

**UNIVERSITY OF MASSACHUSETTS**

**AMHERST•BOSTON•DARTMOUTH•LOWELL•WORCESTER**

**MINUTES OF THE MEETING OF THE  
BOARD OF TRUSTEES**

**Wednesday, May 7, 2003; 9:15 a.m.  
Conference Dining Room  
University of Massachusetts  
285 Old Westport Road  
North Dartmouth, Massachusetts**

**Trustees Present:** Chair Fey; Trustees Austin, Babineau, Boyle, Briggs, Dawood, DeFaria, Dubilo, Karam, Lankowski, James Mahoney, Robert Mahoney, Moes, Powers, Rainey, Sheridan, White and Zane

**Trustees Absent:** Trustees Agganis, Giblin, Kennedy and McCarthy

**University Administration:** President Bulger; General Counsel O'Malley; Vice Presidents Botman, Chmura, Gray, Julian and Lenhardt; Mr. Wilson, CEO, UMassOnline; Chancellors Lombardi, Gora, MacCormack, Hogan and Lazare

**Faculty Representatives:** Professors May and O'Connor, UMASS Amherst; Professor Schwartz, UMASS Boston; Professor Langley, UMASS Dartmouth, Professor Carter, UMASS Lowell, Dr. Cooke, UMASS Worcester

**Speakers:** Professor Daniel Georgianna, UMASS Dartmouth; Yolanda Baird, Vice President, AFSCME, Local 507, UMASS Dartmouth

Chair Fey convened the meeting at 9:30 a.m. The first item on the agenda for action was **Minutes of the Previous Meetings of the Board.**

It was moved, seconded and

**VOTED:** To approve the minutes of the February 12, 2003 and the March 12, 2003 meetings of the Board.

Under the **Chair's Report**, Chair Fey thanked Chancellor MacCormack and her staff for their hospitality. She indicated that while the final meeting of the academic year is always bittersweet, this year has been challenging due to the fiscal crisis. She then highlighted some of the recent events taking place at the University.

The highlights included:

- The Inauguration of Chancellor Lombardi at UMASS Amherst;

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- The rising of the Campus Center at UMASS Boston;
- The opening of the Recreation Center at UMASS Lowell;
- The groundbreaking of the Medical School's Biologics Laboratory in Boston;
- The opening of two new Residents Halls at UMASS Dartmouth; and
- The commencement ceremonies taking place in a couple of weeks.

Chair Fey announced that this is the last meeting for Trustees Briggs, Dawood, DeFaria and Powers. Trustee Lankowski, from UMASS Lowell has been re-elected. On behalf of the Board of Trustees, Chair Fey thanked the students for their time, efforts, perspectives, and dedication to the University.

Chair Fey introduced Trustee DeFaria to speak on behalf of the student trustees. Trustee DeFaria thanked the Board for allowing students the opportunity to serve on the Board of Trustees. The University of Massachusetts prides itself in sincere dedication and fundamentals...meaning teaching and learning. "The learning experience is one we truly wish more students had and we hope this Board always values the role of the student representatives in learning, in serving, and in leading."

Chair Fey called on Trustee Briggs to give the **Student Trustee Report, UMASS Dartmouth**. Trustee Briggs reported that the students are concerned about academic excellence, affordability, and accountability. Students want access to high-quality teaching, involvement in cutting-edge research and the extra value associated with a degree from the University.

Trustee Briggs reported on the perspectives she has developed about the University while being an academic student, athlete, student leader, and trustee. She reported that the Dartmouth campus continues to grow and share ideas with its internal and external community. Intercampus activities have expanded the availability of degree programs to students, and allow the University to play a role in the regional economic development engine.

Trustee Briggs expressed her support for the continued growth of the Dartmouth campus, and commended Chancellor MacCormack and the administrators for working with the students.

Chair Fey thanked President Bulger and his staff, the Chancellors and their faculties and staffs, for their efforts during this difficult period.

Chair Fey then called on Professor Georgianna, from the Dartmouth campus. Professor Georgianna expressed his support and admiration to the Board of Trustees and President Bulger for their response to Governor Romney's reorganization plan. He indicated that the positive message in support of the University has resonated with key legislators, the public, and newspaper editorial boards. He urged the Board and President Bulger to apply the same vigor and intelligence to fund employee contracts.

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Professor Georgianna introduced Ms. Baird, Vice President, AFSCME, Local 507, from UMASS Dartmouth. Ms. Baird reported on the personal and professional impacts of the impending layoffs due to the current budget crisis.

In response to Professor Georgianna, President Bulger indicated that the contract funding could not be dealt with at this time. Given the circumstances, “We are fighting for the continued life of the institution for which we are responsible.”

Trustee Karam indicated that the Trustees are lobbying very effectively to advocate for the position of the University.

The next item was the **President’s Report**. President Bulger thanked the student trustees for their service to the University. He has been especially impressed by their personal ways of demonstrating tremendous leadership.

President Bulger thanked Chancellor MacCormack and her staff for their hospitality. He indicated that the Dartmouth campus is also the home of Brad Harris, the marine science student who is among the group of impressive students featured in the University’s new television ad.

President Bulger reported that the Massachusetts House of Representatives is debating a state budget that will present a number of serious challenges for the University. The House recommends a \$79 million cut to the University...an 18% reduction from the current state support, which comes after \$462 million in reductions over the past two years. As the debate about the financial course of the Commonwealth and public higher education takes place, the University will continue to make its case to the Governor, the members of the House and the Senate over the next several weeks. “We will do our best to demonstrate that continued access to excellent public higher education is part of the core promise of opportunity that the Commonwealth has made to its citizens, especially those students graduating from Massachusetts high schools this spring. They have worked hard and deserve a first-rate higher education opportunity in the fall. We will make the case that an investment in public higher education is also a sound investment in our economy.”

President Bulger reported that Speaker Finneran’s emerging technology fund initiative is a positive outcome of the House budget process. The \$100 million initiative could generate an additional \$400 million of research and science activity at universities and companies in the Commonwealth. UMASS will be a competitive player in that initiative.

President Bulger announced that updates about the budget process will be posted on the University’s website: <http://www.massachusetts.edu>, under the heading Team UMASS. He urged everyone who wants to keep the “public” and the “higher” in public higher education to visit the website.

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President Bulger welcomed the governor's support and advocacy efforts to secure a major National Science Foundation (NSF) grant for the Amherst campus. Robert Pozen, the governor's top economic adviser, has been supportive of the initiative. Their support is very much appreciated. The University also continues to work closely with Doug Foy, the state's environmental policy leader, to match its research expertise with his agencies' public policy needs.

President Bulger reported that over the last 18 months, the University accelerated and expanded efforts to partner up with private higher education institutions and the major employers of Massachusetts. He indicated that such public-private partnerships are the cornerstones of an emerging science and technology initiative being driven by Mass Insight and the Massachusetts High Tech Council.

President Bulger reported that despite the poor economy, the University should have another successful year in fundraising.

President Bulger reported that four new endowed chairs have been created. They include the Robert M. and Shirley Siff Chair in Family Health Research at the Medical School; the Earl W. Stafford Professorship in Entrepreneurial Studies at the Amherst campus; the Terrence Murray Commonwealth College Honors Professorship; and the Chair in Peace Psychology on the Amherst campus. He reported that the number of endowed chairs has grown from 4 to over 40. President Bulger is grateful that the House of Representatives has chosen to fund another \$2 million endowed chair initiative for the coming fiscal year.

President Bulger reported that despite all of the good advocacy work, cuts in real services are inevitable if the proposed budget reductions go into effect. The President's Office, Chancellors, and central administration are modeling various levels of budget cuts and will be prepared to respond once the budget process is completed. Suggesting specific program or service cuts without knowing the final budget may needlessly damage those programs and the people depending on them. He indicated that Board members would be informed of any progress.

President Bulger thanked the Trustees, Chancellors, faculty, staff, senior management, alumni, and the students who have stayed the course during these difficult times.

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

**VOTED:** To accept the following Audit Reports on the Board Consent Agenda:

**•Audits**

1. Audit Charter (Doc. T03-030)
2. University Auditing Activity (Doc. T03-027)

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The next item on the agenda was the **Report of the Committee on Academic and Student Affairs**. Trustee White reported that the Committee met on April 22<sup>nd</sup>. Vice President Botman and Associate Vice President Layton collaborated with the discussion on the academic experience at UMASS. The discussion focused on the levels of academic assessments used by the campuses.

The next item was the **Alcohol and Drug Policy, UMASS Dartmouth**. The changes include the addition of parental notification for drug policy violation for students, and increased enforcement for resident areas in the presence of alcohol.

It was moved, seconded, and

**VOTED:** To approve the revisions to the Dartmouth Alcohol and Drug Policy, Doc. T93-116, as amended.

The next item was **Appointment to Named Professorship, UMASS Amherst**. Dr. Clydesdale is a member of the Department of Food Science. His research concerns the study and regulation of physiochemical changes in food acceptability, overall health and quality of life. He is the author of 360 scientific articles, 20 books which he has authored or co-authored, and an expert in food policy. Dr. Clydesdale is also a dedicated teacher.

It was moved, seconded, and

**VOTED:** To concur with the President in the appointment of Fergus M. Clydesdale as a Distinguished Professor at the University of Massachusetts Amherst. (Doc. T03-023)

Trustee White reported that the remaining action items will be addressed in Executive Session.

The next item on the agenda was the report of the **Committee on Administration, Finance and Audit**. Trustee Dubilo reported that the Committee met on April 24<sup>th</sup>. The meeting focused on the financial and capital condition of the University. The meeting was held one day after the House Ways and Means Committee announced its recommended budget for FY04 with an 18% cut to the University. Trustee Dubilo echoed President Bulger's remarks...such a cut is not sustainable without having a major impact on the programs that the University conducts.

Trustee Dubilo reported that the Committee reviewed the five key Financial Indicators. The capital program continues at planned levels but as revenues decrease and building needs increase it will be difficult to keep up with capital needs. The Chancellors spoke about their revenues and cost cutting plans for next year. The Committee also reviewed the Federal Sarbannes-Oxley requirements for publicly traded companies and the Audit Charter.

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The first item for action was **Establishment of the Robert M. and Shirley S. Siff Chair in Family Health Research, UMASS Worcester.**

It was moved, seconded and

**VOTED:** In accordance with sections 1A(e) and 11 of Chapter 75 of the General Laws, to establish an endowed professorship in family health research at the University of Massachusetts Worcester to be known as the Robert M. and Shirley S. Siff Chair in Family Health Research. (Doc. T03-031)

The next item was **Approval of Parking Services Regulations, UMASS Amherst.**

It was moved, seconded, and

**VOTED:** To amend the Parking Regulations for the Amherst campus, as contained in Doc. T98-085A by adopting the changes thereto signified in Doc. T98-085A, as amended effective July, 2003.

The next item was the report of the **Committee on Athletics**. Trustee Moes began by thanking Trustee Briggs for her student report. It set the tone for why athletics on the campuses is important.

Trustee Moes reported that student athletes across the campuses had significant improvements in academic achievements. At UMASS Amherst, the published graduation rate for the athletes is 71%, which is 58% above the national average, and the highest among the campus average.

Trustee Moes reported that UMASS Boston is ranked number one in the country by the National Consortium on Academics and Sports for their efforts in community affairs. She also reported that Athletic Director Charles Titus has completed negotiations with the Celtics and the NBA to host the Summer Pro-League this summer.

Trustee Moes noted that the campuses are struggling with how to implement budget cuts and preserve the integrity of their athletics programs.

The next item was the report of the **Development Committee**. Trustee Mahoney thanked the Trustees for 100% participation with the President's Annual Fund. He announced that \$55,000 was raised.

Trustee Mahoney reported that the role of the Development Committee is to assure accountability for the goal set for each academic year, attempt to foster collaboration among the

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development officers, and to utilize the President in fundraising activities throughout the campuses.

Trustee Mahoney reported that the fundraising goal for FY03 is \$85.5 million. At present, the total is slightly over \$90 million. There is a level of professionalism among the development team, and the campuses are working hard to meet their goals. He also reported on the new software program known as PIN.

Under **Other Business**, the first item was the **Governance Committee Membership**. Chair Fey reported that the Committee meets to review the leadership of the Board and how it functions. She announced the appointments to the Governance Committee: Trustee Moes will serve as Chair; Trustees Giblin, Rainey and White will serve as members. The Committee will present its report to the Board at its annual meeting in August.

Chair Fey then announced that the Board would enter into **Executive Session** to discuss **Transfer of Tenure, UMASS Worcester, Appointment with Tenure, UMASS Amherst, Awards of Tenure, UMASS Amherst, Boston, Worcester, Appointment with Tenure, UMASS Boston, Honorary Degree, UMASS Worcester and Litigation**. She indicated that the Board would reconvene in open session.

Chancellor MacCormack announced that Provost Thomas Curry will become the Director of the Advanced Technology and Manufacturing Center (ATMC) after commencement, and thanked him for his work as Provost.

It was moved, seconded and

**VOTED:** To enter into **Executive Session** to discuss **Transfer of Tenure, UMASS Worcester, Appointment with Tenure, UMASS Amherst, Awards of Tenure, UMASS Amherst, Boston, Worcester, Appointment with Tenure, UMASS Boston, Honorary Degree, UMASS Worcester and Litigation**.

Chair Fey voted for the motion as did Trustees Austin, Babineau, Boyle, DeFaria, Dubilo, Karam, Kennedy, James Mahoney, Robert Mahoney, Moes, Powers, Rainey, Sheridan, White and Zane.

The time was 10:25 a.m.

At 11:45 a.m. the Board reconvened in open session.

The next item was **Resolution of the Board of Trustees of the University of Massachusetts Authorizing Requests for Initiation of Projects by University of Massachusetts Building Authority**.

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It was moved, seconded, and

**VOTED:** WHEREAS, the University of Massachusetts Building Authority (the “Building Authority”) was created by Chapter 773 of the Acts of 1960 of The Commonwealth of Massachusetts (the “Commonwealth”) (said Chapter 773 as amended, being hereinafter called the “Enabling Act”) as a body politic and corporate and a public instrumentality of the Commonwealth;

WHEREAS, the Building Authority was created by the Enabling Act for the general purposes of aiding and contributing to the performance of the education and other purposes of the University of Massachusetts (the “University”) by providing dormitories, dining commons and other buildings and structures for the use of the University, its students, staff and their dependents and for lease to or use by an organization or association, in any form, of students or others the activities of which are a part of the activities at the University and subject to regulation by the Board of Trustees of the University (the “Trustees”), a research, foundation or other research organization the operation of which in conjunction with the University is approved by the Trustees or any other entity the activities of which are approved by the Trustees as furthering the purposes of the University;

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 Building Authority initiate the projects described below;

NOW THEREFORE,

1. Each of the President and Executive Vice President of the University, acting alone, be and each, acting alone, hereby is authorized in the name and on behalf of the Trustees to make a written request of the Building Authority that the Building Authority initiate;
  - (a) Any or all of the projects listed on Exhibit A attached hereto as long as the estimated total cost of all such projects does not exceed the Estimated Total Project Cost listed on such Exhibit A by more than 20%; and

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- (b) Any other renovation, repair, remodeling or other work in or upon or respecting any building or structure owned or used by the University or the Building Authority, or the provision, installation, renovation, repair or remodeling of or other work upon or respecting any furnishings, furniture, machinery, equipment or facilities with respect to any such building or structure, all as may be requested of the Building Authority in writing from time to time by the President or Executive Vice President of the University, the making of any such request being hereby authorized.
1. The projects to be initiated by the Building Authority in accordance with the request authorized to be made in Section 1 of this resolution may in the discretion of the Building Authority be undertaken separately or together for financing purposes.
  2. The President of the University, the Executive Vice President of the University, and all other officers of the University, each of the foregoing acting alone, be and each, acting alone, is hereby authorized to request the Commissioner of Administration to approve in writing the undertaking by the Building Authority of the projects a request for which is hereby authorized and to do such other things and to take such other action as to the officer or officers so acting shall, as conclusively evidenced by their taking the action hereby authorized, deem necessary or desirable to be done or taken to carry into effect the matters hereby authorized.
  3. This vote is intended as the expression of the University's "official intent" under Section 1.150-2(d)(1) and (e) of the regulation promulgated by the United States Treasury Department under the Internal Revenue Code of 1986, as amended, toward the issuance of revenue bonds under the Enabling Act or other applicable legislation for financing and refinancing the cost of any or all of the projects described in paragraph 1(a) or paragraph 1(b) above. (Doc. T03-036)

The meeting adjourned at 11:47 a.m.

Zunilka Barrett  
Staff Associate