Minutes of the Meeting of the Oakland University Board of Trustees October 1, 1992

Present: Chairman Howard F. Sims; Trustees Larry Chunovich, David T. Fischer, Andrea L. Fischer, David Handleman, L. Brooks Patterson, Stephan Sharf and James A. Sharp, Jr.

Chairman Howard F. Sims called the meeting to order at 2:40 p.m. in the Oakland Room of the Oakland Center.

Approval of the Minutes of the Meeting of September 10, 1992

Trustee Larry Chunovich, seconded by Trustee David Handleman, moved approval of the minutes of the meeting of September 10, 1992. The motion was voted on and unanimously approved.

Selection of Chairman and Vice Chairman of the Board of Trustees

Trustee Handleman made the following statement:

> Chairman Sims, as the sole member of the Ad Hoc Committee appointed by you to consider and nominate Trustees for the position of chairman and vice chairman for 1992-93, I would like to nominate as chairman, Trustee Larry Chunovich and as vice chairman, Trustee Stephan Sharf. The Board may wish to consider the nomination for these positions separately. I would also suggest that in keeping with past practice that nominations of other Trustees should be accepted from other members of the Board. I believe that the two nominees are well qualified and will serve the Board skillfully in those positions.

Trustee James A. Sharp, Jr., seconded the motion for the purpose of discussion. He stated that he believed a formal process for the selection of the chairman and vice chairman of the Board should be developed and the Trustees should each have input into this process. He noted that he recalled in the past he had received a telephone call requesting his recommendations for chairman and vice chairman candidates, and he claimed that he did not receive a call this time. He moved that the selection of a chairman and vice chairman be tabled until a process is established. Trustee Andrea L. Fischer seconded the motion to table.

Trustee L. Brooks Patterson asked if the motion to table were approved, what would Trustee Sharp suggest as the next course of action. Trustee Sharp responded that his next motion would be to establish rules under which the nomination of officers would be processed or considered.

Trustee Handleman noted that the Board's tradition has been to ask the senior members of the Board who have not previously served as chairman or vice chairman to serve in these positions. He stated that had Trustee Phyllis Law Googasian's term not expired, she would have been asked to serve as chairman. He noted that there is no "mystery" to this process.

Trustee Sharf stated that he believes the vice chairman of the Board should also serve as the chairman of the University Affairs Committee.

Trustee Fischer stated that she had not been apprised as to how the chairman and vice chairman were selected, and she agrees that a process should be developed and followed.

Trustee Sharp stated that "this is not about personalities, it is about process and the qualifications of the Board members."

Chairman Sims stated that any process selected would eventually bring the Trustees to the same point at which they are presently, with one or more nominations before them requiring a vote. He stated that any Trustee is eligible to nominate or be nominated at this time.

Trustee David T. Fischer stated that he strongly favored the need for a process to select a chairman and vice chairman. He stated that "time and grade are not necessarily the best way to select a candidate." He then confirmed Trustee Sharp's earlier comments that this is "not about personalities." He also noted that he had not been notified of the candidates to be nominated.

Chairman Sims stated that the nominations for chairman and vice chairman are open at this time. He noted that the call for an evaluation of the process is valuable and the full Board is present for discussion of this matter.

Trustee Patterson asked that a vote be taken on the motion to table the selection of a chairman and vice chairman. Mr. John De Carlo, Senior Vice President, General Counsel and Secretary to the Board of Trustees, then responded to a request for a roll call vote on the motion to table. The vote results were as follows:

Trustee Larry Chunovich	No
Trustee Andrea Fischer	Yes
Trustee David Fischer	Yes
Trustee David Handleman	No
Trustee L. Brooks Patterson	Yes
Trustee Stephan Sharf	No

Trustee James A. Sharp, Jr.	Yes
Trustee Howard F. Sims	No

The motion failed since five votes are required for action of the Board.

Trustee David Fischer then nominated Trustee Sharp for the position of chairman of the Board of Trustees. Trustee Sharp declined the nomination.

Trustee Sharf stated that he wished to make a nomination for the position of vice chairman. Chairman Sims stated that the next vote was for the position of chairman only and the vice chairman position would be addressed subsequent to this matter.

Mr. De Carlo then conducted a roll call vote on the nomination of Trustee Chunovich as Chairman of the Board.

Trustee Larry Chunovich	Yes
Trustee Andrea Fischer	No
Trustee David Fischer	No
Trustee David Handleman	Yes
Trustee L. Brooks Patterson	No
Trustee Stephan Sharf	Yes
Trustee James A. Sharp, Jr.	Abstain
Trustee Howard F. Sims	Yes

This motion also failed, since five votes are required for action of the Board.

Chairman Sims then appointed himself, Trustee Andrea Fischer and Trustee Handleman to an Ad Hoc Committee on the nomination process for the selection of a chairman and vice chairman of the Board of Trustees. Trustee Andrea Fischer requested that an additional member be named to the committee to avoid the possibility of a 2 to 1 vote. Chairman Sims opened the membership to an interested Trustee, and Trustee Patterson agreed to serve.

Mr. De Carlo stated that any action of the committee is not binding upon the Board. The committee will be asked to make a recommendation to the full Board for its review and action.

Chairman Sims then deferred action on the election of a vice chairman and noted that members of the Ad Hoc Committee will be contacted for a meeting.

President's Report

President Sandra Packard stated that she addressed the faculty and staff at an open meeting in September. She referred to her speech which had been distributed to the Trustees, and noted that it was accompanied by a slide show prepared by Mr. Rick Smith, Oakland University Photographer, and Mr. Jay Jackson, News Service Staff Writer. The slide presentation was then viewed by the Board.

Review and Action on Items from September 10, 1992, Board of Trustees meeting

Chairman Sims stated that the September 10, 1992, Board of Trustees meeting was conducted without a quorum and the four Trustees present acting as a committee, reviewed the agenda items, but no binding action could be taken. The full Board has now had an extended opportunity to review and consider the agenda items. If there were no questions, he suggested that in the interest of time, the matters could be considered together. He then made the following recommendation:

WHEREAS, the Board of Trustees has now had an opportunity to review the items which were recommended for approval at the September, 1992, meeting at which a quorum was not present; and

WHEREAS, the Board wishes to approve these items; now, therefore, be it

RESOLVED, that the Board of Trustees approves the following items:

a. Approval of the Minutes of the Meeting of August 12, 1992
b. Faculty and Administrative Personnel Actions
c. Resolution honoring Robert J. McGarry
d. Appointment of Acting Vice President for Finance and Administration
e. Bank Disbursement Authorization Change
f. Amendment to 1992-93 General Fund Budget and Approval of Special Fee for School of Education and Human Services Reading Recovery Program
g. Approval of Third Year Negotiated Settlement between Oakland University and Labor Council, Michigan Fraternal Order of Police
h. Report on Gifts and Grants to Oakland University for the Period of July 1 through July 31, 1992; and to the Oakland University Foundation for the same period
i. Approval of Degree Candidates List, August 14, 1992

j. Approval of Inauguration Budget

Trustee Chunovich, seconded by Trustee Handleman, moved approval of the recommendation. The motion was voted on and unanimously carried.

Emergency Authority to Sign on University Bank Accounts

Mr. De Carlo stated that over the last decade, banks have become more particular concerning the delegation of signatory authority for bank accounts. Given the recent transition of officers due to the retirement of Mr. Robert J. McGarry as Treasurer, the administration recommends that a process of "succession" of account signing authority be established for use under unusual circumstances.

Mr. De Carlo then made the following recommendation:

> RESOLVED, that if the Treasurer or the Acting Treasurer resigns, dies, or becomes legally incompetent to act, and if no other person or position has been granted signatory authority by this Board, then the University President, or the Interim President if there is no serving President, shall have immediate authority to sign on University bank accounts. If, at the time the Treasurer or the Acting Treasurer resigns, dies, or becomes legally incompetent to act, and neither of the positions of University President or Interim President are filled, or the occupant is not legally competent to act, then the Secretary to the Board of Trustees shall have immediate authority to sign on University bank accounts if emergency circumstances dictate that such action is necessary to protect the institution's needs. Any authority granted by this resolution shall be effective only until such time as the Board names a new Treasurer or Acting Treasurer or until such time as the Treasurer or Acting Treasurer again becomes legally competent.

Trustee Handleman, seconded by Trustee David Fischer, moved approval of the recommendation. The motion was voted on and unanimously carried.

Granting University Police Officers the Same Powers and Authority to Enforce State Law as are Provided by Law to Peace and Police Officers, Act No. 120, Public Acts of 1990

Mr. Ray Harris, Acting Vice President for Finance and Administration and Acting Treasurer to the Board of Trustees, stated that the issue of granting university police officers the same powers and authority to enforce state law as provided by law to peace and police officers was first presented to the Board at its August 12, 1992, meeting where the first of two required public hearings was conducted. He reviewed the purpose of the recommendation indicating that deputization of its own police officers would reduce the institution's liability and allow Oakland to more closely regulate the officers' duties.

Chairman Sims opened the meeting for the purpose of conducting a public hearing on this issue. There were no requests to address the Board at this time and the hearing was then declared closed.

Mr. Harris made the following recommendations:

Resolution #1:

WHEREAS, Act No. 120, Public Acts of 1990, empowers the governing boards of control of public four-year institutions of higher education to grant public safety officers of their institutions the same powers and authority as are granted by law to peace and police officers to enforce state law; and

WHEREAS, Act No. 120, Public Acts of 1990, provides that before such powers and authority are granted, the governing board must establish a public safety department oversight committee; now, therefore, be it

RESOLVED, that there is created an Oakland University Department of Public Safety and Police Oversight Committee which shall be comprised of such members as are specified by law. The Committee shall receive and address grievances by persons against police officers or the Department of Public Safety and Police and may make recommendations to the institution that disciplinary measures be taken by the institution against any police officer who is found responsible for misconduct in office.

Resolution #2:

WHEREAS, the Board has held two public hearings and has authorized and provided for the establishment of a Department of Public Safety and Police Oversight Committee as required by Act 120, Public Acts of 1990; now, therefore, be it

RESOLVED, that pursuant to Act 120:

1. All Oakland University Department of Public Safety and Police officers now employed or to be employed in the future shall be granted the same powers and authority to enforce state laws as are granted by law to peace and police officers. To this end, the University President as a member of the Board of Trustees is delegated the authority to confer upon University police officers and to withdraw from such officers this power and authority.

2. The jurisdiction of officers to whom these powers and authority are granted shall be governed by Public Act 120 of 1990 and shall include:

   a. all property owned or leased by Oakland University and/or this Board, wherever situated in this state;

   b. any public right-of-way traversing or immediately contiguous to such property; and

   c. any other property for which such jurisdiction may be extended by state law governing peace and police officers to the extent conferred by the University President or the Board of Trustees.

3. The powers and authority hereby conferred shall include the powers and authority to enforce the ordinances and regulations of Oakland University.

4. All officers to whom the powers and authority of peace and police officers are granted shall meet the minimum employment standards of the Michigan Law Enforcement Officers Training Council Act of 1965. Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

At Chairman Sims' suggestion, the Board concurred that the oversight committee's reports to the president should be submitted no later than ten days after the conclusion of each investigation.

Trustee Handleman, seconded by Trustee David Fischer, moved approval of the recommendations. The motion was voted on and unanimously carried.

Central Heating Plant Automation

Chairman Sims called on Mr. David Szczesny, President of AFSCME Local 1418, who had requested permission to address the Board on the Central Heating Plant Automation proposal.

Mr. Szczesny thanked President Packard for organizing a meeting in late September with the union and administration regarding this issue. He noted that it is unfortunate that the union and administration are at odds over the meaning of the word "negotiations." He stated that the administration should have met more often with the union, and he stated that "every bargaining unit member has a right to expect their contract to be followed." He stated that "if individual supervisors are allowed to play angles with our contract and allowed to pressure union officers and members, the union has no alternative but to view that as a threat that is sanctioned by the Board." Mr. Szczesny stated that such threats "undermine the good will President Packard and the Board are trying to generate." He requested that the Board withhold approval of the engineering plans until the administration meets and negotiates with the union on this issue.

Trustee Sharf stated that the administration must "sit down and talk with the employees." A project should not be written that assumes the elimination of two positions, since he believes these positions can be absorbed elsewhere in the department.

Trustee Patterson left the meeting at this time due to a previous commitment.

Trustee Chunovich moved approval of the following recommendation which includes an amendment that the implementation of the automation proposal requiring the reduction of staff be done through attrition. Trustee Handleman seconded the recommendation.

WHEREAS, the formal study entitled "Central Heating Plant Automation" concludes that automation of Oakland University's Central Heating Plant is not only technically/operationally feasible, but economically prudent to undertake, it is recommended that the Board of Trustees approve the following recommendations:

RESOLVED, that the Vice President for Finance and Administration is authorized to engage a competent engineering firm for Project Management, and seek competitive bids for the Automation Control System; and, be it further

RESOLVED, that the contract for the Automation Control System will be presented to the Board of

Trustees for approval prior to being awarded; and, be it further

RESOLVED, that the implementation of the automation requiring the reduction of staff be done through attrition.

Trustee Andrea Fischer stated that she agrees in principle that the reduction should be done through attrition, but she does not believe that the university budget should be affected and while she does not disagree, she will not support the amendment because the financial impact has not been calculated.

Mr. Harris responded to a question posed by Chairman Sims that the original intent of the recommendation was to reduce the staff through attrition; however, there is concern regarding the establishment of a precedent to require this condition, which may not be possible given current economic conditions.

Trustee David Fischer noted that the introduction to the recommendation indicates that it is based on a "more cost effective use of staff and resources."

Trustee Handleman stated that without a mandatory retirement policy, the attritional factor is indefinite.

Mr. Harris stated that there are many factors to consider including the ages of the parties, the available work in other areas and the transferability of employees, and he agreed that attrition could take a long time depending on these factors.

Trustee Sharf stated that it is important to work something out with the union.

Mr. Willard Kendall, Assistant Vice President for Employee Relations, stated that it has been the administration's intention that it would negotiate with the union on the impact of any changes made on the employees and act upon the "best possible solution." He stated that the "administration has an obligation to work it out with the union and to minimize any human impact." He stated that it is management's right to make the automation decision, but it is obligated to deal in good faith and reach the best possible solution toward achieving the essential savings.

Trustee Sharf stated that discussions should have occurred prior to the submission of the proposal to the Board. He noted that discussions and negotiations are two separate things.

Trustee Andrea Fischer stated that too much time has been spent on this issue. She believes that the institution negotiated a contract and it must abide by the agreement.

President Packard stated that the meeting that Mr. Szczesny had referred to was called to see if a compromise position could be reached between the union and the administration. She stated that she understood that people had an opportunity to voice their views. She noted that the union has requested reassurance that there be no fewer boiler operator positions and the administration is not in a position to agree. The original proposal presented by Mr. Robert McGarry indicated that the only way to fund the automation proposal was to reduce the number of employees at the heating plant. Whether other openings become available for these employees suitable to their skills and interests is not known; however, there are no positions available nor immediately anticipated at this time. She noted that one boiler operator is planning to retire in the near future. She stated that the administration will do everything possible to be humane and make arrangements for these employees, but the proposal is contingent upon finding savings through the use of fewer employees.

President Packard stated that she believes that some of the opposition toward this project is a carryover of concern that the university is pursuing outsourcing and the reduction of staff. She stated that there is no proposal being considered at this time for the purpose of outsourcing. There is a position freeze presently in place, and a committee reviews the frozen positions periodically to determine if there is a need to fill them. The intent is to have fewer positions filled in order to meet the anticipated budget deficit.

Trustee Sharf stated that he does support the project, but reiterated his concerns regarding communication with the union.

Mr. Harris stated that the amended motion could have definite budget consequences. Mr. Kendall noted that the contract does not require that employees be retained where there is no work to be done. If the work to be done is reduced, then lay offs are appropriate. If the amended motion is followed, the reduction of staff would be very gradual.

Mr. De Carlo was asked to call the roll for a vote on this motion, and the vote proceeded as follows:

Trustee Larry Chunovich	Yes
Trustee Andrea Fischer	No
Trustee David Fischer	No
Trustee David Handleman	No
Trustee Stephan Sharf	Yes
Trustee James A. Sharp, Jr.	No
Trustee Howard F. Sims	No

The motion failed. Trustee Andrea Fischer then moved approval of the recommendation as originally presented which is as follows:

> WHEREAS, the formal study entitled "Central Heating Plant Automation" concludes that automation of Oakland University's Central Heating Plant is not only technically/operationally feasible, but economically prudent to undertake, it is recommended that the Board of Trustees approve the following recommendations:
>
> RESOLVED, that the Vice President for Finance and Administration is authorized to engage a competent engineering firm for Project Management, and seek competitive bids for the Automation Control System; and, be it further
>
> RESOLVED, that the contract for the Automation Control System will be presented to the Board of Trustees for approval prior to being awarded.

Trustee Handleman seconded the recommendation.

Mr. Szczesny then stated that "there are fundamental ideas that the union disagrees with heartily that push the limits of managements rights. Also, the concept that automation will result in less work is in error." He stated that there will be more work, since the plant will be more complex and will require attention.

The motion was voted on and Trustees Andrea Fischer, David Fischer, Handleman, Sharf, Sharp and Sims voted for the motion. Trustee Chunovich voted against the motion. The motion was carried.

Capital Outlay Budget Requests, 1993-94

Mr. Ray Harris, Acting Vice President for Finance and Administration and Acting Treasurer to the Board of Trustees, presented the annual request to the State of Michigan for capital outlay projects for 1993-94. Each fall a list is compiled which is due to the state on November 2, 1992. He noted that the Science Building is the first priority project, and he reviewed the revisions from last year's request list.

Mr. Harris then made the following recommendation:

> RESOLVED, that the Board of Trustees approve the 1993-94 Capital Outlay Request, as presented with this recommendation, to the State of Michigan, Department of Management and Budget.

Trustee Andrea Fischer asked Mr. De Carlo if he believed that these requests would be met. Mr. De Carlo stated that there is a body of opinion that suggests that during the lame duck session, the legislature "may be somewhat generous and provide some funding for capital projects." This possibility is remote, however, it is important to express our needs for the new session of the legislature in January, 1993.

Trustee Andrea Fischer suggested that the Board members with influence in Lansing work together to lobby for Oakland's requests for funding. She noted that "there is a wealth of resources on the Board and among the faculty." Mr. De Carlo stated that such an effort would be very much appreciated by the institution.

President Packard stated that Oakland's most recent self study included a chart which indicated change in square footage to students served for each of the state universities, and it appears that "Oakland University is the neediest institution" for space.

Chairman Sims, President Packard and Mr. De Carlo were pleased with Trustee Andrea Fischer's recommendation, and Chairman Sims made an informal Board mandate that this lobbying effort be pursued. Trustee David Fischer stated that this must be done quickly and asked President Packard to earmark the priority projects in need of funding.

Mr. Harris stated that some of the projects are necessary whether they are state funded or funded internally. Therefore, the possibility exists that there may be an impact on the operating budget.

There was discussion regarding the legal requirements for accessibility to disabled individuals. Trustee David Fischer stated his concern regarding the impact of the Americans with Disabilities Act on the institution, and Mr. Harris called on Mr. Alan Miller, Assistant Vice President for Campus Facilities and Operations, to address this issue.

Mr. Miller stated that an ongoing survey of Oakland's facilities is being conducted toward the development of a transition plan to comply with the Act. He stated that the plan is due to be in place by January 1993.

Ms. Catherine Rush, Director of the Office of Equal Opportunity, stated that once the transition plan is in place, Oakland will have two years to implement the changes. She stated that the main campus buildings have been surveyed for general accessibility and there is potential for moving classrooms to conform; however, some departments in certain buildings are not accessible, and this problem is being reviewed.

Chairman Sims asked that the transition plan be presented to the Board in December.

Trustee David Fischer, seconded by Trustee Chunovich, moved approval of the motion which was voted on and unanimously carried.

Affirmative Action Status Report

Ms. Rush stated that the Affirmative Action Status Report which was distributed to the Board with its materials for the meeting demonstrates that the university has had "some measurable success in meeting its hiring goals identified by the affirmative action plan." Goals have been met in the School of Education and Human Services and in two non-instructional job groups. She stated that two factors have had an impact on the number of goals the university has met, they are 1) the number of hiring opportunities available and 2) the strong affirmative action efforts made by hiring units in the past. The success of the efforts needs to be considered in the context of substantially reduced hiring opportunities. Ms. Rush reported that the number of faculty positions went from 31 in 1990-91 to 13 in 1991-92. There were 56 non-instructional hires in 1990-91 and there were only 17 in the first six months of the 1991-92 hiring period. She noted that some hiring units have had no affirmative action goals identified because of their existing strong representation of women and minorities. Ms. Rush reported that 46 percent of this year's faculty hires were women and 30 percent were minorities. Also, 73 percent of the non-instructional staff hired were women and 27 percent were minorities. The university does face considerable challenges in terms of meeting the requirements of the Americans with Disabilities Act.

Recommendation for an Access Agreement Concerning Oakland University Property in Rose Township

Mr. Harris stated that the university owns 121 acres of real estate, zoned for agricultural use, in Rose Township in Oakland County. The northeast corner of the university's Rose Township property borders the Rose Township De Mode Road Site, a Superfund Site. As a result of a lawsuit filed by the United States through the Environmental Protection Agency (EPA), the defendants named in that action entered into a Consent Decree providing for cleanup of the Site. A Remediation Plan, providing for the cleanup activities, has been approved by the EPA and the court. He stated that in June, 1991, the university administration entered into an interim Access Agreement with the defendants to give them and Perland Environmental Technologies, Inc., the company retained to perform the cleanup activities, permission to enter onto the northeast section of the university's Rose Township property for the purpose of performing preliminary investigation and remedial design activities. The activities included

Site. The Access Agreement shall be subject to the following terms and conditions:

1. The Agreement shall commence on October 31, 1992, and shall continue until October 31, 1995.

2. Access under the Agreement shall be limited to the 20 acre parcel on the northeast corner of the University's property, identified as sidwell #06-28-401-001.

3. No additional monitoring wells shall be placed on Oakland University property, nor shall any soil be excavated from Oakland University property, without the prior written consent of the President.

4. No contaminated or treated soil shall be placed on Oakland University property.

5. No earthen berms shall be located on Oakland University property.

6. Perland shall add the University as an additional named insured to its $5,000,000 comprehensive general liability insurance policy.

7. Perland and Chrysler Corporation shall agree to indemnify and hold the University harmless for any claims resulting from the performance of remediation activities at the Superfund Site.

8. Upon termination of the Agreement and if it is not extended, Chrysler shall restore the University property to its original condition and/or reimburse the University for any damage or unusual wear and tear to University property; and be it further

RESOLVED, that the Access Agreement will be reviewed by legal counsel prior to execution.

Trustee Sharf asked what would happen if the Board did not approve the recommendation. Ms. Susan Gerrits, Assistant General Counsel, stated that the parties are required only to make reasonable efforts to obtain access to Oakland's property and if they fail in that attempt, then the EPA could issue an administrative order and obtain access.

the installation of a chain link security fence encompassing 8.45 acres of University property. In June, 1992, the university administration extended the Access Agreement through October 31, 1992, with the understanding that by that date the EPA would have given approval for additional specified remedial activities.

Chrysler Corporation, the defendant with primary responsibility for cleanup of the Site, now wishes to enter into a long term agreement with the university whereby Chrysler and its agent, Perland, would have access to university property to continue remediation activities. The specific purposes for which Chrysler seeks access to university property include the testing of air, soil and water samples, as well as routine inspection and maintenance of the security fence and monitoring wells on university property. All of the proposed remediation activities are described in detail in a report prepared by Ms. Rikki Schwartz, Oakland's Director of Environmental Health and Safety. He stated that as the proposed long term Access Agreement constitutes a license agreement for a term of more than one year, Board of Trustees approval is required. The remediation activities are in the interest of the institution, because cleanup of the Superfund Site will increase the value and marketability of the University's property. Therefore, the University administration recommends that the Board authorize a three-year Access Agreement, subject to certain conditions. The long-term Access Agreement would provide that Perland would add the University as an additional named insured to its $5,000,000 comprehensive general liability insurance policy. Also, both Perland and Chrysler Corporation would agree to indemnify and hold the University harmless for any claims resulting from the performance by Perland of any of the activities referenced in the Access Agreement. Further, the Agreement would provide that, upon termination of the Agreement and if it is not extended, the Grantees will restore the university property to its original condition and/or reimburse the university for any damage or unusual wear and tear to university property.

Mr. Harris noted that this item was reviewed by the University Affairs Committee in August. He noted that some questions were raised by the committee which the administration believes have been addressed by the following language, "Grantees will restore the university property to its original condition and/or reimburse the university for any damage or unusual wear and tear to university property."

Mr. Harris then made the following recommendation:

> RESOLVED, that the President or her designee is authorized to enter into an agreement with Chrysler Corporation for access to the University's Rose Township property for the purpose of performing remediation activities at the Rose Township DeMode Road Superfund

Chairman Sims asked if the other properties adjacent to the Site are obtaining access agreements. Ms. Gerrits stated that she understands that many private property owners are affected by the Superfund Site, and the grantees have obtained access from some while others have refused to grant access. The EPA has obtained access by administrative order.

Trustee Sharf asked what type of equipment would be used for this purpose. Ms. Gerrits responded that at present she does not anticipate any intrusive activity. There are currently some monitoring wells that have been installed on university property which are periodically checked as is the chain link fence. Since no contamination has been detected on university property, it is not anticipated that any soil will have to be excavated. Occasional pint size soil samples are taken for study.

Trustee Sharp stated that he has no problem with the access agreement, but he requested that split soil samples be taken from Oakland's property. Ms. Gerrits stated that she has been informed that split samples are being taken, and the EPA is being provided with one half of the sample with the other half going to the parties engaged in the cleanup activity. The parties will share any of the testing results with the university.

Trustee Sharp then stated that a separate issue relates to the economic damage as a result of any intrusion onto our property of pollutants from the Superfund Site. Ms. Gerrits stated that indemnification and hold harmless language will be included in the agreement, and she noted that Board policy requires this language as well. She stated that the parties responsible for the cleanup will restore the property to its original condition and that would include cleanup of any contaminants. She also noted that Trustee Sharp's concern regarding economic damage will be adequately addressed in the Access Agreement.

Trustee Handleman seconded by Trustee Sharf, moved approval of the recommendation. The motion was voted on and unanimously carried.

Discussion on Proposed Board Meeting Dates, 1992-93

Mr. De Carlo stated that there is a conflict of schedules with the Board continuing to meet on the second Wednesday of the month. The Trustees have been polled and the best day when all Trustees can make most of the meetings is the first Thursday of each month. He noted that there will be certain meetings that will not have all eight Trustees present. Mr. De Carlo asked the Board members to consider the Board meeting dates and times for the Finance and Personnel and University Affairs Committee meetings.

He then made the following recommendation:

RESOLVED, that the Board of Trustees approves the following dates for the regular Board meetings for the remainder of the University fiscal year 1992-93:

Thursday, October 1, 1992
November (no meeting)
Thursday, December 3, 1992
January (no meeting)
Thursday, February 4, 1992
Thursday, March 4, 1993
Thursday, April 1, 1993
Thursday, May 6, 1993
Thursday, June 3, 1993

and, be it further

RESOLVED, that the meetings will be held at the Oakland Center, Oakland University, Rochester, Michigan at 3 p.m. unless otherwise posted.

There was considerable discussion on this issue among the Board members with Trustee Patterson having left a message that he preferred the first or third Wednesday afternoon of the month, since court was closed at this time. Trustee Chunovich indicated that the first Thursday is now a problem for him for several upcoming meetings.

Trustee Handleman stated that as the composition of the Board changes, "it is only conventional wisdom that when a new member joins the Board, he or she is apprised of the meeting dates." Consequently, the new Trustee can adjust his or her schedule accordingly. He noted that the Board has met on the second Wednesday for many years.

Trustee Chunovich stated that he supports a calendar that offers advance notice to the Trustees. Mr. De Carlo noted that Oakland is required by law to publish the Board meeting dates; therefore, a decision must be made at some time.

Trustee Sharf stated that he has nothing against either schedule, but once the schedule is firm he stated that it must be followed. The schedule of meetings should be provided to the new Trustees prior to their first meeting. He also stated that he preferred to have the University Affairs Committee meet on the same day as the Board meeting.

Trustee Andrea Fischer moved approval of the recommendation seconded by Trustee Sharf. Trustee Chunovich reiterated that he had two additional conflicts on the first Thursday of the month in addition to the two already recorded which means that he would miss at least four Board meetings. He requested that a schedule should be set for the next meeting, and the meetings in the remaining months should be reconsidered and selected based on Trustee availability rather than by choosing a firm day of the month.

Trustee Andrea Fischer stated that she is a proponent of consistent meetings. President Packard suggested that the proposed schedule of the first Thursday be adopted but the November and January meetings not be cancelled, rather the February meeting could be cancelled, and this may address Trustee Chunovich's concerns.

Chairman Sims asked if the Trustees agreed to changing the motion by having a meeting in January and eliminating February's meeting. He then called for a motion to adopt the following resolution and schedule:

RESOLVED, that the Board of Trustees approves the following dates for the regular Board meetings for the remainder of the University fiscal year 1992-93:

Thursday, October 1, 1992
November (no meeting)
Thursday, December 3, 1992
Thursday, January 7, 1993
February (no meeting)
Thursday, March 4, 1993
Thursday, April 1, 1993
Thursday, May 6, 1993
Thursday, June 3, 1993

and, be it further

RESOLVED, that the meetings will be held at the Oakland Center, Oakland University, Rochester, Michigan at 3 p.m. unless otherwise posted.

The motion was voted on and unanimously carried.

During the review of the schedule, Trustee Andrea Fischer moved that there be a November meeting, Trustee David Fischer seconded the motion which was voted on and approved by Trustees Andrea Fischer, David Fischer, Handleman, Sharf, Sharp and Sims. Trustee Chunovich was opposed due to the fact that he would be unable to attend.

Report on Gifts and Grants to Oakland University for the Period of August 1 through August 31, 1992

Dr. Paul Osterhout, Director of Development, reported that the gifts and grants to Oakland University and the Oakland University

Foundation for the month of August totaled nearly $141,000. An additional $943,287 was received in grants.

Trustee Handleman, seconded by Trustee David Fischer, moved approval of the gifts to Oakland University with gratitude. The motion was voted on and unanimously carried.

Other Items

President's Inauguration, Chain of Office

Dr. Margo King, Assistant Vice President for University Relations, stated that the Presidential Inauguration Committee believes that the tradition of the university would be enhanced by having created a medallion which would be worn by President Packard and future presidents of the university on ceremonial occasions as a chain of office. She noted that Mr. Paul Haig of Paul Haig Jewelers, an alumnus of Oakland University, has offered to donate a medallion to be used for this purpose.

Dr. King then made the following recommendation:

> RESOLVED, that the Board of Trustees accepts with appreciation the offer of Mr. Paul Haig, Paul Haig Jewelers, to donate a medallion to Oakland University valued at $500 which will serve as a chain of office for the President of the institution; and, be it further
>
> RESOLVED, that the medallion will be presented at the inauguration of President Sandra Packard and will be worn on official ceremonial occasions.

Chairman Sims asked if the chain of office will remain resident in the university. Dr. King indicated that the idea is that the chain of office will become a part of the tradition of the university and will be displayed on campus.

Trustee Handleman, seconded by Trustee Andrea Fischer, moved approval of the recommendation. The motion was voted on and unanimously carried.

Introduction of Ms. Marjory Hampton

President Packard introduced and acknowledged Ms. Marjory Hampton who is scheduled to retire from her position as executive secretary for the College of Arts and Sciences on October 2, 1992, after 22 1/2 years of service to the institution. Ms. Hampton was also selected as Employee of the Month for October.

Ms. Hampton stood and received a round of applause.

There being no further items for discussion, Trustee Chunovich, seconded by Trustee David Fischer, moved adjournment of the meeting. The motion was voted on and unanimously carried. The meeting was adjourned at 4:44 p.m.

Submitted,	Approved,
Catherine Gianakura Rogg	Howard F. Sims
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Administrative Assistant	Chairman
Board of Trustees	Board of Trustees