

Minutes of the Meeting
of the
Oakland University Board of Trustees
February 14, 1990

Present: Chairman Patricia Hartmann; Trustee Larry Chunovich, Trustee Phyllis Law Googasian, Trustee Ken Morris, Trustee James A. Sharp, Jr.

Absent: Trustee David Handleman, Trustee Stephan Sharf and Trustee Howard F. Sims

Chairman Hartmann called the meeting to order at 4:00 p.m. in the Gold Rooms of the Oakland Center.

Approval of the Minutes of the Meeting of January 10, 1990

Trustee Sharp, seconded by Trustee Chunovich, moved approval of the proposed minutes of the meeting of January 10, 1990. The motion was voted on and unanimously carried.

Ratification of Agenda Items of the January 10, 1990, Board of Trustees meeting

Mr. John De Carlo, Secretary to the Board of Trustees, Vice President for Governmental Affairs and General Counsel, stated that a quorum was not present at the January 10, 1990, Board meeting. Therefore, the Trustees who were present voted on the agenda items in a nonbinding manner in order to provide some guidance on the issues to the University administration. Each item considered at the January 10, 1990, meeting must be ratified by a quorum of the Board at this meeting in order to be binding. He added that it is "perfectly appropriate" to ratify all of the items from the meeting of January 10, 1990, by the approval of the following resolution rather than to act on each item individually, if there are no objections to any of the recommendations:

WHEREAS, the Board of Trustees has had an opportunity to review the items which were approved at the January 10, 1990, meeting under the Board resolution governing action in the absence of a quorum; and

WHEREAS, the Board of Trustees has considered these items individually and has no objection to the action taken in January; now, therefore, be it

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

- a. Approval of the minutes of the meeting of November 8, 1989
- b. Recommendation to accept Gifts and Grants to Oakland University for the periods of September 1, 1989, through September 30, 1989; October 1, 1989, through October 31, 1989; and November 1, 1989, through November 30, 1989; and Information Report on Gifts and Grants to the Oakland University Foundation for the same periods
- c. Faculty Personnel Actions
- d. Faculty Reemployment Action (non-tenure)
- e. Approval of Changes to the Agreement between Oakland University and Local 1418 of Council No. 25 of AFSCME, AFL-CIO November 1, 1987-October 31, 1990
- f. Approval of Salary and Benefit Revisions for Public Safety Officers and Approval of Provisions Applicable to Newly Accreted Police Dispatchers in Agreement between Oakland University and Police Officers Association of Michigan, October 1, 1987-October 1, 1990
- g. 1990/91 Budget Request Modification
- h. Science and Technology Building - Approval of Schematic Plans
- i. Approval of Administrative Service Contract for Administration of Oakland's Self Insured Basic Medical, Major Medical and Dental Plans
- j. Approval of Contract for Specific and Aggregate Stop Loss Coverage for Oakland's Self-Insured Basic Medical and Major Medical Plans
- k. Establishment of a Medical Claims Processing Program Account with Citibank, N.A.
- l. Recommendation for Installation of a Campus Computing "Backbone" Network
- m. Settlement of Lawsuit (Case of Ms. Brigitte Gruener)
- n. Lease Agreement Between Oakland University and Ms. Dianna Jaroslowski d.b.a. Hair Unlimited

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

Recommendation to Accept Gifts and Grants to Oakland University for the period of December 1 through December 31, 1989, and Information Report on Gifts and Grants to Oakland University for the same period

Mr. David Rodwell, Vice President for Development and Alumni Affairs, stated that December is the largest gift month of the year for the University. He noted the gift from the Jewish Welfare Federation which represents \$50,000 from Trustee Handleman toward his library endowment grant and \$5,000 from Mr. Gerald Schostak toward his commitment to the library renovation campaign. Mr. Rodwell also noted an \$81,000 gift from the Matilda R. Wilson Fund which is the first payment on a \$1,850,000 commitment for the renovation of Meadow Brook Hall. Mr. Rodwell stated that the gifts and grants to Oakland University totaled \$879,678.19.

Trustee Googasian, seconded by Trustee Morris, moved acceptance of the gifts and grants with gratitude. The motion was voted on and unanimously carried.

Mr. Rodwell stated that the gifts and grants to the Oakland University Foundation totaled \$254,264.35. He noted the generous gift from Trustee Emeritus Marvin L. Katke to the Capital Campaign and stated that Mr. Katke gives to the University every December.

Trustee Sharp, seconded by Trustee Googasian, moved acceptance of the report. The motion was voted on and unanimously carried.

Faculty Personnel Actions

Mr. Keith Kleckner, Senior Vice President for Academic Affairs and Provost, made the following recommendation:

Appointment

Beck, Elsa R., Adjunct Assistant Professor of Medical Physics, effective August 15, 1989, through August 14, 1994 (new appointment to an honorary position)

Borrelli, Michael J., Adjunct Assistant Professor of Medical Physics, effective August 15, 1989, through August 14, 1994 (renewal)

Dean, Janice E., Assistant Professor of Nursing, effective January 1, 1990 (replacing a permanent faculty member)

Osborn, Cynthia D., Adjunct Instructor in Nursing, effective August 15, 1989, through August 14, 1992 (new appointment to an honorary position)

Plagens, Gary, Adjunct Instructor in Nursing, effective August 15, 1989, through August 14, 1992 (new appointment to an honorary position)

Rusert, Deborah, Adjunct Instructor in Nursing, effective August 15, 1989, through August 14, 1992

Schmidt, Alice Joan, Adjunct Assistant Professor of Nursing, effective August 14, 1989, through August 14, 1992 (new appointment to an honorary position)

Change of Status

Cokelez, Sadik, from Assistant Professor of Management to Assistant Professor of Operations Management, effective August 15, 1990

Doane, David P., from Professor of Economics and Management and Chairperson, Department of Decision and Information Sciences to Professor of Quantitative Methods and Chairperson, Department of Decision and Information Sciences, effective August 15, 1990

Hormozi, Amir M., from Assistant Professor of Management to Assistant Professor of Operations Management, effective August 15, 1990

Schimmelman, Janice G. From Associate Professor of Art History to Associate Professor of Art History and Acting Chairperson, Department of Art and Art History, effective January 3, 1990, through April 26, 1990

Sidaway, David D., from Special Instructor in Management to Special Instructor in Accounting, effective August 15, 1990

Leave of Absence

Stano, Miron, Associate Professor of Economics and Management, sabbatical leave from August 28, 1990, through December 19, 1990 (with full pay)

President Champagne stated that a question arose in the Finance and Personnel Committee meeting regarding any salary changes involved in the change of status items. Mr. Kleckner responded that no salary commitments were involved and that the changes of status were simply title changes due to the restructuring of departments.

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

Oakland University Ordinances

Mr. De Carlo stated that the University's Ordinances have been in existence since June 14, 1971, and have been amended several times. In view of the passage of time, the change in laws and the need to meet current University concerns, the administration has made stylistic and substantive revisions to the Ordinances to meet the requirements of various departments. He added that at the January 10, 1990, Board of Trustees meeting the Trustees placed the Ordinances "on the table" for public review. A concern was raised by some faculty members with respect to Ordinance 4.08 regarding the use of University equipment and computers for academic activities. He stated that a meeting to review the issue was held with the faculty who raised the concern. The Ordinance has been revised and it was Mr. De Carlo's understanding that the change was satisfactory with the faculty. Mr. De Carlo stated that further discussions may be needed relating to the use of University equipment, however, rules and regulations rather than ordinances may be developed to accommodate any problems or concerns.

Mr. De Carlo made the following recommendation:

WHEREAS, the Board of Trustees has reviewed the proposed revision of the Ordinances governing certain activities at the University; and

WHEREAS, the University community has had an opportunity to review the proposed Ordinances; now, therefore, be it

RESOLVED, that the Board of Trustees adopts Ordinance No. 14 as set forth below:

OAKLAND UNIVERSITY ORDINANCE NO. 14

An Ordinance enacted by the Board of Trustees of Oakland University pursuant to the authority granted by Act 35 of the Public Acts of 1970 of the State of Michigan to provide for the health, safety, welfare, and protection of persons and property at Oakland University by regulating the conduct of persons upon the campus of Oakland University, supplementing state statutes and other applicable laws regulating such conduct, and by establishing a Department of Public Safety and prescribing its powers and duties, and providing penalties for the violation

thereof. All prior Oakland University Public Safety Ordinances as approved by the Board of Trustees on June 14, 1971, are hereby rescinded on the effective date of proposed Ordinance No. 14.

The Board of Trustees of Oakland University ordains:

OAKLAND UNIVERSITY ORDINANCES

Ordinances enacted by the Board of Trustees of Oakland University pursuant to the authority granted by Act 35 of the Public Acts of 1970 of the State of Michigan to provide for the health, safety, welfare, and protection of persons and property at Oakland University, supplementing state statutes and other applicable laws regulating such conduct, and by establishing a Department of Public Safety and prescribing its powers and duties, and providing penalties for the violation thereof.

The Board of Trustees of Oakland University ordains:

Chapter 1. Definitions

- 1.01 Board. The term "Board" when used herein shall mean the Board of Trustees of Oakland University.
- 1.02 University. The term "University" when used herein shall mean Oakland University.
- 1.03 President. The term "President" when used herein shall mean the President of Oakland University.
- 1.04 Public Safety Officer. The term "Public Safety Officer" when used herein shall mean the Director of the Department of Public Safety of Oakland University and other sworn officers of that Department.
- 1.05 Person. The term "person" when used herein shall mean any individual, association, partnership, corporation, or other legal entity.
- 1.06 Campus. The term "campus" when used herein shall mean the lands, buildings, and property, both real and personal, and wherever situated, which is under the ownership, jurisdiction, or control of the Board of Trustees of Oakland University.

- 1.07 Street. The term "street" when used herein shall mean any road or driveway located upon the campus of Oakland University and used or intended for use by motor vehicles and regardless of whether such road or driveway is private or public.

Chapter 2. Department of Public Safety

- 2.01 Establishment. There is hereby established a Department of Public Safety to consist of a Director to be known as the Director of Public Safety and other sworn officers of the Department. The Department of Public Safety shall be charged with the responsibility for law enforcement and fire control on the campus and shall exercise all powers which may be necessary or incidental to the performance of that responsibility.
- 2.02 Arrest and Prosecution. The Director of Public Safety and all Public Safety Officers are authorized to apprehend and arrest persons who violate any law on the campus, to make complaints as to any such violation before a court of competent jurisdiction, and to participate in the prosecution of any such law violator. Offenders may also be referred to the University conduct system.
- 2.03 Search and Seizure. The Director of Public Safety and all Public Safety Officers are authorized to conduct lawful searches of persons and property on the campus incidental to the performance of their duties.
- 2.04 Peace Officers. The Director of Public Safety and all Public Safety Officers are responsible for maintaining peace and order on the campus and are authorized to issue reasonable directives to any person to cease and desist from any breach of the peace. No person shall interfere with or obstruct any officer maintaining the peace, nor shall any person disobey any such directive.
- 2.05 Traffic Control. The Director of Public Safety and all Public Safety Officers are responsible for the control of traffic on the campus and are

authorized to issue reasonable directives to drivers and pedestrians which will assist in the safe and orderly control of traffic and no person shall disobey any such directive.

- 2.06 Traffic Engineer. The Director of Public Safety, or the person serving in that capacity, is hereby appointed to serve the University as Traffic Engineer. The Traffic Engineer shall exercise the powers and duties as provided in the Uniform Traffic Code, Michigan Administrative Code, 1979, with amendments, Sections R 28.1001 et seq., in a manner which is consistent with prevailing traffic engineering and safety practices and which is in the best interests of the University. The Traffic Engineer shall issue traffic-control orders which shall specify the rules and regulations adopted or established. Such traffic-control orders shall comply in all respects with the requirements of R 28.1153 (Section 2.53), of the Uniform Traffic Code.
- 2.07 Fire Protection. The Director of Public Safety and all Public Safety Officers are responsible for the control of fires on campus and for the establishment of reasonable rules and regulations to minimize the hazards of fire. No person shall interfere with or obstruct any such officer engaged in fire control activities, nor shall any person disobey the fire protection rules so established.
- 2.08 Lost Property. The Director of Public Safety is responsible for the collection and disposition of abandoned, lost and found, or stolen and recovered property on the campus. The Director shall maintain accounting records for such property, and shall establish regulations and procedures for the identification of the owners and for the return to them of such property and for the orderly disposition of unclaimed or perishable property in accordance with University policies and the law. The Director is authorized to conduct periodic public auctions of unclaimed property and the net proceeds of any such sale shall accrue to the general fund of the University. The Director of Public Safety may also hold lost goods which are found on the campus as the agent of the finder for return to the lawful owner and may return such goods which are unclaimed to the finder in accordance with established University policies and the law.

- 2.09 Trespassers. The Director of Public Safety and all Public Safety Officers are expressly authorized to eject or bar trespassers from the campus or any part thereof, and no person shall disobey any order of any such officer which may be issued pursuant to this authority.
- 2.10 Mentally-Ill Persons. The Director of Public Safety and all Public Safety Officers are authorized to take into protective custody any persons appearing to be mentally ill and a danger to themselves, other persons or property. The Department of Public Safety may hold any such persons until they can be placed in the care of the University Health Center, the University Counseling Center, or released to an appropriate public or private authority or a responsible family member.
- 2.11 Protection of Civil Rights. The Director of Public Safety and all Public Safety Officers shall provide assistance to all persons in the protection and preservation of their constitutionally guaranteed civil rights.
- 2.12 Requirement of Identification. The Director of Public Safety and all Public Safety Officers are responsible for providing security to persons and property on the campus from unlawful acts by persons who are on the campus without authority or reason. In the exercise of that responsibility the Director of Public Safety and all Public Safety Officers may act to establish the identity of persons found in areas of the campus outside of the customary hours of use of such areas or in circumstances that reasonably warrant alarm for the safety of persons or property. The Director of Public Safety and all Public Safety Officers are authorized to eject from the campus any persons unable to identify themselves and explain their presence and conduct and show that there is no reason to believe that their presence constitutes a threat to persons or property on the campus.
- 2.13 Impoundment of Vehicles. The Department of Public Safety is authorized to provide impoundment of motor vehicles from Oakland University. The University incorporates by reference the provisions of Mich. Admin. Code R 28.1105 (1981) as

amended, which shall have the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the Public Safety office.

- 2.14 Abandoned Vehicles. The Department of Public Safety is hereby authorized to provide for the appropriate disposition of abandoned vehicles. The University incorporates by reference the provisions of 1949 Mich. Pub. Acts 300, section 252a as amended, which shall be of the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the Public Safety office.

Chapter 3. Traffic Regulations

- 3.01 Careless Driving. No person shall operate any motor vehicle on campus at a speed or in a careless or negligent manner likely to endanger persons or property.
- 3.02 Speed. No person shall operate any motor vehicle on campus at a speed in excess of twenty-five (25) miles per hour, except as otherwise posted.
- 3.03 Roadways, Parking Lots. No person shall operate any motor vehicle including but not limited to motorcycles on campus except on streets or parking areas established for that purpose, and within driving lanes marked for that purpose, unless otherwise authorized by the Director of Public Safety or a designee.
- 3.04 State Law or Ordinance. No person shall operate any motor vehicle on campus in any manner or under any conditions which would be contrary to state or other applicable law or the provisions of any applicable University ordinance.
- 3.05 Parking Signs, Directives. No person shall park any motor vehicle on campus in any location or manner prohibited by any sign posted by authority of the President or a designee, or contrary to the express direction of any Public Safety Officer.

- 3.06 Traffic Control Devices, Signs. No person shall operate a motor vehicle on the campus contrary to the regulations indicated by any sign or traffic control device posted or placed by authority of the President or a designee, or contrary to the express direction of any Public Safety Officer.
- 3.07 Blocking Roadways, Intersections. No person shall drive a motor vehicle into an intersection or onto a marked pedestrian crosswalk unless there is sufficient space on the street ahead so that the motor vehicle can be driven clear of the intersection or crosswalk without the necessity of stopping in the intersection or upon the crosswalk.
- 3.08 Vehicular Sales, Repairs. No person shall park a motor vehicle on the campus for the purpose of displaying or advertising the vehicle for sale or for the purpose of washing, polishing, lubricating, or repairing the vehicle; provided, however, that this prohibition shall not be applicable to emergency repairs, or to displaying, advertising, or selling merchandise from a vehicle as authorized by the President or a designee. This section shall not be applicable to the Meadow Brook subdivision and non-student University residences except as otherwise determined by the President or a designee.
- 3.09 Presumption of Ownership. In a civil infraction action for the violation of any of these ordinances relating to the parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance together with proof that the Defendant named in the complaint was either the registered owner according to the vehicle registration records of the Secretary of State or the lessee from the registered owner or that the Defendant was the person to whom any University permit affixed to the vehicle was issued shall create in evidence a presumption that the registered owner of the vehicle or the lessee of the registered owner or the person to whom a University permit was issued was the person who parked or placed the vehicle at the time and place where the violation occurred.
- 3.10 Mobile Homes, Boats. No person shall park or store any mobile home, trailer, boat, or similar

vehicle or property on the campus except in areas designated and posted for such purposes. This section shall not be applicable to the Meadow Brook subdivision and non-student University residences except as otherwise determined by the President or a designee.

- 3.11 Right-of-Way, Pedestrians. Where traffic control signals are not in place or in operation, the driver of a motor vehicle shall yield the right-of-way, stopping if need be to so yield, to a pedestrian crossing the street within any marked crosswalk or at any intersection.
- 3.12 Right-of-Way, Vehicles. A pedestrian crossing a street at any point other than within a marked crosswalk or at an intersection shall yield the right-of-way to vehicles on the street.
- 3.13 Applicability to Bicycles. Except as otherwise provided, the operator of any bicycle upon any street shall be subject to all provisions of these ordinances which are applicable to the operators of motor vehicles and shall be entitled to the rights of motor vehicle operators as provided hereunder to the extent that the provisions of these ordinances can apply to the operation of bicycles.
- 3.14 Snowmobiles, Off-Road Vehicles. No person shall operate a snowmobile or off-road vehicle (ORV) on campus, except as otherwise authorized by the President or a designee.
- 3.15 Towing of Vehicles. The Department of Public Safety is authorized to provide for the towing of any vehicle parked or stored in violation of these ordinances consistent with the provisions of 1949 Mich. Pub. Acts 300, section 252d, which is hereby incorporated. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the Public Safety office.
- 3.16 Civil Infractions, University Ordinances. A person who violates the provisions of ordinances 3.01, 3.02, 3.03, 3.05, 3.06, 3.07, 3.08, 3.10, 3.11, 3.12, 3.13, or 3.14 is responsible for a civil infraction as defined in 1949 Mich. Pub. Acts 300 as amended.

- 3.17 Penalties for Violation of Traffic Regulations. Any provision of this chapter which describes an act or omission which constitutes a civil infraction under the terms of this chapter or the Michigan Vehicle Code, being 1949 Mich. Pub. Acts 300 as amended, shall be processed as a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$25 and costs or other amount as determined by law.

Violation of any other provision of this chapter not constituting a civil infraction, as herein provided, is a misdemeanor and shall be punishable by a fine of not more than \$25 or other amount as determined by law.

Chapter 4. Campus Regulations

- 4.01 Aircraft. No person shall land or take off in any airplane, helicopter, hot air balloon, or other aircraft on the campus except with the express prior permission of the President or a designee.
- 4.02 Assaults. No person shall threaten with physical harm, assault, strike or jeopardize the safety or well-being of any person engaged in lawful activities on the campus.
- 4.03 Athletics. No person shall engage in athletic events or activities or use sports or athletic equipment on the campus except in areas specifically designated for such use; however, this provision shall not apply to the Meadow Brook subdivision and non-student University residences. No person shall engage in athletic events or activities in such manner as to disturb or endanger other persons engaged in the lawful use of the campus.
- 4.04 Bicycles. No person shall take or use a bicycle without the permission of the owner or operate a bicycle in such manner as to endanger persons or property on the campus.
- 4.05 Boating. No person shall operate a boat on any body of water on the campus except as otherwise authorized by the President or a designee.

- 4.06 Buildings. The President or a designee is empowered to establish such rules, regulations or orders permitting, restricting, or prohibiting the use of campus buildings as may be supportive of the purposes, programs, and policies of the University and for the protection of persons and property on the campus and no person shall violate any such rule, regulation or order.
- 4.07 Camping. No person shall construct, erect, or occupy any tent, trailer, lean-to, or other temporary shelter on the campus except with the express authorization of the President or a designee. This section shall not apply to the Meadow Brook subdivision and non-student University residences, except as otherwise determined by the President or a designee.
- 4.08 Computers and Other Equipment. No person shall intentionally and without proper authorization gain access to, alter, damage, or destroy a computer system or computer network or the software program or data contained in a computer, computer system or computer network. No person is authorized to utilize in any manner University computer equipment and software and other University equipment, whether owned or leased by the University: when such use would be for personal financial gain and unrelated to any legitimate academic pursuit, unless the use is pursuant to a contractual arrangement in advance of use providing for appropriate compensation to the University; or when such use would be in violation of any University contractual arrangement with equipment or software vendors or lessors, or computer network organizations. No person without proper authorization may utilize computer equipment or programs to gain access to, copy, or obtain for personal use or information, records or information owned or possessed by the University.
- 4.09 Destruction of Property. No person shall willfully destroy, deface, or damage any University property or property of any other person on the campus.
- 4.10 Dumping and Littering. No person shall dump or otherwise dispose of any refuse, litter, dirt, or waste materials of any kind on the campus except

in receptacles placed and designated for such use by the University or at locations specified by the University. Use of University receptacles is designated for the disposal of University generated waste materials only. Disposal of personal waste materials (e.g., household waste, furnishings, appliances, or building materials) in University receptacles or anywhere on campus is expressly prohibited. Commercial vendors, suppliers, and contractors shall use only those waste receptacles which are expressly assigned for their use by the University. No person shall operate a truck or other vehicle for transporting goods or materials on campus from which all or any part of the contents are blowing, dropping, falling or otherwise escaping or which is otherwise causing dirt or litter to be deposited on the campus.

- 4.11 Fire Alarms and Emergency Equipment. No person shall sound an alarm for fire or other emergency except upon reasonable information and belief that there is a fire or other emergency which necessitates an alarm. No person shall tamper with, damage or circumvent an alarm system or other emergency equipment.
- 4.12 Forgery. No person shall make, forge, manufacture, print, reproduce, copy, alter, or forge the signature of another on any official University record, document or identification form with the intent to use any such document, record or identification form for an improper or unlawful purpose. No person shall knowingly possess or use any such forged or altered document.
- 4.13 Gambling. No person shall engage in unlawful gambling activities under conditions which are contrary to the provisions of state law or any applicable University policy.
- 4.14 Horses. No person shall ride any horse or other animal on campus except with the express authorization of the President or a designee. This section shall not apply to the Meadow Brook Subdivision and non-student University residences, except as otherwise determined by the President or a designee.

- 4.15 Locks. No person shall possess, duplicate, make, or cause to be made or duplicated any key, card, or unlocking device to operate any lock or locking mechanism used or maintained by the University except with the authorization of the President or a designee.
- 4.16 Misrepresentation. No person shall misrepresent himself or herself to any other person as a student or employee of the University. No person shall misrepresent his or her identity for an improper or unlawful purpose.
- 4.17 Pets. No person owning or controlling any dog, cat, or other pet animal shall permit such animal to be on the campus without a restraining leash or unless confined within a cage or other enclosure which will assure the protection of persons lawfully on the campus from contact with such animal, provided, however, that this section shall not apply to the deer herd living on the campus or other wild life programs established on the campus with the authorization of the President or a designee. This section shall not apply to the Meadow Brook Subdivision and non-student University residences, except as otherwise determined by the President or a designee.
- 4.18 Picnics. No person shall picnic on the campus except in locations designated as picnic areas or as otherwise authorized by the President or a designee. This section shall not apply to the Meadow Brook subdivision and non-student University residences, except as otherwise authorized by the President or a designee.
- 4.19 Plants. No person shall break, cut, pick, or mutilate any tree, shrub or herbaceous plant or remove therefrom any identification sign or tag, except in accordance with duly established landscaping, forestation or capital improvement programs of the University. This section shall not apply to the Meadow Brook subdivision and non-student University residences, except as otherwise authorized by the President or a designee.
- 4.20 Selling and Advertising. No person shall sell or advertise for sale any goods, wares, merchandise, or services, or take orders or make contracts for such sales on the campus except as

authorized by the President or a designee. Identifying information contained in such material, such as the name of a person, business entity, or organization, shall create a rebuttable presumption that the person, business entity or organization is responsible for distribution on campus.

- 4.21 Signs. No person shall erect, place or post any sign, poster, or advertisement except on bulletin boards or at other locations authorized for such use by the University and in accordance with University procedures. Identifying information contained in such material, such as the name of a person, business entity, or organization, shall create a rebuttable presumption that the person, business entity or organization is responsible for distribution on campus.
- 4.22 Smoking. No person shall smoke in an area where it is prohibited by signs posted in accordance with University policy and state law or in areas where it would be hazardous to smoke.
- 4.23 Swimming. No person shall swim in any waters on the campus except in designated swimming pools or as expressly authorized by the President or a designee.
- 4.24 Telephones. No person shall use any telephone or other communications device to harass, offend, or disturb any other person, nor shall any person use threatening, obscene, immoral, or insulting language over any telephone or other communications device. No person shall use any telephone or other communications device to summon emergency service of any type as a prank or otherwise when such service is not needed.
- 4.25 Theft. No person shall use, take or carry away, without permission, any property of another person or any University property.
- 4.26 Trespassing. No person shall enter or remain on the campus without proper authorization or lawful invitation nor shall any person remain on the campus after being lawfully requested to leave.

The provisions of 1970 Mich. Pub. Acts 26 are incorporated by reference and shall have the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the Public Safety office.

- 4.27 Wildlife. The campus is deemed to constitute a sanctuary for all forms of wildlife and no person shall kill or capture any wild animal, bird, or fish on the campus, except as otherwise authorized by the President or a designee.

Chapter 5. Alcoholic Beverages

- 5.01 Unlawful Use of Alcoholic Beverages. The following provisions govern the general possession and consumption of alcoholic beverages on the campus. Additional rules and regulations which are not inconsistent with these provisions may be promulgated by the President or a designee, or the President may restrict the use of alcoholic beverages on campus as may be deemed by the President to be in the best interest of the safety and welfare of the campus.

(1) A person who is less than 21 years of age shall not possess or consume any alcoholic beverage on the campus.

(2) A person shall not provide any alcoholic beverage to a person less than 21 years of age on the campus.

(3) No person shall consume or possess any alcoholic beverage on the campus except in permitted areas as established by this section. The lawful possession and lawful and moderate use of alcoholic beverages shall be permitted:

(a) in private areas of University housing facilities including rooms, suites and apartments;

(b) in private homes on campus;

(c) during scheduled and official University activities at the following locations: Meadow Brook Festival grounds; Sunset Terrace; Katke-Cousins Golf Course Clubhouse and grounds; Meadow

Brook Hall; Shotwell-Gustafson Pavilion; residence hall lounges; Oakland Center rooms as approved by the President or a designee including: Gold Room, Oakland Room, Faculty Lounge, Meadow Brook Room, Crockery, Heritage Room and Abstention; and the Meadow Brook Art Gallery and Theatre in Wilson Hall.

The use of alcoholic beverages shall not be deemed to be moderate if it causes material impairment of the senses, judgment or physical abilities of the user or if it causes the user to create a disturbance which interferes with the normal and uninterrupted use of the campus.

(4) It shall be a misdemeanor for a person to be intoxicated on the campus and acting in a manner that endangers directly the safety of another person or of property or causes a disturbance which interferes with the normal and uninterrupted use of the campus.

- 5.02 Operation of a Motor Vehicle. No person shall operate a motor vehicle while under the influence of intoxicating liquor or a controlled substance when, due to consumption or use of intoxicating liquor or a controlled substance, the person's ability to operate a motor vehicle is visibly impaired. The provisions of 1949 Mich. Pub. Acts 300, sections 625a through 625h, as amended, are incorporated by reference and shall be of the same effect as if set out in full herein. The full text is available for inspection by the public in the Office of the Secretary to the Board of Trustees and in the Public Safety office.

Chapter 6. Disorderly Conduct

- 6.01 Unlawful Assemblies. No person shall assemble with others on the campus in any manner which causes or constitutes a disturbance, noise, riot, obstruction, or disruption which obstructs or interferes with the free, normal, and uninterrupted use of the campus for educational programs, business activities, and related residential food service, and recreational activities.

- 6.02 Unlawful Individual Activities. No person shall engage in any activity, individually or in concert with others, which causes or constitutes a disturbance, noise, riot, obstruction, or disruption which obstructs or interferes with the free movement of persons about the campus or which interferes with the free, normal, and uninterrupted use of the campus for educational programs, business activities, and related residential, food service, and recreational activities, nor shall any person in any way intimidate, harass, threaten, or assault any person engaged in lawful activities on the campus.
- 6.03 Conduct at Performances. No person shall disrupt or interfere with any authorized performance before an audience on the campus, including concerts, plays, lectures, scientific demonstrations, athletic contests, and similar activities, by making of noise, display of signs, engaging in demonstrations, throwing or dropping projectiles, entering upon the stage, playing field, or other performance area, or by any other means.
- 6.04 Public Events. No person shall enter or attempt to enter into any concert, theatrical performance, lecture, dance, athletic contest or other event contrary to the rules or qualification for eligibility for entry as established by the sponsors, or without a ticket, where required.
- 6.05 Loitering or Prowling. No person shall loiter or prowl on the campus at a time or in a manner that is not usual for law abiding individuals and under circumstances that reasonably warrant alarm for the safety of persons or property. Among the circumstances that may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a Public Safety Officer, refuses to identify him/herself, or manifestly endeavors to conceal him/herself or any object. Unless flight by the person or other circumstances make it impracticable, a Public Safety Officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting identification and an explanation for the person's presence and conduct.

Chapter 7. Drugs and Weapons

- 7.01 Drugs. No person shall possess, use, distribute, sell, or manufacture illegal drugs, narcotics or controlled substances on the campus, except as permitted by law.
- 7.02 Weapons and Explosives. No person shall possess a pistol or any other firearm, dangerous weapon, weapon, explosive or incendiary device on the campus provided, however, that the occupants of single family residences in the Meadow Brook subdivision and non-student University residences may possess firearms as permitted by law. A weapon is any object designed to cause physical injury or any other object capable of causing physical injury or death. A dangerous weapon is any weapon designed to be dangerous and capable of causing death or serious bodily harm, or any other object capable of causing death or serious bodily harm that is used as a weapon. Items presumed to be dangerous weapons include, but are not limited to, daggers, dirks, stilettos, blackjacks, billies, metallic knuckles, bludgeons, ninja stars, and pocket knives opened by mechanical device. This section shall not be applicable to the authorized display of fireworks or cannon fire at events approved by the President or a designee.
- 7.03 Toy Weapons. No person shall possess a toy weapon on the campus with the intention or effect of using such toy weapon to threaten, assault, intimidate or otherwise injure any other person.
- 7.04 Chemical or Gas Ejecting Device. No person shall possess any unlawful chemical or gas ejecting device or dangerous chemical, biological or radiological substance on the campus with the intention of using or threatening to use such substance to injure, assault or coerce any other person. This section shall not operate to prohibit the lawful use of a CS (chemical substance) device as described and provided in 1980 Mich. Pub. Acts 346.
- 7.05 Confiscation. All Public Safety Officers are authorized and directed to confiscate any object or substance which may be located on the campus or in the possession of any person in violation of this chapter.

- 7.06 Possession by Public Safety Officers. The provisions of this chapter shall not be deemed to prohibit Public Safety Officers or other law enforcement officers from bearing arms or law enforcement equipment on the campus.

Chapter 8. Promulgation of Procedures, Rules and Regulations

- 8.01 Standards for Regulations. Any and all procedures, rules and regulations which may be promulgated by the President or a designee or by the Director of Public Safety pursuant to the authority delegated by these ordinances shall conform to the following prescribed standards:
- (1) such rules and regulations shall be reasonably related to the health, safety, and welfare of persons and property on the campus;
 - (2) such rules and regulations shall be nondiscriminatory in their nature and application and shall not be arbitrary or capricious;
 - (3) such rules and regulations shall be supportive of the programs conducted at the University and consistent with the orderly conduct of the business of the University;
 - (4) no such rule or regulation shall deprive any person of any constitutionally guaranteed civil right except in those cases provided by law for the welfare and safety of the community.
- 8.02 Procedure for Adoption. Procedures, rules and regulations of general application may be promulgated by the President or a designee or by the Director of Public Safety pursuant to the authority delegated by these ordinances. Those rules and regulations shall be written, posted at one or more public places on the campus at the time of adoption, and a compilation of all such rules and regulations shall be maintained at the office of the Secretary of the Board of Trustees and the Public Safety office.
- 8.03 Ad Hoc Rules and Regulations. Any rule or regulation which is established by the President or a designee or by the Director of Public Safety

pursuant to the authority delegated by these ordinances and which is directly communicated by the President or a designee or by the Director of Public Safety to any person orally or in writing shall be deemed to be in effect as to such person.

Chapter 9. Penalty for Violations

- 9.01 Penalty. Except as provided in Chapter 3 of these ordinances (traffic regulations), any violation of these ordinances shall be a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or both, or as otherwise determined by law.
- 9.02 University Judicial System. Any violation of these ordinances by a student may also be referred to the Dean of Students for adjudication through the University's Judicial System.
- 9.03 Employee Discipline. Any violation of these ordinances by an employee may also be referred to the appropriate office for employee discipline.

Ordained by the Board of Trustees of Oakland University this 14th day of February, 1990, to be effective upon publication.

Chairman Hartmann asked if there were any new ordinances. Mr. De Carlo stated that some new ordinances are included in order to cover concerns raised by various departments. The new sections were noted in the documents submitted to the Board for the January 10, 1990, meeting.

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

Mr. De Carlo stated that the Ordinances will be in effect upon publication. He also stated that the Oakland University Board of Trustees has a comparable authority to the State Legislature with respect to University property, and the Board may pass laws (ordinances) governing conduct on the campus.

Approval of Classifications/Reclassifications of Six Administrative/Professional Positions: Associate Provost, Assistant to the Provost, Manager of Data Base Administration, Energy Manager, Executive Director of the President's Club and Assistant Director of Development, and Director of Annual Giving and Information Management and Assistant Director of Development; also, Report on Appointments to Non-Faculty Positions with Salary Grade Minimum of \$30,000 or more

Mr. Willard Kendall, Associate Vice President for Employee Relations, stated that in September, 1981, the Board of Trustees adopted a resolution requiring Board approval of the classification and reclassification of non-bargaining positions with a salary minimum of \$30,000 or more. Mr. Kendall stated that in 1981, a \$30,000 salary indicated upper level administrative positions of AP-18 and above. Since that time, salary increases have resulted in \$30,000 being the salary level for an AP-10 position which is a mid to low management position. Mr. Kendall stated that there are five reclassifications of positions and one new position which requires Board approval. He added that each position was reviewed in detail with the Finance and Personnel Committee. Mr. Kendall also presented a report of those persons who have been appointed to positions at salary levels of \$30,000 or above.

Mr. Kendall then made the following recommendation:

RESOLVED, that the Board of Trustees approves the following administrative-professional classifications/reclassifications: Associate Provost, reclassified to Salary Level AP-21; Assistant to the Provost, classified at Salary Level AP-10; Manager of Data Base Administration, reclassified to Salary Level AP-14; Energy Manager, reclassified to Salary Level AP-11; Executive Director of President's Club and Assistant Director of Development, reclassified to Salary Level AP-18; and Director of Annual Giving and Information Management and Assistant Director of Development, reclassified to Salary Level AP-16

Trustee Morris, seconded by Trustee Sharp, moved approval of the recommendation.

Trustee Sharp asked if the requirement for Board approval should be determined by something other than salary. Mr. Kendall stated that a recommendation was made at the Finance and Personnel Committee that the administration tie the need for Board approval to the classification level rather than the salary level. He added that a recommendation would be brought before the Board at its next meeting.

The motion was voted on and unanimously carried.

Other items that may come before the Board

Chairman Hartmann introduced and congratulated Ms. Christina Landry, the newly elected President of the Oakland University Student Congress for 1990. There was a round of applause for Ms. Landry who thanked Chairman Hartmann and stated that she was looking forward to working with the University community throughout 1990.

Mr. Kleckner presented a walk-in item recommending the approval of a degree candidates list dated December 20, 1989. Trustee Morris, seconded by Trustee Chunovich, moved approval of the recommendation. The motion was voted on and unanimously carried.

Trustee Chunovich asked if any records were available regarding career avenues and further education pursued by Oakland graduates. Ms. Wilma Ray-Bledsoe stated that she would be pleased to see that a report is prepared for the Board on this matter.

Chairman Hartmann called upon President Champagne for his report.

President Champagne stated that he was very pleased with the direction of the 1991 State of Michigan budget recently released by Governor James Blanchard in terms of its support for education in general and its emphasis on higher education. He stated that the overall budget increase for higher education for the State averages 5.0 percent in contrast to last year's figure of 3.0 percent. The recommendation for Oakland is 5.2 percent which represents \$1,750,000 in additional appropriations. President Champagne stated that he is "very delighted" with the Governor's positive recommendation. He added that he wanted to state publicly that he is encouraged by the Governor's support of higher education and Oakland University in light of the fact that the State faces many challenges in other areas.

He added that Mr. Shelby Solomon, Director of the State's Department of Management and Budget, has indicated that there would be a cutback in this year's General Fund budget of 2.6 percent, but education would be exempt. President Champagne stated that "he deeply appreciates" the "vote of confidence being given to education" by the Governor and the State.

President Champagne noted that the budget hearings for 1991 will begin on March 9, 1990. Senator William Sederburg who chairs the Senate Appropriations Subcommittee on Higher Education has asked Oakland to host the first budget hearing. The Senate budget hearing will be on Friday, March 9, 1990, at Meadow Brook Hall. Oakland will be testifying at 10 a.m. President Champagne stated that he is pleased that Oakland will host a budget hearing for the Senate this year.

President Champagne also stated that the Department of Management and Budget has approved the schematic design for the Science and Technology Building which was presented to the Trustees at the January 10, 1990, meeting. The design will be reviewed by the Joint Capital Outlay Subcommittee on March 1, 1990. The Building is presently planned at 182,000 gross square feet with a cost of approximately \$38 million to \$39 million. President Champagne stated that there is a significant need for this building. He added that the Governor has expressed that university research activities are critical in assisting the State's economy. President Champagne stated that the Science and Technology Building would assist in Oakland's contribution toward meeting this need for research activity.

Trustee Morris stated that he appreciated President Champagne's report, and he suggested that the President's positive view toward the State's and the Governor's attitude on education be conveyed in some of Oakland's publications. President Champagne stated that he will be speaking on behalf of the President's Council at a Regional Forum in Grand Rapids on February 27, and his presentation will include remarks similar to those made at this meeting.

There being no further items for discussion, Trustee Morris, seconded by Trustee Sharp, moved adjournment of the meeting. The motion was voted on and unanimously carried. The meeting was adjourned at 4:35 p.m.

Submitted,

Approved,

John De Carlo, Secretary
Board of Trustees

Patricia Hartmann, Chairman
Board of Trustees