



BOARD OF TRUSTEES

CLEVELAND STATE UNIVERSITY

MINUTES OF THE MEETING

BOARD OF TRUSTEES MEETING

DATE: Wednesday, May 25, 2016, 8:00 a.m.
PLACE: The Wolstein Center, Gerald H. Gordon Conference Pavilion
Weinberg Board Room

PRESENT: Chairman Robert H. Rawson, Jr., Trustees Thomas W. Adler, Stephen F. Kirk, Morton Q. Levin, Dan T. Moore III, Bernardo “Bernie” F. Moreno, and June E. Taylor; Community Board Member Anand “Bill” Julka; Faculty Representatives Dr. Joel A. Lieske and Dr. Nigamanth Sridhar; President Ronald M. Berkman and Secretary to the Board of Trustees William J. Napier. Others in attendance: James E. Bennett, Office of the President Chief of Staff and co-leader of the Office of Performance Management and the 2020 Project with Timothy J. Long, Associate Vice President for Finance & Budget; Dr. Jianping Zhu, Interim Provost and Senior Vice President for Academic Affairs; Dr. Jerzy T. Sawicki, Vice President for Research; Dr. Anton A. Komar, Professor and Director of Center for Gene Regulation in Health & Disease; and graduate students with research faculty advisors.

Chairman Rawson called the meeting to order at 8:00 a.m. and confirmed the presence of a quorum. He called for a motion to approve the minutes of the March 9, 2016 Board meeting; moved by Trustee Moreno and seconded by Trustee Levin, the minutes were approved by voice vote.

REPORT OF THE CHAIRMAN

Chairman Rawson reported that meetings of the Executive Committee were held on March 24, 2016 and May 17, 2016. The following resolution was passed at the March 24 meeting to approve a lease for a presidential residence:

EXECUTIVE COMMITTEE RESOLUTION 2016-01

AUTHORIZING CLEVELAND STATE UNIVERSITY ADMINISTRATION TO ENTER INTO A LEASE AGREEMENT WITH EUCLID AVENUE DEVELOPMENT CORPORATION FOR A PRESIDENTIAL RESIDENCE

WHEREAS, the Cleveland State University President's contract requires the University to provide a residence suitable for entertaining important visitors, segments of the University community, and existing and potential donors; and

WHEREAS, to expedite providing such residence to the current and future Presidents, the leadership of the University's Board of Trustees requested that Euclid Avenue Development Corporation (EADC) purchase a suitable property and lease said property to the University; and

WHEREAS, on March 8, 2016, the EADC Board of Directors unanimously voted to purchase a presidential residence for the University and to lease said residence to the University;

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee of the Board of Trustees hereby authorizes the appropriate Cleveland State University officer to negotiate and enter into a lease agreement with Euclid Avenue Development Corporation in substantial accordance with the terms contained in the Final Proposal dated March 24, 2016, subject to the University Office of General Counsel's review, approval and modification of the lease agreement as may be required by law.

BE IT FURTHER RESOLVED that the appropriate officer of Cleveland State University is authorized to enter into a Side Agreement with Euclid Avenue Development Corporation pursuant to which the University will pledge fixed income investments equal to the purchase price of the subject residence as set forth more fully in the attached Final Proposal, subject to the review and approval of the University's Office of General Counsel; and that the said University officer is authorized and empowered to do and perform such other acts and things, execute such other agreements and amendments thereto, and to pay such fees, costs and expenses as may be necessary and appropriate to carry out and comply with these resolutions.

Chairman Rawson also reported that a meeting of the Committee-of-the-Whole was held on May 17 (**Attachment A**) to discuss in detail the Trustee Report in response to the Governor's Task Force on Affordability and Efficiency, due to the Chancellor the end of July; and the FY16-17 University Budget. He highlighted the significant recommendations made to improve the report.

Chairman Rawson read and moved the resolution, recognizing Dr. Joel A. Lieske for his distinguished service as a Faculty Representative to the Board of Trustees. The following resolution was approved with applause:

RESOLUTION 2016-25

**RECOGNITION OF DR. JOEL A. LIESKE AS
FACULTY REPRESENTATIVE TO THE BOARD OF TRUSTEES**

WHEREAS, Dr. Joel Lieske has served Cleveland State University as a Faculty Representative to the Board of Trustees this past year as the elected faculty representative; and

WHEREAS, Dr. Lieske's term as Faculty Representative to the Board of Trustees expires on June 30, 2016; and

WHEREAS, during the past year, Dr. Lieske has been dedicated in the performance of his duties and has represented the views of the faculty to the Administration and the Board of Trustees, contributing to enhanced academic programs and student support services; and

WHEREAS, Dr. Lieske has sought to demonstrate to Cleveland State students the importance of participating in the political process by himself seeking elective office; and

WHEREAS, Dr. Lieske has shared his knowledge and expertise as a political scientist, raising salient questions and making observations during a political campaign year that has to this point defied predictability and explanation—except for those advanced by Professor Lieske!

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees expresses its sincere appreciation to Dr. Joel A. Lieske for his contributions to, and support of, Cleveland State University and extends its best wishes for the future.

REPORT OF THE PRESIDENT

President Berkman updated the Board on the new engineering building project. He noted that the engineering program has increased 207% over the same period as this time last year. He also noted that the MC²STEM High School on the CSU campus continues to be a feeder for the University's engineering and sciences programs. The school was recently recognized by the Ohio Department of Education as one of 22 elite Schools of Promise in Ohio, closing the achievement gap in math and reading for more than 40% economically-disadvantaged students and those with limited English proficiency and disabilities.

The President reported that the Campus International School has doubled in size since its inception, and now has four sections per grade. He indicated that the new school being built will accommodate grades K-8, and the Cole Center could house the upper grade levels. He noted that there is a waiting list of 322 students for the Campus International School, and 120 students for the MC²STEM High School.

President Berkman updated the Board on the various dean searches. He reported that the search process has been completed for the Dean of the Maxine Goodman Levin College of Urban Affairs and the Dean of the School of Nursing, with the Board being asked to approve tenure for Dr. Roland V. Anglin and Dr. Timothy M. Gaspar respectively. Appreciation was extended to Trustee Levin and the Levin family for their participation in the Urban Affairs Dean search. The President announced that Dr. Richard Reed would continue to serve at least another semester as Interim Dean for the Monte Ahuja College of Business.

Radiance Co-Chairs Trustee Adler and former Trustee Timothy Cosgrove, and CSU Foundation Chair McCann, were acknowledged for their leadership, and Board members were thanked for their participation and support of another successful *Radiance* event. Over \$1 million was raised for scholarships to assist students, in good academic standing, from dropping out of school due to financial circumstances. The President's Medal was awarded this year to Steven A. Minter, former President and Executive Director of The Cleveland Foundation.

President Berkman reported that the Board will be acting today on two of the 62 Ohio legislative mandates on higher education. He indicated that, despite everything being done to improve efficiency and effectiveness, the assistance of the trustees is needed to increase support from the State.

As a part of the Student Success efforts initiated several years ago, university boards of trustees are required to review and approve an updated college completion plan every two years. President Berkman acknowledged Provost Zhu for taking the leadership in accomplishing this difficult initiative.

College Completion Plan Update

Dr. Zhu reported that the Board of Trustees approved the initial College Completion Plan at its May 20, 2014 meeting, and is now being asked to review and approve the updated Plan for 2016-2018 (**Attachment B**). He indicated that the University had already been giving top priority to the student success initiatives several years prior to the legislative mandate. He acknowledged the significant progress made by Dr. Peter Meiksins, Vice Provost for Academic Programs, and the student success team, in moving the first year freshmen retention rate from 61-62% to 65% in 2014 to a current retention rate of 70% since the implementation of the plan. He further reported an improved six year graduation rate from below 30% to a present rate of 40%. Since the implementation of the student success initiatives and plan, CSU has moved from being ranked last to a ranking in the middle among Ohio's public universities.

Dr. Zhu noted that updated goals and new initiatives were added to the 2016-2018 plan, including transfer students, who are not included in national standard measures. Board members

discussed the challenges of the changing paradigm of “traditional” students and the need for policy reform regarding reporting standards.

Chairman Rawson and President Berkman affirmed the commitment of the Board and the University to student success, regardless of state mandates. The role of Dr. Teresa LaGrange, Vice Provost for Academic Planning, and her 30 years of service to the University were acknowledged with applause as she will be retiring on June 30.

Trustee Moore moved, and Trustee Moreno seconded, the motion to approve the updated Cleveland State University College Completion Plan for 2016-2018. The following resolution was passed by voice vote:

RESOLUTION 2016-26

COLLEGE COMPLETION PLAN

WHEREAS, the Ohio Department of Higher Education mandated in 2014 that each public university in the State of Ohio complete a College Completion Plan that would be approved by the University Board of Trustees and submitted to the Chancellor of the Ohio Department of Higher Education; and

WHEREAS, the legislation further required the University to update the Chancellor with an updated College Completion Plan by June 20, 2016; and

WHEREAS, the Cleveland State University developed and implemented a College Completion Plan in 2014 through a joint effort led by the Provost’s Office involving both the university administration and faculty; and

WHEREAS, the Cleveland State University has reviewed the progress in student success since the original CSU College Completion Plan was developed in 2014, set completion goals for 2016 to 2018, and outlined strategies to reach the new completion goals in the updated College Completion Plan;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees approves the updated Cleveland State University College Completion Plan.

Ohio Task Force on Affordability and Efficiency: Trustee Report to the Chancellor

President Berkman indicated that, following the discussion in the Committee-of-the-Whole meeting on May 17, the University’s Performance Management team made the Board’s suggested changes to the affordability and efficiency report. Mr. Bennett highlighted and reviewed the changes made to the report (**Attachment C**). He noted that the goals section remains to be completed.

Board members accepted the document revisions. It was suggested that an Executive Committee meeting be held during the week of July 11, with all Board members invited to attend, to review the goals and approve the final report. Trustee Moreno moved, and Trustee Levin seconded, the motion to grant authority to the Board of Trustees' Executive Committee to approve the efficiency review and implementation plan, to be submitted to the Chancellor of the Ohio Department of Higher Education by July 31. The following resolution was passed by voice vote:

RESOLUTION 2016-27

GRANTING AUTHORITY TO THE BOARD OF TRUSTEES EXECUTIVE COMMITTEE FOR APPROVING THE RESPONSE TO THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON AFFORDABILITY AND EFFICIENCY IN HIGHER EDUCATION

WHEREAS, the Governor of the State of Ohio established the Ohio Task Force on Affordability and Efficiency in Higher Education by Executive Order No. 2015-01K on February 10, 2015; and

WHEREAS, the Task Force issued its recommendations to the Governor on October 1, 2015; and

WHEREAS, the FY16-FY17 state budget bill (Amended Substitute House Bill No. 64), signed into law on June 30, 2015, requires the board of trustees of each state college and university to complete an efficiency review based on the Task Force's recommendations by July 1, 2016 and provide a report to the Chancellor of the Ohio Department of Higher Education explaining how it will implement the Task Force's recommendations, as well as providing other cost savings measures within 30 days of completing the review; and

WHEREAS, each state college and university board of trustees is required to approve the efficiency review and implementation plan by resolution and submit the plan to the Chancellor on or before July 31, 2016; and

WHEREAS, the Cleveland State University Board of Trustees will formally review its efficiency review and implementation beginning May 17, 2016; and

WHEREAS, the Cleveland State University Board of Trustees will not convene meetings in the month of June 2016; and

WHEREAS, the Committee of the Whole of this Board has reviewed this matter and recommends referral of the plan to the Board's Executive Committee for approval and submission to the Chancellor;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby grants authority to its Executive Committee to approve its efficiency review and implementation plan and submit said plan to the Chancellor of the Ohio Department of Higher Education no later than July 31, 2016.

REPORT OF THE PROVOST

Dr. Zhu announced the appointment of Dr. Roland V. Anglin as Dean of the Maxine Goodman Levin College of Urban Affairs, and presented his credentials (**Attachment D**). Approval to award tenure was sought. Trustee Levin moved, and Trustee Adler seconded, the motion to approve the award of tenure to Dr. Roland V. Anglin at the rank of Professor in the Department of Urban Studies. The following resolution was passed by voice vote:

RESOLUTION 2016-28

AWARD OF TENURE TO DR. ROLAND V. ANGLIN

WHEREAS, an external search was conducted to fill the position of Dean, Maxine Goodman Levin College of Urban Affairs; and

WHEREAS, the search attracted a substantial pool of well-qualified candidates, including Dr. Roland V. Anglin, Director and Associate Research Professor, Joseph C. Cornwall for Metropolitan Studies, Rutgers University-Newark; and

WHEREAS, the credentials of Dr. Anglin have been reviewed by the appropriate faculty peer review committee in the Department of Urban Studies, the Chair, the Interim Dean, the Provost and the President; and

WHEREAS, Dr. Anglin has fulfilled the requirements for tenure at the rank of Professor as set forth in Article 12.10 of the Faculty Collective Bargaining Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves the award of tenure at the rank of Professor to Dr. Roland V. Anglin in the Department of Urban Studies, effective the first day of full-time employment at Cleveland State University.

Dr. Zhu reported that the search was concluded and a job offer made recently, and accepted, by Dr. Timothy M. Gaspar to fill the position of Dean of the School of Nursing. His curriculum vitae and resolution, seeking the award of tenure, were distributed (**Attachment E**) for consideration. Trustee Levin moved, and Trustee Kirk seconded, the motion to approve the award of tenure to Dr. Timothy M. Gaspar at the rank of Professor in the School of Nursing. The following resolution was passed by voice vote:

RESOLUTION 2016-29

AWARD OF TENURE TO DR. TIMOTHY M. GASPAR

WHEREAS, an external search was conducted to fill the position of Dean, School of Nursing; and

WHEREAS, the search attracted a substantial pool of well-qualified candidates, including Dr. Timothy M. Gaspar, Professor, College of Nursing; University of Toledo, Toledo, Ohio; and

WHEREAS, the credentials of Dr. Gaspar have been reviewed by the appropriate faculty peer review committee in the School of Nursing, the Dean, the Provost and the President; and

WHEREAS, Dr. Gaspar has fulfilled the requirements for tenure at the rank of Professor as set forth in Article 12.10 of the Faculty Collective Bargaining Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves the award of tenure at the rank of Professor to Dr. Timothy M. Gaspar in the School of Nursing, effective the first day of full-time employment at Cleveland State University.

Dr. Zhu presented a proposal to establish a free-standing Masters of Social Work program (**Attachment F**). He reported that a joint program with the University of Akron was started in 1995 with 12 students from each university, but is now too large to continue as a joint program. Cleveland State University alone has 300 students in the program, which is the largest graduate program in the College of Liberal Arts and Social Sciences. Trustee Moreno moved, and Trustee Moore seconded, the motion to approve an independent Masters of Social Work Program due to the dissolution of a joint program with the University of Akron. The following resolution was passed by voice vote:

RESOLUTION 2016-30

MASTERS IN SOCIAL WORK

WHEREAS, the College of Liberal Arts and Social Sciences and the School of Social Work has proposed the development of an independent Masters in Social Work; and

WHEREAS, the program development plan has received preliminary authorization from the Ohio Board of Regents; and

WHEREAS, there is a demonstrated need for such a program in Northeast Ohio; and

WHEREAS, the proposed degree program has been reviewed and approved by all appropriate faculty entities and academic administrators, including approval by the Faculty Senate at its meeting of March 4, 2015;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves the Masters of Social Work in the School of Social Work, College of Liberal Arts and Social Sciences.

STUDENT RESEARCH PRESENTATION TO THE BOARD

Dr. Nigamanth Sridhar, Faculty Representative to the Board and Professor of Electrical Engineering and Computer Science, reported that one-third of CSU student enrollments are graduate students. He said that four graduate students, two from Sciences & Health Professions and two from the College of Engineering, are here with their faculty research advisors to present a synopsis of their research project to the Board. He noted that William Samsa, one of the four research presenters, has just graduated and received a position at Case Western Reserve University as a postdoctoral associate.

Mr. Alexander Roth, of the Department of Chemical and Biomedical Engineering, introduced his advisor, Dr. Moo-Yeal Lee, and presented his research, entitled “Nanoscale 3D Bioprinting for Tissue Engineering” (**Attachment G**). Ms. Katie Turner, of the Department of Chemistry and Center for Gene Regulation in Health and Disease, introduced Dr. Michael Kalafatis as her advisor, and briefly described her research on “Novel Anti-Cancer Therapies” (**Attachment H**). Ms. Sandra Hnat, of the Department of Mechanical Engineering, introduced her advisor, Dr. Antonie van den Bogert, and presented her research on “Reflex Control for Prosthetics” (**Attachment I**). Mr. William Samsa, of the Department of Biological, Geological & Environmental Sciences and the Center for Gene Regulation in Health and Disease, presented his research on “Circadian Clocks and Osteoporosis” (**Attachment J**). It was noted that his research advisor, Dr. Roman V. Kondratov, was at a Society for Research on Biological Rhythms conference and was represented by Dr. Crystal M. Weyman, Chair of the Department of Biological, Geological & Environmental Sciences.

Dr. Anton Komar, Professor and Director of the Center for Gene Regulation in Health and Disease, acknowledged the support of Vice President for Research Dr. Jerzy Sawicki. He noted the synergism between the health sciences and engineering represented by the graduate student research presentations.

REPORT OF THE CSU FOUNDATION CHAIR

Trustee Kirk reported that the *Radiance* scholarship fundraising campaign broke a record this year. He noted that CSU Foundation Chair Nancy McCann set up five teams, and challenged the Foundation directors to raise \$250,000 added to last year’s \$1 million goal. He observed that the inspiring remarks of CSU Radiance Scholar recipient Drewcilla Roberts added to the

magnificent evening. She was quoted as saying, “The most important thing that anyone can do in life is make a positive difference in someone else’s life.”

Trustee Kirk reported the fundraising results and campaign progress through April 30, 2016 (**Attachment K**). He noted that more work needs to be done to increase the number of donors and alumni participation. The ENGAGE campaign, he reported, is at \$86 million toward the \$100 million goal, with the last 10% of the goal being the most difficult to raise.

Trustee Kirk reported that \$72 million in the endowment under management was up 1.1% in April, but down 3.2% for the year-to-date due to weakness in the equity markets.

Trustee Kirk reported that the Second Annual Women’s Leadership Symposium on April 13 hosted over 800 women and had to be moved to the Cleveland Public Auditorium. The April 21 Volunteer Leadership Summit was attended by over 70 Board and Visiting Committee members who provided input on the Path to 2020 project. The Celebration of Scholarship luncheon and the official dedication of the Medical Mutual Tennis Pavilion, were also held on April 21, and were well attended. On May 6, he noted, Trustee Moore was the keynote speaker at the 2nd Annual Senior Design Symposium and Awards Dinner hosted by the Washkewicz College of Engineering.

FINANCIAL AFFAIRS

Chairman Levin reported the actions taken at the May 17 Committee meeting (**Attachment L**), noting that the several leases and policies that were recommended for approval by the Board are on the consent agenda. The Committee also received reports on Environmental Health and Occupational Safety compliance, changes to the FY17 Miscellaneous Fees, and the University budget for the nine-month period ended March 31, 2016, projected to breakeven.

CONSENT AGENDA

Chairman Rawson explained that routine matters, or those discussed previously, are considered on the consent agenda. He asked if there were consent agenda items that Board members wished to remove and discuss individually. Trustee Moore, who was not present for the detailed presentation and discussion of the FY17 University budget at the May 17 Financial Affairs Committee meeting, requested that it be removed from the Consent Agenda and considered separately.

Trustee Moreno moved, and Trustee Levin seconded, the motion to approve the following consent agenda items: Science Building Engaged Learning Interior Labs Renovation: Construction Manager-at-Risk (**Attachment M**), Fenn Hall Construction Services for Low Roof

Replacement (**Attachment N**), Parking Spaces Lease – AVC Parking (**Attachment O**), West Center Lease 4th Amendment (**Attachment P**), Law Library Services Agreement Extension (**Attachment Q**), University FY17 Advertising Media Purchases (**Attachment R**), Access Control Policy (**Attachment S**), Closed Circuit Television Policy (**Attachment T**), Electronic and Information Technology Accessibility Policy (**Attachment U**), Animals on Campus and Service Animals Policies (**Attachment V**), FY17 Tuition (**Attachment W**), FY16 Third Quarter Gift and Pledges (**Attachment X**), and FY16 Third Quarter Sponsored Programs (**Attachment Y**). The following resolutions were passed by voice vote:

RESOLUTION 2016-31

PROPOSED AUTHORIZATION TO CONTRACT FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE SCIENCE BUILDING (SI) INTERIOR LAB RENOVATIONS, ENGAGED LEARNING LABORATORIES

WHEREAS, the University has previously solicited qualifications for Construction Manager at Risk to construct the Science Building (SI) Interior Lab Renovations; and

WHEREAS, nine (9) timely qualification responses were received and reviewed by a select review panel comprised of Faculty and Staff; and

WHEREAS, three (3) firms were shortlisted and invited to submit pricing proposals on June 23, 2015 and to participate in interviews held on June 29, 2015, consisting of a 60-minute presentation of qualifications, followed by 15-minute questions/answers led by the committee; and

WHEREAS, on June 29, 2015, the selection committee reviewed the firms' qualifications and proposals and entered their rankings into the State of Ohio's Best Value Rating form; and

WHEREAS, after entering each firm's Qualifications Rating and Price Proposals, the final Construction Manager at Risk was selected by the highest Best Value Rating score; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby authorizes the total project budget of \$6,500,000 and authorizes the University Administration to negotiate with Turner Construction Company for a total Guaranteed Maximum Price, in phases as needed to accommodate the construction schedule, not to exceed \$4,860,000, with additional Construction Manager Preconstruction and Construction Stage fees, not to exceed \$530,963.

RESOLUTION 2016-32

**AUTHORIZATION TO EXECUTE THE CONTRACT FOR CONSTRUCTION
SERVICES FOR THE FENN HALL WEST LOW ROOF REPLACEMENT**

WHEREAS, on June 25, 2012, the Board of Trustees, by Resolution 2012-35 approved the issuance of General Receipts Bonds not to exceed \$90,000,000; and

WHEREAS, \$26,000,000 of the bonds was designated for the design, construction, furnishing and equipping of Deferred Maintenance projects to be locally administered on the University's campus; and

WHEREAS, the contract for this project will be ready for execution in May and will exceed \$500,000; and

WHEREAS, under existing Board policy, construction and consultant contracts in excess of \$500,000 require prior approval of the Board; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves delegation of authority to the University's Administration to enter into a contract with Willham Roofing Co, the lowest responsible and responsive Fenn Hall West Roof Replacement Bidder for a sum not to exceed \$545,000.

RESOLUTION 2016-33

AUTHORITY TO LEASE PROPERTY LOCATED AT 2178 CEDAR AVENUE

WHEREAS, the Department of Parking and Transportation Services is charged with providing parking services for students, faculty, staff, visitors and special events on campus; and

WHEREAS, an increase in enrollment and the loss of parking space inventory has resulted in a shortage of parking spaces for commuter students, faculty, staff and visitors; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby approves the recommendation by the University Administration to lease parking spaces from August 15, 2016 to May 15, 2017 at 2178 Cedar Avenue for total cost not to exceed \$30,000, and authorizes and empowers the Administration , in carrying out this Resolution to make any necessary changes to the subject lease as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or as otherwise deemed appropriate.

RESOLUTION 2016-34

APPROVING LEASE AGREEMENT WITH FENCORP PROPERTIES, INC.

WHEREAS, FENCORP PROPERTIES, INC., an Ohio corporation (hereinafter called the “Landlord”), and CLEVELAND STATE UNIVERSITY (hereinafter called the “Tenant”) entered into that certain Lease dated June 5, 2003 (the “Lease”), whereby Landlord leased to Tenant a portion of the Premises located at 26202 Detroit Road, Westlake, Ohio;

WHEREAS, Landlord and Tenant revised the Lease by the terms of a First Amendment dated August 20, 2003; and

WHEREAS, Landlord and Tenant further revised the Lease by the terms of a Second Amendment dated March 18, 2005; and

WHEREAS, Landlord and Tenant further revised the Lease by the terms of a Third Amendment dated June 3, 2013; and

WHEREAS, Landlord and Tenant mutually desire to further amend the terms and conditions of the Lease by this Fourth Amendment; and

WHEREAS, the Provost wishes to continue our presence at this facility by providing academic and continuing education programs as we have for the last thirteen years; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the lease between Fencorp Properties, Inc. and Cleveland State University, in the form substantially attached hereto, subject to any modifications deemed necessary by University General Counsel.

RESOLUTION 2016-35

**APPROVING EXTENSION OF LAW LIBRARY MAINTENANCE AGREEMENT
WITH WEST PUBLISHING**

WHEREAS, Cleveland State University (“University”) on behalf of the Cleveland Marshall College of Law (“College of Law”), spends an average of \$ 330,000 annually purchasing primary and secondary legal resources from the publisher, West, a Thomson Reuters business (“Vendor”); and

WHEREAS, the Vendor is one of two leading vendors of U.S. legal materials in the country, publishing federal and state statutes, cases and secondary sources; and

WHEREAS, increases in the yearly spend by the College of Law for sources published by the vendor have traditionally increased by 6-8 % per year; and

WHEREAS, the Vendor agrees to hold the percentage increase of its materials over a two year period to 1 % per year under a two year extension of the existing Library Maintenance Agreement (down from 3 % under the existing agreement); and

WHEREAS, the Financial Affairs Committee recommends that the Board of Trustees approve the Library Maintenance Agreement per the terms stated;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the extension of the Library Maintenance Agreement between the University and the Vendor and all forms, documents and actions, as may be required, for the finalization of the agreement.

RESOLUTION 2016-36

APPROVAL OF \$1,520,000 FOR FISCAL YEAR 2017 FOR ADVERTISING MEDIA, PRODUCTION AND RELATED SERVICES

WHEREAS, the University is involved in paid advertising campaigns to promote student recruitment, retention and institutional image; and

WHEREAS, the request for Fiscal Year 2017 funding of \$1,520,000 for the purchase of media and related expenses for recruitment and brand advertising; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees authorizes purchase orders totaling \$1,520,000 for advertising purchases for FY 2017.

RESOLUTION 2016-37

ACCESS CONTROL POLICY

WHEREAS, Cleveland State University has a responsibility to ensure reasonable security for its facilities, while still providing as much access as possible for members of the University community; and

WHEREAS, the Administration has developed a comprehensive Access Control Policy to supersede all prior guidance and practice in area of access and keys; and

WHEREAS, the proposed Access Control Policy has been developed with the input of stakeholders; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees adopts this policy and hereby authorizes and empowers the Administration, in carrying out this Resolution, to make any necessary changes to the Access Control Policy as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or as otherwise deemed appropriate.

RESOLUTION 2016-38

CLOSED CIRCUIT TELEVISION (CCTV) POLICY

WHEREAS, Cleveland State University has a responsibility to ensure reasonable security for its facilities while still providing as much autonomy as possible for members of the University community; and

WHEREAS, the Administration has developed a comprehensive CCTV Policy to supersede all prior guidance and practice in area of surveillance and recorded video; and

WHEREAS, the proposed CCTV Policy has been developed with the input of stakeholders; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED, that to the Board of Trustees adopts this policy and hereby authorizes and empowers the Administration, in carrying out this Resolution, to make any necessary changes to the CCTV Policy as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or as otherwise deemed appropriate.

RESOLUTION 2016-39

ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY POLICY

WHEREAS, Cleveland State University has a responsibility to make its programs and services available to individuals with disabilities, including with respect to electronic and information technology (“EIT”); and

WHEREAS, ensuring EIT accessibility will be a continuing University-wide effort that involves all departments and offices; and

WHEREAS, the proposed Electronic and Information Technology Accessibility Policy has been developed to improve University compliance with the cooperation of all parties; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees adopts this policy, and that the Administration, in carrying out this Resolution, be authorized and empowered to make any necessary changes to the Electronic and Information Technology Accessibility Policy as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or as otherwise deemed appropriate.

RESOLUTION 2016-40

ANIMALS ON CAMPUS AND SERVICE ANIMALS POLICIES

WHEREAS, Cleveland State University has a responsibility comply with the Americans with Disabilities Act by permitting service animals to accompany their owners on campus; and

WHEREAS, the University wishes to prohibit animals from inside campus buildings with the exceptions of research animals, law enforcement animals, service animals, and assistance animals in residence hall rooms; and

WHEREAS, the proposed Animals on Campus and Service Animals policies have been developed to clarify the University's stance on pets inside campus buildings and the rights and responsibilities of service animal owners; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts this policy and further authorizes and empowers the Administration, in carrying out this Resolution, to make any necessary changes to the Animals on Campus and Service Animals policies as may be required to ensure compliance with the applicable and effective provisions of federal and state laws, or as otherwise deemed appropriate.

RESOLUTION 2016-41

APPROVAL OF FY17 TUITION SCHEDULE

WHEREAS, the University is mandated by state law (Amended Substitute House Bill No. 64) to maintain its undergraduate tuition rate for in-state residents for each of the fiscal years in the FY16 and FY17 budget biennium at the FY15 level ; and

WHEREAS, there is no state mandate regarding the FY17 levels of out-of-state undergraduate and graduate tuition; and

WHEREAS, there is no state mandate regarding the FY17 levels of law tuition; and

WHEREAS, the University has evaluated its current level of out-of-state surcharges for undergraduate and graduate tuition in comparison to other state institutions; and

WHEREAS, the University has evaluated its current level of tuition for the Cleveland Marshall College of Law in comparison to other state and private institutions' law colleges; and

WHEREAS, the University has determined that the following changes to the out-of-state surcharge on the instructional fee for undergraduate, graduate masters, and graduate doctoral are appropriate; and

Out-of-State Instructional Fee Surcharge	FY16	Proposed FY17
Undergraduate		
Out-of-State Non-Ohio Domestic Residents	40%	50%
Out-of-State International Residents	40%	60%
Graduate Masters		
Out-of-State Non-Ohio Domestic Residents	100%	80%
Out-of-State International Residents	100%	100%
Graduate Doctoral		
Out-of-State Non-Ohio Domestic Residents	40%	50%
Out-of-State International Residents	40%	50%

WHEREAS, the Cleveland Marshall College of Law continues to maintain a vital program of legal education in a national environment of declining enrollment and proposes a tuition increase of 10% for FY17 for law students entering in the Fall 2016 semester, a 5% increase for continuing law students in the second, third, and fourth year of the program, and a 5% increase in the Masters of Legal Studies (MLS) program; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves the attached proposed tuition schedule for FY 17 (Academic Year FY16-17).

RESOLUTION 2016-42

ACCEPTANCE OF FY 2016 THIRD QUARTER GIFTS AND PLEDGE PAYMENTS

RESOLVED, that the gifts and pledge payments totaling \$4,467,357.21 received by the Cleveland State University Foundation during the period January 1, 2016 to March 31, 2016 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 2016-43

**ACCEPTANCE OF SPONSORED PROGRAMS FUNDS
FOR FY 2016 THIRD QUARTER**

RESOLVED, that the Sponsored Programs funds totaling \$3,904,539 received by the Cleveland State University during the period January 1, 2016 to March 31, 2016, are hereby accepted with thanks; and

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

FY17 UNIVERSITY BUDGET

The FY17 University Budget proposal (**Attachment Z**) was removed from the Consent Agenda at the request of Trustee Moore for discussion and questions. Following satisfactory responses to Trustee Moore's inquiries, Trustee Moreno moved, and Trustee Adler seconded, the motion to approve the University Budget for FY17. The following resolution was passed by voice vote:

RESOLUTION 2016-44

APPROVAL OF THE UNIVERSITY FY17 BUDGET

WHEREAS, the University traditionally presents its annual budget for approval in advance of the beginning of the fiscal year on July 1; and

WHEREAS, the Fiscal Year 2017 (FY17) begins on July 1, 2016; and

WHEREAS, the University is obligated to present the Board of Trustees with a balanced fiscal year financial plan for its total Educational & General (E&G) budget; and

WHEREAS, the projected FY17 E&G expenditures are equal to the FY17 projected E&G revenues, thereby producing a balanced FY17 fiscal year financial plan; and

WHEREAS, the Financial Affairs Committee of the Board of Trustees has reviewed this matter and recommends full Board approval;

NOW, THEREFORE, BE IT RESOLVED that the proposed University Budget for FY17 (July 1, 2016 – June 30, 2017) be adopted, as follows:

Operating Budget	\$247,243,468
General Fee Budget	<u>23,770,745</u>
Total Educational & General	\$271,014,213

Auxiliary Enterprises Budget	<u>\$ 25,996,777</u>
Total University Budget	\$297,010,990

ELECTION OF OFFICERS

Nominating Committee Chair Robert Rawson, serving with Trustees Tom Adler and David Gunning, presented, and called for a motion to approve, the slate of Board Officers to serve for 2016-2017. Trustee Moore moved, and Trustee Taylor seconded, the motion to approve the slate of officers as presented. The following resolution was passed by voice vote:

RESOLUTION 2016-45

ELECTION OF OFFICERS FOR 2016-2017

BE IT RESOLVED that the Cleveland State University Board of Trustees hereby elects the following persons to serve as officers for the 2016-2017 term: Trustee Bernardo “Bernie” F. Moreno. as Chairman, Trustee Morton Q. Levin as Vice Chairman, Trustee Stephen F. Kirk as Treasurer, Trustee Thomas W. Adler as Trustee Development Officer, and William J. Napier as Secretary to the Board of Trustees.

EXECUTIVE SESSION

Trustee Taylor moved, and Trustee Adler seconded, the motion to adjourn into Executive Session for the purpose of discussing real estate, personnel matters regarding the employment contracts of public employees, collective bargaining, and to discuss with General Counsel imminent and pending litigation. A roll call vote was taken by the Secretary to the Board; voting in the affirmative were Mr. Adler, Mr. Kirk, Mr. Levin, Mr. Moore, Mr. Moreno, Ms. Taylor, and Chairman Rawson.

Chairman Rawson stated that there were five executive session segments. He excused everyone except the voting and community trustees present to meet first with President Berkman, Interim Provost Zhu, Board Secretary Napier, Vice President McHenry, Assistant Vice President Drucker, General Counsel Wilson, and Athletic Director Parry relative to the employment contract of a public employee. The Executive Session began at 10:22 a.m.

Chairman Rawson announced at 11:40 a.m. that the Board had finished its business in Executive Session and was returning to its regular meeting. He noted several items, as a result of the Executive Session, that would be introduced and considered under New Business.

NEW BUSINESS

Vice Chairman Moreno read and moved the following resolution, recognizing Chairman Robert H. Rawson, Jr. for his nine years of distinguished service on the Cleveland State University Board of Trustees and leadership as Chairman the past five years, which was approved with applause:

RESOLUTION 2016-46

**RECOGNIZING ROBERT H. RAWSON, JR. FOR HIS DISTINGUISHED SERVICE ON
THE CLEVELAND STATE UNIVERSITY BOARD OF TRUSTEES**

WHEREAS, Robert H. Rawson, Jr. was appointed to the Cleveland State University Board of Trustees by Governor Ted Strickland on June 28, 2007 to a nine-year term ending May 1, 2016; and was elected to serve as an officer of the Board of Trustees since his initial appointment, with the last five years as Chairman; and

WHEREAS, Mr. Rawson, as Chairman of the Board of Trustees, has guided and supported the University's strategic initiatives, resulting in operational efficiencies, enhanced enrollment, expanded research, academic excellence, and student success, placing CSU in the forefront of Ohio higher education and nationally; and

WHEREAS, Chairman Rawson's transformative leadership has resulted in a more effective working relationship with the CSU Foundation Board of Directors, strengthened collaborative partnerships, and has led to the initiation of the University's first major fundraising campaign; and

WHEREAS, Mr. Rawson served on the Presidential Search Committee and was instrumental in the selection of Dr. Ronald M. Berkman as the University's sixth President, building on a strong foundation of academic excellence, student success, collaborative programs, and an urban residential campus, taking Cleveland State University to a new level of excellence and prestige; and

WHEREAS, Mr. Rawson, who has generously given of his time, expertise and resources, and whose longstanding commitment and dedication to Cleveland State University and education, as a whole, was recognized with the conferring of the Honorary Doctor of Laws degree by Cleveland State University on May 14, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees acknowledges with sincere appreciation the dedication and contributions of Mr. Robert H. Rawson, Jr. to the State of Ohio, Cleveland State University, and the greater Cleveland community, and anticipates his continued involvement with the University in the years to come.

Vice Chairman Moreno then proceeded to convey some “facts” about Princeton University and Chairman Rawson, and presented him with an engraved Boston rocker on behalf of the Board of Trustees.

Trustee Adler moved, and Trustee Taylor seconded, the motion to accept the President Berkman’s goals as stated for 2015-2016. The following resolution was passed by voice vote:

RESOLUTION 2016-47

ACCEPTING THE PRESIDENT’S 2016-2017 GOALS

WHEREAS, President Berkman’s performance is evaluated annually, pursuant to Sections 3.2 and 4.5 of his employment agreement, based upon the execution of his duties and attainment of goals and objectives as agreed upon by the President and Board Executive Committee; and

WHEREAS, the Executive Committee has reviewed and commented upon the 2016-2017 goals submitted by President Berkman;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees accepts the President’s goals for 2016-2017 as stated in the attachment.

Trustee Adler moved, and Trustee Taylor seconded, the motion to approve a performance bonus of 25% of the President’s annual base salary as of June 30, 2016, in accordance with his employment agreement, and based upon the accomplishment of set and agreed upon goals for 2015-2016. The following resolution was passed by voice vote:

RESOLUTION 2016-48

PRESIDENT’S CONTRACT PERFORMANCE BONUS

WHEREAS, the Executive Committee of the Board of Trustees, pursuant to Sections 3.2 and 4.5 of the President’s Employment Agreement, has performed its annual evaluation of President Ronald M. Berkman and has concluded that he has again provided continued excellent, inspired leadership that is allowing Cleveland State to achieve successes never before attained at the University. He has met, and exceeded, the goals and objectives that were previously agreed upon by the President and the Board of Trustees; and

WHEREAS, President Berkman has continued to demonstrate inspired and creative leadership to Cleveland State University, resulting in his success at raising external funds, presiding over another record-breaking Radiance event in 2016 and continuing to move the “Engage: The Campaign for Cleveland State University” toward a successful conclusion; establishing the innovative Path to 2020 process that has led to a comprehensive examination of the viability of all of the administrative units in the University; creating an Office of Performance Management to guide the University toward greater affordability and efficiency; managing the University’s annual

budget in such a way that undergraduate tuition is unchanged in 2016; successfully recruiting a new dean for the Maxine Goodman Levin College of Urban Affairs; working with the Governor and General Assembly to secure the final appropriation needed for a new College of Engineering building and obtaining state funding for the first School of Film, Television and Digital Media in the State of Ohio; assuring outstanding new academic leadership for the University by appointing Dr. Jianping Zhu as Provost; presiding over such significant growth in research funding that Cleveland State ranks first among American universities its percentage increase this year; continuing to produce record freshman enrollments while at the same time significantly increasing both retention and graduation rates; assuming a position of leadership among Ohio's state university presidents, both in Columbus and in Washington D.C.; and working with state and local education leaders on planned construction of a new campus facility for the Campus International School and bringing the MC² Stem High School to the Cleveland State University campus;

WHEREAS, the Executive Committee has recommended to the Board of Trustees, that, in light of President Berkman's accomplishments in meeting his goals and objectives as required, he is to receive a performance bonus in an amount that is twenty-five percent (25%) of his annual base salary as in effect on the last day of the fiscal year, June 30, 2016, to which his goals and objectives have been measured;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves a performance bonus for President Berkman in an amount representing 25% of his annual base salary on June 30, 2016, and directs the Administration to pay said bonus no later than seventy-five (75) days after that date.

Trustee Kirk moved, and Trustee Adler seconded, the motion to approve an amendment to the employment contract of Men's Head Basketball Coach Gary Waters. The following resolution was passed by voice vote:

RESOLUTION 2016-49

RESOLUTION APPROVING AMENDMENT C TO THE EMPLOYMENT AGREEMENT OF GARY WATERS

WHEREAS, Cleveland State University and Head Men's Basketball Coach Gary Waters (the "Parties") executed an Employment Agreement effective April 10, 2006; and

WHEREAS, the Parties have since amended that Employment Agreement effective April 15, 2008 ("Amendment A") and effective November 1, 2011 ("Amendment B"); and

WHEREAS, the Parties have mutually agreed to further amend the Employment Agreement;

NOW, THEREFORE BE IT RESOLVED that the Cleveland State University Board of Trustees hereby approves Amendment C to the Employment Agreement of Head Basketball Coach Gary

Waters, and authorizes the appropriate University administrator to execute said Amendment subject to any changes deemed necessary by the Office of General Counsel.

Trustee Taylor moved, and Trustee Adler seconded, the motion to authorize the University Administration to execute and implement the collective bargaining agreement between Cleveland State University and the Cleveland-Marshall College of Law Chapter of the American Association of University Professors (AAUP) for the period from May 26, 2016 through August 15, 2017. The following resolution was passed by voice vote:

RESOLUTION 2016-50

**DELEGATION OF AUTHORITY TO EXECUTE AND IMPLEMENT
A COLLECTIVE BARGAINING AGREEMENT
WITH THE CLEVELAND MARSHALL COLLEGE OF LAW CHAPTER OF THE
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

WHEREAS, the University and the Cleveland Marshall College of Law Chapter of the American Association Of University Professors have reached a final tentative agreement for a collective bargaining agreement for tenure/tenure track faculty, clinical professors and legal writing professors extending from May 26, 2016 through August 15, 2017; and

WHEREAS, the bargaining unit members of the Cleveland Marshall College of Law Chapter of the American Association of University Professors have ratified the tentative agreement;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves delegation of authority to the University Administration to execute and implement the collective bargaining agreement between Cleveland State University and the Cleveland Marshall College of Law Chapter of the American Association Of University Professors covering the period from May 26, 2016 through August 15, 2017.

There being no further business, the meeting was adjourned at 11:50 a.m. A meeting of the Euclid Avenue Development Corporation, of which the Trustees are members, was held following the Board meeting.

Respectfully submitted,

APPROVED SEPTEMBER 30, 2016

William J. Napier
Secretary to the Board of Trustees

APPROVED SEPTEMBER 30, 2016

Robert H. Rawson, Jr.
Chairman, Board of Trustees