

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

Tod Hall  
Tuesday, December 16, 2014

Pursuant to notice duly given, a regular meeting (the three hundred thirty-fourth) of the Board of Trustees of Youngstown State University convened at 3:00 p.m., on Tuesday, December 16, 2014, in the Board Room in Tod Hall.

All eleven trustees were present at the meeting, to-wit: Mrs. Carole S. Weimer, chairperson of the board, who presided, Dr. Sudershan K. Garg, Mr. Harry Meshel, Mr. Leonard D. Schiavone, Ms. Delores E. Crawford, Mr. David C. Deibel, Mr. James B. Greene, Mr. James E. Roberts, Dr. John R. Jakubek, Mr. Eric A. Shehadi and Mr. Bryce A. Miner.

Also present were: Mr. James P. Tressel, President of the university; Dr. Martin Abraham, Interim Provost and Vice President for Academic Affairs; Mr. Neal McNally, Interim Vice President for Finance and Administration; Mr. John Fahey, Vice President for Student Affairs; Ms. Holly A. Jacobs, University General Counsel, Ms. Shannon Tirone, Executive Associate to the President and Mr. Franklin S. Bennett, Jr., Secretary to the Board of Trustees. Also present were approximately 30 persons, including deans, members of the faculty, students, administrators, and members of the news media.

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 MEETING HELD NOVEMBER 18, 2014.

Prior to the meeting, the secretary had provided draft copies of the minutes of the board's regular meeting held October 7, 2014 (#331) and special meetings held November 4, 2014 (#332) and November 18, 2014 (#333) to each trustee, the student trustees and the president. There being no additions, corrections, or revisions thereto, the minutes of the said meeting were approved as provided.

ITEM III – REPORT OF THE PRESIDENT OF THE UNIVERSITY

Mr. Tressel said it has been a joy to work with YSU's faculty, staff, students and trustees this fall and that he continues to be impressed with the accomplishments being made throughout the campus. Mr. Tressel noted a variety of accomplishments made during the fall semester, including the university's first-ever clinical drug study and federal patent, the new National

Science Foundation-funded X-Ray Diffraction Laboratory in Cushwa Hall, the new Veterans Resource Center on Wick Avenue, a top 25-percent ranking by “Washington Monthly” magazine, the strongest academic freshman class in the university’s history, a donation of \$2.5 million from the Fok Family, WYSU’s 45-year anniversary, and much more.

ITEM IV –REPORTS OF THE COMMITTEES OF THE BOARD.

The chairperson asked whether any trustee had an objection to the approval by unanimous consent of the resolutions recommended for adoption by the committees of the board. Following discussion the chairperson stated that three resolutions would be voted upon by roll call of the trustees. There being no objection to adoption by consent of the remaining proposed resolutions listed in the agenda, the chairperson stated that those recommended resolutions would be considered for adoption by consent. The board considered the following committee reports and recommendations:

1. Academic Quality and Student Success Committee

The chairperson noted that the Academic Quality and Student Success Committee was recommending three resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following resolutions adopted by general consent:

Resolution to Approve  
Support and Assistance to Veterans and Service Member Policy, 8005.01

**YR 2015-19**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Support and Assistance to Veterans and Service Members, policy number 8005.01 of the *University Guidebook*, shown as Exhibit A attached hereto.

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Resolution to Modify  
The Formation of the Honors College

**YR 2015-20**

WHEREAS, the honors program at Youngstown State University is housed within the Office of Scholars and Honors and reports to the Division of Academic Affairs; and

WHEREAS, Youngstown State University wishes to increase the number of students who will utilize the benefits the honors programs offers; and

WHEREAS, it is the mission of Youngstown State University to attract the best and the brightest students from the United States and beyond; and

WHEREAS, an honors college would recruit more students with high academic credentials; and

WHEREAS, an honors college would enhance the honors program and provide a more robust experience for the students with high academic credentials; and

WHEREAS, an honors college would allow recognition of outstanding faculty through an appointment within the honors college; and

WHEREAS, the creation of an honors college is recommended by the Interim Provost and Vice President of Youngstown State University, and has the approval of the President; and

WHEREAS, the formation of an honors college would fulfill the mission of the University and help advance the Strategic Plan of Youngstown State University;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the formation of the Honors College, as recommended by the President and the Interim Provost of Youngstown State University.

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Resolution to Approve  
The Renaming of the School of  
Graduate Studies and Research to the College of Graduate Studies

**YR 2015-21**

WHEREAS, the School of Graduate Studies and Research currently resides as an individual unit that reports to the Provost and Vice President for Academic Affairs; and

WHEREAS, beginning with the 2013-14 fiscal year, the Graduate School has been directed by one full-time associate dean of graduate studies and one half-time interim associate dean for research; and

WHEREAS, the needs of Youngstown State University as an urban research university have placed new demands upon the Department of Grants and Sponsored Programs, and

WHEREAS, continued growth in research productivity will be enabled by an enhanced recognition of research activity through a properly titled Office of Research; and

WHEREAS, to fulfill the mission and vision of Youngstown State University, it has been recommended to split this area into two separate units: a unit comprising the College of Graduate Studies and a unit of comprising the Office of Research; and

WHEREAS, in keeping with the mission and academic vision of Youngstown State University, and to preserve the integrity of all academic units, the President of Youngstown State University and the Interim Provost and Vice President of Academic Affairs recommend that the School of Graduate Studies and Research be renamed to the College of Graduate Studies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the College of Graduate Studies as an individual unit reporting to the Division of Academic Affairs at Youngstown State University, as recommended by the President and the Interim Provost of Youngstown State University.

2. Institutional Engagement Committee.

The chairperson noted that the Institutional Engagement Committee was recommending three resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following two resolutions adopted by general consent:

Resolution to Accept Development Gifts

**YR 2015-22**

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 B attached hereto are being held pending acceptance and he recommends their acceptance;

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



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Resolution to Name Fok's Hall

**YR 2015-23**

WHEREAS, Youngstown State University was founded in 1908 and has a long history of providing a nurturing living and learning environment for students; and

WHEREAS, in 1958, Drs. Thomas and Maria M. L. Fok relocated to Youngstown, Ohio, where they both enjoyed highly successful careers; and

WHEREAS, Dr. Thomas Fok held a doctorate in civil engineering and was an associate professor at Youngstown University from 1958 to 1967; and

WHEREAS, in 1967, Dr. Thomas Fok established his own engineering firm, Thomas Fok and Associates, which continues to thrive to this day; and

WHEREAS, Dr. Maria M. L. Fok was a general practitioner medical doctor who practiced for more than 48 years; and

WHEREAS, Drs. Thomas and Maria M. L. Fok were very active civically and left a legacy of volunteerism and service to numerous Mahoning Valley nonprofit organizations; and

WHEREAS, Dr. Thomas Fok was a past member of both the Youngstown State University Board of Trustees, serving as chair from 1981 to 1983, and the YSU Foundation Board of Trustees; and

WHEREAS, the University and its Board of Trustees wish to provide appropriate recognition to Drs. Thomas and Maria M. L. Fok for their significant contribution and commitment to the students of Youngstown State University; and

WHEREAS, this recommendation is being brought in accordance with Board of Trustees Policy, No. 4004.01, Naming of University Facilities, Colleges and Programs;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University designates the campus building located at 606 Wick Avenue, Fok's Hall.

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The chairperson requested the board secretary to conduct a roll call vote on the committee's recommendation to adopt the Resolution Approving the Agreement with the Youngstown State University Foundation for the Transfer of University Development Functions,

the results of which are as follows (YES being a vote in favor of adopting the Resolution, NO opposed):

Dr. Garg	YES	Mr. Meshel	YES
Mrs. Weimer	YES	Mr. Schiavone	YES
Ms. Crawford	YES	Mr. Deibel	YES
Mr. Greene	YES	Mr. Roberts	NO
Dr. Jakubek	YES		

Following the roll call vote the chairperson declared the following Resolution adopted:

Resolution Approving the Agreement  
With the Youngstown State University Foundation  
For the Transfer of University Development Functions

**YR 2015-24**

WHEREAS, Youngstown State University has an office devoted to the operation of the development of funds for the benefit of Youngstown State University and its students; and

WHEREAS, the Youngstown State University Foundation has as its mission to develop funds for the general educational needs of the University, including for scholarships, student initiatives, and University support; and

WHEREAS, the University and the Foundation mutually desire to have the Foundation perform the development function on behalf of the University thereby ensuring consistent solicitation and eliminating the need for a university development office; and

WHEREAS, the University and the Foundation have developed an agreement that allows the University to transfer its primary development function to the Foundation in exchange for the Foundation's commitment to provide development functions to the University.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University hereby approves and authorizes the President of Youngstown State University to sign the Youngstown State University Development Service Agreement, as attached hereto.

3. Finance and Facilities Committee.

The chairperson noted that the Finance and Facilities Committee was recommending five resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following four resolutions adopted by general consent:

Resolution to Modify  
Operating Budget Approval and Modification Policy, 3009.01

**YR 2015-25**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Operating Budget Approval and Modification, policy number 3009.01 of the *University Guidebook*, shown as Exhibit C attached hereto. A copy of the policy indicating changes to be made is also attached.

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Resolution to Approve  
An Energy Efficiency Contractor

**YR 2015-26**

WHEREAS, the Board of Trustees of Youngstown State University authorized the solicitation of requests for proposals for an energy efficiency contractor in accordance with Ohio Revised Code Sections 3345.64-66; and

WHEREAS, University management requested proposals from multiple contractors; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the selection of Johnson Controls, an energy efficiency contractor, as recommended by University management; and

BE IT FURTHER RESOLVED, that University management will seek Board of Trustees approval to implement energy savings measures and financing mechanisms provided under said Ohio Revised Code sections.

Mr. Deibel requested that the minutes reflect his abstention from voting upon this resolution.

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Resolution to Approve  
Change in Investment Fund Manager

**YR 2015-27**

WHEREAS, the Investment Subcommittee of the Board of Trustees of Youngstown State University is responsible for selecting and monitoring investment fund managers, pursuant to University Guidebook policy 3007.01; and

WHEREAS, the Investment Subcommittee has consulted with the University's investment advisors and recommends a change in investment fund managers.

NOW, THEREFORE, BE IT RESOLVED, that the Investment Subcommittee of the Board of Trustees of Youngstown State University does hereby approve the change in investment manager, shown as Exhibit D attached hereto.

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Resolution to Modify  
Investment of the University's Non-Endowment and Endowment Funds Policy, 3007.01

**YR 2015-28**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Investment of the University's Non-Endowment and Endowment Funds, policy number 3007.01 of the University Guidebook, shown as Exhibit E attached hereto. A copy of the policy indicating changes to be made is also attached.

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The chairperson requested the board secretary to conduct a roll call vote on the committee's recommendation to adopt the Resolution to Approve Revised Scope of the Melnick Hall Project (YES being a vote in favor of adopting the Resolution, NO opposed):

Dr. Garg	YES	Mr. Meshel	YES
Mrs. Weimer	YES	Mr. Schiavone	YES
Ms. Crawford	YES	Mr. Deibel	YES

Mr. Greene	YES	Mr. Roberts	NO
Dr. Jakubek	YES		

Following the roll call vote the chairperson declared the following Resolution adopted:

Resolution to Approve  
Revised Scope of the Melnick Hall Project

**YR 2015-29**

WHEREAS, House Bill 482 appropriated \$2,500,000 in state capital funds specifically for the renovation of Melnick Hall on the campus of Youngstown State University; and

WHEREAS, the scope of the Melnick Hall project shall include improvements to the building, including upgrades to the mechanical and electrical systems, replacement of the existing roof, extensive interior renovations and the addition of an elevator; and

WHEREAS, subject to the finalization of an agreed-upon lease agreement between the University and the Youngstown State University Foundation, the scope of the project shall also include renovations to accommodate the offices of the Foundation; and

WHEREAS, the scope of the project shall allow for the creation of other usable space that may be utilized as, but not limited to, temporary swing space; and

WHEREAS, the project budget shall include, but not be limited to, available state capital appropriations, series 2010 general receipts bond proceeds, and philanthropic gifts; and

WHEREAS, this resolution replaces the resolution approved as agenda item E.3.e by the Board of Trustees on March 12, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Melnick Hall project, as described above is hereby approved by the Youngstown State University Board of Trustees.

Ms. Crawford reported that the Audit Subcommittee met on December 9, 2014. The subcommittee received reports from representatives of Crowe Horwath LLP, the university's external auditor. Mr. McNally reviewed the Youngstown State University Financial Report for the Years Ended June 30, 2014 and 2013. The committee received reports from Packer Thomas & Associates, the university's internal auditor, regarding security of personally identifiable information a contract management specific to services.

Mr. Greene reported that the Investment Subcommittee met on December 9, 2014, and received reports from the Hartland & Co., the university's investment advisors regarding the university's endowment and non-endowment investments. The subcommittee voted to recommend the adoption of the Resolution to Approve Change in Investment Fund Manager and the Resolution to Modify Investment of the University's Non-Endowment and Endowment Funds Policy, 3007.01, today approved by the board.

4. University Affairs Committee.

The chairperson noted that the University Affairs Committee was recommending nine resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following eight resolutions adopted by general consent:

Resolution to Approve  
Minors on Campus Policy, 7027.01

**YR 2015-30**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the creation of an Institutional Policy governing Minors on Campus, policy number 7027.01 of the *University Guidebook*, shown as Exhibit F attached hereto.

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Resolution to Rescind  
Numbering of *Guidebook* Policies Policy, 0004.00

**YR 2015-31**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby rescind the Institutional Policy governing Numbering of Guidebook Policies, policy number 0004.00 of the *University Guidebook*, shown as Exhibit G, attached hereto.

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Resolution to Modify  
Development and Issuance of University Policies Policy, 0001.00

**YR 2015-32**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Development of Guidebook Policies, policy number 0001.00 of the *University Guidebook*, to be retitled as Development and Issuance of University Policies, shown as Exhibit H attached hereto. A copy of the policy indicating changes to be made is also attached.

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Resolution to Modify  
Collective Bargaining and Negotiations Policy, 7009.01

**YR 2015-33**

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, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Collective Bargaining and Negotiations, policy

number 7009.01 of the *University Guidebook*, shown as Exhibit I attached hereto. A copy of the policy indicating changes to be made is also attached.

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Resolution to Approve  
The Creation and Recruitment of an Associate Vice President for Research

**YR 2015-34**

WHEREAS, the Board of Trustees of Youngstown State University approved the search for an Associate Provost for Research and Dean of the School of Graduate Studies and Research and such search was conducted; and

WHEREAS, the search was concluded without a final candidate accepting an offer of employment; and

WHEREAS, the Interim Provost and Vice President for Academic Affairs has recommended to the President of Youngstown State University that the School of Graduate Studies and Research be restructured into two separate offices: the College of Graduate Studies, and the Office of Research; and

WHEREAS, Professor Scott Martin is currently overseeing the research functions of the University as Interim Associate Dean for Research; and

WHEREAS, with the restructuring of these two offices, the Interim Provost and Vice President for Academic Affairs has recommended to the President of Youngstown State University that an Associate Vice President for Research position be created to oversee and manage the Office of Research as well as to provide the leadership needed to enhance services that will promote the expansion of research in the best interests of the University;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve posting the position of Associate Vice President for Research, as recommended by the President and the Interim Provost of Youngstown State University; and

BE IT FURTHER RESOLVED, that upon hiring of the Associate Vice President for Research, the position of Associate Dean for Research will be eliminated.

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Resolution to Approve  
The Creation and Recruitment of a Dean of the College of Graduate Studies

**YR 2015-35**



WHEREAS, the Board of Trustees of Youngstown State University approved the search for an Associate Provost for Research and Dean of School of Graduate Studies and Research and such search was conducted; and

WHEREAS, the search was concluded without a final candidate accepting an offer of employment; and

WHEREAS, the Board of Trustees of Youngstown State University approved the appointment of an Associate Dean for Graduate Studies; and

WHEREAS, the Interim Provost and Vice President for Academic Affairs has recommended to the President of Youngstown State University that the School of Graduate Studies and Research be restructured into two separate offices: the College of Graduate Studies, and the Office of Research; and

WHEREAS, with the restructuring of these two offices, the Interim Provost and Vice President for Academic Affairs has recommended to the President of Youngstown State University that the current Associate Dean position be eliminated and replaced with a Dean of the College of Graduate Studies; and

WHEREAS, the Dean of the College of Graduate Studies will provide oversight and management of the College of Graduate Studies including leadership for graduate program development and graduate student recruitment, as this recommendation is in the best interests of the University;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve posting the position of Dean of the College of Graduate Studies, as recommended by the President and the Interim Provost of Youngstown State University; and

BE IT FURTHER RESOLVED, that the Board of Trustees of Youngstown State University hereby approves the appointment of Dr. Salvatore Sanders as Interim Dean of the College of Graduate Studies of Youngstown State University commencing January 1, 2015.

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Resolution Appointing  
Interim Dean of the College of Creative Arts and Communication

**YR 2015-36**

WHEREAS, the President of Youngstown State University has recommended that an Interim Dean of the College of Creative Arts and Communication be named to replace Dr. Bryan DePoy who has accepted an administrative position at another institution; and

WHEREAS, the President has recommended that Michael R. Crist, Director of the Dana School of Music, serve as Interim Dean of the College of Creative Arts and Communication, as he has the experience and knowledge to advance the University's academic mission at this time; and

WHEREAS, this recommendation is in the best interests of the University, its employees, staff and students and is made in accordance with Board of Trustees Policy No. 9002.01, Selection and Evaluation of Administrative Officers of the University.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University hereby approves the appointment of Dr. Michael R. Crist as Interim Dean of the College of Creative Arts and Communication of Youngstown State University commencing on January 1, 2015.

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Resolution to Ratify Personnel Actions

**YR 2015-37**

WHEREAS, the *Policies of the Board of Trustees* authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

WHEREAS, new appointments and other personnel actions have been made subsequent to the September 24, 2014, meeting of the Board of Trustees; and

WHEREAS, such personnel actions are in accordance with the 2014-2015 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 personnel actions as listed in Exhibit J attached hereto.

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The chairperson requested the board secretary to read aloud and thereafter conduct a roll call vote on the committee's recommendation to adopt the Resolution to Reject Report and Recommendation in the Matter of Fact Finding between Youngstown State University and the Association of Classified Employees. After reading the proposed resolution, the board secretary conducted a roll call on the adoption of the resolution, the results of which are as follows (YES being a vote in favor of adopting the Resolution, NO opposed):

Dr. Garg	YES	Mr. Meshel	YES
Mrs. Weimer	YES	Mr. Schiavone	YES
Ms. Crawford	YES	Mr. Deibel	YES

Mr. Greene    YES                      Mr. Roberts            YES  
Dr. Jakubek   YES

Following the roll call vote the chairperson declared the following Resolution adopted:

Resolution to Reject  
Report and Recommendation in the Matter of Fact Finding  
Between Youngstown State University and the Association of Classified Employees

**YR 2015-38**

WHEREAS, the Youngstown State University Chapter of the Association of Classified Employees and the Administration have been engaged in good faith negotiations of the collective bargaining agreement since approximately May of 2014; and

WHEREAS, the current collective bargaining agreement covers August 16, 2011 through August 15, 2014; and

WHEREAS, the parties selected Robert G. Stein as the Fact Finder and have engaged in the Fact Finding process as part of the negotiations process pursuant to the Ohio Revised Code Section 4117.14; and

WHEREAS, the Fact Finder issued a Report and Recommendation on December 11, 2014;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Youngstown State University does hereby reject the Fact Finder's Report and Recommendation.

Mr. Schiavone reported that the Collective Bargaining and Negotiations Subcommittee had met a number of time during the quarter and received updates on the status of collective bargaining negotiations with the YSU-OEA and YSU-ACE employee bargaining units.

Mr. Meshel reported that the Intercollegiate Athletics Subcommittee met on December 4, 2014, and received reports on the educational outcomes of YSU's student-athletes, academic progress rate statistics, average cumulative grade point averages by term, and the number of student-athletes by major.

ITEM V – COMMUNICATIONS AND MEMORIALS

There were no communications or memorials to come before the board.

ITEM VI – UNFINISHED BUSINESS

The board considered no unfinished business.

ITEM VII – NEW BUSINESS

The board considered no new business.

ITEM VIII – CHAIRPERSON’S REMARKS

Mrs. Weimer noted the many changes on campus since President Tressel’s arrival at YSU and thanked Tressel and his wife, Ellen, for opening the beautiful Pollock House to guests from throughout the region. Mrs. Weimer thanked everyone on campus for their hard work and willingness to adapt to change during these times of financial challenge. Mrs. Weimer recognized honors students who made presentations at a recent national honors meeting and a student studying anthropology who took top honors at a recent regional geography conference. Mrs. Weimer thanked the students, faculty, staff, and administration for their work and wished everyone a wonderful holiday season and a happy new year.

ITEM IX – TIME AND PLACE OF UPCOMING REGULAR MEETINGS

Upon motion duly made and seconded, which received the affirmative vote of all trustees present, the trustees resolved to set the following dates and times for the next regular meetings of the board to be held in the Board Room in Tod Hall:

- 3:00 p.m., Wednesday, March 11, 2015
- 3:00 p.m., Wednesday, June 17, 2015
- 3:00 p.m., Friday, September 25, 2015

ITEM X – ADJOURNMENT

There being no further business to before the board of trustees, and upon motion duly made and seconded, the meeting was duly adjourned by unanimous vote of the trustees at 3:50 p.m.

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Chairperson

ATTEST:

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Secretary to the Board of Trustees

**NEW POLICY**  
**UNIVERSITY GUIDEBOOK**

<b>Title of Policy:</b>	<b>Support and Assistance to Veterans and Service Members</b>
Responsible Division/Office:	Student Success and Student Experience
Approving Officer:	V.P. of Student Success and Student Experience
<i>Revision History:</i>	
Resolution Number(s):	YR
Board Committee:	Academic Quality and Student Success
<b>EFFECTIVE DATE:</b>	December 16, 2014
Next Review:	2019

**A. Policy Statement:** Youngstown State University is committed to providing a veteran friendly campus designed to attract, assist, and maintain veteran and service member students in a supportive and academically productive environment and to meaningfully recognize the contributions of our military men and women.

**B. Purpose:** To provide guidelines and requirements for the support and assistance offered to veteran and service member students in order to promote their achievement and success.

**C. Scope:** This policy applies to all University divisions, colleges, departments, and units and to all prospective and current veteran and service member students.

**D. Definitions:**

1. Service member: A person who is serving in the armed forces of the United States.
2. Veteran: Any person who has completed service in the armed forces, including the national guard of any state or a reserve component of the armed forces, and who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

**Agenda Item E.1.a**  
**Exhibit A**

**E. Procedure:**

The University shall:

1. Maintain an Office of Veterans Affairs to serve as the central resource of information, support, and referrals for military and veteran students for enrollment, GI Bill educational benefits, and services offered by the Department of Veterans Affairs.
2. Utilize the Ohio Board of Regents, and the legislative, workforce, and higher education communities as resources and/or partners for the development and promotion of effective practices to assist service member and veteran students in their transition to and success at the University and in the workforce.
3. Establish specific benefits for veteran and service member students including but not limited to priority registration, a separate or specific portion of student orientation, and recognition of service members and veterans at various University events such as graduation.
4. Establish a clear outreach strategy through the Office of Veterans Affairs to inform potential veteran and service member students about the opportunities offered by the University and the educational benefits available through the use of the GI Bill, and other available veteran and service member resources.

**UNIVERSITY GIFTS  
EXECUTIVE SUMMARY  
Fiscal Year 2014-2015  
July 1, 2014-September 30, 2014**

<b>Gifts Received</b>	<b>Number of Gifts</b>	<b>Amount</b>
University Development	1,097	\$ 1,658,756
<b>Total University Gifts</b>	<b>1,097</b>	<b>\$ 1,658,756</b>
Alumni Relations	174	\$ 8,580
WYSU-FM	1,009	\$ 109,378

Agenda Item E.2.a  
Exhibit B

**YOUNGSTOWN STATE UNIVERSITY  
DEVELOPMENT REPORT  
Cash and Pledges  
FY2015 YTD  
July 1, 2014– September 30, 2014**

	<b>Cash/Property</b>	<b>Pledges</b>	<b>Total</b>
<b>Unrestricted</b>	\$ 73,602	\$ 2,570	\$ 76,172
<b>Restricted</b>	\$ 568,637	\$ 1,005,075	\$ 1,573,712
<b>Endowment</b>	\$ 8,024	\$ 848	\$ 8,872
<b>Total</b>	<u>\$ 650,263*</u>	<u>\$ 1,008,493</u>	<u>\$ 1,658,756</u>

\* Includes payments of \$263,072 on pledges from previous years.

These figures do not include \$280,161 in designations to the YSU Foundation, \$1,080 in gifts in-kind, \$8,580 for Alumni Relations and \$109,378 for WYSU.

There weren't any write-offs and adjustments for the period above.

Total \$1,658,756 minus \$263,072 in prior year pledge payments plus \$280,161 in contributions to the YSU Foundation equals grand total of \$1,675,845.



**UNIVERSITY GIFTS  
EXECUTIVE SUMMARY  
Fiscal Year 2013-2014  
July 1, 2013-September 30, 2013**

<b>Gifts Received</b>	<b>Number of Gifts</b>	<b>Amount</b>
University Development	1,542 \$	1,440,778
<b>Total University Gifts</b>	<b>1,542 \$</b>	<b>1,440,778</b>
Alumni Relations	196 \$	10,690
WYSU-FM	335 \$	34,494

**YOUNGSTOWN STATE UNIVERSITY  
DEVELOPMENT REPORT  
Cash and Pledges  
FY2014 YTD  
July 1, 2013 – September 30, 2013**

	<b>Cash/Property</b>	<b>Pledges</b>	<b>Total</b>
<b>Unrestricted</b>	\$ 78,678	\$ 4,049	\$ 82,727
<b>Restricted</b>	\$ 1,165,653	\$ 165,759	\$ 1,331,412
<b>Endowment</b>	\$ 11,574	\$ 15,065	\$ 26,639
<b>Total</b>	<u>\$ 1,255,905*</u>	<u>\$ 184,873</u>	<u>\$ 1,440,778</u>

\* Includes payments of \$1,036,993 on pledges from previous years.

These figures do not include \$200,000 in planned gifts, \$195,314 in designations to the YSU Foundation, \$53,798 in gifts in-kind, \$10,690 for Alumni Relations and \$34,494 for WYSU.

Pledge write-offs and adjustments for the period above totaled \$150 of prior year pledges.

Total \$1,440,778 minus \$1,036,993 in prior year pledge payments plus \$200,000 in planned gifts plus, \$195,314 in contributions to the YSU Foundation equals grand total of \$799,099.



# **Fundraising Progress by Capital Project**

## **Through September 30, 2014**

- **Construction of the Veterans Resource Center**
  - **\$1,000,000 Total Project Budget (\$1M Bond Financed)**
  - **\$782,512 Cash + \$224,550 Pledges = \$1,007,062 Total Raised**
  
- **Construction of the Athletic Fields (West of Fifth Avenue)**
  - **\$4,350,000 Project Budget (100% Bond Financed)**
  - **\$100,000 Cash + \$400,000 Pledges = \$500,000 Total Raised**

## **Youngstown State University Development Service Agreement**

This Agreement (“Agreement”) is made effective as of December \_\_\_\_, 2014 and is made between Youngstown State University, an Ohio urban research institution (the “University”), and the Youngstown State University Foundation, an Ohio nonprofit corporation (the “Foundation”). The University and the Foundation are referred to individually as a “Party” and collectively as the “Parties”.

### **BACKGROUND INFORMATION**

- A. The University is an urban research institution of higher education established and existing under the laws of the State of Ohio and assisted by support of the State of Ohio. Its mission is to emphasize a creative, integrated approach to education, scholarship and service.
- B. The University’s future requires a significant, ongoing flow of philanthropic support.
- C. The Foundation is an Ohio nonprofit corporation exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code (the “Code”).
- D. The Foundation was established in 1966 as an independent, autonomous, private nonprofit corporation with the mission and purpose to pursue, manage and distribute resources to support the general educational needs of the University, including but not limited to scholarships and student initiatives, as well as the growth and development of the University, all as set forth in the Foundation’s Amended Articles of Incorporation dated September 29, 1970.
- E. The University wishes to expand the support provided by the Foundation in an effort to more effectively manage the University’s development goals, ensure consistent solicitation efforts, increase the assets of the Foundation to provide more monetary support for the benefit of the University and its students, and increase the Foundation’s role as it relates to fundraising and development of resources for scholarships and University support.
- F. The Foundation has agreed to expand its Development Functions (as defined in Section 1.2) for the benefit of the University and the Parties are entering into this Agreement for that purpose.
- G. This Agreement has been authorized by the Board of Trustees of the University and by the Board of Trustees of the Foundation, pursuant to the laws of the State of Ohio and organizational documents of the University and the Foundation respectively.

**Agenda Item E.2.c  
Support Material**

**NOW THEREFORE**, in consideration of the mutual covenants and promises contained in this Agreement, the Parties agree as follows:

**ARTICLE I**  
**PLEDGE OF COOPERATION**

**Section 1.1** **Promotion of Mission.** The Foundation and the University each agree to assist, protect and promote the mission of the other Party through consultation, cooperation and engagement on projects that benefit the University.

**Section 1.2** **Transfer of Development Function.** As of the effective date of this Agreement, the University hereby agrees to transfer its primary Development Functions to the Foundation, in exchange for the Foundation's commitment to provide Development Functions to the University. "Development Functions" includes (but is not limited to) solicitation of funds and donor development, donor stewardship, pledge and donation-related recordkeeping and accounting, donor acknowledgements, pledge payment collections and reminders.

For purposes of clarification, following the execution of this Agreement the Foundation shall serve as the primary point of fundraising and solicitation for all funds raised for the support of the University, whether for general operating purposes or endowments. The Foundation shall continue to serve as the primary vehicle for managing and increasing endowed funds for the University's benefit (provided, however, that as set forth in Section 3.3, currently existing University endowments managed on behalf of the University will not be transferred to the Foundation). As described in Section 2.3 of this Agreement, the Foundation will also receive certain University Funds (as that term is defined in Section 2.3) and will transfer those University Funds to the University on a monthly basis.

**Section 1.3** **Acknowledgement Regarding Certain Fundraising Activities.**

- a. Notwithstanding Section 1.2, above, the Parties hereby acknowledge and agree that the Penguin Club, which serves as the athletic boosters for the University and is a separate nonprofit corporation, shall continue to raise, bill, collect and acknowledge its own funds. In the event that the Foundation receives funds designated for the Penguin Club, they will be promptly transferred to the Penguin Club.
- b. The Parties also hereby agree and acknowledge that WYSU (the University's public radio station) shall continue to raise, bill, collect and acknowledge its own funds. In the event that the Foundation receives funds designated for WYSU, they will be promptly transferred to WYSU.
- c. The Parties also hereby agree and acknowledge that the Rich Center receives separate state funding and also does some of its own fundraising, and may continue to do so following the execution of this Agreement.
- d. The Parties also hereby agree and acknowledge that any individual division, department or college of the University may engage in its own fundraising activities following the execution of this Agreement.

- e. The Parties also hereby agree and acknowledge that student organizations will continue to have fundraisers and the Foundation will not be involved in those student fundraising functions.

Section 1.4 Independent Parties. The Foundation is a totally independent and autonomous Ohio nonprofit corporation that is exempt from federal income tax under the Code Section 501(c)(3) and shall maintain its independence from the University. The University is a state-assisted institution of higher education established pursuant to Ohio Revised Code Section 3356.01. Nothing in this Agreement, in the implementation of this Agreement, and nothing done in order to comply with this Agreement is intended to abrogate the independent status of either the University or the Foundation, merge the Parties, assume one into the other, or create a partnership or joint venture.

Section 1.5 Transition Period. Following the execution of this Agreement, the Parties will work to transition all administrative and information functions related to the University's Development Functions to the Foundation as soon as practicable, but in any event not later than March 31, 2015 (the "Transition Period"). During the Transition Period, the Parties shall prepare a transition plan to execute the service transition so that constituents (students, alumni and donors) experience a seamless transition to the Foundation as the source of Development Functions. Specifically, the University's IT staff will work with the Foundation's IT staff to ensure that the necessary data is transferred securely. Furthermore, during the Transition Period, the University's Board of Trustees will update and revise all applicable University policies to reflect the execution of this Agreement. To help facilitate the transition and other issues that arise following the completion of the Transition Period, each of the Parties shall designate not more than three individuals to serve on a "Transition Committee" to address operational issues between the Parties during the term of this Agreement (including any Renewal Terms). During the Transition Period, the Transition Committee shall provide a written monthly status report regarding the progress of the transition to the Board of Trustees of both the University and the Foundation.

## ARTICLE II FOUNDATION OBLIGATIONS

### Section 2.1 Fund Raising Services Provided by the Foundation.

- a. The Foundation will engage in additional Development Functions for the benefit of the University beyond its current development activities performed on behalf of the University, including hiring sufficient development staff to fulfill the Foundation's obligations pursuant to this Agreement. The Foundation intends to hire at least eight full-time equivalent staff to conduct additional Development Functions by the end of the Transition Period, and further expects that it will have a total of at least ten full-time equivalent staff members by the end of the Initial Term. Notwithstanding the preceding sentence, the Foundation is not making a specific staffing commitment to the University, due to the Foundation's independent status, the changing economy, and the evolving needs of the University and the Foundation, but rather the Foundation is providing the increased staffing estimate as a demonstration of its plans to increase its Development Functions to meet its contractual obligations to the University following the execution of this Agreement.

- b. As often as is deemed necessary, in consultation with the University, the Foundation shall conduct feasibility studies regarding donor interest for various fundraising programs. The Foundation will also provide advice to the University as the University develops its fundraising goals and plans.
- c. The Foundation agrees to service the collection of any of the University's outstanding pledges currently existing as of the effective date of this Agreement, except for those related to WYSU. These services shall include reminder notices and other efforts deemed necessary or appropriate by the Foundation to collect the pledges on behalf of the University. On a monthly basis, the Foundation shall provide a report to the University detailing all outstanding pledges. Notwithstanding the forgoing, for purposes of clarification, the actual pledges recorded in the financial records of the University shall not be transferred to the Foundation.
- d. The Foundation will develop and implement a plan and strategy for raising funds to effectuate the Plan (as that term is defined in Section 3.1), working cooperatively with the University. The Foundation President will be responsible for administration of the development and fundraising programs.
- e. With the exception of those organizations and activities described in Section 1.3, the Foundation will work cooperatively with the University in planning and coordinating all University events that have fundraising as a primary purpose, and Foundation staff will work in tandem with University events staff to assure events are executed and managed appropriately.
- f. The Foundation shall manage and track all donations received by the Foundation for the benefit of the University, whether designated gifts or undesignated gifts, real estate, life insurance expectancies, or endowed gifts. The Foundation will implement best practices in maintaining donor confidentiality and audit-compliant accounting and acknowledgement processes.
- g. The Foundation shall devote all of its efforts to reaching the goals set in the Plan, while working cooperatively with the University. The Presidents of the University and the Foundation will work together to identify, cultivate and solicit gifts.

**Section 2.2 Reporting Obligations.** The Foundation will, on at least a quarterly basis, provide to the University a report that will be presented to the University's Board of Trustees, containing an update regarding their fundraising efforts, including a listing of gifts received by the Foundation, the status of the financial goals set in the Plan, as well as investment management reports. On an annual basis, the Foundation shall provide to the University a copy of its audited financial statements for inclusion with the University's financial reports as a component unit of the University. In the event that (a) a single gift is made to the University of more than \$100,000, or such other amount deemed appropriate by the University's Board of Trustees or (b) a new fund is established for which the University will need to open accounts to accept the donations, the Foundation shall also include supporting documentation related to the gift or fund, including designation information.



Section 2.3 Transfer of Funds to the University. On a monthly basis, the Foundation shall transfer non-endowed funds and pass-through gifts designated for the University that are intended for the University's regular operations (including but not limited to Annual Fund dollars, immediate program support, gifts to capital projects, immediate aid scholarship and event underwriting) (collectively, such funds are referred to herein as "University Funds") actually received by the Foundation for the benefit of the University to the University. Each transfer of University Funds must include all applicable donor information (including address) and designation information (if the gift has a designation).

Section 2.4 Gift Policies. The University and Foundation will jointly develop a policy on the acceptance of gifts, including conditional acceptance, subject to approval by the University Board of Trustees and the Foundation's Board of Trustees. The Foundation shall not accept, without the consent of the University Board of Trustees, any gift that imposes conditions, restrictions, obligations or contingent liabilities upon the University, which is contrary to the policy approved by the University's Board of Trustees. All gifts accepted by the Foundation shall preserve donor intent, to the extent permissible under all applicable laws. All philanthropic naming of physical spaces, programs, undertakings and any other naming rights shall be subject to approval by the University Board of Trustees.

Section 2.5 Management and Investment of Funds. The Foundation's Board of Trustees shall continue to direct the Foundation's management and investment of its funds. All gifts to endowment, unless specifically directed otherwise by the donor, will be received and managed by the Foundation. In the event the Foundation receives endowment funds designated for a University endowment, the funds shall be promptly transferred to the University.

Section 2.6 Foundation Staff. The Foundation shall be the employer for all purposes with respect to all employees hired by the Foundation and shall be responsible for their wages and benefits. The Foundation hereby agrees that if it hires any former University employee and the Ohio Public Employees Retirement System ("OPERS") requires the University to continue to make OPERS contributions on behalf of any such employee, the Foundation will reimburse the University for the University's OPERS contributions on a monthly basis for so long as the University is required to continue employer contributions to OPERS for such employee.

Section 2.7 Facilities. The Foundation may, but shall not be required to, lease office space from the University in which it will perform its development functions. In the event the Foundation elects to lease office space from the University, that agreement shall be documented in a separate lease agreement, negotiated by the Parties prior to the commencement of the leasing relationship.

Section 2.8 Indemnification. The Foundation agrees to defend, indemnify and hold harmless the University and any faculty, students, employees, trustees, officers, affiliates and agents (herein referred to collectively as the "Indemnified Persons") from and against any and all losses, liabilities, claims, suits, actions, losses, damages, demands, judgments or causes of action, assessments, costs or expenses (including without limitation reasonable documented attorney's fees and court costs) ("Damages"), arising out of a claim related to the activities to be carried out pursuant to the obligations of this Agreement, caused by the negligence of the Foundation, which the Indemnified Persons may hereafter incur, suffer or be required to pay as a result of (a) the Foundation's use of Confidential Information (as that term is defined in Section 6.1) (including any related data breaches),



(b) any breach of this Agreement, or (c) any act or omission of the Foundation, its employees, affiliates, or agents. The Foundation's indemnification obligations hereunder shall be conditioned upon:

- (i) prompt written notice by the Indemnified Persons within six months of the Indemnified Persons having actual knowledge of any claim, action or demand for which indemnity is claimed;
- (ii) complete control of the defense and settlement thereof by the Foundation except as limited below, provided that such settlement places no liability or restrictions on the Indemnified Persons; and
- (iii) such reasonable cooperation by the Indemnified Persons, at the Foundation's request and expense, in the defense or settlement thereof.

The Foundation understands that the University is an institution operated pursuant to authority conferred by the State of Ohio, and as a state institution, pursuant to the constitution of the State of Ohio, it may not lend or give credit of the State or otherwise agree to provide indemnification. The Foundation acknowledges that it is expressly understood that this Agreement does not confer upon the Foundation any right or claim to indemnification by the University, be it expressed or implied. The Foundation further understands that by statute the Attorney General's Office represents the University and is fully charged with making decisions regarding litigation on behalf of the University. This Agreement does not confer authority to the Foundation to make decisions on behalf of the University regarding litigation or litigation defense.

### **ARTICLE III** **UNIVERSITY OBLIGATIONS**

**Section 3.1 University Fund-Raising Plan.** On at least an annual basis, the University will develop and provide to the Foundation a comprehensive set of strategic objectives and priorities, including current operational needs and specific and measurable fund-raising goals which will constitute the "Plan" for the University and provide this information to the Foundation. The Plan shall be provided to the Foundation not later than July 1<sup>st</sup> of each year. Prior to implementation of the Plan, the Foundation shall have provided advice regarding the feasibility of the Plan, and the Plan shall have been approved by the University's Board of Trustees. Recognizing that the Plan is designed to be a long-term planning document that may change from time to time and may also include short-term goals, in the event that substantive changes are made to the Plan, the University shall provide notice to the Foundation of those changes.

**Section 3.2 Development Logistics.** The University will transfer gifts to the Foundation if they are improperly received by the University. The University will designate accounting staff to review the supporting documentation for gifts received over \$100,000 or documentation for the establishment of new funds, when such funds are transferred to the University.

**Section 3.3 Management and Investment of University Funds.** The endowments recorded in the financial records of the University shall not be transferred to the Foundation, and those endowments shall be managed and invested, pursuant to University Board of Trustees policies. The University

will develop appropriate policies to ensure that all future philanthropic endowed gifts, whether restricted or unrestricted, shall be deposited with the Foundation to be managed by the Foundation, unless specific donor intent demonstrates that the gift is to be given to the University for a restricted or unrestricted purpose. Donor intent shall be respected and complied with at all times to the extent permissible under applicable tax laws.

**ARTICLE IV**  
**TERM AND TERMINATION**

**Section 4.1** **Initial Term.** Subject to earlier termination as hereinafter provided in this Article IV, this Agreement shall become effective on the date first listed above and shall continue in effect through June 30, 2017 (the “Initial Term”).

**Section 4.2** **Renewal Term(s).**

- a. **First Renewal Term.** The Parties shall begin to meet not later than January 1, 2016 to discuss the Parties’ renewal of this Agreement. Following discussions by the Parties, on or before June 30, 2016, each Party shall provide the other Party with either (i) written notice of its intention to renew this Agreement or (ii) in the event one of the Parties elects not to renew the Agreement, written notice of the Party’s intent not to renew this Agreement. Failure of a Party to provide the written notice required by (i) or (ii) shall constitute that Party’s intent not to renew this Agreement. If the Parties renew this Agreement, the first renewal period will be for three years, commencing on July 1, 2017 and ending on June 30, 2020 (the “First Renewal Term”).
- b. **Subsequent Renewal Terms.** Following the end of the First Renewal Term, this Agreement shall automatically renew for additional three year terms, unless either of the Parties has provided one year’s prior written notice of its intention to not renew this Agreement or the Agreement has been otherwise terminated pursuant to Section 4.3, below.

**Section 4.3** **Termination.** Unless the Parties mutually agree to an earlier termination of this Agreement, neither Party shall have the right to terminate this Agreement, except at the end of a Term, unless the Agreement is terminated for Cause. If either Party wishes to terminate the Agreement immediately for Cause, it shall promptly notify the other Party. Regardless of the reason for termination, following notice of non-renewal or termination, the Parties shall cooperate in good faith to take reasonable steps to transfer the Development Functions back to the University.

For purposes of this Agreement, “Cause” shall exist if either Party finds that one of the following has occurred with respect to the other Party:

- a. a Party has failed to perform and observe all material obligations and conditions to be performed or observed under this Agreement or a Party has breached any material representation, warranty, term or condition of this Agreement and has not cured the same after written notice from the other Party and a reasonable opportunity for cure, such cure period not to exceed 30 days, provided, however, that a Party that has been making a good

faith effort to cure such breach will be provided reasonable opportunity to complete such cure efforts;

- b. a Party becomes insolvent, files for bankruptcy, or is placed in the control of the State of Ohio as part of a receivership or liquidation action;
- c. the Foundation (or any of its employees or agents) has committed any act or omission constituting theft, fraud, embezzlement, misappropriation of assets, willful misfeasance, or dishonestly, whether committed against the University or against a third party;
- d. the Foundation ceases to exist as a nonprofit corporation with 501(c)(3) status; or
- e. the University ceases to exist as a public university supported by the State of Ohio.

## ARTICLE V REPRESENTATIONS AND WARRANTIES

**Section 5.1 Representations and Warranties of the Foundation.** The Foundation hereby represents and warrants to University that the statements contained herein are accurate and complete as of the date of this Agreement. The Foundation acknowledges that these representations and warranties are being made as an inducement for University to enter into this Agreement, that each representation and warranty is material to University, and that University is entering into and performing this Agreement in reliance upon each representation and warranty.

- a. **Organization.** The Foundation is a nonprofit corporation duly organized, validly existing, and in good standing under the laws of the State of Ohio.
- b. **Power and Authority; Due Authorization.** Foundation has all requisite power and authority to execute and deliver this Agreement and to take all actions contemplated by this Agreement. This Agreement constitutes a valid and binding agreement of Foundation, enforceable by University in accordance with its terms, except as such enforceability may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting creditors' rights generally and general equity principles.
- c. **Consents; No Conflicts.** Neither the execution and delivery of this Agreement by the Foundation nor the consummation of the transactions contemplated by this Agreement will violate any applicable law, rule or regulation or conflict with or result in the breach of any provision of any agreement, contract, order or instrument to which Foundation is a party or by which Foundation is bound or affected, or constitute a default (or an event which, with the giving of notice, the passage of time or otherwise would constitute a default) thereunder.
- d. **Performance.** The Foundation will perform the services and obligations set forth in this Agreement in compliance with all applicable laws.

**Section 5.2 Representations and Warranties of the University.** The University hereby represents and warrants to the Foundation that the statements contained herein are accurate and complete as of the date of this Agreement. The University acknowledges that these representations and warranties are being made as an inducement for Foundation to enter into this Agreement, that each representation and warranty is material to the Foundation, and that the Foundation is entering into and performing this Agreement in reliance upon each representation and warranty.

- a. **Organization.** The University is a state-assisted institution of higher education established pursuant to Ohio Revised Code Section 3356.01.
- b. **Power and Authority; Due Authorization.** The University has all requisite power and authority to execute and deliver this Agreement and to take all actions contemplated by this Agreement. This Agreement constitutes a valid and binding agreement of the University, enforceable by the Foundation in accordance with its terms, except as such enforceability may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting creditors' rights generally and general equity principles.
- c. **Consents; No Conflicts.** Neither the execution and delivery of this Agreement by the University nor the consummation of the transactions contemplated by this Agreement will violate any applicable law, rule or regulation or conflict with or result in the breach of any provision of any agreement, contract, order or instrument to which the University is a party or by which the University is bound or affected, or constitute a default (or an event which, with the giving of notice, the passage of time or otherwise would constitute a default) thereunder.

## **ARTICLE VI** **CONFIDENTIAL INFORMATION**

**Section 6.1 Confidential Information.** The University will provide to the Foundation access to confidential or proprietary student, alumni and/or employee, as well as third party donor or potential donor information necessary for Development Functions ("Confidential Information") which may be protected from disclosure by various state and federal privacy laws including but not limited to: the Personal Information Systems Act, Ohio Revised Code Section 1347.01, et seq. (PISA); the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, et seq. (FERPA); the Ohio Public Records Act, Ohio Revised Code Section 149.43, et seq. (PRA); and the Gramm-Leach-Bliley Act, 15 U.S.C. Sections 6801(b) and 6805(b)(2). Confidential Information shall not include information that (a) is or becomes generally available to the public other than through breach of this Agreement, (b) is communicated to either Party by a third party that had no confidentiality obligations with respect to such information, or (c) is required to be disclosed by law, including without limitation, pursuant to the terms of a court order, provided that either Party has given the other Party prior notice of such disclosure and an opportunity to contest such disclosure.

The Foundation, its employees, agents, contractors and subcontractors shall hold the Confidential Information in trust for the University's benefit, and shall, in addition to their respective obligations hereunder, use best efforts at all times to adopt and follow procedures and practices to protect the confidentiality of the Confidential Information and prevent its disclosure to others without

the express written consent of the University. The Foundation shall protect the Confidential Information disclosed to it by the University with at least the same degree of care as it normally exercises to protect its own confidential and proprietary information of a similar nature, but with no less than a reasonable standard of care for confidential and proprietary information of a similar nature.

The Confidential Information provided to the Foundation by the University is proprietary and confidential and remains the property of the University subject to the rights of the Foundation in accordance with the terms of the Agreement. The Foundation, its employees, agents, contractors and subcontractors shall hold the Confidential Information in trust for the University and Foundation's benefit, and shall use the Confidential Information only for the purpose identified herein, or reproduce the Confidential Information only to the extent necessary for the above purpose, and shall not disclose the Confidential Information to any third party without prior written approval of the University.

The University and the Foundation will comply with all federal, state and local laws that apply to either Party with respect to Confidential Information.

**Section 6.2 Non-disclosure and Re-Disclosure.** Neither the Foundation, nor any of its employees, agents, contractors or subcontractors shall sell, release, transfer, reprint, duplicate, recreate, disclose or permit the disclosure to any other person or entity of any of the Confidential Information or of any files, compilation, study, report or analysis or data base containing, based on or derived from the Confidential Information without the express written consent of the University, and in full compliance with applicable state and federal privacy laws. The Foundation may, however, disclose the Confidential Information to its employees, consultants and contractors with a need to know, provided that Foundation binds those employees, consultants and contractors, with respect to the Confidential Information, to a written confidentiality agreement to protect re-disclosure of the information.

**Section 6.3 Public Records.** The Foundation acknowledges that as a public university, certain types of documents are subject to the Ohio Public Records law. The Foundation understands that its information given to the University shall be considered a public record, unless an applicable exemption under Ohio's public records laws applies.

**Section 6.4 Data Breaches.** The Foundation shall maintain the privacy of Confidential Information and shall be financially responsible for any damages, losses, costs, and expenses, including notification expenses, if and to the extent that any security breach relating to protected Confidential Information results from acts or omissions of the Foundation, or its personnel, or its contractors or subcontractors. To the extent requested by the University, the Foundation shall also be administratively responsible for notifications of such data breaches. The Foundation agrees to notify the University immediately of any data breach or potential data breach of Confidential Information.

The University shall maintain the privacy of its Confidential Information and shall be financially and administratively responsible for any notifications to affected persons, if and to the extent that any security breach relating to protected Confidential Information results from acts or omissions of the University, or its personnel, or its contractors or subcontractors.

**ARTICLE VII**  
**INTELLECTUAL PROPERTY**

**Section 7.1 Trademarks and Logos.** Throughout the term of this Agreement, the University grants to the Foundation a non-exclusive, non-transferable, royalty-free license to use such trademarks, service marks, trade names, logos, symbols, insignias, crests and other intellectual property (collectively, the “Marks”) as the University may make available to the Foundation. The Foundation shall not sublicense or otherwise assign the rights granted herein without the prior written consent of the University.

**ARTICLE VIII**  
**MISCELLANEOUS PROVISIONS**

**Section 8.1 Fiduciary Responsibility.** The Foundation acknowledges that since it is receiving funds on behalf of the University that it will hold in trust for the University, it has a fiduciary duty toward the University related to its Development Functions. Each Party is responsible for exercising fiduciary responsibility with respect to its respective investments and funds as well as to the donors and donor intent for any funds it receives, whether directly or indirectly.

**Section 8.2 Return of Information.** The Parties agree that upon request of the University or upon termination of this Agreement, the Foundation shall return to the University all Confidential Information and all documents, papers, equipment, data and other materials which may contain or be derived from Confidential Information provided to the Foundation. The Foundation shall also provide any information and materials deemed necessary for the University to re-start its own development program.

**Section 8.3 Audit.** The Foundation shall engage a professional accounting firm to conduct an annual financial audit of the Foundation and provide the University with a copy of such audited financial statements promptly upon completion of the audit. The financial statements shall be included with the University’s financial statements as a “component unit” of the University for accounting purposes. Additionally, the University shall have the right to conduct its own additional audit of the Foundation’s books and records, not more than once per calendar year, at the sole expense of the University.

**Section 8.4 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. Any action or proceeding against any of the parties relating in any way to this Agreement or the subject matter hereof shall be brought and enforced exclusively in the federal or state courts in Ohio.

**Section 8.5 Entire Agreement and Modifications.** This Agreement is intended as the complete, final and exclusive statement of the parties with respect to the subject matter hereof, and supersedes any prior agreements or understandings between the parties hereto. This Agreement may be amended, modified or supplemented only by a written agreement signed by the Foundation and the University. Any waiver of the terms and conditions of this Agreement must be in writing signed by the party granting such waiver and shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure to perform.

**Section 8.6 Severability.** All of the provisions of this agreement are severable. If any provision of this Agreement is rendered invalid or unenforceable by state or federal statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions of this Agreement will remain in full force and effect.

**Section 8.7 Cooperation.** The Parties agree to enter into and execute any additional agreements or documents necessary in order to effectuate the terms of this Agreement.

**Section 8.8 Notices.** Any notice or communication required or permitted to be given hereunder shall be in writing and delivered personally, by a nationally-recognized overnight delivery service, or by United States certified mail, postage prepaid with return receipt requested, addressed to the University and Foundation as follows or to such other persons or places as either of the Parties may hereafter designate in writing. Such notice shall be effective when received or on the date of personal delivery or date of certified or overnight mail delivery, whichever is earlier. Rejection or other refusal to accept such notice shall not affect the validity or effectiveness of the notice given.

If to the University: Office of the President  
Youngstown State University  
One University Plaza  
Youngstown, Ohio 44555

with a copy to:

Office of the General Counsel  
Youngstown State University  
One University Plaza  
Youngstown, Ohio 44555

If to the Foundation: Youngstown State University Foundation  
Attn: President  
606 Wick Ave.  
Youngstown, Ohio 44502

with a copy to:

E. Carroll "Ted" Thornton, Jr., Esq.  
Manchester, Newman & Bennett  
201 E. Commerce Street, Level 2  
Youngstown, Ohio 44503

*[Signatures Appear on Following Page.]*

*Signature Page*  
*YSU Development Service Agreement*

IN WITNESS WHEREOF, the Parties intending to be legally bound have executed this Agreement on the date indicated below their respective signatures.

YOUNGSTOWN STATE UNIVERSITY

YOUNGSTOWN STATE UNIVERSITY  
FOUNDATION

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**RESOLUTION TO MODIFY  
OPERATING BUDGET APPROVAL AND  
MODIFICATION, POLICY 3009.01**

**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, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Operating Budget Approval and Modification, policy number 3009.01 of the *University Guidebook*, shown as Exhibit C attached hereto. A copy of the policy indicating changes to be made is also attached.

## **UNIVERSITY GUIDEBOOK**

**Title of Policy: Operating Budget Approval and Modification**

Responsible Division/Office: Office of Finance & Administration

Approving Officer: Vice-President of Finance and Administration

*Revision History:* December 2004; December 2006; December 2009

Resolution Number(s): YR 2003-27; YR 2005-19; YR 2010-29

Board Committee: Finance and Facilities

**EFFECTIVE DATE:** December 16, 2009

Next Review: 2019

**Policy Statement:** The Board of Trustees will approve the University's operating budget for each fiscal year prior to the beginning of that fiscal year (July 1) and any subsequent modification(s) to the overall spending level.

**B. Purpose:** Establish a policy to approve and modify the University's Operating Budget.

**C. Parameters:**

- The annual operating budget shall be a balanced budget with expenses aligned with anticipated revenue and shall be consistent with the strategic goals of the University.
- All expenditures in the University's general and auxiliary funds must be budgeted each fiscal year prior to being spent.
- The Operating Budget may be revised at the discretion of the Board of Trustees.

**D. Definitions:**

- **Auxiliary Funds** – funds for enterprises that exist to furnish goods or services to students, faculty, or staff, or incidentally to the general public. Auxiliary enterprises charge fees directly related to the cost of the goods or services (e.g., Kilcawley Center, Housing and Parking).

- **Budget Modifications** – increases or decreases to the overall level of the Operating Budget.
- **Designated Funds** – unrestricted funds internally transferred from an operating budget for a specific purpose and available for expenditure in the current budget year and/or succeeding budget years.
- **General Funds** – current unrestricted funds primarily sourced from student tuition and fees and state of Ohio appropriations and expended for instruction, student services, institutional support, maintenance and operations, financial aid, etc.
- **Operating Budget** – general and auxiliary funds representing the operating activities of the University for a given fiscal year. Excluded from the Operating Budget are Designated Funds, Plant and Capital Funds, Restricted Funds, Endowments and funds functioning as endowments.

**Procedures:**

**1. Budget Approval**

- a. The administration will present the annual Operating Budget for Board approval prior to the fiscal year beginning July 1.
- b. When sufficient financial resources exist, the annual Operating Budget will include a transfer to the General Fund Operating Reserve of at least five percent (5%) of the increase in the general fund portion of the Operating Budget over the previous year. The Board of Trustees may approve a deviation from the transfer of 5% of the increase in the general fund portion of the Operating Budget.

**2. Budget Modifications**

- a. **Revenue Changes** – budget modifications of 5% or more that relate to changes in enrollment, levels of support from the State of Ohio, and/or any other revenue source must be approved by the Board.

## UNIVERSITY GUIDEBOOK

**Title of Policy: Operating Budget Approval and Modification**

Responsible Division/Office:	Office of <del>the President</del> <u>Finance &amp; Administration</u>
Approving Officer:	<u>Vice-President of Finance and Administration</u>
Revision History:	December 2004; December 2006; December 2009
Resolution Number(s):	YR 2003-27; YR 2005-19; YR 2010-29
Board Committee:	Finance and Facilities
<b>EFFECTIVE DATE:</b>	December 16, 2009
Next Review:	2012 <del>9</del> <u>(Changed to 2014 per Guidebook Policy 0001.00)</u>

**A. Policy Statement:** The Board of Trustees will approve the University's a-balanced operating budget for each fiscal year prior to the beginning of that fiscal year (July 1) and any subsequent modification(s) to the overall spending level.

**B. Purpose:** Establish a policy to approve and modify the University's Operating Budget.

**C. Parameters:**

- The annual operating budget shall be a balanced budget with expenses aligned with anticipated revenue and shall be consistent with the strategic goals of the University.
- All expenditures in the University's general and auxiliary funds must be budgeted each fiscal year prior to being spent.
- ~~The Board of Trustees will approve an Operating Budget for each fiscal year prior to the beginning of that fiscal year (July 1). If necessary, consideration will be given to modifying t~~The Operating Budget may be revised at the discretion at a meeting(s) of the Board of Trustees.

**D. Definitions:**

- Auxiliary Funds** – funds for enterprises that exist to furnish goods or services to students, faculty, or staff, or incidentally to the general public. Auxiliary enterprises charge fees directly related to the cost of the goods or services (e.g., Kilcawley Center, Housing and Parking).

- **Budget Modifications** – increases or decreases to the overall level of the Operating Budget.
- **Designated Funds** – unrestricted funds internally transferred ~~by the Board~~ from an operating budget for a specific purpose and available for expenditure in the current budget year and/or succeeding budget years.
- **General Funds** – current unrestricted funds primarily sourced from student tuition and fees and state of Ohio appropriations and expended for instruction, student services, institutional support, maintenance and operations, financial aid, etc.
- **Operating Budget** – general and auxiliary funds representing the operating activities of the University for a given fiscal year. Excluded from the Operating Budget are Designated Funds, Plant and Capital Funds, Restricted Funds, Endowments and funds functioning as endowments.

**Procedures:**

**1. Budget Approval**

- a. The administration will present the annual Operating Budget for Board approval ~~at the June meeting~~ prior to the fiscal year beginning July 1.
- b. When sufficient financial resources exist, ~~the~~ annual Operating Budget will include a transfer to the General Fund Operating Reserve of at least five percent (5%) of the increase in the general fund portion of the Operating Budget over the previous year. The Board of Trustees may approve a deviation from the transfer of 5% of the increase in the general fund portion of the Operating Budget.

**2. Budget Modifications**

- a. **Revenue Changes** – budget modifications ~~aggregating \$250,000 of 5%~~ or more that relate to changes in enrollment, levels of support from the State of Ohio, and/or any other revenue source must be approved by the Board.



## PIMCO UPDATE AND RECOMMENDATIONS

### Personnel and Firm Update

- Co-CIO Mohamed El-Erian stepped down in Q1-2014
- PIMCO rehired Paul McCulley to serve as their Chief Economist
- Hartland views McCulley's rehiring as a positive development as it should help the Investment Committee from a "top-down" perspective and add another senior voice; however, it is now rumored that Mr. McCulley may depart PIMCO at year-end
- The SEC is investigating PIMCO regarding pricing of securities in the PIMCO Bond ETF (9/22/14)
- Bill Gross, PIMCO co-founder and manager of Total Return, Low Duration, and Unconstrained Bond, leaves PIMCO to join Janus (9/26/14)
- Daniel Ivascyn announced as Group CIO; five other individuals named as CIOs (9/29/14)

### Asset Flows

- PIMCO Low Duration declined by \$2.6 billion in September and \$2.1 billion in October (21.1% of assets)

### Hartland's Recommendation

- Bill Gross' departure creates uncertainty with portfolio management, asset out-flows, and additional employee turnover
- The near-term concerns outweigh the potential benefit of remaining invested
- **Remove PIMCO Low Duration; allocate assets to the existing Vanguard Short-Term Bond Index**

## RESOLUTION FOR ACTION: LONG-TERM POOL BOND MANAGER CHANGE

Bond Portfolio as of 9/30/14		Proposed	
JPMorgan Core Bond (11.7%)	Intermediate-Term	JPMorgan Core Bond (11.7%)	Intermediate-Term
PNC Intermediate-Term (10.7%)	Intermediate-Term	PNC Intermediate-Term (10.7%)	Intermediate-Term
PIMCO Low Duration (6.5%)	Short-Term Fixed Income	PIMCO Low Duration (0.0%)	Short-Term Fixed Income
PNC Short-Term Bond (27.6%)	Short-Term Fixed Income	PNC Short-Term Bond (27.6%)	Short-Term Fixed Income
Vanguard Short-Term Bond Index (3.6%)	Short-Term Fixed Income	Vanguard Short-Term Bond Index (10.1%)	Short-Term Fixed Income
DFA Five-Year Global (3.0%)	Short-Term Fixed Income	DFA Five-Year Global (3.0%)	Short-Term Fixed Income

*Terminate PIMCO Low-Duration and invest proceeds in the Vanguard Short-Term Bond Fund which is an existing YSU investment*

**UNIVERSITY GUIDEBOOK**

<b>Title of Policy:</b>	<b>Investment of the University's Non-Endowment and Endowment Funds</b>
Responsible Division/Office:	Finance and Administration
Approving Officer:	President
<i>Revision History:</i>	September 1998; December 2004; June 2006; December 2008; June 2010; June 2012; December 2014
Resolution Number(s):	YR 1999-04; YR 2005-23; YR 2006-47; YR 2007-27; YR 2010-89; YR 2012-
Board Committee:	Finance and Facilities
<b>EFFECTIVE DATE:</b>	December 16, 2014
Next review:	2017

**Policy:** The President and the Vice President for Finance and Administration, or designee, is authorized to invest University funds in compliance with this Policy, provisions of the *Ohio Revised Code* and all other applicable laws and regulations, including H.B. 524, Sec. 3345.05 of the Ohio Revised Code.

For the purpose of this policy on the Investment of the University's Non-Endowment and Endowment Funds (the "Policy"), the non-endowment and endowment portfolios shall include:

- All tuition and mandatory fees, registration, non-resident tuition fees, academic fees for the support of on- and off-campus instruction, laboratory and course fees when so assessed and collected, all other fees, deposits, charges, receipts, and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, and income received. These funds shall be held and administered by the Board of Trustees.
- Notwithstanding any provision of the revised code to the contrary, the title to investments made by the Board of Trustees with funds derived from revenues described above shall not be vested in the state but shall be held in trust by the Board. Such investments shall be made pursuant to this investment policy adopted by the Board in public session. Such investments shall be made with the



care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

- It is the intention of the Board of Trustees that actions taken pursuant to this Policy shall be in compliance with all applicable laws as they may be amended from time to time. No University representative, employee, or agent shall take any action prohibited by or fail to take any action required by all applicable laws in carrying out this Policy.
- Members of the Board of Trustees will annually provide to the Chair of the Board of Trustees a statement disclosing the nature, if at all, of any relationship with the financial institutions involved with the University's Non-Endowment and Endowment Funds. Any member having a relationship that creates a conflict prohibited by the ethics laws with any investment entity will withdraw from participating in the selection of, or authorizing the contracts of, those investment managers and/or consultants.
- External investment managers, consultants and advisors retained by the University shall immediately notify the Chair of the Investment Subcommittee and the Vice President for Finance and Administration, or designee of any potential conflicts of interest which may develop from time to time. In any such situation, the external investment manager, consultant and/or advisor shall identify the nature of the conflict of interest and its potential impact, if any, on the University.
- The University's non-endowment portfolio will remain sufficiently liquid to enable the University to meet all operating requirements. Portfolio liquidity is defined as the maturity or ability to sell a security on short notice near the purchase price of the security. To help retain the desired liquidity, no security shall be purchased that is likely to have few market makers or poor market bids. Additionally, liquidity shall be assured by keeping an adequate amount of short-term investments to accommodate the cash needs of the University.
- The University's non-endowment and endowment portfolios shall be structured with the objective of attaining the highest possible total return for the investment portfolio while adhering to a prudent level of risk.

Specific responsibilities of the Investment Subcommittee of the Finance and Facilities Committee of the Board of Trustees (hereafter referred to as the "the Subcommittee") in the investment process include:

- the application of a total return philosophy of asset management;
- developing sound and consistent investment policy guidelines;

- setting forth an investment structure for managing the University's assets. This structure includes identification of asset classes, strategic asset allocation, and acceptable asset ranges above and below the strategic asset allocation;
- providing guidelines that control the level of overall risk and liquidity assumed for the investment portfolio so that all assets are managed in accordance with stated objectives;
- complying with all applicable fiduciary, prudence, due diligence requirements, and with all applicable laws, rules and regulations from various local, state, federal, and international political entities that may impact fund assets;
- selecting and monitoring investment managers;
- selecting an investment consulting organization;
- communicating clearly the major duties and responsibilities of those accountable for achieving investment results;
- monitoring and evaluating results to assure that the guidelines are being adhered to and the objectives are being met;
- to control costs of administering and managing the funds;
- taking appropriate action to discharge an investment manager for failure to perform as mutually expected at the time of selecting; and
- undertaking such work and studies as may be necessary to keep the Board of Trustees of the University adequately informed as to the status of the investment of the balance sheet assets (the "Assets").

This Policy shall be reviewed every five years by the Subcommittee or upon the advisement of investment advisors or management. All material changes to the Policy will be approved by the Subcommittee and submitted to the University's Board of Trustees for final approval.

#### **UPMIFA Considerations**

In accordance with the State of Ohio's adoption of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), effective June 1, 2009, the Subcommittee will take the following into consideration when making investment decisions:

- general economic conditions
- the possible effect of inflation or deflation
- expected tax consequences
- the role that each investment plays within the overall portfolio
- expected total return from income and appreciation
- other resources of the institution
- need of the institution to make distributions and preserve capital
- assets special relationship or special value to the charitable purpose

**Purpose:** Investments shall be managed for the use and benefit of the University in a diversified portfolio that focuses, over time, on the preservation of capital, minimization of cost and risk, maintenance of required levels of liquidity in the overall portfolio to meet cash flow requirements, and compliance with state statute. The non-endowment and endowment portfolios are intended to achieve a reasonable yield balanced with a component invested for longer-term appreciation.

The purpose of this Policy is to assist the University in more effectively supervising and monitoring the investment activities of its Assets. This Policy is designed to assist University staff and the Investment Subcommittee with regard to its fiduciary responsibility by:

- defining the responsibilities of University staff, its investment managers, and its investment consultant;
- stating in writing the University's attitudes, expectations, and goals for the investment of the Assets;
- providing a basis for reviewing investment management organizations in the selection process;
- encouraging effective communication between the investment managers, investment consultant, the Subcommittee, and Youngstown State University; and
- setting objectives against which the performance results of the investment managers, operating within the constraints imposed by the University's Policy guidelines, can be measured.

A primary expectation for University assets is to support the University by providing current income to the University from both non-endowed and endowed funds, managed on behalf of the University by outside investment professionals, while concurrently growing principal. The asset base is dedicated to providing a reliable source of funds for current and future enhancements at the University.

**Parameters:**

Investment assets are to be held by a reputable custodian / trust company. Investment assets are to be held in safe-keeping, in the name of the University. Evaluation, selection and monitoring of the University's custodian will include, but not be limited to, the following factors:

- Size and scalability of the underlying financial institution
- Delivery of competitive safe-keeping and trust services as measured by attributes such as systems functionality, statement delivery, client service, audit controls and reporting capabilities
- Safe-keeping and trust service pricing and fees

The management of the non-endowment and endowment funds involves a tradeoff between two competing goals. On the one hand, the funds must preserve capital and maintain liquidity sufficient to distribute cash to fund immediate operating needs and prior spending commitments. To accommodate these objectives, the University will establish the Operating and Short-Term Pool. On the other hand, the funds must accumulate capital sufficient to support nominal growth in expenses for existing programs and to establish new quasi-endowment funds. To accommodate these objectives, the University will establish the Long-Term/Reserve Pool. The goal of the funds is to accommodate these competing needs by providing adequate short-term liquidity along with long-term capital appreciation.

The Subcommittee recognizes that risk and volatility are present to some degree with all types of investments. However, high levels of risk are to be avoided at the total asset level. This is to be accomplished through diversification by asset class, style of investment manager, and sector and industry limits.

The following statements and guidelines are set forth in an effort to provide direction to each of the investment managers that manage separate accounts for the University. Managers are retained to manage separate pools of assets; and funds are allocated to such managers in order to achieve an appropriate, diversified, and balanced asset mix. The Subcommittee, from time to time, may shift assets from one manager to another to maintain the appropriate mix. Additionally, the Subcommittee recognizes that mutual or

commingled funds used by the University may not adhere to these guidelines. However, when selecting mutual or commingled fund products, the Subcommittee will refer to these guidelines as a basis to select new funds.

Evaluation, selection and monitoring of the University's individual investment managers, will include, but not be limited to, the following factors:

- Each investment manager should have clearly stated investment objectives.

- The performance (return) and volatility (risk) of each investment manager should be evaluated over time, evaluating performance in light of how closely the investment manager has adhered to its stated investment objectives.
- The depth and experience of the portfolio manager(s) should be evaluated (both with respect to the current investment portfolio he or she manages and any funds previously managed).
- The depth and financial stability of the relevant investment fund company should be considered.
- The fees and expenses charged with respect to such investment management services should be considered.

A written "Investment Guideline Statement" or prospectus clearly outlining objectives and responsibilities will be in place with each investment manager. For the non-endowment funds, the managers shall have discretion to invest assets in cash reserves as they deem appropriate but will be expected under normal circumstances to be fully invested in their assigned asset class. A manager's performance will be evaluated against their fully invested passive benchmark and against similar portfolio results. Passive benchmarks will be used for comparative purposes which most closely approximate the investment mandate's duration, credit quality, security composition, capitalization, style, asset class, etc.

To the extent bequests are made to the University via shares of marketable equity securities, the following provisions apply:

- The policy on bequests as defined by the University Guidebook number 5007.01 will supersede all provisions within this Policy.
- If the bequest is a non-endowed gift, the securities will be sold as soon as prudently possible.
- If the bequest is an endowed gift, the securities will be invested as specified by the donor and agreed to by the Board of Trustees.

**Procedures:**

1. The Vice President for Finance and Administration, or designee, shall be accountable to the Board of Trustees for implementing this Policy.
2. The Vice President for Finance and Administration, or designee, will report to the Investment Subcommittee at least quarterly on the status of the non-endowment and endowment portfolios.

3. It shall be permissible for the Vice President for Finance and Administration, or designee to realize gains and losses if such an action would be consistent with the University's investment goals. Losses and gains realized on the non-endowment portfolio shall be charged against current income unless otherwise approved by the Investment Subcommittee.
4. Between meetings of the Board of Trustees, if deemed advisable, other investments not specifically authorized by this Policy may be made if approved by the Investment Subcommittee. Any such actions shall be taken to the Board of Trustees for review at its next meeting.

### **Spending Policy**

The Board has established a spending policy for certain funds. This Policy reflects the tradeoffs between short-term liquidity and long-term capital appreciation needs, as described in the "Purpose" and "Parameters" sections above.

*Non Endowment Assets:* Non-endowment assets are comprised of operating and non-operating funds, and include cash, cash equivalents and investment assets.

Operating funds, comprised of cash, cash equivalents, and certain investment assets, make up the University's General Funds. The use of cash, cash equivalents, and investment assets in these General Funds is not subject to any Board-approved spending policy as the University's annual operating budget establishes parameters for the use of these funds.

The University's remaining non-endowed investment assets are primarily in reserve for project-related funds. Spending within these funds is subject to University Guidebook Policy 3010.01 - Budget Transfers, project-specific spending plans, and various other University operating and financial policies and procedures. If deemed necessary for University operations, University management, working with the Investment Consultant, has authority to raise an appropriate level of cash from non-operating investments.

Income earned on non-endowed investment assets is primarily used to support University operations; thus, it is the policy of the Board not to limit annual distributions of realized investment income. The annual operating budget establishes parameters for the use of this income, and the disposition of total annual net operating inflows over outflows requires Board approval. Unrealized investment income from non-endowment assets shall always be non-spendable.

*Endowment Assets:* It is the policy of the Board to set annual distributions each fiscal year to 5% of the twelve-quarter average of the market value for the preceding twelve calendar quarters. In calculating the twelve-quarter average, census dates of March 31, June 30, September 30 and December 31 for the previous three years shall be used. Any distribution greater than this would require written justification and Board of Trustees' approval. For all other managed funds, distributions are project specific, thus are limited

only to the extent needed to sustain appropriate cash flow for the expenditure cycle of the corresponding project.

## *UNIVERSITY GUIDEBOOK*

<b>Title of Policy:</b>	<b>Investment of the University’s Non-Endowment and Endowment Funds</b>
Responsible Division/Office:	Finance and Administration
Approving Officer:	President
<i>Revision History:</i>	September 1998; December 2004; June 2006; December 2008; June 2010; June 2012; <b>December 2014</b>
Resolution Number(s):	YR 1999-04; YR 2005-23; YR 2006-47; YR 2007-27; YR 2010-89; YR 2012-
Board Committee:	Finance and Facilities
<b>EFFECTIVE DATE:</b>	<b>December 16, 2014</b>
Next review:	<del>2015</del> 2017

**Policy:** The President and the Vice President for Finance and Administration, or designee, is authorized to invest University funds in compliance with this Policy, provisions of the *Ohio Revised Code* and all other applicable laws and regulations, including H.B. 524, Sec. 3345.05 of the Ohio Revised Code.

For the purpose of this policy on the Investment of the University’s Non-Endowment and Endowment Funds (the “Policy”), the non-endowment **and endowment** portfolios shall include:

- All tuition and mandatory fees, registration, non-resident tuition fees, academic fees for the support of on- and off-campus instruction, laboratory and course fees when so assessed and collected, all other fees, deposits, charges, receipts, and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, and income received. These funds shall be held and administered by the Board of Trustees.
- Notwithstanding any provision of the revised code to the contrary, the title to investments made by the Board of Trustees with funds derived from revenues described above shall not be vested in the state but shall be held in trust by the Board. Such investments shall be made pursuant to this investment policy adopted by the Board in public session. Such investments shall be made with the



care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

- It is the intention of the Board of Trustees that actions taken pursuant to this Policy shall be in compliance with all applicable laws as they may be amended from time to time. No University representative, employee, or agent shall take any action prohibited by or fail to take any action required by all applicable laws in carrying out this Policy.
- Members of the Board of Trustees will annually provide to the Chair of the Board of Trustees a statement disclosing the nature, if at all, of any relationship with the financial institutions involved with the University's Non-Endowment **and Endowment** Funds. Any member having a relationship that creates a conflict prohibited by the ethics laws with any investment entity will withdraw from participating in the selection of, or authorizing the contracts of, those investment managers and/or consultants.
- External investment managers, consultants and advisors retained by the University shall immediately notify the Chair of the Investment Subcommittee and the Vice President for Finance and Administration, or designee of any potential conflicts of interest which may develop from time to time. In any such situation, the external investment manager, consultant and/or advisor shall identify the nature of the conflict of interest and its potential impact, if any, on the University.
- The University's non-endowment **fund** portfolio will remain sufficiently liquid to enable the University to meet all operating requirements. Portfolio liquidity is defined as the maturity or ability to sell a security on short notice near the purchase price of the security. To help retain the desired liquidity, no security shall be purchased that is likely to have few market makers or poor market bids. Additionally, liquidity shall be assured by keeping an adequate amount of short-term investments to accommodate the cash needs of the University.
- The University's non-endowment and endowment portfolios shall be structured with the objective of attaining the highest possible total return for the investment portfolio while adhering to a prudent level of risk.

~~The University's endowment portfolio unless otherwise directed, shall be managed by the Youngstown State University Foundation (the "YSUF") and consist of equity, fixed income, and cash investments.~~

Specific responsibilities of the Investment Subcommittee of the Finance and Facilities Committee of the Board of Trustees (hereafter referred to as the "the Subcommittee") in the investment process include:

- the application of a total return philosophy of asset management;
- developing sound and consistent investment policy guidelines;
- setting forth an investment structure for managing the University's assets. This structure includes identification of asset classes, strategic asset allocation, and acceptable asset ranges above and below the strategic asset allocation;
- providing guidelines that control the level of overall risk and liquidity assumed for the investment portfolio so that all assets are managed in accordance with stated objectives;
- complying with all applicable fiduciary, prudence, due diligence requirements, and with all applicable laws, rules and regulations from various local, state, federal, and international political entities that may impact fund assets;
- selecting and monitoring investment managers;
- selecting an investment consulting organization;
- communicating clearly the major duties and responsibilities of those accountable for achieving investment results;
- monitoring and evaluating results to assure that the guidelines are being adhered to and the objectives are being met;
- to control costs of administering and managing the funds;
- taking appropriate action to discharge an investment manager for failure to perform as mutually expected at the time of selecting; and
- undertaking such work and studies as may be necessary to keep the Board of Trustees of the University adequately informed as to the status of the investment of the balance sheet assets (the "Assets").

This Policy shall be reviewed every ~~three~~ five years by the Subcommittee or upon the advisement of investment advisors or management. All material changes to the Policy will be approved by the Subcommittee and submitted to the University's Board of Trustees for final approval.

## **UPMIFA Considerations**

In accordance with the State of Ohio's adoption of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), effective June 1, 2009, the Subcommittee will take the following into consideration when making investment decisions:

- general economic conditions
- the possible effect of inflation or deflation
- expected tax consequences
- the role that each investment plays within the overall portfolio
- expected total return from income and appreciation
- other resources of the institution
- need of the institution to make distributions and preserve capital
- assets special relationship or special value to the charitable purpose

**Purpose:** Investments shall be managed for the use and benefit of the University in a diversified portfolio that focuses, over time, on the preservation of capital, minimization of cost and risk, maintenance of required levels of liquidity in the overall portfolio to meet cash flow requirements, and compliance with state statute. The non-endowment and endowment portfolios are intended to achieve a reasonable yield balanced with a component invested for longer-term appreciation.

The purpose of this Policy is to assist the University in more effectively supervising and monitoring the investment activities of its Assets. This Policy is designed to assist University staff and the Investment Subcommittee with regard to its fiduciary responsibility by:

- defining the responsibilities of University staff, its investment managers, and its investment consultant;
- stating in writing the University's attitudes, expectations, and goals for the investment of the Assets;
- providing a basis for reviewing investment management organizations in the selection process;
- encouraging effective communication between the investment managers, investment consultant, the Subcommittee, and Youngstown State University; and
- setting objectives against which the performance results of the investment managers, operating within the constraints imposed by the University's Policy guidelines, can be measured.



A primary expectation for University assets is to support the University by providing current income to the University from both non-endowed and endowed funds, managed on behalf of the University by outside investment professionals, ~~as well as the YSUF~~, while concurrently growing principal. The asset base is dedicated to providing a reliable source of funds for current and future enhancements at the University.

**Parameters:**

Investment assets are to be held by a reputable custodian / trust company. Investment assets are to be held in safe-keeping, in the name of the University. Evaluation, selection and monitoring of the University's custodian will include, but not be limited to, the following factors:

- Size and scalability of the underlying financial institution
- Delivery of competitive safe-keeping and trust services as measured by attributes such as systems functionality, statement delivery, client service, audit controls and reporting capabilities
- Safe-keeping and trust service pricing and fees

The management of the non-endowment and endowment funds involves a tradeoff between two competing goals. On the one hand, the funds must preserve capital and maintain liquidity sufficient to distribute cash to fund immediate operating needs and prior spending commitments. To accommodate these objectives, the University will establish the Operating and Short-Term Pool. On the other hand, the funds must accumulate capital sufficient to support nominal growth in expenses for existing programs and to establish new quasi-endowment funds. To accommodate these objectives, the University will establish the Long-Term/Reserve Pool. The goal of the funds is to accommodate these competing needs by providing adequate short-term liquidity along with long-term capital appreciation.

The Subcommittee recognizes that risk and volatility are present to some degree with all types of investments. However, high levels of risk are to be avoided at the total asset level. This is to be accomplished through diversification by asset class, style of investment manager, and sector and industry limits.

The following statements and guidelines are set forth in an effort to provide direction to each of the investment managers that manage separate accounts for the University. Managers are retained to manage separate pools of assets; and funds are allocated to such managers in order to achieve an appropriate, diversified, and balanced asset mix. The Subcommittee, from time to time, may shift assets from one manager to another to maintain the appropriate mix. Additionally, the Subcommittee recognizes that mutual or

commingled funds used by the University may not adhere to these guidelines. However, when selecting mutual or commingled fund products, the Subcommittee will refer to these guidelines as a basis to select new funds.

Evaluation, selection and monitoring of the University's individual investment managers, will include, but not be limited to, the following factors:

- Each investment manager should have clearly stated investment objectives.
- The performance (return) and volatility (risk) of each investment manager should be evaluated over time, evaluating performance in light of how closely the investment manager has adhered to its stated investment objectives.
- The depth and experience of the portfolio manager(s) should be evaluated (both with respect to the current investment portfolio he or she manages and any funds previously managed).
- The depth and financial stability of the relevant investment fund company should be considered.
- The fees and expenses charged with respect to such investment management services should be considered.

A written "Investment Guideline Statement" or prospectus clearly outlining objectives and responsibilities will be in place with each investment manager. For the non-endowment funds, the managers shall have discretion to invest assets in cash reserves as they deem appropriate but will be expected under normal circumstances to be fully invested in their assigned asset class. A manager's performance will be evaluated against their fully invested passive benchmark and against similar portfolio results. Passive benchmarks will be used for comparative purposes which most closely approximate the investment mandate's duration, credit quality, security composition, capitalization, style, asset class, etc.

To the extent bequests are made to the University via shares of marketable equity securities, the following provisions apply:

- The policy on bequests as defined by the University Guidebook number 5007.01 will supersede all provisions within this Policy.
- If the bequest is a non-endowed gift, the securities will be sold as soon as prudently possible.

- If the bequest is an endowed gift, the securities will be ~~invested as transferred to the YSUF to manage, unless otherwise~~ specified by the donor and agreed to by the Board of Trustees. ~~Assets held/invested by the YSUF or other institution on behalf of the University will be managed in accordance with pre-arranged investment advisory agreements as well as under the guidelines of this Policy.~~

### **Procedures:**

1. The Vice President for Finance and Administration, or designee, shall be accountable to the Board of Trustees for implementing this Policy.
2. The Vice President for Finance and Administration, or designee, will report to the Investment Subcommittee at least quarterly on the status of the non-endowment and endowment portfolios.
3. It shall be permissible for the Vice President for Finance and Administration, or designee to realize gains and losses if such an action would be consistent with the University's investment goals. Losses and gains realized on the non-endowment portfolio shall be charged against current income unless otherwise approved by the Investment Subcommittee.
4. Between meetings of the Board of Trustees, if deemed advisable, other investments not specifically authorized by this Policy may be made if approved by the Investment Subcommittee. Any such actions shall be taken to the Board of Trustees for review at its next meeting.

### **Spending Policy**

The Board has established a spending policy for certain funds. This Policy reflects the tradeoffs between short-term liquidity and long-term capital appreciation needs, as described in the "Purpose" and "Parameters" sections above.

*Non Endowment Assets:* Non-endowment assets are comprised of operating and non-operating funds, and include cash, cash equivalents and investment assets.

Operating funds, comprised of cash, cash equivalents, and certain investment assets, make up the University's General Funds. The use of cash, cash equivalents, and investment assets in these General Funds is not subject to any Board-approved spending policy as the University's annual operating budget establishes parameters for the use of these funds.



The University's remaining non-endowed investment assets are primarily in reserve for project-related funds. Spending within these funds is subject to University Guidebook Policy 3010.01 - Budget Transfers, project-specific spending plans, and various other University operating and financial policies and procedures. If deemed necessary for University operations, University management, working with the Investment Consultant, has authority to raise an appropriate level of cash from non-operating investments.

Income earned on non-endowed investment assets is primarily used to support University operations; thus, it is the policy of the Board not to limit annual distributions of realized investment income. The annual operating budget establishes parameters for the use of this income, and the disposition of total annual net operating inflows over outflows requires Board approval. Unrealized investment income from non-endowment assets shall always be non-spendable.

~~*University Assets Managed by YSUF Endowment Assets: Although the YSU Foundation usually only serves as manager for endowments owned by YSU, on occasion certain other YSU funds are also managed by YSUF, generally related to specific capital fundraising projects of a more long-term nature. For endowed funds, it*~~ It is the policy of the Board to set annual distributions each fiscal year to 5% of the twelve-quarter average of the market value for the preceding twelve calendar quarters. In calculating the twelve-quarter average, census dates of March 31, June 30, September 30 and December 31 for the previous three years shall be used. ~~limit annual distributions to no greater than accumulated income earned.~~ Any distribution greater than this would require written justification and Board of Trustees' approval. For all other managed funds, distributions are project specific, thus are limited only to the extent needed to sustain appropriate cash flow for the expenditure cycle of the corresponding project.

**NEW POLICY**  
UNIVERSITY GUIDEBOOK

Title of Policy: Minors on Campus  
Responsible Division/Office: Human Resources  
Approving Officer: Chief Officer Human Resources  
Revision History:  
Resolution Number(s): YR 2014-  
Board Committee: University Affairs  
EFFECTIVE DATE:  
Next review: 2019

**A. Policy Statement:** Youngstown State University (University), as part of its educational mission, offers and participates in youth oriented programs and allows minors to access the University and its facilities. The University is committed to ensuring a safe environment for minors and requires that all staff, volunteers, program participants and campus visitors hold themselves to the highest standards of conduct.

**B. Purpose:** To establish standards and requirements for University programs or activities involving minors and for minors accessing the University and its facilities.

**C. Scope:** This policy applies to University programs and activities specifically designed for participation by minors and all participants, volunteers and employees, including student employees, who exercise direct supervision, chaperone, or otherwise oversee minors, in the course of their duties in these particular programs. This policy does not apply to: enrolled or dully enrolled minor University students participating in normal class and academic settings; employees or volunteers at University events or single performances open to the general public; or employees or volunteers who may have incidental contact with minors but do not work directly with minors within a program or activity.

This policy also applies to minors who are on campus as guests or as members of the general public. Refer to Section 7, *Minors on campus not participating in programs*, for procedures applicable to minors on campus generally.

A program or activity may impose additional requirements than those found in this policy.

This policy does not replace the requirements for reporting child abuse or neglect pursuant to the Ohio Revised Code or other statutory reporting requirements.



#### **D. Definitions:**

**Abuse or Neglect of Minors:** Infliction or threat of physical or mental injury, sexual abuse or exploitation, or neglect of a person under age 18 or of someone who is incapable of self-care because of a mental or physical disability.

**Minor:** A participant in a program for minors who is under 18 years old or is incapable of self-care because of a mental or physical disability.

**Programs for Minors:** An organized activity or event that is specifically designed for minor participants, is staffed by University employees and/or volunteers, and is offered by an academic or administrative unit of the University, whether on or off campus.

**University Organization:** Any academic or administrative unit of the University unit staffed by University employees, including student employees, acting within the scope of their employment.

**Volunteer:** Any individual working in an unpaid capacity in a program for minors, including interns and practicum students; however, this does not include invited speakers or guests who do not oversee minor participation.

#### **(E) Procedures**

##### **1. Standards of Behavior**

All programs must provide reasonable monitoring of employee, volunteer, and participant behavior and all program participants, staff, leaders, employees, associates and volunteers must refrain from and promptly address inappropriate behavior. Inappropriate behavior includes but is not limited to:

- a. Abusive conduct of any kind;
- b. Possession, distribution, or use of alcohol, illegal drugs, fireworks, guns or other weapons or dangerous materials;
- c. Hazing, bullying;
- d. Theft, misuse or destruction of property;
- e. Accessing by or making available to a minor any sexually oriented materials.

##### **2. Reporting Requirements**

Any employee or volunteer who in the course of their duties witnesses abuse or neglect of a minor or has information that would lead a reasonable person to believe that a minor faces a substantial threat of such abuse or neglect, shall immediately contact the county Children Services Agency and the Youngstown State University Police Department (330-941-3527).

The Youngstown State University Police Department shall insure that the applicable County Children's Services Agency has been notified and shall notify the appropriate municipal or county peace officer department, the Office of General Counsel and the Office of Human

Resources. The Office of Human Resources will contact the Director of the University program to insure that the Director has been notified.

### 3. Training

Colleges and units of the University must train employees and volunteers before they work with minors in programs and keep records of such training. Training content will be provided by the Office of Human Resources and must include at a minimum child abuse awareness and prevention, and reporting obligations and procedures.

### 4. Background Checks

Background checks must be conducted on all employees and volunteers working with minors in programs for minors as follows:

- a. Employees and volunteers in programs which do not involve overnight stays must have a BCI background check prior to working in a program for minors and once every 4 years thereafter.
- b. Parental consent must be obtained for the background check of a minor age employee or volunteer.
- c. Where required by Ohio law, or where the employee or volunteer is engaged at a facility or in a program that involves the use of showering, changing or sleeping facilities, the background check shall include both a BCI and FBI records check.
- d. Employees and volunteers who have not lived in Ohio for five (5) consecutive years must have a BCI and FBI background check.
- e. Employees and volunteers who have any break in service for any time period must have a new BCI background check prior to rehire and an FBI criminal records check must be completed if the employee or volunteer lived in a state other than Ohio during the break in service.
- f. Employees and volunteers must self-disclose to the program leader or administrator, any felony or misdemeanor convictions or pleas of guilty or no contest (*nolo contendere*) that occurs after hire or after being accepted as a volunteer within three (3) days of pleading or being convicted.
- g. Employees and volunteers must self-disclose any pending felony or misdemeanor charges to the program leader, college, or unit, prior to the time of or after hire, or that are pending at the time of or after acceptance as a volunteer.
- h. Programs or units may perform background checks more frequently at their discretion and must do so if required by law.

If a background check or self-disclosure reveals adverse information or unfavorable results, the University will conduct an individualized assessment in order to identify potential risk to minors. Except where required by law, background checks of University faculty, staff and students that are conducted pursuant to this Policy will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Records of background checks will be maintained separately from an individual's personnel or student file and will be kept at the office or unit responsible for the program.

## 5. Addressing Reports of Abuse or Neglect

Investigation of allegations of child abuse, sexual abuse, or neglect will be addressed in accordance with the investigatory protocols of children services agencies, local law enforcement agencies, and/or the University.

Upon receipt of an allegation and during the course of an investigation, the person against whom an allegation has been made may be removed from a program or activity and/or may have his/her contact with minors limited until such allegation has been satisfactorily investigated and resolved.

## 6. Minors on campus not participating in programs

The University's campus and facilities are not generally an appropriate environment for minors unless they are matriculated students or enrolled in a University program specifically designed for their participation and are appropriately supervised by their parents, legal guardians or properly trained responsible adults (hereinafter collectively referred to as guardian). The following policies apply to any minor on campus who is not participating in a University program or as an enrolled or dually enrolled as a student:

- a. No minor under the age of 14 may be left alone on campus at any time for any reason.
- b. The University Police Department will be notified if a minor, under the age of 14, is left unattended on campus or at an athletic event or public program or event.
- c. A guardian must have line of sight supervision of the minor at all times.
- d. A guardian must assure that the minor is not disruptive to others and if the minor becomes disruptive, the guardian shall correct the situation.
- e. The University retains the right to require visitors who are unwilling or unable to exercise appropriate control over minors to leave University facilities.
- f. Minors, age 14 and above, are held to the same standards of conduct that apply to all members of the University community.
- g. Minors may not accompany students to class unless specifically approved by the class instructor. This restriction does not apply to University Programs involving campus visits by prospective students or University sponsored family or sibling programs.
- h. Unless authorized by the appropriate dean, or department head, or as part of a University program, a minor may not accompany a parent or guardian to work.
- i. Minors are restricted from access to safety sensitive areas such as laboratories and workshops, except as part of a University program or as a University student pursuant to an academic course or program.
- j. Due to the potential health risks to others, children with communicable illnesses cannot be brought to campus.
- k. Students, faculty or staff who have child care emergencies are advised to stay home or make alternative arrangements and not bring children to campus. No University space is to be used as an alternative to child care, including but not limited to libraries, classrooms, laboratories, residence halls, lounges, and restaurants or other public space.

Departments, programs, and schools may impose additional limitations on the presence of minors.

#### **F. Violation and Accountability**

Individuals, entities, programs or units that violate this policy will be held accountable for their actions under the applicable program's standards of behavior and expectations, University policies and rules, and applicable law, including but not limited to:

- a. Volunteers are subject to reprimand or loss of volunteer status;
- b. Students are subject to the Code of Student Rights, Responsibilities, and Conduct;
- c. Employees, including student employees, are subject to applicable disciplinary action up to and including termination.
- d. Suspension or termination of the use of University facilities for a program or activity.

## ***UNIVERSITY GUIDEBOOK***

<b>Title of Policy:</b>	<b>Numbering of University Policies</b>
Responsible Division/Office:	Office of the President
Approving Officer:	President
<i>Revision History:</i>	June 1997; December 2009
Resolution Number(s):	YR 2010-37
Board Committee:	Internal Affairs
<b>EFFECTIVE DATE:</b>	December 16, 2009
Next review:	2012 (Changed to 2014 Per Guidebook Policy 0001.00)

**Policy:** The University establishes a numbering series to categorize University Policies. Policies are assigned a number based on the area of administrative responsibility under which it falls.

### **Procedure:**

Each area of administrative responsibility is identified by a one thousand number series. Each policy is assigned a number within the series, beginning with the number "0001" and continuing through "9999" as well as a two digit number that follows the number series, beginning with the number "01" and continuing through "99". These two digit numbers are separated from that series by a decimal point.

- "1000" - Academic Affairs
- "2000" - Equal Opportunity and Diversity
- "3000" - Budget and Finance
- "4000" - Facilities
- "5000" - Advancement
- "6000" - Intercollegiate Athletics
- "7000" - Human Resources
- "8000" - Student Affairs
- "9000" - Administration and Personnel
- "0000" - Policies Development

## *UNIVERSITY GUIDEBOOK*

<b>Title of Policy:</b>	<b>Development and Issuance of University Policies</b>
Responsible Division/Office:	Office of Equal Opportunity & Policy Compliance
Responsible Officer:	General Counsel
<i>Revision History:</i>	June 1997; March 2007; March 2011
Resolution Number(s):	YR 2000-63; YR 2007-27; YR 2011-87
Board Committee:	University Affairs
<b>EFFECTIVE DATE:</b>	March 18, 2011
Next Review:	2019

**A. Policy Statement:** All University policies and rules fall within a greater hierarchy of laws, statutes and regulations. The Youngstown State University Board of Trustees has been authorized by the Ohio Legislature to do all things necessary for the creation, proper maintenance, and successful continuous operation of the university. (Ohio Revised Code 3356.03). As may be appropriate, the Board of Trustees exercises its governance authority through the issuance of University policies. All University policies shall be developed, approved and published in accordance with the standards and format set forth in this policy and as required by the Ohio Legislative Service Commission (LSC).

**B. Purpose:** To provide a procedure for the development and enactment of University policies in order to maintain accountability and consistency.

**C. Scope:** This policy applies to all University divisions, colleges, departments, sections, units or any other categories within the University and to all individuals within these categories seeking to develop, enact, revise, or review University policies.

**D. Definitions:**

1. **University Policy:** A written directive or governing principle that is formally approved by the Board of Trustees, which has broad application throughout the University. Policies connect the University's goals and mission to individual conduct, fiscal responsibility, and institutional expectations, and support compliance with laws and regulations.
2. **Policy Statement:** A concise statement of principles, values, and/or intent that provide context for the policy.
3. **Purpose:** A brief explanation of why the policy is needed.

4. Procedure: The operational processes required to implement a policy including any required training. A procedure may be included in the policy or an administrative unit or officer may be charged with developing procedures to implement the policy.
5. Guidelines: Statements which are necessary to clarify and explain the policy (also known as parameters).
6. Scope: Defines what entities or individuals are covered by a policy.
7. Responsible Division or Office: The University unit charged with the development and administration of a policy and its procedures.
8. Responsible Officer: The highest ranking University Officer charged with administrative responsibility for a policy that falls within his/her administrative unit; typically a divisional vice-president or chief officer.
9. Board Committee: The committee of the Board of Trustees with purview over those matters of University operations which are the subject matter of the policy.

**(E) Procedure:**

1. A new University policy or a proposed revision or rescission of an existing policy may be initiated by the individual accountable for any department or unit, such as a chairperson, director, executive director; senates; councils; and committees (hereinafter the “policy initiator”).
2. The formal submission of a policy to the Board of Trustees shall originate from the President; a divisional Vice-President or senior executive; or the Board of Trustees; however, an appropriate designee may be named to manage the policy through the development, submission, and issuance process.
3. Each divisional Vice-President or senior executive is responsible for ensuring that all existing policies assigned to his/her division are reviewed on a five-year cycle. A policy may be reviewed or rescinded or a new policy proposed at any time in response to University needs or statutory requirements.
4. Proposed revisions to existing policies shall be clearly identified and contrasted with existing language.
5. A draft copy of the policy shall first be forwarded to the President, General Counsel, the divisional Vice-Presidents, and the responsible officer, for timely review and feedback; these individuals may also forward the draft to their administrative units for timely review and comment. Comments are to be returned to the policy initiator

6. The President may utilize any appropriate council, committee or forum to obtain campus-wide perspective or input.
7. During the review process, the policy initiator may incorporate relevant modifications which are consistent with existing policies, and applicable regulations. If the policy is further modified a draft will again be circulated to the President, General Counsel, and divisional Vice-Presidents for final review.
8. Prior to submission to the Board of Trustees, the policy shall be presented to the appropriate Board Committee for review and comment.
9. At the conclusion of the review process and prior to submission to the Board of Trustees for approval, the policy initiator shall incorporate those proposed revisions which are relevant, reasonable, and consistent with existing polices and applicable regulations.
10. The responsible officer, or his/her designee, shall submit the final draft to the Board of Trustees for approval.
11. The Office of Equal Opportunity and Policy Compliance or the office with current responsibility for University policies, shall monitor and assist the appropriate responsible officer or designee and/or the policy initiator through the development, submission and issuance process.
12. Following approval by the Board of Trustees, the policy will be filed with the Legislative Service Commission and posted on the University webpage designated for University Policies and Rules (See section H. Posting/Publication).

**(F) Policy Format**

1. Policies shall be written, numbered, and submitted for LSC filing in accordance with LSC requirements.
2. All policies shall be submitted for internal review and posting in LSC format and with a header containing the following information:
  - (a) Responsible Division/Office
  - (b) Responsible Officer
  - (c) Board Committee
  - (d) Revision History
  - (e) Effective Date
  - (f) Next Review



3. The body of the policy shall conform to the following order and requirements:

- (a) Policy statement (required section);
- (b) Purpose (required section);
- (c) Scope (required section);
- (d) Procedure (required, however, when an administrative unit/officer is charged with the development of procedures, then this assignment shall be noted).
- (e) Sections or information necessary to ensure comprehension of and compliance with the policy such as: definitions; guidelines; sanctions; reference to applicable regulations and/or University policies.

### **(G) Policy Numbering System**

All Youngstown State University policies are numbered and begin with 3356 which denotes the Ohio Revised Code Chapter by which the Ohio Legislature created the University and the LSC “agency number” assigned to the University for filing purposes. The agency number (3356) is followed by two numbers which designate, respectively, the area of administrative responsibility within the University (also known as the LSC chapter number) and the specific policy number. A policy which serves to supplement an original policy shall be assigned the number of the original policy followed by a period (.) and an additional digit (for example a supplemental policy to policy 1 would be numbered 1.1).

For purposes of this policy the areas of administrative responsibility are assigned the following numbers:

- 1 - Governance (includes Bylaws of the Board of Trustees and process oriented elements of governing such as drafting and numbering of University policies)
- 2 - Equal Opportunity and Diversity
- 3 - Budget and Finance
- 4 - Facilities
- 5 - Advancement
- 6 - Intercollegiate Athletics
- 7 - Human Resources
- 8 - Student Affairs
- 9 - Administration and Personnel
- 10 -Academic Affairs

### **(H) Posting/Publication**

The latest version of all University policies shall be posted on a University webpage designated for University policies and rules and shall be listed by: policy number, administrative responsibility, and alphabetically by title. The Office of Equal Opportunity and Policy Compliance, or the current equivalent office, shall oversee and maintain the official University policy and rule webpage.

For one (1) year from the effective date of this policy, current and revised University policies shall be cross-referenced with the previous internal policy number. New policies shall be numbered pursuant to this policy.

**(I) Conflicts**

In the event of a conflict between a University policy and a school or departmental administrative or operational policy or rule, the University policy shall take precedence unless the school or department can demonstrate an overriding need for its policy and the use of the conflicting policy is approved by the President. The school or department shall notify the Office of Equal Opportunity and Policy Compliance of the conflict and the Office of Equal Opportunity and Policy Compliance shall take necessary action to correct the conflict where possible.

**SAMPLE: Legislative Service Commission (LSC) Format with addition of YSU Header**

3356-1-1.0 Development and Issuance of University Policies

Responsible Division/Office:	Office of Equal Opportunity & Policy Compliance
Responsible Officer:	General Counsel
Board Committee:	Internal Affairs
Revision History:	June 1997; March 2007; March 2011
<b>EFFECTIVE DATE:</b>	
Next Review:	2019

**A. Policy Statement:** All university policies rules fall within a greater hierarchy of laws, statutes and regulations. The Youngstown State University Board of Trustees has been authorized by the Ohio Legislature to do all things necessary for the creation, proper maintenance, and successful continuous operation of the university. (Ohio Revised Code §3356.03). As may be appropriate the Board of Trustees exercises its governance authority through the issuance of University Policies. All university policies shall be developed, approved and published in accordance with the standards and format set forth in this policy and as required by the Ohio Legislative Service Commission (LSC).

**(B) Purpose:** To provide a procedure for the development, authorization, and enactment of university policies in order to maintain accountability and consistency

**(C) Scope:** This policy applies to all University divisions, colleges, departments, sections, units or any other categories within the University and to all individuals within these categories seeking to develop, enact, revise, or review university policies.

**(D) Definitions**

1. **University Policy:** A written directive or governing principle that is formally approved by the Board of Trustees, which has broad application throughout the University. Policies connect the University's goals and mission to individual conduct, fiscal responsibility, and institutional expectations, and support compliance with laws and regulations.
2. **Policy Statement:** A concise statement of principles, values, and/or intent that provide context for the policy.
3. **Purpose:** A brief explanation of why the policy is needed.
4. **Procedure:** The operational processes required to implement a policy including any required training. A procedure may be included in the policy or an administrative unit or officer may be charged with developing procedures to implement the policy.

5. Guidelines: Statements which are necessary to clarify and explain the policy (also known as parameters).
6. Scope : Defines what entities or individuals are covered by a policy.
7. Responsible Division or Office: The University unit charged with the development and administration of a policy and its procedures.
8. Responsible Officer: The highest ranking University Officer charged with administrative responsibility for a policy that falls within his/her administrative unit; typically a Divisional Vice President or Chief Officer.
9. Board Committee: The committee of the Board of Trustees with purview over those matters of University operations which are the subject matter of the policy.

**(E) Procedure::**

1. A new university policy or a proposed revision or rescission of an existing policy may be initiated by the individual accountable for any department or unit, such as a chairperson, director, executive director; senates; councils; and committees (hereinafter the “policy initiator”).
2. The formal submission of a policy to the Board of Trustees shall originate from the president; a divisional vice-president, senior executive; or the Board of Trustees; however, an appropriate designee may be named to manage the policy through the development, submission, and issuance process.
3. Each division vice-president or senior executive is responsible for ensuring that all existing policies assigned to his/her division are reviewed on a five-year cycle. A policy may be reviewed or rescinded or a new policy proposed at any time in response to University needs or governmental regulations.
4. Proposed revisions to existing policies shall be clearly identified and contrasted with existing language
5. A draft copy of the policy shall first be forwarded to the president, general counsel, the divisional vice-presidents, and the responsible officer, for timely review and feedback; these individuals may also forward the draft to their administrative units for timely review and comment. Comments are to be returned to the policy initiator for timely review. Comments are to be returned to the policy initiator.
6. The President may utilize any appropriate council, committee or forum to obtain campus-wide perspective or input.
7. During the review process, the policy initiator may incorporate relevant modifications which are consistent with existing policies, and applicable regulations. If the policy is further modified a draft will be again circulated to the president, general counsel,

and divisional vice-presidents for final review.

8. Prior to submission to the Board of Trustees, the policy shall be presented to the appropriate Board Committee for review and comment.
9. At the conclusion of the review process and prior to submission to the board of trustees for approval, the policy initiator shall incorporate those proposed revisions which are relevant, reasonable, and consistent with existing policies and applicable regulations.
10. The responsible officer, or his/her designee, shall submit the final draft to the board of trustees for approval.
11. The office of equal opportunity and policy compliance or the office with current responsibility for university policies, shall monitor and assist the appropriate responsible officer or designee and/or the policy initiator through the development, submission and issuance process.
12. Following approval by the board of trustees, the policy will be filed with the Legislative Service Commission and posted on the university webpage designated for university policies and rules (See section H. Posting/Publication).

#### (F) Policy Format

1. Policies shall be written and numbered pursuant to LSC requirements.
2. All policies shall be submitted for internal review and posting with a header containing the following information:
  - (a) Responsible Division/Office
  - (b) Responsible Officer
  - (c) Board Committee
  - (d) Effective Date
  - (e) Next Review
3. The body of the policy shall conform to the following order and requirements:
  - (a) Policy statement (required section).
  - (b) Purpose (required section).
  - (c) Scope (required section).
  - (d) Procedure (required, except when an administrative unit/officer is charged with the development of procedures).
  - (e) Sections or information necessary to ensure comprehension of and compliance with the policy such as: definitions; guidelines; sanctions; reference to applicable regulations and/or University policies.

#### (G) Policy Numbering System

All Youngstown State University policies are numbered and begin with 3356 which denotes the Ohio Revised Code Chapter by which the Ohio Legislature created the University and the LSC “agency number” assigned to the University for filing purposes. The agency number (3356) is followed by two numbers which designate, respectively, the area of administrative responsibility within the University and the specific policy number. For purposes of this policy the areas of administrative responsibility are designed as follows:

- 1 – Governance (includes Bylaws of the Board of Trustees, and process oriented elements of governing such as drafting and numbering University policies and rules)
- 2 - Equal Opportunity and Diversity
- 3 - Budget and Finance
- 4 - Facilities
- 5 - Advancement
- 6 - Intercollegiate Athletics
- 7 - Human Resources
- 8 - Student Affairs
- 9 - Administration and Personnel
- 10 -Academic Affairs

#### (H) Posting/Publication

The latest version of all University Policies shall be posted on a University webpage designated for University Policies and Rules. Each policy shall be accessible by policy number, administrative responsibility, and alphabetically by title. The Office of Equal Opportunity and Policy Compliance shall oversee and maintain the official University Policy Webpage.

For one (1) year from the effective date of this policy, current University policies shall be identified on the University Policies and Rules webpage under both the new and pre-existing policy number; thereafter, all current University policies shall be identified by the numbering system as established by this policy.

#### (I) Conflicts

In the event of a conflict between a University Policy and a school or departmental administrative or operational policy or rule, the University Policy shall take precedence unless the school or department can demonstrate an overriding need for its policy and the use of the conflicting policy is approved by the President. The school or department shall Notify the Office of Equal Opportunity and Policy Compliance of the conflict and the Office of Equal Opportunity and Policy Compliance shall take necessary action to correct the conflict where possible.

## UNIVERSITY GUIDEBOOK

<b>Title of Policy:</b>	<b>Development <u>and Issuance of University of</u> <u>Guidebook</u> Policies</b>
Responsible Division/Office:	Office of <del>the President</del> <u>Equal Opportunity &amp; Policy</u> <u>Compliance</u>
<del>Approving</del> <u>Responsible</u> Officer:	<del>General Counsel</del> <u>President</u>
Revision History:	June 1997; March 2007; March 2011
Resolution Number(s):	YR 2000-63; YR 2007-27; YR 2011-87
Board Committee:	<del>Internal</del> <u>University</u> Affairs
<b>EFFECTIVE DATE:</b>	March 18, 2011
Next Review:	201 <u>9</u> 6

**Authority:** ~~“The Board shall do all things necessary for the creation, proper maintenance, and successful continuous operation of the University.” (ORC, Section 3356.03, cited in *Bylaws, Board of Trustees*, p. 2)~~

**A. Policy Statement:** All university policies and rules fall within a greater hierarchy of laws, statutes and regulations. The Youngstown State University Board of Trustees has been authorized by the Ohio Legislature to do all things necessary for the creation, proper maintenance, and successful continuous operation of the university. (Ohio Revised Code 3356.03). As may be appropriate, the Board of Trustees exercises its governance authority through the issuance of University policies. All University policies shall be developed, approved and published in accordance with the standards and format set forth in this policy and as required by the Ohio Legislative Service Commission (LSC).

**B. Purpose:** To provide a procedure for the development and enactment of University policies in order to maintain accountability and consistency. ~~Policies provide guidance to administrators in reaching decisions with respect to the particular matters entrusted to their care to accomplish the mission and goals of the University. Policies are defined as general principles or statements of intent or direction. Policies are typically brief and provide a framework within which the University is expected to operate. All Guidebook Policies are approved by the Board of Trustees.~~

**C. Scope:** This policy applies to all University divisions, colleges, departments, sections, units or any other categories within the University and to all individuals within these categories seeking to develop, enact, revise, or review university policies.

**D. Definitions:**



1. University Policy: A written directive or governing principle that is formally approved by the Board of Trustees, which has broad application throughout the University. Policies connect the University's goals and mission to individual conduct, fiscal responsibility, and institutional expectations, and support compliance with laws and regulations.

2. Policy Statement: A concise statement of principles, values, and/or intent that provide context for the policy.

3. Purpose: A brief explanation of why the policy is needed.

4. Procedure: The operational processes required to implement a policy including any required training. A procedure may be included in the policy or an administrative unit or officer may be charged with developing procedures to implement the policy.

5. Guidelines: Statements which are necessary to clarify and explain the policy (also known as parameters).

6. Scope : Defines what entities or individuals are covered by a policy.

7. Responsible Division or Office: The University unit charged with the development and administration of a policy and its procedures.

8. Responsible Officer: The highest ranking University Officer charged with administrative responsibility for a policy that falls within his/her administrative unit; typically a divisional vice-president or chief officer.

9. Board Committee: The committee of the Board of Trustees with purview over those matters of University operations which are the subject matter of the policy.

**(E) Procedure: Action Steps:**

1. A new ~~institutional~~ University policy or a proposed revision or rescission of an existing policy may be initiated by the individual accountable for any department or unit, such as a chairperson, director, executive director; Senates; Councils; and Committees (hereinafter the "policy initiator").
2. The formal submission of a ~~new or revised~~ policy to the Board of Trustees shall originate from the President; a divisional Vice-President or Senior Executive; ~~the President~~; or the Board of Trustees; however, an appropriate designee may be named to manage the policy through the development, submission, and issuance process.
- 1-3. Each divisional ~~v~~ Vice-p ~~r~~ President or ~~s~~ Senior e ~~e~~ Executive is responsible for ensuring that all existing policies assigned to his/her division are reviewed ~~for possible revision~~ on a five-year cycle. ~~or earlier as needed.~~ A policy may be reviewed or rescinded or a new policy proposed at any time in response to University needs or statutory requirements



- ~~2.4. When revising existing Policies, p~~Proposed ~~revisions~~modifications to existing policies shall ~~should~~ be clearly identified and contrasted with existing language. ~~A new policy should contain a policy title, policy statement, effective date, definitions if appropriate, and procedures if appropriate.~~
- ~~3.5. A draft copy of the new policy or the revised policy shall~~ould be first ~~be~~ forwarded to the ~~President, General Counsel, the divisional Vice-Presidents, and the responsible officer~~ Cabinet and then to departments, units, committees, or others affected, for timely review and feedback; ~~these individuals may also forward the draft to their administrative units for timely review and comment. Comments are to be returned to the policy initiator. to the individual initiating the review. The policy will also be reviewed by the individual(s) or committee designated by the President for consistency with existing policies and state and/or federal laws and regulations.~~
- 4.6. The President may utilize any appropriate council, committee or forum to obtain campus-wide perspective or input.
- ~~7. After all reviews have taken place~~During the review process, the policy initiator ~~person initiating the new or revised policy~~ may ~~incorporate relevant modifications~~ modify the proposal based on which are ~~consistent with existing policies, and applicable regulations. If the policy is further modified~~the above review process. ~~If this is the case, the final~~a draft will be again circulated ~~by the initiating person~~ to the ~~President, General Counsel, and Divisional Vice-Presidents~~ Cabinet for final review. ~~The President will then submit the final draft to the Board for approval.~~
8. Prior to submission to the Board of Trustees, the policy shall be presented to the appropriate Board Committee for review and comment.
9. At the conclusion of the review process and prior to submission to the Board of Trustees for approval, the policy initiator shall incorporate those proposed revisions which are relevant, reasonable, and consistent with existing polices and applicable regulations.
10. The Responsible Officer, or his/her designee, shall submit the final draft to the Board of Trustees for approval.
11. The Office of Equal Opportunity and Policy compliance, or the office with current responsibility for University policies, shall monitor and assist the appropriate responsible officer or designee and/or the policy iniator through the development, submission, and issuance process.
12. Following approval by the Board of Trustees, the policy will be filed with the Legislative Service Commission and posted on the University webpage designated for University Policies and Rules (See section H. Posting/Publication).

(F) Policy Format

1. Policies shall be written, numbered, and submitted for LSC filing in accordance with LSC requirements.

2. All policies shall be submitted for internal review and posting in LSC format and with a header containing the following information:

- (a) Responsible Division/Office
- (b) Responsible Officer
- (c) Board Committee
- (d) Revision History
- (e) Effective Date
- (f) Next Review

3. The body of the policy shall conform to the following order and requirements:

- (a) Policy statement (required section);
- (b) Purpose (required section);
- (c) Scope (required section);
- (d) Procedure (required, however, when an administrative unit/officer is charged with the development of procedures, then this assignment shall be noted).
- (e) Sections or information necessary to ensure comprehension of and compliance with the policy such as: definitions; guidelines; sanctions; reference to applicable regulations and/or University policies.

(G) Policy Numbering System

All Youngstown State University polices are numbered and begin with 3356 which denotes the Ohio Revised Code Chapter by which the Ohio Legislature created the University and the LSC "agency number" assigned to the University for filing purposes. The agency number (3356) is followed by two numbers which designate, respectively, the area of administrative responsibility within the University (also known as the LSC chapter number) and the specific policy number. A policy which serves to supplement an original policy shall be assigned the number of the original policy followed by a period (.) and an additional digit (For example a supplemental policy to policy 1 would be numbered 1.1).

For purposes of this policy the areas of administrative responsibility are assigned the following numbers:



- 
- 1 –Governance (includes Bylaws of the Board of Trustees and process oriented elements of governing such as drafting and numbering of University policies);
  - 2 - Equal Opportunity and Diversity
  - 3 - Budget and Finance
  - 4 - Facilities
  - 5 - Advancement
  - 6 - Intercollegiate Athletics
  - 7 - Human Resources
  - 8 - Student Affairs
  - 9 - Administration and Personnel
  - 10 -Academic Affairs

**(H) Posting/Publication**

The latest version of all University Policies shall be posted on a University webpage designated for University Policies and Rules and shall be listed by: policy number, administrative responsibility, and alphabetically by title. The Office of Equal Opportunity and Policy Compliance, or the current equivalent office, shall oversee and maintain the official University Policy and rule webpage.

For one (1) year from the effective date of this policy, current and revised University policies shall be cross-referenced with the previous internal policy number. New policies shall be numbered pursuant to this policy.

**(I) Conflicts**

In the event of a conflict between a University Policy and a school or departmental administrative or operational policy or rule, the University Policy shall take precedence unless the school or department can demonstrate an overriding need for its policy and the use of the conflicting policy is approved by the President. The school or department shall Notify the Office of Equal Opportunity and Policy Compliance of the conflict and the Office of Equal Opportunity and Policy Compliance shall take necessary action to correct the conflict where possible.

**UNIVERSITY GUIDEBOOK**

<b>Title of Policy:</b>	<b>Collective Bargaining and Negotiations</b>
Responsible Division/Office:	Human Resources
Approving Officer:	Vice President for Finance and Administration
<i>Revision History:</i>	August 1998; December 2009
Resolution Number(s):	YR 1999-33; YR 2010-37
Board Committee:	University Affairs
<b>EFFECTIVE DATE:</b>	<b>December 16, 2014</b>
Next Review:	2019

**A. Policy Statement:** Youngstown State University recognizes the right of eligible faculty and staff to be represented by an exclusive bargaining representative for purposes of collectively negotiating agreements defining the terms and conditions of employment. This recognition is extended solely to faculty and staff who are defined as “public employees” in §4117.01 of the Ohio Revised Code.

**B. Purpose:** To establish a framework for the professional and collegial negotiation of successor agreements with each bargaining unit that achieves the goals of both the University and bargaining unit members.

**C. Definitions:**

The *Ohio Revised Code* §4117.01(C) defines public employees as “. . . any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the National Labor Relations Board has declined jurisdiction on the basis that the involved employees are employees of a public employer. . . .” Exceptions applicable to colleges and universities include:

“Confidential employees,” “Management level employees,” “Supervisors,” “Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee’s bargaining unit,” and “Part-time faculty members of an institution of higher education.”

**D. Procedure:**

The Board of Trustees of Youngstown State University within its fiduciary responsibility provides oversight of collective bargaining between the University and the bargaining units that represent employee groups. The Board and University administration shall fulfill the following responsibilities within the collective bargaining process:

1. The Chairperson of the Board of Trustees or his/her designee will act as the sole spokesperson for the Board of Trustees on any matters related to negotiations.
2. No later than nine months prior to the expiration of a given contract the Board of Trustees will either designate a standing committee or appoint an ad hoc committee to which reports on collective bargaining and negotiations are made. This committee will provide the necessary authorizations for administration negotiations teams and will establish parameters for Board of Trustees participation and communications for each negotiation.
3. The administration will present to the designated committee for its review and consideration the administration's recommendations for membership of the University negotiation team, the Chief Negotiator, the role of legal counsel and bargaining approach (e.g. traditional versus interest based), The administration will also provide overviews of issues and outcomes of past negotiations, internal and external contexts, financial parameters, and University goals and priorities as well as anticipated bargaining unit goals and priorities.
4. The designated committee will review overall financial parameters for each negotiation and any changes to those parameters during the course of each negotiation.
5. During each negotiation the administration will update the designated committee on overall progress, University and bargaining unit positions, proposed draft language, tentative agreements, and new issues.
6. When a final tentative agreement is reached and after legal review, the administration will provide to the designated committee a summary of major changes to the agreement and a complete redline version of the proposed agreement, including all appendices, typically at least one week in advance of the scheduled meeting.
7. The designated committee, if a standing committee will recommend action on the proposed agreement to the full Board of Trustees; if an ad hoc committee, will recommend action to the University Affairs Committee who will recommend action to the full Board of Trustees.

8. The Board of Trustees must ratify all final collective bargaining agreements.
9. At the conclusion of each round of negotiations the designated committee will prepare recommendations to guide the next round of negotiations.
10. It is the responsibility of the Office of Human Resources to inform those members of the faculty or staff who are not included in collective bargaining representation because of the nature of their position.

## UNIVERSITY GUIDEBOOK

<b>Title of Policy:</b>	<b>Collective Bargaining and Negotiations</b>
Responsible Division/Office:	Human Resources
Approving Officer:	Vice President for Finance and Administration
<i>Revision History:</i>	August 1998; December 2009
Resolution Number(s):	YR 1999-33; YR 2010-37
Board Committee:	University Affairs
<b>EFFECTIVE DATE:</b>	<b>December 16, 2009</b>
Next Review:	2014

**Policy Statement:** Youngstown State University recognizes the right of eligible faculty and staff to be represented by an exclusive bargaining representative for purposes of collectively negotiating agreements defining the terms and conditions of employment. This recognition is extended solely to faculty and staff who are defined as “public employees” in §4117.01 of the *Ohio Revised Code*.

**Purpose:** To establish a framework for the professional and collegial negotiation of successor agreements with each bargaining unit that achieve the goals of both the University and bargaining unit members.

**Definitions:** The *Ohio Revised Code* § 4117.01(C) defines public employees as “. . . any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the National Labor Relations Board has declined jurisdiction on the basis that the involved employees are employees of a public employer. . . .” Exceptions applicable to colleges and universities include:

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10. It is the responsibility of Human Resources to inform those members of the faculty or staff who are not included in collective bargaining representation because of the nature of their position.



**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
SEPARATIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>SALARY</b>
Keeler, Marybeth	APAS	Career Coordinator	Career & Counseling Services	8/23/2014	1.00	\$42,766.56
Kent, Rosemary	APAS	Asst. Director, Federal Programs	Financial Aid & Scholarships	8/31/2014	1.00	\$55,956.18
Long, Lisa	APAS	Development Officer	WYSU-FM	8/23/2014	1.00	\$53,000.00
LaRocco, Debra	P/A Excluded	Manager, Employee Benefits	Human Resources	9/3/2014	1.00	\$74,460.00
Shively, Patricia	P/A Excluded	Associate Director	Center Student Progress	9/30/2014	1.00	\$62,821.80
Celidonio, Laura	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	8/22/2014	1.00	\$28,032.00
Condoleon, Pamela	P/A Externally Funded	Instruction Specialist 1	Rich Center for Autism	9/5/2014	1.00	\$22,464.00
Hall, Melissa	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	10/2/2014	1.00	\$25,675.00
Luca, Kylie	P/A Externally Funded	Instruction Specialist 1	Rich Center for Autism	9/10/2014	1.00	\$21,810.00
Lumpkin, Patricia	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	8/18/2014	1.00	\$30,545.00
Marcello, Pamela	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	8/24/2014	1.00	\$28,032.00

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
RECLASSIFICATIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Marshall, Lori	APAS	Senior Coordinator II	Center for Student Progress	8/1/2014	1.00	\$42,767.00	\$37,959.50

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THORUGH 10/31/14  
PROMOTIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT APPT. DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Collins, Megan	APAS	Asst. Director, Federal Programs	Financial Aid/Scholarships	9/16/2014	1.00	\$50,000.00	\$41,306.94
Tomerlin, Jennifer	APAS	Financial Aid Counselor	Financial Aid/Scholarships	10/1/2014	1.00	\$34,464.00	\$32,823.60
Abraham, Martin	P/A Excluded	Interim Provost/VP Academic Affairs	Provost Office	10/8/2014	1.00	\$200,000.00	\$176,081.58
Riley, Teresa	P/A Excluded	Senior Associate Provost	Provost Office	10/8/2014	1.00	\$137,088.00	\$130,560.00
Sturru, William G.	P/A Excluded	Interim Dean	STEM	10/8/2014	1.00	\$140,000.00	\$104,962.00
Butler, Rona	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	9/1/2014	1.00	\$27,216.00	\$23,119.00
Dobson, Rachael	P/A Externally Funded	Behavior Analyst	Rich Center for Autism	9/1/2014	1.00	\$40,000.00	\$36,000.00
Johnston, Julia	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	9/1/2014	1.00	\$25,675.00	\$21,810.00
Lovejoy, Tabatha	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	9/1/2014	1.00	\$27,217.00	\$21,810.00
O'Donnell, Skyler	P/A Externally Funded	Lead Instruction Specialist	Rich Center for Autism	10/1/2014	1.00	\$25,675.00	\$21,810.00

**YOUNGSTOWN STATE UNIVERSITY  
 PROFESSIONAL ADMINISTRATIVE AND FACULTY  
 PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
TRANSFERS**

EMPLOYEE NAME	EMPLOYEE TYPE	POSITION TITLE	DEPARTMENT	CONTRACT/ APPOINTMENT DATES	FTE	SALARY
None						

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
SALARY ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>NEW FTE</b>	<b>NEW SALARY</b>	<b>OLD FTE</b>	<b>PREVIOUS SALARY</b>
None								

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
DISPLACEMENTS RESULTING FROM LAYOFF**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE</b>	<b>NEW DEPARTMENT</b>	<b>DATE DISPLACED</b>	<b>FTE</b>
Moorer, Susan	APAS	Development Officer	WYSU -FM	9/1/2014	1.00



**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 8/16/14 THROUGH 10/31/14  
LAYOFFS AS A RESULT OF POSITION ABOLISHMENT**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF LAYOFF</b>	<b>FTE</b>	<b>SALARY</b>
Long, Lisa*	APAS	Development Officer	WYSU-FM	N/A	1.00	\$53,000.00
<i>* Employee resigned prior to effective date of layoff.</i>						