



BOARD OF TRUSTEES

CLEVELAND STATE UNIVERSITY

MINUTES OF THE MEETING

BOARD OF TRUSTEES MEETING

DATE: Wednesday, January 16, 2013, 1:00 p.m.
PLACE: The Wolstein Center, Gerald H. Gordon Conference Pavilion
Weinberg Board Room

PRESENT: Chairman Robert H. Rawson, Jr., Vice Chairman Dan T. Moore III, Treasurer Morton Q. Levin; Trustees Richard L. Bowen, David H. Gunning II, Bernardo “Bernie” F. Moreno, June E. Taylor, and Ronald E. Weinberg; Community Board Members Dr. Paul E. DiCorleto, Anand “Bill” Julka, and Steven A. Minter; Faculty Representatives Dr. Stephen F. Duffy and Dr. Joanne E. Goodell; President Ronald M. Berkman, and Secretary to the Board of Trustees William J. Napier.

Chairman Robert H. Rawson called the meeting to order at 1:00 p.m. A quorum was confirmed. Chairman Rawson noted a change in the second paragraph on Page 3 of the minutes of the November 7, 2012 Board of Trustees, reporting that 15 new directors (not four) were elected to the Foundation Board. He called for a motion to approve the minutes of the November 7, 2012 Board meeting, as amended. Trustee Taylor moved, and Trustee Moore seconded, the motion to approve the minutes. The minutes were approved, as amended, by voice vote.

REPORT OF THE CHAIRMAN

Chairman Rawson reported that the Executive Committee met on December 18, 2012 to consider an amendment to the President’s contract before year-end for tax considerations. The following resolution, passed by the Executive Committee, is entered into the record:

EXECUTIVE COMMITTEE RESOLUTION 2012-08

**RESOLUTION APPROVING AMENDMENT TO PRESIDENT'S
SECTION 457(f) DEFERRED COMPENSATION AGREEMENT**

THEREFORE, BE IT RESOLVED that Executive Committee of the Cleveland State University Board of Trustees hereby approves the amendment to President Berkman's Section 457(f) Deferred Compensation Agreement in substantially the form attached hereto, subject to any changes deemed necessary by University General Counsel, and directs the University administration to take all actions necessary to execute the changes set forth in the amendment hereto.

Chairman Rawson also reported that the majority of the meeting of the Board Officers on January 10, 2013 was held in executive session to deal with a personnel matter. He indicated that the recommendation of the Executive Committee would be acted upon by the Board later in today's meeting.

REPORT OF THE PRESIDENT

President Berkman thanked Dr. DiCorleto, Dr. Joanne Goodell, and Vice President Brown for serving on the Provost Search Committee, which reviewed 80 applications and interviewed 10-12 applicants. He reported that he has received an unranked list of four finalists from the search committee, and that each of the finalists and their spouses are being invited for a two-day campus visit during the first two weeks of February. Chairman Rawson was consulted regarding the participation of the Board, inasmuch as the Bylaws require confirmation of the President's appointment.

President Berkman reported next on the Monte Ahuja College of Business dean search. He observed that three of the six candidates are sitting deans of business schools, and three are non-traditional candidates. He noted that it would be advantageous to have the new provost in place by the final stage of the business dean search. He acknowledged the phenomenal job Steve

Percy has done as Interim Dean over the past year, making significant changes in the culture of the Business college, which is the largest in the State.

President Berkman described the Science, Technology, Engineering and Math (STEM) program and the unique opportunity for the College of Education's U-TEACH program and engineering, math, NEOMED, sciences, and graduate programs to have the 11th and 12th grades of the Cleveland Metropolitan School District's MC2 STEM High School located on the Cleveland State University campus. He reported that CSU and KeyBank officials visited the STEM school at the University of Toledo and learned that 80% of the STEM students enroll at the University of Toledo following graduation. The grant agreement between the KeyBank Foundation and the Cleveland Metropolitan School District (**Attachment A**) provides financial support for the renovation of classroom, lab and office space at Cleveland State for the STEM High School 11th and 12th grades, as well as financial assistance for STEM high school graduates who want to attend Cleveland State University.

Chairman Rawson commented that the relocation of the 11th and 12th grades of the MC2 STEM High School to the CSU campus was a win-win situation for all involved. He read the resolution and called for a motion. Trustee Levin moved, and Trustee Moreno seconded, the motion to support the Program Grant Agreement between KeyBank Foundation and the Cleveland Municipal School District, and to express appreciation to the KeyBank Foundation and Cleveland Municipal School District for collaborating to enhance the MC2 STEM High School by relocating the 11th and 12th grade classes to the CSU campus. The following resolution was approved unanimously by voice vote.

RESOLUTION 2013-1

**SUPPORT OF PROGRAM GRANT AGREEMENT BETWEEN
KEYBANK FOUNDATION AND**

**CLEVELAND MUNICIPAL SCHOOL DISTRICT
REGARDING MC2 STEM HIGH SCHOOL
AT
CLEVELAND STATE UNIVERSITY**

WHEREAS, the Board of Education of the Cleveland Municipal School District (“Board of Education”) has determined that a partnership with the KeyBank Foundation to provide for the relocation of the 11th and 12th grades of MC2 STEM High School to the campus of Cleveland State University (“CSU”) will serve to enhance the STEM Program; and

WHEREAS, the Board of Education of has approved relocation of the 11th and 12th grades of the MC2 STEM High School to the campus of CSU during the 2013-2014 school year; and

WHEREAS, the Board of Education has authorized a Program Grant Agreement (attached hereto) between the Cleveland Municipal School District and KeyBank Foundation, and has authorized Chief Executive Officer to execute said Agreement on behalf of the Board of Education; and

WHEREAS, the Board of Education has accepted the grant from KeyBank Foundation in the amount of \$1,250,000.00, payable over four years; and

WHEREAS, a large portion of the expenditures under the KeyBank Foundation grant will be directed to CSU for MC2 STEM High School costs, including building renovation for classroom and laboratory space, student support expenses, tuition assistance, and faculty development;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Cleveland State University expresses its appreciation to KeyBank Foundation and Cleveland Municipal School District for collaborating to enhance the MC2 STEM High School by relocating 11th and 12th grade classes to the campus of CSU; and

BE IT FURTHER RESOLVED that the Board of Trustees of Cleveland State University enthusiastically supports the Program Grant Agreement between KeyBank Foundation and Cleveland Municipal School District.

Mr. Minter noted that this collaborative effort started with discussions three years ago, and serves as a tremendous example of keeping focused on the goal and persevering over time.

Dr. Duffy suggested that special thanks be extended to Executive-in-Residence Julian Earls for his leadership and participation in the MC2 STEM High School effort, as well as his role as Chair and in the creation of the Campus International School.

President Berkman reported that CSU shares second place in the country with Arizona State, University of Arizona, Rutgers, Texas A&M, University of Florida, University of Minnesota, and University of Washington, with five Fulbright awards in fall 2011. He noted that the statistics are more impressive when comparing the ratio of tenure and tenure track faculty to the number of Fulbrights (University of Florida 1 to 504; University of Minnesota 1 to 422; Texas A&M 1 to 351; Arizona State University 1 to 330; Rutgers University 1 to 305; University of Arizona 1 to 293; University of Washington 1 to 271; and Cleveland State University 1 to 91). Trustees recommended using the information in a news release, as well as planning a significant event, recognizing the Fulbright Scholars from the last ten years.

In closing, President Berkman reported that Chancellor Jim Petro is leaving his position on February 1, and there has been some speculation about combining K-12 with higher education to create a comprehensive K-16 system with one chancellor. He also indicated that the Governor's budget proposal is likely to permit universities to impose a 2% tuition increase in each year of the biennium, and institutions below the median can increase by another 1%.

REPORT OF THE CSU FOUNDATION CHAIR

Mr. Minter reported that at the December meeting of the Foundation Board of Directors there were several presentations on investments, including one on simulated funds, managed by students, which performed quite well. He noted that *Radiance*, co-chaired by Tim Cosgrove and Tom Adler, has raised \$170,000 towards the \$750,000 goal. Mr. Minter referenced the fundraising reports for the second quarter through December 15, 2012 on the Consent Agenda, and noted a decrease in participation by alumni donors for the second quarter. He reported that Trustee Bowen completed a significant pledge for the Richard L. Bowen + Associates Engineering Scholarship Fund.

In closing, Mr. Minter announced two outreach events scheduled the end of January in Florida. One in Naples, being hosted by Charles Emrick on January 30; and the other, hosted by Bill Julka on January 31 in Palm Beach.

ACADEMIC AFFAIRS

Chairman Moreno reported that the Academic Affairs Committee had a productive meeting in the morning with two presentations. Dr. Walker presented an overview of the *Complete College Ohio* task force recommendations, and noted the early successes and great improvements already made by Cleveland State on the task force recommendations and Student Success initiative. Chairman Moreno acknowledged the work of the Faculty Senate and the University Curriculum Committee to move to a 120 credit hour standard for degree completion, and from a four to a three credit hour course standard. He noted the resolution, recommending approval by the Board, is to be voted upon as part of the Consent Agenda.

Chairman Moreno reported that an informative second presentation was given by Dr. Jerzy Sawicki on Cleveland State's increased research productivity and expenditures. He noted that Cleveland State ranks in the top 20% among 912 research colleges and universities, and 8th on the state level, with over \$55 million in research expenditures in FY 2011.

FINANCIAL AFFAIRS

Chairman Levin reported that in the Committee meeting held in the morning, four action items, regarding CSU projects, were recommended to the Board for approval; they appear on the Consent Agenda: 1) construction change order for the renovation of the Cole Center for the Campus International School; 2) Rhodes Tower lease for STEM High School grades 11 and 12 on the CSU campus; 3) Memorandum of Understanding with The Education Law Association; and

4) Viking Hall demolition contract amendment for the removal of asbestos on an accelerated schedule. He stated that updates were reported by Vice President McHenry on four other items. The Committee recommended accelerating the hiring of an owner's representative for the Center for Innovation in Health Professions project, and possibly securing Federal relief funds for Hurricane Sandy storm damage to Fenn Tower and other campus facilities. Updates were given on the University's Energy Conservation and Management Program, as well as the proposed changes to the formula for allocating state funds to Ohio's public colleges and universities.

CONSENT AGENDA

Chairman Rawson stated that routine matters, or those discussed previously, are considered on the consent agenda. He asked if there were any consent agenda items that Board members wished to remove and discuss individually. There were none.

Trustee Weinberg moved, and Trustee Moreno seconded, the motion to approve the consent agenda items: Cole Center/Campus International School Renovation (**Attachment B**), Rhodes Tower Lease for STEM High School (**Attachment C**), Memorandum of Understanding between The Education Law Association and CSU (**Attachment D**), Viking Hall Demolition Contract Amendment (**Attachment E**), Playhouse Square Foundation/Allen Theatre Use and Operating Agreement (**Attachment F**), Acceptance of Gifts and Pledge Payments for the period October 1-December 15, 2012 (**Attachment G**), and The *Complete College Ohio* Challenge: Enhancing Student Success and Degree Completion at Cleveland State University (**Attachment H**) were considered as part of the Consent Agenda. The following resolutions were passed by voice vote:

RESOLUTION 2013-2

**APPROVAL OF CONTRACT AMOUNT FOR COASTAL QUALITY
CONSTRUCTION, INC. IN CONNECTION WITH CONSTRUCTION OF THE
CAMPUS INTERNATIONAL SCHOOL PROJECT AT THE COLE CENTER**

WHEREAS, Cleveland State University (CSU) and Cleveland Metropolitan School District (CMSD) have agreed to be education partners in a project involving a lease agreement for space to house the Campus International School that is being negotiated to reflect the agreed upon terms to reimburse the University for all construction costs and change orders associated with the renovation of the Cole Center for the Campus International School;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves payment to Coastal Quality Construction Inc. for costs associated with the construction of the Campus International School at the Cole Center in an amount not to exceed \$908,534, said amount to be repaid consistent with the terms of the lease agreement between Cleveland State University and Cleveland Metropolitan School District.

RESOLUTION 2013-3

**APPROVAL OF SHARED RESPONSIBILITY AGREEMENT AND AUTHORITY TO
COMMENCE CONSTRUCTION FOR THE CLEVELAND METROPOLITAN SCHOOL
DISTRICT (CMSD) STEM HIGH SCHOOL AT CLEVELAND STATE UNIVERSITY**

WHEREAS, Cleveland State University (CSU) and Cleveland Metropolitan School District (CMSD) have been working cooperatively on a Science Technology Engineering and Math (STEM) High School program for several years with assistance from KeyBank Foundation; and

WHEREAS, CSU and CMSD believe their respective students will benefit if the STEM High School for 11th and 12th grades were to be located on the CSU Campus; and

WHEREAS, KeyBank Foundation is willing to make a substantial financial commitment to assist CSU and CMSD in locating the STEM High School on the CSU Campus; and

WHEREAS, CSU will provide some equipment and furnishings, renovate ten (10) classrooms on the third floor and a portion of the second floor of Rhodes West, and room 310 in the Science Building to accommodate the classroom needs of STEM; and

WHEREAS, in addition to the STEM renovations, CSU will upgrade seven (7) existing classrooms on campus in Main Classroom, Stilwell Hall, and Chester Building with audio/video upgrades to offset the loss of the ten Rhodes West classrooms; and

WHEREAS, the preliminary schedule projects completion by mid October 2013; and

WHEREAS, the funding for the project is expected to be part of a KeyBank Foundation grant issuance in January 2013, which will be paid to CSU per the agreement between CMSD and KeyBank Foundation and the Shared Responsibility Agreement between CSU and CMSD;

NOW, THEREFORE, BE IT RESOLVED that the CSU Board of Trustees authorizes the Administration to continue collaboration with the Cleveland Metropolitan School District for the development of the STEM High School on the CSU Campus with the financial commitment from the KeyBank Foundation as outlined in the Shared Responsibility Agreement, and hereby approves said Agreement in substantially the form attached hereto, subject to any changes or modifications deemed necessary by the University General Counsel.

BE IT FURTHER RESOLVED that a majority of the voting Officers of the Board are authorized to approve implementation of the project upon CMSD's acceptance of the financial commitment from the KeyBank Foundation as outlined in the Shared Responsibility Agreement, and subsequent to execution of said Agreement, the design and construction process can commence.

RESOLUTION 2013-4

APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN CLEVELAND STATE UNIVERSITY AND THE EDUCATION LAW ASSOCIATION

WHEREAS, the Education Law Association, a 501(c)(3) corporation, was founded in 1954 under the name NOLPE (the National Organization for Legal Problems in Education), shortly after the U.S. Supreme Court handed down *Brown v. Board of Education*; and

WHEREAS, the Education Law Association is a membership organization comprised of attorneys, professors, K-12 and college and university administrators, and other professionals from all 50 states, two territories, and eight countries; and

WHEREAS, the mission of the Education Law Association is to remain the premier forum for professionals interested in practical knowledge, scholarship, and interdisciplinary dialogue about legal and policy issues affecting education; and

WHEREAS, the Education Law Association provides a forum for legal learning through its regional and annual conferences, through webinars/podcasts, through electronic and written publications, and through personal and professional relationships among its members;

WHEREAS, the Board of Directors of the Education Law Association, the Dean of the Cleveland-Marshall College of Law, and the Dean of the College of Education and Human Services of Cleveland State University seek a formal relationship to create mutually beneficial opportunities to promote legal learning;

NOW, THEREFORE, BE IT RESOLVED that the University Administration is hereby authorized to execute said contract with The Education Law Association.

RESOLUTION 2013-5

**APPROVAL TO AMEND THE CONTRACT FOR
PRECISION ENVIRONMENTAL, INC.
IN CONNECTION WITH THE VIKING HALL AND KINKO'S BUILDING
DEMOLITION PROJECT FOR PRE- DEMOLITION ASBESTOS ABATEMENT**

THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves to amend the contract for PRECISION ENVIRONMENTAL COMPANY, INC. for asbestos abatement work in connection with the Viking Hall and Kinko's Building Demolition project, and authorizes the University administration to increase the contract for said work by \$355,549 to the amount of One Million Five Hundred and Forty Nine Thousand Five Hundred and Forty Nine Dollars (\$1,549,549).

RESOLUTION 2013-6

**APPROVING USE AND OPERATING AGREEMENT
WITH PLAYHOUSE SQUARE FOUNDATION**

WHEREAS, pursuant to Board Resolution 2010-67, the University, Playhouse Square Foundation and The Cleveland Play House have negotiated the terms of two agreements for the joint use of the Allen Theatre complex by both the University's theater department and the Cleveland Play House; and

WHEREAS, inasmuch as some terms for the use of the Allen Theatre complex by the University are not applicable to the Cleveland Play House, and some terms applicable to the Cleveland Play House are not applicable to the University, each entity is executing a separate use and operating agreement with Playhouse Square Foundation; and

WHEREAS, both the Cleveland Play House and the University will, pursuant to the terms of their respective use and operating agreements, execute a joint signage agreement with Playhouse Square Foundation governing the signage at the Allen Theatre complex;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the Use and Operating Agreement between Playhouse Square Foundation and Cleveland State University, in the form substantially attached hereto, together with the Signage Agreement attached as an Exhibit thereto, subject to any modifications deemed necessary by legal counsel.

RESOLUTION 2013-7

**ACCEPTING GIFTS AND PLEDGE PAYMENTS
FY 2013, SECOND QUARTER
October 1, 2012 to December 15, 2012**

RESOLVED, that the gifts and pledge payments totaling \$1,230,115 received by the Cleveland State University Foundation during the period October 1, 2012 to December 15, 2012, are hereby accepted with thanks; and,

BE IT FURTHER RESOLVED that the President is hereby directed to use these gifts, subject to their terms and conditions.

RESOLUTION 2013-8

**APPROVING THE 120 CREDIT HOUR STANDARD FOR
DEGREE COMPLETION AND MOVING TOWARD A
THREE CREDIT HOUR MODEL**

WHEREAS, the University will move to a 120 credit hour standard for degree completion, wherein exceptions may be made in cases where accreditation or licensing make the 120 credit hour limit unattainable; and

WHEREAS, the Board of Trustees directs the President to make every effort to implement the 120 credit hour standard by September, 2014 so that by that date the entering Freshman Class will be required to complete no more than 120 credits unless an exception has been granted*; and

WHEREAS, a three credit hour standard will be adopted for General Education courses, wherein exceptions may be made in cases where accreditation, licensing, or other compelling arguments can be made for individual courses; and

WHEREAS, the Board of Trustees directs the President to make every effort to implement the three credit hour standard by September, 2014 so that by that date all four credit General Education courses have been reduced to three credits unless an exception for an individual General Education course has been granted*; and

WHEREAS, it is the expectation of the Board of Trustees that the University will proceed to insure that the curriculum is consistent with the other state-assisted universities that offer a dominant three credit hour model;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees approves the 120 credit hour standard for degree completion and supports the University in moving toward a three credit hour model, consistent with the stated general expectation, to be voted upon at the March meeting of the Board of Trustees so as to provide sufficient time for the Administration, faculty, and students to provide input in guiding the details of the resolution.

* The burden of proof resides with the program seeking exemptions and must be made on a course by course basis. Exemptions will be granted if the program can demonstrate the proposed number of credits for the course in question conforms to the dominate model for the other public universities in the state of Ohio. The process for granting exceptions will move through the usual academic channels –Department, College, University Curriculum Committee, and Faculty Senate to provide recommendations to the Provost’s Office. The final decision will reside with the Provost as Chief Academic Officer.

EXECUTIVE SESSION

Trustee Bowen moved, and Trustee Moore seconded, the motion that the Board adjourn into Executive Session for the purpose of discussing real property; a personnel matter; and a discussion of imminent and pending litigation with General Counsel. A roll call vote was taken by the Secretary to the Board; voting in the affirmative were Mr. Bowen, Mr. Gunning, Mr. Levin, Mr. Moore, Mr. Moreno, Ms. Taylor, Mr. Weinberg, and Chairman Rawson.

Chairman Rawson excused everyone except all voting members of the Board. The President, Interim Provost, Vice President for Business Affairs and Finance, Board Secretary, and University General Counsel were invited to remain for the Executive Session which began at 1:54 p.m.

Chairman Rawson announced at 2:37 p.m. that the Board had finished its business in Executive Session and was returning to its regular meeting.

NEW BUSINESS

Chairman Rawson presented a resolution to approve the extension of the President’s employment contract for three additional years. Trustee Weinberg moved, and Trustee Levin seconded, the motion to approve the extension of President Berkman’s contract to 2017. The following resolution was passed enthusiastically by voice vote and with applause:

RESOLUTION 2013-9

RECOMMENDING EXTENSION OF EMPLOYMENT AGREEMENT

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves the extension of the President's Employment Agreement pursuant to the terms of the attached Extension Agreement, subject to any changes deemed necessary by the University's General Counsel.

Chairman Rawson, on behalf of the Board of Trustees, expressed its delight with the key partnerships formed, including NEOMED and the Cleveland Metropolitan School District; the Arts Campus at Playhouse Square; implementation and attainment of progressive student success and retention initiatives, and quadrupling of the University's research and development expenditures. He noted that the resolution approved by the Board endorses the President's vision and leadership, which transformed and advanced the University in a short period of time, and expresses its vote of confidence in President Berkman to lead the University to 2017.

Chairman Rawson stated there was one additional matter to consider. He presented a resolution in recognition of Chancellor Jim Petro as he retires from public service in February 2013. Trustee Moore moved, and Trustee Moreno seconded, the motion to approve the resolution, expressing appreciation to and in recognition of Chancellor Jim Petro. The following resolution was approved by voice vote:

RESOLUTION 2013-10

A RESOLUTION IN RECOGNITION OF CHANCELLOR JIM PETRO

WHEREAS, Chancellor Jim Petro, one of Ohio's most distinguished public servants, has announced that he will retire from public service in February, 2013; and

WHEREAS, Chancellor Petro began his political career in Cleveland, serving as a Rocky River City Councilman, as a member of the Ohio House of Representatives and as a Cuyahoga County Commissioner. In 1995, he was elected as Auditor of State and served in that capacity through 2003. From 2003 to 2007, Mr. Petro served as Ohio's Attorney General; and

WHEREAS, Jim Petro was named Chancellor of the Board of Regents in March, 2011 and has led the University System of Ohio since that time; and

WHEREAS, Chancellor Petro has been a tireless and effective voice for the need to substantially improve Ohio higher education retention and graduation rates, for lessening burdensome requirements and mandates imposed on colleges and universities, for significantly increasing the amount of available student financial aid and for better aligning workforce credentials with higher education degree completion; and

WHEREAS, as Auditor of State, Ohio Attorney General and Chancellor, Jim Petro has been steadfast in his support for Cleveland State University, offering encouragement and wise counsel to Cleveland State Presidents and Members of the Board of Trustees throughout his career;

NOW, THEREFORE, BE IT RESOLVED that President Ronald M. Berkman and the Members of the Board of Trustees of Cleveland State University take this opportunity to express their grateful appreciation to Chancellor Petro for a distinguished career of serving Ohioans, and wish Jim and Nancy Petro much success in their future endeavors, be they public policy, literary, legal or community service.

There being no further business, the meeting was adjourned at 2:40 p.m.

Respectfully submitted,

APPROVED ON MARCH 18, 2013

William J. Napier

Secretary to the Board of Trustees

APPROVED ON MARCH 18, 2013

Robert H. Rawson, Jr.

Chairman, Board of Trustees