

Minutes of the Meeting
of the
Oakland University
Board of Trustees
March 13, 1971

Present: Chairman Katke, Trustees, Lewis, Saltzman, Schwartz and Smith

Absent: Trustees Carr, Kyes, and Morris

The meeting was called to order at 2:25 p.m. on March 13, 1971 in the Oakland Center by President Donald D. O'Dowd.

Minutes of January 9, 1971

On a motion by Mr. Schwartz, seconded by Mr. Katke, the minutes of the January 9, 1971 Board meeting were approved as presented.

Personnel Actions

On a motion by Mr. Saltzman, seconded by Mr. Smith, the following personnel actions were approved.

Reappointment

Third probationary appointment as Assistant Professor for two years, effective August 15, 1971

F. James Clatworthy

Education

Appointment

Ettienne, Earl Manuel, 10-month Assistant Professor of Biological Sciences, effective August 15, 1971

Leaves - Sabbatical

Hahn, Harry T., 10-month Professor of Education, effective January 3, 1972 through April 19, 1972 with full pay

Righter, Roderic E., 10-month Associate Professor of Education, effective January 3, 1972 through April 19, 1972 with full pay

Leaves - Other

Andreas, Carol, 10-month Assistant Professor of Sociology and Anthropology, effective January 4, 1971 through April 20, 1971 with no pay

Gorvine, Harold, 10-month Associate Professor of History, effective August 15, 1971 through August 14, 1972 with no pay

Harker, Bruce, 10-month Instructor in Education, effective September 7, 1971 through April 19, 1972 with no pay

Swartz, Ronald, 10-month Instructor in Education, effective August 15, 1971 through August 14, 1972 with no pay

Changes in Status

Butler, W. Royce, from Professor of Bibliography and University Librarian to Professor of Bibliography and Dean of the Library effective April 1, 1971

Cogan, Robert, Hamlin Hall Director, salary adjustment effective April 1, 1971 through May 31, 1971

Fairbanks, Douglas, from Instructor in Education to Assistant Professor of Education effective April 1, 1971

Kallai, Sandor, Manager of Meadow Brook Festival, salary adjustment effective March 1, 1971

Mosher, Jane, from Ticket Sales Manager for Meadow Brook Theatre to Director, Group Sales and Community Relations

Peters, William, Fitzgerald Head Resident, salary adjustment effective April 1, 1971 through August 31, 1971

Volgy, Thomas, Vandenberg Hall Director, salary adjustment effective March 1, 1971 through August 15, 1971

Gifts and Grants

On a motion by Mr. Schwartz and seconded by Mr. Katke, the following gifts and grants were gratefully accepted by the Board.

I.	Grants to be used for scholarship purposes:	
	Colony Green Garden Club, Orchard Lake	\$ 200.00
	Craighead, Mr. and Mrs. Rodkey, Birmingham	100.00
	The Mary Louise Johnson Foundation, Detroit	2,000.00
I.	Grant in support of Herbert Heidenreich Scholarship Fund:	
	Killian, Mr. and Mrs. Frank J., Muscatine, Iowa	25.00

III.	Grants in support of Mark Platt Memorial Loan Fund: Various donors	\$ 75.00
IV.	Grant for establishment of William Earl Wolfman Scholarship Fund: Council 30 Citizenship Fund, United Distributive Workers, Detroit	500.00
V.	Grants in support of Matilda R. Wilson Honor Scholarship Fund: Collett, Mr. and Mrs. Carl, Lathrup Village Gettess, Mr. and Mrs. William E., Detroit Jacobson, Mr. Jay E., Pontiac Ritter, Mr. and Mrs. Harold A., Mt. Clemens Snyder, Mr. Edward W., Jr., Detroit	5.00 25.00 25.00 3.00 5.00
VI.	Grant to be used for President's Discretionary Fund: The Mary Louise Johnson Foundation, Detroit	500.00
VII.	Grants to Departments, Staff, Schools and Colleges: American Chemical Society, Washington, D. C., under the direction of Dr. Jeffrey A. Greenhouse, Chemistry, for a study of conformation of small rings National Endowment for the Arts, Washington, D. C., under the direction of Frank Bollinger, Meadow Brook Theatre, for continued support in Audience Development National Institutes of Health, Bethesda, Maryland, under the direction of Dr. V. Everett Kinsey, Institute of Biological Sciences, for a cooperative RLF study National Science Foundation, Washington, D. C., under the direction of F. Butterworth, Biological Sciences, for undergraduate research National Science Foundation, Washington, D. C., under the direction of P. Tombouliau, Chemistry, for undergraduate research National Science Foundation, Washington, D. C., under the direction of P. Ketchum, Biological Sciences, for research	6,800.00 35,910.00 11,452.00 13,200.00 7,520.00 35,000.00
VIII.	Grants in support of 1970 Alumni Fund: Chrysler Corporation Fund, Detroit Ford Motor Company Fund, Dearborn Consumers Power Company, Jackson Whirlpool Corporation, Benton Harbor Various donors	110.00 30.00 10.00 25.00 3,099.00

IX. Grants in support of Meadow Brook Music Festival:		
Kaplan, Mrs. Muriel, Huntington Woods	\$	10.00
Manufacturers Hanover Trust Company Foundation, New York		500.00
X. Grants in support of Meadow Brook Theatre:		
Corbit, Mr. Ross, Grosse Pointe Woods		380.00
Manufacturers Hanover Trust Company Foundation, New York		500.00
Stroh Brewery Company, Detroit		1,600.00
XI. Grant for refurbishing Sunset Terrace:		
The Matilda R. Wilson Fund, Detroit		25,000.00
XII. Grant in support of Art Gallery:		
Brace, Mrs. Richard, Lake Orion		20.00
XIII. Gift from Dr. Walter S. Collins, Rochester, of 41 used record albums valued at		
		86.00
XIV. Gift from Harold O. Cousins, Pontiac, of SCM Computer for which a valuation has not been established by the donor but will be reported to the Board when received.		

Appointment of a Public Accounting Firm to Audit University Operations

Mr. Robert W. Swanson stated that all accounts must be certified at the end of the fiscal year and it is necessary for the Board to appoint an auditing firm. Mr. Swanson and his staff have consulted several companies and recommend the appointment of Arthur Andersen and Company to conduct the audit on June 30, 1971.

Mr. Smith raised the question regarding the implementation of a rotation policy in the selection of accounting firms. Mr. Swanson stated that the University was changing firms this year and that the previous firm had performed satisfactorily for the past several years. He stated, however, that there was a benefit to be gained by the University by the rotation of auditors and he recommends such a system.

Mr. Lewis requested the names of the firms that were considered. Mr. Swanson advised that the following companies were evaluated: Ernst and Ernst, Touche Ross and Company, Arthur Young, and Arthur Andersen. Mr. Lewis stated that he would like to go on record that he understood Mr. Swanson's duty and accountability to the Board, but he noticed that the companies were not a representative grouping and suggested that in the future the University also

consider small firms and let them determine whether or not they are able to serve the needs of the University. He further stated that there are many small firms and black accounting firms that need such opportunities in order to grow into larger accounting firms. Mr. Schwartz supported Mr. Lewis. It was moved by Mr. Schwartz, seconded by Mr. Saltzman that the accounting firm of Arthur Andersen be appointed to perform the University's audit for the coming year. Motion carried.

Mr. Smith moved that the University also adopt an "intent to rotate" policy based on a 4 to 6 year period with the understanding that the appointment of auditors would be reviewed on an annual basis. Seconded by Mr. Lewis, the motion carried.

Establishment of a University Account with The Pontiac State Bank

Mr. Swanson informed the Board that it is necessary to establish an account with a bank that handles the Michigan BankAmericard charges in order to service Meadow Brook Festival and Theatre patrons who have been permitted to utilize Michigan BankAmericard charges. The following resolution will permit the University administration to establish such an account.

"RESOLVED,

1. That the PONTIAC STATE BANK, Pontiac, Michigan (hereinafter referred to as the Bank) be and it hereby is designated as a depository of the University, and that the Bank be and it hereby is authorized to accept in accordance with the rules and regulations of the Bank for credit to the account of the University and/or for collection, any and all checks, drafts, and other negotiable instruments when endorsed in the name of the University, in writing, by rubber stamp, or otherwise, with or without a designation of the party making such endorsement.

2. That any and all funds standing to the credit of the University with the Bank in said account or accounts may be paid out or withdrawn upon checks, drafts, orders or other instruments for the payment of money, when signed in the name of the University by ROBERT W. SWANSON, Treasurer, whose signature shall be duly certified to the Bank, and the Bank hereby is authorized to honor and pay any and all checks, drafts, and orders so signed, without inquiry as to the circumstances of issue or the disposition of the proceeds thereof, whether drawn to the individual order, or tendered in payment of individual obligations, or for deposit to the individual account of the officer above named or other officers of the University, or otherwise.

3. That these resolutions and the authority hereby conferred shall remain in full force and effect until notice to the contrary in writing shall be received by the Bank, and that the Secretary and any director of the University be and each of them hereby is directed and authorized to certify these resolutions to the Bank under the seal of the University, or without such seal, and with like effect in either case."

Moved by Mr. Schwartz, seconded by Mr. Katke, the resolution was adopted.

Approval of Degrees Awarded on December 18, 1970

Mr. Katke moved to grant B.A., B.S., M.A., M.A.T. and M.S. degrees to all qualified graduates as of December 18, 1970, as set forth in the materials provided to the Board and on file in the Secretary's office. Seconded by Mr. Lewis, the motion carried.

Appointment of Giffels-Webster Engineers, Inc. for Three Campus Projects

The appointment of the firm of Giffels-Webster Engineers, Inc. was recommended by Mr. H. Stoutenburg for the following projects:

- a. Planning and engineering for resurfacing of portion of Foundation Drive
- b. Construction of south loop road
- c. Construction of 300 parking spaces at south end of campus

Mr. Saltzman stated that the Board should be able to review a master plan for the University before they continue approving piecemeal improvements. Mr. O'Dowd assured the members that these projects have the approval of the University planners and that a general review of the master plan will be forthcoming to the Board. Mr. Smith inquired about the quality of our roads and sidewalks due to the current state of deterioration. Mr. Stoutenburg stated that the roads were so constructed that they were not of a totally permanent nature, since the installation of drains will be required. In addition, a paving coat was not applied because of the need for the construction of drains as well as the lack of funds. The deteriorated sidewalk outside of the Oakland Center was caused by a heaving condition and will be repaired by the contractor. It was moved by Mr. Smith and seconded by Mr. Katke that the firm of Giffels-Webster Engineers, Inc. be appointed for the three projects. Motion carried.

Approval for Granting of Easement to Oakland County for Water Main at Adams Road and Walton Blvd.

Approval was requested by Mr. Stoutenburg to grant an easement to Oakland County for construction of a water main at the corner of Adams Road and Walton Blvd. The following resolution was proposed.

"RESOLVED,

that the University does hereby grant to Oakland County the right to construct, operate, maintain, repair and/or replace a water main across and through the following described land situated in the Township of Avon, Oakland County, Michigan to-wit:

Part of Southeast 1/4 Section 7, Town 3 North, Range 11 East, Avon Township, Oakland County, Michigan, beginning at Southeast section corner, th West 373.11 ft, th North 566.50 ft, th East 365.39 ft, the South 560 ft to beginning. Except South 60 ft and East 60 ft taken for Highway. Containing 3.80 acres. Otherwise known as Parcel #B107B on the Township of Avon tax rolls.

The permanent easement shall consist of the East 30.0 ft of the South 285.0 ft of Parcel #B107B.

Also a temporary construction easement consisting of the East 20.0 ft of the North 215.0 ft of the above described Parcel #B107B.

And further, the Grantor does hereby grant a temporary construction easement to the County consisting of the West 20.0 ft of the East 50.0 ft of the South 285.0 ft of the above described Parcel #B107B.

Said temporary construction easements shall terminate upon the completion date of construction. "

Mr. Howlett, Legal Counsel, advised the Board that the easement meets all legal requirements. Mr. Katke moved for adoption of the resolution. Seconded by Mr. Saltzman, the motion carried.

Approval of Architectural Firm for Classroom Office Building II

The Joint Capital Outlay Committee staff has requested that the Board reaffirm the action of the Michigan State University Board on July 21, 1966 regarding the

appointment of the architects for Classroom Office Building II. The original action appointed Tarapata Mac Mahon Associates, Incorporated, to do the preliminary plans for the building, then designated as the Education-Social Science Building. The building name should now be Classroom Office Building II. President O'Dowd recommended that Tarapata, Mac Mahon and Paulsen Associates, Incorporated, be commissioned as the architects for the new Classroom Office Building II, authorized by the 73rd Legislature's Regular Session 1966, in Enrolled Senate Bill No. 1233.

Mr. Lewis stated that he had the same request to make on the appointment of small architectural firms as stated in his comments regarding the auditors. The University should broaden its solicitation of firms.

It was moved by Mr. Saltzman and seconded by Mr. Katke that the recommendation of President O'Dowd be adopted. Motion carried.

Naming of Performing Arts Building after Durward B. and Paula Varner

President O'Dowd made the following statement:

"In view of Paula and Woody Varner's deep commitment to the arts and Woody's personal involvement in the Performing Arts Building, it would be most appropriate to name this building in their honor. The following resolution is recommended for your consideration:

Paula and Woody Varner had a deep commitment to the establishment of a performing arts program at Oakland University. Under their guidance the University became internationally known with the establishment of the Meadow Brook Festival, the Meadow Brook Theatre and the Academy of Dramatic Art. In addition, the other performing arts programs of the University were also given their support.

In order to develop further the performing arts programs at Oakland University, Woody Varner, recognizing the need for a separate facility, obtained the generous support of the Legislature for the construction of a Performing Arts Building. Therefore, in recognition of their efforts, be it resolved that this structure shall be designated the Paula and D. B. Varner Hall."

It was moved by Mr. Schwartz, seconded by Mr. Katke that the resolution be adopted. Motion carried. After a brief discussion, the Board instructed President O'Dowd to contact Chancellor Emeritus Varner regarding the use of his first name or initials in naming the building.

Adoption of Patent Policy for the University and a Patent Agreement with Research Corporation of New York

President O'Dowd called upon Mr. Lewis N. Pino, Director of Research Services, regarding the adoption of a patent policy and patent agreement for the University. Mr. Pino stated that he recommends that the University adopt the following patent policy and enter into a contract with Research Corporation of New York:

A Statement of Patent Policy and Procedures
for Oakland University

It is the purpose of this Statement to inform all members of the Oakland University community of their responsibilities and rights when they have made an invention or discovery which may be patentable. While it is recognized that the results of university research are, in the vast majority of cases, reported to the public through various professional channels, it is possible that some investigators may conclude that best use of their findings will require patenting.

The University has no desire to constrain investigators in the disposition of their inventions except where the University has an obligation to a third party under a grant or contract agreement. In order to assure that its obligations are met in such cases, the University requires that all inventions emanating from Oakland University, regardless of the source of support, be reported in a prescribed manner in order that possible third-party proprietary interests may be identified.

When any member of the University community (e. g., faculty, staff, student), in pursuance of his university duties, makes a discovery or invention which has some promise of patentability, he should promptly report the following information in writing to the Director of Research Services:

1. Description of discovery
2. Sources and amounts of external support, if any
3. Recommendation of inventor on the matter of patent protection

The Director of Research Services has the responsibility for judging whether the investigator has any obligation to assign rights to an invention to any third party. In cases in which a third-party interest is deemed to exist, the Director may be able to provide the inventor with assistance in obtaining patent releases, but because of the University's contractual obligations, any and all negotiations with third parties must be conducted through the Office of Research Services.

If it is determined that no third party has a proprietary interest in an invention (or the third party chooses not to exercise his right), the inventor will be free to dispose of his invention as he wishes. Generally speaking, three options are available to him:

Option 1: He may place the invention in the public domain by publishing his findings. *

Option 2: He may, on his own initiative, obtain patents on his invention and thereafter administer, dispose of, or license such patents in whatever manner seems to him to be appropriate.

Option 3: He may ask the University to apply for a patent. In this case, the University will normally turn to a non-profit patent management firm, such as Research Corporation, for advice and assistance. If a patent is obtained, the inventor is to receive 35% of the gross licensing proceeds; the University 22.5%; and the non-profit patent management firm, 42.5%, with the understanding that the non-profit firm is to pay all normal expenses of evaluating, patenting, and licensing the process or invention. Any unusual and special expenses connected with litigation on the validity or scope of the patent are to be deducted from the gross proceeds before any division only if the inventor and the University give their approval prior to the incurring of such expenses. The University reserves the right not to seek a patent if the prospects for return are not favorable. In that case, the inventor may elect Option 1 or 2.

*An invention may be patented within one year after public disclosure. During this time the right to file is not limited to the inventor.

The patent policy has been reviewed and approved by Mr. Howlett. Moved by Mr. Smith, seconded by Mr. Schwartz, that the patent policy be approved and the University enter into an agreement with Research Corporation. Motion carried.

Legislative Requirements for Tuition Charges for 1971-72

President O'Dowd stated that under Act No. 83 of Public Acts of 1970 (the appropriation act for Oakland University), the Legislature required that "each

institution of higher education shall certify to the Legislature no later than April 15, 1971 the schedule of tuition and student fees applicable to Michigan resident students for the fiscal year 1971-72."

The Governor's proposed budget makes it difficult for us to comply with this requirement since his recommendation contemplates an appropriation of approximately one million dollars for the reduction of our tuition rate. We shall not know for several more weeks whether or not there will be any modification in this recommendation by the Legislature.

Since the Board of Trustees will not have a formal meeting until May 8, we recommend that the following resolution be adopted, granting authority to the president to take whatever action is necessary to preserve the interests of the University.

"RESOLVED,

that in view of the uncertainty of the University's appropriation and its impact on the 1971-72 tuition fee schedule, the president is empowered to take whatever action is necessary in presenting data and reports to the Legislature in order to comply with the requirements of Act No. 83 of Public Acts of 1970."

Moved by Mr. Katke, seconded by Mr. Lewis that the resolution be adopted
Motion carried.

Student Congress Constitution

The University Senate has approved the Student Congress Constitution with the proviso that a referendum be held approving certain changes. The student body is requesting that the Board of Trustees approve the Constitution in the same manner.

Mr. Smith made the following statement on behalf of the Board:

"The Board of Trustees has reviewed the Constitution of the University Congress. The Board enthusiastically approves in principle both the concept of the Congress and the organization of students through this body. We do so, recognizing that the ultimate authority in all areas of university policy and governance resides with the Board of Trustees under the Michigan Constitution of 1963. Thereunder, executive authority is delegated to the president.

After full review, it is deemed necessary for the Board to formulate appropriate trustee by-laws which will enable it to assert formally its recognition of both the University Senate and the University Congress. These by-laws will be considered at our next session. In the meantime, and based upon questions raised in our discussion today, the Board requests the administration to meet with members of the Congress to clarify certain constitutional items in preparation for further consideration at our next session.

We congratulate the Student Congress and its president. "

Seconded by Mr. Katke, the statement was endorsed by the full Board.

Proposed Change in Residency Requirement for Dormitories

President O'Dowd called upon Mr. James R. Appleton, Vice President for Student Affairs, to discuss proposed changes in housing regulations. Mr. Appleton outlined the present policy as follows:

All unmarried students who are under 21 years of age and who at the start of an academic year have less than senior status are required to live on campus or at the home of their parents or legal guardian.

The proposed policy change would be implemented in two stages, as follows:

1. Beginning in the fall of 1971, all students who have earned 59 credits by the start of an academic year or who have attained their 21st birthday by September 1 of that academic year will be free to live wherever they choose.
2. All unmarried freshmen and sophomores who on September 1 of the year they are entering the University are less than 21 years of age are required to live in University on-campus housing unless they reside in the home of their parent or legal guardian and commute between that residence and the University.
3. Exceptions to this policy will be processed by a committee within the Residence Halls established for this purpose. Any exceptions which are granted must be accompanied by a written endorsement of the exception from the parent or legal guardian of the student.

Subject to review by the Board, it is the intent of the University, beginning

in the fall of 1972, to allow all students who have earned 28 credits by the start of an academic year or who have attained their 21st birthday by September 1 of that academic year to be free to live wherever they choose. Also, beginning in the fall of 1972, all unmarried freshmen who on September 1 of the year they are entering the University are less than 21 years of age will be required to live in University on-campus housing unless they reside in the home of their parent or legal guardian and commute between that residence and the University.

Mr. Lewis moved that the recommendations proposed by the University administration regarding residency requirements be adopted for the coming year (fall of 1971) as proposed. The suggested change in credit hours required for the fall of 1972 will be subject to review by the Board next year. Seconded by Mr. Schwartz, the motion carried.

President O'Dowd stated that this concluded the formal agenda and asked if there were any questions from the floor. Mr. John Foltz, a student, inquired about the status of approval for the consumption of alcoholic beverages on campus. Mr. O'Dowd stated that no action has been taken on this matter.

The meeting adjourned at 3:25 p.m.

Respectfully submitted,

John De Carlo, Secretary
Board of Trustees

JDeC/ag