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9-10-2001

### September 10, 2001 Executive Committee Meeting

Shawnee State University

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SHAWNEE STATE UNIVERSITY  
Executive Committee Meeting Minutes  
September 10, 2001  
4:00 p.m., Founders' Room

Meeting was called to order by the Vice Chairman at 4:03 p.m.

**Roll Call**

Voting Members present:

Dr. Burton Payne	Vice Chairman (for Mr. George Clayton)
Mr. George L. Davis	Member
Mr. William McKinley	Member
Mr. Howard Harcha	Member

Others present:

Dr. Michael Field	Ex-Officio (non-voting)
Mr. Steve Donohue	Board Secretary (non-voting)
Dr. John Kelley	Interim Provost

**1.0 Minutes and Certification of Compliance with RC 121.22(F)**

The Vice Chairman confirmed compliance with RC 121.22(F).

**2.0 Approve Minutes of Executive Committee Meeting (7/9/01)**

The Vice Chairman asked for approval of the Minutes of the Executive Committee Meeting on July 9, 2001. Without discussion, Mr. Davis moved and Mr. Harcha seconded a motion to approve the Minutes of the Executive Committee Meeting on July 9, 2001. The Executive Committee unanimously approved said Minutes.

**3.0 Approval of Amendment to USA Constitution**

Dr. Field said the University Staff Assembly (USA) voted to amend their constitution to include the CWA Unit Vice President as an ex-officio, nonvoting member of the Executive Board. Dr. Field said since the Board had approved the constitution, the Board should also approve the amendment. Mr. Davis moved and Mr. Harcha seconded a motion to approve Resolution E14-01, Approval of Amendment to USA Constitution. Without discussion, the Executive Committee unanimously approved Resolution E14-01.

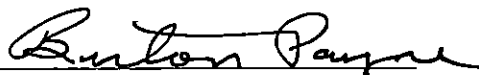
#### **4.0 Approval of Changes to the ARP**

Mr. Donohue said the University's Alternative Retirement Plan requires two minor changes to comply with the state statute concerning faculty sabbatical leaves and IRS Notice 2001-37. He said SSU is in a consortium with other Ohio universities and the University needs to be in step with Ohio State University, the lead university for the ARP. Mr. Donohue said the first change is in reference to faculty on sabbaticals. He said that faculty on sabbaticals need to be given a chance to have his or her benefits increased to their normal level. The second change is in reference to IRS Notice 2001-37 which permits pre-tax transportation benefits to be included in the total compensation of a participant for the purpose of determining the maximum contribution in any one year. Mr. Donohue said this would not affect any of our faculty because of the \$170,000 salary cap in the IRC. Mr. Harcha moved and Mr. Davis seconded a motion to approve Resolution E15-01, Changes to the ARP. Without discussion, the Executive Committee unanimously approved Resolution E15-01.

#### **5.0 Personnel Appointments**

Dr. Field said there was one minor change to the Personnel Appointments in Resolution E16-01. He said the reference to Mr. Dixon should have stated Mr. Dixon would be an instructor of Emergency Medical Technology for the Department of Health Sciences and not in Occupational Therapy. Mr. Davis moved and Mr. McKinley seconded a motion to approve Resolution E16-01, Personnel Appointments, as amended. Without discussion, the Executive Committee unanimously approved Resolution E16-01.

There being no other business, Mr. Davis moved and Mr. Harcha seconded a motion to adjourn the meeting. The meeting adjourned at 4:08 p.m. by acclamation.

  
Chairperson, Board of Trustees

  
Secretary, Board of Trustees

## **RESOLUTION E14-01**

### **ACCEPTANCE OF AMENDMENT TO THE CONSTITUTION AND BYLAWS OF THE UNIVERSITY STAFF ASSEMBLY**

WHEREAS, Shawnee State University seeks the appropriate participation of its employees in university governance, for which the University Staff Assembly (USA) is recommended as the representative body serving regular full and part time hourly support staff; and

WHEREAS, the Constitution and Bylaws of the University Staff Assembly (USA) were approved and accepted by the Board on February 7, 2001; and

WHEREAS, the membership of the USA approved an amendment to their constitution to include the CWA Unit Vice President as an ex-officio, nonvoting member of the Executive Board of the USA at their June 26<sup>th</sup> meeting; and

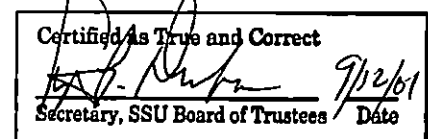
WHEREAS, the amendment was approved in accordance with Article X of the USA Constitution; and

WHEREAS, the President recommends approval of this amendment;

THEREFORE, BE IT RESOLVED that the Board of Trustees of Shawnee State University accepts and approves the following amendment to the Constitution and Bylaws of the University Staff Assembly (USA):

Article VII - Officers {added} - The CWA Unit Vice President shall serve on the Executive Board as an ex-officio, non-voting member.

(September 10, 2001)



## **Amendment to the Bylaws of the USA.**

### **Proposal:**

In accordance with Article X - Amendments, on behalf of the Executive Board, I would like to introduce the following as an amendment to Article VII - Officers.

The CWA Unit Vice President shall serve on the Executive Board as an ex-officio non-voting member.

### **Discussion:**

It is the general consensus of the Executive Board Members that it would benefit the assembly to have the CWA Unit VP serve on the Executive Board in a non-voting capacity for information purposes only.

### **Procedure:**

Article X states amendments shall be published in the Assembly newsletter at least thirty working days prior to the meeting or balloting at which the proposal is to be considered. Since the newsletter is not in publication as of this date, I suggest the proposal of this amendment at this open meeting, May 23, 2001, be considered the notification date, with voting on the amendment as an agenda item at the June 26, 2001 meeting.

All amendments are subject to approval by the Board of Trustees.

(NOTE: Amendment was first presented at May 23rd meeting. E-mail announcement to assembly on May 25th detailing item and announcing it would be voted on at June 26th meeting.)

### **Approval:**

USA membership unanimously approved the amendment at the June 26, 2001 meeting.

Certified as True and Correct	
	9/12/01
Secretary, SSU Board of Trustees	Date

## **RESOLUTION E15-01**

### **CHANGES TO ALTERNATIVE RETIREMENT PLAN**

WHEREAS, Ohio law provides that public colleges and universities establish Alternative Retirement Plans for eligible fulltime and unclassified staff members; and

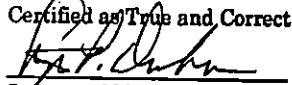
WHEREAS, Ohio Revised Code, Section 3345.28, requires faculty on authorized sabbatical leaves to be given the chance to have his or her benefits increased to their normal level; and

WHEREAS, IRS Notice 2001-37 authorizes certain pre-tax transportation fringe benefits to be included as compensation for determining limitations on contributions;

THEREFORE BE IT RESOLVED, that effective September 1, 2001, the Shawnee State University Alternative Retirement Plan is amended in the form attached hereto which is incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Vice President for Business Affairs and the General Counsel are hereby authorized and directed to take such further action as may be necessary or advisable to implement this resolution.

(September 10, 2001)

Certified as True and Correct	
	9/12/01
Secretary, SSU Board of Trustees	Date

Each Participant will share in Employer contributions for the period beginning on the date the Participant commences participation under the Plan and ending on the date on which such Participant severs employment with the Employer or ceases to be a Participant pursuant to Section 3.2.

#### §4.3 Voluntary Contributions

Participants shall be permitted to make voluntary non-deductible employee contributions to the Plan. Such contributions shall be credited to the Participant Account. Effective April 1, 2001, **except as required by Ohio law**, voluntary non-deductible employee contributions shall no longer be permitted. Voluntary non-deductible employee contributions made prior to April 1, 2001 shall be held and administered in accordance with the terms of the Plan.

#### §4.4 Corrective Distributions

If the limits under IRC Section 415 are exceeded for any taxable year, and such excess is a result of a reasonable error in estimating a Participant's annual Compensation or from such other facts and circumstances that are permitted under any regulation or other ruling of the U.S. Department of the Treasury, then the Account of the Participant will be adjusted by the amount of the Employer Contributions for the next Limitation Year in accordance with Section 5.3(a)(iv).

#### § 4.5 Rollover Contributions

(a) Any Participant may make a Rollover Contribution to this Plan; provided, however, that the plan from which the funds are to be transferred must permit the transfer to be made, and provided, further, the Provider is reasonably satisfied that such transfer will not jeopardize the tax exempt status of this Plan or create adverse tax consequences for the Employer. Rollover Contributions shall be made by delivery of such amount to the respective Provider. All Rollover Contributions must be in cash or property satisfactory to the Provider, whose decision in this regard shall be final.

(b) If the Provider accepts such transfer of funds, it shall allocate them to the appropriate Participant Account of the transferring Participant, or to a separate or segregated Account established for such purpose ("Rollover Account"). If the funds are allocated to a Rollover Account, they shall be invested separately, and any appreciation, depreciation, gain, or loss with respect to the Rollover Account, and any related expenses, shall be allocated to such Rollover Account. For all other purposes such funds shall be treated as if they had been allocated to the Participant's Account.

(c) Rollover Contributions shall not be considered to be Participant contributions for the purpose of calculating the limitations under Section 5.3.

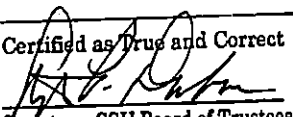
(d) Any amount that is credited to a Participant's Account pursuant to a Rollover Contribution or transfer under Section 4.6 of this Plan shall be one hundred percent (100%) vested and nonforfeitable at all times. In all other respects, the portion of a Participant's Account attributable to such a Rollover Contribution or transfer shall be subject to the terms of this Plan.

#### §4.6 Transfers from a Plan of the Employer

Any Participant who has participated in a plan under IRC Section 401(a) or 403(a) attributable to such employee's current employment with the Employer may elect to transfer all or a portion of the amount accumulated under such other plan to this Plan provided such transfer may be effected in a manner consistent with the terms of such other plan(s) as well as the terms of this Plan. Such transfer

Shawnee State University – Alternative Retirement Plan

4/1/01

Certified as True and Correct	
	9/12/01
Secretary, SSU Board of Trustees	Date

(4) amounts allocated, after March 31, 1984, to an individual medical account, as defined in IRC Section 415(l)(2), which is part of a pension or annuity plan maintained by the Employer are treated as annual additions to a defined contribution plan. Also amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in IRC Section 419A(d)(3), under a welfare benefit fund, as defined in IRC Section 419(e), maintained by the Employer are treated as annual additions to a defined contribution plan.

For this purpose, any excess amount applied under (a)(iv) or (b)(vi) in the Limitation Year to reduce Employer Contributions will be considered annual additions for such Limitation Year.

(ii) "Compensation:" Compensation means wages as defined in IRC Section 3401(a) and all other payments of Compensation to an employee by the Employer (in the course of the Employer's trade or business) for which the Employer is required to furnish the employee a written statement under IRC Sections 6041(d) and 6051(a)(3). Compensation must be determined without regard to any rules under IRC Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC Section 3401(a)(2)).

For Limitation Years beginning after December 31, 1997, for purposes of applying the limitations of this section, Compensation paid or made available during such Limitation Year shall include any elective deferral (as defined in IRC Section 402(g)(3)), and any amount which is contributed or deferred by the Employer at the election of the employee and which is not includable in the gross income of the employee by reason of IRC Section 125 or 457.

**For limitation years beginning on and after January 1, 2001, for purposes of applying the limitations described in Section 5.3 of the Plan, compensation paid or made available during such limitation years shall include elective amounts that are not includible in the gross income of the employee by reason of Section 132(f)(4).**

For limitation years beginning after December 31, 1991, for purposes of applying the limitations of this Section 5.3, Compensation for a Limitation Year is the Compensation actually paid or made available during such Limitation Year.

Notwithstanding the preceding sentence, Compensation for a Participant in a defined contribution plan who is permanently and totally disabled (as defined in IRC Section 22(e)(3)) is the Compensation such Participant would have received for the Limitation Year before becoming permanently and totally disabled; for Limitation Years beginning before January 1, 1997, but not for Limitation Years beginning after December 31, 1996, such imputed Compensation for the disabled Participant may be taken into account only if the Participant is not a Highly Compensated Employee (as defined in IRC Section 414(q)) and contributions made on behalf of such Participant are nonforfeitable when made.

(iii) "Defined benefit fraction." Defined benefit fraction means a fraction, the numerator of which is the sum of the Participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the Employer, and the denominator of which is the lesser of 125% of the dollar limitation determined for the Limitation Year under IRC Sections 415(b) and (d) or 140% of the highest average Compensation, including any adjustments under IRC Section 415(b).



## **RESOLUTION E16-01**

### **PERSONNEL**

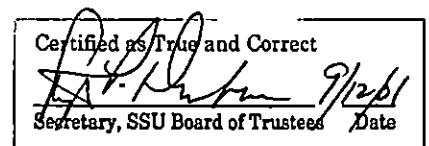
WHEREAS, the University-wide Board policy 5.16 "Approval of Personnel Appointments" establishes the procedure for the approval of those personnel changes requiring action by the Board of Trustees and for the reporting of other personnel actions to the Board; and

WHEREAS, this policy establishes a procedure for the consolidation of personnel resolutions; and

WHEREAS, all actions in this resolution are in compliance with this policy;

THEREFORE BE IT RESOLVED that the Board of Trustees of Shawnee State University authorizes the following personnel actions attached to this resolution effective on the dates indicated.

(September 10, 2001)



## PERSONNEL ACTION ITEMS - AMENDED

July 28, 2001 to August 30, 2001

(developed from information received in HR Department through August 30, 2001 only)

### ACADEMIC AFFAIRS DIVISION

#### Appointments

##### Faculty

*W. Dean Dixon*, full-service one-year temporary Instructor of Emergency Medical Technology for the Department of Health Sciences at an academic year salary of \$21,880, effective September 17, 2001. Mr. Dixon has a Bachelor's of Individualized Studies and an Associate of Applied Science degree in EMT from Shawnee State University and is currently pursuing a Master's degree in Adult and Higher Education from Morehead State University. He has several years work related experience in Paramedics and has taught as an Adjunct Faculty member for SSU;

*Crystal Hughes*, full-service one-year temporary Instructor of Physical Therapy for the Department of Health Sciences at an academic year salary of \$23,680, effective September 17, 2001. Ms. Hughes has a Bachelor of Science in Allied Medicine, Physical Therapy, from The Ohio State University. She has several years of work related experience and has taught as an Adjunct Faculty member for SSU;

*Fred Weaver*, full-service one-year temporary Senior Instructor of Chemistry for the Department of Natural Sciences at an academic year salary of \$34,000, effective September 17, 2001. Mr. Weaver has a Master's of Business Administration degree from Ohio University, a Master's of Science degree in Physical Chemistry and a Bachelor of Arts degree in Chemistry from Miami University. He has many years work related experience and has taught as an Adjunct Faculty member for SSU.

##### Administration

*Cristy Boggs*, Manager of Computer Training Programs for University Outreach Services at a fiscal year salary of \$32,000, effective August 6, 2001. Ms. Boggs received a Bachelor of Independent Studies in Computer Engineering Technician and Ceramics from Shawnee State University. Ms. Boggs has many years work related experience in the area and at SSU as a student employee and, most recently, as the Coordinator for Computer Enrichment Training.

#### Position Reclassification/Promotion

##### Administration

*Sherry Howard*, Executive Secretary to the Provost promoted to Administrative Specialist for the Office of the Provost (position reclassification) at a fiscal year salary of \$33,117, effective September 10, 2001.

### BUSINESS AFFAIRS DIVISION

*Nothing to report.*

### OHIO APPALACHIAN CENTER FOR HIGHER EDUCATION

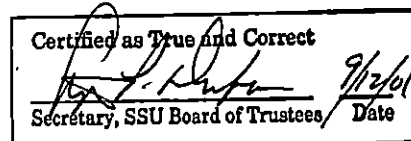
#### Appointments

##### Administration

*Kristina Bell*, Coordinator of the ROAD:MAP 2005/GEAR-UP Program located in the Franklin Local School District for the Ohio Appalachian Center for Higher Education at a fiscal year salary of \$28,561, effective August 27, 2001. Ms. Bell received a Masters of Science in Human and Consumer Sciences and a Bachelor of Science in Communications from Ohio University. Ms. Bell has several years work related experience with various companies in Ohio.

### PRESIDENT'S OFFICE

*Nothing to report.*



## **STUDENT AFFAIRS DIVISION**

### **Appointments**

#### Administration

*Tim Amburgey*, Program Assistant in the Upward Bound Math Science Center for the Pre-College Programs at a fiscal year salary of \$23,096, effective October 15, 2001. Mr. Amburgey received a Bachelor of Science in Secondary Education with major in Social Studies from Ohio University.

## **UNIVERSITY ADVANCEMENT**

*Nothing to report.*

Certified as True and Correct	
	9/12/01
Secretary, SSU Board of Trustees	Date

## PERSONNEL INFORMATION ITEMS

**July 28, 2001 to August 30, 2001**

(developed from information received in the HR Department through August 30, 2001 only)

### **ACADEMIC AFFAIRS DIVISION**

#### **Resignations**

##### Faculty/Administration

*Steven Bitticker*, Instructor in the Physical Therapist Assistant Program, for the Department of Health Sciences, resignation effective August 22, 2001.

### **BUSINESS AFFAIRS DIVISION**

*None.*

### **OHIO APPALACHIAN CENTER FOR HIGHER EDUCATION**

#### **Resignations**

##### Administration

*Kristina Ash*, ROAD:MAP 2005 Coordinator in the GEAR-UP/ROAD:MAP 2005 Program, for the Ohio Appalachian Center for Higher Education, resignation effective August 27, 2001.

### **PRESIDENT'S OFFICE**

*None.*

### **STUDENT AFFAIRS DIVISION**

#### **Resignations**

##### Administration

*Royna Lattimore*, Coordinator of Disability Services for the Student Success Center, resignation effective August 25, 2001.

### **UNIVERSITY ADVANCEMENT**

*None.*

