Board of Trustees Meeting Minutes 2002-05-10

Bowling Green State University

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MINUTES
Board of Trustees
Bowling Green State University
May 10, 2002

Notice having been given in accordance with the Board of Trustees Bylaws, the following members met in Room 207 of the Bowen-Thompson Student Union on the Bowling Green State University campus on May 10, 2002: David A. Bryan, Chair; Valerie L. Newell, Vice Chair; Leon D. Bibb; Sharon S. Cook; Edward A. Ferkany; Jarrod F. Hirschfeld; Michael J. Marsh; Robert Smith; and Kermit F. Stroh. John F. Harbal, II and Michael R. Wilcox were absent.

Also present were President Sidney Ribeau; Deborah Magrum, Secretary to the Board; James Evans, 2001-02 Faculty Representative to the Board; John Clark, 2001-02 Administrative Staff Representative to the Board; Joe Skariah, 2001-02 Graduate Student Representative to the Board; Anne Tracy, 2001-02 Classified Staff Representative to the Board; Tom Gerrity, 2001-02 Firelands College Board Representative; Sarah Saccany, 2002-03 Undergraduate Student Representative to the Board; Linda Dobb, Executive Vice President; John Folkins, Provost and Vice President for Academic Affairs; J. Douglas Smith, Vice President for University Advancement; Edward Whipple, Vice President for Student Affairs; Gaylyn Finn, Treasurer; media representatives; and a number of observers.

Chair Bryan called the meeting to order at 1:30 p.m., the Board Secretary called the roll and announced that a quorum was present (7 trustees).

PRESIDENT’S REPORT

Dr. Ribeau began his report by thanking everyone involved in the Bowen-Thompson Student Union dedication in April. Tim Conway entertained the guests, while Trustee Bibb served as emcee of the event. It was a great day for friends, supporters of the University, and alumni to return to campus. This event allowed BGSU to reflect on the past and set goals for the future. To be able to raise over $7 million in a short period of time shows the University’s great potential when everyone works together.

He then introduced the new deans, who are Dr. Richard Kennell, Dean of the College of Musical Arts; Dr. Heinz Bulmahn, Dean of the Graduate College; Dr. Linda Petrosino, Dean of the College of Health and Human Services; and Dr. Josue Cruz, Dean of the College of Education and Human Development. Dr. Clyde Willis is retiring after 17 years as Dean of the College of Health and Human Services.

He reported that the Family Campaign began on February 12 and will continue through the end of the fiscal year. To date, the participation rate is 45%, compared to 40% last year. The donors are University employees who are giving back in a variety of ways. Total giving to date is $568,415. He thanked everyone for contributing to the success of the Family Campaign, noting that such private contributions become progressively more important during this time of unparalleled budget challenges.

Finally, he announced the commencement ceremonies schedule for this weekend, noting that many graduates are first generation college students.

SCHOLARSHIP PRESENTATION

Chair Bryan announced that the Trustee Leadership Scholarship was created in 1997 and is completely funded by past and present members of the Board of Trustees. He thanked Kermit Stroh for his leadership in establishing the scholarship and in encouraging its funding. This scholarship is awarded to an incoming or current student at BGSU demonstrating leadership qualities or leadership potential. The awardee is chosen by a committee comprised of current Trustees, the President or his delegate, and the Vice President for University Advancement or his designee. This year, the committee evaluated 15 applications, all of which included two recommendations from non-family members and a portfolio of experiences or activities indicating leadership potential. The committee selected five people to interview. He announced that Callie Glave is the first awardee of the Trustee Leadership Scholarship, and asked her to step forward to receive the award. Chair Bryan read excerpts from her letter of recommendation and personal essay. Ms. Glave then approached the podium and thanked her parents for their support and the Board for the scholarship.
MINUTES

Motion was made by Mr. Ferkany and seconded by Mr. Stroh that the minutes of the February 26, 2002 meeting be approved as written. The motion carried.

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Distinguished Teaching Professor Nomination

Dr. Folkins read the following citation recommending Dr. Janet Parks for a Distinguished Teaching Professorship. Members of the Bowling Green State University faculty with the rank of Professor who demonstrate extraordinary achievements as effective teachers in their discipline or in interdisciplinary fields for an extended period of time are eligible for consideration as Distinguished Teaching Professors.

After receiving her Master of Science degree in Physical Education from Illinois State University in 1965, Professor Janet Parks began her career as an Instructor at BGSU. In 1977, she completed her Doctor of Arts degree from Middle Tennessee State University. For the past 36 years, Dr. Parks has been responsible for the education of both undergraduate and graduate students and has been responsible for over two dozen different course preparations. Her discipline has seen the evolution from "basic" physical education into a complex reading of gender issues, sport in society, and a broad spectrum of related topics. She not only has outstanding teaching abilities, but also excels in her scholarly and service responsibilities. She is internationally known as a foremost scholar in sport management and is also recognized at BGSU and around the country for her administrative skills. Dr. Parks recently received the 2002 Sport Management Council's Outstanding Achievement Award in recognition of her outstanding contributions and leadership in the sport management field. She was the Chair of the Sport Management Division for 13 years and during that time was considered to have the best undergraduate sport management program in North America. She is currently the Coordinator of the HMSLS Graduate Program and was the founding editor of the Journal of Sport Management and founding Executive Council member of the North American Society for Sport Management. The four textbooks on physical education and sport management that she has written or edited are used to teach students around the country.

Dr. Parks cares deeply about her topics and shares her passion for research with her students. She is an excellent role model for students who will be furthering their education because she never stops learning, producing new knowledge, or being aware of new trends that may change the face of sport management and society. She is student-centered, uses inquiry teaching, and focuses on the development of critical thinking skills. One of her former students writes, "You are an extraordinary example of compassion, wisdom, humor, experience, and inspiration for your students." Dr. Parks has created a level of teaching excellence to which we all should strive.

Because of these attributes, Provost Folkins asked the Board to consider Dr. Parks for appointment to Distinguished Teaching Professor.

No. 25-2002 Mr. Bibb moved and Mr. Marsh seconded that approval be given to naming Dr. Janet Parks, Human Movement, Sport, and Leisure Studies, as a Distinguished Teaching Professor. The motion was approved with no negative votes.

2001-02 Promotion & Tenure Recommendations

Dr. Folkins noted that the Academic and Student Affairs Committee discussed the candidates for promotion and tenure and promotion to full professor at a meeting yesterday afternoon. Each Dean, then, presented their candidates, who stood as their names were called.

No. 26-2002 Mr. Bibb moved and Mr. Ferkany seconded that approval be given to the 2001-02 Promotion and Tenure Recommendations, as listed below. The motion was approved with no negative votes.
### Recommendations for Tenure and Promotion

#### Spring 2002

**Tenure and Promotion to Associate Professor**

<table>
<thead>
<tr>
<th>Name</th>
<th>Degree</th>
<th>Current Rank</th>
<th>College</th>
<th>Academic Unit</th>
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<tbody>
<tr>
<td>John Balistreri</td>
<td>M.F.A</td>
<td>Asst. Professor</td>
<td>A&amp;S</td>
<td>Art</td>
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<td>Rachel Buff</td>
<td>Ph.D.</td>
<td>Asst. Professor</td>
<td>A&amp;S</td>
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<td>Kristie Foell</td>
<td>Ph.D.</td>
<td>Asst. Professor</td>
<td>A&amp;S</td>
<td>German, Russian, and East Asian Languages</td>
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<td>Rebecca Green</td>
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<td>R. Michael McKay</td>
<td>Ph.D.</td>
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<td>Donna Nelson-Beene</td>
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<td>Apollos Nwauwa</td>
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<td>History and Ethnic Studies (dual)</td>
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<td>David Sobel</td>
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<td>A&amp;S</td>
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<td>Lisa Wolford</td>
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<td>Michael Zickar</td>
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<td>Steven Cady</td>
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<td>Management</td>
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<td>Dawn Hentges</td>
<td>Ph.D.</td>
<td>Asst. Professor</td>
<td>EDHD</td>
<td>Family and Consumer Sciences</td>
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<td>Craig Mertler</td>
<td>Ph.D.</td>
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<td>Leadership and Policy Studies</td>
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<td>Rachel Vannatta</td>
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<td>Andrew Kurtz</td>
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<td>Patricia Falk</td>
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<td>LLR</td>
<td>Special Collections/Library</td>
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<td>Stefanie Hunker</td>
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<td>LLR</td>
<td>Information Services/Library</td>
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<td>Linda Rich</td>
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<tr>
<td>Carol Singer</td>
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<td>Robert Satterlee</td>
<td>Ph.D.</td>
<td>Asst. Professor</td>
<td>Musical Arts</td>
<td>Music Performance Studies</td>
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**Promotion to Professor**

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<th>Academic Unit</th>
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<td>Kit Chan</td>
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<td>Mathematics and Statistics</td>
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<td>Hanfeng Chen</td>
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<td>Geoffrey Howes</td>
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<td>Joseph Jacoby</td>
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<td>Michael Ogawa</td>
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<td>A&amp;S</td>
<td>Chemistry</td>
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<td>Dale Smith</td>
<td>Ph.D.</td>
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<td>A&amp;S</td>
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<td>Catherine Stein</td>
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<td>Mary Ellen Benedict</td>
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<td>Timothy Fuerst</td>
<td>Ph.D.</td>
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<td>CBA</td>
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<tr>
<td>William Redmond</td>
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<td>CBA</td>
<td>Marketing</td>
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<td>William Armaline</td>
<td>Ph.D.</td>
<td>Assoc. Professor</td>
<td>EDHD</td>
<td>Education and Intervention Services</td>
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Personnel Changes Since the February 26, 2002, Meeting and Tenure Appointments for Dr. Josue Cruz, Dr. Steve Jex, and Dr. Laura Lengel

No. 27-2002

Mr. Bibb moved and Mr. Stroh seconded that the Board of Trustees has reviewed and ratified the Personnel Changes since the February 26, 2002, meeting and further approves the appointments of Dr. Josue Cruz, Dean of the College of Education and Human Development, as a tenured Professor of Teaching and Learning, Dr. Steve Jex, as a tenured Associate Professor of Psychology, and Dr. Laura Lengel, as a tenured Associate Professor of Interpersonal Communications. The motion was approved with no negative votes.

Proposed Emeritus Appointments

No. 28-2002

Mr. Bibb moved and Mr. Stroh seconded that approval be given to the appointment to emeritus status of the following faculty members who have retired or will be retiring by the end of this fiscal year, as recommended by the appropriate department, the college dean, the Committee on Honorary Degrees and Commemoratives, the Provost, and the University President. The motion was approved with no negative votes.

Ms. Judith Bentley, Professor Emeritus of Performance Studies
Dr. Edward Fiscus, Associate Professor Emeritus of Intervention Services
Dr. Henry Garrity, Professor Emeritus of Romance Languages
Dr. Susan Gavron, Associate Professor Emeritus of Human Movement, Sport and Leisure Studies
Dr. Ann-Marie Lancaster, Associate Professor Emeritus of Computer Science
Mr. Mary Joyce Lunn, Assistant Professor Emeritus of Teaching and Learning
Dr. Stephen McClean, Professor Emeritus of Mathematics and Statistics
Dr. Clyde Willis, Dean Emeritus of the College of Health and Human Services

Proposed Revision to the University Alcohol Policy

No. 29-2002

Mr. Bibb moved and Mr. Ferkany seconded that approval be given to the proposed revision to the University Alcohol Policy, as outlined below. The motion was approved with no negative votes.

University Alcohol Policy

Bowling Green State University recognizes that the decision to use alcoholic beverages is a personal choice; however, this choice must be made in accordance with the laws of the State of Ohio. In addition, the mature and responsible consumption of alcohol must be consistent with the mission and core values of the University and in accordance with the Bowling Green State University Code of Student Conduct. (Section 4 d 2 prohibits the use or possession of alcoholic beverages except as expressly permitted by the law and University policy.)
Procedures for Events Where Alcohol is Present

1. All laws of the state of Ohio, ordinances of the city of Bowling Green, regulations of the Ohio Department of Liquor Control, and policies and regulations of Bowling Green State University must be observed and enforced.
2. Alcoholic beverages may be consumed, possessed, served, or sold only by persons of legal age to do so, according to the laws of the State of Ohio.
3. Alcoholic beverages must be served by designated individuals. Participants may not serve themselves. Arrangements for the sale and/or serving of alcoholic beverages must be made through University Dining Services.
4. Individuals sponsoring the event are responsible for taking measures to ensure that alcoholic beverages are not accessible or served to persons under the legal age. This requires verifying age on entry to the event or checking those who may drink alcohol where it is served. Persons serving or checking alcohol may not consume it prior to or while serving.
5. Nonalcoholic beverages must be present at all events at all times.
6. Sponsors will provide solid food in order to moderate the effects of alcohol consumption and will continue to have food available as long as alcohol is being served.
7. The entry or exit of persons with alcoholic beverages at events where alcohol is served is not permitted.
8. The focus of the event is not limited to alcohol consumption.
9. No social event shall include any form of “drinking contest” in its activities or promotion.
10. Alcohol must stop being sold at least one hour before the end of the event.
11. Publicly distributed materials, including advertisements for any university event, shall not make reference to the availability of alcoholic beverages.
12. The following is a list of places where alcohol can be served. These facilities have occupancy limits set by the Bowling Green Fire Department which must be followed.
   - Bowen-Thompson Student Union
   - Designated Doyt Perry Stadium Locations*
   - Designated Ice Arena Locations*
   - Fine Arts Building
   - Guest House
   - McFall Center
   - Mileti Alumni Center
   - Moore Musical Arts Center
   - President’s House
   - Olscamp Hall
   * - Designated locations are determined by the Assistant Vice President for Student Affairs; Dean of Students
13. Violations of these regulations related to the use and sale of alcoholic beverages will result in immediate termination of the event and referral to the appropriate agency for disciplinary action.
14. Inspection of events where alcohol is being served will occur by an appointed designee of the Student Life Office and/or Department of Public Safety.
15. Requests for exception to the locations listed in #12 must be directed to the Assistant Vice President for Student Affairs; Dean of Students.

Proposed Revisions to the Student Code of Conduct

Mr. Bibb reported that Vice President Edward Whipple explained proposed revisions to the Student Code of Conduct at the Academic and Student Affairs Committee meeting. According to Dr. Whipple, the proposed revisions would make the language more “user friendly.”

No. 30-2002  Mr. Bibb moved and Mr. Marsh seconded that approval be given to the proposed revisions to the Student Code of Conduct, as outlined below. The motion was approved with no negative votes.
Bowling Green State University aspires to create an academic environment grounded in intellectual discovery and guided by rational discourse and civility. Within our learning community we endeavor to act on our core values of respect for one another, cooperation, creative imaginings, pride in a job well done, and intellectual and spiritual growth. This Code of Student Conduct is intended to ensure students, as members of our community, and their organizations conduct themselves in accordance with these values. This Code thus creates a set of expectations of student conduct, ensures a fair process for determining responsibility when student behavior may have deviated from those expectations, and provides appropriate sanctions when a student or student organization has violated the Code. Every effort will be made to balance the needs and rights of the individual with the welfare of the community as a whole.

Introduction - CURRENT

Bowling Green State University aspires to transmit knowledge, to develop its students, and to promote the quality of society. In seeking these goals, the University recognizes the significance of student rights. Those rights include freedom of expression, autonomy, procedural protection, and the respect for personal integrity of all members of the community and their property. By ensuring those individual rights, the University fosters an environment conducive to the students' success and well-being. In addition, efforts will be made to foster the personal and social development of students. The Code of Student Conduct fully respects students' rights.

Of course, students have obligations as well as rights. As members of an academic community, they must observe rules that benefit their University community. Students must practice personal integrity. By so doing, they respect the dignity, rights, and property of all members of the University community. The Code of Student Conduct thus creates an expectation of behavior that the University views as acceptable. By fulfilling these expectations, students can enjoy their own rights, while also respecting others' rights and furthering the University's goals.

Student organizations enrich the campus and community by providing a source of intellectual, personal and social development of students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations.

Inherent in University registration of student organizations is the obligation of each organization to conduct activities in accordance with University rules and policies and applicable laws. Student organizations are required to comply with the written rules and policies of the University.

A fundamental aspect of any organization is the right of the membership to elect officers who serve to ensure, among their other duties, that the activities of the organization are conducted properly. It is the responsibility of the officers of each student organization to ensure that the organization complies with the Code of Student Conduct and to actively oppose and prevent any organizational activity which would violate it. It is also the obligation of the officers of any student organization to advise and counsel individual members of their organization whose conduct could lead to misconduct charges against the organization, as provided herein.

However, the University Community, as any other, must have a system to deal with those instances when a member, members, or student organization fail to adhere to the expectations of the community. This Code of Student Conduct describes University expectations for students and the processes available when a student has failed to adhere to these expectations.
RATIONALE: A complete new introduction has been written to better capture the philosophy and purpose of the Code of Conduct. Paragraphs 2, 3, and 4 of the current introduction were deleted completely. These paragraphs specify the rights and responsibilities of student organizations under the Code of Student Conduct. These would be more appropriately placed in the policies governing student organizations section of the Handbook.

g. DEFINITIONS

RATIONALE: All definitions were carefully reviewed as well as the location of the "definitions" section. It was decided that "definitions" should be placed immediately following the "introduction" as this information is crucial for a reader to have a full understanding of the Code. Specific rationale statements follow those definitions where substantive changes are recommended.

a. The term "University" means Bowling Green State University.

k. The term "student" includes all persons taking courses at the University, both part time and full time, pursuing undergraduate, graduate or professional studies and those who attend post secondary educational institutions other than Bowling Green State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

RATIONALE: the new definition fully covers all aspects of the term "student."

c. The term "Code" means the Code of Student Conduct.

l. The term "University official" includes any person employed by the University and any person serving the University in an official capacity.

RATIONALE: more broadly and concisely defined

e. The term "member of the University community" includes any person who is a student, University official, trustee, or any other person serving the University in an official capacity. The Vice President for Student Affairs shall determine a person's status in a particular situation.

f. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.

h. The term "organization" means any registered student organization.

RATIONALE: the term "recognized" is changed to "registered" to reflect consistency with student organization policies. BGSU registers student organizations.

i. The terms "shall" and "will" are used in the imperative sense.

j. The term "may" is used in the permissive sense.

l. The term "day" means a day when the University is open for normal business, regardless of whether classes are in session (e.g., the day preceding Thanksgiving). In determining any deadlines as set forth in the Code, references to a number of "days" prior to or after occurrence of an event shall not include the day of the event.
The term “Complainant” means any person filing a complaint of suspected misconduct under this Code.

**RATIONALE:** after considerable thought and discussion the committee agreed that the term “complainant” best defines the person filing a complaint.

The term “Respondent” means a student or organization against which a complaint has been filed under this Code.

**RATIONALE:** after considerable thought and discussion the committee agreed that the term “respondent” best defines the person or organization against which a complaint has been filed.

The term “health” means physical or mental well-being.

2.3. **JUDICIAL AUTHORITY**

**DISCIPLINE AUTHORITY**

**RATIONALE:** formerly referred to as “judicial authority”, the change to “discipline authority” reflects the goal to eliminate the use of legal terms and to add clarity for the student population.

Judicial authority rests with the Division of Student Affairs. Ultimate authority for student discipline is vested in the Board of Trustees of the University. The Board of Trustees has delegated authority for student discipline to the President. The Vice President for Student Affairs is the person to whom the President has designated by the President the Vice President for Student Affairs to be responsible for the administration and operation of the Code of Student Conduct. The Vice President for Student Affairs has designated the Associate Dean of Students to administer this Code. Discipline authority may be delegated to University officials and committees as set forth in this Code, in accordance with other University policies, rules, or regulations, and as deemed appropriate by the Vice President for Student Affairs.

**RATIONALE:** primarily editorial change for conciseness and brevity, also clarifies the processes by which discipline authority can be delegated.

**A. Jurisdiction of the University**

**4. JURISDICTION OF THE UNIVERSITY**

Generally, University jurisdiction and discipline extend to conduct which occurs on University premises or which occurs off University premises and adversely affects the University community and/or the pursuit of its objectives. All students or organizations will be subject to this the Code of Student Conduct for any action found in violation of this Code which occurs on University property, at University-sponsored events, or off-campus if the action adversely affects the University community and/or the pursuit of University objectives.
B. Operation of the Judicial System

1) The Vice-President for Student Affairs shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings which are consistent with the provisions of the Code of Student Conduct.

2) The Vice-President for Student Affairs shall determine the type and composition of any Judicial Bodies and the Discipline Committee and shall designate the chairperson of Judicial Bodies and the Discipline Committee.

3) The Associate Dean of Students shall determine which Judicial Body shall be authorized to hear each case.

4) For informal disposition of cases, the Associate Dean of Students or his/her designee shall determine sanctions to be imposed upon students or organizations who have been found to have violated this Code of Student Conduct. The Associate Dean of Students or his/her designee shall notify the student or organization of the sanction which is imposed. For formal disposition of cases, the Assistant Vice President for Student Affairs and Dean of Students shall make the final decision and shall notify the student or organization of the sanction which is imposed.

5. A Judicial Body may be designated as mediator of disputes within the student community in cases which do not involve a violation of the Code of Student Conduct, if all parties agree to such mediation.

THIS SECTION IS TO BE OMITTED. COMPONENTS ARE INCORPORATED INTO THE NEW CODE IN OTHER LOCATIONS.

C. Violation of Law and University Discipline

VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1) If a student is charged with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates disregard for the University community.

2) University disciplinary proceedings may be instituted against a student or organization charged with violation of a law which is also a violation of this Code of Student Conduct if both violations result from the same factual situation, without regard to the pendency of any pending civil litigation in court or criminal arrest and prosecution. The University will determine whether proceedings under this Code of Student Conduct will may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

RATIONALE: edited for conciseness and clarity

3) When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a Judicial Body under the Code of Student Conduct, however, the University may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the University community.

DELETED

3. DEFINITIONS

a. The term "University" means Bowling-Green-State University.

b. The term "student" includes all persons enrolled at the University, undergraduate.

c. The term "faculty member" means any person hired by the University to conduct classroom activities.
d. The term "University official" includes any person employed by the University, in a non-faculty role.

e. The term "member of the University community" includes any person who is a student, faculty member, or University official. A person's status in a particular situation shall be determined by the Vice-President for Student Affairs.

f. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.

G. The term "organization" means any number of persons who officially have been registered as a University student organization.

h. The term "Judicial Body" means any person or persons authorized by the Vice-President for Student Affairs to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.

i. The term "Judicial Administrator" means the University official appointed by the Vice-President for Student Affairs who shall be responsible for the administration and operation of this Code of Student Conduct. The Associate Dean of Students is that official.

j. The term "Judicial Investigator" means a University official appointed by the Assistant Vice-President for Student Affairs and Dean of Students to investigate charges of misconduct, to attempt informal (administrative) resolution of such charges, and to participate, if necessary, in formal judicial proceedings.

k. The term "Hearing Officer" means a University official authorized on a case-by-case basis by the Judicial Administrator to hear charges and to recommend sanctions to be imposed upon students or organizations found to have violated the Code of Student Conduct.

l. The terms "shall" and "will" are used in the imperative sense.

m. The term "may" is used in the permissive sense.

n. The term "policy" is defined as any published regulations of the University as found in, but not limited to, the Student Handbook, Office of Residence Life Community Living Standards, and Graduate/Undergraduate Catalogs.

o. The term "preponderance of evidence" means evidence which would lead a reasonable person to conclude that it is more likely than not that the act in question did occur.

p. The term "University working day" means a day when the University is open for normal business, regardless of whether classes are in session (e.g., the day preceding Thanksgiving), in determining any deadlines as set forth in the Code of Student Conduct, references to a number of "University working days" prior to or after occurrence of an event shall not include the day of the event.

q. The term "health" means physical or mental well-being.

r. The terms "alleged violator" and/or "accused student" include all students who have Code of Conduct charges pending against him/her.

**DELETED - REPLACED BY "DEFINITIONS", NEW SECTION 2**
6. **PROHIBITED CONDUCT**

**RATIONALE:** The term prohibited conduct is generally better understood by the student population as compared to the terminology "proscribed conduct".

Any student found to have committed one or more of the following acts of misconduct will be subject to the disciplinary sanctions outlined in Section 6d of this code:

A.a. **Offenses Against the University Community.**

1) Acts of dishonesty, including but not limited to the following:
   a) Furnishing false information to the University or any University official, or City of Bowling Green official, faculty member or office.
   b) Forging, alteration, or misuse of any University document, record, or instrument of identification.
   c) Tampering with the election of any University-recognized student organization.

2) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public service functions, whether on or off campus, and other authorized non-University activities which occur on University premises.

3) Failure to comply with directions of University officials, or including law enforcement officers, acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

4) Violations of other published University policies, rules or regulations. Such policies, rules or regulations may include the Community Living Standards and Residential Living Agreement of the Office of Residence Life, Information Technology Network and Computer Policies, parking and traffic regulations, policies governing student organizations, and other published policies.

**RATIONALE:** The list of policies reflects those policies most frequently violated and the correct titles of these policies.

5) Recording a lecture or other classroom interaction, selling class notes, or being paid for taking class notes, without the permission of the instructor.

B.b. **Offenses Against Persons.**

1) Physical abuse, verbal abuse, threats, intimidation, harassment, sexual contact without permission, stalking, coercion and other conduct which threatens or endangers the health or safety of any person. This paragraph is intended to include any contact or communication which threatens, harasses, or injures a person. Harassment includes, but is not limited to, making repeated or untimely telephone calls to a person's residence or place of employment, trailing a person in his or her course of daily activities in such a way that the action inhibits the person from performing his or her duties, and making gestures which may be construed by the individual to be suggestive, abusive, or threatening.

**RATIONALE:** This section has been edited for clarity and to reflect only those behaviors which are "offenses against persons."
Hazing, which includes any mental or physical requirement, request or obligation placed upon any person that could cause discomfort, pain, fright, disgrace, injury or which is personally degrading or which violates any federal, state, local statute or University policy. A person's consent to hazing is not an excuse under this section.

a) No person member of the University community shall participate in the hazing of another.

b) No University employee or student member of the University community shall knowingly permit the hazing of any person.

c) No person member of the University community shall fail to report hazing.

Offenses Against Property.

1) Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property. Possession of stolen property or unauthorized possession of University property or property of a member of the University community member.

2) Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.

3) Abuse, misuse, or theft of computer data, equipment, programs, time and/or violation of Information Technology Services Network and Computer Policies. Specific computer use regulations are available at all campus computer facilities, the Jerome Library, and the Office of the Vice President for Student Affairs.

i. Damage to or littering on grounds of the University, including but not limited to driving motor vehicles on lawns or grounds of University property, without prior authorization from the appropriate University official. University premises.

RATIONALE: Damage to property is reflected in Section c 1. Driving on lawns and grounds very rarely occurs as a policy violation. If it should occur, section a 4 or c 1 can be applied.

5) Intentional setting of fire to University property, the property of a member(s) of the University community, and/or property of member(s) of the greater Bowling Green Community.

Offenses Disrupting Order or Disregarding Health and Safety.

1) Use, possession or distribution of illegal drugs, including use or possession of drug related paraphernalia containing illegal drug residue.

RATIONALE: New language further clarifies the instances where the possession of drug related paraphernalia is prohibited.

2) Use, possession or distribution of alcoholic beverages except as expressly permitted by law and University regulations.

3) Possession of firearms, explosives, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals.

4) Participation in a campus demonstration which disrupts the normal operations of the University or infringes on the rights of other members of the University community.
5) Leading or inciting others to disrupt scheduled or normal activities on University premises or at University-sponsored or supervised functions within any campus building or area.

6) Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

7) Engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances including intoxication due to the over-consumption of alcohol, in which the conduct tends to cause or provoke a disturbance or disrupts the normal operations of the University.

8) Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, smoke detectors or other safety equipment.

9) Illegal gambling or wagering at any time and in any form.

10) Offenses of violence (as defined in Section 2901.01 of the Ohio Revised Code), including aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, rape, sexual battery, gross sexual imposition, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape.

11) Improperly discharging a firearm at or into a habitation or school, endangering children, and felonious penetration. (See Section 6-g-1).

RATIONALE: Rather than a reference to a specific section of the Ohio Revised Code, which is not readily understood by students, the list of criminal offenses which require University disciplinary action is now provided.

11) Violations of federal, state or local law on University premises or at University-sponsored or supervised activities.

12) Violations of federal, state or local law off University premises and not related to University-sponsored or supervised activities when the violations adversely affect the University community and/or the pursuit of its objectives. The decision to pursue disciplinary action under this provision is that of the Vice President for Student Affairs.

E.g. Violation of State, Federal, or Local Laws and University Policies.

Any act or omission that constitutes a violation of federal, state or local laws and University policy which is not otherwise covered in this Code.

F. Interfering with the orderly operation of the judicial process, including but not limited to:

1) Failure to appear before a Judicial Body or University official at a disciplinary meeting or hearing when directed to do so.

2) Falsifying, distorting or misrepresenting information at a disciplinary meeting or hearing before a Judicial Body or other University official, or knowingly initiating a false complaint.
3) Attempting to discourage an individual's proper participation in, or use of, the judicial process.

4) Harassment or intimidation of any kind of a University official or member of a disciplinary committee, including the University Discipline Committee ("UDC"). a member of a Judicial Body before, during, or after a judicial proceeding.

m. Failure to comply with sanction(s) imposed under the Code of Student Conduct.

RATIONALITY: Primarily editorial changes to increase clarity and conciseness.

G. Shared Responsibility for Infractions.

1) Students who act in concert to violate University regulations of the Code may be assigned joint responsibility for such violation(s).

n. Students and organizations are may be held responsible for the conduct of their guests while on or in University property premises, at University-sponsored or supervised activities, and at functions sponsored by at any registered student organization.

57. ORGANIZATIONAL RESPONSIBILITY

A complaint may be filed against an organization under the Code. An organization and its members may be held collectively and individually responsible for violations of the Code by those associated with the organization, including guests and alumni of the organization. When a complaint is filed naming an organization as Respondent, the presiding officer and/or students affiliated with the group shall be required to participate in meetings and hearings as representatives of the group.

Organizations will be held responsible for misconduct in the following circumstances:

A. An organization is responsible for its own acts. The organization will be held responsible:

1) When the organization fails to comply with a duty imposed by a written University policy, including, but not limited to, improper membership education and initiation, improper organizational registration of activities for which registration and/or permission is required, failure to comply with applicable health and safety regulations, misuse of University property, facilities and equipment, violations of University regulations on the use of alcohol, misrepresentation of the organization or group, abuse of student election procedures and regulations, misappropriation of funds, and violations of any other rule or policy applicable to organizations.

2) When the organizational purposes are not compatible with the educational purposes of the University: engage in financial mismanagement, or conduct activities that are in violation of University policies, local and state laws.

3) When a student organization or an affiliated university group is charged with a violation of the Code of Conduct, the presiding officer or individuals affiliated with the group shall be required to participate in proceedings conducted under this Code as representatives of the group.

4) When one or more officers refuses or neglects to perform duties under this Code as described in Sections 5a, 1, 2, or 3 above.

B. Organizational responsibility for individual acts of misconduct.
1) The organization will be held responsible for the actions of one or more of its members or guests and alumni who violate this Code of Conduct when the actions arise in the course of or derive from the activities of the organization.

2) Organization member(s) who act individually or in concert to violate University regulations may be assigned joint responsibility, along with the respective student organization for such violations.

3) The organization will be held responsible for the acts of inappropriate behavior committed by individuals where such acts are mandated, sponsored, approved or encouraged by the group or organization, whether explicitly or implicitly.

RATIONALE: These sections are deleted as they are more suitably located in the policies governing student organizations section. The recommended new section contains the information needed to describe student organizations' responsibilities.

68. JUDICIAL DISCIPLINE PROCEDURES

RATIONALE: Essentially, this is a new section. The purpose of this section is to clearly explain how the discipline process works without repetition of language and processes.

a. Filing a Complaint.

RATIONALE: the process explaining how to file a complaint is not included in the current code. It is important for members of the University community to know how to file a complaint, with whom to file a complaint, and what happens when a complaint is filed, including the possibility that a complaint may be rejected.

1) Any person may file a complaint against a student or organization suspected of violating this Code. A complaint shall be in writing and directed to the Associate Dean of Students or designee.

2) A Complainant is normally expected to participate in the disciplinary meeting or hearing and to present relevant information.

3) Complaints should be submitted as soon as possible after the event takes place, preferably during the semester in which the event took place.

4) The Associate Dean of Students or designee may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of by mutual consent of the persons involved on a basis acceptable to the Associate Dean of Students or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the complaint has merit and cannot be disposed of by mutual consent, the Associate Dean of Students or designee may participate in any subsequent disciplinary meeting or hearing to resolve the complaint. The Associate Dean of Students or designee reserves the right to reject a complaint where it is not feasible for the University to pursue it.

5) The Associate Dean of Students or designee will conduct a preliminary review of the complaint to determine whether the alleged misconduct may result in expulsion from the University. The Associate Dean of Students or designee will also determine whether the Respondent disputes the facts that form the basis of the complaint. Respondents not subject to expulsion and those who do not dispute the facts of the complaint are entitled to an informal disciplinary meeting with the Associate Dean of Students or designee. Respondents subject to expulsion and those disputing the facts of the complaint are entitled to a hearing before the University Discipline Committee. The Vice President for
Student Affairs reserves the right to refer any complaint to a University official or committee other than the Associate Dean of Students or University Discipline Committee.

A. University Discipline Committee

1) The University Discipline Committee shall conduct disciplinary hearings of cases referred to it. The Committee shall be composed of at least three (3) full-time faculty, six (6) full-time students, and three (3) full-time administrative staff members. Each member shall be appointed for a one-year term by the Vice-President for Student Affairs and may be reappointed. Five (5) members, one each from the faculty and administrative staff categories, and three from the student category, are necessary to hear a case. The Associate Dean of Students is responsible for coordinating hearings and assigning cases.

2) Committee Appointments:

The University Discipline Committee shall consist of:

a) The chairperson, who shall be a faculty member or an administrative staff member.

b) At least six (6) full-time student members, who shall be appointed by the Vice-President for Student Affairs and recommended by the Presidents of the Undergraduate Student Government and Graduate Student Senate with the advice and consent of their respective Senates.

c) At least three faculty members, who shall be recommended by the Faculty Senate and appointed by the Vice-President for Student Affairs the Spring Semester prior to the next academic year.

d) At least three administrative staff members, who shall be appointed by the Vice-President for Student Affairs.

3) Committee Secretary:

The Vice-President for Student Affairs will appoint a staff member who shall serve as the permanent secretary and nonvoting resource person for the Committee.

4) Committee Meetings:

The Committee shall establish regular meeting times during which cases may be heard, and it shall provide for special meetings as needed.

5) Committee Quorum:

A quorum to conduct a hearing is five (5) members reflecting the composition stated in Section 6a.1 of this code.

6) Committee Deliberation:

When deliberating or deciding any case referred to it, the Committee shall meet in closed session with only voting members present.

7) Committee Removals:

The Vice-President for Student Affairs may remove a member from this Committee when in his or her judgment the member has failed or refused to serve and perform the duties and functions of this Committee.

8) Additional Judicial Bodies:
The Vice President for Student Affairs may appoint additional judicial bodies (i.e., Residence Hall, Interfraternity, Panhellenic, Pan-Hellenic, and Graduate Student Judicial Boards) to expedite the orderly disposition of cases and to aid in the administration of disciplinary action within the University. Cases will be assigned by the Office of Student Life.

9) Firelands College:

The Vice President for Student Affairs may appoint a Judicial Administrator and a Judicial Body at the Firelands College of Bowling Green State University to dispose of cases and otherwise administer disciplinary action under the Code of Student Conduct for violations occurring on that campus misconduct. Similar hearing processes and procedures shall be created, as necessary and promulgated on that campus as appropriate and as approved by the Vice President for Student Affairs. Students on the Firelands College campus are therefore advised to consult Firelands College campus publications for details on any local procedures.

SECTION ABOVE TO BE DELETED – new section written – see below


RATIONALE: clearly outlines when and under what conditions the informal process can be used. This section also clearly explains the timelines for the process and the rights of the respondent in the informal process.

Respondents not subject to expulsion and those not disputing the complaint are entitled to a disciplinary meeting with the Associate Dean of Students or designee. Respondents meeting with the Associate Dean of Students or designee will receive:

1) Written notice of the complaint at least three (3) days prior to the disciplinary meeting.

2) Reasonable access to the complaint file prior to and during the disciplinary meeting.

3) An opportunity to be assisted by an advisor of their own choice and at their own expense. Advisors are not allowed to speak or participate in the meeting. Advisors may not appear in lieu of the Respondent.

4) An opportunity to respond to the complaint and to present relevant and necessary witnesses.

5) Written notice of the determination, including any sanction(s).

1) In cases in which the student or organization does not dispute the facts leading to the charge made by the Associate Dean of Students in the Office of Student Life, a formal hearing or further proceeding may not be required.

2) If the Associate Dean of Students, after conferring with a student or organization, and reviewing facts pertaining to the case, decides that expulsion is a possible sanction, he or she shall refer the case directly to the University Discipline Committee for formal disposition.

3) If expulsion is not a possible sanction, the student or organization will be notified of the pending charges. The student or organization shall have two (2) University working days from the date of the first judicial meeting to decide on the method of case disposition.
4) If expulsion is not a possible sanction and the student wishes to resolve the case through informal disposition, the Associate Dean of Students may complete the proceedings with the student present or notify the student or organization in writing of the sanction(s), condition(s), and/or restriction(s) to be imposed.

C. Formal Process – Formal Disposition

University Discipline Committee

Respondents subject to expulsion and those that dispute the complaint are entitled to a hearing before the UDC.

1) Composition of the UDC

a) The UDC shall be composed of at least three (3) full-time faculty, six (6) full-time students, and three (3) full-time administrative staff members. Members shall be appointed for a one- (1) year term and may be reappointed.

b) The Associate Dean of Students or designee shall chair all UDC hearings. Five (5) members, one each from the faculty and administrative staff members, and three (3) from the student members, are necessary to hear a complaint. The chair shall not vote except in the event of a tie.

RATIONALE for “b”: the Associate Dean of Students or designee no longer presents the case. The Associate Dean now chairs the hearing. The complainant and respondent are responsible for presenting their own cases. This change removes the perception that the Associate Dean is the “prosecutor” and evenly places the responsibility for presenting each side of the case on the complainant and the respondent.

c) The Associate Dean of Students or designee is responsible for coordinating hearings and assigning complaints.

d) The Vice President for Student Affairs may remove a member from the UDC when the member has failed or refused to perform his or her duties or responsibilities. Student members found in violation of this Code may be removed from the UDC.

e) A Complainant or Respondent may challenge a UDC member on the grounds of a conflict of interest that might affect impartial consideration of the complaint. UDC members may be disqualified upon a majority vote of the remaining members of the UDC conducted by secret ballot.

If the student or organization disputes the investigative findings that a violation(s) has been committed, or rejects an informal disposition, the case shall be resolved through the formal disposition procedures as follows:

1) A written “Notification of Alleged Violation(s) and Pending Disciplinary Hearing” shall be delivered in person, or sent to the student’s or organization’s local address of record by certified mail return receipt requested.

22) UDC Hearing Procedures

The following procedures are followed in UDC hearings:
a) The Respondent will receive written notice of the complaint and hearing date at least seven (7) days prior to the hearing.

The following procedural guidelines shall be applicable in disciplinary hearings:

ba) On a date specified by the Associate Dean of Students or designee, three (3) University working-days prior to the hearing, the complainant and the respondent (alleged violator) will submit to the Associate Dean of Students or designee a list all printed documents, including lists of witnesses for the hearing; a summary and of the information each witness is expected to provide, and any document(s)—the Complainant and Respondent expect to present at the hearing. The Associate Dean of Students or designee will make copies of this information for the complainant and respondent to the Associate Dean of Students. The Associate Dean will provide copies available to the complainant, respondent, and members of the University Discipline Committee—the UDC prior to the hearing.

bc) The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense, at their own expense. The advisor may be an attorney. The complainant and the student are responsible for presenting their own cases. Therefore, advisors are not permitted to speak or to participate directly in any hearing. Before a judicial hearing, however, an advisor may consult with the Complainant or Respondent during a hearing and may assist with preparation for the hearing. Students or organizations who have chosen an attorney as their advisor shall notify the Associate Dean of Students or designee of the attorney's name and telephone number at least three (3) University working-days prior to the hearing. Advisors may not appear in lieu of the student or student organization— the Complainant or Respondent.

cd) In the event that the University chooses to proceed through legal counsel, the student or organization will be notified three (3) University working-days prior to the hearing and also shall have the right to proceed through counsel. Counsel may not appear in lieu of the student or student organization— Complainant or Respondent.

c) If a student or organization fails to appear for a hearing, the hearing may proceed without the student or organization's presence.

f) The Associate Dean of Students or his or her designee will present the case for the University or the complainant.

f) Any witnesses, other than the complainant and Respondent, the complainant and respondent or organization representative, may be excluded from the hearing during the testimony of other witnesses. All participants shall be excluded during University Disciplinary Committee deliberations.

h) The hearing will be held in two parts:

(1) Determination of violation and

(2) Determination of sanction.
gi) The chairperson will exercise control over the proceedings. Any person disrupting a hearing or who fails to adhere to abide by the rulings, decisions of the chairperson may be excluded from the proceedings.

j) Any party may challenge a University Disciplinary Committee member on the grounds of bias or a personal relationship that might affect impartial consideration of the case. University Discipline Committee members may be disqualified upon a majority vote of the remaining members of the University Discipline Committee, conducted by secret ballot hearing.

kh) The standard of proof for the University Discipline Committee shall be by a preponderance of the evidence. Violations will be determined on the basis of whether it is more likely than not that the Respondent violated the Code.

RATIONALE for "h": The term "preponderance of the evidence" has been deleted. This term is a legal term. This Code does not mirror a legal code or a legal proceeding, therefore the terminology "more likely than not" is more appropriate.

ii) The chairperson shall determine what evidence is admissible information the UDC will consider. Evidence will be admissible information will be considered if it directly relates to the level of responsibility the facts of the complaint or severity appropriateness of a particular sanction. Formal rules of evidence shall not apply.

mj) The Complainant, Respondent, and or organization, complainant, and University Discipline Committee members may examine the evidence offered accepted by the chairperson and may question all witnesses.

n) The respondant
k) Respondents or organization and witnesses may speak on their own behalf; however, they will not be forced to testify against themselves and their silence shall not be used to their detriment.

ol) At the conclusion of the presentations, the University Discipline Committee shall deliberate in closed session. After deliberation and a vote, the recommendation of the University Discipline Committee will be communicated to the student or organization and the University. If the UDC recommends that the Respondent be found responsible under the Code, it will hold a supplemental hearing to determine the appropriate sanction(s). The Complainant and Respondent may submit relevant information to be considered by the UDC. The Respondent's prior disciplinary record may be considered only in order to recommend an appropriate sanction.

p) The University Discipline Committee may hear evidence concerning the appropriate sanction if the student or organization is found to have violated the Code of Student Conduct. The student or organization's prior disciplinary record may be considered only in order to recommend an appropriate sanction.

qm) Decisions, Recommendations by the University Discipline Committee shall be by majority vote. In the event of a tie, the chairperson will vote to break the tie.

m) Hearings will be tape recorded and upon request, a copy of the recording will be provided to the student or organization at its own expense. The hearing will
be tape recorded and the tape recording will remain the property of the University.

RATIONALE for "n": The opportunity for the complainant or respondent to request a copy of the tape recording, at their own expense, has been eliminated. The rationale for this is that student's rights under the Family Educational Right to Privacy Act may be violated if the University provides copies of hearing tape recordings.

so) Within three (3) days of the hearing, the University Discipline Committee's UDC's recommendation will be forwarded in writing to the Assistant Vice President for Student Affairs and Dean of Students with a copy to the Respondent for further action within three (3) University working days of the hearing. The Assistant Vice President for Student Affairs and Dean of Students will advise the student or Respondent organization of his or her decision in writing within seven (7) university working days of the receipt of the University Discipline Committee recommendation in writing.

9. SANCTIONS

3) Implementation of Sanction(s)

The disciplinary sanction(s), condition(s) and/or restriction(s) shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Office of the Vice President for Student Affairs may impose sanctions during the appeal process when, in its sole discretion, it determines that the physical or emotional well-being of the student, the organization, other students, or other members of the University community might be endangered. In such cases, the Vice President for Student Affairs may impose sanctions under Section 6d, of this code.

D. Sanctions

a. 1) The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct: Offenses against persons intentionally selected because of their race, religion, color, disability, sexual orientation, national origin, or ancestry may provide for enhanced sanctions:

1a) Warning - Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

2b) Disciplinary - Probation - A written reprimand for violation of specified regulations specifying the violation for which the student is held responsible. Such a student is deemed "Students on probation not to be considered to be in good standing with the University" during the probationary period. Probation is for a designated period of time and includes the probability of suspension or expulsion of more severe disciplinary action if the student is found in violation of to-be-violating-any University regulation(s) policy during the probationary period.

3) Restrictions and Loss of Privileges - Denial or restriction of certain privileges for a designated period of time.

n) Restrictions and Loss of Privileges - Terms of a warning or probation with restrictions or loss of privileges may include, but are not limited to, the following:
(1) Seeking personal counseling at the Counseling Center, or from other designated University faculty, staff, or administrative officials.

(2) Denial of the right to park or operate a motor vehicle on campus.

(3) Denial of eligibility, for a specified period of time, for election to a student office or to represent a student organization or the University.

(4) Denial, for a specified period of time, the privilege of participating in athletic, extracurricular, or other student activities.

(5) Assessment of a fine for his or her conduct violation, particularly in cases of theft, property damage, false alarm, hazing, injury to others, and in other cases where the University academic environment has been disrupted. All fines collected will be placed in a Student Affairs fund which is reserved for student development-educational programs.

4d)_____ Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

5e)_____ Service Discretionary Sanctions – Work assignments, service to the University, or other related discretionary assignments (such assignments must have the prior approval of the Associate Dean of Students)-assignments.

RATIONALE for "e": the terminology in the current Code is “educational sanctions”. The change to “discretionary sanctions” more appropriately defines these sanctions.

6)_____ Residence Hall Suspension – Separation of a student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

7)_____ Residence Hall Expulsion – Permanent separation of a student from the residence halls.

8)_____ Residence Unit Suspension – Separation of the student from a living unit for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

9)_____ Residence Unit Expulsion – Permanent separation of the student from a residence unit.

i)_____ Interim Suspension – Temporary separation of a student or organization from the University pending completion of disciplinary procedures, when in the judgment of the Vice President for Student Affairs, the physical or emotional well-being of the student, other students, or members of the faculty and staff could be endangered, or when the presence of the student would seriously disrupt the University.

j)_____ Interim suspension of participation – Temporary separation of a student from participation in a University-recognized activity or organization pending completion of disciplinary procedures.

DELETED – re-located to Section 11.

k)_____ University Suspension – Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
Expulsion – Permanent separation of the student from the University.

b. The following sanctions may be imposed on any organization found in violation of the Code.

1) The following sanctions may be imposed on any organization found to have violated the Code of Student Conduct. Any of the sanctions listed in Sections 9a above.

2) Loss of registration as a registered student organization. The Office of Campus Involvement shall notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such action is taken.

3) Loss or withdrawal of all student general fee dollars or other University funding for the remainder of the academic year.

- Any of the sanctions listed in Sections 6.d.-f. above.

(2) More than one of the sanctions listed above may be imposed for any single violation.

c. (5) More than one of the sanctions listed above may be imposed for any single violation.

(5) Violations involving persons or organizations intentionally targeted because of their race, sex, sexual orientation, color, national origin, ancestry, religion, age, marital status, disability, or status as a Special Disabled or Vietnam-era veteran may result in enhanced sanctions.

E. 10. APPEALS Judicial Appeal Procedures

a. Right to Appeal.

Any student or organization has the right to appeal the final decision of the sanction imposed by the Associate Dean of Students or designee (informal disposition) or the decision rendered by the Assistant Vice President and Dean of Students (formal disposition).

b. Notification of Appeal.

Appeals shall be made to the Assistant Vice President and Dean of Students within five (5) University working days of the student’s or organization’s receipt of
the sanction rendered by the Associate Dean of Students decision and are directed to the Vice President for Student Affairs or designee. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Assistant Vice President and Dean of Students is final. The written appeal must be in sufficient detail to inform the Vice President for Student Affairs of the grounds for appeal. The Vice President for Student Affairs may determine the need for an oral presentation. The appeal is not intended to afford a full rehearing of the case, but to serve as a method of reviewing the record of the case and the procedures followed in its adjudication.

c. Appeal of Formal Disposition.

Appeals shall be made to the Vice President for Student Affairs within five (5) days of the Complainant or Respondent’s receipt of the decision of the Assistant Vice President and Dean of Students. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Vice President for Student Affairs is final.

In formal discipline cases, the Associate Dean of Students shall forward the written appeal, the tape recording of the hearing, and any documents or written evidence submitted at the hearing to the Vice President for Student Affairs.

d. Grounds for Appeal.

1a) Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary process meeting or hearing.

2b) The specifics to be addressed on appeal are:

a1) Were the procedures of the Code of Student Conduct followed?

b2) If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?

c3) Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present their version of the facts?

d4) Was the evidence information presented at the meeting or hearing sufficient to justify the decision reached?

e5) Was there evidence information existing at the time of the meeting or hearing that was not discovered until after the hearing?

e. Implementation of Sanction(s).

Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Vice President for Student Affairs may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

11. INTERIM SUSPENSION

The Vice President for Student Affairs may impose a University or Residence Hall Suspension on a student prior to a disciplinary meeting or hearing. The Vice President for Student Affairs may suspend the registration of an organization prior to a disciplinary meeting or hearing.

a. Interim suspension may be imposed only:
1) to ensure the safety and well-being of members of the University community or preservation of University property;

2) if the student or organization poses a definite threat of disruption of or interference with the normal operations of the University;

2) if a student or organization is charged with one or more of the following offenses of violence: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, rape, sexual battery, gross sexual imposition, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape, improperly discharging a firearm at or into a habitation or school, endangering children, and felonious penetration.

RATIONALE: for greater clarity those crimes for which University disciplinary action is required are listed in this sanction.

b. During an interim suspension, a student may be denied access to a living unit and/or to the campus, including classes, and/or all other University activities or privileges for which the student might otherwise be eligible. An organization shall discontinue all activities during an interim suspension.

c. An interim suspension takes effect immediately upon issuance. A student or organization will receive written notice of the interim suspension, including a description of the suspected misconduct. A hearing will take place within ten (10) days of the student or organization’s receipt of written notice of interim suspension.

6. Disposition of Appeal

a) The Vice-President for Student Affairs shall review the case and the written appeal of the student or organization.

b) The Vice-President for Student Affairs may make one of the following determinations:

(1) Find no error and affirm the decision.

(2) Find that the evidence submitted was not sufficient to establish that a violation(s), as charged, was committed.

(3) Find prejudicial errors sufficient to require another hearing. In this event, the matter will be referred to the Assistant Vice-President for Student Affairs and Dean of Students for a new hearing, following the judicial procedures outlined in the Code of Student Conduct.

c) In cases involving denial of readmission or denial of registration under Section 6d of the Code of Student Conduct, the Vice-President for Student Affairs may affirm the decision or direct that the student be readmitted or the organization be permitted to register.

d) The Vice-President for Student Affairs will communicate the decision or recommendation, in writing, to the Associate Dean of Students and student or student organization. The decision of the Vice-President for Student Affairs is final.
FLOWER TO SECTION PRIOR TO INTERIM SUSPENSION, section 10

F. 12. DISCIPLINARY RECORDS

Other than University suspension and expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Cases involving the imposition of sanctions other than University suspension and expulsion shall be removed from the student's disciplinary record seven (7) years from the year in which the offense occurred.

G. INTERIM SUSPENSION

In certain circumstances, the Vice-President for Student Affairs may impose a University or residence unit suspension prior to the hearing before a Judicial Body.

1) Interim suspension may be imposed only:
   a) to ensure the safety and well-being of the student and members of the University community or preservation of University property; or
   b) if the student poses a definite threat of disruption of or interference with the normal operations of the University;
   c) if a student is charged with the commission of a trigger offense as defined in the Ohio Revised Code Section 2901.04.

2) During an interim suspension, the student shall be denied access to the living unit and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice-President for Student Affairs may determine to be appropriate.

3) At the time of notification of an interim suspension, the student will receive written notification of the alleged violation(s) and pending disciplinary hearing. A hearing will be held within seven (7) University working days. This hearing will follow the same procedures as stated in Section 6c.1 through 6c.4.

4) Interim Suspension of an Organization
   a) The Vice-President for Student Affairs may temporarily suspend the registration of an organization when the pending charges arise from a flagrant violation of this Code, such as organized conduct which is a violation of law and/or this Code, or when the conduct represents a flagrant disregard of the rights or property of persons in the University community, or when the conduct is in flagrant disregard of the property or authority of the University.
   b) During the interim suspension, the organization shall discontinue all activities.
   c) A hearing will be held by the Vice-President for Student Affairs within seven (7) University working days of the interim suspension to determine if the suspension should continue until a hearing is held by a Judicial Body on the charge of misconduct.

RE-LOCATED TO SECTION 11

H. 13. CODE OF STUDENT CONDUCT REVIEW

The Code of Student Conduct shall be reviewed annually under the direction of the Vice President for Student Affairs. In addition, the Faculty Senate Student Affairs Advisory Board shall conduct an annual review of the Code of Student Conduct and make recommendations to the Vice President for
Student Affairs regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code of Student Conduct. Questions of interpretation regarding the Code of Student Conduct or Student Handbook shall be referred to the Office of Student Life. The Code of Student Conduct shall be reviewed every year under the direction of the Vice President for Student Affairs. In keeping with normal University policy approval processes, the Code of Student Conduct and Student Handbook may, at the sole discretion of the University, be amended at any time.

Proposed Amendments to the Academic Charter: Article IV.F.4, Committee on Faculty Personnel and Conciliation

No. 31-2002

Mr. Bibb moved and Mr. Ferkany seconded that approval be given to the proposed amendments to the Academic Charter, Article IV.F.4, which clarify the membership and organization of the Faculty Personnel and Conciliation Committee, as outlined below. The motion was approved with no negative votes.

b) Membership

(1) The FPCC shall be composed of nineteen members:
   (a) the immediate past chair of FPCC
   (b) eighteen tenured faculty members, who need not be Senators, and who
      (i) shall not be department Chairs or school Directors
      (ii) shall not have been either a grievant or respondent in a grievance before the Committee in the preceding three years
      (iii) shall not be either a grievant or respondent in a grievance while serving on the Committee
      (iv) shall not be serving as an Officer of the Faculty Senate.
   (2) The eighteen faculty members shall be elected by the faculty members of the Senate for three-year terms in such manner that not more than six terms shall expire simultaneously.

c) Organization

(1) The FPCC shall have one standing subcommittee:
   (a) The Executive Sub-committee (FPCC-EC) shall be composed of the FPCC Chair, Vice Chair/Chair-elect, and the immediate Past Chair; the Chair of FPCC shall serve as chair of FPCC-EC; members of the Executive Committee shall not be involved in the hearings or in the conciliation process.
   (b) The Vice Chair/Chair-elect shall succeed the Chair in the event the FPCC Chair is no longer able to serve. Any vacancy in the position of Vice Chair/Chair-elect must be filled promptly by election among the members of the FPCC.
   (c) If the position of immediate Past Chair is vacant, then the membership of the FPCC shall elect an at-large representative who shall assume all of the duties and responsibilities of the immediate Past Chair for the remainder of that term of office.
   (d) The FPCC-EC must consist of three members in order to make procedural rulings. In the event that one of the members of the FPCC-EC recuse himself/herself from participation in a specific procedural ruling, then the membership of the FPCC shall elect a substitute to the FPCC-EC for such time as necessary to complete the procedural ruling in question.

Mr. Bibb said the Academic and Student Affairs Committee heard a report on creating a safe and secure learning community, which included the health of students and the issues they face, such as depression, anxiety, and homesickness; alcohol abuse and its impact on the campus community, and the safety of students. He noted that eighty-five percent of students surveyed found this campus to be extremely safe. Currently, there are twenty-six emergency blue light telephones on campus, and four more will be added soon. Police Chief James Wiegand reported that response time to a blue light emergency telephone is between thirty seconds and one minute. The Committee also discussed shaping student leadership. Finally, he noted that freshman applications and admissions are up 197 and 136 from this time last year, respectively.
FINANCIAL AFFAIRS AND FACILITIES COMMITTEE

Proposed Naming of Intramural Fields

Trustee Newell reported that the Financial Affairs and Facilities Committee discussed the proposed naming of the intramural fields in honor of Maurice O. Sandy, a long time teacher-administrator and beloved colleague who actively promoted intramural athletics.

No. 32-2002 Mr. Newell moved and Mr. Marsh seconded that, in accordance with recommendations made by the Honorary Degrees and Commemoratives Committee, the President's Cabinet and the University President, the Intramural Fields be named in honor of Maurice O. Sandy for his vision, depth of commitment to and outstanding efforts in enhancing the co-curricular experience of BGSU students through building a premier co-educational intramural program with complementary playing facilities. The motion was approved with no negative votes.

Proposed Revisions to the Investment Policy

No. 33-2002 Ms. Newell moved and Mr. Marsh seconded that approval be given to the proposed revisions to the Investment Policy, as highlighted below. The motion was approved with seven affirmative votes.

The Board Secretary conducted a roll call vote with the following results: Voting “yes” – Mr. Bibb, Mr. Bryan, Ms. Cook, Mr. Ferkany, Mr. Marsh, Ms. Newell and Mr. Stroh. The motion was approved with seven affirmative votes.

Purpose. Bowling Green State University (BGSU) has established a series of quasi-endowment funds to provide financial support for a variety of student and faculty activities and to offset ongoing operating expenses for the University. Each individual fund has a unique long-term goal and investment objective. This collection of quasi-endowment funds will be referred to as “the Fund”.

The purpose of this document ("the Policy") is to outline the overall goals and investment objectives of the Fund and to provide clear guidance from the Board of Trustees for its ongoing management to BGSU Management, Investment Managers, and Investment Advisors.

This policy requires all fiduciaries to discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of like character with like aims.

Goal. The management of the Fund involves a tradeoff between two competing goals. On the one hand, the Fund must preserve capital and maintain liquidity sufficient to distribute cash to fund immediate spending needs and prior spending commitments. On the other hand, the Fund must accumulate capital sufficient to support nominal growth in expenses for existing programs and to establish new quasi-endowment funds. The goal of the Fund is to accommodate these competing needs by providing adequate short-term liquidity along with long-term capital appreciation.

Notwithstanding any statement in this policy to the contrary, it is hereby stipulated that investments shall be made only in publicly traded securities averaging at least 25 percent of the average amount of the investment portfolio over the course of the previous fiscal year invested in securities of the United States Government or of its agencies or instrumentalities, the treasurer of state’s pooled investment program, obligations of the
State of Ohio or any political subdivision of the State of Ohio, certificates of deposit of any national bank located in Ohio, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve.

Objective. Two different liquidity groups have been established to recognize the different needs for liquidity, capital preservation, and asset growth of the various quasi-endowment funds. The overriding objective for the Fund is to maximize expected return, at an appropriate aggregate level of risk, while maintaining adequate liquidity. Each liquidity group has a unique asset allocation and investment performance objective. These asset allocations have been selected by the Board of Trustees to reflect the appropriate level of risk and liquidity needs for each group.

These include the following:

High Liquidity Group: This group experiences volatile cash flows and must maintain a high degree of liquidity. The vast majority of assets will be invested in cash equivalents.

Low Liquidity Group: This group has had a generally stable and relatively low level of cash outflows. It is desired to substantially improve the ability of these funds to support future spending. The majority of assets will be invested in equities with the remainder in fixed income/cash equivalent securities.

Investment Committee. There shall be an Investment Committee who shall review and recommend revisions to this Investment Policy and shall advise the Board of Trustees on its investments in an effort to assist the Board in meeting its obligations as a fiduciary. The Investment Committee, which shall consist of up to two members of the Board of Trustees, appointed by the Board Chair, and additional members appointed by the President, shall meet at least quarterly. The Committee shall be authorized to retain the services of an investment advisor who meets both of the following qualifications: (1) the advisor is either licensed by the Division of Securities under Section 1707.141 of the Ohio Revised Code or registered with the Securities and Exchange Commission; and (2) the advisor either has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios, or is an eligible institution referenced in Section 135.03 of the Ohio Revised Code.

Trustee Newell reported that the Committee discussed several other items, including the master plan, the status of capital improvement projects, the photovoltaic system proposal for the ice arena, and the actual to budget comparison for university revenues and expenditures.

OTHER ITEMS


No. 34-2002 Mr. Marsh moved and Mr. Ferkany seconded that grants and/or contracts in the amount of $3,244,214.84, for the months of January, February, and March, 2002, be accepted and expenditures applicable thereto in that amount be authorized. The motion was approved with no negative votes.

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Proposed Board of Trustees Schedule of Meetings for 2002-03

No. 35-2002  Mr. Marsh moved and Mr. Stroh seconded that approval be given to the Proposed Board of Trustees Schedule of Meetings for 2002-03, as listed below. The motion was approved with no negative votes.

SCHEDULE OF MEETINGS - FISCAL 2002-03
Bowling Green State University Board of Trustees

Note: Each meeting will be subject to cancellation if necessary.

2002

(*) OCTOBER 4 FRIDAY
(*) DECEMBER 10 TUESDAY

2003

(*) APRIL 1 TUESDAY
(*) JUNE 27 FRIDAY

(*) Indicates that committee sessions will be held on the afternoon or morning preceding the regularly scheduled Board of Trustees meeting.

REPORTS – CONSTITUENT REPRESENTATIVES

Faculty Representative – James Evans

Dr. Evans noted that, in the interest of time, he passed out a comprehensive report to members of the Board. He reported that Faculty Senate made a considerable effort this year to work with the administration and the other constituent groups for public outreach on behalf of the University. Five distinguished speakers addressed the Faculty Senate, including Bowling Green Mayor John Quinn, State Senator Randy Gardner, Board Of Trustees Chair David Bryan, Congresswoman Marcy Kaptur, and OBOR Chancellor Rod Chu. Faculty Senate arranged a ceremony on her behalf because she will no longer represent the main campus due to redistricting. However, Ms. Kaptur gained the Firelands campus, and promised to continue supporting the main campus. Dr. Evans directed attention to a copy of OBOR Chancellor Rod Chu’s power-point slide presentation, which he distributed to attendees. He noted that although the percentage of Ohioans with Bachelor’s degrees or higher has improved from 17% in 1990 to 20.6% in 2000, nationally the state has dropped to 41st place as other states continue to improve faster. This figure represents a state revenue loss of about $30.7 billion, which would provide the approximately $1.5 billion in tax revenue that would solve the current state budget crisis. The message is very clear that higher education represents a pathway to a viable economic future for Ohio.

Inviting speakers to BGSU is only a small part of Faculty Senate’s accomplishments this year. For example, the Professional Affairs Committee of the Faculty Senate conducted its first business. Fifteen faculty, staff, and students traveled to Columbus for
scheduled appointments with eight state senators, including the Chair and Vice Chair of the Education Committee and the Chair and Vice Chair of the Finance Committee. He directed the Board members' attention to the stapled package of information containing the actual talking points used with the individual Senators during the meetings. In some cases, however, the conversations revealed a far deeper, philosophical difference of opinion about the importance, the role, or even the nature of higher education.

A committee of faculty, classified staff, administrative staff, and community members researched the ways in which students, faculty, and staff commute to campus. The report surveyed approximately 10% of the campus. A 60% response rate to the surveys showed that 31% of the off-campus residents walk, bicycle, or ride the BGSU shuttle to campus. The fact that these people are willing to brave weather conditions and safety concerns results in approximately 4,500 fewer automobiles on campus and in our parking lots. In addition, the survey suggests that over 1,000 individuals who drive to campus would consider alternative forms of transportation if certain factors are addressed, such as additional designated pedestrian cross-walks, designated bicycle lanes or pathways, and additional law enforcement to protect pedestrians and bikers. This survey indicates that there are cost-effective alternatives to building more parking spaces that minimize traffic congestion, noise, and pollution.

He stated that faculty compensation information is available for 2001-2002 in the peer group of public universities in the Carnegie Research II, Doctoral I, and Doctoral II categories. While the President's compensation goal is attaining the 70th percentile with this peer group, full professors remained at the 41st percentile, associate professors declined from the 61st percentile to the 54th percentile, and assistant professors rose from the 34th percentile to the 38th percentile.

He explained that members of the faculty interpret the data to show that comparative salary goals are a moving target. Significant improvement will require a long-term commitment to a series of salary raises that are somewhat higher than similar actions by peer institutions. This year, Faculty Senate has tried in several ways to help the Trustees with the compensation issue. First, Faculty Senate has accepted the Administration's peer group definition, agreed to stop using "all-rank averages," and agreed about sources of data. Second, Faculty Senate requested a meaningful and attainable target, a 6.5% salary raise. Third, Faculty Senate provided the Trustees with the additional revenue source of the ERIP/SRP released funds for 2002-2003 ($1.4 million) and 2003-2004 ($1.0 million). Faculty compensation is a critical issue in the economic health of the institution. To be the premier learning community in Ohio requires premier faculty.

In closing, he introduced Dr. Benjamin Muego, the new Chair of the Faculty Senate and thanked the Board for the opportunities to meet throughout the year.

Undergraduate Student Representative – Sarah Saccany

Ms. Saccany reported that she and Kevin Yania, Vice President of Undergraduate Student Government, are focusing their efforts toward improving the image of USG and accurately representing students. A goal of USG is to ensure that when students have concerns, the appropriate person or department is notified and action is taken in a timely fashion. Due to the technology available on campus and the number of students who utilize it, USG is soliciting student concerns through an interactive website. On this website, students will be able to post comments and concerns, get caught up on events, and stay current on the cutbacks in state funding. One main concern of students is the repair of Lot 6 overflow and the safety of students who park there. She admitted that solving parking problems on campus will take longer than one year. In closing, she thanked the Trustees for the opportunity to speak at the meeting.

Graduate Student Representative – Joe Skariah

Mr. Skariah reported that, despite difficult times at the national and state levels, Graduate Student Senate has had a successful year. Library hours will be expanded on Friday nights and Saturday evenings. Discussions continue on a graduate student handbook, and a first draft is expected in September. Finally, at the last meeting, GSS adopted a resolution supporting a policy on violence. Mr. Skariah has enjoyed his experience at BGSU and reporting to the Board. Mr. Skariah then introduced Shelley Clagg, the new President of GSS. She completed her undergraduate studies at Firelands College and is beginning her second graduate degree.
Firelands College Board Representative – Tom Gerrity

Mr. Gerrity directed attention to the notes he distributed. On a personal note, he told attendees that he is honored to have received the 2002 Accomplished Graduate Award. As compared to the same time last year, Firelands College is up 42.5% in summer enrollment, with 265 students compared to 186 at this time last year. As compared to the same time last year, enrollment is up 19.8% for the Fall Semester. Fall priority registration is at 465 students compared to 388. He thanked Mr. Bryan and his wife for attending a banquet recognizing students, faculty, and staff in April and Provost Folkins for visiting the Erie County Chamber of Commerce and recognizing three people who have been very helpful to Firelands, including George Mylander, Chair-elect of the BGSU Foundation Board; Ruth Frost Parker, Foundation Board member; and the late Dr. Frank Prout, BGSU’s third president. To complement Dr. Ribeau’s Values Initiative, Biology 101 at Firelands is being redeveloped this summer and taught with a different emphasis. The Cedar Point Center link on the Firelands website features a web cam aimed at the Center. At the commencement ceremony, 99 candidates will receive associates degrees and eight individuals will be receiving baccalaureate degrees from other BGSU colleges.

Administrative Staff Representative – John Clark

Dr. Clark thanked the Board, President Ribeau, and other meeting participants for allowing him to speak on behalf of administrative staff. He, then, introduced Laura Emch, the 2002-2003 chair of Administrative Staff Council. Administrative staff has recommended procedures to the University Compensation Group for reestablishing and maintaining market competitiveness in administrative salaries. ASC has also made revisions for overload teaching compensation this year. Prior to the revision, overload teaching compensation for full-time administrative staff or others who were teaching beyond their normal teaching load was at a lower rate than part-time instructors. The non-compensation conciliation process is an ongoing process of revision, which ASC hopes to accomplish. Through a fund administered by Human Resources, ASC was able to significantly increase professional development grants. He explained that the administrative staff scholarship fund is a significant award process. While the development fund did not perform as well economically this year, ASC was still able to award nearly $4,000 in scholarships to deserving students. ASC has received consistent assurance from the administration that the University aims to offer levels of service commensurate with available resources.

Classified Staff Council Representative – Anne Tracy

Ms. Tracy reported that plans are in “full-swing” for the annual Classified Staff Council golf outing to be held on Friday, June 7 at Forrest Creason golf course. All proceeds from the outing and raffle directly benefit the scholarship fund. Due to time constraints, she promised to have an in-depth report on CSC activities at the June Board meeting.

Chair Bryan thanked the Constituent Representatives for short reports due to the Executive Session. He announced that this meeting is the last for Student Trustee Robert Smith. Trustee Smith is an example of the talented Student Trustees on the Board over the years. He has been very instrumental in keeping the Board apprised of graduate student issues. On behalf of the Board, Mr. Bryan personally thanked Trustee Smith for his service, and wished him well with his position at the University of North Carolina at Charlotte.

EXECUTIVE SESSION

Chair Bryan announced that in keeping with the provisions of the state’s “sunshine law” and Amended Section 121.22 of the Ohio Revised Code, he is proposing at this time that the Board Members meet in an executive session to consider the purchase/sale of property. He requested that members meet in the President’s Suite for approximately 30 minutes; the regular meeting to be reconvened at that time to take action if necessary.

No. 36-2002

Mr. Bryan moved and Mr. Bibb seconded that members of the Board of Trustees meet in an executive session to discuss the purchase/sale of property.

The Board Secretary conducted a roll call vote with the following results: Voting “yes”- Mr. Bibb, Mr. Bryan, Ms. Cook, Mr. Ferkany, Ms. Newell, and Mr. Stroh. The motion was approved with six affirmative votes. Mr. Marsh abstained due to a potential conflict of interest.
The regular meeting was recessed at 2:35 p.m. and the members moved into the executive session in the President's Suite.

Trustee Newell reconvened the regular meeting at 3:10 p.m. with the announcement that members had met in executive session for 35 minutes for the purpose of considering the purchase/sale of property.

Proposed Resolutions Appropriating Pike Street Property

No. 37-2002  Ms. Newell moved and Ms. Cook seconded that

WHEREAS, officers of Bowling Green State University (the "University") have determined that it is in the best interests of the University to acquire fee simple title to the real property legally described in attached Exhibit A (the 'Real Property') for use by the University; and

WHEREAS, authorized representatives of the University have been unable to agree with the owners of the Real Property on the terms of its acquisition; and

WHEREAS, the Board of Trustees of Bowling Green State University hereby declares it necessary that the University appropriate the Real Property for purposes of providing additional space for educational and auxiliary program and support purposes supporting the University's mission as a state-assisted institution of higher education; it is therefore

RESOLVED, that Bowling Green State University declares it necessary, and affirms its intention, to appropriate all right, title and interest in fee simple in and to the Real Property legally described in attached Exhibit A for purposes of providing additional space for educational and auxiliary program and support purposes, including but not limited to the construction, maintenance and operation of parking facilities; and it is further

RESOLVED, that, in order to carry out the foregoing resolution, the President and the Senior Vice President for Finance and Administration, or either of them, be, and hereby are, authorized and directed to file an action to appropriate the Real Property in a court or courts having jurisdiction thereof; to obtain all consents, approvals, and authorizations required by law to effectuate the appropriation of the Real Property; to execute and deliver all documents and instruments that may be required to carry out the purposes of these resolutions; and on behalf of the University to take or cause to be taken all action, and to perform or cause to be performed all obligations, necessary or expedient to carry out the foregoing resolutions.

The Board Secretary conducted a roll call vote with the following results: Voting "yes"-Mr. Bibb, Mr. Cook, Mr. Ferkany, Ms. Newell, and Mr. Stroh. The motion was approved with 5 affirmative votes.

Exhibit A

Legal Description

Being a part of Outlot 68 in the City of Bowling Green, Wood County, State of Ohio and being more particularly described as follows:

Beginning for the same at an iron pipe set at the intersection of the south line of Pike Street with the west line of the Penn-Central Railroad, said pipe being further described as the northeast corner of the parcel herein being described; thence on and along the west line of said railroad, S-01°06'-E, a distance of three hundred sixty-one and twenty-seven hundredths (361.27) feet to an iron pipe set, said pipe being further described as the northeast corner of inlot 493; thence on and along a line bearing, S-89°-00'-W, said line being also described as being the north
line of inlots 491, 492, 493, a distance of one hundred ninety-three and one hundredth (193.01) feet to an iron pipe set, the same being further described as the northwest corner of inlot 491, the same also being the intersection of the north line of inlot 491 with the east line of a twelve (12.00) foot alley; thence on and along said east line of said alley, N-01°00'-W, a distance of three hundred sixty-one and twenty-seven hundredths (361.27) feet to an iron pipe set in the south line of said Pike Street; thence on and along said south line, N-89°00'-E, a distance of one hundred ninety-two and thirty-eight (192.38) feet to the place of beginning. Containing 1.59 acres of land more or less, subject however to all legal highways.

-and-

Being a part of Outlot 68 in the City of Bowling Green, Wood County, State of Ohio, and being more particularly described as follows:

Beginning for the same at the intersection of the south line of Ridge Street with the west line of the Penn-Central Railroad, the same being further described as the northeast corner of the parcel herein described; thence on and along the west line of said railroad, S-01°-06'-E, a distance of two hundred sixty-six and fifty-one hundredth (266.51) feet to an iron pipe set at the intersection of said west line with the north line of Pike Street; thence on and along said north line, S-89°00'-W, distance of one hundred ninety-two and twenty-seven hundredths (192.27) feet to an iron pipe set at the intersection of said north line with the intersection of the east line of a twelve (12.00) foot alley; thence on and along the east line of said alley, N-01°00'-W, a distance of two hundred seventy and fifty-three hundredths (270.53) feet to an iron pipe set at the intersection of said east line with the aforesaid south line of Ridge Street; thence on and along said south line, S-89°48'-E, a distance of one hundred ninety-one and eighty-five hundredths (191.85) feet to the place of beginning. Containing 1.184 acres of land more or less, subject however to all legal highways.

ADJOURNMENT

The meeting was adjourned at 3:15 p.m.