

UNIVERSITY OF MASSACHUSETTS

AMHERST•BOSTON•DARTMOUTH•LOWELL•WORCESTER

**MINUTES OF THE MEETING OF THE
BOARD OF TRUSTEES**

Wednesday, August 6, 2003; 11:00 a.m.

Board Room

Cumnock Hall

University of Massachusetts

Lowell, Massachusetts

Trustees Present: Chair Fey; Vice Chair Giblin; Trustees Austin, Babineau, Boyle, Bukhari, Dubilo, Fatemi, Karam, Kennedy, Lankowski, James Mahoney, Robert Mahoney, McCarthy, Moes, Rainey, Sheridan and White

Trustees Absent: Trustees Agganis, Marcalo, Reed and Zane

University Administration: President Bulger; General Counsel O'Malley; Vice Presidents Chmura, Gray and Julian; Mr. Wilson, CEO, UMassOnline; Chancellors Lombardi, Gora, MacCormack, Hogan and Lazare

Faculty Representatives: Professor May, UMASS Amherst; Professor O'Connor, UMASS Amherst; Professor Schwartz, UMASS Boston; Professor Langley, UMASS Dartmouth, Professor Carter, UMASS Lowell, Dr. Cooke, UMASS Worcester

Chair Fey convened the meeting at 11:10 a.m. and introduced the first item on the agenda for action **Minutes of the Previous Meetings of the Board.**

It was moved, seconded and

VOTED: To approve the minutes of the May 7 and June 26, 2003 meeting of the Board.

The next item on the agenda was the **Chair's Report.** Chair Fey thanked Chancellor Hogan and his staff for the hospitality that has been shown to the Board. She then introduced the new student Trustee members to the Board: Hannah Fatemi from UMASS Amherst and Omar Bukhari from UMASS Boston. Carolina Marcalo from UMASS Dartmouth and Sean Reed from UMASS Worcester could not be with us today but are excited about fulfilling their new responsibilities.

Chair Fey noted that Rosalyn Lankowski from the Lowell campus has been re-elected for another term. She also thanked all of the Board members for their wisdom and energy and their tireless commitment to the University.

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Chair Fey also mentioned the difficult decisions that need to be made in regards to the student charges. The University has been faced with a severe cut in state support -- \$80 million - following a \$60 million cut last year. The Board must continue to balance the University's pursuit of excellence and its mission of access.

The next item was the **President's Report**. President Bulger first welcomed the new student Trustees to the Board. He then reported on the state budget cuts across the five-campus system this year. Recently President Bulger reported, he had met with legislative leaders from across the nation and indicated that Massachusetts is not alone in facing severe economic and financial difficulties.

While the University has sustained deep cuts in its appropriation, the Legislature overrode the Governor's vetoes of the Commonwealth Honors College, the Advanced Technology Manufacturing Center in Fall River and the Toxic Use Research Institute in Lowell.

President Bulger expressed his appreciation to each of the Chancellors and their staff for preserving the core missions of teaching and research and positioning the University for economic recovery. The campuses have enrolled a strong freshmen class for the fall; UMassOnline enrollment has grown to over 11,000; private support has reached \$113 million this fiscal year which exceeded last year's mark by \$15 million.

The research enterprise has grown to nearly \$300 million - the CVIP office has set a new record this year by generating \$20 million in revenue from UMASS research; the University's capital plan is moving forward recently completing a bond sale that will finance \$133 million in facility improvements.

President Bulger then acknowledged the dedication of the Trustees, their hours of volunteer service and philanthropic support. The Trustees will have to consider the student charge proposal, which entails a \$750 increase for the spring semester, which will raise \$20 million for system operations. It will make up for 25 percent of the \$80 million cut in state support. A share of the increase will also go toward financial aid.

It was noted that state universities across the country are being forced to increase tuition rates. The University of Massachusetts continues to remain a good value even with the proposed increases. The mandatory student costs have increased an average of 5.9 percent annually since 1996 compared to 8.5 percent for public universities across the country. The proposed fee increase will allow the University to maintain its quality and that is our top priority.

Chair Fey then introduced Trustee Lankowski to give the **Student Trustee Report, UMASS Lowell**. Trustee Lankowski first thanked Chancellor Hogan for his

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years of service and welcomed Provost Wooding to the Lowell campus. She also reported that despite recent budget cuts there is good news to report: the recreation center has opened, the 1st annual Expectation awards ceremony was held, continued collaboration with the city of Lowell and student government reorganization, etc.

Trustee Lankowski also reported on the many challenges facing students and asked that the Board continue to work on behalf of the students. She also thanked President Bulger for his leadership role.

Chair Fey introduced the **Consent Agenda**. It was moved, seconded and

VOTED: To accept the following Audit Reports on the Board Consent Agenda:

• **Audits**

1. PriceWaterhouseCoopers FY2003 Audit Services Plan (Doc. T03-049)
2. Payroll System Review – Department of Public Safety, UMASS Amherst (Doc. T03-041)
3. University Auditing Activity Report (Doc. T03-042)

The next item on the agenda was the **Report of the Committee on Academic and Student Affairs**. Trustee White reported that the Committee had met on July 22 and heard an in depth discussion on the Role of Arts and Sciences in the Undergraduate Curriculum.

The first item for action was **Revisions to Governance Document of the University of Massachusetts Medical School and Graduate School of Nursing**.

It was moved, seconded, and

VOTED: To approve the Governance Document of the University of Massachusetts Medical School as contained in Doc. T03-035.

And further, To rescind the Governance Document of the University of Massachusetts Medical School as contained in Doc. T79-042B, as amended.

And further, To approve the revisions to the Governance Document of the Graduate School of Nursing, Doc. T91-028, as amended.

The next item was **B.A. in Community Media and Technology, UMASS Boston**.

It was moved, seconded, and

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VOTED: To approve the B.A. in Community Media and Technology at the University of Massachusetts Boston as contained in Doc. T03-044.

The next item was **Revisions to Student Senate Constitution, UMASS Dartmouth.**

It was moved, seconded and

VOTED: To approve the revisions to the Student Senate Constitution of the University of Massachusetts Dartmouth as contained in Doc. T95-095, as amended.

Trustee White reported that the remaining action items will be addressed in Executive Session.

The next item on the agenda was the report of the **Committee on Administration, Finance and Audit.** Trustee Dubilo exits the room during this report.

Trustee Karam, Vice Chair of the Committee, reported that the Committee met on July 24, 2003. There had been a discussion on the Preliminary Operating Budget for 2004 and University Budget activities.

Trustee McCarthy noted the ongoing need to fund the contracts negotiated with University employees. He suggested the forming of a Committee to study this issue.

The first item for action was **FY2004-FY2008 University Capital Plan.**

Trustee Boyle inquired about the future headquarters for the President's Office and the possibility of moving into space on the Boston campus. Mr. O'Riordan, University Budget Director, reported that the University is currently looking at all space issues; there is some consolidation going on at facilities at Hadley, Worcester and Westboro.

Mr. O'Riordan pointed out that the lease at One Beacon Street is not up for another 18 months and that UMASS Boston has not yet been considered as a potential set up for the President's Office. Trustee Karam indicated that the Committee would look into this issue.

It was moved, seconded and

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VOTED: Pursuant to Trustee policy T93-122, to approve the following new capital projects:

<u>Amherst Project Names</u>	<u>Total Project Cost Estimate</u>
Morrill II, Room 327 Biology Lab	\$500,000
Nursing Building - Skinner Renovation	\$11,550,000
Mullins Center, Athletic Locker Expansion	\$2,000,000
Morrill IV North, 4th Floor Conversion (Lovely lab)	\$4,800,000
ISOM, Sports Management Renovations	\$1,500,000
Hasbrouck 3 Lab Renovation	\$2,600,000
Engineering Research Center Renov. & Equip.	\$7,800,000
Lederle GRC Library Renovations	\$500,000
Lederle GRC NIH Lab Renovation	\$7,523,500
DuBois Library, 2nd Floor Renovations	\$550,000
Morrill Science Renovations	\$3,600,000
Program Relocations	\$1,000,000
HTM Culinary Arts Renovations	\$3,400,000
Energy Services Contract (ESCO)	\$71,614,500
Parking, Orchard Hill Lot	\$534,000
Utilities, ISOM Steam Site Restoration	\$2,105,000
Mullins Ice Rink Locker Room Addition	\$1,863,000
WFCR Building	\$5,500,000
Alumni Center	\$6,500,000
Athletics Center	\$5,200,000
W.E.B. Du Bois Library Deck Repairs - Ph. 2 (Interior)	\$4,400,000
Campus Garage, Phase II Mechanical Repairs	\$900,000
Campus Center Repairs	\$8,000,000
Goodell Roof	\$1,000,000
Bartlett Façade Repairs	\$2,000,000
Elevator Repairs	\$4,000,000
Southwest Concourse Replacement	\$4,000,000
University Drive Improvements	\$3,400,000

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<u>Boston Campus Project Names</u>	<u>Total Project Cost Estimate</u>
	Jun-03
Circuit Breakers for all Transformers	\$800,000
Chemical Storage Area	\$500,000
Replace Lift Stations - Admin. and Science	\$500,000
Dredge Cove at Intake Pipe	\$3,000,000
Catwalk Repairs	\$810,000
Campus Center Furniture and Equipment	\$6,000,000
New Marine Operations Vessel	\$900,000

<u>Dartmouth Campus Project Names</u>	<u>Total Project Cost Estimate</u>
Renovations to Purchase St Campus	\$2,500,000
SMAST New Building	\$1,500,000
Purchase St Maintenance Issues	\$1,500,000
Emergency Engine Replacement	\$1,500,000
SMAST Pier Replacement	\$2,000,000

<u>Lowell Campus Project Names</u>	<u>Total Project Cost Estimate</u>
	\$
Nano-Manufacturing Lab	1,000,000
	\$
Bellegarde Boathouse	1,050,000
	\$
North Quad Air Conditioning	4,000,000

and further, to approve the following revised project cost estimates for previously approved capital projects:

<u>Amherst Campus Project Names</u>	<u>Revised Cost Estimate</u>
Housing Repair & Renovation	\$34,891,000
Integrated Science Building - Phase 1A	\$63,500,000
Art Building	\$15,000,000
Turf Research Facility	\$1,100,000
UMA Deferred Maint./Modern. Projects - TBD	\$54,634,200

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<u>Boston Campus Project Names</u>	<u>Revised Cost Estimate</u>
Campus Center Retrofitting	\$7,000,000
Replace/Upgrade Athletic Fields	\$3,150,000
Sprinklers-Fire Prot. Healey, Science/Wheatley	\$15,000,000
ADA, Code and Elevator Replacements Project	\$5,500,000
Repair Upper & Lower Level Garages and Plaza	\$42,200,000
HVAC Upgrades Campus Wide	\$4,850,000
Telecom Update to Fiberoptics	\$10,700,000
Replacement Parking 1536 spaces	\$39,600,000

<u>Dartmouth Campus Project Names</u>	<u>Revised Cost Estimate</u>
Technology Upgrades	\$23,336,795
Athletic Fields and Tennis Courts	\$4,750,000

<u>Lowell Campus Project Names</u>	<u>Revised Cost Estimate</u>
Parking Garage - UML East	\$9,000,000

<u>Worcester Campus Project Names</u>	<u>Revised Cost Estimate</u>
Animal quarters HVAC Upgrades	\$2,700,000
Departmental equipment purchases	\$5,550,000
Moveable Equipment - Main Campus	\$1,810,000
P.P. Cogeneration Expansion	\$11,800,000
School HVAC Upgrades Upgrades/Repairs	\$3,000,000
Computer Services Expansion - Jamaica Plain	\$5,000,000
Misc Worcester Foundation Renovations	\$2,713,000

and further, to approve the FY2004 to FY2008 University Capital Plan as described in Table 1 of Doc. T03-046.

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The next item was **Fiscal Year 2004 Allocation of State Funds.**

It was moved, seconded, and

VOTED: To direct the President to develop an allocation plan for the amount appropriated for the University in Line Item 7100-0200 of the state appropriation act for fiscal year 2004, and to notify the Board of Trustees of said plan within 40 days of the passage of said appropriation act, and the House and Senate Committees on Ways and Means within 45 days of the passage of said act. (Doc. T03-047)

The next item was **Spring Semester 2004 Mandatory Fees.** Trustee Boyle indicating that he has a son currently attending the University of Massachusetts at Dartmouth abstained from the vote and excused himself from the meeting.

It was moved, seconded, and

VOTED: In accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve the following semester mandatory fee rates for the Amherst, Boston, Dartmouth and Lowell campuses effective for the spring semester of the academic year 2003-2004:

TOTAL MANDATORY FEES (PER SEMESTER)	Amherst	Boston	Dartmouth	Lowell
Undergraduate (resident)	\$3,634	\$3,004	\$3,105	\$3,130
Undergraduate (non-resident)	\$3,949	\$4,312	\$4,515	\$4,792
Graduate (resident)	\$3,307	\$3,010	\$3,348	\$2,825*
Graduate (non-resident)	\$3,759	\$4,318	\$4,515	\$4,034*

**Per 9 credit load*

And further, in accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve the following maximum semester mandatory fee rates for the Worcester campus effective for the spring semester of the academic year 2003-2004:

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TOTAL MANDATORY FEES (PER SEMESTER)	
Worcester Medical School Campus	
Medical School (resident only)	\$2,750
MD/Ph.D. (non-resident)	\$13,232
Graduate Sch.of Nursing (resident)	\$2,750
Graduate Sch.of Nursing (non-resident)	\$2,750
Graduate Sch.Biomedical Science (resident)	\$1,918
Graduate Sch.Biomedical Science (non-resident)	\$1,918

And further, in accordance with Policy T92-031, Appendix E, to authorize the President to approve the individual semester rates for mandatory charges, providing that total mandatory fee charges to students shall not exceed the total semester mandatory fee rates as outlined above.

Following the vote on Student Charges, Trustee Boyle returns to the meeting.

The next item was **Amendment to Campus Center Trust Fund, UMASS Boston.**

It was moved, seconded and

VOTED: That the Campus Center Trust Fund at the Boston campus, as adopted by the Trustees in Doc. T96-019 Addendum 2, as amended, on June 5, 1996, be further amended by striking the wording and substituting the following:

To approve the establishment of a Campus Center Trust Fund at the Boston campus, in order to meet the need for revenues to support the debt service, operating costs, and maintenance costs to be incurred in the construction and operation of the Campus Center; further, to authorize the imposition beginning the first semester in which the Campus Center is open of a Campus Center Fee on all students at the Boston campus, not to exceed the rates set forth in Doc. T96-019. All revenues from the Campus Center Fee and all revenues derived from occupancy charges and related fees and charges associated with the Campus Center use shall be deposited in the Campus Center Trust Fund. (Doc. T96-019, as amended)

Following the Report of the Committee on Administration, Finance and Audit, Trustee Dubilo returns to the meeting.

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The next item was the report of the **Athletic Committee**. Trustee Bissonnette Moes, Chair of the Athletic Committee reported that a Task Force has been set up to look into the issues of re-alignment in the Division1 Football Conference.

Trustee Karam, Chair of the Athletic Task Force reported that a consulting firm has been hired to study the possible conference realignment. A member of the Task Force, Mr. Martin Jacobson, has generously provided funding for the firm. We are hoping to provide more information in early October. Trustee Karam indicated his excitement with the way the process is proceeding and the outlook for the future.

The next item was the report of the **Development Committee**. Trustee Mahoney reported that the Committee had met on July 22 and discussed 2003 Fundraising Results, 2004 Fundraising Goals and Fundraising Initiatives. Despite the current budget situation the University has done fairly well with fundraising efforts.

Trustee Mahoney thanked the members of the Board for their generous contributions to the President's Fund Drive and expressed his pleasure with the success of the UMASS Night at the Pops.

Under **Other Business**, Chair Fey asked for the **Report of the Governance Committee** and indicated that a change had been made to the roster: Trustee Moes will step down as co-chair of the Restructuring Committee and Trustee Kennedy will assume that position.

Trustee Moes, Chair of the Governance Committee reported that the Committee contacted the members of the Board for their input on Board governance and structure. It was decided that the Committee on Academic and Student Affairs Committee would be facing some tough issues in the coming year and asked that the Committee have two Vice Chairs, Trustees Boyle and Sheridan. The Board enthusiastically endorsed Chair Fey's leadership abilities and requested she continue to serve as Chair of the Board.

It was moved, seconded and

VOTED: To confirm and approve the Officers and Committee Chairs of the Board of Trustees set forth in Doc. T03-051, all to serve until the next annual meeting of the Board.

The next item was the **Department of Defense**. This was a routine item that updates the exclusion list with the new student trustee members.

It was moved, seconded and

VOTED: WHEREAS, current Department of Defense Regulations contain a provision making it mandatory that the Chairman of the Board, the President, the Secretary, and the designated Facility Security Officer meet the personnel clearance requirements established for a contractor's facility clearance; and

WHEREAS, said Department of Defense Regulations permit the exclusion from the personnel clearance requirements of certain members of the Board of Trustees and other officers, provided that this action is recorded in the minutes.

NOW, THEREFORE, BE IT DECLARED that the Chairman of the Board, the President, the Secretary and the designated Facility Security Officer at the present time do possess, or will be processed for, the required security clearance; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as Chairman of the Board, the President, the Secretary or the designated Facility Security Officer, such individual shall immediately make application for the required security clearance; and

BE IT RESOLVED FURTHER that the following members of the Board of Trustees and other officers shall not have, and can be effectively excluded from access to all classified information in the possession of the corporation and do not occupy positions that would enable them to affect adversely policies or practices in the performance of classified contracts for the Department of Defense or the User Agencies of its Industrial Security Program:

<u>NAME</u>	<u>TITLE</u>
Michael J. Agganis	Trustee
Dennis G. Austin	Trustee
Timothy J. Babineau	Trustee
Lawrence F. Boyle	Trustee
Omar S. Bukhari	Trustee
Edward A. Dubilo	Trustee
Hannah S. Fatemi	Trustee
Grace K. Fey	Trustee
William E. Giblin	Trustee
James J. Karam	Trustee
William F. Kennedy	Trustee

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Rosalyn M. Lankowski	Trustee
James E. Mahoney	Trustee
Robert M. Mahoney	Trustee
Carolina B. Marcalo	Trustee
Robert B. McCarthy	Trustee
Diane E. Bissonnette Moes	Trustee
Stacey R. Rainey	Trustee
Sean W. Reed	Trustee
Robert K. Sheridan	Trustee
Karl E. White	Trustee
Ellen M. Zane	Trustee

The next item was **John W. McCormack School of Policy Studies, UMASS Boston.** Trustee White as Chair of the Committee on Academic and Student Affairs reported that this item was originally considered at the April 22nd meeting of the Committee. The School will reorganize existing units and programs to support greater intellectual vitality, increased visibility and collaboration in research and graduate education.

It was moved, seconded and

VOTED: To approve the establishment of the John W. McCormack School of Policy Studies at the University of Massachusetts Boston. (Doc. T03-028)

Chair Fey then announced that the Board would enter into **Executive Session** to discuss **Transfer of Tenure, UMASS Lowell, Awards of Tenure, UMASS Amherst, Dartmouth, Lowell and Worcester, Appointments with Tenure, UMASS Boston, Dartmouth, Transfer of Tenure, UMASS Lowell and Potential Litigation.** She indicated that the Board would reconvene in open session.

It was moved, seconded and

VOTED: To enter into **Executive Session** to discuss **Transfer of Tenure, UMASS Lowell, Awards of Tenure, UMASS Amherst, Dartmouth, Lowell and Worcester, Appointments with Tenure, UMASS Boston, Dartmouth, Transfer of Tenure, UMASS Lowell and Potential Litigation.**

Chair Fey voted for the motion as did Vice Chair Giblin, Trustees Austin, Babineau, Boyle, Bukhari, Dubilo, Karam, Kennedy, James Mahoney, Robert Mahoney, McCarthy, Moes, Rainey, Sheridan and White.

The time was 12:07 p.m.

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At 3:50 p.m. the Board returned to open session.

The following motion was then moved and seconded. Chair Fey asked if there was any discussion.

That the Board of Trustees votes to accept, with regret, the resignation of President William M. Bulger effective September 1, 2003.

And to pay President Bulger as severance, the equivalent of two and one third of his salary.

Additionally, President Bulger will receive compensation for an earned six-month sabbatical and accrued benefits.

The Trustees have also authorized special counsel to prepare an appropriate separation agreement reflecting these terms. (Doc. T03-053)

Trustee Boyle indicated that he is not in support of the amount of severance.

Several Trustees including Trustees White, Dubilo, Moes, Sheridan, Mahoney, Karam and Lankowski expressed their gratitude to President Bulger for his commitment to bringing strong leadership to the University. The University is a better place because of President Bulger and he will be missed. Chair Fey expresses her pleasure at having served with President Bulger. The motion is then voted and approved.

Trustee Boyle votes against the motion.

Chair Fey then read a prepared statement.

President Bulger thanked Chair Fey and the members of the Board for their support now and in the past. This has been a time of financial difficulty for the Commonwealth and the University. The Chancellors working with faculty and staff have maintained the academic excellence on all five campuses.

In the last several years the University has raised academic standards and the fundraising efforts, have launched the On Line education program and increased public appreciation for the institution. Enrollment has grown, research funding has increased by more than \$100M, annual private support has more than doubled and there has been an increase in endowed chairs. Despite the many challenges, the University will persevere and prosper.

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President Bulger voiced his deep appreciation to the Board for their recent vote of confidence and thanked former Chairs of the Board, Daniel Taylor and Robert Karam and offered his admiration for the current Chair, Grace Fey.

There being no further business to come before the Board the meeting adjourned at 4:00 p.m.

Barbara F. DeVico
Secretary to the Board of Trustees