## BOARD OF TRUSTEES FOR ALABAMA STATE UNIVERSITY REGULAR MEETING SEPTEMBER 20, 2002

The regular meeting of the Board of Trustees was held on September 20, 2002 in the Board Room of the Joe L. Reed Acadome. The meeting was called to order at 10:00 a.m. by Chairlady Catherine W. Wright-Agenda Item I. In attendance were Trustees James C. Cox, Thomas H. Figures, Buford Crutcher, Toreatha M. Johnson, Bobby M. Junkins, Lister H. Proctor and Joe L. Reed. Absent were Trustees Robert A. Jones, Jr. and Patsy B. Parker. Chairlady Wright declared a quorum present. Also in attendance were President Joe A. Lee, Vice Presidents William Brock, Ricky Drake, Leon Frazier, Freddie Gallot, Jr., Evelyn White, Athletics Director Rob Spivery, and Assistant Vice President for Academic Affairs Alfred S. Smith.

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

Chairlady Wright called for adoption of the agenda-Agenda Item III, and indicated that there were some changes to be made to the agenda. President Lee asked that Agenda Item VII-Report on General Liability Insurance be deleted. He informed the Board that it had been reported to him that the insurance had been renewed and that no further discussion is required. He also asked that Agenda Item VIII-Resolution for Employees to Accrue Unlimited Sick Leave, a matter that involved a piece of legislation from last year, be deleted from the agenda; that the resolution was not mailed to the Board in time for the Item to be dealt with at this meeting, but that the matter will have to be addressed at a later meeting. Trustee Reed asked that an Item-Filling Vacancy- be added to the agenda following the adoption of the minutes of May 9, 2002-Agenda Item IV. He noted that the vice-chair position is vacant. Chairlady Wright stated that the Item would be numbered Agenda Item IV-A--Filling of Vacancy of Vice Chair Position. She noted that the vacancy results from former Trustee Maxine Coley not being reappointed to the Board. Trustee Johnson asked that Agenda Item VI-B--Academic Affairs Committee Report be deleted, as there would be no report from that committee. On inquiry from Trustee Reed, Chairlady Wright indicated that as a member of the Student Affairs Committee, she would report for the Committee in the absence of Trustee Patsy Parker. Chairlady Wright called for adoption of the agenda. On motion by Trustee Johnson, second by Trustee Cox, the amended agenda was adopted by unanimous vote.

Agenda Item IV-Adoption of Minutes of May 9, 2002 Meeting. Chairlady Wright called for adoption of the May 9, 2002 Minutes. It was moved by Trustee Reed, seconded by Trustee Cox, that the minutes be adopted. Trustee Johnson inquired whether a study had been done for a report to be given to the Board in the Fall, as recorded in the May 9, 2002 Minutes, in connection with the suspension of the 2.2 GPA. President Lee responded that the study has been done and that the suspension is to be for just one year, after which it will revert back to the 2.2 GPA requirement; that the recommendation to revert back to the 2.2 GPA was to have been made to the Academic Affairs Committee if that Committee had met. On call for the vote, the minutes were adopted by majority vote. Voting aye were Trustees Cox, Crutcher, Johnson, Junkins, Proctor, Reed, and Wright. Trustee Figures abstained.

Chairlady Wright indicated that the next order of business would be **Filling of Vacancy of Vice Chair Position–Agenda Item IV-A**. She asked the Board to consider Trustee Johnson to fill the seat, and stated that it was a motion. Trustee Reed seconded the motion. On call for the vote, the motion was carried unanimously.

Chairlady Wright called for the **President's Report-Agenda Item V**. President Lee began his report by indicating that his first year has been a great one, one with some drama, one during which some significant changes have been made; that many challenges have been addressed and a lot of work remains to be done; that after an extended search, the administration was able to attract Dr. Evelyn White, who joined the administration on September 2, 2002 as Vice President for Academic Affairs. He introduced Dr. White. (Attachment One—President's Report)

Trustee Johnson called for a point of order. She noted that a vacancy has occurred on the Executive Committee; that she was already on the Executive Committee and that as a result of being elected Vice Chair, the seat she previously held is vacant. Chairlady Wright opened the nomination and Trustee Johnson nominated Trustee Reed to serve on the Executive Committee, Trustee Cox seconded the motion which was carried by majority vote. Voting aye were Trustee Cox, Crutcher, Figures, Johnson, Junkins, Proctor and Wright. Trustee Reed abstained. Chairlady Wright noted that the Executive Committee members are Trustees Johnson, Jones, Reed and the Chairlady.

Chairlady Wright noted that another item of business will be the swearing-in of two new Trustees and the Vice Chair as soon as the oath is delivered to the meeting.

Chairlady Wright called for Committee Reports-Agenda Item VI. She noted that there will be no Report from the Executive Committee—Agenda Item VI-A.

On call for the Report of the Student Affairs Committee—Agenda Item VI-C, Chairlady Wright made the report as a member of the Committee. She indicated that Trustee Parker has been very thorough as Chairlady of the Committee in determining the needs of the Student Affairs area. She stated that Trustee Parker brought many recommendations to the Board to resolve many of the critical needs of students and for needed dormitory repairs; that she maintained a record of completed repairs. Interim Vice President Drake expressed appreciation to the Physical Plant staff for the support given to the Student Affairs Committee and he noted that two other priorities of the Committee are (1) to restore resident assistants (RAs) in the dormitories (2) to get furniture in the Student Affairs offices. He noted that work is being done on both items.

Chairlady Wright asked the Board if they would pause for a moment from the business discussion so that the new Trustees, Thomas H. Figures and Lister H. Proctor, could be sworn in Upon her request, Judge Bobby Junkins swore them in.

Chairlady Wright called for **Agenda Item VI-D—Salary Equity Committee Report**.

Trustee Johnson, Chairlady of the Committee, reported that the Committee and the President met

September 4<sup>th</sup> and 5<sup>th</sup> in a one and a half day work session. The purposes of the work sessions were to review the Pappas Report, to define the implications it might have for salary equity and - reclassifications of some positions and for development of a new organization chart for the Division of Institutional Advancement, the area for which the Pappas Consulting Group did the evaluation and assessment. She expressed her appreciation to President Lee for his being well-prepared for the sessions and to Trustee Reed for presiding several times when she was ill. She informed the Board that three documents were in their folders—(1) a complete copy of the minutes of the committee deliberations, (2) a copy of the Pappas Report, particularly for the new members, and (3) a copy of results of the Committee's work in the form of recommendations to the Board, to be acted upon at She then read the recommendations—labeled Board of Trustees Salary Equity the meeting. Committee and University President Recommendations Regarding the Pappas Report—being made She noted that the recommendations are so labeled because they are joint recommendations from both the Committee and the President. (Attachment Two—Salary Equity Committee Report) Trustee Johnson stated that she would be reading the recommendations made by the Pappas Consulting Group and the Committee's actions on each.

She next informed the Board of the Committee's focus on reclassifications because of the deletions of some positions and the additions of others. She read the Committee's recommendations for reclassifications. (Attachment Two—Salary Equity Committee Report)

Trustee Johnson told the Board that on the second day, the Committee looked at the impact of their actions and where the Committee stood on salary equity; of the Committee's desire to make some steps forward in meeting the equity issues. She read the salary equity recommendations. (Attachment Two-Salary Equity Committee Report). There being no questions regarding the report, Trustee Johnson moved that the report be accepted and approved. The motion was seconded by Trustees Figures and Reed. On call for questions or discussion, Trustee Crutcher raised questions regarding recommendations 10 and 11. Trustee Johnson called attention to page 13 of the Pappas Report which gives the rationale for the recommendations, and she stated that at present WVAS and the Golden Ambassadors are in the Institutional Advancement area She asked President Lee to speak to Trustee Crutcher's question. President Lee confirmed that those units are in Institutional Advancement currently; that the Pappas Report recommended that the radio station be a part of the Communications Media Department for maximizing the potential research opportunities and for the availability of those services to students as the academic aspect of the program is dealt with; that the Golden Ambassadors are also in Institutional Advancement under the Assistant Vice President. In response to Trustee Crutcher's question, Trustee Johnson stated that the committee discussion pertaining to those units focused on where the units would be more accessible and where would be the appropriate area for training the students; that it was determined that if the radio station is in the Department of Communications Media, it would provide extension to the experiences that the communications students are having; that regarding the Golden Ambassadors, it was determined that their activities were a function of Student Affair; that the Golden Ambassadors are students who serve as representatives of the University and that they would be more effective in equating what they are doing with what Student Affairs needs. She noted that

the recommendations are to be effective as of the adoption by the Board but the actual implementation will be left to the President who will implement them as appropriate; that there are some the President believes he will be able to implement immediately, others will probably not be implemented until later in the year. She noted that the Committee asked that the President expedite the recommendations as quickly as possible. Chairlady Wright called for the vote to adopt the recommendations of the Salary Equity Committee. The motion adopting the recommendations was carried by majority vote. Voting aye were Trustees Cox, Figures, Johnson, Junkins, Proctor, Reed, Wright. Trustee Crutcher abstained.

Chairlady Wright commended the Committee, the President and his staff for the long hours of work done.

Agenda Item VI-E--Finance and Properties Committee. Chairlady Wright called for the Committee report. Trustee Reed, Chair of the Committee, commended the President, his staff and Mr. Gallot for putting together the finance report. Trustee Reed first asked that the current year budget be amended in the amount of \$124,427 to cover some outstanding legal fees-Agenda Item VI-E1. He noted that the funds will be taken from unfilled vacancies in this year's budget; that if none exist, the funds will be taken from the Board of Trustees budget after all debts are paid for the current year. Trustee Reed moved that the current year budget be amended. In response to question from Trustee Figures regarding whether it would be appropriate for him to vote in that some of the legal fees may include some litigation in connection with his appointment to the Board in 1998, Attorney Gray stated that he was not familiar with the fees for the attorney, but he would be willing Trustee Reed indicated that the fees involved litigation pertaining to Board members over the years, which have not been paid. A copy of the invoices for legal fees in support of the resolution (Attachment Three A) was given to Attorney Gray who gave the fee amounts as follows: Beers and Anderson -- \$28,307.50; Franco and Copeland --\$5,919.00; Gardner, Middlebrooks, Gibbons \$48,000.00 and the Pappas Group -- \$42,200.00. Attorney Gray stated that he was familiar with the Pappas fee and gave detailed information about that invoice. In response to Trustee Crutcher request, Chairlady Wright stated that he would be given a copy of the invoices. Trustees Reed informed the Board that the Beers and Anderson invoice involved litigation for Jerome Tucker and Thomas Figures and for representing the Chair in the case of whether a person was eligible sit on the Board; that the Copeland and Franco invoice involved the challenge of whether he (Trustee Reed) was eligible to sit on the Board; that the Gardner, Middlebrook and Givans invoice involved Patsy Parker and some other trustees who were challenged some time ago. Trustee Reed noted that the only case that Figures was involved in was Beers and Anderson. In response to Trustees Figures' question as to whether he should vote on the resolution, Attorney Gray stated he did not think any member voting on it even though, under the circumstances, they may or may not have been the object of the litigation, they were not the one who brought the litigation, that in the final analysis it would be a matter that the individual would have to determine. Attorney Gray noted that the expenses that the University incurred were legitimate, proper bills and should be paid. Trustee Reed moved that the invoices be paid, Trustee Cox seconded the motion. Much discussion followed. On call for the vote, the motion was carried by majority vote. Voting aye were Trustees Cox, Figures, Johnson, Junkins, Proctor, Reed and Wright. Voting nay was Trustee

Crutcher.

Trustee Reed noted that at the last Board meeting, a board rate was referred to the Finance Committee; that the Committee met, talked with the President and his staff and is recommending that the rate be increased by \$50.00 per semester, effective January, 2003. (Attachment Three B) Trustee Reed noted that the passage of the increase impacts the current budget and has to be passed before the budget for 2002-2003 can be fully effected. On motion by Trustee Reed, second by Trustee Johnson, the increase in the board rate for students, effective January, 2003, was carried by unanimous vote.

Agenda Item VI-E3--2003 Fiscal Year Budget. Trustee Reed presented the budget on behalf of the Finance Committee composed of Trustees Wright, Reed, Proctor and Jones, He emphasized that the budget was put together essentially through the administration with the information supplied and working together; that the budget was passed by the Finance Committee and is being presented to the Board for adoption. Trustee Reed made comments about the very serious financial condition of the University prior to President Lee becoming President. Trustee Reed stated that the financial condition is not 100 percent in order but is much improved in resolving some of the financial problems. He noted that the 2002-2003 budget is approximately \$89,000,000+, the largest budget the University has ever had; that it is funded primarily through tuition, room and board fees, state appropriation, and federal grants and projects; that it is much like the 2001-2002 budget, except for responding to some of the Salary Equity Committee recommendations. He told the Board of the inequities which still exist which the Finance Committee hopes can be brought to closure next year. He informed the Board that the conclusion by the President and the Salary Equity Committee was that no employee's salary would be cut and that every employee would move somewhere on the salary schedule. He noted that ASU is not taking in enough money and that ways will have to be found for this to happen; that there has to be an increase in tuition and state appropriations. Trustee Reed gave information regarding how some of the financial problems of last year were resolved by the University borrowing \$9,000,000 and how the funds were used. He told the Board that the budget has a special appropriation for a Drop-Out Prevention Center, which funding is over the amount the University received.

President Lee commented that there is not enough money; that when all of the requests were looked at, they were about \$15,000,000 above available funds; that ASU was the only institution of the 17 state institutions that did not raise tuition; that ways of increasing revenue are going to have to be looked at; that it is a struggle trying to allocate resources to address the needs regarding salaries, travel, faculty development, and student affairs. President Lee stated that there was an increase in insurance for officers and liability coverage. He asked Vice President Freddie Gallot to give additional information about the budget preparation. Vice President Gallot stated that salaries were adjusted in the area of police and security; that adjustments were made for consultants brought in to look at the post-implementation of the MIS/SCT system; that additional funding was provided for Student Affairs for RAs, for discretionary money for the Student Government Association (SGA), and for furniture for the Student Affairs area. President Lee gave information regarding the Southern Association of Colleges and Schools (SACS) mandate that required additional funding adjustments.

There were no other questions and Trustee Reed moved that the budget be adopted, seconded by Trustee Figures, and carried by majority vote. Voting aye were Trustees Cox, Figures, Johnson, Junkins, Proctor, Reed and Wright. Trustee Crutcher abstained. (**Budgets Distributed**)

Trustee Reed asked Vice President Gallot to make comments about the Resolution for Post-Implementation. Vice President Gallot explained that there was need to employ a consultant to do the Post-Implementation review for the SCT System; that a RFP has been issued and the proposals have come back, but the committee selected to review them has not met; that the committee is not in position to make a recommendation to the Board at this time. He read the resolution (Attachment Three C) which authorized the Finance and Properties Committee to approve the administration's recommendation of the selected consultant to perform the review. Trustees Reed explained that action needs to be taken on the matter before the Board meets again, and that authorization is being requested from the Board for the Finance Committee to make the selection. It was noted that two firms-Ernst and Young and Banks, Finley and White—have submitted proposals. Trustee Crutcher indicated that information needs to be sent to Trustees in a timely manner for review. On motion by Trustee Reed, second by Trustee Johnson, the motion was carried by unanimous vote.

Chairlady Wright called on Trustee Reed to make comments about the food service contract matter. Trustee Reed stated that the food service contract for Gourmet has been pending for some time and the Finance Committee is recommending that the Resolution for Authorization to Increase the Food Service Contract be approved for one year so that Gourmet can be paid. (Attachment Three D) At the end of the contract period, the administration will put out an RFP for food services for a three-year period. Chairlady Wright explained that the contract for Gourmet has been being approved year by year for the two previous years; that this will be the third year that the company would be working without a contract, if the resolution is not approved; that the administration would be back in the proper cycle when the RFP is put out. Following discussion, it was moved by Trustee Reed, seconded by Trustee Johnson, and carried by majority vote that the food service contract be approved. Voting aye were Trustees Cox, Johnson, Junlans, Proctor, Reed, Wright. Trustee Figures abstained.

President Lee introduced an item that he stated he did not know he had to bring before the Board for approval. He gave information about the RFP that was put out several months ago for pouring rights for soft drinks and water. He stated that Coca Cola and Buffalo Rock submitted proposals which were reviewed by him and the Administrative Council; that all benefits were, weighed them against past and current activity and the national potential for the University to get some additional support; that the administration is recommending Coca Cola USA for the pouring rights on campus. He stated that they requested a 10-year contract but agreed to the 7-year contract proposed by the administration; that for the total term of the contract, there would be in excess of \$1.6 million in benefits from Coca Cola through vending, equipment in the dining hall, commissions, scoreboards, and marketing value, and establishment of a relationship with the national office in Atlanta for the University's fund raising efforts. There was discussion regarding the company having exclusive pouring rights for the entire campus and the matter of requiring

Gourmet, the food service provider, to use Coca Cola products only. It was noted that the attorney had not seen the proposal and need to review it. Chairlady Wright stated that the amount of - unreadiness expressed by Trustees suggests to her that the Board does not seem to be ready for a vote on the resolution. She asked that information be provided to all of the Trustees; that the attorney look at the proposal and give his finding to the Board. Following President Lee's comments, Trustee Reed made comments and expressed concerns about whether Coca Cola can be exclusive in regards to Gourmet Services operations which is contracted as a provider. Trustee Figures stated that there may be some legal implications. Chairlady Wright asked Attorney Gray to look into the matter and provide information to the Board. She suggested that the Executive Committee can deal with the matter if time is a factor. Trustee Crutcher moved that the President's recommendation be approved to contract with Coca Cola for exclusive pouring rights. After brief discussion, Trustee Crutcher amended his motion to state that the recommendation be approved if there is no negative finding by the attorney, and if none, then the President can go forward with the contract. Trustees Reed expressed concern regarding only Coca Cola products being on campus. Trustee Proctor made comments about exclusivity at other venues and getting the best deal for the University. In response to question from Trustee Proctor, Attorney Gray stated that he was being asked to review the proposed contract and determine if it is legal, and if legal, the President would be authorized to enter into the agreement. The motion was seconded by Trustee Figures. Chairlady Wright called for any other unreadiness or questions. Trustee Reed amended the motion to exclude Gourmet and the Snack Bar from the proposed Coca Cola pouring contract. There was no second to Trustee Reed's amended motion, which died. After further discussion. Trustee Reed made a friendly deletion to his motion to exclude the word "Gourmet" and replace it with "food service contract and the Snack Bar." Trustee Figures seconded the motion. On call for the vote, the amended motion was carried by majority vote. Voting aye were Trustees Reed, Proctor, Junkins and Figures. Voting nay were Trustees Cox, Crutcher and Wright. Trustee Johnson abstained. Chairlady Wright called for the vote on the main motion, as amended, to exclude food services and the Snack Bar from the proposed Coca Cola contract. The motion was carried by unanimous vote.

Agenda Item IX—Report on Study of Holiday Schedule for Non-Academic Staff. President Lee asked Personnel Director Olan Wesley to present the resolution. Personnel Director Wesley informed the Board that before them was a report for consideration for Memorial Day to be added to the listing of paid holidays to be observed by the University. The handout included a listing of other public universities that currently observe Memorial Day. (Attachment Four) Trustee Johnson moved the adoption of the recommendation that the University will add Memorial Day as a university-observed holiday. The motion was seconded by Trustee Cox, and carried by unanimous vote

The meeting was recessed at 12:50 p.m. for lunch.

The Board reconvened at 1:40 p.m. Chairlady Wright told the Board that she had been informed that there is one more matter for consideration before the Board goes into Executive Session. Trustee Reed stated that the matter concerns authorization to establish a Drop-Out

Prevention Center. He noted that the Legislature has allocated a special appropriation for the program which has been included in the approved 2002-2003 budget. Trustee Reed presented the mission statement which gives the purpose of the Center and indicates what the University will be doing, for Board approval. On motion by Trustee Reed, second by Trustee Junkins, the motion was carried by unanimous vote. Voting aye were Cox, Figures, Johnson, Junkins, Proctor, Reed and Wright. Trustee Crutcher was out of the room during the vote. (Attachment Five)

Agenda Item X—Executive Session. The Board went into Executive Session at 1:43 p.m. to discuss the good name and character of individuals, and legal issues. The Board reconvened out of Executive Session and President Lee was called on to give the Report from the Executive Session—Agenda Item XI. President Lee indicated that there was no report from that Executive Session.

Chairlady Wright called for Agenda Item XII-Personnel Actions. She asked that Agenda Item XII-F be presented. President Lee informed the Board that he has been diligently working to recruit an athletics director for the University and that by resolution he was asking the Board to reclassify the position of Athletics Director to an unclassified position. (Attachment Six) In response to question from Trustee Figures, President Lee stated that he was not equating the reclassification to Senior Manager III, Step II. In response to question from Trustee Reed, President Lee stated that he was possibly reclassifying for a salary change. In response to question from Trustee Figures, President Lee stated that the salary change would enable him to negotiate to bring in the best person for the job. In response to question from Trustee Reed, President Lee said that the results would be the same to get the best person for the job. In response to question from Trustee Johnson regarding a stipulated amount, President Lee stated that salary would be negotiated at the best one for the institution. Following comments by Trustee Reed regarding salaries being fixed by a schedule or action approved by the Board, Chairlady Wright called for the vote. Voting age on the recommendation were Trustees Cox, Crutcher and Wright. Voting nay were Trustees Figures, Junkins, Proctor and Reed. Chairlady Wright stated that the motion died. President Lee asked to make a statement and told the Board that the action taken was an affront to the authority the Board placed in him and that he would have to make decisions based on the vote just taken about his future with the University.

Chairlady Wright called for Agenda Item XII-F—Faculty Tenure Recommendation for Dr. Ronald A Lindahl. On motion by Trustee Johnson, second by Trustee Proctor, the recommendation was approved, and carried by unanimous vote. (Attachment Seven)

On motion by Trustee Crutcher, second by Trustee Johnson and carried by unanimous vote the New Academic Hires were approved by unanimous vote—Agenda Item XII-B. On motion by Trustee Johnson, second by Trustee Figures and carried by unanimous vote, the New Non-Academic Hires were approved by unanimous vote—Agenda Item XII-C. Chairlady Wright indicated that Agenda Item XII-D—Academic Separations, Agenda Item XII-E—Non -Academic Separations and Agenda Item XII-G—Deceased Employees were received.

Chairlady Wright called for **Agenda Item-XIII-Report from the Student Government Association (SGA).** The report was made by Ms. Kennesaw, Vice President of the SGA. She distributed a list of SGA accomplishments and concerns. Chairlady Wright informed Ms.

Kennesaw that it would be appropriate for the administration to act on student concerns before they are brought to the Board.

Agenda Item XIV—Report from the Faculty Senate. The Faculty Senate report was given by Dr. Derryn Moten, President of the Senate. He expressed on behalf of the faculty concerned and disappointment that some faculty members did not receive raises. He spoke about the disproportionate salaries of faculty members with the same rank Chairlady Wright explained that COLA raises were given to all employees. She asked the Faculty Senate to make their concerns known to the administration prior to Board meetings and that those issues would be addressed

There was no report from the Non-Academic Staff Council-Agenda Item XV.

Vice President Frazier informed Chairlady Wright that he had the RFP and proposals for the SCT Post-Implementation that the Board requested. The documents were distributed.

There was no other business to come before the Board and Trustee Reed moved that the meeting be adjourned at 4:00 p.m.

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

APPROVED

Catherine W. Wright, Chairlady

Board of Trustees for Alabama State University

## BOARD OF TRUSTEES FOR ALABAMA STATE UNIVERSITY REGULAR MEETING SEPTEMBER 20, 2002 ACADOME BOARD ROOM 10:00 A. M.

## AGENDA

I.

Call to Order

G. Deceased Employees

XII.

Report from the Student Government Association

II.	Invocation
III.	Adoption of the Agenda
IV.	Adoption of Minutes of May 9, 2002 Meeting
V.	President's Report
VI.	Committee Reports  A. Executive Committee  B. Academic Affairs Committee  C. Student Affairs Committee  D. Salary Equity Committee  E. Finance and Properties Committee  1. Amendment to Current Year Budget  2. Increase in Board Rate  3. 2002-2003 Fiscal Year Budget
VII.	Report on Study of Holiday Schedule for Non-Academic Staff
VIII.	Executive Session
IX.	Report from Executive Session
Xī.	Personnel Actions A. Faculty Tenure Recommendation B. New Academic Hires C. New Non-Academic Hires D. Academic Separations E. Non-Academic Separations F. Resolution to Reclassify Athletic Director

 $XIII. \quad Report \ from \ the \ Faculty \ Senate$ 

XIV. Report from the Non-Academic Staff Council

XV. Other Business

XVI. Adjourmnent