

MINUTES OF THE MEETING
of the
OAKLAND UNIVERSITY
BOARD OF TRUSTEES
April 9, 1986

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Present: Trustees Donald Bemis, Phyllis Law Googasian, David Handleman, Patricia Hartmann, Ken Morris, Wallace Riley and Howard Sims

Absent: Trustee Alex Mair

Chairman Wallace Riley called the meeting to order at 5:07 p.m. in Lounge II of the Oakland Center. He noted for the record that this is a regular meeting, notice of which has been appropriately posted.

Approval of minutes of March 12, 1986

Mr. Riley asked for any additions or corrections to the proposed minutes. There were no additions or corrections. Mr. Handleman, seconded by Mr. Bemis, moved to approve the minutes. The motion was unanimously approved.

Approval of recommendation to accept gifts and grants to Oakland University--September 15, 1985, through March 14, 1986

Mr. Robert Swanson, Vice President for Developmental Affairs, stated that the revised format of the gifts and grants recommendation for the period September 15, 1985, through March 14, 1986, has been reviewed by the Finance and Personnel Committee. Mr. Swanson explained the basis for the new reporting system by stating that in the past gifts given directly to Oakland University have been reported on a monthly basis. Gifts to the Oakland University Foundation have not been reported to the Board since September, 1985. In order to keep the Board of Trustees better informed on the total fund raising activity, the new report format includes gifts that were made through the Oakland University Foundation for activities and programs of Oakland University for the period September 15, 1985, through March 14, 1986, and gifts that were made directly to Oakland University for the period February 15, 1986, through March 14, 1986.

Mr. Riley asked if the report included items previously acted on by the Board. Mr. Swanson replied that the report includes no gifts that were previously reported to the Board.

Mr. Morris inquired if it is within the authority of the Board to accept gifts from the Foundation, which is a non-profit corporation for which the Board of Trustees has no responsibility.

President Joseph E. Champagne explained that there were two agenda items to be acted on concerning gifts and grants. Agenda item 2, presently under consideration, requests acceptance of gifts and grants to the University that are either being made by an individual donor specifically and directly to the University, or for gifts being made to the University from the Foundation by virtue of a specific designation to the University. For example, a gift designated for use by the Kresge Library and raised through the efforts of the Oakland Foundation would be in the latter category.

President Champagne explained that agenda item 3 reports gifts and grants that are specifically given to the Foundation. He noted that the report is for informational purposes. In summary, the first report, agenda item 2, concerns gifts that the Board is receiving on behalf of the University. The second report, agenda item 3, covers gifts given to the Foundation which are being reported to the Board of Trustees with no action required at this meeting. When these gifts are transferred to the University, the Board will be called upon to accept the transfers.

Mr. Morris stated that the distinction on which body controls each gift is very important.

President Champagne added that item 2 relates to gifts to the University; item 3 concerns a report of gifts to the Foundation.

Mr. Swanson drew the Board's attention to page two of the recommendation relating to gifts totaling \$357,242.50 which were solicited through the Foundation, but designated for the Capital Campaign which is construed to be an Oakland University activity.

In response to a question from Mr. Riley, President Champagne stated that all of the items in the recommendation in agenda item 2 are gifts and grants that are directly designated for Oakland University and require Board acceptance.

Mr. De Carlo, Secretary to the Board of Trustees, Vice President for Governmental Affairs and General Counsel, in response to Trustee Morris' question, verified that the Board has the legal right to reject any gift from a third party, such as the Foundation, if it is designated for a purpose which is not acceptable to the Board of Trustees.

Mr. Morris stated that he raised the question to clarify the Board's legal responsibility for the expenditure of funds that come to the University from the Foundation or the President's Club. He noted that the Board was advised that a legal opinion exists which holds that the University Board of Trustees is not responsible for the expenditure of funds held by the Foundation, since it is a separate organization. In accepting that point of

view, Mr. Morris' concern is that acceptance of the gifts also means assuming responsibility for the gifts. He further stated that he wished the record to show that the matter was raised and clarification of the issue was provided in that the Board does not have responsibility for Foundation activities or funds until the Board specifically accepts a gift from the Foundation.

Mr. Bemis stated that the Articles of Incorporation of the Foundation limit the Foundation's expenditures to the specific benefit of Oakland University. President Champagne verified this fact and stated that gifts to the Foundation are eventually given to the University, at which time they are reported to the University as gifts. The Foundation trustees will make a recommendation to the University as to how they wish the funds to be spent. The University can agree or disagree. Under normal circumstances, when the President makes a recommendation to the trustees of the Foundation on the allocation of undesignated funds, the recommendation will have been discussed with the Board University Affairs Committee. The undesignated gifts to the Foundation are smaller in amount than the corporate gifts which are usually specifically directed to a program or project.

Mr. Bemis stated that the University has the prerogative to determine whether or not to accept the funds, and this process is the only method by which the Foundation can distribute its money. President Champagne concurred and added that the Foundation meets once a year to assess its funds and to make a "grant" to the University. At that time, the Board can either accept or reject the funds.

Mr. Morris asked if an individual can make a gift directly to the University without it becoming a part of the Foundation's account. President Champagne replied that gifts could be given directly and that the majority of gifts are given directly to the University and not processed through the Foundation.

Mr. Riley stated that the agenda item under consideration recommends acceptance of the gifts and grants to Oakland University for the period September 15, 1985, through March 14, 1986. The total amount of the gifts and grants is \$826,891.21.

Mrs. Hartmann moved, seconded by Mr. Sims, to accept the gifts and grants list as presented. The motion was unanimously passed.

Acceptance of report of gifts and grants to the Oakland University Foundation--February 21 through March 20, 1986

Mr. Riley stated that the report of gifts and grants to the Oakland University Foundation does not require Board action. Mr. Swanson stated that this information is submitted in order that

the Board will be aware of all gift activity and the source of each gift. These are gifts in the Foundation report that have been given to the Foundation without designation as to use. Mr. Robert McGarry, Treasurer of the Foundation, invests the funds until President Champagne makes his annual appeal to the Foundation trustees to fund certain programs. At that time the item will be presented to the Board for acceptance or rejection. The undesignated gifts total \$173,669.71 for the period February 21 through March 20, 1986.

Mr. Riley asked if there were any questions regarding the report under consideration. There were none.

Approval of faculty personnel actions

Mr. Kleckner asked approval of the following faculty personnel actions:

Appointment

Adelson, Joyce, Adjunct Assistant Professor of Music, effective January 1, 1986, through August 14, 1987

Albright, Janice L., Adjunct Assistant Professor of Music, effective January 1, 1986, through August 14, 1987

Beck, Ronald R., Adjunct Associate Professor of Engineering, effective January 1, 1985, through December 31, 1986

Franklin, Barry A., Clinical Associate Professor of Exercise Science, effective January 1, 1986, through August 14, 1987

Ross, Elizabeth Fromm, Clinical Instructor in Physical Therapy, effective January 1, 1986, through August 14, 1987

Smith, Dorothy J., Clinical Instructor in Physical Therapy, effective January 1, 1986, through August 14, 1987

Van Sell, Mary P., Associate Professor of Management, effective January 1, 1986

Change of Status

Schimmelman, Janice G., from Assistant Professor of Art and Art History to Assistant Professor of Art and Art History and Acting Chair, Department of Art and Art History, from May 5, 1986, through June 26, 1986

Stokes, Charlotte V., from Associate Professor of Art and Art History to Associate Professor of Art and Art History and Acting Chair, Department of Art and Art History, from June 30, 1986, through August 21, 1986

Leave of Absence

Brooks, Richard W., Associate Professor of Philosophy, sabbatical leave from August 26, 1986, through April 25, 1987 (with half pay)

Cafone, Harold, Professor of Education, sabbatical leave from August 26, 1986, through December 13, 1986 (with full pay)

Fish, William C., Associate Professor of Education, sabbatical leave from August 26, 1986, through December 13, 1986 (with full pay)

Hollingsworth, Stanley W., Professor of Music, sabbatical leave from August 26, 1986, through December 13, 1986 (with half pay)

Karasch, Mary C., Associate Professor of History, leave from August 26, 1986, through April 25, 1987 (with no pay)

Marney, John, Associate Professor of Chinese, leave of absence from January 2, 1985, through April 25, 1987 (with no pay) [Supersedes previous Board action of April 17, 1985 which placed Mr. Marney on a leave with no pay for the period January 2, 1985, through December 13, 1986]

Mr. Handleman reported that the Finance and Personnel Committee reviewed the recommendation and he moved approval. Mrs. Googasian seconded the motion which was unanimously passed.

Approval of personnel action recommendations

Mr. Willard Kendall, Director of Employee Relations, stated that a resolution adopted by the Board on September 9, 1981, concerning "Contracting and Employment Appointment Authority", provided in part [subsection III, 2(b)], that: "all administrative-professional and non-academic positions and reclassifications with a salary grade minimum of \$30,000 or above are subject to the recommendation of the President and must be approved by the Board of Trustees. Appointment of personnel to these positions shall be reported to the Board of Trustees."

Due to a misunderstanding on the applicability of the provision within the Employee Relations Department, five reclassifications of administrative-professional positions with a salary minimum in excess of \$30,000 were not taken to the Board of Trustees when they occurred. In each case, the position had an incumbent whose duties and responsibilities were changed somewhat and a reclassification request was handled in accordance with provisions of the university's "Hay Associates Job Content Evaluation and Salary Plan for Administrative-Professional Positions". (This plan was approved by the Board of Trustees on June 8, 1982.) No new appointments of personnel to any of these positions were involved. At this time, the Board is being asked to retroactively approve five A-P positions that have been reclassified since March 15, 1983.

Mr. Sims requested additional information from Mr. Kendall on the reclassification process. Mr. Kendall replied that the Board-approved Hay Point System was utilized to reclassify the positions. In each instance, there was an incumbent in the position whose job duties were changed. In four instances the job duties increased in responsibility; in one instance the job duties were lowered in responsibility. When there is a question about the appropriate classification level, the Hay Evaluation Committee reviews the position in accordance with the point system and determines the appropriate salary range. This method was followed in each of the situations under consideration, but the action was not reported to the Board.

Mr. Kendall then asked approval of the following recommendation:

The President recommends that the Board grant approval of the following reclassification actions involving administrative-professional positions whose respective salary minima are in excess of \$30,000: First a March 15, 1983, reclassification of the Assistant Provost position from AP-16 to AP-18; second, an August 18, 1983, reclassification of the position of Assistant Vice President for Student Affairs from AP-16 to AP-19; third, a November 20, 1984, reclassification of the University Engineer position from AP-14 to AP-16; fourth, a December 4, 1985, reclassification of the position of Assistant Provost for Administrative Services from AP-18 to AP-17; fifth, a December 4, 1985, reclassification of the position of Assistant Provost (retitled Associate Provost) from AP-18 to AP-19.

Mr. Sims inquired about the membership of the Hay evaluation committee. Mr. Kendall replied that the committee consists of "seven internal" employees.

Mr. Morris moved, seconded by Mrs. Googasian, to approve the recommendation as proposed. Mr. Morris added that the Finance and Personnel Committee reviewed the recommendation in considerable detail and recommends approval. The motion was unanimously carried.

Approval of proposed changes in Intercollegiate Athletic Program

President Champagne stated that at the March 12, 1986, Board meeting a recommendation was made by the Athletic Department that wrestling be deleted from the Intercollegiate Athletic Program effective this year, and that existing scholarship recipients continue their scholarship grants at Oakland for another year, if the recipients do not transfer from the University. There was considerable discussion by the Board and the item was tabled pending further information and review. The University Affairs Committee reviewed the matter from a programmatic point of view, and the Finance and Personnel Committee considered the financial ramifications of the wrestling program with considerable discussion about the scope of the scholarships, with the conclusion that the University should continue the scholarship obligations made to the wrestlers when they enrolled at Oakland, with certain limitations. President Champagne then asked approval of the following recommendation:

RESOLVED, That wrestling be deleted from the Intercollegiate Athletic Program at Oakland University effective this year, and that funds should be provided so that the students involved in the wrestling program presently on scholarships shall have such scholarships continued so long as they maintain the full eligibility requirements of the University during their undergraduate period.

Mr. Morris stated that he wished to comment on the matter. (What follows is a paraphrased version of Mr. Morris' comments. The first person has been retained for ease of reading.)

I wish to state that the Finance and Personnel Committee engaged in considerable discussion regarding this matter. Mr. Paul Hartman, Director of Athletics, came before the committee and presented the facts he considered in making his recommendation. We also learned that Oakland University must participate in a minimum number of athletic activities in order to have official league standing. At the last Board meeting, and again at the committee meeting, concern was expressed over the fact that Oakland University should fulfill the obligations and commitments made to individuals who are recruited to participate in athletic programs. There are a number of issues related to the proposed status of the wrestling program, but my main concern relates to the position of students in such programs.

My primary consideration is that students who make the decision to come to Oakland, based on certain athletic programs, have some kind of guarantee in the event that their chosen program is eliminated. I would say to Oakland's administration that if the University commits to athletic activities, financial back-up for every participant should be demonstrated. That is my concern. I think that everyone coming into a particular program should be told that some form of financial back-up exists to avoid the unexpected interruption of a student's education plan. Potential participants have the right to know these facts. I would want to see each person invited to a given athletic program told of these circumstances.

President Champagne stated that the minutes will reflect Mr. Morris' concern, and that the costs are covered for the balance of the wrestling scholarships.

Mr. Riley stated that the disappointment with the wrestling program is due to the fact that we did not have enough student interest to field a full program. Our students are now in the position of having to transfer to another university if they wish to wrestle.

Mr. Riley then asked for clarification of the guarantee that Mr. Morris proposed for other sport programs.

Mr. Handleman replied that Mr. Morris proposes the same guarantee as is being given the wrestlers. If a student is recruited to the University on an athletic scholarship and the program is discontinued, the student will continue to receive a scholarship as long as the student meets all eligibility requirements.

Mrs. Hartmann asked how such a plan would affect students enrolled in other programs, such as music, drama, or economics that may be discontinued sometime in the future. Would it mean that all of those scholarship students must also be carried until they graduate whether or not Oakland offers their chosen program?

Mr. Bemis expressed his deep concern for the wrestlers, and added that he also felt deep concern when the secondary education department was closed. There were second and third year students in the program when it was discontinued, which had far-reaching implications for those students.

President Champagne stated that when an academic program must be discontinued, it is phased out by not admitting new students. The students already enrolled in the program continue until they are graduated. An athletic program cannot be phased out because it would be impossible to recruit athletes during the phase-out period. Therefore, the termination is more abrupt.

Mr. Bemis stated that caution must be used in making commitments on future Boards regarding this matter because variables may be different in the future. He recommended resolving the wrestling situation immediately, and considering comparable future situations on an individual basis as they arise.

President Champagne stated that Mr. Morris is expressing a principle that when a commitment is made to a student by Oakland, a method must be found to honor that commitment. There will be certain circumstances where interpretation will be required. If Oakland were required to close an entire school due to financial exigency, such as the School of Engineering or the School of Business Administration, a different set of circumstances would be involved at that time.

Mr. Morris stated that the essential difference between the elimination of a sports program and the elimination of an academic program is that those who move in the direction of professional sports generally have a relatively short period of time in which to earn a livelihood in athletics. Any interruption of the program can be a serious setback for career purposes. An engineer, for example, can still earn a living at age 55. A student seeking a career in sports and pursuing it at this University has an opportunity to be recruited by a professional team. However, if a sports program is cut off at a given point, the participants are deprived of the opportunity of being selected by a professional team. For many young people, playing professional sports is a very important objective. That is the distinction, in Mr. Morris' opinion, between eliminating sport programs and academic programs. Mr. Morris added that if it were up to him, he would want to give every student a commitment.

Mr. Handleman moved, seconded by Mrs. Hartmann, to approve the recommendation as presented. The motion was unanimously passed.

Approval of parking and roadway access for Meadow Brook Center

Mr. Robert McGarry, Vice President for Finance and Administration, stated that the Meadow Brook Center consists of the Meadow Brook Health Enhancement Institute and the Shotwell-Gustafson Pavilion. Both of the facilities are now substantially complete, and a problem exists with road access to the Center. The Board is being asked to authorize the provision of paved parking and paved roadways to the facility at a project cost of approximately \$250,000. The proposed parking will accommodate approximately 130 cars. Mr. McGarry requested approval of the following recommendation:

RESOLVED, That the Board of Trustees gives the Vice President for Finance and Administration the authority to enter into a contract to provide paved parking lots

and roadway access at the Meadow Brook Center as depicted in the attached plan, which is part of this action, at a total project cost not to exceed \$250,000. The award will be to the lowest qualified bidder and be in compliance with university contract and affirmative action policies.

Mr. Morris stated that the Finance and Personnel Committee studied the financial implications of this matter and approved the expenditure. He moved to approve the recommendation.

Mrs. Hartmann stated that the project plans were reviewed by the University Affairs Committee and it also recommends approval of the plans.

Mrs. Googasian seconded the motion and commented that the funding for this project comes from undesignated, non-General Fund investment income, which is confirmed in the agenda material provided to the Board. The motion was unanimously approved.

Approval of replacement of high temperature hot water lines that serve the dormitories

Mr. McGarry stated that the gilsulate insulated high temperature hot water heating main that serves the residence halls has been repaired several times and is over 23 years old. The estimated life of these lines is 10 to 30 years, and because of the area served by the heating main, an engineering study is being done to determine the condition of the line. If needed, replacement of the line could proceed at this time, however residence halls administrators have asked for a delay of the project until late next winter, if possible. Board authority is requested to proceed with the project as soon as necessary, but no later than March, 1987, because it is not known if the heating main will last until next March. He added that funding has been provided in the residence halls budget.

Mrs. Googasian asked Mr. McGarry if he could estimate how long the project would take to complete. Mr. George Karas, University Engineer, replied that the project would take six months. He added that delivery of the required pipe will take a considerable period of time, and this is another reason for requesting advance authority to let bids and order the pipe. Mr. McGarry then requested approval of the recommendation set forth below:

RESOLVED, That the Board of Trustees authorizes the Vice President for Finance and Administration to obtain bids for the replacement of the high temperature hot water heating main that services Hill House, Van Wagoner House, Hamlin Hall, and Vandenberg Hall; and be it further

RESOLVED, That the Vice President for Finance and Administration is authorized to award the contract to the lowest qualified bidder with total project costs not to exceed \$464,000. The award will be to the lowest qualified bidder and be in compliance with university contract and affirmative action policies.

Mr. Morris stated that the Personnel and Finance Committee concurs with the recommendation. Mr. Riley called for a vote on the motion which was unanimously passed.

Mr. Bemis stated that funding for this project could also come from undesignated, non-General Fund investment income. President Champagne agreed that the University could choose to fund the project in this manner, but it was determined that it was a more appropriate cost item for the residence halls since this is an auxiliary enterprise separate from the General Fund budget.

Approval of replacement of high temperature hot water lines at Hollie Lepley Sports Center

Mr. McGarry announced that the State of Michigan has provided Oakland University with \$148,000 to replace the heating main at the Lepley Sports Center and to do some repair on the lines to the Kresge Library and Dodge Hall. Mr. McGarry requested approval of the recommendation set forth below:

RESOLVED, That the Vice President for Finance and Administration is authorized to obtain bids for the replacement of the high temperature hot water lines at the Hollie Lepley Sports Center and the testing and repair of the distribution system; and be it further

RESOLVED, That the Vice President for Finance and Administration is authorized to award the contract to the lowest qualified bidder with total project costs not to exceed \$148,000.

Mr. Morris stated that the Finance and Personnel Committee recommends approval of the project, and moved approval of the recommendation. He noted that the recommendation does not make reference to the Library. Mr. McGarry responded that the Library and Dodge Hall would be included in the "testing and repair of the distribution system". The line that will be replaced is the one that serves the Lepley Sports Center. Some repairs will be made to the other lines.

Mrs. Hartmann seconded the motion, which was unanimously passed.

Approval of authority to purchase carriage gas

Mr. McGarry stated that Oakland entered into an agreement with Consumers Power Company to supply natural gas to the University at a reduced rate based upon Oakland's ability to use an alternative fuel (#6 fuel oil). Consumers is no longer able to compete with the cost of fuel oil, because of the recent drastic drop in the price of oil. Consumers Power Company has also advised Oakland to "shop" for a wholesale supplier of wellhead gas. This is generally "spot" gas, which means that the supplier will give only a twelve month guarantee and the customer must sign up for at least one month's supply. The University is currently paying \$4.45 per thousand cubic feet (MCF) for gas consumed at the Central Heating Plant. Based upon bids received from carriage gas suppliers, the rate delivered to campus would be approximately \$3.30/MCF. The University currently consumes 172,008 MCF per year. Switching to carriage gas at the reduced rate would save nearly \$200,000 per year. To enter into such an arrangement would require a contract with the supplier as well as the carrier of the gas.

The recommendation is to enter into a contract with several suppliers of carriage gas. The suppliers do not require immediate or continued purchase of their gas. Because of the volatility of the market, this would allow the University to shift between companies shopping for the lowest rate. At the suggestion of Trustee Howard Sims, who has some experience in this area, it was suggested that Oakland should hire a broker to survey the market.

The recommendation requests authority to enter into contracts with more than one supplier so that the University may utilize the least expensive source of gas. Oakland surveyed six suppliers suggested by Consumers Power approximately a month ago, and the prices ranged from \$1.95 to \$2.34/MCF. In addition to that cost, there is the transmission cost from the source to the State line. A contractual arrangement with the transporter would also be required. In the State of Michigan, Consumers Power Company would transport the gas to Oakland's campus. Consumers is always available with gas if a problem develops.

Mr. McGarry asked approval of the following recommendation:

RESOLVED, That the Vice President for Finance and Administration is authorized to enter into contracts with suppliers of natural gas, as well as a contract for the transport of that gas; and be it further

RESOLVED, That the supplier must be providing gas at the lowest rate of those with whom Oakland University contracted; and be it further

RESOLVED, That all contractual agreements be reviewed by the university's legal counsel; and be it further

RESOLVED, That the Vice President for Finance and Administration will report the financial activity related to this action to the Finance and Personnel Committee of the Board of Trustees from time to time, as may be requested by the committee.

Mr. Riley asked if the estimated savings of \$200,000 per year is accurate. Mr. McGarry replied that it is an "estimate".

Mr. Morris stated that the Finance and Personnel Committee concurs with the proposal. The Committee suggested that a report on the financial activity be made periodically to the Finance and Personnel Committee, and this provision has been incorporated into the recommendation.

Mr. Bemis inquired about the relationship of Michigan Consolidated Gas Company with this project. Mr. McGarry replied that the administration wished to have an independent agent investigate the matter, and asked a contact person at Michigan Consolidated for advice in choosing a broker. Mr. McGarry added that fuel oil cannot be burned at Oakland except at 20 degrees or less for efficiency reasons.

Mr. Morris moved, seconded by Mr. Handleman, to approve the recommendation as presented. The motion was unanimously passed.

Acceptance of semiannual report on special liquor licenses

Mr. Riley stated that on January 16, 1985, the Board of Trustees approved a policy on the service and sale of alcoholic beverages. This policy provided for the use of special (24 hour) liquor licenses, and also called for periodic reports concerning their use.

President Champagne read the following report:

Licenses obtained during the July 1 - December 31, 1985 period

a. By Oakland University

December 7, 1985	University-wide student party
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b. By Meadow Brook Performing Arts Company

July 23, 1985	"Picnic on the Grass" fund raiser
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c. By Oakland University Foundation

1. September 7, 1985 Glyndebourne Picnic
2. September 14, 1985 Septemberfest, an alumni/
student event
3. November 12, 1985 President's Club Dinner

Licenses obtained in 1986 to date

By Oakland University

1. February 21, 1986
Administrative/Professional
Association Reception
2. April 12, 1986
(anticipated) University-wide student
party

Mrs. Googasian asked President Champagne if he was satisfied with the policy on the service and sale of alcoholic beverages. President Champagne answered that Oakland was required by law to limit the number of temporary licenses granted. The administration developed a formula for dividing the allowed number of licenses between the students, the faculty and the administration. The policy has worked out "reasonably well".

Mr. Riley asked if the students are unhappy about the number of liquor licenses granted for student activities. Mrs. Wilma Ray-Bledsoe, Vice President for Student Affairs, answered that there has been no difficulty, and the student licenses are used by the student government for activities that are accessible to every student on campus.

Mr. Riley stated that there was no action required on this matter since it is a report to the Board of Trustees.

President's report

President Champagne stated that yesterday he had the opportunity to testify before the Senate Appropriations Subcommittee on Higher Education on Oakland's funding problems. He distributed his testimony and supporting documents to the Trustees for their review. He noted that Trustee Sims attended the hearing and offered comments on behalf of the Board of Trustees.

Mr. Riley asked how much time Oakland was allotted to state its case before the subcommittee. Mr. Sims replied that each university and college had 45 minutes. Mr. Sims stated that President Champagne effectively stated Oakland's case without attacking

other schools. He added that the chairman of the subcommittee, Senator William Sederburg, was understanding and encouraging to Oakland.

Mr. Riley noted that the Trustees received an invitation from State Representative Morris Hood, Jr., Chairman of the House Appropriations Subcommittee on Higher Education to attend a hearing in Lansing on April 24, 1986, from 10:30 a.m. until 12:00 noon. Mr. De Carlo advised the Board that all of the college and university governing board members have been invited. The meeting will provide an opportunity for dialogue between the governing boards and the legislative subcommittee members. Mr. De Carlo urged as many Trustees as possible to attend the hearing. He stated that he would arrange transportation to Lansing for the Trustees.

Mrs. Googasian reported that she attended the Michigan Association of Governing Boards' seminar today in Lansing and that other universities view the hearing as a prime opportunity to state their case and many trustees plan to attend.

Mr. Riley asked if there were any comments from the audience. There were none, and Mr. Riley then called upon Mr. DeCarlo.

Mr. De Carlo stated that the Open Meetings Act provides in Section 8 that a public body may meet in a closed session for the purpose of consulting with its attorney regarding trial strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. [Section 8.(e)] The University has a written request from legal counsel to discuss the pending case of Dahlmann vs Oakland University.

Section 7 of the Open Meetings Act provides that:

- (1) A two-thirds roll call vote of members elected or appointed and serving shall be required to call a closed session, except for closed sessions permitted under section 8(a), (b), (c), and (g). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.
- (2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, shall not be available to the public, and shall only be disclosed if required by civil action filed under Section 10, 11, or 13. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

Mr. Morris moved, seconded by Mrs. Hartmann, to approve a closed session of the Board.

Mr. De Carlo read the roll.

Roll Call:

-	Donald Bemis	<u>yes</u>
-	Phyllis Law Googasian	<u>yes</u>
-	David Handleman	<u>yes</u>
-	Patricia Hartmann	<u>yes</u>
-	Alex Mair	<u>absent</u>
-	Ken Morris	<u>yes</u>
-	Wallace Riley	<u>yes</u>
-	Howard Sims	<u>yes</u>

The motion to hold a closed session to discuss the written opinion of legal counsel regarding pending litigation was unanimously approved.

Mr. De Carlo stated that the meeting would be held in the Meadow Brook Room, and it would not be necessary for the Board to return to Lounge II after the closed session.

Mrs. Googasian moved adjournment, seconded by Mrs. Hartmann. The motion was unanimously carried.

The meeting was adjourned at 6:05 p.m.

Approved,



John De Carlo, Secretary
Board of Trustees

Wallace D. Riley, Chairman
Board of Trustees