

BOARD OF TRUSTEES FOR ALABAMA STATE UNIVERSITY
MINUTES OF REGULAR MEETING
MAY 9, 2002

The Board of Trustees for Alabama State University convened in regular meeting on May 9, 2002 at 1:00 p.m. in the Board Room of the Joe L. Reed Acadome at Alabama State University.

The meeting was called to order by Chairlady Catherine W. Wright—Agenda **Item I**. Trustees in attendance were James C. Cox, Oscar Crawley, Buford Crutcher, Robert A. Jones, Jr., Bobby M. Junkins, and Joe L. Reed. Absent were Trustees B. Maxine Coley, Toreatha M. Johnson, and Patsy B. Parker. Chairlady Wright declared a quorum present.

The invocation was led by President Joe A. Lee--Agenda **Item II**.

On call for adoption of the agenda, President Lee asked that the following items be added to the agenda under other business—(1) special request regarding the police department, (2) special recognition of the women's track team, and (3) an independent auditor's report on athletics. Trustee Crutcher asked that discussion on the forensic sciences building be added to the agenda. Chairlady Wright called for a motion to adopt the agenda as amended. On motion by Trustee Cox, second by Trustee Crutcher, and carried by unanimous vote, the amended agenda was adopted--Agenda **Item III**.

Agenda Item IV--Adoption of Minutes of the February 8, 2002 Meeting. Chairlady Wright called for a motion to adopt the minutes. She noted, as the minutes were being reviewed by Trustees, that there were two issues on which she wanted the Trustees to be given a status report. Chairlady Wright stated that the first issue was regarding suspension of the 2.2 GPA requirement for admission and the Board's request that the administration undertake a study of that requirement. She noted that implementation of the requirement was deferred until the study is completed. President Lee stated that a mechanism is being put in place by which a review will be made of the recommendation because of the bearing it would have on the 2002 entering class. He informed the Trustees that a report on the results will be given to the Board in the fall. Chairlady Wright explained that the second issue was regarding a report received from the Alabama Commission on Higher Education (ACHE) in connection with the doctoral program in Educational Leadership, Policy and Law; that President Lee sent copies of that information to Trustees, and that a meeting was to be held with the Oversight Committee. After giving the update, Chairlady Wright called for a motion to adopt the minutes. On motion by Trustee Crutcher, second by Trustee Cox, and carried by majority vote, the minutes were adopted. Voting aye were Trustees Cox, Crawley, Crutcher, Junkins, Reed and Wright. Trustee Jones abstained.

Chairlady Wright called for the **President's Report--Agenda Item V**. President Lee informed the Board that his report reflected the period February through May 7, 2002 and that he was pleased with where the University is in meeting some of the many challenges faced. He reported that some of the highlights of things that had occurred during the reporting period were: full accreditation of the Physical Therapy Department by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the Physical Therapy Association. He noted that the significance of the

accreditation is that the first graduating class will graduate from an accredited program and this will allow them to sit for the licensure examination. He informed the Trustees that on May 17th it is hoped that the Alabama Commission on Higher Education (ACHE) will give final approval on the doctorate of Physical Therapy Program. President Lee reported that 11,446 applications for fall admission had been received, 5,050 applications had been approved, and that the anticipated enrollment for the fall will be at least 1,500 new students; that the ASU Honda Campus All-Star Team, representing the only public HBCU to make it to the final four of the competition, positioned themselves as the #2 team ranking behind Morehouse College in the Championship playoff, this resulted in a \$15,000 grant, that a member of the team was the second highest individual point getter and that \$1,000 was received for a team member being named to the All-Star team. President Lee informed the Trustees of the various honors attained and the receipt of a grant award by certain faculty members, of the banner year experienced in the athletics area, of work being done with "E" TV to produce a segment on ASU, of the work being done at Southern Normal, of the recruitment of individuals to fill key positions at the University, and of the deferred maintenance work being done in the residence halls. He reported that the Student Government Association (SGA) held spring elections; that issues which cannot be fully addressed at this time include the renovation needs for the J. Garrick Hardy University Center, the issue of inadequate funds to meet all of the needs in the residence halls, the need for replacement of air conditioning units in the College of Business Administration (COBA), the need for chillers in Tullibody Hall and Levi Watkins Learning Center, the continued loss of valued faculty and staff because ASU salaries are not competitive and of low scholarship funds which will prevent maximizing recruitment effort for the 2002-2003 year. A detailed President's Report is attached. (Attachment 1)

Chairlady Wright expressed thanks and appreciation to President Lee for the work he has done and to all of the individuals who helped bring about the things he reported. She stated also that the Board is proud of the students who participated in the Honda All-Star Challenge. In response to inquiries from Trustee Crutcher regarding filling key university positions, the \$1 million that was to be received from the Governor and the matter of the funding shortfall, President Lee stated that individuals are being recruited for the Athletics Director position; that the funds from the Governor have been received and is being used for the various needs he reported on; that students are being encouraged to apply for scholarships that are not requested each year; that the administration is looking at a major investment by a national figure to endow some scholarships at the University. Trustee Crutcher made comments regarding the University needing to get involved in an industry relations program. President Lee informed the Trustees that the administration has been in some discussion with some potential partners who are looking at ASU and have indicated a willingness to join a cluster and that the administration will be working to put such a program in place.

Agenda Item VI--Committee Reports. Chairlady Wright, Chair of the Executive Committee, reported that the **Executive Committee** had not met since the last Board meeting and that there was no report from that Committee--**Agenda Item VI-A.**

Chairlady Wright called for the report of the **Academic Affairs Committee--Agenda Item VI-B.** There was no report from the Committee.

On call for **Agenda Item VI-C--Finance Committee**, Trustee Reed, Chair of the Finance and Properties Committee, indicated that there was no report from that committee. Trustee Crutcher inquired whether the Finance Committee would get information to the Trustees earlier this year. Trustee Reed stated that the budget information will be mailed out in plenty of time for review; that the first thing the Committee wants to do is to look at raises for all employees. President Lee indicated that budget hearings have been held and that the asking is \$15,000,000 above the current year budget; that diligent work is being done to do something about the salary structure. Trustee Jones inquired about the status of the University's current budget. Vice President Freddie Gallot, Jr. informed the Trustees that the budget is much improved over last fiscal year; that ASU has not tapped into its line of credit as of this meeting, but that there may be some need to make a slight tap into the line of credit before the end of the current fiscal year; that no vendors are owed and that the financial condition of the University is strong.

Chairlady Wright called for **Agenda Item VI-D--Student Affairs Committee** report. There was no report from the Committee.

On call for **Agenda Item VI-E--Ad Hoc Committee on Salary Equity**, Chairlady Wright noted that there was no report from that Committee. President Lee stated that the Committee has not met since the last Board meeting and that there is need to have a final committee meeting with Dr. Gerald Polinsky and to resolve some issues. Chairlady Wright told the Trustees that the Committee has been meeting for about a year with the goal of ensuring that a fair and equitable salary schedule is in place; that the Committee will make sure that a salary schedule is in place prior to the beginning of the new fiscal year. She noted that University employees have been involved in the work that has been done and that a lot of activity has been taking place in an effort to meet the Board's demand that the administration bring forth a recommendation to incorporate whatever needs to go into the budget for next fiscal year.

Chairlady Wright called for the next three agenda items as a group or individually as they appear on the agenda. The items were taken individually. **Agenda Item VII--Rescission of Resolution Adopted May 12, 2000 for Move to NCAA Division I-A Status in Football**. Chairlady Wright asked President Lee to introduce the Item. President Lee stated that there is a need to get back on track regarding where the University is heading with the many matters that need to be addressed and that there are many reasons to rescind the resolution, one of which he stated is the mandate to start a program in women's soccer. He also stated that in moving to Division I-A, there would be a number of other sports that would have to be added which would be a drain on the already strapped financial resources. President Lee explained that taking the resolution off of the table did not mean that it would not be revisited. Following these comments, he read the resolution. **(Attachment 2)** Trustee Junkins spoke to the resolution and stated his concerns regarding the need for some work to be done on the dormitories, improvement of salaries for faculty and staff, the matter of the loss of some police officers and the need to get the students educated before they start playing sports. Following his comments, he moved that the resolution be rescinded. The motion was seconded by Trustee Cox. On the call for discussion, Trustee Jones inquired whether the language of the resolution was to move to Division I-A or to explore moving to that division.

President Lee and Chairlady Wright stated that the language was to move to I-A. On call for the vote, the motion to rescind the resolution was carried by majority vote. Voting aye were Trustees Cox, Crawley, Junkins, Reed and Wright. Voting nay was Trustee Crutcher. Trustee Jones abstained.

Chairlady Wright called for **Agenda Item VIII—Recision of Resolution Adopted May 12, 2000 for Master Plan for Multi-Use Stadium Complex and Museum**. President Lee commented that Trustee Junkins had adequately stated the reason for rescinding the resolution and that it is not his intention to do away with the prior resolution adopted by the Board but to make sure that the administration is on the right track with moving the University forward. He then read the recision resolution. (**Attachment 3**) It was moved by Trustee Reed that the resolution be rescinded. The motion died for lack of a second. Chairlady Wright noted that the original resolution stands.

Chairlady Wright called for **Agenda Item IX—Recision of Resolution Adopted May 12, 2000 for Hotel and Convention Center**. President Lee stated that the rationale is the same as for the previous two resolutions. Following his reading of the recision resolution, (**Attachment 4**) Chairlady Wright called for a motion. On motion by Trustee Junkins, second by Trustee Reed, and carried by majority vote, the resolution was rescinded. Voting aye were Trustees Cox, Junkins, Reed and Wright. Voting nay were Trustees Crawley and Crutcher. Trustee Jones abstained.

By consensus, the Board referred **Agenda Item X—Adoption of Resolution Authorizing Paving of Certain Designated Areas on Campus to Facilitate Parking** to the Finance and Properties Committee so that a proper recommendation can be presented to the Board. (**Attachment 5**)

Chairlady Wright called for **Agenda Item XI—Adoption of Resolution Authorizing Increase in Board Rate**. By consensus, the resolution was referred to the Finance and Properties Committee for a recommendation to be made to the Board (**Attachment 6**)

Agenda Item XII—Resolution to Suspend Exit Examination Requirement for Graduating Students. Chairlady Wright asked President Lee to introduce the Item. President Lee made comments regarding the number of students who have expressed concerns to him, Board members and/or vice presidents about their having completed all graduation requirements, except the exit examination and consequently not being cleared for graduation. He stated that it is borderline academic malpractice to send a student forward two weeks before graduation with a 3.2 GPA in the cognate, a cumulative 3.0+ GPA and an inability to pass a competency writing examination, an English Proficiency Examination or Nelson Denny Examination. President Lee indicated that something is wrong and that whatever is wrong needs to be fixed by the administration; that the administration needs to make sure the students are not being sold a false bill of goods. President Lee told the Trustees that he was offering a resolution, which he read, for consideration. (**Attachment 7**) He noted that he was not pointing the finger at anyone; that the administration is only asking for an opportunity to review the process to determine what is wrong and even to make a suggestion at this time that there be a policy that requires all students to pass all of the examinations the semester prior

to graduation; that he wants to make sure that the institution is the institution it is claimed to be; that he is not trying to give anyone a free ride but he wants there to be fairness across the board. Trustee Reed made comments regarding ASU having been involved with three major exit examinations court cases several years ago, one of which resulted in the State of Alabama being enjoined from requiring exit examinations because of the misapplication of them. He stressed that there should be some determination of what the ASU examination is to be used for so that it will not be misapplied and that a thorough examination of the test by test experts is the only way to assure that it is not misapplied. Following the discussion, Chairlady Wright called for a motion. Trustee Crawley moved that the resolution be adopted. The motion was seconded by Trustee Cox. On the call for discussion, Trustee Junkins inquired whether the Academic Affairs Committee was recommending the resolution to the Board. President Lee informed the Trustees that he had discussed the matter with the chair of the committee, but that the resolution was not being recommended to the Board by the Academic Affairs Committee; that he is concerned about what the University is doing, about its image and about allowing students to reach the point mentioned. Following discussion, Chairlady Wright called for the vote on the motion and it was carried by unanimous vote.

On call for **Agenda Item XIII—General Liability Insurance**, President Lee asked Vice President Leon Frazier to introduce the Item. Vice President Frazier reported that for some time the Board has expressed some concern regarding insurance coverage for officers of the University as well as for Trustees for exposure to liability; that at the last meeting the Board asked that some research be done and that a report be made to them. He noted that the results of the research was in their packets (**Attachment 8**); that Mr. Robert Duke of the Pinckard Agency was present to give additional information about the current policy and a proposed policy. Vice President Frazier told the Trustees that currently the University has errors and omissions coverage, a general liability policy, which is very limited. Mr. Duke gave information and definitions regarding the current errors and omissions coverage. He stated that the University currently is carrying an Educators Errors and Omissions policy which is an officers and directors liability policy which covers wrongful acts. He read from the policy what constitute wrongful acts and examples of wrongful acts. He informed the Trustees that a new policy is being proposed that will cover bodily injury and property damage. In response to question from Attorney Fred Gray, Sr., Mr. Duke indicated that there will be two policies—the officers and directors liability policy and a new policy—the bodily injury and property damage policy, which will broaden the coverage. In response to Trustee Crutcher's question, President Lee explained that the current policy covers wrongful acts involving employment primarily, and that what is being recommended is a policy that will cover other kinds of liability—bodily injury and property damage. Mr. Duke stated that EEOC claims would be covered under the Board of Directors coverage, but he indicated that he would hesitate to say that all of the EEOC claims are covered, in response to questions from Attorney Gray. Mr. Duke noted that the new policy would have worldwide coverage and it is very broad. Trustee Jones raised question regarding whether the immunity statutes had been researched to determine the amount of coverage needed. Attorney Gray indicated that in some instances there is substantial immunity coverage and in other cases there is no immunity coverage; that additional coverage is needed; that he had not seen the policy until this meeting and that he would like the opportunity to review with Mr. Duke the current policy, the cost of the policy, the policy that is being proposed and to determine whether the coverage

is sufficient for Trustees and employees. It was noted that no RFP has been requested for insurance coverage in response to question from Trustee Jones. Chairlady Wright stated that on the table is the request from the University Counsel to allow him the opportunity to meet with Mr. Duke and determine what the current coverage is as well as what is needed. Trustee Jones moved that the matter be deferred to University Counsel and for a RFP be put out with regard to any savings that may be possible with premiums and to make sure that there is adequate coverage for all areas for which it is needed. The motion was seconded by Trustee Reed. Discussion followed. Trustee Jones asked that the matter be taken care of with all due haste and that there be no policy lapses during the interim. Attorney Gray stated that he and Mr. Duke will move expeditiously. Trustee Reed asked for a consensus to have the insurance matter ready by the next 30 to 45 days with the understanding that any recommendations from Trustees for coverage and/or ideas to be explored would be sent to the President, the University Counsel or the Chairlady of the Board. Attorney Gray stated that if any Trustee knows of any agencies that would be willing to provide coverage for a higher education institution, they should notify Vice President Frazier. Chairlady Wright noted that there was consensus for the review of the insurance matter with the 30 to 45 days time frame and that a motion was on the table. On call for the vote, the motion was carried by unanimous vote.

Chairlady Wright called for **Agenda Item XIV—Report from Student Government Association**. Vice President Rick Drake informed the Trustees that there was no report from the SGA but that several of the newly elected officers were present. He requested permission for them to be introduced. Permission was given and the officers introduced themselves.

Agenda Item XV—Report from Faculty Senate. Chairlady Wright called for the report. Mr. John Ivery, Chairman of the Faculty Senate, reported on significant actions and recommendations made during the 2001-2002 academic year. In response to question from Trustee Crutcher, Mr. Ivery indicated that there is dialogue between the administration and the Faculty Senate. President Lee stated that there are no Senate requests that funds will not take care of. Senate Report is attached. (**Attachment 9**)

Chairlady Wright called for **Agenda Item XVI—Report from Non-Academic Staff Council**. Mrs. Jessyca Darrington, President of the Non-Academic Staff Council, informed the Trustees that she did not prepare a written report but that she would highlight some of the concerns of the Non-Academic Staff Council. She informed the Trustees that the Council had met with President Lee who indicated that he would be willing to work with them in any way that he can; that there are some major concerns regarding salary compensation across the board; that there had been discussion with the Board of Trustees and the administration; that there are concerns regarding receiving timely and accurate communication as it is transmitted from the Board to the President, to administrators and down to the Council. Mrs. Darrington asked that when major decisions are made that they affect fairly and equitably all of the employees. She told the Trustees that work continues on the revisions of the *Non-Academic Staff Handbook*; that there are concerns about the Polinsky Report and how results of that report will affect the staff employees; that there are rumors that certain departments and areas being outsourced; that she cannot accurately address those concerns because she does not have the information. She stated that if there are going to be some changes regarding

the structure of Board of Trustees with the Student Government Association having a non-voting member on the Board, the Non-Academic Staff Council would like to have a representative also, along with a Faculty Senate representative to make sure that their interests are represented. President Lee called to the attention of Mrs. Darrington and the Trustees a request that was made to him on behalf of the Council through one of the representatives regarding the matter of holidays not being observed by non-academic staff that are observed by other area institutions. Mrs. Darrington explained that one of the request to President Lee is that the Non-Academic staff be granted the Memorial Day Holiday as a day off, with the consent of the Board. She noted that the other local universities, along with local, state, and federal offices are closed; that it will not impact the academic program because the students and faculty are on break. Chairlady Wright commented that regarding the rumors in connection with the Polinsky Report that there has been no official release of anything from that report and no official recommendations from the administration to the Board regarding the Polinsky Report; that there has been no recommendation from the administration regarding outsourcing

Chairlady Wright stated that the request for a Memorial Day Holiday will have to be an action item for the Board. President Lee asked the Board to consider the request for the holiday. Trustee Reed moved that the employees be given Memorial Day off for this year and for a study to be made of the holidays schedule for the employees, as well as the annual leave policies and to make those schedules comparable to other institutions. The motion was second by Trustee Crawley. Trustee Jones amended the motion to indicate that the Memorial Day Holiday will be a paid holiday. Chairlady Wright called for the vote and the motion was carried unanimously.

President Lee informed the Trustees that he has received a letter from the French Consulate regarding eliminating French from the academic curriculum; he noted that there has been no recommendation to the Board regarding taking French out of the curriculum.

Chairlady Wright called for a 10-minute break at 3:00 p.m. to be followed by the **Executive Session—Agenda Item XV**—to discuss the good name and character of individuals and pending legal matters.

The Board reconvened in open session at 4:50 p.m. Chairlady Wright requested President Lee to give the **Report from the Executive Session—Agenda Item XVIII**. President Lee stated that there was nothing to report out of the Executive Session.

Chairlady Wright called for **Agenda Item XIX—Personnel Actions**. President Lee informed the Trustees that he offered the list each had for recommendations for promotions in the various ranks for certain faculty members. On motion by Trustee Jones, second by Trustee Reed, the **Recommendations for Promotion in Academic Rank—Agenda Item XIX-A (Attachment 10)** was approved by unanimous vote. President Lee offered the recommendations and requested authorization to award tenure to certain faculty members. On motion by Trustee Reed, second by Trustee Jones and carried by unanimous vote, the **Faculty Tenure Recommendations** were

approved—**Agenda Item XIX-B. (Attachment 11)** President Lee offered for consideration a list of Non-Academic New Hires, which are replacements, who have been employed according to the policies and procedures of the University. On motion by Trustee Crawley, second by Trustee Jones, and carried by unanimous vote, the **Non-Academic New Hires** were approved—**Agenda Item XIX-D. (Attachment 12)** The Board accepted the report of **Academic and Non-Academic Separations—Agenda Items XIX-C and XIX-E. (Attachment 13)** President Lee indicated that no action can be taken other than to express sincere regret on the death of Mr. Thomas Carrington—**Agenda Item XIX-F Deceased Employees. (Attachment 14)** Chairlady Wright offered the Board's condolence to the family and loved ones of Mr. Carrington. Trustee Reed asked that the same thing be done to the family and loved ones of Dr. James A. Smith, a former Board member. Chairlady Wright offered the Board's condolence to the Smith Family.

Agenda XX—Other Business. Chairlady Wright called for the **Police Department Salary Increase Request.** President Lee made comments regarding the loss of several veteran police officers to other police forces, the airport and other institutions. He stated that he has been working with Personnel and a plan has been worked out that will require certification of an additional \$28,000 to make some necessary changes in grade and step to bring our officers in line with competing institutions in the area for the rest of the year. He noted that \$53,000 will be needed for the next fiscal year to maintain the same caliber of support for the Police Department. He stated that he was offering this emergency request to the Board for support to remedy the situation by making some adjustments to the officers' salaries. Trustee Reed moved that the Board authorize the President to reclassify the police officers consistent with the Montgomery Police Department salary schedule and that the Finance committee be directed to look at the budget and find the appropriate place for paying the salaries. The motion was seconded by Trustee Cox. On call for questions, Trustee Jones inquired about the amount of funds needed and whether the ASU police salary schedule would change if the Montgomery Police Department salary schedule changed. President Lee responded that he did not think it would. On call for the vote, the motion was carried by unanimous vote.

Chairlady Wright called for the next item, the **Resolution Commending Horace Crump and the Women Track Program.** President Lee offered the resolution which he read for Board of Trustees consideration. On motion by Trustee Reed, second by Trustee Cox, and carried by unanimous vote, the resolution was adopted. **(Attachment 15)**

President Lee informed the Trustees that each has been given a copy of the **Alabama State University Intercollegiate Athletics Program Financial Statements, September 30, 2001 and 2000**, an audit from Banks, Finley, White & Company, for information. He noted that the audit was received a couple of days ago and if there were any questions, they would be addressed.

Chairlady Wright called for the last item—**Discussion of the Forensic Sciences Building.** Trustee Crutcher commented that he wants the full Board to be knowledgeable about the planning for the building and for the Board to have input on the selection of any professional contractor or professional consultant. Following other comments he made, Trustee Crutcher moved that the full Board have input and approval authority over any activities that affect or represent actions taken by


the Board of Trustees. The motion died for lack of a second. Trustee Reed called for order of the day. There was discussion regarding a clerk of works for the project, the hiring of a construction manager, the jurisdiction of the Department of Forensic Sciences, who would be the owner of the land and the building, and joint use of the building. Attorney Gray commented that the Forensic Sciences facility cannot be understood unless Act #98-391 is understood, which Act sets up a corporation, of certain named State officials, to carry out the Act; that ASU is mentioned only once in the Act. He read the portion of the Act that mentions ASU. He noted that ASU would own the land and would get the funds from the Public School and College Authority (PSCA) to purchase it; that in order for the project to work smoothly, that ASU and Forensic Sciences Department people will have to work out all of the details; that the Act does not give ASU any authority to do anything. President Lee indicated that ASU will clearly occupy part of the facility and will have programmatic efforts working in conjunction with the Forensic Sciences program. Trustee Jones suggested that when negotiations take place that there be some agreement that ASU will continue to own the land in perpetuity. Trustee Crutcher stated that he wants all of the Trustees to know what is happening and to have input regarding whatever affects the Board. Chairlady Wright noted his concern.

Trustee Reed asked that the President explore the teaching of Spanish; that everyone in teacher education ought to take a course in Spanish and that it be a part of the curriculum for the future. He commented that because of the tremendous cost of insurance for employees, he requested that the President evaluate and determine whether the ASU employees should come under the PHEEP program (the State insurance program) and whether or not there can be some of kind of insurance consortium between the four-year colleges and universities across the State of Alabama to try to reduce and keep the rates low. Trustee Reed asked the President to look at the current policy, and the state plan and explore the possibility of a consortium with other universities.

Chairlady Wright called for a five-minute recess. Following the recess, the meeting was recessed at 5:20 p.m. until call of the chair.

Joe A. Lee, Secretary to the Board of Trustees
and President of the University

APPROVED



Catherine W. Wright, Chairlady
Board of Trustees for Alabama State University