

Minutes of the Meeting of the Board of Trustees of the University of Kentucky,
Tuesday, April 1, 2003.

The Board of Trustees of the University of Kentucky met at 1:00 p.m. (Lexington time) on Tuesday, April 1, 2003 in the Board Room on the 18th Floor of Patterson Office Tower.

A. Meeting Opened

Mr. Steven Reed, Chairperson, called the meeting to order at 1:07 p.m., and Ms. Myra Tobin gave the invocation.

B. Roll Call

The following members of the Board of Trustees answered the call of the roll: Mr. Paul W. Chellgren, Ms. Marianne Smith Edge, Dr. Davy Jones, Professor Michael Kennedy, Ms. Pamela R. May, Dr. Robert P. Meriwether, Mr. Billy Joe Miles, Dr. Elissa Plattner, Mr. Steven S. Reed (Chairperson), Mr. Joseph Matthew Ruschell, Ms. Marian Moore Sims, Ms. Alice Stevens Sparks, Dr. W. Grady Stumbo, Ms. Myra Leigh Tobin, Ms. JoEtta Y. Wickliffe, Mr. Russ Williams, Ms. Elaine A. Wilson, and Ms. Barbara S. Young. Absent from the meeting were Mr. C. Frank Shoop and Mr. Billy B. Wilcoxson. The University administration was represented by President Lee T. Todd, Jr., Provost Michael Nietzel, Acting Senior Vice President Jack C. Blanton, Senior Vice President and Chancellor of the Medical Center James W. Holsinger, Jr., Vice President for Research Wendy Baldwin, and General Counsel Paul C. Van Booven.

Members of the various news media were also in attendance. A quorum being present, the Chairperson declared the meeting officially open for the conduct of business at 1:12 p.m.

C. Consent Agenda

Mr. Reed asked if anyone wanted any of the items on the consent agenda removed. He entertained a motion for approval of the following items on the consent agenda:

March 18, 2003 Minutes
Correction to February 25, 2003 Minutes
PR 2 - Personnel Actions
AACR 1 - Candidates for Degrees – Community College System

(See PR 2 and AACR 1 at the end of the Minutes)

Ms. Wilson moved approval of the consent agenda. Ms. Sparks seconded the motion, and it carried without dissent.

D. President's Report to the Board of Trustees (PR 1)

President Todd called attention to the following items in PR 1:

1. The University of Kentucky Alumni Association presented six faculty members with Great Teacher Awards in late February. President Todd said that, in his opinion, this is one of the finest awards given at the University and congratulated the recipients for their teaching efforts.

He mentioned the reactions that he has received from recognizing academic awards at the basketball games. He said that he planned to continue recognizing faculty and students at football games as well as basketball games.
2. UK and U of L win \$4.2 million in federal funds for Community Transportation Academy. He urged the Board to read about our cooperation with U of L and thanked Congressman Hal Rogers for his help in ensuring that UK and U of L received funding.
3. The Agricultural Development Board has awarded a \$1.4 million grant to the UK College of Agriculture to develop a program to help 19 northeastern Kentucky counties end their dependence on tobacco farming. This is another one of the University's outreach efforts.
4. Four UK College of Engineering students were selected for the U.S. Navy's Nuclear Propulsion Officer Candidate Program. This is the first time any university has gotten more than two positions. Out of twenty-two nationally available positions, UK received four. The University got more students than MIT, Cal Tech, Georgia Tech, Princeton and the Naval Academy.
5. Kyle Green, a student in the UK Martin School of Public Policy and Administration, has been selected to receive the prestigious Administrative Fellowship at Johns Hopkins Health System in Baltimore. He was a Transylvania undergraduate, an All-American basketball player as well as an academic All-American, and came to UK.
6. The UK Jazz Ensemble won top awards at the 36th Annual Elmhurst College Jazz Festival. Dr. Todd said that the plays, the performances, the operas, and the core groups that perform at this University are superior. He encouraged the Board to support these groups.
7. The Women Writers Conference was brought back last year. It has been successful on campus again hosting a conference that focused on the Roll of Food in Literature.

8. Kentucky and Ohio universities form research and economic development alliance. They will be looking at the entire area of life sciences in the Ohio Valley trying to create affiliations so that corporations would begin to know what goes on in this area in the life sciences. This is the high growth area not only for research but also for start up companies.
9. The UK Art Museum will exhibit the Margaret Crow Collection of Asian Art in the gallery of the Singletary Center for the Arts.
10. Mickie DeMoss, an 18-year assistant to University of Tennessee women's basketball Coach Pat Summit, has been named head coach of the UK Women's team. This is a result of a search by Mitch Barnhart, Director of Athletics.

President Todd noted that there are many other good things in PR 1 that he would call to the Board's attention.

E. Appointment of Dean of Libraries (PR 3)

President Todd recommended that the Board of Trustees approve the appointment of Carol Pitts Diedrichs as Dean of Libraries, effective July 1, 2003. He asked Provost Nietzel to introduce Ms. Diedrichs.

Provost Nietzel said that this is another opportunity for the Board to meet a newly appointed Dean. He said that the University of Kentucky Libraries command a great deal of respect on the national scene, and they are very well recognized for a number of achievements. Certainly, the magnitude of the library endowment is one of those features, and the outstanding facilities, particularly the William T. Young Library, is another one of those features. The fact that the collection has grown and is now listed among leading collections of public research universities is another accomplishment of the library.

Provost Nietzel said that he wanted to take this time to recognize that the libraries have had wonderful leadership for 35 years. Paul Willis was at the University of Kentucky, and through many of those years, he served as the director. He did so with great distinction and was an excellent leader for the libraries.

During the past year, Mary Molinaro has done a wonderful job as the Acting Dean of Libraries. The libraries marched forward and did not miss a beat this past year. He said he was particularly thankful to Ms. Molinaro.

Provost Nietzel said he was especially pleased to be able to introduce Carol Diedrichs, who on July 1st will come to the University of Kentucky to serve as the new Dean of Libraries. Carol received her bachelor's degree from Baylor University and her Master's degree in Library and Information Science from the University of Texas. Prior to joining the Ohio State University, she had a number of outstanding appointments in

university libraries, and she was the assistant director at the Ohio State University libraries -- the position from which she comes to join UK. She was recognized for a number of accomplishments at Ohio State but certainly her leadership and direction for the OhioLINK Project, generally recognized as one of the outstanding consortia of research libraries in the United States, is one particular feature that brought her candidacy to the forefront at UK.

Provost Nietzel reported that UK had a superb national search and a wonderful pool of applicants. Three really good people were brought to campus for interviews. Ms. Diedrichs enjoyed terrific support from the libraries as well as from colleagues outside the libraries with whom she would work. This is a great appointment for UK. He said that he was pleased that she and her husband, Frank, could be at the meeting. He welcomed Ms. Diedrichs and asked her to say a few remarks.

Ms. Diedrichs said that Provost Nietzel did a wonderful job telling the Board of the fine role of the library on UK campus. It does, indeed, have a fabulous national reputation, and that is in no small part from the support from the Board of Trustees, the University administration, as well as the library's donors. The staff and faculty in the library are very talented and very capable. She said that she looked forward to working with them and building on their success. She is very excited to come to UK in July.

President Todd recognized Dr. Lori Gonzales and asked her to stand and be recognized. Ms. Gonzales is an American Council on Education (ACE) fellow this year. She has already served some time away from the UK campus and will serve the last six months on UK campus. She is a great credit to UK and represents the University well as she works with other ACE fellows throughout the country.

Mr. Reed asked for a motion to approve PR 3. Ms. Sims moved approval. Her motion, seconded by Ms. Young, carried without dissent. (See PR 3 at the end of the Minutes.)

F. University Research Professorships (PR 4)

President Todd said that PR 4 is the recognition and announcement of the University Research Professors for 2003-2004. This process actually began back in 1976, and the Board approved the first Research Professorships on March 8, 1977. He said it was his pleasure to recommend the naming of Professors Carol Baskin, Department of Biology, Tom Dillehay, Department of Anthropology, and Herbert Fertig, Department of Physics and Astronomy, and Jeremy Popkin, Department of History. He asked them to stand and be recognized, following which they received a round of applause. On motion made by Ms. Smith Edge, seconded by Mr. Chellgren and approved, PR 4 was passed without dissent. (See PR 4 at the end of the Minutes.)

G. Proposed Vision, Mission, Values Statement (PR 5)

President Todd said that PR 5 is the first step in the strategic planning process. It is a proposed vision, mission, values statement for the University. He reported that three subcommittees had been developing the strategic plan -- the academic, the clinical and the business enterprises subcommittees. The subcommittees provided suggested changes. The Executive Steering Committee reviewed the changes, issued a draft to the University community for comment, took those comments into consideration and now submits them to the Board for adoption. President Todd noted that this statement is quite similar to the past but a bit more concise. It fits on one page and is in line with the Strategic Plan that will be less than ten pages. He said that teaching, research and service are still stressed in the vision statement, and the mandate to become a Top 20 best public university is also there. He reported that this statement had been circulated on campus.

Mr. Reed entertained a motion of approval for PR 5. Ms. Wilson moved approval. Ms. May seconded the motion.

Dr. Jones said he wanted to bring up an informational point for the Board: the term "shared governance" under one of the values. The Board's regulations codify shared governance in a number of places, but it actually takes a number of different forms. This is really an umbrella term for a number of different kinds of relationships.

Dr. Jones gave some examples that are in the Board's regulations. One form would be just a completely discretionary input that maybe the President wants to appoint a head of Physical Plant Division. Maybe some students want to comment on that, usually they would not, but if they want to give a comment, the President can listen to what they say. There is no requirement for that. But in tightening that up, there are some places where the Board made input required. For example, when the college faculties and departments are establishing educational policies at the level of the unit, the Board's regulations require provisions shall be made for student input, so the Board expects that there is going to be the opportunity made for the student input. That is a form of shared governance. Then it can go a little more stringent. For example, when the Board receives candidates for degrees from the faculty, the faculty has a final disapproval role. They can filter what names reach the Board, but they do not give final approval. The Board gives the final approval. And, there are actually several places in the Board's regulations where it is actually joint decision-making at the level of the department. The Board has specified in its regulations that on certain procedures that are going to be made jointly, the chair and the faculty will establish those procedures. There are various levels of shared governance, depending upon the players that are involved.

Dr. Jones said that he was bringing this up now because he thinks it is a good thing that the Board recognizes shared governance. It is important. He mentioned the provost system and noted that the relationships between the Provost, the Hospital Vice President, the President and the faculty are still being worked out. These are all forms of shared governance, too.

Ms. May asked what “sensitivity to work-life concerns” means in the statement.

President Todd explained that the University now has a Work-Life Committee, and that Committee recommended the adoption policy. It is sensitivity to the fact that you have more than just work. There are other policy changes that the Committee would like to implement, such as supporting elderly parents. A report from the Committee has been submitted, and the sensitivity of the administration is to implement some of their recommendations. While the administration makes promotion and tenure decisions on work, it is sensitive to the work-life issues. One of the policies that received a very good response is giving the birth father time off when a new child comes to the family. These same privileges apply to adoptive parents as well. This had not been done before. He mentioned that flexibility in work schedules is another one and noted that there are places within the University where individual departments will be more relaxed about things whereas some other departments may not be. The Committee is trying to make proposals across the board so everyone can be treated equally.

Ms. Sparks asked how this statement differs from the previous statement.

President Todd said that adding the “Top 20” to the statement was clearly one of the differences in the statement. He reviewed other items in the previous statement and noted new items in this statement. He explained that they tried to reduce it to a shorter list and encapsulate some of the past ones into this one. They did add specific responsibilities pertaining to out-reach and work-life.

President Todd reported that Dr. Retia Walker started her Outreach Committee, and that Committee is now in place. He said that he had asked Dr. Walker and Dr. Jeff Dembo, Chairperson of the Senate Council, to start looking at ways to incorporate some of the service and outreach functions that faculty may perform into the promotion and tenure process. That has not been done that effectively, and the administration is trying to get serious about that.

Mr. Williams said that he thinks everyone understands the importance of what they are about to do, but he wanted to emphasize the importance of what they are about to do. In the establishment of the new Vision, Mission, Values Statement for the University, the Board looks at the document that is being presented to them and approves it as a Board. By doing this, the Board is saying to the administration, “yes,” we agree with how this has evolved within the administration, and we agree that these are the values that we embrace. We agree that this is indeed the mission and the vision. He said that these, in his mind, are marching orders. These form the foundation for the Strategic Plan that will be brought to the Board, probably next month, for final approval. He said that he just wanted to spotlight this because it is just not something that the Board routinely is doing. The Board does not do this often. It has not done this in five years. It is probably one of the most significant statements as a Board that they can make.

President Todd said that a lot of faculty and staff have been involved in this through the “Top 20” Commission and the Futures Task Force. The Strategic Plan is

really building on the reports of the Commission and Task Force, but the Strategic Plan is also building on this vision statement. That is why these came out first because this is the objective, and they have to be implemented in a strategic way. He said that he appreciated what Mr. Williams said, and he takes that charge seriously.

Mr. Reed said that PR 5 had a motion and a second. He called for a vote, and the motion carried without dissent. (See PR 5 at the end of the Minutes.)

H. Academic Affairs Committee Report

Mr. Reed said that AACR 1 was on the consent agenda. He asked Ms. Sparks, Chairperson of the Academic Affairs Committee, if she had anything to report to the Board.

Ms. Sparks said that AACR 1, Candidates for Degrees in the Community College System, was the only item for the Committee's consideration. Since it was on the consent agenda, a Committee meeting was not scheduled. This, however, is not to lessen the importance of the action.

I. Approval of Lease (FCR 1)

Mr. Chellgren, Chairperson of the Finance Committee, reported that the Committee met that morning and had a brief meeting. It was one of the lighter agendas that they have seen for awhile. He mentioned the very important agenda of the recent special called meeting that changed the tuition and housing rates.

Mr. Chellgren said that FCR 1 recommends approval of an important lease to provide additional housing for students. This will make an additional 385 spaces and take over the entire complex on Red Mile Road that is known as University Commons. This will provide almost 119,000 square feet of space. The annual lease rate is some \$1,546,000.00. The demand for student housing, both from returning students and anticipated demand from new students, is extremely strong. It is arguably, perhaps, the strongest they have seen, and as a result, the University administration is trying to get ahead of the program and be able to provide these additional spaces. The current space inventory is about 5500 spaces. This would add almost 400 – not quite an additional 8% to that inventory of available spaces. These units are considered particularly desirable. While these units have a premium price, the housing and dining operations are essentially a break-even operation. The Committee had a nice, thorough discussion, and the majority of the Board was at the Finance Committee. He moved the adoption of FCR 1. Ms. Wilson seconded the motion, and it passed without dissent. (See FCR 1 at the end of the Minutes.)

J. Professorship Name Change (FCR 2)

Mr. Chellgren said that FCR 2 is a relatively routine matter that the Committee deals with on a recurring basis. The Pharmaceutical Technology Leadership/Professorship/ Chair Endowed Fund is being changed to the Patrick P. DeLuca Pharmaceutical Technology Professorship in the College of Pharmacy. Dr. DeLuca is a principal contributor to the endowment and a member of the College of Pharmacy faculty. He is a UK Sullivan Award recipient. These gifts are generally being matched by the state's Research Challenge Trust Fund, and efforts are underway to move toward ultimately creating a \$1,000,000.00 endowed chair in the name of Dr. DeLuca. He moved the adoption of FCR 2. Ms. Sparks seconded the motion, and it carried without dissent. (See FCR 2 at the end of the Minutes.)

K. Wanda B. Coleman Estate Distribution (FCR 3)

Mr. Chellgren said that FCR 3 was a bit of a windfall to the University as the Development Office described when they described this gift to the Finance Committee. It is a distribution of \$615,000 in cash and a gift of one-half interest in 216 acres of land in Nelson County, Kentucky, near Bardstown. Mrs. Coleman died about a year ago. She earned two bachelor's degrees from the University in the 1930's. She lived in Danville. The farmland is being sold, and the University has one-half interest in this cash gift and the ultimate residual interest in the proceeds from the land. These are undesignated funds and will go into the university's endowment. He moved the adoption of FCR 3. Ms. Wickliffe seconded the motion, and it carried without dissent. (See FCR 3 at the end of the Minutes.)

L. Expenditure Authority for Housing and Dining Maintenance Reserve (FCR 4)

Mr. Chellgren said that FCR 4 is another step the University is undertaking to improve additional safety features in the windows in the Kirwan /Blanding Hall residential complex. This proposed expenditure of almost \$375,000 would permit the installation of safety bars on all the windows. There are 1,562 windows in this residential complex. The Board and other observers are very sensitive to and aware of the incident that occurred recently when students fell to their death through windows in that complex. Given the profile of this item and with the concurrence of Mr. Reed, he asked Ben Crutcher, Director of Housing and Dining, to comment on the recommendation.

Mr. Crutcher provided background information and displayed a picture of a window where the safety bars are to be installed in the residential complex. He made the following comments. On May 2, 2002 two students fell through a third story window in Kirwan Tower to their deaths. Following the accident, President Todd met with the staff and informed them that his objective was to improve the safety of the residence halls for the students. He asked that the incident be reviewed and studied thoroughly and that a recommendation for improving the safety in the Kirwan/Blanding residence halls be presented to him.

The first thing the staff did was research and locate a nationally known consultant named William Lingnell out of Austin, Texas. Mr. Lingnell is an authority on the properties of glass and windows and the construction of windows. Very soon after Mr. Lingnell was contracted, the staff asked him to come to the University, study the windows, and look at the residence halls. Mr. Lingnell took back a set of plans, several pictures, and asked a lot of questions. He thoroughly inspected the windows, the window frames, and the window assemblies.

Mr. Crutcher reported that they also asked Mr. Lingnell to simulate two people hitting the window at a fast walk, a jogging speed, and a sprint speed, to study the properties of the windows, and to study a number of scenarios. He was asked to look at every possible scenario involved in the recommendation. The computer simulation took several weeks to come to a proposed solution.

Mr. Crutcher referred to the displayed picture of the window in the Kirwan/Blanding residential complex. It is a one-inch by four-inch solid aluminum bar with a bay window configuration. He reported that the bar would follow the contour of the windows and provided the dimensions of the window assembly and bar. The bar will be anchored into the concrete structure with six-inch bolts that will be anchored into the reinforced concrete structure of the building. He said that they studied the static load and dynamic load on the bar. He provided an explanation of a static load (weight the bar could hold) and a dynamic (speed and velocity hitting the bar) load. The bar is designed to be 42 inches from the floor because that is above the center of gravity for most people. The bar is anodized aluminum so it matches the frame of the window. The bar basically comes in a flat piece of aluminum. Bending the bar to maintain its strength and integrity is a science; therefore, the University can spec out how to actually manufacture the bar.

Mr. Crutcher reported that they did field-testing on the bar with a company in Louisville and explained the field-testing process. The bar passed all tests. The deflection in the bar on all tests was very, very minimal. It will not bend enough to even hit the window, much less break the window.

In conclusion, he said if somebody hit the window assembly at sprint speed, they would feel the impact of the bar, but they most likely will not go through the window. It will not prevent an injury, but it will stop them from going through the window.

Mr. Chellgren thanked Mr. Crutcher for his comments. He reported that the almost \$375,000 required for this capital improvement will come from the Maintenance Reserve Fund which is designed to fund unplanned maintenance expenditures in the Housing and Dining System. He moved the adoption of FCR 4. Ms. Smith Edge seconded the motion, and it carried without dissent. (See FCR 4 at the end of the Minutes.)

M. Establishment of Charles W. Hammond Memorial Quasi-Endowment Fund (FCR 5)

Mr. Chellgren said that the last item on the Finance Committee agenda is FCR 5, the Establishment of Charles W. Hammond Memorial Quasi-Endowment Fund. This was a gift several years ago of some \$216,665 of securities from the Charles W. Hammond, a former Chemistry graduate student. The request was that the gift be used to benefit the Department of Chemistry. These funds have been in a restricted account and have been invested annually in the University's short-term investment program. The current balance is a little over \$256,000. The Chairperson of the Department of Chemistry has requested that \$250,000 be transferred to the University's Endowment to achieve a long-term perspective for investment purposes. This should allow a higher return. He moved the adoption of FCR 5. Ms. Wickliffe seconded the motion, and it passed without dissent. (See FCR 5 at the end of the Minutes.)

N. Other Business

Mr. Reed called attention to the revised schedule of meetings for 2003 for the Board of Trustees. He noted that the July 29, 2003 meeting is changed to June 24, 2003. He then called upon Dr. Plattner, who has chaired the Ad Hoc Committee on Bonus Criteria, for her comments.

Dr. Plattner reported that the Committee is finishing up the task that the Board set for them. The Board set a time to do this, and they are pretty close to it. The Committee is composed of Professor Kennedy, Dr. Meriwether, Ms. Tobin, Mr. Williams and herself, and the Committee has worked hard. They have faxed all over the country, Minneapolis, New Orleans, points East, West, North and South. A lot of work went into it. The Committee had some trustee guests, Dr. Jones, Ms. Sims and Ms. Young who added a great deal of depth to their discussion. Other Board members also added suggestions and thoughts. The Committee is deeply appreciative of everyone's assistance, and it is completing its work. The Committee will deliver the final copy of their report to Mr. Reed, and at his behest, the Committee will send copies also to the other members of the Board of Trustees.

Mr. Reed asked if Dr. Plattner anticipated that the report would be distributed shortly. Upon receiving the Bonus Criteria report from the chairperson of the Committee, he said that he would like to have copies sent to every member of the Board of Trustees. He welcomed and encouraged, as he has done all along, the Board members to take these criteria, review them, and feel free to add any comments or suggestions.

Mr. Reed said that the next Board meeting is May 6th, and he would like to have the Committee formally present the criteria at the next Board meeting for the entire Board's consideration. This is something that is of such a magnitude and such gravity that he feels that it would be in the best interests of the President of the University for the entire Board to provide its input and weigh in on these criteria. He said that he realized that they are competing against time because they are approaching the end of another

school year. At the same time, much of the materials that the Committee considered was taken from the Connecting with Kentuckians Report, a report that many of the Board members are very familiar with. The President is also familiar with the report. The report was derived from town forums that were held prior to the selection of a President whereby they went around the state, gathered input from the community, and asked the community, "What do you want in your President, and once we hire this President, what do you want this President to focus on?" With that in mind, on becoming Chairperson in September, he has been talking with President Todd about various criteria in the report and has relayed his conversations to Chairperson Plattner. Based on conversations with Dr. Plattner, the various criteria have been incorporated. Those thoughts have been transitioned into the report. Despite the late nature of the report being presented, that does not tell the entire story because he has been talking with the President. He has been talking with the Trustees and taking information from the report. He noted that the report is several years old, but it is very important to the Board.

Ms. Sparks said that she would like to make a few comments, and she would hope that the entire Board would concur. She said they would be remiss if they did not send their congratulations and thank you to Coach Tubby Smith for an outstanding season. Coach Smith, the team, and Mitch Barnhart are to be commended. She also thanked the Pep Band and the cheerleaders. The Pep Band added so much to the enjoyment of the game in Minneapolis. She said that she would like for the Pep Band director to know how much the Board appreciates them. The band was booed by some of those 25,000 people that were not in "Kentucky blue." She said that she became incensed, and it would be a long time before she ever got over students, athletes and the student band getting booed. She said that she would hope that the UK fans would never act in such a manner. It just did something to her, and she thought it was unsportsmanlike behavior. The band was going to play the Star Spangled Banner and not a pep song. The cheerleaders added so much to the games, and it was a tremendous season. She called attention to a wonderful brochure that she received in the mail regarding Athletics and told the Board that they should get a copy of it.

Ms. Sims said the cheerleaders are the university's front-line ambassadors. They are amazing, and they show up at every alumni function. She said that she would put every hour of practice and time spent in their venue up against any athlete on the entire campus. She has never seen such hard workers. She also mentioned the "cat."

Ms. Smith Edge said that she thinks everyone has been spoiled by the quality of the cheerleading as well as the other athletics, but especially the cheerleaders because at a SEC tournament or other games, the quality is very obvious.

Mr. Reed thanked the members for their comments and praise of the cheerleaders and the "cat."

O. Meeting Adjourned

With no further business to come before the Board, Mr. Reed adjourned the meeting at 1:58 p.m.

Respectfully submitted,

Russ Williams
Secretary, Board of Trustees

(PR 2, 3, 4, and 5; AACR 1; FCR 1, 2, 3, 4, and 5 which follow are official parts of the Minutes of the meeting.)