

MINUTES

THE BOARD OF TRUSTEES

Temple University
- Of The Commonwealth System of Higher Education

Tuesday, May 11, 1993

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

Attendance:

Members - Harry P. Begier, Francis J. Catania,
Peter D. DePaul, Louis J. Esposito, Richard J. Fox,
Howard Gittis, Clifford Scott Green, Judith E. Harris,
Eleanor S. Hofkin, D. Donald Jamieson,
Peter J. Liacouras, Joseph W. Marshall,
Maureen H. McCullough (newly elected), R. Anderson Pew,
Daniel H. Polett, Milton L. Rock, Isadore A. Shrager,
Francis R. Strawbridge, Clare L. Wofford

Ex Officio Members - Commissioner of Higher Education
Charles Fuget (representing Secretary of Education
Carroll)

Ex Officio Participants - Mark H. Haller, Leonard Mellman,
Bryce E. Weatherly

Invited Guests - Faculty - Robert Haythornwaite,
Barbara Hughes, Ronald Lipka, Thomas Marino

Students - Robert Alexandrenne, John Hummel, Mark Mills,
Melissa Whaley

Administration and Staff - Steven R. Derby, James W. England,
Richard M. Englert, Jay G. Falkenstein, Jack E. Freeman,
Thomas R. Freitag, Leon S. Malmud, Rosalind R. Meyers,
Arthur C. Papacostas, Robert J. Reinstein,
Laurent J. Remillard, William G. Sites, Bonnie Squires,
Valaida S. Walker, James S. White, Beverly L. Breese

General Counsel - Charisse Lillie

University Counsel - George E. Moore

Members Absent - John J. Contoudis, Bill Cosby,
Paul A. Dandridge, Theodore Z. Davis,
Robert C. Donatucci, Lewis F. Gould, Lacy H. Hunt,
Brian J. O'Neill, William W. Rieger, Edward H. Rosen,
Anthony J. Scirica, Anthony Hardy Williams,
James A. Williams, Walter E. Williams

INVOCATION

The invocation was given by Mr. Dan Polett.

A moment of silence was held in memory of Mr. Irving K. Kessler.

REPORTS AND RECOMMENDATIONS FOR ACTION

1. Approval of Minutes - Regular Meeting of March 9, 1993

On motion duly made and seconded, the captioned Minutes were approved as distributed.

2. President's Report

[The President's May 11, 1993, Report to the Board is a part of his written Report to the Board at the October 12, 1993, meeting. A copy of that Report is attached to these Minutes.]

Committee on Trustees Report and Recommendations for Action

3. Report

Mr. Shrager called attention to the report of the Committee on Trustees (Agenda Reference 3).

4. Election of James S. White to Executive Vice President

On motion duly made and seconded, the Board of Trustees voted unanimously to elect James S. White, having been duly nominated by the Committee on Trustees (5/5/93), Executive Vice President, effective July 1, 1993, to serve until the next Annual Meeting of the Board, or until his successor shall have been elected and qualified.

4A. Election of Commonwealth Trustee -
Maureen H. McCullough

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Committee on Trustees (5/5/93) to elect Maureen H. McCullough, Esq., to a term effective immediately and running through October 1994, to the Board of Trustees of Temple University - Of The Commonwealth System of Higher Education, Ms. McCullough having been appointed by The Honorable Robert P. Casey, Governor of the Commonwealth of Pennsylvania, and having been confirmed by the Senate of Pennsylvania.

5. Change of Title of Dr. Leon S. Malmud

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Committee on Trustees (5/5/93), to change the title of Dr. Leon S. Malmud from Vice President for Health Sciences Center and Chief Executive Officer, Temple University Hospital to Senior Vice President, Health Sciences Center, and Chief Executive Officer, Temple University Hospital, effective as of date of Board action (5/11/93).

Executive Committee Report and Recommendations for Action

6. Mr. Gittis called attention to the Report of the Executive Committee (Agenda Reference 6).

7. Borrowing Authority - 7/1/93 - 9/30/93

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Executive Committee (4/29/93), 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, 1993, through September 30, 1993. (The borrowing authority for the preceding quarter was also for \$30 million.)

8. Preliminary Tentative University and Hospital Budgets for 1993-94

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Executive Committee and the Business and Finance Committee (4/29/93), that the Board of Trustees adopt Preliminary Tentative University and Hospital Budgets for 1993-1994, with the understanding that this action authorizes expenditures at 97% of the levels allocated in the 1992-1993 Final Budget for current, unrestricted funds, unless specific exceptions are authorized by the President for legally required increases.

9. Recommendation for a Special Meeting of the Board of Trustees in June or July, 1993, to Act with Respect to the Tentative University Budget for 1993-1994 and Related Matters

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Executive Committee (4/29/93), that the Board hold a Special Meeting in June or July, 1993, to act on the following:

- (1) Tentative University Budget for 1993-94
- (2) Tuition Schedule for 1993-94
- (3) General Activities Fee for 1993-94; and
- (4) Tentative Hospital Budget for 1993-94
- (5) Special Related Capital Projects for the Health Sciences Center

10. Policy on Approval of Capital Expenditures

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Business and Finance Committee and the Executive Committee (2/25/93), and the Campus Planning and Plant Management Committee (2/5/93), that the officers be authorized to approve a "Policy on Approval of Capital Expenditures", replacing the policy statement of September 25, 1984, which increases the levels requiring Board of Trustees approval to \$150,000 for equipment and construction projects and to \$30,000 for professional architectural and engineering fees.

11. Health Sciences Center - Library Relocation/Improvements

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendations of the Business and Finance Committee and the Executive Committee (4/29/93), and Campus Planning and Plant Management Committee (4/29/93), that the officers be authorized to renovate portions of the Old Dental School Building to accommodate relocation of the Dental/Allied Health/Pharmacy Library and relocation of stacks and archives from the Medical School Library. The projected cost is \$759,000, a \$509,000 increase in the amount originally approved by the Campus Planning and Plant Management Committee on March 6, 1992, and the Board of Trustees on May 12, 1992, with the Funding Sources being the Plant Fund in the amount of \$120,000, the Medical School Deans Fund in the amount of \$194,500 and the Hospital Excess Revenues in the amount of \$194,500.

12. Health Sciences Center - Amendment to Recommendation Regarding Hospital Isolation Waste Incinerator

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Executive Committee and the Business and Finance Committee (3/25/93), and the Campus Planning and Plant Management Committee (3/25/93), that the officers be authorized to install a new isolation waste incinerator at a projected cost of \$1,673,000, a \$550,000 increase in the amount originally approved by the Campus Planning and Plant Management Committee on 12/6/91 and the Board of Trustees on 12/10/91, with the Funding Source being Hospital excess of revenues over expenses, and the Financing Source being Hospital current invested cash.

Mr. Pew noted that the recommendation states that there will be some funding from Hospital Excess Revenues and he believes the Audit Committee should, at least once a year, have a listing of all capital projects that are receiving funding from excess revenues over expenses.

Mr. Fox said that all that information is available and should just be put in a format that gives an accounting. He asked that the information be provided at the next meeting of the Board.

Mr. Begier asked if Items 11 and 12 are being charged to the 1992-93 year and Dr. Freeman responded affirmatively.

Educational Policies Committee Report and Recommendations for Action

13. Report

Mr. Shrager called attention to the Report of the Educational Policies Committee (Agenda Reference 13).

14. Tenure for Faculty for 1993-1994

A letter from one of the candidates being considered for tenure was distributed to the members of the Board in attendance. Mr. Begier asked why they had been given the letter and asked the mechanism which tells the Board that this letter is being addressed in a procedural way.

President Liacouras said the letter was distributed to the Board because it is addressed to them. When a letter is addressed to the Board, our policy is to deliver it.

Procedurally, recommendations concerning tenure are made by the faculty of the department, the department chair, the dean, the Council of Deans, and if there is a dispute, a Subcommittee of the Council of Deans, the Provost, the President, a Subcommittee of the Educational Policies Committee, the Educational Policies Committee and then the full Board of Trustees.

The President pointed out that there are certain cases before the Board today recommending the granting of tenure and others recommending the denial of tenure where there were splits between the faculty and administration. That is the reason we have the Subcommittee of Educational Policies Committee of the Board as well as the full Educational Policies Committee of the Board: to review such cases. They were reviewed and are recommended to you.

Mr. Begier asked if the issues raised in the letter were addressed at the May 3 meeting of the Educational Policies Committee. Mr. Moore said that the substantive issues raised in the letter were addressed at the May 3 meeting, and Dr. England also stated that the substantive issues raised in the letter were addressed at the May 3 meeting.

Judge Jamieson asked why the trustees should receive such a letter. President Liacouras responded that under the By-Laws the Board, in plenary session, determines tenure; and our policy has been to forward letters to the Board.

Mr. Shrager, Chair of the Educational Policies Committee, said this matter was taken up over a long period of time during the meeting of the Subcommittee of the Educational Policies Committee and a report was made to the full Educational Policies Committee before a final action was taken.

Mr. Begier said the Board operates by committee. He now feels assured that the content of this letter has been reviewed by the appropriate bodies within the University. He suggested that the Board might need to have a governance procedure so that if anyone believes there is information that should come to the Board outside of the committee system, some other Board body should look at that.

Mr. Haller said that under the contract and the Faculty Handbook, anyone denied tenure has the right of appeal to the Faculty Senate Personnel Committee which would hold hearings and make a recommendation to the President.

President Liacouras asked whether any Board member wanted to go into executive session for discussion on this issue. He said the Provost has made it clear that the subject matter of the letter has been considered by the Educational Policies Committee, and the Committee has recommended denial of tenure.

Mr. Pew said that because he knows there are involved committees, the letter should go to the proper committee and a report made to the Board.

Mr. Fox noted that there is no process for the Board to receive statements from people other than Board members. That process takes place at the committee level. By the time it gets here, we are dealing with reports of the committees. To date in his experience, trustees have spent much time at the committee level reviewing the issues. He understands that the letter should not have come to the Board, but should have gone to the Board committee in place to deal with the subject.

Ms. McCullough asked if there is going to be a response to this letter. President Liacouras said the vote of the Board will be the response.

On motion duly made and seconded, the Board of Trustees, pursuant to the procedures outlined in the Temple University Faculty Handbook, voted unanimously to approve the recommendation of the Educational Policies Committee (5/3/93), with respect to the granting of faculty tenure for 1993-1994. (The list of the faculty recommended for tenure is on file in the Office of the Provost.)

15. Department Name Change

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Educational Policies Committee (2/15/93), and the Business and Finance Committee and Executive Committee (3/25/93), that the name of the Department of Classics be changed to the Department of Greek and Roman Classics, effective upon Board approval (5/11/93).

16. Faculty Handbook Revisions

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Educational Policies Committee (5/3/93), that approval be given to the Proposed Faculty Handbook Revisions all of which, except Amendments 4 and 6, will apply to faculty hired after Board approval; Amendments 4 and 6 will apply to current faculty as well as new hires.

Student Affairs Committee Report and Recommendation for Action

17. Report

Judge Green called attention to the Report of the Student Affairs Committee (Agenda Reference 17).

18. Second Summer 1993 Tuition Rate Approval

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation of the Student Affairs Committee (4/29/93), and the Executive Committee and Business and Finance Committee (4/29/93), that approval be given to the Second Summer Session 1993 Tuition Rate Schedule.

Committee on Athletics Report

19. Report

Mr. Pew called attention to the Report of the Committee on Athletics (Agenda Reference 19).

He said the Committee also met in May. He mentioned the overspending by the Department of Intercollegiate Athletics which the President previously addressed. Mr. Pew said the Committee now has an understanding with the administration that they will prepare a post mortem and will be able to learn from that.

The Committee also received a report on Temple University performance vs NCAA with regard to graduation. Temple University appears to be performing consistently. We will get some additional analysis on that.

He noted the successes of some of the intercollegiate athletics teams. He pointed out the success of the Crew which won its 11th gold medal in the last 12 years. He noted that the Women's Eight also defended their title.

He noted the performance of the Women's Fencing team. They made the final four this year and finished second.

Report of the Business and Finance Committee

20. Report

Mr. Fox called attention to the report of the Business and Finance Committee (Agenda Reference 20).

Report of the Campus Planning and Plant Management Committee

21. Report

Mr. Esposito called attention to the report of the Campus Planning and Plant Management Committee (Agenda Reference 21).

Employee Relations Committee

22. Report

Mr. Fox called attention to the report of the Employee Relations Committee (Agenda Reference 22).

Report of the Board of Governors

23. Report

Mr. Polett called attention to the report of the Board of Governors (Agenda Reference 23)

Mr. Polett also reported that the Hospital is anticipating a surplus of \$17-\$18 million. There will be a defeasance loss of \$8 million which will reduce that surplus.

In the month of April the Hospital averaged 51.2 daily discharges which is the highest discharge rate ever experienced in the Hospital.

They have four capital projects underway. They have brought about the Strategic Planning Committee to insure they are going in the right direction.

Mr. Fox said that the leadership, administration and Board of Governors have done a wonderful job of turning the Hospital around. Temple University Hospital is the best University hospital in the State in terms of its operating procedures and productivity. In the last five years this has been a great turn around. He thanked everyone for what they have done.

Report of the Committee on Honorary Degrees

24. Report

Mr. Fox called attention to the report of the Committee on Honorary Degrees (Agenda Reference 24).

REPORTS OF THE OFFICERS

25. Treasurer's Report

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the recommendation that the list of grants and contracts awarded for the period July 1, 1992 - March 31, 1993, the major gifts and grants received for the quarter ended March 31, 1993, and the purchases and sales of securities for the third quarter, Fiscal Year 1993, be received.

26. Secretary's Report

On motion duly made and seconded, the Board of Trustees voted unanimously to approve the presentation of degrees-in-course dated August 27, 1993, 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 20, 1993, with a certificate of the Dean of the Law School verifying said receipt.

NEW BUSINESS

27. Unresolved Tenure Considerations

On motion duly made and seconded, the Board of Trustees voted unanimously to authorize the Executive Committee to act on behalf of the Board before June 30, 1993, with respect to any considerations for academic tenure that have not been completed as of this date.

28. Election of Member to the Board of Governors
of Temple University Hospital

On motion duly made and seconded, the Board of Trustees, in accordance with the Trustees By-Laws (Article IV, Section 15) and in accordance with the Governors By-Laws (Article III, 2B), voted unanimously to elect Mr. John Ball to membership on the Board of Governors, Temple University Hospital, for the 1993-1995 term, effective immediately, Mr. Ball having been duly nominated by the Board of Governors on 5/10/93.

ADJOURNMENT

On motion duly made and seconded, the meeting of the Board of Trustees was adjourned at 4:30 P.M.