MINUTES OF THE MEETING OF

THE BOARD OF TRUSTEES OF OHIO UNIVERSITY

Friday, September 28, 2007

Margaret M. Walter Hall, Governance Room
Ohio University, Athens Campus
# THE OHIO UNIVERSITY BOARD OF TRUSTEES
## MINUTES OF September 28, 2007 MEETING

## TABLE OF CONTENTS

Minutes of June 29, 2007

Communications, Petitions and Memorials

- 2006-07 Jacoby Trophy Honorees, Resolution of Appreciation, 2007 – 3025 ................................................................. 2

Executive Committee

- Election of Interim Board Secretary, Resolution 2007 – 3026 ................. 3

Reports (Tab 1)

- Chairman’s Report ........................................................................ 4
- Internal Audit, The Ethics Hotline, Resolution 2007 – 3027 ............... 8
- President’s Report .......................................................................... 9
- Executive Vice President and Provost’s Report .............................. 10
- Chair of the Faculty Senate’s Report ............................................. 14

University Academics Committee

- University Academics Committee Minutes .................................... 16
- Establishment of the Ohio Center for Professional Accountancy, Resolution 2007 – 3028 ......................................................... 26
- Review of Centers and Institutes, Resolution 2007 – 3029 ............ 27
- Appointment of Emeritus/Emerita Awards, Resolution 2007 – 3030 .... 32
- Appointment to Regional Coordinating Councils, Resolution 2007 – 3031 .... 33

University Resources Committee

- University Resources Committee Minutes .................................... 34
- Budget Cleanup – College of Medicine Fee Adjustment, Resolution 2007-3032 ................................................................. 41
- Bond Anticipation Notes Reissue, Resolution 2007 – 3033 ........... 42
- Six Year Board of Regents Biennial Capital Plan, Resolution 2007 – 3034 .... 54
- Participation in the Local Administration Certification for Capital Improvement Projects, Resolution 2007-3035 ........................................ 55
• Approval and Authorization to Re-Bid, Receive Bids, and Award Construction Contracts for the Hebbardsville Large Animal Research Facility and Approval to Accept the Alternate for the Porter Hall Addition Fourth Floor, Resolution 2007 – 3036 ...................................................... 56
• Approval to Advertise and Receive Contracts for the Chubb Hall Elevator, Resolution 2007 – 3037 ................................................................. 57

Audit Committee Executive Session

• Audit Committee Minutes ................................................................. 58

Executive Committee

• Executive Session Minutes .............................................................. 59

Appendices

A 2006-2007 Jacoby Trophy
B 2007-08 Performance Objectives, President Roderick J. McDavis
C President's Report
D Report of the Executive Vice President and Provost
E Report of the Chair of the Faculty Senate
F Five Year Academic Action Plan Working Draft
G Recommendation to Approve the Ohio Center for Professional Accountancy
H Review of Centers and Institutes 2006-2007
I Recommendations for Emeriti Status
J Resume of J.P (James Paul) Feldner
K Budget Clean-up – College of Medicine Fee Adjustment
L Approval of 6 Year Board of Regents Biennial Capital Plan
M Approval of Participation in the Local Administration Certification for Capital Improvement Projects
N Approval and Authorization to Re-Bid, Receive Bids, and Award Construction Contracts for the Hebbardsville Large Animal Research Facility and Approval to Accept the Alternate for the Porter Hall Addition Fourth Floor
O Approval of Construction Documents and Authorization to Receive Bids and Award Construction Contracts for Chubb Hall Elevator
Chairman C. Daniel DeLawder called the meeting to order at 10:10 a.m.

ROLL CALL

Seven Trustees were present - Chairman C. Daniel DeLawder, Sandra J. Anderson, Scott P. Borgemenke, Norman E. "Ned" Dewire, Gene T. Harris, M. Marnette Perry, and Larry L. Schey.

Student Trustees Lydia Gerthoffer and Tracy Kelly were present as were National Trustees Frank P. Krasovec and Charles R. Stuckey.

Also attending were President Roderick J. McDavis, Interim Board Secretary Thomas E. Davis, and Dell D. Robinson, Chair, National Alumni Board of Directors.

COMMUNICATIONS, PETITIONS, AND MEMORIALS

Mr. DeLawder acknowledged the loss of Dr. Phillip N. Bebb, long-standing professor of history and valued member of the Ohio University community. He also acknowledged the passing of Mr. Charles "Chuck" Snyder, father of Trustee C. David Snyder. A moment of silence was observed to reflect on the great loss of both individuals.

Mr. DeLawder recognized student athletes and coaches present, and stated it was his honor and privilege to read the following resolution on behalf of the Board of Trustees and University community. Trustee Perry moved approval of the resolution, and Trustee Dewire seconded the motion. All voted approval. The Trustees and attendees followed resolution approval with a standing ovation. Athletics Director Kirby Hocutt congratulated the 2006-07 women's athletics teams on their stellar athletic achievements but also commended them on their academic achievements of an overall grade point average above 3.0 for the 2006-07 academic year. (Appendix A)
Resolution of Appreciation
Resolution 2007-3025

WHEREAS, OHIO claimed the 2006-07 Jacoby Trophy, named in honor of former MAC Commissioner Fred Jacoby who is credited with incorporating women's athletics into the league's structure, for having the best overall women's athletics teams in the Mid-American Conference during the academic year; and

WHEREAS, the award was announced at the league's annual spring meeting; and

WHEREAS, the Bobcat women athletes were MAC champions in cross country, field hockey and volleyball, and earned runner-up finishes in soccer and swimming & diving; and

WHEREAS, OHIO boasted three MAC Coaches of the Year on the women's side: Coach Clay Calkins in cross country, Coach Neil Macmillan in field hockey, and Coach Geoff Carlston in volleyball; and

WHEREAS, it is the second time in school history that the Bobcats have earned the Jacoby Trophy; and

WHEREAS, OHIO also took the prestigious award during the 1994-95 academic year;

THEREFORE BE IT RESOLVED THAT the Board of Trustees unanimously extends to our coaches and student athletes, its heartfelt congratulations on receiving the prestigious Jacoby Trophy.

Entered into the records of Ohio University, this 28th day of September, 2007.

President Roderick J. McDavis
Chairman C. Daniel DeLawder
APPROVAL OF THE MINUTES OF THE MEETING of June 29, 2007
(Previously distributed)

Trustee Dewire moved approval of the previously distributed minutes. Trustee Anderson seconded the motion. All voted aye.

EXECUTIVE COMMITTEE

Trustee Schey moved that Dr. Thomas E. Davis be elected Interim Secretary for the Board of Trustees. Trustee Dewire seconded the motion. All voted aye.

ELECTION OF INTERIM SECRETARY

RESOLUTION 2007 - 3026

RESOLVED that Thomas E. Davis be elected Interim Secretary for the Board of Trustees beginning July 16, 2007, until a permanent Secretary is elected.
Report from the Chairman of the Board of Trustees

Chair DeLawder began his report by reiterating the role and responsibilities of the Board of Trustees and the perspectives each Board member brings as a Trustee. He cited the Board’s basic responsibilities as outlined by the Association of Governing Boards (AGB) and the framework established through the work of the Board and AGB consultant, Dr. Bob Woodbury. Among the Board’s responsibilities, Mr. DeLawder cited those of:

- Approving the University’s mission
- Appointing and supporting the president and the institution’s leadership system
- Monitoring and evaluating the President’s performance
- Assessing the Board’s performance, a responsibility that will be carried out henceforth
- Monitoring the progress on the strategic planning that has been done to ensure adequate resources and fiscal integrity, good management, and the preservation of institutional and campus/community integrity
- Serving, as needed, as a final court of appeals on matters relating to governance, policies, and practices in accordance with grievance procedures
- Providing strategic governance and focus on long-term planning that ensures future academic and financial health but not engaging in day-to-day institutional management

Mr. DeLawder acknowledged the significant progress that the Board and President Mc Davis have achieved since their charge to him to oversee an action plan. That charge has resulted in a strong financial and academic plan. Chair DeLawder acknowledged that President Mc Davis understood that a strategic action plan was a priority when he was hired, and through his work with Executive Vice President Krendl and the academic deans, the Board is pleased to have a “first ever” plan.

Chair DeLawder acknowledged Vice President for Finance and Administration Bill Decatur and his staff for their efforts in improving the financial data available that has allowed the Board to be efficient in their decisions in the time they are together. The Board must be data driven, he stated, and under Mr. Decatur’s leadership, they have become so.

Mr. DeLawder explained the reorganization of the Board that occurred through the summer retreat. The restructured composition of Board Committees is:
University Academics: Trustees M. Perry (Chair), S. Anderson, S. Borgemenke, D. Snyder, National Trustee C. Stuckey, Student Trustee T. Kelly, and Alumni Board representative D. Robinson

University Resources: Trustees L. Schey (Chair), N. Dewire, G. Harris, R. Kidder, National Trustee F. Krasovec, and Student Trustee L. Gerthoffer

University Audit: Trustees R. Kidder (Chair) and D. Snyder

Executive Committee: Trustees D. DeLawder (Chair), M. Perry (Vice Chair), and L. Schey

Governance Committee: Trustees N. Dewire (Chair), S. Anderson, and G. Harris

Chair DeLawder shared that the first Committee meetings under the new structure were held on Thursday, September 27th, and the meetings were very successful. Subcommittees may be put in place in the future but have not yet been established. He acknowledged that the receptivity of the Board to change was underscored by the new Committee structure, and the Board’s consensus is that they are now organized appropriately.

Mr. DeLawder shared the third draft of Presidential goals presented to them and cited the five primary strategic objectives of those goals as follows:

1. Strengthen Undergraduate Education
2. Enhance Graduate and Professional Education and Research
3. Improve Faculty, Staff, and Student Quality and Diversity
4. Enrich Environment
5. Fortify Infrastructure

Chair DeLawder stated that the goals tied to the five primary objectives are the benchmarks that President McDavis will be evaluated upon. He shared that the Board reviewed the objectives as identified in the Executive Committee meeting earlier that morning, and Trustees expressed the desire to adopt the goals as a means to measure the President’s performance. Mr. DeLawder indicated that academic and financial plans may change, but based upon the Academic Action Plan as it stands today, asked that goals be accepted. Trustee Borgemenke moved their acceptance, and Trustee Dewire seconded the motion.

Prior to a vote by the Board, Mr. DeLawder discussed the advantage of using metrics in measuring performance and stated that while metrics are in the President’s
goals, metrics are not the only way performance will be evaluated. Both qualitative and quantitative data and feedback be considered as goals are evaluated.

President McDavis stated that there is a sixth goal to consider, and that goal is to enhance national performance. That goal was noted by the Board. All Trustees voted aye to adopt the six Presidential goals, and a copy is included in the appendices. (Appendix B)

Chair DeLawder opened a discussion on the Presidential evaluation process. He acknowledged that the Board is in receipt of formal positions on Presidential evaluation filed by the student senate. He foresees a formal position by the Faculty Senate in the future. He formally acknowledged and welcomed these positions. Over the past two years, feedback from multiple constituent groups into the evaluation process has been considered. Appropriate next steps are being considered to reevaluate the evaluation process and to provide a more formal process. Chair DeLawder and members of the Executive Committee will appoint an Ad Hoc Committee for Presidential Evaluation. He asked Interim Secretary Tom Davis to gather data on best practices. Chair DeLawder will make appointments to the Committee, and they will be charged to propose an evaluation model by the next Board meeting in February.

Mr. DeLawder outlined Trustee visits to the colleges that occurred on Thursday, September 27th. Visits to colleges were discontinued five years ago, and through discussions at the Board Retreat in August it was determined that Trustees wanted more time to connect with faculty and students to understand the academic missions and foci in the various units. Colleges visited were the Honors Tutorial College and the College of Business. He publicly thanked Deans Sherman and Fidler. Chair DeLawder spoke personally about all the good work being done in the Honors Tutorial College, the visit he participated in. His sense from those participating in the College of Business visit was that the visit was an enormous success as well. He indicated the consensus of those who participated was that it was time very well spent and commended Drs. McDavis, Krendl, and Davis. Sentiments from Trustees Schey, Krasovec, and Stuckey echoed sentiments of Mr. DeLawder.

Mr. DeLawder outlined discussions of the Executive Session of the Audit Committee held on Thursday, September 27th. (See page 58 of official minutes for those proceedings.) The resolution brought forward by Internal Audit regarding the Ethics Hotline was formally passed by a vote of the Board.

Chair DeLawder spoke of the importance of the linkage of the Board of Trustees with The Ohio University Foundation Board. Five of the Trustees also serve as
Foundation Board members. Vice President for University Advancement Howard Lipman provided Trustees with information relative to giving at Thursday evening’s dinner of the Trustees and Executive Staff. He shared that Trustees look forward to updates on donor relations.

Mr. DeLawder turned discussion to Trustee Dewire, Chair of the Governance Committee, who put the Board on notice that the Bylaws will be amended at the February 2008 meeting. By-law changes require a 30-day notice. Revised bylaws will be posted through the Board’s office and will include the new Board Committee structure of Academics, Resources, Audit, Governance, and Executive.

The report of the Chair concluded at 10:40 a.m.
Trustee Perry moved approval. Second motion made by Trustee Schey. All voted aye.

Internal Audit
The Ethics Hotline
Resolution 2007 - 3027

WHEREAS, the Board of Trustees of Ohio University has established an anonymous reporting system, the Ethics Hotline, for matters regarding potential violations of university policies or suspected fraudulent behavior, and

WHEREAS, the Board of Trustees recognizes that offering an anonymous complaint system to an institution’s employees is a “best practice” in higher education and is so recognized by the National Association of College and University Business Officers (NACUBO), and

WHEREAS, Ohio University previously suspended accepting reports of alleged wrongdoing through its valued Ethics Hotline, citing concerns over individual privacy, and

WHEREAS, to avoid wasting public funds and to protect the privacy of students and university employees, appropriate hotline safeguards will be implemented, and

WHEREAS, the appropriate hotline safeguards to be implemented include limiting the acceptance of reports to those concerning fraud, waste, or abuse of university assets or other compliance and regulatory issues and restricting the hotline intake method to the telephone, and

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees shows its commitment to promoting a culture of ethics and integrity and does hereby authorize the reactivation of the Ethics Hotline.
Report of the President

President McDavis outlined the University’s two priorities in the months ahead. He discussed the goals and planning process for the University System of Ohio and work with Chancellor Fingerhut. The primary goal of the system is to reduce competition and increase collaboration among colleges and universities while increasing enrollment and improving graduation rates. The planning process allows institutions the opportunity for input to shape the System and focuses on addressing issues including quality, affordability, access and success, economic development, accountability, and regional campuses. The model will serve as a catalyst to improve the State’s economy. President McDavis shared highlights from Chancellor Fingerhut’s recent visit to campus where he outlined his vision and encouraged the campus community to participate in the conversations taking place.

President McDavis discussed the second priority of “looking at ourselves.” He outlined the administrative restructuring begun in May 2007 and charge to Executive Vice President and Provost Krendl to work with the deans on the strategic objectives that are drawn from the work of Vision Ohio. He shared his excitement about the goals of the Five-Year Academic Action. Dr. McDavis told the Board that he had taken their feedback from the discussions at the August Retreat and outlined next steps of charging an Action Plan Committee to take input from the campus community. That input will be brought to Trustees at the February meeting.

A copy of President McDavis’ report is included in the appendices. (Appendix C)
Report of the Executive Vice President and Provost

Executive Vice President and Provost Krendl opened her remarks echoing sentiments from Board members, faculty, staff, and students and expressed an appreciation for the attention of the Trustees and an opportunity to get to know them better.

A copy of Dr. Krendl's report is included with the official minutes. (Appendix D) Highlights of her report include:

- "Made Manifest: The Vision Ohio Academic Plan"

Dr. Krendl announced that it is time to determine what is clearly revealed to the eye. Moving forward through the presentation, Board members will see many things from Vision Ohio that have become visual to the eye. These initiatives are evident, managed, and performance is being monitored

- Establishment of a Graduate College
- Redefinition of the position of Vice President for Research. Position will now be the Vice President for Research and Creative Activity and the incumbent will serve as dean of the Graduate College. The redefinition will create a single point of entry for research and graduate studies
- Academic marketing campaign. Dr. Krendl shared The Promise, a collaborative marketing video piece created under the direction of Dr. Joe Brennan, Executive Director of University Communications and Marketing, and through the oversight of Gina Calcammigio, Senior Director of Marketing. Dr. Krendl discussed the commitment and emotional process for all involved across boundaries that culminated in a breathtaking piece capturing the promises that are made to ensure academic potential and personal growth of our students. A standing ovation was given by Trustees and attendees, with particular congratulations to Ms. Calcammigio. National Trustee Krasovec added that it was stated at dinner on Thursday night that OHIO ranked fourth in the nation for graduation rates. He congratulated the administration on the special attention received from the Washington Monthly that we are an institution that provides true value to students. Trustee Anderson indicated that Trustees met some of the showcased students in their visits to the colleges the day before. She stated that they "jazzed us all up and we want to share it!" Dr. Krendl said that beginning on October 1, the Columbus market should see the release as will the MSNBC and FOX networks and the release will be shown at sporting events. Chair DeLawder said we know how good we are, now the world needs to know it!
National Trustee Krasovec announced that he just received a Ph.D. in goosebumps.

- Accounting of the impact of the $1.5 million Vision Ohio Strategic Investment Funds distributed in FY06

**Undergraduate programs:**
- Scholars program in the College of Arts and Sciences
- Retention programs with high risk student focus, partnering with the College of Arts and Sciences and University College
- Digital media sequence in the School of Telecommunications, Scripps College of Communications
- College of Business, piloting a regional campus BBA degree. Dean of the College of Business is championing the program. All coursework is being done through video system delivery. The degree is the same degree as is delivered on Athens campus with some adjustments as to how the structure works.

**Graduate programs:**
- Creative research awards, College of Fine Arts
- Grants coordinator/writer, College of Health and Human Services
- Student alcohol prevention and intervention outreach program, College of Education through the George Hill Center for Counseling and Research

**Faculty & Staff:**
- Multicultural informational receptions (Dayton, Columbus, others)
- Honors Tutorial College, new recruiting venues (comic books, fortune cookies). Comic books stand apart to recruit high ability students
- Alden Library: Faculty Commons modeled after the Learning Commons. Faculty Commons is not open 24/7 like Learning Commons. Opened this week. Faculty Commons disciplines together. Thanks were given to the commitment of Alden Library staff and the vision of former Dean of Libraries, Julia Zimmerman

- **Made Manifest:** Vision Ohio at Work

- Five Year Academic Action Plan Committee. Dean Charles McWeeny will chair the committee. Met for the first time yesterday. Committee membership will consist of vice presidents, deans, and representatives of the constituent groups. Dean McWeeny outlined the strategies for receiving input to the Plan. Deadline for feedback to EVPP Krendl is November 15th. A webpage including a blog for all communications is under development. Dean McWeeny is optimistic that the deadline will be met.
Dashboard indicators: Dr. Krendl addressed some of the dashboard indicators as follows:

- First year students in learning communities: met the goal
- Student retention: knew we would have challenge here. The measure is freshman to sophomore years. Good news is that overall is retention is up. Did not begin until January 2007; this year we will have full benefit of the entire year
- Graduation rates: excellent
- Transfer students are up; a lot of activity in this area. Will meet or exceed
- Admissions selectivity indicates OHIO is more selective
- Average entering freshman ACT scores is up .1. The decline has turned around
- First year non-residents students are up: significant increase in international students. Last year the largest influx came from China and India. Work to get the academic area breakdown is underway.
- Multicultural first-year enrollment: percentages are much stronger
- Graduate student applications are back up in 2007
- Faculty retention rate. Caution about rates here needs to be acknowledged. Indications are there is very little change. Faculty move between faculty and administrative appointments. Monitoring and reporting from the deans is forthcoming. Climate studies are available.

University System of Ohio

College of Arts and Sciences Dean Benjamin Ogles was introduced and provided an update on the Task Force on Centers of Excellence in Graduate and Professional Education. Highlights of his update were:

- The deans recognize the need to be more focused on what resources are used for. The University System of Ohio provides the impetus to organize a task force to examine how our resources will be used.
- Faculty Senate representatives are included on the task force. Meetings are planned to establish guidelines. Reports are due by end of January.
- Four main categories will be focused upon: centrality of program to mission, profile of incoming students, nature and degree of accomplishments, and viability for excellence.

National Trustee Krasovec expressed appreciation and that the plan is focused as it should be. During college visits on Thursday, faculty and students expressed the desire to have smaller classes with a preference to reduce
offerings and have resources dedicated where they are most appropriate. Dr. Krendl said the appropriate budget tools are now available that inform the process.

Dr. Krendl ended her presentation expressing the hope that Trustees are seeing the implementation that has resulted from the various processes undertaken. Her plan is to stay focused on two issues: the Five Year Academic Action Plan and the University System of Ohio. Chair DeLawder and Trustee Borgemenke commended the process and outcomes demonstrated. Trustees present echoed their sentiments. When asked about faculty retention data, Dr. Krendl clarified that data is for tenure track faculty. Trustee Dewire stated the importance of faculty understanding the outcomes.
Report of the Chair of the Faculty Senate

Chair of the Faculty Senate, Sergio Lopez-Permouth, addressed the Board, thanking them for the past resolution that allows increased communication to them from the faculty. He offered a disclaimer for his remarks, stating that he was speaking on behalf of a large group, but would attempt to capture the sentiments of most. Following are highlights of his remarks, and a copy of his report is included with the official minutes. (Appendix E)

- Faculty perspective: what it is and why that matters. Faculty are in the business of priceless. Administrators are in the business of dollars and cents. Hard to communicate. Original title of his presentation was *Administrators are from Mars, Faculty are from Venus*
- Faculty values: journey of discovery; not only about research dollars but of enlightenment; we are part of the patrimony of the state, country, and its people; purpose is to enrich the state and region with knowledge
- Shared governance: pretend you are architects. To remodel a house, you should talk to people who live in the house before you remodel. That is shared governance. It's not about power; it is how well you do your job. Faculty are the house of Ohio University. This is home; we must have say in it. Talk to the faculty
- Faculty workload: teaching, research, service. Service, the smallest “piece of the pie” is the amount of time devoted to shared governance. Modern trends in academia are on accountability and assessment. Their impact on faculty workload is that there are so many things to do and so little time. There is no time for poetry and music. The workload is teaching, with little time for research and most of all service: that is the thing that gives
- Faculty concerns: quality control gets in the way of quality; we don't need more supervisors, we need more workers
- Presentation is not meant as an attack at administration. It is intended to be a means for communication. Being a college administrator is difficult a job; getting feedback from people who are too busy to give you feedback is a difficult thing

Senate Chair Lopez ended his presentation stating that he is a brand new Chair of the Faculty Senate and an optimist. He is confident that the year will be a productive one as we tackle the tasks ahead. He thanked the Board, on behalf of the faculty, for the opportunity to talk with them.

National Trustee Krasovec thanked Dr. Lopez on behalf of the Board. Student Trustee Kelly asked what the Board could do to incorporate faculty concerns into
their discussions. Dr. Lopez indicated that the Board should consider the resolution pending to have a faculty member serve as a non-voting member of the Board. The resolution is not an issue of power, he stated, but one of continued dialogue. He indicated that President McDavis is being asked to have a member of the faculty serve on his staff. Trustee Schey stated that having the Interim Board Secretary come from the faculty ranks is indicative of the Board’s openness to listen to the voice of faculty. He stressed the importance of never losing sight that we all share the same goal; all are attempting to get to the same place but are taking different paths.

Chair DeLawder asked if there was data to support the claim of faculty overload. Dr. Lopez stated that the concepts are not measurable in a concrete way and cited his work with doctoral students as an example. Mr. DeLawder suggested looking at aspirational data and indicated that Trustees are concerned about the issue but need help to better understand the faculty concern.

National Trustee Krasovec inquired about the metrics outlined. Dr. Lopez said the goals talk about the quality of the student experience but what the metrics really are about is numbers, not the quality of the educational experience. When asked if the metrics provided faculty the ability to stay creative, Dr. Lopez responded that he personally felt suffocated by the administration.

Chair DeLawder restated that in measuring President McDavis’ performance, both qualitative and quantitative indicators would be considered. He asked Executive Vice President and Provost Krendl to provide the Board with data to consider the issue of faculty workload.

Trustee Perry inquired about lack of time for research. Dr. Lopez used an analogy to respond with the essence being that it is important to have research faculty doing that work without the overloaded focus on their teaching and service.
University Academics Committee

Committee Chair Perry reported on matters before the Committee and the overview of the Five Year Academic Action Plan received. A copy of the report is included with the minutes in the Appendix. (Appendix F) Highlights of the Committee meeting included:

- The enthusiasm of the Trustees who visited the colleges on Thursday
- The goals of the Committee for the year: focus on strategy and less on tactics, focus on the agenda of the deans and vice presidents, and focus on the Five Year Academic Action Plan
- Reports from the visit of Chancellor Fingerhut and the need to take the five year strategy and establish a ten year plan to as part of the University System of Ohio to distinguish ourselves

Trustee Perry expressed pleasure at having a five year plan in place to build on, and while there may be a sense of feeling “ahead of the game,” we are not resting comfortably. The conversation in Committee was important, and she acknowledged the work of Executive Vice President and Provost Krendl, Chief Information Officer Bible, Athletics Director Hocutt, and Executive Director Brennan.

The Committee recommended four resolutions for approval.
University Academics Committee
Ohio University Board of Trustees
SUMMARY

3:00 p.m., September 27, 2007
Margaret M. Walter Hall, Room 127

Present: M. Marnette Perry, chair, Sandra J. Anderson, Tracy Kelly, Dell D. Robinson, Charles R. Stuckey, Kathy A. Krendl, executive vice president and provost, Tom Davis, interim executive secretary to the Board of Trustees

Guests: Brice Bible, chief information officer, Joseph Brennan, executive director, University Communications and Marketing, James Rankin, interim V.P. for Research

Trustee Perry called the meeting of the University Academics Committee to order and reported that the trustees visited the Honors Tutorial College and the College of Business this morning. This effort will give trustees time with and a greater understanding of our colleges, students, and academic programs.

Trustee Perry informed those present that the former committees have been folded into three new committees: Resources, University Academics, and Governance. The goal for the University Academic Committee is to focus on the strategic mission and to share this information with Resources to build a comprehensive strategic plan. The four key areas of the plan will be academics, student life and athletics, communication and marketing, and IT.

Action Items:

School of Accountancy: Establishment of the Center for Professional Accountancy Professor Esmond-Kiger, new director of the School of Accountancy, remarked that the Sales Center creates a bridge between the professional and academic programs. They hope to have 20 sponsors in the next three to five years including accounting firms and corporations. The establishment of the center will take place at the full board meeting. (Appendix G)

Review of Centers and Institutes: (Appendix H)

NOTE: Trustee Stuckey asked what the difference is between centers and institutes. Generally, centers report to departments and colleges and have little external support. Institutes report to the VP. for Research, are cross-disciplinary, and are
usually externally funded. As part of the effort to define centers of excellence for the University System of Ohio (USO), we are reviewing this relationship.

College of Arts and Sciences:

Institute of Nuclear and Particle Physics, David Ingram was present to represent the program to the Committee.

Center for Ring Theory and Its Applications, Sergio Lopez-Permouth, was present to represent this Center to the committee.

- Math can be about aesthetics, beautiful and useful. But it also underlies information technology and its many applications.
- The group collaborates across campus and throughout the world, and is slowly creating a place for Ohio University among mathematicians and educators worldwide.
- Dean Ogles added that their journal is undergoing its first review. This group has a large impact with few resources. The Regional Campuses also participate in the Ring Theory Center.

Scripps College of Communication

Institute of International Journalism, Dean Shepherd was present to represent this Institute to the committee.

- He has asked that this institute be renewed for two years as it does not have the funding status to be an institute. Should funding be secured, they will consider Center status after the next review.

College of Education

The George Hill Center for Counseling and Research, Tom Davis represented this Center to the committee noting that it is highly successful and integrates training and entrepreneurial programs.

Russ College of Engineering and Technology

Center for Advanced Materials processing (CAMP), Khairul Alam, was present to represent this Center to the committee.

Center for Automatic Identification, Dean Irwin represented this Center to the committee noting that it will be restructured as a laboratory within the Russ College of Engineering. The Center will be discontinued, possibly renamed and
Chairman Schey suggested approval of the following six resolutions by consensus. Trustee Dewire moved approval. Trustee Perry seconded. All voted aye.

**FY08 BUDGET CLEAN-UP**
**COLLEGE OF MEDICINE FEE ADJUSTMENT**

**RESOLUTION 2007 - 3032**

**WHEREAS**, the Ohio University Board of Trustees passed Resolution 2007-3006 authorizing the University to assess Instructional Fees, General Fees, and Non-Resident Surcharges at its June 29, 2007 meeting, and

**WHEREAS**, Schedule F.2 did not reflect the 5% increase in the non-resident surcharge desired by the College of Osteopathic Medicine, and

**WHEREAS**, the proposed fee schedules are consistent with Amended Substitute House Bill 119.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Trustees adopts the revised fee schedule (Schedule F.2) that provides the requested increase to the College of Osteopathic Medicine’s non-resident surcharge, effective Winter Quarter 2008.
SERIES 2008A RESOLUTION
RESOLUTION NO. 2007-3033

PROVIDING FOR THE AUTHORIZATION, ISSUANCE AND SALE OF NOT TO EXCEED $5,550,000 GENERAL RECEIPTS BOND ANTICIPATION NOTES OF THE OHIO UNIVERSITY

WHEREAS, by authority of Sections 3345.11 and 3345.12 of the Ohio Revised Code (the "Act"), The Ohio University (hereinafter called the "University"), a state university of Ohio created and existing under Chapter 3337 of the Ohio Revised Code, is authorized to acquire and construct "facilities", as therein defined, to issue its obligations to pay all or part of the costs of such facilities or to reimburse itself for such costs which it has paid from its own funds, and to refund obligations previously issued, in accordance with the applicable provisions of Section 3345.12 of the Act, and to secure said obligations by a pledge of and lien on all or such part of the "available receipts" of the University (as defined in such section) as may be provided for in the proceedings authorizing such obligations, excluding moneys raised by taxation and state appropriations; and

WHEREAS, the University, pursuant to Section 3345.12 of the Act and a General Bond Resolution (the "General Bond Resolution") adopted by this Board of Trustees (hereinafter called the "Board") on April 14, 1972, entered into a Trust Agreement (the "Indenture") dated as of June 1, 1972 (of which the General Bond Resolution constitutes a part) providing for the issuance from time to time of General Receipts Bonds of the University and pledging such available receipts as security for such bonds; and

WHEREAS, the University has previously issued general receipts bond anticipation notes in the principal amount of $6,350,000 (the "Prior Notes") for the purpose of acquiring administrative information management systems including expenses necessary or incident to such acquisition of these systems and the placing of them in use and operation, and costs of issuance of such notes (collectively, the "Project"), which notes were issued in anticipation of the issuance of General Receipts Bonds of the University under and pursuant to Section 3345.12 of the Act and Resolution No. 2006-2079, adopted by the Board on October 28, 2006; and

WHEREAS, it is necessary and desirable to refund the Prior Notes in the principal amount of $5,550,000 by issuing general receipts bond anticipation notes pursuant to Section 3345.12 of the Act in anticipation of the issuance of General
Receipts Bonds of the University under the Indenture and the General Bond Resolution, and which such bond anticipation notes are to be secured as hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PRESIDENT AND TRUSTEES OF THE OHIO UNIVERSITY, AS FOLLOWS:

SECTION 1. In order to obtain funds for the purpose of refunding the Prior Notes, the Board hereby determines that (i) it is necessary and in the best interests of the University to issue General Receipts Bonds of the University in a principal amount not to exceed $5,550,000 bearing interest at the rate not to exceed six per cent (6%) per annum, maturing in substantially equal annual or semiannual installments of principal and interest over a period not exceeding thirty (30) years after their issuance, and having an estimated annual principal and interest payment of approximately $470,000, (ii) it is necessary and in the best interests of the University to issue notes in anticipation of the issuance of such bonds in a principal amount not to exceed $5,550,000 (herein the “Notes”) pursuant to the laws of the State of Ohio, and particularly the Act, upon the terms set forth herein; and (iii) the Project will constitute “auxiliary facilities” or “education facilities” as defined in the Act.

The Notes shall (i) be issued in a principal amount not to exceed $5,550,000 in one or more series; (ii) be of the denominations, dated and numbered; (iii) bear interest at a rate or rates not exceeding six per cent (6%) per annum, based on a 360-day year comprised of twelve 30-day months, payable at maturity; and (iv) mature on a date not exceeding one year from the date of issuance; all as determined by the Vice President for Finance and Administration and Treasurer of the University (the “Treasurer”). The Notes may be subject to call for redemption prior to maturity, upon such terms as the Treasurer may determine. The principal of and interest on the Notes shall be payable upon presentation at maturity in lawful money of the United States of America at the office of the Treasurer or at such bank or trust company as may be designated by the Treasurer (the “Paying Agent”). The Notes may be issued in bearer or fully registered form, without coupons, as determined by the Treasurer, and the Paying Agent shall serve as Note registrar and transfer agent for any Notes issued as registered obligations. If the Notes are issued in registered form, principal and interest shall be paid only to the registered owner thereof as shown on the Note registration records maintained by the Paying Agent on behalf of the University.

Notes issued in registered form shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent upon presentation and surrender thereof to the Paying Agent.
The University and the Paying Agent shall not be required to transfer any registered Note during the 15-day period preceding any interest payment date or preceding any selection of Notes to be redeemed, or after such Note has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent. Upon such transfer, a new Note or Notes of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor. The University and the Paying Agent may deem and treat the registered holders of registered Notes as the absolute owners thereof for all purposes, and neither the University nor the Paying Agent shall be affected by any notice to the contrary.

The Treasurer is hereby further authorized and directed to execute and deliver, in the name and on behalf of the University, a supplemental trust agreement supplementing the Indenture to provide for the issuance of and security for the Notes upon such terms as approved by such officer not inconsistent with this Resolution, and not substantially adverse to the University. The approval of such officer, and that such supplemental trust agreement is consistent with this Resolution and not substantially adverse to the University, shall be conclusively evidenced by the execution of such supplemental trust agreement by such officer.

SECTION 2. The Notes shall bear such designation to distinguish them from other obligations of the University as shall be made by the Treasurer, shall be negotiable instruments and shall express upon their face the purpose for which they are issued and that they are issued pursuant to general laws of Ohio, particularly the Act, and to this Resolution. The Notes shall bear the manual or facsimile signatures of the Chairman of the Board or the President of the University and the Treasurer and may bear the official seal of the University or a facsimile thereof, and shall bear the manual authenticating signature of the Paying Agent or an authorized representative of the Paying Agent.

SECTION 3. The Notes shall be awarded and sold to a registered municipal securities dealer, selected by the Treasurer, experienced in underwriting state and local bond issues (the "Original Purchaser"), at a price determined by the Treasurer provided that such price shall be not less than 97% of the principal amount thereof, plus accrued interest on the aggregate principal amount of the Notes from their date to the date of delivery to and payment by the Original Purchaser, all in accordance with, and subject to the terms and conditions of, the Original Purchaser's proposal contained in the hereinafter-described note purchase agreement. The determinations and designations to be made by the Treasurer pursuant to this Resolution and such award and sale shall be evidenced by the execution of a certificate of award (the "Certificate of Award") by the Treasurer setting forth such award and sale, the other matters
to be set forth therein referred to in this Resolution, and such other matters as the Treasurer determines are consistent with this Resolution, including without limitation, restrictions on the issuance of additional notes on a parity with the Notes and requirements for payments into the Note Payment Fund. That the matters contained in the Certificate of Award are consistent with this Resolution shall be conclusively evidenced by the execution of the Certificate of Award by such officer.

The Treasurer is hereby further authorized and directed to execute and deliver, in the name and on behalf of the University, a note purchase agreement with the Original Purchaser upon such terms as approved by such officer not inconsistent with this Resolution, and not substantially adverse to the University. The approval of such officer, and that such note purchase agreement is consistent with this Resolution and not substantially adverse to the University, shall be conclusively evidenced by the execution of such note purchase agreement by such officer. The Treasurer is hereby authorized to make arrangements with Thompson Hine LLP to serve as bond counsel with respect to the Notes, and the appointment of such firm to serve in such capacity is hereby approved.

The Treasurer, and any other appropriate officers of the University, are each hereby separately authorized to make arrangements for the delivery of the Notes to, and payment therefor by, the Original Purchaser, to give all appropriate notices and certificates and to take all actions necessary to effect the due authorization, execution and delivery of the Notes pursuant to the provisions of the note purchase agreement. It is hereby determined that the price for and the terms of the Notes, and the sale thereof, all as provided in this Resolution, are in the best interest of the University and in compliance with all legal requirements.

SECTION 4. The proceeds from the sale of the Notes shall be deposited and allocated as follows: $5,550,000 shall be deposited in the Note Payment Fund referred to in the Prior Resolution and used, along with other moneys deposited by the University in the Note Payment Fund, to pay the principal of and interest on the Prior Notes at their maturity.

Such proceeds shall be used for the purposes set forth above and for no other purpose. Pending such use, the proceeds of sale of the Notes may be invested in lawful University investments approved by the Treasurer. Any of such proceeds remaining after the completion of the Project shall be transferred to the Note Payment Fund and used to pay the principal of and interest on the Notes. Interest on such proceeds shall be deposited in such fund or account of the University as the Treasurer shall determine.

The Notes shall be payable from a special fund previously created in the custody of the University or the Paying Agent, as determined by the Treasurer (the
"Note Payment Fund") which shall be used solely for the payment of the principal of and interest on the Notes. Moneys for the payment of the principal of and interest on the Notes, but only from the hereinafter-described sources, shall be deposited in the Note Payment Fund not later than the date on which payment of the Notes is payable. Interest on such moneys shall be deposited in such fund or account of the University as the Treasurer shall determine.

SECTION 5. Principal of and interest on the Notes, together with the principal of and interest on any other notes that may currently be outstanding or that may hereafter be issued by the University on a parity therewith, shall be equally and ratably payable from and secured by a pledge of and a lien on, the "General Receipts" of the University as defined in Section 1 of the General Bond Resolution, but subject to the existing pledges thereof in favor of the University's General Receipts Bonds heretofore or hereafter issued pursuant to the General Bond Resolution and the Indenture. The principal of and interest on the Notes shall also be equally and ratably payable from, and secured by a pledge of and lien on, the moneys and investments in the Note Payment Fund and the proceeds of the sale of bonds or notes issued pursuant to the Act or other authorizing provisions of law to refund or retire the Notes which shall be deposited in the Note Payment Fund; provided that neither the State of Ohio, the University nor the Board shall be obligated to pay the principal of or interest on the Notes from any other funds or source, nor shall the Notes be a claim upon or lien against any property of the State of Ohio or any other property of or under the control of the University, and the Notes, as to both principal and interest, shall not be debts or bonded indebtedness of the State of Ohio, shall not constitute general obligations of the State of Ohio or the University, the full faith and credit thereof are not pledged thereto, and the owners of the Notes shall have no right to have any excises or taxes levied by the General Assembly of the State of Ohio for the payment of such principal or interest.

In consideration of the loan evidenced by the Notes, the University covenants and agrees that (i) it will use its best efforts to do all things necessary to effect the authorization, issuance and delivery, prior to the maturity of the Notes, of bonds or notes to refund or retire the Notes, pursuant to the Act, or other authorizing provisions of law, in such principal amount as shall be necessary together with other lawfully available funds, if any, to pay the principal of and interest on the Notes, (ii) it will do all things necessary to sell such bonds or notes at the time provided above and will accept such price and such interest rate or rates as shall be necessary in order to effect such sale, and (iii) it shall apply the proceeds of such bonds or notes to the extent necessary to make full payment of the principal of and interest on the Notes; such obligations are established as duties specifically enjoined by law upon the
University and its officers, and resulting from their respective offices, trusts or stations within the meaning of Section 2731.01 of the Ohio Revised Code. In connection with the aforesaid covenant, it is the present intention of the University that such bonds as may be issued to retire the Notes will be issued as "General Receipts Bonds" pursuant to the General Bond Resolution.

SECTION 6. The foregoing pledges in favor of the Notes shall be released upon the deposit by the University, in the Note Payment Fund, of cash or noncallable direct obligations of the United States of America, or a combination thereof (which United States government securities mature on or before the maturity date of the Notes) in an amount sufficient fully to discharge the principal and interest requirements of the Notes at and prior to maturity.

SECTION 7. In the event any of the Notes shall not be presented for payment when the principal thereof becomes due, if moneys for the purpose of paying, and sufficient to pay, such Note shall have been made available to the Paying Agent therefore, it shall be the duty of the Paying Agent to hold such moneys in trust, without liability to the University or the owner of the Note for interest thereon, for the benefit of such owner, who shall, subject to the provisions of this Section, thereafter be restricted exclusively to such moneys for any claim of whatever nature on his part under this Resolution or on, or with respect to, such Note. Any moneys which shall be so held by the Paying Agent, and which remain unclaimed by the owner of the Note not presented for payment, for a period of three years after the date on which such Note shall have become payable as provided above, shall, upon request in writing by the University, be paid to the University, and thereafter the owner of such note shall look only to the University for payment and then only to the amounts, or to the extent of amounts, so received by the University without any interest thereon, and the Paying Agent shall have no further responsibility with respect to such moneys.

The moneys paid to the University pursuant to this Section shall be credited by it to a special fund of the University, as a trust fund separate and apart from other funds of the University, to be maintained in an account or accounts with a bank or banks that are members of the Federal Deposit Insurance Corporation. The University shall keep a record of the amounts so deposited in said special fund, and moneys in such fund shall be applied to payment of principal of the Note or Notes with respect to which such money is transferred to the University. Moneys in such special fund unclaimed for fifteen years after such moneys are paid to the University shall become the absolute property of the University free from all claims of any kind.
SECTION 8. The Board hereby covenants, for and on behalf of the University, that the University will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Notes under Section 103(a) of the Internal Revenue Code of 1986 and regulations promulgated thereunder (the "Code"). Without limiting the generality of the foregoing, the University hereby covenants as follows:

(a) The University will not directly or indirectly use or permit the use of any proceeds of the Notes or any other funds of the University, or take or omit to take any action that would cause the Notes to be "arbitrage bonds" within the meaning of Sections 103(b)(2) and 148 of the Code. To that end, the University will comply with all requirements of Sections 103(b)(2) and 148 of the Code to the extent applicable to the Notes, including any expenditure requirement, investment limitations or rebate requirements. The Treasurer, or any other officer having responsibility with respect to the issuance of the Notes, is authorized and directed to give an appropriate certificate on behalf of the University, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of such Sections 103(b)(2) and 148, and to execute and deliver on behalf of the University an IRS Form 8038G in connection with the issuance of the Notes.

Without limiting the generality of the foregoing, the University agrees that there shall be paid from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code. This covenant shall survive payment in full or defeasance of the Notes. The University specifically covenants to pay or cause to be paid to the United States at the times and in the amounts determined under such section.

Notwithstanding any provision of this sub-section (a), if the University shall obtain an opinion of nationally recognized bond counsel to the effect that any action required under this Section is no longer required, or to the effect that some further action is required, to maintain the exclusion from gross income of the interest on the Notes pursuant to Section 103(a) of the Code, the University may rely conclusively on such opinion in complying with the provisions hereof.

(b) So long as any of the Notes, or any obligations issued to refund the Notes, remain unpaid, the University will not operate or use, or permit the operation or use of, the Project or any part thereof in any trade or business carried on by any person within the meaning of the Code which
would cause the Notes to be “private activity bonds” within the meaning of Section 141 of the Code.

SECTION 9. For purposes of this Resolution, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry maintained by others than the University is the record that identifies the owners of beneficial interests in those Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Notes or principal and interest, and to effect transfers of Notes, in book entry form, and including and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

Upon a determination by the Treasurer, all or any portion of the Notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Notes, notwithstanding any other provision of this Resolution. If and as long as a book entry system is utilized with respect to any of the Notes: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of the Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Board of Trustees. Debt service charges on the Notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the University’s agreement with the Depository to the Depository or its authorized representative.
The Paying Agent may, with the approval of the Treasurer (if the Paying Agent is an entity other than the Treasurer), enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Resolution, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Paying Agent and to the officer executing the same. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent, to other paying agents for Notes and to the Treasurer (if the Paying Agent is an entity other than the Treasurer). Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for the purposes of, this Resolution.

The Treasurer is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the University, a letter agreement with The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system.

If any Depository determines not to continue to act as Depository for the Notes for use in a book entry system, the University and the Paying Agent may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Resolution. If the University and the Paying Agent do not or are unable to do so, the University and the Paying Agent, after the Paying Agent has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver Note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the University or the Paying Agent, of those persons requesting such issuance.
SECTION 10. This Resolution and the pledges and covenants of the Board made herein shall constitute a contract between the University and the owners of the Notes, and no alteration or variation of any of the provisions of this Resolution, which shall have, in the opinion of the Treasurer, a material adverse effect on the then current holders of said Notes shall be made so long as any of said Notes remain outstanding and unpaid, except with the written consent of all of such owners.

SECTION 11. The officers of the University and of the Board are hereby authorized to take any and all action necessary or proper to comply with the terms of this Resolution and to effect timely delivery of the Notes, and to execute all necessary and appropriate certifications with respect to the Notes and the disposition of the proceeds of sale thereof.

SECTION 12. This Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 13. The proper and appropriate officers of the Board and of the University, to the extent authorized by law, are hereby authorized to take such actions, and to execute and deliver appropriate closing certificates, and such other documents, certificates and statements, as may be required in connection with sale and delivery of the Notes. Without limiting the generality of the foregoing, the Treasurer and other appropriate officers of the University are hereby authorized to apply to the Chancellor of the Ohio Board of Regents for any required approvals with respect to the Project or the Notes, and any such actions heretofore taken are hereby approved, ratified and confirmed. Should all the Project or the Notes not receive such approvals by the time the Notes are sold, the Treasurer shall set forth in the Certificate of Award the portions of the Project and the amount of Notes that have received such approvals. Thereupon, the Notes shall be issued in a principal amount not exceeding the amount approved by the Chancellor of the Ohio Board of Regents and the Project shall include only the portions approved by the Chancellor of the Ohio Board of Regents. In addition, the Treasurer is hereby authorized to enter into an agreement with the Paying Agent for its services if the Paying Agent is an entity other than the Treasurer.

SECTION 14. The Treasurer is hereby authorized to execute and deliver preliminary and final official statements on behalf of the University, in such
forms as such officer may approve, and to deem such official statements to be
“final” for purposes of Securities and Exchange Commission Rule 15c2-12, if
such officer determines that doing so is in the best interests of the University,
such officer’s execution thereof on behalf of the University to be conclusive
evidence of such authorization, determination, approval and deeming, and
copies thereof are hereby authorized to be prepared and furnished to the
Original Purchaser for distribution to prospective purchasers of the Notes and
other interested persons.

The Treasurer on behalf of the University is hereby authorized to execute and
deliver a continuing disclosure certificate or agreement dated as set forth in the
Certificate of Award (the “Continuing Disclosure Certificate”) in connection with
the issuance of the Notes in such form as such officer may approve. The University
hereby covenants and agrees that it will execute, comply with and carry out all of the
provisions of the Continuing Disclosure Certificate. Failure to comply with any
such provisions of the Continuing Disclosure Certificate shall not constitute a default
on the Notes; however, any holder or owner of the Notes may take such action as
may be necessary and appropriate, including seeking specific performance, to cause
the University to comply with its obligations under this paragraph and the
Continuing Disclosure Certificate.

The Treasurer on behalf of the University is hereby authorized to furnish
such information, to execute such instruments and to take such other actions in
cooperation with the Original Purchaser as may be reasonably requested to qualify
the Notes for offer and sale under the Blue Sky or other securities laws and
regulations and to determine their eligibility for investment under the laws and
regulations of such states and other jurisdictions of the United States of America as
may be designated by the Original Purchaser; provided however, that the University
shall not be required to register as a dealer or broker in any such state or jurisdiction
or become subject to the service of process in any jurisdiction in which the
University is not now subject to such service.

SECTION 15. The Notes are hereby designated as “qualified tax-exempt
obligations” to the extent permitted by Section 265(b)(3) of the Code. This
Board finds and determines that the reasonable anticipated amount of qualified
tax-exempt obligations (other than private activity bonds) which will be issued
by the University during the calendar year in which the Notes are issued does
not, and the Board hereby covenants that during such year, the amount of tax-
exempt obligations issued by the University and designated as “qualified tax-
exempt obligations” for such purpose will not, exceed $10,000,000. The
Treasurer and other appropriate officers, and any of them, are authorized to
take such actions and give such certificates on behalf of the University with
respect to the reasonably anticipated amount of tax-exempt obligations to be
issued by the University during the calendar year in which the Notes are issued and with respect to such other matters as appropriate under Section 265(b)(3).

This Resolution shall take effect and be in force from and after its adoption.
Adopted: September 28, 2007
6 YEAR BOARD OF REGENTS BIENNIAL CAPITAL PLAN

RESOLUTION 2007 - 3034

WHEREAS, the Ohio Board of Regents has notified Ohio University that the 6 Year Capital Improvements Plan for fiscal years 2009-2014 must be submitted in the Fall of 2007, and

WHEREAS, the Facilities Planning Advisory Committee has developed, with the Office of University Planning and Implementation, a 10 Year Capital Plan for the Athens Campus and

WHEREAS, the proposed 6 Year Capital Improvements Plan for the Athens Campus reflects the priorities of the 10 Year Capital Plan, and

WHEREAS, each Regional Campus has developed a Master Plan for development, and the Capital Improvements Plan for these campuses is in harmony with those Master Plans, and

WHEREAS, the Capital Improvements Plan for fiscal years 2009-2014 was developed by the Office of University Planning and Implementation in conjunction with the Facilities Planning Advisory Committee, the President, the Provost, the Executive Dean of Regional Higher Education and the Deans of the regional campuses,

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve the attached Priority List of Capital Projects for the Athens and each of the regional campuses for the period beginning on July 1, 2009 and ending on June 30, 2014.

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby empower the President or his designee to submit to the Ohio Board of Regents and other state officials a Fiscal Years 2009-2014 Capital Improvements Plan for Ohio University.
APPROVAL OF PARTICIPATION IN THE LOCAL ADMINISTRATION CERTIFICATION PROGRAM FOR CAPITAL IMPROVEMENT PROJECTS

RESOLUTION 2007- 3035

WHEREAS, the 126th Ohio General Assembly enacted House Bill 16 which established the Local Administration Certification Program; and

WHEREAS, in accordance with House Bill 16, pursuant to section 3345.51, Ohio University Board of Trustees assures the Board of Regents and the State Architect's Office that the University will comply with section 153.13 of the Ohio Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids and award of contracts with respect to all locally administered projects utilizing capital improvement funds, and;

WHEREAS, in accordance with House Bill 16, Section 123.17 regarding the local administration certification program, Ohio University Board of Trustees assures the State Architect's office that the University has participated in and will enroll new employees in the local Administration Certification Program as necessary to compensate for employee turnover, and;

WHEREAS, the University agrees to participate in biennial audits of the local administration of capital facility projects, and;

BE IT FURTHER RESOLVED, that the University will agree to indemnify and hold harmless the State of Ohio Department of Administrative Services for any claims that result from the local administration of projects associated with the certification program,

BE IT THEREFORE RESOLVED, that the Ohio University's Board of Trustees authorizes university officials to participate in Local Administration Certification Program and agrees to all of the stipulations outlined above.
APPROVAL AND AUTHORITY TO RE-BID, RECEIVE BIDS AND AWARD CONSTRUCTION CONTRACTS FOR THE HEBBARDSVILLE LARGE ANIMAL RESEARCH FACILITY AND APPROVAL TO ACCEPT THE PORTER HALL FOURTH FLOOR ALTERNATE

RESOLUTION 2007- 3036

WHEREAS, two capital projects are being returned to the Board of Trustees for approval and are ready for construction, and

WHEREAS, the Hebbardsville Large Animal Research Facility, with a previous total project budget of $367,400 has been re-estimated and the project budget has been increased to $453,595, with increase to the budget of $77,195 being funded by the College of Medicine and the Office of Research, and

WHEREAS, the Porter Hall Addition project, approved at the April 2007 Board of Trustees meeting, included an alternate for the completion of the interior of the fourth floor, and the Office of the Provost and the Office of Research have provided $168,154 for the cost of the alternate which will provide space for Plant Biology, and

WHEREAS, the above mentioned projects have been planned, designed and funded.

NOW THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve the increased budgets for the Hebbardsville Large Animal Research Facility and the Porter Hall Addition, and

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby authorize the advertisement for and receipt of bids for the Hebbardsville Large Animal Research Facility at the higher budget amount, and the approval to accept the Porter Hall fourth floor alternate, and does empower the President or his designee to accept and award the necessary construction contracts, providing the amount of the total project does not exceed the available funds identified.
APPROVAL OF CONSTRUCTION DOCUMENTS AND AUTHORITY TO RECEIVE BIDS AND AWARD CONSTRUCTION CONTRACTS FOR THE CHUBB HALL ELEVATOR

RESOLUTION 2007- 3037

WHEREAS, the Chubb Hall Elevator project is ready to advertise for construction bids with a total project budget of $700,000, and

WHEREAS, the above mentioned project has been planned, designed and funded.

NOW THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve the plans and specifications for the Chubb Hall Elevator, authorizes the advertisement for and receipt of bids, and does empower the President or his designee to accept and award construction contracts, providing the amount of the total bids does not exceed the available funds.
Audit Committee Executive Session

At 4 p.m. on Thursday, September 27, 2007, Mr. DeLawder, ex officio Audit Committee member, moved to meet in Executive Session. The motion was seconded by President McDavis, ex officio member. The motion carried. Trustees Dewire and Schey were invited to attend as was Vice President for Finance and Administration Bill Decatur and Internal Auditor Kathy Gilmore.

The purpose of the session was to discuss the discontinuance of the Ethics Hotline, a “whistle-blower” referral program that was intended to be confidential and anonymous to those who used it. The use of Ethics Hotline was terminated due to public records releases to the media and the fact that confidentiality could not longer be guaranteed. Internal Auditor Gilmore evaluated alternatives to the Ethics Hotline, and the University’s external auditors encouraged the engagement of a replacement service. Two proposals were discussed. Ethics Hotline and a second vendor offer a telephone-based referral program. The telephone referral program would allow calls to an independent phone line and would not have electronic records that are subject to public records. Historically, 79 percent of the referrals have been related to Human Resources issues. Future referrals would be directed to Human Resources and not to the Internal Auditor. A recommendation was made to modify the contract with the Ethics Hotline for a phone-based service.
Executive Session
September 28, 2007 – 7:30 a.m.
Ohio University Inn, Wilson Room

Vice Chairman DeLawder presented and moved that the Ohio University Board of Trustees and its committees hold executive sessions to consider personnel matters as permitted by Section 121.22(G)(1), real estate matters under Section 121.22(G)(2), and litigation of the threat thereof under Section 121.22(G)(3) of the Ohio Revised Code and for a session with the Internal Auditor as permitted on these the 27 and 28 days of September 2007.

Mr. Schey seconded the motion and on a roll call vote Trustees Anderson, DeLawder, Borgemenke, Dewire, Perry, and Schey voted yes.

Also attending the sessions were Student Trustees Gerthoffer and Kelly; National Trustees Krasovec and Stuckey; and Alumni Board of Directors’ Chair Dell Robinson.

President Roderick J. McDavis and Interim Board Secretary Thomas Davis also were present.

Personnel Matters

Three issues were discussed: (1) real estate matters, (2) the review of the President’s performance goals for 2007-08, and (3) personnel matters related to bargaining contracts.

The meeting concluded at 9:55 a.m.

Trustee Schey moved to conclude the Executive Session. All voted aye.
ANNOUNCEMENT OF NEXT STATED MEETING

The next meetings of the Board of Trustees will be on the Athens Campus on February 7 and 8, 2008.

ADJOURNMENT

Chair DeLawder asked if there were any closing comments. President McDavis invited everyone to the groundbreaking ceremony for the Academic and Research Center on the following day and acknowledged the generosity of National Trustee Stuckey and his wife for their significant financial gift for the Center. The meeting adjourned at 12:50 p.m.

CERTIFICATION OF SECRETARY

Notice of this meeting and its conduct was in accordance with Resolution 1975 – 240 of the Board, which resolution was adopted on November 5, 1975, in accordance with Section 121.22(F) of the Ohio Revised Code and of the State Administration Procedures Act.

C. Daniel DeLawder
Chairman

Thomas E. Davis
Interim Secretary