

MINUTES OF THE MEETING
OF THE
MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES

December 8, 2000

The Trustee Finance Committee and Trustee Policy Committee meetings were held in the Board Room of the Administration Building beginning at 9:00 a.m. on Friday, December 8, 2000. Minutes of the meetings are on file in the Office of the Secretary of the Board of Trustees.

President McPherson called the meeting of the Board of Trustees to order at 10:26 a.m. in the Board Room.

Trustees present: Dolores M. Cook, Joel I. Ferguson, Dorothy V. Gonzales, Colleen M. McNamara, Donald W. Nugent, David L. Porteous, Scott Romney, and Robert E. Weiss.

University officers present: President McPherson, Provost Simon, Vice President Poston, Secretary Pogel, Vice President and General Counsel Noto, Vice Presidents Denbow, Greenleaf, Huggett, June, Webb, Webster, and Senior Advisor and Director Granberry Russell. Faculty Liaisons present: Norman Abeles, Robert Bonner, Daniel Kruger, Ann Slocum, and Ted Tims. Student Liaison present: Sam Howerton.

All actions taken were by unanimous vote of the Trustees present, unless otherwise noted.

1. On a motion by Mr. Romney, supported by Ms. Cook, **THE BOARD VOTED to approve** the proposed agenda.
2. On a motion by Mr. Nugent, supported by Ms. Cook, **THE BOARD VOTED to approve** the minutes of October 13, 2000, and November 10, 2000.
3. Trustee GPA Award Recipients

Chairperson McNamara and President McPherson presented Trustee GPA Awards for Fall Semester 2000 to the recipients listed below. Dyane P. Hawkins and Caleb J. Lowe were unable to attend the meeting.

David A. Hartman	Finance	4.0 Grade Point
Dyane P. Hawkins	Psychology	4.0 Grade Point
Nathan J. Whitaker	Political Economy	4.0 Grade Point
Reena Sachdev	Interdisciplinary Studies	3.9954 Grade Point
Eric D. Schlegel	Chemical Engineering	3.9780 Grade Point
Caleb J. Lowe	Criminal Justice	3.9727 Grade

Point

4. President's Report

- A. President McPherson noted that Fall commencement exercises would be taking place during the next two days. He said that the University would welcome speakers Raymond Kurzweil, a leader in artificial intelligence technology, Alejandro Junco, a Mexican newspaper publisher and advocate of Mexico's new president, and Jeffrey Cole, a major supporter of MSU's Honors College. Mr. McPherson noted that Mr. Cole contributed to the renovation and refurbishing of Eustace-Cole Hall.
- B. President McPherson said that Police Chief Bruce Benson and his staff are looking at the issue of racial profiling. He said that DPPS' work is very positive, and puts MSU out ahead on this matter.
- C. President McPherson noted that Director Paulette Granberry Russell will be serving on a newly-established task force for racial injustice in Lansing. He said that the task force will address a number of issues and should have a positive impact on the community.
- D. President McPherson welcomed William Repko, coach of the MSU Debate Team, who was named Debate Coach of the Year 2000. Mr. McPherson said that this is the highest honor for collegiate debate coaching in the country. Mr. Repko, who has coached the MSU team to the final round of the national championship three times, is the youngest coach to receive this recognition.

5. Guiding Principles Report

Vice President Charlie Greenleaf reported on the Guiding Principle of Access, which includes the use of state-of-the-art information technology. He said that an online Master of Arts in Education program has been announced. The program will begin Fall, 2001. Dean Carol Ames, Mr. Greenleaf said, has been working many months with her staff, along with Acting Vice Provost Bob Church, Director Bruce Magid, and Vice Provost Paul Hunt, to develop the program. All courses will be offered by MSU Global/Virtual University. Vice President Greenleaf said that this program joins other online programs already in existence, including: masters in packaging, masters in logistics, masters in special education, two degree programs in criminal justice, and certificate programs in medical technology, and facility management. He said that MSU has an exciting prospect in the advancement of further online education.

6. Public Participation on Items Germane to Agenda

Amanda Deyo, a graduate student in Veterinary Medicine and the class president for the Vet. Med. class of 2003, addressed the Board on issues related to parking on campus for Vet. Med. students. She said that the closure of the Shaw Ramp could mean that Vet. Med. students would have to

park in the student commuter lot. Ms. Deyo noted that many Vet. Med. students commute to class, have children in day care, and have health concerns. Lighting and safety are also issues because of many Vet. Med. nighttime classes. She also said there is insufficient bussing between the commuter lot and the Veterinary school. She suggested several alternatives to the Mt. Hope lot, i.e. the Wharton or Hagadorn and Service Road lots. Ms. Deyo suggested that undergraduates move from the Hagadorn and Service lot to the commuter lot to accommodate graduate parking. She stressed that the Vet. Med. program is very demanding. Ms. Deyo asked for the Board's support in encouraging the Department of Police and Public Safety to accommodate these parking requests.

Trustee Weiss said he has sympathy for students with very heavy courseloads and classroom requirements. He urged Vice President Poston to work with the Department of Police and Public Safety to find a solution to the Vet. Med. parking problem.

Trustee Nugent asked if any current lots could be temporarily expanded while the Shaw Ramp is under construction. Dr. Poston responded that grass in many parts of campus is used for recreation. He said that he would look into the matter.

7. Personnel Actions

Provost Simon presented the following personnel actions:

A. Appointment

Elijovich, Fernando, AN-Professor, Department of Medicine, \$185,000, with Tenure, effective November 1, 2000.

B. Faculty Promotions and Tenure Recommendations

- 1) de Jong, Robert M., promotion to Associate Professor, Department of Economics, with Tenure.
- 2) Crimp, Melissa J., promotion to Associate Professor, Department of Materials Science and Mechanics, with Tenure.
- 3) Schwitzer, Christina DeJong, promotion to Associate Professor, School of Criminal Justice, with Tenure.

On a motion by Ms. McNamara, supported by Ms. Cook, **THE BOARD VOTED to approve** the recommendations.

Vice President Poston presented the following personnel action:

C. Other Personnel Appointment

Underwood Jr., Clarence, AN-Executive Management Director, Intercollegiate Athletics, Subject to Contract, effective August 16, 2001 to June 30, 2002, or until the time a new Director of Intercollegiate Athletics is named and is active on the MSU Campus, whichever date is earlier. **Note:** There will be a salary increase of \$5,915 for fiscal year 2001.

On a motion by Ms. Cook, supported by Mr. Porteous, **THE BOARD VOTED to approve** the recommendation. The vote was 7-1. Mr. Weiss voted No.

Vice President Poston said that Dr. Clarence Underwood has been revamping the Athletic Department's long-term planning process, which has resulted in a balanced budget. Dr. Underwood implemented the new premium seating plan in Breslin, worked on an unprecedented amount of renovation and building in athletic facilities, and worked on the complexities of payment and debt capacity. He adjusted the University's gender equity plan to contend with the changes in enrollment at MSU, as well as changes in Federal expectations. He hired new football and women's basketball coaches and increased emphasis on academics and compliance. Vice President Poston said that in the past year under Dr. Underwood's leadership, we have seen the largest proportional increase in development activities in recent years. Coaches, staff, and community members have lobbied to retain Dr. Underwood. The Athletic Council unanimously supports the extension of Dr. Underwood's contract. Vice President Poston said that he, the President, and the Provost believe that this is a wise course of action for continuity and stability in the department.

Trustee Weiss asked that the following text of his remarks be included in the minutes:

"Mr. President, it's with deep thought that I must speak this morning, not so much against Clarence Underwood as against the process that's been taking place - commitments being made, promises being made, and promises not being kept. It relates to not only this process, but to the selection of a Vice President for Operations, which, along with the president, is a key Board appointment.

Probably some of the problem lies in different members of the Board interpreting our function in various ways. I believe our function is, as the Constitution says, general supervision of the University and its finances. At this point, I think we need to step up and recognize what I believe is a problem. We should not keep saying that every time there is criticism of what's going on at the University that we are hurting the University. I don't believe such criticism is necessarily negative. The criticism may be positive in causing improvement in the future.

I think that we have not always sought the best and brightest people. I don't see people rising from within our ranks to leadership roles. In the Athletic Department, I think there are a couple of people that are capable of strong, aggressive leadership. I don't see that movement happening. I have some other concerns about the Athletic Department most recently, considering the fact that George Perles received an award, the highly prominent Duffy Daugherty award. I have nothing against George Perles on a personal basis. We have differences, but people move on. That does not mean that someone who cost this University approximately 2 million dollars by the time the payout was done, the lawsuits were threatened, the investigation took place, and we were put on probation, should receive an award from us. When someone has cost this University that kind of money and hurt our reputation, I have a serious problem understanding why that person is being honored. Does that mean that they should not be welcome on the campus? Not at all. But I don't think that you should give that kind of person a distinguished honor.

By the same token, you have someone--and I admit this is personal--like Jud Heathcote, who is a close friend of mine, who did great things for this University. He brought honor to this University, was eligible for the hall of fame for this University last year, and was passed over. I have trouble seeing where that is consistent with the values of this University. As I said, I think Jud deserves it, but at least I would like to know why he did not get it. It seems to me a slap in the face to someone who's brought great honor and put an outstanding coach like Tom Izzo in place. Tom is *the* outstanding coach in this country. That's another reason why I have trouble when you talk about the great leadership of the Athletic Department. Yes, things are good because you have some great coaches like Tom Izzo, Ron Mason, and hopefully Bobby Williams will be. So things are good, but they're masking the problem because we are winning.

And I think it's a deeper problem than just in athletics, Mr. President. I think we need to take a view as a Board, with you, across this entire campus, and look at where the leadership is coming from. I know you're a hands-on manager. Well that's fine, but someday you're not going to be here, and I see a terrific void of people ready to take control. I would urge that this Board and this University exercise its responsibility. As a Board member, in managing this University with you, we need to get the best and the brightest. And when we make commitments and promises, they should be kept and we should not change our minds and say 'oh, it's just a change of times.' It happens too often and too consistently. I do not think public discussion hurts this Board, nor this President. I think public discussion is what democracy is about. We've seen one month of the system at work in the presidential election and it's worked well. I just hope that we as a Board, and you as a President can reach an area of mutual trust and commitment. I hope for that. I think the

University needs that, and I just think we need to do a better job of being Trustees and supervising this University.”

D. Information Reports

Information Reports of Academic Personnel Actions of October 6, 2000 and November 6, 2000 were distributed with the Board Agenda. The reports are included with the agenda materials in the Office of the Secretary of the Board of Trustees.

8. Gift, Grant and Contract Report

Vice President Huggett presented the Gift, Grant and Contract Report for the period of September 21, 2000 through November 15, 2000. The report is a compilation of 309 Gifts, Grants and Contracts, 37 Consignment/Non-Cash Gifts, and no Consignment/Non-Cash Loans with a total value of \$40,771,591.45. The Gift, Grant and Contract Report is included with the agenda materials in the Office of the Secretary of the Board of Trustees.

On a motion by Ms. McNamara, supported by Mr. Nugent, **THE BOARD VOTED to approve** the Gift, Grant and Contract Report.

9. The Trustee Finance Committee report and recommendations were presented by Committee Chairperson Nugent.

A. Bids and Contract Awards

- 1) It was recommended that a contract in the amount of \$335,990 be awarded to Nielsen Commercial Construction Company, of Holt, Michigan, and that a budget in the amount of \$480,000 be established for the project entitled: Auditorium – Accessibility Improvement for Fairchild Theater.
- 2) It was recommended that a contract in the amount of \$868,700 be awarded to Moore Trospen Construction Company, of Holt, Michigan, and that a budget in the amount of \$1,350,000 be established for the project entitled: Cyclotron – Replace Heat Pumps and Chiller.
- 3) It was recommended that a contract in the amount of \$147,700 be awarded to Moore Trospen Construction Company, of Holt, Michigan, and that a budget in the amount of \$225,000 be established for the project entitled: Fee Hall – Alterations to Room E106.
- 4) It was recommended that a contract in the amount of \$420,531 be awarded to Moore Trospen Construction Company, of Holt, Michigan, and that a budget in the amount of \$605,000 be established for the project entitled: Life Science

– Alterations to Rooms B107 – B109, B126 – B128, B130, and B145.

- 5) It was recommended that a contract in the amount of \$83,768 be awarded to Bruno Martin Company, of Saginaw, Michigan, and that a budget in the amount of \$115,000 be established for the project entitled: Manly Miles – Roof Replacement.
- 6) It was recommended that a contract in the amount of \$18,581,000 be awarded to R. C. Hendrick & Son, Inc., of Saginaw, Michigan, and that a budget in the amount of \$23,200,000 be established for the project entitled: Shaw Lane Ramp Reconstruction.

On a motion by Mr. Nugent, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the recommendations.

B. Appointment of Architect/Engineer

It was recommended to appoint Ralph Calder & Associates, Inc., of Farmington Hills, Michigan, as the architect/engineer for the project entitled: Delia Koo International Center - Addition.

On a motion by Mr. Nugent, supported by Ms. McNamara, **THE BOARD VOTED to approve** the recommendation.

In response to a question from Trustee Porteous, Vice President Poston explained why the normal architect/engineer selection process was waived. Dr. Poston said that the architect, Ralph Calder & Associates, was chosen to design the addition to the International Center because the firm had designed the original International Center building and has intimate knowledge of the structure. He said that the University has done a great deal of business with this firm in the past, and that it has a good reputation. Trustee McNamara asked if the project had been sent out for bids. Vice President Poston indicated that it had not.

C. Funds Functioning as Endowments

- 1) It was recommended to establish the C. M. Cooper Memorial Scholarship in Chemical Engineering as a fund functioning as an endowment.
- 2) It was recommended to establish the Education Leadership Graduate Fellowship as a fund functioning as an endowment.

On a motion by Mr. Nugent, supported by Ms. McNamara, **THE BOARD VOTED to approve** the recommendations.

Trustee Weiss asked for an explanation of how endowments are established. Provost Simon explained that donors work with the Development office to set up the endowment. There are terms and conditions by which the University must legally abide when setting up scholarships and fellowships through endowments. She said that only private funds are used in establishing endowments.

Mr. Weiss asked if the Board of Trustees could establish an endowment without giving money or taking money from another fund. He wondered if private donations could be used in a Board-established endowment created to help student-athletes return to the University to finish a degree. Vice President Poston responded that he believes that non-general fund money could be used to set up such an endowment. Mr. Weiss asked that the issue be raised at the Finance Committee.

- D. It was recommended to terminate the Dale and Irene Gaide Equine Performance Fund Endowment and to transfer the value of that endowment into an expendable account for payment of construction costs for the Mary Anne McPhail Equine Performance Center.

On a motion by Mr. Nugent, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the recommendation.

- E. It was recommended to adopt the revised Statement of Investment Objectives for Michigan State University's Pooled Cash Fund that were included with the agenda.

On a motion by Mr. Nugent, supported by Mr. Porteous, **THE BOARD VOTED to approve** the recommendation.

- F. It was recommended to invest \$5.0 million in OCM Principal Opportunities Fund II, L.P.

On a motion by Mr. Nugent, supported by Ms. Gonzales, **THE BOARD VOTED to approve** the recommendation.

Trustee Romney asked if this investment changes the University's overall asset allocation. Trustee Nugent responded that this increases investments in an area in which the University is not heavily committed. President McPherson said that this move is consistent with the target for asset allocation.

Assistant Vice President Steve Flowers that this fund is similar to others in which the University invests, but this fund purchases distressed securities. Mr. Flowers said that distressed means that funds are very high yield or could go into default. Trustee Weiss

asked if this is a high-risk investment. Mr. Flowers explained that it is not as risky as it sounds.

Trustee Porteous said that he is comfortable with this investment because this diversifies MSU's portfolio. He added that the fund is managed by people with whom MSU has had good success in the past.

Trustee Weiss asked if there is increased risk because the economy seems to be slowing. Mr. Flowers responded that in the short term, the value of this investment may drop. President McPherson explained that this is a good time in the economy to get into this activity because the discount is greater.

- G. It was recommended to reappoint KPMG as the University's auditors for FY 2000-2001 at a fee of \$216,300 in accordance with the University's policy on the rotation of auditors.

On a motion by Mr. Nugent, supported by Ms. McNamara, **THE BOARD VOTED to approve** the recommendation.

- 10. The Trustee Policy Committee report and recommendations were presented by Committee Chairperson McNamara.

- A. Michigan State University Student Disorderly Conduct Policy

It was recommended that the Board of Trustees approve the revised policy, "Michigan State University Student Disorderly Conduct Policy," which replaces the "Interim Student Conduct Policy" that was approved by the Board on April 9, 1999. The revised policy, which was approved by Academic Council on October 24, 2000, appears below.

MICHIGAN STATE UNIVERSITY STUDENT DISORDERLY CONDUCT POLICY

Prohibition

Michigan State University students shall not engage in disorderly conduct at or in connection with a riot.

Definitions

"Riot" means five or more persons, acting in concert, who engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

"Acting in concert" means acting with a common intent or purpose.

“Disorderly conduct at or in connection with a riot” includes, but is not limited to, setting fires; throwing bottles or other projectiles; damaging, destroying, or defacing property not the student’s own; obstructing, interfering with, or disrupting the activities of peace officers or public safety personnel engaged in the lawful performance of their official duties; intentionally or recklessly causing or threatening physical harm to another; endangering the physical safety of another; tampering with or misusing fire or safety equipment; theft or looting; resisting arrest; and conspiring with others or inciting others to do any of the foregoing.

Application

This Policy applies to all Michigan State University students whenever the prohibited conduct occurs on the land governed by the Board of Trustees of Michigan State University (the “campus”), when students are engaged in University-sponsored or student group sponsored (student governing group and registered student organization) activities off campus, in all local government jurisdictions adjacent to the campus, or on any other college or university campus.

Enforcement

Violations of this Policy will be adjudicated according to procedures outlined in Article 4 of “Academic Freedom for Students at Michigan State University.”

Students found through University disciplinary proceedings to have violated this Policy may be subjected to a variety of sanctions as described in Section 4.2.4 of “Academic Freedom for Students at Michigan State University.” These sanctions may include: No Action, Warning, Warning Probation, Disciplinary Probation or Suspension from the University. Either probation may also include stipulations requiring a student living on campus to move to another location on or off campus. Students may also be required to make restitution for damage to University property.

In addition to sanctions outlined in Section 4.2.4 of “Academic Freedom for Students at Michigan State University,” violators of this Policy may also be required to make restitution for damage to public and private property.

In some instances, students accused of violating this Policy may be suspended on an interim basis.

Behaviors violating this Policy may also be in violation of professional standards established by colleges and professional schools at Michigan State University. Procedures for adjudicating these alleged violations are outlined in “Graduate Student Rights and Responsibilities,” “Medical Student Rights and Responsibilities,” and documents from Michigan State University-Detroit College of Law .

Interpretation

This Policy shall not be interpreted to restrict or limit any student's First Amendment rights to freedom of speech or assembly.

NOTE: All members of the University community must abide by standards of behavior that reflect the collegial nature of their endeavors. Faculty members and staff members are subject to the disciplinary policies set forth in the Faculty Handbook and the Employee Handbook, respectively.

On a motion by Ms. Cook, supported by Mr. Romney, **THE BOARD VOTED to approve** the Michigan State University Student Disorderly Conduct Policy. The vote was 6-1. Trustee McNamara voted No. Trustee Gonzales abstained.

Dr. Simon said that the Policy is unchanged from the Policy draft distributed in November. Mr. Romney noted that the revised policy provides for more due process for those who were not deemed to cause immediate danger to health and safety. Trustee Cook said that it is important to note that the policy was an interim policy and that the Board asked academic governance to come back with a revised policy if it chose to do so. The recommendation reviewed by the Policy Committee is the result of the academic governance review.

Trustee McNamara noted that the vote in the Policy Committee was 2 Yes, 1 No, and one abstention. She said that if the vote had been a 2-2 vote, it may not have come to the full Board. Ms. McNamara indicated that she did not want to obstruct something in Committee that she believed would be passed by the full Board.

Trustee McNamara said that she would vote No because the policy allows for punishment prior to a fair trial. She emphasized that students are innocent until proven guilty under a very long history of jurisprudence in this country, and this policy violates that concept. Ms. McNamara said that the policy governs activity that occurs far from campus where the University has no control over the subjective political pressures put on police and prosecutors to classify activities as riots versus legitimate First Amendment activities. There is no experience around the country, Trustee McNamara said, that shows that this policy will be a deterrent to off-campus rioting. To establish a policy such as this with such serious consequences for students is probably more serious than what a first offender would receive in the courts for this kind of activity. She said that this policy leaves open the option for administration and police to respond emotionally to volatile experiences on campus, and it is the most dangerous kind of policy to set.

Jeff Ziarko, student chair of the University Committee on Student Affairs and staff person in the ASMSU Academic Assembly, said that

the strong consensus in Academic Assembly was very much in agreement with Trustee McNamara's views. He said that there is a sense that the University has every right to govern activities on campus and at University-sponsored events. But, he added, there are some activities students engage in that do not reflect on the University. There are also very capable authorities who deal with off-campus activities. He noted, however, that the University Committee on Student Affairs and Academic Council both voted in favor of the revised policy.

Trustee Porteous said that when the issue came up two years ago, he was supportive of a policy that was stronger than the one now before the Board. He indicated that it was critically important to have a policy that was tough, and that took the overall interests of the campus, students, and faculty into consideration. Mr. Porteous added that it is the University's responsibility to the people of Michigan to have tough policies like this one. He said that it will take many years for the University to recover from the negative publicity that it received two years ago. The policy will not prevent future riots, but we do know that there will be consequences for students who engage in them at MSU or at other colleges and universities around the State. He noted that the most positive outcome of the riots was that students were embarrassed and have helped to ensure that this will not happen again.

Trustee Cook said that she agrees with Mr. Porteous' comments. She added that in discussing the policy with students, a spirit of governmental compromise emerged. Ms. Cook noted that similar policies at other colleges and universities around the country are far more restrictive than the policy before the Board.

Trustee Gonzales noted that she is concerned with due process and finding someone guilty before they have been tried. She asked if the policy governs students' participation in political rallies and demonstrations. Ms. Gonzales said that she cannot support the policy in its current form.

Trustee Romney asked Vice President and General Counsel Noto if the legal department had reviewed the policy for its legality and enforceability. Mr. Noto responded this policy corresponds with the current student disciplinary policy, and does not challenge the degree of due process that is provided under the current student disciplinary policy.

Trustee Ferguson asked why it was necessary to tighten the policy, and whether the interim policy had been working. Trustee Romney said that the new policy loosens the interim policy.

Vice President Lee June said that the April, 1999 interim policy noted that if the academic governance system did not bring to the Board a

new policy by April, 2001, the interim policy would become permanent. He noted that deliberations lasted about a year, and included open forums. The end result, Dr. June said, is that this is a reasonable compromise that has gone through the academic governance system.

Professor Norman Abeles added that the policy was fully discussed in Academic Council by both students and faculty members. He said that the Council voted in favor of the policy.

President McPherson said that the most important difference between this policy and the interim policy is that this requires the regular student judicial process in order to suspend a student in an ordinary case. In the interim policy, there could be immediate suspension pending the judiciary process. The new policy allows for more due process, he said. Vice President June added that the new policy allows for a full range of sanctions, including suspension, subject to the judicial process.

Trustee McNamara asked if students demonstrating for political purposes are subject to suspension under this policy. Trustee Ferguson said that the fact that students are subject to suspension does not mean that they will automatically be suspended.

Vice President June said that in order for any action to take place, an allegation has to be brought by a member of the University community. Once an allegation is filed, it goes to the Office of Judicial Affairs. The decision on interim suspension comes to the Vice President for Student Affairs and Services. In order to be intermily suspended, he said, the student must represent a clear and present danger to health and safety. There is then a hearing to determine whether the suspension is permanent.

Vice President Noto said that the policy does not restrict or limit any student's First Amendment rights through freedom of speech or assembly. He added that people outside the University cannot describe a situation as a riot for purposes of adjudication internally. Finally, he said, a student who has been intermily suspended may, within 5 days, ask for a hearing if he or she feels that the suspension is unjust.

Jeff Ziarko said that student groups are pleased with the due process/on-campus judicial system portions of the policy.

B. Revision of MSU Ordinance 36.00 – Authority of Enforcement Officials

It was recommended that the Board eliminate MSU Ordinance 36.05, that Ordinance 36.06 be renumbered as 36.05, and that Ordinance 36.03 be amended. The revised Ordinance 36.00 appears below in its entirety.

- 36.01** Authority to direct traffic; emergency provisions to direct traffic
 - 36.011** Firefighters may direct; conditions
- 36.02** Inspect vehicles; authority to stop and inspect; enforcement
- 36.03** Authority to impound vehicle with six outstanding parking violations
- 36.04** Request accident reports; authority to require drivers and witnesses to file additional reports
- 36.05** Unauthorized removal from impound facility

.01 Direct traffic: Officers of the Department of Police and Public Safety or such special officers as are assigned by the Police Chief and Director of Public Safety, are authorized to direct all traffic by voice, hand or signal and in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, may direct traffic as conditions may require;

.011 Members of the fire department, when at the scene of a fire, may direct or assist the police officers in directing traffic in the vicinity.

.02 Inspect vehicles: Police Officers are authorized on reasonable grounds shown to stop any motor vehicle and inspect the same, and if any defects in equipment are found, to take such enforcement action as provided by law .

.03 Impound vehicles: The Department of Police and Public Safety is authorized to impound and remove to a place of safekeeping any vehicle found on the lands governed by the Board of Trustees, at the expense of the vehicle's registered owner, when it is determined that the owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking. The vehicle shall be released to the owner or the agent of the owner after an impoundment fee has been paid. The fee for impoundment shall be of such amount as shall reimburse the University for all towing and impoundment costs and for storage. Impounded vehicles not claimed shall be disposed of as provided by law .

.04 Request accident reports: The Department of Police and Public Safety may require any driver of a vehicle involved in an accident to file written reports and supplemental reports concerning said accident, whenever the original information is insufficient in the opinion of the Department of Police and Public Safety, and may require witnesses of such accidents to render reports to the Department of Police and Public Safety.

.05 It shall be unlawful for any person to remove, without the special authorization of the Police Chief and Director of

Public Safety or his or her designee, any motor vehicle, motorcycle, bicycle, motor-driven cycle, motor home, trailer or other object that has been placed in an impound lot, storage facility, or bicycle pen that has been designated and posted, until the prescribed fees have been paid.

On a motion by Ms. McNamara, supported by Mr. Romney, **THE BOARD VOTED to approve** the revisions to MSU Ordinance 36.00.

Dr. Poston explained that prior to 1980, the University had a very aggressive towing policy. After a Michigan Supreme Court decision and several other actions, the University shifted to towing under State statute for more serious violations like parking in fire lanes, handicapper spaces, tow-away zones, leased parking spaces, and for multiple repeat offenses.

Trustee Gonzales asked how this relates to articles that had recently appeared in newspapers regarding MSU's towing ordinance. Vice President Poston responded that the State News maintained that the University, since 1978, did not have the right to tow vehicles. But according to the Motor Vehicle Code, he said, the University does indeed have the right to tow vehicles.

President McPherson said that the focus of towing shifted in the 1980s when it was used as a parking enforcement mechanism. Today, he said, vehicles are towed only under special circumstances that Vice President Poston mentioned. Mr. McPherson said that amendments to Ordinance 36 affirm that the University is towing appropriately. He said that he thinks that most people would agree that it is appropriate to tow under certain circumstances.

Trustee Gonzales asked about fees for towing. President McPherson said that violators are charged for the actual towing, plus a \$15 fee to maintain a 24-hour towed-vehicle parking lot. He said that the University does not profit from towing.

Vice President Poston reported on some suggestions made by Trustee Weiss. Mr. Weiss asked that parking violators be warned that vehicles will be towed at six unpaid tickets. With each ticket issued, a note will be included that indicates that vehicles will be towed when the vehicle's owner has six unpaid tickets. Mr. McPherson said that this provides for additional notice to parking violators.

Trustee Weiss said that this prevents violators from being unaware that their vehicles may be towed.

Trustee Gonzales asked if violators will be told how many outstanding tickets they have. President McPherson responded that violators will have to count their own tickets.

Police Chief Bruce Benson said that two notices are sent to violators for each unpaid ticket. He said that a person with six unpaid tickets will have received 12 notices. Mr. Weiss asked that these notices include a warning that vehicles with six unpaid tickets will be towed.

11. Chairperson's Report and Trustees' Comments

A. Chairperson's Report

- 1) Trustee McNamara wished everyone happy holidays.

B. Trustees' Comments

- 1) Trustee Romney said that he was pleased that the Board honored academic excellence through its GPA awards. He said that it is an excellent tradition. Mr. Romney added that graduate students should also be recognized by the Board for their academic accomplishments.
- 2) Trustee Ferguson wished everyone happy holidays.
- 3) Trustee Porteous said that he was pleased that the MSU Debate Team coach could attend the Board meeting. It is an extraordinary recognition that Mr. Repko was named Debate Coach of the Year. Mr. Porteous asked that a resolution be passed honoring the accomplishments of the Debate coach and team. He noted that the MSU Debate Team has helped to develop programs that strengthen high school debate teams across the State.

Trustee Porteous congratulated the MSU Men's Water Polo Club on recently winning the Water Polo National Championship. He said that Men's Basketball coach Tom Izzo took the time to talk to the Water Polo team to give them some advice and encouragement before they competed in the championship game. Mr. Porteous said that that kind of support of club sports by varsity sports is very important. He asked that a report be made to the Finance Committee regarding club sports on campus, including the financial commitments by the University to the clubs. He wondered if the support is adequate and if there are other ways that MSU could provide additional support to the clubs.

Trustee Porteous said that there has been coverage in both Michigan and national newspapers regarding campuses and dormitories of the future. He asked that a presentation be made to the Finance or Policy Committees regarding MSU's planning for the future of residence halls and residence hall programs.

- 4) Trustee Cook said that the MSU Debate Team is relatively young on campus. Their accomplishments in a short time, she noted, are extraordinary. Ms. Cook thanked President McPherson and Provost Simon for their work in planning a scholarship endowment for the Debate Team.

Trustee Cook noted that she recently attended the Arts and Letters annual Christmas concert. The concert included the MSU Symphony, the Choral Union, and the MSU Children's Choir. She said that it was a wonderful event. This year's guest artist, she said, was Arlo Guthrie, who gave an extraordinary performance. Ms. Cook said that the audience asked for four encores from Mr. Guthrie. Mr. Guthrie noted that MSU is very fortunate to have such a fine orchestra. Trustee Cook also commented on the performance by the MSU Children's Choir. She said that the choir is currently recording and is becoming known nationally.

Trustee Cook wished her colleagues and the staff happy holidays and good health.

- 5) Trustee Weiss wished everyone a happy and healthy holiday and new year.

Trustee Weiss remarked that there has been pressure on the Michigan State University – Detroit College of Law to lower its academic standards. MSU-DCL chose not to lower those standards and as a result, Mr. Weiss said, Bar exam scores have risen. He said that this is the first step on a long, tough road to success, but it is heading in the right direction. Mr. Weiss thanked Provost Simon, Dean Terence Blackburn and the Board for their commitment to the law school.

- 6) Trustee Gonzales expressed condolences on the death of Ann Bolger, Director of the Department of Residence Life. Ms. Gonzales said that Ms. Bolger was a very bright, capable young woman. She asked whether the Board of Trustees could do a special recognition for Ms. Bolger's family.

Trustee Gonzales wished everyone happy holidays.

- 7) Trustee Nugent said that President McPherson has brought honor to the University on his recent speaking tour to the Detroit Economic Club and the National Republican Governors' Conference. Mr. Nugent commended Mr. McPherson for being recognized as a national leader and for representing the University well.

Trustee Nugent said that graduation time is an exciting time on campus. He noted that is great to see young people graduate.

Trustee Nugent wished everyone happy holidays.

12. Public Participation on Issues Not Germane to Agenda

There were no requests to address the Board on issues not germane to the agenda.

13. An Executive Session was not requested.

14. On a motion by Mr. Nugent, supported by Mr. Ferguson, the Board voted to adjourn at 11:58 a.m.

Respectfully submitted,

Nancy H. Pogel, Ph.D.
Secretary of the Board of Trustees