

UNIVERSITY OF MASSACHUSETTS

AMHERST-BOSTON-DARTMOUTH-LOWELL-WORCESTER

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES

Wednesday, August 4, 1999; 11:00 a.m.
Chancellor's Conference Room Quinn Administration Building
University of Massachusetts Boston Boston, Massachusetts

Committee Members Present: Chair Karam; Vice Chair Lewenberg; Trustees Avakian, Bissonnette, Bogan, Carey, Dubilo, Fey, Flores, Foley, Giblin, Hoff, MacDonald, McCarthy, Mihos, Naughton, Rogers and White

Committee Members Absent: Trustees Agganis, Berlandi, and Mahoney

University Administration: President Bulger; General Counsel O'Malley; Vice Presidents Botman, Julian, Lenhardt and Chmura; Chancellors Scott, Penney, Cressy, Hogan and Lazare

Faculty Representatives: Professor O'Connor, UMASS Amherst; Professor Disch, UMASS Boston; Professor Langley, UMASS Dartmouth; Professor Carter, UMASS Lowell; Dr. Cooke, UMASS Worcester

Guests: Mr. Coish, President, UMASS Amherst Chapter of Local 509, SEIU; Mr. Martin, Vice President, AFSCME, UMASS Amherst Chapter; Ms. Rosemary Riley, President, USA/MTA, UMASS Amherst

Chair Karam convened the meeting at 11:06 a.m.

The first item on the agenda was **Consideration of the Minutes of the Previous Meeting of the Board**. It was moved, seconded and

VOTED:

To approve the minutes of the May 5, 1999 meeting of the Board.

The next item on the agenda was the **Chair's Report**. Chair Karam asked for a moment of silence in memory of Dr. Michael K. Hooker, former President of the University of Massachusetts, who had passed away this past June.

Chair Karam introduced the newest members to the Board: Seth Avakian, Student Trustee from Amherst, Edwin Rogers, Student Trustee from Boston, Brian MacDonald, Student Trustee from Dartmouth and Madeleine Carey, Student Trustee from Worcester. The Student Trustee seat from the Lowell campus is currently vacant.

Chair Karam reported that three Union representatives from the Amherst campus had requested to speak before the Board today; Chair Karam then read the following statement:

"The Board has received a number of requests from union representatives to address the Board. The collective bargaining agreement between the University and SEIU specifically provides for such an opportunity and the request from that union representative

is granted. Two other requests are not based specifically on collective bargaining agreements but are being granted solely as a courtesy, and not as an acknowledgement of any right or practice to address the Board. Each representative has been allotted five minutes to make their respective presentations. There will be no discussion or questions due to the press of Board business. Each representative should identify for the record him or herself, the union represented, and confine your remarks to the time allotted."

Ms. Francis Martin, Vice President, AFSCME, UMASS Amherst Chapter, Ms. Rosemary Riley, President, USA/MTA, UMASS Amherst and Mr. Thomas Coish, President of the UMASS Amherst Chapter of Local 509, SEIU each addressed the issue of Privatization on the Amherst campus.

Following the remarks made by the Union Representatives, Trustee Edwin Rogers gave the Student Trustee Report which included his many reasons for attending the UMASS Boston campus. Trustee Rogers reminded the Board that opening ceremonies for the Vietnam Moving Wall, a touring replica of the Washington Memorial, would

be held tonight and all are invited. This is a very important event and volunteers have been coordinated by the Student Veterans Center and the Student Senate.

Trustee Rogers then introduced a coalition of Japanese students from Chukyo University who sang a song for the members of the Board.

Chair Karam thanked Peter Cressy, who is stepping down from his position as Chancellor of the Dartmouth campus for a new position in Washington, D.C., for his dedication to the Dartmouth campus and success in the southeastern area of Massachusetts.

Chancellor Lazare gave a short presentation on the new research building which will be adjacent to the Medical School. It is expected to be completed by August of 2001.

The next item on the agenda was the **President's Report**. President Bulger thanked Trustee Rogers for his work and welcomed the new Trustees to the Board. He reported that Mr. Titus, Athletic Director for the Boston campus had been recognized by the Boston Globe for his work with the Shaw's Pro Summer League, a seven-day professional basketball exhibition featuring members of the NBA.

President Bulger continued his report with news of James Hamos and his work with Vice President Botman and K-12, the excitement generated by the merger of the Eunice Kennedy Shriver Center with the Medical School, and the success of the Lowell campus with commercial ventures.

Chair Karam introduced the **Consent Agenda**. It was moved, seconded and

VOTED:

To approve the following votes on the Board Consent Agenda:

- Administration and Finance

World Wide Web Policy (Doc. T99-059)

The President of the University shall see to the development and implementation of guidelines governing University participation in the World Wide Web (WWW), which he may amend from time to time as appropriate or as required by law. If any University policy conflicts with federal or state statute, the applicable statute shall apply.

Such guidelines shall make provision for the design, development and maintenance of official University pages or publications on the World Wide Web and for the assignment of responsibility for assuring that such official publications are appropriately adapted to the mission of the University. The guidelines shall also provide specifications and requirements for the posting on University Internet or computing facilities of non-official web pages or publications by faculty, students, staff, organizations or others, provided that the University shall retain the right, subject only to constitutional protections of free speech and press, to remove any such web page or publication found to be in violation of any copyright, law, rule, regulation or University policy or procedure, or the rights of any person or organization, or to contain matter which is fraudulent, threatening or obscene. No person or organization shall be allowed to use University Internet or computing facilities to publish web pages for personal business or financial gain except as expressly permitted by other University policies. The guidelines issued pursuant to this policy shall also provide appropriate safeguards for the protection of private or confidential data.

Compliance with and implementation of the guidelines shall be a responsibility of any University employee using University Internet or computing facilities.

Upon approval of the guidelines or any amendment thereto, the President shall forward the guidelines to the Secretary of the Board of Trustees. The President, together with the Chancellors or their designees, shall also establish specifications and timetables for the development of supplementary World Wide Web procedures on the campuses. Campus procedures must adhere to this policy and the President's guidelines.

Business Continuity and Planning Policy (Doc. T99-060)

The President of the University shall develop and adopt guidelines to require each campus to develop, implement and test business continuity plans for its critical business processes and data systems. The President may, from time to time, amend the guidelines as appropriate or as required by law.

Such guidelines shall provide for the protection of the University's data and record-keeping systems against disruption so that the University business may continue uninterrupted. The guidelines shall make provision for: (1) defining and ranking in priority those data systems or business processes which are critical to University operations; (2) outlining responsibilities for business continuity planning, including assessment and analysis of the risk of disruption to each such process or data system; and (3) formulating plans for the prompt resumption of business functions in case of disruption.

The President, together with the Chancellors or their designees, shall establish guidelines and timetables for business continuity plan development on the campuses. Campus procedures must adhere to the President's guidelines.

Compliance with and implementation of the guidelines and applicable campus procedures shall be the responsibility of all University employees.

Upon approval of the guidelines or any amendment thereto, the President shall forward the guidelines to the Secretary of the Board of Trustees.

Records Management, Retention and Disposition Policy (Doc. T99- 061)

The President of the University shall adopt guidelines to require that each campus institute records management, retention and disposition procedures for the proper management of University records. The President may, from time to time, amend the guidelines as appropriate or as required by law.

Such guidelines shall be consistent with Massachusetts General Laws, c. 66 and other applicable state statutes governing retention of public and official records and disposition of obsolete records, as well as with any contractual commitments or federal law or regulation which may apply. The guidelines shall provide for the proper maintenance and protection of archived records, and for the adoption of schedules for disposition of obsolete records, which schedules shall to the extent practicable given University needs and requirements be consistent with schedules adopted by the State Records Conservation Board.

Compliance with and implementation of the guidelines and any supplementary procedures shall be the responsibility of all University employees.

Upon approval of the guidelines or any amendment thereto, the President shall forward the guidelines to the Secretary of the Board of Trustees. The President, together with the Chancellors or their designees, shall also establish specifications and timetables for the development of supplementary records, management, retention and disposition procedures and data retention/disposition schedules on the campuses. Campus procedures must adhere to this policy and the President's guidelines.

Establishment of Endowed Chairs, UMASS Amherst, UMASS Boston, (Doc. T99-062)

In accordance with sections 1A(e) and 11 of Chapter 75 of the General Laws, to establish an endowed chair in education at the University of Massachusetts Amherst to be known as the Alma and Joseph Keilty Endowed Chair in Education.

And,

In accordance with sections 1A(e) and 11 of Chapter 75 of the General Laws, to establish an endowed chair in education at the University of Massachusetts Boston to be known as the Paul H. Tucker Endowed Distinguished Professorship in Art.

And further,

In accordance with sections 1A(e) and 11 of Chapter 75 of the General Laws, to establish an endowed chair in art at the University of Massachusetts Boston to be known as the Alton J. Brann Endowed Distinguished Professorship in Science and Mathematics.

- Audits

Purchase Card Review, President's Office and Central Services **(Doc. T99-067)**

Y2K Preparedness Update **(Doc. T99-068)**

Supplemental Health Benefits Plan Audited Financial Statements, FY98, KPMG Peat Marwick **(Doc. T99-073)**

University Health Services - Student Health Trust Fund Management Letter (Doc. T99-074)

University Auditor's Operation Report (**Doc. T99-070**)

Approval of Audit Firm (**Doc. T99-071**)

To select the firm of Meyers Brothers, P.C., Certified Public Accounts and Business Consultants of Longmeadow, Massachusetts as the audit firm for the annual audit of WFCR-FM Radio, Amherst campus, as recommended by the University Auditor's memorandum of July 8, 1999.

The next item on the agenda was the **Report of the Committee on Academic Affairs, Student Affairs and Athletics**. Trustee Bissonnette reported that the Committee had met on July 29. The first item for action was **Appointments as Distinguished Professor, UMASS Amherst, UMASS Boston**. It was moved, seconded and

VOTED:

To concur with the President in the appointment of Derek R. Lovley as Distinguished Professor at the University of Massachusetts Amherst.

And further,

To concur with the President in the appointment of Richard A. Horsley as Distinguished Professor of Liberal Arts and the Study of Religion at the University of Massachusetts Boston.

The next item was **Appointment to the Paul Hayes Tucker Distinguished Professorship in Art, UMASS Boston**. It was moved, seconded and

VOTED:

To concur with the President in the appointment of Paul Hayes Tucker to the Paul Hayes Tucker Distinguished Professorship in Art at the University of Massachusetts Boston.

The next item was **Alcohol and Drug Policies**. It was moved, seconded and

VOTED:

Each Chancellor is directed to submit for Board approval a proposed amendment to the respective campus alcohol and drug policy providing for permissive notification of parents or legal guardians of students under twenty-one years of age who have been determined to be in violation of the campus alcohol or controlled substance policy.

Trustee Avakian noted the alcohol education program currently in place on the Amherst campus.

Trustee Bissonnette mentioned the discussion items: an update on General Education, Merit Scholars and the Division II Northeast 120 Conference Membership (UMASS Lowell).

The next item was **Establishment of a School of Marine Science and Technology, UMASS Dartmouth**. It was moved, seconded and

VOTED:

To authorize the establishment of a School of Marine Science and Technology at the University of Massachusetts Dartmouth effective February 1, 2000. This School shall be linked to the intercampus graduate program in Marine Sciences and Technologies once established upon the recommendation of the intercampus Working Group on Marine Sciences and Technology. This School will have the right to recruit and hire faculty on tenure or tenure track lines and to recommend the award of tenure to those who are eligible. The administrative head of this unit will report to the campus Provost. The School will develop joint masters and doctoral programs in collaboration with other campuses of the University through the intercampus graduate program in Marine Sciences and

Technologies and function in close collaboration with the intercampus program. The administration is authorized and directed immediately to take all necessary steps to establish the School consistent with any collective bargaining agreements or obligations that may apply.

In Trustee Fey's absence, Trustee Naughton gave the report for the Committee on Administration, Finance and Audit.

The first item for action was **Fiscal Year 2000 Allocation of State Funds**. It was moved, seconded and

VOTED:

To direct the President to develop an allocation plan for the amount appropriated for the University in Line Item 7100-0200 of the state appropriation act for fiscal year 2000, and to notify the Board of Trustees of said plan within 40 days of the passage of said appropriation act, and the House and Senate Committees on Ways and Means within 45 days of the passage of said act.

The next item was **Eunice Kennedy Shriver Center for Mental Retardation University of Massachusetts Medical School Merger**. It was moved, seconded and

VOTED:

WHEREAS, The University of Massachusetts Worcester and the Eunice Kennedy Shriver Center for Mental Retardation, Inc. have reached agreement as to the terms of their combination; and

WHEREAS, by this combination the University of Massachusetts Worcester will be both preserving an important asset to the scientific and mental retardation communities within the Commonwealth and furthering the University's academic, training, research and service missions; and

WHEREAS, by this combination the University of Massachusetts Worcester will be bringing a number of outstanding scientists and educators from the Shriver Center into the faculty of the University of Massachusetts Worcester; and,

WHEREAS, by this combination the University of Massachusetts Worcester strengthens its relationship with the Commonwealth's Department of Mental Retardation.

NOW THEREFORE IT IS VOTED to authorize the President to take all actions necessary, or to subdelegate such authority to the Chancellor, to effectuate the merger/combination of the Eunice Kennedy Shriver Center for Mental Retardation, Inc. into the University of Massachusetts Medical School, including entering into such agreements with the Department of Mental Retardation as are necessary to support the mission and purpose of this combination.

The next item was **Alumni Center and Office, UMASS Amherst**. It was moved, seconded and

VOTED:

WHEREAS, University of Massachusetts Building Authority (the "Authority") is authorized by Chapter 773 of the Acts of 1960, as amended, among other things, to provide dormitories, dining commons and other buildings and structures for the use of the University of Massachusetts (the "University"), its students, staff and their dependents and certain organizations related to the University, to alter, enlarge, reconstruct, remodel and do other work in or upon or respecting any building or structure, to provide and install furnishings, furniture, machinery, equipment and facilities in or for or related to any such building or structure and to initiate projects for such purposes upon written request made by authority of the Board of Trustees (the "Trustees") of the University; and

WHEREAS, the Authority is further authorized by said Chapter 773 to acquire real and personal property by lease, purchase and otherwise; and

WHEREAS, in the judgment of the Trustees it is in the best interests of the University, its students, staff and their dependents and said organizations that the Authority initiate the project described below;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Vice President, Treasurer, of the University be and he hereby is authorized (a) in the name and on behalf of the Trustees to make a written request of the Authority that the Authority initiate a project (the "Project") consisting of the acquisition, renovation and expansion of the Manor House, so-called, located on Hadley Farm, so-called in Hadley, Massachusetts, together with such land of said Hadley Farm as deemed advisable by said Authority to provide for the proper functioning of said Manor House as an office building and events center and to further request that the Authority make the use of said Project available to the University of Massachusetts Alumni Association Amherst on said terms that are acceptable to said Authority. Said Association being hereby declared a University Affiliate for the purpose of said Chapter 773.
2. For financing purposes the Project may be undertaken separately or together with other projects of the Authority requested in writing pursuant to authority of the Trustees.
3. The President of the University and all other officers of the University be and they hereby are and each acting singly is authorized and directed to request the Commissioner of Administration to approve in writing the

undertaking by the Authority of the Project and to do such things and to take other action as the officer and officers so acting shall, as conclusively evidenced by their taking action hereby authorized, deem necessary or desirable to be done or taken to carry into effect the matters hereby authorized.

4. The University hereby declares its official intent under Section 1.150-2(d)(1) and (e) of the Treasury Regulations as follows:

The University reasonably expects that they shall be reimbursed from the proceeds of the Authority Bonds expenditures temporarily advanced for the Project by the University, the maximum principal amount of Authority Bonds expected to be issued, all or a portion of the proceeds of which are reasonably expected to be used for such reimbursement purposes, being \$4,000,000.

Trustee Naughton noted that the Audit Reports had been approved under the Consent Agenda vote.

Chair Karam reported that the **Committee of the Whole** had met earlier in the day and had heard reports on Health Services at the Amherst campus, a Board of Trustee follow-up to the last Retreat and a status report on the Ad Hoc Committee on Auxiliary Services.

The next item was the **Report of the Development Committee**. Trustee Hoff reported that the campuses are currently reviewing fundraising goals for the new millennium. The fundraising gala for 1999 has been canceled and will be held in 2000. There will be other fundraising opportunities such as a Boston Pops concert and a golf tournament in the spring.

The next item was the **Report of the Trustee Governance Committee** by Trustee Giblin. It was moved, seconded and

VOTED:

To confirm and approve the Officers and Committee Chairs of the Board of Trustees set forth in Doc. T99-075, all to serve until the next annual meeting of the Board.

Under **Other Business** Chair Karam reported on an **Appointment of Interim Chancellor, UMASS Dartmouth**. President Bulger expressed his pleasure at Jean MacCormack's willingness to take on this important assignment.

It was moved, seconded and

VOTED:

Upon the recommendation of the President, to appoint Jean F. MacCormack as Chancellor (Interim) of the University of Massachusetts Dartmouth, who shall serve at the pleasure of the President, with such salary and

other terms and conditions as shall be determined by the President, in consultation with the Chair. The Interim Chancellor may be a candidate for appointment as Chancellor.

Chair Karam reported that Jean MacCormack has been well-received by members of the Dartmouth community and asked for a round of applause for the first female Chancellor on the Dartmouth campus.

Chancellor Cressy then thanked the Board for the honor of serving as Chancellor of the Dartmouth campus and expressed his pleasure with Ms. MacCormack's appointment.

The next item was **Department of Defense Exclusion List**. It was moved, seconded and

VOTED:

WHEREAS, current Department of Defense Regulations contain a provision making it mandatory that the Chairman of the Board, the President, the Secretary, and the designated Facility Security Officer meet the personnel clearance requirements established for a contractor's facility clearance; and

WHEREAS, said Department of Defense Regulations permit the exclusion from the personnel clearance requirements of certain members of the Board of Trustees and other officers, provided that this action is recorded in the minutes.

NOW, THEREFORE, BE IT DECLARED that the Chairman of the Board, the President, the Secretary and the designated Facility Security Officer at the present time do possess, or will be processed for, the required security clearance; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as Chairman of the Board, the President, the Secretary or the designated Facility Security Officer, such individual shall immediately make application for the required security clearance; and

BE IT RESOLVED FURTHER that the following members of the Board of Trustees and other officers shall not have, and can be effectively excluded from access to all classified information in the possession of the corporation and do not occupy positions that would enable them to affect adversely policies or practices in the performance of classified contracts for the Department of Defense or the User Agencies of its Industrial Security Program:

NAME

TITLE

Peter J. Berlandi

Trustee

Diane E. Bissonnette

Trustee

Daniel E. Bogan

Trustee

Eleanor M. Court

Trustee

Terrence A. Dolan

Trustee

Edward A. Dubilo

Trustee

Grace K. Fey

Trustee

Heriberto Flores

Trustee

Michael T. Foley

Trustee

William E. Giblin

Trustee

Charles J. Hoff

Trustee
Peter K. Lewenberg
Trustee
Robert M. Mahoney
Trustee
Robert B. McCarthy
Trustee
Christy P. Mihos
Trustee
Chad Molnar
Trustee
John M. Naughton
Trustee
Kerri E. Osterhaus
Trustee
Keith M. Tremblay
Trustee
Karl E. White
Trustee

Trustee McCarthy then made a motion that the Board reconsider their action with regards to seeking an RFP for the auxiliary services on the Amherst campus. The motion was not seconded.

Chair Karam then asked for a motion to go into **Executive Session** to discuss **Transfer of Tenure, UMASS Amherst and Appointments with Tenure, UMASS Amherst, UMASS Boston, UMASS Dartmouth and Awards of Tenure, UMASS Amherst, UMASS Boston, UMASS Dartmouth, UMASS Lowell, UMASS Worcester**. He indicated that the Board would not reconvene in open session.

It was moved, seconded and

VOTED:

To enter Executive Session for the purpose of considering discuss **Transfer of Tenure, UMASS Amherst and Appointments with Tenure, UMASS Amherst, UMASS Boston, UMASS Dartmouth and Awards of Tenure, UMASS Amherst, UMASS Boston, UMASS Dartmouth, UMASS Lowell, UMASS Worcester**.

Chair Karam voted for the motion as did Trustees Bissonnette, Bogan, Carey, Dubilo, Flores, Foley, Giblin, Hoff, Lewenberg, McCarthy, Mihos, Naughton and White

The time was 12:10 p.m.

Barbara F. DeVico
Secretary to the Board of Trustees