

MINUTES—OHIO UNIVERSITY, Board of Trustees Sept. 19, 1968

These are the minutes of the Board of Trustees Meeting held in Columbus, Ohio on Thursday, September 19, 1968.

The Chairman called the meeting to order at 9:25 A. M. In addition to the Chairman, the following members of the Board were present:

Duncan Baxter, Wayne E. Brown, Don M. Casto, Joseph B. Hall, Russell P. Herrold, William R. Morris, and Paul Stocker.

In addition to the Trustees, the following persons were also present: President of the Alumni Association Eugene Rinta; President Vernon R. Alden; Provost Thomas S. Smith; Vice Presidents James Whalen and Martin Hecht; University Architect-Planner L. F. Lausche; Assistant to the Executive Vice President James Henderson; Dean of Student Activities Thomas O'Keefe; and President of the Student Body David Stivison. Also present were President of the Faculty Senate Professor Robert Daniels; Faculty Representative on the Presidential Selection Committee Professor George Lobdell; Dr. William Holmes, who this year is serving as a fellow in academic administration for the American Council of Education; and Paul R. O'Brien, Secretary of the Board of Trustees.

The minutes of the Board of Trustees' meeting held last week had not been distributed, so their approval was postponed.

The Secretary reported he had received no communications, petitions, or memorials.

Chairman Johnson then called for committee reports. Mr. Casto of the Planning, Building, and Land Purchase committee asked Mr. L. F. Lausche to report on bids received for the construction of the new Mathematics building. Mr. Lausche read a letter from the Director of Public Works, Alfred Glenow, in which he recommended construction contracts for this building, totaling \$2,350,988.00 compared to the architects cost estimate of \$2,388,000.00. Director Glenow pointed out that the plumbing contract, the heating and ventilating and air-conditioning contract, and the electrical contract, all exceeded the architect's estimate of costs. He recommended awarding these contracts subject to the approval of the State Controlling Board.

32

NOTE: Since the meeting of the Board of Trustees, the low plumbing contractor on this building discovered an error in his bid and requested that his bid be withdrawn. The Director of Public Works then contacted the second low bidder on the plumbing and he too had made an error on his bid and requested it not be considered. The Director of Public Works then determined that it was in the best interest of Ohio University to readvertise this plumbing phase of this project.

New bids on the plumbing phase of this project were opened to September 26, 1968, and resulted in an increase in the plumbing bid of \$11,100.00.

The following letter of recommendation was received from the Director of Public Works—and it was approved by a telephone vote of the Trustees taken October 4, 1968, all eight members of the Board of Trustees present at this meeting approved the September 26, 1968, recommendations of the Director of Public Works.

September 26, 1968

RE: 60-53 Project No. 2/4-5-00253-0
Science & Mathematics Lecture
Building-Physical Science
Complex-Phase II
Ohio University, Athens, Ohio

31

This letter substitutes and replaces our letter of recommendation dated September 18, 1968.

On September 20, 1968, the low plumbing contractor, National Corporation, submitted bid data to substantiate an error in his bid and requested that his bid be withdrawn. The second low bidder was contacted with regard to accepting the Plumbing Contract and he, too, submitted data to substantiate a human error in his bid. Following these circumstances, it was the opinion of this office that it would be in the best interests of the State to readvertise the plumbing phase of the work.

New Bids on plumbing work were received on September 26, 1968. After careful consideration of these bids and the ones received on September 17, 1968, for the other phases of the work, we wish to recommend the award of Contracts to the following Contractors whose bids were the lowest and best received.

CONTRACTOR	BID	ESTIMATE
Mosser Construction, Inc. 122 South Wilson Avenue Fremont, Ohio 43420 ITEM#1 General Contract	\$1,618,500.00	\$1,675,800.00

30

MINUTES—OHIO UNIVERSITY, Board of Trustees

<u>Mosser (con't)</u>	<u>Bid</u>	<u>Estimate</u>
Alt. G-2 (Delete coat & hat racks specified and shown for all areas except Foyer Areas adjacent to Lecture Halls)	- 1,500.00	- 5,000.00
Alt. G-3 (Substitute Cut Stone Units for all precast concrete units)	- 34,000.00	- 12,000.00
Alt. G-4 (Delete prefinished wood paneling in Lobby #213 & Revise Masonry Wall Pattern to stack Bond on Walls Affected)	- 3,300.00	- 5,000.00
Alt. G-5 (Delete all lawn & planting Work Specified in Section 2D)	- 10,000.00	- 9,200.00
TOTAL GENERAL CONTRACT	\$1,569,700.00	\$1,644,600.00
The Miller Company 133 East Main Street <u>Piqua, Ohio 45356</u>		
ITEM #2 Laboratory & Library Equipment Contract	\$ 11,460.00	\$ 40,000.00
Otis Elevator Company 123 East Spring Street <u>Columbus, Ohio 43215</u>		
ITEM #3-Elevator Contract	\$ 26,500.00	\$ 28,400.00
National Corporation 219 King Avenue <u>Columbus, Ohio 43201</u>		
ITEM #4 Plumbing Contract	\$ 90,090.00	\$ 121,500.00
A. J. Stockmeister, Inc. 227 Main Street <u>Jackson, Ohio 45640</u>		
ITEM #5 Heating, Ventilating and Air Conditioning Contract	\$ 459,338.00	\$ 434,835.00
Charley Damron, Inc. P. O. Box 9186 <u>South Charleston, West Virginia</u>		
ITEM #6 Electric Contract	\$ 206,000.00	\$ 167,545.00
Alt. E-2 Corridor & Vestibule Switching	- 1,000.00	- 1,250.00
TOTAL ELECTRIC CONTRACT	\$ 205,000.00	\$ 166,295.00
TOTAL CONTRACTS RECOMMENDED	\$2,362,088.00	\$2,388,000.00
ASSOCIATE ARCHITECT'S FEE		
Fee for Original Design	\$85,410.00	
Fee for Redesign	\$43,200.00	
Fee for Bid Stage & Supervision		
Construction: 1,000,000.00 x 6%		
x 40%	= \$24,000.00	
1,000,000.00 x 5 1/2% x 40%	= \$22,000.00	
313,628.00 x 5% x 40%	= 6,272.56	
Fixed Equip: 48,460.00 x 6%		
x 40%	= 1,163.04	
TOTAL ARCHITECT'S FEE	\$182,045.60	\$182,045.60
Less amounts previously encumbered	-180,770.00	
Additional amount required	\$ 1,275.60	

30

29

MINUTES—OHIO UNIVERSITY, Board of Trustees Sept. 19, 1968

State Architect's Admin. Expenses		
1st million	\$ 6,500.00	
1,362,088.00 @ .25% =	<u>3,405.22</u>	
TOTAL STATE ARCHITECT'S FEE	\$ 9,905.22	\$ 9,905.22
Movable Equipment Allowance		\$ 75,000.00
Advertising, Plan Inspection		
Testing and Contingencies		<u>\$ 47,952.18</u>
TOTAL RECOMMENDED		\$ 2,676,991.00

SOURCE OF FUNDS

STATE APPROPRIATED-----	\$1,800,000.00
TITLE I HEW GRANT-----	\$ 173,250.00
TITLE II HEW GRANT-----	<u>\$ 703,741.00</u>
TOTAL	\$2,676,991.00

Please note that Item #5 (Heating, Ventilating, and Air conditioning contract) and Item #6 (Electric Contract) are in excess of the filed estimate of cost and are being recommended for award subject to the approval of the State Controlling Board. It is the opinion of this department that better bids would not be received if these items were readvertised.

If you concur in the above recommendation, please furnish this office with the necessary contract encumbrance records and one (1) copy of the controlling Board's Release and approval to award Contracts without competitive bidding.

Very truly yours,

Alfred C. Glenow
Director

The Chairman then called on William Morris for a report of the Special Committee to implement the provisions of Senate Bill #468 passed at the last session of the legislature.

Mr. Morris explained that his committee had met and discussed the provisions of the following resolution with representatives of the students, faculty, and administration. This resolution has the support of all areas of the University.

Mr. Lobdell confirmed that the Faculty Senate Special Committee, of which he was chairman, had studied this resolution and the majority of the Senate supported it.

Mr. Stivison reported that although most of the students had not had an opportunity to study this resolution, he felt that the Student Congress, as a group, could support this resolution.

Dean O'Keefe, speaking for the administration, reported that the resolution had been studied and worked over by all groups.

Mr. Morris then presented the following resolution and moved its adoption. seconded by Mr. Brown, on roll call vote, the following votes were recorded: Baxter-aye, Brown-aye, Casto-aye, Hall-aye, Herrold-aye, Johnson-aye, Morris-aye, and Stocker-aye. There were no negative votes.

RESOLUTION NO. 68-6

WHEREAS, the Board of Trustees of Ohio University is charged by law with the responsibility of making rules and regulations for the University, and establishing policy governing the conduct of the members of the University community and visitors to the University. Specifically, section 3345.21 of the Ohio Revised Code requires that the Board of Trustees of each college or university which receives any state funds for its support shall adopt regulations for the conduct of the students, faculty, administrative staff, non-academic employees and visitors; and

WHEREAS, the Board of Trustees of Ohio University, in complying with the mandate of the statute referred to above, wishes to recall for the members of the University community and its friends the Strong tradition of belief existing at Ohio University that freedom of inquiry and discussion is essential in a university community; and

WHEREAS, the Board of Trustees has long recognized the right of the members of the university community to hear speakers of their choice, and to speak and write and assemble peaceably without fear of reprisal; and

WHEREAS, the statute requiring the creation of these regulations clearly states that

28

27

such regulations shall not restrict freedom of speech nor the right of persons on the campus to assemble peacefully. These regulations are not intended in any way to discourage or restrict freedom of speech, including criticism, expression of grievances or petition for redress of wrongs, real or fancied, so long as rights of freedom of speech and assembly are exercised in a lawful and peaceful manner.

NOW, THEREFORE, BE IT RESOLVED that in consideration of its responsibilities, the mandate of the statute referred to above, and the principles stated, the Board of Trustees of Ohio University does declare that the practices enumerated below are unacceptable conduct for members of the University community and visitors to the University.

1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities, including the University's public service functions or of other authorized activities, on University owned or controlled property;
2. Obstruction of the free flow of traffic, both pedestrian and vehicular on University owned or controlled property;
3. Physical abuse or detention of any person on University owned or controlled property or at any University sponsored or supervised functions, or conduct which endangers the health or safety of any person;
4. Theft of or damage to property of the University or of property of a member of the University community or the property of a visitor to the University;
5. Unauthorized entry to or use of University facilities, including both buildings and grounds;
6. Violation of University established policies or regulations, including regulations in "Information for Students", the "Faculty Handbook" and other publications pertaining to student organizations, student, faculty, administrative staff, non-academic employees and visitors conduct, the use of University facilities, or procedures concerning the time, place and manner of public expression;
7. Violation of rules governing residence in University owned or controlled property.
8. Use, possession, or distribution of narcotic or illegal drugs on University owned or controlled property, except as expressly permitted by law;
9. Failure to comply with directions of University police and any other law enforcement officers acting in performance of their duties and to identify one's self to these officers when requested to do so;
10. Illegal or unauthorized possession or use of firearms, explosives dangerous chemicals or other weapons on University owned or controlled property;
11. Failure to comply with the directions of University officials acting in the performance of their duties;
12. Disorderly conduct; breach of the peace, and aiding, abetting or procuring another to breach the peace on Ohio University owned, or controlled property or at University sponsored or supervised functions.

Persons who violate these regulations may be ejected from University property, and suspended or expelled from Ohio University, or liable to legal prosecution, as may be appropriate for any individual member of the University community or any visitor to the University. Any penalties assessed as a result of the violation of any of these regulations shall be imposed according to due process.

The administration of Ohio University shall provide for administering and enforcing these regulations. This resolution shall be published in a manner reasonably designed to come to the attention of and be available to all students, faculty, administrative staff, non-academic employees and visitors. The Administration of Ohio University is also empowered to take such action as may be necessary and is authorized by Section 3345.21 of the Ohio Revised Code in order to preserve good order on the campus and prevent the disruption of the educational functions of the University.

The Chairman then called on Duncan Baxter for a report of his committee on Women's Hours. Mr. Baxter reported that his committee had met during the summer and had received reports from the administration indicating that the action taken a year ago by the Administration, relative to Senior Women, and women over 21 years of age, had been successful and no unfavorable incidents had resulted from this action. Mr. Baxter further reported that his committee was ready to recommend that the continuation of this policy be approved and this option be offered to Junior Women with parental consent effective in January, 1969.

MINUTES—OHIO UNIVERSITY, Board of Trustees

Mr. Baxter also reported that his committee has requested Vice President Whalen to conduct a comprehensive survey of Parents, Administrators and others concerned with the Womens Hours area as a guide to the Trustees in considering a long range policy on Women's Hours.

Mr. Baxter then presented the following resolution for the Board's consideration.

RESOLUTION NO. 68-7

WHEREAS, the change in Senior Women's Hours and Women over 21 made a year ago has been well accepted and no major incidents have occurred because of this change; and

WHEREAS, an administrative committee of the University has recommended that this option be extended to Junior Women; and,

WHEREAS, a special committee of the Board of Trustees has carefully studied this recommendation during the past summer.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Ohio University that the option granted Senior Women and Women over 21 years of age be extended during the current year; and

BE IT FURTHER RESOLVED, that effective January 1, 1969, Junior Women who obtain parental consent be not subject to the University regulations governing Women's Hours in resident halls and associated or recommended housing for the rest of this academic year.

On roll call votes, the following votes were recorded: Baxter-aye, Brown-no, Casto-aye, Hall-aye, Herrold-aye, Johnson-aye, Morris-no, Stocker-aye, There being six affirmative votes, the Chairman ruled this resolution was adopted.

Mr. Baxter was then called upon for a report of his committee relative to the sale of 3.2 beer on the campus of Ohio University. Mr. Baxter presented the following resolution for the consideration of the Board.

RESOLUTION NO. 68-8

WHEREAS, the Special Committee of the Board of Trustees has been studying the suggestions of an administrative and student committee that Ohio University sell 3.2 beer in certain University facilities for over a year, and

WHEREAS, it has been determined that present private industry facilities for serving 3.2 beer near the Ohio University campus are inadequate and;

WHEREAS, it has been determined that there is no legal impediment to serving 3.2 beer on University property provided this proper license is obtained, and;

WHEREAS, it is the belief of this committee that if Ohio University Trustees approved the sale of 3.2 beer in the John Calhoun Baker Center, private industry will improve their present facilities and will develop additional facilities close to the dormitory areas.

NOW, THEREFORE, BE IT RESOLVED, that the Ohio University Board of Trustees approve establishing an area in Baker Center for the sale of 3.2% beer under rules and regulations approved by the President of Ohio University.

AND, BE IT FURTHER RESOLVED that the proper administrative authorities be empowered to apply to the Ohio State Department of Liquor Control for a proper permit to sell 3.2 beer on the campus of Ohio University, and;

BE IT FURTHER RESOLVED, that no sale of 3.2 beer will be permitted at any time on Sunday.

After discussion of the proposed resolution, it was moved by Mr. Baxter, seconded by Mr. Hall, and unanimously carried.

The Chairman then called on Mr. Paul Stocker for a report of the Special Labor Relations Committee. Mr. Stocker asked Vice President Whalen to give the Board some background material before he presented his report. Vice President Whalen reported that since June, his office has been attempting to negotiate an agreement with the union. The union has presented seventeen demands which were previously distributed to the Trustees and the University has submitted certain requests of their own to the union. Several meetings have been held with the union representatives, and they broke off discussion on August 14, 1968, because the University had negotiated a contract to "clean-up" the new Convocation Center with a Cleveland firm. Vice

25

24

23

22

MINUTES—OHIO UNIVERSITY, Board of Trustees

President Whalen further reported we hoped to start negotiations again soon. In his opinion most of the difficulties between the University and the Union can be resolved.

Mr. Stocker reported that his committee has studied the seventeen requests submitted to the University by the Union Representatives and have concluded that all of the requests except the following are negotiable:

- Request#1--Establishment of an agency shop principle at Ohio University.
- Request#2--Implementation of two step wage increase for all employees of the University.
- Request#6--Two union representative officials to have their equivalent pay paid by Ohio University.

Mr. Stocker explained that in the opinion of his committee requests #1 and #6 were contrary to present law: as no deductions can be made from an employee's pay unless the employee authorizes the deduction--and that no state funds can be paid as salary unless the recipient of the funds renders service to the State. Mr. Stocker further pointed out that the Board of Trustees do not have authority to implement step wage increases as this power rests by law, in the State Employee Compensation Board.

Mr. Stocker also reported that if any of the three requests noted were approved by the Trustees, a tax payer suit could be made to void this action. He had been informed that if the Trustees took affirmative action on any of the three request noted above, a tax payer suit would be filed against the Board of Trustees.

Mr. Stocker further reported that his committee had instructed Ohio University negotiators to continue negotiations with the union on any of the other request submitted by them and to do everything possible within the law and the Ohio University budget to meet reasonable demands of the union.

Mr. Johnson thanked the Labor Relations Committee for their work and commended them for this report. After further discussion it was moved by Mr. Hall seconded by Mr. Morris and unanimously carried that the report of the Labor Relations Committee be accepted by the Board of Trustees.

Mr. Johnson then called the Board's attention to the following actions taken by the Board of Trustees on September 28, 1968 relative to the naming of buildings.

"in all of the branch cities the first building constructed shall be named in honor of a historical character from the community and that a local branch committee be consulted in determining the name to be recommended to the Board."

With this action in mind, Mr. Johnson reported that the Lancaster Branch Committee had presented the name of John Trafford Brasee as the name for the first building on the Lancaster Branch Campus.

Mr. Johnson reported that John Brasee was born in New York State on December 24, 1800. He was left an orphan at the age of seven and for two years was placed in the service of a cruel and inhuman man. He suffered many hardships while in this man's service. In 1818 John Brasee came to Ohio. He entered Ohio University in 1819 and completed his AB degree in 1826. He earned his expenses for college by teaching school and working in the clerk of court's office. In 1824, he was principal of the Lancaster Academy for six months. He studied law in the office of Joseph Dana of Athens, and was admitted to the bar in 1826. He then lived in Gallipolis, and in 1829 married the daughter of Judge Scofield of Lancaster. He later came to Lancaster and practiced law for many years. He was an outstanding member of the Bar of Ohio. He also acquired over 1000 acres of land in Fairfield County and established one of the finest farms in the area. He died October 27, 1880 in Lancaster.

There was a discussion of this name, and it was then moved by Mr. Casto, seconded by Mr. Brown, and unanimously carried that the first building located on the Ohio University Branch be named in memory of John Trafford Brasee.

The Chairman then reported that contrary to reports in the morning paper, that Senator Frank Lausche had been approached for the presidency of the Ohio University, the selection committee had not yet met and no one has been approached by any authorized agency of Ohio University.

The Chairman then called the roll of members for comment.

Mr. Hall, the chairman of the Presidential Selection Committee, indicated we were fortunate that President Alden had agreed to remain as President through

22

21

20

MINUTES—OHIO UNIVERSITY, Board of Trustees

June of next year. This should give the committee time to explore and interview prospective persons to replace President Alden.

Vice President Whalen thanked the committee of the Board of Trustees on Women's Hours and 3.2 beer for the time and thought they had given to these problems.

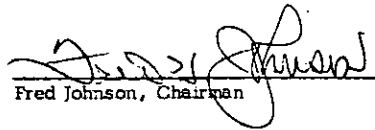
Professor Daniels then reported that the primary concern of the Faculty Senate was the academic standards established at Ohio University. He pointed out that the Faculty Senate does not want to "run Ohio University". However, closer communication with the Trustees will be helpful since the Senate is responsible to the 740 Faculty people and the hope to interpret the Board's decision to this large group.


Mr. Johnson then commented that the Board of Trustees has no interest in taking over the Faculty Senate's responsibilities and he hopes for continued, co-operation between the Senate, the administration, the students, and the Board of Trustees.

There were no other comments from members of the Board.

Mr. Johnson then thanked the group of students who had traveled to Columbus to attend this meeting. He stated that the Board of Trustees intends to carry out their responsibilities and they are always ready to cooperate with student, faculty, and administration in any way that is in the best interest of Ohio University.

There being no further business the meeting was adjourned.


Fred Johnson, Chairman


Paul R. O'Brien, Secretary

20

19