MINUTES
of the
Board of Control
Michigan Technological University
Houghton, Michigan

Meeting of
July 15, 2010
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MINUTES OF THE FORMAL SESSION OF THE BOARD OF CONTROL OF
MICHIGAN TECHNOLOGICAL UNIVERSITY held pursuant to due call in Ballroom B of
the Memorial Union Building on the campus of Michigan Technological University in the
City of Houghton, Michigan at nine o’clock on the morning of July 15, 2010.

The Board of Control of Michigan Technological University met in formal session at the
University's campus at Michigan Technological University in the City of Houghton, State of
Michigan, at 9:00 a.m., on the 15th day of July, 2010, in Ballroom B of the Memorial Union
Building. The place, hour, and date duly established and duly published for the holding of
such a meeting.

The meeting was called to order by the Chair, R. Gronevelt, and a quorum was declared
present.

The following members of the Board of Control were present:

R. A. Gronevelt, Chair
M. K. Richardson, Vice Chair
T. L. Baldini
K. I. Clark (via telephone)
P. G. Ollila
G. D. Mroz, ex officio

The following members were absent:

L. D. Ashford
S. J. Hicks
R. A. Reck

Also present during part or all of the session were: Dale R. Tahtinen, Secretary of the Board
and Vice President for Governmental Relations; Daniel D. Greenlee, Treasurer and Chief
Financial Officer; George Butvilas, Chair of the Michigan Tech Fund; Max Seel, Provost and
Vice President for Academic Affairs; David D. Reed, Vice President for Research; Shea
McGrew, Vice President of Advancement and Marketing; Paul Tomasi, University Counsel;
and various members of the faculty, administrative staff, student body, press and public.

Where item numbers are used, they refer to corresponding item numbers in the agenda, in the
hands of the Board members.
I. CHANGE OF CHAIR

The Board of Control Bylaws requires that the Chair elected at the last regular meeting of the fiscal year take the Chair at the first meeting of the next fiscal year.

Martha Richardson, Chair for 2010-2011, will succeed Russell Gronevelt, Chair for 2009-2010, and Stephen Hicks will become Vice Chair for the 2010-2011 fiscal year.

Mr. Gronevelt made the following comments: I wanted to thank the Board for allowing me to serve as Chair for the last two years. It has been a real honor, a pleasure, and very delightful to work closer to the President. I continue with all my heart to believe that Michigan Tech couldn't be in finer hands.

Ms. Richardson commented that who would have thought 31 years ago when I was graduating from this fine institution that I would be sitting here as Chair today. It is a wonderful honor. Thank you to Mr. Gronevelt for being a mentor to me, it is really appreciated.

II. APPROVAL OF AGENDA

Board Secretary, D. Tahtinen, recommended that the agenda be amended to add item VI-J. Performance Resolution and item VII-A-a. Real Property Purchase.

It was moved by K. Clark, supported by R. Gronevelt, and passed by voice vote without dissent, that the agenda of the formal session of July 15, 2010, as distributed to the Board, be approved as amended.

III. CLOSED SESSION FOR REAL PROPERTY TRANSACTIONS

It was moved by T. Baldini, supported by R. Gronevelt, and passed by voice vote without dissent, that the Board of Control proceed into closed session for real property transactions. (A closed session for such a purpose is provided for in Section 8 (d) of P.A. 267 of 1976). (A roll call vote is required).

Roll Call Vote:
   Gronevelt – Yes          Clark - Yes
   Ollila – Yes            Richardson - Yes
   Baldini-Yes

The motion passed.

The Board of Control reconvened in open session with a quorum present.
IV. OPENING REMARKS

Chair’s Comments

Good morning and welcome to today’s Board of Control meeting. It is an honor and a privilege to serve as the Chair of the Board of Control and I am looking forward to an exciting year. I also want to express my appreciation to Russ Gronevelt for his outstanding leadership these past two years. I will do my best to fill the shoes of the prior Board chairs, and look forward to the challenges that lay ahead. I would also like to take the opportunity to thank George Butvилас, Chair of the Michigan Tech Fund for being here with us today.

As many of you know, the Board and senior administration have been in a retreat focusing on where Michigan Tech should be in 2035 and how our strategic plan can provide the mechanism to achieve the outlying goals.

President Mroz kicked off the retreat by reviewing the strategic planning process, including how we express our vision, what is our strategic plan for achieving our vision, and how we will measure our success.

The retreat was energizing and we are looking forward to meeting the challenges that lay ahead. Although we are experiencing difficult economic times, we are confident that by continuing to follow our strategic plan we will be able to weather the storm and come out a better university.

I wanted to formally announce some changes that will take place in the Board committees after today’s meeting. The Academic Affairs Committee will continue to be chaired by Lenora Ashford, and its members include Kathy Clark, Paul Ollila and Ruth Reck. Steve Hicks will continue as Chair of the Finance and Audit Committee and the membership of that Committee is comprised of Tom Baldini, Russ Gronevelt and myself. The Presidential Review Committee is now under the leadership of Russ Gronevelt and its members include Kathy Clark and Paul Ollila. I want to thank the Board members for their dedication and willingness to serve on these committees, and I look forward to a very productive year.

I would like to take a few moments to highlight the excellent progress which is continuing to be made throughout the university.

Professor Mark Plichta, chair of materials science and engineering at Michigan Technological University, has been named a Fellow of ASM International, the Materials Information Society. He was honored for his contributions to the field of materials science and engineering. In particular, he was recognized “for his seminal contribution to understanding the mechanisms of massive transformations and for his pioneering innovations in the education of students in materials science and engineering.” Dr. Plichta was instrumental in developing Michigan Tech’s Enterprise Program, in which multidisciplinary teams of students tackle real-world projects and problems. His research has been in microstructural development and stability of metals and ceramics. He will be recognized at the Convocation of Fellows to be held during the ASM Awards Dinner on Oct. 19 in Houston.
The SAE (Society of Automotive Engineers) International has named Jeffrey D. Naber, associate professor of mechanical engineering, winner of the 2010 Forest R. McFarland Award. Dr. Naber is the Director of the Advanced Power Systems Research Center at Michigan Tech. The McFarland Award recognizes individuals for "outstanding contributions to the SAE Engineering Meetings Board and the development and dissemination of information through technical meetings, conferences and professional development programs, or for contributions in facilitating or enhancing the interchange of technical information." Dr. Naber won the award for his contributions to the planning and development of technical meetings and conferences. He has co-organized and chaired sessions in new engine technologies for 15 years and is a former chair of SAE's Lubricants and Powertrain Systems Committee. He previously received the SAE Horning award for work in modeling diesel sprays and the SAE Teetor Award for Engineering Educators.

Faculty members Judith Perlinger and Hugh Gorman have been awarded Fulbright Scholar grants to teach and conduct research abroad during 2010–11.

Dr. Perlinger, an associate professor of civil and environmental engineering, will be hosted by researchers at the Norwegian Institute for Water Research in Oslo. Dr. Perlinger and her research group have developed technologies that detect hazardous and climate-relevant organic chemicals in the atmosphere. During her nine-month visit, she will be collaborating with European and Chinese scientists to test for these atmospheric chemicals at various locations.

Dr. Gorman, an associate professor of social sciences, will conduct research and lead a series of seminars at the Ciudad del Saber, or City of Knowledge, in Panama. The City of Knowledge is an international center for Latin American sustainable development based at what was once Fort Clayton, a U.S. army base in Panama Canal Zone.

Drs. Gorman and Perlinger are among approximately 1,100 U.S. faculty and professionals who will travel abroad through the Fulbright U.S. Scholar Program.

Before I turn it over to President Mroz for his opening remarks, we would like to wish Kathy Clark a happy birthday.

**President’s Comments**

President Mroz thanked Mr. Gronevelt for serving as Chair of the Board. If you were going to describe a Board member in any way, and we have used this one for Russ in the past, is having a very low center of gravity who does not get off kilter very easily. It has been a very valuable skill over the past years that you have served the Board and during your time as Chair. At the same time, I would like to welcome Marty to what one scholar has called the serially monogamous relationship between the President and Board Chair, and I look forward to working with you going into the future.

As Marty said there has been a lot going on in the planning side of things, and the reason for that is that we live in a world right now that really challenges the notion that any degree of
success that you have had in the past guarantees anything about success in the future. It just
isn’t there anymore. We are also challenged by the growth of complexity not only in our
own organization and institution but perhaps even more so by events taking place hundreds if
not thousands of miles away from our campus. Yet we have to act in these situations despite
these and other uncertainties and continue to move our organizations forward, which will
have an even greater impact on people’s lives even more so in the future than perhaps it does
today.

In the past several months we have taken been a number of important steps in this direction.
First with the planning meeting with faculty and staff and Board members who went to
Chicago as part of our accreditation process to take up the issue of women in STEM (science,
technology, engineering and math) fields and move it front and center on our campus, more
so than any other campus.

We have also held a workshop in conjunction with AGB (Association of Governing Boards)
and the Luminia Foundation to get more information out into our organization on how and
why we make decisions and the priorities of making strategic financial decisions to support
our strategic plan. We continued that theme over the past several days with the Board in a
retreat setting talking not only about decisions that we made in the past and where we are, but
also how are we going to make decisions going into the future so that we can align our
resources with our mission, and to clarify the process as well.

That sounds like a lot of work so let me simplify it a bit. Given the economic uncertainties it
is even more important that we make decisions, but at the same time be vigilant about those
decisions to avoid making short sighted moves that might help us in the immediate time
frame but comprise where we want to be in the long run. If we can do that effectively, we
will continue to advance the growth of our people on this campus, we will continue to
advance the growth of the distinctive impact of our programs, and also advance the growth of
the creativity of our people on campus. In the words of Jim Collins, “don’t confuse growth
in size with growth in excellence”.

V. COMMITTEE REPORTS

Academic Affairs Committee Report

Mr. Ollila provided the Board with the following report.

On Tuesday afternoon, the Academic Affairs Committee met, with Marty and myself in
attendance.

The first agenda item was to discuss the final approval of the Ph.D. in Environmental and
Energy Policy and the Ph.D. in Geophysics. Both new graduate programs were discussed and
approved for submission to the Presidents Council of State Universities of Michigan at the
last Board of Control meeting on April 30. Both were unanimously approved at the State
level on June 3 and are here for final Board of Control approval. Since there were no changes
and the proposals were supported by the other provosts, the Academic Affairs Committee
supports and recommends final approval of these degree programs.
Next on the agenda was approval of an amendment to Board Policy 8.5 Requirements for Graduation. Senate Proposal 11-01 established residency requirements for graduation for a baccalaureate degree from Michigan Tech. This proposal was approved by the Board of Control as their Policy 8.5. However, there is no equivalent Board policy for graduate degrees despite the fact that residency requirements for graduate students have been part of the Graduate Catalog for decades. The proposed amendment rectifies this situation. It was approved by the Senate and by the University Administration. The Academic Affairs Committee recommends support of this policy revision.

The provost then presented a strategic case for Michigan Tech’s Seaman Mineral Museum. The Seaman Museum has the world’s finest native copper collection, is second only to Harvard among university-based museums and is considered third in the nation if the Smithsonian is included. It contributes to the national and international reputation of Michigan Tech.

In April 1990, the Michigan House of Representatives and the Michigan State Senate passed House Resolution 677 which established the A.E. Seaman Mineral Museum as the official mineralogical museum of Michigan.

The Museum contributes to the research mission of the university. Its staff and affiliates have faculty appointments, conduct research, and publish in professional and popular journals. They are engaged in international collaborations.

The Museum contributes to the educational mission. It provides presentations to Michigan Tech classes. It has a strong K-12 outreach component and generates STEM interest in high school students. Local and regional high schools use the museum for field trips.

The Museum brings visitors and potential future students to campus who would otherwise not visit. Annually, it attracts about 16,000 visitors.

There is another important aspect: since 1998, the Board of Control supported the exploration of a new site for the Museum as part of the long term vision: to preserve the Museum as a core value of Michigan Tech, and to provide space for the rapidly expanding field of computing systems. *Computational Discovery and Innovation* was identified as a key strategic hiring initiative. The most cost effective solution to grow computing systems research and to provide space for this expanding area, is to move the museum out of the EERC building.

To sum it up, the Academic Affairs committee believes that the Seaman Mineral Museum is a core value of the Michigan Tech brand and serves the long term strategic goals of the university. The committee supports the recommendation that a temporary facility be built which can later be used as research space. Private gifts and pledges have been lined up to cover the financing.

Finally, the provost gave an update on this year’s strategic hiring initiatives in energy and health. For the first time, two initiatives are pursued in parallel and over two years. Since these initiatives were announced, the federal government also made these high priority areas
for investments so there is a lot of competition from other institutions making the market really competitive. Currently, four new faculty have signed, one offer is extended, and there are still negotiations with two senior faculty which would bring the number of hires to seven, very similar to the previous hires. Advertisements will be placed again in August and the searches will continue and brought to conclusion during next academic year.

**Finance and Audit Committee Report**

Mr. Tom Baldini provided the Board with the following report.

Steve Hicks, the Chair of the Committee is unable to be here today, but he was able to attend the Committee meetings and the retreat, and he asked that I provide a report to the Board on his behalf.

The Committee has been very active and we want to thank the Administrative team for its effort to continue to monitor the situation and evaluate all of the options for possible savings. They have done a superb job, and they have spent a lot of time and effort to maintain the university in a sound financial position.

During these uncertain financial times regarding the state financing we will end the fiscal year in a positive fund balance. The university is in good shape financially.

The Committee discussed the purchase of property at the airport and the Committee is supportive of that purchase. We also were supportive, based upon the rational provided by the Academic Affairs Committee, of the Seaman Mineral Museum project. As a result, we have a revision to the bond proposal, which we are asking the Board to approve so that we can move forward with those two new plans.

Also, we are going to give the final approval for the Great Lakes Research Center which is a very exciting project for campus and for the long term viability of Michigan Tech in establishing a real presence in terms of the Great Lakes, the greatest fresh water body of water in the world.

The Committee is also recommending approval of the capital campaign goal.

Although it was a brief report, it is a very ambitious agenda for this meeting. It is simple for us to pass these resolutions, but it is going to demand a lot of work and due diligence on the part of the Administration and staff to implement what we do here today.

Mr. Greenlee provided the Board with the following report:
Balance Sheet
Condensed Statement of Net Assets
as of May 31, 2010

<table>
<thead>
<tr>
<th>ASSETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Assets</td>
<td>$42,477,261</td>
</tr>
<tr>
<td>Noncurrent Assets</td>
<td></td>
</tr>
<tr>
<td>Capital Assets, net</td>
<td>$235,574,624</td>
</tr>
<tr>
<td>Other Noncurrent Assets</td>
<td>$20,761,726</td>
</tr>
<tr>
<td>TOTAL ASSETS</td>
<td>$296,813,611</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Liabilities</td>
<td>$20,535,828</td>
</tr>
<tr>
<td>Noncurrent Liabilities</td>
<td>$75,356,036</td>
</tr>
<tr>
<td>TOTAL LIABILITIES</td>
<td>$95,891,864</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET ASSETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Investments in capital assets, net of related debt</td>
<td>$163,439,394</td>
</tr>
<tr>
<td>Other net assets, restricted and unrestricted</td>
<td>$39,482,353</td>
</tr>
<tr>
<td>TOTAL NET ASSETS</td>
<td>$202,921,747</td>
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</tbody>
</table>
Current Fund FY10
Income Statement Projection
(in Thousands)

<table>
<thead>
<tr>
<th></th>
<th>Original Projection</th>
<th>May Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>238,446</td>
<td>239,840</td>
</tr>
<tr>
<td>Expense</td>
<td>(237,918)</td>
<td>(239,103)</td>
</tr>
<tr>
<td>Net Income</td>
<td>528</td>
<td>743</td>
</tr>
<tr>
<td>Current Fund Balance</td>
<td>16,163</td>
<td>16,370</td>
</tr>
</tbody>
</table>

Note: Current Fund includes General Fund, Designated Fund,Auxiliaries,Retirement and Insurance, and the Expendable Restricted Funds.

Current Fund Balances
(in Thousands)

<table>
<thead>
<tr>
<th></th>
<th>Projected Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>09/30/09</td>
</tr>
<tr>
<td>TOTAL CURRENT FUND</td>
<td>$15,415</td>
</tr>
<tr>
<td>LEGALLY RESTRICTED FUNDS</td>
<td>(2,933)</td>
</tr>
<tr>
<td>UNRESTRICTED FUND BALANCE</td>
<td>$12,482</td>
</tr>
</tbody>
</table>

Note: Projected 6/30/10 balance is based upon May, 2010 closing figures.
VI. CONSENT AGENDA

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approve and adopt the items contained in the Consent Agenda.

VI-A. Approval of Minutes

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the minutes of the formal session of April 30, 2010, as distributed to the Board, be approved.

VI-B. Final Approval for a Ph.D. in Environmental and Energy Policy

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves the Ph.D. in Environmental and Energy Policy.

VI-C. Final Approval for a Ph.D. in Geophysics

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves the Ph.D. in Geophysics.
VI-D. Gifts

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control acknowledges the gifts to Michigan Technological University.

Michigan Technological University
Michigan Tech Fund
Fundraising Productivity Report
July 1, 2009 through May 31, 2010
Compared to Prior Year

<table>
<thead>
<tr>
<th>Source</th>
<th>Goal</th>
<th>FY10 YTD Total</th>
<th>% YTD</th>
<th>FY09 YTD Total</th>
<th>FY08 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals - Major Gifts (25k and up)</td>
<td>10,200,000</td>
<td>2,413,222</td>
<td>13%</td>
<td>10,797,155</td>
<td>10,574,256</td>
</tr>
<tr>
<td>Realized Planned Gifts (Unanticipated - 25k and up)</td>
<td>600,784</td>
<td>454,988</td>
<td>75%</td>
<td>1,300,032</td>
<td>1,094,290</td>
</tr>
<tr>
<td>Individuals - non-Major Gifts</td>
<td>1,150,000</td>
<td>1,291,484</td>
<td>104%</td>
<td>1,278,425</td>
<td>1,300,232</td>
</tr>
<tr>
<td>Full Value New Planned Gift Commitments</td>
<td>7,300,000</td>
<td>2,571,302</td>
<td>35%</td>
<td>3,704,506</td>
<td>5,406,906</td>
</tr>
<tr>
<td>Annual Fund</td>
<td>1,560,000</td>
<td>1,408,431</td>
<td>90%</td>
<td>1,342,360</td>
<td>1,502,073</td>
</tr>
<tr>
<td>Corporations</td>
<td>2,250,000</td>
<td>1,210,878</td>
<td>54%</td>
<td>1,560,630</td>
<td>1,613,212</td>
</tr>
<tr>
<td>Foundations &amp; Other Organizations</td>
<td>750,000</td>
<td>120,611</td>
<td>16%</td>
<td>196,816</td>
<td>202,581</td>
</tr>
<tr>
<td>Gifts-in-Kind</td>
<td>750,000</td>
<td>364,476</td>
<td>49%</td>
<td>922,000</td>
<td>1,019,900</td>
</tr>
<tr>
<td>Grand Total</td>
<td>33,900,000</td>
<td>9,891,874</td>
<td>30%</td>
<td>29,358,148</td>
<td>22,631,510</td>
</tr>
</tbody>
</table>

- Except for the Annual Fund, all totals include outright gifts and the full amount of new pledge commitments.
- Annual Fund includes cash from prior year pledges in addition to outright current year gifts and new pledge commitments due current year.
- An individual's gifts given through another source (i.e. family foundation or closely held business) are credited to the individual.

Michigan Technological University
Michigan Tech Fund
Gift Activity Cash Report
July 1, 2009 through May 31, 2010
Compared to Prior Year

<table>
<thead>
<tr>
<th>Gift Type</th>
<th>FY10 YTD Total</th>
<th>FY09 YTD Total</th>
<th>$ Change from Previous Fiscal Year</th>
<th>% Change from Previous Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash (current year)</td>
<td>4,731,768</td>
<td>5,235,805</td>
<td>-109,037</td>
<td>-2.08%</td>
</tr>
<tr>
<td>Realized Planned Gifts (current year)</td>
<td>533,947</td>
<td>497,164</td>
<td>36,782</td>
<td>7.37%</td>
</tr>
<tr>
<td>Current Year Subtotal</td>
<td>5,265,715</td>
<td>5,732,969</td>
<td>-467,254</td>
<td>-8.16%</td>
</tr>
<tr>
<td>Cash (receipts from prior year pledges)</td>
<td>1,769,663</td>
<td>1,701,340</td>
<td>68,323</td>
<td>3.98%</td>
</tr>
<tr>
<td>Realized Planned Gifts (previously recorded)</td>
<td>1,040,119</td>
<td>369,077</td>
<td>671,042</td>
<td>185.01%</td>
</tr>
<tr>
<td>Receipts from Previous Year Subtotal</td>
<td>2,809,782</td>
<td>2,070,417</td>
<td>739,365</td>
<td>35.73%</td>
</tr>
<tr>
<td>Total</td>
<td>8,219,528</td>
<td>8,961,977</td>
<td>141,454</td>
<td>1.58%</td>
</tr>
</tbody>
</table>
VI-E. Resignations, Retirements & Off Payroll

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control accepts the resignations and confirms the off payroll determinations.

BOARD OF CONTROL OFF-PAYROLL REPORT  
(March 20, 2010 – June 12, 2010)

<table>
<thead>
<tr>
<th>Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIGNATION</strong></td>
</tr>
<tr>
<td>Lograsso, Barbara</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NON-EXEMPT</strong></td>
</tr>
<tr>
<td>Broemer, Lisa</td>
</tr>
<tr>
<td>Moore, Joan</td>
</tr>
<tr>
<td>Saarinen, Cheryl</td>
</tr>
</tbody>
</table>

| **NON-EXEMPT PT** | **Department** | **Title** | **Hire Date** | **Term Date** |
| Griffis, Adam | Career Services | Office Assistant 4 | 08/20/07 | 04/30/10 |
| Hart, John | Campus Dining Services | Food Service Helper | 03/16/10 | 05/08/10 |

| **EXEMPT** | **Department** | **Title** | **Hire Date** | **Term Date** |
| Hainault, James | Sports and Recreation | Associate Director | 12/20/87 | 03/31/10 |
| Hale, Robert | Admissions | Regional Admissions Mgr | 08/28/89 | 06/04/10 |
| Hendricks, Nicholas | Sponsored Programs Office | Grant Accountant | 03/01/10 | 05/28/10 |
| Miller John | Elec & Comp Eng | Supervisor Lab | 04/16/79 | 05/07/10 |
| Vogler, Marilyn | International Prog & Services | Associate Director | 06/01/98 | 04/06/10 |

| **EXEMPT PT** | **Department** | **Title** | **Hire Date** | **Term Date** |
| Mattson, James | ME-EM | Sr Eng Academic Advisor | 07/31/00 | 05/09/10 |

| **COACH RESIGNATION** | **Department** | **Title** | **Hire Date** | **Term Date** |
| Cork, Jason | General Athletics | Assoc Head Coach Track & Field | 08/18/08 | 05/31/10 |
| Tok, Christopher | General Athletics | Assistant Coach Hockey | 08/21/06 | 04/09/10 |

VI-F. 2011 Tentative Meeting Dates

At the Fall meeting of the Board of Control dates are generally set for next year’s meetings. In order for members to check their calendars, the tentative dates are presented. If there is a problem with any of these dates, members are asked to please notify the Board Secretary.

Thursday, February 24, 2011
Friday, April 29, 2011 (Commencement – Saturday, April 30)
Thursday, July 14, 2011
Thursday, October 6, 2011
Friday, December 9, 2011 (Commencement – Saturday, December 10)

This is an informational item for the Board.
VI-G. Michigan Technological University/Michigan Tech Fund Agreement

Attached is the form of a proposed agreement to continue the provision of space and services to the Michigan Tech Fund for the period September 1, 2010 to August 31, 2011.

Successful continuation of the relationship between Michigan Tech and the Michigan Tech Fund is subject to the Fund's qualification as an institution permitted certain privileges with respect to credits on Michigan income tax. Specifically, Public Act No. 290 of 1974 reads in part:

"The tax credit shall be permitted only where the donee corporation, fund, foundation, trust or association is controlled or approved and reviewed by the governing boards of the institutions benefitting from the charitable contributions. Such nonprofit corporation, fund, foundation, trust, or association shall provide copies of their annual independently audited financial statements to the auditor general of the state and chairmen of the senate and house appropriations committees."

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves the Michigan Technological University/Michigan Tech Fund agreement, and also, that the Board goes on record as having reviewed and approved the operations of the Michigan Tech Fund to continue as a recipient of donations eligible for the State of Michigan income tax credit.

AGREEMENT BETWEEN MICHIGAN TECHNOLOGICAL UNIVERSITY AND THE MICHIGAN TECH FUND

This Agreement made September 1, 2010 between Michigan Technological University ("University") and the Michigan Tech Fund ("Fund").

WHEREAS, the Fund's work in receiving and managing charitable gift assets for the University is critical to its ability to fulfill its mission and strategic direction, and

WHEREAS, Fund's advocacy of the University's mission and priorities constitutes a valuable service, and

WHEREAS, the planning and execution of a major fundraising campaign is a joint priority of the University and the Fund, and

WHEREAS, the University and the Fund desire to continue a heretofore existing arrangement:
IT IS AGREED:

1. In consideration of the support directly inuring to the benefit of the University from the activities of the Michigan Tech Fund, the University will provide to the Fund:

   a. access to the Tuition Reduction Incentive Program for Fund employees under the same terms and conditions as University personnel;

   b. administration of health benefits, life insurance, and AD&D insurance under the Tech Select program to Fund staff (for a reasonable annual fee to staff);

   c. supporting services including mail services, limited printing services, access to the phone network, and an internal audit of Fund transfers to the University;

   d. access to the Banner system for maintenance and upkeep of the alumni/development database. The University will partially fund the alumni database maintenance conducted by the Fund.

2. The Fund agrees to continue its various fundraising administrative support and asset management functions for the betterment and advancement of the University. The Fund also agrees to support consulting services as done in the past.

3. This agreement shall terminate on August 31, 2011 and will be considered for renewal for successive one-year periods. The grant or denial of such renewal shall be at the sole discretion of the Board of Control of Michigan Technological University.

   By:

   ______________________________
   Michigan Technological University

   By:

   ______________________________
   Michigan Tech Fund

VI-H. Naming of Facility

The Department of Mechanical Engineering-Engineering Mechanics is requesting approval to officially name Building #92 the Alternative Energy Research Building. Due to the scope of research conducted within this facility, formally identifying the building as the Alternative Energy Research Building will accurately reflect the work that is being conducted. This request has been approved by the Dean, the Provost and the President.

It was moved by R. Gronewelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves naming Building #92 as the Alternative Energy Research Building.
VI-I. Honorary Posthumous Degree

The Administration is recommending that Mr. Jacob R. Oswald be awarded an Honorary Posthumous Bachelor of Science Degree in Forestry.

Jacob was a senior in the School of Forest Resources and Environmental Science, and passed away a month ago as the result of an automobile accident. His sound academic and conduct record support this recommendation, and furthermore, he was greatly admired by students, staff, and faculty. If Jacob had continued, it is expected that he would have graduated with his bachelor's degree and summa cum laude honors in May 2011. The School of Forest Resources and Environmental Science initiated the recommendation and is fully supportive of awarding Jacob an honorary posthumous degree.

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves the awarding of an Honorary Posthumous Bachelor of Science Degree in Forestry to Mr. Jacob R. Oswald.

VI-J. Performance Resolution

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control approves the Michigan Department of Transportation Performance Resolution as presented herein.
PERFORMANCE RESOLUTION
FOR
UNIVERSITY or COLLEGE

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a University or College an "individual Permit for Use of State Trunkline Right of Way" (Form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (Form 2205A).

RESOLVED WHEREAS, the Michigan Technological University
(Name of University or College)

hereinafter referred to as the "UNIVERSITY or COLLEGE," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its tribal government properties;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the UNIVERSITY or COLLEGE agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party’s liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party herein a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the UNIVERSITY or COLLEGE by a contractor or subcontractor will be solely as a contractor for the UNIVERSITY or COLLEGE and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the UNIVERSITY or COLLEGE, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the UNIVERSITY or COLLEGE. Certificates of insurance shall be provided to the Department by the contractors. The liability policies shall meet the requirements of the Department’s Permit.

3. The UNIVERSITY or COLLEGE will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation, construction, operation and/or maintenance of the UNIVERSITY or COLLEGE facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the UNIVERSITY or COLLEGE requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
VII. ACTION/DISCUSSION ITEMS

VII-A. Project Approval of the A.E. Seaman Mineral Museum

The A.E. Seaman Mineral Museum houses and displays one of the nation’s great mineral collections, and the world’s finest collection of Michigan minerals. It was founded in 1902 as a unit of the original Michigan Mining School, the nascent institution for today’s Michigan Technological University, by Professor and former geology department head, Arthur Edmund Seaman, a pioneer geoscientist in the Lake Superior region. The mineral collection was part of the first instructional courses at Michigan Tech, and continues to be an integral part of our mission and heritage.

The Museum and its stakeholders (faculty, students, and scientists around the world) significantly contribute to the world’s scientific community, K-12 education, and the public at large, through education and research in mineralogy, crystallography, geology and the history of mineralogy and mining, and has sole claim to the title “Mineralogical Museum of Michigan”.

In 2001 the Museum was designated as an official Cooperating Site of the Keweenaw National Historic Park and plans were made to eventually move the Museum to the Quincy Hill location within the Keweenaw National Park. However, due to the growth of the
Department of Electrical and Computer Engineering, a department that is strategically crucial to the University's evolving academic program and its research focus, a new home for the museum must be found, and the permanent location on Quincy Hill will not be completed for several years. Therefore, the Administration is recommending that a new facility be built to temporarily house the Museum. The cost of the proposed facility is $1.5 million and will be paid for by philanthropic gifts. When the Museum moves to Quincy Hill, the temporary facility will be repurposed to support teaching, research and economic development.

Mr. Gronovelt stated that he had a contrary opinion on how to handle a concern to the university and that this collection and what to do with it. It has been an issue for many, many years. “I had a strong opinion that opposed the action before us. I would say that I was greatly affected by Dr. Seel’s presentation and the importance of having the collection available for display, even if it was going to be an interim period until the final location is resolved. I am now prepared to support the resolution. I believe it is the best solution at the time, and that we all understand that it is something that is temporary.”

Ms. Richardson stated the importance of the fact that the Museum houses the number one collection of copper specimens in the entire world. This Museum in the new configuration will really highlight that, and the fact that this collection is among the three top collections in the U.S. in such company as Harvard University and the Smithsonian.

It was moved by T. Baldini, supported by P. Ollila, and passed by voice vote without dissent, that the Board of Control authorizes the President to proceed with the design, solicitation of bids, awarding of the contract(s) and completion of construction of the A.E. Seaman Mineral project at a cost not to exceed $1,500,000 and to execute the necessary documents for the project.

VI-A-a. Real Property Purchase

Michigan Tech has advanced to 18th nationally in mechanical engineering research [NSF 2008 Survey of Academic Research Expenditures], with a total research expenditure of $11.512 million in 2008. These activities are reaching the physical limits of their available space. Keweenaw Research Center (KRC) research expenditures are part of this total, and have grown from $4.512 million in 2007 to $6.084 million in 2010 (preliminary); KRC has recently declined to bid on some contracts due to the lack of physical infrastructure available to perform the work. The Advanced Power Systems Research Center activities have grown from $0.553 million in 2007 to a projected $2.430 million in 2011, and are also utilizing some KRC space at the airport because they no longer have any space available for their work. In addition, the engine labs in the sub-basement of the ME-EM Building are technically compliant with MIOSHA requirements, but in the long run those labs should be moved out of the sub-basement of the high-rise for safety reasons, and this would also allow ME-EM to repurpose that space to support educational and research programs. APSRC also utilizes Building 92 in Hancock as a combustion laboratory with about 3,600 sq. ft. The Blizzard Building, an approximately 55,000 sq. ft. existing structure, is located on Lot 15 adjacent to KRC at the airport. The building has approximately 45,000 sq. ft. of high bay space with the remainder in office space and common areas. KRC can immediately utilize 20,000 sq. ft. of the building space; APSRC can immediately utilize some of the remaining
space, with the remainder available for consolidation of existing facilities from ME-EM and Building 92 over time. Existing research activities to be moved into the building are sufficient to support debt service and building O&M. Acquisition of the Blizzard Building will position mechanical engineering research and other sponsored activities for long term growth and future development while meeting immediate existing needs for research facility space.

Michigan Tech has negotiated the purchase of the Blizzard Building, which is on Lot 15 at the airport, from the current owners for $1.55 million, less than $30 per sq. ft. There will be approximately $50,000 needed for fees, environmental surveys, etc., bringing the total cost of the acquisition to $1.60 million.

It was moved by T. Baldini, supported by P. Ollila, and passed by voice vote without dissent, that the Board of Control approves the purchase of the property described as Lot 15 of the Houghton County Airpark and all structures thereon, at a price not to exceed $1,550,000 subject to Presidential approval of environmental review and final terms and conditions.

VII-B. Third Resolution Amending Bond Authorization Resolution of March 5, 2009

It was moved by T. Baldini, supported by P. Ollila, and passed by voice vote without dissent, that the Board of Control approves the Third Resolution Amending the Bond Authorization Resolution of March 5, 2009 as presented.

THIRD RESOLUTION AMENDING
RESOLUTION OF THE BOARD OF CONTROL OF
MICHIGAN TECHNOLOGICAL UNIVERSITY
AUTHORIZING THE ISSUANCE AND DELIVERY OF
GENERAL REVENUE BONDS AND PROVIDING FOR
OTHER MATTERS RELATING THERETO

WHEREAS, the Board of Control of Michigan Technological University (the “Board”) is a constitutional body corporate established pursuant to Article VIII, Section 6 of the Michigan Constitution of 1963, as amended, with general supervision of Michigan Technological University (the “University”) and the control and direction of all expenditures from the University’s funds; and

WHEREAS, on March 5, 2009, the Board adopted its RESOLUTION OF THE BOARD OF CONTROL OF MICHIGAN TECHNOLOGICAL UNIVERSITY AUTHORIZING THE ISSUANCE AND DELIVERY OF GENERAL REVENUE BONDS AND PROVIDING FOR OTHER MATTERS RELATING THERETO (the “Original Resolution”), authorizing the issuance of its General Revenue Bonds (the “Bonds”) in an amount not to exceed the principal amount necessary to produce proceeds of Twenty Five Million Dollars ($25,000,000); and

WHEREAS, the Original Resolution was amended on October 8, 2009 and April 30, 2010, and, as so amended, is herein called the “Resolution”; and
WHEREAS, the Board has identified additional projects that it wishes to finance and has determined it is necessary to amend the Resolution to include these projects;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CONTROL OF MICHIGAN TECHNOLOGICAL UNIVERSITY, AS FOLLOWS:

1. Section 2 of the Resolution is hereby amended by increasing the maximum principal amount to the principal amount necessary to produce proceeds of Twenty Nine Million Dollars ($29,000,000), plus the amount necessary to accomplish the refunding of the Bonds to be Refunded (as defined in the Original Resolution).

2. Exhibit A of the Resolution is hereby amended and restated as set forth in Exhibit A of this Second Amending Resolution.

3. As amended hereby, the Resolution is ratified and confirmed and shall remain in full force and effect.

EXHIBIT A

PROJECT

The Project consists of the following capital improvement items, at a currently estimated cost of $28,375,000*

<table>
<thead>
<tr>
<th>Item</th>
<th>Currently Estimated Cost to be Funded from Bond Proceeds*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Apartment Complex</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>Great Lakes Research Center</td>
<td>6,775,000</td>
</tr>
<tr>
<td>Keweenaw Research Center</td>
<td>1,000,000</td>
</tr>
<tr>
<td>A.E. Seaman Mineral Museum</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Improvements, upgrades to, and/or replacement of Life Safety Systems (Various Campus Buildings)</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Blizzard Snowplow Building</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>

* Exclusive of capitalized interest, bond insurance premium and other bond issuance expenses.

VII-C. Final Approval for the Great Lakes Research Center

The Great Lakes Research Center (GLRC) Phase I construction documents have been approved by the State of Michigan. Our construction manager, Granger, has subsequently solicited bids for construction of this phase.
At the December 11, 2009 Board of Control meeting, the Board approved the project cost for the GLRC not to exceed $25,337,000.00 with the University’s share of the project being $6,587,000.00. The State has approved the State Building Authority share of $18,749,800, the State General Fund share of $200, and the University share of $6,587,000.

Program design goals are being met and construction estimates are within budget.

It was moved by K. Clark, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control authorize the Administration to proceed with the construction of the Great Lakes Research Center project at a cost not to exceed $25,337,000 total and not exceeding the University share of $6,857,000, and authorizes the President or Secretary of the Board of Control to execute all necessary contracts and agreements for the project.

VII-D. Appointment to the Michigan Tech Fund Board of Directors

It was moved by P. Ollila, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control appoints Mr. David Brule, Mr. Russell Gronevelt, and Mr. Stephen Hicks to the Michigan Tech Fund Board of Directors.

VII-E. Capital Campaign

Mr. George Butvillas, Chair of the Michigan Tech Fund Board of Directors, made the following comments:

In May of 2007, the Board of Control approved the initiation of a multi-year fundraising effort, named the “Generations of Discovery: campaign, to conclude June 30, 2012. The objective was to expand private giving to Michigan Tech from alumni, friends, corporations, and private foundations in support of the strategic plan. The campaign’s chief priorities were to increase privately-funded student financial aid in the form of scholarships and graduate fellowships. The final dollar goal of the campaign was to be determined after the campaign’s initial phase, known as the “quiet phase”, in which we seek gifts and pledges from a select group of prospective donors with the capacity to make six- and seven-figure gifts.

At the Board’s March 2009 meeting, it approved a recommendation to add a year to the quiet phase, extending it to June 30 of this year, and thus making the projected conclusion of the entire campaign June 30, 2013. This was prompted by the economic recession and the markets’ downturn, which slowed philanthropic giving nationwide.

While the economic malaise continues to some degree, and certainly we see that in the State of Michigan, I am pleased to report that the campaign is progressing and we are now entering the public phase, in which we will broaden our solicitation efforts to a wider group of prospective donors.

The action item before you is a recommendation to set the campaign goal. Typically, you seek to secure at least half of the campaign goal during the quiet phase. We have done better
than that. Our total raised to date is $120 million, which is 60% of the goal we are asking you to approve of $200 million. Actually, we are referring to it as “$200 million – plus”. The recommendation includes a requirement to revisit the goal at the end of each fiscal year in the public phase and possibly adjust it if we have especially favorable results.

I am also pleased to note that among the finer successes of the quiet phase total of $120 million are an increase in the number of endowed faculty positions from 5 to 17, and a $10.9 million increase in scholarships and fellowships.

This recommendation comes from the Michigan Tech Fund Board of Directors which sought out the opinions of the national Campaign Committee and the full Tech Fund Board of Trustees. The $200 million-plus figure was the strong consensus of all of these volunteer groups.

Finally, though we are officially in the public phase now as of July 1, the Campaign Kickoff won’t be until September 30, which will involve the entire campus in raising awareness of the impact of philanthropy. Making this event even more notable is that concurrently this year we are celebrating Michigan Tech’s 125th anniversary of its founding.

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control endorses the recommendation from the Michigan Tech Fund Board of Directors to set the campaign goal at $200 million by June 30, 2013, to be revisited each year with the option to increase it if fundraising results and projections are favorable.

VII-F. Ordinance 1 – Traffic Regulations, Sec. 11.3. Payment of Parking Violations

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent, that the Board of Control amends Ordinance 1 Traffic Regulations, Section 11.3. Payment of Parking Violation Fee as presented herein.

The amended section shall read as follows:

Sec. 11.3 Payment of Parking Violation Fee

Any person who has received a parking violation card (Chapter 5 hereof) as provided in this ordinance, shall within the time specified in such notice, answer at the Parking Violations Bureau of Michigan Technological University’s Department of Public Safety and Police Services for the charges set forth in such notice by admitting responsibility to the infraction and by paying to the Cashier’s Office a fine prescribed by the Vice President for Administration for the infraction or if responsibility is denied such person shall inform the clerk of the Parking Violations Bureau of their intent to deny responsibility before the 97th District Court. Acceptance of this fine so paid shall be deemed complete satisfaction for the infraction and the violator shall be given a receipt for the amount paid. Such fine shall not exceed twenty-five-dollars ($25.00) for any single offense, excepting a handicapped space parking violation which shall not exceed one hundred dollars ($100.00).
VII-G. Requirements for Graduation

It was moved by P. Ollila, supported by K. Clark, and passed by voice vote without dissent, that the Board of Control amends policy 8.5. Requirements for Graduation as presented herein.

The amended policy shall read as follows:

8.5. Requirements for Graduation

The residency requirements for a student to receive a baccalaureate degree from Michigan Technological University are the following:

a. Thirty (30) of the last 36 semester credit hours of academic work to be applied to the degree must be completed at Michigan Technological University. Study abroad and co-op credits earned through Michigan Tech may be included in this 30 hours of Michigan Tech courses if the student has completed 30 credit hours of courses at Michigan Tech among the last 60 credit hours to be applied to the degree.

b. Thirty (30) semester credit hours of advanced level courses (3000 or higher) must be completed at Michigan Tech.

The residency requirements for a student to receive a graduate degree from Michigan Technological University are the following:

a. A minimum of two-thirds of the required non-research course-work credits required for the degree must be taken through Michigan Tech. Ph.D. students must take at least 20 credits beyond the masters or 50 credits beyond the bachelors through Michigan Tech.

b. Research credits used to satisfy degree requirements must be taken through Michigan Tech and must be supervised by a member of Michigan Tech graduate faculty.

c. Some graduate degree programs may have other specific requirements.

Courses which meet the “at Michigan Tech” requirement are defined as courses listed in the course catalog and taught by Michigan Tech faculty either on campus, at field locations, or through distance learning.

The President or the President’s designee, the Provost, is authorized to grant exceptions to this requirement in extraordinary individual cases.

Degree programs with special requirements may apply for exemptions. The President or the President’s designee, the Provost, may grant such programmatic exemptions upon recommendation of the Senate.
VII-H. 9.12. Residence Hall Student Association Fee

It was moved by P. Ollila, supported by K. Clark, and passed by voice vote without dissent, that the Board of Control amends policy 9.12. Residence Hall Student Association Fee as presented herein.

The amended policy shall read as follows:

9.12. RESIDENCE HALL AND RESIDENCE APARTMENT STUDENT ASSOCIATION FEE

The University is authorized to collect from each residence hall or apartment occupant, (except those residing in the Daniell Heights Apartments) a fee not to exceed $30.00 per academic year. The fee shall be divided into two equal installments and collected at the time the first payment on each semester’s board and room payment is made.

VII-I. Board of Control Policy Revisions

It was moved by R. Gronevelt, supported by T. Baldini, and passed by voice vote without dissent that the Board of Control adopts the Michigan Technological University Board of Control Bylaws and Policies as presented to take effect on September 1, 2010.

All prior Board of Control policies are revoked on September 1, 2010. Any reference in University Administrative Policies or Procedures to any previous Board of Control policy shall be construed to be a reference to the similar substantive section in this Policy Manual if the previously referred to policy has been substantively readopted hereby. This action does not affect or revoke any existing ordinance, rule, or regulation previously adopted by the Board of Control, all of which shall remain in force and effect. This action shall not serve to revoke any existing University Administrative Policy, all of which shall continue unaffected by this action.

It is further requested that the President routinely review and update the Board’s policies as may be required to be current with University practices, and to recommend appropriate amendments.

VII-J. Compensation Approval

With the passage of item VII-I. Board of Control Policy Revisions this action item was no longer necessary.

VIII. INFORMATIONAL ITEMS

A. Analysis of Investments
B. University Issued Bond Balances
C. Advancement Report
D. Recent Media Coverage
IX. OTHER BUSINESS

There was no other business at this time.

X. PUBLIC COMMENTS

Mr. Steven L. Pence an attorney from Marquette, Michigan provided the following statement.

STATEMENT OF STEVEN L. PENCE

Every false allegation of sexual harassment or misconduct diminishes the credibility of legitimate victims and decreases the likelihood they will come forward with their stories.

I say this as a former elected prosecuting attorney who assisted victims in the late 70's and early 80's.

These were mostly women and they were emboldened by ground-breaking presentations like, "Something About Amelia".

This "movement" led to many good societal changes, and I co-founded a domestic violence shelter while county prosecutor and enjoyed a long term commitment representing several facilities and the Marquette County Women's Center.

Today, in a departure for me, I do not appear for those victims, but rather for the victims of false allegations.

I believe I correctly understand this Board's role in crafting broad policy and allowing the Administration to effectuate those policies without unnecessary scrutiny.

And so, while some horrifying particulars may be known to the Board regarding the due process violations which have occurred in the matter presently under review, my primary reason for being here is to urge an immediate change in University policy because, as presently constituted, MTU's procedures will always result in a trial court finding that you have failed your students by utilizing an antiquated process which is inherently unfair to the accused.

The changes I have in mind will bring MTU in compliance with Federal and State law and will embolden victims while protecting the innocent.

In 2008, a Michigan-based Federal Court held that The University of Michigan's process for dealing with allegations of student misconduct was defective. Such defeats led the University to adopt policies consistent with the rights afforded all citizens under the U.S. Constitution. At this point it should not surprise you that MTU's policies look a lot like the illegal, discredited former unwritten policies of the U of M.

IMAGINE:

You are 20 years young. A 4.0 student @ MTU. A senior; majoring in mechanical engineering. Charges are filed by MTU Administration—out of nowhere—but after several female friends become enraged against you and a fellow male student for what was a mere political miscue. You are punished prior to trial and labeled a danger. You're cancelled from a working MTU overseas trip which means a lot to everyone. Forced to reveal to your summer-time employer and family you are a "suspect." At trial your lawyer is banished to the hallway. The process is "educational"—no lawyer is needed. There is a room divider. You cannot see the young woman who would destroy your life even though she pursued you (romantically) for a year after the alleged event.

And, it gets worse.
During the trial, the “victim” calls one of the hearing officers by the diminutive version of her first name. So, too, does the victim’s friend who testifies by email, with respondents’ questions not being asked of her. And it cannot be forgotten that one of the hearing officers both investigated and brought the charges she is now responsible for adjudicating! Wearing three different hats—and at every step approving of earlier mistakes, a clear violation of established principles of Federal and State Law.

So, what am I asking? That MTU correct its deficiencies now and,

1. Call a halt to these proceedings and restore these young men to the status quo
2. Develop new procedures, consistent with federal and state law
3. Re-investigate this matter and re-charge the young men, if warranted
4. If the allegations were false, charge/discipline the responsible parties, including MTU employees.

Thank you,

Steven Pence

Attachment: Legal Memo
Exhibit A: Zwick v University of Michigan
Exhibit B: University of Michigan’s current procedures per the web

XI. ADJOURNMENT

It was moved by T. Baldini, supported by P. Ollila, and passed by voice vote without dissent, that the meeting be adjourned.

Secretary of the Board of Control

Chair, Board of Control