MINUTES OF THE MEETING OF

THE BOARD OF TRUSTEES OF OHIO UNIVERSITY

Friday, April 12, 2002

Ohio University, Athens Campus

THE OHIO UNIVERSITY BOARD OF TRUSTEES
MINUTES OF April 12, 2002 MEETING

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I. ROLL CALL

Seven members were present—Chairwoman M. Lee Ong, Patricia A. Ackerman, Gordon F. Brunner, Larry L. Schey, Brandon T. Grover, C. Daniel DeLawder, and C. David Snyder. This constituted a quorum.

Student Trustee Amy Vargas-Tonsi also attended, as did President Robert Glidden, Secretary Alan H. Geiger, and William J. Burke, D.O., chairman of the Ohio University Alumni Board of Directors, who sits by invitation of the Board.

Trustee Robert Walter was unable to attend the meeting due to a death in his family, but was able to participate by telephone in the morning deliberations. Trustees and President Glidden expressed their gratitude to Mr. Walter for making this special effort in a time of family sadness.

Trustee Gregory Browning was unable to attend due to a business matter and Student Trustee Barry Spurlock was unable to attend because he had an employment interview.

II. APPROVAL OF THE MINUTES OF THE MEETING Of January 29, 2002

(Previously distributed)

Mr. Schey moved approval of the previously distributed minutes. Mr. Grover seconded the motion. All agreed.

III. COMMUNICATIONS, PETITIONS, AND MEMORIALS

Secretary Geiger stated there were no communications, petitions, or memorials.

IV. ANNOUNCEMENTS

President Glidden announced that alumnus David Wilhelm has agreed to serve as speaker for both undergraduate commencement ceremonies on June 8, 2002.

V. REPORTS

Reports were given and reported to elsewhere in the minutes.

VI. UNFINISHED BUSINESS

Secretary Geiger reported no unfinished business.

VII. NEW BUSINESS

Chairwoman Ong reported that the Budget, Finance and Physical Plant Committee, Educational Policy Committee, and the Board Administration Committee had, at their respective meetings, discussed matters being presented to the Board. Items for action will be presented by the committee chairperson or a committee member as designated by the chairwoman.

BUDGET, FINANCE, AND PHYSICAL PLANT COMMITTEE

Committee Chairman Snyder reported the committee had thoroughly discussed, previously, items before it for consideration.

Chairman Snyder then reviewed, presented, and moved for approval by consent all six resolutions before the Committee. Mr. DeLawder seconded the motion. The motion carried and approval was unanimous.

APPROVAL OF CONSTRUCTION DOCUMENTS LECTURE HALL AND SMART CLASSROOM FACILTITY

RESOLUTION 2002— 1813

WHEREAS, the Ohio University Office of University Advancement has identified $5,000,000.00 to be allocated toward the construction of a new Lecture Hall and Smart Classroom Facility, and

WHEREAS, the balance of the project funding in the amount of $9,000,000.00 will be locally bonded using the FY 2003 – 2004 capital component allocation to retire the debt, and

WHEREAS, Ohio University did interview, select, and contract with the firm of NBBJ to provide consulting services for this project, and

WHEREAS, final plans and specifications have been prepared and are ready for advertisement for construction contracts on the Lecture Hall and Smart Classroom Facility,

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve plans and specifications for the project.

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby empower the President or his designee to receive bids for the work and award construction contracts so long as the total bids received are within the proposed funding for the Project.

LECT2002.RES

OHIO UNIVERSITY 1804

Vice President for Administration
Cutler Hall 209
Athens OH 45701-2979

tel 740.593.2556
fax 740.593.2124

March 21, 2002

Dr. Robert Glidden
President
Ohio University
Cutler Hall
Athens, OH 45701

Dear Bob,

John Kotowski and his staff have worked extensively with the architectural firm of NBBJ and a university planning committee to develop a program and prepare construction documents for the new University Classroom and Lecture Hall supported in part by a five million dollar gift from Mr. Robert Walter, a member of the Ohio University Board of Trustees. The projected cost of the project is fourteen million dollars. The nine million dollar balance will be provided by a bond sale using the capital allocation to retire debt.

John is seeking Board approval for plans and specifications. He also seeks authorization to advertise for construction bids and award a contract.

I recommend approval.

Sincerely,

Gary

Gary North
Vice President for Administration

GN:ss

INTEROFFICE MEMORANDUM

OHIO UNIVERSITY

FACILITIES PLANNING OFFICE
Building 19, The Ridges
Athens, Ohio 45701
TELEPHONE: (740) 593-2727
FAX: (740) 593-4081

John Kotowski
ASSISTANT VICE PRESIDENT FOR FACILITIES PLANNING
E-MAIL: kotowski@ohio.edu

TO: Dr. Gary B. North, Vice President for Administration

DATE: March 13, 2002

SUBJECT: APPROVAL FOR CONSTRUCTION DOCUMENTS FOR THE LECTURE HALL AND SMART CLASSROOM FACILITY

The Ohio University Board of Trustees at their regular meeting on September 29, 2000, approved a resolution that sought the authority to interview and hire a consulting team, develop a better-defined program, and prepare construction documents for the Science Lecture Hall and Smart Classroom Facility Project

The Office of Facilities Planning and Construction interviewed consultants and hired the firm of NBBJ to develop a program and prepare construction documents. NBBJ completed the program and the construction documents for the new Lecture Hall and Smart Classroom Facility are nearing completion.

The project as it has been programmed and designed is a 44,000 gross square feet, two-story structure located at the intersection of Richland Avenue and South Green Drive. The academic component of this building consists of four large lecture halls, two seminar/conference rooms, and informal student/faculty meeting spaces. The lecture halls have a total capacity of 710 persons. In addition, this building will serve as the home for the University Board of Trustees. A large meeting space with seating for over 100 persons will be provided and will also be made available to the administrative, faculty, student and classified senates. A large rotunda is being planned at the building's entry and will serve as a gathering space for special events. The building design has a brick and stone exterior and is in a traditional vocabulary complementing the architecture of the campus. The total project cost is $14,000,000.00.

The funding sources for this project consist of a $5 million contribution with the $9 million balance being provided through locally bonded funds that will use a FY 2003 – 2004 capital component allocation to retire the debt.

I have enclosed a resolution for consideration by the Board of Trustees at their April 12, 2002 meeting that seeks authority to award construction contracts as long as the total bids received are within the proposed funding parameter. If I can be of further assistance or provide additional information regarding this matter, please let me know.

JKK/PWC/LECT2002.GBN

Enclosure

Pc: Dr. Gary M. Schumacher
Mr. Richard P.Siemer
Mr. Leonard R. Raley

CONSULTANT APPROVAL AND AUTHORIZATION FOR THE RECEIPT OF SITE PREPARATION PACKAGE BIDS FOR THE SOUTHERN CAMPUS SOUTH POINT TRAINING CENTER

RESOLUTION 2002 --- 1814

WHEREAS, Ohio University Southern has need for training facilities to increase the development of the skills and the productivity of workers in Lawrence County and surrounding areas, and

WHEREAS, after careful study, it has been determined that the best solution is to construct a new facility at South Point to provide high quality training that fits the needs of the client whether those needs are for basic computer instruction, information technology training, skills in using applications specific to a business's operations, web based technologies or production line or process training, and

WHEREAS, Ohio University Southern Development Office has identified a grant from the Enterprise Ohio Network to fund a new South Point Technology Training Center in the amount of, and

WHEREAS, Ohio University Southern has contributed local funds of $150,000, making $950,000 available for this project, and

WHEREAS, Ohio University has advertised for consultants, has received seventeen proposals of interest from consulting firms and interview five firms, then selection DSI Architects from Columbus, Ohio

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby empower the President or his designee to recommend the firm of DSI Architects as the Associate for the project to prepare plans and specifications for the South Point Technology Training Center and to

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby authorize the receipt of bids and award of construction contracts for the site preparation (in order to fast track the project to satisfy the requirements of the grant) of the Facility provided the total bids do not exceed the resources identified for this portion of the work in the project.

southpoiintes

OHIO UNIVERSITY
1804
Vice President for Administration
Cutler Hall 209
Athens OH 45701-2979
tel 740.593.2556
fax 740.593.2124

March 21, 2002

PRESIDENT'S OFFICE
MAR 2? 2002

Dr. Robert Glidden
President
Ohio University
Cutler Hall
Athens, OH 45701

Dear Bob,

John Kotowski has worked with former Dean of the Ironton Campus, Dr. William Dingus and current Dean, Dr. Daniel Evans to secure land at South Point Ohio in Lawrence County for the development of a Technology Training Center. The planning staff, working in consultation with the Ironton staff developed a program statement and interviewed seventeen architectural firms that expressed interest in the project. They are recommending that the firm of DSL Architects be awarded the contract to plan the facility.

John Kotowski, in order to facilitate the process, is also seeking authorization, upon completion of plans and specifications to seek bids and award a construction contract within the resources available to the project.

I recommend approval

Sincerely,

Gary

Gary North
Vice President for Administration

GN:ss

Cc: Charles Bird
Daniel Evans

INTEROFFICE MEMORANDUM

OHIO UNIVERSITY
FACILITIES PLANNING OFFICE
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John Kotowski
ASSISTANT VICE PRESIDENT FOR FACILITIES PLANNING
E-MAIL: kotowski@oak.cats.ohiou.edu

TO: Dr. Gary B. North, Vice President for Administration

DATE: March 7, 2002

SUBJECT: APPROVAL TO HIRE A CONSULTANT AND AUTHORIZATION FOR THE RECEIPT OF SITE PREPARATION BIDS FOR THE SOUTHERN CAMPUS SOUTH POINT TECHOLOGY TRAINING CENTER

Ohio University Southern is continuing to broaden its involvement in the development of the skills and the improvement of productivity of the workforce in Lawrence County and the surrounding area. The development of a Technology Training Center at the South Point Industrial Park is another way the institution can have a positive impact and will assist companies in training employees who need upgraded skills as will as new employees who may not have the appropriate educational background for advancement. The Ohio University's Southern Center for Development which has sought and received a grant for a Technology Training Center is posed to extend its involvement into the South Point area.

The purpose of the Technology Training Center is to provide high quality training that fits the needs of the client whether those needs are for basic computer instruction, information technology training, skills in using applications specific to a business's operations, web based technologies or production line or process training. Delivery methods will evolve to meet clients' needs, but at a minimum they will include:

-classes open to employees of any business in the park or region

- classes for employees of only one business or industry or of a department within a single business or industry

-off site training for individuals and groups that takes advantage of the training center's hub technology

-asynchronous learning opportunities that combine web based technologies so that employees can access it any time

-hands on training in business and industry processes using tools and equipment equivalent to those the employees will use on the job.

By offering companies quality training opportunities for their employees, Ohio University Southern will help fulfill its mission of outreach to the people in its services area at the same time it is contributing to economic growth.

After a brief analysis, it is believed that a building of this type should contain approximately 6,000 gross square feet. The building would include classrooms, break out spaces, computer training rooms and offices. The exterior of the building will need to be recognizable to the community as a Ohio University Southern building, using similar materials will achieve this result. It is expected that a facility of this nature will cost approximately $800,000.

The major portion of this funding has been identified through a grant awarded from the EnterpriseOhio Network funds. It is now the time to develop this concept further and to better define the program and more specifically verify the cost to construct the building.

Our office has advertised statewide to seek interested consultants to provide programming, architectural and engineering services. Through a selection process, five firms were interviewed and DSI Architects of Columbus, Ohio was selected.

In addition to hiring DSI Architects, this office is seeking permission to bid a site preparation package to fast track this project. The Enterprise Ohio Network funds require that we be under construction in fiscal year 2002. Authorization to proceed with this building will be brought to the Board at a future date..

Enclosed is a resolution for the consideration by the Board of Trustees at their regular meeting on April 12, 2002. This resolution seeks authority to hire a consultant, develop a better defined program and prepare site construction documents for the Southern South Point Technology Training Center. If I can be of further assistance by providing additional information regarding this matter, please let me know.

APPROVAL OF AIRPORT T-HANGAR PLANS, SPECIFICATIONS, AND AUTHORIZATION OF CONTRACT AWARD

RESOLUTION 2002--- 1815

WHEREAS, Ohio University, utilizing the services of PDR Engineering, completed an Airport Master Plan for the Bush Airport, and

WHEREAS, in 1997, URS Greiner completed an Airport Development Plan, and

WHEREAS, both of these studies recommended that the Bush Airport expand its current quantity of hangar spaces available to private owners of small aircraft, and

WHEREAS, the Federal Aviation Administration having approved both studies and supported the continued development of the airport, and

WHEREAS, the University has, with in-house design personnel and Miller Group Architects, developed plans and specifications for the construction of a second T-hangar facility, and,

WHEREAS, construction of the T-hangar project has been estimated to cost $ 267,750, and the University plans to fund the project with an internal loan to be repaid through hangar rental fees, and,

WHEREAS, final plans and specifications are being completed, and the University is preparing to advertise for construction contracts.

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve the plans and specifications for the Bush Airport T-Hangar Project.

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby authorize the advertisement of and receipt of bids for the Bush Airport T-Hangar Project, and does empower the President or his designee to accept and recommend award of construction contracts, provided the total bids do not exceed the available funds.

AIRT-HANG.2002.RES

OHIO UNIVERSITY
1804

Vice President for Administration
Cutler Hall 209
Athens OH 45701-2979

tel 740.593.2556
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March 21, 2002

Dr. Robert Glidden
President
Ohio University
Cutler Hall
Athens, OH 45701

Dear Bob,

John Kotowski is seeking Board approval for plans and specifications to construct t-hangers at the university airport. He is also requesting approval to seek construction bids and award a contract within the scope of available funds.

I recommend approval.

Sincerely,

Gary

Gary North
Vice President for Administration

GN:ss

INTEROFFICE MEMORANDUM

OHIO UNIVERSITY

FACILITIES PLANNING OFFICE
Building 19, The Ridges
Athens, Ohio 45701
TELEPHONE: (740) 593-2727
FAX: (740) 593-4081

John Kotowski
ASSISTANT VICE PRESIDENT FOR FACILITIES PLANNING
E-MAIL: kotowski@ohio.edu

TO: Dr. Gary B. North, Vice President for Administration

DATE: March 11, 2002

SUBJECT: APPROVAL OF CONSTRUCTION DOCUMENTS FOR THE T- HANGARS AT THE GORDON K. BUSH AIRPORT

The Ohio University Airport, originally constructed in 1971, features a 4200-foot long runway and parallel taxiway, that we are currently extending by 1400 feet to a total length of 5600 feet. The facility serves not only Ohio University, but is also a general aviation airport for this portion of Southeastern Ohio. As a General Aviation Airport, a wide variety of facilities and services are provided, one of these being T-hangars for housing of small, private aircraft. The existing twelve-unit T-hangar has been filled to capacity for many years, and there is and has been a demand for additional hangar space from several aircraft owners.

In 1993, the University completed an updating of the Airport Master Plan. That document, along with an Airport Development Plan completed in 1997, recommended that the airport plan for and provide additional hangar space for private aircraft owners. A total of twenty additional hangar spaces were recommended in that plan.

The University, using primarily in-house design personnel, has developed a plan for the construction of one additional T-hangar building, providing space for ten individual aircraft. The firm of Miller Group Architects was used to coordinate final building drawings, to assure the conformance of the planned structure to current building codes, and to prepare appropriate bid documents.

The total project, including all design, construction and fees, is expected to cost $ 296,575. The construction phase is expected to cost $ 267,750. Funding for this project is being generated by an internal University loan to the Airport, which will be repaid by rental fees charged to users of the T-hangar units.

The construction plans and specifications are complete, and the project is close to being ready for advertisement for construction contract bids. I am writing to seek support to proceed with this project. Toward that end, I have enclosed a resolution for consideration by the Board of Trustees at their regular meeting of Friday, April 12, 2002 that seeks approval of the plans and specifications and authority to award construction contracts so long as total bids received do not exceed available funding.

I will provide a set of construction documents early in the week of April 8, 2002 for use at the Board Meeting. If you have any questions or concerns regarding this matter, please let me know. Thank You.

JKK/dp/AIRT-HANG.2002.GBN

enclosure

pc: Dr. Gary Schumacher
Mr. Richard Park Siemer
Mr. Timothy Kern

LAND LEASE TO THE MUSKINGUM COUNTY PARK DISTRICT

RESOLUTION 2002 - 1816

WHEREAS, the Ohio University Zanesville Regional Campus in conjunction with the Muskingum Area Technical College (MATC), developed a master plan, which includes the development of a Passive Park on planned unused and surplus land area of approximately thirty (30) acres, and

WHEREAS, the Muskingum County Park District would like to lease and develop the area as a Passive Park, with the assistance of the Ohio Department of Natural Resources, a Passive Park with nature trails, educational programs and an ecological rehabilitation program, and

WHEREAS, the Muskingum County Park District will assume responsibility for the Passive Park as part of the master plan,

NOW THEREFORE BE IT RESOLVED, the Ohio University Board of Trustees hereby approves the leasing of thirty (30) acres $\pm$ on The Ohio University Zanesville Regional Campus to the Muskingum County Park District for twenty-five (25) years in accordance with Section 123.01 (A) (9) of the Ohio Revised Code to create a Passive Park consistent with the master plan and the plans of the Muskingum County Park District, and

FURTHER, THEREFORE BE IT RESOLVED, that the Ohio University Board of Trustees hereby authorizes the President to approve the final terms and conditions of the twenty-five (25) year lease and to authorize the appropriate staff to arrange for execution of the lease in accordance with Ohio law.

Interoffice Communication

Date: March 29, 2002

To: The President and Board of Trustees

From: John F. Burns, Director, Office of Legal Affairs

Subject: Park Lease to the Muskingum County Park District at the Ohio University Zanesville Regional Campus

In recent months Dean James W. Fonseca of the Ohio University Zanesville Regional Campus has been working closely with the Muskingum County Park District to create an appropriate thirty (30) acre Passive Park on unused and surplus land owned by the University adjacent to the joint campus of Ohio University Zanesville and the Muskingum Area Technical College (MATC), which leases land from the University for its campus facilities.

The plan for the Passive Park is part of the Ohio University-Zanesville/MATC campus master plan prepared in August of 2000, and attached is a aerial photograph of the basic master plan area, referencing the Passive Park as Phase I. This defined area includes the baseball field and other recreational areas that will not be a part of the actual Passive Park, and a more detailed plan for the Passive Park will be available for review at the board meeting. As one can note from the plans for the Passive Park, the theme will be nature trails, educational programs and an ecological rehabilitation program run by the Muskingum County Park District.

This creation of the Passive Park will be based on a twenty-five (25) year lease granted by The Ohio University Board of Trustees to the Muskingum County Park District for $1.00 for the lease term, and the Ohio Department of Natural Resources (ODNR) has indicated a willingness to provide funding to create and operate the Passive Park with the appropriate lease provisions committing the University to the terms of the lease, specifically the length of the lease, which has been provided.

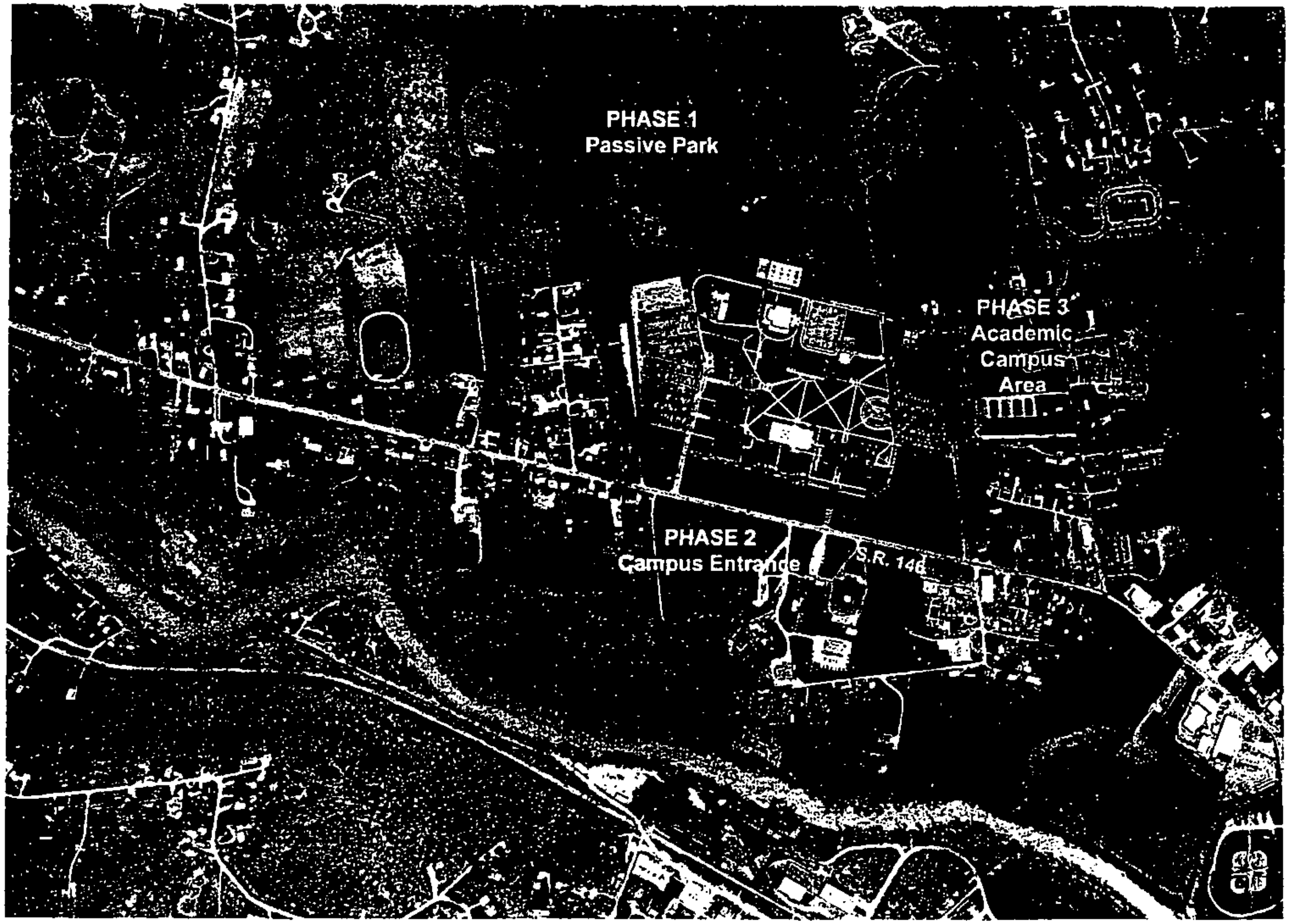
This project will certainly reflect a unique cooperative relationship between Ohio University-Zanesville and the community, and it has the support of Dean Fonseca and Vice President for Regional Higher Education Charles Bird.

The attached resolution has been prepared for your consideration to authorize a twenty-five (25) year lease for the Passive Park, and the staff will be available to answer any questions at the meeting.

JFB:vsp

Enclosure

cc: President Robert Glidden
Secretary Alan Geiger
Vice President Charles Bird
Dean James Fonseca



- Nature Trails: Footpaths explore each ecologic
- Separate parking area for park visitors
- Elevated boardwalk through sensitive areas an across Joe's Run
- Ecological rehabilitation program
- Educational extension of classroom
- Interpretive program to highlight local ecology efforts

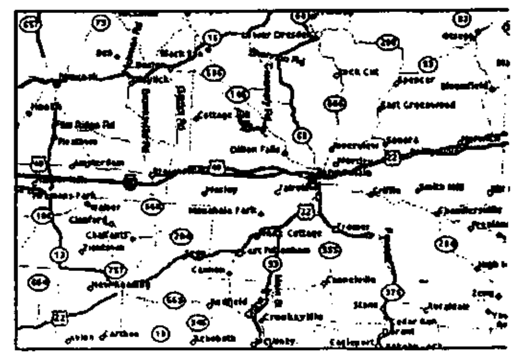
<u>Phase II - Campus Entrance Redesign</u>

- Redesign of entry to enhance arrival experienc
- Incorporation of design elements provide cohe streetscape
- Turn lane controls traffic on S.R. 146
- Entry improvements define the "Image Landsc

<u>Phase III - Academic Campus</u>

- Stronger internal character and addition of fun spaces
- Addition of landscape trees throughout campu microclimate conditions, creates a more comfo pedestrians and provides a unifying element fo campus.
- Elimination of excess parking

CONTEXT MAP



RIFFE CENTER ROTUNDA NAMING

RESOLUTION 2002 - 1812.

WHEREAS, James J. Mains, Jr., served as the first director of Ohio University Southern from 1956 to 1959, and

WHEREAS, under James Mains' skillful and determined leadership, the fledgling Ironton Branch, later known as Southern, was nurtured and supported, resulting in a solid foundation for an institution that would grow to provide educational opportunities to the residents of Ironton and Lawrence County and its surrounding communities, and

WHEREAS, James Mains has worked in public education for over 50 years, leaving a legacy of dedication and inspiration to all the lives he has touched as a teacher, counselor, coach, mentor, and educational leader,

NOW, THEREFORE, BE IT RESOLVED, that the Coordinating Council of Ohio University Southern formally requests the Ohio University Board of Trustees to name the Rotunda in the Riffe Center on Southern in honor of former director, James J. Mains, Jr.

BE IT FURTHER RESOLVED, that the official name shall be the James J. Mains, Jr. Rotunda.

Regional Higher Education

Cutler Hall 206
Athens OH 45701-2979
740-593-2551 phone
740-593-2867 fax

OHIO UNIVERSITY

March 26, 2002

President Robert Glidden
Ohio University
108 Cutler Hall
Athens, OH 45701

Dear President Glidden:

The Regional Coordinating Council at the Southern Campus has recommended that the Rotunda in the Riffe Center be named in honor of James J. Mains, Jr., who was the first Director of the Campus, serving from 1956 to 1959. I am pleased to support this recommendation.

By all accounts, James Mains deserves enormous credit for the initial establishment and success of our campus in Ironton. Although he served as Director for only three years, Mr. Mains continued to be an important supporter of the institution, including teaching as a part-time faculty member, in all the years that followed. He is deeply respected, both by community leaders and by faculty and staff at the Southern Campus. The naming of the Rotunda in honor of James J. Mains, Jr. will help assure that his contributions will be recognized and remembered into the future.

Sincerely,

Charles P. Bird
Vice President

cc: Dan Evans, Dean, Southern Campus

Southern Campus Coordinating Council
Minutes from March 5, 2002 Meeting

Members in attendance: Keith Molihan, Dick Meyers, and Robert Pleasant

Guests: Charles Bird, Dan Evans, Eric Cunningham, and Robert Rader.

Keith Molihan, Chair, called the meeting to order at 6:05 p.m.

The minutes of the November 6, 2001, meeting were reviewed and Dick Meyers made a motion to approve the minutes. Robert Pleasant seconded and the motion carried.

There was a discussion about two possible new members for the Council, Jodi Rowe-Collins and Jim Payne. Dr. Evans will meet with these individuals and submit their resumes to the Board of Trustees for approval for Council membership.

Dr. Charles Bird, Vice President for Regional Higher Education, gave his report.

- The University now has a new provost, Dr. Steve Kopp. He will be coming two days per month until he comes on board full-time. Dr. Kopp has no direct experience with regional higher education and only limited experience with continuing education, so he will have to familiarize himself with our regional system.
- Fall 2002 there will be a substantial tuition increase and then another for Fall 2003. Like Athens campus, tuition will probably have to go up at the regional campuses. Officials at the Athens campus are unhappy with the deal worked out with the governor. Considering the budget cuts, a three percent salary raise, and technology needs, the tuition increase was pushed higher than was desired. When recruiting students, the regional campuses are being encouraged to emphasize dollars not percentages. Most of the Athens students seem to understand the need for the tuition increase. We will probably have two to three more years of relatively bad times before the situation begins to correct itself.
- The main item of concern was Council membership. The current practices at the Southern and Eastern campuses were of greatest concern. He distributed a copy of the by-laws to the members and asked that each member review them and make suggestions for revisions. He would like to have the revised version completed before the spring meeting. It is his hope that the revised version will have more modern language and be shorter and less prescriptive. The President has suggested nine members for nine year terms, and two student members for two year terms that would be staggered.

Keith added that he felt the Council is important to the campus in its support of the dean and in the areas of recruitment, expansion, and community involvement. He hopes that will not change and Dr. Bird responded that he did not feel it would.

Dr. Dan Evans, Southern Dean, gave his report.

- He expressed his appreciation for the work that the folks of Southern are doing.

- He announced that on that evening a student activities event was taking place in the Riffe Center Rotunda with free food and games and invited the Council members to stop by after the meeting.
- Due to the cut backs in funding, Southern needs to reduce its budget by around $600,000. He is encouraging budget managers to buy only what is needed and to freeze open positions until the situation improves.
- Plans are underway to establish a local fund raising committee for the Proctorville Center. Southern recently received a $50,000 donation for the Center.
- DSI Architects from Columbus will design the building at The Point. Bids for the project will be let in summer and, hopefully, construction will begin in late summer with an occupation date sometime in December.
- The Ohio Horse Park has a building kit that was never erected so we are going back to the manufacturer for assistance in designing a foundation so the project can begin.
- The Nature Center has undergone a complete renovation and will soon be celebrating with an event on Earth Day. Southern has also been given another building in the Vesuvius area, a residential facility.
- Southern is purchasing a house and property located at 1924 South 10th Street, Ironton, Ohio, which will probably be used for office space.
- A copy of the minutes of the May 30, 1996 Council meeting was distributed for review regarding a motion that was made by Bob Compton to name the Riffe Center Rotunda after former director, James J. Mains, Jr. Dan expressed concern because a resolution had never been sent forth to the Board of Trustees requesting the naming of the Rotunda. It was agreed that a resolution would be drafted and sent to the members for their approval, and then forwarded to the Board for its approval.
- Southern has accepted a gift of Travel World which will be good for our Travel and Tourism students, giving them much needed hands-on experience. It will be located in one the houses on campus.
- Currently 75% of Southern's faculty and staff have given to the Bicentennial Campaign.
- A copy of Southern's new emergency procedures information was distributed to the members. Also, it was mentioned that our evacuation plans for all the buildings have been updated.
- An emeritus recognition for Betty Douglas and Bernard Edwards will be planned for the spring meeting which will also be considered our annual meeting.

Dr. Eric Cunningham, Southern's Associate Dean, gave his report.

- Information was distributed regarding enrollment figures which have been down a little. The FTE has not declined as much because, even though we have fewer students, those students are each taking more courses.
- Upcoming concert events were mentioned.
- Regarding the Student Services Center, there has been a significant rise in requests for assistance from students who qualify under the Americans with Disabilities Act. Before we provide the services we do ask for verification.

- The Student Services Center is working with the Center for Development to create a career exploration and job placement network.
- A list of the various student organizations was distributed so the members would be aware of the extracurricular activities which are available to the students.
- A summary of the results of the Noel-Levitz student survey were distributed. The results indicate that our students are very satisfied with the level of instruction and service they are receiving at Southern.

The next meeting will be in the spring, hopefully sometime in May.

The council adjourned to take a tour of the new Bill W. Dingus Technology Center which should be completed and ready to be dedicated in May.

MINUTES
COORDINATING COUNCIL MEETING
May 30, 1996

The Coordinating Council members in attendance were Bob Compton, Keith Molihan, Patricia Schultz, and Dick Meyers, Bernard Edwards

Others present were Dr. Robert Glidden, Dr. James Bryant, Bill Dingus, and Eric Cunningham.

Keith Molihan, chairman, began the meeting at 12:15 p.m. The minutes of the last meeting were distributed. Dick Meyers made a motion to accept the minutes, Bob Compton seconded, and the motion carried.

Bob Compton wanted to know what is a virtual university. Dr. Bryant responded that it is when you take university programs and move away from conventional methods into a high tech, inter-disciplinary form of instruction. Dr. Glidden added that the term virtual university is more a term that the news media has applied to this new form of instruction. Ohio University does not yet offer an external degree, but it is the only Ohio college that is authorized to use not only new forms of technology, but persons from other educational institutions. Dr. Glidden feels that we need to fully develop these external degrees before someone else does. Hopefully, offering these new programs will increase the number of Ohioans who have bachelor's degrees.

Dr. Glidden also addressed the issue of economic development. They are looking at a more grassroots effort, building on the natural resources of various areas in the state. He and Mark Weinberg (ILGARD-Institute for Local Government and Rural Development) had gone to Washington to meet and share information with public officials about our resources and the need for economic development. Also, they explored ways in which the university could facilitate economic growth.

Dr. Glidden announced that a new provost had been hired, Dr. Sharon Brehm. He said she is personable, experienced, and has good administrative skills. Also, the university has three new deans, Dr. Leslie Flemming, College of Arts and Sciences; Dr. Kathy Krendl, College of Communication, and Dr. Kent Wray, College of Engineering. Dr. Glidden felt good about the progress the university is making.

Keith added to the subject of economic development by stating he feels Southeastern Ohio very often gets used, but it does not get the funding. He would like to see officials and others concentrate more on what is good for each area and helping your neighbor, rather than what is good for just their own county. Instead of competing and pitting politicians against each other, let's all pull together.

Bill Dingus stated that we need permanent businesses and jobs and then the services jobs will follow and help build the area. Dr. Glidden added that if the university can identify persons with certain areas of expertise and team them up with university resources, then progress can hopefully be made in economic development. Dr. Glidden spoke about the retirement center the university was helping to establish in the Athens community.

Bill distributed to each member of the council a draft of the strategic plan. He asked that the committee members take the document, review it, and share with him any comments they might have.

Bill gave an update concerning facilities. John Kotowski in Facilities Planning had forwarded a letter requesting a consolidation of funds for capital projects. There are no new capital monies. The new 75' x 180' arena at the horse park is finished. He had an opportunity to watch the first class and was very impressed. He stated that we have people wanting to donate good horses in order to get them a home. There is money in breeding and selling horses. The first horse show at the Ohio Horse Park is scheduled for August 24.

Bill shared that the Southern Campus is working on a joint wellness program with the Community Action Organization and River Valley Health Systems.

The Southern Campus is currently making plans for its 40th anniversary celebration this fall. The official anniversary date is September 21. Bill said he is trying to get a nine foot grand piano for the Riffe Center and have it dedicated during the 40th anniversary celebration. Also, a portrait unveiling and dedication is being planned. The portraits are of the legislators who have been in office during the time period that the Ohio University Southern Campus has been in the Ironton community.

Bob Compton made a motion that committee draft a resolution naming the Rotunda area of the new Riffe Center in honor of James Mains, OUSC's first director. Dick Meyers seconded and the motion carried.

Eric Cunningham reported that the Southern Campus has three new technical programs, Office Technology, Business Management Technology, and Law Enforcement Technology. The money is in the budget to hire new directors for these programs and the searches should start soon. It is hoped that next year a two year allied health program will be added.

Eric also reported that there would be a graduate program in education beginning in the summer with Sondra Rebottini. Approximately 25-30 students are enrolled. Another graduate program in Rural Principalship under the direction of Bill Larson would also be starting.

Jim Bryant suggested that with the technical programs, the regional campuses, through a cooperative effort, should utilize the expertise of various individuals so we do not have several individuals all doing the same thing.

Bill reported that Robert Culp from Ashland Oil would be joining the Southern Campus team as the new chemistry instructor, replacing Maurice Mitchell who retired.

Keith Molihan made a motion to adjourn, Dick Meyers seconded and the motion carried.

ALTERNATIVE RETIREMENT PROGRAM

ADOPTION AND RATIFICATION OF PLAN DOCUMENT

RESOLUTION 2002 – 1818

WHEREAS, on April 18, 1998, in Resolution number 1567, the Ohio University Board of Trustees authorized an alternative retirement system for academic and administrative university employees of public institutions of higher education pursuant to Ohio law, specifically Amended Substitute House Bill 586 codified in Chapter 3305, which became effective March 31, 1997; and

WHEREAS, by Resolution number 1567, the Board established and authorized an Alternative Retirement Plan (ARP), which defined and described the Ohio University ARP Program pursuant to Ohio Revised Code Section 3305.04; and

WHEREAS, by Resolution number 1567, the Board authorized the execution of contracts which each entity offering a retirement plan designated pursuant to Section 3305.03 of the Ohio Revised Code for the purpose of establishing an alternative retirement program in accordance with Chapter 3305; and

WHEREAS, subsequent to the adoption of Resolution number 1567, changes in the law, and specifically Ohio Revised Code Section 3305.04 occurred which required the Board to adopt and authorize a Revised Alternative Retirement Plan; and

WHEREAS, on December 12, 1998, the Board did so adopt a Revised Alternative Retirement Plan in compliance with Ohio Revised Code Chapter 3305, and further authorized the Office of Legal Affairs and Human Resources to take the steps necessary to complete, modify, and adjust the Alternative Retirement Plan document to be in full compliance with State and Federal law, and to meet the requirements of the Internal Revenue Service to become a Qualified Plan for the purposes of state and federal tax laws; and

WHEREAS, on or about February 1, 2000 and April 1, 2001, the Alternative Retirement Plan document for Ohio University was revised and modified by the Office of Legal Affairs to be in compliance with legislative changes to Chapter 3305 and to be in compliance with the requirements of the Internal Revenue Service to make the University's plan a "Qualified Plan" for tax purposes.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Ohio University, that:

1. In accordance with the provisions of Chapter 3305 of the Revised Code, Ohio University hereby adopts and ratifies the changes made to Alternative Retirement Plans of February 1, 2000, and April 1, 2001 for the benefit of electing academic and administrative employees, and sponsored by the providers approved by the

State of Ohio Department of Insurance, in accordance with Section 3305.03(A) of the Ohio Revised Code.

2. This Board hereby adopts the Alternative Retirement Program Plan Document in substantially the form attached hereto as Exhibit "A" and made a part hereof by this reference, for purposes of implementing and authorizing the current plan.

3. This Board hereby ratifies the authority of a duly authorized officer of Ohio University to execute the document on behalf of Ohio University.

4. In accordance with the provisions of Section 3305.04 of the Ohio Revised Code, and except as specifically provided in the Plan, this Board may perform such functions and provide as necessary for the administration of each alternative retirement plan as it may determine.

5. This Board will have the authority to promulgate uniform rules of interpretation, consistent with Section 3305.01(C) of the Ohio Revised Code, to determine whether any person is an academic or administrative employee eligible to participate in the alternative retirement program.

OPEN MEETINGS. This Board finds and determines that all formal actions of the this Board relating to the enactment of this Resolution were taken in an open meting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted: ______________________

Certified by: ____

Alan H. Geiger
Secretary to the Board of the
Ohio University Trustees

OHIO UNIVERSITY 1804

Interoffice Communication

TO: The President and Board of Trustees, Ohio University

FROM: Nicolette Dioguardi, Associate Director, Office of Legal Affairs

I am requesting that the Board consider the following resolution at this meeting.

In 1998, the Board adopted by resolution an Alternative Retirement Program for Ohio University academic and administrative employees. The Board also adopted an Alternative Retirement Plan to be administered by the University. The plan has had to be revised several times to be in compliance with the changes in the state law concerning the Alternative Retirement Program, and IRS regulations.

Currently, Ohio University's Plan document, which is attached to the resolution is being reviewed by the IRS, along with our sister state institutions' plans to make all the plans "Qualified Plans" for the purposes of IRS regulations.

IRS informed us a week ago that this additional resolution was necessary for them to complete their review. The resolution ratifies previous changes made in our Plan that were necessary to comply with Ohio law as it changed in February of 2000 and April of 2001, and will comply with the IRS current request.

Ohio Public Higher Education Institutions'
Alternative Retirement Plan

Article I

OPTIONS

§ 1.1 Exclusive Benefit

This Plan has been executed for the exclusive benefit of the Participants hereunder and their Beneficiaries. This Plan shall be interpreted in a manner consistent with this intent and with the intention of the Employer that this Plan satisfy the pertinent provisions of Internal Revenue Code Section 401(a), and Ohio Revised Code Sections 3305.01, et seq. Under no circumstances shall funds ever revert to or be used or enjoyed by the Employer, except as provided in Section 9.4.

§ 1.2 No Rights of Employment Granted

The establishment of this Plan shall not be considered as giving any employee the right to be retained in the service of the Employer.

§1.3 Effective Date

The original "Effective Date" shall be 4-18-1998 .

This amendment and restatement shall be effective 4 – 1- 2001.

§1.4 Employer

The "Employer" shall mean Ohio University, including all branch campuses. To adopt this Plan, Employer must be: (i) a state university as defined in Section 3345.011 of the Revised Code, (ii) the Medical College of Ohio at Toledo, (iii) the Northeastern University's College of Medicine, (iv) or a university branch, technical college, state community college, community college or a municipal university established or operating under Chapter 3345, 3349, 3354, 3355, 3357, or 3358 of the Revised Code.

§1.5 Full-time Employee

"Full-time Employee" shall mean Group I Faculty, Group IV Faculty, and Group II Faculty with an FTE equal to or greater than 0.67, as described in the Faculty Handbook. Full time Employee shall also mean Group I Administrators, Group IV Administrators, and Group II Administrators with an FTE equal to or greater than 0.67, as described in Ohio University Policy and Procedure 41.010.

§1.6 Plan Name

The "Plan Name" is the Ohio University Alternative Retirement Plan.

§1.7 Plan Year

A "Plan Year" is the 12-consecutive month period beginning January 1 and ending December 31.

§1.8 Provider

"Provider" shall mean, with respect to an individual Participant, the company selected by the Participant to provide the Participant's Annuity Contract pursuant to Section 5.1. Participants may choose among those companies designated by the Ohio Department of Insurance under Section 3305.03 of the Revised Code that have entered into a provider agreement with the Employer. A Provider's responsibilities under the Plan, as to any Participant, shall be limited to the Accounts of those Participants investing in Annuity Contracts offered by the respective Provider.

§1.9 Year of Service for Vesting

Not applicable. Participants vest immediately.

§1.10 Employer Contributions

Employer discretionary contributions shall be made at a rate equal to a uniform percentage of the Compensation of each Participant who is eligible for Employer Contributions. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

Plan Contributions will be made for Eligible Employees in accordance with the schedule below:

By Ohio University		By The Employee
STRS (eligible employees)	8.00%	9.30%
PERS (eligible employees)	7.31%	8.50%
PERS-LE (eligible employees	10.70%	9.00%

§1.11 Loans to Participants

Plan loan provisions are set forth in Section 5.5. The minimum loan amount shall be set forth in the Annuity Contract.

§1.12 Spousal Consent

Option 1

In the event of the death of a married Participant, the surviving spouse must be the sole Beneficiary unless the surviving spouse has consented in writing to a different election, has acknowledged the effect of such election, and the consent and acknowledgment are witnessed by a duly authorized Provider representative or a notary public. Spousal consent shall not be necessary if it is established to the satisfaction of the Provider that there is no spouse, the spouse cannot reasonably be located, or for such other reasons as the Treasury regulations may prescribe. If the spouse of a Participant is located or if a Participant remarries, it shall be the duty of the Participant to bring that fact to the attention of the Provider. If the Participant so notifies the Provider, the Provider shall then, if applicable, proceed to make available to such spouse the spousal consent procedures described in this Section.

§1.13 Employer Account Vesting on Termination

A Participant's Employer Account shall be 100% vested at all times.

Notwithstanding the above, the Plan's vesting schedule shall meet the vesting requirements resulting from the application of IRC Sections 401(a)(4) and 401(a)(7) as in effect on September 1, 1974.

§ 1.14 Forfeiture for Certain Acts

Subject to the provisions of Section 7.10 and notwithstanding the provisions of Section 6.3, a Participant shall forfeit any amount accrued in his or her Employer Account if he or she should commit any criminal act or willful or malicious act which damages the Employer or other employees. Such determination shall be made by the Employer in its sole discretion.

§ 1.15 Method of Distribution of Accounts

The Participant shall elect to receive distribution of his or her vested Account in any of the following forms (check all that apply):

X an annuity as permitted by the Annuity Contract:

X with a default option of a Joint and Survivor Annuity Pre-Retirement Survivor Annuity as provided in Section 7.3, or

X without a default option of a Joint and Survivor Annuity or Pre- Retirement Survivor Annuity.

X a lump-sum distribution,

X an installment distribution to the extent permitted under the Annuity Contract (subject to the limitations of Section 7.2).

Article II

DEFINITIONS

§ 2.1 Academic Employee

"Academic Employee" shall mean any Full-time Employee who is a member of the faculty of the Employer and is not receiving any benefit, allowance or other payment from the Public Employees Retirement System created under Chapter 145 of the Revised Code, the State Teachers Retirement System created under Chapter 3307 of the Revised Code, or the School Employees Retirement System created under Chapter 3309 of the Revised Code. In all cases of doubt, the Employer's Board of Trustees shall make a final determination as to whether an employee is an Academic Employee.

§ 2.2 Account

"Account" shall mean the amount credited to the Employer Account, the Participant Account and, if applicable, the Rollover Account of a Participant or Beneficiary.

§ 2.3 Administrative Employee

"Administrative Employee" shall mean any Full-time Employee who is a member of the administrative staff of the Employer serving in a position in the unclassified civil service pursuant to Section 124.11 of the Revised Code or, if Section 124.11 of the Revised Code does not apply to the Employer, serving in a position comparable to a position in the unclassified civil service, and is not receiving any benefit, allowance or other payment from the Public Employees Retirement System created under Chapter 145 of the Revised Code, the State Teachers Retirement System created under Chapter 3307 of the Revised Code, or the School Employees Retirement System created under Chapter 3309 of the Revised Code. In all cases of doubt, the Employer's Board of Trustees shall make a final determination as to whether an employee is an Administrative Employee.

§2.4 Annuity Contract

"Annuity Contract" shall mean any annuity contract or custodial account that satisfies the provisions of IRC Section 401(f), and that is offered by the Provider.

§ 2.5 Beneficiary

A "Beneficiary" is any person, estate or trust who by operation of law, or under the terms of the Plan, or otherwise, is entitled to receive the Account of a Participant under the Plan. A "designated Beneficiary" is any individual designated or determined in accordance with Section 5.4, excluding any person who becomes a beneficiary by virtue of the laws of inheritance or intestate succession.

§ 2.6 Compensation

"Compensation" shall mean:

(a) If the Participant would be subject to Chapter 145 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to the Participant. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(1) Compensation includes the following:

(i) Payments made by the Employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the Participant;

(ii) Payments made by the Employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to Section 124.383 or 124.386 of the Revised Code are not Compensation;

(iii) Allowances paid by the Employer for full maintenance, consisting of housing, laundry, and meals, as certified to the public employees retirement board by the Employer or the head of the department that employs the Participant;

(iv) Fees and commissions paid under Section 507.09 of the Revised Code.

(v) Payments that are made under a disability leave program sponsored by the Employer and for which the Employer is required by Section 145.296 of the Revised Code to make periodic Employer and employee contributions;

(2) Compensation does not include any of the following:

(i) Fees and commissions, other than those paid under Section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the Participant receives a salary;

(ii) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;

(iii) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, or use of the Employer's property or equipment, or amounts paid by the Employer to the Participant in lieu of providing the incidental benefits;

(iv) Reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;

(v) Payments for accrued, but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;

(vi) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17);

(vii) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly; and

(viii) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

(b) If the Participant would be subject to Chapter 3307 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to the Participant by reason of the Participant's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(1) Compensation does not include any of the following:

(i) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to Section 124.39 of the Revised Code or any other similar plan established by the Employer;

(ii) Payments made for accrued but unused vacation leave, including payments made pursuant to Section 124.13 of the Revised Code or a similar plan established by the Employer;

(iii) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under Chapter 3307 of the Revised Code are paid;

(iv) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant, or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;

(v) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, use of the Employer's property or equipment, and reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;

(vi) Payments made by the Employer in exchange for a Participant's waiver of a right to receive any payment, amount, or benefit described in Division (U)(2) of Section 3307.01 of the Revised Code;

(vii) Payments by the Employer for services not actually rendered;

(viii) Any amount paid by the Employer as a retroactive increase in salary, wages, or other earnings that meets the requirements of Section 3307.01(u)(2)(h)(i), (ii), (iii), or (iv), of the Revised Code;

(ix) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17).

(x) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly; and

(xi) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

(c) If the Participant would be subject to Chapter 3309 of the Revised Code had the Participant not made an election pursuant to Section 3305.05 of the Revised Code, all salary, wages, and other earnings paid to a Participant by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed by the Participant under Section 4.1 and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(1) Compensation does not include any of the following:

(i) Payments for accrued but unused sick leave or personal leave, including payments made under a Plan established pursuant to Section 124.39 of the Revised Code or any other similar plan established by the Employer;

(ii) Payments made for accrued but unused vacation leave, including payments made pursuant to Section 124.13 of the Revised Code or a similar Plan established by the Employer;

(iii) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid;

(iv) Amounts paid by the Employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the Participant or the Participant's family, or amounts paid by the Employer to the Participant in lieu of providing the insurance;

(v) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the Employer, use of the Employer's property or equipment, and reimbursement for job-related expenses authorized by the Employer, including moving and travel expenses and expenses related to professional development;

(vi) Payments made to or on behalf of the Participant that are in excess of the annual compensation that may be taken into account by the Plan under IRC Section 401(a)(17).

(vii) Payments made to the Participant while on leave for military duty under Division (B) or (D) of Section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th General Assembly;

(viii) Anything of value received by the Participant that is based on or attributable to retirement or an agreement to retire.

Notwithstanding the foregoing, Compensation shall not be reduced by the amount of exclusions that are not currently includable in the Participant's gross income by reason of the application of IRC Sections 125, 402(e)(3), 403(b), and 457, or by reason of the application of IRC Section 414(h)(2).

An employee who has satisfied the eligibility requirements for Employer Contributions during a Plan Year shall be entitled to such contributions only with respect to Compensation earned on or after the date he becomes a Participant.

For each Plan Year, the annual Compensation of each Participant taken into account for determining all benefits provided under the Plan for that Plan Year shall not exceed $150,000, as adjusted for increases in the cost-of-living in accordance with IRC Section 401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any determination period beginning in such calendar year.

If a determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12.

§2.7 Disabled or Disability

"Disabled or Disability" shall mean the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or to be of long continued and indefinite duration. A Participant shall be considered Disabled only if the permanence and degree of such impairment is supported by medical evidence. Such determinations shall be made by each Provider.

§ 2.8 Eligible Employee

"Eligible Employee" shall mean (a) any Academic or Administrative Employee whose employment as an Academic or Administrative Employee commences on or after the Effective Date, and (b) any Administrative or Academic Employee who has less than five years total service credit in the State Retirement System in which the employee is a member on the Effective Date; provided however, an Academic or Administrative Employee previously employed by a Public Institution of Higher Education (including the Employer), as defined in Section 3305.01(A) of the Revised Code, will not be an Eligible Employee unless: 1) such employee has had a One Year Break in Service with respect to such previous employer; 2) such employee participated in an alternative retirement plan pursuant to Chapter 3305 of the Revised Code while employed by such previous employer; or 3) such employee was employed by such previous employer for less than ninety (90) days.

Effective April 1, 2001, "Eligible Employee" shall mean (a) any Academic or Administrative Employee whose employment as an Academic or Administrative Employee commences or recommences (after such Employee has had a One Year Break in Service with respect to such Employee's most recent previous employment with the Employer) on or after the initial date on which this Plan is adopted, (b) any Administrative Employee who has less than five years total service credit in the Public Employees Retirement System or School Employees Retirement System on March 31, 1998, and (c) any Academic Employee who has less than five years of total service credit in the State Teachers Retirement System on the 30th day of June preceding the initial date on which the Plan is adopted. Notwithstanding the foregoing, "Eligible Employee" automatically shall include (1) any employee who participated in an alternative retirement plan under Chapter 3305 of the Revised Code in the employee's last employment position with the Employer (and who has not incurred a One Year Break in Service) and who transfers, or is transferred, to an employment position with the Employer for which an alternative retirement plan under Chapter 3305 of the Revised Code is not available from that Employer or (2) any employee whose employment with the Employer terminates while the employee is participating in an alternative retirement plan under Chapter 3305 of the Revised Code and the employee recommences employment with the Employer before the employee has had a One Year Break in Service regardless of the employee's employment position with the Employer upon the employee's return or (3) any Academic or Administrative Employee whose previous employment with the Employer terminated before the employee had completed one hundred twenty (120) days of service with the Employer and such Employee had not, or had not been deemed to have, elected to participate in the Public Employees Retirement System, School Employees Retirement System or State Teachers Retirement System (collectively, "State Retirement System") as applicable, within such Employee's previous employment with the Employer.

§ 2.9 Employer Account

The "Employer Account" is the separate account maintained for each Participant to which all Employer contributions (including Forfeitures, if applicable) shall be allocated.

§ 2.10 Forfeiture

"Forfeiture" refers to the amount of the non-vested portion of a Participant's Employer Account following a Participant's termination of employment with the Employer.

§ 2.11 Hour of Service

"Hour of Service" means each hour for which an employee is paid or entitled to payment for the performance of duties for the Employer.

For purposes of determining an employee's initial or continued eligibility to participate in the Plan or the nonforfeitable interest in the Participant's account balance derived from Employer contributions, an employee will receive credit for the aggregate of all time period(s) commencing with the employee's first day of employment or reemployment and ending on the date a One Year Break in Service begins. The first day of employment or reemployment is the first day the employee performs an Hour of Service.

§ 2.12 IRC

"IRC" refers to the Internal Revenue Code of 1986, as amended.

§ 2.13 Joint and Survivor Annuity

A "Joint and Survivor Annuity" is an immediate annuity for the life of the Participant with a survivor annuity for the life of the Participant's Beneficiary which is not less than 50% and not more than 100% of the amount of the annuity which is payable during the joint lives of the Participant and the Participant's Beneficiary and which is the actuarial equivalent of the Participant's vested Account. The percentage of the survivor annuity under the Plan shall be elected by the Participant subject to the annuity options available under the Annuity Contract.

§ 2.14 Leave of Absence

A "Leave of Absence" shall refer to that period during which the Participant is absent without Compensation and for which the Employer, in its sole discretion has determined the Participant to be on a "Leave of Absence" instead of having terminated his or her employment. However, such discretion of the Employer shall be exercised in a nondiscriminatory manner. In all events, a Leave of Absence by reason of service in the armed forces of the United States shall end no later than the time at which a Participant's reemployment rights as a member of the armed forces cease to be protected by law, except that if the Participant resumes employment with the Employer prior thereto, the Leave of Absence shall end on such date of resumption of employment. The date that the Leave of Absence ends shall be deemed the Termination Date if the Participant does not resume employment with the Employer. In determining a Year of Service for Vesting, all such Leaves of Absence shall be considered to be periods of continuous employment with the Employer.

§2.15 Limitation Year

The "Limitation Year" for purposes of IRC Section 415 shall mean the Plan Year.

§ 2.16 Nonelective Contributions

"Nonelective Contributions" shall be those contributions made by the Participant pursuant to Section 4.1.

§ 2.17 Normal Retirement Age

The "Normal Retirement Age" shall be the time at which the Participant attains 65 years of age.

§ 2.18 One Year Break in Service

A "One Year Break in Service" or "Break in Service" is a Period of Severance of at least 365 consecutive days.

§ 2.19 Participant

A "Participant" shall refer to every employee or former employee who has met the applicable participation requirements of Article III.

§ 2.20 Participant Account

The "Participant Account" is the account to which all Nonelective and Voluntary Contributions, by the Participant shall be allocated, if applicable. Separate accounts within the Participant Account will be maintained for the Nonelective Contributions and the Voluntary Contributions of each Participant.

§ 2.21 Period of Severance

A "Period of Severance" is a continuous period of time during which the employee is not employed by the Employer. Such period begins on the date the employee retires, resigns or is discharged. In the case of an individual who is absent from work for maternity or paternity reasons, the 12-consecutive month period ending on the first anniversary of the first date of such absence shall not constitute a Break in Service. For purposes of this paragraph, an absence from work for maternity or paternity reasons means an absence: (1) by reason of the pregnancy of the individual, (2) by reason of the birth of a child of the individual, (3) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or (4) for purposes of caring for such child for a period beginning immediately following such birth or placement.

§ 2.22 Plan

"Plan" refers to this Plan; and for purposes of the IRC this Plan shall be considered and administered as a "profit-sharing plan".

§ 2.23 Pre-Retirement Survivor Annuity

A "Pre-Retirement Survivor Annuity" is a survivor annuity for the life of the surviving Beneficiary of the Participant which is the actuarial equivalent of the Participant's vested Account.

§ 2.24 Retirement

"Retirement" refers to the termination of employment of a Participant who has attained at least the Normal Retirement Age. The Participant may work beyond Normal Retirement Age, in which case Employer contributions, Nonelective Contributions, and Voluntary Contributions shall continue to be allocated to the Participant's Account.

§ 2.25 Revised Code

"Revised Code" shall mean the Ohio Revised Code, as amended.

§ 2.26 Rollover Contribution

"Rollover Contribution" means:

(a) amounts transferred to this Plan directly from another qualified plan;

(b) lump sum distributions received by a Participant from another qualified plan which are eligible for tax-free rollover treatment and which are transferred by the Participant to this Plan within sixty (60) days following his or her receipt thereof;

(c) amounts transferred to this Plan from a conduit individual retirement account, provided that such account has no assets other than assets which were previously distributed to the Participant by another qualified plan; and further provided that such amounts met the applicable requirements of IRC Section 408(d)(3) for rollover treatment on transfer to the conduit individual retirement account; and

(d) amounts distributed to a Participant from a conduit individual retirement account meeting the requirements of Subsection (c) above which are transferred by the Participant to this Plan within sixty (60) days of his or her receipt from such account.

§ 2.27 Termination Date

The "Termination Date" shall be the date on which the earliest of the following events occurs: (a) a Participant's Retirement, (b) a Participant's termination of employment as a result of Disability, (c) a Participant's death, or (d) a Participant's termination of employment for any other reason.

§ 2.28 Total Service for Vesting

"Total Service for Vesting" shall mean the sum of each separate Year of Service for Vesting credited to the Participant. In the case of a Participant who has a One Year Break in Service, all Years of Service for Vesting after such Break in Service will be disregarded for the purpose of vesting the Employer Account that accrued before such breaks, and all pre-break service will be disregarded for the purposes of vesting the Employer Account that accrues after such breaks.

§ 2.29 Voluntary Contribution

"Voluntary Contribution" shall mean those contributions made by a Participant pursuant to Section 4.3.

Article III

ELIGIBILITY TO PARTICIPATE

§ 3.1 Initial Entry

All Eligible Employees as of the date the Board of Trustees of the Employer establishes the Plan (the "Establishment Date") shall have a period of 120 days from such date in which to elect to participate in the Plan. Academic or Administrative Employees making such election on forms prescribed by the Employer shall participate in the Plan as of the first day of the month next following the date on which the electing employee makes the election. An Eligible Employee whose employment commences after the

Establishment Date (or an existing employee who becomes an Eligible Employee after the Establishment Date shall have a period of 90 days (120 days, effective April 1, 2001) from the date upon which the employee first is credited with an Hour of Service in which to elect participation in the Plan. Such election shall be effective on the Eligible Employee's employment commencement date and shall be irrevocable at the end of the 90-day period for Eligible Employees commencing employment prior to April 1, 2001 and shall be irrevocable when made for Eligible Employees commencing employment on or after April 1, 2001. Participants shall remain in the Plan as long as they are Eligible Employees. Effective April 1, 2001, Participants shall remain in the Plan as long as they are employees. Eligible Employees failing to elect participation in the Plan may not subsequently elect participation unless they have had a One Year Break in Service and are reemployed as Eligible Employees. For existing employees who became Eligible Employees due to a change in position, references in this section to employment commencement date and to the date upon which the employee is first credited with an Hour of Service shall mean the date upon which the employee became an Eligible Employee.

§3.2 Reclassification of Eligible Employee

If a Participant is reclassified into a position in which the Participant is no longer an Academic Employee or an Administrative Employee, such Participant's participation in the Plan shall terminate. Such termination shall be effective upon the date of reclassification. Effective April 1, 2001, a Participant will continue to participate in the Plan as long as the Participant remains an employee of the Employer.

§3.3 Resumption of Participation

In the event a Participant is re-employed prior to incurring a One-Year Break in Service or an employee whose participation was previously terminated pursuant to Section 3.2 is reclassified as an Academic or Administrative Employee prior to incurring a One-Year Break in Service, such employee will participate in the Plan immediately upon becoming an Academic or Administrative Employee of the Employer.

§ 3.4 Eligibility Determinations and Employer Powers

The Employer shall have full power (a) to interpret and construe this Plan in a manner consistent with its terms and provisions and with IRC Section 401 and the other applicable qualified plan provisions of the IRC, and to establish rules and procedures conforming to those provisions; (b) to determine all questions of eligibility and of the status and rights of Participants; (c) to determine the amounts to be contributed to each Participant's Account; and (d) to employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants as it may deem necessary. In all such cases the Employer's determination shall be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any provision of this Plan, and the Employer shall have the right to resolve all such questions. Notwithstanding the above, the Employer's power and responsibility under this Plan shall not extend to, nor have any control over, those responsibilities and duties of the Provider.

Article IV

CONTRIBUTIONS

§ 4.1 Nonelective Contributions

An Eligible Employee who becomes a Participant under this Plan in accordance with the provisions of Article III shall be deemed to have authorized the Employer to deduct from such Participant's Compensation, prior to its payment, a certain percentage of such Participant's Compensation, as a Nonelective Contribution to the Plan. Such contributions shall be credited to the Participant Account.

The Nonelective Contribution percentage shall equal the percentage of the Participant's Compensation which, but for the election to participate in this Plan, would have otherwise been contributed to the State Retirement System that applies to the Participant's position; provided that the Nonelective Contribution percentage shall not be less than three percent.

The amount of the Nonelective Contribution shall be picked up by the Participant's Employer as provided for in IRC Section 414(h)(2) . The Employer may choose to apply for approval from the National Office of the Internal Revenue Service concerning the applicability of IRC Section 414(h)(2). The Participant shall not have the option to receive this picked up contribution directly and such contributions shall be paid by the Employer directly to the respective Provider selected by the Participant.

§4.2 Employer Contributions

Employer contributions shall be made as set forth in Section 1.10. Such contributions shall be credited to the Employer Account.

Notwithstanding Sections 4.1 and 4.2, in no event shall the amount contributed under Sections 4.1 and 4.2 be less than the amount necessary to qualify the Plan as a state retirement system pursuant to IRC Section 3121(b)(7) and the regulations adopted thereunder.

Each Participant will share in Employer contributions for the period beginning on the date the Participant commences participation under the Plan and ending on the date on which such Participant severs employment with the Employer or ceases to be a Participant pursuant to Section 3.2.

§4.3 Voluntary Contributions

Participants shall be permitted to make voluntary non-deductible employee contributions to the Plan. Such contributions shall be credited to the Participant Account. Effective April 1, 2001, except as required by Ohio law, voluntary non-deductible employee contributions shall no longer be permitted. Voluntary non-deductible employee contributions made prior to April 1, 2001 shall be held and administered in accordance with the terms of the Plan.

§4.4 Corrective Distributions

If the limits under IRC Section 415 are exceeded for any taxable year, and such excess is a result of a reasonable error in estimating a Participant's annual Compensation or from such other facts and circumstances that are permitted under any regulation or other ruling of the U.S. Department of the Treasury, then the Account of the Participant will be adjusted by the amount of the Employer Contributions for the next Limitation Year in accordance with Section 5.3(a)(iv).

§ 4.5 Rollover Contributions

(a) Any Participant may make a Rollover Contribution to this Plan; provided, however, that the plan from which the funds are to be transferred must permit the transfer to be made~~, and provided~~; further, the Provider is reasonably satisfied that such transfer will not jeopardize the tax exempt status of this Plan or create adverse tax consequences for the Employer. Rollover Contributions shall be made by delivery of such amount to the respective Provider. All Rollover Contributions must be in cash or property satisfactory to the Provider, whose decision in this regard shall be final.

(b) If the Provider accepts such transfer of funds, it shall allocate them to the appropriate Participant Account of the transferring Participant, or to a separate or segregated Account established for such purpose ("Rollover Account"). If the funds are allocated to a Rollover Account, they shall be invested separately, and any appreciation, depreciation, gain, or loss with respect to the Rollover Account, and any related expenses, shall be allocated to such Rollover Account. For all other purposes such funds shall be treated as if they had been allocated to the Participant's Account.

(c) Rollover Contributions shall not be considered to be Participant contributions for the purpose of calculating the limitations under Section 5.3.

(d) Any amount that is credited to a Participant's Account pursuant to a Rollover Contribution or transfer under Section 4.6 of this Plan shall be one hundred percent (100%) vested and nonforfeitable at all times. In all other respects, the portion of a Participant's Account attributable to such a Rollover Contribution or transfer shall be subject to the terms of this Plan.

§4.6 Transfers from a Plan of the Employer

Any Participant who has participated in a plan under IRC Section 401(a) or 403(a) attributable to such employee's current employment with the Employer may elect to transfer all or a portion of the amount accumulated under such other plan to this Plan provided such transfer may be effected in a manner consistent with the terms of such other plan(s) as well as the terms of this Plan. Such transfer shall only be permitted if such transfer qualifies as a tax-free transfer under generally accepted interpretations of the IRC. The portion of a Participant's Account attributable to such a transfer shall be subject to the terms of this Plan as if the contributions from which the transferred amount are derived were made under this Plan.

Article V

ADMINISTRATION OF ACCOUNTS

§ 5.1 Investments

The amounts allocated to the Employer and Participant Accounts shall be invested in Annuity Contracts for Participants provided by the respective Provider. The terms and conditions of such Annuity Contracts shall be considered part of, and shall be construed as having been incorporated into the Plan. Participants will invest their Account's based upon the investment options available under the Annuity Contracts and may make their investment selections pursuant to the terms and conditions contained in the respective Annuity Contracts. If any provision of an Annuity Contract conflicts with the Plan, the terms of the Plan shall control.

§ 5.2 Intra-Plan Transfers

Subject to the Provider's rules for transfers and the Revised Code, a Participant may specify that a part or all of such Participant's Account may be transferred among different investment options offered under such Annuity Contract or may be transferred to the Annuity Contract of another authorized Provider. Effective April 1, 2001, if a Participant makes an election to change to a new Provider, all of the

Participant's Account must be transferred to the New Provider as soon as administratively feasible, but in no event more than 60 days after the transferring Provider receives notice of the transfer. Transfers between Providers are subject to each Provider's rules for such transfers and shall be permitted only once per year, and must be elected by the Participant during the Employee's first payroll period of the Plan Year.

§5.3 Limitations on Allocations to Each Participant

(a)(i) If the Participant does not participate in, and has never participated in, another qualified plan maintained by the Employer or a welfare benefit fund, as defined in IRC Section 419(e) maintained by the Employer, or an individual medical account, as defined in IRC Section 415(1)(2), maintained by the Employer, which provides an annual addition as defined in Paragraph (d)(i), the amount of annual additions which may be credited to the Participant's account for any Limitation Year will not exceed the lesser of the maximum permissible amount or any other limitations contained in this Plan. If the Employer contribution that would otherwise be contributed or allocated to the Account of the Participant would cause the annual additions for the Limitation Year to exceed the maximum permissible amount, the amount contributed or allocated will be reduced so that the annual additions for the Limitation Year will equal the maximum permissible amount, and such reduction shall be contributed, if possible, in a future Limitation Year.

(ii) Prior to determining the Participant's actual Compensation for the Limitation Year, the Employer may determine the maximum permissible amount for a Participant on the basis of a reasonable estimation of the Participant's Compensation for the Limitation Year, uniformly determined for all Participants similarly situated.

(iii) As soon as administratively feasible after the end of the Limitation Year, the maximum permissible amount for the Limitation Year will be determined on the basis of the Participant's actual Compensation for the Limitation Year.

(iv) If, pursuant to Paragraph (a)(iii) or as a result of an allocation of Forfeitures, there is an excess amount, the excess will be disposed of as follows:

(1) Any Voluntary Contributions (plus attributable earnings), to the extent they would reduce the excess amount, will be returned to the Participant.

(2) If after the application of Subparagraph (1) an excess amount still exists, and the Participant is covered by the Plan at the end of the Limitation Year, the excess amount will be held unallocated in a suspense account. The suspense account will be used to reduce Employer contributions (including any allocation of Forfeitures) for such Participant in the next Limitation Year, and each succeeding Limitation Year if necessary.

(3) If after the application of Subparagraph (1) an excess amount still exists, and the Participant is not covered by the Plan at the end of a Limitation Year, the excess amount will be held unallocated in a suspense account. The suspense account will be applied to reduce Employer contributions for all remaining Participants in the next Limitation Year, and each succeeding Limitation Year if necessary.

(4) If a suspense account is in existence at any time during a Limitation Year pursuant to this Section, it will be administered in accordance with the Provider's investment policies. If a suspense account is in existence at any time during a particular Limitation Year, all amounts in the suspense account must be allocated and reallocated to Accounts of Participants before any

Employer or Participant contributions may be made to the Plan for that Limitation Year. Excess amounts may not be distributed to Participants or former Participants.

(b)(i) This Subsection (b) applies if, in addition to this Plan, the Participant is covered under another qualified defined contribution plan maintained by the Employer, a welfare benefit fund, as defined in IRC Section 419(e) maintained by the Employer, or an individual medical account, as defined in IRC Section 415(l)(2), maintained by the Employer, which provides an annual addition as defined in Paragraph (d)(i), during any Limitation Year. The annual additions which may be credited to the Account of a Participant under this Plan for any such Limitation Year will not exceed the maximum permissible amount reduced by the annual additions credited to the Account of a Participant under the other plans and welfare benefit funds for the same Limitation Year. If the annual additions with respect to the Participant under the other defined contribution plans and welfare benefit funds maintained by the Employer are less than the maximum permissible amount and the Employer contribution that would otherwise cause the annual additions for the Limitation Year to exceed this limitation, the amount contributed or allocated will be reduced so that the annual additions under all such plans and funds for the Limitation Year will equal the maximum permissible amount. If the annual additions with respect to the Participant under such other defined contribution plans and welfare benefit funds in the aggregate are equal to or greater than the maximum permissible amount, no amount will be contributed or allocated to the Account of a Participant under this Plan for the Limitation Year.

(ii) Prior to determining the Participant's actual Compensation for the Limitation Year, the Employer may determine the maximum permissible amount for a Participant in the manner described in Paragraph (a)(ii).

(iii) As soon as is administratively feasible after the end of the Limitation Year, the maximum permissible amount for the Limitation Year will be determined on the basis of the Participant's actual Compensation for the Limitation Year.

(iv) If, pursuant to Paragraph (b)(iii) or as a result of the allocation of Forfeitures, a Participant's annual additions under this Plan and such other plans would result in an excess amount for a Limitation Year, the excess amount will be deemed to consist of the annual additions last allocated, except that annual additions attributable to a welfare fund or individual medical account will be deemed to have been allocated first regardless of the actual allocation date.

(v) If an excess amount was allocated to a Participant on an allocation date of this Plan which coincides with an allocation date of another plan, the excess amount attributed to this Plan will be the product of:

(1) the total excess amount allocated as of such date, times

(2) the ratio of (i) the annual additions allocated to the Participant for the Limitation Year as of such date under this Plan to (ii) the total annual additions allocated to the Participant for the Limitation Year as of such date under this and all the other qualified defined contribution plans.

(vi) Any excess amount attributed to this Plan will be disposed in the manner described in Paragraph (a)(iv).

(c) If the Employer maintains, or at any time maintained, a qualified defined benefit plan covering any Participant in this Plan, the sum of the Participant's defined benefit fraction and defined contribution fraction will not exceed 1.0 in any Limitation Year. The annual additions which may be credited to the Participant's account under this Plan for any Limitation Year are limited as follows: If the Participant's defined benefit fraction and defined contribution fraction would otherwise exceed 1.0, the Participant's annual additions under this Plan will be reduced to the extent necessary to prevent such combined fraction from exceeding 1.0 before any accruals under any defined benefit plan of the employer are reduced. Notwithstanding the above, this subsection shall not apply to Plan Years beginning on or after January 1, 2000.

(d) For purposes of this Section 5.3, the following words and terms shall have the meanings indicated:

(i) "Annual additions." Annual additions means the sum of the following credited to the Account of a Participant for the Limitation Year:

(1) Employer Contributions,

(2) Participant contributions (Nonelective and Voluntary Contributions),

(3) Forfeitures, and

(4) amounts allocated, after March 31, 1984, to an individual medical account, as defined in IRC Section 415(l)(2), which is part of a pension or annuity plan maintained by the Employer are treated as annual additions to a defined contribution plan. Also amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in IRC Section 419A(d)(3), under a welfare benefit fund, as defined in IRC Section 419(e), maintained by the Employer are treated as annual additions to a defined contribution plan.

For this purpose, any excess amount applied under (a)(iv) or (b)(vi) in the Limitation Year to reduce Employer Contributions will be considered annual additions for such Limitation Year.

(ii) "Compensation:" Compensation means wages as defined in IRC Section 3401(a) and all other payments of Compensation to an employee by the Employer (in the course of the Employer's trade or business) for which the Employer is required to furnish the employee a written statement under IRC Sections 6041(d) and 6051(a)(3). Compensation must be determined without regard to any rules under IRC Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC Section 3401(a)(2)).

For Limitation Years beginning after December 31, 1997, for purposes of applying the limitations of this section, Compensation paid or made available during such Limitation Year shall include any elective deferral (as defined in IRC Section 402(g)(3)), and any amount which is contributed or deferred by the Employer at the election of the employee and which is not includable in the gross income of the employee by reason of IRC Section 125 or 457.

For limitation years beginning on and after January 1, 2001, for purposes of applying the limitations described in Section 5.3 of the Plan, compensation paid or made available during such limitation years shall include elective amounts that are not includible in the gross income of the employee by reason of Section 132(f)(4).

For limitation years beginning after December 31, 1991, for purposes of applying the limitations of this Section 5.3, Compensation for a Limitation Year is the Compensation actually paid or made available during such Limitation Year.

Notwithstanding the preceding sentence, Compensation for a Participant in a defined contribution plan who is permanently and totally disabled (as defined in IRC Section 22(e)(3)) is the Compensation such Participant would have received for the Limitation Year before becoming permanently and totally disabled; for Limitation Years beginning before January 1, 1997, but not for Limitation Years beginning after December 31, 1996, such imputed Compensation for the disabled Participant may be taken into account only if the Participant is not a Highly Compensated Employee (as defined in IRC Section 414(q)) and contributions made on behalf of such Participant are nonforfeitable when made.

(iii) "Defined benefit fraction." Defined benefit fraction means a fraction, the numerator of which is the sum of the Participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the Employer, and the denominator of which is the lesser of 125% of the dollar limitation determined for the Limitation Year under IRC Sections 415(b) and (d) or 140% of the highest average Compensation, including any adjustments under IRC Section 415(b).

Notwithstanding the above, if the Participant was a Participant as of the first day of the first Limitation Year beginning after December 31, 1986, in one or more defined benefit plans maintained by the Employer which were in existence on May 6, 1986, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under such plans which the Participant had accrued as of the close of the last Limitation Year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of IRC Section 415 for all Limitation Years beginning before January 1, 1987.

Notwithstanding the above, in the case of an individual who participates, before January 1, 1983, in any such defined benefit plan which is in existence on or before July 1, 1982 and which has met the requirements of IRC Section 415 for all prior years, the dollar limit for purposes of the defined benefit fraction set forth in this Paragraph 5.3(d)(iii) shall be the greater of (i) $90,000 or (ii) the applicable dollar limit determined as of the close of the last Plan Year beginning before January 1, 1983, expressed as an annual benefit and determined by reference to the law as it existed immediately prior to the adoption of the Tax Equity and Fiscal Responsibility Act of 1982. However, if the annual benefit computed in accordance with the preceding sentence exceeds $90,000, no further benefits may be accrued to an individual's benefit under such a defined benefit plan until his annual benefit as determined in the preceding sentence does not exceed the $90,000 limitation for purposes of the defined benefit fraction of this Paragraph 5.3(d)(iii), as adjusted for cost of living increases asset forth therein.

(iv) "Defined contribution dollar limitation." The defined contribution dollar limitation is $30,000, as adjusted under IRC Section 415(d).

(v) "Defined contribution fraction." Defined contribution fraction means a fraction, the numerator of which is the sum of the annual additions to the Account of a Participant under all the defined contribution plans (whether or not terminated) maintained by the Employer for the current and all prior Limitation Years (including the annual additions attributable to the Participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the Employer, and the annual additions attributable to all welfare benefit funds, as defined in IRC Section 419(e), and individual medical accounts, as defined in IRC Section 415(l)(2), maintained by the Employer), and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior Limitation Years of service with the Employer (regardless of whether a defined contribution plan was maintained by the Employer). The maximum aggregate amount in any Limitation Year is the lesser of 125% of the dollar limitation determined under IRC Sections 415(b) and (d) in effect under IRC Section 415(c)(1)(A) or 35% of the Participant's Compensation for such year.

If the employee was a Participant as of the end of the first day of the Limitation Year beginning after December 31, 1986, in one or more defined contribution plans maintained by the Employer which were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this Plan. Under the adjustment, an amount equal to the product of (i) the excess of the sum of the fractions over 1.0 times (ii) the denominator of this fraction, will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last Limitation Year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the Plan made after May 5, 1986, but using the IRC Section 415 limitation applicable to the first Limitation Year beginning on or after January 1, 1987.

(vi) "Maximum Permissible Amount." Maximum permissible amount means the lesser of (a) 25% of the Participant's Compensation paid during the Limitation Year, or (b) $30,000 (or if greater, the dollar limitation in effect under IRC Section 415(c)(1)(A) for the calendar year in which the Limitation Year began.)

§ 5.4 Designation of Beneficiary

Each Participant may, pursuant to the forms provided by the Provider, designate from time to time in writing one or more Beneficiaries, who will receive the Participant's vested Account balance in the event of the Participant's death. Designation of one or more Beneficiaries shall become effective upon receipt of the fully completed forms by the Provider and shall supersede all prior designations made by the Participant. If the Participant dies without having made a Beneficiary designation, the Provider shall distribute such benefits in the order provided in the Annuity Contract.

Spousal rights to benefits are set forth in Section 1.12.

§5.5 Loans to Participants

If the Plan permits loans under Section 1.11, the following shall apply:

(a) The Provider may adopt a loan policy, provided that it shall not conflict with the Plan and that it shall comply with the requirements of IRC Section 72(p).

(b) In the event of default, foreclosure on the note and attachment of security will not occur until a distributable event occurs in the Plan.

(c) If the spousal consent option in Section 1.12 applies, a Participant must obtain the consent of his or her spouse, if any, to use the Account as security for the loan. Spousal consent shall be obtained no earlier than the beginning of the 90-day period that ends on the date on which the loan is to be so secured. The consent must be in writing, must acknowledge the effect of the loan, and must be witnessed by the Provider or notary public. Such consent shall thereafter be binding with respect to the consenting spouse or any subsequent spouse with respect to that loan. A new consent shall be required if the Account is used for renegotiation, extension, renewal, or other revision of the loan.

Loan repayments may be suspended under this Plan as permitted under IRC Section 414(u)(4).

Article VI

VESTING

§ 6.1 Participant Account and Rollover Account 100 Percent Vested

Participant Accounts and Rollover Accounts shall be 100% vested at all times.

§ 6.2 Employer Account Vesting on Death, Retirement, or Disability

If a Participant's employment is terminated for death, for Disability, or upon a Participant's attaining Normal Retirement Age, 100% of the Participant's Employer Account shall vest in the Participant (or in his or her Beneficiary, as the case may be) and shall be distributed in accordance with the provisions of Article VII.

§ 6.3 Employer Account Vesting on Termination

Except as provided in Section 6.2, a Participant's Employer Account shall be vested in accordance with Section 1.13. Upon a One Year Break in Service, forfeited Employer Accounts shall be used to reduce future Employer Contributions.

Article VII

DISTRIBUTION OF BENEFITS

§ 7.1 Method of Distribution of Accounts

(a) The Participant may elect to receive distribution of his or her vested Account in one of the forms selected by the Employer in Section 1.15. If the Participant fails to make an election, and the Employer has not elected the Joint and Survivor Annuity Option in Section 1.15, the Participant's vested account shall be distributed by the Provider in the form of a lump sum. Notwithstanding the preceding, if a Participant terminates service, the entire amount of such vested Account shall be either distributed to the Participant by the Provider or rolled over by the Participant within the time specified in Section 7.2. The Provider shall be responsible for distributing a Participant's Account and for making such distributions pursuant to the provisions of the Plan.

(b) If the spousal consent option in Section 1.12 applies, the Participant and the Participant's spouse (or where either the Participant or the spouse has died, the survivor) must consent to any distribution of such vested Account. The consent of the Participant and the Participant's spouse shall be obtained by the Provider in writing within the 90-day period ending on the annuity starting date. The annuity starting date is the first day of the first period for which an amount is paid as an annuity or any other form.

Notwithstanding the foregoing, only the Participant need consent to the commencement of a distribution in the form of a Joint and Survivor Annuity. Neither the consent of the Participant nor the Participant's spouse shall be required to the extent that a distribution is required to satisfy IRC Section 401(a)(9) or IRC Section 415. In addition, upon termination of this Plan if the Plan does not offer an annuity option (purchased from a commercial provider) and if neither the Employer nor any affiliated employer maintains another defined contribution plan (other than an employee stock ownership plan as defined in IRC Section 4975(e)(7)), the Participant's vested Account will, without the Participant's consent, be distributed to the Participant.

(c) If distributions are made in installments the amount of the installment to be distributed each year must be at least an amount equal to the quotient obtained by dividing the Participant's entire interest by the life expectancy of the Participant or the joint and last survivor expectancy of the Participant and his designated Beneficiary. Life expectancy and joint and last survivor expectancy are computed by the use of the return multiples contained in Treasury Regulations Section 1.72-9, Table V and VI or, in the case of payments under a contract issued by an insurance company, by use of the life expectancy tables of the insurance company. For purposes of this computation, a Participant's life expectancy may be recalculated no more frequently than annually, but the life expectancy of a nonspouse Beneficiary may not be recalculated.

§ 7.2 Time of Distribution

(a) Subject to Section 7.3, Joint and Survivor Annuity or Pre-Retirement Survivor Annuity, the requirements of this Section 7.2 shall apply to any distribution of a Participant's vested Account and will take precedence over any inconsistent provisions of this Plan. All distributions required under this Section 7.2 shall be determined and made in accordance with the Proposed Regulations under IRC Section 401(a)(9), including the minimum distribution incidental benefit requirement of proposed Treasury Regulation Section 1.401(a)(9)-2. Unless required by the IRC, no distribution shall commence before the one-year anniversary of a Participant's Termination Date. Effective April 1, 2001 distributions may commence as soon as administratively feasible following a Participant's Termination Date or Disability.

With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2001, the Plan will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provision of the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section 401(a)(9) or such other date specified in guidance published by the Internal Revenue Service.

(b) The Participant's vested Account must be distributed or begin to be distributed no later than the Participant's required beginning date.

(c) If the Participant's vested Account is to be distributed in other than a single sum, the following minimum distribution rules shall apply on or after the required beginning date:

(i) Individual Account.

(1) If a Participant's benefit is to be distributed over (A) a period not extending beyond the life expectancy of the Participant or the joint life and last survivor expectancy of the Participant and the Participant's designated Beneficiary or (B) a period not extending beyond the life expectancy of the designated Beneficiary, the amount required to be distributed for each calendar year, beginning with distributions for the first distribution calendar year, must at least equal the quotient obtained by dividing the Participant's benefit by the applicable life expectancy.

(2) The amount to be distributed each year, beginning with distributions for the first distribution calendar year shall not be less than the quotient obtained by dividing the Participant's benefit by the lesser of (A) the applicable life expectancy or (B) if the Participant's spouse is not the designated Beneficiary, the applicable divisor determined from the table set forth in Q&A-4 of Section 1.401(a)(9)-2 of the Proposed Regulations. Distributions after the death of the Participant shall be distributed using the applicable life expectancy in Subparagraph (d)(i)(1) above as the relevant divisor without regard to Proposed Regulations Section 1.401(a)(9)-2.

(3) The minimum distribution required for the Participant's first distribution calendar year must be made on or before the Participant's required beginning date. The minimum distribution for other calendar years, including the minimum distribution for the distribution calendar year in which the employee's required beginning date occurs, must be made on or before December 31 of that distribution calendar year.

(ii) If the Participant's benefit is distributed in the form of an annuity purchased from an insurance company, distributions thereunder shall be made in accordance with the requirements of IRC Section 401(a)(9) and the Proposed Regulations thereunder.

(d) If the Participant dies after distributions to him have begun but before his entire vested Account has been distributed to him, the remaining portion of his vested Account shall be distributed by the Provider from the Plan at least as rapidly as under the method of distribution previously established for him, if such method was irrevocable at the time of his death.

(e) If the Participant dies before distribution of his interest commences, then distributions of the Participant's remaining vested Account must be completed by the end of the fifth calendar year following the year of his death. However, installment distributions to a designated Beneficiary which begin not later than the end of the calendar year following the death of the Participant shall be treated as complying with this 5-year distribution requirement (even though the installment payments are not completed within 5 years of the Participant's death) if the distributions are made at a rate which is not longer than that calculated (in the manner described in Subparagraph (c)(i)(3) of this Section 7.2) to provide payment of all the Participant's vested Account during the anticipated life expectancy of the designated Beneficiary. Provided that if the designated Beneficiary is the surviving spouse of the deceased Participant, the distributions can begin as long after the Participant's death as the date on which the deceased Participant would have attained the age of 70-1/2. If the surviving spouse dies after the Participant, but before payments to such spouse begin, the provisions of this Subsection (e) shall be applied as if the surviving spouse were the Participant.

If the Participant has not made an election pursuant to this Subsection (e) by the time of his or her death, the Participant's designated Beneficiary must elect the method of distribution no later than the earlier of (1) December 31 of the calendar year in which distributions would be required to begin under this Subsection, or (2) December 31 of the calendar year which contains the fifth anniversary of the date of death of the Participant. If the Participant has no designated Beneficiary, or if the designated Beneficiary does not elect a method of distribution, distribution of the Participant's entire interest must be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(f) For purposes of this Section 7.2, any amount paid to a minor child of a Participant will be treated as if it had been paid to the surviving spouse of the Participant if such remaining amount becomes payable to the surviving spouse when the child reaches the age of majority.

(g) For the purposes of this Section 7.2, distribution of a Participant's benefit is considered to begin on the Participant's required beginning date (or, if Subsection 7.2(f) above is applicable, the date distribution is required to begin to the surviving spouse pursuant to Subsection 7.2(f)). If distribution in the form of an annuity irrevocably commences to the Participant before the required beginning date, the date distribution is considered to begin is the date distribution actually commences.

(h) For purposes of this Section 7.2, the following words and terms shall have the meanings indicated:

(i) "Applicable life expectancy." The life expectancy (or joint and last survivor expectancy) calculated using the attained age of the Participant (or designated Beneficiary) as of the Participant's (or designated Beneficiary's) birthday in the applicable calendar year reduced by one for each calendar year which has elapsed since the date life expectancy was first calculated. If life expectancy is being recalculated, the applicable life expectancy shall be the life expectancy as so recalculated. The applicable calendar year shall be the first distribution calendar year, and if life expectancy is being recalculated such succeeding calendar year.

(ii) "Designated Beneficiary." The individual who is designated as the Beneficiary under the Plan in accordance with IRC Section 401(a)(9) and the proposed regulations thereunder.

(iii) "Distribution calendar year." A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Subsection 7.2(c) above.

(iv) "Life expectancy." Life expectancy and joint and last survivor expectancy are computed by use of the expected return multiples in Tables V and VI of Treasury Regulations Section 1.72-9, or, in the case of payments under a contract issued by an insurance company, by use of the life expectancy tables of the insurance company.

Unless otherwise elected by the Participant (or Participant's spouse, in the case of distributions described in Subsection 7.2(e)) by the time distributions are required to begin, life expectancies shall be recalculated annually. Such election shall be irrevocable as to the Participant (or spouse) and shall apply to all subsequent years. The life expectancy of a nonspouse Beneficiary may not be recalculated.

(v) "Participant's benefit."

(1) The vested Account as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased

by the amount of any contributions or forfeitures allocated to the vested Account as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date.

(2) For purposes of Subparagraph (1) above, if any portion of the minimum distribution for the first distribution calendar year is made in the second distribution calendar year on or before the required beginning date, the amount of the minimum distribution made in the second distribution calendar year shall be treated as if it had been made in the immediately preceding distribution calendar year.

(vi) "Required beginning date." The required beginning date of a Participant is the first day of April of the calendar year following the calendar year in which the later of retirement or attainment of age 70-1/2 occurs.

§ 7.3 Joint and Survivor Annuity or Pre-Retirement Survivor Annuity

(a) The provisions of this Section 7.3 shall apply if the Employer has elected the Joint and Survivor Annuity option in Section 1.15.

(b) Unless an optional form of benefit is selected, a married Participant's vested Account will be paid in the form of a Joint and Survivor Annuity with the Participant's Spouse and an unmarried Participant's vested Account will be paid in the form of a life annuity. The Participant may elect to have such annuity distributed upon attainment of the earliest retirement age under the Plan. An unmarried Participant may select a Joint Survivor Annuity with a designated Beneficiary.

(c) Unless an optional form of benefit has been selected, if a Participant dies before the annuity starting date, then the Participant's vested Account shall be applied toward the purchase of an annuity for the life of the surviving Beneficiary. The surviving Beneficiary may elect to have such annuity distributed within a reasonable period after the Participant's death.

(d) For purposes of this Section 7.3, the following words and terms shall have the meanings indicated:

(i) "Spouse (surviving spouse)." The spouse or surviving spouse of the Participant, provided that a former spouse will be treated as the spouse or surviving spouse and a current spouse will not be treated as the spouse or surviving spouse to the extent provided under a qualified domestic relations order as described in IRC Section 414(p).

(ii) "Annuity starting date." The first day of the first period for which an amount is paid as an annuity or any other form.

(iii) "Vested Account." The aggregate value of the Participant's vested Account whether before or upon death, including the proceeds of insurance contracts, if any, on the Participant's life.

(e) Notice Requirements.

(i) In the case of a Joint and Survivor Annuity, the Provider shall no less than 30 days and no more than 90 days prior to the annuity starting date provide each Participant a written explanation of: (1) the terms and conditions of a Joint and Survivor Annuity; (2) the Participant's right to make and the effect of an election to waive the Joint and Survivor Annuity form of benefit;

(3) the rights of a Participant's spouse; and (4) the right to make, and the effect of, a revocation of a previous election to waive the Joint and Survivor Annuity.

(ii) In the case of a Pre-Retirement Survivor Annuity as described in Subsection 7.3(c), the Provider shall provide each Participant within the applicable period for such Participant a written explanation of the Pre-Retirement Survivor Annuity in such terms and in such manner as would be comparable to the explanation provided for meeting the requirements of Paragraph (e)(i) applicable to a Joint and Survivor Annuity.

The applicable period for a Participant is a reasonable period ending after the individual becomes a Participant.

§ 7.4 Distribution After Death of Participant

In the event of the death of a Participant after distribution of the Participant's vested Account has begun, but prior to completion of such payments, the full amount of such unpaid vested Account shall continue to be paid in the form of the previously established installments except that the Beneficiary may request that the remaining Account be paid in a lump sum.

In the event of the death of the Participant prior to the start of any payment of his Account, distributions shall be made in the form and at the time or times selected by the Beneficiary pursuant to Sections 7.1 and 7.2.

§ 7.5 Distribution After Death of Beneficiary

In the event of the death of a Beneficiary (or a contingent Beneficiary, if applicable) prior to the completion of payment of benefits due the Beneficiary from the Plan, the full amount of such unpaid vested Account shall at once vest in and become the property of the estate of said Beneficiary.

§ 7.6 Rollover from Plan

The Participant may direct the Provider to transfer part or all of the Participant's vested Account to a retirement plan, as described in IRC Section 401(a) or Section 403(a) as to which the individual is a Participant at the time of such distribution.

§ 7.7 Inability to Locate Participant or Beneficiary

If the Provider cannot locate the Participant or Beneficiary to whom the vested Account is to be distributed, and reasonable efforts have been made to find such person, including the sending of notification by certified or registered mail to his or her last known address, the Participant's vested Account may be forfeited, subject to state law, and used to reduce Employer Contributions; provided that, if the Participant is subsequently located, such Forfeiture shall be restored and the restoration shall be made first out of Forfeitures, if any, and then by additional Employer contributions.

§ 7.8 Qualified Domestic Relations Orders

Notwithstanding any other provisions of Article VII, any Account of a Participant may be apportioned between the Participant and the alternate payee (as defined in Revised Code Section 3105.80) either through separate Accounts or by providing the alternate payee a percentage of the Account of the Participant. The Provider may direct distributions to an alternate payee pursuant to a qualified domestic relations order in accordance with IRC Section 414(p)(1) as modified by IRC Section

414(p)(11) (and, effective January 1, 2002, Revised Code Sections 3105.65 and 3105.171) prior to the date on which the Participant attains the earliest retirement age, provided that the Provider has properly notified the affected Participant and each alternate payee of the order and has determined that the order is a qualified domestic relations order as defined in IRC Section 414(p)(1), as modified by IRC Section 414(p)(11). The alternate payee shall be paid his or her separate Account or his or her percentage of the Account of the Participant, computed as of the Limitation Year, or if the Plan is valued on a daily basis, as provided in the order, in a lump-sum payment notwithstanding the value of such lump-sum payment unless the domestic relations order specifies a different manner of payment permitted by the Plan; and the alternate payee shall not be required to consent to such lump-sum payment. The Provider shall adopt reasonable procedures to determine the qualified status of domestic relations orders and to administer the distributions thereunder and, for distributions on and after January 1, 2002, shall comply with the provisions of Revised Code Section 3305.21.

§ 7.9 Direct Rollover

Notwithstanding any other provision of the Plan, the Provider shall advise any distributee entitled to receive an eligible rollover distribution, at the same time as the notice required to be given pursuant to Article VII (or such other time as is permitted by law) of his or her right to elect a direct rollover to an eligible retirement plan, pursuant to the provisions of this Section. To elect a direct rollover the distributee must request in writing to the Provider that all or a specified portion of the eligible rollover distribution be transferred directly to one or more eligible retirement plans. If more than one direct rollover distribution will be made, the notice specified in the first sentence of this Section must state that the distributee's initial election to make or not to make a direct rollover will remain in effect unless he gives the Provider written instructions, on the forms provided by Provider, to change the election, in which case the new election will remain in effect until changed.

The distributee shall not be entitled to elect a direct rollover pursuant to this Section unless he or she has obtained a waiver of any applicable Joint and Survivor Annuity, as required pursuant to Section 7.3.

For purposes of this Section, the following definitions shall apply:

(a) A "direct rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee.

(b) A "distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's (or former employee's) spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in IRC Section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(c) An "eligible retirement plan" is a retirement plan which meets the requirements of IRC Section 401(a), an annuity described in IRC Section 403(a), an individual retirement account described in IRC Section 408(a), or an individual retirement annuity (other than an endowment contract) described in IRC Section 408(b), the terms of which permit the acceptance of a direct rollover of the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or an individual retirement annuity. The Provider may establish reasonable procedures for ascertaining that the eligible retirement plan meets the preceding requirements.

(d) An "eligible rollover distribution" is any distribution from this Plan on or after January 1, 1993 of all or any portion of the balance to the credit of the distributee, except for distributions (or portions thereof) which are--

(i) Part of a series of substantially equal periodic payments (not less frequently than annually) made over the life of the employee (or the joint lives of the employee and the employee's designated beneficiary), the life expectancy of the employee (or the joint life and last survivor expectancy of the employee and the employee's designated beneficiary), or a specified period of ten years or more;

(ii) Required under IRC Section 401(a)(9) (relating to the minimum distribution requirements);

(iii) The portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation in employer securities described in IRC Section 402(e)(4)); or

(iv) For distributions commencing after December 31, 1999, hardship distributions described in IRC Section 401(k)(2)(B)(i)(IV) and U.S. Treas. Reg. Section 1.401(k)-1(d)(2)(ii).

§ 7.10 Withholding Orders

(a) Withholding Orders Upon Theft in Office or Sex Offenses

In accordance with Section 3305.09 of the Revised Code, any payment that is to be made to the Participant or his or her Beneficiary(ies) under this Plan shall be subject to any withholding order issued pursuant to Division (C)(2)(b) of Section 2921.41 of the Revised Code. Payments made on or after April 1, 2001 shall also be subject to Section 2907.15 of the Revised Code.

Upon notice pursuant to division (D) of Section 2921.41 that a Participant is charged with a violation of Section 2921.41 no payment shall be made to the Participant or his or her Beneficiary(ies) prior to whichever of the following is applicable:

(1) If the Participant is convicted of or pleads guilty to the charge and no motion for a withholding order for purposes of restitution has been filed, thirty (30) days after the date on which final disposition of the charge is made;

(2) If the Participant is convicted of or pleads guilty to the charge and a motion for a withholding order is made, the date on which the court decides the motion;

(3) If the charge is dismissed or the Participant is found not guilty of the charge or not guilty of the charge by reason of insanity, the date on which final disposition of the charge is made.

(b) Withholding Orders for Support

Any payment that is to be made to the Participant or his or her Beneficiary(ies) under this Plan shall, to the extent required by law, be subject to any withholding order for spousal or child support issued pursuant to Section 3113.21 of the Revised Code. Payments made on and after April 1, 2001 shall, to the extent required by law, also be subject to Sections 3111.23 and 3115.32 of the Revised Code.

(c) Provider Responsibility

The Provider shall be solely responsible for compliance with any withholding orders issued under (a) or (b) above.

Article VIII

AMENDMENT AND TERMINATION

§ 8.1 Rights to Suspend or Terminate Plan

It is the present intention of the Employer to maintain this Plan throughout its existence. Nevertheless, the Employer reserves the right, at any time, to the extent permitted by the Revised Code, to discontinue or terminate the Plan, to terminate the Employer's liability to make further contributions to this Plan, and/or to suspend contributions for a fixed or indeterminate period of time. In any event, the liability of the Employer to make contributions to this Plan shall automatically terminate upon its legal dissolution or termination, upon its adjudication as a bankrupt, upon the making of a general assignment for the benefit of creditors, or upon its merger or consolidation with any other entity. If there is more than one Provider selected in Section 1.7, the Employer's liability to make contributions as to any Provider shall terminate upon the Provider ceasing to be a designated provider under Section 3305.03 of the Revised Code.

§ 8.2 Successor Organizations

In the event of the termination of the liability of the Employer to make further contributions to this Plan, the Employer's liability may be assumed by any other organization which employs a substantial number of the Participants of this Plan. Such assumption of liability shall be expressed in an agreement between such other organization and the Employer under which such other organization assumes the liabilities of the Plan with respect to the Participants employed by it.

§ 8.3 Amendment

To provide for contingencies which may require the clarification, modification, or amendment of this Plan, the Employer reserves the right to amend this Plan at any time.

§ 8.4 100% Vesting on Termination of Plan

Upon termination or partial termination of the Plan by formal action of the Employer or for any other reason, or if Employer contributions to the Plan are permanently discontinued for any reason, there shall be vested 100% in each Participant directly affected by such action the amount allocated to the Accounts of each such Participant, and payment to such Participant shall be made in cash or in kind.

§ 8.5 Plan Merger or Consolidation

In the case of any merger or consolidation with, or transfer of any assets or liabilities to, any other plan, each Participant in this Plan must be entitled to receive (if the surviving plan is then terminated) a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if this Plan had terminated).

Article IX

MISCELLANEOUS

§ 9.1 Laws of Ohio to Apply

This Plan shall be construed according to the laws of Ohio, to the extent Federal laws do not control.

§ 9.2 Credit for Qualified Military Service

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC Section 414(u).

§ 9.3 Participant Cannot Transfer or Assign Benefits

Except as provided in Section 7.10, none of the benefits, payments, proceeds, claims, or rights of any Participant hereunder shall be subject to any claim of any creditor of the Participant, nor shall any Participant have any right to transfer, assign, encumber, or otherwise alienate, any of the benefits or proceeds which he may expect to receive, contingently or otherwise under this Plan.

Notwithstanding any restrictions on the time of distribution which would otherwise apply under this Plan, distributions with respect to a Qualified Domestic Relations Order may be made at any time required by the order.

§ 9.4 Reversion of Contributions Under Certain Circumstances

In the event that the Commissioner of Internal Revenue determines that the Plan is not initially qualified under the IRC, any contribution made incident to that initial qualification must be returned to the Employer within one year after the date the initial qualification is denied, but only if the application for the qualification is made by the time prescribed by law for filing the Employer's return for the taxable year in which the Plan is adopted, or such later date as the Secretary of the Treasury may prescribe.

If a contribution is made by an Employer by a mistake of fact, the contribution may be returned to the Employer within one year after the payment of the contribution.

Notwithstanding the above, earnings attributable to amounts described in paragraphs two and three of this Section 9.4 shall not be returned to the Employer; losses attributable to such amounts shall reduce the amount returned.

§ 9.5 Filing Tax Returns and Reports

The Provider shall prepare, or cause to have prepared, all tax returns, reports, and related documents, except as otherwise specifically provided in this Plan.

§9.6 No Discrimination

Neither the Employer nor the Provider shall take any action that would result in benefiting one Participant or group of Participants at the expense of another, or discriminating between Participants similarly situated, or applying different rules to substantially similar sets of facts.

§9.7 Number and Gender

When appropriate the singular as used in this Plan shall include the plural and vice versa; and the masculine shall include the feminine.

§9.8 Records and Information

The Provider shall keep a complete record of all its proceedings and all data necessary for the determination of Account balances.

§9.9 Information to Participants

The Provider shall maintain separate Accounts for the Participants. It shall give each Participant, at least once every year, information as to the balance of his Employer Account and Participant Account, if applicable.

§9.10 Powers

The Employer shall have the power to determine all questions that may arise hereunder as to the eligibility of employees to participate in the Plan and as to the vesting of Participants.

EDUCATIONAL POLICIES COMMITTEE

Committee Chairman C. Daniel DeLawder noted the committee had reviewed a progress report from Interim Provost Gary Schumacher on proposed revisions to the General Education Program. Mr. DeLawder stated the report was informative and thanked Dr. Schumacher and others for their leadership. A copy of the report is included with the official minutes.

Chairman DeLawder stated his committee has reviewed the two resolutions before it, presented and reviewed each, and moved approval of both. Mr. Grover seconded the motion. All voted aye.

FACULTY FELLOWSHIP AWARDS

RESOLUTION 2002 - 1819

WHEREAS, the proposed University Faculty Fellowships on the attached list have been reviewed in accordance with University policy and found to be meritorious,

NOW, THEREFORE, BE IT RESOLVED that the attached University Faculty Fellowships for 2002-2003 are approved.

BE IT FURTHER RESOLVED that the Provost can approve changes in the conditions of the fellowship but not the total number of Fellowships.

Office of the Provost
Cutler Hall
Athens OH 45701-2979

OHIO UNIVERSITY
1804

DATE: February 26, 2002

TO: Dr. Robert Glidden, President

FROM: Gary Schumacher, Provost GMS

SUBJECT: Faculty Fellowship Leaves

I have read the attached Faculty Fellowship Leave requests. I recommend them to you for approval and signature.

The total number requested (41) is lower than the 6% limit established by the Trustees.

GS/jt
Attachments

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
COLLEGE OF ARTS AND SCIENCES			
Willem Roosenburg	Biological Sciences	Fall, Winter, Spring	To study tropical turtles of the Amazon in order to make a comparison with temperate species and to be involved in a large turtle conservation project in Brazil funded by Conservation International.
Hugh Richardson	Chemistry & Biochemistry	Fall, Winter, Spring	To expand expertise into devise fabrication using wide bandgap semiconducting materials and to develop electronic textiles using these materials.
Gary Small	Chemistry & Biochemistry	Fall, Winter, Spring	To accelerate collaborative research on the development of a noninvasive sensor for determining blood glucose at the University of Iowa, and to combine advances made at Ohio University in software-based data processing with research at the University of Iowa.
Ruth Palmer	Classics	Fall, Winter	To complete an article and a book prospectus on Mycenaean agriculture using research from Myceaean palace records and to present a paper at the International Symposium, *Interconnections in the Mediterranean, ca 1500-500 B.C.*
Tony Caporale	Economics	Spring	To complete two scholarly papers applying a time series methodology to investigate the importance of policy regime changes in affecting changes in macroeconomic variables.
Josephine Bloomfield	English	Fall, Winter, Spring	To complete research and writing drafts of a book on the medieval dream vision poem. Project includes work in European libraries and a conference presentation.
Joan Connor	English	Fall, Winter, Spring	To complete a collection of new historically based stories, a collection of essays, a collection of novellas, and to begin a new collection of short stories, in response to the events of September eleventh.
Mark Rollins	English	Fall, Winter, Spring	To develop a Humanities course into a distance learning format for delivery online, to develop an internship program for the English Department, and to conduct research in Greece and England.

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
James Cavender	Environ. & Plant Biology	Winter	To complete research and publish an article on the dictyostelid cellular slime molds from forest soils and the Jesuitic Mission ruins of Argentina. The research will be conducted while based at the University of Buenos Aires.
James Dyer	Geography	Fall	To conduct field work in Hocking County, Ohio to assess the effects of detailed historic land use on forest herbs and woody vegetation. The research results will have an impact on design strategies for ecosystem management and restoration.
Dina Lopez	Geological Sciences	Spring	To develop a research proposal focusing on the hydrogeological modeling of La Palma Island aquifer, Canary Islands, Spain and the transport of radon in this aquifer. This project will strengthen collaboration with Spanish researchers and lead to new funding opportunities.
Jose Delgado	Modern Languages	Fall	To conduct research in Puerto Rico and write drafts of *Goitia*, a play with the genre of a thriller. This research will also be used to develop an article, a presentation, and a course.
Thomas Statler	Physics & Astronomy	Fall, Winter, Spring	To initiate new projects and collaborations in France with astronomers, to work with astrophysicists at the University of Colorado, and to compose music in collaboration with Ohio University faculty.
Patricia Weitsman	Political Science	Fall, Winter, Spring	To conduct research and write a book on the political and social consequences of children born of rape during wartime.
Julie White	Political Science	Fall	To complete the editing of *The Politics of Care* and to conduct the preliminary interviews for a book project, *Public Spaces: Toward a Cosmopolitan Sense of Place.*
Daniel Lassiter	Psychology	Fall, Winter, Spring	To edit an interdisciplinary book focusing on police interrogations and psychological coercion. To complete a literature review on behavior perception, and to write an article supporting a dual process model for action memory formation.

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
Martin Schwartz	Sociology & Anthro.	Fall, Winter, Spring	To develop grant proposals, strengthen international research collaborations, and complete final drafts of four books on poverty, criminology, and male identity and pool hall behavior.
COLLEGE OF BUSINESS			
Rebecca A. Thacker	Management Systems	Winter, Spring	To study how HRM professionals can become proactive in the passage or defeat of proposed legislation and regulations at the state level. The goal is to develop a model that suggests strategy and best practices.
Hao Lou	Mgt. Information Sys.	Spring	To research the perceptions of electronic commerce from subjects across three countries, Brazil, China, and Malaysia, and to write articles for two major MIS journals.
Ashok Gupta	Marketing	Fall	To conduct research on industry perceptions of barriers to interaction with publically funded research and development labs in India, to deliver business curriculum to instructional technology professionals at Indian Institute of Information Technology, Bangalore, India
COLLEGE OF COMMUNICATION			
Trevor Roycroft	Communication Sys. Mgt.	Fall, Winter, Spring	To prepare a manuscript entitled *Competition and Market Structure in Network Industries,* to develop the content for a new course, and to complete two papers for publication in referred journals.
Patricia Cambridge	Journalism	Spring	To spend several weeks immersed in the public relations industry, to enhance delivery of courses relevant to industry needs, and to provide a basis for new research projects.
Daniel Riffe	Journalism	Fall	To complete a series of three research manuscripts. The focus of each will be in area of expertise and will be useful to the region and the profession.

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
COLLEGE OF EDUCATION			
Robert Young	Counseling & Higher Ed.	Spring	To teach a series of seminars, forums, and lectures in higher education at Technical University in Auckland, New Zealand and to explore education exchange opportunities in Indonesia.
RUSS COLLEGE OF ENGINEERING AND TECHNOLOGY			
Tingyue Gu	Chemical Engineering	Fall, Winter	To conduct research in Beijing and Shanghai on topics of affinity chromatography for the characterization of protein folding and the recovery of bioactive products from plant cell cultures. Data and results will be used to prepare proposals for submission to the National Science Foundation and the U.S. Department of Agriculture.
David Juedes	EECS	Fall	To work at the University of Newcastle in Australia on new developments and research frontiers in parameterized complexity theory. This research will result in conference and journal publications and will open avenues for research funding.
David Koonce	IMSE	Fall	To develop methods and systems to help integrate digital media for Swiss Radio International (SRI) on a project which helps link media into web sites. This research will result in expanded funding opportunities and course development.
Robert Williams	Mechanical Engineering	Fall, Winter, Spring	To work in the Intelligent Systems and Robotics Laboratories of Sandia National Laboratories, Albuquerque, NM. The proposed project will integrate two software packages developed at Sandia and the project focuses on complex environments and telerobotics applications.
COLLEGE OF FINE ARTS			
Robert Lazuka	Art	Fall, Winter, Spring	To investigate and develop traditional and digital printmaking to further studio research for a body of work begun in 1999. The result will be a series of fine arts prints entitled *Personal Spaces.*
Thomas Patin	Art	Fall	To complete research and write a draft manuscript, titled *Nature's Masterpiece: Naturalizing Culture in the National Parks.* This research will enrich teaching in art history.

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
Lisa Ford Moulton	Dance	Winter, Spring	To conduct an intensive study of Hatha Yoga, focusing on the Iyengar, Ashtanga, and Anusara styles. Studies will include classes, daily practice, workshops, and research of yogic literature. These activities will enhance teaching in dance technique classes.
Sylvia Henry	Music	Fall, Winter	To research piano teaching methods and compile a reference guide suitable for a pedagogical publication, to study new method books for beginning and intermediate students, and to notate strategies for establishing a successful studio.
COLLEGE OF HEALTH AND HUMAN SERVICES			
Kevin Crist	Health Sciences	Fall, Winter, Spring	To work with the Department of Energy at the National Energy Laboratory on urban and regional scale photochemical and $PM_{2.5}$ modeling efforts. To visit several air quality research centers to learn the latest developments in air quality modeling, and to develop the framework and base funding lines for an Air Quality Center at Ohio University.
COLLEGE OF OSTEOPATHIC MEDICINE			
Peter Johnson	Biomedical Sciences	Winter	To conduct research on the moledular basis of hypoxia in a diving mammal as a model of ischemia-reperfusion inquiry in humans. This research will provide basis for proposals to external agencies.
REGIONAL HIGHER EDUCATION			
		Chillicothe	
Veena Kasbekar	Humanities/Social Sci.	Spring	To organize gathered data and personally created formulae into a grammar booklet for students, and to revise Humanities 108/308 to give the course a more global perspective.

FACULTY FELLOWSHIP LEAVES
2002-2003

NAME	DEPARTMENT	LEAVE DATES	PURPOSE
		Eastern	
David Castle	History	Fall	To complete writing and revision on a manuscript, *Professors and US Latin American Policy,* and an article, *The Tela Torture Case.*
		Lancaster	
Kenneth Heineman	History	Fall	To complete a book, *Reformation: Monsignor Charles Owen Rice and the Crisis of the New Deal Order in Pittsburgh,* a sequel to *A Catholic New Deal: Religion and Reform in Depression Pittsburgh* (Penn State Press, 1999).
Karen Evans	INCO	Winter	To restructure three interpersonal communication courses for designation as service-learning courses. The revised courses will be offered spring, summer, and fall quarters, 2003, and winter quarter, 2004.
		Zanesville	
William Christy	Fine Arts	Fall, Winter	To conduct research for two projects and to publish articles on those topics, with the intent of further developing one or both into book manuscripts.
James Jordan	Political Science	Spring	To study the use of quasi-governmental bodies to stimulate economic investment in southeast Ohio, and to spend time in residence at ARC offices in Washington, D.C., as well as in the Governor's Office of Applachia in Columbus, Ohio.
Sharon Staib	Nursing	Fall	To explore ways to increase nursing students' clinical experiences in the community with the older adult population with a focus on community based nursing care.

FACULTY/ADMINISTRATIVE EMERITUS/EMERITA AWARDS RESOLUTION 2002 — 1820

WHEREAS, the following individuals have rendered dedicated and outstanding service to Ohio University, and

WHEREAS, their colleagues and supervisors have recommended action to recognize their service,

THEREFORE, BE IT RESOLVED that emeritus status be awarded to the following individuals upon their retirement:

COLLEGE OF ARTS AND SCIENCES

Robert Norman Rhodes, Associate Professor Emeritus of African American Studies
Vattel Theodore Rose, Associate Professor Emeritus of African American Studies
Robert H. Whealey, Associate Professor Emeritus of History
James M. Coady, Associate Professor Emeritus of Linguistics
Roger W. Rollins, Professor Emeritus of Physics and Astronomy
Jack Arbuthnot, Professor Emeritus of Psychology
Gary Schumacher, Professor Emeritus of Psychology
Bruce Ergood, Associate Professor of Sociology and Anthropology

COLLEGE OF BUSINESS

Frank Barone, Associate Professor Emeritus of Management Systems
Arthur J. Marinelli, Professor Emeritus of Management Systems

COLLEGE OF COMMUNICATION

William Miller, Professor Emeritus of Telecommuications

COLLEGE OF EDUCATION

John W. McCutcheon, Associate Professor Emeritus of Teacher Education
Charles W. Smith, Jr., Professor Emeritus of Teacher Education

COLLEGE OF OSTEOPATHIC MEDICINE

Walter J. Costello, Associate Professor Emeritus of Biomedical Sciences (Posthumously)

ADMINISTRATIVE-Athens Campus

Michael Hanek, Director Emeritus of Counseling and Psychological Services Center
Judy Daso, Librarian Emerita for Ohio University Libraries
Ann Goss, Librarian Emerita for Ohio University Libraries

REGIONAL HIGHER EDUCATION

Eastern

Howard Wisch, Assistant Professor Emeritus of Philosophy

Lancaster

Larry Ault, Associate Professor Emeritus of Economics
Gary Baldwin, Associate Professor Emeritus of Mathematics

Zanesville

George L. Ware, III, Associate Professor Emeritus of English
Linda L. Hunt, Assistant Professor Emerita of Nursing
John J. Arnold, Professor Emeritus of Philosophy

ADMINISTRATIVE

Eastern

Richard McMann, Associate Dean Emeritus of Ohio University Eastern Campus (Posthumously)

Lancaster

Andrew McGreevy, Special Assistant to the Dean Emeritus

Office of the Provost
Cutler Hall
Athens OH 45701-2979

OHIO UNIVERSITY
1804

DATE: March 12, 2002

TO: Robert Glidden, President

FROM: Gary Schumacher, Interim Provost GMS

SUBJECT: Recommendations for Emeritus Status

I am pleased to recommend the following individuals for emeritus status. They have rendered dedicated service to Ohio University in a variety of departments and disciplines.

GS/jt

Attachment

Office of the
Vice President
for Finance

HDL Center
Athens, OH 45701-2979

OHIO UNIVERSITY

April 1, 2002

MEMORANDUM

To: Members of the Board of Trustees of Ohio University

Fr: Dick Siemer
Vice President for Finance and Treasurer

Re: Treasurer's Report

Please find enclosed the standard financial Board reports following this covering memorandum at the page numbers indicated:

1. Detail of Budgeted Resources to Actual

   Overall our total resources are sufficient to meet our budget expectations and our expenditures, as a percent of the budget through February, are down year-over-year reflecting the studied effort to control expenses in an uncertain economic environment. State support is reduced reflecting the budget reductions mandated for higher education in the revised budget plan for the State. Student income is higher reflecting higher enrollments. Department Sales & Service revenue is off but since this generally reflects self-service business operations within the university, expenditures are down as well – and this is not reflected in a separate category in this summary report. While only inferred from this report, our plan to fund the $9.2 million reduction in State support from internal resources and reductions will be met.

2. Results for the Fiscal Year through February on the Long Term Investment Pool

   The investment returns for the long term pool continue to follow the indices for the market. Our expectation is that while March will be a favorable month recovering the losses for January and February, overall it seems reasonable to anticipate a negative return at year-end of around 5%.

3. Internal Loan Fund Investments

   Since the last report, we have added bridge loans to finance the completion of the university golf course and the HVAC upgrade at the Chillicothe campus. Effectively, until loans are paid down or the policy is adjusted, we have reached the limit of draws from the internal loan pool.

Distribution:

Board of Trustees
President Robert Glidden
Secretary to the Board Alan Geiger

OHIO UNIVERSITY

TOTAL UNIVERSITY
DETAIL OF BUDGETED RESOURCES AND EXPENDITURES TO ACTUALS
Through February 28, 2002

(IN THOUSANDS)

	FY 2001-2002 Budget					
	General Funds	Restricted & Designated	Total Budget	Actuals Through 2/28/02	Percent of Actuals to Budget	Percent of Actuals to Budget FY 2000-2001
RESOURCES						
Government Support						
State	147,665	13,848	161,513	108,615	67.25%	71.77%
Federal	0	33,886	33,886	23,573	69.57%	75.27%
Local	0	717	717	244	34.03%	83.08%
Sub-total Government Support	147,665	48,451	196,116	132,432	67.53%	72.35%
Student Fees						
Instructional Fees (Tuition)	112,426	2,464	114,890	118,280	102.95%	95.29%
General Fees	27,250	0	27,250	28,128	103.22%	96.92%
Non-Resident Surcharges	18,667	0	18,667	19,015	101.86%	98.70%
Other Fees	2,866	0	2,866	2,664	92.95%	89.53%
Sub-total Student Fees	161,209	2,464	163,673	168,087	102.70%	95.84%
Other Resources						
Auxiliaries	0	59,527	59,527	46,979	78.92%	78.06%
Departmental Sales & Services	0	7,144	7,144	4,182	58.54%	66.84%
Private Grants & Contracts	776	11,190	11,966	8,525	71.24%	61.72%
Other	24,191	139	24,330	19,072	78.39%	76.57%
Sub-total Other Resources	24,967	78,000	102,967	78,758	76.49%	74.69%
Total Resources	333,841	128,915	462,756	379,277	81.96%	81.03%
EXPENDITURES						
Athens General Programs	258,258	52,083	310,341	205,833	66.32%	64.94%
College of Osteopathic Medicine	28,107	7,617	35,724	22,275	62.35%	63.78%
Regional Higher Education	47,476	9,688	57,164	37,064	64.84%	71.36%
Auxiliaries	0	59,527	59,527	41,334	69.44%	87.02%
Total Expenditures	333,841	128,915	462,756	306,506	66.23%	68.38%

Flash Report for Ohio University
Time-Weighted Rates of Return
As of February 28, 2002

Manager	Market Value (millions)	Weight	Asset Class	Rates of Return 1 Month	3 Months	1 Year
Mellon CF Stock Index Fund	$82.8	39.9%	Large-Cap Equity	-2.0%	-2.5%	-9.5%
S&P 500				*-1.9%*	*-2.5%*	*-9.5%*
Waddell & Reed	$18.4	8.9%	Small-Cap Equity	-1.9%	-2.6%	-9.0%
Russell 2000 Growth				*-6.5%*	*-4.2%*	*-12.2%*
TT International Investment	$15.7	7.6%	Int'l. Equity	-0.3%	-2.8%	-23.5%
EAFE				*0.7%*	*-4.1%*	*-18.8%*
Mellon CF Enhanced AA	$45.4	21.9%	TAA	-1.1%	-1.2%	-1.7%
60/40 S&P 500/LBIGC				*-0.8%*	*-1.2%*	*-2.6%*
Mellon CF Global AA	$22.7	10.9%	Global TAA	0.0%	-3.7%	-8.3%
60/40 EAFE/SB World 1+Yr Govt.				*0.6%*	*-4.0%*	*-12.1%*
The Kress Group	$4.7	2.3%	TAA	-3.8%	-8.2%	...
60/40 S&P 500/LBIGC				*-0.8%*	*-1.2%*	*-2.6%*
Loomis, Sayles	$11.3	5.4%	Interm. Fixed Inc.	1.2%	-0.1%	5.1%
LB Interm. Govt/Corp				*0.8%*	*0.8%*	*7.6%*
Alternative Investments	$6.3	3.0%	Venture Capital	0.0%	0.0%	-49.8%
Oppenheimer	$0.0	0.0%	Equity/Cash	0.0%	1.7%	...
OU Composite Account	$207.4	100.0%	Composite	-1.2%	-2.4%	-9.0%

OU Composite Account

Jul-01	Aug-01	Sep-01	
-0.6%	-4.0%	-7.4%	
Oct-01	**Nov-01**	**Dec-01**	
1.7%	5.2%	0.8%	
Jan-02	**Feb-02**		**Fiscal YTD**
-1.9%	-1.2%		-7.6%

The above returns are estimated based on month-end account balances and individual investment returns. Actual returns may vary.

3/20/02

Ohio University
Report on the Investment Loan Fund
February 28, 2002

The Ohio University Board of Trustees established the Investment Loan Fund on June 27, 1998 to provide units within the University an opportunity to borrow money from the University's Diversified Investment Pool for purposes that advance the educational mission of the University.

Recently Authorized Loans:

1. A loan in the amount of $420,000 has been authorized for the **Golf Course Completion Project**. This project is the final step in an effort designed to relocate a portion of the institution's recreation and outdoor instructional space. This work is necessary to accomplish the goals of the University's master plan for the river corridor area of the campus. The relocation of the golf course is an effort on the part of the University to better utilize its limited land resource, freeing land on the campus for growth and expansion of its academic facilities. The loan will be paid back over a one year period. As of February 28, 2002 no draws have been made on this loan.

2. A loan in the amount of $1,071,314 has been authorized for the **Chillicothe HVAC System Upgrade**. This project is the final phase of the upgrade to Bennett Hall on the Chillicothe campus. The project will cover construction related costs for the final upgrade of the HVAC systems, roof replacement, and modification to the existing science fume hoods. This loan is being made as a bridge loan until capital appropriation subsidies are released. As of February 28, 2002 no draws have been made on this loan.

Loans Previously Authorized and Reported to the Board of Trustees:

3. A loan for the **Satellite News Vehicle (SNV) Digital Upgrade** was approved for $55,000. As of February 28, 2002, interest totaling $500 has accrued on the loan and $2,101 has been repaid, leaving an outstanding balance of $53,399. The University Communications and Marketing/ Media Productions departments will repay the loan over a 5-year period.

4. A loan in the amount of $803,306 has been authorized for the **Performance Contract – Phase II A.** As of February 28, 2002, interest totaling $6,245 has accrued on the loan and $6,245 has been repaid, leaving an outstanding balance of $633,631. The loan will be paid back over a 4-year period with energy savings monies.

5. A loan for the **NASA ACTS Satellite** was approved for $500,000. Membership fees will provide the funds to repay the loan over a five-year period. As of February 28, 2002, interest totaling $33,291 has accrued on the loan and $97,091 has been repaid, leaving an outstanding balance of $396,200.

6. A loan for the **Templeton Blackburn Alumni Memorial Auditorium Renovation Work** was approved for $75,000. The loan will be repaid over a three-year period from pledges received from contributors. As of February 28, 2002, interest totaling $2,067 has accrued on the loan and $7,067 has been repaid, leaving an outstanding balance of $50,000.

7. A loan for the **Pickerington Center Purchase** was approved for $3,900,000. The monies generated through lease of the facility will be used to repay the loan over a 25-year period. As of February 28, 2002, interest totaling $63,800 has accrued on the loan and $159,462 has been repaid, leaving an outstanding balance of $3,870,061.

Summary of Loan Balances Outstanding:

SNV Digital Upgrade	$ 53,399
Performance Contract – Phase II A	633,631
NASA ACTS Satellite	396,200
Templeton Blackburn Auditorium	50,000
Pickerington Center	3,870,061
Golf Course Completion	420,000
Chillicothe HVAC System Upgrade	1,071,314
Total Loan Balances Outstanding	$ 6,494,632

BOARD ADMINISTRATION COMMITTEE/COMMITTEE OF THE WHOLE

The committee, as a committee of the whole, met Friday morning and received a brief overview by Vice President Siemer of the 2002-03 Current Funds Budget Report distributed with the agenda. A copy of the report is included with the official minutes

John Burns discussed revisions to the Board of Trustees By-Laws and handed out a draft of proposed amendments. The board will review and vote on the changes at the June 2002 meetings.

Acting Committee Chairwoman Patricia A. Ackerman reported the Committee meeting as a committee-of-the-whole, met again Friday afternoon to formally act on matters before the committees. Each individual resolution was presented separately by Dr. Ackerman.

Dr. Ackerman presented and moved approval of the resolution. Mr. Grover seconded the motion. All voted aye .

FISCAL YEAR 2002-2003 INSTRUCTIONAL FEE, GENERAL FEE, AND NON-RESIDENT SURCHARGE

RESOLUTION 2002 -- 1821

WHEREAS, the Ohio University 2002-2003 Current Funds Budget contains program enhancements as well as necessary cost increases, and

WHEREAS, appropriate planning and consultations within the University have been accomplished, resulting in a recommendation of an increase in Athens Campus undergraduate resident instructional and general fees of 9.9% for continuing students, and 9.9% plus $300 for new students,

WHEREAS, the enclosed schedules of fees are consistent with Am. Sub. H.B. 94
;

NOW, THEREFORE, BE IT RESOLVED, that the Ohio University Board of Trustees adopts the schedules of fees included in Section F of the Current Funds Budget document, effective Fall Quarter 2002, including an increase in Athens Campus instructional and general fees and non-resident surcharge, an increase in College of Osteopathic Medicine instructional and general fees and surcharges, and an increase in Regional Higher Education instructional and general fees and surcharges. Percentage increases are detailed in Schedule D.3.

It is found and determined that all formal actions of the Ohio University Board of Trustees concerning and in relation to the adoption of this resolution were adopted in open meeting of the Ohio University Board of Trustees and that all deliberations of the Ohio University Board of Trustees and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

This resolution shall take effect immediately upon its adoption.

Dr. Ackerman presented and moved approval of the resolution. Mr. Snyder seconded the motion. Approval was unanimous.

FISCAL YEAR 2002-2003
OPERATING BUDGET

RESOLUTION 2002 -- 1822

WHEREAS, the Ohio University Board of Trustees has reviewed the Fiscal Year 2002-2003 Ohio University Current Funds Budget.

NOW, THEREFORE, BE IT RESOLVED that the Fiscal Year 2002-2003 budgets of expected resources and expenditures for General Funds, Regional Higher Education and the College of Osteopathic Medicine as presented in Section E are hereby approved subject to the following provisions:

1. The Provost, with approval of the President, may make adjustments in instructional and general operating expense allocations, providing the total does not exceed available unrestricted resources.

2. Expenditures for restricted and designated funds shall be limited to the resources generated.

It is found and determined that all formal actions of the Ohio University Board of Trustees concerning and in relation to the adoption of this resolution were adopted in open meeting of the Ohio University Board of Trustees and that all deliberations of the Ohio University Board of Trustees and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

This resolution shall take effect immediately upon its adoption.

Dr. Ackerman presented and moved approval of the resolution. Mr. Grover seconded the motion. All voted in favor of the resolution.

FISCAL YEAR 2002-2003
RESIDENCE AND DINING HALL FEE RATES

RESOLUTION 2002 -- 1823

WHEREAS, sustained effort has been made to achieve financial stability for Ohio University's Residence and Dining Hall Auxiliary while providing necessary services for students, and

WHEREAS, the Residence and Dining Hall Auxiliary has budgeted for all operating expenses and debt service obligations by means of fees which are collected from students who use the residence and dining hall facilities, and

WHEREAS, the Residence and Dining Hall Auxiliary has identified a need for substantial reinvestment to correct the deferred maintenance backlog in its aging facilities, and

WHEREAS, the Ohio University Board of Trustees has adopted a long range plan as a guideline for renovating the facilities, and

WHEREAS, the executive officers of the University have reviewed the Fiscal Year 2002-2003 budget and recommend its adoption.

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby authorize an increase in Residence Hall and Dining Hall rates by 8%, and adopts the Fiscal Year 2002-2003 Residence and Dining Hall Fund budget as presented in Section G of the Current Funds Budget document.

It is found and determined that all formal actions of the Ohio University Board of Trustees concerning and in relation to the adoption of this resolution were adopted in open meeting of the Ohio University Board of Trustees and that all deliberations of the Ohio University Board of Trustees and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

This resolution shall take effect immediately upon its adoption.

Dr. Ackerman presented and moved approval of the resolution. Mr. DeLawder asked and was assured that the total project cost would not exceed $60 million. Mr. Brunner seconded the motion. All agreed.

UNIVERSITY CENTER STUDENT FACILITY FEE AND BUDGET

RESOLUTION 2002 --- 1824

WHEREAS, the University commissioned a program study in January of 2001 to define the specific needs for a new university center and determined that a facility of approximately 180,000 square feet with a parking structure containing about 300 automobiles is needed, and

WHEREAS, the Ohio University Student Senate unanimously passed a resolution at their May 16, 2001 meeting endorsing the project and supporting a assessment of a student fee, and

WHEREAS, the University hired a consultant to look at the cost of such a facility, including infrastructure needs, earlier this year and determined that the proposed center and parking facility could be built on the proposed site at the south end of South Court Street for $60,000,000, and

WHEREAS, the University has earmarked sufficient capital component funding in its capital improvements plan for FY 2003-2004 and FY 2005-2006 to provide funding for $20,000,000 of this project, and

NOW, THEREFORE, BE IT RESOLVED that the Ohio University Board of Trustees does hereby approve the expenditure of $60,000,000 for the proposed university center project and does approve the use of sufficient capital component dollars to pay for a third of the projected costs of the university center and garage, and

BE IT FURTHER RESOLVED that the Board of Trustees adopts a student facilities fee of $60 per quarter for all full time Athens Campus students effective with the opening of the university center, and

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees hereby authorize the President, after consultation with the Budget, Finance and Physical Plant Committee, to approve the final plans and specifications and financing arrangements for the new university center.

OHIO UNIVERSITY 1804

Vice President for Administration
Cutler Hall 209
Athens OH 45701-2979

tel 740.593.2556
fax 740.593.2124

March 21, 2002

Dr. Robert Glidden
President
Ohio University
Cutler Hall
Athens, OH 45701

Dear Bob,

John Kotowski working in consultation with Mr. Michael Sostarich, Vice President for Student Affairs, student leaders and members of the university community has developed a conceptual plan and program for a new University Center. The Ohio University Student Senate endorsed the project and voted to approve the assessment of a fee from students to support construction and operation of the facility. Mr. Richard Siemer, Vice President for Finance has provided advice to the planning committee on how best to structure financing for the project. The Facilities Planning Staff and the Steering Committee are in the process of finalizing selection of architects to develop plans and specifications for the building. The project is estimated to cost sixty million dollars.

The Board is being requested to approve the project, not to exceed the sixty million dollar level of cost specified and to adopt a student facilities fee of sixty dollars per quarter to be assessed of all full time Athens campus students upon completion of the project.

Mr. Siemer, Mr. Sostarich and Mr. Kotowski will fully brief members of The Board on the financing plan and the cost of the project.

I recommend approval.

Sincerely,

Gary

Gary North
Vice President for Administration

GN:ss

INTEROFFICE MEMORANDUM

OHIO UNIVERSITY
FACILITIES PLANNING OFFICE
Building 19, The Ridges
Athens, Ohio 45701
TELEPHONE: (740) 593-2727
FAX: (740) 593-4081

John K. Kotowski
Assistant Vice President for Facilities Planning
E-MAIL: kotowski@ohio.edu

TO: Dr. Gary B. North, Vice President for Administration

DATE: March 13, 2002

SUBJECT: APPROVAL OF THE BUDGET & STUDENT FACILITY FEE FOR THE PROPOSED UNIVERSITY CENTER WITH PARKING FACILITY

In 1995, the University commissioned a study of the John C. Baker University Center and identified a variety of facility and student life needs that could not be met. The 1996 campus master plan identified a site for a new university center located at the southern end of South Court Street that would place the facility on the edge of the College Green and provide a visual and access linkage between the upper and lower campus.

Then in January 2001, the University commissioned a program study that defined the specific needs of a proposed university center and supporting parking structure. The process of developing this program included extensive input from students and staff as well as members of the broader campus community. The program study suggested that a new university center of approximately 180,000 gross square feet and a 300 automobile parking facility was needed. At the time this study was completed, it was estimated that the cost of this project would be between 50 and 60 million dollars.

The Student Senate unanimously passed a resolution on May 16, 2001, to endorse the university center project and encourage the University to take the necessary steps to build the new university center with the support of a student facility fee at their May 16, 2001 meeting. The recently completed capital improvements plan has identified sufficient capital component funding to support $20,000,000 of the proposed project. These capital component funds are earmarked in two appropriations. The first in FY

2003-2004 which would account for approximately $5,000,000 with the balance in FY 2005-2006.

In December of 2001, the University hired a consultant to refine the estimate for the proposed university center and parking facility. This study examined the physical conditions of the site as well as the availability of utilities to support the university center. That study was completed in late January 2002 and suggested that the proposed facilities could be constructed at the South Court Street site for $60,000,000.

Enclosed please find a resolution for consideration by the Ohio University Board of Trustees at their regular meeting of April 12, 2002. This resolution seeks the approval to expend $60,000,000 for the proposed university center and its associated parking structure. In addition, the resolution seeks the support of the Board to adopt a student facility fee that will generate $40,000,000 in capital funds and also support the operation of the university center. This fee will be $60 per quarter and will not be implemented until the university center is open and available for use.

If you have any questions or concerns, please let me know. Thank you.

JKK/slw/UNCR0202.GBN

Enclosure

pc: President Robert Glidden
Dr. Gary Schumacher
Mr. Michael J. Sostarich
Mr. John F. Burns
Mr. Richard P. Siemer

Dr. Ackerman presented and moved approval of the resolution. Mr. Schey seconded the motion. All voted aye.

HONORARY DEGREE AWARDS

RESOLUTION 2002 - 1825

WHEREAS, the University Committee on Honorary Degrees has recommended that Ohio University honor the persons listed below through the conferral of an honorary degree,

Mr. Robert P. Axline, Jr.
Mr. Bernard Shaw
Mr. Kurt Vonnegut

AND WHEREAS, it remains for the President to determine whether these persons wish to accept the awards.

NOW, THEREFORE, BE IT RESOLVED that the degrees recommended be conferred at appropriate times in the future after the President has determined the persons recommended wish to be honored.

Ohio University

Department of Physics and Astronomy
Clippinger Research Laboratories
Ohio University
Athens, Ohio 45701-2979
740-593-1718
FAX: 740/593-0433

College of Arts and Sciences

Louis E. Wright
email: wright@ohiou.edu
phone: 740-593-1713

April 1, 2002

Dr. Robert Glidden
President, Ohio University
108 Cutler Hall
Ohio University
Athens, OH 45701

Dear President Glidden,

The Ohio University Honorary Degree Committee is pleased to nominate the three following individuals for an honorary degree from Ohio University. In the following paragraphs, I outline their particular achievements which more than qualify them for such an honor:

Robert P. Axline, Jr.

Alumnus Bob Axline was nominated by Jack Ellis with letters of endorsement from former President Ping, Will Konneker, Dean Corlett, Jim Daley, Professor Fales, Professor Winter and Leona Hughes. Bob Axline is a successful businessman--Chairman, CEO and Founder of Plastic Card Systems, Inc.-- is an alumnus of Ohio University who has served the university in many volunteer roles and has arranged for paid internships to over 30 Ohio University students. In addition to many support activities to the College of Business, Bob Axline has been a great supporter of the Ohio University Monomoy Theater. Bob Axline is a regular speaker and panelist on ID and Airport Security and has published numerous papers on Aviation and Airport Security. The Committee recommends an Honorary Degree for Robert P. Axline, Jr. for his success in business, for his service to Ohio University and to his country.

A copy of the Nomination by Jack Ellis with the letters of endorsement are attached.

Bernard Shaw

Bernard Shaw is an internationally recognized television news anchor who was at CNN from it's birth in 1980 until he retired in 2001. He has been awarded numerous awards for his work in Journalism including the George Foster Peabody Broadcasting Award (1990), the Edward R. Murrow Award (2001) and three honorary degrees (Marion College, 1985; U. of Chicago, 1993; and Northeastern, 1994). He moderated the 1988 Presidential Debate and the 1992 Democratic Candidates Presidential Debate. Many Ohio University graduates work for CNN and CNN employees have visited Ohio University on many occasions to speak to Communications students. As a role model for African-American journalists, an honorary degree for Bernard Shaw would mesh well with the College of Communication and Ohio University's emphasis on diversity. The Honorary Degree Committee recommends an Honorary Degree for Mr. Bernard Shaw for his outstanding service to Journalism and for being an outstanding role model for young people.

A copy of the Nomination by Anne Cooper-Chen with a Web-Bio of Bernard Shaw is attached.

Kurt Vonnegut

World famous author, Kurt Vonnegut, has been nominated by Professor Frederick Lewis of the School of Telecommunications for an Honorary Degree. Vonnegut's work is well-known and has a cult following among many college students. [Using Google with the entry Vonnegut produces 11 pages of Web addresses.] Certainly one of Vonnegut's best know works is ***Slaughterhouse Five*** based on his experiences as a prisoner of war in Dresden. Retired emeritus professor Gifford Doxsee was also a prisoner in Dresden and knows Vonnegut. In addition, according to the Prof. Lewis, one of the characters in the Vonnegut novel ***Deadeye Dick*** is based on Professor Emeritus Cliff McCarthy. Mr. Vonnegut gave a commencement address at Rice University in the late nineties, and can be contacted via this agent/attorney Mr. Donald Farber. The Honorary Degree Committee recommends an Honorary Degree for Mr. Kurt Vonnegut to recognize his contribution to American literature and culture.

A copy of the Nomination by Frederick Lewis with some material from the Web is attached.

Sincerely yours,

Louis E. Wright

Louis E. Wright, Professor and Chair
Ohio University Honorary Degree Committee

VIII. GENERAL DISCUSSION - CALL OF MEMBERS

Mr. Brunner complimented Interim Provost Gary Schumacher for a systematic and logical presentation of the budget, noting it was very well done and on target. He congratulated retiring trustees Tad Grover and Amy Vargas-Tonsi and noted they have been role models.

Dr. Ackerman noted it was good to see Board Secretary Geiger present and active. She cited her deep appreciation to Tad for all his support, stating it will be different without him. Dr. Ackerman stated that Amy was simply outstanding in her service showing great finesse. She thanked all those for participating in the dedication of the Patricia A. Ackerman Lobby at Templeton-Blackburn Alumni Memorial Auditorium as well as the Patricia A. Ackerman Computer Lab at the Lindley Cultural Center (her former residence hall). She ended by noting a recent trip to Africa and commenting how proud she was of the University's Institute for the African Child, the leading such entity in the country.

Mr. DeLawder noted it was good to see Secretary Geiger and that he was disappointed to lose fellow banker Tad Grover from the Board. He thanked Mr. Grover for introducing him to Trustee procedures. He stated his pleasure in knowing and working with Amy Vargas-Tonsi. Mr. DeLawder felt Amy would enjoy a lot of support from Trustees as she goes forth with her life. He thanked Interim Provost Schumacher for his update of the proposed General Education Program and all those responsible for the preparation and presentations of budget materials.

Dr. Burke complimented President Glidden on his strong leadership, both for our University as well as higher education state wide, in dealing with budget matters. He stated his hope for continuing progress on this issue. He noted Tad Grover had been a wonderful role model for him, bringing University and community matters together. Dr. Burke wished Amy well and said that he looked forward to welcoming her to the Alumni Association following her graduation in June.

Mr. Snyder expressed thanks those for the positive comments over the weekend about his leadership in development of the new Snyder Terminal at the Ohio University Airport. He noted his interest was in seeing Southeastern Ohio develop economically and one way to do this is to improve accessibility. He stated this means balancing the economy of the region away from the University. Mr. Snyder noted there was no better provost in the country than Gary Schumacher and was joined in spontaneous applause by all those present showing their appreciation as well. Tongue-in-cheek, he noted he has known Tad Grover as a "legend" and that he has enjoyed sitting by Amy for the past two years. He wished them both well.

Ms. Vargas-Tonsi graciously thanked Trustees for being role models for her and for the many opportunities given her to share in the life and work of the Board. She lamented the lack of support and leadership at the state level for higher education with the result being higher and higher tuition. Ms. Vargas-Tonsi stated she would take Trustees up on their offers of encouragement and support. She closed by noting her excitement about the University Center Project.

Mr. Schey noted he enjoyed the year spent serving with Amy and that all had benefited from her presence. He thanked good friend Tad Grover for his many contributions to the life of the University and said that he enjoyed serving on other boards with him. He congratulated those preparing and presenting budget materials and the president for his efforts in support of funding for higher education. He concluded by indicating that tough times and the decisions we make will position us well for the future.

Mr. Grover thanked Trustees for their kind comments and wanted to echo everything said – except the nice things said about him. He thanked President Glidden and Trustees for their leadership of the University. Mr. Grover stated the nine years as a Trustee went by all too quickly.

President Glidden thanked Interim Provost Gary Schumacher for his exceptional leadership this year as the University's chief academic officer and budget planner. He cited the work of many others in the administration's ability to present a coherent budget plan to Trustees. The President noted he was proud of the work on the General Education Program and thanked students Hintz, White, Cunningham, and Vargas-Tonsi for their work on the University Center Project. The president closed by noting his disappointment in the need to increase tuition.

Chairwoman Ong concluded the Call of Members by thanking all for their service, congratulating retiring Trustees Grover and Vargas-Tonsi, and noting her new responsibilities will require missing the June board meetings. She and her husband, John, United States ambassador to Norway, will be preparing to host a Fourth of July celebration at the ambassador's residence.

IX. ANNOUNCEMENT OF NEXT STATED MEETING

Chairwoman M. Lee Ong announced the Board of Trustees would meet next on Thursday, June 27 for committee/study sessions and Friday, June 28, 2002 for the formal board meeting.

X. ADJOURNMENT

Determining there was no further business to come before the Board, Chairwoman Ong adjourned the meeting at 3:00 p.m.

CERTIFICATION OF SECRETARY

Notice of this meeting and its conduct was in accordance with Resolution 1975 – 240 of the Board, which resolution was adopted on November 5, 1975, in accordance with Section 121.22(F) of the Ohio Revised Code and of the State Administration Procedures Act.

M. Lee Ong	Alan H. Geiger
Chairwoman	Secretary

EXECUTIVE SESSION

2:30 pm, Friday, April 12, 2002
McGuffey Hall Conference Room
Ohio University, Athens Campus

On a motion by Mr. Grover and a second by Mr. Schey, the Ohio University Trustees resolved to hold an executive session to consider personnel matters under Section 121.22(G) (1), real estate matters under Section 121.22(G) (2), and litigation or the threat thereof under Section 121.22(G) (3) of the Ohio Revised Code on the 28th day of September 2001.

On a roll call vote Dr. Ackerman, Mr. Browning, Mr. Grover, Mr. DeLawder, Mr. Schey, Mr. Snyder, and Mrs. Ong voted aye. This constituted a quorum.

President Robert Glidden and Board Secretary Alan Geiger attended the session. Also attending were John F. Burns, counsel; Student Trustee Vargas-Tonsi, and William Burke.

Personnel

Counselor Burns reviewed a personnel matter before the University.

Real Estate

Mr. Burns reviewed the rationale and need for the purchase of the Oasis by The Ohio University Foundation. The property is to be purchased by the University at a later date. Total cost including fees is $609,750.00.

Mr. Burns also provided a progress report of the development of the East State Street property outlining the time frame and occupants.

Litigation

Mr. Burns announced the settlement of the HDL Center prevailing wage case, that the legal aspects of the university Courtyard Project were now moving slowly, and cited an EPA finding and upcoming formal trial involving the University.

The meeting adjourned at 2:45 p.m.