

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

Tod Administration Building
Friday, March 16, 2001

Pursuant to notice duly given, a regular meeting (the two hundred fifteenth) of the Board of Trustees of Youngstown State University convened at 3:00 p.m., Friday, March 16, 2001, in the in the Board Room in Tod Administration Building.

All nine trustees were present at the meeting, to-wit: Mrs. Ruth Z. Wilkes, chairperson of the board, who presided, Mr. Bruce R. Beeghly, Mrs. Eugenia C. Atkinson, Mr. Joseph S. Nohra, Dr. Chander M. Kohli, Mr. Larry E. Esterly, Mr. Charles B. Cushwa III, Mr. F. W. Knecht III, and Dr. H. S. Wang. Also present was student trustee Ms. Mollie McGovern. Absent was student trustee Ms. Kristen Serroka.

Also present were: Dr. David C. Sweet, President; Dr. John J. Yemma, Interim Provost; Dr. G. L. Mears, Executive Vice President; Dr. Cynthia E. Anderson, Vice President - Student Affairs, and Franklin S. Bennett, Jr., Secretary to the Board of Trustees. Also present were approximately 45 persons, including deans, members of the faculty, students, administrators, and members of the news media.

The chairperson called the meeting to order.

ITEM I - PROOF OF NOTICE OF MEETING.

Evidence was available to establish that pursuant to Article II, Section 1, of the board's Bylaws; written notice of today's regular meeting was timely provided to each of the trustees, the student trustees and to the President.

ITEM II - DISPOSITION OF MINUTES FOR REGULAR MEETING HELD DECEMBER 15, 2000.

Prior to the meeting, the secretary had mailed draft copies of the minutes of the board's regular meeting held on December 15, 2000 to each trustee, the student trustees, and the president. There being no additions, corrections, or revisions thereto, the minutes were approved as mailed.

ITEM III - REPORT OF THE PRESIDENT OF THE UNIVERSITY.

Dr. Sweet provided an update on activities in three areas: (1) building the management team, (2) building the plan, and (3) building positive labor-management relations. Under building the management team, Dr. Sweet reported that a number of searches are underway for senior administrative positions including Provost, Dean of the College of Arts and Sciences, Dean of the College of Education, Vice President of Financial Affairs, and the Executive Directors of Human Resources and Labor Relations and of Intercollegiate Athletics. Dr. Sweet stated that he is pleased with the participation of students, faculty and staff in these search processes.

Under building the plan, Dr. Sweet stated that a committee has been formed to study the revision of the university's mission statement; a short-term enrollment strategy has been devised seeking to increase Fall 2001 enrollment by 5%; the Auditor of the state of Ohio will be on campus on May 14th to announce the Operations Improvement Task Force report; initiatives are being studied for apartment-style student housing and the Wick Pollock Inn; a summit of campus labor union leaders and management is being planned; and the university continues to monitor legislative developments pertaining to funding.

ITEM IV - REPORTS OF THE COMMITTEES OF THE BOARD.

The board considered the following committee reports and recommendations:

1. Academic Affairs Committee

Dr. Yemma described the resolutions recommended for board approval. Following Dr. Yemma's report, the chairperson recognized Dr. Kohli, chairperson of the Academic Affairs Committee, who stated that the committee had two resolutions for consideration by the board. On behalf of the committee, he then moved the adoption of the following resolution:

Resolution to Authorize
Conferral of Honorary Degree

YR 2001-24

BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the conferral of a Doctor of Humanities (HH.D) degree, *honoris causa*, upon Jim Tressel, with all the rights and privileges attendant thereto.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Dr. Kohli then moved the adoption of the following resolution:

Resolution to Approve a
Master of Science Degree in Environmental Studies

YR 2001-25

WHEREAS, the University offers a bachelor's degree program in Environmental Studies; and

WHEREAS, the University initiated a graduate certificate program in Environmental Studies in Fall 1999; and

WHEREAS, the faculty have the requisite credentials to offer a quality graduate program and a need for the program is evident in the region;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University approves the offering of the Master of Science degree in Environmental Studies subsequent to the approval of said degree by the Ohio Board of Regents.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

2. Budget and Finance Committee

Dr. Mears distributed a revised Exhibit A, which is attached to these minutes. Dr. Mears described the process leading to the proposed resolution on tuition and fees. Dr. Mears stated that four goals were considered in

determining tuition: (1) simplify the tuition structure, (2) provide a tuition break to first-time freshmen, (3) continue lower tuition rates for associate degree students, and (4) provide incentives to adult students to return and complete their degrees. Dr. Mears stated that the proposed resolution reflects a weighted tuition increase of 3.02% across all students, and that no student would receive a tuition increase greater than 5.99%. Following the report, the chairperson recognized Mr. Beeghly, chairperson of the Budget and Finance Committee, who stated that the committee was recommending three resolutions for adoption by the board. On behalf of the committee, he then moved the adoption of the following resolution:

Resolution to Approve Changes to Student Tuition and Fees, Other Charges, and Refund Schedule, Fiscal Year 2002

YR 2001-26

WHEREAS, Ohio law provides that Boards of Trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students, including an "instructional fee" for educational and associated operational support of the institution and a "general fee" for noninstructional services, and that these two fees shall encompass all charges for services assessed uniformly to all enrolled students and shall be identified as "tuition"; and

WHEREAS, Ohio law also provides that each Board may establish special purpose fees, service charges, fines and penalties and that a tuition surcharge shall be paid by all students who are not residents of Ohio; and

WHEREAS, Ohio law provides that the University shall separately identify the Instructional Fee, the General Fee, the Tuition Charge, and the Tuition Surcharge; and

WHEREAS, Ohio law provides that fees charged for instruction shall not be considered to be a price for service but shall be considered to be an integral part of the state government financing program in support of higher education opportunity for students; and

WHEREAS, it is desirable to provide preferential non-resident tuition surcharge rates for non-resident students from the Youngstown State University Regional Services Area; and

WHEREAS, Ohio law requires that Boards of Trustees vote two times in order to enact tuition increases of more than four percent;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby rescind Resolution YR 2000-32, Resolution YR 2000-45, and Resolution YR 2001-03, Resolution YR 2001-12; and

BE IT ALSO RESOLVED, that the Board of Trustees of Youngstown State University does hereby declare the "tuition charge" shall be the sum of the Instructional Fee, General Fee, Computing Fee, and the Multiservice Fee and does hereby establish the tuition and other fees included in Exhibits A and B to become effective Summer Term, 2001 and to remain in effect until changed by the Board of Trustees; and

BE IT FURTHER RESOLVED, that it is the intent of the Youngstown State University Board of Trustees by a second vote to adopt this resolution to comply with the requirements of the state budget in regard to the setting of tuition and fees;

BE IT FURTHER RESOLVED, that the President of Youngstown State University or his designee shall have the authority to approve:

1. Fees of noncredit courses, institutes, and workshops offered or coordinated through the Metro College and the University Outreach department;
2. Ticket prices for admission of the public to intercollegiate athletic games and to student music or dramatic productions;
3. Service charges for loans to students;

4. A special fee for programs such as the international student training programs under contract, the YSU Police Academy, and the "Executive Masters of Business Administration" program. It shall be understood that such special fees, if authorized, shall provide for all related costs of the program and that the budget for such a fund shall be subject to approval in the same manner as other University operating budgets; and
5. Fees for credit courses offered by the Metro College under contract to established groups as provided for in Resolution YR 2001-03.

In all cases, the revenue generated by such fees and charges shall be expended in conformity with appropriately approved budgets. It shall be understood that: (a) prices of books and other items for sale in the Bookstore, Kilcawley Center, and through vending machines shall be established in conformity with good business practices by the managers of those units; (b) charges for unreturned or damaged equipment checked out to a student shall be established by the cognizant University staff person and the charge shall be sufficient to recover replacement costs and with a charge to cover processing costs; (c) for such charges as noted in (a) and (b) above, the approval of neither the president nor the Board of Trustees shall be required; and (d) the President or his designees shall have the authority to designate parking facilities by location or by time which may be utilized either without charge or for a reduced charge.

Fines which are authorized in this resolution may be assessed against non-students who are authorized to use University services as well as against students; and the rates detailed in this resolution shall replace the rates adopted in Resolution YR 2000-32 and in any other resolution in conflict, and it shall continue to be the policy of this Board to review and adopt all fees, service charges, and fines annually, usually at the March meeting of the Board, in order that students and others are informed as to rates for the coming year and budgets may be finalized.

It is understood that charges, fines, penalties, and assessments to students and non-students will not be waived except as specifically authorized by proper authority. The President or his designee shall review and, as appropriate, authorize persons or departments to grant waivers with the specific understanding that no waivers will be granted that are in violation of Ohio law or the policies of Youngstown State University.

If a student is permitted to withdraw from the University or if a student reduces his or her academic load, a refund of the tuition (i.e., the instructional fee and the general fee), and of the nonresident tuition surcharge, where applicable, shall be made in conformity with the following schedule. If the withdrawal is after the prescribed time limits, all tuition and other applicable fees and charges are forfeited. All applicable fees, fines and penalties due must be paid before the refund is paid.

Length of Course	100% refund	85% refund	70% refund	No refund
15 weeks or more	through 6 th weekday of term	through 11 th weekday of term	through 16 th weekday of term	17 th weekday of term & later
6-14 weeks	through 6 th weekday of term	through 11 th weekday of term	through 16 th weekday of term	17 th weekday of term & later
Less than 6 weeks	20% of course duration			greater than 20% of course duration

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mr. Beeghly then moved the adoption of the following resolution:

Resolution to Approve Increase in the
YSU Bookstore Budget, Fiscal Year 2001

YR 2001-27

WHEREAS, the Fiscal Year 2001 budget for the YSU Bookstore was approved by the Board of Trustees, at the June 2000 meeting; and

WHEREAS, the YSU Bookstore has experienced an increase in sales beyond the projected levels at least partially attributable to the change to semesters and the higher-than-projected enrollments; and

WHEREAS, additional purchases of books and other items for resale are necessary to meet the demands of the YSU community;

NOW, THEREFORE, BE IT RESOLVED, that the Youngstown State University Board of Trustees does hereby authorize an increase of \$500,000 in the YSU Bookstore budget for Fiscal Year 2001 as shown on the attached Exhibit C.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mr. Beeghly then moved the adoption of the following resolution:

Resolution to Approve Office of Alumni
Relations Budget, January 1, 2001 - June 30, 2001

YR 2001-28

WHEREAS, the Youngstown State University Alumni Association voted to dissolve itself; and

WHEREAS, the Youngstown State University Board of Trustees voted to accept the assets of the former YSU Alumni Association and approved the formation of an Office of Alumni Relations within the University; and

WHEREAS, the appropriate administrative officers of the University and the personnel of the former YSU Alumni Association have worked to assure a ready integration of the work of the former YSU Alumni Association into the University; and

WHEREAS, a balanced operating budget for the Office of Alumni Relations for the period of January 1, 2001 - June 30, 2001 has been developed based on the cash and other assets transferred to the University by the former YSU Alumni Association;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the Office of Alumni Relations budget as shown on the attached Exhibit D.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

3. Building and Property Committee

The chairperson recognized Mr. Esterly, chairperson of the Building and Property Committee, who reported that on February 19, 2001, the committee heard presentations from four development companies interested in participating in the apartment-style student housing facility presently under consideration. Mr. Esterly explained that the university would not own such facility, nor would the facility appear on the university's balance sheet. It is estimated that such a facility would house 400 students, and would cost between \$15 and \$20 million. Members of the Building and Property committee are in the process of visiting campuses that have similar apartment-style student housing facilities.

Mr. Esterly reported that on March 14, 2001, the Building and Property committee heard presentations from five architect firms seeking to provide professional services on the \$2.5 million Beeghly Center renovations project. Following the presentations, the Building and Property Committee selected the firm of Moody/Nolan, Inc. as the project associate architect.

Mr. Esterly stated that the Building and Property committee was recommending four resolutions for adoption by the board. On behalf of the committee, he then moved the adoption of the following resolution:

Resolution to Amend
Acquisition of Real Estate Policy

YR 2001-29

WHEREAS, the Institutional Policies are being reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies; and

WHEREAS, action is required by the Board of Trustees prior to modifying or replacing an existing policy;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Acquisition of Real Estate, policy number 4005.01 of the *University Guidebook*, dated March 16, 2001, as shown on the attached Exhibit E.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mr. Esterly then moved the adoption of the following resolution:

Resolution to Authorize
Purchase of Property for the Benefit of the University

YR 2001-30

WHEREAS, Youngstown State University has identified an area surrounding the campus within which it seeks to acquire property needed for the benefit of the University; and

WHEREAS, the property located at 738 Bryson Street in Youngstown Ohio, known as the southerly part of Youngstown City Lot No. 936 (Bright Star Church of God in Christ property) is needed for campus improvement;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the purchase of the property as described.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mr. Esterly then moved the adoption of the following resolution:

Resolution to Authorize
Eminent Domain Proceedings

YR 2001-31

WHEREAS, Youngstown State University has identified an area surrounding the campus within which it seeks to acquire property needed for the benefit of the University; and

WHEREAS, several properties located in the Wick Oval area of Youngstown, Ohio, known as Youngstown City Lot No. 11406 (Leonard and Emilie Lucas property); Youngstown City Lot No. 11403 (Irwin Kretzer property); Youngstown City Lot No. 11396 (N. L. and E. J. Warino property); Youngstown City Lot No. 11397 (Mary Spencer property); and Youngstown Out Lot No. 34 (Buckeye Pontiac property); are needed for the benefit of the University;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the acquisition of the properties described above, and further authorizes the use of eminent domain proceedings to acquire the properties in the event that the University cannot acquire the properties through good faith discussions with the property owners, and further authorizes the Administration to request that the Department of Administrative Services take appropriate action to commence eminent domain proceedings on behalf of the University if such proceedings become necessary.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mr. Esterly then moved the adoption of the following resolution, which was read aloud by the secretary:

Resolution to Reallocate
Capital Funds and Modify Project Design

YR 2001-32

WHEREAS, the Building and Property Committee of the Board of Trustees has determined that it is in the best interest of the University to relocate the proposed Bliss Hall Addition, as identified in the attached Exhibit F, and provide the necessary additional funding; and

WHEREAS, the Building and Property Committee of the Board of Trustees has reviewed the revised site placement and the cost projections for the addition of the sculpture and painting studios and the associated offices and support areas; and

WHEREAS, the additional funding is available by redirecting a portion of the capital funding provided to Youngstown State University in HB 640;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the construction of the Bliss Hall Addition; and

BE IT ALSO RESOLVED, that the Board of Trustees of Youngstown State University authorizes the redirection of \$670,000 from the HB 640, Line 115 (Fedor Hall Rehabilitation) to the Bliss Hall Addition project.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

4. Development Committee

The chairperson recognized Mr. Cushwa, chairperson of the Development Committee, who stated that the committee was recommending one resolution for adoption by the board. On behalf of the committee, he then moved for adoption of the following resolution:

Resolution to Accept
Development Gifts

YR 2001-33

WHEREAS, Board policy 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

WHEREAS, the President has reported that the gifts as listed in Exhibit G 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 requests that the President acknowledge the acceptance of these gifts and express our gratitude for their generosity in support of the University.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

5. Equal Opportunity Committee

The chairperson recognized Dr. Wang, chairperson of the Equal Opportunity Committee, who stated that the committee had no resolutions for consideration by the board.

6. Intercollegiate Athletics Committee

Ms. Pauline Saternow, Interim Executive Director of Intercollegiate Athletics, reported that YSU has received an official invitation to join the Midwestern Collegiate Conference in all sports but football. Ms. Saternow stated that the Midwestern Collegiate Conference schools are more geographically compatible with YSU. Ms. Saternow stated that affiliation with the Midwestern Collegiate Conference would enhance recruitment and media opportunities. Following the report, the chairperson recognized Mr. Nohra, chairperson of the Intercollegiate Athletics Committee, who stated that the committee was recommending one resolution for adoption by the board. On behalf of the committee, he then moved for adoption of the following resolution:

Resolution Concerning Athletic Conference

YR 2001-34

WHEREAS, the Midwestern Collegiate Conference includes Cleveland State University and Wright State University in Ohio, Butler University (Indianapolis), Loyola University (Chicago), University of Detroit Mercy, University of Illinois at Chicago, University of Wisconsin-Green Bay, and University of Wisconsin-Milwaukee, and includes all sports at the NCAA Division I level, except for football; and

WHEREAS, it is in the best interests of student-athletes to participate in the Midwestern Collegiate Conference because of reduced travel requirements, favorable conference graduation rates, and other benefits; and

WHEREAS, participation in the Midwestern Collegiate Conference would result in greater television and major newspaper coverage for Youngstown State University and our athletic programs, thereby enhancing student recruitment initiatives; and

WHEREAS, the Midwestern Collegiate Conference is currently ranked tenth out of thirty-two Division I conferences; and

WHEREAS, the location of Midwestern Collegiate Conference schools will present greater opportunities for YSU alumni in those areas to attend road games and University alumni functions, thereby potentially increasing alumni awareness, membership, and development; and

WHEREAS, the Youngstown State University Intercollegiate Athletics Council unanimously endorses Youngstown State University's membership in the Midwestern Collegiate Conference;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the administration to accept the Midwestern Collegiate Conference's invitation, negotiate an entry date into the Conference, and commit the funds necessary to become a member of the Midwestern Collegiate Conference for all sports except football.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted. Dr. Sweet stated that as a result of the board's action, the administration would begin formal discussions with the Mid-Continent Conference to negotiate an amicable withdrawal from the conference.

7. Personnel Relations Committee.

The chairperson recognized Mrs. Atkinson, chairperson of the Personnel Relations Committee, who stated that the committee was recommending three resolutions for adoption by the board. On behalf of the committee, she then moved for adoption of the following resolution:

Resolution to Ratify
Faculty Staff Appointments

YR 2001-35

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

WHEREAS, new appointments have been made subsequent to the December 15, 2000, meeting of the Board of Trustees; and

WHEREAS, such appointments are in accordance with the 2000-2001 Budget and with the University policy on Equal Employment Opportunity;

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

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mrs. Atkinson then moved the adoption of the following resolution:

Resolution to Authorize
Purchase of Additional Years of PERS Service Credit

YR 2001-36

WHEREAS, Youngstown State University desires to create a Pick Up Plan to permit Youngstown State University to purchase additional years of PERS service credit for the employee described in Section One below; and

WHEREAS, Youngstown State University shall not be permitted to pay such amounts to the extent it is reimbursed for such payments by the employee described in Section One below; and

WHEREAS, the employee shall not have the option to receive such amounts in cash in lieu of having such amounts paid to the PERS on his behalf;

NOW THEREFORE, BE IT RESOLVED, that effective April 28, 2000, Youngstown State University creates a Pick Up Plan to permit Youngstown State University to "pick up" and pay such amounts which Youngstown State University determines be paid for the purchase of additional years of PERS service credit, provided that Youngstown State University shall not be permitted to pay such amounts to the extent that Youngstown State University is reimbursed for such amounts by the employee described in Section One below, nor shall such employee described in Section One have the option to receive such payments in cash in lieu of having such amounts paid directly to PERS.

SECTION ONE: The employee to whom this Resolution applies is:

Executive Director of Intercollegiate Athletics
and Head Football Coach

SECTION TWO: The finance officer is hereby authorized and directed to implement the provisions of this Resolution to expend the funds necessary to purchase additional years of PERS service credit pursuant to Ohio Revised Code Section 145.293, and that such purchase be "picked up" (within the meaning of IRC Section 414(h)(2)).

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

On behalf of the committee, Mrs. Atkinson then moved the adoption of the following resolution:

Resolution Pertaining to the Amendment and Restatement
Of the Ohio Public Education Higher Education Institutions'
Retirement Plan as Adopted by Youngstown State University
To Implement the Alternative Retirement Plan
Pursuant to Chapter 3305 of the Ohio Revised Code

YR 2001-37

WHEREAS, Ohio law provides that public colleges and universities maintain an Alternative Retirement Plan for eligible faculty and unclassified staff members; and

WHEREAS, the Board of Trustees ("Trustees") of Youngstown State University ("University") established an alternative retirement plan ("Plan") for each designated alternative retirement plan provider ("Provider") on January 1, 1999; and

WHEREAS, the Ohio General Assembly has amended Ohio Revised Code Sections 3305.01, *et seq.*, affecting each Plan; and

WHEREAS, the University desires to amend and restate each Plan to conform to the amendments made to the Ohio Revised Code, to qualify the Plan under current federal laws and regulations, including the Uruguay Round Agreements Act of the General Agreement on Tariffs and Trade ("GATT"), the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), the Small Business Job Protection Act of 1996 ("SBJPA"), the Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Restructuring and Reform Act of 1998 ("RRA '98"), and other applicable laws, regulations, and administrative authority, and to submit the Plan to the Internal Revenue Service ("IRS") for approval;

NOW THEREFORE, BE IT RESOLVED, by the Board of the University:

Section 1. Amendment and Restatement. Effective as indicated in the Plan, each Plan is amended and restated in substantially the form set forth on Exhibit I, attached hereto and incorporated herein as if set forth in full.

Section 2. Execution. The Administration of the University is authorized to execute the amended and restated Plan and any other instruments, documents, or conveyances necessary to effectuate the amendment and restatement of the Plan and to submit the amended and restated Plan to the IRS for a determination of its tax qualified status.

Section 3. Conforming Changes. The Administration, in carrying out this Resolution, is hereby authorized to make any conforming changes to the amended and restated Plan as may be required to ensure compliance with the applicable and effective provisions of the Internal Revenue Code of 1986, the Tax Reform Act of 1986, GATT, USERRA, SBJPA, TRA '97, RRA '98, and any related rules and regulations, and to take such further action as may be necessary or advisable to implement this Resolution.

Section 4. Open Meetings. This Board finds and determines that all formal actions of this Board relating to the enactment of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Following discussion, the motion received the affirmative vote of all trustees present. The Chairperson declared the motion carried and the Resolution adopted.

8. Student Affairs Committee.

Dr. Cynthia Anderson described continuing efforts toward improving student retention. Following Dr. Anderson's report, the Chairperson recognized Mr. Knecht, chairperson of the Student Affairs Committee, who stated that the committee had no resolutions for consideration by the board.

9. Executive Committee.

Mrs. Wilkes stated that the Executive Committee had no matters for consideration by the board.

10. Ad Hoc Committee on Trusteeship.

Mr. Esterly stated that the report of the Ad Hoc Committee on Trusteeship and supporting appendices are included with the board's agenda materials. Mr. Esterly stated that since its formation in September 2000, the committee met regularly in an effort to review the board's committee structure and procedures. Mr. Esterly stated that the committee makes the following three major recommendations: (1) Streamline the board's committee structure by reducing the number of standing committees to four, and special committees to two; (2) With the exception of the Executive Committee, enlarge the membership of all committees to include all board members; (3) Establish a fixed schedule of quarterly standing committee meetings. Mr. Esterly explained that the first two recommendations would require amendment of the board's *Bylaws*, while the third recommendation would be in the nature of a standing rule. Mr. Esterly stated that pursuant to Article VIII of the board's *Bylaws* pertaining to amendments, he was today on behalf of the committee announcing the proposed changes to the *Bylaws*, to be the subject of board action at a future meeting.

Mr. Esterly distributed a two-page document entitled, "Supplemental Report of the Ad Hoc Committee on Trusteeship," a copy of which is attached to these minutes. Mr. Esterly reported that the committee has authorized and instructed Mr. Esterly, University Counsel, and the Secretary to the Board to take the necessary and appropriate editorial and formatting steps to effect the committee's recommendations.

11. Nominating Committee.

The chairperson recognized Mrs. Atkinson, chairperson of the Nominating Committee, who stated that in accordance with Article III, Section 9, Paragraph 11, of the Board's *Bylaws*, the Nominating Committee has met and today makes its report to the board regarding officers for the upcoming year. Mrs. Atkinson stated that the report constitutes a first reading only, and that voting on the election of board officers would take place at the board's June meeting. Mrs. Atkinson reported that the Nominating Committee's recommendations for the 2001-2002 board officers are:

Chairperson	Eugenia C. Atkinson
Vice Chairperson	Joseph S. Nohra
Secretary	Franklin S. Bennett, Jr.

ITEM V - COMMUNICATIONS, MEMORIALS

The chairperson requested that the secretary read the following proposed resolution:

Resolution of Appreciation

YR 2001-38

WHEREAS, Dr. James Scanlon began his career at Youngstown State University in January 1993 as Provost, the chief academic officer of the University, and provided outstanding leadership to the University during a period of extensive change; and

WHEREAS, Dr. Scanlon guided the Academic Division through reorganization, the creation of the College of Health and Human Services, conversion to semesters, general education reform, and the establishment of many new academic programs, including the first new masters degrees in 23 years; and

WHEREAS, Dr. Scanlon's commitment to excellence was fundamental to the growth of the honors programs, and to improved academic quality at Youngstown State University, which has been recognized by accreditation from several national professional organizations, as well as numerous student and faculty awards; and

WHEREAS, the integration of teaching, scholarship, and service became a distinguishing characteristic of the University, external funding increased dramatically, and connections with the community were strengthened; and

WHEREAS, Dr. Scanlon gained the respect of colleagues throughout Ohio, not only for his expertise in higher education, but also for his contributions to public education at all levels; and

WHEREAS, Dr. Scanlon's encouragement, support, and guidance have been instrumental in the professional development of those with whom he worked; and

WHEREAS, Dr. Scanlon represented Youngstown State University with the highest degree of personal integrity and fostered values of inclusion, collegiality, quality, and service throughout the community;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Board of Trustees of Youngstown State University express their sincere appreciation to Dr. James J. Scanlon for his leadership and service and extend their best wishes to him as he assumes the presidency of Missouri Western State College; and

BE IT ALSO RESOLVED, that a copy of this Resolution be furnished to Dr. Scanlon.

Mr. Beeghly moved, and Dr. Kohli seconded, the board's adoption of the resolution of appreciation read by the secretary. After receiving the affirmative vote of all trustees present, the chairperson declared the motion carried and the resolution adopted.

The chairperson requested that the secretary read the following proposed resolution:

Resolution of Appreciation

YR 2001-39

WHEREAS, Kristin J. Serroka was appointed a Student Trustee of Youngstown State University in 2000 by Governor Bob Taft; and

WHEREAS, as a Student Trustee, Ms. Serroka has served Youngstown State University, its faculty, staff, and especially its students, with distinction, bringing to the Board of Trustees a valued and respected perspective; and

WHEREAS, during her term as Student Trustee, Ms. Serroka served on the Academic Affairs, Budget & Finance, and Student Affairs Committees of the Board of Trustees; and

WHEREAS, Ms. Serroka's term as Student Trustee has proven mutually enriching to her and to the Board of Trustees, exemplifying the value of the Student Trustee experience both to the student and to the University; and

WHEREAS, Ms. Serroka's enthusiasm and perspective will be greatly missed by the members of this Board of Trustees;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Board of Trustees express their appreciation to Kristin J. Serroka for her dedication and efforts to promote the welfare and best interests of the students, faculty, and staff of Youngstown State University and the community which it serves; and

FURTHER, that a copy of this Resolution be furnished to Ms. Serroka.

Mr. Knecht moved, and Mrs. Atkinson seconded, the board's adoption of the resolution of appreciation read by the secretary. After receiving the affirmative vote of all trustees present, the chairperson declared the motion carried and the resolution adopted.

The chairperson requested that the secretary read the following proposed resolution:

Resolution of Appreciation

YR 2001-40

WHEREAS, in 1992, Mr. Bruce R. Beeghly was appointed to the Board of Trustees of Youngstown State University by Governor George V. Voinovich; and

WHEREAS, for nine years Mr. Beeghly has served faithfully as a Trustee of Youngstown State University, and has generously devoted his time, talents, skills and efforts to the best interests of the University, its students, faculty and staff; and

WHEREAS, Mr. Beeghly served with distinction on the Academic Affairs, Budget & Finance, Building & Property, Equal Opportunity, Intercollegiate Athletics, Development, Executive, Student Services, and Personnel Relations Committees, and served as Vice Chairperson and Chairperson of the Board of Trustees; and

WHEREAS, Mr. Beeghly's commitment to the University is clearly evidenced by his exemplary record of attendance at the meetings of the Board and the Committees on which he served, all while serving as President of a major business in our community; and

WHEREAS, Youngstown State University and its students have benefited, and will benefit for years to come, from Mr. Beeghly's steadfast efforts to preserve and enhance state support of the University; and

WHEREAS, Mr. Beeghly stood as an example of wisdom, dignity and restraint when the University faced times of challenge, and of grace and good humor during times of celebration.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Board of Trustees express their appreciation to Mr. Bruce R. Beeghly for his dedication and efforts to promote the welfare and best interests of the students, faculty, and staff of Youngstown State University and the community which it serves; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be furnished to Mr. Beeghly.

Mrs. Atkinson moved, and Mr. Cushwa seconded, the board's adoption of the resolution of appreciation read by the secretary. After receiving the affirmative vote of all trustees present, the chairperson declared the motion carried and the resolution adopted.

ITEM VI - UNFINISHED BUSINESS

The board considered no unfinished business.

ITEM VII - NEW BUSINESS

The board considered no new business.

ITEM VIII - TIME AND PLACE OF UPCOMING REGULAR MEETINGS

YR 2001-41

Upon motion made by Mr. Nohra, seconded by Atkinson, which received the affirmative vote of all trustees present, the trustees resolved to set the following date and time for the next regular meeting of the board:

3:00 P.M., on Friday, June 15, 2001

ITEM IX - ADJOURNMENT

Upon motion duly made and seconded, the meeting was duly adjourned by unanimous vote of the trustees at 4:10 p.m.

Chairperson

ATTEST:



UNDERGRADUATE TUITION & REQUIRED FEES:

	Average 2000-2001*		Proposed FY 2002 Rates		FY01 to FY02 Increase		ENROLLMENT Incentive Award		Proposed Rates Including Incentive AWARD		FY01 to FY02 Increase	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Full-time undergraduate (12 or more credits)												
First Time Freshmen~	\$1,994.5	5.99%	\$2,114	5.99%	\$119		\$120		\$1,994		-\$1	-0.03%
All Other Students with 62 credits or less completed	\$1,994.5	5.99%	\$2,114	5.99%	\$119		\$0		\$2,114		\$119	5.99%
All other full-time undergraduate students	\$2,071	2.08%	\$2,114	2.08%	\$43		\$0		\$2,114		\$43	2.08%
Associate Degree Students: FR and SO	\$1,870	13.08%	\$2,114	13.08%	\$244		\$248		\$1,866		-\$4	-0.19%
Associate Degree Students: JR and SR	\$1,946	8.63%	\$2,114	8.63%	\$168		\$248		\$1,866		-\$80	-4.11%

UNDERGRADUATE TUITION (Instructional and General)

	Average 2000-2001*	Proposed FY 2002 Rates	FY01 to FY02 Increase	ENROLLMENT Incentive Award	Proposed Rates Including Incentive AWARD	FY01 to FY02 Increase
	\$	\$	\$	\$	\$	\$
Full-time undergraduate (12 or more credits)						
First Time Freshmen~	\$1,906	\$2,028	\$123		\$2,028	\$123
Students with 62 credits or less completed	\$1,906	\$2,028	\$123		\$2,028	\$123
All other full-time undergraduate students	\$1,982	\$2,028	\$46		\$2,028	\$46
Part-time undergraduate (1-11 credits)						
First Time Freshmen~	\$159	\$169	\$10		\$169	\$10
Students with 62 credits or less completed	\$159	\$169	\$10		\$169	\$10
All other full-time undergraduate students	\$166	\$169	\$3		\$169	\$3

INSTRUCTIONAL FEE

	Average 2000-2001*	Proposed FY 2002 Rates	FY01 to FY02 Increase	ENROLLMENT Incentive Award	Proposed Rates Including Incentive AWARD	FY01 to FY02 Increase
	\$	\$	\$	\$	\$	\$
Full-time undergraduate (12 or more credits)						
First Time Freshmen~	\$1,522	\$1,608	\$87		\$1,608	\$87
Students with 62 credits or less completed	\$1,522	\$1,608	\$87		\$1,608	\$87
All other full-time undergraduate students	\$1,598	\$1,608	\$10		\$1,608	\$10
Part-time undergraduate (1-11 credits)						
First Time Freshmen~	\$127	\$134	\$7		\$134	\$7
Students with 62 credits or less completed	\$127	\$134	\$7		\$134	\$7
All other full-time undergraduate students	\$134	\$134	\$0		\$134	\$0

GENERAL FEE

	Average 2000-2001*	Proposed FY 2002 Rates	FY01 to FY02 Increase	ENROLLMENT Incentive Award	Proposed Rates Including Incentive AWARD	FY01 to FY02 Increase
	\$	\$	\$	\$	\$	\$
Full-time undergraduate (12 or more credits)						
First Time Freshmen~	\$384	\$420	\$36		\$420	\$36
Students with 62 credits or less completed	\$384	\$420	\$36		\$420	\$36
All other full-time undergraduate students	\$384	\$420	\$36		\$420	\$36
Part-time undergraduate (1-11 credits)						
First Time Freshmen~	\$32	\$35	\$3		\$35	\$3
Students with 62 credits or less completed	\$32	\$35	\$3		\$35	\$3
All other Freshmen	\$32	\$35	\$3		\$35	\$3

REQUIRED FEES

	Average 2000-2001*	Proposed FY 2002 Rates	FY01 to FY02 Increase	ENROLLMENT Incentive Award	Proposed Rates Including Incentive AWARD	FY01 to FY02 Increase
	\$	\$	\$	\$	\$	\$
Multi-service fee						
Part-time students (1-11 credits)	\$24	\$24	\$0		\$24	\$0
Full-time students (12 or more credits)	\$39	\$36	-\$3		\$36	-\$3
Computing fee						
All students	\$50	\$50	\$0		\$50	\$0

OTHER UNDERGRADUATE FEES

	Average 2000-2001*	Proposed FY 2002 Rates	FY01 to FY02 Increase	ENROLLMENT Incentive Award	Proposed Rates Including Incentive AWARD	FY01 to FY02 Increase
	\$	\$	\$	\$	\$	\$
Credits excess of 18 per semester	\$69	\$72	\$3		\$72	\$3
Joint engineering program	\$750	\$750	\$0		\$750	\$0

	Average 2000-2001*	Proposed		FY01 to FY02	
		FY 2002 Rates	Increase	\$	%
NONRESIDENT TUITION SURCHARGE					
Regional Service Area					
Undergraduate:					
Part-time students (1-11 credits)	\$81 per credit	\$81 per credit	\$0	0.00%	
Full-time students (12 or more credits)	\$972 per semester	\$972 per semester	\$0	0.00%	
Credits excess of 18 per semester	\$81 per credit	\$81 per credit	\$0	0.00%	
Graduate	\$95 per credit	\$95 per credit	\$0	0.00%	
Outside of Regional Service Area					
Undergraduate:					
Part-time students (1-11 credits)	\$182 per credit	\$182 per credit	\$0	0.00%	
Full-time students (12 or more credits)	\$2,184 per semester	\$2,184 per semester	\$0	0.00%	
Credits excess of 18 per semester	\$182 per credit	\$182 per credit	\$0	0.00%	
Graduate	\$195 per credit	\$195 per credit	\$0	0.00%	
GRADUATE TUITION (Instructional and General)					
Master of Public Health					
All other Graduate Programs	\$289 per credit	\$306 per credit***	\$17	5.88%	
	\$189 per credit	\$199 per credit	\$10	5.29%	
INSTRUCTIONAL FEE					
Master of Public Health					
All other Graduate Programs	\$289 per credit	\$306 per credit***	\$17	5.88%	
	\$157 per credit	\$164 per credit	\$7	4.46%	
GENERAL FEE					
All other Graduate Programs	\$32 per credit	\$35 per credit	\$3	9.38%	

*Spring Semester 2001 reduced by \$5 for students with 62 or fewer credits completed and \$20 for students with 63 or more credits completed.

**First time Freshmen defined as students with zero credit hours will be awarded a tuition credit of \$120 per semester for two consecutive semesters from Challenge Dollars.

***Inclusive of all required course related fees (academic computing, multi-service fee, and tech/lab fees)

****Inclusive of Instructional and General Fee. Rates are estimated, and are subject to approval by consortium.



YOUNGSTOWN STATE UNIVERSITY
Proposed Adjusted Budget, YSU Bookstore
Fiscal Year 2001

	Object Code	Approved Budget		Adjustments		Adjusted Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
REVENUE							
Earned Income:							
Register Sales			\$3,861,555				\$4,361,555
Miscellaneous Sales & Services			\$150,000				\$150,000
Total Revenue			<u>\$4,011,555</u>				<u>\$4,511,555</u>
EXENDITURES							
Personal Services: (Summarized)							
Total Salaries		9.50	\$536,433			9.50	\$536,433
Fringe Benefits			\$117,424				\$117,424
Total Personal Services		9.50	<u>\$653,857</u>			9.50	<u>\$653,857</u>
Operating Expenses:							
All other operating expenses			\$1,952,425				\$1,952,425
Books - long discount	8220		\$1,100,000				\$1,375,000
Auxiliary overhead charge	8985		\$305,273				\$530,273
Total Operating Expenses			<u>\$3,357,698</u>				<u>\$3,857,698</u>
Total Expenditures		9.50	<u>\$4,011,555</u>			9.50	<u>\$4,511,555</u>

A:BookstoreAdjBudget
GLM 02/13/01



UNIVERSITY GUIDEBOOK

Subject: Acquisition of Real Estate

Developed by:	Harold Yiannaki	Authorized by:	G. L. Mears
Title:	Executive Director	Title:	Executive Vice President
	Campus 2000	Date:	March, 2001
Date:	April 2, 1998	EFFECTIVE:	March 16, 2001

Policy: The Board of Trustees designates the geographical area in the vicinity of the campus within which the University may seek to acquire real estate. A willing-seller/buyer approach will be used as a guiding principle on the acquisition of property. However, eminent domain may be used to acquire real estate when good faith negotiations have been exhausted and it is in the best interest of the University. Authority to negotiate purchases of real estate is delegated to the President and/or designee. (Nothing in this policy statement shall be construed as to limit the authority of the Board or of its Building and Property Committee at **Bylaws**, Article III, Sec. 1-A or Sec. 9-B2.)

RESOLUTION NUMBER: YR 1998 - 49

Parameters:

- The University has a primary area of geographic interest that has been jointly agreed to by the University and the Board of Regents. This area is defined as follows:
 - A southern boundary beginning approximately 200 feet east of the intersection of Rayen Avenue and Belmont Avenue running east on Rayen Avenue, south on Fifth Avenue, east on Wood Street, north on Phelps Street, east on Rayen Avenue to Andrews Avenue.
 - An eastern boundary generally consisting of the line running north on Andrews Avenue to the intersection with the East Bound Access Road.
 - A northern boundary generally consisting of the line running west on the East Bound Access Road to Wick Avenue, north on Wick Avenue to the West Bound Access Road, north on Bryson Street to Madison Avenue, west on Madison Avenue to the intersection at Fifth Avenue, south on Fifth Avenue to the East Bound Access Road, and west on the East Bound Access Road to Ford Avenue.

- A western boundary generally consisting of the line running south on Ford Avenue to Scott Street, west on Scott Street to Belmont Avenue, south on Belmont Avenue to Rayen Avenue.
- It is the intention of the University to acquire property on the side streets within approximately 200 feet of Belmont Avenue, leaving the Belmont Avenue frontage for commercial development by other entities.
- The University has a secondary area of geographic interest that extends six to eight blocks beyond the primary area in the north, south, and west sides of the campus.
 - The University maintains a “good neighbor” policy in this area and takes proactive steps to ensure the health and safety of residents of this area.
 - The University is a catalyst to develop this area and encourage commercial, economic, and housing development activity.
 - The overriding goal of this activity is to create a living/learning environment that is conducive to the mission of the institution.
- On occasion, the University may be the recipient of real estate in other locations. The acceptance and disposition of such gifts is determined on a case-by-case basis by the President and recommended to the Development Committee of the Board. Prior to the acceptance of such gifts by the Development Committee and the Board of Trustees, the real estate will be evaluated by the Building and Property Committee in accordance with the procedures described below.

Procedures:

1. On a periodic basis, typically every two years, the Building and Property Committee of the Board of Trustees will review the property acquisition plans of the University and make any appropriate modifications.
2. As appropriate, the Building and Property Committee agenda will include an item—“Property Acquisition Update.” This status report addresses ongoing activities, pending actions, and issues that need attention.

3. The first step of the real estate acquisition process in the primary or secondary areas of geographic interest, whether by gift, purchase or eminent domain, will be to obtain preliminary approval from the Building and Property Committee to begin discussions with the landowner, conduct a title search, and conduct a Phase 1 environmental assessment. In order to obtain preliminary approval from the Building and Property Committee, the Administration should identify the real estate and the justification for the proposed acquisition.
4. If after performing a Phase 1 environmental assessment, conducting a title search and communicating with the landowner, the Administration desires to proceed with acquisition of the property, the Administration will obtain a resolution from the Building and Property Committee which recommends to the Board of Trustees that the Board approve acquisition of the real estate by gift, purchase or eminent domain. In seeking such a resolution from the Building and Property Committee, the Administration will prepare and submit to the Committee an executive summary of the Phase 1 environmental assessment and a budget impact statement. For real estate without a building, the budget impact statement will identify the intended use, projected cost of acquisition and environmental compliance costs. If the real estate includes a building, the budget impact statement will identify the intended use, projected cost of acquisition, estimated remodeling or demolition costs, environmental compliance costs, annual operating costs (e.g., utilities, insurance, janitorial services, basic maintenance, staffing costs), projected revenue earnings, if any, and other pertinent information. After receiving this information, the Building and Property Committee may seek additional information, decline the Administration's request for approval to acquire the property, or pass a resolution that recommends to the Board of Trustees that acquisition of the real estate be approved.
5. After the Board of Trustees approves acquisition of the real estate by gift, purchase or eminent domain, the Administration may proceed to acquire the real estate within the parameters approved by the Board.
6. Acquisitions of real estate will be at the appraised value or less whenever possible. Exceptions will be approved in advance by the Executive Vice President.
7. The Administration will record all property acquisitions with the State of Ohio and/or the University in the official log of institutional property.

Existing Policy

NUMBER

4005.01

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UNIVERSITY GUIDEBOOK

Subject: Acquisition of Real Estate

Developed by:	Harold Yiannaki	Authorized by:	G. L. Mears
Title:	Executive Director Campus 2000	Title:	Executive Vice President
Date:	April 2, 1998	Date:	June, 1998
		EFFECTIVE:	June 26, 1998

Policy: The Board of Trustees designates the geographical area in the vicinity of the campus within which the University may seek to acquire real estate. A willing-seller/buyer approach will be used as a guiding principle on the acquisition of property. However, eminent domain may be used to acquire real estate when good faith negotiations have been exhausted and it is in the best interest of the University. Authority to negotiate purchases of real estate is delegated to the President and/or designee. (Nothing in this policy statement shall be construed as to limit the authority of the Board or of its Building and Property Committee at Bylaws, Article III, Sec. 1-A or Sec. 9-B2.)

RESOLUTION NUMBER: YR 1998 - 49

Parameters:

- The University has a primary area of geographic interest that has been jointly agreed to by the University and the Board of Regents. This area is defined as follows:
 - A southern boundary beginning approximately 200 feet east of the intersection of Rayen Avenue and Belmont Avenue running east on Rayen Avenue, south on Fifth Avenue, east on Wood Street, north on Phelps Street, east on Rayen Avenue to Andrews Avenue.
 - An eastern boundary generally consisting of the line running north on Andrews Avenue to the intersection with the East Bound Access Road.
 - A northern boundary generally consisting of the line running west on the East Bound Access Road to Wick Avenue, north on Wick Avenue to the West Bound Access Road, north on Bryson Street to Madison Avenue, west on Madison Avenue to the intersection at Fifth Avenue, south on Fifth Avenue to the East Bound Access Road, and west on the East Bound Access Road to Ford Avenue.

Existing Policy

NUMBER
4005.01

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- A western boundary generally consisting of the line running south on Ford Avenue to Scott Street, west on Scott Street to Belmont Avenue, south on Belmont Avenue to Rayen Avenue.
- It is the intention of the University to acquire property on the side streets within approximately 200 feet of Belmont Avenue, leaving the Belmont Avenue frontage for commercial development by other entities.
- The University has a secondary area of geographic interest that extends six to eight blocks beyond the primary areas in the north, south, and west sides of the campus.
 - The University maintains a “good neighbor” policy in this area and takes proactive steps to ensure the health and safety of residents of this area.
 - The University is a catalyst to develop this area and encourage commercial, economic, and housing development activity.
 - The overriding goal of this activity is to create a living/learning environment that is conducive to the mission of the institution.
- On occasion, the University may be the recipient of real estate in other locations. The acceptance and disposition of such gifts is determined on a case-by-case basis by the President and recommended to the Development Committee of the Board. Where such gifts include a building, **Procedures** number 3 shall apply.

Procedures:

1. On a periodic basis, typically every two years, the Building and Property Committee of the Board of Trustees will review the property acquisition plans of the University and make any appropriate modifications.
2. As appropriate, the Building and Property Committee agenda will include an item—“Property Acquisition Update.” This status report addresses ongoing activities, pending actions, and issues that need attention.
3. Prior to the acquisition of real estate in the defined area, whether by gift, purchase, or eminent domain, an internal environmental assessment will be made and an economic impact statement will be prepared and submitted to the Building and Property Committee. For real estate without a building, the economic impact statement will identify the intended use and projected cost of acquisition. If the real estate includes a building, the economic impact statement will identify the intended use, projected cost

Existing Policy

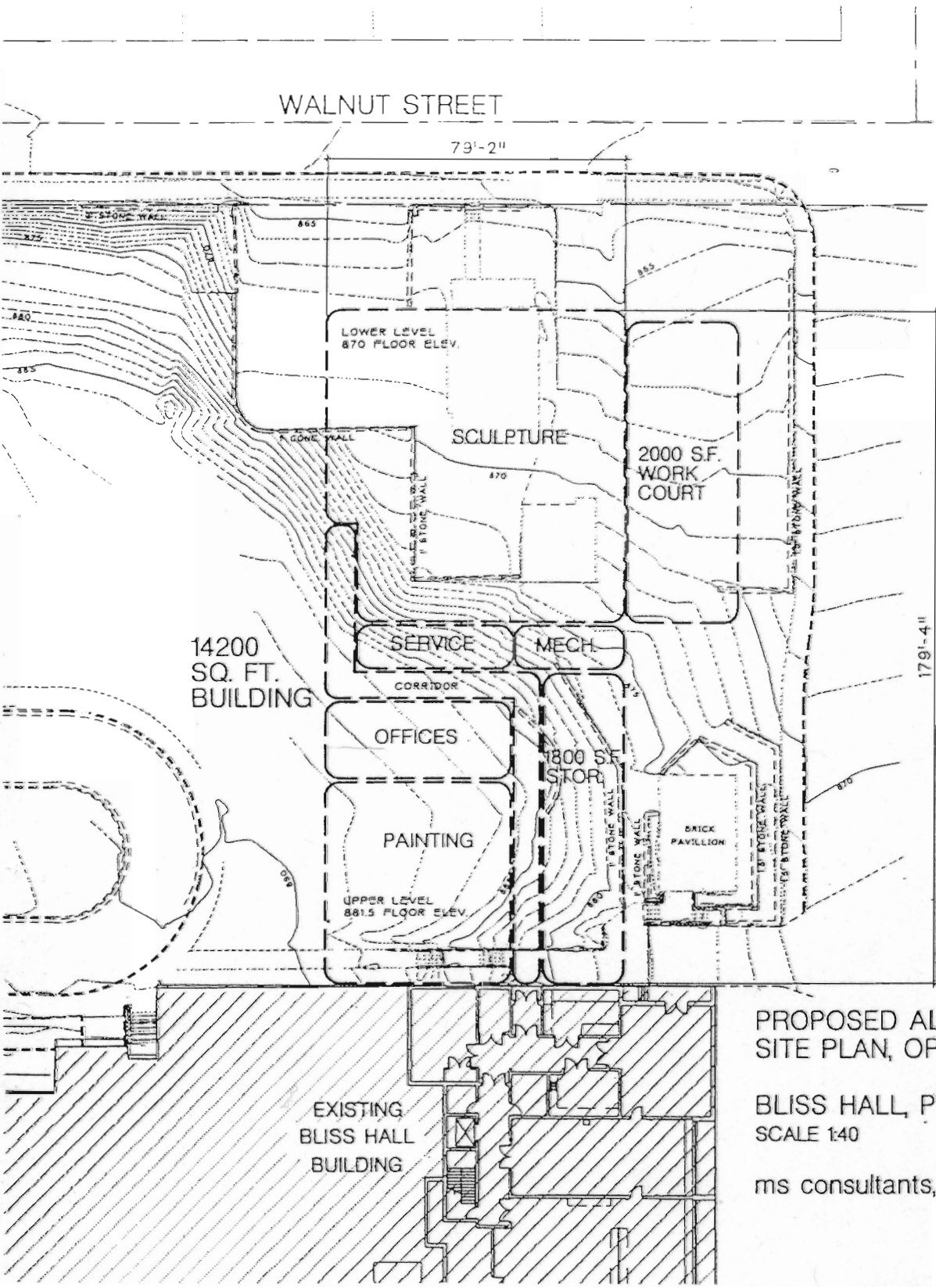
NUMBER

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of acquisition, estimated remodeling or demolition costs, environmental compliance costs, annual operating costs (e.g., utilities, insurance, janitorial services, basic maintenance, staffing costs), an abstract of the environmental assessment, projected revenue earnings, if any, and other pertinent information.

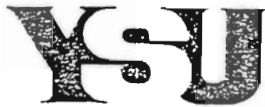
4. At the initiative of the Executive Vice President, approved by the President, and at the recommendation of the Building and Property Committee, the Board may move to invoke eminent domain.
5. Acquisitions of real estate will be at the appraised value or less whenever possible. Exceptions will be approved in advance by the Executive Vice President
6. All property acquisitions will be submitted to the Building and Property Committee for acceptance into the official log of institutional property.



PROPOSED ALTERNATE
SITE PLAN, OPTION 2

BLISS HALL, PHASE IV #12325
SCALE 1:40

ms consultants, inc 01-25-01



EXECUTIVE SUMMARY
GIFTS
FOR THE PERIOD OCTOBER 1 - DECEMBER 31, 2000

UNIVERSITY DEVELOPMENT (SEE ATTACHMENT 1):

	NUMBER RECEIVED	TOTAL
CASH	1,720	\$784,494.54
NON-CASH	2	50,024.48
TOTAL	1,722	\$834,519.02

WYSU-FM (SEE ATTACHMENT 2):

	NUMBER RECEIVED	TOTAL
CASH	866	<u>\$70,048.75</u>
TOTAL	866	\$70,048.75



YOUNGSTOWN STATE UNIVERSITY BOARD OF TRUSTEES
 UNIVERSITY DEVELOPMENT GIFT LIST
 FOR THE PERIOD OF OCTOBER 1 - DECEMBER 31, 2000

<u>GIFT TYPES</u>	<u>NUMBER OF GIFTS</u>	<u>TOTAL</u>
Cash	1,720	\$784,494.54
Non-Cash	<u>2</u>	<u>50,024.48</u>
Total	1,722	\$834,519.02

RANKING OF CASH GIFTS

<u>GIFT LEVELS</u>	<u>NUMBER OF GIFTS</u>	<u>TOTAL</u>
Major Gifts \$10,000+	14	\$369,240.99
\$5,000+	11	146,217.82
\$1,000 - \$4,999	74	121,268.18
\$500 - \$999	51	30,486.31
Below \$500	1,570	117,281.24

DaimlerChrysler Corporation Fund
Mr. Darrell L. Davis
Ms. Anita DeVivo
Mr. Ralph I. Dillon
Mrs. Louise Dodge
David C. Edwards
Elks National Foundation
Philip & Kathylynn Feld
Mr. C. Kenneth Fibus
Findlay-Hancock County Community Fdtn.
First Union National Bank
Mr. Anthony F. Frattaroli
Mr. John Gilchrist
Gould, Inc.
Ms. Roberta M. Hannay
Theresa Trucksis Hickey
Dr. Alan M. Jacobs
Mr. & Mrs. C. Gilbert James
Drs. Carmen Julius & Lyn Yakubov
Key Bank Corporation
Martin Luther King, Jr. Scholarship
Knight-Ridder, Inc.
Mr. Carter P. Lewis
Ms. Jocelyne Kollay Linsalata
Mr. David P. Locke
Ms. Emily P. Mackall
Mahoning Valley Sports Charities
Dr. William & Virginia Martin

Paul & Dianne McFadden
Metropolitan National Bank
Michigan Merit Award
NAACP
Mr. Jon M. Naberezny
Negro Educational Emergency Drive
Atty. Leonard A. Olson
Oregon City Schools
Parker-Hannifin Matching Gifts
RASP Scholarship Service
Mr. Sanford D. Rivers
Roadway Express, Inc.
Mr. Eugene E. Rossi
Ms. Margaret M. Sadler
Second National Bank of Warren
Sigma Club
Mrs. Helen R. Stambaugh
Standex International Corporation
State Teachers Retirement System
William D. Squires Education Foundation
Tri-State Area Citizens' Scholarship Fdtn.
Trustmark Insurance Company
UAW Local 1714/BOC Lordstown
Fabricating Plant
The Vindicator
Dr. H. S. & Florence Wang
Dr. & Mrs. Ralph Yingst
Youngstown State University Foundation

\$500 - \$999

Addiction Programs of Mahoning County
American Business Women's Association -
Youngstown Charter Chapter
John & Cynthia Asimakopoulos
Mr. Lawrence M. Baytos
David & Sandra Borrow
Drs. Barbara Brothers & Lawrence Haims
Mr. & Mrs. Thomas J. Cavalier
Chaney High School Foundation
Ms. Jean Collins
Mr. Edward P. Condo
Atty. Daniel & Terri Daniluk
Dr. & Mrs. Peter M. DeVito

Everett Exchange Club
First Energy Foundation
Friends of Bill Binning
Mr. Charles H. Haggis
Heilig-Meyers Foundation
Mr. Lee R. Hively, Jr.
Mr. James F. Hoffman
Dr. Sally M. Hotchkiss
Tom & Carol Jochman
Ms. Barbara B. Law
Ms. Shirley A. McMahon
Mr. Jack J. Menosky, Jr.
Mentor Women's Club

Mr. William J. Brennan
Mr. & Mrs. William E. Breslyn
William & Joyceann Bresnahan
Mr. Edward R. Bretz
Col. Patrick & Mary Grace Briceland
Mr. Robert L. Brickley
Mr. Gary D. Brienza
Mr. Raymond J. Briya
Mr. & Mrs. Barry J. Brocker
Ms. Lauren J. Broderick
Mr. & Mrs. Wayne M. Brodnan
Mrs. Debra A. Brooks
Joyce & Loran Brooks
Mr. Matthew R. Brooks
Mr. Robert A. Brooks
Mr. & Mrs. Robert P. Brophy
Ms. Mary Jane Brosko
Mr. & Mrs. Daniel F. Brown
Dr. & Mrs. David E. Brown
Mr. Eric Brown
Mr. & Mrs. George D. Brown
Mrs. Joann C. Brown
Dr. Steven R. Brown
D. Thomas & Susan Brucoli
Mr. Thomas B. Brugh
Ms. Cynthia K. Bruno
Ms. Cynthia A. Brunot
Atty. Jonathan M. Bryan
Richard & Mary Buchenic
Andrew & Sandra Bucher
Mrs. Thomas L. Buchwalter
Ms. Jo Ann Buckner
Mrs. Anne J. Bunofsky
Dr. Holly J. Burge-Stafford
Ms. Alice D. Burger
Dr. Anita C. Burris
Mr. & Mrs. Brian R. Burse
Mr. & Mrs. Timothy R. Bush
Carla Wilson Buss
Mr. & Mrs. David A. Buttar
Ms. Michelle M. Byers
Mr. & Mrs. Joseph J. Caccarozzo
Mr. Lew Caccia, Jr.
The Cafaro Company
Mr. Donald Cagigas

Ms. Jayne Gergel Cagle
Mr. & Mrs. Randall F. Cailor
Mr. Rand R. Cairey
Dr. Elisa Calabrese-Laszlo
Raymond J. & Lori Calcagni
Mr. Thomas J. Caldron
Mr. Patrick W. Calhoun
Mr. & Mrs. James Calpin
Thomas & Janet Calpin
Mrs. Betty J. Campbell
Mr. Russell P. Campbell
Mr. George A. Campion
Mr. Robert R. Campolito
Mr. & Mrs. Peter Cannell
Mrs. Margaret Cappelli
Barbara J. Carbone
Mr. & Mrs. Kenneth E. Carey
Mr. Gene M. Carithers
Gary & Mary Ann Carlile
Mr. Paul W. Carlson
Mr. & Mrs. John Carney
Ms. Norma Jean Carney
Mr. & Mrs. Thomas J. Carney
Mr. & Mrs. David Carson
Mr. William Carson
Ms. Julianne A. Carsone
Mr. Stephen A. Caruso
Mr. John Paul Casey
Mr. Timothy A. Caskey
Mr. & Mrs. Dorrill L. Catlin
Dr. Albert S. Celec, Sr.
Mr. James H. Centric
Mr. & Mrs. Stephen Cepin
Ms. Bonnie Cera
Mr. & Mrs. Joseph T. Ceremuga
Mr. Lawrence J. Cernoch
Mr. Michael S. Cervone
Ms. Sulana Ross Chait
Daniel & Mary Ann Chambers
Mrs. Helen M. Chambers
Mr. Ryan A. Channell
Mr. Wendell S. Chapman
Mr. John C. Charnas
Mr. Lawrence J. Charniga
Mr. Gunvant J. Chauhan

James T. Chengelis, M.D.
Atty. Diane L. Chermely
Peter & Phyllis Chila
Mr. & Mrs. Joseph B. Chovan
Mr. James L. Christofil
Mr. & Mrs. Joseph F. Christopher
Mr. Theodore Chuparkoff
Mr. Joseph L. Churilla, Jr.
Mr. & Mrs. George W. Churm
Dr. Joseph Ciarrochi
Ms. Peggy A. Ciccarelli
Mr. Michael J. Ciccone
Dr. & Mrs. Albert B. Cinelli
Mr. & Mrs. John R. Ciotola
Mrs. Alice B. Citano
Ms. Catherine S. Clagett
Clairton Education Center
Mr. & Mrs. Gary W. Clark
Ms. Michelle D. Clark
Ms. Miranda M. Clark
Mr. Edward J. Cleary
Mr. Fred D. Cleary
Ms. Karen A. Clemente
Ms. Shawna L. Cline
Dr. & Mrs. Roger L. Clouse
Mr. Lee C. Coates
Carole & Edward Cobb
Mr. Larry L. Coburn
Dr. & Mrs. Jeffrey R. Cohen
Ms. Linda E. Cohen
Mr. William T. Coller
Mr. & Mrs. Greg J. Collett
Mrs. Dorothy A. Collins
Michelle Sabino Collins
Mr. & Mrs. Ralph E. Collins
Columbia Energy Group
Mr. & Mrs. Darrell L. Combs
Mr. & Mrs. Brian C. Commons
Mr. Anthony J. Congemi
Dr. Lawrence R. Connelly
Mrs. Susan C. Conner
Mr. Sean P. Conrad
Mrs. Tammie A. Conroy
Carole & William Conti
Louis & Marianne Conti

Ms. Phyllis Conto
Mr. & Mrs. Donald G. Cook
Mrs. Marcy A. Cook
Mr. & Mrs. William G. Cook
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Richard Monteville

Robert Moore
Samuel Moore, Jr.
William & C. Marilyn Moore
Roberto & Lisette Morales
Elaine Morgan
Greg Moring
Matilda Morris
Craig Morrison
Mary Ann Morway
Dr. Allan Mosher
L. Bud Mould
Lori Mowad
Janet Moy
John & Sandra Moyer
Dean Muller
Sr. Jean Mullin
Donald Mumford
John Murcko
Maureen Murray-Jaklic
Music Appreciation Hour of Copeland Oaks
Mutual of America
Dr. Ravinder Nath
Jeffrey Necko
Linda Nehls
Spiro Nellas
Ronald & Judith Neuger
John Neville
Grover Newell
Newman Center
Dr. Mervin Newton
John Nichols
John Novelli
Eileen Novotny
Uchenna Nwosu
Doug & Carolyn Nybell
John & Sally Oberman
Harry O'Brien, Jr.
Gail Okawa
James Olsavsky
Dr. Monica Ondrusko
Ann Orlando
Mary Jo Orsini
Lance Ortenzio
Barbara Orton
Jeffrey Ostheimer

Richard & Carol Ostheimer
Barbara Ostrolenk
Lee Palmer, CPA
Dr. Gabriel Palmer-Fernandez
Pamela Palumbo
Julie Dohar Palusak
Hugh Pannunzio
Jody Patrick
Mary E. Patton
Tonya Payne
James Pazol
Dr. Tedrow Perkins
Donald & Shirley Peterson
Jack Peterson
Elizabeth Petrie
George Peya
William Peyko
Susan Piccirilli
Agnes Pierson
Lyla Pilorusso
Patsy Pilorusso
Don Pipino
Richard Pirko
Lora Pittman
Planned Parenthood
Bruce Platt
Dennis Pogany
John & Marilyn Pogue
John Polanski & Marge Minghetti
Marlene Pond
John Poponyak
Barbara Poremba
Ben Post
William Powell
Emily Powers
Jacqui Pressley
Herbert Pridham
Principi Realty
Diane Profusek
Joan Pucci
Dr. George Pugh
Dennis & Elizabeth Puko
Morris Pullium
Mary L. Quisenberry
Dr. & Mrs. Joseph Raight

Roberta Ramsey
Vikram Raval
James E. Ray
May Ray
Patricia Reardon
David Reed
Mary Reedy
Terry Reeher
Joseph Regna, Jr.
Robert Rehner
Janice Reichenfeld
Teresa Reilly
Victoria Reto
Gary Richards
Betty Richmond
Teresa Riley
Ronald & Mary Rivett
Tae & Linda Ro
Catherine Rodik
Jeffrey Rodik
Marybeth Roman
Roberta Rome
Cheryl Roqueplot
Janice Roschzyk
John & Cheryl Rose
Rosemary Ross
Michael T. Rowan
Jane Rowlands
Thomas Ruane
Steve & Carol Ruby
Dr. Juan Ruiz
Robert Rupeka
Richard Russell
Willard Russell
John & Susan Russo
Mary Russo
Thomas Russo
Eileen Ruthrauff
Jessica Ryan
Dr. Ravindra Sachdeva
Dr. Robert Sacherman
Cynthia Sahli
Evelyn St. Julien
St. Lucy Church
St. Luke School

S. Allan Salisbury
Gary & Kathy Salvner
John & Elizabeth Sant
Larry Sapir
John Sarkissian
Ellen Satre
Lowell & Ellen Satre
Susan Savastuk
Mary Saxon
Jeanette Sberna
Richard Sberna
Richard Scarsella
Cynthia Schaefer
Holly Schaeffer
Sara Schaft
Shawn Scharf
Carl & Rebecca Schaub
Marina Schaum
Leonard & Gina Schiavone
Steven & Antonia Schildcrout
Dr. Lawrence Schmetterer
Beatrice Schmidt
Michael Schriner
Dr. & Mrs. Bernard Schultz
Nancy Schulz
Ron & Helene Schulz
Victor Schumacher
Joan Schwartzman
Dorothy J. Schwers
F. William Scragg
Dan & Sara Scudier
James Seckler
Thomas & Patricia Seckler
Donald & Barbara Seely
Dr. C. Louise Sellaro
Gary Sexton
James & Lucy Shaffer
Mr. & Mrs. Ray Shaffer
Sharon Shanks
James & Catherine Shantz
Anita Shaw
Amy Shea
David Shepherd
Michael Shepherd
Bruce & Carole Sherman

Albert & Mary Anne Shiderly
Judy Shields
Nancie Shillington
Dr. Thomas Shipka
Jim Shontz
David & Janice Shriver
Tad Siembida
Stephen Siff
Robert Siffrin
Shirley Silver
Karen Simon
Richard & Wendy Simon
Dr. Charles & Barbara Singler
Frances Singleton
Dr. Robert Sinsheimer
Wendell Slaughenhaupt
Ann Slaughter
Harry & Cyndy Sleigh
William & Gloria Slocum
Angela Small
Dr. Jeffrey Smiley
Susan Smiley
Jeffrey Smith
Lynda Smith
Dr. Melissa T. Smith
Nancy Korst Smith
Stephanie Smith
Tim Smith
David & Dorothy Smyntek
Dr. & Mrs. Karl Soller
Katherine Soman
Rosemary Sontich
John & Florence Sopko
Eugene & Hilda Spack
Mr. & Mrs. Richard Spagnola
Kathy Sparks
William & Elizabeth Speer
Richard Speicher
John Sperry
Paul & Rebecca Stabile
Mark Stamford
Leonard Stanley
Robert Staudohar
Frank Stearns
Gail Steele

Norma Stefanik
Debora Stephens
Jerome Stephens
Mary Jane Stephens
Dr. Michael Stern
Dr. & Mrs. Charles Stevens
Glenn Stevens
James Stewart
Marc Stewart
Dr. Donald Stitt
Mabel Stoddard
Drs. Jeffrey & Anne Stover
Lillian Stowe
Dr. Sharon Stringer
Hallie Strohl
Delores Strollo
Robert & Bonnita Summers
Dr. George Sutton
Barbara Swanson
Maureen Sweeney
Dr. & Mrs. David Sweet
Florence Swierz
Esther Szakach
Janice Szalma
George Tabouris
Marian Takoch
Paul Tanona
Perry Tarantine
Francis Tartan
Dwight Tatman
Roberta Taylor
Becky Tennant
Leonard Thomae
Julie Thomas
Mary Place Thomas
Robert L. Thomas
Susan Thomas
Gregory Thompson
James C. Thompson
James Thorton
Joan J. Thumm
Dr. Stephanie Tingley
Andrew Tirpak
Total Care Psychological Counseling Services
Trumbull Art Gallery

**YOUNGSTOWN STATE UNIVERSITY
SUMMARY OF APPOINTMENTS, PROMOTIONS, AND OTHER PERSONNEL ACTIONS
NOVEMBER 15, 2000 - FEBRUARY 23, 2001**

	FULL-TIME			PART-TIME			TOTALS
	NEW HIRES	REHIRES	PROMOTIONS	NEW HIRES	REHIRES	PROMOTIONS	
FACULTY	0	0	0	0	0	0	0
PROF/ADMIN	8	7	6	1	1	0	23
EXTERN FUND	4	3	0	3	3	0	13
TOTALS	12	10	6	4	4	4	36

Klara Trusova
Catherine Turney
Christine Tvaroch
Wendy Tyger
Martha Tyrrell
Jeffrey & Susan Uber
Elaine Ulrich
Sergio & Veronica Uribe
Helen Vangorder
Dr. John Venglarcik
Rev. Daniel Venglarik
Frank & Elizabeth Verterano
Mr. & Mrs. Edward Victor
Frank Vitale
Mr. & Mrs. Victor Vlad
Ms. Catherine S. Vodrey
James Volenik
David Vosburgh
Ruth Wack
Janet Wade
Dr. Charles Wagner
Rolaan Waldman
Richard Walker
Donald & Dorothy Wallace
R. David & Leslie Wardale
Sieglinde Warren
Mark Webb
Cathy Weiss
Jeanne Thomas Wellman
Holly Wells
Lonnie Wells
Ben Welsh
Elaine Welsh

M. Frederic Welter
John Wendle
Dale & Marian Wenger
Dr. Gordon Wepfer
Dr. John White
Samuel White
Joseph & Carol Wiercinski
Patricia Wilder
Jess Wilhelm
Todd Williams
Dr. Bruce Willner
Eleanor Wills
Edward Wilson
Joanne Wilson
Mike Winisky
Veronica Wood
Kirk Works
John Worthington
Mary Jo Wright
Richard & Nancy Yauger
Anthony Yereb
Richard York, Jr.
Jennifer Young
Judith A. Young
Dr. Warren Young
Youngstown Opera Guild
Harold Zealley
Victoria Zeiger
Dennis & Patty Zitello
Richard & Pam Zitto
Beverly Zona
Sarah Zuckerman

Total Cash Contributions:

\$70,048.75

**YOUNGSTOWN STATE UNIVERSITY
NEW PROFESSIONAL/ADMINISTRATIVE APPOINTMENTS, PROMOTIONS AND OTHER PERSONNEL ACTIONS
AS OF FEBRUARY 23, 2001**

NAME	GENDER/ RACE*	TITLE	DEPARTMENT	CONTRACT PERIOD	SALARY/FTE/		COMMENTS
					BASE SALARY		
Anika Boatwright	F/BL	Research Associate II/Community Organizer	Center for Urban Studies	02/21/01-06/30/01	\$10,692	1.00 FTE	New hire; externally funded.
John D. Bralich	M/C	Research Associate I/ Geographic Information Systems (GIS) Analyst	Center for Urban Studies	01/01/01-06/30/01	\$11,500	1.00 FTE	New hire; externally funded.
Donna Bricker	F/C	Research Coordinator	Social Work	11/20/00-06/30/01	\$8,355	.50 FTE	New hire; externally funded.
Alice Burger	F/C	Associate to the Dean	College of Health and Human Services	08/21/00-06/30/01	\$69,612	1.00 FTE	Reassignment from faculty.
Sandra Ciminero	F/C	Coordinator, Summer Festival of the Arts	University Relations	01/01/01-06/30/01	\$6,493	.50 FTE	Contract extension.
Leslie Chain	F/C	Survey Coordinator	Center for Urban Studies	01/01/01-06/30/01	\$6,566	.75 FTE	Contract extension; externally funded.
Ronald Chordas	M/C	Interim Executive Director	Public Service Institute	11/01/00-06/30/01	\$650/month		Temporary supplemental promotion.

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= White (not of Hispanic origin), origins in the original peoples of Europe, North Africa, or the Middle East.

= Hispanic-Mexican, Puerto Rican, Cuban, Central/South American or other Spanish culture.

= American Indian or Alaskan Native, origins in any of the original peoples of North America.

YOUNGSTOWN STATE UNIVERSITY
 NEW PROFESSIONAL/ADMINISTRATIVE APPOINTMENTS, PROMOTIONS AND OTHER PERSONNEL ACTIONS
 AS OF FEBRUARY 23, 2001

NAME	GENDER/ RACE*	TITLE	DEPARTMENT	CONTRACT PERIOD	SALARY/FTE/		COMMENTS
					BASE SALARY		
Angela DeLucia	F/C	Interim Director	McDonough Museum of Art	01/01/01-06/30/01	\$15,163 1.00 FTE \$30,325		Temporary promotion.
Erin DeBernardo	F/C	Assistant Coordinator	Alumni Relations	01/01/01-06/30/01	\$10,924 1.00 FTE \$21,848		New hire.
Mary Dimitriou	F/C	Coordinator	Alumni Relations	01/01/01-06/30/01	\$13,033 1.00 FTE \$26,067		New hire.
Joseph Edwards	M/C	Interim Dean	College of Education	08/07/00-06/30/01	\$87,709 1.00 FTE \$96,766		Temporary promotion.
Philip E. Ginnetti	M/C	Assistant Dean	College of Education	08/21/00-06/30/03	\$75,904 1.00 FTE \$75,904		Reassignment from faculty; multi-year contract.
John Habat	M/C	Special Assistant to the President	Office of the President	01/01/01-06/30/01	\$55,000 1.00 FTE \$110,000		Relieve; change in status from part- time temporary to full-time.
Crystal Hawthorne	F/BL	Academic Advisor	College of Education	02/19/01-06/30/01	\$9,524 1.0 FTE \$26,067		New hire.

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A = Asian or Pacific Islander, origins in any of the original peoples of the Far East, Southeast Asia, Pacific Islands, or Indian subcontinent.

BL = Black (not of Hispanic origin), origins in any of the black racial groups.

W = White (not of Hispanic origin), origins in the original peoples of Europe, North Africa, or the Middle East.

H = Hispanic-Mexican, Puerto Rican, Cuban, Central/South American or other Spanish culture.

I = American Indian or Alaskan Native, origins in any of the original peoples of North America.

YOUNGSTOWN STATE UNIVERSITY
NEW PROFESSIONAL/ADMINISTRATIVE APPOINTMENTS, PROMOTIONS AND OTHER PERSONNEL ACTIONS
 AS OF FEBRUARY 23, 2001

<u>NAME</u>	<u>GENDER/ RACE*</u>	<u>TITLE</u>	<u>DEPARTMENT</u>	<u>CONTRACT PERIOD</u>	<u>SALARY/FTE/</u>		<u>COMMENTS</u>
					<u>BASE SALARY</u>	<u>SALARY</u>	
Jon Heacock	M/C	Head Coach, Football	Intercollegiate Athletics	01/23/01-06/30/06	\$39,462	1.00 FTE	Promotion; multi-year contract.
Philip Hirsch	M/C	Special Assistant to the President	Office of the President	09/26/00-06/30/01	\$700/month	supplemental	Temporary promotion.
Lawrence Hirschl	M/C	Upward Bound Teacher	Upward Bound	12/02/00-05/12/01	\$1,970	.0971 FTE	New hire; externally funded.
Rufus Hudson	M/BL	Enterprise Counselor	Cushwa Center for Entrepreneurship	01/01/01-06/30/01	\$17,509	1.00 FTE	Contract extension; externally funded.
Sarah Lown	F/C	Grants Analyst	Center for Human Services Development	01/14/01-06/30/01	\$14,506	1.00 FTE	Contract extension; externally funded.
John Klacik	M/C	Assistant Coach, Football	Intercollegiate Athletics	02/08/01-06/30/01	\$19,615	1.00 FTE	New hire.
Carol Marshall	F/C	Academic Advisor	College of Education	01/08/01-06/30/01	\$12,773	1.00 FTE	New hire.
James H. Mike	M/C	Associate to the Dean	College of Arts and Sciences	08/21/00-06/30/01	\$66,103	1.00 FTE	Reassignment from faculty.

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(= Hispanic-Mexican, Puerto Rican, Cuban, Central/South American or other Spanish culture.

= American Indian or Alaskan Native, origins in any of the original peoples of North America.

YOUNGSTOWN STATE UNIVERSITY
 NEW PROFESSIONAL/ADMINISTRATIVE APPOINTMENTS, PROMOTIONS AND OTHER PERSONNEL ACTIONS
 AS OF FEBRUARY 23, 2001

<u>NAME</u>	<u>GENDER/ RACE*</u>	<u>TITLE</u>	<u>DEPARTMENT</u>	<u>CONTRACT PERIOD</u>	<u>SALARY/FTE/</u>		<u>COMMENTS</u>
					<u>BASE SALARY</u>	<u>SALARY</u>	
Joseph L. Mosca	M/C	Associate to the Dean	College of Health and Human Services	08/21/00-06/30/01	\$60,705	1.00 FTE	Reassignment from faculty.
Margaret Nash	F/C	Research Associate I/ Geographic Information Systems Analyst	Center for Urban Studies	01/01/01-04/30/01	\$6,160	.80 FTE	Contract extension; externally funded.
Suzanne Pesta	F/C	Consumer Research Assistant	Social Work	11/20/00-06/30/01	\$5,141	.50 FTE	New hire; externally funded.
Pauline Saternow	F/C	Interim Executive Director of Athletics	Intercollegiate Athletics	02/01/01-01/31/02	\$1,158/month	supplemental	Temporary promotion.
Helen M. Savage	F/C	Associate to the Dean	College of Business Administration	08/21/00-06/30/01	\$85,132	1.00 FTE	Reassignment from faculty.
Charles R. Singler	M/C	Associate to the Dean	College of Arts and Sciences	08/21/00-06/30/01	\$92,707	1.00 FTE	Reassignment from faculty.
James L. Shanahan	M/C	Senior Research Associate/ Planner	Center for Urban Studies	01/01/01-06/30/01	\$24,000	1.00 FTE	New hire; externally funded.
George M. Small	M/BL	Assistant Coach, Football	Intercollegiate Athletics	02/20/01-06/30/01	\$17,932	1.00 FTE	New hire.
						\$48,000	\$49,600

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 = American Indian or Alaskan Native, origins in any of the original peoples of North America.

YOUNGSTOWN STATE UNIVERSITY
 NEW PROFESSIONAL/ADMINISTRATIVE APPOINTMENTS, PROMOTIONS AND OTHER PERSONNEL ACTIONS
 AS OF FEBRUARY 23, 2001

<u>NAME</u>	<u>GENDER/ RACE*</u>	<u>TITLE</u>	<u>DEPARTMENT</u>	<u>CONTRACT PERIOD</u>	<u>SALARY/FTE/</u>		<u>COMMENTS</u>
					<u>BASE SALARY</u>	<u>SALARY</u>	
Matt L. Snipes	M/BL	Assistant Coach, Cross Country/Track and Field	Intercollegiate Athletics	11/13/00-06/30/01	\$6,776	.5733 FTE \$18,624	New hire.
Norma Stefanik	F/C	Research Associate II/ Urban Designer	Center for Urban Studies	01/01/01-04/30/01	\$11,500	1.00 FTE \$34,500	Contract extension; externally funded.
Shannon Tirone	F/C	Director	Alumni Relations	01/01/01-06/30/01	\$19,900	1.00 FTE \$39,800	New hire.
Sonja Williams	F/BL	Upward Bound Counselor	Upward Bound	12/18/00-06/30/01	\$12,923	1.00 FTE \$24,000	New hire; externally funded.
Brian Wright	M/C	Assistant Coach, Football	Intercollegiate Athletics	01/01/01-06/30/01	\$13,377	1.00 FTE \$37,000	New hire.
Kavon Wright	F/BL	Research Associate I/ Evaluator	Center for Urban Studies	01/01/01-06/30/01	\$9,240	.80 FTE \$23,100	Contract extension; externally funded.

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 = White (not of Hispanic origin), origins in the original peoples of Europe, North Africa, or the Middle East.
 = Hispanic-Mexican, Puerto Rican, Cuban, Central/South American or other Spanish culture.
 = American Indian or Alaskan Native, origins in any of the original peoples of North America

YOUNGSTOWN STATE UNIVERSITY
Ohio Public Higher Education Institutions'
Alternative Retirement Plan

Article I

OPTIONS

§ 1.1 Exclusive Benefit

This Plan has been executed for the exclusive benefit of the Participants hereunder and their Beneficiaries. This Plan shall be interpreted in a manner consistent with this intent and with the intention of the Employer that this Plan satisfy the pertinent provisions of Internal Revenue Code Section 401(a), and Ohio Revised Code Sections 3305.01, et seq. Under no circumstances shall funds ever revert to or be used or enjoyed by the Employer, except as provided in Section 9.4.

§ 1.2 No Rights of Employment Granted

The establishment of this Plan shall not be considered as giving any employee the right to be retained in the service of the Employer.

§1.3 Effective Date

Option 1

_____ The original "Effective Date" shall be _____.

Option 2

X This amendment and restatement shall be effective April 1, 2001.

§1.4 Employer

The "Employer" shall mean Youngstown State University. To adopt this Plan, Employer must be: (i) a state university as defined in Section 3345.011 of the Revised Code, (ii) the Medical College of Ohio at Toledo, (iii) the Northeastern University's College of Medicine, (iv) or a university branch, technical college, state community college, community college or a municipal university established or operating under Chapter 3345, 3349, 3354, 3355, 3357, or 3358 of the Revised Code.

§1.5 Full-time Employee

"Full-time Employee" shall mean eligible academic and administrative employees whose position is identified as 1.0 full-time equivalents in the University's operating budget.

§1.6 Plan Name

The "Plan Name" is Youngstown State University Alternative Retirement Plan-[NAME OF PROVIDER].

§1.7 Plan Year.

A "Plan Year" is the 12-consecutive month period beginning January 1 and ending December 31.

§1.8 Provider

Option 1

"Provider" shall mean [INSERT NAME OF PROVIDER].

Option 2

_____ "Provider" shall mean, with respect to an individual Participant, the company selected by the Participant to provide the Participant's Annuity Contract pursuant to Section 5.1. Participants may choose among those companies designated by the Ohio Department of Insurance under Section 3305.03 of the Revised Code that have entered into a provider agreement with the Employer. A Provider's responsibilities under the Plan, as to any Participant, shall be limited to the Accounts of those Participants investing in Annuity Contracts offered by the respective Provider.

§1.9 Year of Service for Vesting

Option 1

_____ An employee shall be credited with a "Year of Service for Vesting" for each Plan Year during which the employee remains continuously employed by the Employer and which begins after the employee has attained the age of 18.

Option 2

_____ An employee shall be credited with a "Year of Service for Vesting" on the first anniversary of the 12 consecutive month period beginning on the date the employee first performs an Hour of Service after the employee has attained the age of 18 (employment commencement date), and each anniversary thereof.

Option 3

Not applicable. Participants vest immediately.

Option 4 (may be combined with option 2)

_____ Administrative Employees with 9 month contracts and Academic Employees shall be credited with a "Year of Service for Vesting" upon the earlier of: (a) the first anniversary of the 12 consecutive month period beginning on the date the employee first performs an Hour of Service after the employee has attained the age of 18 (employment commencement date) and each anniversary thereof; or (b) the completion of each 9 month academic year or 9 month contract.

§1.10 Employer Contributions

Option 1

____ Employer discretionary contributions shall be made at a rate equal to a uniform percentage of the Compensation of each Participant who is eligible for Employer Contributions. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

Option 2

X Employer discretionary contributions shall be made at a rate equal to a percentage of the Compensation of each Participant who is eligible for Employer Contributions. A different contribution rate may be set for Academic Employees and Administrative Employees. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

Option 3

____ Employer discretionary contributions shall be made at a rate of ____% of the Compensation of each Participant who is eligible for Employer Contributions and who is an Academic Employee, and at a rate of ____% of the Compensation of each Participant who is eligible for Employer Contributions and who is an Administrative Employee. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

§1.11 Loans to Participants

X The Plan shall not permit loans.

____ Plan loan provisions are set forth in Section 5.5. The minimum loan amount shall be set forth in the Annuity Contract.

§1.12 Spousal Consent

Option 1

X In the event of the death of a married Participant, the surviving spouse must be the sole Beneficiary unless the surviving spouse has consented in writing to a different election, has acknowledged the effect of such election, and the consent and acknowledgment are witnessed by a duly authorized Provider representative or a notary public. Spousal consent shall not be necessary if it is established to the satisfaction of the Provider that there is no spouse, the spouse cannot reasonably be located, or for such other reasons as the Treasury regulations may prescribe. If the spouse of a Participant is located or if a Participant remarries, it shall be the duty of the Participant to bring that fact to the attention of the Provider. If the Participant so notifies the Provider, the Provider shall then, if applicable, proceed to make available to such spouse the spousal consent procedures described in this Section.

Option 2

____ A Participant may designate a Beneficiary other than the Participant's spouse without obtaining spousal consent.

____ Notwithstanding the above, effective April 1, 2001, Option 2 shall not be an available option and Option 1 shall apply as if it were originally elected by the Employer.

§1.13 Employer Account Vesting on Termination

Option 1

A Participant's Employer Account shall be 100% vested at all times.

If a Participant's employment is terminated prior to attaining Normal Retirement Age except for death or Disability, the vested portion of his Employer Account shall be determined in accordance with the following:

Option 2

____ (5 year cliff)–

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than 5 years	0%
5 years or more	100%

Option 3

____ (3 to 7 year graded)

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than 3 years	0%
3 years	20%
4 years	40%
5 years	60%
6 years	80%
7 years or more	100%

Option 4

____ (other)

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than ____ year(s)	0%
____ years	____%
____ years	____%
____ years	____%
____ years	____%
____ years or more	100%

Notwithstanding the above, the Plan's vesting schedule shall meet the vesting requirements resulting from the application of IRC Sections 401(a)(4) and 401(a)(7) as in effect on September 1, 1974.

§ 1.14 Forfeiture for Certain Acts

Subject to the provisions of Section 7.10 and notwithstanding the provisions of Section 6.3, a Participant who has less than zero years of Total Service for Vesting shall forfeit any amount accrued in his or her Employer Account if he or she should commit any criminal act or willful or malicious act which damages the Employer or other employees. Such determination shall be made by the Employer in its sole discretion.

§ 1.15 Method of Distribution of Accounts

The Participant shall elect to receive distribution of his or her vested Account in any of the following forms (check all that apply):

an annuity as permitted by the Annuity Contract:

with a default option of a Joint and Survivor Annuity or Pre-Retirement Survivor Annuity as provided in Section 7.3, or

without a default option of a Joint and Survivor Annuity or Pre-Retirement Survivor Annuity.

a lump-sum distribution,

an installment distribution to the extent permitted under the Annuity Contract (subject to the limitations of Section 7.2).

Article II

DEFINITIONS

§ 2.1 Academic Employee

"Academic Employee" shall mean any Full-time Employee who is a member of the faculty of the Employer and is not receiving any benefit, allowance or other payment from the Public Employees Retirement System created under Chapter 145 of the Revised Code, the State Teachers Retirement System created under Chapter 3307 of the Revised Code, or the School Employees Retirement System created under Chapter 3309 of the Revised Code. In all cases of doubt, the Employer's Board of Trustees shall make a final determination as to whether an employee is an Academic Employee.

§ 2.2 Account

"Account" shall mean the amount credited to the Employer Account, the Participant Account and, if applicable, the Rollover Account of a Participant or Beneficiary.

§ 2.3 Administrative Employee

"Administrative Employee" shall mean any Full-time Employee who is a member of the administrative staff of the Employer serving in a position in the unclassified civil service pursuant to Section 124.11 of the Revised Code or, if Section 124.11 of the Revised Code does not apply to the Employer, serving in a position comparable to a position in the unclassified civil service, and is not receiving any benefit, allowance or other payment from the Public Employees Retirement System created under Chapter 145 of the Revised Code, the State Teachers Retirement System created under Chapter 3307 of the Revised Code, or the School Employees Retirement System created under Chapter 3309 of the Revised Code. In all cases of doubt, the Employer's Board of Trustees shall make a final determination as to whether an employee is an Administrative Employee.

§2.4 Annuity Contract

"Annuity Contract" shall mean any annuity contract or custodial account that satisfies the provisions of IRC Section 401(f), and that is offered by the Provider.

§ 2.5 Beneficiary

A "Beneficiary" is any person, estate or trust who by operation of law, or under the terms of the Plan, or otherwise, is entitled to receive the Account of a Participant under the Plan. A "designated Beneficiary" is any individual designated or determined in accordance with Section 5.4, excluding any person who becomes a beneficiary by virtue of the laws of inheritance or intestate succession.

§ 2.6 Compensation

"Compensation" shall mean:

(a) If the Participant would be subject to Chapter 145 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to the Participant. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(1) Compensation includes the following:

- (i) Payments made by the Employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the Participant;
- (ii) Payments made by the Employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to Section 124.383 or 124.386 of the Revised Code are not Compensation;
- (iii) Allowances paid by the Employer for full maintenance, consisting of housing, laundry, and meals, as certified to the public employees retirement board by the Employer or the head of the department that employs the Participant;
- (iv) Fees and commissions paid under Section 507.09 of the Revised Code.

- (v) Payments that are made under a disability leave program sponsored by the Employer and for which the Employer is required by Section 145.296 of the Revised Code to make periodic Employer and employee contributions;
- (2) Compensation does not include any of the following:
- (i) Fees and commissions, other than those paid under Section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the Participant receives a salary;
 - (ii) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;
 - (iii) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, or use of the Employer's property or equipment, or amounts paid by the Employer to the Participant in lieu of providing the incidental benefits;
 - (iv) Reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;
 - (v) Payments for accrued, but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;
 - (vi) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17);
 - (vii) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly; and
 - (viii) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

(b) If the Participant would be subject to Chapter 3307 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to the Participant by reason of the Participant's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

- (1) Compensation does not include any of the following:
- (i) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to Section 124.39 of the Revised Code or any other similar plan established by the Employer;
 - (ii) Payments made for accrued but unused vacation leave, including payments made pursuant to Section 124.13 of the Revised Code or a similar plan established by the Employer;
 - (iii) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under Chapter 3307 of the Revised Code are paid;
 - (iv) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant, or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;
 - (v) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, use of the Employer's property or equipment, and reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;
 - (vi) Payments made by the Employer in exchange for a Participant's waiver of a right to receive any payment, amount, or benefit described in Division (U)(2) of Section 3307.01 of the Revised Code;
 - (vii) Payments by the Employer for services not actually rendered;
 - (viii) Any amount paid by the Employer as a retroactive increase in salary, wages, or other earnings that meets the requirements of Section 3307.01(u)(2)(h)(i), (ii), (iii), or (iv), of the Revised Code;
 - (ix) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17).
 - (x) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly; and
 - (xi) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

(c) If the Participant would be subject to Chapter 3309 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to a Participant by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the

Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

- (1) Compensation does not include any of the following:
 - (i) Payments for accrued but unused sick leave or personal leave, including payments made under a Plan established pursuant to Section 124.39 of the Revised Code or any other similar plan established by the Employer;
 - (ii) Payments made for accrued but unused vacation leave, including payments made pursuant to Section 124.13 of the Revised Code or a similar Plan established by the Employer;
 - (iii) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid;
 - (iv) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;
 - (v) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, use of the Employer's property or equipment, and reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;
 - (vi) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17).
 - (vii) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly;
 - (viii) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

Notwithstanding the foregoing, Compensation shall not be reduced by the amount of exclusions that are not currently includable in the Participant's gross income by reason of the application of IRC Sections 125, 402(e)(3), 403(b), and 457, or by reason of the application of IRC Section 414(h)(2).

An employee who has satisfied the eligibility requirements for Employer Contributions during a Plan Year shall be entitled to such contributions only with respect to Compensation earned on or after the date he becomes a Participant.

For each Plan Year, the annual Compensation of each Participant taken into account for determining all benefits provided under the Plan for that Plan Year shall not exceed \$150,000, as adjusted for increases in the cost-of-living in accordance with IRC Section 401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any determination period beginning in such calendar year.

If a determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12.

§2.7 Disabled or Disability

"Disabled or Disability" shall mean the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or to be of long continued and indefinite duration. A Participant shall be considered Disabled only if the permanence and degree of such impairment is supported by medical evidence. Such determinations shall be made by each Provider.

§ 2.8 Eligible Employee

"Eligible Employee" shall mean (a) any Academic or Administrative Employee whose employment as an Academic or Administrative Employee commences on or after the Effective Date, (b) any Administrative Employee who has less than five years total service credit in the Public Employees Retirement System or School Employees Retirement System on March 31, 1998, and (c) any Academic Employee who has less than five years total service credit in the State Teachers Retirement System on the 30th day of June preceding the Effective Date; provided however, an Academic or Administrative Employee previously employed by a Public Institution of Higher Education (including the Employer), as defined in Section 3305.01(A) of the Revised Code, will not be an Eligible Employee unless: 1) such employee has had a One Year Break in Service with respect to such previous employer; 2) such employee participated in an alternative retirement plan pursuant to Chapter 3305 of the Revised Code while employed by such previous employer; or 3) such employee was employed by such previous employer for less than ninety (90) days.

Effective April 1, 2001, "Eligible Employee" shall mean (a) any Academic or Administrative Employee whose employment as an Academic or Administrative Employee commences or recommences (after such Employee has had a One Year Break in Service with respect to such Employee's most recent previous employment with the Employer) on or after the initial date on which this Plan is adopted, (b) any Administrative Employee who has less than five years total service credit in the Public Employees Retirement System or School Employees Retirement System on March 31, 1998, and (c) any Academic Employee who has less than five years of total service credit in the State Teachers Retirement System on the 30th day of June preceding the initial date on which the Plan is adopted. Notwithstanding the foregoing, "Eligible Employee" automatically shall include (1) any employee who participated in an alternative retirement plan under Chapter 3305 of the Revised Code in the employee's last employment position with the Employer (and who has not incurred a One Year Break in Service) and who transfers, or is transferred, to an employment position with the Employer for which an alternative retirement plan under Chapter 3305 of the Revised Code is not available from that Employer or (2) any employee whose employment with the Employer terminates while the employee is participating in an alternative retirement plan under Chapter 3305 of the Revised Code and the employee recommences employment with the Employer before the employee has had a One Year Break in Service regardless of the employee's employment position with the Employer upon the employee's return or (3) any Academic or Administrative Employee whose previous employment with the Employer terminated before the employee had completed one hundred twenty (120) days of service with the Employer and such Employee had not, or had not been deemed to have, elected to participate in the Public Employees Retirement System, School Employees Retirement System or State Teachers Retirement System (collectively, "State Retirement System") as applicable, within such Employee's previous employment with the Employer.

§ 2.9 Employer Account

The "Employer Account" is the separate account maintained for each Participant to which all Employer contributions (including Forfeitures, if applicable) shall be allocated

§ 2.10 Forfeiture

"Forfeiture" refers to the amount of the non-vested portion of a Participant's Employer Account following a Participant's termination of employment with the Employer.

§ 2.11 Hour of Service

"Hour of Service" means each hour for which an employee is paid or entitled to payment for the performance of duties for the Employer.

For purposes of determining an employee's initial or continued eligibility to participate in the Plan or the nonforfeitable interest in the Participant's account balance derived from Employer contributions, an employee will receive credit for the aggregate of all time period(s) commencing with the employee's first day of employment or reemployment and ending on the date a One Year Break in Service begins. The first day of employment or reemployment is the first day the employee performs an Hour of Service.

§ 2.12 IRC

"IRC" refers to the Internal Revenue Code of 1986, as amended.

§ 2.13 Joint and Survivor Annuity

A "Joint and Survivor Annuity" is an immediate annuity for the life of the Participant with a survivor annuity for the life of the Participant's Beneficiary which is not less than 50% and not more than 100% of the amount of the annuity which is payable during the joint lives of the Participant and the Participant's Beneficiary and which is the actuarial equivalent of the Participant's vested Account. The percentage of the survivor annuity under the Plan shall be elected by the Participant subject to the annuity options available under the Annuity Contract.

§ 2.14 Leave of Absence

A "Leave of Absence" shall refer to that period during which the Participant is absent without Compensation and for which the Employer, in its sole discretion has determined the Participant to be on a "Leave of Absence" instead of having terminated his or her employment. However, such discretion of the Employer shall be exercised in a nondiscriminatory manner. In all events, a Leave of Absence by reason of service in the armed forces of the United States shall end no later than the time at which a Participant's reemployment rights as a member of the armed forces cease to be protected by law, except that if the Participant resumes employment with the Employer prior thereto, the Leave of Absence shall end on such date of resumption of employment. The date that the Leave of Absence ends shall be deemed the Termination Date if the Participant does not resume employment with the Employer. In determining a Year of Service for Vesting, all such Leaves of Absence shall be considered to be periods of continuous employment with the Employer.

§2.15 Limitation Year

The "Limitation Year" for purposes of IRC Section 415 shall mean the Plan Year.

§ 2.16 Nonelective Contributions

"Nonelective Contributions" shall be those contributions made by the Participant pursuant to Section 4.1.

§ 2.17 Normal Retirement Age

The "Normal Retirement Age" shall be the time at which the Participant attains 65 years of age.

§ 2.18 One Year Break in Service

A "One Year Break in Service" or "Break in Service" is a Period of Severance of at least 365 consecutive days.

§ 2.19 Participant

A "Participant" shall refer to every employee or former employee who has met the applicable participation requirements of Article III.

§ 2.20 Participant Account

The "Participant Account" is the account to which all Nonelective and Voluntary Contributions, by the Participant shall be allocated, if applicable. Separate accounts within the Participant Account will be maintained for the Nonelective Contributions and the Voluntary Contributions of each Participant.

§ 2.21 Period of Severance

A "Period of Severance" is a continuous period of time during which the employee is not employed by the Employer. Such period begins on the date the employee retires, resigns or is discharged. In the case of an individual who is absent from work for maternity or paternity reasons, the 12-consecutive month period ending on the first anniversary of the first date of such absence shall not constitute a Break in Service. For purposes of this paragraph, an absence from work for maternity or paternity reasons means an absence: (1) by reason of the pregnancy of the individual, (2) by reason of the birth of a child of the individual, (3) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or (4) for purposes of caring for such child for a period beginning immediately following such birth or placement.

§ 2.22 Plan

"Plan" refers to this Plan; and for purposes of the IRC this Plan shall be considered and administered as a "profit-sharing plan".

§ 2.23 Pre-Retirement Survivor Annuity

A "Pre-Retirement Survivor Annuity" is a survivor annuity for the life of the surviving Beneficiary of the Participant which is the actuarial equivalent of the Participant's vested Account.

§ 2.24 Retirement

"Retirement" refers to the termination of employment of a Participant who has attained at least the Normal Retirement Age. The Participant may work beyond Normal Retirement Age, in which case Employer contributions, Nonelective Contributions, and Voluntary Contributions shall continue to be allocated to the Participant's Account.

§ 2.25 Revised Code

"Revised Code" shall mean the Ohio Revised Code, as amended.

§ 2.26 Rollover Contribution

"Rollover Contribution" means:

- (a) amounts transferred to this Plan directly from another qualified plan;
- (b) lump sum distributions received by a Participant from another qualified plan which are eligible for tax-free rollover treatment and which are transferred by the Participant to this Plan within sixty (60) days following his or her receipt thereof;
- (c) amounts transferred to this Plan from a conduit individual retirement account, provided that such account has no assets other than assets which were previously distributed to the Participant by another qualified plan; and further provided that such amounts met the applicable requirements of IRC Section 408(d)(3) for rollover treatment on transfer to the conduit individual retirement account; and
- (d) amounts distributed to a Participant from a conduit individual retirement account meeting the requirements of Subsection (c) above which are transferred by the Participant to this Plan within sixty (60) days of his or her receipt from such account.

§ 2.27 Termination Date

The "Termination Date" shall be the date on which the earliest of the following events occurs: (a) a Participant's Retirement, (b) a Participant's termination of employment as a result of Disability, (c) a Participant's death, or (d) a Participant's termination of employment for any other reason.

§ 2.28 Total Service for Vesting

"Total Service for Vesting" shall mean the sum of each separate Year of Service for Vesting credited to the Participant. In the case of a Participant who has a One Year Break in Service, all Years of Service for Vesting after such Break in Service will be disregarded for the purpose of vesting the Employer Account that accrued before such breaks, and all pre-break service will be disregarded for the purposes of vesting the Employer Account that accrues after such breaks.

§ 2.29 Voluntary Contribution

"Voluntary Contribution" shall mean those contributions made by a Participant pursuant to Section 4.3.

Article III

ELIGIBILITY TO PARTICIPATE

§ 3.1 Initial Entry

All Eligible Employees as of the date the Board of Trustees of the Employer establishes the Plan (the "Establishment Date") shall have a period of 120 days from such date in which to elect to participate in the Plan. Academic or Administrative Employees making such election on forms prescribed by the Employer shall participate in the Plan as of the Establishment Date. An Eligible Employee whose employment commences after the Establishment Date (or an existing employee who becomes an Eligible Employee after the Establishment Date) shall have a period of 90 days (120 days, effective April 1, 2001) from the date upon which the employee first is credited with an Hour of Service in which to elect participation in the Plan. Such election shall be effective on the Eligible Employee's employment commencement date and shall be irrevocable at the end of the 90-day period for Eligible Employees commencing employment prior to April 1, 2001 and shall be irrevocable when made for Eligible Employees commencing employment on or after April 1, 2001. Participants shall remain in the Plan as long as they are Eligible Employees. Effective April 1, 2001, Participants shall remain in the Plan as long as they are employees. Eligible Employees failing to elect participation in the Plan may not subsequently elect participation unless they have had a One Year Break in Service and are reemployed as Eligible Employees. For existing employees who became Eligible Employees due to a change in position, references in this section to employment commencement date and to the date upon which the employee is first credited with an Hour of Service shall mean the date upon which the employee became an Eligible Employee.

§3.2 Reclassification of Eligible Employee

If a Participant is reclassified into a position in which the Participant is no longer an Academic Employee or an Administrative Employee, such Participant's participation in the Plan shall terminate. Such termination shall be effective upon the date of reclassification. Effective April 1, 2001, a Participant will continue to participate in the Plan as long as the Participant remains an employee of the Employer.

§3.3 Resumption of Participation

In the event a Participant is re-employed prior to incurring a One-Year Break in Service or an employee whose participation was previously terminated pursuant to Section 3.2 is reclassified as an Academic or Administrative Employee prior to incurring a One-Year Break in Service, such employee will participate in the Plan immediately upon becoming an Academic or Administrative Employee of the Employer.

§ 3.4 Eligibility Determinations and Employer Powers

The Employer shall have full power (a) to interpret and construe this Plan in a manner consistent with its terms and provisions and with IRC Section 401 and the other applicable qualified plan provisions of the IRC, and to establish rules and procedures conforming to those provisions; (b) to determine all questions of eligibility and of the status and rights of Participants; (c) to determine the amounts to be contributed to each Participant's Account; and (d) to employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants as it may deem necessary. In all such cases the Employer's determination shall be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any

provision of this Plan, and the Employer shall have the right to resolve all such questions. Notwithstanding the above, the Employer's power and responsibility under this Plan shall not extend to, nor have any control over, those responsibilities and duties of the Provider.

Article IV

CONTRIBUTIONS

§ 4.1 Nonelective Contributions

An Eligible Employee who becomes a Participant under this Plan in accordance with the provisions of Article III shall be deemed to have authorized the Employer to deduct from such Participant's Compensation, prior to its payment, a certain percentage of such Participant's Compensation, as a Nonelective Contribution to the Plan. Such contributions shall be credited to the Participant Account.

The Nonelective Contribution percentage shall equal the percentage of the Participant's Compensation which, but for the election to participate in this Plan, would have otherwise been contributed to the State Retirement System that applies to the Participant's position; provided that the Nonelective Contribution percentage shall not be less than three percent.

The amount of the Nonelective Contribution shall be picked up by the Participant's Employer as provided for in IRC Section 414(h)(2). The Employer may choose to apply for approval from the National Office of the Internal Revenue Service concerning the applicability of IRC Section 414(h)(2). The Participant shall not have the option to receive this picked up contribution directly and such contributions shall be paid by the Employer directly to the respective Provider selected by the Participant.

§4.2 Employer Contributions

Employer contributions shall be made as set forth in Section 1.10. Such contributions shall be credited to the Employer Account.

Notwithstanding Sections 4.1 and 4.2, in no event shall the amount contributed under Sections 4.1 and 4.2 be less than the amount necessary to qualify the Plan as a state retirement system pursuant to IRC Section 3121(b)(7) and the regulations adopted thereunder.

Each Participant will share in Employer contributions for the period beginning on the date the Participant commences participation under the Plan and ending on the date on which such Participant severs employment with the Employer or ceases to be a Participant pursuant to Section 3.2.

§4.3 Voluntary Contributions

Participants shall be permitted to make voluntary non-deductible employee contributions to the Plan. Such contributions shall be credited to the Participant Account. Effective April 1, 2001, voluntary non-deductible employee contributions shall no longer be permitted. Voluntary non-deductible employee contributions made prior to April 1, 2001 shall be held and administered in accordance with the terms of the Plan.

§4.4 Corrective Distributions

If the limits under IRC Section 415 are exceeded for any taxable year, and such excess is a result of a reasonable error in estimating a Participant's annual Compensation or from such other facts and circumstances that are permitted under any regulation or other ruling of the U.S. Department of the Treasury, then the Account of the Participant will be adjusted by the amount of the Employer Contributions for the next Limitation Year in accordance with Section 5.3(a)(iv).

§ 4.5 Rollover Contributions

(a) Any Participant may make a Rollover Contribution to this Plan; provided, however, that the plan from which the funds are to be transferred must permit the transfer to be made, and provided, further, the Provider is reasonably satisfied that such transfer will not jeopardize the tax exempt status of this Plan or create adverse tax consequences for the Employer. Rollover Contributions shall be made by delivery of such amount to the respective Provider. All Rollover Contributions must be in cash or property satisfactory to the Provider, whose decision in this regard shall be final.

(b) If the Provider accepts such transfer of funds, it shall allocate them to the appropriate Participant Account of the transferring Participant, or to a separate or segregated Account established for such purpose ("Rollover Account"). If the funds are allocated to a Rollover Account, they shall be invested separately, and any appreciation, depreciation, gain, or loss with respect to the Rollover Account, and any related expenses, shall be allocated to such Rollover Account. For all other purposes such funds shall be treated as if they had been allocated to the Participant's Account.

(c) Rollover Contributions shall not be considered to be Participant contributions for the purpose of calculating the limitations under Section 5.3.

(d) Any amount that is credited to a Participant's Account pursuant to a Rollover Contribution or transfer under Section 4.6 of this Plan shall be one hundred percent (100%) vested and nonforfeitable at all times. In all other respects, the portion of a Participant's Account attributable to such a Rollover Contribution or transfer shall be subject to the terms of this Plan.

§4.6 Transfers from a Plan of the Employer

Any Participant who has participated in a plan under IRC Section 401(a) or 403(a) attributable to such employee's current employment with the Employer may elect to transfer all or a portion of the amount accumulated under such other plan to this Plan provided such transfer may be effected in a manner consistent with the terms of such other plan(s) as well as the terms of this Plan. Such transfer shall only be permitted if such transfer qualifies as a tax-free transfer under generally accepted interpretations of the IRC. The portion of a Participant's Account attributable to such a transfer shall be subject to the terms of this Plan as if the contributions from which the transferred amount are derived were made under this Plan.

Article V

ADMINISTRATION OF ACCOUNTS

§ 5.1 Investments

The amounts allocated to the Employer and Participant Accounts shall be invested in Annuity Contracts for Participants provided by the respective Provider. The terms and conditions of such Annuity Contracts shall be considered part of, and shall be construed as having been incorporated into the Plan. Participants will invest their Account's based upon the investment options available under the Annuity Contracts and may make their investment selections pursuant to the terms and conditions contained in the respective Annuity Contracts. If any provision of an Annuity Contract conflicts with the Plan, the terms of the Plan shall control.

§ 5.2 Intra-Plan Transfers

Subject to the Provider's rules for transfers and the Revised Code, a Participant may specify that a part or all of such Participant's Account may be transferred among different investment options offered under such Annuity Contract or may be transferred to the Annuity Contract of another authorized Provider. Effective April 1, 2001, if a Participant makes an election to change to a new Provider, all of the Participant's Account must be transferred to the New Provider as soon as administratively feasible, but in no event more than 60 days after the transferring Provider receives notice of the transfer. Transfers between Providers are subject to each Provider's rules for such transfers and shall be permitted only once per year, and must be elected by the Participant during the Employee's first payroll period of the Plan Year.

§5.3 Limitations on Allocations to Each Participant

(a)(i) If the Participant does not participate in, and has never participated in, another qualified plan maintained by the Employer or a welfare benefit fund, as defined in IRC Section 419(e) maintained by the Employer, or an individual medical account, as defined in IRC Section 415(1)(2), maintained by the Employer, which provides an annual addition as defined in Paragraph (d)(i), the amount of annual additions which may be credited to the Participant's account for any Limitation Year will not exceed the lesser of the maximum permissible amount or any other limitations contained in this Plan. If the Employer contribution that would otherwise be contributed or allocated to the Account of the Participant would cause the annual additions for the Limitation Year to exceed the maximum permissible amount, the amount contributed or allocated will be reduced so that the annual additions for the Limitation Year will equal the maximum permissible amount, and such reduction shall be contributed, if possible, in a future Limitation Year.

(ii) Prior to determining the Participant's actual Compensation for the Limitation Year, the Employer may determine the maximum permissible amount for a Participant on the basis of a reasonable estimation of the Participant's Compensation for the Limitation Year, uniformly determined for all Participants similarly situated.

(iii) As soon as administratively feasible after the end of the Limitation Year, the maximum permissible amount for the Limitation Year will be determined on the basis of the Participant's actual Compensation for the Limitation Year.

(iv) If, pursuant to Paragraph (a)(iii) or as a result of an allocation of Forfeitures, there is an excess amount, the excess will be disposed of as follows:

(1) Any Voluntary Contributions (plus attributable earnings), to the extent they would reduce the excess amount, will be returned to the Participant.

(2) If after the application of Subparagraph (1) an excess amount still exists, and the Participant is covered by the Plan at the end of the Limitation Year, the excess amount will be held unallocated in a suspense account. The suspense account will be used to reduce Employer contributions (including any allocation of Forfeitures) for such Participant in the next Limitation Year, and each succeeding Limitation Year if necessary.

(3) If after the application of Subparagraph (1) an excess amount still exists, and the Participant is not covered by the Plan at the end of a Limitation Year, the excess amount will be held unallocated in a suspense account. The suspense account will be applied to reduce Employer contributions for all remaining Participants in the next Limitation Year, and each succeeding Limitation Year if necessary.

(4) If a suspense account is in existence at any time during a Limitation Year pursuant to this Section, it will be administered in accordance with the Provider's investment policies. If a suspense account is in existence at any time during a particular Limitation Year, all amounts in the suspense account must be allocated and reallocated to Accounts of Participants before any Employer or Participant contributions may be made to the Plan for that Limitation Year. Excess amounts may not be distributed to Participants or former Participants.

(b)(i) This Subsection (b) applies if, in addition to this Plan, the Participant is covered under another qualified defined contribution plan maintained by the Employer, a welfare benefit fund, as defined in IRC Section 419(e) maintained by the Employer, or an individual medical account, as defined in IRC Section 415(l)(2), maintained by the Employer, which provides an annual addition as defined in Paragraph (d)(i), during any Limitation Year. The annual additions which may be credited to the Account of a Participant under this Plan for any such Limitation Year will not exceed the maximum permissible amount reduced by the annual additions credited to the Account of a Participant under the other plans and welfare benefit funds for the same Limitation Year. If the annual additions with respect to the Participant under the other defined contribution plans and welfare benefit funds maintained by the Employer are less than the maximum permissible amount and the Employer contribution that would otherwise cause the annual additions for the Limitation Year to exceed this limitation, the amount contributed or allocated will be reduced so that the annual additions under all such plans and funds for the Limitation Year will equal the maximum permissible amount. If the annual additions with respect to the Participant under such other defined contribution plans and welfare benefit funds in the aggregate are equal to or greater than the maximum permissible amount, no amount will be contributed or allocated to the Account of a Participant under this Plan for the Limitation Year.

(ii) Prior to determining the Participant's actual Compensation for the Limitation Year, the Employer may determine the maximum permissible amount for a Participant in the manner described in Paragraph (a)(ii).

(iii) As soon as is administratively feasible after the end of the Limitation Year, the maximum permissible amount for the Limitation Year will be determined on the basis of the Participant's actual Compensation for the Limitation Year.

(iv) If, pursuant to Paragraph (b)(iii) or as a result of the allocation of Forfeitures, a Participant's annual additions under this Plan and such other plans would result in an excess amount for a Limitation Year, the excess amount will be deemed to consist of the annual additions last allocated, except that annual additions attributable to a welfare fund or individual medical account will be deemed to have been allocated first regardless of the actual allocation date.

(v) If an excess amount was allocated to a Participant on an allocation date of this Plan which coincides with an allocation date of another plan, the excess amount attributed to this Plan will be the product of:

(1) the total excess amount allocated as of such date, times

(2) the ratio of (i) the annual additions allocated to the Participant for the Limitation Year as of such date under this Plan to (ii) the total annual additions allocated to the Participant for the Limitation Year as of such date under this and all the other qualified defined contribution plans.

(vi) Any excess amount attributed to this Plan will be disposed in the manner described in Paragraph (a)(iv).

(c) If the Employer maintains, or at any time maintained, a qualified defined benefit plan covering any Participant in this Plan, the sum of the Participant's defined benefit fraction and defined contribution fraction will not exceed 1.0 in any Limitation Year. The annual additions which may be credited to the Participant's account under this Plan for any Limitation Year are limited as follows: If the Participant's defined benefit fraction and defined contribution fraction would otherwise exceed 1.0, the Participant's annual additions under this Plan will be reduced to the extent necessary to prevent such combined fraction from exceeding 1.0 before any accruals under any defined benefit plan of the employer are reduced. Notwithstanding the above, this subsection shall not apply to Plan Years beginning on or after January 1, 2000.

(d) For purposes of this Section 5.3, the following words and terms shall have the meanings indicated:

(i) "Annual additions." Annual additions means the sum of the following credited to the Account of a Participant for the Limitation Year:

(1) Employer Contributions,

(2) Participant contributions (Nonelective and Voluntary Contributions),

(3) Forfeitures, and

(4) amounts allocated, after March 31, 1984, to an individual medical account, as defined in IRC Section 415(l)(2), which is part of a pension or annuity plan maintained by the Employer are treated as annual additions to a defined contribution plan. Also amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in IRC Section 419A(d)(3), under a welfare benefit fund, as defined in IRC Section 419(e), maintained by the Employer are treated as annual additions to a defined contribution plan.

For this purpose, any excess amount applied under (a)(iv) or (b)(vi) in the Limitation Year to reduce Employer Contributions will be considered annual additions for such Limitation Year

(ii) "Compensation:" Compensation means wages as defined in IRC Section 3401(a) and all other payments of Compensation to an employee by the Employer (in the course of the Employer's trade or business) for which the Employer is required to furnish the employee a written statement under IRC Sections 6041(d) and 6051(a)(3). Compensation must be determined without regard to any rules under IRC Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC Section 3401(a)(2)).

For Limitation Years beginning after December 31, 1997, for purposes of applying the limitations of this section, Compensation paid or made available during such Limitation Year shall include any elective deferral (as defined in IRC Section 402(g)(3)), and any amount which is contributed or deferred by the Employer at the election of the employee and which is not includable in the gross income of the employee by reason of IRC Section 125 or 457.

For limitation years beginning after December 31, 1991, for purposes of applying the limitations of this Section 5.3, Compensation for a Limitation Year is the Compensation actually paid or made available during such Limitation Year.

Notwithstanding the preceding sentence, Compensation for a Participant in a defined contribution plan who is permanently and totally disabled (as defined in IRC Section 22(e)(3)) is the Compensation such Participant would have received for the Limitation Year before becoming permanently and totally disabled; for Limitation Years beginning before January 1, 1997, but not for Limitation Years beginning after December 31, 1996, such imputed Compensation for the disabled Participant may be taken into account only if the Participant is not a Highly Compensated Employee (as defined in IRC Section 414(q)) and contributions made on behalf of such Participant are nonforfeitable when made.

(iii) "Defined benefit fraction." Defined benefit fraction means a fraction, the numerator of which is the sum of the Participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the Employer, and the denominator of which is the lesser of 125% of the dollar limitation determined for the Limitation Year under IRC Sections 415(b) and (d) or 140% of the highest average Compensation, including any adjustments under IRC Section 415(b).

Notwithstanding the above, if the Participant was a Participant as of the first day of the first Limitation Year beginning after December 31, 1986, in one or more defined benefit plans maintained by the Employer which were in existence on May 6, 1986, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under such plans which the Participant had accrued as of the close of the last Limitation Year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of IRC Section 415 for all Limitation Years beginning before January 1, 1987.

Notwithstanding the above, in the case of an individual who participates, before January 1, 1983, in any such defined benefit plan which is in existence on or before July 1, 1982 and which has met the requirements of IRC Section 415 for all prior years, the dollar limit for purposes of the defined benefit fraction set forth in this Paragraph 5.3(d)(iii) shall be the greater of (i)

\$90,000 or (ii) the applicable dollar limit determined as of the close of the last Plan Year beginning before January 1, 1983, expressed as an annual benefit and determined by reference to the law as it existed immediately prior to the adoption of the Tax Equity and Fiscal Responsibility Act of 1982. However, if the annual benefit computed in accordance with the preceding sentence exceeds \$90,000, no further benefits may be accrued to an individual's benefit under such a defined benefit plan until his annual benefit as determined in the preceding sentence does not exceed the \$90,000 limitation for purposes of the defined benefit fraction of this Paragraph 5.3(d)(iii), as adjusted for cost of living increases asset forth therein.

(iv) "Defined contribution dollar limitation." The defined contribution dollar limitation is \$30,000, as adjusted under IRC Section 415(d).

(v) "Defined contribution fraction." Defined contribution fraction means a fraction, the numerator of which is the sum of the annual additions to the Account of a Participant under all the defined contribution plans (whether or not terminated) maintained by the Employer for the current and all prior Limitation Years (including the annual additions attributable to the Participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the Employer, and the annual additions attributable to all welfare benefit funds, as defined in IRC Section 419(e), and individual medical accounts, as defined in IRC Section 415(l)(2), maintained by the Employer), and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior Limitation Years of service with the Employer (regardless of whether a defined contribution plan was maintained by the Employer). The maximum aggregate amount in any Limitation Year is the lesser of 125% of the dollar limitation determined under IRC Sections 415(b) and (d) in effect under IRC Section 415(c)(1)(A) or 35% of the Participant's Compensation for such year.

If the employee was a Participant as of the end of the first day of the Limitation Year beginning after December 31, 1986, in one or more defined contribution plans maintained by the Employer which were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this Plan. Under the adjustment, an amount equal to the product of (i) the excess of the sum of the fractions over 1.0 times (ii) the denominator of this fraction, will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last Limitation Year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the Plan made after May 5, 1986, but using the IRC Section 415 limitation applicable to the first Limitation Year beginning on or after January 1, 1987.

(vi) "Maximum Permissible Amount." Maximum permissible amount means the lesser of (a) 25% of the Participant's Compensation paid during the Limitation Year, or (b) \$30,000 (or if greater, the dollar limitation in effect under IRC Section 415(c)(1)(A) for the calendar year in which the Limitation Year began.)

§ 5.4 Designation of Beneficiary

Each Participant may, pursuant to the forms provided by the Provider, designate from time to time in writing one or more Beneficiaries, who will receive the Participant's vested Account balance in the event of the Participant's death. Designation of one or more Beneficiaries shall become effective upon receipt of the fully completed forms by the Provider and shall supersede all prior designations made by the Participant. If the Participant dies without having made a Beneficiary designation, the Provider shall distribute such benefits in the order provided in the Annuity Contract.

Spousal rights to benefits are set forth in Section 1.12.

§5.5 Loans to Participants

If the Plan permits loans under Section 1.11, the following shall apply:

(a) The Provider may adopt a loan policy, provided that it shall not conflict with the Plan and that it shall comply with the requirements of IRC Section 72(p).

(b) In the event of default, foreclosure on the note and attachment of security will not occur until a distributable event occurs in the Plan.

(c) If the spousal consent option in Section 1.12 applies, a Participant must obtain the consent of his or her spouse, if any, to use the Account as security for the loan. Spousal consent shall be obtained no earlier than the beginning of the 90-day period that ends on the date on which the loan is to be so secured. The consent must be in writing, must acknowledge the effect of the loan, and must be witnessed by the Provider or notary public. Such consent shall thereafter be binding with respect to the consenting spouse or any subsequent spouse with respect to that loan. A new consent shall be required if the Account is used for renegotiation, extension, renewal, or other revision of the loan.

Loan repayments may be suspended under this Plan as permitted under IRC Section 414(u)(4).

Article VI

VESTING

§ 6.1 Participant Account and Rollover Account 100 Percent Vested

Participant Accounts and Rollover Accounts shall be 100% vested at all times.

§ 6.2 Employer Account Vesting on Death, Retirement, or Disability

If a Participant's employment is terminated for death, for Disability, or upon a Participant's attaining Normal Retirement Age, 100% of the Participant's Employer Account shall vest in the Participant (or in his or her Beneficiary, as the case may be) and shall be distributed in accordance with the provisions of Article VII.

§ 6.3 Employer Account Vesting on Termination

Except as provided in Section 6.2, a Participant's Employer Account shall be vested in accordance with Section 1.13. Upon a One Year Break in Service, forfeited Employer Accounts shall be used to reduce future Employer Contributions.

Article VII

DISTRIBUTION OF BENEFITS

§ 7.1 Method of Distribution of Accounts

(a) The Participant may elect to receive distribution of his or her vested Account in one of the forms selected by the Employer in Section 1.15. If the Participant fails to make an election, and the Employer has not elected the Joint and Survivor Annuity Option in Section 1.15, the Participant's vested account shall be distributed by the Provider in the form of a lump sum. Notwithstanding the preceding, if a Participant terminates service, the entire amount of such vested Account shall be either distributed to the Participant by the Provider or rolled over by the Participant within the time specified in Section 7.2. The Provider shall be responsible for distributing a Participant's Account and for making such distributions pursuant to the provisions of the Plan.

(b) If the spousal consent option in Section 1.12 applies, the Participant and the Participant's spouse (or where either the Participant or the spouse has died, the survivor) must consent to any distribution of such vested Account. The consent of the Participant and the Participant's spouse shall be obtained by the Provider in writing within the 90-day period ending on the annuity starting date. The annuity starting date is the first day of the first period for which an amount is paid as an annuity or any other form.

Notwithstanding the foregoing, only the Participant need consent to the commencement of a distribution in the form of a Joint and Survivor Annuity. Neither the consent of the Participant nor the Participant's spouse shall be required to the extent that a distribution is required to satisfy IRC Section 401(a)(9) or IRC Section 415. In addition, upon termination of this Plan if the Plan does not offer an annuity option (purchased from a commercial provider) and if neither the Employer nor any affiliated employer maintains another defined contribution plan (other than an employee stock ownership plan as defined in IRC Section 4975(e)(7)), the Participant's vested Account will, without the Participant's consent, be distributed to the Participant.

(c) If distributions are made in installments the amount of the installment to be distributed each year must be at least an amount equal to the quotient obtained by dividing the Participant's entire interest by the life expectancy of the Participant or the joint and last survivor expectancy of the Participant and his designated Beneficiary. Life expectancy and joint and last survivor expectancy are computed by the use of the return multiples contained in Treasury Regulations Section 1.72-9, Table V and VI or, in the case of payments under a contract issued by an insurance company, by use of the life expectancy tables of the insurance company. For purposes of this computation, a Participant's life expectancy may be recalculated no more frequently than annually, but the life expectancy of a nonspouse Beneficiary may not be recalculated.

§ 7.2 Time of Distribution

(a) Subject to Section 7.3, Joint and Survivor Annuity or Pre-Retirement Survivor Annuity, the requirements of this Section 7.2 shall apply to any distribution of a Participant's vested Account and will take precedence over any inconsistent provisions of this Plan. All distributions required under this Section 7.2 shall be determined and made in accordance with the Proposed Regulations under IRC Section 401(a)(9), including the minimum distribution incidental benefit requirement of proposed Treasury Regulation Section 1.401(a)(9)-2. Unless required by the IRC, no distribution shall commence before the one-year anniversary of a Participant's Termination Date. Effective April 1, 2001 distributions may commence as soon as administratively feasible following a Participant's Termination Date or Disability.

With respect to distributions under the Plan made in calendar years beginning on or after January 1, 2001, the Plan will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under section 401(a)(9) that were proposed in January 2001, notwithstanding any provision of the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section 401(a)(9) or such other date specified in guidance published by the Internal Revenue Service.

(b) The Participant's vested Account must be distributed or begin to be distributed no later than the Participant's required beginning date.

(c) If the Participant's vested Account is to be distributed in other than a single sum, the following minimum distribution rules shall apply on or after the required beginning date:

(i) Individual Account.

(1) If a Participant's benefit is to be distributed over (A) a period not extending beyond the life expectancy of the Participant or the joint life and last survivor expectancy of the Participant and the Participant's designated Beneficiary or (B) a period not extending beyond the life expectancy of the designated Beneficiary, the amount required to be distributed for each calendar year, beginning with distributions for the first distribution calendar year, must at least equal the quotient obtained by dividing the Participant's benefit by the applicable life expectancy.

(2) The amount to be distributed each year, beginning with distributions for the first distribution calendar year shall not be less than the quotient obtained by dividing the Participant's benefit by the lesser of (A) the applicable life expectancy or (B) if the Participant's spouse is not the designated Beneficiary, the applicable divisor determined from the table set forth in Q&A-4 of Section 1.401(a)(9)-2 of the Proposed Regulations. Distributions after the death of the Participant shall be distributed using the applicable life expectancy in Subparagraph (d)(i)(1) above as the relevant divisor without regard to Proposed Regulations Section 1.401(a)(9)-2.

(3) The minimum distribution required for the Participant's first distribution calendar year must be made on or before the Participant's required beginning date. The minimum distribution for other calendar years, including the minimum distribution for the distribution calendar year in which the employee's required beginning date occurs, must be made on or before December 31 of that distribution calendar year.

(ii) If the Participant's benefit is distributed in the form of an annuity purchased from an insurance company, distributions thereunder shall be made in accordance with the requirements of IRC Section 401(a)(9) and the Proposed Regulations thereunder.

(d) If the Participant dies after distributions to him have begun but before his entire vested Account has been distributed to him, the remaining portion of his vested Account shall be distributed by the Provider from the Plan at least as rapidly as under the method of distribution previously established for him, if such method was irrevocable at the time of his death.

(e) If the Participant dies before distribution of his interest commences, then distributions of the Participant's remaining vested Account must be completed by the end of the fifth calendar year following the year of his death. However, installment distributions to a designated Beneficiary which begin not later

than the end of the calendar year following the death of the Participant shall be treated as complying with this 5-year distribution requirement (even though the installment payments are not completed within 5 years of the Participant's death) if the distributions are made at a rate which is not longer than that calculated (in the manner described in Subparagraph (c)(i)(3) of this Section 7.2) to provide payment of all the Participant's vested Account during the anticipated life expectancy of the designated Beneficiary. Provided that if the designated Beneficiary is the surviving spouse of the deceased Participant, the distributions can begin as long after the Participant's death as the date on which the deceased Participant would have attained the age of 70-1/2. If the surviving spouse dies after the Participant, but before payments to such spouse begin, the provisions of this Subsection (e) shall be applied as if the surviving spouse were the Participant.

If the Participant has not made an election pursuant to this Subsection (e) by the time of his or her death, the Participant's designated Beneficiary must elect the method of distribution no later than the earlier of (1) December 31 of the calendar year in which distributions would be required to begin under this Subsection, or (2) December 31 of the calendar year which contains the fifth anniversary of the date of death of the Participant. If the Participant has no designated Beneficiary, or if the designated Beneficiary does not elect a method of distribution, distribution of the Participant's entire interest must be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(f) For purposes of this Section 7.2, any amount paid to a minor child of a Participant will be treated as if it had been paid to the surviving spouse of the Participant if such remaining amount becomes payable to the surviving spouse when the child reaches the age of majority.

(g) For the purposes of this Section 7.2, distribution of a Participant's benefit is considered to begin on the Participant's required beginning date (or, if Subsection 7.2(f) above is applicable, the date distribution is required to begin to the surviving spouse pursuant to Subsection 7.2(f)). If distribution in the form of an annuity irrevocably commences to the Participant before the required beginning date, the date distribution is considered to begin is the date distribution actually commences.

(h) For purposes of this Section 7.2, the following words and terms shall have the meanings indicated:

(i) "Applicable life expectancy." The life expectancy (or joint and last survivor expectancy) calculated using the attained age of the Participant (or designated Beneficiary) as of the Participant's (or designated Beneficiary's) birthday in the applicable calendar year reduced by one for each calendar year which has elapsed since the date life expectancy was first calculated. If life expectancy is being recalculated, the applicable life expectancy shall be the life expectancy as so recalculated. The applicable calendar year shall be the first distribution calendar year, and if life expectancy is being recalculated such succeeding calendar year.

(ii) "Designated Beneficiary." The individual who is designated as the Beneficiary under the Plan in accordance with IRC Section 401(a)(9) and the proposed regulations thereunder.

(iii) "Distribution calendar year." A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Subsection 7.2(c) above.

(iv) "Life expectancy." Life expectancy and joint and last survivor expectancy are computed by use of the expected return multiples in Tables V and VI of Treasury Regulations Section 1.72-9, or, in the case of payments under a contract issued by an insurance company, by use of the life expectancy tables of the insurance company.

Unless otherwise elected by the Participant (or Participant's spouse, in the case of distributions described in Subsection 7.2(e)) by the time distributions are required to begin, life expectancies shall be recalculated annually. Such election shall be irrevocable as to the Participant (or spouse) and shall apply to all subsequent years. The life expectancy of a nonspouse Beneficiary may not be recalculated.

(v) "Participant's benefit."

(1) The vested Account as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions or forfeitures allocated to the vested Account as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date.

(2) For purposes of Subparagraph (1) above, if any portion of the minimum distribution for the first distribution calendar year is made in the second distribution calendar year on or before the required beginning date, the amount of the minimum distribution made in the second distribution calendar year shall be treated as if it had been made in the immediately preceding distribution calendar year.

(vi) "Required beginning date." The required beginning date of a Participant is the first day of April of the calendar year following the calendar year in which the later of retirement or attainment of age 70-1/2 occurs.

§ 7.3 Joint and Survivor Annuity or Pre-Retirement Survivor Annuity

(a) The provisions of this Section 7.3 shall apply if the Employer has elected the Joint and Survivor Annuity option in Section 1.15.

(b) Unless an optional form of benefit is selected, a married Participant's vested Account will be paid in the form of a Joint and Survivor Annuity with the Participant's Spouse and an unmarried Participant's vested Account will be paid in the form of a life annuity. The Participant may elect to have such annuity distributed upon attainment of the earliest retirement age under the Plan. An unmarried Participant may select a Joint Survivor Annuity with a designated Beneficiary.

(c) Unless an optional form of benefit has been selected, if a Participant dies before the annuity starting date, then the Participant's vested Account shall be applied toward the purchase of an annuity for the life of the surviving Beneficiary. The surviving Beneficiary may elect to have such annuity distributed within a reasonable period after the Participant's death.

(d) For purposes of this Section 7.3, the following words and terms shall have the meanings indicated:

(i) "Spouse (surviving spouse)." The spouse or surviving spouse of the Participant, provided that a former spouse will be treated as the spouse or surviving spouse and a current

spouse will not be treated as the spouse or surviving spouse to the extent provided under a qualified domestic relations order as described in IRC Section 414(p).

(ii) "Annuity starting date." The first day of the first period for which an amount is paid as an annuity or any other form.

(iii) "Vested Account." The aggregate value of the Participant's vested Account whether before or upon death, including the proceeds of insurance contracts, if any, on the Participant's life.

(e) Notice Requirements.

(i) In the case of a Joint and Survivor Annuity, the Provider shall no less than 30 days and no more than 90 days prior to the annuity starting date provide each Participant a written explanation of: (1) the terms and conditions of a Joint and Survivor Annuity; (2) the Participant's right to make and the effect of an election to waive the Joint and Survivor Annuity form of benefit; (3) the rights of a Participant's spouse; and (4) the right to make, and the effect of, a revocation of a previous election to waive the Joint and Survivor Annuity.

(ii) In the case of a Pre-Retirement Survivor Annuity as described in Subsection 7.3(c), the Provider shall provide each Participant within the applicable period for such Participant a written explanation of the Pre-Retirement Survivor Annuity in such terms and in such manner as would be comparable to the explanation provided for meeting the requirements of Paragraph (e)(i) applicable to a Joint and Survivor Annuity.

The applicable period for a Participant is a reasonable period ending after the individual becomes a Participant.

§ 7.4 Distribution After Death of Participant

In the event of the death of a Participant after distribution of the Participant's vested Account has begun, but prior to completion of such payments, the full amount of such unpaid vested Account shall continue to be paid in the form of the previously established installments except that the Beneficiary may request that the remaining Account be paid in a lump sum.

In the event of the death of the Participant prior to the start of any payment of his Account, distributions shall be made in the form and at the time or times selected by the Beneficiary pursuant to Sections 7.1 and 7.2.

§ 7.5 Distribution After Death of Beneficiary

In the event of the death of a Beneficiary (or a contingent Beneficiary, if applicable) prior to the completion of payment of benefits due the Beneficiary from the Plan, the full amount of such unpaid vested Account shall at once vest in and become the property of the estate of said Beneficiary.

§ 7.6 Rollover from Plan

The Participant may direct the Provider to transfer part or all of the Participant's vested Account to a retirement plan, as described in IRC Section 401(a) or Section 403(a) as to which the individual is a Participant at the time of such distribution.

§ 7.7 Inability to Locate Participant or Beneficiary

If the Provider cannot locate the Participant or Beneficiary to whom the vested Account is to be distributed, and reasonable efforts have been made to find such person, including the sending of notification by certified or registered mail to his or her last known address, the Participant's vested Account may be forfeited, subject to state law, and used to reduce Employer Contributions; provided that, if the Participant is subsequently located, such Forfeiture shall be restored and the restoration shall be made first out of Forfeitures, if any, and then by additional Employer contributions.

§ 7.8 Qualified Domestic Relations Orders

Notwithstanding any other provisions of Article VII, any Account of a Participant may be apportioned between the Participant and the alternate payee (as defined in Revised Code Section 3105.80) either through separate Accounts or by providing the alternate payee a percentage of the Account of the Participant. The Provider may direct distributions to an alternate payee pursuant to a qualified domestic relations order in accordance with IRC Section 414(p)(1) as modified by IRC Section 414(p)(11) (and, effective January 1, 2002, Revised Code Sections 3105.65 and 3105.171) prior to the date on which the Participant attains the earliest retirement age, provided that the Provider has properly notified the affected Participant and each alternate payee of the order and has determined that the order is a qualified domestic relations order as defined in IRC Section 414(p)(1), as modified by IRC Section 414(p)(11). The alternate payee shall be paid his or her separate Account or his or her percentage of the Account of the Participant, computed as of the Limitation Year, or if the Plan is valued on a daily basis, as provided in the order, in a lump-sum payment notwithstanding the value of such lump-sum payment unless the domestic relations order specifies a different manner of payment permitted by the Plan; and the alternate payee shall not be required to consent to such lump-sum payment. The Provider shall adopt reasonable procedures to determine the qualified status of domestic relations orders and to administer the distributions thereunder and, for distributions on and after January 1, 2002, shall comply with the provisions of Revised Code Section 3305.21.

§ 7.9 Direct Rollover

Notwithstanding any other provision of the Plan, the Provider shall advise any distributee entitled to receive an eligible rollover distribution, at the same time as the notice required to be given pursuant to Article VII (or such other time as is permitted by law) of his or her right to elect a direct rollover to an eligible retirement plan, pursuant to the provisions of this Section. To elect a direct rollover the distributee must request in writing to the Provider that all or a specified portion of the eligible rollover distribution be transferred directly to one or more eligible retirement plans. If more than one direct rollover distribution will be made, the notice specified in the first sentence of this Section must state that the distributee's initial election to make or not to make a direct rollover will remain in effect unless he gives the Provider written instructions, on the forms provided by Provider, to change the election, in which case the new election will remain in effect until changed.

The distributee shall not be entitled to elect a direct rollover pursuant to this Section unless he or she has obtained a waiver of any applicable Joint and Survivor Annuity, as required pursuant to Section 7.3.

For purposes of this Section, the following definitions shall apply:

(a) A "direct rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee.

(b) A "distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's (or former employee's) spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in IRC Section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(c) An "eligible retirement plan" is a retirement plan which meets the requirements of IRC Section 401(a), an annuity described in IRC Section 403(a), an individual retirement account described in IRC Section 408(a), or an individual retirement annuity (other than an endowment contract) described in IRC Section 408(b), the terms of which permit the acceptance of a direct rollover of the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or an individual retirement annuity. The Provider may establish reasonable procedures for ascertaining that the eligible retirement plan meets the preceding requirements.

(d) An "eligible rollover distribution" is any distribution from this Plan on or after January 1, 1993 of all or any portion of the balance to the credit of the distributee, except for distributions (or portions thereof) which are--

(i) Part of a series of substantially equal periodic payments (not less frequently than annually) made over the life of the employee (or the joint lives of the employee and the employee's designated beneficiary), the life expectancy of the employee (or the joint life and last survivor expectancy of the employee and the employee's designated beneficiary), or a specified period of ten years or more;

(ii) Required under IRC Section 401(a)(9) (relating to the minimum distribution requirements);

(iii) The portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation in employer securities described in IRC Section 402(e)(4)); or

(iv) For distributions commencing after December 31, 1999, hardship distributions described in IRC Section 401(k)(2)(B)(i)(IV) and U.S. Treas. Reg. Section 1.401(k)-1(d)(2)(ii).

§ 7.10 Withholding Orders

(a) Withholding Orders Upon Theft in Office or Sex Offenses

In accordance with Section 3305.09 of the Revised Code, any payment that is to be made to the Participant or his or her Beneficiary(ies) under this Plan shall be subject to any withholding order issued pursuant to Division (C)(2)(b) of Section 2921.41 of the Revised Code. Payments made on or after April 1, 2001 shall also be subject to Section 2907.15 of the Revised Code.

Upon notice pursuant to division (D) of Section 2921.41 that a Participant is charged with a violation of Section 2921.41 no payment shall be made to the Participant or his or her Beneficiary(ies) prior to whichever of the following is applicable:

(1) If the Participant is convicted of or pleads guilty to the charge and no motion for a withholding order for purposes of restitution has been filed, thirty (30) days after the date on which final disposition of the charge is made;

(2) If the Participant is convicted of or pleads guilty to the charge and a motion for a withholding order is made, the date on which the court decides the motion;

(3) If the charge is dismissed or the Participant is found not guilty of the charge or not guilty of the charge by reason of insanity, the date on which final disposition of the charge is made.

(b) Withholding Orders for Support

Any payment that is to be made to the Participant or his or her Beneficiary(ies) under this Plan shall, to the extent required by law, be subject to any withholding order for spousal or child support issued pursuant to Section 3113.21 of the Revised Code. Payments made on and after April 1, 2001 shall, to the extent required by law, also be subject to Sections 3111.23 and 3115.32 of the Revised Code.

(c) Provider Responsibility

The Provider shall be solely responsible for compliance with any withholding orders issued under (a) or (b) above.

Article VIII

AMENDMENT AND TERMINATION

§ 8.1 Rights to Suspend or Terminate Plan

It is the present intention of the Employer to maintain this Plan throughout its existence. Nevertheless, the Employer reserves the right, at any time, to the extent permitted by the Revised Code, to discontinue or terminate the Plan, to terminate the Employer's liability to make further contributions to this Plan, and/or to suspend contributions for a fixed or indeterminate period of time. In any event, the liability of the Employer to make contributions to this Plan shall automatically terminate upon its legal dissolution or termination, upon its adjudication as a bankrupt, upon the making of a general assignment for the benefit of creditors, or upon its merger or consolidation with any other entity. If there is more than one Provider selected in Section 1.7, the Employer's liability to make contributions as to any Provider shall terminate upon the Provider ceasing to be a designated provider under Section 3305.03 of the Revised Code.

§ 8.2 Successor Organizations

In the event of the termination of the liability of the Employer to make further contributions to this Plan, the Employer's liability may be assumed by any other organization which employs a substantial number of the Participants of this Plan. Such assumption of liability shall be expressed in an agreement between such other organization and the Employer under which such other organization assumes the liabilities of the Plan with respect to the Participants employed by it.

§ 8.3 Amendment

To provide for contingencies which may require the clarification, modification, or amendment of this Plan, the Employer reserves the right to amend this Plan at any time.

§ 8.4 100% Vesting on Termination of Plan

Upon termination or partial termination of the Plan by formal action of the Employer or for any other reason, or if Employer contributions to the Plan are permanently discontinued for any reason, there shall be vested 100% in each Participant directly affected by such action the amount allocated to the Accounts of each such Participant, and payment to such Participant shall be made in cash or in kind.

§ 8.5 Plan Merger or Consolidation

In the case of any merger or consolidation with, or transfer of any assets or liabilities to, any other plan, each Participant in this Plan must be entitled to receive (if the surviving plan is then terminated) a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if this Plan had terminated).

Article IX

MISCELLANEOUS

§ 9.1 Laws of Ohio to Apply

This Plan shall be construed according to the laws of Ohio, to the extent Federal laws do not control.

§ 9.2 Credit for Qualified Military Service

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC Section 414(u).

§ 9.3 Participant Cannot Transfer or Assign Benefits

Except as provided in Section 7.10, none of the benefits, payments, proceeds, claims, or rights of any Participant hereunder shall be subject to any claim of any creditor of the Participant, nor shall any Participant have any right to transfer, assign, encumber, or otherwise alienate, any of the benefits or proceeds which he may expect to receive, contingently or otherwise under this Plan.

Notwithstanding any restrictions on the time of distribution which would otherwise apply under this Plan, distributions with respect to a Qualified Domestic Relations Order may be made at any time required by the order.

§ 9.4 Reversion of Contributions Under Certain Circumstances

In the event that the Commissioner of Internal Revenue determines that the Plan is not initially qualified under the IRC, any contribution made incident to that initial qualification must be returned to the Employer within one year after the date the initial qualification is denied, but only if the application for the qualification is made by the time prescribed by law for filing the Employer's return for the taxable year in which the Plan is adopted, or such later date as the Secretary of the Treasury may prescribe.

If a contribution is made by an Employer by a mistake of fact, the contribution may be returned to the Employer within one year after the payment of the contribution.

Notwithstanding the above, earnings attributable to amounts described in paragraphs two and three of this Section 9.4 shall not be returned to the Employer; losses attributable to such amounts shall reduce the amount returned.

§ 9.5 Filing Tax Returns and Reports

The Provider shall prepare, or cause to have prepared, all tax returns, reports, and related documents, except as otherwise specifically provided in this Plan.

§9.6 No Discrimination

Neither the Employer nor the Provider shall take any action that would result in benefiting one Participant or group of Participants at the expense of another, or discriminating between Participants similarly situated, or applying different rules to substantially similar sets of facts.

§9.7 Number and Gender

When appropriate the singular as used in this Plan shall include the plural and vice versa; and the masculine shall include the feminine.

§9.8 Records and Information

The Provider shall keep a complete record of all its proceedings and all data necessary for the determination of Account balances.

§9.9 Information to Participants

The Provider shall maintain separate Accounts for the Participants. It shall give each Participant, at least once every year, information as to the balance of his Employer Account and Participant Account, if applicable.

§9.10 Powers

The Employer shall have the power to determine all questions that may arise hereunder as to the eligibility of employees to participate in the Plan and as to the vesting of Participants.



To: Youngstown State University Board of Trustees

From: Ad Hoc Committee on Trusteeship
Larry E. Esterly, Chair

Re: Report of the Ad Hoc Committee on Trusteeship

Date: March 16, 2001

The Ad Hoc Committee on Trusteeship was established by Board Chairperson, Ruth Z. Wilkes, as a result of discussions regarding Board committee structure and procedures at its retreat on September 13 and 14, 2000. The Committee was composed of Trustees, Charles B. Cushwa, III, Larry E. Esterly (Chair), Dr. Chander M. Kohli, and Ruth Z. Wilkes, *ex-officio*.

The Committee, taking as its theme, "effective committees serving an effective Board," first met for an organizational meeting on November 29, 2000. To allow time for further research and the gathering of background information and other relevant materials, the Committee did not meet again until January 4, 2001. With but two exceptions, the Committee then met weekly from January 4 until the completion of its task on March 1, 2001. Throughout its proceedings, the Committee had extensive staff support from Atty. Franklin S. Bennett, Jr., Secretary to the Board, Atty. John L. Habat, Special Assistant to the President, and most particularly from Atty. Sandra L. Denman and the Office of the General Counsel.

The Committee also had the benefit of input from President David C. Sweet, and from Trustees who were not members of the Ad Hoc Committee. In addition, many Trustees who were not members of the Committee also regularly attended meetings. This extensive participation resulted in a broad consensus of support for the recommendations made in this report by the Ad Hoc Committee.

The Committee's major recommendations involve changes in the Board's committee structure and related procedures. The Committee recommends streamlining the existing committee structure by reducing the number of standing committees to four (Academic and Student Affairs, External Relations, Finance and Facilities, and Internal Affairs), and establishing two special committees (Executive and Trusteeship). Committee charges have been prepared which reflect this recommended change and more sharply define committee policy concerns and jurisdiction. Two significant additional changes are recommended: (1) the enlargement of standing committee membership to include all Board members, and (2) the adoption of a fixed schedule for quarterly Board standing committee meetings.

The Board's existing committee structure is contained in Article III of the *Bylaws of the Board of Trustees of Youngstown State University*. Implementation of the recommended changes to the Board's committee structure would require changes to Article III, Section 4 (A), Sections 9 (A) through (F), and Section 10 (A) of the *Bylaws*.

The language and detail of these proposed changes may be found in the two attached appendices: Appendix A "Proposed Committee Model," and Appendix B "Proposed *Bylaws* Revision." Appendix B also includes Article III of the existing *Bylaws*.

The proposed amendment of the *Bylaws* to implement the Ad Hoc Committee's recommendations are hereby "announced" to the Board as required by Article VIII, Section 3 (A) of the *Bylaws*. Also in accordance with Article III, Section 3 (A) of the *Bylaws*, Board action on the proposed amendments may not be taken until the next regular or special meeting of the Board.

In compliance with the *Bylaws* requirement, the Ad Hoc Committee on Trusteeship requests that the Board receive this report, take note of this announcement of proposed amendments to the *Bylaws*, and place these proposed amendments to the *Bylaws* on the agenda for Board action at its next regularly scheduled or special meeting. In preparation for Board action, the Board Secretary shall place the proposed *Bylaws* amendments into the appropriate form and prepare the appropriate Board resolution(s).

Attachments
Appendix A
Appendix B

c: Franklin S. Bennett, Esq.
Secretary to the Board

Proposed Committee Model

Standing Committees:

(1) Academic and Student Affairs Committee

- To consider those matters which warrant Board attention or require Board action relating to:
 - (a) academic policies which provide for and govern faculty teaching, research and service;
 - (b) establishment of new academic programs, changes in or deletions of existing academic programs, and the issuing of certificates or the granting of degrees;
 - (c) policies which provide for and govern student recruitment, admission, financial aid, retention, and graduation, including but not limited to, diversity issues, enrollment management, and general education requirements;
 - (d) policies which provide for and govern student housing and student life; and
 - (e) institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Academic and Student Affairs Committee.
- To assist the Board in the exercise of its oversight responsibilities relating to those academic and administrative departments within the purview of the Academic and Student Affairs Committee.
- To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

(2) External Relations Committee

- To consider those matters which warrant Board attention or require Board action relating to:
 - (a) policies which provide for and govern the external relationships established by or required of the University, excluding matters assigned to other of the Board's standing committees;
 - (b) policies which provide for and govern University fundraising, including but not limited to, institutional advancement through the annual fund, capital campaigns, special projects and solicitations;
 - (c) policies which provide for and govern continuing University relations with its graduates, including but not limited to, alumni associational activity;
 - (d) policies which provide for and govern University operations directed toward effective public relations, marketing, and the enhancement of community good will;
 - (e) policies which provide for and govern University public service in, and partnerships with, the larger community, or segments thereof, including but not limited to, those relationships which are contractual;

- (f) policies which provide for and govern University intergovernmental relationships, including but not limited to, those with the City of Youngstown, Mahoning County, as well as with agencies and departments of state and federal governments; and
- (g) institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the External Relations Committee.

- To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments within the purview of the External Relations Committee.
- To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

(3) Finance and Facilities Committee

- To consider those matters which warrant Board attention or require Board action relating to:
 - (a) financial and budgetary policies, including but not limited to, the annual operating budget, and the capital improvement budget;
 - (b) policies governing investments and debt instruments issued by the University;
 - (c) the financial and budgetary impact of major agreements, contracts, programs, plans or initiatives to be recommended to the Board by any standing, ad hoc or special committee, including but not limited to, recommendations regarding University personnel, insurance and donations;
 - (d) the acquisition of real property by purchase, gift, or eminent domain; the disposition of real property; the acquisition or disposition of significant property broadly classified as technology;
 - (e) major projects, including but not limited to, the construction, demolition, or remodeling of facilities, and, as appropriate, the selection of architects and engineers; and
 - (f) institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Finance and Facilities Committee.
- To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments and functions within the purview of the Finance and Facilities Committee, including but not limited to, the conduct, and scrutiny of the findings, management letters and all other relevant documentation of the annual audit, as well as of any special audits, undertaken by (i) the University's Office of Internal Audit, (ii) external auditors, and (iii) state auditor.
- To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

(4) Internal Affairs Committee

- To consider those matters which warrant Board attention or require Board action relating to:
 - (a) policies which provide for and govern the internal administrative operations of the University, excluding matters assigned to other of the Board's standing committees;
 - (b) policies which provide for and govern University employment where collective bargaining agreements apply, including but not limited to, oversight of the collective bargaining process and review of negotiated agreements;
 - (c) policies which provide for and govern University employment exempt from collective bargaining agreements, including but not limited to, oversight of contractual arrangements with exempt personnel;
 - (d) policies which provide for equal opportunity standards and govern equal opportunity practices in University employment and operations, including but not limited to, implementation of affirmative action initiatives;
 - (e) policies which provide for and govern the University's participation in intercollegiate athletics, including but not limited to, issues of diversity and gender equity;
 - (f) policies which provide for the acquisition, development, access and use of electronic technology; and
 - (g) institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Internal Affairs Committee.
- To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments within the purview of the Internal Affairs Committee.
- To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

Special Committees:

(1) Executive Committee

- The Executive Committee shall be composed of the Board Chair (presiding), the Board Vice-chair, and the chairs of each Board standing committee: Academic and Student Affairs, External Relations, Finance and Facilities, and Internal Affairs. The President of the University shall be an *ex-officio* member of the committee. The Executive Committee will meet on an "as needed" basis to:
 - (a) consider matters not within the assigned purview of any Board standing, ad hoc or special committee; the Executive Committee will report on such matters, as appropriate, to the Board for its attention or action;

- (b) make special assignments of particular matters, not clearly within the purview of any Board committee, to one of the Board's standing, ad hoc or special committees; the designated committee will be instructed to report either to the Executive Committee or to the Board;
- (c) resolve jurisdictional ambiguities between or among the Board's standing, ad hoc or special committees;
- (d) consider, in its entirety, any institutional mission statement, strategic or master plans, with recommendation to the Board, as appropriate, for its attention or action;
- (e) consider matters of presidential assessment and compensation, with recommendation to the Board, as appropriate, for its attention or action: for purposes of this consideration, the President of the University may be excused from the committee's proceedings; and
- (f) consider other matters as appropriate to an Executive Committee, or as assigned by the Board.

(2) Trusteeship Committee

- The Trusteeship Committee shall be composed of all members of the Board, with the Board Chair presiding. The President of the University shall be an *ex-officio* member of the committee. The Trusteeship Committee will meet on an "as needed" basis to:
 - (a) consider proposed changes in the *Bylaws* of the Board, with recommendation to the Board, as appropriate, for its attention or action;
 - (b) consider proposed changes in Board and committee procedures, in full or in part, not stipulated in the *Bylaws*, including but not limited to, scheduling, administrative staff participation or assistance, etc., with recommendation to the Board, as appropriate, for its attention or action;
 - (c) develop and schedule Board retreats, workshops, seminars, orientation programs, and other special events, with recommendation to the Board, as appropriate, for its attention or action;
 - (d) provide for periodic Board self-evaluation and assessment;
 - (e) recommend to the Board nominees for its annual election of officers; such nominations to be presented to the Board at its regularly scheduled quarterly meeting preceding its last regularly scheduled quarterly meeting of the University's fiscal year, at which time said election shall take place. When the Trusteeship Committee is engaged in the making of nominations it shall be chaired by the member of the Board whose term is expiring, and is therefore not eligible to serve as an officer. When the Trusteeship Committee is engaged in the making of nominations, the President of the University shall be excused from the committee's proceedings; and
 - (f) consider other matters as appropriate to a Trusteeship Committee, or as assigned by the Executive Committee or the Board.

(3) Special and Ad Hoc Committees, as needed

Standing Committee Membership:

All Board members are members of each standing committee. The President is an *ex-officio* member of all Board standing committees, but does not have the power to vote.

Standing Committee Chair and Vice-chair:

Each standing committee will have a chair and vice-chair. The Board Chair will not be the chair or vice-chair of a standing committee.

The Board Chair shall appoint the chair and vice-chair of each standing committee, subject to the approval of the Board. Committee chairs and vice-chairs shall be members of the Board. The Board Chair may appoint the four most senior members of the Board as standing committee chairs, and the remaining four Board members as standing committee vice-chairs.

Standing Committee Meeting Schedule:

Standing committee meetings will be held on the second Tuesday and following Thursday of March, June, September and December. Two committees will meet on Tuesday morning and two on Thursday morning. The order of the standing committee meetings will be at the discretion of the trustees, except that the Finance and Facilities Committee will generally be the last committee to meet on Thursday. However, the Board Chair, in consultation with the Finance and Facilities Committee Chair, may schedule the Finance and Facilities Committee meeting at a different time, as appropriate. The meeting of the Board of Trustees will be held on the second Friday after the conclusion of the standing committee meetings. However, the President, in consultation with the Board Chair, may schedule the standing committee and Board meetings at a different time, as appropriate.

Conduct of Standing Committee Meetings:

Six (6) members of a committee will constitute a quorum. However, even if a quorum exists, the Board or committee chair, or the Board or committee vice-chair, must be present at the committee meeting in order for the meeting to go forward.

YOUNGSTOWN STATE UNIVERSITY

BOARD OF TRUSTEES

PROPOSED BYLAWS REVISION

ARTICLE III.
OFFICERS AND ORGANIZATIONS

Section 1. Powers of the Board

A. The Board shall have the power, not inconsistent with law or these Bylaws, to do all things necessary for the proper maintenance and successful and continuous operation of the University. No individual Trustee, Student Trustee or committee of the Board shall have authority to commit or bind the Board or the University to any policy, action, or agreement unless specifically authorized by action of the Board.

Section 2. Officers of the Board

A. The officers of the Board shall be the Chairperson, the Vice Chairperson, and the Secretary. The Board may appoint such other officers or employees as the interests of the University require. Such officers and employees shall have such authorities, and shall perform such duties, as may be prescribed by the Board.

Section 3. Qualifications, Election, and Term of Office

A. The Chairperson and Vice Chairperson shall be Trustees. The qualifications of all other officers shall be determined by the Board. The officers of the Board shall be annually elected at the Board's last regular meeting of the University's fiscal year. Newly elected officers shall take office immediately following adjournment of the meeting at which they are elected, and shall hold their offices until their successors are elected.

Section 4. Chairperson

A. The Chairperson, when present, shall preside at all meetings of the Board, and perform generally all duties incident to the Office of the Chairperson, and such other duties as may be assigned to the Chairperson by the Board. Unless contrary to Board policy or these Bylaws, the Chairperson may assign any of the Chairperson's duties to another member of the Board.

Section 5. Vice Chairperson

A. In the event of a temporary vacancy in the Office of the Chairperson, or at the request of the Chairperson, or in the event of temporary absence or disability of the Chairperson, the Vice Chairperson shall perform all the duties of the Chairperson and, while so acting, shall have all the power and authority of, and be subject to the restrictions upon, the Chairperson.

Section 6. Secretary

A. The Secretary shall prepare and maintain, in the Office of the President, minutes of all meetings and proceedings of the Board in one or more books provided for that purpose. The Secretary shall give notice of all meetings of the Board, when required by the provisions of Article II, Section 1, 2, 3, and 10 (C) of these Bylaws. The Secretary shall serve as the Board's parliamentarian. At the last regular meeting of the University's fiscal year, the Secretary shall submit a written report of Board member attendance at Board and committee meetings for the preceding year. The Secretary shall perform such other duties as from time to time may be assigned to the Secretary by the Board or the Chairperson.

Section 7. Attorney General

A. The Attorney General of the State of Ohio shall be the legal advisor to, and represent, the University and/or the Board in all matters civil or criminal involving the University or the Board.

Section 8. Removal of Board Officers

A. Any officer of the Board may be removed as such officer at any time, either with or without cause, by resolution adopted by not less than (6) six Trustees at any regular meeting of the Board. Any officer may be removed as such officer, either with or without cause, by resolution adopted by not less than (6) six Trustees at any special meeting of the Board, provided that such removal action was indicated on the notices of such special meeting.

Section 9. Board Committees

A. Membership - All Trustees and Student Trustees shall be voting members of all Board standing and special committees, unless otherwise provided by these Bylaws. The President shall be a non-voting *ex-officio* member of all committees, unless otherwise provided by law.

B. Standing Committees - The Board's standing committees, and their respective duties and areas of responsibility, shall be as follows:

1. Academic and Student Affairs Committee

a. To consider those matters which warrant Board attention or require Board action relating to:

- academic policies which provide for and govern faculty teaching, research and service;
- establishment of new academic programs, changes in or deletions of existing academic programs, and the issuing of certificates or the granting of degrees;
- policies which provide for and govern student recruitment, admission, financial aid, retention, and graduation, including but not limited to, diversity issues, enrollment management, and general education requirements;
- policies which provide for and govern student housing and student life; and
- institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Academic and Student Affairs Committee.

b. To assist the Board in the exercise of its oversight responsibilities relating to those academic and administrative departments within the purview of the Academic and Student Affairs Committee.

c. To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

2. External Relations Committee

a. To consider those matters which warrant Board attention or require Board action relating to:

- policies which provide for and govern the external relationships established by or required of the University, excluding matters assigned to other of the Board's standing committees;

- policies which provide for and govern University fundraising, including but not limited to, institutional advancement through the annual fund, capital campaigns, special projects and solicitations;
- policies which provide for and govern continuing University relations with its graduates, including but not limited to, alumni associational activity;
- policies which provide for and govern University operations directed toward effective public relations, marketing, and the enhancement of community good will;
- policies which provide for and govern University public service in, and partnerships with, the larger community, or segments thereof, including but not limited to, those relationships which are contractual; policies which provide for and govern University intergovernmental relationships, including but not limited to, those with the City of Youngstown, Mahoning County, as well as with agencies and departments of state and federal governments; and
- institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the External Relations Committee.

b. To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments within the purview of the External Relations Committee.

c. To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

3. Finance and Facilities Committee

a. To consider those matters which warrant Board attention or require Board action relating to:

- financial and budgetary policies, including but not limited to, the annual operating budget, and the capital improvement budget;
- policies governing investments and debt instruments issued by the University;
- the financial and budgetary impact of major agreements, contracts, programs, plans or initiatives to be recommended to the Board by any standing, ad hoc or

special committee, including but not limited to, recommendations regarding University personnel, insurance and donations;

- the acquisition of real property by purchase, gift, or eminent domain; the disposition of real property; the acquisition or disposition of significant property broadly classified as technology;
- major projects, including but not limited to, the construction, demolition, or remodeling of facilities, and, as appropriate, the selection of architects and engineers; and
- institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Finance and Facilities Committee.

b. To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments and functions within the purview of the Finance and Facilities Committee, including but not limited to, the conduct, and scrutiny of the findings, management letters and all other relevant documentation of the annual audit, as well as of any special audits, undertaken by (i) the University's Office of Internal Audit, (ii) external auditors, and (iii) state auditor.

c. To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

4. Internal Affairs Committee

a. To consider those matters which warrant Board attention or require Board action relating to:

- policies which provide for and govern the internal administrative operations of the University, excluding matters assigned to other of the Board's standing committees;
- policies which provide for and govern University employment where collective bargaining agreements apply, including but not limited to, oversight of the collective bargaining process and review of negotiated agreements;
- policies which provide for and govern University employment exempt from collective bargaining agreements,

including but not limited to, oversight of contractual arrangements with exempt personnel;

- policies which provide for equal opportunity standards and govern equal opportunity practices in University employment and operations, including but not limited to, implementation of affirmative action initiatives;
- policies which provide for and govern the University's participation in intercollegiate athletics, including but not limited to, issues of diversity and gender equity;
- policies which provide for the acquisition, development, access and use of electronic technology; and
- institutional mission, strategic and master plans, or relevant parts thereof, dealing with matters within the purview of the Internal Affairs Committee.

b. To assist the Board in the exercise of its oversight responsibilities relating to those administrative departments within the purview of the Internal Affairs Committee.

c. To exercise on behalf of the Board ancillary jurisdiction as related to the above, or as assigned by the Board or its Executive Committee.

5. Youngstown State University Housing Commission

In conformity with Chapter 3347 of the Ohio Revised Code, the Chairperson of the Board, the President, and the Executive Vice President shall serve as members of the Commission and have the duties and responsibilities as provided by that statute.

C. Special Committees - The Board's special committees, and their respective duties and areas of responsibility, shall be as follows:

1. Executive Committee

a. The membership of the Executive Committee shall consist of the Chairperson (presiding), the Vice Chairperson, and the chairpersons of each Board standing committee: Academic and Student Affairs, External Relations, Finance and Facilities, and Internal Affairs. The President of the University shall be a non-voting *ex-officio* member of the Executive Committee. The Executive Committee will meet on an "as needed" basis to:

- consider matters not within the assigned purview of any Board standing, ad hoc or special committee; the Executive Committee will report on such matters, as appropriate, to the Board for its attention or action;
- make special assignments of particular matters, not clearly within the purview of any Board committee, to one of the Board's standing, ad hoc or special committees; the designated committee will be instructed to report either to the Executive Committee or to the Board;
- resolve jurisdictional ambiguities between or among the Board's standing, ad hoc or special committees;
- consider, in its entirety, any institutional mission statement, strategic or master plans, with recommendation to the Board, as appropriate, for its attention or action;
- consider matters of presidential assessment and compensation, with recommendation to the Board, as appropriate, for its attention or action; for purposes of this consideration, the President of the University may be excused from the committee's proceedings; and
- consider other matters as appropriate to an Executive Committee, or as assigned by the Board.

2. Trusteeship Committee

a. The Trusteeship Committee will meet on an "as needed" basis to:

- consider proposed changes in the Bylaws of the Board, with recommendation to the Board, as appropriate, for its attention or action;
- consider proposed changes in Board and committee procedures, in full or in part, not stipulated in the Bylaws, including but not limited to, scheduling, administrative staff participation or assistance, etc., with recommendation to the Board, as appropriate, for its attention or action;
- develop and schedule Board retreats, workshops, seminars, orientation programs, and other special events, with recommendation to the Board, as appropriate, for its attention or action;

- provide for periodic Board self-evaluation and assessment;
- recommend to the Board nominees for its annual election of officers; such nominations to be presented to the Board at its regularly scheduled quarterly meeting preceding its last regularly scheduled quarterly meeting of the University's fiscal year, at which time said election shall take place. When the Trusteeship Committee is engaged in the making of nominations it shall be chaired by the member of the Board whose term is expiring, and is therefore not eligible to serve as an officer. When the Trusteeship Committee is engaged in the making of nominations, the President of the University shall be excused from the committee's proceedings; and
- consider other matters as appropriate to a Trusteeship Committee, or as assigned by the Executive Committee or the Board.

D. Ad Hoc Committees - The Chairperson may appoint from time to time such ad hoc committees as may be required for the proper and continuous operation of the University; however, an ad hoc committee shall not be appointed to consider matters which lie entirely within the purview of a standing or special committee. The Chairperson shall determine the membership of the ad hoc committee, and when the work of the ad hoc committee is completed.

E. Committee Chairperson and Vice Chairperson - The Chairperson shall appoint the chairperson and vice chairperson of each standing committee, subject to the approval of the Board. Committee chairpersons and vice chairpersons shall be members of the Board. The Chairperson will not be the chairperson or vice chairperson of a standing committee.

F. Quorum and Conduct of Committee Meetings

1. Six (6) members of a standing committee (including the President and Student Trustees) shall constitute a quorum, unless otherwise provided by law. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee. However, regardless of the existence of a quorum in number, at least one of the following four persons must be present at a committee meeting in order for the committee to conduct business: (a) the Chairperson, (b) the Vice Chairperson, (c) the committee chairperson, or (d) the committee vice chairperson.

2. A majority of the members of a special or ad hoc committee, including the President and any Student Trustees, shall constitute a quorum. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

G. Rules - Each committee may adopt rules for its own government not inconsistent with these Bylaws or rules adopted by the Board.

Section 10. Student Trustees

A. Ohio Revised Code Section 3356.01 provides for appointments of two students to the Board but provides that Student Trustees shall have no voting power on the Board, that Student Trustees shall not be considered as members of the Board in determination of a quorum, and that Student Trustees shall not be entitled to attend Executive Sessions of the Board.

Section 11. Permanent Vacancies

A. In the event of a permanent vacancy in the Office of the Chairperson or Vice Chairperson, the remaining members of the Board may elect a successor to fill such permanent vacancy. What constitutes a "permanent vacancy" shall be determined by the Board.

YOUNGSTOWN STATE UNIVERSITY

BOARD OF TRUSTEES

BYLAWS

Effective July 26, 1999

ARTICLE III.
OFFICERS AND ORGANIZATIONS

Section 1. Powers of the Board

A. The Board shall have the power, not inconsistent with law or these Bylaws, to do all things necessary for the proper maintenance and successful and continuous operation of the University. No individual Trustee, Student Trustee or committee of the Board shall have authority to commit or bind the Board or the University to any policy, action, or agreement unless specifically authorized by action of the Board.

Section 2. Officers of the Board

A. The officers of the Board shall be the Chairperson, the Vice Chairperson, and the Secretary. The Board may appoint such other officers or employees as the interests of the University require. Such officers and employees shall have such authorities, and shall perform such duties, as may be prescribed by the Board.

Section 3. Qualifications, Election, and Term of Office

A. The Chairperson and Vice Chairperson shall be Trustees. The qualifications of all other officers shall be determined by the Board. The officers of the Board shall be annually elected at the Board's last regular meeting of the University's fiscal year. Newly elected officers shall take office immediately following adjournment of the meeting at which they are elected, and shall hold their offices until their successors are elected.

Section 4. Chairperson

A. The Chairperson, when present, shall preside at all meetings of the Board, and perform generally all duties incident to the Office of the Chairperson, and such other duties as may be assigned to the Chairperson by the Board. The members of all

Board committees shall be appointed by the Chairperson annually. Appointments to standing and special committees shall be subject to the approval of the Board. Unless contrary to Board policy or these Bylaws, the Chairperson may assign any of the Chairperson's duties to another member of the Board.

Section 5. Vice Chairperson

A. In the event of a temporary vacancy in the Office of the Chairperson, or at the request of the Chairperson, or in the event of temporary absence or disability of the Chairperson, the Vice Chairperson shall perform all the duties of the Chairperson and, while so acting, shall have all the power and authority of, and be subject to the restrictions upon, the Chairperson.

Section 6. Secretary

A. The Secretary shall prepare and maintain, in the Office of the President, minutes of all meetings and proceedings of the Board in one or more books provided for that purpose. The Secretary shall give notice of all meetings of the Board, when required by the provisions of Article II, Section 1, 2, 3, and 10 (C) of these Bylaws. The Secretary shall serve as the Board's parliamentarian. At the last regular meeting of the University's fiscal year, the Secretary shall submit a written report of Board member attendance at Board and committee meetings for the preceding year. The Secretary shall perform such other duties as from time to time may be assigned to the Secretary by the Board or the Chairperson.

Section 7. Attorney General

A. The Attorney General of the State of Ohio shall be the legal advisor to, and represent, the University and/or the Board in all matters civil or criminal involving the University or the Board.

Section 8. Removal of Board Officers

A. Any officer of the Board may be removed as such officer at any time, either with or without cause, by resolution adopted by not less than (6) six Trustees at any regular meeting of the Board. Any officer may be removed as such officer, either with or without cause, by resolution adopted by not less than (6) six Trustees at any special meeting of the Board, provided that such removal action was indicated on the notices of such special meeting.

Section 9. Board Committees

A. The Chairperson and the President shall be ex-officio members of all Board committees. Whereas the Chairperson shall have power to vote, the President shall not have the power to vote, unless otherwise provided by law.

B. Standing Committees - Subject to the approval of the Board, the Chairperson shall appoint three or more Board members to each of the following standing committees whose duties and responsibilities shall be as follows:

1. Academic Affairs Committee - To review policies relating to academic matters requiring Board action and to advise the Board thereon and to provide oversight on behalf of the Board concerning the instruction and research area. Such academic policy matters shall include statements of institutional mission; academic plans; University-wide standards of admission, retention, and graduation; and deletions or changes in academic programs and new programs leading to certificates or degrees.

2. Budget and Finance Committee - To review and advise the Board on University budgetary and fiscal policy, and the management and audits of University finances, and to provide oversight on behalf of the Board concerning the finance area. Prior to the submission of the University's operating budget to the Board, the Committee shall provide one or more study sessions for members of the Board to facilitate their review and understanding of the draft or tentative budget document.

3. Building and Property Committee - To review and advise the Board as to the acquisition or disposition of real property, the development of capital improvement budgets and facility master plans, the selection of architects and engineers, the planning of new facilities and major remodeling, and to provide oversight on behalf of the Board concerning the facilities and administrative services areas.

4. Development Committee - To review and advise the Board on policies and regulations related to developmental matters and to provide oversight on behalf of the Board concerning the institutional advancement and public service areas.

5. Equal Opportunity Committee - To provide oversight on behalf of the Board concerning the University's policies and programs relating to affirmative action and its implementation in all aspects of University operations.

6. Executive Committee - The Chairperson, the Vice Chairperson, and the most senior member of the Board, within the normal nine-year term, other than those two officers, shall serve as an Executive Committee to consider any matter not appropriately within the purview of one of the standing committees for purpose of oversight on behalf of the Board. The Executive Committee may make recommendations to the Board in the same manner as other committees; however, it is not empowered to act for the Board.

7. Intercollegiate Athletics Committee - To review and advise the Board on policies and regulations related to intercollegiate athletics and to provide oversight on behalf of the Board concerning the University's athletics department and programs.

8. Nominating Committee - To recommend to the Board candidates for the annual election of officers. The Nominating Committee shall announce its recommendations to the Board at the regular meeting of the Board next preceding the Board's last regular meeting of the University's fiscal year.

9. Personnel Relations Committee - To review and advise the Board on policies and regulations related to University employees, to provide oversight on behalf of the Board concerning the personnel services area and collective bargaining with University employees, and to recommend to the Board individual salaries where appropriate.

10. Student Affairs Committee - To review and advise the Board on policies and regulations related to students except as to academic matters and to provide oversight on behalf of the Board concerning the student affairs area.

11. Youngstown State University Housing Commission - In conformity with Chapter 3347 of the Ohio Revised Code, the Chairperson of the Board, the President, and the Executive Vice President shall serve as members of the Commission and have the duties and responsibilities as provided by that statute.

C. Ad Hoc Committees - The Chairperson may appoint from time to time such ad hoc committees as may be required for the proper and continuous operation of the University; however, an ad hoc committee shall not be appointed to consider matters which lie entirely within the purview of a standing committee. The Chair person shall determine when the work of the ad hoc committee is completed.

D. Committee Chairperson - A member of the Board shall be appointed Chairperson of each committee by the Chairperson of the Board.

E. Quorum - A majority of the whole committee, including the President and any Student Trustees who may be appointed to the committee, shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

F. Rules - Each committee may adopt rules for its own government not inconsistent with these Bylaws or rules adopted by the Board.

Section 10. Student Trustees

A. Ohio Revised Code Section 3356.01 provides for appointments of two students to the Board but provides that Student Trustees shall have no voting power on the Board, that Student Trustees shall not be considered as members of the Board in determination of a quorum, and that Student Trustees shall not be entitled to attend Executive Sessions of the Board. Student Trustees shall serve on such committees of the Board as designated by the Chairperson and approved by the Board, and they shall be empowered to vote on committees.

Section 11. Permanent Vacancies

A. In the event of a permanent vacancy in the Office of the Chairperson or Vice Chairperson, the remaining members of the Board may elect a successor to fill such permanent vacancy. What constitutes a "permanent vacancy" shall be determined by the Board.



To: Youngstown State University Board of Trustees

From: Larry E. Esterly, Chairperson
Ad Hoc Committee on Trusteeship

Re: Supplemental Report of the
Ad Hoc Committee on Trusteeship

Date: March 16, 2001

The report of the Ad Hoc Committee was submitted for inclusion on the Board's agenda for the March 16, 2001 meeting. That report should reflect the following editorial corrections to Appendices A and B:

Substitute the language on page 4 of Appendix A, "Proposed Committee Model", as follows:

(2) Trusteeship Committee

- The Trusteeship Committee shall be composed of all members of the Board . . .
- (e) recommend to the Board nominees for its annual election of officers; such nominations to be presented to the Board at its regularly scheduled quarterly meeting preceding its last regularly scheduled quarterly meeting of the University's fiscal year, at which time said election shall take place. When the Trusteeship Committee is engaged in the making of nominations, it shall be chaired by the trustee whose term is expiring, and is therefore not eligible to serve as an officer. When the Trusteeship Committee is engaged in the making of nominations, the President of the University shall be excused from the committee's proceedings; and . . .

Substitute the language on page 5 of Appendix A, "Proposed Committee Model", as follows:

Standing Committee Meeting Schedule:

Standing committee meetings will be held on the second Tuesday and following Thursday of March, June, September and December. Two committees will meet on Tuesday morning and two on Thursday morning. The order of the standing committee meetings will be at the discretion of the trustees, except that the Finance and Facilities Committee will generally be the last committee to meet on Thursday. However, the Board Chair, in consultation with the Finance and Facilities Committee Chair, may schedule the Finance and Facilities Committee meeting at a different time, as appropriate. The meeting of the Board of Trustees will generally be held on the third Friday after the conclusion of the standing committee meetings. However, the President, in consultation with the Board Chair, may schedule the standing committee and Board meetings at a different time, as appropriate.

Substitute the language on page 8 of Appendix B, "Proposed Bylaws Revision", as follows:

2. Trusteeship Committee
 - a. The Trusteeship Committee will meet on an "as needed" basis
 - recommend to the Board nominees for its annual election of officers; such nominations to be presented to the Board at its regularly scheduled quarterly meeting preceding its last regularly scheduled quarterly meeting of the University's fiscal year, at which time said election shall take place. When the Trusteeship Committee is engaged in the making of nominations, it shall be chaired by the Trustee whose term is expiring, and is therefore not eligible to serve as an officer. When the Trusteeship Committee is engaged in the making of nominations, the President of the University shall be excused from the committee's proceedings; and
- c: Franklin S. Bennett, Jr., Esq.
Secretary to the Board