



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

April 22, 1983

Dr. Thomas A. Shipka, President
YSU-OEA
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dear Dr. Shipka:

Enclosed for your records find a copy of the Minutes of the Meeting of the Board of Trustees of Youngstown State University held on February 11, 1983 and a copy of the Minutes of the Special Meeting of the Board held on March 8, 1983.

Such Minutes were approved at today's meeting of the Board and have now been signed by the Chairman and attested.

Yours very truly,

SECRETARY TO THE BOARD OF TRUSTEES

FSB:EVT

Enc.

xc: Dr. John J. Coffelt
Dr. Taylor Alderman



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

April 22, 1983

Mr. Raymond McElroy, President
YSU Chapter of OCSEA
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dear Mr. McElroy:

Enclosed for your records find a copy of the Minutes of the meeting of the Board of Trustees of Youngstown State University held February 11, 1983 and a copy of the Minutes of the Special Board Meeting held March 8, 1983.

Such Minutes were approved at today's meeting of the Board and have now been signed by the Chairman and attested.

Yours very truly,

A handwritten signature in cursive script that reads "Franklin J. Bennett".

SECRETARY TO THE BOARD OF TRUSTEES

FSB:EVT

Enc.

xc: Dr. John J. Coffelt
Dr. Taylor Alderman



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

April 22, 1983

Mrs. Judith Parmenter
YSU Alumni Director
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dear Mrs. Parmenter:

Enclosed for your records find a copy of the Minutes of the meeting on the Board of Trustees of Youngstown State University held on February 11, 1983 and a copy of the Minutes of the Special Board Meeting held on March 8, 1983.

Such Minutes were approved at today's meeting of the Board and have now been signed by the Chairman and attested.

Yours very truly,

A handwritten signature in cursive script that reads "Franklin S. Bennett".

SECRETARY TO THE BOARD OF TRUSTEES

FSB:EVT

Enc.

xc: Dr. John J. Coffelt
Dr. Taylor Alderman

MINUTES OF MEETING

of

BOARD OF TRUSTEES

of

YOUNGSTOWN STATE UNIVERSITY

Tod Administration Building
Friday, April 22, 1983

Pursuant to Resolution YR 1983-43 and to Notices mailed on the 6th day of April, 1983 by the Secretary to the Board to each Trustee, a copy of which precedes these Minutes (with copies to the President of the University, the Presidents of the YSU Chapter of the OEA and the YSU Chapter of OCSEA, to Edward A. Flask, Special Counsel appointed by the Attorney General of Ohio, to the Legal Services Officer of the University and to the Executive Director at YSU Alumni Association) a regular meeting (ninetieth) of the Board of Trustees of Youngstown State University convened at 3:00 p.m. on Friday, April 22, 1983 in the Board Room in the Tod Administration Building.

Eight Trustees were present at the meeting, to-wit: Earl W. Brauninger, Dr. Thomas D. Y. Fok, Dr. John F. Geletka, Edgar Giddens, William J. Lyden, Mrs. Emily P. Mackall, William G. Mittler and Frank C. Watson. One Trustee was absent - Paul M. Dutton.

Also present were Dr. John J. Coffelt, President, Dr. Neil D. Humphrey, Executive Vice President, Dr. Bernard T. Gillis, Provost, Dr. Taylor Alderman, Vice President Personnel Services, Edmund J. Salata, Dean Administrative Services, Dr. Lawrence E. Looby, Associate Vice President Public Services, Dr. Charles A. McBriarty, Associate Vice President Student Services, Philip A. Snyder, Director University Relations, Franklin S. Bennett, Secretary to the Board of Trustees, and Patricia D. Martin, Secretary to the President. Also present were approximately 35 deans, members of the faculty, students and members of the news media.

Dr. Fok, Chairman of the Board, presided.

ITEM I - Proof of Notice of Meeting.

Evidence was available to establish that due notice of the meeting had been mailed on April 6, 1983 by the Secretary, to each of the nine Trustees and to the President, and that copies had also been mailed to the Presidents of the YSU chapters of OEA and OCSEA, to Edward A. Flask, Special Counsel, to Theodore R. Cubbison, Legal Services Officer and to Mrs. Judith Parmenter, Director, YSU Alumni Association. Such evidence precedes these Minutes.

ITEM II - Minutes of Meetings Held on February 11, 1983 and March 8, 1983

Copies of the draft of the Minutes of the Meeting of the Board of Trustees held on February 11, 1983 and the Special Meeting held on March 8, 1983, had been mailed to each Trustee, to the President, the Executive Vice President, Provost, Vice President Personnel Services, the Dean of Administrative Services, the State Examiner, the Special Counsel and the Legal Services Officer. The Minutes of both such meetings were approved on Motion by Mr. Watson, seconded by Mr. Giddens and duly carried, and were signed by the Chairman and attested by the Secretary.

ITEM III - Recommendations of the President of the University

Dr. Coffelt recommended that three Resolutions be adopted by the Trustees.

1. Resolution to Ratify Faculty/Staff Appointments

After a Motion, which was made by Mr. Lyden and seconded by Dr. Geletka, had received the affirmative vote of each Trustee present, the Chairman declared the following Resolution duly adopted:

WHEREAS, the Policies of the Board of Trustees direct the President to appoint such employees as are necessary to effectively carry out the operation of the University, and

YR 1983-47

WHEREAS, new appointments have been made subsequent to the February 11, 1983 regular meeting of the Board of Trustees; and

WHEREAS, such appointments are in accordance with the 1982-83 Budget and with the University policy on Equal Employment Opportunity.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby ratify and confirm the appointments as listed in Exhibit A attached hereto.

2. Resolution Accepting Gifts

After a Motion which was made by Mr. Watson and seconded by Mr. Brauninger, had received the affirmative vote of each Trustee present, the Chairman declared the following Resolution duly adopted:

WHEREAS, Resolution YR 1980-34 provides that the President shall compile a list of gifts to the University for each meeting of the Board of Trustees and present the list accompanied by his recommendation for action by the Board; and YR 1983-48

WHEREAS, the President has reported that the gifts as listed in Exhibit B attached hereto are being held pending acceptance and he recommends their acceptance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby accept these gifts on behalf of Youngstown State University and instructs the President to acknowledge such acceptance to the donors and to express our gratitude for their generosity to the University.

After a Motion which was made by Mr. Lyden and seconded by Mr. Brauninger had received the affirmative vote of each Trustee present, the Chairman declared the following Resolution duly adopted.

3. Resolution on Promotion in Academic Rank for 1983-84

WHEREAS, Article 12 of the Agreement between Youngstown State University and Youngstown State University Chapter of the Ohio Education Association (YSU-OEA) provides for review of promotion applications by School/College promotion committees; and YR 1983-49

WHEREAS, School/College promotion committees, after careful consideration of each individual, have recommended promotion in academic rank for certain University employees; and

WHEREAS, the Provost has received and reviewed the recommendations of the School/College promotion committees, and his recommendations have been approved by the President of the University; and

WHEREAS, the costs of these recommendations will be within the funds provided for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University ratify and approve promotions in academic rank for nine-month faculty as recommended in Exhibit C attached hereto, such promotions to become effective with the 1983-84 contracts; and

BE IT FURTHER RESOLVED, that the Board of Trustees of Youngstown State University ratify and approve promotions in academic rank for academic administrators as recommended in Exhibit D attached hereto, such promotions to become effective with the 1983-84 contracts.

ITEM IV - Reports of the President and Other Officers of the University

1. Dr. Coffelt, President, reported concerning the following matters:

A. Enrollment - Spring Term

Both the Headcount Enrollment (14,577) and the Full-Time Equivalent Enrollment (10,899) for the 1983 Spring term established a new record.

It is believed that the continued high enrollment is due to the economic problems of the area, and the availability of student financial aid. An improvement in student retention in the Sophomore, Junior and Senior years was noted.

B. The Inter-University Council - Role in gaining public support for Public Higher Education

The Inter-University Council should move forward into a more positive active role with respect to gaining greater public support for public higher education. Dr. Coffelt reported that he has been appointed to chair the IVC Advocacy Committee which includes Presidents Jennings (OSU), Pierson (Miami), Ruppert (Medical College of Ohio) and Kegerreis (Wright State) to develop strategies for such an effort.

There is concern that in the distribution of State General Fund Revenues, public higher education's share has declined from 14 percent to 12 percent in the last three years and the Governor's current Biennial Budget recommendation continues that trend downward.

Tentative strategies include the development of media campaigns; documenting the importance of higher education to economic revitalization; editorial board visits with major newspapers; more public speeches at state-wide meetings; television and radio talk shows and increased legislative activities as an organization.

C. Special Counsel

The Attorney General, Anthony J. Celebrezze, Jr., has advised that Attorney Alan R. Kretzer has been appointed Special Counsel to the Attorney General, effective March 1, 1983 to provide legal services to Youngstown State University.

Meetings have been held with Attorney Kretzer and Attorney Flask to agree upon the handling of pending litigation during the transition. In essence, Attorney Flask will continue to handle those legal matters already assigned to him and which are before the courts. Attorney Kretzer will be assigned pending matters not yet assigned to Counsel, as well as any new cases that may occur.

Attorney Kretzer, who was present, was then introduced to the Board of Trustees. Dr. Coffelt stated that Attorney Kretzer is a member of the law firm of Burdman, Gilliland, Fleck, Mostov and Kretzer. He graduated from Rayen School in 1961, from Ohio University in 1965 and received his Juris Doctor degree from Case Western Reserve University in 1968. He was Assistant Dean of Students at Ohio University during the years 1968 and 1969 and has practiced law in Youngstown since 1970.

D. Ohio Valley Conference

Dr. Coffelt then reported that about three years ago, the University accepted membership in the Ohio Valley Conference. With that move, most of the University's Intercollegiate Athletic Programs were elevated from Division II to Division I status. He stated that the Board would be interested to learn that the Ohio Valley Conference has earned between 1.2 and 1.3 million dollars during the 1982-83 fiscal year, thanks to an aggressive Commissioner, Mr. Jim Delaney. It is the first time this Conference has surpassed the one million dollar annual earning level.

Youngstown State University's share, after conference expenses, will be approximately \$100,000.

The Conference is on a solid financial basis and while Youngstown State University cannot expect this year's earnings to be repeated every year, it can be expected to achieve continued high earnings if the conference continues to produce nationally ranked football and basketball teams.

E. Legislation

The single most critical piece of legislation pending before the Ohio General Assembly is HB 291, the 1983-85 Biennium Appropriations Bill. That bill contains the Governor's Budget recommendations which includes an appropriation of \$26,180,000 for Youngstown State University for the year 1983-84.

That figure compares to an instructional subsidy entitlement of \$26,018,900 for the current year and an estimated actual receipt of \$22,555,362. Actual receipts this year will reflect about a 14 percent recision from the entitlement.

The appropriation of \$26,180,000 for the year 1984 falls far short of restoring budget cuts absorbed by the University during the past three fiscal years. However, given the state of the economy, it is not an unreasonable figure. The University's concern, of course, continues to be whether State's fiscal condition will be such that the entitlement can be fully funded.

The University should continue to be cautious in Budget planning, for it is difficult to determine whether the turnaround in the State's economy and the recent changes in the tax structure will produce sufficient revenues to fully fund the Appropriations Bill.

Unless changes to the student subsidy model being advanced by higher education are made by the legislature, it seems quite clear that an additional increase in student fees will be necessary to present a balanced operating budget. Preliminary hearings in the House Finance Committee last week, indicated some receptivity to modifying the student subsidy models to increase State funding, but it is too early to determine if these efforts will be successful.

A second bill recently introduced which could have far reaching fiscal impact upon Youngstown State University is HB 234. If enacted, this bill will prohibit the University from contracting with private concerns for the performance of work normally performed by classified state employees.

While the bill exempts certain activities, those exempted are relatively specialized and minor. The Administration is now endeavoring to ascertain the fiscal impact of this legislation, but it is clear in the area of custodial services alone, it will approach 3/4 of a million dollars, yet will create no new jobs in the area.

2. Dr. Humphrey, Executive Vice President, reported concerning the following:

A. Plans for High Tech Building

Confirming the report in the news media, money has been released by the State to proceed with planning on the High Tech Building.

B. Feasibility Study - Convocation Center

The anticipated release of \$68,000 for the Feasibility Study on the Convocation Center will not at this time be accomplished.

C. Budget

Budget considerations are still under review, but will be ready for the June 18, 1983 meeting of the Board of Trustees. After distributing the third quarter financial report, Dr. Humphrey stated that revenues are slightly in excess of budget at the present time.

D. Grievance No. 136

Dr. Humphrey called upon Vice President Alderman who in turn reported that an item earlier discussed with the Board of Trustees that was unresolved as of the last meeting, being Grievance No. 136 has been decided by the Arbitrator.

At question was one element in the appointment of a member of the administrative staff to a faculty position in the School of Business Administration. The question was whether the staff member's law degree, a Juris Doctor confirmed by the University of Chicago, was an "earned doctorate" for purposes of establishing minimum service for promotion in faculty rank under terms of the Agreement with the faculty.

The arbitrator's award supports the position of the YSU-OEA concluding that the staff member's degree is not an earned doctorate. The individual has been advised of the award, and it is believed that there are and will be no comparable situations on campus. Thus, the impact of the award is slight.

E. Energy Needs of University

Dr. Humphrey called upon Dean Salata who gave an extensive report on the energy needs and uses of the University. Dean Salata reported that the energy consumption had actually been reduced during the past year, and that many steps had been taken to both conserve energy and by a reduction of peaks to actually reduce the cost of the energy that was consumed.

F. Beeghly Seating Project

Dean Salata then reported on the Beeghly seating project and stated that the problems seemed to be solved. On May 10, 1983 bids will be opened for this project, but that the delay in securing these bids will mean that the contingency time has all but vanished.

G. Stadium Problems

Dean Salata reported on the repair of seating in the Arnold Stambaugh Stadium and said that a meeting with the Osborn Company and the State Architect resulted in the State approving a four foot spacing for seating brackets and that Stadiums Unlimited, the contractor, will be notified of this decision and demand would be made that corrections be completed before August. Dean Salata also stated there was a problem with doors in the Stadium, specifically, the rigidity thereof, and that this is being corrected. Finally, Dean Salata reported that the chilled water line problems are awaiting reports of tests that will be forthcoming in the near future.

3. Dr. Gillis, Provost, reported concerning the following matters:

A. Academic Promotions in Rank

As noted earlier in recommendations of the President, a total of thirty-six promotions were recommended which included three administrators. There were nineteen faculty promoted to Professor, ten to Associate Professor and seven to Assistant Professor. Four of the latter promotions were for faculty who were simultaneously granted tenure.

B. Tenure Awards

The following faculty members have been granted tenure for 1983-84 under provisions of the Agreement between the University and the YSU-OEA.

<u>Name</u>	<u>Rank</u>	<u>Department</u>
BOYD, Joan L.	Assistant Professor	Allied Health
GUZELL, Stanley D.	Assistant Professor	Management
HASSELL, Jean T.	Assistant Professor	Home Economics
LA LUMIA, James	Assistant Professor	Speech Communications & Theatre
LEONARDI, Anthony S.	Assistant Professor	Music
MINCEY, Daryl W.	Assistant Professor	Chemistry
MIRTH, Richard A.	Assistant Professor	Civil Engineering
MOSELEY, Michael T.	Assistant Professor	Art
SHALE, Richard A.	Assistant Professor	English
SHUTES, Mark	Assistant Professor	Sociology, Anthropology and Social Work
SUCHORA, Daniel H.	Associate Professor	Mechanical Engineering
TOKAR, Edward B.	Assistant Professor	Foundations of Education

C. Faculty Improvement Leaves

The Faculty Improvement Leave Committee had recommended fourteen leaves for three academic quarters and two leaves for one academic quarter under provisions of Article 6 of the YSU/YSU-OEA Agreement. All were recommended to the President.

D. Accreditation Plans for Williamson School of Business Administration

The plans for accreditation of the Williamson School of Business Administration by the American Assembly of Collegiate Schools of Business are progressing well. The visitation team will be on campus in the Fall of this year. A report on the School will be sent to the Assembly soon and the faculty and Dean are confident of success.

E. Accreditation Report for Rayen School of Engineering

Two consultants have provided a comprehensive review of the reports and other preparation of the Rayen School of Engineering for the reaccreditation visit of the Accreditation Board for Engineering and Technology. A final report is being prepared. The visitation will occur in the Fall quarter.

F. State Accreditation of School of Education Programs

An accreditation team will visit the University in the Fall also for state accreditation of the teacher preparation programs. Preparations are under way for that visitation.

G. Accreditation of the Medical Laboratory Technology Program

A positive recommendation is being forwarded by the accreditation team for initial accreditation of the Medical Laboratory Technology Program for one year.

H. Diamond Jubilee Open House

The program for the University's Diamond Jubilee Open House is being brought to completion. In addition to every School or College providing exhibits, demonstrations, and presentations, there will be a special Planetarium showing of "Diamonds of the Sky," free mini-courses by Continuing Education, musical entertainment, tours, and a pops concert by the Youngstown Symphony. Most activities are scheduled between 12:00 noon and 6:00 p.m. on Sunday, May 22, 1983.

I. Graduate Program Approvals

The Master of Science in Biological Sciences and the Master of Science in Chemistry programs have been reviewed by the Graduate Program Review Committee and the programs have been recommended to the Provost for continuation. The Provost has accepted these recommendations.

J. Board of Nursing Registration Report

The Board of Nursing Education and Registration for the State of Ohio recently reported that thirty-seven of the thirty-nine Youngstown State University Nursing graduates who took the February 1983 Licensure Examination received passing grades. This represents a 95 percent registration rate and is very good.

K. Faculty Books, Honors, and Grants

Recent books published by our Faculty include:

"Calculus and Analytic Geometry"
J. Douglas Faires and Barbara Trader Faires
Prindle, Weber & Schmidt
Boston, Mass. 1983

"Steel Valley University; the Origin of
Youngstown State"
Alvin W. Skardon
C. J. Krehbiel Co.
Cincinnati, Ohio 1984

In addition, Dr. George Sutton, Dean of Rayen School of Engineering was voted the "Outstanding Engineering Educator of the Year" Award by the Ohio Secretary of Professional Engineers.

A grant of \$73,989 has been awarded to Dr. Richard Kreutzer by the U.S. Army Medical Research and Development Command for a study entitled "Enzyme Mini-test for Field Identification of Leishmania Isolates from U.S. Military Personnel."

EXECUTIVE SESSION

The Trustees retired into an executive session at 3:15 p.m. for about fifteen minutes, after motion duly made, seconded and carried, for the purpose of considering matters relating to the employment of personnel, before returning to the open meeting in the Board Room.

ITEM V - Reports of the Committees of the Board

1. Personnel Relations Committee

Mr. Giddens reported that the Committee was recommending one Resolution for adoption by the Board. He then read and moved for adoption the following Resolution:

a. Resolution to Ratify Tentative Agreement

WHEREAS, designated representatives of the University have met and conferred with designated representatives of the Youngstown State University Chapter of the Ohio Civil Service Employees Association and the Ohio Civil Service Employees Association regarding modifications of the 1980-83 Agreement between the parties; and

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WHEREAS, a tentative agreement has been reached concerning a successor Agreement, to be in effect through December 31, 1984; and

WHEREAS, The Youngstown State University Chapter of the Ohio Civil Service Employees Association and the Ohio Civil Service Employees Association have ratified said tentative Agreement; and

WHEREAS, the Personnel Relations Committee of the Board of Trustees of the Youngstown State University has reviewed the details of said tentative Agreement.

THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Youngstown State University that the tentative Agreement as included in Exhibit E is hereby ratified and the President of the University is hereby authorized and directed to sign and execute this Agreement on behalf of Youngstown State University.

The Motion was seconded by Mr. Watson and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

2. Building and Property Committee:

Mr. Watson stated that the Building and Property Committee had determined to recommend the adoption of two Resolutions by the Board of Trustees.

He then read and moved for adoption the following Resolution:

a. Resolution to Name a Room

WHEREAS, Attorney Hugh W. Manchester served Youngstown College, Youngstown University, and Youngstown State University as Secretary to the Board of Trustees for forty-two years; and

YR 1983-51

WHEREAS, other appropriate resolutions have been voted and recognition given to Attorney Manchester for his faithful service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby name the Board's caucus room the Hugh W. Manchester room and directs that an appropriate sign be placed on the door to that room and a photograph of Attorney Manchester hung in the room.

The Motion was seconded by Mr. Giddens and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Watson next read and moved for adoption the following Resolution:

b. Resolution Concerning Kilcawley Residence Hall Improvement

WHEREAS, the long-range plan for continuing major re- YR 1983-52
pair, maintenance, and refurbishing of Kilcawley Residence Hall has previously been approved and a fund established for that purpose; and

WHEREAS, specific release of funds requires approval by the Board of Trustees after review by the administration and the Building and Property Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the expenditure of \$75,759 from the Kilcawley Residence Hall Improvement Fund for 110 bunk beds, 220 mattresses, and 220 desk chairs in conformity with bids received from such improvements.

The Motion was seconded by Mr. Mittler and after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

3. Budget and Finance Committee

Mr. Lyden stated that the Budget and Finance Committee had determined to recommend the adoption of seven Resolutions by the Board of Trustees.

He then read and moved for adoption the following Resolution:

a. Resolution Concerning Independent Audit for FY 1982

WHEREAS, the independent audit for the period July 1, YR 1983-53
1981 through June 30, 1982, has been completed by Arthur Andersen & Co. and an unqualified opinion was issued; and

WHEREAS, the "Memorandum Regarding Accounting Procedures, Internal Control and Other Matters as of June 30, 1982" (i.e. the "Management Letter") and the University administration's response have been reviewed by the Budget and Finance Committee of the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby accept the audit for fiscal year 1982 as prescribed by Arthur Andersen and Co.

The Motion was seconded by Mr. Watson and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Lyden next read and moved for adoption the following Resolution:

b. Resolution Concerning Transfers From Unallocated Reserve

WHEREAS, the 1982-83 Youngstown State University operating budget adopted by the Board of Trustees provides that transfers out of the Unallocated Reserve require approval of the Board of Trustees; and

YR 1983-54

WHEREAS, the following transfers have been requested by "principal administrative officers" as defined in Section 1, Article 1 of the Policies of the Board of Trustees of Youngstown State University.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize and approve the following transfers from the Unallocated Reserve in University Operation - Fund One:

- (1) \$2,000 to Supplies, Purchasing Department, to compensate for unbudgeted expenditures occurring as a result of the added workload from processing the Equipment Replacement Reserve orders.
- (2) \$30,094 to replenish the Principal Administrative Officers' Contingency Reserve funds to restore amounts transferred July 1, 1982 through December

31, 1982, to accommodate emergencies or to resolve unbudgeted problems, as follows:

- (a) \$5,126 Executive Vice President's Contingency Reserve
- (b) \$6,570 Provost's Contingency Reserve
- (c) \$3,804 Vice President-Personnel Services' Contingency Reserve
- (d) \$2,345 Associate Vice President-Public Services' Con. Res.
- (e) \$3,650 Associate Vice President-Student Services' Con. Res.
- (f) \$8,599 Dean of Administrative Services' Contingency Reserve

(It being noted that it is not intended to replenish these Contingency Reserves again during the remainder of the fiscal year.)

- (3) \$238,361 to the Provost's transfer account for Limited Service Faculty to provide salaries and fringe benefits for 23.5 FTE L.S.F. in conformity with the logic detailed in Exhibit F.

The Motion was seconded by Mr. Brauning and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Lyden next read and moved for adoption the following Resolution:

c. Resolution Concerning Kilcawley Center Equipment

WHEREAS, the Kilcawley Center Equipment reserve was established to provide funding for replacement and improvement of equipment and furnishings and building repairs of a minor nature; and YR 1983-55

WHEREAS, a proposal for expenditure of \$55,200 has been advanced by the administration after review by the University Budget Committee and is recommended by the Budget and Finance Committee of the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby approve the expenditure of \$55,200 from the Kilcawley Center Equipment reserve fund in conformity with the budget included in Exhibit G.

The Motion was seconded by Mr. Giddens and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the resolution adopted.

d. Resolution Concerning Fees and Other Charges

Mr. Lyden then moved that the proposed Resolution concerning charges to students and others be referred back to Committee for further study. The Motion was seconded by Mr. Giddens and received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution referred back to Committee.

Mr. Lyden next read and moved for adoption the following Resolution:

e. Resolution Concerning Travel Regulation

WHEREAS, the Board of Trustees adopts travel regulations in conformity with ORC 141.15 and, for in-state travel, Rule No. 126-1-02 of the Office of Budget and Management of the State of Ohio; and

YR 1983-56

WHEREAS, the Policies of the Board of Trustees of Youngstown State University (Appendix C) provides that such regulations shall be adopted by resolution and published in the Administrative Manual of the Executive Vice President; and

WHEREAS, the Office of Budget and Management did on March 1, 1983, notify all departments, offices, and institutions of amendments to Rule No. 126-1-02, which amendments were effective on the same date.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby amend its travel regulations as included in Exhibit H in order to keep them in conformity with Rule No. 126-1-02 of the Office of Budget and Management of the State of Ohio and to make certain other changes believed reasonable; and

BE IT FURTHER RESOLVED, that such amendments shall be effective for all travel starting on or after May 1, 1983.

The Motion was seconded by Mr. Brauninger and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Lyden next read and moved for adoption the following Resolution:

f. Resolution Concerning Official Depository

WHEREAS, Article IX, Section 10, of the Policies of the Board of Trustees of Youngstown State University provides that all University monies shall be deposited in a state or national bank which has its main office in the City of Youngstown and complies with Section 1101.01 of the Ohio Revised Code, and that the Board of Trustees shall designate such bank as the official depository for University funds for a two-year period beginning July 1 of each odd-numbered year; and

YR 1983-57

WHEREAS, The Dollar Savings and Trust Company, the Mahoning National Bank, the Society Bank of Eastern Ohio, and Bank One of Eastern Ohio were invited to submit bids to serve as the official depository and to provide VISA and Master Charge card services; and

WHEREAS, on March 25, 1983, bids were received, publicly opened and later reviewed by the Budget and Finance Committee, an analysis of which is attached hereto as Exhibit I.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby designates Bank One of Eastern Ohio to serve as the official depository and to provide credit card services and other banking services as listed on Exhibit I, namely, Checking Accounts, Statements, Wire Transfers, Misc. Services, Armored Car, VISA/Master Card and the additional services listed as c, e, f, g, and k for the cost as listed on Exhibit H for the period July 1, 1983 through June 30, 1985, and authorizes the administration to contract for services for that period in conformity with the invitation to submit bids and the actual bid submitted; and

BE IT FURTHER RESOLVED, that the official depository shall hypothecate an amount equal to the monies deposited which are in excess of the amount insured by the Federal Deposit Insurance Corporation and the securities pledged shall be as provided in Section 135.18 of the Ohio Revised Code; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes Dr. John J. Coffelt, President, and Dr. Neil D. Humphrey, Executive Vice President, as authorized signatures on the payroll account and the operating account and authorizes Mr. J. E. Harper, Senior Claims Consultant, The Prudential Insurance Company of America, as the authorized signature on the medical insurance claims account; and

BE IT FURTHER RESOLVED, that the Board of Trustees expresses its appreciation to all the banks which responded to the "invitation to bid."

Thereafter, Mr. Brauningler read a statement as follows:

"I wish the Minutes of the Meeting to show that because there is a potential conflict of interest, I have not represented my employer before this Board nor to the University's administration; nor have I participated in any discussions, decisions or votes in matters before the Board of Trustees regarding banking services for Youngstown State University."

The Motion was seconded by Mrs. Mackall and, after discussion, received the affirmative vote of seven Trustees present, Mr. Brauningler abstaining.

Mr. Lyden next read and moved for adoption the following Resolution:

g. Resolution Concerning Transfers From the Unallocated Reserve

WHEREAS, the amounts budgeted for utilities and building maintenance and operation were based on

YR 1983-58

the best information available at the time the budget was prepared; and

WHEREAS, fire damage was sustained in Bliss Hall and the deductible on the insurance is \$25,000; and

WHEREAS, since the 1982-83 budget was prepared, utility rates have increased 15 percent per kilowatt hour used for electricity, 35 percent per 1,000 pounds of steam used, and 36 percent per cubic foot for natural gas; and

WHEREAS, conservation measures to reduce expenditures are in place but are not sufficient to offset the increase in rates.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the following transfers totaling \$190,316 from the Unallocated Reserve in the University Operation, Fund One, budget:

- (1) \$25,000 to the Maintenance and Repairs-Buildings account for repairs to the fine arts studio in Bliss Hall;
- (2) \$38,000 to the Dean of Administrative Services Contingency Fund to be used if necessary to resolve various budgeting problems in the Physical Plant Department;
- (3) \$12,000 for Natural Gas in the Purchased Utilities budget;
- (4) \$60,000 for Purchased Steam in the Purchased Utilities budget;
- (5) \$35,000 for Electricity in the Purchased Utilities budget; and
- (6) \$20,000 for water in the Purchased Utilities budget.

The Motion was seconded by Mrs. Mackall and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Lyden next read and moved for adoption the following Resolution:

h. Resolution Concerning Use of University Facilities

WHEREAS, Michael T. Rice, Head Basketball Coach at Youngstown State University, was assured the opportunity to use University facilities for a Basketball Camp, Summer, 1983, as a condition of his employment and Article IX, Section 2, of the Policies, Board of Trustees notwithstanding;

YR 1983-59

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize Michael T. Rice to use certain Youngstown State University facilities not required for Summer School classes or activities to conduct without charge a 1983 Basketball Camp, except for payment of auxiliary enterprise charges; and

BE IT FURTHER RESOLVED, that the University administration is hereby authorized to contract with Mr. Rice for his use of such facilities; however, should it be deemed feasible for the Athletic Department to sponsor this camp as a departmental activity in conformity with existing policies of the Board, then this authority shall not be utilized.

The Motion was seconded by Mr. Brauninger and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

4. Student Affairs Committee

Mr. Mittler stated that such Committee had determined to recommend the adoption of six Resolutions by the Board of Trustees, and he then read and moved for adoption the following:

a. Resolution Concerning Day Care Services

WHEREAS, provision of day care services for the children of Youngstown State University students

YR 1983-60

has been a topic of interest within Student Government for several years; and

WHEREAS, the problem has been extensively studied and two methods of delivery of that service have been utilized; and

WHEREAS, the Day Care Assistance Program utilized in 1982-83 provides eligible students with financial assistance for day care of their children through a voucher system that encourages such students to finish their education; and

WHEREAS, this program uses General Fee revenue and has been found satisfactory during 1982-83.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize and direct that the Day Care Assistance Program utilized in 1982-83 shall be continued in 1983-84 and thereafter to the extent that resources are made available through consideration and adoption of budgets using General Fee revenues.

The Motion was seconded by Mr. Giddens and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Mittler next read and moved for adoption the following Resolution:

b. Resolution Concerning University Retention Program

WHEREAS, student attrition is one of the major problems facing higher education today; and YR 1983-61

WHEREAS, the costs of student attrition to the individual and to the institution are high; and

WHEREAS, the problem of student attrition affects various segments of Youngstown State University; and

WHEREAS, a University Retention Program has been developed by the Student Services area.

NOW, THEREFORE, BE IT RESOLVED, that the University Retention Program be given full consideration for funding during the upcoming academic year; and

BE IT FURTHER RESOLVED, that if the program is funded the administration is directed to measure the impact of this program on the Youngstown State University student attrition problem and prepare a report for the Student Affairs Committee at the end of the initial year of operation.

The Motion was seconded by Mr. Watson and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Mittler next read and moved for adoption the following Resolution:

- c. Resolution to Adopt Code of Student Rights, Responsibilities, and Conduct

WHEREAS, the Code of Student Rights, Responsibilities, and Conduct states the conditions related to student conduct considered essential to the effective functioning of the University; and

WHEREAS, this Proposed Code has recently been extensively reviewed by students and the administration and the proposed changes found satisfactory.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby adopt the Code of Student Rights, Responsibilities, and Conduct attached herewith as Exhibit J and states its intention that it shall supercede all previous policies which may have been adopted on this subject.

The Motion was seconded by Mr. Brauning and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Mittler next read and moved for adoption the following Resolution:

- d. Resolution on Revision of Article V of Policies of the Board of Trustees of Youngstown State University

WHEREAS, the majority of the provisions of Article V of Policies of the Board of Trustees of Youngstown State University have been incorporated into the Code of Student Rights, Responsibilities, and Conduct; and YR 1983-63

WHEREAS, this Code of Student Rights, Responsibilities, and Conduct has been approved by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that Article V be revised and amended as attached hereto in Exhibit K.

The Motion was seconded by Mr. Giddens and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Mittler next read and moved for adoption the following Resolution:

- e. Resolution to Delete Student Records Policy

WHEREAS, the Youngstown State University Student Records Policy has been revised to comply with current federal and state statutes; and YR 1983-64

WHEREAS, the Student Records Policy is incorporated into the Code of Student Rights, Responsibilities, and Conduct at Article VII; and

WHEREAS, the complete Code of Student Rights, Responsibilities, and Conduct have been adopted by the Board of Trustees; and

WHEREAS, the entire Code of Student Rights, Responsibilities, and Conduct has been incorporated by reference into the Policies of the Board of Trustees of Youngstown State University in Article V.

NOW, THEREFORE, BE IT RESOLVED, that Appendix D of the Policies of the Board of Trustees of Youngstown State University be deleted.

The Motion was seconded by Mr. Lyden and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

Mr. Mittler next read and moved for adoption the following Resolution:

- f. Resolution to Delete Article VII, Section 5 of the Policies of the Board of Trustees of Youngstown State University

WHEREAS, the Code of Student Rights, Responsibilities, YR 1983-65 and Conduct contains a Student Records Policy section; and

WHEREAS, changes in the Student Records Policy were made to insure its compliance with existing State and Federal law; and

WHEREAS, the Student Records section defines student name and address as information available to the public; and

WHEREAS, this provision of the Code is in conflict with Article VII, Section 5, of the Policies of the Board of Trustees of Youngstown State University attached hereto as Exhibit L.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Youngstown State University, that Article VII, Section 5, of the Policies of the Board of Trustees of Youngstown State University is hereby repealed in its entirety.

The Motion was seconded by Mr. Giddens and, after discussion, received the affirmative vote of all Trustees present. The Chairman declared the Motion carried and the Resolution adopted.

5. Academic Affairs Committee

Mr. Watson stated that such Committee had no report.

6. Public Service Committee

Mrs. Mackall stated that such Committee had no report.

ITEM VI - Communications, Memorials

No formal communications or memorials were presented. A list of nineteen items of information had been furnished to each Trustee for information purposes prior to the meeting.

ITEM VII - Unfinished Business

No unfinished business was presented.

ITEM VIII - New Business

No new business was presented.

ITEM IX - Nominating Committee

Dr. Fok announced the appointment of the following Trustees to the Nominating Committee:

Edgar Giddens, Chairman
William G. Mittler
William J. Lyden

ITEM X - Time and Place of Next Regular Meeting

There being no further business, on Motion made by Mr. Giddens, seconded by Mr. Lyden, which was carried by the affirmative vote of each Trustee present, the Chairman declared the following Resolution adopted:

"RESOLVED that the next regular meeting of the Board of Trustees of Youngstown State University be held in the Board Room in Tod Administration Building on Saturday, June 18, at noon, following Commencement."

YR 1983-66

The meeting was duly adjourned at 4:40 p.m.

Chairman

ATTEST:

Secretary to the Board
of Trustees

YOUNGSTOWN STATE UNIVERSITY
 RESOLUTION FOR NEW APPOINTMENTS AND PROMOTIONS
 AS OF April 22, 1983

Agenda Item
D.1.
Exhibit A

<u>NAME</u>	<u>TITLE</u>	<u>DEPARTMENT</u>	<u>DATE OF EMPL.</u>	<u>ANNUAL SALARY</u>	<u>CONTRACT MONTHS</u>	<u>COMMENTS</u>
Cowan, Walter Y.	Assistant Director for Systems Software	Computer Center	February 7, 1983	\$12,320 (12-Month Base:\$30,800)	12	
Schuster, Pamela A.	Instructor	Nursing Department	March 28, 1983	\$ 5,354 (9-Month Base:\$18,000)	9	
Benson, David A.	Instructor	Accounting and Finance Department	March 28, 1983	\$ 6,008 (9-Month Base:\$20,200)	9	Temporary/Terminal.
Nelson, Charles A.	Assistant Professor	English Department	September 15, 1983	\$20,500	9	

EXHIBIT A

YOUNGSTOWN STATE UNIVERSITY
RESOLUTION ACCEPTING GIFTS
as of April 22, 1983

<u>DONOR</u>	<u>AM'T AND/OR DESCRIPTION</u>	<u>RESTRICTION OR PURPOSE OF GIFT</u>
Youngstown State University Found.	\$ 215.00	Boals Record Collection
Vindicator Printing Company	500 .00	YSU Scholarship Fund
Edward J. DeBartolo Co.	5,000.00	YSU Scholarship Fund
Sanray Corporation	5,000.00	YSU Scholarship Fund
Estate of Theris T. Lewis	1,000.00	Unrestricted
Florence Beecher Foundation	12,800.00	YSU Planetarium
The Tamarkin Company	5,000.00	WYSU-FM
Bechtel Foundation	250.00	Unrestricted
Mr. & Mrs. William Battin	168.00	Athletics
Peoples Savings	700.00	Art Department
Johnson & Johnson Company	1,000.00	Chemistry Department
Gorant Candies	\$120 in Certificates	YSU English Festival
New American Library, Inc.	78 Books valued at 269.90	YSU English Festival
Strouss'	\$100 in Certificates	"
Quota Club	\$50 Savings Bond	"
Arby's	\$20.25 in Certificates	"
Avon Books	66 Books valued at \$219.10	"
Bank One	\$450 in Savings Bonds	"
Bantam Books, Inc.	73 Books valued at \$167.35	"
Burger Chef	\$184 in Certificates	"

Agenda Item D.2.
Exhibit B

EXHIBIT B

<u>DONOR</u>	<u>AM'T AND/OR DESCRIPTION</u>	<u>RESTRICTION OR PURPOSE OF GIFT</u>
Burger King	\$99 in Certificates	YSU English Festival
B. Dalton Bookseller	\$120 in Certificates	"
Dell Publishing Co.	124 Books valued at \$292.95	"
Farmers National Bank	\$100 in Savings Accounts	"
First Federal Savings & Loan	\$150 in Savings Bonds	"
Macmillan Publishing Co., Inc.	102 Books valued at \$233.10	"
The Mahoning National Bank	\$150 in Savings Bonds	"
McDonald's	\$135 in Certificates	"
James E. Modarelli, Jeweler	\$96 in Merchandise	"
Murberger and Lambert Florists	\$30 in Certificates	"
J. C. Penney Co.	\$120 in Certificates	"
Simon & Schuster	54 Books valued at \$180	"
Random House, Inc.	3 Dictionaries valued at \$43.35	"
Twice-Loved Books and Gallery	\$100 in Certificates	"
Viking Penquin, Inc.	6 Books valued at \$17.70	"
G. & C. Merriam Co.	18 Dictionaries valued at \$269.10	"
Simon & Schuster	18 Dictionaries valued at \$269.10	"
The Youngstown Playhouse	\$150 in season tickets	"
Mr. & Mrs. Thomas Gay	\$300.00	"
Western Reserve Bank	\$150 in Savings Accounts	"
Volney Rogers Junior High Staff	\$ 30.00	"
Ms. Judith Varveris	\$ 25.00	"
Attorney Edward F. Sturgeon	\$ 25.00	" Agenda Item D.2. Exhibit B

<u>DONOR</u>	<u>AM'T AND/OR DESCRIPTION</u>	<u>RESTRICTION OR PURPOSE OF GIFT</u>
Reed Middle School PTA	\$ 30.00	YSU English Festival
Mr. & Mrs. Charles B. Schaff	50.00	"
Mr. Stephen A. Sedlacko	10.00	"
South Range Local School PTA	15.00	"
B. F. Stanton Middle School PTA	30.00	"
St. Edward's Home & School Assoc.	30.00	"
Ms. Jean McFadden	50.00	"
Hayes Junior High School Community Relations Committee	25.00	"
G. F. Gusiness Equipment, Inc.	60.00	"
The Edward J. DeBartolo Co.	150.00	"
The Cafaro Company	150.00	"
Canfield PTA	30.00	"
Commercial Shearing, Inc.	150.00	"
Friends of the Boardman Library	25.00	"
Austintown Fitch PTA	30.00	"
Altrusa Club of Youngstown	\$50 Savings Bond	"
Houghton Mifflin Co.	18 Dictionaries valued at \$269.10	"
Holy Name Home & School Assoc.	30.00	"
John Carson, Jr.	25.00	WYSU
Good Karma Co-op	20.00	"
Mrs. D. W. Smith	40.00	"
Mrs. Mary Anne Seman	20.00	"

<u>DONOR</u>	<u>AM'T AND/OR DESCRIPTION</u>	<u>RESTRICTION OR PURPOSE OF GIFT</u>
W. W. McClelland	\$ 25.00	WYSU
Ardith Henderson	10.00	"
Dr. Donald Metzger	50.00	"
Mrs. D. W. Smith	20.00	"
Computer Management	150.00	"
Mr. Robert Slaughter	20.00	"
Marjorie L. Cooke	10.00	"
Fran Greenberg	10.00	"
Helen Moresky	10.00	"
Rev. & Mrs. Joseph Hopkins	25.00	"
David Gildersleeve	35.00	"
TOTAL WYSU CONTRIBUTIONS	\$ 470.00	
TOTAL ALL OTHER CONTRIBUTIONS	<u>32,878.00</u>	
	\$33,348.00	
TOTAL NONCASH CONTRIBUTIONS		
\$4,605		

RECOMMENDED ACADEMIC PROMOTIONS FOR 1983-84 ACADEMIC YEAR

TO PROFESSOR

BERGER, Martin E.	History
BURDEN, Richard L.	Mathematical & Computer Sciences
DALE, James E.	Political Science & Social Science
FEITLER, Fred C.	Secondary Education
GRAF, Stephen A.	Psychology
HANKINS, Kenneth P.	Accounting & Finance
JENKINS, William D.	History
KLEIN, Albert J.	Mathematical & Computer Sciences
LUKIN, Marvin	Chemistry
MAMULA, Melvin P.	Advertising & Public Relations
METTEE, Howard D.	Chemistry
MURPHY, Gratia H.	English
PASCALE, Pietro J.	Foundations of English
SKAROTE, Samuel J.	Electrical Engineering
SLOCUM, William B.	Music
STOLL, Phyllis S.	Marketing

TO ASSOCIATE

COOPER, Syretha F.	Sociology
DALY, James H.	Management
FUNK, Darla J.	Music
GITTIS, Margaret M.	Psychology
PIERCE, C. Allen	Criminal Justice
ROLLIN, Robert L.	Music
SINGH, Dilip K.	Chemical & Metallurgical Engineering
SUBRAMANIAN, Balak	Mathematical & Computer Sciences
TABAK, Ronald G.	Physics & Astronomy
WILKINSON, John	English

TO ASSISTANT

*BOYD, Joan L.	Allied Health
COLELLA, David	Mathematical & Computer Sciences
*HASSELL, Jean	Home Economics
KESTNER, Jane E.	Psychology
*LALUMIA, James P.	Speech Communication & Theatre
*MOSELEY, Michael T.	Art
MURRAY, Brian J.	English

March 30, 1983
Bernard T. Gillis, PROVOST

*Simultaneously granted tenure

Agenda Item D.3.
Exhibit C

EXHIBIT

C

RECOMMENDED ACADEMIC PROMOTIONS FOR 1983-84 ACADEMIC YEAR

ACADEMIC ADMINISTRATORS

<u>To Professor</u>	<u>Department</u>
BEELEN, Dr. George D.	History
BROTHERS, Dr. Barbara	English
MATHEWS, Dr. Donald H., Jr.	Marketing

March 30, 1983
Bernard T. Gillis, Provost

EXHIBIT D.

Agenda Item D.3.
Exhibit D

Approved
subject to
ratification
by the
YSU
Board
of Trustees.

Taylor
Adelman
Vice President
Personnel
Services
March
23, 1983

AGREEMENT CONCERNING AMENDMENTS TO 1980-83 YSU/YSU-OCSEA/OCSEA AGREEMENT

1. The 1980-83 Agreement between the Youngstown State University and the Youngstown State University Chapter of the Ohio Civil Service Employees Association and the Ohio Civil Service Employees Association is hereby modified as described below:

1. Article 27, Section 27.1, shall be modified as follows:
for the date "January 15, 1983," substitute "April 1, 1983;"
for the date "February 15, 1983," substitute "April 30, 1983."

2. Article 29 shall be modified as follows:

A. Section 29.1 shall conclude with the date
December 31, 1984.

B. Section 29.2 shall be modified with the substitution
of the date "September 1, 1984," for the date
"January 1, 1983," and the date "October 1, 1984"
shall be substituted for "March 15, 1983."

C. Section 29.4 shall be modified by the substitution
of the date "December 15, 1984," for the date
"June 1, 1983."

2. All other provisions of the 1980-83 YSU/YSU-OCSEA/OCSEA Agreement shall remain in effect through December 31, 1984.

FOR THE OHIO CIVIL SERVICE
EMPLOYEES ASSOCIATION:

FOR THE YOUNGSTOWN STATE
UNIVERSITY:

Kenneth H. Johnson

John J. Coffelt, President

FOR THE YOUNGSTOWN STATE UNIVERSITY
CHAPTER OF THE OHIO CIVIL SERVICE
EMPLOYEES ASSOCIATION:

Raymond L. McElroy
Raymond L. McElroy, President

EXHIBIT E

INTER-OFFICE CORRESPONDENCE

TO Dr. Neil Humphrey

DATE 1/31/83

FROM G. L. Mears *GLM*

SUBJECT Transfer to Provost Limited Service Faculty Transfer Account

After reviewing the request from Dr. Gillis for the transfer of funds from the Unallocated Reserve to the Provost transfer account for limited service FTE that are not presently accounted for in the 1982-83 budget, I recommend that an additional 23.50 FTE be funded from the Unallocated Reserve in the amount of \$238,361. This amount includes \$207,270 for salaries and \$31,091 for fringe benefits.

Background information is as follows:

	<u>1981-82 FTE</u>	<u>1982-83 FTE</u>
Full Service Faculty:		
Budgeted	431.90	434.70
Less:		
LWOP*	(1.00)	(3.33)
Vacancies*	(13.33)	(10.67)
NET F.S. FACULTY	417.57	420.70
Limited Service	172.91**	144.77
	590.48	565.47
Recommended Addition	N.A.	23.50
TOTAL AVAILABLE FTE FACULTY	590.48	588.97

*As of February 1, 1982

**Includes original budget plus February trustees resolution allocation.

GLM/smd

CC: Dr. Gillis

Agenda Item F.3.b.
Exhibit FEXHIBIT F

KILCAWLEY CENTER EQUIPMENT
RESERVE FUND

Expenditures

Replace Receptionists' Typewriter

Typewriter	2,000
Memory Unit	<u>2,500</u>

\$ 4,500

Ice Machines

Kitchen - High Capacity Cube	6,000
Kitchen - High Capacity Flake	3,200
1st Floor - Terrace Room/Catering Median Capacity Flake	<u>3,000</u>

12,200

Replace ceiling tiles/paint grid system

Snack Bar	11,500
Dining Area Adjacent to Chestnut Room	<u>6,500</u>

18,000

Replace Carpet in Recreation Room

12,500

Replace Candy Desk Counter

6,000

Replace Duplication Room Poster Machine

2,000

TOTAL

\$55,200

CHAPTER 8
TRAVEL REGULATIONS

Section 8.1 - Intent

These regulations are intended to govern University travel, in conformity with ORC 141.15 and Rule No. 126-1-02 of the Office of Budget and Management of the State of Ohio. These regulations apply only to YSU personnel and are not applicable to candidates for positions or to other non-employees traveling as a result of some contractual arrangement. These regulations do not apply to students traveling as participants in Intercollegiate Athletics, Forensics, Student Government, or otherwise. Separate regulations promulgated by the President will be applicable to students. Any questions which might arise concerning the intent of the Board of Trustees, as expressed in these regulations, shall be resolved by the President.

Section 8.2 - Prior Approval of Travel

- 8.2.1 All travel ~~off-campus-for-which-reimbursement-is-to-be-claimed~~ must be approved before the fact by the President or his designated representative. For this purpose the President designates the following persons to approve travel:
- A. Academic Deans for all faculty and staff in their respective schools or colleges.
 - B. The Associate Vice President - Student Services for staff reporting administratively to him.
 - C. The Dean - Administrative Services for staff reporting administratively to him.
 - D. The Associate Vice President - Public Services for staff reporting administratively to him.
 - E. The Vice President - Personnel Services for staff reporting administratively to him.
 - F. The Executive Vice President for staff reporting administratively to him.
 - G. The ~~Academic-Vice-President~~ PROVOST for all Academic Deans and for any staff member not reporting to one of the above officers, except as noted in 8.2.2 following.

- 8.2.2 The President will approve his own travel and travel for Vice Presidents THE EXECUTIVE VICE PRESIDENT, THE PROVOST, THE ASSOCIATE VICE PRESIDENT - PUBLIC SERVICES and for other staff of the Office of the President reporting directly to him (or administratively to him).
- 8.2.3 In the event that the President's designee is absent from campus for an extended period (e.g. annual leave, sick leave, or official travel) and not available to process requests for travel, the administrative superior of the President's designee shall process such requests.

Section 8.3 - Categories of Travel

- 8.3.1 All travel authorized will be under one of three categories:
- Category 1. Official business of the University in one of the contiguous 48 states or Canada, for which full reimbursement will be paid, subject to the provisions of these regulations. (In certain cases the President or his representative may specify that less than full reimbursement will be paid as a condition of approval.)
 - Category 2. Professional improvement of the individual in one of the contiguous 48 states or Canada, for which not more than one-half of the expense as provided in these regulations will be reimbursed.
 - Category 3. Official business or professional improvement of the individual in Alaska, Hawaii, a U.S. possession or territory, or a foreign country other than Canada, for which not more than one-fourth of the expense as provided in these regulations will be reimbursed.
- 8.3.2 The President or his representative designated in Sec. 8.2.1 above will assign the category; however, it must be in conformity with Sec. 8.3.1 above.

Section 8.4 - Special Items of Consideration

- 8.4.1 Faculty and professional/administrative employees are encouraged to attend appropriate professional meetings when time and budget permits; however, the immediate work of the University must be given priority. The cognizant department chairman, dean or other administrative superior must approve substitute arrangements in advance for classes or other duties.
- 8.4.2 Persons traveling on University money have an obligation not only to follow all applicable regulations but to avoid the appearance of abuse of public monies.
- 8.4.3 Not more than three persons from one department are to be approved to attend the same conference or meeting except when meetings are held relatively close to Youngstown and the travel cost is low.

- 8.4.4 TRAVEL FUNDED BY GRANT OR CONTRACT BY EXTERNAL AGENCIES SHALL FOLLOW THESE REGULATIONS UNLESS IT IS SPECIFICALLY PROVIDED IN THE TERMS OR CONDITIONS OF THE GRANT OR CONTRACT THAT SOME OTHER REGULATIONS ARE APPLICABLE.

Section 8.5 - Approval-and-Encumbrance TRAVEL Procedure

- 8.5.1 A Travel Voucher must be completed, signed by the traveler, cleared through the department chairman or other person with signature authority for the account and submitted to the President or his representative designated in Sec. 8.2.1 above, at least 14 days prior to the proposed trip. If the person with signature authority for the account is not administratively responsible for the traveler, the Voucher must be signed by both the department chairman and the person responsible for the account to be charged. Only one traveler may be accounted for on a Voucher.
- 8.5.2 The President or his representative will send the Travel Voucher to the Internal Auditor AUDIT for review as to compliance with these regulations. SHOULD INTERNAL AUDIT CONCLUDE THAT THE TRAVEL VOUCHER AS SUBMITTED DOES NOT COMPLY WITH THESE REGULATIONS THE VOUCHER SHALL BE RETURNED TO THE PRESIDENT'S REPRESENTATIVE WHO APPROVED THE VOUCHER ALONG WITH A WRITTEN EXPLANATION OF THE EXCEPTION TAKEN. SHOULD THE PRESIDENT'S REPRESENTATIVE DISAGREE WITH THE CONCLUSION OF INTERNAL AUDIT HE MAY APPEAL IT IN WRITING TO THE PRESIDENT FOR FINAL DISPOSITION. A VOUCHER WILL NOT BE REJECTED BY INTERNAL AUDIT DUE TO COMPUTATION ERRORS; IN THIS CASE THE VOUCHER WILL BE CORRECTED AND PROCESSED. The Travel Voucher will then be sent to the Controller, who will encumber the estimated cost against the designated account and return the Travel Voucher to the traveler.
- 8.5.3 In an emergency the Travel Voucher may be hand carried.
- 8.5.4 Travel is not approved until the Travel Voucher has been signed by the President or his representative designated in Sec. 8.2.1 above, cleared the Internal Auditor AUDIT and funds have been encumbered by the Controller. SHOULD A FACULTY MEMBER OR OTHER UNIVERSITY EMPLOYEE WISH TO TRAVEL ON UNIVERSITY BUSINESS WITHOUT REIMBURSEMENT OR COST TO HIS/HER DEPARTMENT AND BE ON RECORD AS HAVING APPROVAL OF THE PRESIDENT OR HIS DESIGNATED REPRESENTATIVE FOR INSURANCE AND OTHER PURPOSES, A TRAVEL VOUCHER (FA 101) SHALL BE FILED WITH THE "DESIGNATED REPRESENTATIVE" OF THE PRESIDENT. THE DESIGNATED REPRESENTATIVE WILL INDICATE THE APPROPRIATE ACTION ON THE FORM AND FILE IT IN HIS/HER OFFICE. IT SHALL NOT BE ADVANCED TO INTERNAL AUDIT NOR TO THE CONTROLLER.

8-5-5 Should the Internal Auditor conclude that the Travel Voucher as submitted does not comply with these regulations the Voucher shall be returned to the President's representative who approved the Voucher along with a written explanation of the exception taken. Should the President's representative disagree with the conclusion of the Internal Auditor he may appeal it in writing to the President for final disposition. A Voucher will not be rejected by the Internal Auditor due to computation errors; in this case the Voucher will be corrected by the Internal Auditor and processed.

Section 8.6 - Reimbursement for Travel PROCEDURE

- 8.6.1 Within seven days of return from a trip, all copies of the Travel Voucher (with conference brochure attached if one was issued) should be completed and signed by the traveler, signed by the person authorized to expend monies from the account being charged, and sent to the Controller for pre-audit. Upon approval the Travel Voucher will be paid.
- 8.6.2 The Controller will pre-audit REVIEW the Travel Voucher for compliance with these regulations. If pre-audit THE REVIEW reveals a discrepancy the Voucher will be returned TO THE TRAVELER for correction or written explanation; however, errors of computation will be corrected without returning the Travel Voucher. Should the person with signature authority for the account disagree with the pre-audit finding, the matter may be referred through the designated representative of the President to the Executive Vice President for final disposition.
- 8.6.3 Within approximately seven TEN days from the filing of the Travel Voucher (if uncontested on-pre-audit) the reimbursement check will be sent to the traveler through campus mail.

Section 8.7 - Transportation Expenses

- 8.7.1 YSU Motor Pool vehicles may be used. Passenger cars will be charged at the rate authorized for privately owned automobiles. Rates for other vehicles are set by the Dean-Administrative Services.
- 8.7.2 The use of a privately owned automobile is authorized provided the owner has liability insurance which complies with ORC 4509.51 (\$12,000 per person, \$25,000 per incident, \$7,500 property damage). Signature of the Travel Voucher is considered certification by the traveler that he has the required insurance. The reimbursement rate is 19¢ 20¢ per mile. Should the Director of the Ohio Office of Budget and Management order this rate to be increased; the higher amount may be reimbursed by action of the President. AAA MILEAGE OR REASONABLE ODOMETER READING SHALL BE ACCEPTED AS THE BASIS FOR MILEAGE REIMBURSEMENT. ALL TRAVEL SHALL BE ASSUMED TO ORIGINATE FROM THE UNIVERSITY UNLESS OTHERWISE NOTED ON THE TRAVEL VOUCHER.

- 8.7.3 If a personal automobile is used for out-of-state travel the reimbursement will be the lesser of: (1) the actual mileage plus tolls and parking; or (2) tourist-rate air fare plus \$15 \$20, assumed to be the round-trip transportation cost to and from both airports. THE TRAVELER IS OBLIGATED TO PROVIDE THE COST OF BOTH METHODS, SUCH COSTS SUBJECT TO VERIFICATION WHEN RECEIVED BY INTERNAL AUDIT.
- 8.7.4 Travel by private aircraft is not approved due to insurance complications. Travel by chartered aircraft must be approved before the fact by the Executive-Vice-President RISK MANAGER AND SAFETY OFFICER in order that insurance coverage may be verified.
- 8.7.5 When two or more persons are traveling in the same automobile, reimbursement shall be made to only one of the individuals. Names of all persons traveling together or to the same function shall be listed on each Travel Voucher. When more than one YSU representative is to attend the same meeting or is to transact business in the same city on approximately the same schedule, it is expected that they travel together in order to save money and conserve fuel.
- 8.7.6 Reimbursement for common carrier usage will be at the lowest available regularly scheduled rate. No payment will be made for unused reservations on common carriers.
- 8.7.7 Highway, bridge and ferry tolls, parking charges, taxi, limousine service, rental cars, and other reasonable incurred travel expenses directly related to authorized travel shall be itemized on the Travel Voucher and any single expenditure in excess of \$1 shall be supported by a receipt except that no receipt shall be required for taxi, limousine, boat, or ferry service. The use of rental cars is discouraged except when it is the most economical method. Intended use of rental cars should be noted on the Travel Voucher when submitted for approval before the trip.
- 8.7.8 When two or more authorized OUT-OF-STATE travelers are transported in one private automobile the vehicle driver-owner shall be paid the authorized mileage rate PLUS TOLLS AND PARKING, or tourist air fare for one person plus \$15 \$20, whichever is more; however, the University will not pay more for transportation in such cases than if the travelers went separately. This provision applies regardless of the "category of travel" and is intended to encourage multiple travelers utilizing the same vehicle.

Section 8.8 - Reimbursement for Meals and Lodging in Ohio

- 8.8.1 EXCEPT AS PROVIDED IN SECTION 8.10 MEALS WILL BE REIMBURSED ONLY WHEN OVERNIGHT LODGING IS REQUIRED. Reimbursement for meals ~~while-on travel-status-on-a-part-day-basis-shall-be~~ FOR OVERNIGHT TRAVELERS IS AUTHORIZED as follows:

...up to \$3.00 for breakfast ~~if travel status starts prior to 6:00 A.M. and continues until after 9:00 A.M.~~ FOLLOWING AN OVERNIGHT STAY; AND

...up to ~~\$4.00 for lunch if travel status starts before 11:00 A.M. and continues until after 1:00 P.M.~~

...up to ~~\$7.50~~ \$8.00 for dinner ~~if travel status starts before 5:00 P.M. and continues until after 8:00 P.M.~~ PROVIDED THE TRAVELER IS ON TRAVEL STATUS PRIOR TO 5:00 P.M. ON THE DAY PRECEDING AN OVERNIGHT STAY.

- 8.8.2 While on travel status on a calendar day basis reimbursement for meals shall be paid up to a total of ~~\$14.50~~ \$11.00 regardless of the price of any single meal.
- 8.8.3 Receipts are not required for meals.
- 8.8.4 Up to \$30 will be reimbursed for lodging, including PLUS room tax. REIMBURSEMENT IS AUTHORIZED FOR LODGING IN NON-COMMERCIAL PRIVATE DWELLINGS TO THE AMOUNT OF \$15 PER CALENDAR DAY. ITEMIZED receipts must be included with the Travel Voucher. The single room rate is to be used except where two approved travelers share a twin-bedded room, in which case one-half of the twin-bedded room rate will be paid each traveler. Travelers accompanied by their spouse or other non-approved traveler must have the hotel cashier specify the single room rate on the receipts. ~~No reimbursement may be claimed for gratuities except in those cases where it is added to a lodging bill and its payment is mandatory; in such cases the maximum shall still apply.~~
- ~~8.8.5 Should the Director of the Ohio Office of Budget and Management order these rates increased; the higher amounts may be reimbursed by action of the President.~~
- ~~8.8.6~~ 8.8.5 Prohibitions. No reimbursement shall be made for lodging ~~or meals~~ within Mahoning County nor elsewhere in Ohio if within ~~30~~ 75 miles of THE UNIVERSITY OR the traveler's residence ~~while on travel status~~. No reimbursement shall be made for cost of entertainment, GRATUITIES, or alcoholic beverages. No travel reimbursement shall be allowed for "retreats", "training sessions", "seminars", or meetings by whatever name which are intended primarily for YSU employees. Such meetings shall be held on campus or in the immediate vicinity of Youngstown without use of travel monies.

Section 8.9 - Reimbursement-for Meals and Lodging Out of State

- 8.9.1 Authorized travelers out of state will be paid a per diem to cover the cost of meals. The time frame for part-day travel shall be: BREAKFAST, IF TRAVEL STATUS STARTS BEFORE 6:00 A.M. OR ENDS AFTER 9:00 A.M.; LUNCH, IF TRAVEL STATUS STARTS BEFORE 11:00 A.M. OR ENDS AFTER 1:00 P.M.; AND DINNER, IF TRAVEL STATUS STARTS BEFORE 5:00 P.M. OR ENDS AFTER 8:00 P.M. ~~as-provided-for-travel-in-Ohio~~. The per diem will be \$3 for breakfast, \$4 for lunch, and \$10 for dinner. The calendar day payment shall be \$17.
- 8.9.2 The actual and reasonable cost of lodging will be reimbursed. Receipts are required. Travelers are expected to exert their best effort to keep this cost as low as conditions permit; however, no maximum is set due to variations of prices in different cities which are beyond the control of the traveler. ~~No-reimbursement may-be-claimed-for-gratuities-except-in-those-cases-where-it-is added-to-a-lodging-bill-and-its-payment-is-mandatory:~~
- 8.9.3 When traveling by automobile out of state the traveler shall not be paid for lodging or meals enroute in excess of that which would have been paid had airline transportation been used. IF THE CONFERENCE OR MEETING STARTS BEFORE 1:00 P.M., OR IF THE AIRLINE SCHEDULES REQUIRE, THE NECESSARY MEALS AND LODGING WILL BE PAID FOR THE DAY BEFORE THE MEETING STARTS. IF THE CONFERENCE ENDS AFTER 3:00 P.M., OR IF AIRLINE SCHEDULES REQUIRE, A DINNER AND LODGING THAT EVENING AND THE NECESSARY MEALS THE NEXT DAY WILL BE PAID. THE TIME CONSTRAINTS OF SECTION 8.9.1 APPLY IN ALL CASES. NO MORE TIME SHOULD BE SPENT ON TRAVEL STATUS THAN IS NECESSARY.
- 8.9.4 ~~Out-of-state-travel-funded-by-grant-or-contract-by-external-agencies shall-follow-these-regulations-unless-it-is-specifically-provided in-the-terms-or-conditions-of-the-grant-or-contract-that-some-other regulations-are-applicable:~~

Section 8.10 - Conference Fees

- 8.10.1 Conference registration fees in excess of \$50.00 may be paid to the vendor in advance directly by the University. ~~Utilize-the-^UConference Registration-Fee^U-line-on-the-Travel-Voucher-for-this-purpose:~~ Conference registration fees which include personal membership dues, recreational activities, or other non-reimbursable items will not be paid. A receipt must be provided for conference fees paid directly by the traveler.

8.10.2 Conference registration fees which include meals must be specific as to which meals are included and these meals will not be separately reimbursed. REASONABLE MEAL EXPENSES ARE AUTHORIZED IF THE MEAL IS AN INTEGRAL PART OF THE CONFERENCE. ~~The meal expense included in a registration fee for an in-state conference will be allowed if it does not exceed the rates listed for in-state meals in these regulations.~~ The meal expense included in a registration for an out-of-state conference will be allowed if it is not greater than 150 percent of the rate listed for out-of-state meals in these regulations.

8.10.3 ~~Conference fees in excess of \$200 above the cost of meals included in the fee will not be allowed except as follows:--Tuition (by whatever name) for attendance at a non-credit seminar, workshop, or institute or other training session is permitted up to a maximum of \$1,000 per person (over and above meals included) provided the training is for the position presently held by the employee and is judged by his administrative superiors, including the cognizant Area Officer, and the Vice President Personnel Services, to be necessary or highly desirable for continued satisfactory performance in that position.--Such tuition is to be charged to Standard Object Code 417; Training Tuition.--Written justification for attendance at the training program must accompany the Travel Voucher.--Upon approval of the President or his designated representative as detailed in 8.2.1; Standard Object Code 417; Training Tuition; may be used by faculty if charged to a restricted, non-appropriated fund.~~ CONFERENCE FEES IN EXCESS OF \$300 (EXCLUDING MEALS) WILL NOT BE ALLOWED UNLESS CHARGED TO STANDARD OBJECT CODE (SOC) 417, TRAINING COST. ONLY TRAVEL EXPENSES FOR NON-CREDIT SEMINARS, WORKSHOPS, INSTITUTES, OR OTHER TRAINING SESSIONS ARE CHARGED TO SOC 417, TRAINING COST, PROVIDED THE TRAINING IS FOR THE POSITION PRESENTLY HELD BY THE EMPLOYEE AND IS NECESSARY OR HIGHLY DESIRABLE FOR CONTINUED SATISFACTORY PERFORMANCE IN THAT POSITION. UPON APPROVAL OF THE PRESIDENT OR HIS DESIGNATED REPRESENTATIVE AS DETAILED IN 8.2.1, SOC 417, TRAINING COST, MAY BE USED BY FACULTY ONLY IF CHARGED TO A RESTRICTED, NON-APPROPRIATED FUND. ALL SOC 417 TRAVEL VOUCHERS WITH CONFERENCE FEES IN EXCESS OF \$300 (EXCLUDING MEALS) MUST BE APPROVED BY THE TRAVELER'S ADMINISTRATIVE SUPERIORS, INCLUDING THE COGNIZANT PRINCIPAL ADMINISTRATIVE OFFICER AND THE VICE PRESIDENT-PERSONNEL SERVICES BY ATTACHING A COMPLETED YSU REQUEST FOR EXPENDITURE OF FUNDS FOR TUITION TRAINING (SOC 417) TO THE CORRESPONDING TRAVEL VOUCHER(S).

Section 8.11 - Travel Advances

A travel advance may ONLY be secured to cover the actual cost of commercial transportation AND FOR CONFERENCE FEES THAT EXCEED \$50.00. THE TRAVELER MAY REQUEST THESE ADVANCES BY INDICATING THEM ON THE TRAVEL VOUCHER ALONG WITH THE MAILING INSTRUCTIONS FOR THE CHECKS. THE CHECK FOR THE AIRFARE WILL BE MADE PAYABLE TO THE COMMON CARRIER

OR AUTHORIZED TRAVEL AGENT AND THE ADVANCE CHECK FOR THE CONFERENCE FEE WILL BE MADE PAYABLE TO THE APPROPRIATE PAYEE (NOT THE TRAVELER).
~~So indicate on the Travel Voucher:--The check will be made payable to the common carrier or authorized travel agent:~~ The traveler is responsible for securing a full refund of such payments if the trip does not occur.

Section 8.12 - Cancellation

If a Travel Voucher has been processed and funds encumbered ~~it is important that~~ THE TRAVEL VOUCHER MUST BE RETURNED TO the Controller's office DEPARTMENT WITH THE NOTATION ON THE VOUCHER THAT the trip ~~is WAS cancelled be notified in writing if.~~

YOUNGSTOWN STATE UNIVERSITY
 Analysis of Bids for Official Depository
 For the Period July 1,1983-June 30, 1985

Services	Bank One of Youngstown	Dollar Savings and Trust Company	Mahoning National Bank	Society Bank of Eastern Ohio	YSU 1982-83
1. Checking Accounts	\$	\$	\$	\$14,915	\$
2. Statements				3,460	
3. Wire Transfer			750		
4-7. Miscellaneous Services					
8. Armored Car		2,700	2,700		
9. VISA/Master Card	20,000	27,500	30,175	17,500	20,000
10. Additional Services:					
c. Stop Payment		325	325		
e. Deposit adj. corrections		50			
f. Deposit tickets			250		
g. Coin & currency slips		100	100		
k. Deposit bags		673	490		
 Total Cost	 20,000	 31,348	 34,790	 35,875	 20,000
Income	(14,000)	(14,000)	(14,000)	(14,000)	(12,000)
 Net Cost	 <u>\$6,000</u>	 <u>\$17,348</u>	 <u>\$20,790</u>	 <u>\$21,875</u>	 <u>\$8,000</u>

Note: Costs are for one year.

Prepared by:
 Controller's Dept.
 March 29, 1983

BURDMAN, GILLILAND, FLECK,
MOSTOV & KRETZER
ATTORNEYS AT LAW
1200 WICK BUILDING
YOUNGSTOWN, OHIO 44503 - 1475
216 / 747-8621

B. RICHARD BURDMAN CO., L.P.A.
ROBERT C. GILLILAND CO., L.P.A.
JEFFREY B. FLECK CO., L.P.A.
RONALD C. MOSTOV CO., L.P.A.
ALAN R. KRETZER CO., L.P.A.
GLENN J. SCHWARTZ CO., L.P.A.
RANDALL E. ELLINGTON
MARC S. STEIN CO., L.P.A.
MICHAEL P. MARANDO
JAMES A. VITULLO
BABETTE F. BURDMAN

April 6, 1983

TRUMBULL COUNTY
4424 WARREN - SHARON RD.
P. O. BOX 492
VIENNA, OHIO 44473
216/394-1700

Dr. Neil D. Humphrey
Executive Vice President
Youngstown State University
Youngstown, Ohio 44555

Dear Dr. Humphrey:

You asked for an opinion of counsel as to whether Ohio Ethics Law and related statutes prohibit Youngstown State University (hereinafter referred to as Y.S.U.) from accepting a bid, which is determined to be lowest and best, for university depository and credit card services, when a Y.S.U. Board of Trustees member serves on the Board of Directors of the bank. Further, you asked whether the affected Y.S.U. Trustee would be in violation of Ohio Ethics Law and related statutes.

By way of history, you stated that Y.S.U. currently has two Trustees who serve as members of Boards of Directors at two banks. Past practice of Y.S.U. was to separately offer for bid the depository services and the credit card services. Based upon a policy decision of the Y.S.U. Board of Trustees, specifications were established merging these services into one contract and requesting bids from qualified banks which are headquartered in Youngstown, Ohio. The contract shall be awarded to the lowest and best bidder.

Division (A) (4) of Section 2921.42 of the Revised Code states:

- A. No public official shall knowingly do any of the following:
 1. Authorize, or employ the authority or influence of his office to secure authorization of any public contract

Agenda Item F.3.f.
Exhibit I.

in which he, a member of his family,
or any of his business associates has
an interest;

2. Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;
3. During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, and not let by competitive bidding or let by competitive bidding in which his is not the lowest and best bid;
4. Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;
5. Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars.

A member of the Y.S.U. Board of Trustees is a "public official" as defined in Division (A) of Section 2921.01 of the Revised Code. The deposit of university funds in a bank, along with the use of a bank for credit card services, is a "public contract"

as defined in Division (E) (1) of Section 2921.42 of the Revised Code. Division (A) of Section 2921.42 of the Revised Code prohibits a bank director who serves on the Y.S.U. Board of Trustees from knowingly authorizing or otherwise using the authority or influence of his office to secure approval of a public contract, such as involved herein, between Y.S.U. and the bank in which he has an interest. The bank director's fiduciary, pecuniary and participatory interest in the bank is the basis of his interest in the contract. Further, Division (A) (4) of Section 2921.42 of the Revised Code prohibits a state university official from knowingly having an interest in the profits or benefits of a contract between the university and a bank with which he is associated.

Division (C) of Section 2921.42 of the Revised Code provides an exemption from the prohibitions of that Section if all of the following criteria are met: (1) the subject of the contract is necessary supplies or services; (2) the supplies or services are unobtainable elsewhere for the same or a lower cost, or are furnished as a part of a continuing course of dealing established prior to the public official's association with the governmental entity; (3) the treatment accorded the governmental entity is either preferential or the same as that accorded other customers or clients in similar transactions; and (4) the entire transaction is conducted at arm's length, with full knowledge by the governmental entity of the interest of the public official, provided that he takes no part in the deliberations or decision with respect to the contract. These are factual determinations, and whether a particular transaction meets the criteria of Division (C) of Section 2921.42 of the Revised Code depends upon the facts and circumstances of the individual case.

In the instant case, a contract for depository and credit card services would be necessary for the university. The exemption of Division (C) (2) of Section 2921.42 of the Revised Code for services being furnished as part of a "continuing course of dealing" is not applicable because a new contract is to be issued. (See: Ohio Ethics Commission Advisory Opinion No. 82-007). However, the inapplicability of the "continuing course of dealing" exemption is insignificant so long as the

Dr. Neil D. Humphrey
April 6, 1983
Page Four

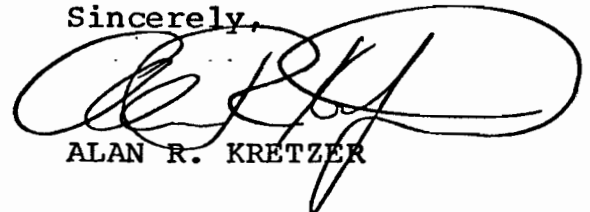
services would be unobtainable elsewhere for the same or lower cost, if they are acquired through proper bidding procedures. (No opinion has been sought, or is being rendered, with regard to the bidding procedure utilized in this case.) It is assumed for purposes of this opinion that the treatment accorded the university is either preferential to or the same as that accorded other customers in similar transactions. Therefore, if this transaction is conducted at arm's length, with full knowledge by the Board of Trustees of the interest of the Trustee in question, and the Trustee takes no part in deliberations or decisions with respect to the contract involving depository and credit card services, the criteria for the exemption of Division (C) of Section 2921.42 of the Revised Code would be satisfied.

It is, therefore, concluded that the contract at issue is not prohibited by law although the Trustee in question would be prohibited from representing the bank before the Board or participating in any discussions, decisions or votes in matters before the Board of Trustees regarding the banking services.

Pursuant to Section 102.08 of the Revised Code, a public official may request an advisory opinion from the Ohio Ethics Commission and reliance on a favorable opinion creates immunity from criminal prosecutions, civil suits or actions for removal from office for violation of Chapter 102 or Section 2921.42 of the Revised Code, based upon facts and circumstances covered by the opinion.

The conclusions of this opinion are based upon the facts presented orally on April 4, 1983 and April 6, 1983. If this opinion fails to address all pertinent issues, or if further advice is required, please do not hesitate to contact me at your earliest convenience.

Sincerely,



ALAN R. KRETZER

ARK:mld

YOUNGSTOWN STATE UNIVERSITY
CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT

May, 1983

EXHIBIT 

Agenda Item F.4.c.
Exhibit J

YOUNGSTOWN STATE UNIVERSITY

CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT

May, 1983

This edition of the Code of Student Rights, Responsibilities, and Conduct (Code) is the product of a complete review of the previously published Code. The process of review was begun by the appointment of a special Task Force in September, 1980. This Task Force was comprised of a representative of Student Government and members of the Student Services staff. The Task Force reviewed the existing edition of the Code, consulted with various University personnel concerning possible revisions, and prepared a preliminary draft in June, 1981.

In July, 1981, the Task Force revision of the Code was distributed to selected student leaders and administrative staff members for their reaction. Three public hearings were then held in October, 1981. The input and reaction resulted in additional changes being incorporated into the document. This second draft was reviewed by members of the Student Services staff in November and December, 1981.

During early 1982, the entire draft was completely edited so that the contents adhered to a consistent format. As a result of a review of an Article devoted to Student Records by the staff from Admissions and Records and by legal counsel, additional changes were made in August, 1982.

During the months of September, October, and November, 1982, the draft of the Code was reviewed by Student Government leaders, the Executive Vice President, and the President. A final draft was prepared and reviewed by the Student Affairs Committee of the Youngstown State University Board of Trustees in December, 1982 and approved in March, 1983. At the April 22, 1983 regular meeting of the Board of Trustees, the Code was adopted.

This is the resulting edition of the Code published under the authority of the Executive Vice President. The printing and distribution of this Code is the responsibility of the Associate Vice President, Student Services.

Code of Student Rights, Responsibilities, and Conduct

PREAMBLE

Youngstown State University is an academic community dedicated to the advancement of learning and development of the individual student. The Code of Student, Rights, Responsibilities, and Conduct states those conditions and regulations considered essential to the effective functioning of the University.

Printed and Distributed by

Associate Vice President, Student Services

May, 1983

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ARTICLE I. RIGHTS AND RESPONSIBILITIES

Section A. Short Title

This Code of Student Rights, Responsibilities and Conduct shall be known as the Code.

Section B. Definitions

When used in this Code

1. The terms "University" and "Institution" shall mean Youngstown State University, and, collectively, those responsible for its operation.
2. The term "student" shall include all persons registered for courses, seminars, workshops, etc., at the University both full time and part time, pursuing undergraduate, graduate, or continuing education programs. (Note: in Article VII, Student Records Policy, The definition of student is somewhat different.)
3. The term "faculty member" shall mean any person employed by the University to conduct classroom activities. In certain situations a person may be both "student" and "faculty member." One's status in a particular situation shall be determined by the relevant circumstances.
4. The term "University official" shall mean any member of the administrative staff or a member of the faculty acting in an administrative capacity.
5. The term "group" shall mean a number of students who are associated with each other and who have not complied with University requirements for registration as an organization.
6. The term "organization" shall mean a University registered student organization which has complied with formal requirements of official registration as provided in Article II of this Code.

7. The term "function" shall mean all student activities or events sponsored by or at the University, by registered student organizations, groups, or by members of the academic community.
8. The term "University premises" shall be defined as (1) any University-owned or-controlled property, (2) non-University facilities during a period of time when a registered student organization has been granted exclusive use and (3) off-campus facilities of student groups or organizations.
9. The term "cheating" shall mean intentionally using or attempting to use unauthorized materials, information, or study aids in or for any class.
10. The term "plagiarism" shall mean intentionally or knowingly representing the words or ideas of another as one's own in any class assignment.
11. The term "reckless" shall mean conduct which one should reasonably be expected to know would create a substantial risk or harm to persons or property or which would otherwise be likely to result in interference with normal University or University-sponsored functions.
12. The term "weapon" shall mean any object or substance that may inflict a wound, cause injury, or incapacitate, including but not limited to fireworks, firearms, pellet guns, switch blade knives, and chemicals such as "mace" or tear gas.
13. The term "hazing" shall mean any mental or physical requirement, request, or obligation placed upon any person (a pledge, associate member, member, affiliate, guest) which could cause discomfort, pain, fright, disgrace, injury, or which is personally degrading or which violates any federal, state, or local statutes or University regulations.
14. The term "legal compulsion" shall mean a judicial or legislative order which requires some action by the person to whom it is directed.

15. The term "file" or "record" shall be used to indicate any discrete gathering of information relating to a current or former student which is stored in a fashion to facilitate recovery of that information by reference to the individual.
16. The "discipline officer" is that individual who administers student discipline cases.
17. The term "shall" is used in the imperative sense.
18. The term "may" is used in the permissive sense.
19. All other terms have their natural meaning unless the context otherwise dictates.

Section C. Basic Rights

The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:

1. The right of free inquiry, expression, and/or assembly.
2. The right to pursue educational goals; appropriate opportunities for learning in the classroom and on-campus shall be provided by the University.
3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizure.
4. No disciplinary sanctions may be imposed upon any student for violations of regulations for which there is not actual or constructive notice. A student accused of violation of University regulations shall be notified of the charges against him/her and the nature and source of evidence upon which the charges are based, and shall be entitled to a fair hearing.

Section D. Basic Responsibilities

Students, as members of the University community, shall have the following responsibilities which are inherent in the basic rights delineated above:

1. To maintain standards of academic performance as established by their instructors.
2. To be responsible for acting in such a manner as to insure other students the rights declared in Article I, Section C.
3. To be responsible for their actions with respect to University rules and regulations.
4. To be responsible for their actions with respect to provisions of local, state, and federal law.
5. To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.
6. To have in their possession a validated University Identification Card when on University premises.

Section E. Student Publications

The University supports several student publications which provide an avenue for students to express their literary and artistic talents. Policies and procedures concerning student publications are recommended to the Associate Vice President, Student Services by the Student Publications Committee. Copies of current policies and procedures are available from the Associate Vice President, Student Services.

ARTICLE II.

INSTITUTIONAL GOVERNANCE

The University recognizes that students are entitled to participate in the formulation of rules, regulations, and policies directly affecting student life.

- A. Fifteen students are elected annually to serve as members of the Academic Senate.
- B. Each year two students are appointed to serve on the Student Affairs Committee of the Board of Trustees.
- C. Students are designated as voting members of most administrative boards and advisory committees and standing committees of the Academic Senate.
- D. Student Government is comprised of two branches, the executive and legislative, and is primarily responsible for conducting all student elections; enforcing Student Council rules, regulations, and legislative actions; nominating students to serve on University-wide committees; and budgeting and administering funds allocated to it. The Student Government Constitution and By-Laws provide the structure and procedures for the implementation of its responsibilities.

ARTICLE III. CAMPUS STUDENT ORGANIZATIONS

Student organizations may exist for any appropriate purpose that does not conflict with University policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the Associate Vice President, Student Services. Such policies may not conflict with other University regulations or policies.

Section A. Provisional Registration

- 1. Groups wishing to become Registered Student Organizations may be granted provisional registration for a period not to exceed thirty days. Provisional registration shall only permit the student organization to use University facilities for a maximum of three organizational meetings.
- 2. Groups may be granted provisional registration after submitting to the Coordinator of Student Activities:
 - a. A statement of name and purpose of the proposed organization.

- b. The name, student identification number, and phone number of the person(s) requesting provisional registration.

Section B. Registration of Student Organizations

1. Application forms shall be made available by the Coordinator of Student Activities.
2. A group will become registered with the University after an application for registration has been reviewed and accepted by the Coordinator of Student Activities.
3. Organizations (except those listed by the University as honorary organizations) shall have only students currently enrolled for credit as active members.
4. Groups shall provide the following information in order to be considered for registration.
 - a. Name of proposed group and a statement of purpose.
 - b. Membership requirements.
 - c. Organizations affiliated with external groups shall be required to provide the constitution and by-laws of their outside affiliate.
 - d. Listing of dues, initiation fees, and any other fees assessed by the group.
 - e. Names, student identification numbers, and phone numbers of all officers and advisors (including a treasurer if use of Student Government funds is anticipated).
 - f. A charter containing the signature of at least eight (8) students currently enrolled in at least eight (8) or more hours (excluding continuing education students) who shall become members of the organization if it is registered.
 - g. Name and the signature of the president and at least one faculty or staff advisor. Appointed annually by the President of the

University, the advisor agrees to maintain contact with the organization and to be familiar with its programs and personnel. (A list of specific responsibilities is available from the Student Activities office.)

h. Registration of all student organizations shall terminate on the last day of April. Organizations shall submit an application for registration on or before this date if they wish to be re-registered for the following year.

i. Organizations wishing to be re-registered shall fill out an annual report form as part of their registration materials

Section C. Privileges of Student Organizations

Within the guidelines of this article, registered student organizations shall be permitted the following:

1. To apply for the use of University space as provided for in Section E, Paragraph 11, of this Article.
2. Use of University name as provided for in Section E, Paragraph 10, of this Article.
3. Assistance of a faculty/staff advisor appointed by the President of the University.
4. To invite guests and speakers to the University as provided for in Section E, Paragraph 12, of this Article.
5. To apply for Student Government funds.
6. To apply for office space in Kilcawley Center.
7. To solicit or raise funds at the University as provided for in Article IV, Section B, 3.
8. To have a mailbox in the Student Activities area of Kilcawley Center.
9. Use of the services of Student Activities office.

Section D. Denial or Loss of Registration

The Coordinator of Student Activities may deny registration to groups, and organizations may lose registration for any of the following reasons:

1. Noncompliance with University regulations.
2. Failure to provide the information required for registration prior to the deadline established by the Student Activities office for receiving such materials.
3. Providing false information in the application for registration.
4. If the purpose of the group/organization is judged by the Coordinator of Student Activities to be in conflict with University policies and regulations and/or state and federal regulations.
5. Misuse or abuse of University space.
6. Failure to adhere to stated purposes of group/organization's constitution and by-laws.
7. Failure to pay outstanding debts incurred by the group/organization.
8. If the group/organization is under sanction of suspension by the University or by the group/organization's outside affiliate.
9. If requested that the ties with the University be severed.

Section E. Regulations Governing Student Organizations

1. Organizations shall not discriminate in their activities, programs, operations, or membership selection on the basis of race, color, sex, religion, national origin, handicap, or sexual preference. (Federal guidelines exempt social fraternities and sororities from Title IX restrictions against discrimination by sex.)
2. Officers of organization (except those listed by the University as honorary organizations) must be registered (eight or more quarter hours) students in good academic standing. Officers shall have primary responsibility for the guests, and for compliance with University regulations.
3. Organizations shall inform the Coordinator of Student Activities of any changes in officers or other information submitted in the application for registration within 15 days after the change occurs.

4. Officers shall keep the faculty/staff advisor(s) informed of the organization's activities, operations, programs, and membership.
5. All social fraternities and sororities shall maintain regular membership in either Interfraternity Council, National Panhellenic Council, or Panhellenic Council.
6. Organizations that have probationary membership (e.g., fraternal organizations) shall not pledge, initiate, or activate any student who is not registered for eight or more quarter hours and in good academic standing.
7. Hazing, in any form, is prohibited.
8. No organization may hold any activity in the form of a lottery, raffle, or game of chance.
9. The University shall not be responsible for any contracts or debts held by groups/organizations.
10. Use of University name.
 - a. No student organization may use the University's name without the express authorization of the University except to identify institutional affiliation. University approval or disapproval of any political or social issue may not be stated or implied by any organization.
 - b. The official letterhead stationery, logo, or seal of the University may not be used in any publication, correspondence, or other printed material prepared or distributed by the organization or its officers without prior submission of the material to and written permission received from the Director of the University Relations.
 - c. In the event that the name of the University is used in a letterhead on organizational stationery, it must appear below the name of the organization and in smaller type at the bottom of the page in a statement such as the following: "(Name of Organization), a student organization of Youngstown State University."

- d. Use of University envelopes or stationery by student organizations is prohibited.

11. Use of University space.

- a. Use of all campus facilities must be scheduled in the Calendar Office. In order to ensure availability of the desired facility, arrangements should be made as far in advance of the event as possible. All social events or functions sponsored by registered student organizations and held on University premises must be registered in the Calendar Office at least one week prior to the date of the event. Off-campus functions should be registered to avoid conflicts with other University functions.

- b. Institutional facilities may be used only by registered student organizations for regular business meetings or special programs. The University may develop policies that limit or restrict access to persons who are not currently enrolled students, faculty, or staff. Organizations use of space must be consistent with all policies of the University.

1. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance and order. This may include staffing and security requirements.

2. A rental fee may be assessed for the use of specifically designated University facilities.

3. The organization requesting space must inform the Calendar Office of the general purpose of any meeting.

- c. For all functions and meetings, the Associate Vice President, Student Services or designee, may require other personnel to be present in a supervisory, or advisory, or security role.

- d. No social event or function shall create a public nuisance. The sponsoring organization(s) shall be responsible for the behavior of persons attending the function

and for any illegal acts either engaged in or knowingly permitted by the organization, including illegal sale and consumption of alcoholic beverages. Officers of an organization shall have primary responsibility for activities of the organization and for its compliance with University regulations. They shall ensure that a public nuisance does not occur as a result of a social event or function sponsored by the organization.

- e. The sponsoring organization(s) may require presentation of valid YSU ID cards for admission to events held on University premises. An organization may limit functions to members of the sponsoring organization(s) and to their invited guests.
- f. Functions which are held in University facilities must end no later than the established closing hour of the facility concerned unless prior arrangements are made through the Calendar Office.

12. Invitation of off-campus speakers

- a. The freedoms of speech and assembly guaranteed by the first and fourteenth amendments to the United States Constitution shall be enjoyed by the members of the University community as respects the opportunity to hear off-campus, or outside, speakers on the campus. Free discussion of subjects of either controversial or noncontroversial nature shall not be curtailed.
- b. However, there is no absolute right to assemble or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. In order that the rights of all students might be assured, the calendaring of outside speakers shall be subject to the following:
 - (1) A request to invite an outside speaker will be considered only when made by a registered student organization.

(2) Any request shall be made to the Calendar Office by an officer of the registered student organization sponsoring the speaker not later than ten calendar days prior to the date of the proposed speaking engagement. This request shall include (a) the name of the sponsoring organization; (b) time and date; (c) desired location of the meeting; (d) expected size of the audience; and (e) topic of speech.

(3) A request made by a registered organization may be denied only if the Associate Vice President, Student Services, determines, after proper inquiry, that the proposed speaker will constitute a clear and present danger to the institution's orderly operation by the speaker's advocacy of such actions as:

- (a) The violent overthrow of the government of the United States, the State of Ohio, or any political subdivision thereof; or
- (b) The willful damage or destruction, or seizure and subversion of the institution's buildings or other property; or
- (c) The forcible disruption or impairment of, or interference with, the institution's regularly scheduled classes or other educational functions; or
- (d) The physical harm, coercion, intimidation, or other invasion of lawful rights, of the institution's officials, faculty members, or students; or other campus disorder of a violent nature. (In determining the existence of a clear and present danger, the Associate Vice President, Student Services, may consider all relevant factors, including whether such speaker has, within the past five years, incited violence resulting in the destruction of property at any educational institution or has willfully caused the forcible disruption of regularly scheduled

classes or other educational functions at any such institution.)

(e) Where the request for an outside speaker is denied, the sponsoring organization may appeal in writing to the President. The President has the authority to grant or deny the request. Such a decision is final.

(4) The Associate Vice President, Student Services, may require that the speaking event be chaired by a member of the administration or faculty, and may further require a statement to be made at the meeting that the views presented are not necessarily those of the institution or of the sponsoring group.

13. Use of bulletin boards.

Bulletin board space is provided in numerous locations throughout campus. Regulations governing the posting of materials on bulletin boards are described below. Posting of materials on trees, posts, buildings, or other non-bulletin board surfaces is prohibited.

- a. Official University/Departmental bulletin boards are located in all University buildings. Regulations governing the posting of materials on these boards are determined by the Department responsible.
- b. Student Council regulations govern individual student and registered student organization materials posted on student bulletin boards located in buildings throughout campus.
- c. Student Services regulations govern the posting of materials in the outdoor enclosed bulletin boards located on campus.
- d. Posting of materials in Kilcawley Center is governed by the Kilcawley Center Policy Manual.
- e. Material not related to registered student organizations or campus activities must be approved by the University Relations Office prior to distribution or posting.

- f. The University reserves the right to deny posting privileges or remove materials that violate any provisions of this Code or other University regulations or policies.
14. Students in University-registered student organizations may distribute written material at designated on-campus locations after registration with the Calendar Office.
15. Student organizations whose programs and activities involve extraordinary risks of health or safety, as determined by the Coordinator of Student Activities, may be required to secure special approval for registration by the Associate Vice President, Student Services. For the protection of the organization and its members, the University may require special liability and/or health insurance coverage on the part of the organization and/or individual members and participants.
16. Organizations shall comply with all University regulations and state and federal laws. Names and addresses of officers shall be required as a condition of registration and access to institutional funds or facilities. Membership lists are not required.

Section F. Enforcement of Regulations

1. Enforcement of social activities regulations is within the jurisdiction of the Associate Vice President, Student Services, as provided for in the regulations of the Board of Trustees.
2. Student groups and organizations may be charged with violations of this Code.
3. A student group/organization and its officers may be held collectively or individually responsible for violations of this Code.
4. The officers or identifiable representatives of a student group/organization may be referred to student hearing panels of the Student Discipline Board for disciplinary actions by the Associate Vice President, Student Services, or designee. (See Article V, Section A, 4.)
5. Sanctions for group/organization misconduct may include revocation or denial of registration, restriction of social activities, limitation or revocation of privileges, (see Section C of this Article), or University disciplinary sanctions.

6. Sanctions may be imposed upon any group/organization engaging in any activity which violates University policies and regulations or local, state, or federal laws on University-owned or -controlled premises or at University-sponsored or -supervised functions.
7. Sanctions imposed against individuals under this section may be appealed to the Student Discipline Board in accordance with the procedures delineated in Article V of this Code. Sanctions imposed against organizations or groups may be appealed to the President through the Associate Vice President, Student Services.

ARTICLE IV. PROSCRIBED CONDUCT

Section A. Jurisdiction of the University

1. Formal disciplinary sanction may be imposed by the University whenever student and/or group/organization behavior interferes with the University's responsibility to ensure a positive educational environment; or its subsidiary responsibilities of protecting the rights, health, and safety of persons in the University community; maintaining and protecting property; keeping accurate records; and providing necessary services and non-classroom activities.
2. Arrest for or conviction of violation of state laws or substantially equivalent municipal ordinances as described in Ohio Revised Code section 3345.22 are subject to special procedures and sanctions as described in the Revised Code.
3. Arrest for or conviction of violation of local, state, or federal laws not covered in Revised Code section 3345.22 shall be of concern to the University only on grounds listed in Paragraph 1 above.
4. When a student is charged by federal, state, or local authorities with violation of law, the University will not request or agree to special consideration for that individual because of his/her status as a student. The University will cooperate fully with law enforcement and other agencies in the enforcement of civil law.

Section B. Conduct Regulations

1. The following University Regulations apply to a student and his/her guests whenever he/she is on University premises:
 - a. Written or other work which a student submits in a course must be the product of his/her own efforts; plagiarism, cheating, or other forms of academic dishonesty are prohibited.
 - b. A student shall not furnish false or misleading information to University officials or on official University records nor shall he/she alter such records.
 - c. A student shall not forge, alter, destroy, or misuse University documents, records, identification cards, or papers.
 - d. A student shall take no action which disrupts or tends to disrupt the peace or which endangers or tends to endanger the safety, health, or life of any person (including self).
 - e. A student shall take no action which damages or tends to damage public property or private property not his/her own without the consent of the owner or the person legally responsible for it.
 - f. A student shall not appropriate for his/her own use public property or private property not his/her own without the consent of the owner or the person legally responsible for it.
 - g. A student shall not possess or use any of the narcotic or hallucinogenic drugs in either refined or crude form except under the direction of a licensed physician. No student shall sell or give such drugs to any other person.
 - h. A student may not use, possess, or distribute alcoholic beverages on University premises except as expressly permitted by law and University regulations.
 - i. A student shall not possess or use firearms or explosive devices on University premises.

- j. A student is responsible for making certain that his/her financial obligations to the University are met.
- k. A student must observe the rules relating to the use of campus buildings and other University-owned, -operated, or -approved facilities and services.
- l. A student must follow oral or written instructions which are consistent with the intent of this Code given by any University official, student, faculty, or staff, whom the Board of Trustees or President has vested with such authority.

2. Demonstrations and Protests

- a. It is recognized that free speech is essential in a democratic society. Students, as individuals or as members of groups/organizations, are permitted to demonstrate and protest on University property in opposition to University, city, state, or national policy provided that they do not violate any University regulation or federal, state, or local law, and no acts are performed which:
 - (1) Cause damage to personal or University property.
 - (2) Cause physical injury to any individual.
 - (3) Prevent any student from attending class, entering or leaving any University facility, or attending any special program on University premises.
 - (4) Prevent administrative officers, faculty, student employees, or invited guests of the University from performing duties they are authorized to perform.
 - (5) Block classroom or laboratory instruction, or any other normal business of the University.
 - (6) Block the free flow of pedestrian or vehicular traffic.
- b. Any organization desiring to set up tables or booths in designated areas on campus must

schedule such activity through the Calendar Office in Kilcawley Center. (See Article III, Section E, 11.)

- c. Every student has the right to be interviewed on-campus by any legal organization desiring to recruit at the institution. Any student, group, or organization may protest against any such organization provided the protest does not interfere with any other student's right to have such an interview.

3. Soliciting

- a. Solicitations and sales sponsored and conducted by registered student organizations on-campus must be registered in advance with the Calendar Office and carried out in the designated areas. (See Article III, Section E, 11.)
- b. No student or group/organization shall engage in, or invite any firm or corporation to engage in, the business of selling or advertising any services or products or take orders or make contracts for the delivery of services or products on University premises without the prior approval of the Associate Vice President, Student Services.
- c. Students or registered student organizations may not solicit for funds off-campus unless the project has been approved in advance by the President of the University.
- d. Lotteries, raffles, or games of chance are prohibited.

ARTICLE V. DUE PROCESS AND DISCIPLINARY PROCEDURES

Section A. General

1. In order to ensure justice and the basic elements of due process, the following procedures have been established for use in all disciplinary proceedings involving students of any college, school, or division of the University.
2. The responsibility for the enforcement of rules and regulations governing student conduct on University premises is delegated to the Associate Vice President, Student Services. The Associate Vice

President, Student Services, or designee, serves as Discipline Officer.

3. The Student Discipline Board is appointed annually by the President to aid in the disciplinary process. This Board, composed of students, faculty, and administrators, is charged with:
 - a. Reviewing disciplinary policies and procedures and recommending any changes deemed necessary;
 - b. Serving as the appeals board for cases heard by Hearing Panels; and
 - c. Reviewing decisions of Hearing Panels at the request of any member of the Discipline Board or at the request of the Associate Vice President, Student Services.
4. Hearing Panels shall be composed of three members of the Student Discipline Board and appointed by the Disciplinary Officer in consultation with the accused student and with the Chairperson of the Student Discipline Board. At least one faculty/staff member shall be selected to serve on all Hearing Panels. Each Hearing Panel shall be chaired by a faculty/staff member appointed by the Disciplinary Officer in consultation with the Chairperson of the Student Discipline Board.

Section B. Sanctions

One or more of the following disciplinary sanctions may be imposed upon students for violation of University regulations:

1. Warning--A written statement that the student is violating or has violated institutional regulations. Continuation or repetition of inappropriate conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.
2. Disciplinary Probation--(1) Notice in writing that any subsequent violation(s) of University regulations during the specified probationary period may result in suspension or expulsion and/or (2) imposition of restrictions or conditions consistent with the offense committed and the rehabilitation of the student.
3. Restitution--Compensation for loss, damage, or injury. This may take the form of appropriate

service and/or monetary or material replacement and may be required in addition to other sanctions as described in this Section.

4. Disciplinary Suspension--Separation of the student from the University for a specified period of time (not to exceed one academic year) after which time the student is eligible to return.
5. Disciplinary Expulsion--Separation of the student from the University with the expectation that the separation will exceed one academic year.
6. Additional Sanctions--Other sanctions may be imposed instead of or in addition to those specified above, (e.g., students may be subject to dismissal from University housing for disciplinary violations which occur in the Residence Hall).

Section C. Interim Suspension

In extraordinary circumstances, the President of the University may suspend a student and deny access to the University campus for a reasonable period of time pending consideration of the case. In event of acquittal, every consideration shall be given to the student for completion of academic work.

Section D. Procedural Standards in Disciplinary Proceedings

1. Any member of the administration, faculty, staff, or student body may file charges against any student for misconduct.
2. The Associate Vice President, Student Services, is charged with primary responsibility for the supervision of student conduct at Youngstown State University.
 - a. The Associate Vice President, Student Services, or designee, shall receive complaints and may initiate investigations of possible violation(s) of this Code. The Associate Vice President, Student Services, or designee shall request the student to appear before him/her at which time the student and/or group/organization shall be informed of the charge(s) and the nature and approximate date of the action from which the charge(s) arose. In the event the student does not appear as requested, the Associate Vice President, Student Services, or designee may proceed to investigate and conclude the case.

- b. Although the Associate Vice President, Student Services, or designee has the authority to impose a sanction of Warning, Restitution, and/or Disciplinary Probation, normally all disciplinary matters will be referred to Hearing Panels. If the violation is such that Disciplinary Suspension or Disciplinary Expulsion seems warranted, the case shall be referred to a Hearing Panel. (If a student has demonstrated psychological/emotional behavior which may create a disruption or danger to any person or to the learning environment, the Associate Vice President, Student Services, may impose any appropriate sanction including suspension.)
- c. A disciplinary sanction imposed or other action taken by the Associate Vice President, Student Services, or designee shall become effective upon written notification to the student and/or group/organization. (If the student files a written letter of appeal with the Associate Vice President, Student Services, or designee, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the student of action taken.) The written notification shall contain the following information:

- (1)The charge(s);
- (2)The regulation(s) of this Code found to have been violated;
- (3)The disciplinary sanction(s) imposed or other action to be taken and the effective date of the action; and
- (4)Advisement of the right of appeal in accordance with the procedures outlined in this Code.

Notification of action taken may be sent to University officials as determined by the Associate Vice President, Student Services, or designee, and in accordance with the Student Records Policy of the University in Article VII of this Code.

3. A student's case shall be brought before a Hearing Panel in the following ways:
- a. By referral by the Associate Vice President, Student Services, or designee; or
 - b. By appeal by the student, or from a group/organization, of the Disciplinary Officer's decision. A student advised of the imposition of a sanction (see Section B, of this Article) may, within five calendar days (excluding Saturdays, Sundays, and holidays) after official notification of action taken, file a formal letter of appeal containing grounds for the appeal with the Associate Vice President, Student Services, or with the Chairperson of the Student Discipline Board.

Grounds for appeal are:

- (1) That the student believes his/her rights, as provided for in this Code or in the United States Constitution, were violated;
- (2) That there is new evidence not reasonably available at the time of the original hearing which may have altered the decision, or
- (3) That the student believes the act in violation of this Code does not justify the sanction invoked.

Normally appeals will be heard as original cases.

4. Hearing Panels shall meet to hear disciplinary cases as expeditiously as possible. The Associate Vice President, Student Services, or designee shall notify the student of the date of the meeting and matters specified in Section D, Paragraph 2a of this Article, at least five days (excluding Saturdays, Sundays, and holidays) prior to the date of the meeting unless the student gives written waiver of his/her right to a five day notice.
- a. The hearing shall be closed to the public.
 - b. Any Panel member who has caused charges to be brought or is a witness against the accused student shall not serve on the Hearing Panel for that case.

- c. The accused student shall be given the opportunity prior to scheduling the hearing to reject up to two potential members of the Hearing Panel for his/her case without cause and may challenge the participation of any Panel member whom the student has reason to believe is biased regarding the case. In the event of a challenge, the Disciplinary Officer and the Chairperson of the Student Disciplinary Board shall determine the legitimacy of the challenge; if the student's reasons are considered relevant and valid the member(s) challenged shall not participate in the hearing.
- d. During the hearing, the Associate Vice President, Student Services, or designee, the accuser(s), and witness(es) shall present information relating to the alleged acts, including written or oral statements, documentary material, and items of property. Upon request, copies of written statements shall be given to the accused student. The student shall be permitted to be present while all information is being presented and shall have the right to submit testimony or evidence on his/her own behalf, and shall have the opportunity to be represented by an advisor of his/her choice. The advisor may participate in the hearing only when recognized by the Chairperson. In the event there are several witnesses, the Chairperson of the Hearing Panel may, if desired, limit the time of presentation.
- e. If the student, without prior notification of just cause to the Associate Vice President, Student Services, or designee, does not appear as requested, the Hearing Panel will hear all pertinent information available and will conclude the case.
- f. Following presentation of the evidence, the Hearing Panel shall meet in closed session and shall come to a decision in which a majority vote shall prevail. The decision of the Panel will be announced to the student immediately after the conclusion of the hearing and will be confirmed later in writing. In the event a sanction is imposed, the letter shall include:

- (1)The charge;
- (2)The regulation(s) of this Code found to have been violated;
- (3)The disciplinary sanction(s) imposed or other action to be taken and the effective date of the action; and
- (4)Advisement of the right to appeal in accordance with the provisions of the Code.

Notification of the Panel's decision will be sent to the student charged, to the person making the charge, and to other persons deemed appropriate by the Associate Vice President, Student Services, or designee.

- g. If the student files a written letter of appeal with the Associate Vice President, Student Services, and if that appeal is denied by the Student Discipline Board, the sanction(s) shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original letter notifying the student of the sanction(s) imposed.
 - h. The Associate Vice President, Student Services, or designee shall maintain records not open to public examination of information received and action taken by Hearing Panels.
5. Appeals of Hearing Panel actions may be made to the Student Discipline Board. To appeal the student must, within five calendar days (excluding Saturdays, Sundays, and holidays) following receipt of the written notification of the sanction imposed, make written appeal to the Associate Vice President, Student Services, or designee, stating the grounds for his/her appeal. The student may, in preparing his/her appeal, have access to records of the case; the records must be reviewed in the office of the Associate Vice President, Student Services, or designee.
- a. Grounds for appeal to the Student Discipline Board are described in Section D, Paragraph 3b, of this Article.

b. The Student Discipline Board shall meet to hear an appealed case as expeditiously as possible (generally within seven calendar days, excluding Saturdays, Sundays, and holidays, after receipt of the formal letter of appeal). The Chairperson shall cause the student to be notified of the date of the meeting and of matters specified in Section D, Paragraph 2a, of this Article at least three days (excluding Saturdays, Sundays, and holidays) prior to the hearing date.

(1)The hearing shall be closed to the public.

(2)Any Board member who has caused charges to be brought, or is a witness, against the student, shall not serve on the Board for that case.

(3)Any board member who perceives a possible conflict of interest may disqualify himself/herself from that case.

(4)The student may challenge the participation of any Board member whom the student has reason to believe is biased regarding the case. If the Disciplinary Officer and the Chairperson of the Student Discipline Board find the student's reasons relevant and valid, the member challenged shall not participate in the appeal.

(5)The student may present the appeal and may have an advisor of his/her choice at the hearing. The advisor may participate in the hearing only when recognized by the Chairperson.

(6)New witnesses and/or new evidence to support the student's case may be introduced only if such evidence was not reasonably available at the time of the original hearing.

(7)If the student, without prior notification of just cause to the Associate Vice President, Student Services, or designee, does not appear at the appeal hearing, the Student Discipline Board will consider all pertinent information and conclude the case.

(8) Following presentation of evidence, the Board shall in closed session come to a decision in which a majority vote shall prevail. The Discipline Board may dispose of the appealed case by:

(a) finding in favor of the student and reversing the decision of the Hearing Panel;

(b) requiring the case to be reheard by the Hearing Panel;

(c) sustaining the decision of the Hearing Panel; or

(d) modifying the sanction as a result of the appeal process.

(9) If the Discipline Board takes action as described in (c) or (d) above the student may appeal in writing to the President of the University within seven days (excluding Saturdays, Sundays, and holidays) following the date of the Discipline Board's decision.

c. In the event of appeal to the President, the President shall review the written record of the case and any letters of appeal or written briefs submitted by the student. The President may also wish to interview the student or appoint a special committee to conduct an additional investigation or hearing and advise him prior to making the final decision. The President shall render a final decision concerning the case and shall notify the Student Discipline Board of the decision.

6. As referred to in this Code, all written correspondence will be mailed to the student's address as it appears in the University's records. It is incumbent upon the student to keep the University advised of his/her current mailing address.

Section E. Disciplinary File

The Associate Vice President, Student Services, or designee shall maintain records, not open to public examination, of information received and action taken by

the disciplinary officer, hearing panels, and Student Discipline Board. (Also see Article VII, Section B, 2b.)

1. Disciplinary sanctions shall not be made part of the student's academic record but shall become part of the student's disciplinary record file. All disciplinary records, except records of expulsion, shall be destroyed four years after final disposition of the case. Upon graduation, the student may petition to the Associate Vice President, Student Services, or designee for destruction of his/her disciplinary records. Depending on the circumstances of the case and the student's development since the incident, Associate Vice President, Student Services, or designee may destroy disciplinary records at the student's request at any time following termination of the sanction. The student may appeal a negative response of the Associate Vice President, Student Services, or designee, to the Student Discipline Board. The Board may modify the decision of the Associate Vice President, Student Services, or designee.
2. Any disciplinary file in the name of the accused shall be voided if the accused is found innocent of the charges.
3. When a complaint or charge against a student fails to be substantiated, all materials collected during the inquiry shall be destroyed.

Section F. Special Procedures

In order to ensure continued participation of students, faculty, and administration in the disciplinary process and to ensure speedy disposition of disciplinary cases, the President of the University is empowered to develop a sub-committee structure in the event of a large number of disciplinary cases. Such sub-committee shall be empowered to hear and to dispose of cases in accordance with the provisions of this Code and shall ensure that all elements of procedural due process delineated in this Article are observed.

ARTICLE VI. STUDENT ACADEMIC GRIEVANCE PROCEDURE¹

Section A. Introduction

1. The Student Academic Grievance Procedure provides the undergraduate students at Youngstown State University with a formal channel through which complaints concerning academic matters may be heard. It creates a system whereby the aggrieved student may receive assistance in pressing a claim through the organization and systems of the University. This procedure is not intended nor should it be used as a means of modifying, changing, or addressing University policies which are mandated by the Board of Trustees or adopted by any policy-making agency of the University.
2. Informal discussions between persons directly involved in a grievance is essential in the early stages of a dispute and should be encouraged at all stages. An equitable solution to the problems should be sought before the respective persons directly involved in the case have assumed official or public positions that might tend to polarize the dispute and render the solution more difficult. If a problem still exists after discussion, the student should bring a complaint to the attention of the Department Chairperson or to the Academic Dean.
3. The Student Academic Grievance Committee will have responsibility for coordinating and implementing this procedure. This Committee will be composed of 13 members: six faculty members, (one from each school) appointed by the Executive Committee of the Academic Senate; six student members (one from each school) appointed by Student Council; and one administrator (organizationally responsible to the Provost) appointed by the Provost. Any matters pertaining to conflict of interest shall be resolved by the Committee. Any action taken by the Committee shall require a majority vote of a quorum (as defined by the Committee).

¹This Procedure was adopted by the Academic Senate on January 1977, and revised on May 18, 1979.

Section B. Procedure

1. Informal Procedure. Before initiating the formal procedure any student having a complaint is urged to resolve the conflict through informal discussion as described in Section A, Paragraph 2, above. If such discussion fails to resolve the matter, the student may:
 - a. Follow the formal procedure described in Paragraph 2 below; or
 - b. Agree, with the parties involved that no further results can be achieved from additional meetings as specified in Paragraph 2a and 3a below in which case the student will prepare a written statement of the grievance to be filed with the Student Government Secretary of Student Grievances. Each member involved with the grievance will file a written deposition within 12 school days² following the last informal meeting of the parties in order to move directly to the final conferences described in Paragraph 3b below.
2. Formal Procedure. The initial steps of the formal procedure are as follows:
 - a. Within twelve (12) school days following an event, or following the student's discovery of an event which the student wishes to grieve, the student shall prepare a written statement of the grievance and submit copies of it to the faculty member (if appropriate), the Department Chairperson, the Dean of the appropriate school, the Student Government Secretary of Student Grievances, and the Student Academic Grievance Committee. A standard grievance form for this purpose may be obtained from the Secretary of Student Grievances or from the office of any Dean. In this and all subsequent steps of the grievance process, the student is entitled without cost to the services, as an advocate, of the Student Government Secretary of Student Grievances

²A school day is defined as excluding Saturdays, Sundays, and holidays.

(or the Secretary's designee) or may employ at their own expense, any other advocate. The individual against whom the grievance is directed may also be represented by an advocate.

- b. Within six (6) school days after the date of the grievance, the lowest ranked person having authority to settle the grievance shall arrange a conference at a time convenient to all parties involved, in which all sides of the dispute may be heard.
- c. Within six (6) school days after the conference, the person calling the conference shall issue a disposition notice concerning the grievance together with a form upon which the student may indicate: a) acceptance or rejection of the disposition, and a determination, or b) to pursue or not to pursue the issue further. The student must file the completed Disposition Reaction Form with the Student Grievance Secretary within six (6) school days after receiving the disposition.

3. Subsequent Steps.

- a. If the student or person against whom the grievance was filed rejects the disposition and indicates an intention to pursue the matter, the administrator of next higher rank than the person identified in Paragraph 2b above shall, within six (6) school days after the date of the Disposition Reaction Form, convene a second conference, following the procedures outlined in Paragraph 2b and Paragraph 2c above.
- b. The process described in Paragraph 3a above shall be repeated until the issue is resolved or until the grievance reaches the academic Dean for resolution. If the Dean denies the grievance and/or the dean's disposition is rejected by either of the parties, the final conference shall be scheduled before the Student Academic Grievance Committee.

The Committee will set a hearing date and will notify all affected parties of the date, time, and place. The notification shall be sufficiently in advance of the hearing so that all parties can be present.

- (2) Prior to the hearing, the Committee will receive all written materials from the affected parties so that they might have an opportunity to review them.
- (3) At the hearing both sides will be heard. The following rights are guaranteed all parties: they will appear, they may be assisted by an advisor chosen from the academic community, they may be heard, they may present pertinent relevant evidence, they may confront those expressing opposing viewpoints, and they may refute evidence.
- (4) After the Committee has heard both sides, it will review in private the information and reach a decision. The Committee's disposition shall be signed by its Chairperson and shall be the concluding phase of the Academic Student Grievance Procedure.
 - i. The decision of the Committee will be forwarded to the Dean of the school or college involved.
 - ii. Copies of the Committee's findings will be placed in the student's permanent file as well as in the faculty member's personnel file. In addition, the Committee's findings shall be forwarded to the faculty member's Department Evaluation Committee.
 - iii. A master file of all pertinent documents of all grievances shall be kept by the Committee.
 - iv. These actions will be taken only in the event that the Student Academic Grievance Committee rules in favor of the student grievant.

Article VII. Student Records Policy

Section A. Introduction

1. The major purpose for maintaining student information at Youngstown State University is based upon the University's objective of providing for the optimal development of its students. Therefore, only the information germane to that purpose should be maintained, collected, and processed. The collection, retention, and dissemination of information about individual students should be based on the following two criteria: (a) to enable the University to better serve its objectives, and (b) to strengthen the efforts to protect students from any damage that might result from a misuse of the information.
2. General principles regarding this policy are:
 - a. Professional judgment, common sense, and a high regard for ethical practice should guide the use and dissemination of student information by all University personnel. An individual requesting information about a current or former student shall be considered to have a "legitimate educational interest" in obtaining the data only if, in the professional opinion of the custodian of the record concerned, the following criteria are met:
 - (1) The information requested has a direct, pertinent, and cogent bearing on an educational decision to be made by the person requesting the information;
 - (2) The decision for which the information is needed is a direct function of the person's official capacity as a University employee or as a representative of a federal, state, or local agency, institution, or employer; and
 - (3) Release of the information is in the best interests of the student concerned and/or in concert with the educational mission of the University.

- b. In no way should any provisions of this policy be construed as a limitation upon the University's ability to help or assist the individual student or student groups. The ability to help or assist students is the overriding thrust and intent of this document, and should be the primary impetus in the implementation of this policy.
- c. Individual members of the academic community may maintain for their personal reference and use information regarding students. As long as this information is not used in a manner which conflicts with this policy, such information need not be subject to scrutiny.
- d. When mandated by law, court order, or summons, the University will transmit to court, to governmental agencies, or to parents certain information pertinent to the student's progress within the University. In such instances the University shall notify the student of releasing the information, in advance.
- e. Subsequent state or federal law supersedes the guidelines and procedures of this policy.

Section B. Definition of Terms

- 1. For the purposes of this Policy, student shall be defined as any person for which a "permanent record card" has been developed and maintained. Both former and current enrollees are included in this definition.
- 2. The following files or records are deemed official student records and covered by this policy. Only the official custodian of these records, or designee, is authorized to speak for the University regarding them.
 - a. The Official Academic Record is the "permanent record card" plus supporting written documents and files maintained by the Office of Admissions and Records. The Dean of Admissions and Records is the official custodian of these records.

Advisement Records are the materials maintained in the college and/or academic departmental offices for the use only in advising and/or preparing the recommendations

for state certification. These are not to be confused with the afore-mentioned official academic record.

- b. Discipline Records including preliminary notification, proceedings, results, and action taken as a result of disciplinary committee hearings, are maintained by the disciplinary officer. The Associate Vice President, Student Services, is the official custodian of these records.
 - c. Counseling Records include the confidential information retained about individual students served by Counselors in the University Counseling center. Director of the Counseling Services is the official custodian of these records.
 - d. International Student Records include copies of admission application, government documents, transcripts of academic work, grade reports, correspondence and other information related to International Students. The Coordinator of International Student Services is the official custodian of these records.
 - e. Financial Aid Records including application, parent's confidential statement, need analysis form, promissory note, employment and other related information, are maintained in the Office of Financial Aids. The Director of Financial Aids is the official custodian of these records.
 - f. Placement Records including applications, resumes, letters of reference, and related information are maintained in the Office of Career Services. The Director of Career services is the official custodian of these records.
 - g. Health Records including physical examination forms, physician's notes, and related information are maintained in Student Health Services. The Associate Vice President, Student Services, is the official custodian of these records.
3. Public Information includes the following data: name, address and telephone listing, place and date of birth, field of study, participation in

officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

4. Confidential Information includes the following data: counseling or referral information and names of personal references.

Section C. Student Access to Records

1. A student, after furnishing appropriate identification, shall have access to his or her own official student records as described in the Section B of this Article. All information in the official student records may be reviewed by the student except for (a) financial records of the parents, and (b) confidential letters and statements of recommendation which are dated prior to January 1, 1975. Any fees assessed for copies will be published in the University Bulletin, Catalog Edition.
2. A student may waive in writing the right of access to his or her official student records. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the University. Documents to which a student has waived his or her right of access may be used only for the purposes for which such documents were collected.

Section D. Release of Information

1. All institutional personnel should be alert to refer promptly to the official custodian of the appropriate office any requests for information. Faculty members and the various institutional offices should restrict their responses to that information germane to their sphere of responsibility in relationship to the student, e.g., faculty, advisor, major professor, academic dean.
2. A current student may petition to have any part of the Public Information restricted by presenting written request to the Dean of Admissions and Records within the first seven (7) calendar days of each academic quarter. A former student may petition to have public information restricted permanently by presenting a written request to the Dean of Admissions and Records.

3. Information contained in student records may be released under the conditions outlined below:
 - a. Public information may be disclosed on an unlimited basis by University personnel in response to oral or written requests.
 - b. Confidential counseling or referral information is available for disclosure only upon written consent of both student and the professional staff member.
 - c. Personal reference statements are confidential and provided only to bonafide prospective employers or school of application upon written request or permission of the student involved.

4. Exceptions to this "release of information" section include:
 - a. If the student has given written consent.
 - b. If requested of other University officials determined to have legitimate educational interest.
 - c. If requested by officials of other college or University in which student seeks to enroll.
 - d. If requested by authorized representatives of the comptroller general of the United States; the secretary of education; or state educational authorities.
 - e. In connection with a student's application for, or receipt of, financial aid.
 - f. If research studies are being conducted in such a manner as will not permit the personal identification of the student except to the researcher.
 - g. If required by accrediting agencies in order to carry out their accrediting functions.
 - h. If an emergency situation arises where the information is deemed necessary to protect the health, safety, or welfare of the student or other persons.

5. The release of non-Public information to non-University parties must be recorded in the individual student file.
6. If non-Public or confidential information is released for any purpose the person(s) receiving the data cannot under law disclose the information to anyone else without the student's written consent; it is incumbent upon the individual releasing the information to inform the parties receiving the data of this policy.

Section E. Challenge to the Content of the Records

If after reviewing the official student record a student wishes to challenge a perceived inaccuracy, misleading statement, or other perceived violation of his or her privacy or other rights, the following procedure is available.

1. The student shall be provided an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data and to insert into such records a written explanation. A student may challenge a grade only on the grounds that it was inaccurately recorded, not that it was lower than the instructor ought to have awarded.
2. If the official custodian of the records and the student agree that information is inaccurate, misleading, or otherwise in violation of the student's rights, the official custodian of the records may make the necessary corrections or remove the information.
3. Upon the request of either the official custodian of the records or the individual student, a hearing may be conducted to settle disputes.
4. The Associate Vice President, Student Services, will serve as a hearing officer. Should the hearing officer have a direct interest in the outcome of the hearing the President will appoint a person to serve as hearing officer. The following guidelines are to be followed:
 - a. The hearing will be conducted and decided within a reasonable period of time following the request for hearing.
 - b. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.

c. The decision of the hearing officer shall be in writing to the student, and inserted into the file within a reasonable period of time after the conclusion of the hearing.

5. Nothing in this policy shall prevent the student from filing a complaint as provided by the law.

Article VIII. Amendment Procedure

Any member of the University may recommend a change in this Code to the Associate Vice President, Student Services. The Associate Vice President, Student Services, shall then distribute copies of this recommendation to the appropriate areas of the University Community, including The Jambar, to allow for reaction from the University community. If endorsed by Associate Vice President, Student Services, the proposal and any appropriate recommendations will be forwarded to the Executive Vice President. If the amendment is adopted, it will be officially announced to the entire University Community and published in the next edition of the Code.

ARTICLE V. STUDENT RIGHTS AND RESPONSIBILITIES

Section 1. ~~General-Regulations~~ AUTHORITY

The Board of Trustees ~~shall~~ DOES HEREBY delegate TO THE ASSOCIATE VICE PRESIDENT, STUDENT SERVICES, THROUGH THE EXECUTIVE VICE PRESIDENT the authority to ~~establish-and enforce all policies and-procedures per-~~taining to student rights and responsibilities at the University; HOWEVER, ADOPTION OF SUCH POLICIES ARE, BY STATE LAW, THE EXCLUSIVE PREROGATIVE OF THE BOARD OF TRUSTEES. ~~The-Executive-Vice-President-shall promulgate-and-publish-regulations-regarding-student-conduct;-he-shall establish-procedures-for-the-enforcement-of-the-University-rules-and enforce-penalties-for-violations-of-such-rules.--The-Executive-Vice President-shall-be-responsible-for-insuring-the-preservation-of-all due-process-rights-for-students.~~

SECTION 2. CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT

THE BOARD OF TRUSTEES ADOPTS BY REFERENCE THE CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT (CODE) WHICH CONTAINS THE FOLLOWING ARTICLES:

- 2.1 RIGHTS AND RESPONSIBILITIES
- 2.2 INSTITUTIONAL GOVERNANCE
- 2.3 CAMPUS STUDENT ORGANIZATIONS
- 2.4 PROSCRIBED CONDUCT
- 2.5 DUE PROCESS AND DISCIPLINARY PROCEDURE
- 2.6 STUDENT ACADEMIC GRIEVANCE PROCEDURE
- 2.7 STUDENT RECORDS POLICY
- 2.8 AMENDMENT PROCEDURE

THIS PUBLICATION SHALL BE WIDELY AVAILABLE TO STUDENTS.

~~Section-2.--Rights-to-Free-Inquiry~~

~~The-University-recognizes-its-obligation-to-provide-for-each-student-to be-afforded-the-opportunity-to-pursue-the-student's-educational-goals. Free-inquiry,-expression,-and-assembly-shall-be-guaranteed-to-each student-while-leaving-the-student-free-to-exercise-rights-and-freedoms as-a-private-citizen.~~

~~Section-3.--Responsibilities-of-Students~~

~~Students,-as-members-of-the-University-community,-shall-have-the-following responsibilities-which-are-inherent-in-the-basic-rights-described-in Section-2:~~

- ~~3.1--The-Student-shall-have-the-responsibility-for-maintaining standards-of-academic-performance-as-established-by-the student's-instructors.~~
- ~~3.2--The-student-shall-be-responsible-for-acting-in-such-a-manner as-to-ensure-other-students-the-rights-declared-in-Section-2 above.~~

~~3.3--The student shall be responsible for his actions with respect to University rules and regulations.~~

~~3.4--The student shall be responsible for his actions with respect to provisions of local, state, and federal law.~~

~~3.5--The student shall be responsible for acting in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.~~

~~Section 4.--Conduct of Students~~

~~Pursuant to Section 2256.03 of the Ohio Revised Code, the Board of Trustees is responsible for the proper maintenance and successful continuous operation of the University. This requires that the student's conduct is properly supervised. The President shall be the final authority in all disciplinary cases. The Associate Vice President, Student Services, is the designated officer responsible to the President through the Executive Vice President for student conduct.~~

~~Regulations governing student conduct may be recommended from time to time with such recommendations subject to the approval of the President and adopted by the Board of Trustees.~~

~~Section 5.--Student Participation in Formulation of Rules~~

~~The University recognizes that students may be entitled to participate in the formulation of rules, regulations, and policies directly affecting student life. Duly selected representatives of the student body are designated as voting members of most ad hoc and standing committees of the University and of the Academic Senate and shall hold membership on the Academic Senate.~~

~~Section 6.--Student Records~~

~~Regulations governing the collection, retention, and dissemination of information about individual students are contained in the Student Records Policy ratified on June 21, 1975, by the Youngstown State University Board of Trustees' Resolution 1975-57 and revised by the Youngstown State University Board of Trustees' Resolution 1978-2. (See Appendix D)~~

~~Section 7.--Due Process~~

~~The University shall recognize the right of due process to those accused of a violation of rules and regulations governing student conduct. In all situations, the accused student shall be informed of the nature of the charges filed against him; he shall have the opportunity to refute such charges; the institution shall not be arbitrary in its actions; and, a procedure shall be adopted for an appeal of a decision. Regular disciplinary procedures shall be formulated and communicated in advance to all students.~~

Section 8. 3. Student Publications

The Board of Trustees recognizes that student publications and the student press are valuable tools in the education process and for

maintaining free discussion on the Youngstown State University campus. While standards of freedom of expression shall be maintained, it shall be the responsibility of each person taking part in student publications to see that irresponsible journalism, libel, indecency and undocumented allegations, attacks on personal integrity and harassment, are at all times avoided.

A faculty advisor for each student publication shall be appointed by the Executive Vice President upon the recommendation of the Publications Board. Said appointment shall be for one year, but can be extended by mutual agreement between the advisor and the Executive Vice President.

Section ~~9~~ 4. Kilcawley Center Board Constitution

The Kilcawley Center is established to provide for a campus-centered life through comprehensive social, cultural, and recreational programs for the Youngstown State University community. Appendix E contains the Kilcawley Center Board Constitution as approved and ratified ~~on February 17, 1975,~~ by Youngstown State University Board of Trustees. ~~Resolution 1975-32.~~ (SEE APPENDIX E)

Solicitations for Support of Broadcasting and Television

The Department of Telecommunications shall be permitted to solicit private gifts and grants which are restricted to the support of programs and services of that department. Solicitations may take the form of "on air" membership drives, underwriting of special programs and productions, acquisition of programs or equipment; however, such funds shall not be used for personal services costs of the department. Solicitations shall comply with administrative rules and procedures approved in advance by the President and must comply with rules and regulations of the Federal Communications Commission. It is the intent of this policy that gifts to the University which are restricted to the support of the Department of Telecommunications shall be an inherent part of the current operating funding of the department, and shall not be accepted when a condition of the donor is their use for operational "enrichment" beyond current funding levels. The President shall insure that this policy does not conflict with existing policies of the Board recognizing the Youngstown Educational Foundation as the principal body for soliciting funds in the name of Youngstown State University.

Section 5. Faculty, Staff, Alumni, and Student Mailing Lists

Faculty, administrative officers, or properly identified representatives from federal, state, or local agencies may be provided Youngstown State University faculty, staff, alumni, and student mailing lists if such individuals or agencies have a legitimate, other than a commercial interest, and demonstrate a need to have such lists. All requests shall be in writing and must indicate the purpose for which the mailing list is to be used. All requests shall be approved by the President, or his designee.



COPY

YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

May 23, 1983

TO THE TRUSTEES OF
YOUNGSTOWN STATE UNIVERSITY

Enclosed is copy of draft of Minutes of the meeting of the Board
of Trustees held on April 22, 1983.

Yours very truly,

A handwritten signature in cursive script that reads "Franklin S. Bennett".

Secretary to the Board of
Trustees

FSB:EVT
Enc.

Copy to:

Each of Nine Trustees

Dr. John J. Coffelt, President

Dr. Bernard T. Gillis, Provost

Dr. Neil D. Humphrey, Executive Vice President

Dr. Taylor Alderman, Vice President Personnel
Services

Edmund J. Salata, Dean of Administrative Services

Attorney Alan R. Kretzer, Legal Counsel

Attorney Theodore R. Cubbison, Legal Services
Officer

Mr. Fred W. Rich, State Examiner