

**Minutes of the Meeting
of the
Oakland University Board of Trustees
May 6, 1999**

Present: Chairperson David J. Doyle; Vice Chairperson Ann V. Nicholson; Trustees Henry Baskin, Robert N. Cooper, David T. Fischer, Louis Grech-Cumbo, Rex E. Schlaybaugh, Jr., and James A. Sharp, Jr.

Also Present: President Gary D. Russi; Vice Presidents David S. Disend, David J. Downing, Lynne C. Schaefer, and Mary Beth Snyder; Assistant General Counsel Victor A. Zambardi; Student Liaisons LaShanda Evans and Linda Hickmott; and Administrative Assistant Rhonda G. Saunders

I. Call to Order

Chairman David J. Doyle called the meeting to order at 3:10 p.m. in the Gold Rooms of the Oakland Center.

II. President's Report

President Gary D. Russi reported the following information:

- As of May 4, 1999, a total of 6,633 students were registered for the Spring 1999 session, compared to 6,403 students registered last Spring.
- On May 3, 1999, the first registration was successfully conducted on the new Banner administration system.
- Meadow Brook Road, between Sunset Lane and the gully east of the Meadow Brook Music Festival grounds, is being resurfaced between May 3 and May 15, 1999.

- The Oakland Center renovation project is nearing completion. New furnishings for the student organization center and meeting rooms are to arrive in mid-July. The project is on target and within budget. Full occupancy will take place by August 15, 1999, with a grand opening to occur next fall.
- The University Senate and Dean's Council recently proposed the following six mega-strategies under which all "Creating the Future" (CTF) strategies could be grouped:
 - Learning process
 - Research, scholarship and creative endeavors
 - Diversity
 - Partnerships that enhance excellence in learning, research and service
 - Technology enhancements in support of learning, research and partnerships, and
 - OU's position as a visible, major regional (state, national) resource
- At the April 26, 1999, Board of Trustees Retreat, the Board reviewed the governance document and prioritized the 71 CTF strategies into the following three categories:
 - Urgent (1-3 years)
 - Important (3-5 years)
 - Desirable (5-7 years)

With that Board direction, the administration will now determine the cost estimates to implement the CTF strategies, and then begin to work with various constituencies, including the Board, to identify sources of funding to accomplish them.

Chairperson Doyle thanked President Russi for his report. He welcomed Trustee Robert N. Cooper to the meeting and congratulated him on his recent appointment to the Oakland University Board of Trustees by Governor John Engler.

III. Reports

A. Report on 1999-2000 Budget Priorities and Assumptions

Ms. Lynne C. Schaefer, Vice President for Finance and Administration, made a power point presentation on the 1999-2000 Budget Priorities and Assumptions. She noted that the 1999-2000 budget will be submitted to the Board for approval at the June Board meeting.

Ms. Schaefer highlighted the following budget topics in her presentation:

- **Appropriations for Higher Education in States Spending \$1 Billion or More: 1-, 2- & 10-Year Changes**

An organization at Illinois State University tracks all state appropriation increases for those states that spend \$1 billion or more on higher education each year that are most comparable to Michigan. Michigan falls in the middle of the state ranking with 3% for a 1 year change, 7.2% for a 2 year change, and 40% for a 10 year change. Compared to the rest of the country, Michigan ranked 41st out of the 50 states for a 1 year change, 40th for a 2 year change, and 29th for a 10 year change.

- **U.S. Public Higher Education Funding 1996-97 Highlights**

The total U.S. higher education funding average is \$7,371 per student, with \$5,058 from state appropriations and \$2,313 from tuition revenues. Michigan is 36% higher in total funding, or \$10,043 per student, with \$5,670 from state appropriations and \$4,373 from tuition and fees.

- **A Comparison of U.S. vs. Oakland University Tuition/Fees vs. State Appropriation**

The national state appropriations level is at 69% of the per student funding. The tuition and fees national average is 31%. Projected to the year 2002, Oakland University receives 53% funding from tuition and fees and only 47% from state appropriations. This trend began in 1996 as enrollment grew and state appropriations did not keep pace with that growth.

- **State of Michigan Universities Appropriation Increase from FY 88-89 to FY 98-99**

For the period 1988-89 to 1998-99, compared to other Michigan institutions, Oakland University ranked second from the bottom in total state appropriations.

- **State of Michigan Universities FYES Enrollment Growth from FY 93-94 to FY 97-98**

For the period 1993-94 to 1997-98, Oakland University ranked the second highest among state institutions for enrollment. The state is starting to

make up that difference by setting floor funding with Oakland University, but it is going to take a while to catch up with the other institutions.

- **State of Michigan Universities Appropriation/FYES Growth from FY 87-88 to FY 97-98**

Costs over the last 10 years have increased from approximately \$6,000 per Fiscal Year Equated Students (FYES) to \$9,500 per FYES projected for next year.

- **Oakland University General Fund Costs and Revenue Sources per FYES - FY 1990-2000**

Commencing in 1995-96, more of Oakland's general fund budget support is from tuition and fees than state appropriations due to enrollment growth.

- **Oakland University General Fund Costs and Revenue Sources per FYES - FY 1990-2000 Adjusted per CPI**

The same data, adjusted by the Consumer Price Index, reflects that costs per FYES have grown marginally over the 10 year period. It equates to a 1% per year increase in the per FYES cost, with basically flat state appropriations.

- **Projected Revenue Sources Based on Prior 10 Year Trend**

Using that same 10 year trend, a regression analysis was conducted. Since the 10 year pattern basically did not take enrollment growth into consideration, the university would have to increase tuition by more than 8% a year in order to keep pace with the projected curve for cost per FYES.

- **Projected Revenue Sources Based on Prior 3 Year Trend**

Based on the last 3 years of state appropriation growth, the picture is much better for 5 years out, with state appropriations covering more than half of the cost of per student funding. To keep up with this trend, the tuition rate increase is projected at 3.2% a year.

- **FY 1999-2000 Economic Projections**

Modest continued growth is projected in the U.S. and Michigan economies. The inflation pressure is expected to be very low at 2.2% in 1999 and 2.8% in 2000.

- **FY 1999-2000 Revenue Assumptions**

For Fiscal Year (FY) 1999-2000, a 1% enrollment growth increase is projected, or 10,700 FYES compared to 10,600 in 1998-99. State appropriations is projected at a 6.6% increase, or \$2.9 million, based on House approval, which excludes the proposed tuition restraint grant in exchange for holding tuition to 3%. The university is projecting a 3.9% tuition and fee rate increase based on the approved 3 year budget plan. Given enrollment growth and a 3.9% tuition rate increase, \$3 million in additional tuition and fee revenue is projected. A decline of \$105,552 is expected in miscellaneous income due to delays in state payments and lower projected cash balances.

- **Comparison of Michigan Public Universities to Oakland University Tuition Increase Trends**

Over time, Oakland University's tuition and fees dollar increase, versus the dollar increase average at other Michigan public universities, did not keep pace during the 1990's until the current year.

- **Summary of Tuition and Required Fees 1998-99 Undergraduate Rate Michigan Universities - Ranked**

Oakland University ranks 5th out of the 15 public universities in terms of tuition and fees.

- **Oakland University FY 1998-99 General Fund Budget by Program Classification**

For FY 1998-99, 60% of the general fund budget is allocated for instruction, research/public service, and academic support, while 40% is allocated for student services, institutional support, operation and plant maintenance, financial aid, and debt service.

- **Oakland University FY 1998-99 General Fund Expenditures by Division**

For FY 1998-99, 65% of the general fund expenditures is from Academic Affairs, 15% is from Finance and Administration, and the remaining 20% is allocated for other purposes across the university.

- **Oakland University FY 1998-99 General Fund Budget by Object Code**

Looking at the general fund budget by object code, 74% of the budget is allocated to compensation, which is highly labor intensive comparable to other higher education institutions. A 13% allocation covers supplies and services, which supports enrollment growth by providing instructional supplies. Another 13% covers a range of small allocations for other purposes, such as telephone, travel, equipment, and financial aid.

- **FY 1999-2000 Budget Priorities**

The FY 1999-2000 budget priorities fall into three categories: non-discretionary increases, top discretionary priorities (support for instruction, student financial aid, and student support), and other priority areas for support.

- **Non-Discretionary Increases**

An employee compensation increase pool of \$2.4 million is projected for 1999-2000, which includes compensation for current and expected collective bargaining agreements. An increase of \$1 million in required debt service payment is projected, from \$2.6 million in the current year to \$3.6 million next year. That projection represents the 1997 bond issue and the Student Recreation and Athletic Center bond issue. In addition, a small increase of \$28,000 is projected for purchased utilities, according to the Viron Energy Services Agreement.

- **Support for Instruction**

The additional revenues will be allocated to support instruction for additional full-time and part-time faculty positions, enrollment-driven cost increases, new programs, and course fee revenue distributions.

Trustee David T. Fischer inquired if the university charts facility and faculty utilization, and Ms. Schaefer replied that the university is currently finalizing a space utilization analysis which should be completed within a month. Dr. David J. Downing, Interim Vice President for Academic Affairs and Provost, added that the university tracks the student-faculty ratio, both aggregately and individually by department and by unit. The Deans typically report the utilization, including the number of courses being taught and enrollments, as part of the annual position allocation process and budget process. Trustee Fischer expressed an interest in receiving that information in comparison with other Michigan institutions. Trustee Rex E. Schlaybaugh, Jr. commented that in addition to a comparison with other universities, "we ought to be making a case that we are fully utilized, we are the most efficient university compared to others if we can make that case, and that's why we need a higher appropriation because we do not have the marginal revenue, because we have to either add staff or facilities to support the growth we are experiencing." Ms. Schaefer stated that she expects the state analysis will permit the university to make that case.

Trustee Louis Grech-Curnbo inquired if the university is contractually obligated to maintaining a instructor to student ratio. Dr. Downing replied that the collective bargaining agreement (Contract) specifies a certain ratio range, and if the university falls below the minimum or above the maximum there are certain actions that have to be taken. Dr. William W. Connellan, Vice Provost, added that the maximum ratio is 20.7 to 1, and that there is no official minimum ratio per se. However, if the ratio falls below a certain amount, faculty may be laid off. Dr. Connellan stated that full-time faculty are counted based on different Contract formulations, exactly the way other institutions count them. Part-time faculty are counted similarly with some small variations. Ms. Schaefer noted that those figures will be reflected in the utilization study. Trustees Grech-Cumbo and Sharp commented that since the majority of the university's classes are taught by either full or part-time professors, it may be difficult to conduct a good comparison with other institutions that use graduate assistants to teach their courses. Dr. Downing stated that one of the increased difficulties is that by the Contract there are two different categories of part-time instructors, with some in the bargaining unit and some not, and each of those factors into the student faculty ratio in a different way.

- **Student Financial Aid Increases**

The Board's policy is to increase student financial aid to keep pace with rate level increases. A 3.9% tuition and fee rate increase is proposed for 1999-2000 based on a 1% enrollment increase, with corresponding financial aid increases. Continued growth in athletic scholarships is also proposed, in accordance with the Board-approved Division I Transition Plan.

- **Student Support Services**

In an effort to improve student support services, the university increased operational support for the Student Recreation and Athletic Center, allocated debt service on the 1997 bond issue for the Oakland Center and North Foundation Hall renovations, and implemented a new registration/billing/collection policy.

Trustees Schlaybaugh and Ann V. Nicholson commented that, prior to Board approval of the budget, the Board should be informed about the basis for the proposed budget, especially if the state allocates more funds than anticipated. In that instance, the additional funds should be passed on to the students through lower tuition increases or to support other student needs. Ms. Schaefer stated that the university should be able to make a more informed decision on state allocations by the June Board meeting.

Trustee Schlaybaugh requested information on institutional cost reduction measures. Trustee Grech-Cumbo concurred with Trustee Schlaybaugh's cost reduction request, and stressed the need to implement additional programs like the Viron Energy program that saves the university money by reducing costs. Ms. Schaefer stated that the June budget report will include university cost saving measures, and that they are a part of the university's internal planning and budgeting process.

Trustee Schlaybaugh also stressed the importance of reviewing academic programs to determine their relevancy and whether they should be abandoned, especially since they encompass the largest portion of the budget. He asked for a report on the university's policies and plans in that regard. Trustee Fischer noted that the program review is part of an ongoing process within the schools. Ms. Schaefer stated that the June Board report will include that information.

Trustee Grech-Cumbo proposed that, as athletic scholarships are increased, they should be matched with academic scholarships.

The Board thanked Ms. Schaefer for her report.

IV. Roll Call

Mr. Victor A. Zambardi, Assistant General Counsel, conducted a roll call vote. All of the Board members were present.

V. Action Items

A. Consent Agenda

Chairperson Doyle presented the following recommendations:

1. Approval of the Minutes of the Meeting of April 1, 1999

2. Approval of the Minutes of the Board Retreat of April 26, 1999

3. Approval of the University Personnel Actions

New Appointments

Bangs, Joann, Instructor in Economics, effective August 15, 1999 (\$52,000) (New appointment filling a vacant authorized position)

Bohte, John, Assistant Professor of Political Science, effective August 15, 1999 (\$40,000) (New appointment filling a vacant authorized position)

Carter, E. Vincent, Assistant Professor of Marketing, effective August 15, 1999 (\$68,000) (New appointment filling a vacant authorized position)

Dembinski, Roman, Assistant Professor of Chemistry, effective August 15, 1999 (\$46,000) (New appointment filling a vacant authorized position)

Gilson, Annette M., Assistant Professor of English, effective August 15, 1999 (\$38,500) (New appointment filling a vacant authorized position)

Hironymous, Patricia C., Assistant Professor of Linguistics, effective August 15, 1999 (\$44,000) (New appointment filling a vacant authorized position)

Isken, Mark W., Assistant Professor of Management Information Systems, effective August 15, 1999 (\$74,000) (New appointment filling a vacant authorized position)

Miree, Cynthia E., Assistant Professor of Management, effective August 15, 1999 (\$70,000) (New appointment filling a vacant authorized position)

Setzekorn, Kristina, Instructor in Management Information Systems, effective August 15, 1999 (\$71,000) (New appointment filling a vacant authorized position)

Stein, Mary T., Assistant Professor of Education, effective May 1, 1999 (\$43,000) (New appointment filling a vacant authorized position)

Sugumaran, Vijayan, Assistant Professor of Management Information Systems, effective August 15, 1999 (\$79,000) (New appointment filling a vacant authorized position)

Change of Status

Junior, Victoria Y., from Instructor in Education to Assistant Professor of Education, effective April 1, 1999 (\$42,657)

Swift, Carol A., from Associate Professor of Education to Associate Professor of Education and Acting Chairperson, Department of Human Development and Child Studies (Extend Chair Appointment effective April 29, 1999 through August 21, 1999)

Emeritus(a) Appointment

Garcia, Wilma, Professor Emerita of Rhetoric, effective August 15, 1999

Stern, Robert L., Professor Emeritus of Chemistry, effective May 6, 1999

4. Recommendation to Accept Gifts to Oakland University and the Oakland University Foundation for the Period of March 1 through March 31, 1999, and to Accept Grants and Contracts for March/April 1999

Trustee Nicholson, seconded by Trustee Henry Baskin, moved approval of the consent agenda. The motion was unanimously approved by those present.

B. Approval of Revised 1999-2000 Oakland University Board of Trustees Meeting Dates

Chairperson Doyle submitted the following resolution to the Board for approval:

RESOLVED, that the Board of Trustees approves the following revised dates for the regular Board meetings for the university fiscal year 1999-2000. The meetings will be held at the Oakland Center, Oakland University, Rochester, Michigan at 2:00 p.m. unless otherwise posted:

Thursday, July 29, 1999 (Oakland Room)

No August 1999 Meeting

***Thursday, September 9, 1999 (Gold Rooms)**

***Thursday, October 14, 1999 (Gold Rooms)**

Thursday, November 4, 1999 (Oakland Room)

***Thursday, December 16, 1999 (Gold Rooms)**

No January 2000 Meeting

Thursday, February 3, 2000 (Gold Rooms)

Thursday, March 9, 2000 (Gold Rooms)

Thursday, April 6, 2000 (Gold Rooms)

Thursday, May 4, 2000 (Gold Rooms)

Thursday, June 8, 2000 (Gold Rooms)

*Revised Dates

Trustee Sharp, seconded by Trustee Schlaybaugh, moved approval of the recommendation. The motion was unanimously approved by those present.

C. Request to Establish a Program Cost - Executive MBA in Beirut, Lebanon

Dr. Downing stated that the Executive Masters in Business Administration (MBA) in Beirut, Lebanon is designed to provide business professionals with an understanding of the management concepts and skills that will assist them in effectively managing in a global corporate environment. Dr. John C. Gardner, Dean of the School of Business Administration (SBA), recently traveled to Beirut for consultation and discussion with Lebanese officials, including the President and Administer of Education, and returned convinced of the need for and demand for this program. Dr. Downing noted that the program will be offered in collaboration with brainpower inc., a major management consulting and training company headquartered in Lebanon. The proposed Executive MBA is a refinement of the existing offerings, with additional new courses tailored for the specialized needs of this particular student population.

Dr. Downing stated that the programmatic aspects of the proposal have been reviewed and approved by the SBA Faculty Assembly and the Graduate Council. In this action, the SBA is proposing that the program be offered for an all-inclusive cost of \$35,000. Dr. Downing noted that Dean Gardner is out of town,

but Ms. Sheryl Klemanski, Director of Graduate Business Programs for SBA, and Dr. Connellan were present to answer questions.

Dr. Downing submitted the following resolution to the Board for approval:

RESOLVED, that the Board authorize an initial program cost for the Executive MBA in Beirut, Lebanon program of \$35,000, effective fall, 1999 semester.

Trustee Baskin asked how many students will be involved in this program over the next several years, and Dr. Downing stated that although it has the potential of up to 100 students in a given cohort, the university believes a cohort of 30 would be the most workable number. He added that the 18 month program will offer 42 credits. The faculty will travel to Lebanon and teach one course per month in four-day blocks. In the summer, a three-week residency on campus will be offered for students to take the remaining 8 credits of the program. Ms. Klemanski stated that the courses will be augmented by adjunct faculty in Lebanon and by distance learning. She noted that Dr. Eileen Peacock, Associate Dean, is currently holding a workshop on the program in Lebanon for over 300 Middle East professionals who have expressed a great interest in the program. She noted that SBA and other local schools were initially approached by a man who works with the Lebanese government and brainpower. When SBA determined that this is a program that the school would be interested in offering, Dr. Peacock and Dr. Gardner visited Lebanon to discuss the program feasibility. Ms. Klemanski added that part of the SBA mission is to become more global in nature and to have an international presence, especially since a large number of the SBA faculty have expertise in international business. Another program advantage is that the research component is heightened through these types of interactions.

Dr. Downing added that upon Board approval, an active advisory board will be appointed for the program. He noted that, at the recent commencement ceremonies, Senator Spencer Abraham and others expressed an interest in the program in terms of building partnerships, collaborations, and friends for the university.

Trustee Baskin asked if the General Counsel's office has reviewed the safety and liability aspects of this program relative to the faculty members who are sent to Beirut. Ms. Klemanski replied that Ms. Catherine R. Lark, Director, Risk Management & Contracting, is working with SBA on developing a contract with brainpower. Dr. Downing added that Ms. Lark has been involved in ensuring that the faculty follows normal university procedures for all travel authorizations.

Trustee Nicholson asked for clarification on the direct and indirect costs of the program. Dr. Downing replied that the direct costs include compensation, travel, housing, instructional materials, and distance learning equipment. The program is set up so that the revenue generated will cover all of the costs associated with the program. Ms. Schaefer stated that incentives and new programs, such as this one, are already built into the budget. President Russi noted that if the Board approves this program and the budget in June, the program revenue and expense will be factored in next year's budget. Dr. Downing stated that the proposed budget for the 30 cohort students during the first year includes a projected revenue of \$360,000 and a total cost of \$310,000. Ms. Klemanski added that the program would not be offered if it does not break even. The budget was built conservatively on 30 students, but in all reality student enrollment may reach 50 the first year.

Ms. LaShanda Evans, Student Liaison, inquired if the program will be the university's first international MBA program, and if it has the potential to expand to other countries. Dr. Downing replied that it is the first international MBA program and that there is a potential for the development of other programs.

Trustee Baskin requested that the contract with brainpower include language that if the program does not break even, then it will be abandoned. Dr. Downing stated that he will make sure that provision is incorporated in the contract. He noted that the resolution also states that the program will be reviewed annually by the Board. Ms. Klemanski stated that the program must also comply with all accreditation requirements of the American Assembly of Collegiate Schools of Business.

Ms. Linda Hickmott, Student Liaison, commented that the program supports the "Creating the Future" recommendation to increase diversity in the SBA and throughout campus. Trustee Sharp recommended incorporating language on diversity in the curriculum of this program, as well as all academic programs, to begin to measure educationally what diversity means to the campus and the students. He also stressed the importance of maintaining quality control over programs like this one.

Trustee Schlaybaugh stated that in addressing the need for new programs, the university must review the strategic advantages to the institution. Trustee Grech-Cumbo commented that it is his understanding that strategically there is some philosophy to why the university received this proposal, based on community outreach. He noted that there is a large Lebanese community in metro Detroit who would like to get involved with the university. Trustee Sharp added that such a move should endear the Tech Park to the university because of the diverse ethnic backgrounds and countries it represents.

Trustee Baskin recommended approval of the resolution with the condition that prior to its "launch," the Board is satisfied that the program will be self-sufficient. Dr. Downing concurred with that condition.

Trustee Sharp, seconded by Trustee Fischer, moved approval of the recommendation. The motion was unanimously approved by those present.

VI. Discussion of June 3, 1999, Board of Trustees Meeting Agenda

The Board reviewed the June 3, 1999, proposed agenda. Trustee Fischer requested that former Trustee Louis R. Ross, who passed away on May 3, 1999, be properly recognized at the next meeting.

VII. Other Items that May Come Before the Board

Chairperson Doyle called on Dr. Phillip Singer, Professor of Health Behavioral Sciences, who had requested to address the Board.

Dr. Singer stated that he was under the impression that the agenda was supposed to include a discussion of the minimum distribution requirement. Chairperson Doyle explained that the administration has been instructed to review that matter and to provide additional documents to the Board.

Dr. Singer stated that his comments are on the question of the minimum distribution requirement of the Internal Revenue Service (IRS) for faculty members who are continuing to work and who have reached the age of 70 ½. Dr. Singer stated that he believes in private institutions, it is mandatory that the minimum distribution be granted to working faculty, while public institutions have the option to either grant or not to grant the distribution. Dr. Singer also stated that he believes there is nothing in the IRS Code, the TIAA fiduciary arrangement with the university, or the State of Michigan legal code which prevents such a minimum distribution. The only stumbling block is the Board policy, which Dr. Singer stated he understood was established at the creation of the university to safeguard all retirement funds for professors who otherwise might unwisely spend their own money. Dr. Singer stated that since he believes there are no legal impediments for granting the distribution, he requests Board clarification on the reasons for denying him what he believes is equitably his according to the IRS. He asked for explanations from each Board member for not granting the minimum distribution.

Chairperson Doyle thanked Dr. Singer for his comments.

Chairperson Doyle called on President Russi, who publicly recognized Dr. Downing for his service as Interim Vice President for Academic Affairs and Provost.

Chairperson Doyle made the following statement regarding the "Creating the Future" activities over the past two years:

Oakland's growth in students, facilities, and in credibility over the last few years has led us to an exciting new point in our history. With the help of the campus community and the thinking of hundreds of people external to the university, the Board of Trustees gratefully accepted the many recommendations from the extraordinary undertakings of the Strategic Planning process and the "Creating the Future" initiative. For the time and effort and the incredible thoughtfulness of all those involved, our thanks.

We, as a Board, realize that we cannot implement all the recommendations, as good as they are, at one time. With the input of the University Senate and the Deans and Vice Presidents, we have tried to narrow the focus a bit. Even with our efforts to try to embrace a few handfuls of key initiatives we believe are in the best long term strategic interests of the university, we do not feel that we can successfully implement them without attracting substantial new resources to the campus.

To those ends, the Board wants to explore the possibility of increasing the private support to the university from the private sector. We have agreed to think about a capital campaign, and we are eager to work with our colleagues on the Oakland University Foundation Board to assess our readiness, better analyze our needs and to begin to take the necessary steps to attract more philanthropic support of the university.

I am asking President Russi and Vice President David S. Disend to ask Mr. David Lewis, Chair of the OU Foundation, for support of this undertaking and for Mr. Lewis to assign some foundation directors to an ad hoc committee that would work with Trustees Cooper, Fischer, and Nicholson in charting a plan for how best to proceed.

We will all need to work hard to make Oakland the very best university it can be. It is enormously gratifying to know that so many feel such good will and interest in shaping the future of this great institution.

VIII. Closed Session to Discuss Written Legal Opinions of Counsel

Trustee Sharp, seconded by Trustee Fischer, moved to recess into closed session to discuss written legal opinions of counsel.

Mr. Zambardi stated that approval of a closed meeting is requested to discuss written legal opinions of counsel. Section 8 (h) of the Open Meetings Act (OMA) provides that a public body may meet in a closed session for this purpose. Section 7 of the OMA requires that a two-thirds roll call vote of members elected or appointed and serving shall be required to call a closed session. In this case, it is expected that the Board will return to open session briefly.

Mr. Zambardi conducted a roll call vote as follows:

Trustee Baskin	Yes
Trustee Cooper	Yes
Trustee Doyle	Yes
Trustee Fischer	Yes
Trustee Grech-Cumbo	Yes
Trustee Nicholson	Yes
Trustee Schlaybaugh	Yes
Trustee Sharp	Yes

Mr. Zambardi stated that the motion carries.

The Board recessed into closed session at 4:25 p.m., and reconvened into open session at 5:02 p.m. Trustee Schlaybaugh left the meeting after the closed session.

Joining as Amicus in the University of Michigan Governmental Immunity Appeal (Mastery v. Board of Regents of the University of Michigan)

Mr. Zambardi read the following resolution to the Board for its consideration:

RESOLVED, that the Board of Trustees approves the submission by the university of a motion for leave to file amicus curiae brief and amicus curiae brief in support of the University of Michigan's position concerning governmental immunity in the case of Maskery v. Board of Regents of the University of Michigan in the Michigan Court of Appeals.

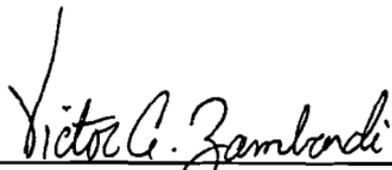
Trustee Baskin, seconded by Trustee Schlaybaugh, moved approval of the recommendation. The motion was unanimously approved by those present.

Oakland University
Board of Trustees
Minutes of the Meeting of May 6, 1999

IX. Adjournment

Trustee Sharp, seconded by Trustee Grech-Cumbo, moved adjournment of the meeting. The motion was unanimously approved by those present. The meeting adjourned at 5:03 p.m.

Submitted,



Victor A. Zambardi
Assistant General Counsel

Approved,

David J. Doyle
Chairperson