



**BOARD OF TRUSTEES
CLEVELAND STATE UNIVERSITY**

MINUTES OF THE MEETING

BOARD OF TRUSTEES MEETING

DATE: Tuesday, May 20, 2014, 11:30 a.m.
PLACE: The Wolstein Center, Gerald H. Gordon Conference Pavilion
Weinberg Board Room

PRESENT: Chairman Robert H. Rawson, Jr., Trustees Thomas W. Adler, Dan T. Moore III, Bernardo “Bernie” F. Moreno, June E. Taylor, and Ronald E. Weinberg; Community Board Members Dr. Paul E. DiCorleto, Anand “Bill” Julka and Stephen F. Kirk; Faculty Representative Dr. Stephen F. Duffy, President Ronald M. Berkman, and Secretary to the Board of Trustees William J. Napier.

The meeting was called to order at 11:30 a.m. by Chairman Rawson. A quorum was confirmed. Chairman Rawson called for a motion to approve the minutes of the March 25, 2014 Board meeting. Trustee Moore moved, and Trustee Moreno seconded, the motion to approve the minutes. The minutes were approved by voice vote.

REPORT OF THE CHAIRMAN

Chairman Rawson stated it was a pleasure to move and read the resolution, recognizing the service of Ronald E. Weinberg as a long-serving member and past chairman of the Board of Trustees. Trustee Moore seconded the motion. The following resolution was passed unanimously with applause, and Mr. Weinberg was presented with an engraved Cleveland State University chair.

RESOLUTION 2014-18

**RECOGNIZING RONALD E. WEINBERG FOR HIS DISTINGUISHED SERVICE ON
THE CLEVELAND STATE UNIVERSITY BOARD OF TRUSTEES**

WHEREAS, Ronald E. Weinberg was first appointed to the Cleveland State University Board of Trustees by Governor Bob Taft on July 13, 2001 to fill the remainder of a term ending May 5, 2005, and was reappointed by Governor Taft to a full nine-year term, ending May 1, 2014; and

WHEREAS, during his tenure on the CSU Board of Trustees, Mr. Weinberg was elected to serve as Treasurer from 2003-2006, Vice Chairman in 2006-2007, and subsequently elected to chair the Board of Trustees for four consecutive terms from 2007 to 2011; and

WHEREAS, the Board of Trustees initiated a new era of greater collaborations among public universities in northeast Ohio, stimulating the Ohio General Assembly and Governor Taft to create the Northeast Ohio Universities Collaboration and Innovation Study Commission to which then Vice Chairman Weinberg was appointed; and

WHEREAS, the theme of collaborations and partnerships characterized Mr. Weinberg's tenure as Chairman of the Board and has brought broad constituent and community involvement on the Presidential Search Committee, which he chaired, culminating in the hiring of President Ronald M. Berkman, whose leadership continues to transform Cleveland State University into a nationally-recognized urban university with an engaged community and scholarly learning environment; and

WHEREAS, Mr. Weinberg has generously given of his time and resources as co-chair, with his wife, Terri, and as a Platinum sponsor of the University's premier scholarship fundraising events, and whose commitment and dedication to Cleveland State University has been recognized with the conferring of the President's Medal in May 2011;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees acknowledges with sincere appreciation the dedication and contributions of Mr. Ronald E. Weinberg to the State of Ohio, Cleveland State University, and the greater Cleveland community.

REPORT OF THE PRESIDENT

President Berkman thanked the Board members for their participation in the two commencement ceremonies, totaling seven hours, held May 10th. He reported that it was one of the largest spring graduations in the history of the University, with 1,400 baccalaureates and 820 masters graduates. Strong participation by the faculty was also noted. President Berkman indicated that the configuration and format of the commencement ceremonies are being reviewed for the future.

President Berkman reported that the *Radiance* event was “stellar.” He noted that the tone for the evening was set by the remarks of an older student, with three generations of family history at CSU, and the \$1 million gift announcement from distinguished alumni Larry and Lee Glasscock to create scholarships for first-generation students in the Monte Ahuja College of Business. He also noted that the gift would be spread over five years and applied each year to *Radiance*.

President Berkman reported that he accompanied Executive-in-Residence Steve Kirk and MBA students on an 8-day trip to Israel. Four Israeli universities and five academic programs were visited. He noted that there was a tremendous enthusiasm for student exchanges and study abroad opportunities. Funds are being raised to establish a study abroad program in Israel for CSU students. The goal is to establish a global “footprint” and good programs in Israel, China, India, and Poland (Gdansk) where CSU has connections. President Berkman mentioned meeting with visitors from Poland on May 17.

REPORT OF THE CSU FOUNDATION CHAIR

Mr. Stephen Kirk thanked current and former trustees Tom Adler and Tim Cosgrove for their outstanding leadership for *Radiance*, and thanked the trustees for their 100% participation and support of the annual scholarship fundraising event.

Mr. Kirk referred to the fundraising charts provided under Tab N in the Board books. He noted the improvement in the quality of reporting data. He reported that as of April 30, 2014, \$14.9 million raised was the highest total over the last five years, with over \$12 million of the support coming from alumni and local foundations. Mr. Kirk indicated that increasing the number of alumni donors is a major objective. It is expected that the number of donors could reach 7,000 by the end of the year.

Fundraising activity and attainment by gift size were reviewed. Mr. Kirk congratulated and thanked President Berkman for the gifts he had cultivated and raised. He reported an endowment total of nearly \$65 million, and an investment performance of 13.2%.

In closing, Mr. Kirk reported that nine new directors were being added to the CSU Foundation Board of Directors, bringing the total membership to 47.

EXECUTIVE SESSION

Trustee Taylor moved, and Trustee Moreno seconded, the motion that the Board adjourn into Executive Session for the purpose of discussing collective bargaining, an employment contract of a public employee, and to discuss with General Counsel matters involving imminent and pending litigation. A roll call vote was taken by the Secretary to the Board; voting in the affirmative were Mr. Adler, Mr. Moore, Mr. Moreno, Ms. Taylor, Mr. Weinberg, and Chairman Rawson.

Chairman Rawson excused everyone, except the voting and community trustees present, to meet first with President Berkman, Provost Mageean, Vice President McHenry, Assistant Vice President Drucker, General Counsel Wilson, and Board Secretary Napier for collective bargaining and the employment contract, and President Berkman, Provost Mageean, General Counsel Wilson, and Board Secretary Napier for the litigation segment of the Executive Session, which began at 11:57 a.m.

Chairman Rawson announced at 12:40 p.m. that the Board had finished its business in Executive Session and was returning to its regular meeting. Trustee Moore moved, and Trustee Adler seconded the motion, to approve the multi-year employment agreement for the Director of Intercollegiate Athletics. The following resolution was passed by voice vote:

RESOLUTION 2014-19

**APPROVAL OF DIRECTOR OF INTERCOLLEGIATE ATHLETICS'
EMPLOYMENT AGREEMENT**

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the Employment Agreement with the Director of Intercollegiate Athletics in the form substantially attached hereto.

ACADEMIC AFFAIRS

Chairman Moore reported that the Committee recommended the approval of the Masters of Education in Health Professions Education degree program to be offered jointly with the Cleveland Clinic Lerner College of Medicine. The Committee also recommended approval of the Student Code of Conduct presented by the University's first Chief Compliance Officer Rachel King, as well as the College Completion Plan, which is an effective student success plan in step with the state's initiatives. He noted that the Committee was informed that the 4-to-3 credit hour conversion was on track. Discussions were held on a leadership and business approach to e-learning, an \$800,000 state grant for internships and cooperative education, and the possibility of an on-line resume board and video interviews with industrial partners.

Chairman Moore indicated that too little time was left to discuss the process and instrument for the student evaluation of teaching. He noted that a student evaluation software program would be tried this fall.

FINANCIAL AFFAIRS

Vice Chairman Moreno reported that the Financial Affairs Committee recommended eight of the items on the consent agenda for consideration, regarding contracts, leases, and policies. He noted that the Committee also recommended approval of the Administration's FY15 tuition recommendations, including a 2% tuition increase for undergraduate students that would be returned to students taking advantage of incentives to graduate in a more efficient way,

setting the standard for other institutions in Ohio. He reported that the Committee also received preliminary budget information for FY15 that would be presented in detail for consideration at the June meeting.

CONSENT AGENDA

Chairman Rawson stated that routine matters, or those discussed previously, are considered on the consent agenda. He asked if there were any consent agenda items that Board members wished to remove and discuss individually. There were none.

Trustee Moreno moved, and Trustee Moore seconded, the motion to approve the following consent agenda items: Master of Education in Health Profession Education (**Attachment A**), Changes to the Student Code of Conduct (**Attachment B**), the College Completion Plan (**Attachment C**), Electrical Energy Contract Procurement (**Attachment D**), Fenn Hall Architectural/Engineering Services (**Attachment E**), FY15 Tuition (**Attachment F**), Cleveland-Marshall College of Law Solo Practice Incubator (**Attachment G**), University Email Policy (**Attachment H**), Conflict of Interest Policy (**Attachment I**), Whistleblower Protection Policy (**Attachment J**), Retired Faculty and Professional Staff Association Logo (**Attachment K**), Acceptance of Gift and Pledge Payments for FY14, Third Quarter (**Attachment L**), and Acceptance of Sponsored Programs Funds through FY14, Third Quarter (**Attachment M**). The following resolutions were passed by voice vote:

RESOLUTION 2014-20

MASTERS OF EDUCATION IN HEALTH PROFESSIONS EDUCATION

WHEREAS, the College of Education and Human Services has proposed the development of the Masters of Education Degree Program in Health Professions Education; and

WHEREAS, the program development plan for the proposed degree has received preliminary authorization from the Ohio Board of Regents; and

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

WHEREAS, the proposed degree program has been reviewed and approved by all appropriate faculty entities and academic administrators, including approval by the Faculty Senate at its meeting of February 12, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves the Masters of Education Degree Program in Health Professions Education in the College of Education and Human Services.

RESOLUTION 2014-21

CHANGES TO THE STUDENT CODE OF CONDUCT

WHEREAS, the Board of Trustees previously approved its Affirmative Action, Equal Access, Equal Opportunity and Non-Discrimination/Harassment Policy Statement, and its Discrimination/Harassment Policy;

WHEREAS, changes to the existing Student Code of Conduct are required to ensure consistency with those policies;

WHEREAS, such changes were implemented on an interim basis in accordance with Rule 3344-2-01, Formulation and Issuance of Policies, known as the Policy on Policies;

WHEREAS, the changes to the Student Code of Conduct have been vetted appropriately in consultation with stakeholders and a thirty day open comment period;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees amends Rule 3344-83-04 as indicated in the accompanying exhibit.

BE IT FURTHER RESOLVED that the Administration, in carrying out this Resolution, is hereby authorized and empowered to make any necessary changes to the Student Code of Conduct as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or otherwise deemed appropriate.

RESOLUTION 2014-22

COLLEGE COMPLETION PLAN

WHEREAS, the Ohio Board of Regents has mandated that each public university in the State of Ohio must complete a College Completion Plan. The plan must be approved by the University Board of Trustees and submitted to the Chancellor of the Ohio Board of Regents no later than June 30, 2014; and

WHEREAS, the Cleveland State University has developed a College Completion Plan through a joint effort led by the Provost's Office involving both the university administration and faculty; and

WHEREAS, the Cleveland State University's College Completion Plan has identified current barriers to student persistence and completion, set completion goals for 2014 to 2016, and outlined strategies to reach the completion goals in the Completion Plan;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees approves the Cleveland State University College Completion Plan.

RESOLUTION 2014-23

AUTHORIZATION FOR UNIVERSITY TO EXECUTE A CONTRACT WITH AN ELECTRICITY BROKER AND AN ELECTRICITY SUPPLIER

WHEREAS, the University's electric purchasing agreement with First Energy Solutions expires on June 30, 2014; and

WHEREAS, the University recognizes the volatility of the energy market; and

WHEREAS, a Competitive Retail Electricity Service Supply Broker partnering with the University will provide market expertise to aid in the development of a Request for Proposals or Bids for the procurement of electricity; and

WHEREAS, an Electricity Broker will provide an online transparent real-time reverse auction software that would yield the best price for electric generation; and

WHEREAS, World Energy Solutions was selected to be the University's Electricity Broker through an RFP process used to identify a broker with a fee structure of \$.0005/KWH; and

WHEREAS, to get the most favorable price, the electricity market requires a quick response to a bid submitted in response to the University's RFP for a Competitive Retail Electricity Service Supply offer; and

WHEREAS, the Financial Affairs Committee of the Cleveland State University Board of Trustees has reviewed these matters and recommends that the Board approve a contract with World Energy Solutions and an electricity supply contract as described above;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby authorizes the University Administration to enter into a contract with World Energy Solutions as described above, an Electricity Broker, to run concurrently with the Competitive Retail Electricity Supply contract; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes the University Administration to enter into an electricity supply contract for a duration of between one and two years through the reverse auction process, with costs not to exceed \$0.0511/KWH for the

generation, transmission losses and ancillary charge portion of the Competitive Retail Electricity Service Supply cost, which contract will be subject to approval by the CSU Office of General Counsel.

RESOLUTION 2014-24

AUTHORIZATION TO CONTRACT FOR ARCHITECTURAL/ ENGINEERING SERVICES FOR THE FENN HALL MASTER PLAN AND RENOVATION PROJECT

WHEREAS, the University has solicited qualifications for Architect / Engineer services to design the Fenn Hall Master Plan and Renovation Project; and

WHEREAS, nineteen (19) timely qualification responses were received and reviewed by a select review panel comprised of Faculty and Staff; and

WHEREAS, four (4) firms were shortlisted and invited to participate in interviews held on February 25, 2014, consisting of a 60-minute presentation of qualifications, followed by 15-minute questions/answers led by the committee; and

WHEREAS, on February 25, 2014, the selection committee reviewed the firms' qualifications, interview performance and documented their rankings; and

WHEREAS, after determining the top two teams and requesting additional information consisting of additional project examples, past higher education experience, specific team members and sub-consultant roles on the project as well as contacting references, the team of CBLH/ Harley Ellis Devereaux was determined to be the recommended team; and

WHEREAS, the Financial Affairs Committee of the Cleveland State University Board of Trustees has reviewed the process described above and recommends that the Board authorize a contract with CBLH/Harley Ellis Devereaux for architectural and engineering services in connection with the Fenn Hall Master Plan and Renovation Project;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby authorizes the University Administration to enter into further contract negotiations with the final architect selected, pursuant to the process outlined above, to provide architectural and engineering services for the Fenn Hall Master Plan and Renovation Project and further that the Administration may award a contract not to exceed ten percent (10%) of the construction cost.

RESOLUTION 2014-25

APPROVAL OF FY15 TUITION INCREASES

WHEREAS, the University is permitted by state law to increase undergraduate tuition by no more than 2.0% or \$188 in an annual increase amount, whichever is higher, for each of the fiscal years in the FY14 and FY15 budget biennium; and

WHEREAS, the University is becoming more reliant upon locally generated funds to provide a stable operating environment due to the historical reduction in state subsidy funding; and

WHEREAS, it is unlikely that the historic loss of state subsidy funding will be restored to pre-FY 2012 levels in FY15; and

WHEREAS, the University is implementing a dominant three credit hour curriculum model for courses beginning in the Fall 2014 semester due to its 4-3 credit hour conversion initiative; and

WHEREAS, the University has determined that an undergraduate tuition credit hour band of 12-17 credit hours per semester is better aligned for this new curriculum model and this band is incorporated into the proposed undergraduate tuition schedule effective in the Fall 2014 semester; and

WHEREAS, the Cleveland Marshall College of Law has implemented a combination of expense reductions and tuition increases in FY 2013 to maintain a vital program of legal education in a national environment of declining demand for legal education and proposes a tuition increase of 4.5% for FY15; and

WHEREAS, Cleveland State University is a member of the Master of Fine Arts (MFA) - Creative Writing Consortium along with the University of Akron, Kent State University, and Youngstown State University; and

WHEREAS, the FY15 tuition rate for the Master of Fine Arts (MFA) Creative Writing Program has not been established by the MFA Consortium;

NOW, THEREFORE, BE IT RESOLVED that following full consideration and recommendation of the Financial Affairs Committee, the Board of Trustees hereby approves the attached proposed tuition schedule, except for the tuition for the Master of Fine Arts (MFA) Creative Writing Program; and

BE IT FURTHER RESOLVED that the Master of Fine Arts (MFA) Creative Writing Consortium will recommend the program's tuition rate for FY15 prior to the next Cleveland State Board of Trustees meeting at which time the University shall present the proposed tuition rate for approval, effective in the Fall 2014 semester.

RESOLUTION 2014-26

**APPROVAL OF LEASE WITH EUCLID AVENUE
DEVELOPMENT CORPORATION FOR THE CM LAW
SOLO PRACTICE INCUBATOR PROGRAM**

WHEREAS, Cleveland State University (“University”) on behalf of the Cleveland Marshall College of Law (“CM Law”) has approved a new continuing educational program to be called the “Solo Practice Incubator” (the “Program”); and

WHEREAS, through the Program, CM Law will provide to eligible, recent CM Law graduates (herein collectively “Program Participants”) a program coordinator, a network of mentors, furnished office space, educational programming and other support to establish their own solo law practices; and

WHEREAS, in connection with and to facilitate the administration of the Program, and pursuant to Ohio Revised Code Section 3345.11, Euclid Avenue Development Corporation (“EADC”) has agreed to collaborate with the University and CM Law by leasing space in the CM Law Building from the University for a four-year term that is renewable for successive two-year renewable terms, to house the Program; and

WHEREAS, EADC has agreed to serve as sublessor pursuant to subleases to be entered into with each Program Participant during the term of his or her enrollment in the Program, and to carry out the duties of sublessor as set forth in the sublease template; and

WHEREAS, the Executive Committee of the Cleveland State University Board of Trustees reviewed the Program at its meeting on February 27, 2014, and the Board’s Financial Affairs Committee reviewed the lease with EADC and related materials at its May 20, 2014 meeting and recommends approval by the Board; and

WHEREAS, the EADC Officers approved the lease with CSU and related materials at their meeting on April 30, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the lease between the University and EADC for purposes of the Program in substantial form as attached, subject to any revisions deemed necessary by the University’s Office of General Counsel, and further instructs the University Administration to take all actions necessary, and to approve all forms and documents as may be required for implementation of the Program.

RESOLUTION 2014-27

APPROVAL OF UNIVERSITY EMAIL POLICY

WHEREAS Cleveland State University is an instrumentality of the State of Ohio and as such is required to maintain the integrity and access to all public records as defined by the Ohio Public Records Act; and

WHEREAS, without the proposed Email Policy, the University is at risk for non-compliance to the Ohio Public Records Act as it pertains to faculty and staff email; and

WHEREAS, the University Email Policy has been created to mitigate the risk of non-compliance and was vetted appropriately including a thirty day open comment period; and

WHEREAS, the Financial Affairs Committee of the Cleveland State University Board of Trustees has reviewed the proposed Email Policy and background materials and recommends approval of the Policy;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Cleveland State University hereby approves the University Email Policy as presented; and

BE IT FURTHER RESOLVED that the Administration, in carrying out this Resolution, is hereby authorized and empowered to make any necessary changes to the University Email Policy as may be required to ensure the responsible and secure operation of its electronic mail system and conform to the provisions of applicable and effective provisions of federal and state laws, or otherwise deemed appropriate.

RESOLUTION 2014-28

APPROVAL OF CONFLICT OF INTEREST STATEMENT

WHEREAS, Cleveland State University is subject to state laws related to conflict of interest and ethical conduct; and

WHEREAS, Cleveland State University expects and requires all faculty and staff to conduct themselves ethically and with loyalty to the University; and

WHEREAS, a Conflict of Interest Statement promotes awareness and understanding of the requirements of state law and ethical conduct; and

WHEREAS, the Conflict of Interest Statement was developed and vetted appropriately with approval from Faculty Senate and a thirty day open comment period;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Cleveland State University hereby approves the Conflict of Interest Statement as presented; and

BE IT FURTHER RESOLVED that the Administration, in carrying out this Resolution, is hereby authorized and empowered to make any necessary changes to the Conflict of Interest Statement as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or otherwise deemed appropriate.

RESOLUTION 2014-29

APPROVAL OF WHISTLEBLOWER PROTECTION POLICY

WHEREAS, Cleveland State University expects and requires its Trustees, faculty and staff to comply with all laws and policies applicable to them; and

WHEREAS, Cleveland State University encourages good faith reporting of all incidents of non-compliance with applicable laws and policies; and

WHEREAS, retaliation against any individual for making a good faith report of non-compliance must not be tolerated; and

WHEREAS, the Whistleblower Protection Policy was developed and vetted appropriately with approval from Faculty Senate and a thirty day open comment period;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Cleveland State University hereby approves the Whistleblower Protection Policy as presented; and

BE IT FURTHER RESOLVED that the Administration, in carrying out this Resolution, is hereby authorized and empowered to make any necessary changes to the Whistleblower Protection Policy as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or otherwise deemed appropriate.

RESOLUTION 2014-30

**RESOLUTION APPROVING LOGO FOR THE CLEVELAND STATE UNIVERSITY
RETIRED FACULTY AND PROFESSIONAL STAFF ASSOCIATION**

WHEREAS, the Cleveland State University Retired Faculty and Professional Staff Association is an organization for retired faculty and professional staff that provides a number of programs and services to enrich the lives of its members; and

WHEREAS, the organization seeks to contribute to the University and the community; and

WHEREAS, the organization's leaders want to present the organization in a professional manner reflective of its audiences; and

WHEREAS, the organization wishes to replace an existing logo with an updated, contemporary logo for use in said presentation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the new Retired Faculty and Professional Staff Association logo for use in all official organizational communication initiatives.

RESOLUTION 2014-31

**ACCEPTING GIFTS AND PLEDGE PAYMENTS
FOR FY 2014, THIRD QUARTER**

RESOLVED, that the gifts and pledge payments totaling \$1,509,411.99 received by the Cleveland State University Foundation during the period January 1, 2014 to March 31, 2014 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 2014-32

**ACCEPTING SPONSORED PROGRAMS FUNDS
FOR FY 2014, THIRD QUARTER**

RESOLVED, that the Sponsored Programs funds totaling \$3,718,491 received by the Cleveland State University during the period January 1, 2014 to March 31, 2014, are hereby accepted with thanks, and

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

NOMINATING COMMITTEE

Chairman Rawson announced that the Nominating Committee for Board Officers for 2014-2015 are Trustees David Gunning, June Taylor, and Dan Moore as Chair. Trustee Moore reported that the slate of officers for 2014-2015 would remain the same as those serving currently: Robert H. Rawson, Jr. as Chair, Bernardo "Bernie" F. Moreno as Vice Chair, Morton Q. Levin as Treasurer, Thomas W. Adler as Development Officer, and William J. Napier as Secretary.

Chairman Rawson stated that the election of officers would be held at the June meeting.

There being no further business, the meeting was adjourned at 12:55 p.m.

Respectfully submitted,

APPROVED ON JUNE 25, 2014

William J. Napier

Secretary to the Board of Trustees

APPROVED ON JUNE 25, 2014

Robert H. Rawson, Jr.

Chairman, Board of Trustees