

MINUTES

BOARD OF TRUSTEES

Temple University
- Of The Commonwealth System of Higher Education

Tuesday, March 11, 1997 - 3:00 P.M.
Sullivan Hall - Feinstone Lounge

Attendance:

Members - Richard J. Fox, presiding; Joan H. Ballots, Paul A. Dandridge, Theodore Z. Davis, Nelson A. Diaz, Louis J. Esposito, Jane Scaccetti Fumo, Clifford S. Green, Edward Kassab, Mitchell G. Leibovitz, Peter J. Liacouras, Joseph W. Marshall, III, Daniel H. Polett, Arthur G. Raynes, Milton L. Rock, Robert A. Rovner, James H. Shacklett, III, Isadore A. Shrager, Edna S. Tuttleman

Ex Officio Participants - Edwin G. Beausoleil, Jean H. Woods

Invited Guests - Donald L. Walters (Faculty), Charles A. Williams (Student)

Administration and Staff - James C. Bausman, Jr., Paul H. Boehringer, Corrine A. Caldwell, Richard A. Chant, Albert R. Checcio, Martin Dorph, James W. England, Richard M. Englert, Jay Falkenstein, Thomas R. Freitag, C. Robert Harrington, Robert H. Lux, Leon S. Malmud, David O'Brien, Timothy C. O'Rourke, Arthur C. Papacostas, A. Kent Rayburn, Richard Rumer, Valaida S. Walker, James S. White, Beverly L. Breese

General Counsel - Peter Mattoon

University Counsel - George E. Moore

Honorary Life Trustees - William L. Rafsky, Marvin Wachman

Members Absent - Francis J. Catania, John J. Contoudis, William H. Cosby, Jr., Peter D. DePaul, Robert C. Donatucci, Howard Gittis, Lewis F. Gould, Jr., Lacy H. Hunt, Sidney Kimmel, Brian J. O'Neill, William W. Rieger, Edward H. Rosen, Anthony J. Scirica, James A. Williams

Invocation

The Invocation was given by Mr. Daniel H. Polett.

Approval of Minutes - Regular Meeting of December 10, 1996

The captioned Minutes were approved as distributed.

Executive Committee

1. Report

The Report of the Executive was received as given in Agenda Reference 1.

Recommendation for Action:

2. Borrowing Authority - 4/1/97 - 6/30/97

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Joint Executive and Business and Finance Committees (2/27/97), 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 authority to cover the period from April 1, 1997, through June 30, 1997.

Committee on Educational Policies

3. Report

The Report of the Committee on Educational Policies was received as given in Agenda Reference 3.

Recommendations for Action:

4. Consideration for Tenure

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 (2/17/97), and the President, regarding the granting of faculty tenure. (The list of the faculty recommended for tenure is on file in the Office of the Provost.)

5. Merger of Departments of Operative Dentistry and Prosthodontics to form a new Department of Restorative Dentistry

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (2/17/97), that the Departments of Operative Dentistry and Prosthodontics be merged to form a new Department of Restorative Dentistry.

6. Merging the Graduate Degree Programs in Therapeutic Recreation And Health Education and Renaming Merged Departments as Department of Health Studies

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (2/17/97), that the graduate degree programs in Therapeutic Recreation (TR) and Health Education (HE) be merged, with the resulting department being renamed as the Department of Health Studies.

7. Name Change from the Department of Family Practice and Community Health to the Department of Family and Community Medicine, School of Medicine

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Educational Policies Committee (2/17/97), that the name of the Department of Family Practice and Community Health be changed to the Department of Family and Community Medicine, School of Medicine.

Committee on Trustees

8. Report

The Report of the Committee on Trustees was received as given in Agenda Reference 8.

Recommendation for Action:

9. Amendments to Bylaws

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Committee on Trustees that the Bylaws be amended by (a) the deletion of Article IV, Section 15, entitled "Board of Governors of Temple University Hospital," and (b) the deletion of the references to "the Chairman of the Board of Governors of Temple University Hospital" in Article IV, Section 1, entitled "Executive Committee" and in Article IV, Section 16, entitled "Employee Relations Committee".

Committee on Audit

10. Report

The Report of the Committee on Audit was received as given in Agenda Reference 10.

Committee on Business and Finance

11. Report

The Report of the Committee on Business and Finance was received as given in Agenda Reference 11.

Committee on Campus Planning and Plant Management

12. Report

The Report of the Committee on Campus Planning and Plant Management was received as given in Agenda Reference 12.

Committee on Development

13. Report

The Report of the Committee on Development was received as given in Agenda Reference 13.

Committee on Honorary Degrees

14. Report

The Report of the Committee on Honorary Degrees was received as given in Agenda Reference 14.

Board of Directors, Temple University Health System, Inc.

15. Report

The Report of the Board of Directors, Temple University Health System, Inc., was received as given in Agenda Reference 15.

Committee on Student Affairs

16. Report

The Report of the Committee on Student Affairs was received as given in Agenda Reference 16.

Report of the Officers

17. Treasurer's Report

On motion duly made and seconded, the Board received the list of gifts received for the Quarter ended December 31, 1996; grants and contracts awarded between October 1, 1996 and December 31, 1996, and the purchases and sales of securities between October 1, 1996 and December 31, 1996, as given in Agenda Reference 17.

18. Secretary's Report

On motion duly made and seconded, the Board of Trustees voted to approve the presentation of degrees-in-course dated May 22, 1997, to candidates approved by the appropriate academic committees of the faculty; the presentation of degrees-in-course dated May 22, 1997, to candidates approved by the appropriate academic committees of the faculty in Tokyo and Osaka, Japan.

19. Temple University Health System, Inc., Financing Plan, Series of 1997

Vice President Dorph explained to the Board that Temple University Health System, Inc. (TUHS) has approved a plan of financing as contained in Agenda Reference 19.

President Liacouras said that Messrs. Marshall and Polett, both members of the TUHS Board, are present at this meeting and are able to answer any questions the Trustees might have. There were no questions.

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Board of Directors of Temple University Health System, Inc. ("TUHS," March 11, 1997), and authorize the officers and TUHS to take all necessary and appropriate actions to implement the TUHS Financing Plan, Series of 1997, including the TUH Project, the TUCH Project, the TPI Project, the Jeanes Project and the Northeastern Project, the incurrence of indebtedness in connection therewith, the issuance of the Guarantees, and the withdrawal of TUCH from the Obligated Group.

NEW BUSINESS

20. Acceptance of Auditor General's Audit Report of Temple University for Fiscal Year Ended 6/30/95

On motion duly made and seconded, the Board of Trustees voted to approve the recommendation of the Audit Committee and accepted the Auditor General's Audit Report of Temple University for Fiscal Year Ended 6/30/97.

21. Cancellation of Contract with Pacifica Radio

Mr. George E. Moore, University Counsel and Secretary, reported, for the Board's information, that he received a series of envelopes addressed to Board members from an organization called Pacifica Radio urging the University to re-examine the cancellation by WRTI- FM of commentaries by Mumia Abu-Jamal.

Mr. Moore said he wanted to be sure the Board had full opportunity to review these statements; and if the Board thinks a change in the administrative decision is required, we will certainly welcome its direction. The statements which were distributed to the Board are attached as SUPPLEMENT I to the official copy of these Minutes on file in the Office of the Secretary.

Chairman Fox asked that any comments on this matter be made directed to the President; and, if necessary, the issue will be placed on the agenda for the next meeting of the Board. President Liacouras said he would prefer that the Board take whatever action it wants today.

Executive Vice President White said that over a year ago the President directed that all procedures for getting out information about the University be reviewed. WRTI-FM was one of the functions reviewed by an outside consultant and by management. Out of that review came a decision that WRTI-FM programming would be returned to its jazz format and with that decision came the decision to drop the program in question, a subscription between the University and Pacifica Radio. He added that the decision was accelerated when the station management was advised that Pacifica intended to run the Abu-Jamal commentaries.

Mr. White said that in the months ahead steps will be taken to return the entire format of station programming to the jazz format.

President Liacouras said the issue is one we take very seriously. The University is an open forum in venues throughout the institution. The question of whether a radio station or any other University entity which controls the use of external data, news or otherwise, is required to broadcast a particular memoir of a convicted murderer is left entirely to the station. The President read the following statement to the Board:

From time to time, "demands" are made that Temple's jazz radio station, WRTI-FM, air a particular political ideology or point of view, or use a particular news service, or air interviews with the President of the United States or convicted murderers or racist-hatemongers, or that classical music be aired rather than jazz, or that play-by-

play accounts of Temple sports be dropped, or that other particular programming be aired at a specific time of the day. All programming requests are welcome and are conscientiously considered by management.

Occasionally, however, some “demanders” try using the veneer of “constitutionalism” to pressure management to buckle under to their requests. Trying to dictate, by whatever characterizations, a radio station’s programming is their right; buckling under to such pressure is wrong.

A radio station has the legal right to determine its own programming consistent with federal regulatory laws.

WRTI-FM will continue to determine its own programming just as National Public Radio, KYW, WCBS, WHAT, Penn’s WXPB, and other radio stations determine their own.

As everyone here knows, freedom of speech and expression flourish at Temple University in countless forums with the widest range of views.

A radio station is not an open format (e.g., “talk radio”) unless the station’s management decided to make it one. It’s a business. WRTI’s jazz music format is an example of management’s prerogative to determine its own programming. If listeners don’t like it, they can tune off WRTI-FM and tune in some other radio station, as the Arbitron radio ratings demonstrate.

WRTI-FM is Temple University’s station. To many WRTI-FM is “Temple University.” From what they hear on WRTI-FM, listeners form their opinions about Temple. To justify using the University’s resources and being its ambassador to the world, WRTI-FM must attain the highest quality and character of the University as a whole. WRTI-FM must increase its audience in all segments of the listening public.

The President said that the ratings of the station have dropped in the last seven years and the listeners have now changed dramatically. He said that we determined a year ago that we would increase the range of WRTI-FM and here was a contract with Temple University paying a news agency \$6,000 per year. We did not have a contract with an agency giving the other point of view regarding the subject matter and therefore decided to drop the Pacifica Radio contract.

The President said that if the Board feels to the contrary, we would welcome its intervention. We believe we did the right thing and do not accept the argument that freedom of the press is involved. There are many forums at Temple University for people to express their points of view on this matter or on any other matter.

Trustee Kassab asked in what context the controversy arose. President Liacouras said that on a Friday the decision was made to terminate the contract, three days before the conversation with Mumia Abu-Jamal was to be aired. It was not a coincidence that the timing was such, but the President said he stands by the fact that the University has a perfect right to determine its programs,

and if you have one view, you should bring forward the opposite view. The decision was taken very seriously and after due consideration.

Trustee Diaz said that in North Philadelphia there is a more favorable view of this situation than in other communities and that is why Pacifica Radio prefers to use WRTI-FM.

President Liacouras said it makes the point that the appeal of WRTI-FM, over the last seven years, has so narrowed that we are wasting money if we are only appealing to this immediate community. WRTI-FM beams to Harrisburg, Allentown and Atlantic City. It is not a North Philadelphia station. We are a regional institution and a national institution. We must make sure that WRTI-FM is making a genuine presentation of Temple University. The decision made by George Ingram, Associate Vice President for University Relations, was one made after careful, long deliberation, but the timing was very clearly related to the content of the program.

Mr. Fox said that the issue is whether to reverse the decision of the University to cancel the contract with Pacifica Radio. He asked for a motion. There being none, Mr. Fox said the matter rests.

22. Correspondence from Richard A. McDonough Regarding University-Related Solicitations

Mr. Moore informed the Board of correspondence received from Mr. Richard A. McDonough raising a complaint with Mr. Warren W. Klenk, Assistant Vice President for Development, and expressing dismay and distress because he received a solicitation from the Temple University General Alumni Association and MBNA for an affinity bank card at his address, which he had given to the University. Mr. McDonough is an alumnus of the University, and the Temple Review had done an article about him in 1991.

Mr. Moore said that Mr. McDonough objected to his address being given out because of the nature of his work. Mr. Klenk wrote back indicating that, at the time the address was given out, we did not know he did not want his name given out. Once he advised us, we instructed MNBA to remove his name from their solicitation list.

Mr. McDonough responded on February 10, 1997, asking for recognition at the next meeting of the Board of Trustees. We responded that we would not recognize him at the meeting because it is a working session of the Board. We also advised him of the policy of the University with respect to the use of alumni addresses; they are only used with respect to University-related solicitation. They are not sold for other solicitations. We also expressed our regrets over any inconvenience that the solicitation may have caused him.

Mr. Moore noted that Mr. McDonough was in attendance at this meeting.

There were no questions or comments from members of the Board.

The correspondence distributed to the Board on this issue is attached as SUPPLEMENT II to the official copy of these Minutes on file in the Office of the Secretary.

23. Special Meeting of the Board of Trustees

A special meeting of the Board, to be held on April 9, 1997, at 3:00 P.M., in Feinstone Lounge of Sullivan Hall, was announced. The sole agenda item is a Special Report by the President.

The Board of Trustees then went into Executive Session to be briefed on a proposed strategic initiative of Temple University Health System, Inc.

ADJOURNMENT

On motion duly made and seconded, this Public Session of the meeting of the Board of Trustees, having adjourned to an Executive Session at 3:40 P.M. and reconvened to a Public Session at 4:18 P.M., was adjourned at 4:20 P.M.