

MINUTES OF THE MEETING
OF THE
MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES

October 8, 2004

The Trustee Finance Committee and Trustee Policy Committee meetings were held in the Board Room of the Administration Building beginning at 9:00 a.m. on Friday, October 8, 2004. Minutes of the meetings are on file in the Office of the Secretary of the Board of Trustees.

President McPherson called the meeting of the Board of Trustees to order at 9:17 a.m. in the Board Room.

Trustees present: Dolores M. Cook, Joel I. Ferguson, Dorothy V. Gonzales, Colleen M. McNamara, Donald W. Nugent, Randall Pittman and David L. Porteous.

Trustee absent: G. Scott Romney.

University officers present: President McPherson, Provost and President Designate Simon, Vice President Poston, Secretary Carter, Vice President and General Counsel Noto, Vice Presidents Denbow, Gray, June, Webb and Webster, Senior Advisor and Director Granberry Russell and Director Williams. Faculty Liaisons present: Melanie Helton, Robert Maleczka, Michael Moch, Jon Sticklen and Shawnee Vickery. Student Liaisons present: Kierra Hill, Carl Newman, Andrew Schepers and Daniel Weber.

All actions taken were by unanimous vote of the Trustees present, unless otherwise noted.

1. On a motion by Mr. Nugent, supported by Ms. McNamara, **THE BOARD VOTED to approve** the agenda.
2. On a motion by Mr. Porteous, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the minutes of September 17, 2004.
3. President's Report:

President McPherson reported that four Master of Business Administration students from the Eli Broad Graduate School of Management recently earned first-place honors at the National Black MBA Case Competition, held in Houston. They competed against 30 other MBA teams from business schools across the country, including Duke, MIT, UCLA and

several Big Ten schools, including Michigan. The four team members will share \$15,000 scholarships, award by DaimlerChrysler AG, the competition's sponsor.

President McPherson said that MSU was very recently honored as the "Corporation of the Year – Education Sector" by the Michigan Minority Business Development Council. This was a very important award for which there was intense competition. Last year, Michigan State awarded \$5 million in construction contracts to minority businesses and placed orders with more than 300 diversity suppliers. For many years, MSU has coached businesses that were unfamiliar with procedures for bidding on projects and goods. This is one of the University's outstanding programs to bring true competitiveness, while offering opportunity to minority businesses. It is an award of which MSU is very proud. President McPherson recognized Pam George, Director of University Service, as well as Paulette Granberry Russell, Jack Mumma, Construction Contract Administrator, Ron Flinn, Assistant Vice President Physical Plant, and Mr. Flinn's staff, all of whom have been engaged in these efforts.

President McPherson announced that Governor Granholm has appointed Jeanette Klemczak, Director of Clinical Practice, College of Nursing, as the State of Michigan's Chief Nurse Executive. She will spearhead the State's efforts to recruit nurses, to retain them and to expand educational opportunities for nurses. This reflects well on MSU's College of Nursing, which is a national leader in the field of nursing education.

President McPherson noted that scientists from Michigan State are part of an international team that has decoded the genome of the poplar tree. It is the first time a tree genome has been decoded, and the implications could be staggering. Kyung-Hwan Han, a Professor of Forestry and a researcher with the Michigan Agricultural Experiment Station, was part of the international team that made the discovery.

President McPherson said he was pleased to announce that he has been appointed by the leadership of the House and the Senate to chair a commission that will make recommendations to expand study abroad for universities and colleges in the United States. This appointment resulted from Michigan State's tremendous growth in Study Abroad programs, with student participation increasing from about 800 to more than 2,200. The number of MSU Study Abroad programs has grown from 60 to more than 200. President McPherson pointed out that although he and John Hudzik, Dean of International Studies and Programs, get most of the recognition for the success of the Study Abroad program, the individuals in charge of each of the 200 programs should be recognized as well.

4. Public Participation on Items Germane to the Agenda

There was no public participation on items germane to the Agenda.

5. Personnel Actions

Provost and President Designate Simon presented the following personnel actions:

Appointment

Comley, Richard B., AN – Head Coach – Hockey, Intercollegiate Athletics, Subject to Contract, effective July 1, 2007, to June 30, 2008.

Other Personnel Actions

Song, Won O., AN – Associate Dean, College of Human Ecology, Professor, Department of Food Science and Human Nutrition, for a change in title to Acting Dean and a salary rate change to \$120,925, effective October 1, 2004.

Dr. William Abbett, at the request of the faculty, remained in the position of Acting Dean, College of Human Ecology, through the summer of 2004. The appointment of Dr. Song as Acting Dean to succeed Dr. Abbett has been reviewed and supported by the College Advisory Council.

Dr. Poston said that Richard Comley is being reappointed to serve as Head Coach of Hockey. It is necessary to reappoint annually.

On a motion by Ms. Cook, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the recommendations.

6. Gift, Grant and Contract Report

Vice President Gray presented the Gift, Grant and Contract Report for the period of August 26, 2004, through September 22, 2004. The report is a compilation of 186 Gifts, Grants and Contracts, 17 Consignment/Non-Cash Gifts, with a total value of \$16,407,171.77.

On a motion by Mr. Porteous, supported by Mr. Nugent, **THE BOARD VOTED to approve** the Gift, Grant and Contract Report.

7. Finance Committee

Chairperson Pittman presented the Trustee Finance Committee report and recommendations.

A. Architect/Engineer Appointments:

- 1) It was recommended that the Board of Trustees appoint Design Plus, of Grand Rapids, Michigan, as the architect/engineer for the project entitled: Fee Hall – Fifth and Sixth Floor Alterations for the College of Nursing and Learning Assessment Center.
- 2) It was recommended that the Board of Trustees appoint Bernath-Coakley Associates Architects, Inc., of Lansing, Michigan, as the architect/engineer for the project entitled: Psychology Research – Barrier Free Alterations and Renovations to Various Rooms.

On a motion by Mr. Pittman, supported by Mr. Nugent, **THE BOARD VOTED to approve** the recommendations.

B. Adoption of the 2005-06 Appropriation Request Parameters

It was recommended that the Board of Trustees adopt the parameters for the Appropriation Request, including needs for the University General Fund, the Michigan Agricultural Experiment Station, Michigan State University Extension and capital outlay requirements.

On a motion by Mr. Pittman, supported by Mr. Nugent, **THE BOARD VOTED to approve** the recommendations.

C. Sale of Ludington Property

It was recommended that the Board of Trustees enter into an agreement to sell to John A. Van Horn the .637 acre Ludington Property for \$85,500.

On a motion by Mr. Pittman, supported by Mr. Porteous, **THE BOARD VOTED to approve** the recommendations.

During the Finance Committee meeting, Vice President Poston pointed out that this is a small piece of property, and it has been difficult to sell it. The potential buyer made his offer conditional on conveyance of mineral rights.

Mr. Pittman explained that, in the past, the University has sought to retain mineral rights, but a change of policy is being considered as to this proposal.

Trustee Porteous said he thought this was an example where an exception was appropriate. This property is about 6/10 of an acre, and even if there were oil and gas production, it would be minimal. The chances for success are fairly remote, and Mr. Porteous said that he did not think it wise to risk losing a buyer in order to retain these mineral rights.

Trustee Nugent pointed out that the offer is within 5% of the asking price. He supported making an exception.

8. Policy Committee

Committee Chairperson McNamara presented the Trustee Policy Committee report and recommendations.

A. Policy Approval: Investment Authority Delegation to the Finance Committee Chairperson

It was recommended that the Board of Trustees approve the extension of the expiration date of the proposed Resolution, giving investment authority delegation to the Chairperson of the Trustee Finance Committee from October 8, 2004, to November 12, 2004. The permanent process will be submitted to the Board on November 12, 2004. (Attachment A)

On a motion by Ms. McNamara, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the recommendation.

B. Notice of Intent to Negotiate a Contract

Pursuant to State law, the Chair of the Policy Committee gave public notice to the full Board during the Committee's report of the University's intention to negotiate an agreement regarding technology licensing, research and related matters with EduCog, LLC, a Michigan Company based in Okemos. As indicated in documentation provided to the Board, the following faculty and their immediate families each cumulatively own or have options to buy an ownership interest of more than 1% of EduCog, LLC:

Dr. Edwin Kashy, National Superconducting Cyclotron Laboratory
Dr. Gerd Kortemeyer, Lyman Briggs School
Mr. Guy D. Albertelli, Division of Science & Mathematics Education
Dr. Wolfgang Bauer, Department of Physics & Astronomy
Dr. Walter Benenson, Department of Physics & Astronomy

Ms. Felicia Berryman, Division of Science & Mathematics Education
Dr. Roger Calantone, Department of Marketing & Supply Chain Management
Mr. Matthew B. Hall, Division of Science & Mathematics Education
Dr. Deborah A. Kashy, Department of Psychology
Ms. Helen Keefe, Division of Science & Mathematics Education
Dr. Stuart Raeburn, Division of Science & Mathematics Education
Dr. Cheryl Speier, Accounting & Information Systems
Dr. Michael Thoennesen, Department of Physics & Astronomy
Dr. Mark Urban-Lurain, Division of Science & Mathematics Education
Dr. Gary Westfall, Department of Physics & Astronomy

Paul Hunt, Associate Vice President, Research, explained that EduCog, LLC, might engage in licensing with the University in the future. The individuals named have all contributed to the creation of instructional software that they hope to commercialize. A very large grant from the National Science Foundation that funds part of this effort was accepted as part of the Board's earlier action on Gift, Grant and Contract Report.

9. Chairman's Report

Trustee Porteous mentioned that since the last Board meeting, President McPherson delivered his State of the University address. In the speech he outlined where the University has been, where it is and some of the challenges that will be faced in the future. Mr. Porteous complimented President McPherson on an excellent address.

Mr. Porteous said he was pleased to see in this morning's issue of the *State News* the leadership role that ASMSU and other student groups are taking in regard to tailgating issues. The Board asked MSU administration to re-engage the campus community in reviewing and studying this matter and to come up with thoughts and ideas. He complimented Dr. Carter and student and faculty leaders who have begun discussions. There is a pilot program that will be carefully evaluated following the next two home football games, looking at short-term issues and long-term solutions. Mr. Porteous noted that this is an issue that the Board of Trustees takes very seriously.

10. Trustees' Comments

A. Trustee Cook congratulated President McPherson on his appointment to the study abroad committee. Ms. Cook shared that she recently met with several MSU Study Abroad students while

she was visiting John Cabot University in Rome, Italy. She said that meeting reinforced to her the importance of President McPherson's commitment to move the Study Abroad program forward at Michigan State. The students told Ms. Cook how they felt they were changing and that their perspectives were being challenged. They were feeling more like citizens of the world.

President McPherson added that John Cabot University is just outside the ancient walls of Rome. He added that one cannot visit that university without feeling a sense of the history of the world.

- B. Trustee Gonzales thanked the students who participated in the political debate forum at the Union recently. She said it was energizing to find that MSU students are getting actively engaged in the political process. Governor Granholm was there to greet the students. Ms. Gonzales said she was very pleased that the campus is involved in the election process.
- C. Trustee McNamara passed.
- D. Trustee Nugent thanked the Faculty Liaisons who meet with the members of the Board. He said the discussions are very valuable.

Mr. Nugent noted that last Thursday Chairman Porteous and he participated in the dedication of the Diagnostic Center for Population and Animal Health (DCPAH). Mr. Nugent said he felt that all the members of the Board should tour the facility. It moves Michigan State to the forefront in this time of possible chemical and biological warfare. It was fitting for groundbreaking of the DCPAH to take place on September 12, 2001, the day after "9-11". The facility is now completed and functioning.

President McPherson said that there are few land grant universities that have the state-industry-university relationship that MSU enjoys. Mr. Nugent said that the agricultural community has worked as a strong team with the University. But, this facility goes beyond agriculture. It was created through the collaborative efforts of the University, the State of Michigan and Farm Bureau. DCPAH is another marker that Michigan State University is the premier land grant university in this country.

- E. Trustee Pittman commented on the State appropriation request. He said there have been many people who have helped Michigan State University on both sides of the aisle. Mr. Pittman urged that everyone thank the friends of MSU. The budget problems of the past have not gone away, and the University community needs to

continue to focus on that fact. Keeping MSU in the forefront of the legislators' thoughts will serve the University well as budget plans are underway for the coming year.

Mr. Pittman thanked ASMSU for its cooperation, participation and leadership in efforts to resolve problems associated with tailgating. This morning, ASMSU presented to the Trustees a bill that it passed that included recommendations for the Board to consider. A solution will result from such leadership. Mr. Pittman said that neither the Trustees nor anyone else in the University community and beyond wants an unfortunate incident to take place. Mr. Pittman said that by working together over time, an improvement will be realized.

F. Trustee Ferguson passed.

11. Public Participation on Issues Not Germane to the Agenda

Dr. Dean Sienko, Medical Director of Ingham County Health Department and Ingham County Medical Examiner for 15 years, stated that alcohol misuse and abuse is the greatest public health threat to students – not meningitis, not West Nile Virus, not the flu. Therefore, Dr. Sienko said he supported the University's efforts to curb dangerous drinking on campus.

The Center for Disease Control has reported that 100,000 American deaths annually are alcohol-related, including 40% in motor vehicle accidents, homicides and suicides. In the 18-24 age group, about 50% have engaged in binge drinking in the last 30 days.

Dr. Sienko reported that one-third to two-thirds of date rapes occur when the victim or attacker is under the influence of alcohol – often it is the victim who is under the influence. Alcohol users are less likely to practice safe sex and almost half of college students who were crime victims were under the influence of alcohol.

Direct consequences of alcohol abuse include students who die of alcohol poisoning. Dr. Sienko said that he has had to engage with the University because life has been lost on campus from alcohol poisoning. It is imperative that action be taken to prevent that from happening again.

Dr. Sienko was notified that on the day of the Notre Dame football game there were about 20 ambulance runs from campus to area hospitals with people having blood alcohol concentrations above 0.30. That is flirting with death.

Given these challenges and the importance of this issue to the health of the University community, Dr. Sienko strongly encouraged Michigan State University to further promote an environment and a culture of responsible alcohol use on campus and to eliminate activities that encourage binge drinking. Dr. Sienko said the Board of Trustees has to shape and mold the long-term attitudes and behavior of young people regarding alcohol use, as they prepare to enter society as leaders in our communities.

Lauren Clayborne, a Racial Ethnic Student Aide in Holden Hall, said that every Friday night when there is a home game, she goes to east complex or off campus to study because of disruptive, intoxicated people running through Holden Hall. She expressed concerns for safety, as on returning to Holden Hall after a game, two intoxicated men jumped on her car. Ms. Clayborne noted, too, that women who are walking should not have to be worried about their safety. Ms. Clayborne said she favored the changes that will be tested during the pilot program.

Kierra Hill, At-Large Student Liaison to the Board of Trustees and Complex Coordinator for the Office of Racial Ethnic Student Affairs in South Complex, met with the Council for Students with Disabilities, and learned that that group is in favor of the proposed tailgating changes. The Council wanted her to point out to the Board of Trustees that it is very difficult for wheelchair-bound students to move around on campus – especially on south campus – during home football games because many sidewalks are blocked. The Council for Students with Disabilities proposed that steps be taken to keep sidewalks open. Ms. Hill thanked the Board of Trustees and the administration for hearing the voices of all students on this issue.

Jared Rupp, MSU Senior, said that the majority of students are responsible, mature and capable of handling alcohol use. Not many arrests are made at tailgates, and serious incidents are rare. Problems that need to be addressed will not be fixed by the proposals for change that have been made. Problems that Mr. Rupp said he thought need to be addressed are: shortage of restroom facilities, drinking water and food availability; glass bottles should be banned; the “student tailgating zone” is too small. Mr. Rupp said that “beer pong” does not encourage binge drinking, as some of the other games do, and said that he felt that if tailgating activities are curtailed on campus, tailgaters will relocate to the City of East Lansing, causing problems there.

Kate Huff, MSU senior, expressed her opinion that eliminating drinking games and paraphernalia from tailgates will cause frustration and, perhaps, retaliation. Students who are of legal drinking age have a right to play beer pong. There are only a small number of students who abuse alcohol and are disruptive. Ms. Huff suggested those students be

punished. Ms. Huff said most of the students who tailgate are smart, hard working adults, and other adults should not be putting restrictions on their traditions. Ms. Huff proposed stronger police enforcement for drunk and disorderly behavior as well as distributing more minor in possession tickets. She also encouraged better availability of water and first aid stations to tailgaters. Ms. Huff suggested that alternative ways to make the tennis courts safer should be considered before implementing the proposed policies.

James Benton, MSU student, said he spoke with 100 – 125 students who voiced a consensus opinion, and he wanted to present the student perspective. Whereas the administration felt troubled when it saw a videotape of students lined up from Trowbridge down Service Drive, the students view it as perhaps the only tailgate in the nation that lines up 17½ hours before game time just to celebrate a football game. Tailgaters spend a great deal of money and time creating drinking game apparatus and should be allowed to continue with the drinking games. Mr. Benton suggested that enforcing the proposed restrictions may cause three outcomes: rioting similar to what occurred when Munn Field went dry; tailgaters will get bored and unruly; tailgaters will move onto front lawns in the City of East Lansing. Mr. Benton urged that steps be taken more slowly to protect a 50-year MSU tradition.

Bob Bishop, President of Future Media Corporation, a video and media production company, said he has been a vendor to MSU for 30 years. Mr. Bishop said that a university's image is very delicate. He said that his company is on campus frequently and had been on campus several times talking with MSU experts and students about the Brad McCue binge drinking death. All the network news and sports programs have video in their vaults of the riots several years ago and of drunken students in bars. Mr. Bishop said MSU is one of the first universities that comes to mind when networks are seeking outrageous images. During the recent MSU – Notre Dame football game, Mr. Bishop said he encountered a lot of tailgaters who were cooking brats, drinking beer and wine and throwing a football around. Unfortunately, he said he also met a lot of unseemly characters whose only purpose seemed to be to get drunk and out of control and to get on ESPN. The amount and content of the trash that resulted was disturbing. Mr. Bishop said he applauded the administration's efforts to curb senseless and destructive drinking that some people consider their birthright.

Steve Frank, Landscape Services Coordinator, said he, along with others, supervises his department's response to home football games. Mr. Frank said he appreciated ASMSU's recommendations, but feels those recommendations focus on students, and a major portion of the problem involves alumni and other community members. The vast majority of

those who tailgate act responsibly – only a small percentage push the limits. In the four years since Mr. Frank has worked on campus, he said tailgating problems have escalated. Cleaning up litter after the Notre Dame game took 60 people nine hours. Mr. Frank said he thinks the biggest problems are the line of cars, dangerous intoxication, litter and public urination. Ingham Medical Hospital, alone, reports an average of 16 – 18 people brought to the emergency room with alcohol poisoning each tailgating Saturday. Mr. Frank encouraged supporting the police to enforce the laws and regulations that are in place. Mr. Frank suggested possibly moving the location of the tailgating site.

12. An Executive Session was not requested.
13. On a motion by Mr. Porteous, supported by Ms. McNamara, **THE BOARD VOTED to adjourn** at 10:30 A.M.

Respectfully submitted,

L. Susan Carter
Secretary of the Board of Trustees