

**Special Meeting of the Board of Trustees  
July 23, 2009**

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**UNIVERSITY OF CINCINNATI**

**Official Proceedings of the**

**Two Hundred and Ninetieth Meeting of the Board of Trustees**

**(A Special Meeting)**

**July 23, 2009**

The Two Hundred and Ninetieth Session of the Board of Trustees of the University of Cincinnati was opened at 4:03 p.m. on Thursday, July 23, 2009, in the Russell C. Myers Alumni Center of the University of Cincinnati. Notice of this meeting was given in accordance with Section 121.22 of the Ohio Revised Code. The proceedings of the Board, when not otherwise provided for by its bylaws, are governed by *Robert's Rules of Order*.

H.C. Buck Niehoff, Chairperson, presided. Mr. Niehoff asked that roll be called.

**BOARD MEMBERS PRESENT:** H.C. Buck Niehoff, Chairman, C. Francis Barrett, Stanley M. Chesley, Thomas H. Humes and Robert E. Richardson, Jr.

**BOARD MEMBER ABSENT:** Margaret Buchanan, Gary Heiman, Sandra W. Heimann, and Jeffrey L. Wyler

**ALSO PRESENT:** Monica Rimai, Interim President;  
Anthony J. Perzigian, Senior Vice President  
for Academic Affairs and Provost;  
Michael Lieberman, Interim Vice President  
for Information Technology;  
Mitchell D. McCrate, General Counsel;  
James D. Plummer, Vice President for  
Finance;  
Gregory J. Vehr, Vice President for  
Governmental Relations and  
University Communications;  
Greg Hand, University of Cincinnati  
Spokesperson;  
Steve Simendinger, Alumni Representative  
Kyle Quinn; Undergraduate Student Trustee:

Susan M. Stringer, Executive Assistant to  
the Board of Trustees and Sr. Vice  
President for Administration and  
Finance;  
and the public

(Prior to the Board Committee Meetings and the Special Board Meeting,  
Chairman Buck Niehoff began the proceedings at approximately 3:01 p.m.)

Mr. Niehoff:

I think we are all present and I'd like to welcome everyone to this special meeting of the Board of Trustees. I'd like to mention that Margaret Buchanan, Gary Heiman, Sandy Heimann and Jeff Wyler are unable to be with us today. Before we start our meeting, I would like to appoint Tom Humes as a temporary member of the Finance and Administration Committee Meeting and I would like to ask Mr. Barrett to serve as the acting chair for that committee meeting today. We will begin with the Finance and Administration Committee meeting, Mr. Barrett.

### **THE BOARD COMMITTEE MEETING**

(Proceedings of the board committee meeting are contained in the respective committee meeting minutes, which are on file in the Office of the Board of Trustees).

The committee meeting began at 3:05 p.m. and concluded at 4:03 p.m.

### **THE SPECIAL MEETING OF THE BOARD OF TRUSTEES**

The Special Meeting of the Board of Trustees was convened on July 23, 2009, at 4:03 p.m. and, as noted on the first page (page 289) of these minutes, roll call was taken.

Mr. Niehoff:

I would like to call our Special meeting to order. The Two Hundred and Ninetieth Session of the Board of Trustees of the University of Cincinnati will now convene.

**Approval of the Items Recommended by the Board Committees**

Listed below are the items recommended to the Board of Trustees for approval by the Finance and Administration Committee at their meeting held on July 23, 2009, prior to the Special Meeting of the Board of Trustees.

**Finance and Administration Committee Recommendations**

**09.07.23.01      FY 2009-2010 CURRENT FUNDS BUDGET**

**Synopsis:**            The FY 2009-2010 Current Funds Budget is being submitted for approval.

It is recommended that the Board of Trustees approve the FY 2009-2010 Current Funds Budget of the University of Cincinnati\* as described in the accompanying text and tables with authorization for the President to make expenditures within the projected income and expense levels.

This recommendation is submitted to supersede the continuation budget effective July 1, 2009 as approved at the June 25, 2009 Board of Trustees meeting. This is now possible due to the recent resolution, approval and implementation of the biennial budget of the State of Ohio in which higher education was deemed a top priority.

In addition, the appropriate planning and consultation within the University on this FY 2009-2010 Current Funds Budget has been accomplished through the all-University Governance Committees, making the decision-making process both transparent and participatory.

**09.07.23.02.      FOOD SERVICES CONTRACT**

At the May meeting the Board approved a 5% increase in the rates charged to students for meal plans for FY10. As identified in the May Recommendation the rate increase was based on analysis of capital and operational needs and anticipated contract service costs.

It is recommended the Board approve the contract amendment with Aramark that reflects the negotiated costs for meal plans. The projected cost for services is estimated to be \$7.4 million for fiscal year 2010. This cost increase of 5% covers wage and benefit increases for Aramark personnel, food cost increases, and increases to other operational costs of the vendor.

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\* Filed in the Office of the Board of Trustees

**09.07.23.03 APPROVAL OF TWO COACHING CONTRACTS FOR THE DEPARTMENT OF ATHLETICS**

**Synopsis:** It is recommended that the Board approve a new employment agreement for the head football coach, Brian Kelly and the employment agreement for the head women's basketball coach, Jamelle Elliott.

Coach Kelly has enjoyed unprecedented success at the university in his first two years as head coach of the football program. In that short period, Kelly has led the team to two bowl games (and coached in a third), including the university's first trip ever to a coveted Bowl Championship Series (BCS) game – the FedEx Orange Bowl. Coach Kelly's teams have posted back to back seasons of 10 victories or more, including a school record of 11 wins in 2008. As attendance and school spirit have soared, so too has recognition of the university as the team has appeared regularly on national television during the past two seasons. Six games are already slated for national coverage in 2009. For his efforts, Coach Kelly has also earned recognition as the "Big East Coach of the Year" in both 2007 and 2008. His new contract extends his employment for an additional year to the end of the 2013 football season and increases his guaranteed annual income to \$1.475 million with incremental increases of \$50,000 annually. The contract also contains commitments to enhance the football program.

Coach Elliott comes to the university directly from one of the most storied women's basketball programs in the country – the University of Connecticut. It was there that Elliott honed her skills, first as a student-athlete and later as an assistant coach for 12 years under the tutelage of Hall of Fame Coach Geno Auriemma. During Elliott's 16 year association with UConn, Elliott was part of 6 National Championship teams including one as a student-athlete (1995 – UConn's first) and five as a member of the coaching staff. Her new five-year contract carries a base salary of \$200,000 for the 2009-10 year with incremental increases of \$20,000 annually.

It is recommended that the Board approve (i) the new contract for Coach Kelly and (ii) the employment contract for Coach Elliott.

A copy of each of these instruments is attached.\*

**4. AMENDMENT OF UNIVERSITY RULE 3361: 50-3-02  
University faculty: Bylaws**

**Synopsis:** It is recommended that the Board approve the amendment to University Rule 3361: 50-3-02 to streamline election procedures and update language to correspond to the current language of the collective bargaining agreement between the university and AAUP.

At the May 14, 2009 All University Faculty meeting, changes to the faculty bylaws were approved. The changes to Rule 3361: 50-3-02 primarily deal with streamlining the election procedures including:

- Elections to fill seats on the all-university governance committees;
- Vacated seats that were filled by a vote during all university faculty elections; and
- Adjustments to handle the new organizational structure with newly created and revised all-university governance committees.

The changes also update the rule language to correspond with the current language of the collective bargaining agreement between the university and the AAUP. A copy of the Rule that incorporates the proposed amendments is attached.\*

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\* Filed in the Office of the Board of Trustees

**Action Items**

Mr. Niehoff:

The trustees were present at the Finance and Administration Committee meeting held today. The items reviewed and recommended by the committee are named in the Action Items at your place. May I have a motion to approve all items please?

Upon motion of Mr. Humes, seconded by Mr. Chesley, the Board approved the items recommended by the Finance and Administration Committee by the following roll call vote:

**Recommendation No's. 09.07.23.01 – 09.07.23.04**

**AYE:** Mr. Niehoff, Mr. Barrett, Mr. Chesley Mr. Humes and Mr. Richardson

**NAY:** None

**ABSENT:** Mrs. Buchanan, Mr. Heiman, Mrs. Heimann, and Mr. Wyler

Mr. Niehoff:

The items are approved.

**Executive Session**

Mr. Niehoff:

I'll now call for an executive session. There will be no business conducted by the board following the conclusion of the executive session. Our next regular meeting will be held here in the chilly Russell C. Myers Alumni Center on Tuesday, September 22, 2009. I would like to thank you for being here today.

May I have a motion to enter Executive Session for the purpose of:

(1) litigation - conferences with attorneys for the university concerning disputes involving the university that are the subject of pending or imminent court action.

(2) personnel management issues - to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official?

Upon motion of Mr. Barrett, seconded by Mr. Richardson, the Board voted to enter Executive Session by the following roll call vote:

**AYE:** Mr. Niehoff, Mr. Barrett, Mr. Chesley Mr. Humes and Mr. Richardson

**NAY:** None

**ABSENT:** Mrs. Buchanan, Mr. Heiman, Mrs. Heimann, and Mr. Wyler

Mr. Humes:

Mr. Chairman, I know that people are leaving but I really think that we really need to thank the budget team for an outstanding job.

Mr. Barrett:

Absolutely. (*Applause*)

Upon proper motion and second, the Executive Session adjourned at 5:30 p.m.

**Adjournment**

There being no further business before the Board, upon proper motion and second, the meeting adjourned at 5:30 p.m.

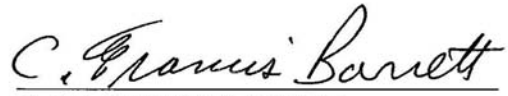
  
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H.C. BUCK NIEHOFF  
CHAIRPERSON

UNIVERSITY OF CINCINNATI

7

TWO HUNDRED AND NINTIETH SPECIAL MEETING OF THE BOARD OF TRUSTEES  
JULY THE TWENTY-THIRD

TWO THOUSAND AND NINE

A handwritten signature in cursive script that reads "C. Francis Barrett". The signature is written in black ink and is positioned above a horizontal line.

C. FRANCIS BARRETT  
SECRETARY