstrated need to support students with a significant amount of transfer hours from previous educational studies who seek a more flexible business-focused degree; and

**WHEREAS**, the proposed major 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 31, 2021:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby approves the Bachelor of Arts in Business Studies degree program in the Monte Ahuja College of Business.

Trustee Cosgrove recognized Chair Gunning for his nine-year service on the Board noting that Cleveland State University has been extraordinarily well-served by his leadership and ability to listen. Trustee Cosgrove moved the resolution and Trustee Adler seconded the motion, which was unanimously approved with applause.

#### **RESOLUTION 2021-36**

#### **RECOGNIZING DAVID H. GUNNING II FOR HIS DISTINGUISHED SERVICE ON THE CLEVELAND STATE UNIVERSITY BOARD OF TRUSTEES**

**WHEREAS**, David H. Gunning II, a proud graduate of the Cleveland-Marshall College of Law, was appointed to the Cleveland State University Board of Trustees by Governor John R. Kasich on September 13, 2012 for a term ending on May 1, 2021; and was elected to serve as an officer of the Board of Trustees in 2017, and for the last three years as Chairman; and

**WHEREAS**, Mr. Gunning, as Chairman of the Board of Trustees, worked hand-in-hand with the seventh president of the University, Harlan M. Sands, to guide and support the University's "strategic themes" and overall development throughout the next several years, resulting in improved retention rates and increased applications, solid financial health, new support from state and private sources, and recruiting high-quality faculty to the University; and

**WHEREAS**, during Chairman Gunning's leadership, Cleveland State University addressed unprecedented challenges due to the COVID-19 worldwide pandemic, and responsibly and faithfully counseled on plans to secure the health and safety of students, faculty, and staff; and supported the necessary pivots to a remote teaching and learning environment ensuring that students could continue to work toward their degrees; and

**WHEREAS**, Chairman Gunning has been an ardent champion of CSU 2.0 and provided great insight and support to the administrative leadership team throughout the CSU 2.0 planning process to facilitate emerging from the pandemic as a stronger university, and supports an inclusive campus community participation in those plans and strategies to assure the University's position in the forefront of Ohio higher education:

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland State University Board of Trustees acknowledges with sincere appreciation the dedication and contributions of Mr. David H. Gunning II to the State of Ohio, Cleveland State University, and the greater Cleveland community. His loyal commitment, focused determination, and alumni pride are admirable traits exhibited through his leadership. The University invites his continued involvement in the years to come.

### **REPORT OF THE NOMINATING COMMITTEE**

Committee Chair Adler reported that the Nominating Committee consisted of Chair Gunning, Trustee Whiting, and himself. The members met in April and are submitting the following slate of Officers for the Board's consideration to serve in 2021-2022: David M. Reynolds, Chair; Timothy J. Cosgrove, Vice Chair; Lisa Kunkle, Treasurer; Patricia M. DePompei, Executive Committee Member; and Sonali B. Wilson, Board Secretary.

Chair Gunning accepted the Nominating Committee's slate of officers and returned the floor to Committee Chair Adler to conduct the election.

Trustee Adler asked if there were any nominations from the floor for any of the offices. Hearing none, he moved to approve the slate; Trustee Cosgrove seconded the motion. The slate of candidates was approved by voice vote and will assume their positions at the end of the meeting.

### **RESOLUTION 2021-37**

#### **ELECTION OF OFFICERS FOR 2021-2022**

**BE IT RESOLVED** that the Cleveland State University Board of Trustees hereby elects the following persons to serve as officers for the 2021-2022 term: Trustee David M. Reynolds as Chair, Trustee Timothy J. Cosgrove as Vice Chair, Trustee Lisa K. Kunkle as Treasurer, Trustee Patricia M. DePompei as Executive Committee Trustee Officer, and Sonali B. Wilson as Secretary to the Board of Trustees.

### **ADJOURNMENT**

Chair Gunning, in his final meeting as Chair and Trustee, addressed the Board by saying that as an alumnus who understood the impact of Cleveland State University in the region, he was honored to be appointed by Governor John Kasich nine years ago, and that it has been a privilege to serve as a Trustee and as Chair. Throughout his term, Cleveland State has seen many accomplishments and has experienced outstanding leadership, always keeping students at the focus. The Chair noted achievements such as more partnerships and stronger relationships in the region, new degree and athletic programs, new state-of-the-art physical spaces, and an upward

trajectory for the energy, passion, and dedication of the campus community. He thanked President Sands for his leadership and the faculty for providing excellence in the classrooms.

There being no further business, at 10:59 a.m.

Respectfully submitted,

**APPROVED ON SEPTEMBER 23, 2021**

Sonali B. Wilson  
General Counsel and  
Secretary to the Board of Trustees

**APPROVED ON SEPTEMBER 23, 2021**

David M. Reynolds  
Chair, Board of Trustees