

Minutes of a Regular Meeting of the  
Ferris State University Board of Trustees  
Held on Saturday, February 26, 2005  
Holiday Inn Conference Center  
Big Rapids, MI

1. Call to Order and Roll Call

A regular meeting of the Ferris State University Board of Trustees was held on Saturday, February 26, 2005 in the auditorium of the Holiday Inn Hotel and Conference Center, Big Rapids, Michigan. Chair Gregory L. Patera called the meeting to order at 9:32 a.m. In addition to Chair Patera, the following individuals were present: Trustees R. Thomas Cook, Olga G. Dazzo, Gary L. Granger, James K. Haveman, Jr., George J. Menoutes, Ronald E. Snead, and Arthur L. Tebo; University President David L. Eisler; Vice Presidents Daniel L. Burcham, Richard P. Duffett, Michael Harris, and Scott P. Hill-Kennedy; Vice Chancellors Oliver H. Evans and Sandra A. Davison-Wilson; Board Counsel Fredric N. Goldberg; Recording Secretary to the Board Karen K. Paine; and members of the University community.

2. Hearing of the Public

Ferris State University Assistant Professor of Mathematics John Linnen voiced his concerns regarding a purchase of property under consideration by the Board.

Susan Jackson, Lester Hutchinson, and Lori Peterson, residents of the Forest Hills Mobile Home Park, expressed their concerns regarding the timetable established for moving out of the park and a perception that communication with the park's management had been difficult.

No one else responded to Chair Patera's invitation to address the Board.

3a. Consent Calendar

It was moved by Trustee Tebo, supported by Trustee Granger, and unanimously carried that the following items contained in the consent calendar be approved as submitted on this date.

a. Consent Calendar

1. Minutes of October 22, November 12, and December 3, 2004
2. Personnel Items
3. Sabbatical Leave Requests
4. Charter Schools
  - i. Board Appointments

- ii. Board Reappointments
- 5. WPHH – 450/FSU Traveler’s Information Station – FCC License Renewal
- 6. Housing and Dining Summer Capital Projects
- 7. Renewal of External Auditor’s Contract
- 8. Professional Services Contracts
  - i. Utility System Audit
  - ii. Facility Assessment
- 9. Board Codification Project, Phase II: Change in Board-Approved Policy, *Personnel Policies – Kendall College of Art & Design*
- 10. Slate of Candidates for Ferris Foundation Board

Trustee Granger extended his appreciation to Vice President Duffett for providing additional information on the facility and utility audits/assessments.

Vice President Harris introduced the new Dean of the College of Arts & Sciences, Matt Klein and provided a brief history of Dean Klein’s education and experience with the university.

Dean Klein extended his appreciation to the Board and indicated he is looking forward to continuing the initiatives that were in place before his appointment.

3b. New Degrees at Kendall College of Art and Design

It was moved by Trustee Haveman, supported by Trustee Dazzo, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, Kendall College of Art and Design of Ferris State University prepares students for professional lives as artists and designers; and,*

*WHEREAS, Kendall College of Art and Design of Ferris State University has offered programs in fine arts since the 1980s; and,*

*WHEREAS, students in Painting have pursued the generalist Bachelor of Fine Arts (“BFA”) in Fine Arts: Fine Arts Painting degree and will continue to have the opportunity to pursue the generalist BFA in Fine Arts: Fine Arts Painting degree; and,*

*WHEREAS, students in Photography have pursued the generalist Bachelor of Fine Arts (“BFA”) in Fine Arts: Fine Arts Photography degree and will continue to have the opportunity to pursue the generalist BFA in Fine Arts: Fine Arts Photography degree; and,*

*WHEREAS, students in Sculpture have pursued the generalist Bachelor of Fine Arts (“BFA”) in Fine Arts: Fine Arts Sculpture degree, and students in Woodworking and Functional Art have pursued the generalist Bachelor of Fine Arts: Fine Arts Woodworking and Functional Art degree, and will continue to have the opportunity to pursue the generalist BFA in Fine Arts degrees; and,*

*WHEREAS, the Administration recommends the establishment of the more specialized degrees of a BFA in Painting; a BFA in Photography; and a BFA in Sculpture and Functional Art; and,*

*WHEREAS, the more specialized degrees are consistent with Kendall College of Art and Design of Ferris State University's mission, and will provide a more thorough professional preparation for students looking for a major in these areas; and,*

*WHEREAS, Kendall College of Art and Design of Ferris State University has the enrollments and the resources to support the specialized degrees; and,*

*WHEREAS, the curriculum for the Bachelor of Fine Arts in Painting degree, the Bachelor of Fine Arts in Photography degree, and the Bachelor of Fine Arts in Sculpture and Functional Art degree, have been approved by the Curriculum Committee of Kendall College of Art and Design of Ferris State University and by the President of Kendall College of Art and Design of Ferris State University, shared with the Vice President for Academic Affairs at Ferris State University, and forwarded to the President of Ferris State University; and,*

*WHEREAS it is the University's intent to seek accreditation for the specialized degrees from the National Association of Schools of Art and Design; and,*

*WHEREAS, it is the University's intent to begin enrolling students in the specialized degree programs as of the Fall 2005 semester; and,*

*WHEREAS, consistent with the curriculum approval process adopted at the time of the merger of Kendall College of Art and Design with Ferris State University, Board of Trustees approval is necessary for the establishment of these new degrees.*

*NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the establishment of the Bachelor of Fine Arts in Painting degree; the Bachelor of Fine Arts in Photography degree; and the Bachelor of Fine Arts in Sculpture and Functional Art degree, at Kendall College of Art and Design of Ferris State University, as of the Fall 2005 semester."*

Vice Chancellor Evans extended his appreciation to the Board and indicated these new degrees are a result of the university's efforts since 1996 in making Kendall College of Art and Design a part of Ferris.

### 3c. Honorary Doctorate Degree Recipients

It was moved by Trustee Haveman, supported by Trustee Tebo, and unanimously carried that the Board of Trustees approve the following Resolution:

*"RESOLVED, that the Ferris State University Board of Trustees hereby accepts the recommendation to confer upon Paul Boyer the degree of Honorary Doctorate of Business and Industry; confer upon Roger and Debra Card the degrees of Honorary Doctorate of Business and Industry; confer upon former Michigan House of*

*Representatives Speaker Rick Johnson the degree of Honorary Doctorate of Public Service; and confer upon Richard Sauve the degree of Honorary Doctorate of Business & Industry, at the May 2005 commencement ceremonies.”*

3d. Campus Master Plans, Big Rapids and Grand Rapids, MI

It was moved by Trustee Cook, supported by Trustee Menoutes, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, the architectural firm of Neumann Smith and Associates, Inc. was selected as the university’s master planner of record for the Big Rapids campus on May 9, 1997; and,*

*WHEREAS, the architectural firm of Neumann Smith and Associates, Inc. was selected as the university’s master planner of record for the Grand Rapids campus on May 7, 2004; and,*

*WHEREAS, the firm of Neumann Smith & Associates Inc. has been providing professional services in the area of Campus Master Planning for Ferris State University since 1997; and,*

*WHEREAS, the master plans for both the Big Rapids and Grand Rapids campuses have proven to be invaluable tools for the university; and,*

*WHEREAS, the master plans have continued to be developed and refined; and,*

*WHEREAS, the Board of Trustees has reviewed the updated campus master plan for the Big Rapids campus and the newly-created campus master plan for the Grand Rapids campus; and,*

*NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby supports the information contained in these documents.*

*BE IT FURTHER RESOLVED that the Vice President for Administration and Finance or his designee, is hereby authorized to utilize the master planning documents created by Neumann Smith and Associates, Inc. to guide planning and development of the capital assets of the university.”*

3e. Federal Earmark for HVACR Enhancement and Outreach Expansion

It was moved by Trustee Cook, supported by Trustee Snead, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, the HVACR Department in the College of Technology was notified that it had been awarded a Federal Earmark for HVACR Enhancement and Outreach Expansion as part of the 2004 Labor, Health and Human Services, and Education appropriations bill with funds provided for under the Workforce Investment Act of 1998 (WIA), primarily under Section 171 of WIA, in the amount of \$298,230; and*

*WHEREAS, the grant is funded and managed by the Department of Labor (DOL); and*

*WHEREAS, acceptance of the grant award is subject to DOL's Employment and Training Administration (ETA) grant procedures; and*

*WHEREAS, Board approval is required to accept this grant award, pursuant to Board-approved Contracting Policy, section 4-102, Contracting Authority of the Board.*

*NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby accepts the Federal Earmark Grant for HVACR Enhancement and Outreach Expansion in the amount of \$298,230 as part of the 2004 Labor, Health and Human Services, and Education appropriations bill.*

*BE IT FURTHER RESOLVED that President David L. Eisler, or his designee, upon legal review and approval and consistent with Board policies, is hereby authorized to execute agreements or other documentation necessary and to administer the grant award in accordance with applicable policies.”*

3f. Michigan Universities Coalition on Health (MUCH) Self-Insured Health Plan

Trustee Dazzo recommended there be additional discussion prior to the transfer of benefits regarding such areas as progressive features, benefit design, and health management. Discussion included the formation of a task force to review these issues. Vice President Duffett indicated that the Board of Trustees will have additional opportunity to be involved with the plan prior to its implementation.

It was then moved by Trustee Cook, supported by Trustee Dazzo, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, the Michigan Universities Coalition on Health, Inc. (MUCH), is a Michigan nonprofit membership corporation, organized to support the purposes and activities of Michigan public institutions of higher learning; and,*

*WHEREAS, the MUCH organization has been established as a committee of Human Resources, Benefits, and Business professionals from the 15 Michigan public universities to develop opportunities for savings through standardized benefit plans and the collective purchasing of employee benefit services; and,*

*WHEREAS, over the past months, the committee has been involved in a multi-phased Request for Proposal (RFP) process to define a self-insured model for health benefits coverage that could be shared by all participants; and,*

*WHEREAS, a document outlining the background of the project and a detailed description of the multi-phased process was provided to the Board of Trustees in advance of this meeting; and,*

*WHEREAS, Phase One and Two of the multi-phased process are complete; and,*

*WHEREAS, at this time, for Phase Three, Michigan State University, Central Michigan University, and Ferris State University have the opportunity to complete initial conversions to this health program; and,*

*WHEREAS, Ferris State University wishes to complete the conversion to this health program for eligible employees; and,*

*WHEREAS, delegation of authority by the Board of Trustees is necessary to allow the execution of documents necessary to become a member of the organization and further execute any documents necessary for the conversion in health plan and continued membership in the MUCH organization, pursuant to Board-approved Contracting policy, Section 4-103, Delegation of Authority by the Board.*

*NOW THEREFORE BE IT RESOLVED that the Board of Trustees of Ferris State University hereby authorizes the Vice President for Administration and Finance to execute, consistent with Board policies, the documents necessary to approve Ferris State University's membership in the Michigan Universities Coalition on Health, Inc. (MUCH), and to execute other agreements or documentation necessary to administer the university's membership in MUCH."*

#### 4. Administrative Reports

**Academic Senate Report** – President of the Academic Senate Dr. Adnan Dakkuri provided an informational report to the Board. A copy of his report is included in the official file for this meeting.

**Student Government Report** – Former FSU Student Government President Amanda Umlandt provided an informational report to the Board. A copy of her report is included in the official file for this meeting.

**President's Report** – President Eisler provided an informational report to the Board. His report included an update on the state budget; issues relative to the executive order; meetings in Lansing; promotional pieces about the university; events; yesterday's GR paper, good article on Bill Saul and his wife, now expecting triplets.

#### 5. Hearing of the Public

No one responded to Chair Patera's second invitation to address the Board.

#### 6. Comments from the Board of Trustees

Comments from the Board included:

- Appreciation of the active involvement of the President

- Appreciation for the Administration’s effort to keep the Trustees engaged in the affairs of the University
- Appreciation for Vice President Duffett’s leadership in master planning and assessment
- Welcome George Menoutes and Ron Snead to the Board
- Commend the employees at FSU for their diligent work
- Congratulations to Jim Haveman on his award from the Secretary of Defense; appreciation of all his work throughout the state and nation
- Appreciation for the guests attending today from the Forest Hills Mobile Home Park; their comments will be taken under consideration
- Commend the employees of Kendall for their diligent work
- The budget continues to be a challenge - thanks to the President for being so involved
- Appreciation of the staff – the FSU metrics look great
- Appreciation from George Menoutes on this new learning opportunity
- New trustees looking forward to working with the President
- Ron Snead extended his excitement about the opportunity and congratulations to Dean Klein

7. Reconfirmation of Next Meeting Date

The next regularly scheduled meeting of the Board of Trustees is Friday, May 6, 2005 in Big Rapids, MI at 9:30 a.m.

8. Executive Session

It was moved by Trustee Cook that the Board of Trustees go into closed session for the following purposes:

1. *For strategy sessions connected with the negotiation of a successor collective bargaining agreement with the Clerical Technical Association of Ferris State University, affiliated with the Michigan Association for Higher Education MEA-NEA;*
2. *To consider with University General Counsel the legal advice presented in his written legal opinions dated February 14, 2005 and February 25, 2005; and,*
3. *To consider with Board Counsel the legal advice presented in his written legal opinion dated February 23, 2005.*

On a roll call vote of (8) “yes,” the motion carried unanimously and the Trustees proceeded into closed session at 10:30 a.m.

Chair Patera left the meeting at 11:04 a.m.

Motion to Amend Agenda

At 11:58 a.m., after returning to Open Session, it was moved by Trustee Cook, supported by Trustee Granger, and unanimously carried that the Board amend its agenda for today's meeting by the following:

*Add new item 9. Purchase of Property, and*

*Add new item 10. Legal Representation and Indemnification*

9. Purchase of Stein Property

Acting Chair Tebo stated as follows, on behalf of the Board of Trustees:

*“We have carefully listened to everything the residents have said. Please understand that Mrs. Stein made the decision to sell this property and close the park before approaching potential buyers, including Ferris.*

*She has set March 28 as the date the park will be closed. Ferris has decided that it wants to buy the property, but it is not appropriate for Ferris to run a trailer park. It does not have that expertise.*

*However, as purchaser of the property, Ferris will speak with Mrs. Stein and encourage her to deal promptly and fairly with the residents in their relocation process.”*

It was then moved by Trustee Cook, supported by Trustee Granger, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, Patricia A. Stein (“Seller”) owns certain property (the “Property”) located in Section 23, Town 15 North, Range 10 West, Big Rapids Township, Mecosta County, Michigan, described as follows:*

*Beginning at the West 1/4 corner of the Southwest 1/4 of Section 23, T15N, R10W; thence South 517 feet; thence North 88°17' East 45.45 feet to the place of beginning; thence North 88°17' East 354.50 feet; thence North 517 feet to the East and West 1/4 line; thence North 88°17' East 897.99 feet to the West 1/8 line; thence continuing Easterly 235 feet; thence to the West Bank of Muskegon River; thence Southeasterly along the bank of river 370 feet, more or less, to the East line of the West 26-1/2 acres; thence South to a point that is 1800 feet North of the East corner of the West 26-1/2 acres; thence South 89°14' West 435.59 feet to the West 1/8 line; thence South 286.35 feet; thence South 88°17' West 897.46 feet; thence North 550.10 feet; thence South 88°17' West 345 feet to the East right of way line of US 131; thence North to the place of beginning.*



*WHEREAS, Forest Hills Mobile Home Park, an entity owned and controlled by the Seller, has operated a mobile home park business (the "Business") on the Seller's property;*

*WHEREAS, the Seller and Forest Hills Mobile Home Park have recently decided to discontinue operating the Business, and have initiated the process of closing the mobile home park;*

*WHEREAS, following her decision to discontinue the Business and close the mobile home park, the Seller decided to offer the Property for sale and approached the University as a potential purchaser of the Property;*

*WHEREAS, the Board of Trustees of Ferris State University (the "University") has considered the long range plans for the University's Big Rapids Campus in light of the Board of Trustees' responsibility to provide for the future needs of the University, and concluded that it would be advisable for the University to negotiate with the Seller for the purchase of the Property on suitable terms (to include providing assistance with transition and relocation issues arising in connection with the discontinuance of the Business and the closure of the mobile home park);*

*WHEREAS, the Administration thereafter negotiated the terms for purchase of the Property by the University and, pursuant to the authority granted in Section 4-302(c) of the FSU Code of Rules, Bylaws and Policies (the "Code"), the University has entered into a tentative purchase agreement (the "Purchase Agreement") with the Seller and a tentative Business Termination Agreement with the Seller and Forest Hills Mobile Home Park under which the University would purchase the Property for \$971,000 and provide assistance with transition and relocation issues arising in connection with the discontinuance of the Business and the closure of the mobile home park, subject to the satisfaction of certain contingencies and obtaining formal approval by the Board of Trustees;*

*WHEREAS, the Board of Trustees has reviewed appraisals made of the Property on behalf of the University and others, and is satisfied that the proposed purchase price is fair and appropriate; and*

*WHEREAS, the University has been provided with copies of a Phase I and Phase II Environmental Site Assessment ("ESA") prepared by American Hydrology with respect to the Property; and*

*WHEREAS, Board Counsel has reviewed the ESA and determined that it satisfies the requirements of Section 4-305 of the Code;*

*WHEREAS, Board Counsel has reviewed and advised the Board of Trustees with respect to the Purchase Agreement as required by Section 4-304 of the Code; and*

*WHEREAS, the Board of Trustees has now determined to proceed with the purchase of the Property on the terms set forth in the Purchase Agreement, and desires to give formal approval to the Purchase Agreement, the Business Termination Agreement, and to the closing of the transactions contemplated thereby.*

*NOW THEREFORE, BE IT RESOLVED, that Board of Trustees hereby approves the purchase of the Property from the Seller for the sum of (\$971,000), and the providing of assistance with transition and relocation issues arising in connection with the discontinuance of the Business and the closure of the mobile home park, on the terms set forth in the Purchase Agreement and the Business Termination Agreement, respectively; and*

*BE IT FURTHER RESOLVED, that the Board of Trustees hereby approves the Purchase Agreement and the Business Termination Agreement, and the Vice President for Administration and Finance is hereby authorized and directed to close the transactions and provide the assistance contemplated by the Purchase Agreement and the Business Termination Agreement.”*

10.a. Legal Representation and Indemnification re: Boncher

It was moved by Trustee Cook, supported by Trustee Snead, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, on January 31, 2005, an action was commenced by Tracey Boncher against Eric Jarvi in the 49<sup>th</sup> Judicial Circuit Court, Mecosta County, Michigan, 05-16712-PO, alleging, among other things, aggressive behavior and threatening gestures; and*

*WHEREAS, pursuant to the University’s Business Policy Letter 99:10, Legal Representation and Indemnification, the General Counsel, in consultation with President Eisler, engaged Barbara A. Ruga of the law firm Barbara A. Ruga, PLLC, to represent and defend the University’s interests in this matter; and*

*WHEREAS, Plaintiff recently filed a Petition for Personal Protection Order Against Stalking (Non Domestic) in the 49<sup>th</sup> Judicial Circuit Court, Mecosta County, Michigan, where the alleged injuries were sustained; and*

*WHEREAS, Eric Jarvi has requested legal representation and indemnification to the Office of the General Counsel pursuant to the University’s Business Policy Letter 99:10; and*

*WHEREAS, it is the policy of the Board of Trustees that, when such civil actions are commenced against employees of the University, the University will provide legal representation to the affected employees, subject to the limitations, conditions and procedural requirements of applicable Board Policy; and*

*WHEREAS, pursuant to the University’s Business Policy Letter 99:10, the University’s General Counsel, in cooperation with the Risk Manager, designated Barbara A. Ruga to represent the interests of Eric Jarvi on an interim basis, pending Board approval;*

*NOW THEREFORE be it resolved that the Board of Trustees approves the request of Eric Jarvi for legal representation and indemnification in this matter and further approves the engagement of the law firm of Barbara A. Ruga PLLC to represent and*

*defend the interests of this employee, subject to the limitations, conditions and procedural requirements of the Board Policy Provision of Legal Representation for Other Officers and Employees of the University; Indemnification at Part 10, Subpart 10-4; and Business Policy Letter 99:10 Legal Representation and Indemnification, copies of which have already been provided by the General Counsel to the individual defendant/employee.”*

10.b. Legal Representation and Indemnification re: McMorris

It was moved by Trustee Cook, supported by Trustee Menoutes, and unanimously carried that the Board of Trustees approve the following Resolution:

*“WHEREAS, on December 6, 2004, an action was commenced by Michael A. McMorris against Ferris State University in the United States District Court, Western District of Michigan, 1:04-cv-00820-WAM, alleging, among other things, job discrimination; and*

*WHEREAS, pursuant to the University’s Business Policy Letter 99:10 Legal Representation and Indemnification, the General Counsel, in consultation with President Eisler, engaged Sheila Kinney of the law firm Sheila Kinney, PLC, to represent and defend the University’s interests in this matter; and*

*WHEREAS, Plaintiff recently filed a Complaint and Jury Demand in United States District Court, Western District of Michigan, adding as individual Defendants Michael Harris, Vice President of Academic Affairs; Thomas Oldfield, Associate Vice President of Academic Affairs; Michelle Johnston, Dean, College of Education and Human Services; William Potter, Dean, University College; Francis Crowe, Director, School of Criminal Justice; Louise Yowitz, Director of Employee Relations and Affirmative Action; and Denise Barowicz, Director of Labor Relations, where the alleged injuries were sustained; and*

*WHEREAS, Michael Harris, Thomas Oldfield, Michelle Johnston, William Potter, Francis Crowe, Louise Yowitz, and Denise Barowicz have requested legal representation and indemnification to the Office of the General Counsel pursuant to the University’s Business Policy Letter 99:10; and*

*WHEREAS, it is the policy of the Board of Trustees that, when such civil actions are commenced against employees of the University, the University will provide legal representation to the affected employees, subject to the limitations, conditions and procedural requirements of applicable Board Policy; and*

*WHEREAS, pursuant to the University’s Business Policy Letter 99:10, the University’s General Counsel, in cooperation with the Risk Manager, designated Sheila Kinney to represent the interests of Michael Harris, Thomas Oldfield, Michelle Johnston, William Potter, Francis Crowe, Louise Yowitz, and Denise Barowicz on an interim basis, pending Board approval;*

*NOW THEREFORE be it resolved that the Board of Trustees approves the requests of Michael Harris, Thomas Oldfield, Michelle Johnston, William Potter, Francis Crowe, Louise Yowitz, and Denise Barowicz for legal representation and indemnification in this*

*matter and further approves the engagement of the law firm of Sheila Kinney PLC to represent and defend the interests of these employees, subject to the limitations, conditions and procedural requirements of the Board Policy Provision of Legal Representation for Other Officers and Employees of the University; Indemnification at Part 10, Subpart 10-4; and Business Policy Letter 99:10 Legal Representation and Indemnification, copies of which have already been provided by the General Counsel to the individual defendants/employees.”*

11. Adjournment

At 12:13 p.m., it was moved by Trustee Granger, supported by Trustee Snead, and unanimously carried that the Board adjourn.

Approved by



Gregory L. Patera, O.D.  
Chair

Submitted by



Olga Dazzo  
Secretary