

UNIVERSITY OF SOUTH ALABAMA
BOARD OF TRUSTEES

The Board of Trustees of the University of South Alabama was duly convened by Mr. Mayer Mitchell, Chairman, at 11:00 a.m. on Thursday, May 29, 1997, in the Board Room of the University of South Alabama Administration Building.

Members Present: Messrs. Crum Foshee, Ken Kvalheim, Mayer Mitchell, James Nix; Judge Herman Thomas; Senator Pat Lindsey

Other Board Members Present: Mrs. Jerry Goodwin, Drs. Max McLaughlin, Steven Stokes, Frederick Whiddon; Mr. Plez Watson; Judge Charles Woods

Members Absent: Mr. Jack Brunson; Mrs. Bettye Maye

Others Present: Mesdames Maxey Roberts, Jennifer Zoghby-Mobile Register, Mary Hattler-Mobile Register Photographer, Margaret Moore, WALA-TV Reporter; Messrs. Peter Albrecht-Channel 5, Gary Arnold-Channel 5 Photographer, Steve Clements, Eddie Curran-Mobile Register, Wayne Davis, Sean Dunlap-Vanguard, Lloyd Heard-WPMI TV, Gary Mitchell-Associated Press, Chris Peters-counsel, Jeff Pitts-Matrix, Ron Rosenberger, Steve Simmons, John Watkins-WPMI TV, Joe Whatley-counsel, David Wilkins; Drs. John Filer, William Gardner, Suzanne McGill, Al Pruitt, J. David Stearns, Nicholas Sylvester; three unidentified guests.

Mr. Mitchell called attention to a revision in the Agenda which adds the Attorney General's request to speak to the Board of Trustees regarding tobacco litigation.

Dr. Whiddon welcomed Attorney General Bill Pryor. Mr. Mitchell introduced Dr. Suzanne McGill, a twenty-five year veteran of the Department of Mathematics and Statistics and the new Chair of the Faculty Senate. He requested that a Resolution thanking Dr. Rivizzigno for her past service as Chair of the Senate be presented at the next meeting. Mr. Smith introduced the members of the media. Mr. Mitchell welcomed Mr. Chris Peters and Mr. Joe Whatley who are representing the University in the tobacco litigation. Judge Thomas introduced Mr. Butch Jefferies, the new Alumni Association President.

Upon the motion of Dr. Stokes, seconded by Mr. Nix, the minutes of the Board of Trustee meetings of December 5, 1996, and February 27, 1997, were approved as distributed.

Mr. Mitchell stated that Mr. Pryor had requested and has been given thirty minutes to present his views on the tobacco litigation. Mr. Pryor summarized events in the tobacco litigation which prompted his office to file a motion to dismiss. He stated that his visit was not a confrontation with the University, but rather the beginning of a dialogue over the major concerns relating to the litigation. He distributed copies of a brief of the States of Colorado, Delaware, Nebraska, Ohio, and Oregon in support of his Notice of Dismissal and Motion to Alter or Amend Provisional Class Certification and Preliminary Settlement Approval Order. He reviewed his three major

USA Board of Trustees

May 29, 1997

Page 2

concerns: the filing of the Liggett lawsuit in the nature of a class action and the misleading manner in which the University was advised that the University of Alabama would join such suits and the statement that the Attorney General should control the litigation position of the State of Alabama and all of its departments and agencies and instrumentalities, and the political aspect of the lawsuit, referencing the University's choice of legal counsel to represent it.

Mr. Mitchell responded to Mr. Pryor's three major concerns. He said that it was the decision of the University of South Alabama Board of Trustees that it would not take unilateral action in this matter and we had assurance that the University of Alabama would also enter into the lawsuit. Though they were not in the initial filing and later withdrew, the University of Alabama did enter the lawsuit. There was no misrepresentation. He emphasized that the Board of Trustees did not and will not consider the politics of any individual involved. Mr. Peters, University counsel, was asked to speak to the class action settlement in the Liggett case.

Mr. Peters explained the unprecedented event of the conciliation by Liggett & Myers and its parent corporation, Brooke Group, wherein they agreed to enter into a settlement agreement with all parties who were involved in litigation with Liggett. This raised the opportunity for the University to become personally involved in effectuating the settlement. He summarized the events following and emphasized that the class action agreement defined the terms of the class. Lengthy discussion followed. Judge Woods stated that nothing will be resolved by further discussion. He added that Judge Kittrell will make the decision. Mr. Mitchell appointed an ad hoc committee comprised of Judge Thomas, Judge Woods and Senator Lindsey to monitor the work of counsel and keep the Board apprised.

Senator Lindsey took issue with the statement that there was misrepresentation on the part of counsel representing the University as to the involvement of the University of Alabama. He said that he personally was told by a representative of the University of Alabama that the University would be in the lawsuit. Mr. Mitchell stated that he had been assured also, by the Chairman of the Board, that the University of Alabama had made the decision to file a lawsuit.

Dr. Whiddon stated that the suit against Liggett & Myers was filed to obtain information. He added that indigent care is the responsibility of the USA hospitals and those bills have to be paid. It is incumbent upon all of us to do what we can to keep the hospital viable. This is the right and moral thing to do.

Mr. Pryor thanked the Board and was thanked by the Board for his attendance. Attorney General Pryor left the meeting at this time.

Mitchell read a thank you note from Mr. and Mrs. Watson and then moved to the formal agenda. He stated that the Executive Committee reviewed the financial statements for January, February, and March, 1997, and found them to be in order. The Faculty Service and

USA Board of Trustees

May 29, 1997

Page 3

Development Awards for 1997-98 were reviewed and accepted.

Low bids for the Performing Arts Building, the University Center, and General Capital Improvement were introduced by the following resolutions.

RESOLUTION

WHEREAS, the University serves as the General Contractor, at this stage, for the completion of the Performing Arts Center on the campus of the University of South Alabama, and

WHEREAS, from time to time it is necessary to approve the award of certain bids for components of the Performing Arts Building,

NOW THEREFORE, BE IT RESOLVED, that the following bids, that are the lowest responsible bids for the items as designated, are hereby approved and accepted by the Board of Trustees of the University of South Alabama:

	<u>Contractor/ Supplier</u>	<u>Amount</u>
Stage Draperies	Tom P. Ollinger/Norcostco Drapery	\$102,990.
Generator System	Kossen Equipment	18,935.
Floor Covering	Allain Construction/T.S. Wall	122,570.
Acoustical Wall System	King Wholesale	33,483.

FURTHER, BE IT RESOLVED that the President and his designee are hereby authorized to enter into any agreements on behalf of the University of South Alabama with regard to the acceptance and approval of such bids.

RESOLUTION

University Center

WHEREAS, the University of South Alabama Board of Trustees has approved the construction and building of the University Center with the University acting as General Contractor, and

WHEREAS, from time to time it is necessary to approve the award of certain bids for components of the University Center,

NOW THEREFORE, BE IT RESOLVED that the following bid that represents the lowest responsible bid, in accordance with the State Law, are hereby accepted and awarded:

USA Board of Trustees
 May 29, 1997
 Page 4

	<u>Contractor/Supplier</u>	<u>Amount</u>
Roof Walkway	Anderson & Associates	\$ 23,680.
Roof Fan Curbs	KCC International	6,640.
Roof Scuttle	Anderson & Associates	795.
Transformer and Main Switchgear	General Electric	83,900.
Cast Stone	Jackson Stone Co.	323,700.
HVAC, Pipework	Batchelor's	1,590,000.
Plumbing Contract	Brim Construction	577,920.
Elevators	Otis	103,192.
Drainage Pipe	Consolidated	36,410.
Precast Manholes	Choctaw	5,286.

FURTHER, BE IT RESOLVED that the President or his designee are duly authorized to enter into any agreement on behalf of the University of South Alabama to accept and award such bids and carry out the work relating to such bid aspects of the University Center.

RESOLUTION

General Capital Improvements

WHEREAS, the University serves as the General Contractor for the installation of two high voltage underground feeders and related switchgear on the campus of the University of South Alabama that are necessary to accommodate the expansion of facilities, and

WHEREAS, from time to time it is necessary to approve the award of certain bids for components of the General Campus Improvements,

NOW THEREFORE, BE IT RESOLVED that the following bids, that are the lowest responsible bids for the items as designated, are hereby approved and accepted by the Board of Trustees of the University of South Alabama:

	<u>Contractor/Supplier</u>	<u>Amount</u>
Cable	Matthews Electric	\$124,200.
Pad Mounted Switchgear	Charles W. Ashby	18,437.
Main Switchgear	Charles W. Ashby	62,215.
Pad Mounted Transformer	Clower Electric	37,881.

USA Board of Trustees
May 29, 1997
Page 5

FURTHER, BE IT RESOLVED that the President and his designee are hereby authorized to enter into any agreements on behalf of the University of South Alabama with regard to the acceptance and approval of such bids.

Upon the motion of Mr. Nix, seconded by Mr. Kvalheim, resolutions were unanimously approved.

Mr. Mitchell introduced the first step in a major development for the University--the granting of right-of-way on Old Shell Road from University Boulevard to Hillcrest.

Upon the motion of Judge Thomas, seconded by Dr. Stokes, the following Resolution was unanimously approved.

RESOLUTION

WHEREAS, the Alabama Highway Department has requested a permanent right-of-way to be purchased by the Highway Department for the widening of Old Shell Road, between University Boulevard and Hillcrest Road, and

WHEREAS, the project is expected to require approximately 4.18 acres of land, more or less, with the right-of-way to be purchased of approximately 35 feet deep to the north of the existing right-of-way for approximately 5,500 feet to the University Career Services Building, at the intersection of Hillcrest and Old Shell Road, and

WHEREAS, it is in the best interest of the University of South Alabama to sell such property to the State Highway Department as a permanent right-of-way.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of South Alabama hereby authorizes the President of the University of South Alabama to execute such necessary documents as to convey that amount of property on the south side of the University, running along Old Shell Road from the intersection of Old Shell from University Boulevard to Hillcrest Road, for an approximate depth of 35 feet, which conveyance will be to the Alabama Highway Department, and

FURTHER, BE IT RESOLVED, that the Board of Trustees, in determining a fair market value for such property to be purchased by the State Highway Department, will separately obtain an independent Certified Real Estate Appraiser to establish the subject fair market value, which will be paid to the University of South Alabama, and

USA Board of Trustees
 May 29, 1997
 Page 6

FURTHER, BE IT RESOLVED, that no further or other action will be necessary for the authorization to convey such property in accordance with the above and foregoing.

Mr. Mitchell stated that the Executive Committee recommended approval of the concept of a loan to the USA Brookley Center for major renovations as referenced in the following Resolution.

RESOLUTION

WHEREAS, the USA Brookley Center has provided an area of excellent facilities for Continuing Education and,

WHEREAS, the University of South Alabama, from time to time, has continued the improvement activities on the USA Brookley campus facilities, and

WHEREAS, these facilities do require additional and significant improvements.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of South Alabama would approve entering into a loan from the USA Foundation in an amount of \$900,000.00, to be used for capital expenditures at the Brookley Campus, which would include a \$400,000.00 amount from previous capital expenditures, combining that with an additional \$500,000.00 would will be used also for capital expenditures.

FURTHER, BE IT RESOLVED that the loan is requested to be amortized over a period of 20 years at a floating rate of 2% interest over the 60-day U.S. Treasury rate (to be revised annually as of June 1st of each year beginning June 1, 1998).

Upon the motion of Mr. Nix, seconded by Mr. Watson, the concept of the requested loan to the USA Brookley Center from the USA Foundation to be used for renovations was unanimously approved.

The request for promotion rate increase was presented in the following Resolution.

USA Board of Trustees
May 29, 1997
Page 7

RESOLUTION

WHEREAS, a promotion rate increase has been usual for promotions from assistant to associate professor and from associate to full professor for University faculty, excluding the College of Medicine, and

WHEREAS, that promotion rate increment, over time, needs to be increased,

NOW THEREFORE, BE IT RESOLVED that the promotion increment for the 1997-98 academic year be increased for promotion from assistant to associate professor, from \$1,000.00 to \$2,000.00, and for associate to full professor from \$2,000.00 to \$4,000.00, and that for the year beginning 1999-2000, the promotion increment will be increased for assistant to associate professor to \$3,000.00, and from associate to full professor to \$5,000.00.

Upon the motion of Mr. Kvalheim, seconded by Judge Thomas, the promotion rate increase was unanimously approved as recommended.

Recommendations for University promotion and tenure awards for 1997-98 were reviewed and recommended for approval by the Executive Committee as follows.

PROMOTIONS

- To Assistant Professor Mr. James Clint Orr, Department of Art

- To Associate Professor Dr. Cindy L. Thurston, Department of Biomedical Sciences
- Dr. Marjorie E. Scaffa, Department of Occupational Therapy
- Dr. Jeffrey D. Madura, Department of Chemistry
- Dr. Sidney Young, Department of Chemistry
- Dr. Douglas Haywick, Department of Geology/Geography
- Dr. Aaron Fogelman, Department of History
- Dr. Michael Monheit, Department of History
- Dr. Daniel Rogers, Department of History
- Dr. Jose Barrionuevo, Department of Mathematics
- Dr. Andra Bohnet, Department of Music

USA Board of Trustees
 May 29, 1997
 Page 8

Associate Professor	Dr. Sam Fisher, III, Department of Political Science/ Criminal Justice Dr. Lisa Turner, Department of Psychology Dr. David N. Ellis, Department of Special Education Dr. Kevin D. White, Department of Civil Engineering
To Assistant Librarian	Mr. Michael J. Perry
To Associate Librarian	Ms. Amy Prendergast
To Senior Librarian	Ms. Ann Taylor Blauer
To Professor	Dr. John E. Kovaleski, Department of HPELS

TENURE

Dr. Cindy L. Thurston, Department of Biomedical Sciences
 Dr. Holly Kaufman Hall, Department of Medical Technology
 Dr. Marjorie E. Scaffa, Department of Occupational Therapy
 Dr. Nancy Van Slyke, Department of Occupational Therapy
 Dr. Jeffrey D. Madura, Department of Chemistry
 Dr. Arthur Emig, Department of Communication
 Dr. Isabel Brown, Department of Foreign Languages and Literature
 Dr. Douglas Haywick, Department of Geology/Geography
 Dr. Aaron Fogelman, Department of History
 Dr. Michael Monheit, Department of History
 Dr. Daniel Rogers, Department of History
 Dr. Jose Barrionuevo, Department of Mathematics and Statistics
 Dr. Cornelius Pillen, Department of Mathematics and Statistics
 Dr. Andra Bohnet, Department of Music
 Dr. Lisa Turner, Department of Psychology
 Dr. John E. Kovaleski, Department of HPELS
 Dr. David N. Ellis, Department of Special Education
 Dr. Marilyn S. Shank, Department of Special Education
 Dr. Kevin D. White, Department of Civil Engineering
 Dr. Hua-Kuang Liu, Department of Electrical and Computer Engineering
 Ms. Amy Prendergast, University Libraries
 Mr. Tom Williams, Biomedical Library

USA Board of Trustees
May 29, 1997
Page 9

Upon the motion of Mr. Kvalheim, seconded by Dr. Stokes, the University promotion and tenure recommendations were unanimously approved.

Promotion and tenure recommendations for the College of Medicine were presented by Dr. Pruitt and recommended for approval by the Executive Committee.

PROMOTIONS

Tenure Track

To Associate Professor Botros Rizk, M.D., Department of OB/Gyn

To Professor R. Michael Culpepper, M.D., Department of Medicine

Non-Tenure Track

To Assistant Judy King, M.D., Ph.D., Department of Pathology

To Associate Lawrence E. Williams, Ph.D., Department of Comparative Medicine
Alan G. Brady, D.V.M., Department of Comparative Medicine
T. Phillip Bell, M.D., Department of Emergency Medicine
Kimberlee Chapin, M.D., Department of Pathology
Cynthia A. Donnell, M.D., Department of Pathology
Jose Martinez, M.D., Department of Medical Genetics

JOINT DEPARTMENT PROMOTIONS

To Associate T. Phillip Bell, M.D., Department of Medicine
Jose Martinez, M.D., Department of Pediatrics

CLINICAL/ADJUNCT PROMOTIONS

To Clinical Associate George V. Davis, M.D., Department of Psychiatry
Alfred B. Chance, Jr., M.D., Department of Medicine
Stephen A. Davis, M.D., Department of Medicine
Michael R. Davis, M.D., Department of Medicine
Patrick E. Nolan, M.D., Department of Medicine

To Clinical Professor Martin Perlman, M.D., Department of Medicine

USA Board of Trustees
 May 29, 1997
 Page 10

To Adjunct Associate J. Marcus Hollis, Ph.D., Department of Orthopaedic Surgery

TENURE

Warren Zimmer, Ph.D., Department of Structural/Cellular Biology
 Anthony Gard, Ph.D., Department of Structural/Cellular Biology
 Susan LeDoux, Ph.D., Department of Structural/Cellular Biology
 Hercules Panayiotou, M.D., Department of Medicine

Upon the motion of Dr. Stokes, seconded by Mr. Kvalheim, the College of Medicine promotion and tenure awards were unanimously approved as recommended.

Upon the motion of Mr. Kvalheim, seconded by Dr. Stokes, and with a unanimous vote, the Honorary Doctorate Award Policy was tabled.

Mr. Mitchell introduced the Resolution to approve the first award of an Honorary Doctorate Degree to Secretary of State Madeleine Korbel Albright.

RESOLUTION

WHEREAS, in accordance with the policies and Procedures for Granting Honorary Doctorate Degrees at the University of South Alabama, the University Honorary Degree Committee, has recommended that an award of its first Honorary Degree, the Doctor of Humane Letters, be made to the Honorable Madeleine Korbel Albright, the Secretary of State of the United States of America, and

WHEREAS, in the Committee's consideration, the excellent and extensive achievements of Secretary Albright were reviewed, and

WHEREAS, the Committee recognized that Secretary Albright holds a Bachelor of Arts Degree from Wellesley College with Honors in Political Science, and has continued her studies in the School of Advanced International Studies at Johns Hopkins University, and her Masters and Doctorate from the Department of Public Law and Government at Columbia University, and

WHEREAS, Secretary Albright served as a staff member of the National Security Council from 1978 through 1981, and has served as a Senior Fellow in Soviet and Eastern European Affairs at the Center of Strategic and International Studies, and

USA Board of Trustees

May 29, 1997

Page 11

WHEREAS, Secretary Albright has taught undergraduate and graduate courses in International Affairs, U.S. Foreign Policy, Russian Foreign Policy, and Central and Eastern European Politics, and has been responsible for developing and implementing programs designed to enhance women's professional opportunities in International Affairs, all in her position as Research Professor of International Affairs and Director of Women in Foreign Service programs at the Georgetown University School of Foreign Service, and

WHEREAS, Secretary Albright has served as President of the Center for National Policy, and prior to her current appointment, served as the United States Permanent Representative to the United Nations and as a member of President Clinton's Cabinet and National Security Council of President Clinton, and

WHEREAS, Secretary Albright continues to distinguish herself as Secretary of State of the United States of America, to which position she was nominated by President Clinton on December 5, 1996, and unanimously confirmed by the United States Senate, being sworn in as the 64th Secretary of State of the United States of America on January 23, 1997, and

WHEREAS, Secretary Albright is the first female Secretary of State and the highest ranking woman in the United States Government,

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of South Alabama, upon the recommendation of the University Honorary Degree Committee and the President, unanimously approves the awarding of the University of South Alabama's first Honorary Degree, the Doctor of Humane Letters, to the Honorable Madeleine Korbel Albright, and

FURTHER, BE IT RESOLVED that this resolution be spread upon the Minutes of the Board of Trustees of the University of South Alabama, with a copy forwarded to Secretary Albright, and

FURTHER, BE IT RESOLVED that the award of the Doctor of Humane Letters to Secretary Albright will be made at the Commencement of the University of South Alabama to be held on Sunday, June 8, 1997, in Mobile, Alabama.

Upon the motion of Mr. Nix, seconded by Mr. Kvalheim, the Resolution to award an Doctor of Humane Letters Degree to Secretary of State Madeleine K. Albright was unanimously approved.

Mr. Mitchell introduced the proposed Board meeting dates for 1997-98. According to the Act

USA Board of Trustees
 May 29, 1997
 Page 12

creating the University of South Alabama, the Governor, as President of the Board of Trustees, calls special meetings. However, it has been helpful to select quarterly meeting dates and the following dates for 1997-98 are offered for consideration:

Thursday, September 4, 1997
 Thursday, December 4, 1997
 Thursday, March 5, 1998
 Monday, June 1, 1998

Upon the motion of Mr. Nix, seconded by Judge Thomas, the proposed meeting schedule was unanimously approved.

Citing the Bylaws and Statute creating the University of South Alabama, the Board shall hold a regular annual meeting each year at the University on the first Monday in June, unless the Board shall, in regular session, determine to hold its annual meeting at some other time and place. Due to scheduling conflicts, the annual meeting that was to be held on June 5, 1997, is not feasible. Upon the motion of Mr. Nix, seconded by Mrs. Goodwin, the meeting of May 29, 1997, was adopted as the annual meeting subject to legal review.

The next item on the Agenda, Honorary Doctorate Award Policy, was deferred for further review and will be submitted at the next Board meeting.

Mr. Mitchell introduced the last item on the Agenda with the following Resolution.

RESOLUTION

BE IT RESOLVED, that the Board of Trustees of the University of South Alabama approves a tuition increase to begin Fall Quarter, 1997, of \$3.00 per quarter hour, e.g., undergraduate course tuition will increase from \$52.00 to \$55.00 per quarter hour and graduate course tuition will increase from \$68.00 to \$71.00 per quarter hour.

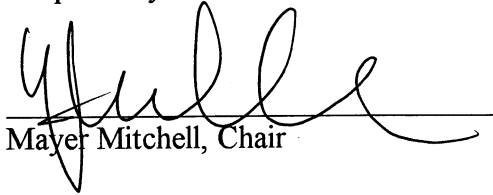
Mr. Mitchell stated that the Legislature has again treated higher education with level funding. Dr. Whiddon noted that this increase will put the University in line with the University of Alabama and Auburn and he recommended approval. Mr. Kvalheim questioned the process by which this request was made and requested background information. Mr. Mitchell assured Mr. Kvalheim that when time allows future decisions of this kind will be reviewed by the Budget and Finance Committee before being presented to the Board of Trustees. Brief discussion followed.

USA Board of Trustees
May 29, 1997
Page 13

Upon the motion of Dr. Stokes, seconded by Dr. McLaughlin, the Resolution to raise tuition by \$3.00 per quarter hour to be effective Fall Quarter, 1997, was approved by a majority vote with Senator Lindsey, Judge Thomas and Mr. Kvalheim voting no.

Meeting adjourned at 12:20 p.m.

Respectfully submitted:


Mayer Mitchell, Chair

Attest to:


Bettye Maye, Secretary