

MINUTES OF SPECIAL MEETING
OF
BOARD OF TRUSTEES
OF
YOUNGSTOWN STATE UNIVERSITY

Tod Administration Building
Thursday, July 26, 1990

Pursuant to a call by the President, dated July 12, 1990, a Special Meeting (the one hundred and forty-first) of the Board of Trustees of Youngstown State University convened at 4:00 P.M., Thursday, July 26, 1990, in the Board Room in Tod Administration Building.

Seven Trustees were present at the meeting, to-wit: Mrs. Emily P. Mackall, Dr. Earnest J. Perry, Mrs. Elizabeth C. DeLuca, Mr. Martin J. O'Connell, Mr. Richard P. McLaughlin, Mr. Edward A. Flask, and Mr. Mark E. Lyden. Absent were Trustees Dr. John F. Geletka, Michael I. Monus and Student Trustee Ralph M. Crum.

Also present were Dr. Neil D. Humphrey, President; Dr. Bernard T. Gillis, Provost; Dr. Lawrence E. Looby, Vice President - Institutional Advancement; Dr. Charles A. McBriarty, Vice President - Student Services; Ms. Shirley A. Carpenter, Executive Director of Personnel Services; Mr. Edmund J. Salata, Executive Director of Facilities; Mr. Alan R. Kretzer, Special Counsel to the Attorney General of Ohio; Mr. Dennis A. Clouse, ~~Assistant Vice President for Labor Relations~~; Mr. James E. McCollum, Assistant to the President for Legal Services; and Franklin S. Bennett, Jr., Secretary to the Board of Trustees.

Director
of
Classified
Personnel

Mrs. Emily P. Mackall, Chairperson 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 by the Secretary on July 13, 1990, to each of the nine Trustees, the Student Trustee, and to the President; and that copies had also been mailed to Dr. John B. Russo, President of the YSU Chapter of OEA; to Mr. Alan R. Kretzer, Special Counsel; to Mr. Thomas Thompson, President of YSU-ACE; and to Ms. Lori Skarbinski, Executive Director of the YSU Alumni Association. Such evidence precedes these Minutes.

ITEM II: DISPOSITION OF MINUTES FOR MEETING HELD JUNE 22, 1990

Copies of the draft of the Minutes of the Meeting of the Board of Trustees held on June 22, 1990, had been mailed to each Trustee, to the President, Provost, University Vice Presidents and Executive Directors, the State Examiner, the Special Counsel and the Legal

Services Officer. Upon motion made by Mr. McLaughlin, seconded by Mrs. DeLuca, the Board unanimously adopted the Minutes of the Meeting of June 22, 1990, as mailed.

ITEM III: REPORT OF THE PRESIDENT OF THE UNIVERSITY

Dr. Humphrey reported the following three items of information:

A. Dr. Humphrey introduced Ms. Shirley Carpenter, recently hired as Executive Director of Personnel Services. Dr. Humphrey stated that prior to coming to YSU, Ms. Carpenter had served as Manager of Employment Services at the University of California Medical Center at San Francisco. The Board joined Dr. Humphrey in welcoming Ms. Carpenter to the University community.

B. Dr. Humphrey introduced Atty. James P. Wilkins, of the law firm of Millisor & Nobil, Special Counsel to the Attorney General of the State of Ohio. Dr. Humphrey stated that Atty. Wilkins had assisted the University in collective bargaining labor negotiations, including those held recently with the YSU-Association of Professional/Administrative Staff.

C. Dr. Humphrey reported that the University had succeeded in attaining minority set-aside goals for operating purchases and construction services for the fiscal year ending June 30, 1990. Dr. Humphrey stated that at least fifteen percent (15%) of operating purchases had been made through minority enterprises, and that at least five percent (5%) of construction services contracted for had been placed with minority enterprises during the recently-ended fiscal year.

ITEM IV: REPORT OF THE COMMITTEES OF THE BOARD

A. Personnel Committee.

The Chairperson recognized Mr. McLaughlin who made the following Motion:

I move that the Board vote by roll call to hold an Executive Session for the purpose of considering collective bargaining discussions.

The Motion was seconded by Dr. Perry. Thereupon, the Chairperson requested the Secretary to conduct a roll call vote upon the Motion, the results of which are as follows ("Yes" being in favor of the Motion):

Mrs. Mackall	Yes	Mr. McLaughlin	Yes
Dr. Perry	Yes	Mr. Flask	Yes
Mrs. DeLuca	Yes	Mr. Lyden	Yes
Mr. O'Connell	Yes		

The Motion having carried unanimously, the Trustees then adjourned to Executive Session in the Manchester Room at 4:10 P.M. for approximately one-quarter hour. Accompanying the Trustees into Executive Session at the request of the President were Dr. Gillis, Ms. Carpenter, Atty. Kretzer, and Atty. Wilkins.

The Trustees returned to the Board Room at approximately 4:25 P.M., and the Special Meeting resumed. The Chairperson recognized Mr. Lyden, who read and moved for adoption the following Resolution:

Resolution to Ratify APAS Contract

YR 1991-1

WHEREAS, the tentative Agreement for 1990-91 and 1991-92 between Youngstown State University and the Youngstown State University Association of Professional/Administrative Staff, an affiliate of the National Education Association and the Ohio Education Association, has been negotiated within parameters established by the Personnel Relations Committee of the Board of Trustees; and

WHEREAS, the tentative Agreement has been reviewed by the Personnel Relations Committee and verified as being within the prescribed parameters and within the adopted 1990-91 operating budget of the University;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Youngstown State University that the tentative Agreement between Youngstown State University and the Youngstown State University Association of Professional/Administrative Staff for the period July 1, 1990 through June 30, 1992 is hereby ratified.

The Motion was seconded by Mrs. DeLuca. There being no discussion upon the Motion, the Chairperson called for a voice vote on the Motion. Thereupon, the Trustees voted unanimously to adopt the Resolution to Ratify the APAS Contract. The Chairperson declared the Motion carried and the Resolution adopted.

The Chairperson recognized Mr. Lyden who read and moved for adoption the following Resolution:

Resolution to Authorize Transfer
From the Unallocated Reserve of Various Funds

YR 1991-2

WHEREAS, the FY 1990-91 budget document adopted by the Board of Trustees requires the approval of the Board of Trustees for all transfers from the Unallocated Reserve of any budget fund; and

WHEREAS, the Board of Trustees has approved the collective bargaining agreement with the Association of Professional/ Administrative Staff (APAS) which provides for compensation and other increases for FY 1990-91; and

WHEREAS, reserves to provide funding for increases were established in each of the budget funds;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize and direct the transfer of up to \$280,000.00 to implement the compensation components and other increases as provided for in the Agreement.

The Motion was seconded by Mrs. DeLuca and, after discussion, received the unanimous affirmative vote of the Trustees present. The Chairperson declared the Motion carried and the Resolution adopted.

The Chairperson recognized Mr. Lyden who read and moved for adoption the following Resolution:

Resolution Concerning Excluded Professional/
Administrative Employee Salaries for 1990-91

YR 1991-3

WHEREAS, athletic coaches and "soft money" positions (those paid from grants and contracts) are now excluded from the unit of professional/administrative employees represented by the Youngstown State University Association of Professional/ Administrative Staff, an affiliate of the National Education Association and the Ohio Education Association; and

WHEREAS, the 1990-91 salaries for these positions must now be established in an equitable manner which is consistent with the procedure used for all other professional/administrative staff excluded from collective bargaining; and

WHEREAS, establishing the 1990-91 salaries for this group includes review of the classification for each position, including the feasibility of an open classification for assistant coaches similar in concept to that used for head coaches;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Youngstown State University, that the University administration is authorized and directed to reclassify all professional/administrative positions which are newly excluded positions from collective bargaining, and to recommend to the Board of Trustees through its Personnel Relations Committee in September, 1990, the appropriate salary adjustments for 1990-91 with

the understanding that such adjustments will be retroactive to July 1, 1990.

The Motion was seconded by Mrs. DeLuca and, after discussion, received the unanimous affirmative vote of the Trustees present. The Chairperson declared the Motion carried and the Resolution adopted.

B. Building and Property Committee.

Mr. O'Connell reported that the Building and Property Committee recommended three Resolutions for adoption by the Board. He then read and moved for adoption the following Resolution:

Resolution to Authorize Land Appropriation Procedure

YR 1991-4

WHEREAS, the Board of Trustees of Youngstown State University, through its Long Range Facilities Master Plan, has authorized University administration to enter into negotiations to purchase real estate within the area bounded on the north by Madison Avenue, on the south by the Freeway Access Road, on the west by the intersection of Madison Avenue and Michigan Avenue, and on the east by Elm Street; and

WHEREAS, negotiations for the N.E. part of O.L. 218, Parcel No. 209, 216 Custer Street, owned by Marvin Logan, and the south part of O.L. 218, Parcel No. 137, 215 Custer Street, owned by Willie Lenon, are at impasse;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the administration to request the Ohio Department of Administrative Services to appropriate the above identified parcels of real estate.

The Motion was seconded by Mrs. DeLuca and, after discussion, received the unanimous affirmative vote of the Trustees present. The Chairperson declared the Motion carried and the Resolution adopted.

The Chairperson recognized Mr. O'Connell who read and moved for adoption the following Resolution:

WHEREAS, there have been repeated incidents of criminal trespass and sabotage at the Lyden House construction project; and

WHEREAS, the University has requested that on-site security be provided by the contractors, and such request has been refused; and

This resolution was not approved as is - see the amended resolution beginning on p. 6.

WHEREAS, the project Associate Architect has ordered Enertech Electrical (the apparent target of the sabotage) to provide on-site security and Enertech Electrical has refused to do so; and

WHEREAS, the Board of Trustees of Youngstown State University believes that substantial risk of further unlawful acts is probable unless on-site security services are secured for the Lyden House construction project; and

WHEREAS, the Board of Trustees of Youngstown State University believes that the University is not legally and/or contractually obligated to provide construction site security;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University, acting in the urgency of the special conditions existing with site security at the Lyden House construction project, and recognizing that the University interest in the timely completion of the project is likely to be hampered unless site security is provided, does hereby authorize the University administration to contract with a professional contract security service for adequate and sufficient on-site security during all times that construction work is not taking place.

BE IT FURTHER RESOLVED, that the Board of Trustees of Youngstown State University does hereby direct the administration to request the Associate Architect to invoke the applicable dispute resolution mechanism to determine site security financial responsibility.

The Motion was seconded by Mr. McLaughlin. The Chairperson recognized Mr. O'Connell who stated that he wished to revise the Resolution to reflect the legal opinion issued by Special Counsel Kretzer and moved that the Resolution be amended to state as follows:

Resolution to Contract for On-Premises
Construction Site Security Services

YR 1991-5

WHEREAS, there have been repeated incidents of criminal trespass and sabotage at the Lyden House construction project; and

WHEREAS, the University has requested that on-site security be provided by the contractors, and such request has been refused; and

WHEREAS, the project Associate Architect has ordered Enertech Electrical (the apparent target of the sabotage) to provide

on-site security and Enertech Electrical has refused to do so;
and

WHEREAS, the Board of Trustees of Youngstown State University believes that substantial risk of further unlawful acts is probable unless on-site security services are secured for the Lyden House construction project; and

WHEREAS, the Board of Trustees of Youngstown State University has been advised by counsel that the University is not legally and/or contractually obligated to provide construction site security;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University, acting in the urgency of the special conditions existing with site security at the Lyden House construction project, and recognizing that the University interest in the timely completion of the project is likely to be hampered unless site security is provided, does hereby authorize the University administration to contract with a professional contract security service for adequate and sufficient on-site security during all times that construction work is not taking place.

BE IT FURTHER RESOLVED, that the Board of Trustees of Youngstown State University does hereby direct the administration to request the Associate Architect to invoke the applicable dispute resolution mechanism to determine site security financial responsibility.

The Motion to amend was seconded by Mr. McLaughlin. Atty. Kretzer, Special Counsel, was called upon to discuss the legal issues addressed by the Resolution. Atty. Kretzer stated that after having researched the matter, it is his legal opinion that the University does not have a legal or contractual obligation to provide security at the Lyden House construction site. Upon discussion, the Motion to Amend received the affirmative vote of all of the Trustees present and was declared carried by the Chairperson.

Thereupon, the Motion received the unanimous vote of the Trustees present. The Chairperson declared the Motion carried and the Resolution, as amended, adopted.

The Chairperson recognized Mr. O'Connell who read and moved for adoption the following Resolution:

Resolution Concerning Use of Athletic Scholarships

YR 1991-6

WHEREAS, the University has expanded its on-campus student housing in order to provide for the general student body and for student athletes;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby limit the use of the board and room portion of athletic scholarships to University owned and operated facilities to the extent that the University can accommodate such student athletes, giving full consideration to gender and marital status.

BE IT FURTHER RESOLVED, that the administration is authorized to make exceptions to this rule provided both the Executive Director of Athletics and the Vice President for Student Services agree in writing that the needs of both the student athlete and the University are being met.

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

ITEM V: COMMUNICATIONS & MEMORIALS

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

ITEM VI: UNFINISHED BUSINESS

There was no unfinished business discussed.

ITEM VII: NEW BUSINESS

There was no new business discussed.

ITEM VIII: ADJOURNMENT

There being no further business, and upon Motion duly made and seconded, the Special Meeting of the Board of Trustees was adjourned at 4:45 o'clock, P.M.



Chairperson

ATTEST:



Secretary to the Board of Trustees

MEMORANDUM OF TRANSMITTAL

TO: MEMBERS OF THE BOARD OF TRUSTEES OF YOUNGSTOWN STATE
UNIVERSITY AND DR. NEIL D. HUMPHREY, PRESIDENT

FROM: FRANKLIN S. BENNETT, JR., SECRETARY TO THE BOARD *FSB*

DATE: SEPTEMBER 10, 1990

RE: MINUTES OF MEETINGS

- A. SPECIAL MEETING OF THE BOARD - JULY 26, 1990;
- B. ACADEMIC AFFAIRS COMMITTEE - SEPTEMBER 5, 1990;
- C. BUDGET & FINANCE COMMITTEE - SEPTEMBER 6, 1990;
- D. BUILDING & PROPERTY COMMITTEE - SEPTEMBER 6, 1990;
- E. PERSONNEL COMMITTEE - SEPTEMBER 7, 1990;
- F. PUBLIC SERVICES - SEPTEMBER 7, 1990.

Enclosed are draft minutes for the above-described meetings of the Board and its Committees. Please review these Minutes noting any questions or corrections you might have. The Minutes of the July 26, 1990, Special Meeting of the Board will be considered at the Board's meeting of September 14, 1990. Committee members are encouraged to contact the Secretary with any corrections to Committee Minutes so that revised Minutes may be sent prior to the Board Meeting.



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

July 13, 1990


TO ALL TRUSTEES OF
YOUNGSTOWN STATE UNIVERSITY

I am enclosing a copy of the Call by Dr. Neil D. Humphrey, President of the University for a Special Meeting of the Board of Trustees to be held on:

Thursday, July 26, 1990 at 4:00 p.m.

Board Room in Tod Administration Building.

Very truly yours,


Franklin S. Bennett, Jr.
Secretary to the Board
of Trustees

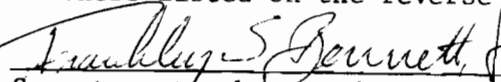
FBJ;jlc

Enclosure

Copy to: Each of Trustees
Dr. Neil D. Humphrey, President
Dr. John B. Russo, President YSU-OEA
Ms. Lori Skarbinski, Executive
Director YSU Alumni Association
Mr. Thomas Thompson, President YSU-ACE
Alan R. Kretzer, Esq., Legal Counsel
Mr. Ralph M. Crum, Student Trustee

CERTIFIED MAIL

Copies of the above notice were mailed on July 13, 1990 to each of the nine Trustees and to the President, as listed on reverse side of this page, and a copy was also mailed on the date to each of the four others listed on the reverse side of this page.


Secretary to the Board of Trustees

TRUSTEES AND THE PRESIDENT

Mrs. Elizabeth C. DeLuca
2968 Heatherbrae Drive
Poland, Ohio 44514

Attorney Edward A. Flask
Flask, Policy, Weimer & White
20 Federal Plaza West, Suite 610
P.O. Box 959
Youngstown, Ohio 44501

Dr. John F. Geletka
5121 Mahoning Avenue
Austintown, Ohio 44515

Mr. Mark E. Lyden, Vice President
and Secretary
The Lyden Company
2711 LeHarps Road
P.O. Box 1854
Youngstown, Ohio 44501

Dr. Earnest Perry
1320 Belmont Avenue, Suite #2
Youngstown, Ohio 44505

Mrs. Emily P. Mackall
Mackall Motors
P.O. Box 111
995 N. Market Street
East Palestine, Ohio 44413

Attorney Richard P. McLaughlin
McLaughlin, McNally & Carlin
City Centre One Building
Youngstown, Ohio 44503

Mr. Michael I. Monus, President
PharMor, Inc.
20 Federal Plaza
P.O. Box 400
Youngstown, Ohio 44501

Mr. Martin J. O'Connell, Business Manager
Plumbers & Steamfitters Locan Union No. 87
Southwoods Center, Suite 322
7655 Market Street
Youngstown, Ohio 44512

Dr. Neil D. Humphrey, President
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dr. John B. Russo, President YSU-OEA
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Attorney Alan R. Kretzer
Legal Counsel
1200 Wick Building
Youngstown, Ohio 44503

Ms. Lori Skarbinski, Executive
Director YSU Alumni Association
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Mr. Thomas Thompson, President, YSU-ACE
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Mr. Ralph M. Crum, Student Trustee
25 Camelot Court
Canfield, Ohio 44406

MEMO TO: DR. DAVID A. GENAWAY, Librarian

FROM: FRANKLIN S. BENNETT, JR., Secretary
to the Board of Trustees

DATE: SEPTEMBER 14, 1990

RE: Minutes of Special Meeting of
the Board of Trustees held
July 26, 1990

I am enclosing a xerox copy of the original Minutes of the Board of Trustees meeting referred to above.

The original Minutes were approved, signed and attested at today's meeting of the Board of Trustees.

F.S.B., Jr.

xc: Dr. Neil D. Humphrey, President
Dr. Bernard T. Gillis, Provost
Mrs. Emily P. Mackall, Chairperson



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

September 14, 1990

Dr. John B. Russo, President
YSU-OEA
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dear Dr. Russo:

Enclosed for your records find a copy of the Minutes of the Special Meeting of the Board of Trustees held July 26, 1990.

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

Very truly yours,

Franklin S. Bennett
Secretary to the Board of Trustees

FBJ:jlc

Enclosure

Copy to: Dr. Neil D. Humphrey
Dr. Taylor Alderman



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

September 14, 1990

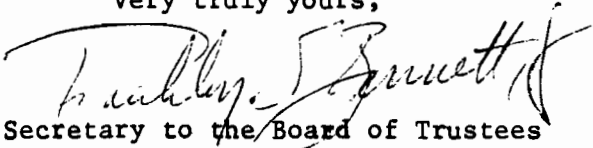
Mr. Thomas Thompson, President
YSU-ACE
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dr. Mr. Thompson:

Enclosed for your records find a copy of the Minutes of the Special Meeting of the Board of Trustees held July 26, 1990.

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

Very truly yours,


Secretary to the Board of Trustees

FBJ:jlc

Enclosure

Xerox copy to: Dr. Neil D. Humphrey
Dr. Taylor Alderman



YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN, OHIO 44555

September 14, 1990

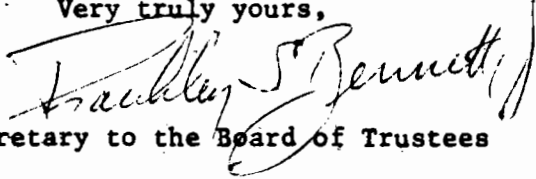
Ms. Lori Skarbinski, Executive
Director YSU Alumni Association
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44555

Dear Ms. Skarbinski:

Enclosed for your records find a copy of the Minutes of the Special Meeting of the Board of Trustees held July 26, 1990.

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

Very truly yours,


Secretary to the Board of Trustees

FBJ:jlc

Enclosure

Copy to: Dr. Neil D. Humphrey