



# YOUNGSTOWN STATE UNIVERSITY

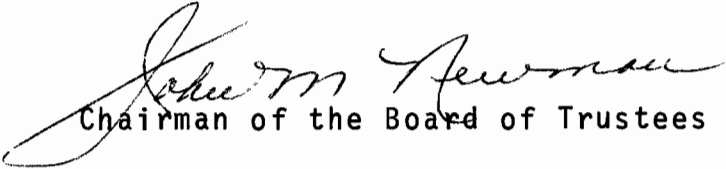
YOUNGSTOWN, OHIO 44503

February 13, 1974

TO THE TRUSTEES OF  
YOUNGSTOWN STATE UNIVERSITY

This is to advise that I am calling a Special Meeting of the Board of Trustees of Youngstown State University, to be held on Monday, February 18, 1974, commencing at noon, in the Faculty Lounge in Kilcawley Center. The purpose of the meeting is to discuss and possibly act upon the possible arbitration of a grievance which has not yet been settled.

I am requesting that we meet informally at 11:00 a.m., which is one hour prior to the Special Meeting, for a conference in the Dean's Conference Room, which is Room 214, on the second floor of the Engineering Science Building.

  
Chairman of the Board of Trustees

JMN MM

STATE OF OHIO            )  
                               )  
 COUNTY OF MAHONING    )

## AFFIDAVIT

HUGH W. MANCHESTER, being first duly sworn, deposes and says that he is Secretary to the Board of Trustees of Youngstown State University; that on the 13th day of February, 1974, he caused to be mailed to each of the Trustees of Youngstown State University, a true copy of the Notice and Call for a Special Meeting dated February 13, 1974, and signed by John M. Newman, Chairman of the Board of Trustees of Youngstown State University, a copy of which Notice is hereto attached; that proper United States postage in the amount of \$0.53 was affixed to each envelope in which such Notices were enclosed; that such envelopes were addressed to each of the following addresses, by Certified Mail, numbered as set opposite such names and addresses, and that the Certified Mail Receipts of the addresses are hereto attached.

William J. Brown The Youngstown Vindicator Vindicator Square Youngstown, Ohio 44503	402897
Dr. Bertie B. Burrowes 529 North Avenue Youngstown, Ohio 44502	402898
Carl L. Dennison Butler, Wick & Company 6th Floor, Union Natl. Bank Bldg. Youngstown, Ohio 44503	402899
Mrs. Ann L. Isroff 11 Wildfern Drive Youngstown, Ohio 44505	402900
John M. Newman 1010 Union Natl. Bank Bldg. Youngstown, Ohio 44503	402901
Albert J. Shipka c/o United Steel Workers of America Realty Building 47 Central Square Youngstown, Ohio 44503	402902

Fred C. Shutrump, Jr. 402903  
 United Construction Company  
 3749 Mahoning Avenue  
 Youngstown, Ohio 44515

Robert E. Williams 402904  
 1359 Virginia Trail  
 Youngstown, Ohio 44505

Raymond J. Wean, Jr. 402905  
 Wean United, Inc.  
 Three Gateway Center  
 401 Liberty Avenue  
 Pittsburgh, Pa. 15222

ALSO TO:

Dr. John J. Coffelt, President 402906  
 Youngstown State University  
 410 Wick Avenue  
 Youngstown, Ohio 44503

Hugh W. Manchester

Sworn to before me and subscribed in my presence this  
13<sup>th</sup> day of February, 1974.

Marian M. Moorhouse  
 Notary Public

MARIAN M. MOORHOUSE, Notary Public  
 MAHONING & TRUMBULL COUNTIES  
 My Commission Expires July 17, 1978

SPECIAL MEETING OF BOARD OF TRUSTEES

of

YOUNGSTOWN STATE UNIVERSITY

Faculty Lounge, Kilcawley Center  
February 18, 1974

Pursuant to the foregoing call by the Chairman of the Board dated February 13, 1974, a special meeting (the thirty-seventh) of the Board of Trustees of Youngstown State University convened on Monday, February 18, 1974, at noon, in the Faculty Lounge in Kilcawley Center.

Seven Trustees were present including John M. Newman, Chairman, who presided, Dr. Bertie B. Burrowes, Carl L. Dennison, Albert J. Shipka, Fred C. Shutrump, Jr. and Robert E. Williams. Three Trustees were absent including William J. Brown, Mrs. Ann L. Isroff, and Raymond J. Wean, Jr.

Also present were Dr. John J. Coffelt, President, Dr. Earl E. Edgar, Vice President for Academic Affairs, Dr. Karl E. Krill, Vice President for Administrative Affairs, Joseph S. Rook, Vice President for Financial Affairs, Philip A. Snyder, Director of University Relations, Guy Solomon and Miss Wendy Goodrich, of Public Relations Department, Hugh W. Manchester, Secretary of the Board of Trustees, John G. Ingram, Special Counsel and Assistant to the Attorney General, Dr. Thomas Shipka, President of Youngstown State University Chapter of the Ohio Education Association, and about six other members of the faculty.

The Secretary reported that Notice of the Meeting had been mailed to all Trustees on February 13, 1974 and that proper evidence was available for inclusion in the minutes.

The Chairman announced that a quorum was present and called upon Dr. Coffelt for a statement as to the reasons for the Special Meeting.

Dr. Coffelt stated that he had requested the Special Meeting to resolve a question which had been developing since 1972 when bargaining with the YSU-OEA began. All involved have been handicapped by the lack of a public law delineating the power and authority of public boards and public employees to enter into collective bargaining agreements, and by controversy as to the power of a board of trustees to delegate to a third party its authority as vested in such board by statute.

The question has now arisen because of a formal request made on February 6, 1974 by the President of YSU Chapter of OEA that a grievance of Dr. Demen relative to his request for promotion be submitted to binding arbitration under the fourth step of Grievance Process outlined in the Agreement made as of July, 1973, with such Chapter. Dr. Coffelt reminded the Trustees that in May, 1973, before approval of such Agreement a formal Attorney General's opinion had been sought as to the validity of the Agreement; that under date of May 25, 1973 Eric R. Gilbertson, then Assistant Attorney General, had in writing expressed concern and doubt as to the legality of submitting any personnel matters to binding arbitration and had invited submission of specific questions, if and when they might thereafter arise; that under date of June 5, 1973 Mr. Gilbertson had in writing again advised signing the Agreement, only with the clear understanding that parts of the Agreement were probably not enforceable; and under date of June 20, 1973 he had pointed out that expenditure of monies for an unlawful purpose would result in personal liability of the Trustees involved; that under date of July 31, 1973 Chairman Newman had by writing requested formal opinions of the Attorney General of Ohio on eight specific questions arising out of the Agreement, including the specific question as to whether the Board could lawfully subject a State University to binding arbitration by agreement with representatives of some of its employees.

To date no formal opinion of the Attorney General has been received, and there is no assurance that it will be issued. Under date of December 21, 1973 the question was submitted to Attorney John G. Ingram, who is the Special Counsel presently acting for the University by direction of the Attorney General, and under date of December 28, 1973 Mr. Ingram submitted his formal opinion that the clause in the Agreement which requires binding arbitration is unlawful and should not be used to settle any dispute which arises under the Agreement.

Mr. Shutrump then moved for adoption the following resolution:

"WHEREAS, the Board of Trustees on May 21, 1973, contingently approved the Agreement with the Youngstown State University Chapter of the Ohio Education Association; and YR 1974-21

WHEREAS, such approval was contingent upon receipt of an Attorney General's opinion that the Agreement was within the scope of the Trustees' authority; and

WHEREAS, the Board of Trustees has asked the Attorney General, if eight (8) specific items in the Agreement are within the scope of the Trustees' authority; and

WHEREAS, one of the eight (8) items was concerned with the Board of Trustees' authority to be a party to binding arbitration; and

WHEREAS, the Attorney General has not issued an opinion on the Trustees' scope authority in relation to any of the eight (8) items.

NOW, THEREFORE, BE IT RESOLVED that the Youngstown State University Board of Trustees reaffirm its resolution of May 21, 1973, and affirm that it will not be a party to binding arbitration until such action is approved by the Attorney General or by legislative enactment; however, with respect to the issue presently confronting this Board in the grievance involving Mr. Demen, the President, on behalf of this Board, is directed to arrange with the OEA for non-binding arbitration with respect to the issue involved and to submit the Arbitrator's recommendation to this Board for its consideration and final determination."

The motion was seconded by Mr. Dennison, and during discussion Mr. Ingram, in response to a question, expressed his opinion that non-binding arbitration would not be unlawful. After an affirmative vote by each Trustee present, the Chairman declared the resolution duly adopted.

Mr. Newman next stated that the terms of all nine members of the Board of Trustees of Northeastern Ohio Universities College of Medicine would expire on May 1, 1974; that the President and Chairman of Youngstown State University, and Mr. Clarence J. Strouss, who was named by the Youngstown State University Board of Trustees, are presently serving as three of the Trustees of such College of Medicine; and that their successors should be selected at the April meeting of the Board of Youngstown State University. He named Mrs. Isroff and Dr. Burrowes as a Committee to make nomination at the April, 1974 meeting, of persons to be selected by the Youngstown State University Board as Trustees of Northeastern Ohio Universities College of Medicine for the next three year term, commencing May 1, 1974.

There being no further business the meeting was duly adjourned, upon motion made, seconded and carried, at 12:20 p.m.

  
Chairman

Attest:

  
Secretary

February 27, 1974

Trustees of  
Youngstown State University

Gentlemen:

Enclosed is draft of minutes of the Special  
Meeting of Trustees held February 18, 1974.

Yours very truly,

*Hugh W. Manchester*

Secretary to the Board of Trustees  
of Youngstown State University

HWM MM  
Enclosure

These minutes mailed to the following on February 27, 1974:

William J. Brown  
Dr. Bertie B. Burrowes  
Carl L. Dennison  
Mrs. Ann L. Isroff  
John M. Newman  
Albert J. Shipka  
Fred C. Shutrump, Jr.  
Robert E. Williams  
Raymond J. Wean, Jr.

Dr. John J. Coffelt, President  
Dr. Earl E. Edgar, Vice President  
for Academic Affairs  
Dr. Karl E. Krill, Vice President  
for Administrative Affairs  
Mr. Joseph S. Rook, Vice President  
for Financial Affairs  
Mr. Hershel Rickard, University State  
Examiner

(TRUSTEES)

*Hugh W. Manchester*