

THE OHIO STATE UNIVERSITY  
OFFICIAL PROCEEDINGS OF THE  
ONE THOUSAND THREE HUNDRED AND SEVENTIETH MEETING  
OF THE BOARD OF TRUSTEES

Columbus, Ohio, March 2, 2001

The Board of Trustees met at its regular monthly meeting on Friday, March 2, 2001, at The Ohio State University Longaberger Alumni House, Columbus, Ohio, pursuant to adjournment.

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Minutes of the last meeting were approved.

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March 2, 2001 meeting, Board of Trustees

The Chairman, Mr. Skestos, called the meeting of the Board of Trustees to order on March 2, 2001, at 10:55 a.m. He requested the Secretary to call the roll.

Present: George A. Skestos, Chairman, David L. Brennan, James F. Patterson, Zuheir Sofia, Robert M. Duncan, Karen L. Hendricks, Dimon R. McFerson, Jaclyn M. Nowakowski, and Kevin R. Filiautraut.

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## PRESIDENT'S REPORT

President William E. Kirwan:

For just a moment, let's pretend it's 2011 -- not 2001. High Street is thriving, energized by the exciting and dynamic development called Gateway. Pursuant to the Academic Plan, our faculty is populated with Nobel Prize winners, National Book Award and Pulitzer Prize winners, and National Academy members. Fully half of our new freshman finished in the top 10 percent of their high school class. Students are benefiting from smaller classes and leading-edge technology. And thanks in part to our efforts, Central Ohio is known nationally for its leadership in the new economy.

On Valentine's Day, we offered this vision to 900 members of the Central Ohio business community at a breakfast sponsored by *Business First*. Not a prediction, mind you, but a vision of what we can become if we successfully implement our Academic Plan.

I want the Trustees to know that we are intensely focused on implementing the plan. It is driving budget allocations and institutional decisions, and we are increasingly able to demonstrate progress.

As you know, one key objective of the plan is to recruit and develop exceptional faculty members. I'm delighted to introduce two faculty members this morning who have just received extraordinary honors indicating their stature as leaders of the top rank in their fields.

L. S. Fan, Distinguished University Professor and chair of the Chemical Engineering department, has just been elected to the National Academy of Engineering. He is one of only eight Ohio State faculty to ever receive this distinction, which is among the highest professional honors accorded an engineer. Professor Fan's pioneering leadership in research in fluidization and particle technology has resulted in important scientific discoveries, new technology applications, and commercial processes.

Professor Fan is with us today and I want to make one point that he reminded me of this morning. I was talking to a group and mentioned how a real measure of distinction at a university is to have faculty elected to a national academy – in this case, the National Academy of Engineering – the National Academy of Sciences or the Institute of Medicine. I said, on a scale of one to ten, recruiting a national academy member is an eight – it's great, it's wonderful. But when you have a member of your own faculty – already here, who grew up here – get elected, that's a ten. That's what Dr. Fan represents. We're so honored to have you on our faculty.

Also with us today is Song Chun Zhu. He recently received an ONR Young Investigator Award – one of only four such winners nationwide in the math and computer science area this year. But this is not the only high honor Dr. Zhu, an assistant professor of Computer Sciences, has recently received. He was also awarded a prestigious NSF Career Award, given to the nation's most promising

## PRESIDENT'S REPORT (contd)

President Kirwan: (contd)

young scientists. He works in the field of computer vision and is one of only a small handful of people to win both the ONR Young Investigator Award and the NSF Career Award.

But that's not all. On top of that, he received a very prestigious Sloan Fellowship, given each year to a small number of leading young scientists. Receipt of these three awards within a period of a few months is an extraordinary academic hat trick. To my knowledge, it is unprecedented in our nation this year. So, Dr. Zhu, we also want to say how honored we are to have you on our faculty, and what great distinction that you and Dr. Fan bring to the University.

Let me briefly mention several other faculty members of whom we are especially proud this morning. Bjorn Sandstede, associate professor of Mathematics has been awarded the first J.D. Crawford Prize by the Society for Industrial and Applied Mathematics Dynamical Systems Activity Group. The prize is awarded to only one individual in the nation for recent outstanding work on a topic in dynamical systems. It is a very high honor.

Geography chair Lawrence Brown and Geological Sciences professor and former chair William Ausich were elected fellows of the American Association for the Advancement of Science.

Also, the Greater Columbus Chamber of Commerce presented Professor Mauro Ferrari with its Ambassador of the Year Award. Highlighting his academic entrepreneurship and cutting-edge research, Professor Ferrari was described as a new type of ambassador that represents a bold new direction for our city and region at the dawn of the 21<sup>st</sup> century. In keeping with this direction, the Chamber announced a new partnership with the city and Ohio State to prepare a regional economic development strategy for the 21<sup>st</sup> century. This resulted from the recent Chamber-led visit to Austin, Texas, and reflects our commitment in the Academic Plan to help build Ohio's economy.

Last month I mentioned Lonnie Thompson who, with his colleagues, has been recognized by *Discover* magazine for their climate research work. In fact, his research was one of the 50 most important research discoveries during the year 2000. More recently, Dr. Thompson has become a global media celebrity, interviewed by almost everyone and the subject of a major above-the-fold story in the *New York Times*.

But there's also a second item on *Discover* magazine's list of the 50 most important scientific discoveries of the year 2000. That was an announcement by Mansfield campus assistant professor of Anthropology Scott McGraw that a rare monkey last seen in 1978 in the forests of Africa's Ivory Coast and Ghana is now believed to be extinct. *National Geographic* is producing a documentary on Dr. McGraw's research. I think you'll agree that to have two of our faculty mentioned in *Discover* magazine's list of the 50 best discoveries for the year 2000 is quite a distinction, one matched by very few, if any other, universities.

I think you will agree that these examples show that we are building a truly world-class faculty. But there's been progress on other parts of the Academic Plan as well. For example, Provost Ed Ray launched our new budgeting system, which aligns budget allocations in our 18 degree-granting colleges with the goals of the Academic Plan. This is essential to ensure that colleges are positioned and have the incentives to make the greatest possible contribution to our objectives.

**PRESIDENT'S REPORT (contd)**

President Kirwan: (contd)

On another front, the College of The Arts, the College of Humanities, and the Fisher College of Business combined with principals from Lifetime Television Network's award-winning cable series -- *Any Day Now* -- for a campus community summit on diversity. Mayor Coleman and other local leaders joined members of the campus community and representatives of this award-winning television program to help us better understand our differences and explore cultural misinformation and misunderstandings. It was a powerful and important event for the University. It will, I hope, serve as a catalyst for making our community one that does not just accept differences but celebrates them as a source of institutional strength.

Another goal of our Academic Plan is our support of PreK-12 education. It's worth noting that Reading Recovery, the internationally recognized tutoring program for children struggling to read and write, will soon serve its one-millionth first-grader. Faculty from our College of Education brought Reading Recovery from New Zealand, where it was founded in the middle 1980s, and introduced it to the Columbus Public Schools. It has since spread to almost 3,000 school districts nationwide. Studies show that 81 percent of students completing the Reading Recovery program read and write at an average level for their classes. Congratulations to Gay Pinnell, Diane DeFord, and Carol Lyons of the School of Teaching and Learning for developing such a successful program.

In short, it was another very productive month for our University, and I haven't even mentioned our announcement of a site for our new heart hospital, or that donor support continues at an increasingly successful pace.

Of course, there were disappointments. Several students associated with the Undergraduate Student Government accepted sanctions proposed to them following an investigation into allegations of misconduct. We will be as helpful as we can to the new student leadership and to new USG President Ryan Robinson. I want to commend Ryan for the very effective way he has stepped into the leadership role and restored a sense of calm and order to USG.

I'm pleased to report that the University Senate approved the new *Code of Student Conduct*, which is before you today. The new code extends the University's jurisdiction to off-campus student behavior.

I'm also delighted to report that alcohol-free late night events are proving a great success on our campus, thanks to the efforts of Bill Hall and his colleagues. From September through February they have attracted over 13,000 students.

I began this report by looking ahead -- let me conclude by looking back to September 23, when Penn State cornerback, Adam Taliaferro, was severely injured in Ohio Stadium. It looked as though this courageous young man might never walk again. But thanks to superb attention from many people, including Ohio State neurosurgeon Gary Rea, Adam Taliaferro is now walking for short periods without assistance. I am proud of how our entire community responded to this unfortunate incident, and we're all so happy for Adam and his family. It's an ending that was hard to imagine five months ago.

Mr. Chairman and members of the Board, this completes my report.

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## PRESENTATION ON THE JOHN GLENN INSTITUTE

President William H. Kirwan:

At this time, I would like to introduce Deborah Jones Merritt, our extremely able and talented director of the John Glenn Institute, for a presentation on the Institute.

Professor Deborah Jones Merritt:

Thank you very much, President Kirwan. As you can see, I've brought a few friends with me to talk about the Institute today.

It is a great honor to direct the John Glenn Institute for Public Service and Public Policy. From its very earliest days, this Institute benefited from three key strengths. First, it has enjoyed the support and the warm encouragement of this University's leaders, including President Kirwan, Provost Ray, and members of the Board of Trustees.

Second, it has drawn upon the heroic accomplishments of Senator John Glenn, and on his vision to inspire a greater commitment to public service among all of our citizens.

But the Institute has always nourished a third, equally sweeping, strength -- its ability to interact with students, faculty, policymakers, and members of the community -- all of the groups that we care about at a great university. To draw those groups together in a way that has real impact on our government and public policies.

Today we want to tell you a little bit about the impact the Institute is having in these areas. You will hear shortly from two of the students involved in our programs, so I will focus on faculty, community, and policymakers.

During my eight months at the Institute, I have been approached by literally dozens of faculty members who have wanted help forming interdisciplinary groups for teaching or research focused on policy issues. One group wanted to train graduate students in both the science and policy of preserving our wetlands. Another wanted to form a center on worker safety. Yet another group focused on cultural arts policy. The Institute has been working with these and other groups to identify interested professors, to apply for funding, and to create the interdisciplinary connections that are essential for excellent public policy.

The Institute has also been able to offer these faculty the chance to share their research with policymakers. Ohio State houses hundreds of top-notch faculty who want their academic research to have a real impact on the problems around us. Next Tuesday, OSU Professor Peter Swire will kick off the Institute's new series of policy briefings for Ohio legislators, their staff members, and other government officials. Peter, who served as our nation's first chief counselor for privacy and who has an international reputation in the area of electronic privacy, will share his insights with Ohio government leaders.

I can tell you that Peter is as excited about this opportunity as I know his audience will be. He insisted that I put both his e-mail address and his cell phone number on the materials that will go to every audience member, so that they can contact him at any time with follow-up questions.

The Institute's own connections with policymakers have been growing monthly. In November we directed part of a five-day training session for newly elected Ohio legislators. During this academic year, we will train more than 1,700 public

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Professor Jones Merritt: (contd)

sector professionals in more than 50 management seminars. We will also offer custom designed programs for emerging leaders in specialized fields.

We included comments from one of those leaders in the packet we distributed to you ahead of time. She wrote in part, "I have participated in other leadership programs...but this one was different. The program draws a great deal of its strength and uniqueness from its association with The Ohio State University... This was not just a series of seminars, but a well-thought-out curriculum for learning." That's the type of training that the Glenn Institute aims to provide our civic leaders.

Civic training and public policy research lead to the same place – better policies to govern our communities, and we can already see the Institute's footprint in the community. The Institute's Center for Learning Excellence, directed by Dean David Andrews, is evaluating educational programs for at-risk youth throughout Ohio, and is advising the state on the best practices for those programs.

Community Research Partners – a three-way partnership among the Institute, the City of Columbus, and the United Way of Franklin County – is doing similar work to evaluate human service agencies. The Institute's National Commission on Service-Learning, chaired by Senator Glenn, and co-sponsored by the Kellogg Foundation, is promoting educational practices that will help young people nationwide become more engaged in their communities.

These initiatives are having a real impact on policy and people and, to continue the theme I started with, they're doing so by bringing together students, faculty, and policymakers. Each of these initiatives builds upon research by our faculty at Ohio State, and provides students with new opportunities for learning.

These are just a few of the Institute's current programs, and we're building more every day. There are many talented people who play a role in these programs. I want to introduce three of them to you and ask them to stand.

Mary Jane Veno, was Senator Glenn's chief-of-staff and, in that capacity, helped conceptualize and create the Glenn Institute. Today, she serves as senior advisor to the Institute, turning that vision into a reality. Jeff Thomas is the Glenn archivist, and Julie Petersen is the assistant Glenn archivist. Together, they maintain the documents and artifacts stored in the Glenn Archives. Those archives already serve as a rich resource for museums, media, and the Institute itself. When cataloguing is more complete, these items will be accessible to people literally around the world. By the way, Jeff and Julie have brought a few select items with them today, and have them displayed in the back of the room for your enjoyment after the meeting.

Finally, I'm going to turn the program over to someone you already know, and who needs little introduction, Annie Glenn. Annie is a very special person to the Glenn Institute. She is a full partner with Senator Glenn in everything the Institute strives for and is an adjunct assistant professor of Speech and Hearing Science at Ohio State. She has taught classes in that department and offered a keynote address at the department's annual symposium.

I'm delighted to turn the program over to Annie, who will offer a few words and then introduce our students.

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Mrs. Annie Glenn:

I just want to begin by saying that I have really enjoyed my connections with Ohio State, especially the interaction we've had with students in many settings. I'll always remember the class I taught in speech pathology, which meant so much to me.

I am particularly pleased to introduce two students who have participated in the Glenn Institute programs. The first of these students is Greg Beswick, a senior majoring in political science, from Pickerington, Ohio. Greg participated in the Institute's Washington Academic Internship Program. John and I have visited that internship program in Washington several times, and it's really impressive. I wish each of you could have the opportunity to visit that program. Greg --

Mr. Greg Beswick:

Hello. As Mrs. Glenn stated, I participated in the Washington internship program. If I was asked to sum up the program in one word, I would say "amazing." This pertains to the housing, the offices, the classrooms, computing spaces, and the internship placements. This criteria, especially the internship placements, is quickly making the John Glenn Institute the envy of other university internship programs in little under a year.

I have had discussions with students at Cal-Berkeley, Stanford, UCLA, and Dartmouth, that we lived with, and they have conveyed this message to me. It is because anyone can participate in the student program and work in other places besides Capitol Hill -- which most internship placement programs only allow you.

The Washington internship program has done a lot for me personally. It has provided me with a better focus and determination on my schoolwork, what my goals are in life, and what I would like to accomplish. A good example is that while I was in Washington, and since returning, my GPA has been higher than ever before.

This program has also opened up many other doors for me as well. This past fall, I took the quarter off to run a political campaign in Rolla, Missouri, a very small rural town. I learned about the organization that trains and places individuals on campaigns while in Washington. My experience gained through the internship program helped me get selected to run the campaign.

The Washington internship has had a profound effect on my life, and I would recommend this program to any student that attends the University. Thank you.

Mrs. Glenn:

I now have the pleasure of introducing a second student, Lynn Slawsky from Upper Arlington, Ohio. Lynn is a freshman and plans to major in international studies and political science. Last year, while still in high school, she participated in the Institute's high school internship program. John and I met her at one of the classes last year and at that time she said she wanted to attend OSU, and here she is. This year, she is living and participating in the Living-Learning Program.

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Ms. Lynn Slawsky:

I started out in the John Glenn Institute high school program due to my curiosity in politics and interest in public service. I had two internships – one with a state representative and the other with the League of Women Voters of Ohio. Both were meaningful experiences and exposed me to two very different forms of public service. Through these experiences, I was able to focus my interest as I realized that serving the public through the legislature is probably not for me. But I also developed a passion for the honest and conscientious work of non-profit organizations like the League.

In addition to the internships, we all attended a government class taught by Dr. Herb Asher. This class complemented my internship experience through discussing various principles of government that were then applied, and I was able to see those in action. I also learned how to conduct and report a research study which, as you all can imagine, will help me immensely throughout my college career.

Since the high school internship program made me even more excited about public service, I was eager to become part of The John Glenn Institute Living-Learning Program this year. This program has promoted my interest even further, as I am living in an environment conducive to helping me understand more about politics and other issues related to public service. All of us in the program have some sort of interest in public service, and we discuss the subject informally, as well as with speakers who come to talk with us.

We also go to movies together and we watched the campaign debates together back in the fall. We actually had the opportunity to watch the last debate with Senator and Mrs. Glenn, which was a special treat because they had such interesting insights.

All in all, this program has been a wonderful way to meet friends and to grow in my commitment to public service. My experiences with the John Glenn Institute have been so positive that I'm looking forward to continuing through the Washington internship program in two years like Greg did.

I want to reminisce for a moment, because I've remembered something that Senator Glenn said when I met him and Mrs. Glenn for the first time. He said that government is the personnel department of the Constitution. He said that government has the role of ensuring that the ideals of this amazing document are carried out. I want to assure all of you and you, Senator Glenn, that if this is the case, the John Glenn Institute is inspiring and preparing many students, including myself, to ensure a great personnel department for the future.

President Kirwan:

I want to offer my great appreciation to these two exceptional students. You make us all feel enormously proud. I want you to know, Annie, that you can teach a class anytime you want to at this University. We are so proud to have you as an adjunct faculty member.

Mrs. Glenn:

I'm honored. Thank you, Brit.

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

President Kirwan:

I have the privilege of welcoming to the Board the person who is the ultimate example of the phrase, "he needs no introduction." People of my vintage can remember sitting in front of their television sets and watching in awe as this man orbited the Earth four or five decades ago; then watching with equal excitement as he did it, again, a few years ago.

Senator, I just want you to know how much we at this University know the rare privilege we have been granted by having you and Annie as part of our community. The opportunity to create the Glenn Institute at this University and see what it's already doing and know that it is coming into full flower under your leadership as the chairman of the board, is just an extraordinary thing for us. We would love to hear from you about the Institute and your hopes for the future.

Senator John Glenn:

Thank you, Brit, and thank you all for providing us this opportunity. I would like to thank both students for being here this morning and adding to the presentation. That's the real crux of the whole thing -- what effects the Institute has on the students.

Let me regress for a moment. There aren't many people in the room who probably remember the Great Depression as Annie and I do. We lived through that as 10 and 12 year old kids. They were tough times and you didn't throw anything away. Unfortunately, we became pack rats for a good part of our lives. We never threw papers away -- we kept my old Marine Corps records, records from my early space days, and all my Senate records.

People at the Kennedy School at Harvard approached me -- no formal presentation -- about sending all of my records and memorabilia there sometime, and there was mention made when I was at Stanford once about that school receiving my things. When it came time for me to leave the Senate, the National Archives in Washington, suggested that my things should go to a center in the Midwest. They suggested Ohio State, even though Annie and I didn't attend here -- we attended Muskingum College in New Concord, Ohio, our hometown.

So I ended up talking to Gordon Gee -- President Gee at that time -- and he thought this was a great idea to send my things here. Out of that then came the proposal for the Institute that would follow-up on some of these things that we were interested in.

I was busy with all the Senate activity at that time, as well as preparation for the space flight, so Mary Jane Veno really created the Institute. I don't think without her efforts that this whole thing would have taken place. She talked to Bill Napier and they worked out the agreement and all the details that came out of it, because I couldn't do all that. So without her efforts, this Institute would not have occurred.

I see the Institute as having two parts: 1) public service; and 2) public policy -- obviously, from the name of the Institute. Public service is really a motivating factor for me. If there's one thing I don't like, and I see as a black cloud for the future, is the cynicism and apathy that so many of our young people and older people, too, have with regard to anything to do with politics and government. To me, that is the wrong way to go.

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Senator Glenn: (contd)

Lynn mentioned that I have talked repeatedly about the Constitution. If we could all play Star Trek -- and "Beam me up, Scotty!" -- and get beamed up and come down on the front steps of the Archives Building in Washington, we would go and walk across the Rotunda and look at the Constitution -- that's the real one. It's not something dreamed up by Hollywood, it's the real one. All those old guys many years ago signed it. Other copies were made later and distributed, but that's the original Constitution of the United States. It is the greatest single document in governance ever put forward in human history, ever. It has more ideas that guarantee your freedom and what you can do as a person in this country, more than any guarantee in the world to any people in the world. We treat it so lightly sometimes.

We should be trying to take those words off the paper and make them come true for every single person in this country and, hopefully, other nations would follow our lead. I've said repeatedly that to me politics is akin to the ministry and its importance to the people you serve. Politics and government service to me is truly the personnel department for that Constitution. What could be any more important than that in this country?

We're not guaranteed a long, 1,000-year history in this country -- it's only been in existence a little over 200 years -- and nothing says it will continue on and that we won't go downhill. If we continue this cynicism and apathy in regard to implementing the Constitution through politics and through willingness to serve in government positions, then we will go downhill over the long haul. So that's a motivating factor to me. It is truly the personnel department for that Constitution.

I hope we can impart some of that feeling that I was encouraged to feel in high school by a particularly good teacher I had. He made civics come alive and it was something I always aspired to all my life. I had no idea I'd ever be able to run for public office, but I did. I think most of our young people get their attitudes formed in high school -- probably before they even get to the university or college-level. So one of our activities at the Institute is to have an outreach program to encourage that kind of thing in our high schools across Ohio and, hopefully, beyond.

Second part -- public policy. It used to irritate me when I was in the Senate -- and I used to talk about this some when I came back here. For some blooming reason, which I never figured out, if we wanted to get some expert opinion or a study made, you always had to go to the Hoover Institution at Stanford or the Kennedy School at Harvard. Here we sat in the Midwest, from Western Pennsylvania to Iowa, with the greatest collection of colleges and universities anywhere in the whole world. Yet, we have to go someplace else for expertise. I always thought that we ought to be forming some center of excellence of some kind, and we could conduct our own studies. Let's have the Midwest represented in this, this panoply of things that are there to be studied, and where we're going in the future.

So that was an interest, too. That we would have a place where we could study public policy with all the diversity that's at Ohio State. I think Herb Asher used to say that his analysis of this was that this is the most diverse university in the United States. We have more different things going on here than on any other campus in the country. So we're particularly well-qualified with the diversity and the expertise that Brit talked about earlier -- Nobel Prize winners and students and faculty being elected to national organizations, and so on. Why can't we

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Senator Glenn: (contd)

have a center of excellence here that will rival, or someday surpass these others of note? I don't have any quarrel with these others. I think they do great work, but I think we can be adding to that, also, right here.

So that's what we're all about. We have several things going on. Brit joined me as a member of a group looking into math and science education for the 21<sup>st</sup> century. That is very critical right now, we're lagging behind other nations around the world. Secretary of Education Riley asked us to be on this commission, which I chaired, and we met numerous times for a little over a year, and made our report last October. We have proposed academic centers -- not brick and mortar, but academic centers -- that would head up the organization of doing something about this for a six or seven state area. We're hoping that one of those centers can be here at Ohio State.

If we can, we also want to identify some of the big trends of the future that are going to really affect how we all live and how the world moves into the future. There are some terrific things that we can identify and maybe do some studies on as part of this center of excellence that we hope the Institute develops into.

The world is aging -- Annie and are particularly interested in that area -- it's a fact. We have 34 million Americans over the age of 65 right now, and that's due to increase to 100 million in the next 50 years, if the demographic predictions are correct. And the world is following along. That's going to change things. What happens to Social Security and work patterns? What happens to medicine and retailing? What happens to the entrepreneurs that want to try and address that aging population?

Another completely different area that I have had a long interest in -- and worked on when I was in the Senate -- is the use of different new energy sources. We went from muscle power to horsepower, etc., on up, and at each step progress has gone forward in making things and improving the standard of living for people all over the world. Health has come right along with that.

New energy sources -- we're already running into problems with that. Look at California and the problems they're having, and I'm sure some things will be spreading East. Can we make better use of energy? Do we have better energy storage? If I could have one wish before nightfall, it would be how do we better store electrical energy? On a 24-hour average, our electric power plants only run at about 50 percent capacity. Can't we run them higher and store that energy some way? There are projects and proposals to do some of that.

Those are some of the examples of the things that we would like discuss and have some expertise in trying to address for the future. Things that are going to form not only our state and nation, but our world in the future. So if we can identify some of those areas, then perhaps we can really make our mark. One day I hope we'll be right along side the Hoover Institution, the Kennedy School, and the rest of them, as centers of excellence contributing to the benefit of this country and the benefit of the world. That I see as the overall objective. I hope we can instill the spirit of public service and erase some of this apathy and cynicism, and provide a center where we can also address some of these things for the future.

**PRESENTATION ON THE JOHN GLENN INSTITUTE (contd)**

Senator Glenn: (contd)

So we're glad to be here. We have our foot in the door and are starting with these things. Debbie has done a terrific job on this and is working very hard every day on it, and Mary Jane is representing me when I am not here. I would add, that we are spending more time in Columbus now and getting our schedule a little better under control. I hope to be spending much more time here in the future. We bought a new place at Miranova, so that indicates our intent.

Thank you very much for this opportunity to talk briefly about our hopes and dreams. We want to work with you in making these things come to fruition. Thank you.

Mr. Skestos:

Do any of the members of the Board have any questions of Senator Glenn?

Professor Merritt:

Chairman Skestos, we're going to conclude with just a very brief news clip. The Institute is getting increasing publicity and we want to show you the most recent of those that aired on a Toledo station last week. It features both our international hero, John Glenn, and the Institute.

[Video Presentation]

Professor Merritt:

Thank you very much.

Mr. Skestos:

Yes, Senator?

Senator Glenn:

I don't know whether you know it or not, but we are now located on the fourth floor of Stillman Hall. We have some new quarters there that will be temporary for about two or three years while they remodel Page Hall, which will be the permanent residence. If you haven't seen our new quarters, stop by Stillman Hall, we would love to show you around. Thank you very much.

Mr. Skestos:

Thank you again.

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**EXECUTIVE SESSION**

Mr. Skestos:

At this time, I will entertain a motion to go into Executive Session to consider a Personnel Action that is confidential under the *Medical Staff Bylaws* of the University Hospitals.

Upon motion of Mr. Brennan, seconded by Judge Duncan, the Board of Trustees recessed into Executive Session by unanimous roll call vote, cast by Messrs. Skestos, Brennan, Patterson, Sofia, McFerson, and Judge Duncan, and Ms. Hendricks.

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Mr. Skestos:

The meeting of the Board of Trustees will now reconvene. The Board recommends that the Personnel Actions resolution before the Board today be amended to include the confidential action discussed in Executive Session.

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Mr. Skestos:

Before we go to the consent agenda, Judge Duncan would like to speak on the amendments to the *Code of Student Conduct*.

Judge Duncan:

Thank you. Mr. Chairman, Mr. President, and members of the Board, this morning the Student Affairs Committee reviewed the proposed amendments to the *Code of Student Conduct*. On behalf of the Committee, I'd like to thank all those who worked long and hard in order to produce the proposed amendments that we've reviewed today. We're really grateful for this. This represents an extraordinary effort.

Attention was called to the fact that there was a need for clarification of the hearing procedures relevant to rule 3335-23-21. After discussion this morning, I think that we have produced a solution to accommodate hearing procedures, which would be in accordance with due process. What I'd like to do is reduce the discussion to writing and present it for the record to the Board.

In sum, the Student Affairs Committee unanimously recommended that this Board approve the proposed amendments. Thank you.

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**CONSENT AGENDA**

President William E. Kirwan:

We have 12 resolutions on the Consent Agenda today and unless there are any objections, I would like to recommend these for the Board's approval:

**CANCER HOSPITAL BOARD APPOINTMENT**

Resolution No. 2001-97

Synopsis: Approval of appointment to The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute Board is proposed.

WHEREAS the Board of Trustees on September 1, 1993, approved the establishment of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute Board; and

WHEREAS the membership of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute Board was approved on November 5, 1993, and subsequently amended; and

WHEREAS the following named individual has been selected for immediate appointment to the The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute Board:

C. Bradley Moore, Ph.D., Vice President for Research

NOW THEREFORE

BE IT RESOLVED, That the foregoing nominee be confirmed and approved, effective immediately, as a senior University administrator member of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute Board for a term ending April 30, 2002.

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**RENAMING OF FACILITY**

Resolution No. 2001-98

Synopsis: Approval of the administrative renaming of the building located at 1849 Cannon Drive is proposed.

WHEREAS the use of the Drake Union has changed over the past few years from a student facility to more of a theater, performance and event center for the entire campus community; and

WHEREAS the Office of Housing, Food Service and Event Centers took on the responsibility for operating Drake Union; and

WHEREAS the Office of Housing, Food Service and Event Centers has requested the name of Drake Union be changed; and

WHEREAS the request has been approved by the President's Planning Cabinet:

NOW THEREFORE

BE IT RESOLVED, That in accordance with paragraph (F) of rule 3335-1-08 of the Administrative Code, the facility located at 1849 Cannon Drive shall be renamed "The Drake Performance and Event Center," effective immediately.

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**AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY**

Resolution No. 2001-99

Synopsis: Approval of the following amendments to the Rules of the University Faculty are recommended.

**AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)**

WHEREAS the University Senate pursuant to rule 3335-1-09 of the Administrative Code is authorized to recommend through the President to the Board of Trustees the adoption of amendments to the Rules of the University Faculty as approved by the University Senate; and

WHEREAS the proposed changes in the Rules of the University Faculty were approved by the University Senate at its February 10, 2001 meeting as follows:

Rescinded Rule

~~3335-9-084 Withdrawal for medical reasons.~~

- ~~(A) Students with certain physical, psychological, or emotional health conditions may be subject to the sanctions provided in rules 3335-29-02 to 3335-29-08 of the Administrative Code. Appropriate sanctions may be imposed when there is clear and convincing evidence that:~~
- ~~(1) The student's current state of physical health poses a substantial danger to the health or well-being of other members of the university community; or~~
  - ~~(2) The student is suffering from a mental disorder and as a result of that disorder engages or threatens to engage in behavior which:~~
    - ~~(a) Poses a substantial danger or risk of causing harm to the student or to others;~~
    - ~~(b) Poses a substantial danger or risk to university property, or to the property of another member of the university community; or~~
    - ~~(c) Results in conduct which substantially impedes or disrupts the authorized activities of other members of the university community as defined in rule 3335-11-02 of the Administrative Code.~~
- ~~(B) When the health of a student is alleged to be as defined in paragraph (A) above, the vice president for student and urban/community affairs, or designee, shall consult with the student about the student's health status. If the vice president for student and urban/community affairs decides it is necessary, the student may be required to submit to examination(s) deemed sufficient by the university health service to evaluate such condition. The office of the vice president for student and urban/community affairs will then review the case, including any medical evidence or opinion available, and determine appropriate university action. If the student fails to submit to an examination, or fails to furnish relevant health condition information, or if the review by the vice president for student and urban/community affairs discloses the existence of an immediate danger to the university community as set out in paragraph (A) above, the student may be subject to any sanction provided in rules 3335-29-02 to 3335-29-08 of the Administrative Code; immediate involuntary withdrawal from the university with an order to leave the campus; or conditions appropriate to protect the university community may be placed upon continued enrollment. In arriving at appropriate action, the vice president for student and urban/community affairs will take into account reasonable action on the part of the university to accommodate the student's condition. Involuntary withdrawal will be used as a last resort.~~

**AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)**

- (C) ~~If a student has been withdrawn, or otherwise experienced modification of enrollment status by reason of health conditions enumerated in paragraph (A) above, the student may petition for revision of that status through the office of the vice president for student and urban/community affairs.~~
- ~~(1) Such request must be accompanied by supporting documentation that the conditions for revision of enrollment status have been fulfilled, and/or that the health condition has changed sufficiently to make such revision appropriate. Upon receipt of such request, the vice president will evaluate the evidence, or convene the case consultation committee (composed of representatives of counseling and consultation service, university health service, the student's academic unit, and other academic/administrative units as appropriate) for that purpose, and decide to:~~
- ~~(a) Revise the status, without condition;~~
  - ~~(b) Revise the status, with specified conditions of continuation, such as medical treatment or disciplinary action; or~~
  - ~~(c) Not revise the status.~~
- ~~(2) The student must in addition meet all normal and appropriate standards for admission or enrollment set by the academic unit in which the student seeks to enroll. (B/T 6/11/86, B/T 7/12/91, B/T 4/3/98)~~

NOW THEREFORE

BE IT RESOLVED, That the foregoing amendments to the Rules of the University Faculty be adopted as recommended by the University Senate.

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**AMENDMENTS TO THE CODE OF STUDENT CONDUCT**

Resolution No. 2001-100

Synopsis: Approval of the following amendments to the Code of Student Conduct are recommended.

WHEREAS the University Senate pursuant to rule 3335-1-09 of the Administrative Code is authorized to recommend through the President to the Board of Trustees the adoption of amendments to the Code of Student Conduct as approved by the University Senate; and

WHEREAS the Council on Student Affairs has reviewed in depth and approved said revision to the Code of Student Conduct on November 9, 2000; and

WHEREAS the proposed changes in the Code of Student Conduct were approved by the University Senate at its February 10, 2001 meeting as follows:

Amended Rules

3335-23-01 Introduction AND PURPOSE.

The code ~~exists~~ OF STUDENT CONDUCT IS ESTABLISHED to foster and ~~enhance~~ PROTECT the ~~academic CORE mission~~ MISSIONS of the university, TO FOSTER THE SCHOLARLY AND CIVIC DEVELOPMENT OF THE UNIVERSITY'S STUDENTS IN A SAFE AND SECURE LEARNING

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

ENVIRONMENT, AND TO PROTECT THE PEOPLE, PROPERTIES AND PROCESSES THAT SUPPORT THE UNIVERSITY AND ITS MISSIONS. THE CORE MISSIONS OF THE UNIVERSITY ARE RESEARCH, TEACHING AND LEARNING, AND SERVICE. PRESERVATION OF ACADEMIC FREEDOM AND FREE AND OPEN EXCHANGE OF IDEAS AND OPINIONS FOR ALL MEMBERS OF THE UNIVERSITY ARE CENTRAL TO THESE MISSIONS. ~~The code protects the students, staff and faculty of the university and their rights. In addition, the code protects the property of the university, and all property of faculty, staff and students, on university premises. The term "university premises" means all lands, buildings, and facilities owned, leased or operated by the university. The term "student" is defined for purposes of this code as an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction, and lasts until that individual graduates, formally withdraws, or is expelled. The code applies to the conduct of all students and registered student organizations (hereinafter "student"); while on university premises; while on professional practice assignment; on assignment which is associated with academic course requirements, such as internships or student teaching; or, while involved with a university related activity, or a registered student organization activity.~~

~~All persons are encouraged to report code violations to a university official as soon as possible. A charge of a code violation must be filed with the university within six months of the identification of the person allegedly committing the violation. The university shall notify the student of the alleged violation within one week of the filing of charges.~~

~~As members of the Ohio state university community, students also are subject to city, county, state, and federal law. Therefore, legal action in addition to university disciplinary action may occur.~~

3335-23-02 JURISDICTION.

THE CODE APPLIES TO THE ON-CAMPUS CONDUCT OF ALL STUDENTS AND REGISTERED STUDENT ORGANIZATIONS. THE CODE ALSO APPLIES TO THE OFF-CAMPUS CONDUCT OF STUDENTS AND REGISTERED STUDENT ORGANIZATIONS IN DIRECT CONNECTION WITH:

- (A) A PROFESSIONAL PRACTICE ASSIGNMENT;
- (B) ACADEMIC COURSE REQUIREMENTS, SUCH AS INTERNSHIPS, FIELD TRIPS, OR STUDENT TEACHING;
- (C) ANY ACTIVITY SUPPORTING PURSUIT OF A DEGREE, SUCH AS RESEARCH AT ANOTHER INSTITUTION;
- (D) ANY ACTIVITY SPONSORED, CONDUCTED, OR AUTHORIZED BY THE UNIVERSITY OR BY REGISTERED STUDENT ORGANIZATIONS;
- (E) ANY ACTIVITY THAT CAUSES SUBSTANTIAL DESTRUCTION OF PROPERTY BELONGING TO THE UNIVERSITY OR MEMBERS OF THE UNIVERSITY COMMUNITY OR CAUSES SERIOUS HARM TO THE HEALTH OR SAFETY OF MEMBERS OF THE UNIVERSITY COMMUNITY; OR
- (F) ANY ACTIVITY IN WHICH A POLICE REPORT HAS BEEN FILED, A SUMMONS OR INDICTMENT HAS BEEN ISSUED, OR AN ARREST HAS OCCURRED FOR A CRIME OF VIOLENCE.

THE CODE GOVERNS ALL CAMPUSES OF THE UNIVERSITY, HOWEVER, STUDENTS ATTENDING AT REGIONAL CAMPUSES AND THE AGRICULTURAL TECHNICAL INSTITUTE ARE ADVISED TO CONSULT THEIR LOCAL CAMPUS PUBLICATIONS FOR ADDITIONAL INFORMATION OR RULES

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

PERTAINING TO THOSE CAMPUSES, WHICH MAY CREATE HEARING BOARDS OR PROCESSES FOR THE CAMPUS, CONSISTENT WITH THESE RULES.

STUDENTS CONTINUE TO BE SUBJECT TO CITY, STATE, AND FEDERAL LAWS WHILE AT THE UNIVERSITY, AND VIOLATIONS OF THOSE LAWS MAY ALSO CONSTITUTE VIOLATIONS OF THE CODE. IN SUCH INSTANCES, THE UNIVERSITY MAY PROCEED WITH UNIVERSITY DISCIPLINARY ACTION UNDER THE CODE INDEPENDENTLY OF ANY CRIMINAL PROCEEDING INVOLVING THE SAME CONDUCT AND MAY IMPOSE SANCTIONS FOR VIOLATION OF THE CODE EVEN IF SUCH CRIMINAL PROCEEDING IS NOT YET RESOLVED OR IS RESOLVED IN THE STUDENT'S FAVOR.

3335-23-03 DEFINITIONS.

AS USED IN THE CODE, THE TERM "UNIVERSITY PREMISES" MEANS ALL LANDS, BUILDINGS, AND FACILITIES OWNED, LEASED, OR OPERATED BY THE UNIVERSITY. THE TERM "STUDENT" MEANS AN INDIVIDUAL WHO HAS PAID AN ACCEPTANCE FEE, REGISTERED FOR CLASSES, OR OTHERWISE ENTERED INTO ANY OTHER CONTRACTUAL RELATIONSHIP WITH THE UNIVERSITY TO TAKE INSTRUCTION. STUDENT STATUS LASTS UNTIL AN INDIVIDUAL GRADUATES, IS DISMISSED, OR IS NOT IN ATTENDANCE FOR TWO COMPLETE, CONSECUTIVE QUARTERS. THE TERM "STUDENT" ALSO INCLUDES REGISTERED STUDENT ORGANIZATIONS. THE TERM "MEMBERS OF THE UNIVERSITY COMMUNITY" INCLUDES, BUT IS NOT LIMITED TO, STUDENTS, FACULTY, STAFF, AND VISITORS TO THE CAMPUS. THE TERM "COMPLAINT" MEANS A WRITTEN STATEMENT, ON APPROPRIATE UNIVERSITY-PRESCRIBED FORMS, ALLEGING A VIOLATION OF THE CODE OF STUDENT CONDUCT OR OTHER PUBLISHED RULE APPLICABLE TO STUDENTS AT THE UNIVERSITY. INFORMATION SUBMITTED BY OTHER MEANS WILL BE REVIEWED AND MAY, AT THE UNIVERSITY'S DISCRETION, BE ACTED UPON BUT WILL NOT BE TREATED AS A FORMAL COMPLAINT. THE TERM "CRIME OF VIOLENCE" MEANS THE FOLLOWING OFFENSES AS STATED IN DIVISION (A)(9) OF SECTION 2921.01 OF THE REVISED CODE IN EFFECT ON THE DATE THIS RULE IS ADOPTED: AGGRAVATED MURDER; MURDER; VOLUNTARY MANSLAUGHTER; INVOLUNTARY MANSLAUGHTER; FELONIOUS ASSAULT; AGGRAVATED ASSAULT; ASSAULT; AGGRAVATED MENACING; MENACING BY STALKING; KIDNAPPING; ABDUCTION; EXTORTION; RAPE; SEXUAL BATTERY; GROSS SEXUAL IMPOSITION; AGGRAVATED ARSON; ARSON; AGGRAVATED ROBBERY; ROBBERY; AGGRAVATED BURGLARY; INCITING TO VIOLENCE; AGGRAVATED RIOT; INDUCING PANIC; DOMESTIC VIOLENCE; INTIMIDATION; INTIMIDATION OF AN ATTORNEY, VICTIM, OR WITNESS IN A CRIMINAL CASE; ESCAPE; IMPROPERLY DISCHARGING A FIREARM AT OR INTO A HABITATION OR SCHOOL; BURGLARY; FELONIOUS SEXUAL PENETRATION; OR CONSPIRACY OR ATTEMPT TO COMMIT OR COMPLICITY IN COMMITTING ANY OF THE FOREGOING OFFENSES. CRIME OF VIOLENCE ALSO MEANS OFFENSES UNDER THE LAWS OF ANOTHER JURISDICTION THAT ARE SUBSTANTIALLY EQUIVALENT TO THE OFFENSES LISTED IN THIS DIVISION.

3335-23-04 PROHIBITED CONDUCT.

ANY STUDENT FOUND TO HAVE ENGAGED IN THE FOLLOWING CONDUCT WHILE WITHIN THE UNIVERSITY'S JURISDICTION, AS SET FORTH IN RULE 3335-23-02 OF THE ADMINISTRATIVE CODE, WILL BE SUBJECT TO DISCIPLINARY ACTION BY THE UNIVERSITY.

(A) ACADEMIC MISCONDUCT.

ANY ACTIVITY THAT TENDS TO COMPROMISE THE ACADEMIC INTEGRITY OF THE UNIVERSITY, OR SUBVERT THE EDUCATIONAL PROCESS. EXAMPLES OF ACADEMIC MISCONDUCT INCLUDE, BUT ARE NOT LIMITED TO:

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

- (1) VIOLATION OF COURSE RULES AS CONTAINED IN THE COURSE SYLLABUS OR OTHER INFORMATION PROVIDED TO THE STUDENT; VIOLATION OF PROGRAM REGULATIONS AS ESTABLISHED BY DEPARTMENTAL COMMITTEES AND MADE AVAILABLE TO STUDENTS;
  - (2) KNOWINGLY PROVIDING OR RECEIVING INFORMATION DURING EXAMINATIONS SUCH AS COURSE EXAMINATIONS AND CANDIDACY EXAMINATIONS; OR THE POSSESSION AND/OR USE OF UNAUTHORIZED MATERIALS DURING THOSE EXAMINATIONS;
  - (3) KNOWINGLY PROVIDING OR USING ASSISTANCE IN THE LABORATORY, ON FIELD WORK, OR ON A COURSE ASSIGNMENT UNLESS SUCH ASSISTANCE HAS SPECIFICALLY BEEN AUTHORIZED;
  - (4) SUBMITTING PLAGIARIZED WORK FOR AN ACADEMIC REQUIREMENT. PLAGIARISM IS THE REPRESENTATION OF ANOTHER'S WORK OR IDEAS AS ONE'S OWN; IT INCLUDES THE UNACKNOWLEDGED WORD-FOR-WORD USE AND/OR PARAPHRASING OF ANOTHER PERSON'S WORK, AND/OR THE INAPPROPRIATE UNACKNOWLEDGED USE OF ANOTHER PERSON'S IDEAS;
  - (5) SUBMITTING SUBSTANTIALLY THE SAME WORK TO SATISFY REQUIREMENTS FOR ONE COURSE THAT HAS BEEN SUBMITTED IN SATISFACTION OF REQUIREMENTS FOR ANOTHER COURSE, WITHOUT PERMISSION OF THE INSTRUCTOR OF THE COURSE FOR WHICH THE WORK IS BEING SUBMITTED;
  - (6) FALSIFICATION, FABRICATION, OR DISHONESTY IN REPORTING LABORATORY AND/OR RESEARCH RESULTS;
  - (7) SERVING AS, OR ENLISTING THE ASSISTANCE OF A SUBSTITUTE FOR A STUDENT IN THE TAKING OF EXAMINATIONS;
  - (8) ALTERATION OF GRADES OR MARKS BY THE STUDENT IN AN EFFORT TO CHANGE THE EARNED GRADE OR CREDIT;
  - (9) ALTERATION OF ACADEMICALLY-RELATED UNIVERSITY FORMS OR RECORDS, OR UNAUTHORIZED USE OF THOSE FORMS; AND
  - (10) ENGAGING IN ACTIVITIES THAT UNFAIRLY PLACE OTHER STUDENTS AT A DISADVANTAGE, SUCH AS TAKING, HIDING OR ALTERING RESOURCE MATERIAL, OR MANIPULATING A GRADING SYSTEM.
- (B) ENDANGERING HEALTH OR SAFETY.
- TAKING OR THREATENING ACTION THAT THREATENS OR ENDANGERS THE SAFETY, PHYSICAL OR MENTAL HEALTH, OR LIFE OF ANY PERSON, WHETHER INTENTIONALLY OR AS A RESULT OF RECKLESSNESS OR GROSS NEGLIGENCE.
- (C) SEXUAL MISCONDUCT.
- PHYSICAL CONTACT OR OTHER NON-PHYSICAL CONDUCT OF A SEXUAL NATURE IN THE ABSENCE OF CLEAR, KNOWING AND VOLUNTARY CONSENT. FOR THE PURPOSES OF THIS RULE, CONSENT SHALL BE DEFINED AS THE ACT OF KNOWINGLY AND VOLUNTARILY AGREEING VERBALLY OR NON-VERBALLY TO ENGAGE IN SEXUAL ACTIVITY. AN INDIVIDUAL CANNOT CONSENT WHO IS OBVIOUSLY INCAPACITATED BY

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

ANY DRUG OR INTOXICANT; OR WHO HAS BEEN PURPOSELY COMPELLED BY FORCE, THREAT OF FORCE, OR DECEPTION; OR WHO IS UNAWARE THAT THE ACT IS BEING COMMITTED; OR WHOSE ABILITY TO CONSENT OR RESIST IS OBVIOUSLY IMPAIRED BECAUSE OF A MENTAL OR PHYSICAL CONDITION; OR WHO IS COERCED BY SUPERVISORY OR DISCIPLINARY AUTHORITY.

(D) DESTRUCTION OF PROPERTY.

ACTUAL OR THREATENED DAMAGE TO OR DESTRUCTION OF UNIVERSITY PROPERTY OR PROPERTY OF OTHERS, WHETHER DONE INTENTIONALLY OR WITH RECKLESS DISREGARD.

(E) DANGEROUS WEAPONS OR DEVICES.

USE, STORAGE, OR POSSESSION OF DANGEROUS WEAPONS OR DEVICES INCLUDING, BUT NOT LIMITED TO, FIREARMS AND FIREWORKS UNLESS AUTHORIZED BY AN APPROPRIATE UNIVERSITY OFFICIAL OR PERMITTED BY A UNIVERSITY POLICY.

(F) DISHONEST CONDUCT.

DISHONEST CONDUCT, INCLUDING, BUT NOT LIMITED TO, KNOWINGLY REPORTING A FALSE EMERGENCY; KNOWINGLY MAKING FALSE ACCUSATION OF MISCONDUCT; MISUSE OR FALSIFICATION OF UNIVERSITY DOCUMENTS BY ACTIONS SUCH AS FORGERY, ALTERATION, OR IMPROPER TRANSFER; SUBMISSION TO A UNIVERSITY OFFICIAL OF INFORMATION KNOWN BY THE SUBMITTOR TO BE FALSE.

(G) THEFT/UNAUTHORIZED USE OF PROPERTY.

THEFT OR ATTEMPTED THEFT, OR THE UNAUTHORIZED USE OR POSSESSION OF UNIVERSITY PROPERTY OR SERVICES, OR THE PROPERTY OF OTHERS.

(H) FAILURE TO COMPLY WITH UNIVERSITY AUTHORITY.

FAILURE TO COMPLY WITH LEGITIMATE DIRECTIVES OF AUTHORIZED UNIVERSITY OFFICIALS, IDENTIFIED AS SUCH, IN THE PERFORMANCE OF THEIR DUTIES, INCLUDING FAILURE TO IDENTIFY ONESELF WHEN SO REQUESTED; OR VIOLATION OF THE TERMS OF A DISCIPLINARY SANCTION.

(I) DRUGS.

USE, PRODUCTION, DISTRIBUTION, SALE, OR POSSESSION OF DRUGS IN A MANNER PROHIBITED UNDER LAW.

(J) ALCOHOL.

USE, PRODUCTION, DISTRIBUTION, SALE, OR POSSESSION OF ALCOHOL IN A MANNER PROHIBITED UNDER LAW OR APPLICABLE UNIVERSITY POLICY.

(K) UNAUTHORIZED PRESENCE.

UNAUTHORIZED ENTRANCE TO OR PRESENCE IN OR ON UNIVERSITY PREMISES.

(L) DISORDERLY OR DISRUPTIVE CONDUCT.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

DISORDERLY OR DISRUPTIVE CONDUCT THAT UNREASONABLY INTERFERES WITH UNIVERSITY ACTIVITIES OR WITH THE LEGITIMATE ACTIVITIES OF ANY MEMBER OF THE UNIVERSITY COMMUNITY.

(M) HAZING.

DOING, REQUIRING OR ENCOURAGING ANY ACT, WHETHER OR NOT THE ACT IS VOLUNTARILY AGREED UPON, IN CONJUNCTION WITH INITIATION OR CONTINUED MEMBERSHIP OR PARTICIPATION IN ANY GROUP, THAT CAUSES OR CREATES A SUBSTANTIAL RISK OF CAUSING MENTAL OR PHYSICAL HARM OR HUMILIATION. SUCH ACTS MAY INCLUDE, BUT ARE NOT LIMITED TO, USE OF ALCOHOL, CREATION OF EXCESSIVE FATIGUE, AND PADDLING, PUNCHING OR KICKING IN ANY FORM.

(N) JUDICIAL SYSTEM ABUSE.

ABUSE OF ANY UNIVERSITY JUDICIAL SYSTEM, INCLUDING BUT NOT LIMITED TO:

(1) FAILURE TO OBEY THE SUMMONS OF A JUDICIAL BODY OR UNIVERSITY OFFICIAL;

(2) FALSIFICATION, DISTORTION, OR MISREPRESENTATION OF INFORMATION BEFORE A JUDICIAL BODY;

(3) DISRUPTION OR INTERFERENCE WITH THE ORDERLY CONDUCT OF A JUDICIAL PROCEEDING;

(4) INSTITUTION OF A JUDICIAL PROCEEDING KNOWINGLY WITHOUT CAUSE;

(5) ATTEMPTING TO DISCOURAGE AN INDIVIDUAL'S PROPER PARTICIPATION IN, OR USE OF, A UNIVERSITY JUDICIAL SYSTEM;

(6) ATTEMPTING TO INFLUENCE THE IMPARTIALITY OF A MEMBER OF A JUDICIAL BODY PRIOR TO, AND/OR DURING THE COURSE OF A JUDICIAL PROCEEDING;

(7) HARASSMENT (VERBAL OR PHYSICAL) AND/OR INTIMIDATION OF A MEMBER OF A JUDICIAL BODY PRIOR TO, DURING, AND/OR AFTER A JUDICIAL PROCEEDING;

(8) FAILURE TO COMPLY WITH ONE OR MORE SANCTIONS IMPOSED UNDER THE CODE OF STUDENT CONDUCT; AND

(9) INFLUENCING OR ATTEMPTING TO INFLUENCE ANOTHER PERSON TO COMMIT AN ABUSE OF A UNIVERSITY JUDICIAL SYSTEM.

(O) VIOLATION OF UNIVERSITY RULES.

VIOLATION OF OTHER PUBLISHED UNIVERSITY REGULATIONS, POLICIES, OR RULES, OR VIOLATIONS OF FEDERAL, STATE, OR LOCAL LAW. THESE UNIVERSITY REGULATIONS, POLICIES, OR RULES INCLUDE, BUT ARE NOT LIMITED TO, THOSE WHICH PROHIBIT THE MISUSE OF COMPUTING RESOURCES, SEXUAL HARASSMENT, RULES FOR STUDENT GROUPS OR ORGANIZATIONS, AND RESIDENCE HALL RULES AND REGULATIONS.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

JUDICIAL PROCEDURES

3335-23-05 INITIATION AND INVESTIGATION OF CODE VIOLATIONS.

(A) INITIATION.

PERSON(S) WITNESSING OR EXPERIENCING WHAT THEY BELIEVE TO BE A POSSIBLE CODE VIOLATION SHOULD PROVIDE AN AUTHORIZED UNIVERSITY OFFICIAL WITH THE INFORMATION. INFORMATION AND/OR COMPLAINTS ABOUT POSSIBLE CODE VIOLATIONS OCCURRING IN RESIDENCE HALLS SHOULD BE PROVIDED TO THE RESIDENCE HALL DIRECTOR. INFORMATION AND/OR COMPLAINTS ABOUT POSSIBLE NON-RESIDENCE HALL RELATED CODE VIOLATIONS SHOULD BE PROVIDED TO THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS. INFORMATION AND/OR COMPLAINTS REGARDING ACADEMIC MISCONDUCT SHOULD BE REFERRED TO THE COORDINATOR OF THE COMMITTEE ON ACADEMIC MISCONDUCT. IN CASES WHERE THE ALLEGED ACTIVITY MAY INVOLVE A VIOLATION OF CRIMINAL LAW IN ADDITION TO A VIOLATION OF THE CODE, INFORMATION AND/OR COMPLAINTS SHOULD BE PROVIDED TO THE OHIO STATE UNIVERSITY POLICE OR OTHER APPROPRIATE LAW ENFORCEMENT AGENCY. THE UNIVERSITY WILL REVIEW ALL INFORMATION AND/OR COMPLAINTS RECEIVED AND MAY CONDUCT A PRELIMINARY INVESTIGATION OF THE ALLEGED VIOLATION.

(B) INVESTIGATION.

THE OHIO STATE UNIVERSITY POLICE OR OTHER APPROPRIATE LAW ENFORCEMENT AGENCY SHALL HAVE PRIMARY RESPONSIBILITY FOR THE INVESTIGATION OF ACTS THAT INVOLVE SUSPECTED VIOLATION OF FEDERAL, STATE, LOCAL LAWS OR APPLICABLE UNIVERSITY POLICIES. RESIDENCE HALL DIRECTORS, ASSISTANT HALL DIRECTORS, THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS AND OTHER DESIGNATED UNIVERSITY PERSONNEL ARE AUTHORIZED TO INVESTIGATE ALLEGED VIOLATIONS OTHER THAN THOSE INVOLVING ACADEMIC MISCONDUCT. THE COORDINATOR OF THE COMMITTEE ON ACADEMIC MISCONDUCT IS AUTHORIZED TO INVESTIGATE ALLEGATIONS INVOLVING ACADEMIC MISCONDUCT. DURING THE INVESTIGATION, THE STUDENT ALLEGEDLY INVOLVED IN MISCONDUCT MAY BE SENT A LETTER DESCRIBING THE ALLEGED VIOLATION, REQUESTING THE STUDENT TO MAKE AN APPOINTMENT TO DISCUSS THE MATTER, AND SPECIFYING A DATE BY WHICH THE APPOINTMENT MUST BE MADE. ANY PERSON BELIEVED TO HAVE INFORMATION RELEVANT TO AN INVESTIGATION MAY ALSO BE CONTACTED AND REQUESTED TO MAKE AN APPOINTMENT TO DISCUSS THE MATTER. FAILURE TO COMPLY WITH SUCH A REQUEST TO MAKE AND KEEP SUCH AN APPOINTMENT MAY RESULT IN A DISCIPLINARY HOLD BEING PLACED ON A STUDENT'S REGISTRATION AND RECORDS AND/OR THE INITIATION OF CHARGES FOR JUDICIAL SYSTEM ABUSE. UPON COMPLETION OF AN INVESTIGATION, THE INVESTIGATOR WILL DECIDE UPON AN APPROPRIATE COURSE OF ACTION, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, TAKING NO FURTHER ACTION, DEFERRING FURTHER ACTION WITH OR WITHOUT CONDITIONS, OR INITIATING CHARGES WITH THE APPROPRIATE UNIVERSITY JUDICIAL BODY.

3335-23-06 FILING OF COMPLAINT AND INITIATION OF CHARGES.

A WRITTEN COMPLAINT ALLEGING A VIOLATION OF THE CODE OF STUDENT CONDUCT MUST BE FILED WITH THE UNIVERSITY WITHIN SIX MONTHS OF THE IDENTIFICATION BY A UNIVERSITY OFFICIAL OF THE STUDENT ALLEGEDLY COMMITTING THE VIOLATION.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

ABSENT EXTRAORDINARY CIRCUMSTANCES, THE UNIVERSITY MUST INITIATE CHARGES, IF ANY, WITHIN ONE YEAR OF THE FILING OF THE COMPLAINT.

3335-23-07 NOTICE OF CHARGES.

STUDENTS SHALL BE NOTIFIED OF UNIVERSITY CHARGES IN WRITING, UNLESS A MORE EFFECTIVE FORM OF NOTIFICATION IS DEEMED APPROPRIATE. CHARGES MAY BE PRESENTED IN PERSON, BY PLACEMENT IN A STUDENT'S RESIDENCE HALL MAILBOX, OR BY MAIL TO THE ACCUSED STUDENT'S LOCAL OR PERMANENT ADDRESS ON FILE IN THE OFFICE OF THE UNIVERSITY REGISTRAR. ALL STUDENTS ARE REQUIRED TO MAINTAIN AN ACCURATE AND CURRENT LOCAL AND PERMANENT ADDRESS WITH THE UNIVERSITY REGISTRAR.

FOLLOWING NOTIFICATION OF CHARGES, STUDENTS ARE STRONGLY ENCOURAGED TO AND SHALL BE AFFORDED THE OPPORTUNITY TO MEET WITH A UNIVERSITY OFFICIAL FOR THE PURPOSE OF EXPLAINING THE UNIVERSITY JUDICIAL PROCESS AND DISCUSSION OF THE CHARGES. FAILURE OF THE ACCUSED STUDENT TO RESPOND TO THE INITIATION OF CHARGES OR SCHEDULE A PRELIMINARY MEETING SHALL IN NO WAY PREVENT THE UNIVERSITY FROM SCHEDULING AND CONDUCTING A HEARING IN THE ABSENCE OF THE ACCUSED STUDENT.

3335-23-08 ADMINISTRATIVE DECISION.

IN ALL CASES, A STUDENT CHARGED WITH ONE OR MORE VIOLATIONS OF THE STUDENT CODE HAS THE RIGHT TO A HEARING. HOWEVER, IN A CASE WHERE A CHARGED STUDENT ADMITS SUCH VIOLATIONS IN WRITING, THE STUDENT MAY REQUEST IN WRITING TO HAVE A DECISION AS TO APPROPRIATE ACTION MADE ADMINISTRATIVELY BY A HEARING OFFICER RATHER THAN HAVE THE CHARGES REFERRED TO A HEARING OFFICER, PANEL OR COMMISSION FOR A HEARING. IN SUCH SITUATIONS, THE STUDENT WAIVES THE RIGHT TO A HEARING AND THE RELATED PROCEDURAL GUARANTEES PROVIDED BY A HEARING OFFICER, PANEL OR COMMISSION HEARING. FOLLOWING AN ADMINISTRATIVE DECISION, THE STUDENT RETAINS THE RIGHT TO REQUEST AN APPEAL OF THE ORIGINAL DECISION, BUT MAY DO SO ONLY UPON THE GROUND THAT THE SANCTION IS GROSSLY DISPROPORTIONATE TO THE OFFENSE COMMITTED.

3335-23-09 NOTICE OF HEARING.

IF A HEARING IS TO BE HELD, WRITTEN NOTIFICATION WILL BE PROVIDED. THE NOTICE MAY BE HAND DELIVERED, PLACED INTO A STUDENT'S RESIDENCE HALL MAILBOX, OR MAILED TO THE LAST KNOWN ADDRESS OF THE STUDENT, EITHER BY CERTIFIED MAIL OR FIRST CLASS MAIL, NO FEWER THAN TEN CALENDAR DAYS PRIOR TO THE HEARING. UNLESS ALREADY PROVIDED TO THE STUDENT, THE NOTIFICATION WILL INCLUDE THE CHARGES, DATE, TIME, AND LOCATION OF THE HEARING, THE DESIGNATED HEARING OFFICER OR PANEL, A STATEMENT OF THE STUDENT'S RIGHTS, AND INFORMATION ON THE HEARING PROCEDURES. THE ACCUSED STUDENT MAY REQUEST A POSTPONEMENT FOR REASONABLE CAUSE OR A HEARING SEPARATE FROM OTHER ACCUSED PERSONS. A REQUEST FOR A POSTPONEMENT FOR REASONABLE CAUSE MUST BE MADE IN WRITING, INCLUDE SUPPORTING RATIONALE AND BE RECEIVED BY THE PERSON SENDING THE HEARING NOTIFICATION AT LEAST TWO BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

3335-23-10 HEARING PROCEDURES.

ALTHOUGH THE PROCEDURAL REQUIREMENTS ARE NOT AS FORMAL AS THOSE EXISTING IN CRIMINAL OR CIVIL COURTS OF LAW, TO ENSURE FAIRNESS, THE FOLLOWING PROCEDURES WILL APPLY AND, UNLESS ALREADY PROVIDED TO THE STUDENT, BE INCLUDED WITHIN THE HEARING NOTICE:

- (A) ATTENDANCE AT HEARINGS IS LIMITED TO THOSE DIRECTLY INVOLVED OR THOSE REQUESTED BY THE HEARING OFFICER OR PANEL TO ATTEND. THE HEARING OFFICER OR PANEL WILL TAKE REASONABLE MEASURES TO ASSURE AN ORDERLY HEARING, INCLUDING REMOVAL OF PERSONS WHO IMPEDE OR DISRUPT PROCEEDINGS.
- (B) THE ACCUSED STUDENT MAY HAVE AN ADVISOR THROUGHOUT THE HEARING. THE ADVISOR MAY ONLY COUNSEL THE STUDENT AND MAY NOT ACTIVELY PARTICIPATE IN THE HEARING, UNLESS CLARIFICATION IS NEEDED AS DETERMINED BY THE HEARING OFFICER OR PANEL.
- (C) THE ACCUSED MAY SUBMIT A WRITTEN STATEMENT, MAY INVITE RELEVANT WITNESSES TO ATTEND, MAY ASK QUESTIONS OF WITNESSES CALLED BY OTHERS, AND WILL BE NOTIFIED OF POTENTIAL WITNESSES TO BE CALLED. THE UNIVERSITY MAY PRESENT WITNESSES AS WELL AS QUESTION THOSE PRESENTED BY THE ACCUSED.
- (D) WRITTEN STATEMENTS MAY BE USED IF, FOR GOOD REASON, A WITNESS CANNOT ATTEND THE HEARING. WRITTEN STATEMENTS MUST BE NOTARIZED, ABSENT OTHER CLEAR EVIDENCE OF AUTHENTICITY.
- (E) IN CASES REQUIRING SPECIAL EXPERTISE, THE PANEL COORDINATOR MAY APPOINT INDIVIDUALS WITH APPROPRIATE EXPERTISE TO SERVE AS CONSULTANTS TO THE PANEL. THE CONSULTANTS MAY BE PRESENT AND PROVIDE INFORMATION AS CALLED UPON DURING THE HEARING BUT WILL NOT VOTE.
- (F) STUDENTS ARE ENTITLED TO A PRESUMPTION OF INNOCENCE. THEREFORE, A STUDENT WILL NOT BE FOUND IN VIOLATION UNLESS:
  - (1) IN CASES OF ACADEMIC MISCONDUCT (PARAGRAPH (A) OF RULE 3335-23-04 OF THE ADMINISTRATIVE CODE) A PREPONDERANCE OF THE EVIDENCE SUPPORTS THE CHARGE(S).
  - (2) IN ALL OTHER CASES OF PROHIBITED BEHAVIOR (PARAGRAPHS (B) THROUGH (G) OF RULE 3335-23-04 OF THE ADMINISTRATIVE CODE) CLEAR AND CONVINCING EVIDENCE SUPPORTS THE CHARGE(S).

3335-23-11 ATTENDANCE.

BECAUSE THE MOST ACCURATE AND FAIR REVIEW OF THE FACTS CAN BEST BE ACCOMPLISHED WHEN ALL PARTIES ARE PRESENT, THE ACCUSED IS EXPECTED TO ATTEND AND PARTICIPATE. IF AN INDIVIDUAL DOES NOT CHOOSE TO ATTEND A HEARING, THE CHARGES WILL BE REVIEWED AS SCHEDULED ON THE BASIS OF THE INFORMATION AVAILABLE, AND A DECISION WILL BE MADE. ALTHOUGH NO INFERENCE MAY BE DRAWN AGAINST A STUDENT FOR FAILING TO ATTEND A HEARING OR REMAINING SILENT, THE HEARING WILL PROCEED AND THE CONCLUSION WILL BE BASED ON THE EVIDENCE PRESENTED. NO DECISION SHALL BE BASED SOLELY ON

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

THE FAILURE OF THE ACCUSED STUDENT TO ATTEND THE HEARING OR ANSWER THE CHARGES.

3335-23-12 RECORD OF PROCEEDINGS.

A SINGLE RECORD CONSISTING OF WRITTEN NOTES, TAPE RECORDING, OR OTHER METHOD SELECTED BY THE HEARING PANEL OR OFFICER, WILL BE MADE OF ALL HEARINGS. SUCH RECORD WILL REMAIN THE PROPERTY OF THE UNIVERSITY BUT WILL BE MADE AVAILABLE TO THE ACCUSED FOR REVIEW DURING THE APPEAL PERIOD. A WRITTEN NOTICE OF THE DECISION AND, IF FOUND IN VIOLATION, INFORMATION REGARDING APPEAL PROCEDURES WILL BE PROVIDED TO THE ACCUSED STUDENT.

3335-23-13 HEARING BODIES.

IN ADDITION TO THE COMMITTEE ON ACADEMIC MISCONDUCT, RESIDENCE HALL LIVING UNITS COMMISSIONS, AND THE UNIVERSITY JUDICIAL PANEL, THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS, HEARING OFFICERS WITHIN THE OFFICE OF STUDENT JUDICIAL AFFAIRS, THE COORDINATOR OF THE COMMITTEE ON ACADEMIC MISCONDUCT, AND RESIDENCE HALL PROFESSIONAL STAFF ARE TO BE CONSIDERED AS OFFICIAL UNIVERSITY HEARING OFFICERS, AND MAY HEAR CASES OF ALLEGED VIOLATIONS OF THE CODE AFFORDING ACCUSED STUDENTS THE SAME PROCEDURAL GUARANTEES AS PROVIDED IN HEARINGS BY A PANEL, COMMITTEE, OR COMMISSION.

3335-23-14 COMMITTEE ON ACADEMIC MISCONDUCT.

(A) THE COORDINATOR FOR THE COMMITTEE SHALL INVESTIGATE OR ESTABLISH PROCEDURES FOR INVESTIGATION OF ALL REPORTED CASES OF STUDENT ACADEMIC MISCONDUCT. HOWEVER, THE COMMITTEE DOES NOT HEAR CASES INVOLVING ACADEMIC MISCONDUCT IN PROFESSIONAL COLLEGES HAVING A PUBLISHED HONOR CODE. THESE COLLEGES SHALL FOLLOW THEIR OWN CODES AND PROCEDURES WHICH CAN BE OBTAINED IN THEIR RESPECTIVE CENTRAL OFFICES. THE COORDINATOR OR COMMITTEE MAY REFER COMPLAINTS TO THE OFFICE OF STUDENT JUDICIAL AFFAIRS IF IT IS DETERMINED THAT THE ACADEMIC MISCONDUCT ALLEGATION IS INCIDENTAL TO SOME OTHER MISCONDUCT.

(B) ALL COMPLAINTS OF ACADEMIC MISCONDUCT SHALL BE REPORTED TO THE COORDINATOR OF THE COMMITTEE. STUDENTS HAVE AN OBLIGATION TO REPORT SUSPECTED MISCONDUCT. THE COMMITTEE CONSISTS OF:

- (1) EIGHTEEN REGULAR FACULTY MEMBERS SELECTED BY THE FACULTY COUNCIL FOR THREE-YEAR TERMS; BEGINNING WITH THE AUTUMN QUARTER. THE SELECTION IS TO BE HELD ANNUALLY SO THAT SIX MEMBERS WILL RETIRE EACH YEAR. NO UNIVERSITY FACULTY MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS;
- (2) SEVEN GRADUATE STUDENT MEMBERS APPOINTED BY THE END OF THE SUMMER QUARTER BY THE PRESIDENT OF THE COUNCIL OF GRADUATE STUDENTS, WITH THE APPROVAL OF THE COUNCIL OF GRADUATE STUDENTS AND COMMITTEE COORDINATOR, FOR A ONE-YEAR TERM BEGINNING WITH THE AUTUMN QUARTER;
- (3) SEVEN UNDERGRADUATE STUDENT MEMBERS APPOINTED BY THE END OF THE SUMMER QUARTER BY THE VICE PRESIDENT OF THE UNDERGRADUATE

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

STUDENT GOVERNMENT<sub>1</sub> WITH THE APPROVAL OF THE UNDERGRADUATE STUDENT GOVERNMENT<sub>1</sub> THE UNDERGRADUATE STUDENT SENATE<sub>1</sub> AND COMMITTEE COORDINATOR<sub>1</sub> FOR A ONE-YEAR TERM BEGINNING WITH THE AUTUMN QUARTER;

- (4) A COORDINATOR<sub>1</sub> APPOINTED BY THE EXECUTIVE VICE PRESIDENT AND PROVOST<sub>1</sub> EX-OFFICIO WITHOUT VOTE; AND
- (5) A QUORUM FOR A HEARING SHALL BE NO LESS THAN FOUR VOTING MEMBERS OF THE PANEL WHICH SHALL INCLUDE NO LESS THAN ONE STUDENT MEMBER AND TWO FACULTY MEMBERS.

3335-23-15 RESIDENCE HALL LIVING UNIT COMMISSIONS

THE COMMISSIONS MAY ONLY HEAR CASES<sub>1</sub> REFERRED BY A RESIDENCE HALL HEARING OFFICER<sub>1</sub> THAT INVOLVE CODE VIOLATIONS THAT OCCUR WITHIN THE RESIDENCE HALLS<sub>1</sub> WHETHER COMMITTED BY RESIDENTS OR NONRESIDENTS<sub>1</sub>. THE COMMISSIONS ARE COMPOSED OF STUDENTS FROM EACH LIVING UNIT<sub>1</sub> AND MAY INITIATE ANY SANCTION WITH THE EXCEPTION OF SUSPENSION OR DISMISSAL. IF IT APPEARS DURING THE HEARING<sub>1</sub> TO THE COMMISSION OR TO THE COMMISSION ADVISOR<sub>1</sub> THAT THE VIOLATION MAY BE SERIOUS ENOUGH TO WARRANT SUSPENSION OR DISMISSAL<sub>1</sub> THE COMMISSION WILL ADJOURN AND REFER THE CASE BACK TO THE HEARING OFFICER FOR REFERRAL TO THE OFFICE OF STUDENT JUDICIAL AFFAIRS.

3335-23-16 UNIVERSITY JUDICIAL PANEL

THE UNIVERSITY JUDICIAL PANEL IS RESPONSIBLE FOR ADJUDICATING ALLEGATIONS OF NON-ACADEMIC MISCONDUCT REFERRED BY THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS<sub>1</sub> EXCEPT FOR CASES INVOLVING VIOLATIONS OF PROFESSIONAL COLLEGE CODES. THE PANEL CONSISTS OF:

- (A) FIFTEEN FACULTY AND/OR ADMINISTRATIVE MEMBERS RECOMMENDED BY THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS TO THE VICE PRESIDENT FOR STUDENT AFFAIRS FOR THREE-YEAR TERMS WHICH BEGIN WITH THE AUTUMN QUARTER;
- (B) TWELVE UNDERGRADUATE STUDENT MEMBERS<sub>1</sub> APPOINTED BY THE VICE PRESIDENT OF THE UNDERGRADUATE STUDENT GOVERNMENT;
- (C) SIX GRADUATE STUDENT MEMBERS<sub>1</sub> APPOINTED BY THE PRESIDENT OF THE COUNCIL OF GRADUATE STUDENTS;
- (D) TWO PROFESSIONAL STUDENT MEMBERS<sub>1</sub> APPOINTED BY THE PRESIDENT OF THE INTER-PROFESSIONAL COUNCIL; AND
- (E) THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS OR DESIGNEE SHALL SERVE AS PANEL COORDINATOR EX-OFFICIO WITHOUT VOTE.
- (F) A QUORUM FOR A HEARING SHALL BE NO FEWER THAN FOUR VOTING MEMBERS OF THE PANEL WHICH SHALL INCLUDE NO FEWER THAN TWO STUDENT MEMBERS.

ALL STUDENT APPOINTMENTS SHALL BE FOR ONE-YEAR TERMS BEGINNING WITH THE AUTUMN QUARTER. TO BE ELIGIBLE FOR APPOINTMENT<sub>1</sub> A STUDENT MUST POSSESS A MINIMUM 2.5 CUMULATIVE GRADE POINT AVERAGE AND BE UNDER NO CURRENT DISCIPLINARY SANCTION FROM THE UNIVERSITY.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

UNIVERSITY SANCTIONS

3335-23-17 GENERAL GUIDELINES FOR SANCTIONS.

SANCTIONS SHOULD BE COMMENSURATE WITH THE VIOLATION(S) FOUND TO HAVE OCCURRED. IN DETERMINING THE SANCTION(S) TO BE IMPOSED, THE HEARING OFFICER OR PANEL SHOULD TAKE INTO ACCOUNT ANY MITIGATING CIRCUMSTANCES AND ANY AGGRAVATING FACTORS INCLUDING, BUT NOT LIMITED TO, ANY PROVOCATION BY THE SUBJECT OF THE CONDUCT THAT CONSTITUTED THE VIOLATION, ANY PAST MISCONDUCT BY THE STUDENT, ANY FAILURE OF THE STUDENT TO COMPLY FULLY WITH PREVIOUS SANCTIONS, THE ACTUAL AND POTENTIAL HARM CAUSED BY THE VIOLATION, THE DEGREE OF INTENT AND MOTIVATION OF THE STUDENT IN COMMITTING THE VIOLATION, AND THE SEVERITY AND PERVASIVENESS OF THE CONDUCT THAT CONSTITUTED THE VIOLATION. IMPAIRMENT RESULTING FROM VOLUNTARY USE OF ALCOHOL OR DRUGS (I.E., OTHER THAN MEDICALLY NECESSARY) WILL BE CONSIDERED AN AGGRAVATING, AND NOT A MITIGATING, FACTOR. ONE OR MORE OF THE FOLLOWING COURSES OF ACTION MAY BE TAKEN WHEN A STUDENT HAS BEEN FOUND TO HAVE VIOLATED THE CODE OF STUDENT CONDUCT.

(A) INFORMAL ADMONITION.

AN ORAL OR WRITTEN ADMONITION ISSUED BY A HEARING OFFICER OR RESIDENCE HALL ADVISOR RESULTING FROM THE STUDENT'S MISCONDUCT. NO FORMAL CHARGES, HEARING OR OTHER COMPLIANCE WITH THE CODE IS REQUIRED BEFORE THE ISSUANCE OF AN INFORMAL ADMONITION. HOWEVER, FOLLOWING ISSUANCE OF AN INFORMAL ADMONITION, THE STUDENT SHALL BE ENTITLED TO A HEARING UPON WRITTEN REQUEST, UNDER THE PROCEDURES PROVIDED IN THE CODE OF STUDENT CONDUCT. A WRITTEN REQUEST FOR SUCH A HEARING MUST BE FILED WITH THE UNIVERSITY OFFICIAL WHO ADMINISTERED THE INFORMAL ADMONITION, WITHIN FIVE WORKING DAYS OF THE STUDENT'S RECEIPT OF THE INFORMAL ADMONITION. AN INFORMAL ADMONITION SHALL NOT BE CONSIDERED A DISCIPLINARY SANCTION, BUT MAY BE CONSIDERED IN ANY SUBSEQUENT HEARINGS.

(B) DISCIPLINARY SANCTIONS.

(1) FORMAL REPRIMAND.

A WRITTEN LETTER OF REPRIMAND RESULTING FROM A STUDENT'S MISCONDUCT.

(2) CONDUCT PROBATION.

THIS PROBATIONARY CONDITION IS FOR A SPECIFIED PERIOD OF TIME BUT WITHOUT LOSS OF PRIVILEGES. FURTHER VIOLATION OF UNIVERSITY POLICIES DURING THE PROBATIONARY PERIOD WILL BE VIEWED NOT ONLY AS THE ACT ITSELF, BUT ALSO AS A VIOLATION OF THE PROBATION, WHICH COULD RESULT IN DISCIPLINARY PROBATION, SUSPENSION OR DISMISSAL.

(3) DISCIPLINARY PROBATION.

THIS PROBATIONARY CONDITION IS IN EFFECT FOR A SPECIFIED PERIOD OF TIME AND MAY INVOLVE THE LOSS OF SPECIFIED PRIVILEGES. FURTHER VIOLATION OF UNIVERSITY POLICIES DURING THE PROBATIONARY PERIOD

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

WILL BE VIEWED NOT ONLY AS A VIOLATION BASED UPON THE ACT ITSELF BUT ALSO AS A VIOLATION OF THE PROBATION, WHICH SHALL RESULT IN FURTHER ACTION UP TO AND INCLUDING SUSPENSION OR DISMISSAL.

(4) SUSPENSION.

SUSPENSION IS A SANCTION THAT TERMINATES THE STUDENT'S ENROLLMENT AT THE UNIVERSITY FOR A SPECIFIED PERIOD OF TIME. SATISFACTORY COMPLETION OF SPECIFIED STIPULATIONS MAY BE REQUIRED FOR READMISSION AT THE END OF THE SUSPENSION PERIOD.

(5) DISMISSAL.

DISMISSAL IS A SANCTION WHICH PERMANENTLY SEPARATES A STUDENT FROM THE UNIVERSITY WITHOUT OPPORTUNITY TO RE-ENROLL IN THE FUTURE.

(C) CONDITIONS OF SUSPENSION AND DISMISSAL.

A STUDENT WHO HAS BEEN DISMISSED OR SUSPENDED FROM THE UNIVERSITY SHALL BE DENIED ALL PRIVILEGES AFFORDED A STUDENT AND SHALL BE REQUIRED TO VACATE CAMPUS AT A TIME DETERMINED BY THE HEARING OFFICER OR PANEL. IN ADDITION, AFTER VACATING CAMPUS PROPERTY, A SUSPENDED OR DISMISSED STUDENT MAY NOT ENTER UPON CAMPUS AND/OR OTHER UNIVERSITY PROPERTY AT ANY TIME, FOR ANY PURPOSE, IN THE ABSENCE OF EXPRESS WRITTEN PERMISSION FROM THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE. TO SEEK SUCH PERMISSION, A SUSPENDED OR DISMISSED STUDENT MUST FILE A WRITTEN PETITION TO THE VICE PRESIDENT FOR STUDENT AFFAIRS FOR ENTRANCE TO THE CAMPUS FOR A LIMITED, SPECIFIED PURPOSE OR TO HAVE THE TERMS OF THIS CONDITION MODIFIED OR REDUCED.

(D) FAILING OR LOWERED GRADES.

IN CASES OF ACADEMIC MISCONDUCT, A HEARING OFFICER OR PANEL MAY AUTHORIZE THE INSTRUCTOR TO AWARD A FAILING OR LOWERED GRADE IN THE COURSE, A LOSS OF CREDIT ON THE ASSIGNMENT OR EXAMINATION, AND IMPOSE ANY OF THE ABOVE-LISTED SANCTIONS INCLUDING SUSPENSION OR DISMISSAL FROM THE UNIVERSITY.

(E) OTHER SANCTIONS.

OTHER APPROPRIATE SANCTIONS MAY BE IMPOSED BY A HEARING OFFICER OR PANEL SINGULARLY OR IN COMBINATION WITH ANY OF THE ABOVE-LISTED SANCTIONS. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, MAKING RESTITUTION FOR PROPERTY DAMAGE OR MISAPPROPRIATION OF UNIVERSITY PROPERTY OR SERVICES, OR THE PROPERTY OF ANY PERSON, RESIDENCE HALL CONTRACT TERMINATION OR REASSIGNMENT TO ANOTHER ROOM, RESTRICTION OF ACCESS TO SPECIFIED CAMPUS FACILITIES AND/OR PROPERTY, RESEARCH ASSIGNMENTS, COMMUNITY SERVICE PROJECTS, SPECIAL WORKSHOP PARTICIPATION, AND/OR REFERRAL TO MEDICAL RESOURCES OR COUNSELING PERSONNEL.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

APPEAL PROCESS

3335-23-18 APPELLATE PROCESS.

(A) RIGHT TO APPEAL.

A STUDENT FOUND TO HAVE VIOLATED THIS CODE HAS THE RIGHT TO APPEAL THE ORIGINAL DECISION. AN APPEAL OF A DECISION MUST BE SUBMITTED IN WRITING AND POSTMARKED OR HAND DELIVERED TO THE APPROPRIATE APPEAL OFFICER, AS PROVIDED BELOW, WITHIN TEN CALENDAR DAYS AFTER THE DATE ON WHICH WRITTEN NOTICE OF THE DECISION IS SENT TO THE STUDENT. EACH STUDENT SHALL BE LIMITED TO ONE APPEAL. THE DECISION OF THE APPEAL OFFICER IS FINAL.

(B) GROUNDS FOR APPEAL.

AN APPEAL MAY BE BASED ONLY UPON ONE OR MORE OF THE FOLLOWING GROUNDS:

(1) PROCEDURAL ERROR;

(2) MISAPPLICATION OR MISINTERPRETATION OF THE RULE ALLEGED TO HAVE BEEN VIOLATED;

(3) FINDINGS OF FACTS NOT SUPPORTED BY:

(a) A PREPONDERANCE OF EVIDENCE IN CASES OF ACADEMIC MISCONDUCT (PARAGRAPH (A) OF RULE 3335-23-04 OF THE ADMINISTRATIVE CODE).

(b) CLEAR AND CONVINCING EVIDENCE IN ALL OTHER INSTANCES OF PROHIBITED BEHAVIOR (PARAGRAPHS (B) THROUGH (O) OF RULE 3335-23-04 OF THE ADMINISTRATIVE CODE).

(4) DISCOVERY OF SUBSTANTIAL NEW FACTS THAT WERE UNAVAILABLE AT THE TIME OF THE HEARING; AND

(5) THAT THE DISCIPLINARY SANCTION IMPOSED IS GROSSLY DISPROPORTIONATE TO THE VIOLATION COMMITTED.

(C) APPROPRIATE APPEAL OFFICERS.

(1) APPEALS FROM RESIDENCE HALL HEARINGS:

(a) ALL APPEALS FROM RESIDENCE HALL HEARINGS OTHER THAN CONTRACT TERMINATIONS, SHALL BE SUBMITTED TO THE DIRECTOR OF RESIDENCE LIFE OR DESIGNEE.

(b) ALL APPEALS WHERE THE SANCTION IMPOSED BY THE RESIDENCE HALL HEARING IS CONTRACT TERMINATION SHALL BE SUBMITTED TO THE DIRECTOR OF STUDENT JUDICIAL AFFAIRS OR DESIGNEE.

(2) APPEALS FROM A JUDICIAL AFFAIRS HEARING OFFICER'S DECISION OR FROM THE UNIVERSITY JUDICIAL PANEL'S DECISION WILL BE SUBMITTED

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

FOR DECISION TO THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE.

- (3) APPEALS FROM DECISIONS OF THE COORDINATOR OF ACADEMIC MISCONDUCT OR THE COMMITTEE ON ACADEMIC MISCONDUCT WILL BE SUBMITTED FOR DECISION TO THE EXECUTIVE VICE PRESIDENT AND PROVOST OR DESIGNEE.

(D) APPEAL PROCEEDINGS.

- (1) THE APPEAL OFFICER SHALL DISMISS THE APPEAL IF THE APPEAL IS NOT BASED UPON ONE OR MORE OF THE GROUNDS SET FORTH IN PARAGRAPH (B) OF THIS RULE.

- (2) THE APPEAL OFFICER MAY DECIDE THE APPEAL BASED UPON A REVIEW OF THE RECORD.

- (3) THE APPEAL OFFICER MAY REQUEST ADDITIONAL WRITTEN INFORMATION OR AN ORAL PRESENTATION FROM ANY RELEVANT PERSON(S) AND THEN DECIDE THE APPEAL BASED UPON THE ENHANCED RECORD.

(E) POSSIBLE DISPOSITIONS BY THE APPEAL OFFICER.

THE APPEAL OFFICER MAY, AFTER A REVIEW OF THE RECORD, UPHOLD THE ORIGINAL SANCTION, DISMISS THE ORIGINAL SANCTION, OR IMPOSE A LESSER SANCTION. AN APPEAL OFFICER MAY ALSO REMAND THE CASE TO THE ORIGINAL HEARING BODY OR REFER THE CASE TO A NEW HEARING OFFICER OR PANEL TO BE REHEARD. IF POSSIBLE, A NEW HEARING OFFICER OR PANEL SHOULD BE DIFFERENT FROM THE ONE THAT ORIGINALLY DECIDED THE CASE. IF A CASE IS REHEARD BY A HEARING OFFICER OR PANEL, THE SANCTION IMPOSED CAN BE GREATER THAN THAT IMPOSED AT THE ORIGINAL HEARING.

3335-23-19 MINOR DEVIATIONS FROM PROCEDURE.

A STUDENT AND HEARING OFFICER MAY AGREE IN ADVANCE TO MINOR DEVIATIONS FROM PROCEDURE. SUCH DEVIATIONS ARE NOT THEN SUBJECT TO APPEAL. OTHER MINOR DEVIATIONS ARE ACCEPTABLE AS LONG AS SUCH DEVIATIONS ARE NOT FOUND UPON APPEAL TO BE UNREASONABLY HARMFUL TO THE STUDENT.

3335-23-20 INTERIM SUSPENSION.

WHEN THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE HAS REASONABLE CAUSE TO BELIEVE THAT THE STUDENT'S PRESENCE ON UNIVERSITY PREMISES OR AT A UNIVERSITY-RELATED OR REGISTERED STUDENT ORGANIZATION ACTIVITY POSES A SIGNIFICANT RISK OF SUBSTANTIAL HARM TO THE HEALTH OR SAFETY OF OTHERS OR TO PROPERTY, THE STUDENT MAY BE IMMEDIATELY SUSPENDED FROM ALL OR ANY PORTION OF UNIVERSITY PREMISES, UNIVERSITY-RELATED ACTIVITIES OR REGISTERED STUDENT ORGANIZATION ACTIVITIES. THIS TEMPORARY SUSPENSION WILL BE CONFIRMED BY A WRITTEN STATEMENT AND SHALL REMAIN IN EFFECT UNTIL THE CONCLUSION OF A FULL HEARING OR ADMINISTRATIVE DECISION, WITHOUT UNDUE DELAY, IN ACCORDANCE WITH THE RULES OF THE OHIO STATE UNIVERSITY. THE STUDENT MAY, WITHIN THREE WORKING DAYS OF THE IMPOSITION OF THE SUSPENSION, PETITION THE VICE PRESIDENT FOR STUDENT AFFAIRS FOR REINSTATEMENT. THE PETITION MUST BE IN WRITING, AND MUST INCLUDE SUPPORTING DOCUMENTATION OR EVIDENCE THAT THE STUDENT DOES NOT POSE,

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

OR NO LONGER POSES, A SIGNIFICANT RISK OF SUBSTANTIAL HARM TO THE HEALTH OR SAFETY OF OTHERS OR TO PROPERTY. A HEARING ON SUCH PETITION WILL BE CONDUCTED WITHOUT UNDUE DELAY BY THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE.

3335-23-21 ADMINISTRATIVE DISENROLLMENT AND OTHER RESTRICTIONS.

(A) A STUDENT MAY BE DISENROLLED FROM THE UNIVERSITY; PROHIBITED FROM ALL OR ANY PORTION OF UNIVERSITY PREMISES, UNIVERSITY-RELATED ACTIVITIES OR REGISTERED STUDENT ORGANIZATION ACTIVITIES; AND/OR PERMITTED TO REMAIN ONLY UNDER SPECIFIED CONDITIONS WHEN THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE FINDS THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT:

(1) THE STUDENT'S CONTINUED PRESENCE POSES A SIGNIFICANT RISK OF SUBSTANTIAL HARM TO THE HEALTH OR SAFETY OF THEMSELVES, OTHERS, OR TO PROPERTY; OR

(2) THE STUDENT, AS A DIRECT RESULT OF AN APPARENT HEALTH CONDITION, IS ENGAGED IN SUBSTANTIAL, CONTINUING DISRUPTION OF TEACHING, LEARNING, RESEARCH, ADMINISTRATION OR OTHER UNIVERSITY-RELATED ACTIVITIES.

BEFORE MAKING SUCH A DETERMINATION, THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE SHALL NOTIFY THE STUDENT IN WRITING OF THE REASONS THAT DISENROLLMENT OR OTHER ACTION IS BEING CONSIDERED, PROVIDE THE STUDENT WITH AN OPPORTUNITY TO RESPOND, AND CONSULT WITH APPROPRIATE UNIVERSITY PERSONNEL. THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE MAY ALSO CONSULT WITH ANY OTHER PERSONS WHOM THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE DEEMS APPROPRIATE UNDER THE CIRCUMSTANCES.

(B) IN THOSE CASES UNDER PARAGRAPH (A)(1) OF THIS RULE IN WHICH IT APPEARS THAT THE RISK POSED BY THE STUDENT IS A RESULT OF A HEALTH CONDITION OR A DISABILITY AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT, AND IN ALL CASES UNDER PARAGRAPH (A)(2) OF THIS RULE, THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE SHALL ALSO DETERMINE WHETHER THE RISK OR DISRUPTION CAN BE ELIMINATED OR SUFFICIENTLY REDUCED THROUGH REASONABLE ACCOMMODATION AND, IF SO, SHALL TAKE APPROPRIATE STEPS TO ENSURE THAT ACCOMMODATION IS MADE. THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE MAY REQUEST THE STUDENT TO UNDERGO AN APPROPRIATE EXAMINATION, AS SPECIFIED BY THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE, TO DETERMINE WHETHER ANY SUCH CONDITION EXISTS AND WHETHER ANY SUCH ACCOMMODATION IS POSSIBLE. IF THE STUDENT FAILS TO UNDERGO SUCH AN EXAMINATION, AND IF THE OTHER AVAILABLE EVIDENCE SUPPORTS A FINDING UNDER EITHER PARAGRAPH (A)(1) OR (A)(2) OF THIS RULE, THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE SHALL, TO THE EXTENT REASONABLY POSSIBLE, TAKE THE LEAST RESTRICTIVE MEASURE OR COMBINATION OF MEASURES NECESSARY TO RESOLVE THE RISK OR DISRUPTION.

(C) A STUDENT WHO HAS BEEN DISENROLLED; PROHIBITED FROM UNIVERSITY PREMISES, UNIVERSITY-RELATED ACTIVITIES OR REGISTERED STUDENT ORGANIZATION ACTIVITIES; OR PERMITTED TO REMAIN ONLY UNDER SPECIFIED CONDITIONS MAY PETITION THE VICE PRESIDENT FOR STUDENT AFFAIRS FOR

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Amended Rules (contd)

REVISION OF THAT STATUS. THE PETITION MUST INCLUDE SUPPORTING DOCUMENTATION OR EVIDENCE THAT:

- (1) THE CONDITIONS FOUND TO HAVE EXISTED UNDER PARAGRAPH (A)(1) OR (A)(2) OF THIS RULE NO LONGER EXIST AND WILL NOT RECUR, AND
- (2) THE STUDENT MEETS ALL NORMAL AND APPROPRIATE STANDARDS FOR ADMISSION AND ENROLLMENT IN ANY ACADEMIC UNIT IN WHICH THE STUDENT SEEKS TO RE-ENROLL.

UPON RECEIPT OF SUCH A PETITION, THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE SHALL EVALUATE THE EVIDENCE AND MAY CONSULT WITH THE STUDENT, ANY APPROPRIATE UNIVERSITY PERSONNEL, AND ANY OTHER PERSONS WHOM THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE DEEMS APPROPRIATE. THE VICE PRESIDENT FOR STUDENT AFFAIRS OR DESIGNEE MAY DENY THE PETITION, GRANT THE PETITION IN WHOLE OR IN PART UNDER SPECIFIED CONDITIONS, OR GRANT THE PETITION IN WHOLE OR IN PART WITHOUT CONDITION.

3335-23-22 AUTHORITY SECTION.

THE BYLAWS OF THE UNIVERSITY BOARD OF TRUSTEES AND RULES OF THE UNIVERSITY FACULTY PROVIDE THAT THE UNIVERSITY PRESIDENT SHALL HAVE THE FINAL RESPONSIBILITY AND AUTHORITY FOR THE DISCIPLINE OF ALL STUDENTS OF THE UNIVERSITY (SEE PARAGRAPH (A) OF RULE 3335-11-01 OF THE ADMINISTRATIVE CODE). THIS RESPONSIBILITY AND AUTHORITY HAS BEEN DELEGATED BY THE PRESIDENT TO THE VICE PRESIDENT FOR STUDENT AFFAIRS, WHOSE OFFICE IS ALSO CHARGED WITH RESPONSIBILITY FOR PROMULGATION OF RULES GOVERNING STUDENT CONDUCT (SEE PARAGRAPH (H) OF RULE 3335-1-03 OF THE ADMINISTRATIVE CODE).

THE DEANS OF COLLEGES AND OF THE GRADUATE SCHOOL, THE DIRECTORS OF SCHOOLS, AND THE CHAIRPERSONS OF DEPARTMENTS, RESPECTIVELY, ARE RESPONSIBLE TO THE PRESIDENT THROUGH REGULAR DISCIPLINARY CHANNELS FOR THE DISCIPLINE OF ALL STUDENTS IN THE ACTIVITIES OF THEIR RESPECTIVE COLLEGES, SCHOOLS, AND DEPARTMENTS (SEE PARAGRAPH (B) OF RULE 3335-11-01 OF THE ADMINISTRATIVE CODE). LIKEWISE, THE DEANS AND DIRECTORS OF THE REGIONAL CAMPUSES ARE RESPONSIBLE TO THE PRESIDENT THROUGH THE EXECUTIVE VICE PRESIDENT AND PROVOST FOR THE DISCIPLINE OF ALL STUDENTS IN THE ACTIVITIES OF THEIR RESPECTIVE CAMPUSES.

THE OHIO STATE UNIVERSITY CODE OF STUDENT CONDUCT IS AN OFFICIAL PUBLICATION OF THE UNIVERSITY BOARD OF TRUSTEES. ALL PETITIONS FOR REVISION AND AMENDMENT OF THIS CODE OF STUDENT CONDUCT SHOULD BE SUBMITTED THROUGH THE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS. PROPOSED REVISIONS TO THE CODE SHALL BE REVIEWED, IN DRAFT FORM, BY THE OFFICE OF THE PRESIDENT, THE OFFICE OF ACADEMIC AFFAIRS, AND THE STEERING COMMITTEE OF THE UNIVERSITY SENATE BEFORE BEING PRESENTED FOR APPROVAL TO THE UNIVERSITY SENATE BY THE COUNCIL ON STUDENT AFFAIRS. NO REVISION SHALL BECOME EFFECTIVE UNLESS APPROVED BY THE UNIVERSITY BOARD OF TRUSTEES AND UNTIL PRINTED NOTICE OF SUCH REVISIONS IS MADE AVAILABLE TO STUDENTS.

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded

Chapter 3335-25

RULES, POLICIES AND REGULATIONS

A student found guilty of the following conduct will be subject to university disciplinary action.

~~3335-25-01 Prohibited conduct.~~

~~(A) Academic misconduct.~~

~~Academic misconduct, as defined in rule 3335-31-02 of the Administrative Code.~~

~~(B) Infliction of bodily or emotional harm.~~

~~Infliction or threat of infliction of bodily or emotional harm, whether done intentionally or with reckless disregard, including threat or action in retaliation for making allegations of misconduct.~~

~~(C) Destruction of property.~~

~~Actual or threatened damage to or destruction of university property or property of others while on university premises, whether done intentionally or with reckless disregard.~~

~~(D) Dangerous weapons or devices.~~

~~Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms and fireworks unless authorized by an appropriate university official or permitted by a university policy.~~

~~(E) Dishonest conduct.~~

~~Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university documents by actions such as forgery, alteration, or improper transfer; submission to a university official of information known by the submitter to be false.~~

~~(F) Theft/unauthorized use of property.~~

~~Theft or attempted theft, or the unauthorized use or possession of university property or services, or the property of others while on university premises.~~

~~(G) Failure to comply with university authority.~~

~~Failure to comply with directives of authorized university officials, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or, violation of the terms of a disciplinary sanction.~~

~~(H) Drugs or alcohol.~~

~~Use, production, distribution, sale, or possession of drugs or alcohol in a manner prohibited under Ohio law.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~(I) Unauthorized presence.~~

~~Unauthorized entrance to or presence in or on university premises.~~

~~(J) Disorderly conduct.~~

~~Disorderly conduct that interferes with university authorized activities, including teaching, research, administration, or other activities conducted, sponsored, or permitted by the university.~~

~~(K) Violation of university rules.~~

~~Violation of other published university regulations, policies, or rules, or any other violation of state or federal law committed on university premises.~~

~~3335-25-02 Disruption.~~

~~(A) Rule 3335-11-02 of the Administrative Code provides for disciplinary action to be taken when a person commits conduct that is intended to disrupt or prevent university authorized activities. This includes such conduct as obstruction of lawful movement on campus, occupation of buildings, employment or threat of force, interferences with teaching, research, or administration, damage to equipment or property, or successful solicitation to such actions. The rule does not prohibit peaceful dissent or demonstration. Rule 3335-11-021 of the Administrative Code provides for the appointment of hearing officers for these cases. Moreover, under rule 3335-11-022 of the Administrative Code, whenever a criminal court exercises jurisdiction over acts which allegedly constitute disruption by university rules, the university will not exercise jurisdiction, except in extraordinary cases of clear and present danger. (Rules 3335-11-02, 3335-11-021, and 3335-11-022 of the Administrative Code are available from the office of student life or college offices.)~~

~~(B) The Ohio Campus Disruption Act.~~

~~The Campus Disruption Act procedures are contained in sections 3345.22 to 3345.26 of the Revised Code. This act provides for a special hearing officer to be appointed by the board of regents to hear cases where a student, faculty or staff member, or employee has been arrested for certain offenses under the criminal code. The offenses include, but are not limited to: assault, menacing, arson, vandalism, and incitement to riot. Under the act, a hearing is to be held within five days of arrest of the person for the purpose of determining whether the accused person should be immediately suspended from the university. If a preponderance of the evidence elicited at the hearing indicates that the accused committed an offense under the Disruption Act, the person will be suspended from the university unless the order of the university would not be compromised by the person's presence. Conviction of the charges on which the accused was arrested will cause dismissal. An acquittal will cause reinstatement and expungement of the record. If charged but not arrested, a hearing as authorized under the act will not be held, but a conviction for any of the enumerated offenses will result in automatic dismissal from the university for one year (Division (A) of section 3345.23 of the Revised Code).~~

~~3335-25-03 Policies.~~

~~Established policies and rights exist to ensure an environment conducive to equal treatment and quality living for all members of the university community. Students violating university policy may be subject to disciplinary action.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

(A) ~~Nondiscrimination.~~

~~The policy of the Ohio state university is that discrimination against any individual for reasons of race, color, creed, religion, sexual orientation, national origin, sex, age, handicap, or Vietnam-era veteran status is specifically prohibited. Title IX of the education amendments of 1972 prohibits sex discrimination and Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in education programs and activities. Accordingly, equal access to employment opportunities, admissions, educational programs, and all other university activities is extended to all persons, and the university promotes equal opportunity through a positive and continuing affirmative action program. (Further details on this policy may be obtained in the office of affirmative action.)~~

(B) ~~Sexual harassment.~~

~~Sexual harassment is prohibited. Sexual harassment is any unwelcome sexual advance, request for sexual favor, reference to gender or sexual orientation, or other physical or verbal conduct of a sexual nature when:~~

- ~~(1) Submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, participation in any program or activity, or status in an academic course; or~~
- ~~(2) Such conduct has the effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile or offensive environment for working, learning, or living on campus, and has no legitimate relationship to the subject matter of a course.~~

~~(Further details and procedures may be obtained in the office of student life and/or the office of human resources.)~~

(C) ~~Hazing.~~

~~Hazing is both a civil and criminal offense in Ohio, and is therefore prohibited at the Ohio state university, regardless of whether the event occurs on or off campus. Consistent with state law, the university defines hazing as doing any act, or requiring or encouraging any act, of initiation into any student or other organization that causes, or creates a substantial risk of causing, mental or physical harm to any person (see sections 2903.31 and 2307.44 of the Ohio revised code.)~~

~~Hazing also occurs if the continued association with or membership in any group, registered with or affiliated with the university, is directly or indirectly conditional upon performing any activity which would cause or create a substantial risk of causing mental or physical harm.~~

~~The negligence or consent of the victim or any assumption of the risk by the victim is not a defense. (See section 2307.44 of the Ohio revised code.)~~

(D) ~~Confidentiality of records.~~

~~Education records are defined by the Family Educational Rights and Privacy Act of 1974, as amended, to be those records, files, documents, and other materials which contain information directly related to a student and are maintained by any unit of the university. The following are not considered to be educational records: records made by university personnel which are in the sole possession of the maker and are not accessible or revealed to any other person, records maintained by the office of public safety, and medical and counseling records used solely for~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~treatment. Under the act, students are given the following rights regarding their educational records:~~

- ~~(1) Students have the right to inspect and review all of their education records except financial records of parents, and confidential letters and statements of recommendation for which students have waived their right of access.~~
- ~~(2) Students have the right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading, or inappropriate, and to have these records amended if a hearing officer or an appeals board, appointed by the university registrar, renders a decision favorable to the student.~~
- ~~(3) Students may waive their right of access to confidential letters and statements of recommendation.~~
- ~~(4) Students must provide written consent for the release of educational records except for certain types of requests specified by the act.~~

~~(Details are available in the offices of student life and the university registrar.)~~

~~(E) Entry, search and seizure.~~

- ~~(1) Every effort is made to ensure privacy in university housing and offices. Nevertheless, a designated university official has the right to enter any part of the university premises to perform reasonable custodial, maintenance and repair services, to inspect for damages or cleanliness, or in case of emergency. In university housing, reasonable effort will be made to give twenty four hour notice before the service or inspection is performed.~~
- ~~(2) A designated university official may enter and search university premises if there is reason to believe that the premises are being used for an illegal purpose or a purpose which violates health or safety regulations or interferes with normal university operation; evidence found in such a search may be confiscated and used in disciplinary proceedings. In university housing, the designated university official shall be a residence hall director. When a residence hall director enters and searches university housing as provided for under this paragraph, reasonable efforts must be made to have present a resident of the room or apartment being searched. If a resident of the room or apartment is not present after such reasonable efforts have been made, an officer of the hall or complex student council shall witness the search.~~
- ~~(3) Law officials may enter, search, and seize evidence in accordance with law.~~

~~(F) Means of expression.~~

- ~~(1) The university may establish, promulgate, and enforce regulations, including regulation of sound equipment, rallies, parades, demonstrations, or other assemblies, to assure safety of persons and property and to prevent disruption of the educational process. The university must make available to students any such regulations.~~
- ~~(2) No written materials may be attached by any method to university premises or property unless such posting is approved in accordance with regulations to be obtained from the student organizations and activities office.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~(G) Patents and copyrights.~~

~~The university's policy on patents and copyrights in some circumstances may require that legal rights in inventions, discoveries, copyrightable works (including computer software), etc., developed by students be transferred to the university. That policy provides appeal procedures for resolving questions relating to such rights. Students enrolled in the university are subject to the policy. Copies of the full policy are available from the office of the patent and copyright administrator, 204 research center.~~

~~(H) Drug and alcohol policy.~~

~~The illegal use, possession, sale, manufacture, or distribution of drugs is prohibited by the Ohio state university. In addition, the misuse of substances which present physical or psychological hazards to individuals is prohibited.~~

~~Those choosing to provide, sell, or otherwise permit consumption of alcoholic beverages at their event shall comply with applicable state and local laws and university policies regulating alcoholic beverages.~~

Chapter 3335-27

DISCIPLINE PROCEEDINGS

~~3335-27-01 Initiation and investigation of code violations.~~

~~(A) Initiation.~~

~~Person(s) witnessing or experiencing what they believe to be a possible code violation may provide an authorized university official with the information. Information about possible code violations occurring in residence halls should be provided to the residence hall director. Information about possible non-residence hall related code violations should be provided to the coordinator of judicial affairs. Information regarding academic misconduct should be referred to the coordinator of the committee on academic misconduct. The university will review all information received and may conduct a preliminary investigation of the alleged violation.~~

~~(B) Investigation.~~

~~Residence hall directors, assistant hall directors, the coordinator of judicial affairs, and others appointed by the dean of student life are authorized to investigate alleged violations other than those involving academic misconduct. During preliminary investigation, the student allegedly involved in misconduct will be sent a letter describing the violation, whom to contact for a preliminary interview, and that date by which the contact should occur. Any person believed to have information relevant to the investigation may be contacted and requested to make an appointment to discuss the matter. Upon completion of the preliminary investigation the investigator will decide whether to dismiss, change or affirm the charges. Residence hall officials may refer cases involving possible suspension or dismissal to the dean of student life or the dean's designee.~~

~~3335-27-02 Administrative decision.~~

~~In all cases, a student has the right to a panel hearing. However, in a case where a student is charged with violations other than academic misconduct, the student may opt in writing to have a decision as to appropriate action made administratively by an appropriate investigator/ hearing officer rather than have~~

## **AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

### Rules To Be Rescinded (contd)

~~the charges referred to a panel or commission for the decision. The student thus waives the right to a hearing and the related procedural guarantees provided in a panel or commission hearing. The student will sign the waiver at the time of the preliminary interview. Administrative decision does not preclude further investigation into other charges related to the incident. The student retains the right to request an appeal of the original action.~~

#### ~~3335-27-03 Notice of proceedings.~~

~~If a hearing is to be held, written notification will be delivered to the last known address of the student, either by certified mail, first class mail or by hand delivery, no fewer than seven calendar days prior to the hearing. In residence hall cases notification of hearings will be placed in student mailboxes or hand delivered no fewer than seven calendar days prior to the hearing. The notification will include the charge, and the date, time, and location of the designated hearing, the hearing officer or panel, a statement of the accused's rights, and information on the hearing procedures. The accused student may waive the notice period, request a postponement for reasonable cause, or request a hearing separate from other accused persons. Request for a postponement or separate hearing must be received by the person sending the notification at least one day before the scheduled hearing.~~

#### ~~3335-27-04 Hearing procedures.~~

~~Students have a right to fair hearings. Although the procedural requirements are not as formal as those existing in the civil courts of law, to ensure fairness, the following procedures apply and will be included within hearing notices:~~

- ~~(A) Hearings are restricted to those directly involved or those requested by the accused or hearing officer or panel to attend. The hearing officer or panel may take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.~~
- ~~(B) The accused student may have a person present to advise him or her. The adviser may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the hearing officer or panel.~~
- ~~(C) The accused may submit a written statement, may invite witnesses to attend on the accused's behalf, may ask questions of witnesses called by others, and will be notified of witnesses to be called. The university may present witnesses as well as question those presented by the accused.~~
- ~~(D) Written statements signed by a witness(es), and verified as being by that witness(es) by the designated hearing officer or coordinator of the panel, may be used if, for good reason, the witness(es) cannot attend the hearing.~~
- ~~(E) University hearings, unlike proceedings of courts of law, do not require conclusive proof; instead, the greater weight of the evidence is sufficient for the hearing officer or panel to decide if a violation of the code has occurred and to impose a sanction.~~

#### ~~3335-27-05 Attendance.~~

~~Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available and a decision will be made. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~3335-27-06 Record and nature of proceedings.~~

~~A record consisting of written notes, tape recording, or other method selected by the hearing panel or officer, will be made of all hearings. This record will be available to the accused during the appeal period and can be copied at his or her expense. A written notice of the decision and information regarding appeal procedures will be sent to the accused student. In general, materials relating to a disciplinary action are confidential and may be made available by the designated hearing officer or coordinator of the panel only to those who have a valid need to know, e.g., disciplinary officers, the senior vice president for academic affairs and provost, and other university officials who have a demonstrated need to know. The policy governing confidentiality and release of records is printed in the quarterly master schedule of classes and available from the office of student life.~~

~~3335-27-07 Appeal.~~

~~(A) Right to appeal.~~

~~A student found to have violated this code has the right to appeal the original decision. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate appeal officer, as provided below, within fourteen calendar days from the date of the sanction decision letter. Upon receipt of the appeal, the appeal officer will provide to the student written guidelines for the appeal procedure.~~

~~(B) Grounds for appeal.~~

~~An appeal may be based only upon one or more of the following grounds:~~

- ~~(1) Procedural error.~~
- ~~(2) Misapplication or misinterpretation of the rule alleged to have been violated.~~
- ~~(3) Findings of facts not supported by a greater weight of evidence.~~
- ~~(4) Discovery of substantial new facts that were unavailable at the time of the hearing.~~

~~(C) Appropriate appeal officers.~~

~~(1) Cases arising in the residence halls:~~

- ~~(a) Appeals from unit commissions in the residence halls will be submitted for decision to the area coordinator of the residence hall area in which the violation occurred.~~
- ~~(b) Appeals from the appropriate hearing bodies in graduate housing will be submitted for decision to the area coordinator to whom the hall director reports.~~
- ~~(c) Appeals from hall director's administrative decisions will be submitted for decision to the area coordinator to whom the hall director reports.~~
- ~~(d) Appeals from area coordinators will be submitted for decision to the associate director of residence and dining halls for residence life or that person's designee.~~

- ~~(2) Appeals involving administrative decisions or decisions of university judicial panels will be submitted for decision to the dean of student life.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

- (3) ~~Appeals from decisions of the university court will be submitted for decision to the dean of student life.~~
- (4) ~~Appeals from decisions of the committee on academic misconduct will be submitted for decision to the senior vice president for academic affairs and provost.~~

~~(D) Possible dispositions by the appeal officer.~~

- (1) ~~The appeal officer shall dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in section (B) above.~~
- (2) ~~The appeal officer may choose to decide the appeal based upon a review of the record.~~
- (3) ~~The appeal officer may request additional written information or an oral presentation and then decide the appeal based upon the enhanced record.~~
- (4) ~~The appeal officer may refer the case to a new hearing officer or panel to be reheard. If possible, a new hearing officer or panel shall be different than the one that originally decided the case.~~
- (5) ~~A decision by the appeal officer that there are substantial new facts that were unavailable at the time of the original hearing shall result in a new hearing as provided in subsection (4) above.~~

~~(E) Sanctions.~~

~~The appeal officer may, after review of the record, uphold the original sanction, dismiss the original sanction, or impose a lesser sanction. An appeal officer or panel hearing a remanded case cannot impose a more severe sanction than that originally imposed.~~

~~(F) Representation.~~

~~On appeal, where the sanction imposed by the hearing officer or panel was suspension or dismissal, a student may be actively represented by an adviser of the student's choice.~~

~~3335-27-08 Minor deviations from procedure.~~

~~A student and hearing panel or officer may agree in advance to minor deviations from procedure; such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal, as provided for in paragraph (A) of rule 3335-27-07 of the Administrative Code, to be unreasonably harmful to the student.~~

~~Chapter 3335-29~~

~~UNIVERSITY SANCTIONS~~

~~3335-29-01 General.~~

~~Sanctions to be imposed upon students by the university are varied and may be imposed for violation of policies, rules, and regulations. When the sanctions are imposed, consideration will be given to individual mitigating circumstances as well as aggravating factors, such as, past misconduct by the student or failure of the student to fully comply with previous sanction conditions. Sanctions take effect immediately upon date of first notice, whether oral or written, unless otherwise specified within such notice.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~3335-29-02 Warning admonition.~~

~~A warning letter of admonition to a student represents a formal statement for a specific conduct violation. Upon issuance of a formal letter of admonition, a discipline file is created in the office of the dean of student life. The file will be consulted in determining sanctions for any further proven code violations at a future date.~~

~~3335-29-03 Disciplinary probation.~~

~~Probation is a sanction that is given for a specified period of time. A discipline record is created in the office of the dean of student life. Misconduct during the probationary period may cause more serious disciplinary action to be taken. Written notice of probationary status is forwarded to the student's college. Conditions restricting the student's privileges or eligibility for activities may be imposed. Such privileges and eligibility are automatically restored upon completion of the probation period if the student has complied satisfactorily with all conditions and refrained from further code violations.~~

~~3335-29-04 Suspension and dismissal.~~

~~(A) Suspension.~~

~~Suspension is a sanction by which the student is involuntarily separated from the university for a period not to exceed three full academic quarters following the effective date specified in the sanction letter. Eligibility for reinstatement is restored upon expiration of suspension.~~

~~(B) Suspension in abeyance.~~

~~In cases of suspension, the hearing officer or panel may decide there are circumstances which mitigate against the separation of the student from the institution. Such circumstances may include, but are not limited to: student intent at the time of the incident, student attitude and/or behavior since the incident in question. If these, or other appropriate conditions exist, and the hearing officer or panel has reason to believe that the presence of the student in the university community does not put any other community member at risk, the hearing officer or panel may assign the student the sanction of suspension, held in abeyance. This sanction is for a specific period of time, not to exceed three academic quarters, following the effective date specified in the sanction letter. Suspension in abeyance does not preclude the imposition of other appropriate sanctions.~~

~~While the suspension in abeyance is in effect, the individual under suspension in abeyance is allowed to retain student status at the university. However, should the student be found in violation of any section of the code of student conduct by any authorized hearing body or individual during the period of abeyance, the abeyance will be automatically lifted and the suspension shall take effect immediately for the remainder of the original sanction. During the remaining period, all conditions for suspension are in effect (see paragraph (C) of rule 3335-29-04 of the Administrative Code). Once the abeyance has been lifted and suspension is in effect, the hearing officer or panel may impose a sanction appropriate to the additional violation(s) of the code.~~

~~(C) Dismissal.~~

~~Dismissal is a sanction by which the student is involuntarily separated from the university for four full quarters or more following the effective date specified in the sanction letter. The dismissed student must apply for reinstatement. Reinstatement of the student at the university after dismissal is not guaranteed.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~(D) Conditions of suspension and dismissal:~~

~~(1) A student who has been dismissed or suspended from the university:~~

~~(a) Shall be denied all privileges accorded a student; and~~

~~(b) Shall be required to leave campus at a time determined by the hearing officer or panel.~~

~~However, the dismissed or suspended student:~~

~~(i) May petition to the senior vice president for academic affairs and provost for entrance to the campus for a specified purpose; and~~

~~(ii) Has the right of appeal to remove or to reduce the terms of this condition. The appeal procedures will be specified in every sanction letter.~~

~~(2) Upon reinstatement, a student may be required to meet certain other conditions imposed by the hearing body such as ineligibility to participate in specified student activities; or ineligibility to participate in intercollegiate events; or periodic contact with a designated university staff member or counseling agency, to the extent that such conditions pertain to the original offense.~~

~~Depending upon the merits of the individual case, and recommendation from the coordinator of the committee on academic misconduct, the coordinator of judicial affairs, or the dean of the student's college, these conditions may be waived by the senior vice president for academic affairs and provost, or designee, at the time of the student's reinstatement.~~

~~3335-29-05 Interim suspension.~~

~~When the senior vice president for academic affairs and provost is given reasonable cause to believe that a student has violated university rules and there is reasonable cause to believe that the student's presence on campus constitutes a clear danger to the university community or creates a substantial risk of injury to any person on university premises, the student may be immediately suspended from university premises. This temporary suspension is imposed pending the initiation of a full hearing without undue delay on the merits of the case in accordance with the rules of the Ohio state university. The student may request, in writing, an appeal of the interim suspension to the senior vice president for academic affairs and provost, within three working days of imposition of the suspension. An appeal hearing will be conducted without undue delay by the senior vice president for academic affairs and provost, or the vice president's designee.~~

~~3335-29-06 Restitution.~~

~~Restitution is a sanction that requires the student to make reimbursement for damages to, destruction or misappropriation of university property or services, or the property of any person. This sanction may be ordered in lieu of or in connection with another sanction.~~

~~3335-29-07 Other sanctions.~~

~~(A) Other sanctions that the hearing officer or panel considers appropriate to the student and the conduct violation in question may be imposed. For example, research assignments, community service projects, special workshop participation and/or referral to medical resources or counseling personnel may be assigned as recommended sanctions or as conditions to another sanction. In cases of academic misconduct, a lowered or failing grade may be recommended for the academic~~

## **AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

### Rules To Be Rescinded (contd)

~~coursework. In residence halls, other sanctions may include contract termination or reassignment to another room. Non-residence hall~~

~~hearing officers or panels may recommend sanctions of this type to the office of residence life.~~

~~(B) Failure to meet requirements of a sanction in the time allotted may result in the charge of failure to comply with university authority (see paragraph (G) of rule 3335-25-01 of the Administrative Code.)~~

~~(C) Repetition of misconduct by a student who has previously been found in violation of the code may result in imposition of harsher sanctions.~~

~~3335-29-08 Concurrent jurisdiction.~~

~~A student whose conduct has been found to be in violation of established university rules and regulations also may be subject to other appropriate actions by individual university offices. An incident may result in criminal or civil charges as well as a university disciplinary action. Unless otherwise provided by law, disciplinary and court proceedings may occur concurrently.~~

~~3335-29-09 Registered student organization sanctions.~~

~~Registered student organizations may lose privileges or registration for violation of the code or the regulations contained within the student organization handbook.~~

### Chapter 3335-31

## HEARING BODIES

~~3335-31-01 Jurisdiction.~~

~~Except for conduct that occurs on regional campuses and the agricultural technical institute, the following hearing bodies decide cases occurring on the Columbus campus involving student conduct in violation of the rules, policies and regulations of the university. These hearing bodies may establish and promulgate their own operating procedures in accordance with university regulations and procedures. Such procedures shall be made available to students. On the regional campuses, and the agricultural technical institute, similar hearing processes and procedures shall be created, as necessary, and promulgated on each campus as appropriate and as approved by the vice president for academic affairs and provost. Students on regional campuses and the agricultural technical institute are, therefore, advised to consult regional campus publications for details on these local procedures.~~

~~3335-31-02 Committee on academic misconduct.~~

~~(A) The committee shall investigate or establish procedures for investigation of all reported cases of student academic misconduct and decide upon suitable disciplinary action. However, the committee does not hear cases involving academic misconduct in professional colleges having a published honor code. These colleges shall follow their own codes and procedures which can be obtained in their respective central offices. The committee may, in its discretion, refer cases to the university judicial panel if it determines that the academic misconduct allegation is incidental to some other misconduct.~~

~~(B) "Academic misconduct" is defined as any activity which tends to compromise the academic integrity of the institution, or subvert the educational process. Examples of academic misconduct include, but are not limited to:~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

- (1) ~~Violation of course rules as contained in the course syllabus or other information provided the student; violation of program regulations as established by departmental committees;~~
  - (2) ~~Providing or receiving information during quizzes and examinations such as course examinations and general examinations; or providing or using unauthorized assistance in the laboratory, at the computer terminal, or on field work;~~
  - (3) ~~Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word for word use and/or paraphrasing of another person's work, and/or the inappropriate, unacknowledged use of another person's ideas;~~
  - (4) ~~Falsification, fabrication, or dishonesty in reporting research results;~~
  - (5) ~~Serving as, or enlisting the assistance of, a "ringer" or substitute for a student in the taking of examinations;~~
  - (6) ~~Alteration of grades or marks by the student in an effort to change the earned grade or credit; and~~
  - (7) ~~Alteration of university forms used to drop or add courses to a program, or unauthorized use of those forms.~~
- (C) ~~All cases of suspected misconduct shall be reported to the committee. The committee also shall investigate cases of lax or irregular examination methods and report findings to the vice president for academic affairs and provost. Students have the obligation to report suspected misconduct or irregular or lax examination methods. The committee may impose any code sanction. The committee consists of:~~
- (1) ~~Fifteen regular faculty members elected by the faculty council for three-year terms; beginning with summer quarter, the election to be held annually so that five members will retire each year. No university faculty member shall serve more than two consecutive terms;~~
  - (2) ~~Five graduate student members appointed in the summer quarter by the president of the council of graduate students, with the approval of the council of graduate students, for a one-year term beginning with the autumn quarter;~~
  - (3) ~~Five undergraduate student members appointed in the spring quarter by the president of the undergraduate student government, with the approval of the undergraduate student assembly, for a one-year term beginning with the summer quarter;~~
  - (4) ~~The dean of student life, or designee, without vote; and~~
  - (5) ~~A coordinator, appointed by the vice president for academic affairs and provost, without vote and charged with assisting the committee in administrative matters. The coordinator does not participate in the decisions of the committee.~~
- (D) ~~The committee on academic misconduct establishes panels from its membership with student/faculty ratios at least as great as that of the full committee to conduct hearings and make decisions with the same authority as the full committee on academic misconduct.~~
- (E) ~~The committee on academic misconduct establishes rules and procedures to conduct hearings, including the definition of a quorum.~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

~~(Details of rule 3335-5-487 of the Administrative Code, which defines the committee on academic misconduct, and committee procedures are available from the office of the vice president for academic affairs and provost.)~~

~~3335-31-03 University judicial panel.~~

~~The university judicial panel is responsible for cases of non-academic misconduct referred by the coordinator of judicial affairs, except for cases involving disruption or professional college codes. The panel is responsible for non-academic aspects of cases referred by the committee on academic misconduct. The panel is authorized to impose any code-authorized sanction. The panel consists of:~~

- ~~(A) Chairperson(s) (faculty or administrative staff member(s)) appointed by the dean of student life;~~
- ~~(B) Twelve regular faculty members recommended to the dean of student life by the vice president for student and urban/community affairs for three-year terms which begin with the summer quarter; and~~
- ~~(C) Six undergraduate students, appointed by the president of the undergraduate student government; four graduate students, appointed by the president of the council of graduate students; and two professional students, appointed by the president of the inter-professional council. All student appointments shall be for one-year terms beginning with the autumn quarter.~~
- ~~(D) Hearings will be conducted by hearing bodies made up of university judicial panel members with the same authority as the full panel.~~
- ~~(E) The coordinator(s) of judicial affairs, as designated by the dean of student life, shall serve ex-officio as panel coordinator(s) without a vote.~~
- ~~(F) In cases involving sexual harassment, discriminatory behaviors, or other problematic behaviors requiring special sensitivity or expertise, the dean of student life may appoint individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the hearing, but will not vote.~~
- ~~(G) The university judicial panel establishes rules and procedures to conduct hearings, including the definition of a quorum.~~

~~3335-31-04 Residence hall living unit commissions.~~

~~The commission may only hear cases, referred by a residence hall hearing officer, that involve code violations which occur within the residence halls, whether committed by residents or non-residents. The commissions are composed of students from each living unit, and may recommend any sanction to the hearing officer, with the exception of suspension or dismissal. During the hearing, should new facts emerge that indicate that the violation may be serious enough to warrant suspension or dismissal, the commission will adjourn and refer the case back to the hearing officer for referral to the dean of student life, or the dean's designee.~~

~~3335-31-05 Administrative hearings.~~

~~The coordinator of judicial affairs and hearing officers designated by the dean of student life may investigate and conduct administrative hearings of alleged non-academic code violations. If the student so requests and waives the notice period, the coordinator of judicial affairs or hearing~~

## **AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

### Rules To Be Rescinded (contd)

~~officer may hear cases administratively after investigation, or refer them to the university judicial panel.~~

~~After investigation, residence hall hearing officers also may conduct administrative hearings. The residence hall hearing officer may hear cases administratively rather than refer them to the commission, if the student so requests. The student must request, in writing, an administrative or commission decision. The residence hall hearing officer must refer cases to the coordinator of judicial affairs if suspension or dismissal is believed a possibility.~~

~~3335-31-06 University court.~~

~~(A) The university court will hear campus election disputes, undergraduate student government impeachment proceedings, and contested student traffic violations. The court shall interpret the undergraduate student government constitution as applied to students and student organizations. The court shall be empowered to issue restraining orders when the conduct of the student organization is in violation of the undergraduate student government constitution and to terminate student organization registration until compliance.~~

~~(B) The court consists of a magistrate, chief justice and five prosecutor/defenders in accordance with committee rules.~~

~~3335-31-07 Hearing panels on campus disruption.~~

~~In accordance with the university disruption rule and the Ohio Campus Disruption Act, cases involving disruption of university activities will be heard by a special hearing body or officer. (For details on hearing officers, panels, and procedures, see rules 3335-11-02, 3335-11-021, and 3335-11-022 of the Administrative Code, and sections 3345.22 to 3345.26 of the Ohio Revised Code. These rules are available in the office of student life.)~~

### **SELECTED RULES AND REGULATIONS**

The following rules and regulations may be obtained from the office of student life or the ombudsman:

- ~~Conditions for disenrollment from a course  
faculty rule 3335-7-33~~
- ~~Improper admission or registration  
faculty rule 3335-9-20~~
- ~~Alterations of marks  
faculty rule 3335-7-23~~
- ~~Ohio Campus Disruption Act  
Ohio Revised Code 3345.21 - 3345.26~~
- ~~Procedures for hearing officers and panels  
faculty rule 3335-11-02, 3335-11-021 and 3335-11-022~~
- ~~Guest speakers  
faculty rule 3335-5-06~~
- ~~Drives and canvassing  
faculty rule 3335-13-01~~
- ~~Control of dogs and other animals  
faculty rule 3335-13-05~~
- ~~Smoking tobacco  
faculty rule 3335-13-02~~

**AMENDMENTS TO THE CODE OF STUDENT CONDUCT (contd)**

Rules To Be Rescinded (contd)

- Duplication of keys  
faculty rule 3335-13-04
- Medical examination and enrollment denial for medical reasons  
faculty rule 3335-9-08
- Withdrawal for medical reasons  
Faculty rule 3335-9-084
- Residence and Dining Halls Guidebook

**AUTHORITY SECTION**

~~The bylaws of the university board of trustees and rules of the university faculty provide that the university president shall have the final responsibility and authority for the discipline of all students of the university.1/ This responsibility and authority has been delegated by the president to the vice president for student and urban/community affairs, whose office is also charged with responsibility for promulgation of rules governing student conduct.2/~~

~~The deans of colleges and of the graduate school, the directors of schools, and the chairpersons of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments.3/ Likewise, the deans and directors of the regional campuses are responsible to the president through the senior vice president for academic affairs and provost for the discipline of all students in the activities of their respective campuses.~~

~~The Ohio state university code of student conduct is an official publication of the university board of trustees. All petitions for revision and amendment of this student code should be submitted through the office of the vice president for student and urban/community affairs. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the steering committee of the university senate before being presented for approval to the university senate by the council on student affairs. No revision shall become effective unless approved by the university board of trustees and until printed notice of such revision is made available to students.~~

~~The code applies to all students. Students attending at regional campuses and the agricultural technical institute are advised to consult their local campus publications for additional information pertaining to those campuses.~~

- 1/ Rule 3335-11-01 (A)
- 2/ Rule 3335-3-174
- 3/ Rule 3335-11-01 (B)

NOW THEREFORE

BE IT RESOLVED, That the foregoing amendments to the Code of Student Conduct be adopted as recommended by the University Senate.

(See Appendix XXXIII for a summary of the Discussion on Due Process of rule 3335-23-21, page 755.)

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**DISTINGUISHED SERVICE AWARDS**

Resolution No. 2001-101

Synopsis: Approval of eight individuals to receive Distinguished Service Awards is proposed.

**DISTINGUISHED SERVICE AWARDS (contd)**

WHEREAS the President's Planning Cabinet, upon the recommendation of the Committee on Distinguished Service Awards, nominated and recommends eight individuals for approval by the Board of Trustees to receive the Distinguished Service Award at a time convenient to the University and the recipients:

William E. Arthur  
David W. Cole  
Ray J. Groves  
E. Leonard Jossem  
Clark Kellogg  
Floradelle A. Pfahl  
Ronald L. Racster  
Thekla R. Shackelford

WHEREAS these awards are given in recognition of outstanding and distinguished service by these individuals to The Ohio State University:

NOW THEREFORE

BE IT RESOLVED, That, in accordance with action taken by the Board of Trustees in 1952, the Distinguished Service Awards be approved for awarding as designated above.

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**DEGREES AND CERTIFICATES - WINTER QUARTER COMMENCEMENT**

Resolution No. 2001-102

Synopsis: Approval of Degrees and Certificates for Winter Quarter is proposed.

WHEREAS pursuant to paragraph (E) of rule 3335-1-06 of the Administrative Code, the Board has authority for the issuance of degrees and certificates; and

WHEREAS the faculties of the colleges and schools shall transmit, in accordance with rule 3335-9-29 of the Administrative Code, for approval by the Board of Trustees the names of persons who have completed degree and certificate requirements:

NOW THEREFORE

BE IT RESOLVED, That the degrees and certificates be conferred on March 16, 2001, to those persons who have completed the requirements for their respective degrees and certificates and are recommended by the colleges and schools, and that the names of those persons awarded degrees and certificates be included in the minutes of this meeting.

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**AMENDED PERSONNEL ACTIONS**

Resolution No. 2001-103

BE IT RESOLVED, That the personnel actions as recorded in the Personnel Budget Records of the University since the February 2, 2001 meeting of the Board, including the following Appointments, Reappointment of Director, Professional Improvement Leaves, and Emeritus Titles, as detailed in the University Budget be approved; and

**AMENDED PERSONNEL ACTIONS (contd)**

BE IT FURTHER RESOLVED, That the Medical Staff Appointments (The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute) approved January 30, 2001, by The James Cancer Hospital Board, be ratified, and that a suspension of Clinical privileges considered during today's Executive Session of the Board be approved.

Appointments

Name: ROBERT R. BAHNSON  
Title: Professor (The Dave Longaberger Endowed Chair in Urology)  
Department/Division: Surgery/Urology  
Term: March 1, 2001 through June 30, 2005  
Present Position: Professor (The Louis Levy Professorship in Cancer)

Name: JEFFREY M. FOWLER  
Title: Associate Professor (The John G. Boutselis Chair in Gynecology)  
Department/Division: Obstetrics & Gynecology/Gynecologic Oncology  
Term: March 2, 2001 through June 30, 2005

Name: DOUGLAS M. LAMBERT  
Title: Professor (The Raymond E. Mason Chair in Transportation and Logistics)  
Department: Marketing  
Effective: March 2, 2001 through June 30, 2005  
Present Position: Professor (The Raymond E. Mason Professorship in Transportation and Logistics)

Name: MAC A. STEWART  
Title: Vice Provost for Minority Affairs  
Office: Academic Affairs  
Term: March 2, 2001 through June 30, 2004  
Present Position: Interim Vice Provost for Minority Affairs

Name: DAVID TAY  
Title: Director  
Center: Ornamental Plant Germplasm Center  
Effective: May 1, 2001  
Present Position: Director of the Australian Seed and Propagation Technology Centre, University of Queensland, Queensland, Australia

Reappointment of Director

July 1, 2001 through June 30, 2002

School of Educational Policy and Leadership

Mary Ann Sagaria\*

\*Interim

Professional Improvement Leaves

RONALD M. SOLOMON, Professor, Department of Mathematics, effective Autumn Quarter 2001, Winter Quarter and Spring Quarter 2002, to continue a book on the classification of finite simple groups.

DEBRA K. MOSER, Associate Professor, Department of Adult Health and Illness Nursing, effective Autumn Quarter 2001, Winter Quarter and Spring Quarter 2002, to receive intensive training in clinical research.

**AMENDED PERSONNEL ACTIONS (contd)**

Emeritus Titles

FRANCIS R. ALLAIRE, Department of Animal Sciences, with the title Professor Emeritus, effective April 1, 2001.

N. L. MCCASLIN, Department of Human and Community Resource Development, with the title Professor Emeritus, effective July 1, 2001.

HOWARD W. LOWERY, Department of Otolaryngology, with the title Clinical Professor Emeritus, effective March 1, 2001.

Medical Staff Appointments (The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute)

December 2000/January 2001

Initial Appointments – Faculty

Frederick Hensley, Jr., M.D., Anesthesiology, Clinical Professor, Associate Attending  
Loree K. Kalliainen, M.D., Plastic Surgery, Assistant Professor, Associate Attending  
James Otworth, D.O., Anesthesiology, Clinical Assistant Professor, Associate Attending  
Mariarita Santi, M.D., Pathology, Assistant Professor, Associate Attending  
Cora K. Schlesinger, M.D., Pathology, Assistant Professor, Associate Attending

Initial Appointment – Community

M. Husain Jawadi, M.D., Internal Medicine, Endocrinology, Community Associate, Springfield

Initial Appointment – Nurses in Advanced Practice

Larell Fineren, C.R.N.A.  
Ginger Guinther, C.R.N.A.  
Larry Gronland, C.R.N.A.  
Agnes Marie Miller, C.R.N.A.  
Gretchen A. Norman, C.R.N.A.  
Linda Rainey, C.R.N.A.

Provisional to Full Appointment – Faculty

Amit Agrawal, M.D., Associate Attending, Otolaryngology  
Spero Cataland, M.D., Attending, Internal Medicine, Hematology/Oncology  
Amy Gewirtz, M.D., Associate Attending, Pathology  
Gayle Gordillo, M.D., Associate Attending, Plastic Surgery  
Lisa Haller, M.D., Associate Attending, Internal Medicine, Nephrology  
Kevin Krause, M.D., Associate Attending, General Surgery  
Peter Muscarella, M.D., Associate Attending, General Surgery  
Anterpreet Neki, M.D., Attending, Internal Medicine, Hematology/Oncology  
Michael Orzo, M.D., Associate Attending, Anesthesiology  
David Powell, M.D., Associate Attending, Otolaryngology  
Jonathan Schaffir, M.D., Associate Attending, Obstetrics and Gynecology  
Bivik Shah, M.D., Associate Attending, Plastic Surgery  
Dan Spetie, M.D., Associate Attending, Internal Medicine, Nephrology  
Bryan Tagge, M.D., Associate Attending, Otolaryngology  
Victor Terebuh, M.D., Associate Attending, Anesthesiology

March 2, 2001 meeting, Board of Trustees

**AMENDED PERSONNEL ACTIONS (contd)**

Medical Staff Appointments (The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute) (contd)

December 2000/January 2001 (contd)

Provisional to Full Appointments – Community

Tajuddin Ahmed, M.D., Community Associate, Internal Medicine, Cardiology  
Ramalingam Selvarajan, M.D., Community Associate, Family Practice

Provisional to Full Appointments – Advanced Practice Nurses

Marjorie Anderson, R.N., C.N.S.  
Charles Gary Baker, C.R.N.A.  
Karen Rice, CRNA

Laparoscopic Privileges

John H. Winston, M.D., General Surgery, Associate Attending

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**RESOLUTIONS IN MEMORIAM**

Resolution No. 2001-104

Synopsis: Approval of Resolutions in Memoriam.

RESOLVED, That the Board adopt the following Resolutions in Memoriam and that the President be requested to convey a copy to the families of the deceased.

Harold F. Groves

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on January 4, 2001, of Dr. Harold F. Groves, Professor Emeritus in the Department of Veterinary Biosciences.

Dr. Groves was born in Bethesda, Ohio, and graduated from Belmont High School. He received his Bachelor of Science degree in agriculture in 1947, the Doctor of Veterinary Medicine degree in 1951, and the Master of Science degree in veterinary parasitology in 1953; all from The Ohio State University. Dr. Groves was licensed to practice veterinary medicine in 1951 by the Ohio Board of Veterinary Examiners.

Professor Groves served his country during World War II as a member of the United States Army. His military service was recognized by awarding of the Bronze Star Metal and Combat Infantryman's Badge. Harold Groves' participation in civic organization and service clubs included the Hilliard United Methodist Church, Charter Commission for the City of Hilliard (1963-65), American Legion Post No. 312, the Hilliard Kiwanis, and as Health Commissioner of Grandview (1963) where he was involved with the development of valuable education programs on food safety and public health.

Professor Groves was a member of the OSU faculty for 24 years beginning as an instructor (1951) followed by successive promotions to assistant professor (1954), associate professor (1960), and professor of veterinary parasitology from 1965 until his retirement in 1975. Upon his retirement, he became professor emeritus. His students remember Professor Groves as a respected and dedicated teacher of veterinary parasitology, and as a man of integrity and remarkable kindness.

### RESOLUTIONS IN MEMORIAM (contd)

Harold F. Groves (contd)

During his academic career Professor Groves received a number of honors including election into Phi Zeta (honorary veterinary medical society), where he served as local president; and was a long-standing member of the Ohio Veterinary Medical Association, American Veterinary Medical Association, American Association of Veterinary Clinicians, United States Animal Health Association, American Association of Veterinary Parasitologists, and the Fifth Ohio District Veterinary Medical Association.

Dr. Groves' faculty colleagues remember his regular and important scientific contributions to the emerging professional specialty of veterinary parasitology. His clinically relevant research focused on the diagnosis and prevention of trichomoniasis in cattle and the implications of infection with Trichomonas foetus in reproduction, causal factors of skin diseases transmitted from animals to humans, Demodex as a cause of skin disease in dogs, prenatal tissue migration during the life cycle of Toxocara canis larvae in young dogs, incidence of disease-producing microfilariae in the blood of pet animals in Ohio, among a number of other important areas of investigation while he was a member of the OSU faculty.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Harold F. Groves its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

Harold R. Willson

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on January 23, 2001, of Dr. Harold R. Willson, Associate Professor in the Department of Entomology.

Dr. Willson was born in California in 1941. He received his B.A. degree from Humboldt State University, his M.Sc. degree from the University of California at Davis, and his Ph.D. degree from the University of California at Riverside. He was employed by the New York State Agricultural Experiment Station in Geneva as a research associate and then as a senior extension specialist at Cornell University, where he coordinated the state's pest survey program and developed an outstanding program on pest management information. He came to Ohio State in 1983, where he served as an extension specialist in entomology with responsibilities for field crops and stored grains. He remained a member of our faculty at the time of his death.

Dr. Willson will be remembered within the University and around the state for the leadership he provided to our Program in Integrated Pest Management. He developed a small grants program and distributed funding for researchers involved in this critical area. He was instrumental in introducing the use of computers to our Entomology Extension office, and helped to lead the development of electronic distribution of information on insects to the public. This provided a good supplement to the paper-based information system previously used by the Extension office.

His research consistently probed questions of value to the Ohio farmers. At the time of his death, he was engaged in an important series of experiments evaluating genetically modified corn for its efficacy in reducing pesticide usage. His teaching likewise was focused on issues having a direct application to daily life. He co-taught a course that examined pesticides, their regulation and impact on society.

One sensed, however, that it was his international involvement that really captured his greatest passion. His interests in international activities can be traced to his early days as a Peace Corp volunteer in the Punjab, India. He also served as a trainer of Peace Corp volunteers and, before completing his graduate studies, worked for a year with the Ford Foundation in New Delhi. His interest in international service persisted throughout his career. While at Ohio State, he advised students from Mali, Senegal, Uganda, and China, and he was a frequent advisor on agricultural

**RESOLUTIONS IN MEMORIAM (contd)**

Harold R. Willson (contd)

projects in South Africa, Swaziland, Colombia, Eritrea, Uganda, and Ukraine. His most extensive recent involvement was in Uganda where he was coordinating a collaborative research and extension program relevant to tropical production agriculture. Over the past few years he visited Uganda eight times and had scheduled another visit at the time of his death.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Harold R. Willson its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

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March 2, 2001 meeting, Board of Trustees

**REPORT OF RESEARCH CONTRACTS AND GRANTS**

Resolution No. 2001-105

Synopsis: The reports on research and other sponsored program contracts and grants and the summary for January 2001 is presented for Board acceptance.

WHEREAS monies are solicited and received on behalf of the University from governmental, industrial, and other agencies in support of research, instructional activities, and service; and

WHEREAS such monies are received through The Ohio State University Research Foundation:

NOW THEREFORE

BE IT RESOLVED, That the research agreement between The Ohio State University and The Ohio State University Research Foundation for the contracts and grants reported herein during the month of January 2001 be approved.

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**REPORT ON UNIVERSITY DEVELOPMENT**

Resolution No. 2001-106

Synopsis: The report on the receipt of gifts and the summary for January 2001 are presented for Board acceptance.

WHEREAS monies are solicited and received on behalf of the University from alumni, industry, and various individuals in support of research, instructional activities, and service; and

WHEREAS such gifts are received through The Ohio State University Development Fund and The Ohio State University Foundation; and

WHEREAS this report includes the establishment of The Raymond E. Mason Chair in Transportation and Logistics, The John G. Boutselis, M.D. Chair in Gynecology, and The Edgar C. Hendrickson Designated Chair in Biomedical Engineering; and

WHEREAS this report includes the establishment of twenty-three (23) new named endowed funds and the amendment of four (4) named endowed funds:

NOW THEREFORE

BE IT RESOLVED, That the acceptance of the report from The Ohio State University Development Fund and The Ohio State University Foundation during the month of January 2001 be approved.

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

TOTAL UNIVERSITY PRIVATE SUPPORT

July through January  
1999-2000 Compared to 2000-2001

GIFT RECEIPTS BY DONOR TYPE

	Dollars July through January		
	<u>1999-2000</u>	<u>2000-2001</u>	<u>% Change</u>
Individuals:			
Alumni (Current Giving)	\$18,104,498	\$20,656,548	14%
Alumni (From Bequests)	4,210,600	1,615,749	-62%
Alumni Total	\$22,315,098	\$22,272,297	-0%
Non-Alumni (Current Giving)	\$13,382,774	\$15,152,250	13%
Non-Alumni (From Bequests)	3,339,682	9,233,277	176%
Non-Alumni Total	\$16,722,456	\$24,385,527	46%
Individual Total	\$39,037,554	\$46,657,824	20%
Corporations/Corporate Foundations	\$17,434,464	\$23,797,477	11%
Private Foundations	\$7,534,468	\$10,472,416	39%
Associations and Other Organizations	\$3,026,339	\$2,609,576	-14%
	<u>\$71,050,103</u>	<u>\$83,537,293</u>	18%

NOTES

- A Individual giving is up 20% largely due to the fact that gifts of \$10,000 or more are up (338 gifts for \$26.9 million last year; 365 gifts for \$34.7 million this year).
- B Corporate giving is up 11%. Last year there were 359 corporate gifts providing private support of \$10,000 or more (\$16.8 million). This year private support at the \$10,000 level is \$19.3 million (388 gifts).
- C Foundation giving at the \$10,000 or more level is up for the first seven months of the fiscal year (\$9.8 million from 127 gifts this year; \$6.8 million from 115 gifts last year).
- D Gifts from associations and other organizations are down 14% since giving at the \$10,000 or more level is \$448,083 less than last year for the same period.

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

TOTAL UNIVERSITY PRIVATE SUPPORT (contd)

July-January  
1999-2000 Compared to 2000-2001

GIFT RECEIPTS BY PURPOSE

Dollars  
July through January

	<u>1999-2000</u>	<u>2000-2001</u>	<u>% Change</u>
Gift Receipts to Current Use and Endowment Funds:			
Buildings/Equipment	\$13,851,147	\$9,443,660	-32%
Faculty Support	\$9,733,372	\$6,425,802	-34%
Program Support	\$30,665,650	\$52,775,849	72%
Student Financial Aid	\$10,772,474	\$8,021,481	-26%
Annual Funds-Colleges/Departments	\$4,916,975	\$5,990,816	22%
Annual Funds-University	\$1,110,485	\$879,685	-21%
Total	\$71,050,103	\$83,537,293	18%
<b>GIFT ADDITIONS TO ENDOWMENT</b>			

Dollars  
July through December

<u>1999-2000</u>	<u>2000-2001</u>	<u>% Change</u>
\$26,957,363	\$21,432,320	-21%

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

	<u>Previous Funds</u>	<u>Current Funds</u>	<u>Total Funds</u>
<u>Establishment of Named Endowed Chairs</u>			
The Raymond E. Mason Chair in Transportation and Logistics (Support for a faculty chair position in the field of transportation and logistics in the Fisher College of Business) (Grandfathered)	\$1,257,250.29		\$1,257,250.29

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

	<u>Previous Funds</u>	<u>Current Funds</u>	<u>Total Funds</u>
<u>Establishment of Named Endowed Chairs (contd)</u>			
The John G. Boutselis, M.D. Chair in Gynecology (Support for a faculty chair position in gynecologica oncology in the Department of Obstetrics and Gynecology) (Grandfathered)	\$1,241,899.59		\$1,241,899.59
<u>Establishment of Named Endowed Funds</u>			
The Marylou and Ernestine Kuhn Memorial Scholarship Fund (Provide scholarships for women graduate students in the College of The Arts, Department of Art Education; provided by gifts from Dr. Marylou Kuhn)	\$47,050.00		\$47,050.00
The College of Education Alumni Society Scholarship Fund (Provide financial support to students in the College of Education who are nearing the end of their degree programs and who have financial need; provided by gifts from alumni and friends of the College of Education)	\$25,425.00		\$25,425.00
<u>Change in Name of Named Endowed Fund</u>			
From: The James J. Buffer, Jr., Award in Industrial Technology Education To: The James J. and Loretta C. Buffer Award Fund in Industrial Technology Education			

THE OHIO STATE UNIVERSITY FOUNDATION

	<u>Previous Funds</u>	<u>Current Funds</u>	<u>Total Funds</u>
<u>Establishment of Named Designated Chair</u>			
The Edgar C. Hendrickson Designated Chair in Biomedical Engineering (Support the research of an outstanding member of the biomedical engineering faculty; provided the entire annual earnings generated by the Edgar C. Hendrickson Fund)	\$1,904,434.72		\$1,904,434.72

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

	<u>Previous Funds</u>	<u>Current Funds</u>	<u>Total Funds</u>
<u>Establishment of Named Endowed Funds</u>			
The Barbara J. Bonner Lung Cancer Research Endowment Fund (Support lung cancer research conducted by the scientist appointed to the Barbara J. Bonner Chair in Lung Cancer Research at the Comprehensive Cancer Center – The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute at The Ohio State University; provided by gifts from Bill Bonner)	\$300,000.00		\$300,000.00
The Alex and Betty Schoenbaum Undergraduate Support Fund (Support activities within and the operations of the Schoenbaum Undergraduate Program Building; provided by gifts from Betty Schoenbaum in memory of Alex Schoenbaum)	\$200,000.00		\$200,000.00
The Frank R. Sheeran Memorial Fellowship Fund in Advanced Practice Nursing (For fellowships for students enrolled in the College of Nursing pursuing graduate study leading to eligibility for certification as nurse practitioners; provided by gifts from the estate of Frank R. Sheeran)		\$112,717.92	\$112,717.92
The William G. Myers, M.D., Ph.D. Endowment Fund (Support and maintain the William G. Myers, M.D., Ph.D. Medical Library and Conference Center and the Myers Archives at the Comprehensive Cancer Center – The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute at The Ohio State University; provided by gifts from the estate of Florence Lenanhan Myers, M.D.)		\$100,000.00	\$100,000.00
The George L. and Eleanor M. Kilgore Research Fund in Ophthalmology (Support research in ophthalmology on the diseases of the eye to include both basic and clinical research; provided by gifts from the estate of Eleanor Kilgore of Shelby, Ohio, and made in memory of her husband, the late George L. Kilgore)	\$67,639.16		\$67,639.16

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

	<u>Previous Gifts</u>	<u>Current Gifts</u>	<u>Total Gifts</u>
<u>Establishment of Named Endowed Funds (contd)</u>			
The Dorothy Bittner Louks Endowment Fund for Research in Ophthalmology (Support the advancement of medical knowledge in the field of ophthalmology, both basic and clinical research, to help eradicate diseases of the retina with a special emphasis on macular degeneration; provided by gifts from Dorothy Bittner Louks)	\$52,933.38		\$52,933.38
The Jeffrey R. Rodek Fund for Excellence (Promote the academic program through support of college projects and initiatives, faculty, and students; provided by gifts from Jeffrey R. Rodek)	\$52,259.20		\$52,259.20
The Longaberger Diversity Scholarship Fund (Support a scholarship to one or more students enrolled in the ACCESS Program or a comparable University program; provided by gifts from The Longaberger Foundation)	\$50,000.00		\$50,000.00
The Ohio State University College of Nursing Alumni Scholarship Fund (For nursing scholarships for nursing students in either undergraduate or graduate programs in the College of Nursing who demonstrate academic excellence and/or who have financial need; provided by gifts from the College of Nursing Alumni Society and alumni and friends of the College of Nursing)		\$32,633.78	\$32,633.78
The Charles W. Massey and Ola Belle Massey Printmaking Endowment Fund (Advance and support the professional needs of students [undergraduate and graduate], faculty, and the academic program in printmaking; provided by gifts from Charles W. Massey, Jr., Professor of Art, (with the support of numerous students), in memory of his parents)	\$29,878.37		\$29,878.37
The Sydney N. Fisher Memorial Fund in Ottoman and Turkish Studies (Enhance the excellence of Ottoman and Turkish studies at the University by aiding serious scholars at the University, with preference to historians; provided by gifts from a family in memory of Professor Emeritus Sydney N. Fisher from his widow Elizabeth S. Fisher and his children, Alan W. Fisher, Robert Lynn Fisher and Margaret Fisher McCarthy)	\$27,864.20		\$27,864.20

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

	<u>Previous Gifts</u>	<u>Current Gifts</u>	<u>Total Gifts</u>
<u>Establishment of Named Endowed Funds (contd)</u>			
The Agnes Marshall Gordon Scholarship Fund (Provide one or more scholarships in varying amounts to deserving women students, based on criteria established by the Columbus Mortar Board Alumni Club; provided by gifts from Agnes Marshall Gordon and family, friends and colleagues of Dr. Gordon)	\$27,131.26		\$27,131.26
The Richard B. Sneed Memorial Scholarship Fund (Support deserving undergraduate mechanical engineering majors who have completed their sophomore year at the University; provided by gifts from The Richard B. Sneed Foundation)		\$25,800.00	\$25,800.00
The Henry P. and Kathryn A. Kurdziel Education Scholarship Fund (Provide support for students in the College of Education who are preparing to be teachers; provided by gifts from Donald M. Kurdziel and his wife Lessa Hall Kurdziel)		\$25,500.00	\$25,500.00
The Bernadine Healy M.D. Teaching and Research Fund in Medicine and Public Health (Support research, education, faculty development, and training projects or ongoing programs in the College of Medicine and Public Health; provided by gifts from family, friends, colleagues, and patients of, and made in honor of Bernadine Healy, M.D.)		\$25,405.00	\$25,405.00
George W. Acock 1963 Fund (Enrichment of professional educational opportunities in the architecture section of the Knowlton School of Architecture as determined by the School director; provided by gifts from George W. Acock)		\$25,260.00	\$25,260.00
The Leroy B. Bloomberg, M.D. Educational Enrichment Award Fund in Ophthalmology (Provide one or more awards to physicians undertaking their residency or students studying at the graduate level in the field of phthalmology at the College of Medicine and Public Health; provided by gifts from the estate of Dr. Leroy B. Bloomberg from his wife, Caryn Koppelman Bloomberg)	\$25,000.32		\$25,000.32

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

	<u>Previous Funds</u>	<u>Current Funds</u>	<u>Total Funds</u>
<u>Establishment of Named Endowed Funds (contd)</u>			
The Michael and Michele Moran Family Scholarship Fund (Provide scholarship costs of student athletes who are pursuing undergraduate degrees at The Ohio State University; provided by gifts from Michael F. Moran and family)	\$25,000.00		\$25,000.00
The Robert and Mary Reusche Humanities Scholar Endowed Scholarship Fund (Provide need-based scholarship support to a student or students participating in the College of Humanities Scholars Program; provided by gifts from Robert and Mary Reusche)	\$25,000.00		\$25,000.00
The Evert C. Strickland Fund for Research in Professional Development (Support research by faculty and Ph.D. students of The Ohio State University College of Education; provided by gifts from the estate of Esther L. Hedges Strickland)	\$25,000.00		\$25,000.00
The Stephen J. Weinberg Undergraduate Scholarship Fund (Support the research of an outstanding member of the Biomedical Engineering faculty; provided by gifts from Stephen J. Weinberg)	\$25,000.00		\$25,000.00
<u>Change in Name of Named Endowed Funds</u>			
From: The John D. (Jack) and Mary Lambert Ph.D. Award			
To: The John D. (Jack) and Mary Lambert Ph.D. Scholarship Fund			
From: Velma C. Veith Musical Instrument Fund			
To: Velma C. and Paul E. Veith Musical Instrument Fund			
<u>Change in Description of Named Endowed Fund</u>			
The Kettering Biomedical Engineering Scholarship Fund			
Total	\$5,408,765.49	\$347,316.70	\$5,756,082.19

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

Establishment of Named Endowed Chairs

The Raymond E. Mason Chair In Transportation and Logistics

The Raymond E. Mason, Sr. (Designated) Professorship in Transportation and Logistics fund was established May 3, 1985, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from Raymond E. Mason, Jr. (B.S.Bus.Adm. 1941) and friends, in honor of Raymond E. Mason, Sr. The funding level was reached and the designated professorship was changed to The Raymond E. Mason Professorship in Transportation and Logistics on July 7, 1995. The required chair funding level now has been reached and the chair was established March 2, 2001.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income from this fund shall be used by the Fisher College of Business to support The Raymond E. Mason Chair in Transportation and Logistics. The chair will be used to attract and/or retain an internationally recognized scholar in the field of transportation and logistics. Appointment to the chair will be made by the dean of The Max M. Fisher College of Business with the approval of the provost and The Ohio State University Board of Trustees.

Requirements for the chair include: a doctoral degree in transportation/logistics/marketing or related field; a record of significant achievements in transportation and logistics, including direct work experience in the transportation and logistics industry; demonstrated research capabilities; an ability to work effectively with the professional community, industry, and government; provides focus for The Max M. Fisher College of Business in areas of transportation and logistics; publishes research results; serves as leader and advocate for transportation and logistics with the college, University, and community in general; contributes to degree programs via curriculum design and/or instruction; participates in service activities at a national and/or international level; serves as liaison with University and business community, particularly transportation and logistics-related associations, groups and governmental agencies.

When there is not a person holding the chair, the annual income will be returned to the principal to enhance the annual income available to the next person named to the chair.

Should The Ohio State University and The Max M. Fisher College of Business agree that transportation and logistics will not be an academic offering of the institution, then the University, in consultation with the donor or his designee, will re-designate the income of this chair to another purpose at The Ohio State University which supports programs that are of interest to the donor. If no such agreement can be reached between the University and the donor or his designee, the principal of the chair will revert to the Raymond E. Mason Foundation.

\$1,257,250.29 (Grandfathered)

The John G. Boutselis, M.D. Chair in Gynecology

The John G. Boutselis Fund in Obstetrics and Gynecology was established November 1, 1974, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from Dr. and Mrs. John G. Boutselis (M.D.; M.M.S. 1956) of Columbus, Ohio. The name of the fund was changed to The John G. Boutselis, M.D. Chair Fund in Gynecology and the description was revised May 1, 1992. The required funding level (grandfathered) has now been reached and the chair was established March 2, 2001.

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Chairs (contd)

The John G. Boutselis, M.D. Chair in Gynecology (contd)

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income from this fund shall be used to support a faculty chair position in gynecological oncology in the Department of Obstetrics and Gynecology as recommended by the chairperson of the Department of Obstetrics and Gynecology and the dean of the College of Medicine and Public Health to the provost and approved by the Board of Trustees.

It is the desire of the donors that this chair should benefit University in perpetuity. If the need for this chair should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the dean of the College of Medicine and Public Health, the chairperson of the Department of Obstetrics and Gynecology, or program administrative officer in order to carry out the desire of the donors.

\$1,241,899.59 (Grandfathered)

Establishment of Named Endowed Funds

The Marylou and Ernestine Kuhn Memorial Scholarship Fund

The Marylou and Ernestine Kuhn Memorial Scholarship Fund was established March 2, 2001, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from Dr. Marylou Kuhn (B.S.Edu. 1945, Ph.D. 1958).

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide scholarships for women graduate students in the College of The Arts, Department of Art Education. The scholarship recipients shall be chosen by the dean of the College of The Arts, in consultation with the chairperson of the Department of Art Education and the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the dean of the College of The Arts, in order to carry out the desire of the donor. Funding of this scholarship may begin immediately.

\$47,050.00

The College of Education Alumni Society Scholarship Fund

The College of Education Alumni Society Scholarship Fund was established March 2, 2001, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from alumni and friends of the College of Education.

March 2, 2001 meeting, Board of Trustees

## **REPORT ON UNIVERSITY DEVELOPMENT (contd)**

### THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

#### Establishment of Named Endowed Funds (contd)

##### The College of Education Alumni Society Scholarship Fund (contd)

Establishment of this fund, through the efforts of the EdLums Board and others, demonstrates the deep commitment of the College of Education alumni to current and future education students.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide financial support to students in the College of Education who are nearing the end of their degree programs and who have financial need. Selection of the recipients shall be made by the dean of the College of Education or designee, in consultation with education faculty and the University Committee on Student Financial Aid.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the appropriate college dean in order to carry out the desire of the donors.

\$25,425.00

#### Change in Name of Named Endowed Fund

##### The James J. and Loretta C. Buffer Award Fund in Industrial Technology Education

The James J. Buffer, Jr., Award in Industrial Technology Education fund was established July 12, 1991, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from James J. Buffer, Jr., professor, College of Education, 1967–1982; and associate dean, College of Education, 1982–1989. The name of the fund was revised on March 2, 2001.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support dissertation research of doctoral students enrolled in the field of industrial technology in the College of Education. Eligible students shall have successfully achieved candidacy status for the doctoral degree in industrial technology education, shall be currently enrolled in the Graduate School for dissertation credit and shall have successfully completed a prospectus for his/her dissertation topic as evidenced by official committee approval. Eligible students' dissertation research should be related to the advancement of industrial technology education including, but not limited to, curriculum, instruction, teacher, special needs and/or evaluation and program development.

Nomination for the scholarship should be endorsed by a graduate faculty member of the industrial technology education program area. The scholarship should not be recommended each year if quality applicants are not nominated. It is the intention that only one award be made per year. However, two awards may be recommended if one was not given the previous year, and more than the traditional one award per year may be made should funds be sufficient through growth of the endowment.

March 2, 2001 meeting, Board of Trustees

## **REPORT ON UNIVERSITY DEVELOPMENT (contd)**

### THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

#### Change in Name of Named Endowed Fund (contd)

The James J. and Loretta C. Buffer Award Fund in Industrial Technology Education (contd)

Selection of the scholarship recipient(s) shall be made by a committee of graduate faculty in industrial technology education who shall be selected by the dean of the College of Education in consultation with the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the appropriate college dean, department chairperson or program administrative officer in order to carry out the desire of the donor.

### THE OHIO STATE UNIVERSITY FOUNDATION

#### Establishment of Named Designated Chair

The Edgar C. Hendrickson Designated Chair in Biomedical Engineering

The Edgar C. Hendrickson Designated Chair in Biomedical Engineering was established March 2, 2001, by the Board of Trustees of The Ohio State University with the entire annual earnings generated by the Edgar C. Hendrickson Fund. Mr. Edgar C. Hendrickson was a graduate of the College of Engineering (B.S.Ch.E. 1923) who had a highly accomplished career in the paper industry. He contributed most of his accumulated assets to The Ohio State University Foundation for the advancement of the College of Engineering. His generosity is recognized and deeply appreciated.

The annual distribution from the Hendrickson Fund shall be used by the dean of the College of Engineering to support the research of an outstanding member of the biomedical engineering faculty. The dean of the College of Engineering will recommend the scholar. The recommendation will be endorsed by the executive vice president and provost and have the approval of the Board of Trustees.

The holder of The Edgar C. Hendrickson Designated Chair in Biomedical Engineering will be appointed for a term of five years. At the completion of each term, the dean of the College of Engineering may choose to reappoint the chairholder, to select another distinguished scholar, or to otherwise use the funds to enhance the College of Engineering. During the five-year term the holder of The Edgar C. Hendrickson Designated Chair in Biomedical Engineering may be appointed to another named position at the University. On this occasion, the dean of the College of Engineering may choose to select another distinguished scholar, or to otherwise use the funds to enhance the College of Engineering.

\$1,904,434.72

#### Establishment of Named Endowed Funds

The Barbara J. Bonner Lung Cancer Research Endowment Fund

The Barbara J. Bonner Lung Cancer Research Endowment Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Bill Bonner of Worthington, Ohio.

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

**THE OHIO STATE UNIVERSITY FOUNDATION (contd)**

Establishment of Named Endowed Funds (contd)

The Barbara J. Bonner Lung Cancer Research Endowment Fund (contd)

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support lung cancer research conducted by the scientist appointed to the Barbara J. Bonner Chair in Lung Cancer Research at the Comprehensive Cancer Center – The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute at The Ohio State University as approved by the director of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute, the director of the Comprehensive Cancer Center, and the senior vice president for Health Sciences and dean of the College of Medicine and Public Health.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the director of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute, the director of the Comprehensive Cancer Center, and the senior vice president for Health Sciences and dean of the College of Medicine and Public Health in order to carry out the desire of the donor.

\$300,000.00

The Alex and Betty Schoenbaum Undergraduate Support Fund

The Alex and Betty Schoenbaum Undergraduate Support Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts designated for support of The Max M. Fisher College of Business from contributions from Betty Schoenbaum in memory of Alex Schoenbaum (B.S.Bus.Adm. 1939).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used by the dean to support activities within and the operations of the Schoenbaum Undergraduate Program Building.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the appropriate college dean, department chairperson, or program administrative officer in order to carry out the desire of the donor.

\$200,000.00

The Frank R. Sheeran Memorial Fellowship Fund in Advanced Practice Nursing

The Frank R. Sheeran Memorial Fellowship Fund in Advanced Practice Nursing was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from the estate of Frank R. Sheeran, (B.A. 1954).

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Frank R. Sheeran Memorial Fellowship Fund in Advanced Practice Nursing (contd)

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used for fellowships for students enrolled in the College of Nursing pursuing graduate study leading to eligibility for certification as nurse practitioners. Selection of the recipients will be made by the dean of the College of Nursing upon the recommendation of the assistant dean and academic counselor.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the appropriate college dean, school director, department chairperson, or program administrative officer in order to carry out the desire of the donor.

\$112,717.92

The William G. Myers, M.D., Ph.D. Endowment Fund

The William G. Myers, M.D., Ph.D. Endowment Fund at the Comprehensive Cancer Center – The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from the estate of Florence Lenahan Myers, M.D. (M.D., 1940).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support and maintain the William G. Myers, M.D., Ph.D. Medical Library and Conference Center (located at The James) and the Myers Archives (located at the Prior Health Sciences Library) at the Comprehensive Cancer Center – The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute at The Ohio State University as approved by the director of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute, the director of the Comprehensive Cancer Center, and the senior vice president for Health Sciences and dean of the College of Medicine and Public Health. Any unused income shall be returned to the principal of this fund.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the director of The Arthur G. James Cancer Hospital and Richard J. Solove Research Institute, the director of the Comprehensive Cancer Center, and the senior vice president for Health Sciences and dean of the College of Medicine and Public Health in order to carry out the desire of the donor.

\$100,000.00

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

**THE OHIO STATE UNIVERSITY FOUNDATION (contd)**

Establishment of Named Endowed Funds (contd)

The George L. and Eleanor M. Kilgore Research Fund in Ophthalmology

The George L. and Eleanor M. Kilgore Research Fund in Ophthalmology was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from the estate of Eleanor Kilgore of Shelby, Ohio, and made in memory of her husband, the late George L. Kilgore.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support research in ophthalmology on the diseases of the eye to include both basic and clinical research. Income distribution shall be made as recommended by the chairperson of the Department of Ophthalmology in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health. The income may support, but is not limited to, scientific supplies, equipment, salaries for research personnel and activities required for quality medical research.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health and the chairperson of the Department of Ophthalmology in order to carry out the desire of the donor.

\$67,639.16

The Dorothy Bittner Louks Endowment Fund for Research in Ophthalmology

The Dorothy Bittner Louks Endowment Fund for Research in Ophthalmology was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Dorothy Bittner Louks of Medway, Ohio.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used by the Department of Ophthalmology to support the advancement of medical knowledge in the field of Ophthalmology, both basic and clinical research, to help eradicate diseases of the retina with a special emphasis on macular degeneration. The income allocation shall be made at the recommendation of the chairperson on the Department of Ophthalmology and the director of the Vitreo-Retinal Service in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health, and may support, but is not limited to, scientific supplies, equipment, salaries for research personnel and activities for quality medical research.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the chairperson of the Department of Ophthalmology and the senior vice president for Health Sciences and dean of the College of Medicine and Public Health in order to carry out the desire of the donor.

\$52,933.38

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Jeffrey R. Rodek Fund for Excellence

The Jeffrey R. Rodek Fund for Excellence was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Jeffrey R. Rodek (B.S.M.E., 1975; M.B.A., 1976).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used by the dean of The Max M. Fisher College of Business to promote the academic program through support of college projects and initiatives, faculty, and students.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the person or unit with spending authority and/or appropriate University official in order to carry out the desire of the donor.

\$52,259.20

The Longaberger Diversity Scholarship Fund

The Longaberger Diversity Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from The Longaberger Foundation.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income from this endowed gift shall support a scholarship to one or more students enrolled in the ACCESS Program or a comparable University program. The award will be based on need or merit. This fund reflects the Foundation's desire to assist students who will add to the intellectual and cultural diversity of the University. Preference will be given to students who are pursuing careers in business. The scholarship will be awarded in consultation with the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the vice provost for the Office of Minority Affairs and The Longaberger Foundation in order to carry out the desire of the donor.

\$50,000.00

The Ohio State University College of Nursing Alumni Scholarship Fund

The Ohio State University College of Nursing Alumni Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from the College of Nursing Alumni Society and alumni and friends of the College of Nursing.

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Ohio State University College of Nursing Alumni Scholarship Fund (contd)

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used for nursing scholarships for nursing students in either undergraduate or graduate programs in the College of Nursing who demonstrate academic excellence and/or who have financial need. Selection of the recipients will be made by the dean of the College of Nursing upon recommendation of the assistant dean and academic counselor in consultation with the University Committee on Student Financial Aid.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the appropriate college dean, school director, department chairperson, or program administrative officer in order to carry out the desire of the donors.

\$32,633.78

The Charles W. Massey and Ola Belle Massey Printmaking Endowment Fund

The Charles W. Massey and Ola Belle Massey Printmaking Endowment Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Charles W. Massey, Jr., professor of art (with the support of numerous students), in memory of his parents who selflessly provided unreserved support for education and challenging, independent and creative thinking.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used, as jointly determined by the students (through a student organization as long as one continues to exist) and the faculty in printmaking in the Department of Art, to advance and support the professional needs of students (undergraduate and graduate), faculty, and the academic program in printmaking. Uses include but are not limited to: attendance at conferences and fees and memberships, exhibition support, materials, and equipment needs for the creation of work, visiting artists, etc. These uses should only be made in addition to and not a substitute for the normal funding made available through university, college, department, special, and legislative processes. The fund will be administered in cooperation with the chair of the Department of Art.

In the event that there are undistributed funds in any given year, the unused income will be returned to the principal unless compelling reasons for a one-year carry over are provided in a timely manner by the students and faculty in printmaking in cooperation with the chair of the Department of Art.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income over an extended period, then another use shall be designated by the Foundation Board as recommended by the chair of the Department of Art to carry out the desire of the donor. If this should occur, it is the desire of the donor that the new use be focused on the needs of honors and other undergraduate

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Charles W. Massey and Ola Belle Massey Printmaking Endowment Fund (contd)

students in studio arts (those normally enrolled as majors in the Department of Art) who are pursuing approved undergraduate research projects.

\$29,878.37

The Sydney N. Fisher Memorial Fund in Ottoman and Turkish Studies

The Sydney N. Fisher Memorial Fund in Ottoman and Turkish Studies was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a family gift in memory of Professor Emeritus Sydney N. Fisher from his widow Elizabeth S. Fisher and his children, Alan W. Fisher, Robert Lynn Fisher (B.S.Bus.Adm., 1966), and Margaret Fisher McCarthy (B.A., 1971).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

For 35 years, Sydney N. Fisher served this University with distinction as a professor of history. He was instrumental in promoting the international dimensions of Ohio State's programs and was deeply involved in what was to become one of the top Middle East studies programs in the country. The annual income from his memorial accordingly will be used to enhance the excellence of Ottoman and Turkish studies at the University by aiding serious scholars at the University, with preference to historians. The chairperson of the Department of History will be responsible for allocating the endowment's annual income and will do so in consultation with the department's senior faculty in Ottoman and Turkish studies and with the University Committee on Student Financial Aid when distributing student scholarships.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the appropriate college dean, department chairperson, or program administrative officer, in order to carry out the desire of the donor.

\$27,864.20

The Agnes Marshall Gordon Scholarship Fund

The Agnes Marshall Gordon Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Agnes Marshall Gordon of Columbus, Ohio, and from gifts received from family, friends and colleagues of Dr. Gordon. Agnes Marshall Gordon (B.A. with honors, 1926; M.A., 1927; Ph.D., 1964) was the first woman to earn a Ph.D. in accounting and to be appointed a professor of accounting at The Ohio State University.

A woman of keen intellect and vision, Dr. Gordon was recognized for her innovative leadership to the accounting profession in higher education and for her dedicated commitment to the National Honor Society, Mortar Board.

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Agnes Marshall Gordon Scholarship Fund (contd)

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide one or more scholarships in varying amounts to deserving women students, based on criteria established by the Columbus Mortar Board Alumni Club. The Columbus Mortar Board Alumni Club Scholarship Committee will review the record of qualified candidates and recommend recipients. The University Committee on Student Financial Aid will make the award decision.

It is the desire of the donor(s) that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the appropriate University Honors Program or Student Affairs administrative officer and in consultation with the Columbus Mortar Board Alumni Club.

\$27,131.26

The Richard B. Sneed Memorial Scholarship Fund

The Richard B. Sneed Memorial Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from The Richard B. Sneed Foundation of Circleville, Ohio.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used by the Department of Mechanical Engineering to support deserving undergraduate mechanical engineering majors who have completed their sophomore year at the University. Students selected as Richard B. Sneed Scholars will be chosen on the basis of academic merit. Richard B. Sneed Scholars will be eligible for renewal pending review of their academic progress. The chairperson of the Department of Mechanical Engineering will be responsible for administering these scholarships in cooperation with the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the dean of the College of Engineering and the chairperson of the Department of Mechanical Engineering in order to carry out the desire of the donor.

\$25,800.00

The Henry P. and Kathryn A. Kurdziel Education Scholarship Fund

The Henry P. and Kathryn A. Kurdziel Education Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Donald M. Kurdziel (B.S.Bus.Adm., cum laude, 1976; M.B.A., 1977) and his wife Lessa Hall Kurdziel (B.S., Social Work, 1978). The gift was made in honor of the 50<sup>th</sup> wedding anniversary of Mr. Kurdziel's parents, Henry P. and Kathryn A. Kurdziel, December 27, 2000.

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

**THE OHIO STATE UNIVERSITY FOUNDATION (contd)**

Establishment of Named Endowed Funds (contd)

**The Henry P. and Kathryn A. Kurdziel Education Scholarship Fund (contd)**

Henry P. and Kathryn A. Kurdziel, both graduates of Case Western Reserve University, have evidenced a life-long commitment to education -- Mrs. Kurdziel as an elementary school teacher and Dr. Kurdziel as a secondary school science teacher, an elementary and secondary school principal, and later as a superintendent of schools.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide support for students in the College of Education who are preparing to be teachers. The recipients shall be individuals who are changing careers and who are preparing to become elementary teachers or secondary mathematics or science teachers. The scholarship will be awarded in consultation with the University Committee on Student Financial Aid.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the Dean of the College of Education in order to carry out the desire of the donors.

\$25,500.00

**The Bernadine Healy M.D. Teaching and Research Fund  
in Medicine and Public Health**

The Bernadine Healy M.D. Teaching and Research Fund in Medicine and Public Health was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from family, friends, colleagues, and patients of, and made in honor of Bernadine Healy, M.D. (former dean of the College of Medicine and Public Health).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support research, education, faculty development, and training projects or ongoing programs in the College of Medicine and Public Health that foster innovation and excellence or those otherwise determined as priority areas. Selection shall be made by the senior vice president for Health Sciences and dean of the College of Medicine and Public Health. For research, the income may support, but is not limited to, scientific supplies, equipment, salaries for research personnel, and activities required for quality medical research.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health in order to carry out the desire of the donors.

\$25,405.00

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

**THE OHIO STATE UNIVERSITY FOUNDATION (contd)**

Establishment of Named Endowed Funds (contd)

George W. Acock 1963 Fund

The George W. Acock 1963 Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from George W. Acock (B.Arch., 1963).

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used for the enrichment of professional educational opportunities in the architecture section of the Knowlton School of Architecture as determined by the school director. Without limitation on the scope, range or diversity of the specific educational purposes, the fund may be used for lectures, visiting teaching positions, teaching and research support, graduate fellowships, student travel fellowships, and similar educational purposes.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the director of the Knowlton School of Architecture in order to carry out the desire of the donor.

\$25,260.00

The Leroy B. Bloomberg, M.D. Educational Enrichment Award Fund in Ophthalmology

The Leroy B. Bloomberg, M.D. Educational Enrichment Award Fund in Ophthalmology was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from the estate of Dr. Leroy B. Bloomberg from his wife, Caryn Koppelman Bloomberg (B.S., Social Work, 1968) and made in his memory, that of Leroy B. Bloomberg, M.D. (B.A., 1961; M.D., 1964) of Newark, Ohio.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall provide one or more awards to physicians undertaking their residency or students studying at the graduate level in the field of ophthalmology at the College of Medicine and Public Health. The award(s) will provide a stipend to attend conferences relating to ophthalmology, with preference and priority in any given year toward attendance at the annual conference of the American College of Eye Surgeons (ACES). If the ACES no longer exists, this award should provide assistance for attendance at a conference that encourages cutting-edge practice and thinking in the field of ophthalmology. The award may cover travel, registration, and other related expenses. The selection of the recipient(s) shall be made at the recommendation of the clinical director of research and the chairperson of the Department of Ophthalmology in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the senior vice president for Health Sciences and dean of the College of Medicine and Public Health and with the chairperson of the Department of Ophthalmology in order to carry out the desire of the donor.

\$25,000.32

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Michael and Michele Moran Family Scholarship Fund

The Michael and Michele Moran Family Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Michael F. Moran (B.A., 1969) and family of Columbus, Ohio. This scholarship was established by The Department of Athletics.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide scholarship costs of student athletes who are pursuing undergraduate degrees at The Ohio State University and participating on the varsity track team with preference given to those participating in the sprint events. Recipients shall be selected by the director of Athletics in consultation with the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the director of Athletics in order to carry out the desire of the donor.

\$25,000.00

The Robert and Mary Reusche Humanities Scholar Endowed Scholarship Fund

The Robert and Mary Reusche Humanities Scholar Endowed Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Robert (B.S.Bus.Adm., 1949) and Mary (B.S.Bus.Adm., 1950) Reusche.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide need-based scholarship support to a student or students participating in the College of Humanities Scholars Program. The College of Humanities Scholars Program provides enriched study of the liberal arts for selected undergraduate students majoring in literature, languages, philosophy, history, culture, and interdisciplinary programs. Students participating in the Humanities Scholars Program come from the top 20 percent of their high school class and have an ACT score of 25 or higher (SAT above 1140). The scholarship will be awarded in consultation with the University Committee on Student Financial Aid.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the dean of the College of Humanities in order to carry out the desire of the donors.

\$25,000.00

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Establishment of Named Endowed Funds (contd)

The Evert C. Strickland Fund for Research in Professional Development

The Evert C. Strickland Fund for Research in Professional Development was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from the estate of Esther L. Hedges Strickland (M.A., Education, 1957).

The endowment recognizes the enormous contributions of Evert C. Strickland (M.A., Education 1935; Ph.D., Education, 1955) in the area of educational administration, and his years of service in personnel and staff development to Wright Patterson Air Force Base, Lockbourne Air Force Base, and the Ohio Rehabilitation Services Commission. Dr. Strickland was also, during the course of his career, a mathematics teacher, a school superintendent, and a lieutenant commander in the Navy during World War II, where he served in the Pacific.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual interest shall be used to support research by faculty and Ph.D. students of The Ohio State University College of Education. The subject of the research shall be professional development for school administrators, teachers and other educational specialists.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in consultation with the dean of the College of Education in order to carry out the desire of the donor.

\$25,000.00

The Stephen J. Weinberg Undergraduate Scholarship Fund

The Stephen J. Weinberg Undergraduate Scholarship Fund was established March 2, 2001, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Stephen J. Weinberg (B.S.Bus.Adm., 1965) of Cleveland, Ohio.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide a scholarship(s) to an undergraduate student(s) in The Max M. Fisher College of Business. Awards will be given only to students with a demonstrated financial need that have also been able to maintain a grade point average of 3.0.

Selection shall be made by the dean of the Fisher College of Business in consultation with the college selection committee and the University Office of Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the dean of the Fisher College of Business in order to carry out the desire of the donor.

\$25,000.00

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

THE OHIO STATE UNIVERSITY FOUNDATION (contd)

Change in Name of Named Endowed Funds

The John D. (Jack) and Mary Lambert Ph.D. Scholarship Fund

The John D. (Jack) and Mary Lambert Ph.D. Award was established September 1, 1999, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Dr. Douglas M. Lambert (Ph.D., 1975). The name of the fund was revised March 2, 2001.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to provide an award(s) to a Ph.D. student(s) in the area of logistics. Selection shall be made by the faculty of logistics with formal approval from the dean of the college in consultation with the University Committee on Student Financial Aid. In any given year when a Ph.D. Award is not made, an MBA student with a concentration in logistics may receive the award.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the University/college should cease offering graduate courses in logistics, or whatever terminology describes the evolved form of this discipline as determined by the Council of Logistics Management or its successor, then the fund should be transferred to The Ohio State University College of Medicine and Public Health for cancer research.

Velma C. and Paul E. Veith Musical Instrument Fund

The Velma C. Veith Musical Instrument Fund was established September 1, 1999, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Paul E. Veith of Pemberton, Ohio. In memory of Paul Veith, the title was changed on March 2, 2001.

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income from this fund shall be used to support the purchase and maintenance of musical instruments in The Ohio State University School of Music. Purchase decisions shall be made by the director of the School of Music in consultation with the music faculty. In the event there are undistributed funds in any given year, the unused income shall be returned to the principal.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board in as recommended by the dean of the College of The Arts in order to carry out the desire of the donor.

Change in Description of Named Endowed Fund

The Kettering Biomedical Engineering Scholarship Fund

The Kettering Biomedical Engineering Scholarship Fund was established April 7, 2000, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from The Kettering Fund of Dayton, Ohio. The description was revised March 2, 2001.

March 2, 2001 meeting, Board of Trustees

**REPORT ON UNIVERSITY DEVELOPMENT (contd)**

**THE OHIO STATE UNIVERSITY FOUNDATION (contd)**

Change in Description of Named Endowed Fund (contd)

The Kettering Biomedical Engineering Scholarship Fund (contd)

All gifts are to be invested by the Foundation, under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to fund scholarships for undergraduate students who are studying biomedical engineering. While the baccalaureate biomedical engineering degree program is developed and until this degree is approved by the University's Board of Trustees, the Kettering Biomedical Engineering Scholarships will be awarded to students who successfully complete upper-level biomedical engineering courses. When the baccalaureate degree program is approved, the scholarships will support biomedical engineering majors in each of their junior and senior years. Half of all the scholarships will be reserved for students native to Ohio. Selection will be made by the dean of the College of Engineering in consultation with the University Committee on Student Financial Aid. The dean will provide timely reports to The Kettering Fund on the scholarship program.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Foundation Board as recommended by the dean of the College of Engineering in order to carry out the desire of the donor.

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**AMENDMENT OF THE ALTERNATIVE RETIREMENT PLAN**

Resolution No. 2001-107

Synopsis: Authorization for The Ohio State University to amend the Alternative Retirement Plan to conform to amendments to Ohio Revised Code Sections 3305.01, et seq., is proposed.

WHEREAS Ohio law provides that public colleges and universities maintain an Alternative Retirement Plan (the "Plan") for eligible faculty and unclassified staff members; and

WHEREAS the Board of Trustees of The Ohio State University established the Plan on February 5, 1999; and

WHEREAS the Ohio General Assembly has amended Ohio Revised Code Sections 3305.01, et seq., affecting the Plan; and

WHEREAS the University desires to amend and restate the Plan to conform to the amendments made to the Ohio Revised Code, to qualify the Plan under current federal laws and regulations, including the Uruguay Round Agreements Act of the General Agreement on Tariffs and Trade ("GATT"), the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), the Small Business Job Protection Act of 1996 ("SBJPA"), the Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Restructuring and Reform Act of 1998 ("RRA '98"), and other applicable laws, regulations, and administrative authority, and to submit the Plan to the Internal Revenue Service ("IRS") for approval:

NOW THEREFORE

March 2, 2001 meeting, Board of Trustees

**AMENDMENT OF THE ALTERNATIVE RETIREMENT PLAN (contd)**

BE IT RESOLVED, That, effective as indicated in the Plan, The Ohio State University Alternative Retirement Plan is amended and restated in substantially the form attached hereto as Appendix XXXI and incorporated herein by reference; and

BE IT FURTHER RESOLVED, That the Office of Human Resources and the Office of Legal Affairs be authorized to execute the amended and restated Plan and any other instruments, documents, or conveyances necessary to effectuate the amended and restated Plan and to submit the amended and restated Plan to the IRS for qualification; and

BE IT FURTHER RESOLVED, That the Office of Human Resources and the Office of Legal Affairs, in carrying out this resolution, are hereby authorized to make any conforming changes to the amended and restated Plan as may be required to ensure compliance with the applicable and effective provisions of the Internal Revenue Code of 1986, the Tax Reform Act of 1986, GATT, USERRA, SBJPA, TRA '97, RRA '98, and any related rules and regulations, and to take such further action as may be necessary or advisable to implement this resolution.

(See Appendix XXXI for background material, page 725.)

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**UNIVERSITY MEDICAL CENTER MID-YEAR FEE INCREASE**

Resolution No. 2001-108

WHEREAS the cost of providing health care continues to increase at a rate greater than inflation; and

WHEREAS the University Medical Center has been very aggressive in holding down costs and rates in prior years; and

WHEREAS the Medical Center, in consultation with other University offices, is implementing a comprehensive financial plan that includes a series of planned, multi-year rate increases for patient services, consistent with market pricing levels; and

WHEREAS rate increases have been approved by the University Hospitals Board, the University Hospitals East Board, and the James Cancer Hospital Board:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby approves an average five percent increase in Medical Center rates, effective February 1, 2001, consistent with the Medical Center financial plan previously developed; and

BE IT FURTHER RESOLVED, That the Secretary be instructed to incorporate all supporting documents into the minutes of this meeting, and file these materials with the official records of the University.

(See Appendix XXXII for background information, page 753.)

Upon motion of Mr. Skestos, seconded by Mr. Brennan, the Board of Trustees adopted the foregoing resolutions by unanimous roll call vote, cast by Messrs. Skestos, Brennan, Patterson, Sofia, McFerson, and Judge Duncan, and Ms. Hendricks.

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## STUDENT GOVERNMENT REPORT

Mr. Todd A. Armen: [PowerPoint Presentation]

On behalf of the Inter-Professional Council, I'd like to thank you for allowing me to appear before the Board this morning and make this address.

When was the last time you thought of Ohio State and thought beyond the undergraduate and graduate students? How much do you really know about Ohio State's smallest student population? Do professional students care about Ohio State and should we care about them? These are all very important questions.

I might point out that diversity at Ohio State, although often talked about, is the mixture of our student population, be that undergraduate, graduate, and the smallest student group -- professional students. These are three student bodies living, learning, and serving side-by-side on this campus. But what is the life of the lesser known of these really like? How are professional students truly a part of the University community?

In the College of Dentistry, students go through two years of basic science work and two years of clinical work. Here are some examples of what the lives of dentistry students are like working in the clinics at the dental school. At the College of Law, students go through three years in six semesters, and they're also very involved in a wide range of activities and preparation for various careers. These pictures shown are from their alternative career fair, students studying together, studying alone in the library, and the ever-important student housing legal clinic that offers free services to students when they have problems with their landlords.

In the College of Medicine and Public Health, they have two years of basic sciences and one year of three different pathways -- lecture discussion pathway, which is traditional; independent study, where students learn on their own; and problem-based learning, which is based on case studies; and two years of clinical rotations working in hospitals around Columbus, the Cleveland Clinic, and clinics and offices all around Central Ohio. The College of Medicine and Public Health begins classes in August on a semester calendar and ends in June on a quarter calendar. Clinical rotations begin in June following the second year, so that the only break is the first summer -- half a quarter.

This is an example of the Residency Match Day from last year -- two fourth-year students. On this day, students open an envelope that tells them where they'll spend the next four years. It's a binding decision, but they do get some limited choice in the matter. Students working in the hospital -- this is a second-year student practicing physical exam techniques, and a first-year student studying in the library in the independent study pathway.

The College of Optometry -- the first three years are course-based, including basic sciences and clinical skills courses. Students then complete clinical training, working both at the clinics and eyeglass dispensary at Ohio State, and at an off-campus clinic office. These are some of the activities that typical optometry students go through -- working in the eyeglass dispensary, actually putting the lenses and frames together; and community vision screenings.

In the College of Veterinary Medicine, there are two years of basic sciences followed by a year of rotations and a year of work in the clinics. They are prepared for a wide range of activities, including many different animals in many different areas of practice.

**STUDENT GOVERNMENT REPORT (contd)**

Mr. Armen: (contd)

Overall, professional students have an average credit load of 24 hours. This is greatly above the traditional graduate or undergraduate student. These students, who were all in the top of their graduating class from their undergraduate institutions, were heavily involved in their campus life there and in community service.

Professional colleges have the highest tuition of any students on campus, and the highest increases every year. Most students at this school live on loans that total over \$25,000 per year. When it came up in the Academic Plan that there was the possibility of raising undergraduate tuition by nine percent, we laughed. As you can see, our tuition was raised last year alone by 9.5 percent for Dentistry, 19 percent for Law, and almost 9 percent for Medicine and Vet Med.

Overall, IPC is the representative body of this diverse group of students. We're the professional student government, yet we do much more than that. We also perform social services for these students, allowing them to internetwork and try and feel somewhat a part of the greater university, which currently is way underdeveloped on this campus.

The I-QUE Report, which was distributed in August – while some improvements have been made to address those concerns, it still has not been completely addressed. We might point out that great professional programs only enhance undergraduate education, and the lacking in the Academic Plan of focus on professional schools and professional students is somewhat unnerving. We must embrace and acknowledge the contribution of our professional students, which have been too long overlooked, if we are to accomplish the goals of the Academic Plan and make these programs and this University truly great.

I'd like to thank these following people for helping put this presentation together through the pictures and the other slides. Thank you for the opportunity to address you today.

Mr. Brennan:

Thank you. Any questions of Todd? Thank you very much.

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**BUILDING RESEARCH ACROSS DISCIPLINES**

Mr. Brennan:

I would now like to call on Vice President Brad Moore for a presentation.

Vice President Brad Moore: [PowerPoint Presentation]

Mr. President and members of the Board, thank you very much for this opportunity to meet with you today and discuss the University's research program. Our Academic Plan points out that the sine qua non of a great university is academic excellence, as measured by the quality of the research, scholarship, and graduates it produces, along with their collective impact on the larger society.

I think it's always important to realize that much of our ultimate impact is the accomplishments of our alumni. The strategy to develop academic programs

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Vice President Moore: (contd)

that define Ohio State as the nation's leading public land grant university is, in substantial measure, in the development of multidisciplinary research programs. Many of today's major opportunities for research and societal progress require a multidisciplinary approach.

Ohio State is particularly strong in this tradition for interdisciplinary and multidisciplinary work. We have over sixty centers on campus already. The multidisciplinary research initiatives, new buildings for research, and the recruitment of star faculty are three of the key initiatives in our Academic Plan. Biomedical research and a new center for the study of race and ethnicity have been chosen as initial thrusts for our Academic Plan. It's also important to understand that strong multidisciplinary platforms provide a means to attract and retain our outstanding faculty and students.

Lonnie Thompson, one of the world's leading polar researchers at the Byrd Polar Center, pioneered the technology of ice coring and the use of ice cores for studying the history of our atmosphere and global climate. These ice cores all have little bubbles trapped in them, which record the history of our planet. Recently noted, the sad fact that in a matter of years, anyone wanting to study the glaciers of Africa or Peru will probably have to travel to Columbus, Ohio, to do so in Lonnie's freezer. You just can't imagine how hard it is to get an ice core from the top of a mountain using Aeroflot, no less, to Columbus, Ohio.

So perhaps it was no great surprise that Lonnie was the author of the quote of the day last week in the *New York Times* in discussing the melting of the Peruvian Glacier. He noted at an AAAS meeting, that the whole country -- Peru that is -- for its hydro-power is "cashing in on a bank account that was built up over thousands of years, but isn't being replenished."

Building on our multidisciplinary strength is a key part of our strategy. We asked the faculty in mid-November if they had any proposals for new multidisciplinary initiatives that we might start. On January 3 there were 110 proposals, most of which involve 10 or 20 faculty. We selected eight areas during January and asked leaders in those areas to combine the best of the proposals that were relevant, and plan and develop proposals for funding for research in the areas of: environment; nanotechnology and materials; human learning; food safety and nutrition; information technology, with a particular emphasis on the arts; and, as I already mentioned, biomedical research and the study of race and ethnicity. The real point of our presentation today is to introduce two people to you who will give you a vision for our future in research at The Ohio State University.

Maria Palazzi received her M.A. degree from The Ohio State University in 1987, spent four years as senior animator and director at Cranston/Csuri Productions, moved then to do computer animation at the Ringling School of Art and Design, and is now again with us. Maria –

Professor Maria Palazzi: [PowerPoint Presentation]

Thank you for inviting me to speak with you today about how the College of The Arts facilitates multidisciplinary initiatives for our students and faculty. Multidisciplinary collaboration is one of the foundations for the college's success. Our structure for multidisciplinary efforts is based on research that continues to prove the merits of collaboration among professionals as a method for creative problem-solving and expression. As professionals concerned with the academic

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Professor Palazzi: (contd)

and social growth of our students, it's imperative that we focus on the nature of collaborative relationships in order to find more effective ways of teaching, learning, and working together.

The college impacts educational practices by using multidisciplinary collaboration to affect faculty, students, and our relationship in the world. We feel that our students' education is vastly enriched with multidisciplinary experiences and it is those experiences that I would like to talk about today.

The College of The Arts supports and nurtures the Advanced Computing Center for the Arts and Design, which is a multidisciplinary center for collaborative research in technology and the arts. The center originated from pioneering Ohio State work and now regularly turns out award-winning alumni skilled in computer animation and virtual design.

Our newest project is a state-of-the-art motion capture facility for researchers and their students. These capabilities have important research implications across the University in areas such as athletics, medicine, computer science, ergonomics, and the arts. This technology will allow us to capture, analyze, and archive motion, like a golf swing or a tap dance or rehabilitating patient's movements. We expect this facility to be a multidisciplinary hub of important collaborative research and experimentation.

Mime master Marcel Marceau will be in residence at Ohio State in April. His visit is a multidisciplinary event between ACCAD, Theatre, the University Libraries, and Industrial Light and Magic, a George Lucas company. Through our proud alumni connections, Jeff Light, of ILM, teams with ACCAD and Theatre In Motion capturing two new performances by Mr. Marceau and the inauguration of our motion capture facility. The University Libraries are an active partner in archiving Mr. Marceau's work here at Ohio State, including the motion capture data as a resource for other researchers and students.

Within the College, the Department of Design is an active University and industry collaborator, initiating multidisciplinary endeavors, such as this funded project with the corporate research lab of the Ford Motor Corporation. The topic was "Innovation in Seating for the Ford Focus." Six teams, including design and mechanical engineering students applied new materials, manufacturing processes, ergonomics, and semantics to this design research. These students, all undergraduates, presented full-size representations in computer-generated models of their designs at the Ford research lab in Dearborn, Michigan. Successful projects like this one prove the merits of collaboration among disciplines in academia and industry.

As you know, theatre is an interactive-situated art form involving performers interacting with an audience in an environment designed with respect to lighting, movement, the set, costume, and sound. Our Introduction to Theatre or Theatre 100 course is one of the largest GEC courses in the University, serving over 1,000 undergraduate students per quarter. It has traditionally had to rely on the lecture format, slides, and video in presenting material. However, this mode of teaching falls short of the multidimensionality of the art itself.

Virtual theatre is a funded project in the development of a web-delivered interface for Theatre 100 students. This project features a multidisciplinary collaboration between ACCAD, Theatre, and Computer Science faculty and students to develop a virtual theatre interface specifically designed to affect the way Theatre

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Professor Palazzi: (contd)

100 is taught and experienced. The project calls for the creation of a virtual theatre, a 3-D space constructed as a simulation of the Roy Bowen Theatre, shown at the top. The interface, shown at the bottom, is constructed around this virtual stage, which allows students not only to enter and explore this space but to interact with its content by controlling lighting, movement, and design elements, things they couldn't do in the real environment.

In effect, the interface will enable a range of different functions under the interactive control of the user. This interface will be onlined next fall and our undergraduates will be using this new technology tool to enhance their educational experience. It would not have been possible without the collaborative expertise of these three areas.

The last project I'll share with you today is both multidisciplinary and multi-institutional. This virtual reconstruction of a second century Roman bath in Greece, is part of an ongoing archaeological project of Dr. Tim Gregory in Ohio State's history department. Across the Internet, ACCAD design graduate student Julie Apley reconstructs this structure based on the archaeological findings of Dr. Gregory. His colleagues, located at the University of Minnesota and UC-Santa Barbara, view the images in virtual representations across the web and share their discussion online with Julie as she transforms their discoveries and knowledge into photo-realistic reconstruction. This visualization will include the ability to virtually tour the entire structure, as it would have existed in the second century.

Informed visualization that the arts bring to historical findings help researchers to understand and communicate their discoveries. The project applies great efforts to ensure the involvement of all applicable parties in decision-making. The professionals rely on collaboration with each other to conduct and enhance each level of the process.

It has been stated that the ability to collaborate on every level is becoming one of the core requisites of post-modern society. It is our goal to prepare our students for the challenges that they will face in an increasingly complex society. There is a need for Ohio State to turn its attention, as well as its resources, to multidisciplinary initiatives. We in the arts believe that our outcomes prove that creative approaches and problem-solving skills, along with self-confidence and respect for others, can be learned most memorably through academically challenging, multidisciplinary experiences.

Vice President Moore:

Our next speaker is Professor Firdaus Dhabhar. He earned his Ph.D. in 1996 at the Rockefeller University. Based on his thesis, he won the Council of Graduate Schools' 1997 Distinguished Dissertation Award in Biological and Life Sciences. He followed this up with the 2000 New Investigator Award from the Psychoneuroimmunology Research Society for outstanding contributions. He spent 1999-2000 as a member of the Institute of Medicine and National Academy of Sciences Committee examining the health effects of exposures experienced during the Gulf War. Firdaus --

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Professor Firdaus Dhabhar: [PowerPoint Presentation]

Thank you all for giving me this opportunity to share some of our work and ideas with you. And thank you even more for the time, effort, and energy that you spend guiding the development and progress of our University.

I'm going to speak with you today about modern mind/body medicine as an example of multidisciplinary research that's going on here at Ohio State at the College of Dentistry and the College of Medicine and Public Health.

The overall aim of our research is to understand the biological mechanisms by which the body maintains health. That is to understand the salubrious or health-promoting aspects of psychophysiology. This is slightly different from studying mechanisms of disease, dying, and death that are also important and that are the focus of most biomedical studies today.

To give you an example of how we go about conducting these studies, these are large-scale multidisciplinary studies, and in each study we measure various parameters or dimensions in a healthy individual or a patient, depending on the disease model under study. These parameters include psychological, endocrine, immune, genetic, clinical, nutritional, sleep status, and hormonal rhythm parameters.

Our first goal is to identify constellations and combinations of these parameters that would be predictors of either good health or of slow versus fast healing. Our ultimate goal is to use this information to manipulate these parameters, to place a patient into a fast healing psychophysiological state before or during treatment to ensure maximum efficiency of recovery.

Just to give you examples of some of the studies that we are involved with, the first study looks at these parameters and how they affect immune responsivity of patients during an acute laboratory stress condition. These studies are being carried out with my colleague Marty Altemus, a psychiatrist at Cornell University. Another study looks at the long-term psychological and immunological consequences of childhood sexual abuse; once again, with Marty Altemus, being conducted at Cornell. Another study looks at these dimensions in the context of breast cancer survival, this is being conducted by David Spiegel and colleagues at Stanford. An orthopedic knee surgery study with Jeannette Ickovics and colleagues at Yale, and an oral wound healing study being conducted right here at the College of Dentistry with my colleague Phil Marucha, and others who work here at Ohio State.

Once again, what we're trying to do is understand how these parameters would help us predict slow versus fast healing, with the intention of using these parameters to promote healing at a maximum efficiency. We also finally have a study on aging looking at these parameters in a similar context.

Just to give you an example of how one of these studies is actually conducted, this is one that my colleague Marty Altemus and I started about a month ago at Cornell. This study looks at how these different dimensions in healthy subjects altered the ability of a subject to mount immune responses under conditions of laboratory stress. We measured various parameters through questionnaires and interview information, through blood samples, or through various electro-physiological leads, and essentially understand or ask the question how these parameters influence the ability of this subject to mount immune responses.

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Professor Dhabhar: (contd)

The subject shown here happens to be a pro football player -- he played for the Baltimore Ravens. Unfortunately for him, he didn't play for them this year, because he's retired now and is in medical school at Cornell, where he volunteered for our study.

To give you another example of studies -- this picture is a time course of wound healing in the skin taken from the knee surgery study at Yale. Although this looks big, it's a very small 3mm punch biopsy wound. This is a similar time course of wound healing except that it's in the mouth and is in conjunction with my colleague Phil Marucha, conducted here at the College of Dentistry at Ohio State.

Once again, for both these wound healing studies what we are trying to ascertain is the issue of what constellations or combinations of these different parameters help us predict slow versus fast healing, so that we may harness this information to accelerate healing for our patients.

The principle pre-clinical research findings, on which these studies are based, are the following: during acute stress or short-term stressful conditions, the body's soldiers -- that is the immune cells -- traveled to potential battle stations in the body, such as the skin and lymph nodes, where they may be critically needed if the stressor -- example, a dangerous situation such as space flight -- causes trouble, such as wounding or infection. This stress-induced redistribution of immune cells results in a significant enhancement of immune function in compartments to which these leukocytes traffic during conditions of stress.

In the video shown earlier, it mentioned that Senator Glenn's immune system didn't fare too well during space flight, although his muscles seemed to do pretty well. Our work would suggest that perhaps they came to this conclusion because they measured his immune function in his bloodstream. Had they perhaps looked in the skin and lymph nodes, that would be where his immune function may have been performing better. His immune system was doing exactly what it was supposed to, according to our studies, during the stressful conditions of space flight, where the immune cells had left the bloodstream and there you would register a lower immune response. But they had traveled to other organs in Senator Glenn's body, where they may, in fact, have been called upon to do certain things should he have been exposed to infections or wounding or anything during the stressful condition of space flight.

We've also observed that -- in contrast to acute stress, which is immuno-enhancing -- chronic or long-term stress is immunosuppressive. The clinical significance of these findings? Stress is an intrinsic part of life and is thought to be the etiology of many diseases. Our studies provide an understanding of how the body's endogenous chemicals work to enhance or suppress immune function. We will use this knowledge to manipulate immune function depending on the disease being treated. Since such treatments would harness the body's natural immune control mechanisms, they may be more efficient and have fewer side effects.

Just to give you examples, there are two types of desirable outcomes when you're trying to regulate the immune function. You would want to enhance immune system function if you, as a physician, were trying to battle infection, cancer, or if you were trying to accelerate wound healing. However, you would also want to suppress the immune function if you were trying to combat an

March 2, 2001 meeting, Board of Trustees

**BUILDING RESEARCH ACROSS DISCIPLINES (contd)**

Professor Dhabhar: (contd)

autoimmune disease such as arthritis, an inflammatory disease such as gingivitis, or an allergic reaction such as poison ivy.

Just to give you an idea of the people behind this work -- Alison Light seen here is actually a fellow alumna of Senator Glenn's Muskingum College, and these are students, graduate and undergraduate students who work in my laboratory and actually contribute to these studies. It's a team effort -- it's a large team. Parts of the team are outside of Ohio State, parts of the team are within Ohio State. I can't show you everybody's pictures, but here are their names and institutional affiliations, and gratitude to the institutions that have supported this work in terms of financial contributions.

If any of you are interested in learning more, want to visit the lab, want to talk with us more about what we do and how we do it, you're most welcome to. Thank you very much.

Vice President Moore:

Thank you. I hope you will agree that we are doing an outstanding job in hiring and developing promising junior faculty. I want to assure you that we are becoming very much preemptive and proactive in retaining and supporting outstanding mid-career faculty, as well as recruiting new senior faculty.

To succeed we need to be sure that The Ohio State University is the best place to do research in the fields that we choose to be best. Where do we stand? We have a long way to go in terms of the recognition of our faculty. I think our faculty is significantly under-recognized and certainly is outstanding, proving that we can "grow our own," as evidenced by Professor Fan.

We're making rapid progress in increasing grant support for our research. You can see from the figures that this is on a rapid increase. Last year we scored very well with some big long-term program grants. The rate of expenditures, facilities, and administrative cost recovery gives you a sense of the money going out the door, which is supporting the research enterprise and you see that's growing recently at a rate on the order of eight percent.

In business and, certainly, in academia, collaboration across disciplines and colleges, and between institutions is the key to our future success. I was really impressed by this quote in the *Wall Street Journal* on February 22, "People at OSU are really good, and they'll help you. People in Ohio are just plain helpful." I'm extraordinarily optimistic about our future.

Mr. Brennan:

Thank you very much, Dr. Moore, and Professors Palazzi and Dhabhar. Are there any questions from the Trustees?

I would like to make one observation -- you are confirming why you came here to Ohio State. I quote you often -- that the multidisciplinary approach to our research is our biggest asset and you're exploiting it. I'm pleased to hear what you're doing -- fascinated, as a matter of fact. Thank you.

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March 2, 2001 meeting, Board of Trustees

Thereupon the Board adjourned to meet Friday, April 6, 2001, at The Ohio State University Marion Campus, Marion, Ohio.

Attest:

William J. Napier  
Secretary

George A. Skestos  
Chairman

(APPENDIX XXXI)

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

Option 1

\_\_\_\_\_The original "Effective Date" shall be \_\_\_\_\_.

Option 2

  X  This amendment and restatement shall be effective April 1,2001 unless otherwise indicated.

§1.4 Employer

The "Employer" shall mean The Ohio State University. 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 employees with appointments of seventy-five percent (75%) or greater.

§1.6 Plan Name

The "Plan Name" is The Ohio State 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

### Option 1

\_\_\_\_\_ "Provider" shall mean \_\_\_\_\_.

### Option 2

"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

### Option 1

\_\_\_\_\_ An employee shall be credited with a "Year of Service for Vesting" for each Plan Year during which the employee remains continuously employed by the Employer and which begins after the employee has attained the age of 18.

### Option 2

An employee shall be credited with a "Year of Service for Vesting" on the first anniversary of the 12 consecutive month period beginning on the date the employee first performs an Hour of Service after the employee has attained the age of 18 (employment commencement date), and each anniversary thereof.

### Option 3

\_\_\_\_\_ Not applicable. Participants vest immediately.

### Option 4 (may be combined with option 2)

Administrative Employees with 9 month contracts and Academic Employees shall be credited with a "Year of Service for Vesting" upon the earlier of: (a) the first anniversary of the 12 consecutive month period beginning on the date the employee first performs an Hour of Service after the employee has attained the age of 18 (employment commencement date) and each anniversary thereof; or (b) the completion of each 9 month academic year or 9 month contract.

## §1.10 Employer Contributions

### Option 1

\_\_\_\_\_ 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.

### Option 2

\_\_\_\_\_ Employer discretionary contributions shall be made at a rate equal to a percentage of the Compensation of each Participant who is eligible for Employer Contributions. A different contribution rate may be set for Academic Employees and Administrative Employees. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

Option 3

Employer discretionary contributions shall be made at a rate of \_\_\_\_% of the Compensation of each Participant who is eligible for Employer Contributions and who is an Academic Employee, and at a rate of \_\_\_\_% of the Compensation of each Participant who is eligible for Employer Contributions and who is an Administrative Employee. The Board of Trustees of the Employer shall have discretion to vary the contribution rate from Plan Year to Plan Year.

§1.11 Loans to Participants

The Plan shall not permit loans.

\_\_\_\_ 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.

Option 2

\_\_\_\_ A Participant may designate a Beneficiary other than the Participant's spouse without obtaining spousal consent.

Notwithstanding the above, effective April 1, 2001, Option 2 shall not be an available option and Option 1 shall apply as if it were originally elected by the Employer.

§1.13 Employer Account Vesting on Termination

Option 1

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

If a Participant's employment is terminated prior to attaining Normal Retirement Age except for death or Disability, the vested portion of his Employer Account shall be determined in accordance with the following:

Option 2

\_\_\_\_ (5 year cliff)--

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than 5 years	0%
5 years or more	100%

Option 3

\_\_\_\_ (3 to 7 year graded)

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than 3 years	0%
3 years	20%
4 years	40%
5 years	60%
6 years	80%
7 years or more	100%

Option 4

(other)

<u>Total Service for Vesting</u>	<u>Vested percentage of Employer Account</u>
less than ____ year(s)	0%
1 year	100%
____ years	____%
____ years or more	100%

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 who has less than one (1) year of Total Service for Vesting 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):

an annuity as permitted by the Annuity Contract:

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

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

a lump-sum distribution,

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, (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 total service credit in the State Teachers Retirement System on the 30th day of June preceding 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 30<sup>th</sup> 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 Establishment Date. 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, 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 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.

(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.

UNIVERSITY MEDICAL CENTER PRICE INCREASE  
TO BE EFFECTIVE FEBRUARY 1, 2001

The Medical Center has proposed a 5% price increase to be effective February 1, 2001. This 5% price increase is a weighted average price increase with prices being increased from 0% to 10%, which permits the hospitals to gain the maximum benefit of a price increase by product line and service. The OSU Medical Center also must cover the added costs associated with the academic mission. In addition, the Medical Center has been conservative in implementing price increases for several years, which has resulted in the Medical Center falling behind other hospitals' prices Nationally. Furthermore, a study performed by the University HealthSystem Consortium recommends that The OSU Medical Center institute significant price increases to maximize payment from HMO's and Third Party Payors. These reasons summarize the rationale for the price increase, which was also recommended by the Hospitals Board, The James Cancer Hospital and Solve Research Institute, the University Hospitals East Board, and the OSU and Harding Behavioral Healthcare and Medicine board.

(APPENDIX XXXIII)

Concern was raised in the Student Affairs Committee about the section of the proposed Code of Student Conduct dealing with administrative withdrawal of students. The concern was that the appeal process could involve the same decision-maker who was involved in the original decision, raising a due process concern. Student Affairs has agreed, as an interim measure until such time as the Council of Student Affairs conducts its review next academic year of the implementation of the new Code, to utilize a procedure in any such appeal that will use a different administrator to conduct the appeal, and that will have student involvement in the appeal process. This is an administrative commitment that can and will be done within the Code as approved.