

BOARD OF TRUSTEES

EXECUTIVE COMMITTEE RESOLUTION 2012-07

APPROVAL OF TRANSFER OF FUNDS TO ESCROW ACCOUNT
IN FAVOR OF SHERWIN WILLIAMS

WHEREAS, on March 28, 2011, the Board Officers by Board Officers' Resolution 2011-02 approved the execution of a lease for the property located at 1836 Euclid Avenue, Cleveland, Ohio; and,

WHEREAS, investment in the form of Historical Tax Credits constitutes a material part of the financing for the redevelopment of the property in order to make it useful to Cleveland State University; and,

WHEREAS, a recent decision by the United States Court of Appeals has created uncertainty for the Tax Credit Investor, so that the Investor has demanded additional assurances before consummating the transaction; and,

WHEREAS, the most cost effective method for providing sufficient assurances is to place funds in escrow as a guarantee against potential tax liability for the investor;

NOW, THEREFORE, BE IT RESOLVED that Executive Committee of the Board of Trustees hereby authorizes the appropriate CSU officers to establish an escrow account, under such terms and conditions as the Administration with advice of counsel deems necessary and appropriate in favor of Sherwin Williams using University funds which can be drawn only to 1) cure a University default under the Master Lease or 2) allow Sherwin Williams to pay itself amounts equal to the tax liability it will incur in the event tax credits are recaptured by the IRS as a result of the building being foreclosed upon and title transferred due to the University breaching its obligations under the Master Lease; and further that the existing tax credit escrow established at Huntington Bank will be pledged to Sherwin Williams during the five years of the Master Lease to pay Sherwin Williams the amount the IRS would recapture if there is a recapture event for any reason other than the University's default on the Master Lease. At the end of the recapture period (five years) the foregoing escrow and pledge will terminate.

BE IT FURTHER RESOLVED that the appropriate CSU officers are authorized to execute and deliver such documents and instruments to establish and effectuate the foregoing escrow and pledge as they, with the advice of counsel, deem necessary and appropriate.

BE IT FURTHER RESOLVED that this Resolution will be ratified by publication at the next scheduled meeting of the full Board.

In accordance with the Bylaws of the Cleveland State University Board of Trustees, Chairman Rawson appointed Board member the outstanding committees and special committee of the Board for 2012-2013 (Attachment B). He noted that Mr. Gunnig was being appointed to

the Academic Affairs and the Financial Affairs Committees of the Board. Chairman Rawson called for a motion to approve. Trustee ~~who~~ moved, and Trustee Taylor seconded the motion, to approve 2012-2013 committee appointments. The following resolution was passed:

RESOLUTION 2012-43

2012-2013 COMMITTEE APPOINTMENTS
OF BOARD OF TRUSTEES AND COMMUNITY MEMBERS

WHEREAS, pursuant to the Bylaws of the Cleveland State University Board of Trustees, the Chairman of the Board is empowered to appoint members to the standing committees of the Board of Trustees; and,

WHEREAS, the Chairman is equally empowered to appoint special committees as deemed necessary and desirable; and,

WHEREAS, in addition to the appointment of the student trustees and the two faculty representatives to the Board of Trustees to the Academic Affairs Committee as non-voting members, the Chairman of the Board is empowered to augment the membership of the Board and standing or special committees with other faculty, or community members as non-voting advisors to serve a term as approved by the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees approves the 2012-2013

annual appeal campaign with proposals and being sought to source the phonathon.

Chairman Rawson thanked Mr. Minter and Vice President LeVine for revitalizing and generating activity by the CSU Foundation Board.

CONSENT AGENDA

Chairman Rawson stated that routine matter those discussed previously, are considered on the consent agenda. He asked if there were any consent agenda items that Board members wished to remove and discuss individually. There were none, although a question was raised about the privileges associated with emeritus faculty and Associate of the University status.

Trustee Moreno moved, and Trustee Levin second, the motion to approve the consent agenda items: Provost and Senior Vice President for Academic Affairs Emeritus Status for Professor Chin Y. Kuo, Faculty Emeriti Nominations (Attachment C), Associate of the University Nominations (Attachment D), Gift Report for the period April 1-June 30, 2012 (Attachment E), and Parking Hangtags for Former Trustees were considered as part of the Consent Agenda. The following resolutions were passed by voice vote:

RESOLUTION 2012-44

PROVOST AND SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS EMERITUS STATUS FOR PROFESSOR CHIN Y. KUO

WHEREAS, Professor Chin Y. Kuo was recruited as Provost and Senior Vice President for Academic Affairs after an extensive national search; and

WHEREAS, he served with distinction as Provost and Senior Vice President for Academic Affairs from May 1, 2001 to June 30, 2006; and

WHEREAS, he also served as Interim Dean of Penn College of Engineering from August 1, 2011 to June 30, 2012; and

WHEREAS, the faculty member named below has achieved the rank of Associate Professor and has served Cleveland State University for 40 years; and

WHEREAS, this individual has requested emeritus status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

Paul L. Aspelin
Associate Professor Emeritus

RESOLUTION 2012-47

EMERITA STATUS FOR VIRGINIA O. BENSON

WHEREAS, the faculty member named below has achieved the rank of Associate Professor and has served Cleveland State University for 31 years; and

WHEREAS, this individual has requested emerita status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emerita to the following faculty member in recognition of her service to Cleveland State University.

Virginia O. Benson
Associate Professor Emerita

RESOLUTION 2012-48

EMERITUS STATUS FOR THOMAS D. BUCKLEY

WHEREAS, the faculty member named below has achieved the rank of Professor and has served Cleveland State University for 41 years; and

WHEREAS, this individual has been recommended by the College of Law for emeritus status in accordance with the terms of Section 8.6.7 of the Personnel Policies and Bylaws;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

Thomas D. Buckley
Professor Emeritus

RESOLUTION 2012-49

EMERITUS STATUS FOR CHING L. CHANG

WHEREAS, the faculty member named below has achieved the rank of Professor and has served Cleveland State University for 27 years; and

WHEREAS, this individual has requested emeritus status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

Ching L. Chang
Professor Emeritus

RESOLUTION 2012-50

EMERITUS STATUS FOR GUY E. HARE, JR.

WHEREAS, the faculty member named below has achieved the rank of Associate Professor and has served Cleveland State University for 32 years; and

WHEREAS, this individual has requested emeritus status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

Guy E. Hare, Jr.
Associate Professor Emeritus

RESOLUTION 2012-51

EMERITUS STATUS FOR RICHARD F. HURWITZ

Ravindra R. Kamath
Professor Emeritus

RESOLUTION 2012-54

EMERITUS STATUS FOR CHIN Y. KUO

WHEREAS, the faculty member named below has achieved the rank of Professor and has served Cleveland State University for 11 years; and

WHEREAS, this individual has requested emeritus status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

Chin Y. Kuo
Professor Emeritus

RESOLUTION 2012-55

EMERITUS STATUS FOR WILLIAM J. LUNDSTROM

WHEREAS, the faculty member named below has achieved the rank of Professor and has served Cleveland State University for 20 years; and

WHEREAS, this individual has requested emeritus status in accordance with the terms of the applicable University policy;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Board of Trustees hereby awards the designation emeritus to the following faculty member in recognition of his service to Cleveland State University.

William J. Lundstrom
Professor Emeritus

RESOLUTION 2012-56

EMERITUS STATUS FOR KENNETH R. MAYER

Thomas W. Whipple
Professor Emeritus
RESOLUTION 2012-64

ASSOCIATE OF THE UNIVERSITY STATUS FOR CHARLES ALIFF

WHEREAS, the Cleveland State University Classified Staff Personnel Policies provide for the granting of Associate status to Classified Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS, Charles Aliff has performed 21 years of exemplary service to the University community as a University Law Enforcement Officer 3, University Police; and,

WHEREAS, Charles Aliff retired from the University effective August 1, 2012;

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 21 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Associate of the University status and its privileges to Charles Aliff effective September 20, 2012.

RESOLUTION 2012-65

ASSOCIATE OF THE UNIVERSITY STATUS FOR JAMES R. BODIS

WHEREAS, the Cleveland State University Professional Staff Personnel Policies provide for the granting of Associate status to Professional Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS, James Bodis has performed 18 years of exemplary service to the University community in various capabilities, the most recent as Research Associate, Department of Chemical Engineering; and,

WHEREAS, James Bodis retired from the University effective January 1, 2012;

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 18 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Associate of the University status and its privileges to James Bodis effective September 20, 2012.

RESOLUTION 2012-66

ASSOCIATE OF THE UNIVERSITY STATUS FOR JOHN J. BOYLE III

WHEREAS, the Cleveland State University Professional Staff Personnel Policies provide for the granting of Associate status Professional Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS, John Boyle has performed 10 years of exemplary service to the University as Vice President, Business Affairs and Finance; and

WHEREAS, John Boyle retired from the University effective June 30, 2010;

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 10 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Associate of the University status and its privileges to John Boyle effective September 20, 2012.

RESOLUTION 2012-67

ASSOCIATE OF THE UNIVERSITY STATUS FOR RAY CECYS

WHEREAS, the Cleveland State University Professional Staff Personnel Policies provide for the granting of Associate status Professional Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS, Ray Cecys has performed 33 years of exemplary service to the University as Director, Building and Grounds; and,

WHEREAS, Ray Cecys retired from the University effective August 1, 2012;

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 33 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Associate of the University status and its privileges to Ray Cecys effective September 20, 2012.

RESOLUTION 2012-68

ASSOCIATE OF THE UNIVERSITY STATUS FOR MARIA J. CODINACH

WHEREAS, the Cleveland State University Professional Staff Personnel Policies provide for the granting of Associate status Professional Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 25 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Librarian Emeritus status and its privileges to Schuyler Cook effective

RESOLUTION 2012-73

ASSOCIATE OF THE UNIVERSITY

RESOLUTION 2012-75

RESOLUTION 2012-77

ASSOCIATE OF THE UNIVERSITY STATUS FOR C. JOAN SHIROKEY

WHEREAS, the Cleveland State University Classified Staff Personnel Policies provide for the granting of Associate status to Classified Staff members upon their retirement with a showing of distinguished service to the University; and,

WHEREAS, C. Joan Shirokey has performed 32 years of exemplary service to the University community in various capabilities, the most recent as Secretary 2 in the College of Law; and,

WHEREAS, C. Joan Shirokey retired from the University effective September 1, 2012;

NOW, THEREFORE, BE IT RESOLVED that in appreciation and recognition of 32 years of dedicated professional service to the University, the Board of Trustees of Cleveland State University grants Associate of the University status and its privileges to C. Joan Shirokey effective September 20, 2012.

RESOLUTION 2012-78

ACCEPTING GIFTS AND PLEDGE PAYMENTS
FY 2012, FOURTH QUARTER
April 1, 2012 to June 30, 2012

RESOLVED, that the gifts and pledge payments totaling \$2,032,268, received by the Cleveland State University Foundation during the period April 1, 2012 to June 30, 2012, are hereby accepted with thanks; and,

BE IT FURTHER RESOLVED that the President is hereby directed to use these gifts, subject

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WHEREAS, former trustees make substantive contributions to Cleveland State University by serving on committees, advising and mentoring students, assisting with projects that are University priorities, fund raising, speaking at classes, and attending University events; and,

WHEREAS, the expertise and continued involvement of former members of the Board of Trustees are solicited and desirable;

President Berkman added that Governor Christie held a recent meeting with the college presidents with regard to changing the funding formula to take into account student progress and success. The presidents are to develop and recommend a new funding formula to be in place by Thanksgiving.

FINANCIAL AFFAIRS

Chairman Levin reported that the Financial Affairs Committee met on September 13, 2012(Attachment G). He stated that the update on bond issuance and the FY 2012 Fourth

first-time rating with Moody's. Both issued a "stable" outlook. The total bond issuance was \$152,835,000 in General Receipts Bonds, Series 2012, resulting in an all-in total interest cost to CSU of 3.622%, which was better than the 4.75% limit authorized by the Board, saving the University an additional \$2.3 million. In addition, the University benefitted from over \$7.3 million in debt service savings on restructured bonds.

FY 2012 Fourth Quarter Financial Results

Vice President McHenry stated that the report of the FY 2012 Fourth Quarter Financials (Attachment I) provides a look at actual performance, better than what was budgeted for FY

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby authorizes the University Administration to enter into contract negotiations with the final architect selected pursuant to the process outlined above, and further that the Administration may award a contract not to exceed ten percent (10%) of construction cost, or \$3.5 million.

Tobacco Ban Policy

Vice President McHenry reported that the Board of Regents and Chancellor Petro are recommending that public universities in Ohio consider adopting a policy that bans the use of tobacco in any form on campus (Attachment L). (It is estimated that 4,400 students and 300 faculty/staff would be impacted by such a policy at Cleveland State University).

The University Administration is looking at best practices and assessing what other universities are considering, and seeking the support of the Board in further investigating a tobacco ban policy. Trustee Moreno moved and Trustee Taylor seconded, the motion to authorize the University Administration to investigate the ban on the use of tobacco in any form on campus and to develop a policy and procedure for consideration at the November 7 Board of Trustees meeting. The following resolution was passed by voice vote:

RESOLUTION 2012-81

APPROVAL OF
PROPOSED POLICY – TOBACCO BAN ON CAMPUS

WHEREAS, on July 23, 2012, the Ohio Board of Regents issued a news release recommending that the Board of Trustees at public universities in Ohio consider adopting a policy that bans the use of tobacco in any form on campuses, with goal of improving the overall health of Ohioans and to fulfill the role of “lifelong educator” at public universities; and

WHEREAS, in 1993, on the recommendation of the Faculty Senate, the Cleveland State University Board of Trustees adopted the University's Smoke-Free Environment Policy, which prohibits smoking inside all University buildings; and

WHEREAS, in 2006, the Ohio legislature implemented the Smoke Free Work Place Act, and Cleveland State University (CSU) is in compliance with provisions of the Act, including the posting of “No Smoking” signs within 20 feet of building entrance and banning smoking inside University buildings; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees

[a] The

Trustee Adler moved, and Trustee Gunning seconded the motion to approve the amendment to the University's Alternative Retirement Plan and to authorize the appropriate officers of the University to execute the necessary documents. The following resolution was passed by voice vote:

RESOLUTION 2012-86

SECOND AMENDMENT TO ALTERNATIVE RETIREMENT PLAN

RESOLVED, the amendment to the Plan, in substantially the form attached hereto, be and hereby is adopted effective as stated therein.

RESOLVED FURTHER, that the University hereby authorizes and ratifies the actions of the

RESOLUTION APPROVAL OF AMENDMENT
ONE TO AGREEMENT FOR AR ENA MANAGEMENT SERVICES

WHEREAS, the University Administration has pursued a change to the Agreement for Arena Management Services with Global Spectrum, L.P.

NEW BUSINESS

Collective Bargaining

A collective bargaining agreement was negotiated with the Fraternal Order of Police. Trustee Adler moved, and Trustee Gunning seconded, the motion to accept the agreement between Cleveland State University and the Fraternal Order of Police/Ohio Labor Council, covering the three year period from January 1, 2012 through December 31, 2014. The following resolution was passed by voice vote:

RESOLUTION 2012-90

COLLECTIVE BARGAINING AGREEMENT WITH FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL

WHEREAS, the University and the Fraternal Order of Police/Ohio Labor Council have reached a tentative agreement on a myriad of issues and deferred to a fact-finder's ruling on wages, for a three year successor collective bargaining agreement for law enforcement officers extending from January 1, 2012 – December 31, 2014; and,

WHEREAS, it is anticipated that on September 20, 2012 the Fraternal Order of Police/Ohio Labor Council bargaining unit members will ratify the tentative agreement and accept the fact-finder's ruling regarding wages;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby directs the Administration to execute and implement the collective bargaining agreement between Cleveland State University and Fraternal Order of Police/Ohio Labor Council covering the three year period from January 1, 2012 – December 31, 2014.

Asbestos Abatement

The University solicited bids for asbestos abatement service for the demolition of Viking Hall and the Kinko's building, which is the site for the future Center for Innovations in Health

Professions building. The Administration is seeking approval toward the bid for the asbestos abatement service (Attachment V). Trustee Moreno moved, and Trustee Gunning seconded, the motion to approve the bid award. The following resolution was passed by voice vote:

RESOLUTION 2012-91

APPROVAL OF BID AWARD TO PRECISION ENVIRONMENTAL, INC.
IN CONNECTION WITH THE VIKING HALL AND KINKO'S PROJECT FOR
PRE-DEMOLITION ASBESTOS ABATEMENT

THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the bid award to PRECISION ENVIRONMENTAL COMPANY, INC. for asbestos abatement work in connection with the Viking Hall and Kinko's Demolition project, and authorizes the University administration to execute and contract for said work in the amount of One Million One Hundred Ninety Four Thousand and 00/100 Dollars (\$1,194,000.00), plus 20% contingency, subject to the approval of the Ohio Attorney General.

There being no further business, the meeting was adjourned at 11:22 a.m.

Respectfully submitted,

APPROVED ON NOVEMBER 7, 2012
William J. Napier
Secretary to the Board of Trustees

APPROVED ON NOVEMBER 7, 2012
Robert H. Rawson, Jr.
Chairman, Board of Trustees