

UNIVERSITY OF MISSOURI
Columbia . Kansas City . Rolla . St. Louis



BOARD OF CURATORS

Minutes of Board of Curators Meetings
St. Louis, Missouri
December 12, 2008

BOARD OF CURATORS MEETING – OPEN SESSION

A meeting of the University of Missouri Board of Curators was convened in public session at 9:30 A.M., on Friday, December 12, 2008, at Kemoll's Restaurant, One Metropolitan Square, St. Louis, Missouri, pursuant to public notice given of said meeting. Curator Cheryl Walker, Chairwoman of the Board of Curators, presided over the meeting.

Present

The Honorable Marion H. Cairns
The Honorable Warren K. Erdman
The Honorable Bo Fraser
The Honorable Judith G. Haggard
The Honorable Doug Russell
The Honorable Cheryl D.S. Walker
The Honorable Don Walsworth

Curator John M. Carnahan attended segments of the meeting via telephone.
Curator David G. Wasinger attended segments of the meeting.
Student Representative Anton H. Luetkemeyer was absent from the meeting.

Also Present

Mr. Gary D. Forsee, President, University of Missouri System
Mr. Stephen J. Owens, General Counsel
Ms. Kathleen M. Miller, Secretary of the Board of Curators
Dr. Thomas F. George, Chancellor, University of Missouri-St. Louis
Ms. Natalie "Nikki" Krawitz, Vice President for Finance and Administration

Mr. Leo E. Morton, Interim Chancellor, University of Missouri-Kansas City
 Dr. Michael F. Nichols, Vice President for Economic Development
 Ms. Betsy Rodriguez, Vice President for Human Resources
 Mr. David R. Russell, Chief of Staff
 Ms. Cindy Pollard, Associate Vice President for Strategic Communications
 Media Representatives

General Business

Board Chairwoman's Report – Curator Walker

University President's Report – President Forsee (slides on file)

- Fiscal Year 2009 and Fiscal Year 2010 Budget Update
- University of Missouri System to create council focused on economic development across the state (news release on file)
- Supporting infrastructure projects at public universities - Letter to federal delegates from President Forsee (on file)
- Fleishman-Hillard Report, UM, December 12, 2008 (on file)

Upon the motion of Curator Haggard, Curator Fraser was nominated to serve as Chair of the Board of Curators for the term January 1, 2009, through December 31, 2009. The nomination was seconded by Curator Cairns.

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan voted yes.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried by a vote of eight and zero.

Upon the motion of Curator Cairns, Curator Haggard was nominated to serve as Vice Chair of the Board of Curators for the term January 1, 2009, through December 31, 2009. The nomination was seconded by Curator Walsworth.

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan voted yes.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried by a vote of eight and zero.

Consent Agenda

It was endorsed by President Forsee, moved by Curator Cairns and seconded by Curator Walsworth, that the following items be approved by consent agenda:

Action

1. Minutes of the Board of Curators meetings:
 October 15, 2008 Executive Committee meeting
 October 23-24, 2008 Board of Curators meeting
 November 25, 2008 Board of Curators special meeting
2. Collected Rules and Regulations 370.015 Pilot Academic Grievance Procedure Revision, UMC and UMKC

Collected Rules and Regulations
 Grievance Procedures
 Chapter 370: Academic Grievances (for procedures applicable to Missouri S&T and UMSL refer to Section 370.010)

370.015 Pilot Academic Grievance Procedure for the University of Missouri-Columbia and the University of Missouri-Kansas City

Bd. Min. 4-8-05; Extended Bd. Min. 4-4-08; Amended 12-12-08

The primary goal of the grievance procedure is to present prompt and clear evaluations about the merits of grievances and provide solutions that are equitable and effective. This process is not designed to replicate a judicial proceeding.

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this procedure for grievances relating to their status or activities as faculty members. This grievance procedure should not be used in connection with a matter relating to any administrative title or function which the faculty member currently holds or may also have had.

The success of this procedure is contingent upon the good faith effort of all participants. It is the responsibility of the MU Faculty Council, the UMKC Faculty Senate, the MU and UMKC Chancellors, and the University President to encourage and sustain such efforts, and to ensure that the procedure is followed in its entirety in its spirit as well as letter. The MU and UMKC Chancellors will also be responsible for ensuring that the determination reached in a grievance is implemented.

A. Definition:

1. A grievance is defined as an allegation that one or more of the following has occurred:
 - a. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of University policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to

- the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.
- b. The faculty member has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, status as a Vietnam era veteran, or sexual orientation.
 - c. There has been an infringement on the academic freedom of the faculty member.
2. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

B. Termination and Non-Renewal of Regular Faculty

1. The termination of regular faculty on continuous appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) and the Procedures in Cases of Dismissal for Cause (Section 310.060) rather than this Grievance Procedure. Any matter related to the termination of regular faculty on continuous appointment cannot be grieved under Section 370.015.
2. The non-renewal of regular faculty on regular term appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) rather than this Grievance Procedure. For the Columbia and Kansas City campuses only, the reference to Section 370.010 in Section 310.020F shall be taken instead to reference Section 370.015. As laid out in Section 310.020.F.3., if a tenure-track faculty members' non-renewal has been unsuccessfully appealed to the Chancellor, the faculty member may use this grievance process only to allege that the decision resulted from inadequate consideration, or that the decision was based significantly on consideration violative of academic freedom, or that the decision was based significantly on considerations violative of governing policies on equal employment opportunity.

C. Grievance Process:

1. Grievance Resolution Panel (GRP):

- a. Grievances shall be addressed by a standing three person *GRP* consisting of a senior administrator (e.g., Deputy Provost) and two tenured faculty members:
 - i. The faculty members will be chosen by the Faculty Council (FC) or Faculty Senate (FS) after consultation with the Chancellor via an application process designed by the FC or FS.
 - ii. Faculty members will be granted release time to compensate for the effort devoted to the *GRP*. The amount of release time will be negotiated between the Chancellor and the faculty member's dean/department chair.
 - iii. The senior administrator member of the *GRP* will be appointed by the Chancellor after consultation with the FC or FS.
 - b. *GRP* members will serve up to three-year renewable terms pending FC or FS and Chancellor approval.
 - i. In case of a conflict of interest, the FC or FS will appoint alternate faculty members of the *GRP*. Release time, if any, for faculty alternates will be negotiated between the Chancellor and the alternate's dean/department chair, as needed.
 - ii. In the case of a conflict of interest, the Chancellor will appoint an alternate senior administrator after consultation with the FC or FS.
2. Faculty Council or Faculty Senate Oversight Committee (OC) :
- a. The OC will monitor the grievance process. (Additional details on OC committee are provided below in section C.11.)
3. Filing a grievance:
- a. A faculty member files a grievance by the completion of the Grievance Filing Form and submission of the form to the *GRP*.
 - i. The Grievance Filing Form must be the form approved by the *GRP*.
 - ii. The form must include the following specific information:
 - (a) Description and date of occurrence of the grieved act,
 - (b) The rule that was violated,
 - (c) The harm that resulted,
 - (d) The remedy the grievant requests,

- (e) Attempts at informal resolution.
 - iii. The grievant may submit any relevant evidence/attachments that the grievant would like to be considered by the *GRP* as well as a list of additional sources of information, including persons with knowledge.
 - iv. The grievant may also request that the *GRP* gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university unit, the *GRP* will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
 - b. There are two requirements the grievant must meet when filing:
 - i. The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
 - ii. The grievant must file the grievance within one hundred and eighty (180) days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
 - (a) A faculty member who does not initiate a grievance in accordance with the 180-day limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.
4. Processing a grievance:
- a. The *GRP* will meet with the grievant to discuss the complaint, ask questions, and gain a greater understanding of the issue.
 - b. Early in the process, the *GRP* will hold one face-to-face meeting simultaneously with both the grievant and the person against whom the grievance is directed.
 - c. The *GRP* will also name a university respondent, in consultation with both the Chancellor or the Chancellor's designee and the Chair of Faculty Council or Faculty Senate or the Chair's designee.

- d. Both the grievant and the respondent have the right to consult with an attorney of their choice, but that attorney may not be present at any meetings with the GRP. Both the grievant and the respondent may have an advisor present at meetings with the GRP but the advisor must be a current university employee and cannot act in the capacity of an attorney. The advisor may not make presentations or statements to the GRP, or any other parties present.
- e. The university respondent will be provided with the original grievance filing form and any other information gathered that the GRP deems relevant, and will be required to write a rebuttal statement.
 - i. The respondent may include any relevant evidence/attachments that the respondent would like to be considered by the GRP, as well as a list of additional sources of information, including persons with knowledge.
 - ii. The respondent may request that the GRP gather any additional relevant evidence that the respondent believes exists and that is not in the respondent's possession or to which the respondent does not have access. Taking into account considerations of FERPA, HIPPA, attorney/client privilege and impact on any party or university entity, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
 - iii. The respondent has 15 days from the date that s/he is provided with the original grievance filing form to write this rebuttal statement. The respondent may submit a written request to the GRP for a time extension to prepare the rebuttal. Such extensions will be granted at the sole discretion of the GRP.
- f. The GRP will investigate, gather evidence, meet individually or jointly with either or both parties, as well as other relevant individuals. There shall be no formal hearing in this process.
- g. Based on its own investigation, the GRP may collect evidence that it deems as having relevance and centrality to the grieved matters.
- h. The GRP shall receive the cooperation of campus administrators, the collegiate dean, the department chair, the grieving faculty member, other faculty members, other University employees, and students enrolled at the University. It will be the duty of all such individuals to

- provide, in a timely fashion, all requested non-testimonial evidence relevant to the case.
- i. The GRP will consult with University Legal Counsel concerning legal issues of evidence, including but not limited to FERPA regulations, attorney/client privilege, and HIPPA-protected materials.
 - j. All University employees must be truthful in providing testimony to the GRP and all non-testimonial evidence must be genuine and accurate. False testimony, fraudulent evidence, refusal to cooperate with the GRP and breaches of confidentiality (see section L) may be the basis for a personnel action against the uncooperative individual or result in the GRP filing charges of Faculty Irresponsibility under the Procedures Governing the Disposition of Charges of Faculty Irresponsibility (Section 300.010L).
 - k. The grievant(s) and respondent(s) shall be provided with a copy of all evidence collected by the GRP, or in the case of materials deemed confidential by the GRP, a summary of this evidence.
 - l. The GRP will have three months from the date of the filing of the grievance to conduct an investigation and render findings and recommendations, if any.
 - m. Prior to rendering its findings, the GRP will inform the parties in writing of their tentative findings and the basis for these findings, including documents collected and information received orally. The parties shall meet jointly with the GRP and each will have the opportunity to provide a 30 minute oral presentation to the GRP regarding their perspective on these tentative findings. Each party will be provided with the opportunity to make one ten minute rebuttal to the other party's presentation.
5. The GRP findings and recommendations:
- a. The GRP has broad administrative latitude to address grievances.
 - b. At any point in the process, the GRP may provide for:
 - i. A mediation of a settlement agreement between the grievant and the University of Missouri.
 - ii. A finding that the grievance has no merit.
 - c. At the conclusion of their investigation, the GRP findings may include, but are not limited to, the following:
 - i. A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.

- ii. A finding that both the grievant and the respondent have legitimate complaints and the recommendation of remedies, if any, to resolve both sets of complaints.
 - iii. A finding against the grievant with no recommendations for remedies to address the grievant's complaint.
 - iv. A finding that the respondent was subject to some adversity in connection with the aggrieved act and the recommendation of remedies, if any, to alleviate this adversity.
 - v. A finding of a systematic problem in the administration of the University of Missouri and the recommendation, if any, for remedies to prevent this problem in the future.
- d. The GRP will render its findings and recommendations and provide them to the parties, the Chancellor, and the Oversight Committee Representative.
6. Appeal of the GRP findings:
- a. Within 15 days, either the grievant or the respondent may appeal the GRP findings and recommendations, if any, the Chancellor using the Grievance Appeal Form.
 - b. The Chancellor will have 30 days from the time it is received to act on the appeal. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 days and does not provide such a letter, the decision of the GRP becomes final.
 - c. If neither party appeals the GRP decision within 15 days, then the Chancellor will have an additional 30 days to accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 days and does not provide such a letter, the decision of the GRP becomes final.
7. Chancellor's review of the GRP Decision:
- a. In reviewing the GRP decision:
 - i. The Chancellor, or the Chancellor's designee, may speak to the grievant and the respondent. If the

Chancellor, or the Chancellor's designee, meets with one party, however, then the Chancellor or the chancellor's designee must also meet with the other party as well, although not necessarily at the same time.

- ii. The Chancellor will have access to all relevant documents.
 - iii. The Chancellor or the Chancellor's designee may seek additional information or input as needed. If the Chancellor or Chancellor's designee seeks additional information, however, then the Chancellor shall inform the GRP and the OC representative to the grievance under consideration what additional information or input the Chancellor or the Chancellor's designee has sought.
 - b. The Chancellor may accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP.
 - c. The Chancellor's decision is final.
 - d. Upon rendering of the final decision, the chancellor will notify the grievant, respondent, GRP and Oversight Committee representative regarding the final outcome and remedies, if any.
8. Grievant's acceptance of the final decision:
- a. Once a decision is final, the grievant has 15 days to provide written acceptance of the decision and any recommended remedies.
 - b. The grievant uses the Grievance Acceptance Form to file a response to the final decision.
9. If the grievant fails to provide a written acceptance of the final decision or submits a Grievance Acceptance Form that rejects the final decision, the grievant suffers the loss of all remedies favorable to the grievant.
10. Grievant's legal rights:
- a. Upon acceptance of the final decision, the grievant waives the right to bring a lawsuit concerning any matters that were a subject of the grievance.
 - b. If a lawsuit related to the substantive content of the grievance is initiated at any time, then this grievance process will immediately end and the grievant and the respondent are immediately released from requirements imposed by Section 12 below.

- c. Upon rejection of the final decision, the grievant and the respondent are released from the confidentiality requirements imposed by Section C.12.below.

11. Oversight:

- a. There will be a Faculty Council (Senate) Oversight Committee (OC), whose purpose will be to monitor the Grievance process as neutral observers and provide feedback on the process to the Faculty Council or Faculty Senate, the faculty and the Provost's and Chancellor's Office.
 - i. The OC will consist of 3-5 tenured faculty appointed by Faculty Council or Faculty Senate for up to three year staggered terms.
 - ii. Chair of the OC will be a member of the Faculty Council or Faculty Senate Executive Committee.
- b. OC monitoring of individual grievances:
 - i. A member of the OC will be appointed to each grievance case following receipt of the Grievance Filing Form by the GRP. OC members will rotate grievance case membership unless a conflict of interest is identified.
 - ii. The OC representative will sit in on all GRP deliberations and will be copied on all correspondence. If during deliberations, the OC member has process or procedural concerns, the member may raise the concerns with the GRP, without the grievant or respondent or any other parties present.
 - iii. The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
 - iv. GRP requests for extension of the 3-month timeline shall be made to the OC. The OC committee shall rule on such requests within five days from the receipt of the request.
 - v. The OC representative shall not discuss the ongoing grievance with anyone, including other OC members, except any information necessary to the OC committee decision regarding time extension requests from the GRP.
 - vi. At the close of each grievance case, the OC representative shall present to the other OC members a summative and evaluative report of that particular case. These reports will not reveal any substantive

information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant.

- c. OC monitoring of the grievance process:
 - i. The OC will continually monitor the overall grievance process.
 - ii. On a yearly basis the OC shall present a summative and evaluative report to Faculty Council or Faculty Senate Executive Committee, the Provost and the Chancellor.
 - iii. The OC will monitor the implementation of remedies resulting from the final grievance decision by communication with relevant parties, and in cases in which remedies are not being implemented the Faculty Council or Faculty Senate Executive Committee will be notified.

12. Confidentiality:

- a. All parties involved (grievant, respondent, GRP and OC) must agree to maintain strict confidentiality regarding any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant. The substance of the cases shall not be discussed at any time, before or after a final decision is made, except as provided in Section 10.b. and 10.c.

3. Collected Rules and Regulations 370.010 Academic Grievance Procedure Revision

Collected Rules and Regulations

Grievance Procedures

Chapter 370: Academic Grievances (for procedures applicable to UMC and UMKC, refer to Section 370.015)

370.010 Academic Grievance Procedure

Bd. Min. 5-25-79, amended Bd. Min. 3-20-81, Bd. Min 7-27-95; amended Bd. Min. 5-27-99; amended Bd. Min. 10-16-03; amended 12-12-08.

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the

extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this grievance procedure for grievances relating to their status or activities as faculty members. However, it is not to be used in connection with a matter relating to any administrative title or function which the faculty member may also have had.

A. **Grievance, Defined** -- A grievance is defined as an allegation that:

1. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of University policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty, or
2. The faculty member has been discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, status as a Vietnam era veteran, or by action inconsistent with the Board of Curators' Policy on Maintaining a Positive Work and Learning Environment, or
3. There has been an infringement on the academic freedom of the faculty member.
4. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

B. **Termination of Regular Faculty** -- Complaints involving termination of regular faculty, on whatever grounds, are governed by the Academic Tenure Regulations rather than this grievance procedure.

C. **Responsibility of Administration** -- It is understood that this Grievance Procedure in no way diminishes the responsibility of Faculty, Department Chairpersons, Deans, Directors, Chancellors, and other administrators for the exercise of academic judgment.

- D. **Policies, Regulations or Procedures** -- Requests for new or revised policies, regulations, or procedures may be presented through the designated administrative channels, but not as a grievance under these procedures.
- E. **Joint Proceeding** -- If more than one faculty member is aggrieved by the same action, they may, by mutual agreement between themselves and the Chancellor, pursue their grievances jointly under these procedures. If the number of grievants in such case is so large as to make it impracticable for them to be heard individually in a joint proceeding, they may, by mutual agreement, elect one or more of their number to act on behalf of all.
- F. **Processing a Grievance**
1. On each campus, the Chancellor will appoint an administrator to serve as Academic Grievance Officer. The Academic Grievance Office shall be copied on all correspondence pertaining to a grievance.
 2. The faculty member may process a grievance through the several steps of the procedure during normal working hours. At any stage the faculty member may have an adviser whom he or she chooses from the campus community. The respondent will also be afforded that option.
 3. The number of days indicated at each step of the procedure shall be considered as the maximum period, unless the time has been extended by mutual agreement and confirmed in writing, and shall be construed to be calendar days. Every reasonable effort should be made to expedite the process. In the event the appropriate administrative officer fails to make a timely response as herein provided, the faculty member may pass to the next step.
 4. A faculty member who has a grievance shall initiate action in accordance with Section 370.010 F.5 hereof within one hundred and eighty (180) days after the faculty member knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. Where the grievance arises out of a series of events or omissions, the period shall be measured from the last event or omission in the series. A faculty member who does not initiate a grievance in accordance with the 180-day limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer, unless the respondent should agree in

writing to an extension of the period. If an officer denies a grievance on the basis of timeliness and if that decision is challenged by the aggrieved faculty member, the Chancellor shall refer the issue of timeliness to a Hearing Committee for a determination. The committee shall be convened in accord with Sections 370.010 G.2.b.(1), (2), (3)(a) and (3)(b). The committee shall first make a decision about timeliness. If it rules in favor of the aggrieved faculty member, it shall then proceed to hear the grievance in accord with Section 370.010 G. If it rules that the grievance is not timely, the committee shall notify the grievant and the Chancellor immediately of that fact. The Chancellor, after having received the report of the Hearing Committee, shall make a determination and shall advise the grievant in writing of that determination within a reasonable time of receipt of the report of the Hearing Committee. If it is not practical for the determination to be made within fifteen (15) days, the grievant and respondent shall be so informed. Any appeal to the President shall follow the procedures of Section 370.010 G.3.

5. The grievance shall be initiated by delivery of a letter or written memorandum, signed by the faculty member, to the Chancellor, informing the Chancellor of the nature of the events alleged to constitute the grievance. The Chancellor or designee shall, within ten (10) days acknowledge in writing to the grievant the fact and date of delivery and shall determine the appropriate administrative officer to act as respondent, notifying both grievant and respondent of that determination.
6. The filing or appeal of a grievance shall not prevent any appropriate administrative officer from taking action complained of, unless the Chancellor, by the exercise of existing authority, directs that it not be taken pending consideration of the grievance.
7. Costs of the hearing will be borne by the University.
8. Barring unexpected delays, the entire grievance process should take no longer than one hundred and eighty (180) days from the time the grievance is filed.

G. Review Process

1. Step 1
 - a. Within 15 days of date of delivery of the letter requesting initiation of action hereunder, the Chancellor may designate an appropriate individual to attempt an informal resolution of the grievance.

- b. If a recommendation for resolution is reached, the terms of the resolution shall be put in writing by the individual hearing the complaint of the faculty member and a copy sent to the grievant, the respondent, and the Chancellor.
2. Step 2 -- If a mutually satisfactory resolution is not reached by the process described in Step 1, which shall be limited to forty-five (45) days from the date of designation made in Step 1.a. above, a hearing committee shall be chosen from a hearing panel, as described below.
 - a. Grievance Hearing Panel

(1) By October 1 of each year, a Grievance Hearing Panel shall be selected for each campus. The panel shall consist of between thirty (30) and sixty (60) faculty members. Unless otherwise provided by the campus faculty governance body, these will be faculty members on regular appointment without full-time administrative appointments. The campus faculty governance body may provide that full-time faculty members on non-regular appointment without full-time administrative appointments may also be selected for the panel. The number and method of selection of such non-regular faculty members shall be determined by the faculty governance body and the Chancellor of each campus. The specific number of faculty members for the panel shall be appropriate to the needs of the individual campus as agreed to by the faculty governance body and the Chancellor of each campus. Half of the Panel members shall be appointed by the campus faculty governance body, and half shall be appointed by the Chancellor. In selecting the individuals for the Panel, both the campus governance body and the Chancellor should take into account the diversity of the faculty community particularly with regard to academic divisions, ethnicity, and gender.

(2) The Hearing Panel shall have a rotating membership. Each member of the Hearing Panel shall serve a three-year term. In order to establish the rotation, the length of the initial term of 1, 2 or 3 years shall be established by lot. At the end of each academic year, both the faculty governance body and the Chancellor shall choose new Panel members to replace the 1/3 whose regular terms will expire on September 30. Half of the new Panel members shall be chosen by the faculty governance body

and half shall be chosen by the Chancellor in accordance with a.1 above. A member's term shall expire on August 31 of the third year unless he/she is serving at that time on a Hearing Committee still in the process of reviewing an unresolved grievance. In such case, the member's term shall expire as soon as the committee has submitted its written report of the findings and recommendations to the Chancellor.

(3) If the faculty governance body and the Chancellor agree that a temporary increase in the size of the Grievance Hearing Panel is needed, additional faculty members may be appointed as outlined in G.2.a. (2). Such appointments shall be temporary and shall end on September 30 of the next academic year unless the temporary member is serving at that time on a Hearing Committee still in the process of reviewing an unresolved grievance. In such case, the members term shall expire as soon as the committee has submitted its written report of the findings and recommendations to the Chancellor.

b. Hearing Committee

(1) From the panel established in accordance with G.2.a, an ad hoc Grievance Hearing Committee shall be drawn for each case, according to the following procedures:

(a) The chairperson of the faculty governance body (or designee), with the Academic Grievance Officer (or designee), shall randomly draw 12-16 names from the Grievance Hearing Panel to be presented to the grievant and respondent. The specific number shall be as agreed to by the faculty governance body and the Chancellor. One-half the names shall be drawn from those members of the Grievance Hearing Panel appointed by the faculty governance body, and one-half shall be drawn from those members appointed by the Chancellor. The names shall be drawn alternately from the two groups commencing with the group appointed by the faculty governance body. The order in which the names are drawn shall be recorded. Both the grievant and respondent shall be invited to be present for the drawing.

(b) The list of 12-16 randomly drawn names, in

alphabetical order, shall be presented to both the grievant and respondent. The grievant and respondent may each strike three names from the list. Neither the grievant nor the respondent will be informed as to which names were struck by the other.

(c) From the list of remaining names, the Academic Grievance Officer, in consultation with the chairperson of the faculty governance body, shall contact by letter, the first five persons selected by the random drawing, informing them of their appointment to a Hearing Committee, and requesting acknowledgment of that appointment. The others whose names remain on the list are alternates. At the same time, a letter shall go to each of the alternates, advising them of their alternate standing, and requesting acknowledgment of their appointment if one of the first five individuals selected cannot serve. Both those selected and the alternates may in addition be notified by other means. If no acknowledgment is obtained by letter or other means within seven (7) days from the date of the letter, or if one of the first five individuals chosen is unable to serve, alternates who have acknowledged they are able to serve will be named to the Hearing Committee in the order in which their names were randomly drawn, until a panel of five members has been constituted. In the event that the list of alternates is exhausted before a panel of five is established, the process for random drawing, as described in b.(1)(a) shall be repeated until a Hearing Committee is constituted.

(d) The five selected persons shall constitute the Hearing Committee, and shall select from among their number a chairperson.

(e) No person may be selected to serve on the Hearing Committee who has participated directly in the decision complained of or who has supervisory responsibility over the respondent. In such instances, that Panel member's name shall be excluded from the pool from which the Hearing Committee members' names are randomly selected, as described in b.(1)(a) above.

Occasionally, a member of the Grievance Hearing Panel may have been a principal (grievant or respondent) in a case against one of the principals in the current case. In such instances, that Panel member's name shall be excluded from the pool from which the Hearing Committee members' names are randomly selected, as described in b.(1)(a) above.

Similarly, a member of the Grievance Hearing Panel may have been a former principal in a grievance proceeding in which a Hearing Committee member in that former case is a principal in the current case. In such instances, that Panel member's name shall be excluded from the pool from which the Hearing Committee members' names are randomly selected, as described in b.(1)(a) above.

- (2) Upon formation of the Hearing Committee, the Chancellor shall advise the grievant and the respondent of the membership of the Hearing Committee. The grievant shall send within fifteen (15) days, a written statement of the charges to the chairperson of the Hearing Committee, who shall then send a copy to the respondent. This statement of charges shall be a clear statement of the grievance and of the desired remedy.

All communication between members of the Hearing Committee and either the grievant or respondent shall be made through the Chairperson of the Hearing Committee. Neither the grievant, nor the respondent, nor their advisors, shall discuss the case with any member of the Hearing Committee prior to the hearing. Once the hearing is underway, the only appropriate communication with an individual member of the Hearing Committee regarding the grievance is through the Chairperson of the Hearing Committee. Any other communication with members of the Hearing Committee outside of the formal hearing sessions shall be regarded as a breach of ethics and shall be reported to the Chairperson of the Hearing Committee.

In cases in which a majority of the Hearing Committee finds there was unethical conduct by either the grievant or the respondent, or by a member of the Hearing Committee, the Hearing Committee may take whatever action they judge appropriate as to the disposition of the

case. This action includes but is not limited to resolving the case against the principal committing the unethical conduct, removal and replacement of a committee member, or dissolving the Hearing Committee and asking that a new committee be selected.

(3) No later than fifteen (15) days after the date of filing of the written charge by the grievant with the chairperson of the Hearing Committee, the Committee Hearing shall be initiated according to the following procedures:

(a) The Chancellor or designee shall convene the Hearing Committee for an initial meeting.

(b) The Hearing Committee shall receive from the Chancellor copies of all reports, communications, and recommendations in the case and the text of the original charge as filed by the grievant.

(c) The grievant and the respondent shall provide any materials each initially intends to submit in support of their respective case to the chairperson of the Hearing Committee at least 72 hours before the hearing.

(d) At the request of the respondent the Hearing Committee shall review the statement of charges and other information to determine if there is probable cause to believe that a grievance, as defined in Section 370.010.A, exists. In making this determination, the Hearing Committee may ask the grievant, respondent or the Academic Grievance Officer to furnish additional information including a statement of the evidence proposed to be offered. No decision on the question of whether probable cause exists shall be made without giving both the grievant and the respondent the opportunity to be heard on the question. If the Hearing Committee determines that probable cause does not exist, the Hearing Committee shall report that finding to the Chancellor. If the Chancellor agrees, the grievance shall be dismissed. If the Hearing Committee finds probable cause, or if no request has been made, the Hearing Committee shall hear the grievance and shall offer both the grievant and the respondent an opportunity to state their positions and to present witnesses and/or evidence relevant to the case. The burden of proof shall be on

the grievant. The level of proof shall be that the grievant's claim is "more believable than not." The hearing shall be held without legal counsel, and a record shall be made for submission to the Chancellor. All records made and all data gathered by the Hearing Committee shall be confidential and shall be maintained by the committee for the duration of the Hearing. When the Committee submits its report, it shall at the same time deliver all hearing materials to the Chancellor's Office. The records shall be closed to public scrutiny unless subpoenaed.

(e) The grievant (and adviser) and the respondent (and adviser) may both be present during the hearing. Other persons shall not be present except when invited by the Hearing Committee.

(f) Any person selected to a Hearing Committee will be expected to serve on such Committee and to be present at all sessions. If a member is absent from a single session, he/she shall review all tapes or transcribed proceedings of that session prior to the next meeting of the Committee. A member who is absent from two sessions or who requests to be excused from service for reasons of illness, necessary absence from the campus or other hardship, or a member who is removed for unethical conduct shall be replaced in the same manner used in the original selection (see Section b.(1)(a)). The replacement shall review all tapes or written transcripts and all submitted evidence prior to service on the Committee.

(g) Upon completion of its hearing, the Hearing Committee shall immediately notify the grievant, the respondent, and the Chancellor of that fact. Such notification shall include a designation of all witnesses, documents, and other evidential material considered by the Hearing Committee and shall inform the parties that they will be given an opportunity to review the evidentiary material, and within seven (7) days, upon good cause shown, to present additional evidence.

(h) Although the Hearing Committee will attempt to work expeditiously, principals should be aware that difficulties in scheduling may sometimes result in

frustrating delays. Nonetheless, every effort will be made to ensure a thorough and fair hearing. The findings of the Hearing Committee need not be unanimous. In such instances, the final report of the committee should explain the varying views of the committee members regarding the case.

(i) Within fourteen (14) days after completion of the hearing, the Hearing Committee shall meet to deliberate and prepare a written report of its findings and recommendations, including suggested action. The written report shall be limited to the grievance as specified in Section 370.010 F.5. The findings and recommendation shall be sent to the Chancellor, the grievant and the respondent.

(j) The Chancellor, after having received the report of the Hearing Committee, may meet with the grievant or the respondent. The Chancellor shall make a determination of the matter and shall advise the grievant and the respondent in writing of that determination within a reasonable time. If it is not practical for the determination to be made within thirty (30) days, the grievant and respondent shall be so informed and should also be informed of the approximate date when the decision will be made.

(k) The Chancellor may meet with the Hearing Committee for a discussion of the determination prior to the Chancellor's communication of the decision to the grievant and respondent. In any event, the Chancellor shall inform the Hearing Committee of the Chancellor's determination.

(l) In October of each year, the Academic Grievance Officer (or designee) shall report to the faculty governance body of the campus the status of all grievances filed during the preceding year and any grievances from prior years where the process has not been completed. This report shall not include names of the parties or the nature of the grievance but shall include the date the grievance was filed and its current status. The status report will indicate the current stage of the grievance: informal resolution stage, before hearing committee, hearing committee report filed

with Chancellor, determination made by Chancellor, appeal to President, determination made by President. The report may include an explanation of an unusual delay that has occurred, or any other matter that the Academic Grievance Officer (or designee) believes would be helpful.

3. Step 3 -- Presidential Adjudication

- a. If the determination by the Chancellor is not satisfactory to the aggrieved faculty member, the faculty member may file an appeal with the President. A letter requesting a review must be sent to the President within thirty (30) days of the date indicated on the Chancellor's response. Copies of the original complaint or grievance and all relevant materials shall be forwarded to the President by the Chancellor. The President then shall evaluate the records in order to arrive at a judgment.
- b. Within a reasonable time after the filing of the appeal, the President shall send a certified letter indicating the disposition of the grievance to the grievant, the respondent, and the appropriate administrative officers. If it is not practical for the determination to be made within thirty (30) days, the grievant and respondent shall be so informed and should also be informed of the approximate date when the decision will be made. The decision of the President shall be final.

H. In the event a grievance by a faculty member concerns an action by a UM System administrator, the same procedure shall be followed with the following modifications:

1. The Hearing Committee shall be selected from the grievance hearing panel of the campus upon which the faculty member is located or to which he/she is most closely attached.
2. Reference to the Chancellor in the procedures shall be deemed to refer to the appropriate vice president or director of the UM unit.

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan voted yes.
 Curator Erdman voted yes.
 Curator Fraser voted yes.

Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried by a voted of eight and zero.

Finance and Audit

Information

1. Fiscal Year 2008 Financial Status Report, UM
2. Fiscal Year 2008 External Audit Report, UM
3. Investments Consultant Firm Update, UM
4. Fiscal Year 2009 and Fiscal Year 2010 Budget Update, UM

Fiscal Year 2008 Financial Status Report, UM – presented by Vice President Krawitz (slides handout on file)

Fiscal Year 2008 External Audit Report, UM – presented by auditors Susan Eickhoff and Mark Sher (audit booklets on file)

Investments Consultant Firm Update, UM – presented by Vice President Krawitz

Fiscal Year 2009 and Fiscal Year 2010 Budget Update – this information was provided by President Forsee during his report

Governance

State Redistricting-Curator Seat Alternative – presented by Curator Walsworth, Chair of the Governance Committee

It was moved by Curator Erdman and seconded by Curator Cairns, recommendation of the Governance Committee be laid on the table.

Roll call vote of Committee:

Curator Cairns voted yes.
 Curator Carnahan voted yes.
 Curator Erdman voted yes.
 Curator Walsworth voted yes.

The motion carried.

It was moved by Curator Fraser and seconded by Curator Cairns, that the Governance Committee substitute Alternative #2 for consideration by the board, which would remove the state restriction in the appointment of a curator, as follows:

At-large appointments from either in state or outside the state. The Governor could select one member from each congressional district and an additional at-large appointment who could be an alum or business leader from within the state or outside the state for the ninth seat. There is little precedent for the out-of-state practice, although one institution (Truman State) provides for a nonvoting out-of-state member on its governing board. This option may prove more difficult as lawmakers are not likely to embrace the notion of out-of-state members determining how a state-supported institution is governed.

Discussion ensued.

Roll call vote:

Curator Cairns voted no.
 Curator Carnahan abstained
 Curator Erdman voted no.
 Curator Fraser voted yes.
 Curator Haggard voted no.
 Curator Russell voted no.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger voted no.

The motion failed with a vote of three in favor, five opposed and one abstention.

It was recommended by the Governance Committee, moved by Curator Erdman, and seconded by Curator Walsworth, that the Board of Curators approve for proposal to the Missouri legislature, in anticipation that the Missouri state redistricting may result in the elimination of a congressional district in 2010, for approval:

Basic at-large appointments from within the state. - The statute could be rewritten to indicate that the Governor shall select one curator from each of the state's congressional districts, with additional appointments made at-large from anywhere in the state to total nine members.

Statutory change could indicate that “at least one but no more than two members shall be selected from each congressional district.”

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan was absent.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger abstained.

The motion carried by a vote of seven in favor and one abstention.

It was moved by Curator Erdman and seconded by Curator Cairns, that the minutes of the Governance Committee meeting, December 8, 2008, be approved as provided with the materials of this meeting.

Roll call vote of Committee:

Curator Cairns voted yes.
 Curator Carnahan was absent.
 Curator Erdman voted yes.
 Curator Walsworth voted yes.

The motion carried.

Physical Facilities and Management Services

Architect/Engineer Selection, Thomas Jefferson Hall South Tower Renovation, Missouri S&T

It was recommended by Chancellor Carney, endorsed by President Forsee, recommended by the Physical Facilities and Management Services Committee, moved

by Curator Erdman and seconded by Curator Cairns, that the following action be approved:

the Vice President for Finance and Administration shall be authorized to employ the firm of Treanor Architects, P.A., Kansas City, Missouri, for design services for the Thomas Jefferson Hall South Tower Renovation at the Missouri University of Science and Technology, for a lump sum fee of \$555,000.

Funding is from Revenue Bonds: \$555,000

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan was absent.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger voted yes.

The motion carried.

Naming East Drive for Arnold B. Grobman, UMSL

It was recommended by Chancellor George, endorsed by President Forsee, recommended by the Physical Facilities and Management Services Committee, moved by Curator Erdman and seconded by Curator Cairns, that the following action be approved:

the road currently called East Drive (on the north campus), shall be named the "Arnold B. Grobman Drive."

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan was absent.
 Curator Erdman voted yes.
 Curator Fraser voted yes.

Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger voted yes.

The motion carried.

Dr Grobman served as Chancellor of the University of Missouri-St. Louis campus from 1975 to 1985 and played a significant role in the growth of the campus. Under his leadership, the University acquired the south campus property and added the College of Nursing and the College of Optometry. Dr. Grobman was one of the framers of the metropolitan university concept.

General Business

Good and Welfare of the University

President Forsee recommended that the 2009 Board of Curators meeting calendar be revised to eliminate two face-to-face meetings. A draft revised calendar was distributed to the curators for consideration (on file).

Resolution, Curator Marion H. Cairns

It was moved by Curator Russell and seconded by Curator Walker, that the following resolution recognizing the dedicated service of Marion H. Cairns, Curator of the University of Missouri, be approved:

RESOLUTION

WHEREAS, Marion H. Cairns has served the people of Missouri with distinction as a member of the University of Missouri Board of Curators since February 14, 2003, and

WHEREAS, she served as the first chair of the External Affairs Committee which worked to spread the good news of the university and the benefits of public higher education to the citizens of the state of Missouri; and

WHEREAS, as chair of the External Affairs Committee, she encouraged system and campus administration to effectively communicate the university's mission

and vision by speaking with one voice and developing relevant messages based on solid public opinion research and strategic planning, and

WHEREAS, Curator Cairns also contributed to the Board of Curators as a member of the Academic and Student Affairs, Finance and Audit, Executive and Governance committees; and

WHEREAS, her contributions on the Presidential Search Committee assisted in the selection of new leadership for the University of Missouri; and

WHEREAS, as a board member, Curator Cairns called upon personal perspectives and expertise gained through serving 14 years as a member of the Missouri General Assembly to advance the cause of public higher education in Missouri and advise the university on legislative issues; and

WHEREAS, as a consequence of her service as a former public school administrator, teacher, and volunteer, she brought to her duties as a curator a deep and personal appreciation for the importance of education and the policy issues affecting faculty and students; and

WHEREAS, her sense of humor and ability to keep issues in perspective have served her and her fellow curators well during their mutual service to the University of Missouri:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Curators, on behalf of the students, faculty, staff and alumni of the University of Missouri, and on behalf of the citizens of the state of Missouri, does hereby adopt this resolution in sincere appreciation of the dedicated and devoted leadership of Marion H. Cairns;

AND ALSO, that her future relations with the University of Missouri be formally recognized by bestowing the title of "Curator Emeritus" upon Marion H. Cairns; and

BE IT FURTHER RESOLVED, that the Secretary of the Board of Curators cause this resolution to be spread upon the minutes of this meeting and that a duly inscribed copy thereof be furnished to Marion H. Cairns.

Roll call vote:

Curator Cairns abstained.
Curator Carnahan voted yes.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.

Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth voted yes.
Curator Wasinger voted yes.

The motion carried.

Resolution, Curator Cheryl D. S. Walker

It was moved by Curator Walsworth and seconded by Curator Fraser, that the following resolution recognizing the dedicated service of Cheryl D. S. Walker, Curator of the University of Missouri, be approved:

RESOLUTION

WHEREAS, Cheryl D.S. Walker has served the people of Missouri with distinction as a member of the University of Missouri Board of Curators since January 8, 2003; and

WHEREAS, she served as Vice Chair of the Board of Curators from January 1, 2007, through December 31, 2007, and as Chair of the Board of Curators from January 1, 2008, through December 31, 2008; and

WHEREAS, during her tenure on the board Curator Walker served on the Executive, Human Resources, Finance, Physical Facilities and Management Services, Resources and Planning, External Affairs and the Governance committees; and

WHEREAS, her contributions to the Presidential Search Committee lead to the selection of new leadership for the University of Missouri; and

WHEREAS, upon the retirement of the former general counsel, Curator Walker chaired the search committee that eventually led to the selection of a new general counsel for the University of Missouri in 2007, and

WHEREAS, Curator Walker earned her undergraduate degree in engineering from the University of Missouri-Rolla, making it the first time in university history that the Chair of the Board of Curators and the President of the University of Missouri System shared the same alma mater; and

WHEREAS, Curator Walker placed special emphasis during her term as board chair on the unique role of the University of Missouri in serving the state's

economy as an economic driver and laid the foundation for future partnerships with Missouri's business community; and

WHEREAS, Curator Walker worked with system administration to engage and educate small business and minority business leaders in university building, contracting and procurement policies and opportunities, thus developing more diverse business relationships for the university; and

WHEREAS, during her term as chair of the board, administration leaders adopted a new strategic plan that clearly articulated the university's direction, and brought into focus key areas that influence the university's performance, and adopted aggressive accountability measures to gauge performance; and

WHEREAS, Curator Walker's ability to listen to all sides of an issue and bring a group to consensus has benefited the board and the university in a multitude of ways, and

WHEREAS, Curator Walker's personal gifts of eloquent and elegant speech and poetic talent have enabled her to express her thoughts and positions in such a way as to inspire and lift up those around her:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Curators, on behalf of the students, faculty, staff and alumni of the University of Missouri, and on behalf of the citizens of the state of Missouri, does hereby adopt this resolution in sincere appreciation of the dedicated and devoted leadership of Curator Cheryl D.S. Walker;

AND ALSO, that her future relations with the University of Missouri be formally recognized by bestowing the title of "Curator Emeritus" upon Cheryl D.S. Walker; and

BE IT FURTHER RESOLVED, that the Secretary of the Board of Curators cause this resolution to be spread upon the minutes of this meeting and that a duly inscribed copy thereof be furnished to Cheryl D. S. Walker.

Roll call vote:

Curator Cairns voted yes.

Curator Carnahan voted yes.

Curator Erdman voted yes.

Curator Fraser voted yes.

Curator Haggard voted yes.

Curator Russell voted yes.

Curator Walker abstained.

Curator Walsworth voted yes.

Curator Wasinger voted yes.

The motion carried.

Resolution, Curator Don Walsworth

It was moved by Curator Walker and seconded by Curator Haggard and Curator Russell, that the following resolution recognizing the dedicated service of Don Walsworth, Curator of the University of Missouri, be approved:

RESOLUTION

WHEREAS, Don Walsworth has served the people of Missouri with distinction as a member of the University of Missouri Board of Curators since January 8, 2003; and

WHEREAS, he served as vice chair of the Board of Curators from January 1, 2006, to December 31, 2006, and as chair of the Board of Curators from January 1, 2007, to December 31, 2007; and

WHEREAS, during his term of service, Curator Walsworth served on the Governance, Physical Facilities and Management Services, Compensation and Human Resources, Finance and Audit, Resources and Planning, External Affairs and Executive committees; and

WHEREAS, Curator Walsworth served as chair of the University of Missouri Board of Curators which functioned as a committee of the whole in conducting the executive search that eventually led to the appointment of Gary D. Forsee as the university's 22nd president; and

WHEREAS, Curator Walsworth received his undergraduate degree from the University of Missouri, is a strong supporter of higher education, a successful business man, and has served as an able and experienced advisor to the university in financial and investment matters, and

WHEREAS, Curator Walsworth was instrumental in establishing goals for the board and the university, including reviewing university priorities and regularly reviewing investment managers; and

WHEREAS, he has served as an outspoken advocate of making tuition affordable and attainable so students from all areas of the state and economic backgrounds have the opportunity to receive a college education; and

WHEREAS, as a staunch supporter of intercollegiate athletics, Curator Walsworth encouraged chancellors and athletic directors to achieve high standards of excellence and achievement through emphasis on sound management practices and personal development of the university's student athletes:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Curators, on behalf of the students, faculty, staff and alumni of the University of Missouri, and on behalf of the citizens of the state of Missouri, does hereby adopt this resolution in sincere appreciation of the dedicated and devoted leadership of Curator Don Walsworth;

AND ALSO, that his future relations with the University of Missouri be formally recognized by bestowing the title of "Curator Emeritus" upon Don Walsworth; and

BE IT FURTHER RESOLVED, that the Secretary of the Board of Curators cause this resolution to be spread upon the minutes of this meeting and that a duly inscribed copy thereof be furnished to Don Walsworth.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan voted yes.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.
Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth abstained.
Curator Wasinger voted yes.

The motion carried.

Brief remarks were made by Curator Cairns, Curator Walker and Curator Walsworth.

Curator Cheryl Walker was presented the Chairwoman's gavel by Curator Bo Fraser. Curator Walker presented The University of Missouri, A Centennial History, a

book by Jonas Viles, to Chair-Elect Fraser. Brief acceptance remarks were made by Curator Fraser.

It was moved by Curator Walsworth and seconded by Curator Erdman that there shall be an executive session with a closed record and closed vote of the Compensation and Human Resources Committee and the Board of Curators, on Friday, December 12, 2008, for consideration of:

- Section 610.021(1), RSMo, relating to matters identified in that provision, which include legal actions, causes of action or litigation, and confidential or privileged communications with counsel; and
- Section 610.021(2), RSMo, relating to matters identified in that provision, which include leasing, purchase, or sale of real estate; and
- Section 610.021(3), RSMo, relating to matters identified in that provision, which include hiring, firing, disciplining, or promoting of particular employees; and
- Section 610.021(12), RSMo, relating to matters identified in that provision, which include sealed bids and related documents and sealed proposals and related documents or documents related to a negotiated contract; and
- Section 610.021(13), RSMo, relating to matters identified in that provision, which include individually identifiable personnel records, performance ratings, or records pertaining to employees or applicants for employment.

Roll call vote:

Curator Cairns voted yes.

Curator Carnahan was absent.

Curator Erdman voted yes.

Curator Fraser voted yes.

Curator Haggard voted yes.

Curator Russell voted yes.

Curator Walker voted yes.

Curator Walsworth voted yes.

Curator Wasinger voted yes.

The motion carried.

It was moved by Curator Cairns and seconded by Curator Walsworth, that the Board of Curators meeting – open session, December 12, 2008, be adjourned.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan was absent.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.
Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth voted yes.
Curator Wasinger voted yes.

The motion carried.

There being no further business for consideration by the University of Missouri Board of Curators, the open session concluded at 12:20 P.M., on Friday, December 12, 2008.

BOARD OF CURATORS MEETING – EXECUTIVE SESSION

The meeting of the University of Missouri Board of Curators was reconvened in executive session at 1:00 P.M, on Friday, December 12, 2008, in the St. Louis Conference Room of the Bryan Cave Law Firm offices, One Metropolitan Square, St. Louis, Missouri, pursuant to public notice given of said meeting. Curator Cheryl Walker, Chairwoman of the Board of Curators, presided over the meeting.

Present

The Honorable Marion H. Cairns
The Honorable John M. Carnahan III

The Honorable Warren K. Erdman
 The Honorable Bo Fraser
 The Honorable Judith G. Haggard
 The Honorable Doug Russell
 The Honorable Cheryl D.S. Walker
 The Honorable Don Walsworth

Curator David G. Wasinger was absent from the executive session.
 Student Representative Anton H. Luetkemeyer was absent from the executive session.

Also Present

Mr. Gary D. Forsee, President, University of Missouri System
 Mr. Stephen J. Owens, General Counsel
 Ms. Kathleen M. Miller, Secretary of the Board of Curators

General Counsel's Report – presented by General Counsel Owens (litigation report on file with the Office of the General Counsel)

Also Present

Ms. Natalie (Nikki) Krawitz, Vice President for Finance and Administration

Sale of Fee Interest, Lot 1, Missouri Research Park, UM – presented by Vice President Krawitz

It was recommended by Vice President Nichols, endorsed by President Forsee, recommended by the Physical Facilities and Management Services Committee, moved by Curator Walsworth and seconded by Curator Fraser, that the following action be approved:

the Vice President for Finance and Administration shall be authorized to convey the University's fee interest in Lot 1 of Missouri Research Park, to Research Park Investments, L.L.C., for \$48,000, for the University of Missouri System.

Proceeds to Missouri Research Park funds: \$48,000

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan was absent for the vote.
 Curator Erdman voted yes.

Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried.

The university issued a deed on December 12, 2008 for sale of its fee interest in Lot 3, Missouri Research Park, St. Charles County, for the University of Missouri System.

On February 4, 2005 the Board authorized sale of lots at Missouri Research Park to tenants with long term leases, in accordance with buyout provisions of their leases. Lot 3 was sold to Harmon Holdings II, Inc. for \$1,000.

The primary deed number for Missouri Research Park is C0087. The acreage covered by this deed prior to this sale was 575.40 acres. Lot 3 is 6.4 acres, leaving University acreage owned in the park under Deed C0087 at 569 acres.

The inception of this lease was January 28, 1993, and prepaid rent for the entire term through December 31, 1991, was \$450,000--this was the appraised value of the 6 acres of land at the start of the lease. On September 2, 1998 the lease was amended to add 0.4 acres to Lot 3, for additional prepaid rent of \$48,000. The buyout provisions for each lease vary. In this case, the amount to be paid for the University's fee interest was specified in the lease as \$1,000.

Deed #C0087M will be used for this sold parcel.

¹⁷⁵ Property Exchange, UMSL – This item has been excluded from the minutes and may be given public notice upon completion of transaction of subject matter.

Curators' Teaching Professorship, Professor J. Sanford (Sandy) Rikoon, UMC

It was recommended by Chancellor Deaton, endorsed by President Forsee, recommended by the Academic and Student Affairs Committee, moved by Curator Walsworth and seconded by Curator Fraser, that the following action be approved:

upon the recommendation of Chancellor Deaton, the Provost, the Dean of Agriculture, Food & Natural Resources, and the Chair of Rural Sociology,

Professor J. Sanford (Sandy) Rikoon shall be named to the position of University of Missouri Curators' Teaching Professor, effective January 1, 2009. Dr. Rikoon will receive a \$10,000 annual stipend as long as he holds the position. \$5,000 will go to increased compensation (less applicable taxes) with the remaining \$5,000 available for professional expenses associated with his teaching, research, or creative activities.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan was absent for the vote.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.
Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth voted yes.
Curator Wasinger was absent.

The motion carried.

Curators' Teaching Professorship, Professor Wilson Freyermuth, UMC

It was recommended by Chancellor Deaton, endorsed by President Forsee, recommended by the Academic and Student Affairs Committee, moved by Curator Walsworth and seconded by Curator Fraser, that the following action be approved:

upon the recommendation of Chancellor Deaton, the Provost, the Dean of the School of Journalism, Professor Wilson Freyermuth shall be named to the position of University of Missouri Curators' Teaching Professor, effective January 1, 2009. Dr. Freyermuth will receive a \$10,000 annual stipend as long as he holds the position. \$5,000 will go to increased compensation (less applicable taxes) with the remaining \$5,000 available for professional expenses associated with his teaching, research, or creative activities.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan was absent for the vote.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.

Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried.

Curators' Teaching Professorship, Professor Lee Wilkins, UMC

It was recommended by Chancellor Deaton, endorsed by President Forsee, recommended by the Academic and Student Affairs Committee, moved by Curator Walsworth and seconded by Curator Fraser, that the following action be approved:

upon the recommendation of Chancellor Deaton, the Provost, the Dean of the School of Law, Professor Lee Wilkins shall be named to the position of University of Missouri Curators' Teaching Professor, effective January 1, 2009. Dr. Wilkins will receive a \$10,000 annual stipend as long as he holds the position. \$5,000 will go to increased compensation (less applicable taxes) with the remaining \$5,000 available for professional expenses associated with his teaching, research, or creative activities.

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan was absent for the vote.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried.

Vice President Krawitz excused herself from the executive session (during the President's report to the Board).

University President's Report – presented by President Forsee (no report on file)

Also Present

Ms. Natalie (Nikki) Krawitz, Vice President for Finance and Administration
 Ms. Betsy Rodriguez, Vice President for Human Resources

¹⁷⁶ Personnel, UM – This item has been excluded from the minutes and may be given public notice upon completion of transaction of subject matter.

Appointment of Leo E. Morton as Chancellor, University of Missouri-Kansas City – presented by President Forsee

It was recommended by President Forsee, moved by Curator Walsworth and seconded by Curator Walker, that Leo E. Morton shall be appointed Chancellor of the University of Missouri-Kansas City campus, effective December 16, 2008. (Appointment paper is on file with the minutes of this meeting.)

Roll call vote:

Curator Cairns voted yes.
 Curator Carnahan voted yes.
 Curator Erdman voted yes.
 Curator Fraser voted yes.
 Curator Haggard voted yes.
 Curator Russell voted yes.
 Curator Walker voted yes.
 Curator Walsworth voted yes.
 Curator Wasinger was absent.

The motion carried.

There is no term contract for Mr. Morton.

Employment Agreement for Gail Hackett, Executive Vice Chancellor and Provost of the University of Missouri-Kansas City – presented by President Forsee

It was recommended by President Forsee, moved by Curator Walsworth and seconded by Curator Walker, that the terms consistent with and substantially similar to

the agreement letter (on file with the minutes of this meeting) shall be approved for Gail Hackett, Executive Vice Chancellor and Provost of the University of Missouri-Kansas City.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan voted yes.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.
Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth voted yes.
Curator Wasinger was absent.

The motion carried.

It was moved by Curator Walsworth and seconded by Curator Haggard, that the Board of Curator meeting, December 12, 2008, shall be adjourned.

Roll call vote:

Curator Cairns voted yes.
Curator Carnahan voted yes.
Curator Erdman voted yes.
Curator Fraser voted yes.
Curator Haggard voted yes.
Curator Russell voted yes.
Curator Walker voted yes.
Curator Walsworth voted yes.
Curator Wasinger was absent.

The motion carried.

There being no further business to come before the Board of Curators, the meeting was adjourned at 1:45 P.M., on Friday, December 12, 2008.

Approved by the Board of Curators on February 6, 2009.

Kathleen M. Miller
Secretary of the Board of Curators