

MINUTES

The Board of Trustees

Temple University - Of The Commonwealth System of Higher Education

Tuesday, May 10, 1988

3:00 P.M., Room 200, Feinstone Lounge, Sullivan Hall
Park and Berks Malls

Attendance:

Members - Richard J. Fox, Chairman; Gail M. Barsky,
Patricia J. Clifford, John J. Contoudis, Paul A. Dandridge,
Peter D. DePaul, Louis J. Esposito, D. Donald Jamieson,
Irving K. Kessler, Harold E. Kohn, Mitchell G. Leibovitz,
Peter J. Liacouras, Edward F. Mannino, Henry H. Nichols,
Milton L. Rock, Edward H. Rosen, Charles F. Schalch,
Isadore A. Shrager

being a quorum of the Board of Trustees;

Ex Officio Member - Dr. Charles Fuget, Commissioner of Higher
Education (representing Secretary of Education
Thomas K. Gilhool)

Honorary Life Trustees - Paul R. Anderson, William L. Rafsky

Invited Guests - Faculty - Judith Goode, Robert Leahy,
Diane Maleson, William Woodward

Students - Barbara Cheyney, Clarence Tony Thurmond
Krajewski, Jay Messenger, Susan Pipes

Administration and Staff - Barbara L. Brownstein, Richard A. Chant,
Steven R. Derby, Martin Goldberg, Leon S. Malmud,
Robert G. Scanlon, H. Patrick Swygert, Michael K. Jhin,
David V. Randall, James W. Hilty, Kathy Gosliner,
James Harkness, William G. Sites, Sandra Featherman,
Beverly L. Breese, William C. Seyler

General Counsel - Peter Mattoon

Office of University Counsel - Stephen Bosch

Members Absent - Francis J. Catania, Bill Cosby, Chaka Fattah,
Howard Gittis, Lewis F. Gould, Jr., Lacy H. Hunt,
Clifford Scott Green, K. Leroy Irvis, Hillel S. Levinson,
Brian J. O'Neill, R. Anderson Pew, William W. Rieger,
Anthony J. Scirica, Murray H. Shusterman, Clare L. Wofford

(Secretary's Note: The Board met at 3:00 P.M., in 200 Sullivan
Hall in Executive Session to receive a privileged legal opinion
regarding the proposal to establish the Pennsylvania Public Interest
Research Group, Inc., Item 13 of the Agenda. Following the Executive
Session, the Board convened in Public Session at 3:40 P.M.)

PUBLIC SESSION

The meeting was opened with prayer by Dr. Henry H. Nichols.

The Chairman of the Board, Mr. Fox, introduced and welcomed Dr. Charles Fuget, Commissioner of Higher Education of the Commonwealth, representing Secretary of Education Thomas K. Gilhool, and Honorary Life Trustees Paul R. Anderson and William L. Rafsky.

The Chairman also introduced and welcomed the guests from the faculty and the student body.

ACTIONS OF THE BOARD OF TRUSTEES

1. Approval of Minutes - Regular Meeting of March 8, 1988

On motion duly made and seconded, the Minutes of the Regular Meeting of March 8, 1988 were approved as previously mailed to the members.

2. President's Report

President Liacouras said that his report will concentrate on the "Chronic Underfunding" of the University, but he does want to cover a couple of other matters first.

A. Cancellation of Trip to Japan: The President said that as a result of our budgetary situation and our efforts to receive fair funding from the State and the City, we are cancelling the June 10-18 trip for University representatives to attend the Commencement of our Temple-Japan program. In September such a trip will be made, at which time the University will explore with a Board Committee the feasibility of expanding our Temple-Japan Program from its size of 1100 students to a size of 5,000 students. Obviously, if we believe that expansion is feasible, we will come through the entire Board before making such a momentous commitment.

B. The Penn-PIRG Proposal: The President commended the student leadership for working very effectively over the past year on behalf of the Penn-PIRG proposal. Regardless of the outcome, the interest of our students in increasing numbers to participate in decision making reflects great credit on our student body. The reason this matter is coming before the Board of Trustees is that the proposal has a check-off system on students' tuition bills. Any matter that affects tuition or the General Activities Fee, in the President's judgment, is a Trustees matter. That is why this Proposal was sent to the Board. The President has refrained from making any comment, other than factual ones. He thanked various Board Committees and groups who have worked very hard on this issue. He congratulated everyone for participating in the decision making process.

C. Status of Special Committees and Task Forces: The President referred to the Presidential Committee to recommend policy on "Smoking at Temple University," (chaired by Dr. Scanlon); the Presidential Committee on "Day Care at Temple University" (chaired by Dr. Featherman); the Presidential Committee on "Policies and Procedures Concerning AIDS" (chaired by Provost Brownstein). He expects that there will be reports on all of these matters at the June 23 meeting of the Executive Committee, to which all Board Members will be invited.

D. Thanks to Student and Faculty Leadership: The President thanked student and faculty leadership for their work during the past year, and he particularly noted Professor Judith Goode, outgoing president of the Faculty Senate, who was always a joy to work with, and whose approach was always constructive. The President is looking forward to working with the incoming president of the Faculty Senate, Professor William Woodward.

E. Report on The Academic Plan and the New Core Curriculum: The President said that at the June 23 meeting, Trustees will receive an update on The Academic Plan and where we are on implementing the Plan. There will also be a briefing on the New Core Curriculum, its impact on enrollment, the kinds of students coming to Temple University, and its impact on future Temple students.

F. Status of Task Force Reports: The President referred to the Task Forces on the East Campus Development Project, on the Wilkie Site, and on Intercollegiate Athletics, noting that for the June 23 meeting there should be some administratively proposed suggestions as to how we should proceed on these matters.

G. Report on Admissions: The President said that based on every reliable datum, as well as past experience, admissions will be at least even with last year. This is good news, especially in view of the drop in 18-year olds and high school graduates in this area. The Freshman Class appears to be at least 8% larger. There are many reasons for this, including the strengthening of Temple University academically-- and the success of the basketball team did not hurt. We actually have stronger admissions.

H. Nomination of Dr. Leon S. Malmud as Vice President for Health Sciences Center: The President referred to a later nomination by the Committee on Trustees of Dr. Leon S. Malmud as Vice President for Health Sciences Center, noting that if the Board does elect him, we will be fortunate to have Dr. Malmud in this important position.

I. Proposal for an Appropriation of \$5 Million to Temple University's Hospital for Free and Unreimbursed Health Care to Residents of Philadelphia: The President referred to the captioned Proposal (copies of which were distributed to those present), noting that within the last hour, this Proposal was delivered to the Mayor of the City of Philadelphia, making a formal request for an Appropriation of \$5 million.

J. "Chronic Underfunding - Report to the Temple University Family and Friends"; "Temple University Presentation in Support of Requests (1) For an Additional State Appropriation of \$16,000,000; and (2) For a City of Philadelphia Appropriation of \$5,000,000 for 1988-89"; and "Status of the University's Preliminary Budget, 1988-89 and Its Possible Impact on Tuition as Perceived by the University Budget Review Committee and Executive Cabinet": Copies of all of the above materials were distributed and the President reviewed these materials (attached as SUPPLEMENT I-A; I-B; and I-C) with the Trustees, noting that it will take the strong support of students, faculty, and staff, and particularly the Board Members to get Temple's message to the Commonwealth and to the public. By the time the Joint Executive and Business and Finance Committees meet on May 26, we will have a recommendation from the new Vice President for the Health Sciences Center on how the Hospital would

have to accommodate a \$4 million reduction in University support of the Hospital. We will begin the notices of laying off non-faculty employees. We will have to consider the renewal of our agreement with the Commonwealth regarding the Woodhaven Center because the State is not meeting our needs in terms of the per diem they are paying us. And we will have to consider the other things cited in SUPPLEMENT I-C.

K. Honorary Degree Recipients at May 19, 1988 Commencement: The President announced that the following persons will receive Honorary Degrees at the May 19 Commencement: Rosemarie B. Greco, President, Fidelity Bank; Professor John B. Roberts, retiring professor in the School of Communications and Theater; and two members of the clergy who have worked for many years in the Temple University neighborhood to improve the lives of all of us in this area--Reverend Jason Jerome Cooper, and Reverend Paul M. Washington.

L. Discussion of the President's Presentation Regarding Chronic Underfunding: Mr. Schalch asked how individual Trustees can be of help regarding the University's budgetary problems. Mr. Fox noted that whatever we do will have to be done promptly because the Commonwealth's fiscal year begins July 1. President Liacouras said he wanted to acknowledge how much the General Assembly and the Governors have helped Temple University over the years. Typically, a Governor will recommend a given amount for the University, and typically, the Legislature will increase that amount--and we hope this will happen again this year. We are certainly in touch with the legislative leadership. Almost all university and college presidents were in Harrisburg last Tuesday, are there today, and will be there next Tuesday, meeting all of the members of the Appropriations and Education Committees of both houses. Through Associate Vice President David Randall we are constantly seeking to get our message across--whether it is Op-Ed articles, personal visits, or otherwise. We need the help of everyone, and particularly the help of the Trustees. It is clear that we have not gotten our message across, or we would not be underfunded.

Mr. Fox said it is important that our message be transmitted directly to the State Legislature because he thinks the series of charts which the President has reviewed lays out several very important messages: (1) Temple University has been under-funded; (2) that the State of Pennsylvania has failed in its mission of supporting public higher education--otherwise, how does Pennsylvania end up 47th out of 50 in terms of support for public higher education; that is a statistic that raises a lot of questions about the priorities of State Government. This has been occurring over a period of time. Temple University has improved its productivity. We have under-financed maintenance and replacement. Essentially, we have had enough of an increase in the student population to manage up until now; but it is evident that we can't increase this productivity indefinitely. As we reach to achieve our goals for the student body, we have to look to the State of Pennsylvania. Failing that, we have to do Draconian things. We are putting the facts on the table--for this University to continue its mission, something has to give. He really thinks that the State has to look at its educational priorities. When one considers what State Government is all about, it seems clear that additional resources have to be allocated to public higher education.

Mr. Fox suggested that each Trustee contacts the legislators he or she knows. A group of Trustees will be speaking with the leadership of the Faculty Senate and also with the student leadership.

Mr. Fox said the City of Philadelphia has created a situation which makes Temple University Hospital the General Hospital of Philadelphia. The City of Philadelphia abdicated its role in this area, and Temple University and a few others have picked up that role. Temple can no longer afford it. Our students should not subsidize health care for the citizens of Philadelphia. We are getting no appropriation from the City of Philadelphia, and this is an untenable situation.

We are embarking on an educational effort to alert the public about Temple University's situation. We hope to have success in our non-confrontational efforts. If we are unable to attain a negotiated solution, we expect to move into a confrontational mode to achieve a fair solution, as a last resort. We aren't asking anybody to march on the Capitol but we want everyone to recognize that there is a serious long term problem, and to do what they can to be persuasive to Commonwealth and City officials.

Mr. Rosen said he thinks the President's presentation and the remarks of the Board Chairman in support of the presentation have been very helpful, and he thinks it would be a good idea for the Board to go on record in support of the presentation--and direct the Administration to send the document to the Governor and the General Assembly, as well as to the Mayor of Philadelphia and the City Council of Philadelphia.

Mr. Kohn said that more skeptical persons on the outside may ask some questions that we ought to be prepared to answer. For example, in a city where one-third of the adults are illiterate, and where our student body comes from families with an income of \$19,000, is it necessary for us to do applied and advanced research and perform public services, or should that come from other sectors? (2) What consideration should be given before we spend \$100 million to build a new Hospital in a city which has an over supply of Hospital beds? (3) Are we willing to pay the taxes that go with our request for State and City monies; if wage taxes are raised, are we sure that businesses will not move out of the City?

President Liacouras, addressing the research and public service question, said two years ago the Board voted to adopt The Academic Plan and deliberately determined that the mission of the institution includes being a comprehensive and research institution. We have Community Colleges which are public institutions, and we have a State System which also is public. They are not engaged in heavy research. Eastman Kodak came to this region because of the presence of outstanding science and math departments within the universities. We have kept our tuition down and have given up about \$16 million in the process. Are we to say that the people in the Philadelphia area who compose most of Temple's students, do not deserve an institution as good as any? The Board decided that matter two years ago, too.

As to the Hospital, the President said that either we will have a top Medical School and maintain Temple's commitment or we will not. Whatever the risks were in the decision to build the Hospital, we have been very successful in building a very good Medical School. If we

don't take care of this, where would the people of North Philadelphia get health care? If we cannot get funding for those services, we are jeopardizing the health care of the citizens in our region.

As far as taxes are concerned, the President said that everyone has to decide about this issue. In his view, the purpose of government is to provide health care for the poor, and to educate the children of the poor. If it requires an increase in taxes, people will pay for quality services. You do not find graffiti on the Temple Campus; there must be some reason that people respect our campus. He is willing to pay his share of any taxes that are needed.

Mr. Leibovitz asked if Trustees could receive the names and addresses of the public officials who should be contacted regarding Temple's situation. As the president of a corporation headquartered in Pennsylvania, Mr. Leibovitz said he feels an obligation to let his opinion be known at the State and local levels. The President said that Mr. Randall will see that Board Members get the names and addresses of the appropriate public officials.

Mr. Mannino said there is no diamond mine in Pennsylvania. It is easy to say that we need \$16 million. The Governor and the Legislature have a Zero Sum economy and we are asking for a re-allocation of \$16 million. He thinks responsible officials have the hard job. He will have to vote against what Mr. Rosen has suggested (the Board's endorsing the "Chronic Underfunding" presentation and the sending of the presentation to public officials) because he is not convinced that the whole \$16 million is needed. All of us do not have the difficult job and the responsibility of the Governor; that is why he will vote against the Rosen proposal.

Mr. Fox said he does not believe we are in a Zero Sum economy. The priority of the State Government is what we are questioning. The State of Pennsylvania has the lowest unemployment rate in years. The tax income is up significantly. What we are talking about is that when Pennsylvania ranks 47th out of 50 in terms of its support for public higher education, that is an indictment of something and somebody. If we were in the middle of the ranking, say 25th--then the situation might be different. We are talking about the ability of Pennsylvania to support public higher education adequately. Obviously, we haven't made our case, and Pitt and Penn State have not made their cases. We should be supported at least to the degree that we would be rated in the middle of the 50 States.

The President said we have a hard decision because if we raise tuition 10% or more, we know our families cannot afford it. The real decision is on the question as to whether we want the kind of university that is needed for the working families and their children. Each Trustee has to do what he or she thinks best.

After further discussion, on motion duly made and seconded, the Board of Trustees voted (with Mr. Mannino voting negatively) to endorse the presentation on Chronic Underfunding made by the President, and directs the Administration to send the appropriate documents (including Board Chairman Fox's remarks in support of the presentation) to the Governor and the General Assembly, and to the Mayor and the City Council of Philadelphia.

Mr. Kohn said it was pointless for him to abstain on the above vote or to oppose the motion at 4:00 P.M., when there cannot be meaningful discussion. He thinks we should have time to discuss the fundamental problems of the University, and he does not want to comment any further. Mr. Fox said that we have had an annual retreat for the Board in recent years, and we will do this again. The President said that the increase recommended by the Governor for Temple University was 2.23%. Whatever the Board wants the Administration to request, the President will request; he thinks the Board will request more than a 2.23% increase.

Executive Committee Report and Recommendations for Action

In the absence of the Chairman of the Executive Committee, Judge Scirica, Mr. Fox called the attention of the Board to the Report of this Committee (Agenda Reference 1), and entertained motions dealing with the matters covered by Items 3 through 6 of these Minutes.

3. Borrowing Authority - 7/1/88 - 9/30/88

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Business and Finance Committee and the Executive Committee (4/28/88) that the officers be authorized to borrow for operating purposes of the University \$30 million on terms which the officers believe best for the University, such authorization to cover the period from July 1, 1988 through September 30, 1988. (Resolution attached as SUPPLEMENT II.)

4. Preliminary Tentative University and Hospital Budgets for 1988-89

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Business and Finance Committee and the Executive Committee (4/28/88) that the Board adopt Preliminary Tentative University and Hospital Budgets for 1988-89, with the understanding that this action authorizes expenditures by each Budget unit at the level allocated in the 1987-88 Final Budget for current, unrestricted funds, unless specific exceptions are authorized by the President for legally required increases and for increases in depreciation and interest expenses attributable to the Hospital construction project.

5. Residence Fees (Room and Board) for 1988-89

President Liacouras noted that the proposed increases are for a 3% increase in the Board rate and a 5% increase for the Room rate. He noted that these Room and Board rates are on a separate track, and the increases still keep up about in the middle range of institutions in our area.

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Business and Finance Committee and the Executive Committee (4/28/88) and the Student Affairs Committee (4/20/88) that the Board approve rates for the Resident units for 1988-89 (including rates for the Resident Halls [room and board], the Cooney and Triangle Apartments and for Temple Towers), said rates being attached as SUPPLEMENT III.

6. Authorization for Executive Committee to Act on Behalf of Board with Respect to Tentative University Budget, Tuition, and Tentative Hospital Budget

In the discussion of the captioned matter, Judge Dandridge suggested that it may be preferable to begin the June 23 Joint Meeting of Business and Finance and Executive Committees at Noon rather than the usual 3:00 P.M. starting time. It was ultimately agreed, however, that the Joint Meeting will begin at 3:00 P.M.

On motion duly made and seconded, the Board of Trustees voted to authorize the Executive Committee, at its June 23, 1988 meeting, to act on behalf of the Board with respect to the following:

- (1) Tentative University Budget for 1988-89 (The recommendation before the Board on 5/10/88 was for the maintenance of expenditure levels at those found in the 1987-88 Final Budget.)
- (2) Tuition Schedule for 1988-89
- (3) Tentative Hospital Budget for 1988-89

with the understanding that all Board members will be invited to attend the meeting of the Executive Committee on June 23, 1988, at which time the above important matters will be determined; and with the further understanding that the meeting will be held in Feinstone Lounge of Sullivan Hall on the Main Campus, rather than at Temple University Center City, beginning at 3:00 P.M.

Educational Policies Committee Report and Recommendations for Action

Mr. Shrager, Chairman of the Educational Policies Committee, called the attention of the Board to the Report of this Committee (Agenda Reference 6), and then recommended approval of the matters covered in Items 7 through 10 of these Minutes.

7. Approval of Ph.D. and M.A. Programs in African-American Studies

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (4/18/88) that the officers be authorized to approve the Ph.D. and M.A. Programs in African-American Studies as described in SUPPLEMENT IV.

8. Faculty Handbook Revision on Extra Internal Compensation

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (4/18/88) that the following revision of the Faculty Handbook sections on extra compensation (underlined material is new material and stricken through material is to be deleted):

Internal Compensation

Except to the extent that internal compensation is directly related to an external funding source (such as a practice plan or non-university grant), no faculty member on academic year contract may receive additional compensation from University sources during the academic year ~~(including both internal-budget-and-externally-funded-activities)~~ in an amount exceeding 20 percent of his base salary for the academic year. In computing this limit, time-travel differentials paid in connection with extension teaching shall not be included.

Except to the extent that internal compensation is directly related to an external funding source (such as a practice plan or non-university grant), no faculty member on fiscal year contract (12 months) may receive additional compensation from University sources during the fiscal year ~~(internal or-external-funded)~~ in an amount exceeding 20 percent of his contractual salary for the fiscal year.

For internal compensation directly related to external funding sources, there will be no cap, with the understanding that any extra internal compensation is subject to review and approval of the department chair, the Dean, and the Provost.

Summer Research and Compensation

Summer instructional compensation for faculty members on academic year contracts shall ordinarily be limited to 18% of the academic year salary for the preceding year. ~~and-sponsored research-compensation-be-limited-to-8-weeks-or 24%.~~ Where circumstances warrant, with the approval of the Dean and the Provost, a maximum of 27% for instruction ~~and-33%-for-sponsored research~~ will be awarded.

9. Tenure for Faculty for 1988-89

Mr. Kohn said that if any Trustee can tell him the name of a person on the list to be approved for Tenure, he will make a contribution to the University. He said that he will abstain on this vote regarding tenure. Mr. Mannino also said that he would abstain on this vote.

Mr. Kessler said that Trustees are in no position to judge the individual merits of a faculty member with respect to the granting of tenure. Rather, the Trustees make certain that all of the procedures are followed and that the "ball game is played according to the rules." Basically, the Trustees monitor the procedures and endorse the recommendations of the faculty, the Provost and the President on Tenure. Mr. Fox said that the granting of tenure comes at the recommendation of the faculty, and the Board's role is to insure that the rules of the game are being followed. Essentially, we ask for the faculty's recommendations, and they come through the Deans, the Provost and the President and the Educational Policies Committee. If the Board wants to change this basic process, it has the right to do so.

Mr. Kohn said he thinks the Board should move toward a consideration of the Tenure problem when there is more time to discuss it.

On motion duly made and seconded, the Board of Trustees, pursuant to the procedures outlined in the Temple University Faculty Handbook, voted to approve the recommendation of the Educational Policies Committee (4/18/88--the list of the 42 faculty recommended for Tenure is on file in the Office of the Provost) and an additional recommendation of the Educational Policies Committee (5/4/88--the list of the 5 additional faculty recommended for denial of Tenure is also on file in the Office of the Provost) with respect to the granting of Faculty Tenure for 1988-89. (Messrs. Kohn and Mannino abstained from voting on this motion.)

10. Division of the Speech Department

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (5/4/88) with respect to the Division of Rhetoric and Communication and the Division of Speech-Language-Hearing of the Department of Speech becoming two Departments effective July 1, 1988.

11. The Topic of Tenure to be Considered at the Board's Next Retreat

Mr. Kohn said he thinks the whole matter of Tenure and the procedures by which it is granted or withheld should be examined by the Board at its next Retreat. The President noted that the vote on Tenure today was based on procedures which the Board has approved. There was an effort to have the Educational Policies Committee make the final determination on Tenure (rather than the full Board), but Counsel said this is not possible under existing procedures. The President understands that this is the kind of issue Mr. Kohn has in mind--and not whether or not there should be Tenure. Mr. Kohn said that we should at least try to get the procedures clarified. As he understands it, whether or not to have tenure involves a union issue.

Mr. Fox said there are really two very different issues: the narrower issue reflected by Mr. Kohn's comments about the appropriateness of the Board's being asked to vote on a list of names without the Board's having first-hand knowledge about those persons. Then there is the broader issue of whether or not there should be Tenure at all. What is being asked is that we address the narrower issue, and that is what will be on the Agenda of the Board's next Retreat.

Mr. Shrager, Chairman of the Educational Policies Committee, said that there is a great deal of discussion on every person who comes up for Tenure. If there is a real difference among the various levels which consider Tenure (departmental, collegial, Deans), the Subcommittee on Tenure of the Educational Policies Committee asks for additional information to be sure that all of the prescribed procedures have been followed. Mr. Shrager said that when the Board acts on many matters, quite apart from Tenure, it doesn't know every little detail. The Board respects the Committee that has been appointed to look into the matter thoroughly before making a

recommendation. If this approach were not followed, the Board would be here for days, looking into every little detail. Perhaps a Committee could act for the Board on Tenure, but presently Counsel has ruled that this is not possible. Mr. Shrager said that Tenure is a very important matter and the Educational Policies Committee and its Subcommittee on Tenure spend a lot of time in making sure that everyone considered for Tenure is treated fairly under the procedures that are in place.

On motion duly made and seconded, the Board of Trustees voted to place the matter of Tenure and the procedures by which it is granted or withheld on the Agenda for the Board's next Retreat.

12. Tuition Rates for Second-Summer Session
(July 5 to August 12, 1988)

The President noted that the increases being proposed for this Second Summer Session (which begins after the start of our 1988-89 Fiscal Year on July 1) are at the rate of 5%.

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Student Affairs Committee (5/3/88) that approval be given to the Tuition Schedule for the Second-Summer Session 1988, said Schedule being attached as SUPPLEMENT V.

13. Proposal to Establish the Pennsylvania Public
Interest Research Group, Inc. (Penn-PIRG)

In keeping with the agreement reached at the April 20 meeting of the Student Affairs Committee, a Task Force (composed of Trustees, administrators, counsel, and representatives of the Penn-PIRG Organizing Committee) met on April 27. Following the April 27 Task Force meeting, the Penn-PIRG group prepared a Revised Penn-PIRG Proposal, a copy of which was distributed to members of the Student Affairs Committee--and this revised document was then discussed at the May 3 meeting of the Student Affairs Committee.

At the May 3 meeting, the Student Affairs Committee voted "that if Temple-PIRG approves, the Committee will recommend to the Board of Trustees that Temple-PIRG become a student organization eligible to receive funding out of the proceeds of the General Activities Fee, and, subject to Temple-PIRG's approval, the Committee will consider recommending to the Board of Trustees an increase in the General Activities Fee. In addition, the Student Affairs Trustees have pledged to Temple-PIRG that they will use their best efforts to support a reasonable allocation to Temple-PIRG out of the General Activities Fee. In turn, the administration agrees to consider ways and means of increasing the General Activities Fee and to share that review with the Student Affairs Committee of the Board at its next regularly scheduled meeting (June)."

On May 5, the PennPIRG Organizing Committee wrote to "Dear Temple Trustees" that "We now formally submit our rejection of the May 3 Student Affairs Committee (SAC) recommendation that PennPIRG operate under existing university guidelines governing student organizations and their funding, with no expansion of current policy to implement its expansive educational program. . .We thus ask that

the original PennPIRG Proposal, with a modification for creation of a Temple-PIRG, be offered for a vote to the Board of Trustees in the event that the matter is not referred back to the task force for consideration before any further action is taken by the Board of Trustees."

Mr. Fox referred to PennPIRG's rejection of the recommendation of May 3 of the Student Affairs Committee, noting that the Student Affairs Committee has made its recommendation contingent upon PIRG's approval of it. PIRG has made a follow-up recommendation of May 5 which modifies its original Proposal by converting "Penn" to "Temple"--but it insists upon its original Refusable Fee provision.

It seems to Mr. Fox that the Board has these choices: (1) to accept the recommendation of 5/3/88 of the Student Affairs Committee (SAC), even though SAC's recommendation was contingent upon PIRG's approval of that recommendation--which was not forthcoming; (2) to accept PIRG's proposal, modified to limit the organization to Temple students and controlled by Temple students, but involving the Refusable Fee provision; (3) come up with an entirely new proposal; or (4) take no action at all.

Dr. Nichols said that the Student Affairs Committee (SAC) has a recommendation before the Board, he believes that is what we are expected to act on. Dr. Nichols moved (and Mr. Kessler seconded) that the Board accept the recommendation of the Student Affairs Committee of 5/3/88.

Mr. Mannino said that we all have spent a lot of time considering this PIRG matter. He was impressed to hear a wide variety of people support the original PIRG proposal at the Open Forum sponsored by the SAC. He thinks this proposal is the most exciting matter that has occurred since he came on the Board. One of the persons receiving an Honorary Degree at the May 19 Commencement, Father Paul Washington, testified eloquently in favor of PIRG. Mr. Mannino thinks a Refusable Fee is a good idea because it is something the students can decide. He believes that a motion to act on PIRG is out of order because PIRG has not met the proviso in the Student Affairs Committee's recommendation.

Dr. Nichols said the SAC's recommendation of 5/3/88, which was thoroughly discussed and had the advantage of legal opinion that if we had a Refusable Fee, there could be all kinds of things we may be subject to by way of further legal proceedings. He thinks the Board has to vote up or down on the SAC's recommendation.

Judge Dandridge said that if a proviso of the SAC's recommendation was that PIRG should concur in the recommendation--and they have not concurred--then he moves to table this matter. Dr. Nichols joined in the tabling motion. Mr. Kessler said he was about to make the same tabling motion. Any action we take is fruitless other than an action to table or to remand to the Student Affairs Committee until such time as they come up with a proposal that is acceptable to PIRG.

On the motion to table, duly seconded, the Board of Trustees voted to table, with Mr. Kohn voting negatively on the motion. Mr. Fox said the issue is tabled.

Mr. Rosen raised a point of order, indicating that his understanding is that we have not tabled the question of a Temple (as opposed to a Penn) PIRG. He thinks it would be in order to decide if the Board of Trustees would consider an alternate motion. Mr. Fox said that we are considering the recommendations of the Student Affairs Committee. What Mr. Rosen has in mind may be brought up under New Business.

Campus Planning and Plant Management Committee Report
and Recommendations for Action

Mr. Esposito, Chairman of the Campus Planning and Plant Management Committee, called attention to the Report of that Committee (Agenda Reference 17), and then recommended approval of the matters covered in Items 14 through 16 of these Minutes.

14. HSC: Cardiac Catherization Laboratory

Mr. Kessler said it is his understanding that Catherization may be outdated by new technology, and he asked why we should be spending \$980,000 if his understanding is correct. Dr. Malmud said that there are two elements involved in Catherization, and while new technology may reduce the number of procedures in the one element, there is a very good chance that in the second element, there may actually be an increase in the Catherization procedures.

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Campus Planning and Plant Management Committee (5/6/88), authorizing the officers to create a second Cardiac Catherization Laboratory in the Temple University Hospital at a cost not to exceed \$980,000, with funding from the University Bond Issue to be repaid to the University over five years from Hospital operating funds.

15. Main Campus: Paley Library Renovations
to Consolidate Archival Collections and
to House the Center for Public History

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Campus Planning and Plant Management Committee (5/6/88), authorizing the officers to renovate part of the ground floor of Paley Library as an archival center and to house the Center for Public History, at a cost not to exceed \$87,000, with funding from 1987-88 FY Plant Development Fund.

16. Sale of 5000 "C" Street

Mr. Esposito, Chairman of the Campus Planning and Plant Management Committee, briefed the Board on the background of the captioned matter.

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Campus Planning and Plant Management Committee (5/6/88), authorizing the officers to sell 5000 "C" Street.

Report of Development Committee

Mr. Rosen, Chairman of the Development Committee, called attention to the Report of that Committee (Agenda Reference 21), noting that the "underfunding" referred to by the President makes the fund-raising of the Development Committee even more important. The Committee met twice during the March-May period, and with the help of Vice President Derby, the Committee is acquainting itself with all of the various fund-raising techniques. Both the "Vital Difference Fund," and the Owl Athletic Fund showed substantial increases this year. A blueprint of the planned organization of Development and Alumni(ae) Affairs will be presented at the next meeting of the Development Committee. Mr. Rosen assured the Chairman and the Board that the Development Committee is hard at work to try to help with the University's fiscal problems.

Report of the Board of Governors, Temple University Hospital

Dr. Rock, Chairman of the Hospital Board of Governors, called attention to the report of that Board (Agenda Reference 22), noting that the Hospital Budget is improving, and the Board looks forward to a reasonable fiscal performance this year. The New Hospital is virtually completed, and the Hospital is in pretty good shape. The Development Committee of the Board of Governors is hard at work. Mrs. Esther Boyer Griswold has provided in her will for new chairs in OB-Gyn and Neurosurgery. She will also donate \$500,000 for the University Hospital, and the new plaza will be named for her and her late husband, with the plaza being dedicated in June.

Report of the Health Sciences Center Committee

Dr. Nichols, Chairman of the Health Sciences Center Committee, said that the Committee had just met yesterday, May 9, and its activities will be reported at the next Board meeting.

Committee on Trustees Report and Recommendation for Action

Mr. Shrager, Chairman of the Committee on Trustees, called attention to the Report of that Committee (Agenda Reference 25), and then recommended approval of the matter covered in Item 17 of these Minutes.

17. Election of Vice President for Health Sciences Center

On motion duly made and seconded, the Board of Trustees voted to elect Leon S. Malmud, M.D., as Vice President for the Health Sciences Center, Dr. Malmud having been nominated by the Committee on Trustees (5/10/88), effective May 11, 1988, to serve until the next Annual Meeting of the Board or until his successor shall have been elected and qualified. (A biography of Dr. Malmud is attached as SUPPLEMENT VI.)

Mr. Fox congratulated Dr. Malmud on his election, which was greeted with applause.

18. Treasurer's Report

Without objection, the Board received the list of gifts and grants received between February 1, 1988 and March 31, 1988, and purchases and sales of securities between January 1, 1988 and March 31, 1988, said Report having been distributed today as Agenda Reference 28.

19. Secretary's Report

On motion duly made and seconded, the Board of Trustees voted to approve the presentation of degrees-in-course dated August 26, 1988 to candidates approved by the appropriate academic committees of the faculty, with the understanding that degrees for Law School Evening students who regularly complete their studies in July shall be dated July 11, 1988, with a certificate of the Dean of the Law School verifying said date of receipt.

NEW BUSINESS

20. Reconsideration of Revised Penn (Temple) PIRG Proposal

Mr. Rosen said that this PIRG Proposal has been around the University for a couple of years. Although technically this is being considered as "new business" (because of the tabling covered in Item 13 of these Minutes), the subject has really been around for quite some time.

Mr. Rosen referred to the May 1, 1988 Memorandum from the Penn-PIRG Organizing Committee to the Student Affairs Committee on a "Revised Penn-PIRG Proposal" (pages 9, 10 and 11 of Agenda Reference 13 of today's Board Agenda). He said that for those Trustees who haven't been closely involved in the PIRG discussions, it is true that there is a complicated legal problem involved here. Since he is not an attorney, he relies on University Counsel who met with the Student Affairs Committee to try to preserve Equal Protection to other organizations who may seek similar treatment as PIRG is asking for. That is why the PIRG Revised Proposal looks to be so complicated--because there is a question of Equal Protection.

Mr. Rosen thinks that before he puts something on the table he thinks it would be a kind of bureaucratic maze for us to remand this back to the SAC, which has worked long and hard to try to come up with a solution. He cited the axiom that "justice delayed is justice denied." He thinks the time is appropriate, after two years, for this Board to come to grips with a very commendable project which has been bent and made to conform with most of the requirements of the University. This is an organization which will be all Temple students, which will be fiscally responsible to the appropriate authorities at Temple University so that Temple can be assured that the fiscal transactions will comply with our audit and other rules. As to research, that would be up to students. We have been advised by Counsel and by the SAC that we do not want to have in-pur on the organization of PIRG. Therefore, with his sense that the Refusable Fee is not acceptable to the Board of Trustees, and with what he perceives to be a consensus on the part of the Board, he would like

to place before the Board what he has identified as "#2 'GAF' Temple-PIRG Allocation Proposal" (found on pages 10 and 11 of Agenda Reference 13 of today's Board Agenda), with a couple of amendments.

Mr. Kessler said this whole subject was remanded to the Student Affairs Committee by earlier Board action today (Item 13 of these Minutes). With all due respect to his distinguished colleague, Mr. Kessler thinks that Mr. Rosen's proposal is out of order. Dr. Nichols said he joins Mr. Kessler on that point. The Chairman of the Student Affairs Committee, Judge Clifford Scott Green, could not be here today. He does not think that we want to take this matter up without taking it back to the Student Affairs Committee and give the Chairman of that Committee the same courtesy we have given to every other Committee Chairman. Mr. Fox said he would like Mr. Rosen to present his motion, and if the Board wants to, it can always table the motion.

Mr. Rosen then moved the following:

That the Board of Trustees authorize (1) a group of Temple students to run an organization (Temple-PIRG) as a private, non-profit Pennsylvania corporation; and (2) The corporation must be run by a Board of Directors comprised entirely of Temple University students; and (3) the organization's goals must be consistent with the general educational mission of Temple University, as indicated by an endorsement of the group's purposes by the Temple University Faculty Senate; and (4) the organization must have demonstrable student support, as shown by the signatures of at least 10,000 Temple students on a petition supporting the group's purposes and funding [The Board of Trustees may wish at a later date to detail requisite levels of student support via petition for various levels of funding sought by said organizations, recognizing that groups may wish to seek amounts other than that requested by PIRG]; and (5) any funding obtained by students under this policy shall be initially started for a one-year trial period, and reaffirmation of funding for each group shall be contingent upon support of a majority of those Temple students voting in a referendum; after the first year, reaffirmation drives shall take place every three years, and may include provision for cost-of-living increases in the group's allocation.

Any student organization having met the above criteria is eligible to request that the Temple University Board of Trustees allocate a set dollar amount per semester from the General Activities Fee for purposes of funding the group's activities. Any group so funded shall receive its money in a lump sum, per semester basis, with a check made payable to the corporate entity. The group shall, upon request, submit copies of its annual financial audits to appropriate University departments. Any group so funded under this policy shall, through its corporate entity, exercise complete and autonomous control over its funding and activities.

The current effort by Temple students to establish a Public Interest Research Group (PIRG) is hereby deemed to have met all the above criteria. TemPIRG is hereby approved to receive \$30,000 (reduced by the Rosen motion from the \$60,000 contained in the PIRG Revised Proposal) per semester each Fall and Spring Semester (\$60,000--reduced from \$120,000 per year), through the General Activities Fee, to begin Fall Semester 1988. Said funding shall be

turned over to the Tem-PIRG Board of Directors two weeks prior to the beginning of each semester, providing the administration is satisfied that TemPIRG has complied with all financial reporting requirements of the University.

Dr. Nichols moved (and Mr. Kessler seconded) that Mr. Rosen's motion be tabled and the matter be referred back to the Student Affairs Committee. The motion to table was approved by a vote of 10 in favor to 4 against.

21. Notification to All Trustees Regarding the June Meeting of the Student Affairs Committee

At Mr. Kohn's suggestion, it was agreed that all Trustees will be notified about the June meeting of the Student Affairs Committee, so that interested Trustees may participate in the discussion of the PIRG matter.

Reports of Other Committees

The Chairman of the Board called attention to the Reports of the other Committees (Agenda Reference 15, 16, 24 and 27), suggesting that if Trustees had questions about these Reports, they should communicate with the respective Chairman.

22. Authorization for the Executive Committee to Act on Behalf of the Board with Respect to the PIRG Matter

On motion duly made and seconded, the Board of Trustees voted to authorize the Executive Committee, at its June 23, 1988 meeting, to act on behalf of the Board with respect to the PIRG matter.

The Public Session of the Board of Trustees was adjourned at 5:30 P.M.

(Secretary's Note: The Executive Session of the Board of Trustees, which ran from 3:00 P.M. to 3:35 P.M., in Room 200, Sullivan Hall, is covered in the final pages of these Minutes.)