

UNIVERSITY OF MASSACHUSETTS

VOTES

BOARD OF TRUSTEES

DECEMBER 15, 2022

UNIVERSITY OF MASSACHUSETTS BOARD OF TRUSTEES

COMMITTEE: Audit and Risk Committee – December 14, 2022

ACTION ITEM #c,1: University's Annual Financial Statements

DATE: Board of Trustees – December 15, 2022

DOC. & VOTE I.D. #: T22-058

VOTED: To approve the University's Annual Financial Statements.

UNIVERSITY OF MASSACHUSETTS BOARD OF TRUSTEES

DATE: Board of Trustees – December 15, 2022

VOTED: To approve the following votes listed as 1-10 on the Consent Agenda:

CONSENT AGENDA VOTES

The Committee on Academic Affairs and Economic Development approved items 1-6 on December 8, 2022.

1. **Appointments to Named Professorships and Endowed Chairs, UMass Amherst, Boston, Doc. T22-060**

To concur with the President in the appointment of Professor Senay Solak for the title of John F. Smith Memorial Professorship in the Isenberg School of Management at the University of Massachusetts Amherst.

And further, To concur with the President in the appointment of Professor Steve Granick for the title of Robert K. Barrett Chair in Polymer Science and Engineering in the College of Natural Sciences at the University of Massachusetts Amherst.

And further, To concur with the President in the appointment of Professor Shirley Tang to the title of Distinguished Professor for Asian American Studies at University of Massachusetts Boston.

2. **Amendment to Student Government Constitution, UMass Lowell, Doc. T04-007, as amended**

To approve the amendments to the Student Government Constitution at the University of Massachusetts Lowell.

3. **Student Legal Services Office (SLSO) Reauthorization Request, UMass Amherst, Doc. T93-059, Addendum 3**

WHEREAS, the authorization for limited litigation authority for the Student Legal Services Office, granted by the Board of Trustees on December 1, 1993 in Trustee Document T93-059, Addendum 1 and extended on December 6, 1995, November 8, 2000, December 8, 2010, and May 27, 2020 shall expire on December 15, 2022 unless the Board of Trustees acts affirmatively to continue litigation authority; and

WHEREAS, Massachusetts General Laws Chapter 75, Section 11 allows the use of University trust funds, such as the Student Activity Trust Fund, for student-supported or self-supporting activities including but not limited to student-supported legal services.

WHEREAS, the Chancellor and Vice Chancellor have reviewed the operations and conducted a risk review of the office; and

WHEREAS, the Committee pursuant to the Board motion was formed and an external review was conducted to review the operations of the office and to address specific concerns by the Office of General Counsel, pursuant to the May 27, 2020 Board resolution, completed its work and supported the reauthorization of the litigation authority of the office,

NOW, THEREFORE, IT IS HEREBY RESOLVED:

That the authorization by this Board of the Student Legal Services Office on the Amherst campus to provide representation in litigation on behalf of students in certain situations, which is contained in Trustee Document T93-059, Addenda 1 and 2, is hereby extended for a period of ten (10) years, unless and until this Board affirmatively modifies or terminates said authorization.

The Student Legal Services Office may continue to engage in litigation on behalf of students provided that the Office shall not engage in litigation either in court or before administrative agencies, against the Commonwealth or any of its agencies, subdivisions or instrumentalities including the University, or any municipality, or any officer, trustee, agent or employee of any of the foregoing for actions related to their official duties or responsibilities.

The Student Legal Services Office may continue to serve students of the University of Massachusetts and is prohibited from representing, or purporting to represent, the University or the Commonwealth of Massachusetts. In all printed materials, marketing, promotions and branding, as well as in all oral communication, the office shall be identified as the "Student Legal Services Office". The letterhead of the office shall continue to specify that the office is supported by student fees and serves "the students of the University." All court pleadings filed by the Office shall be clear that the office represents the interests of the individual student(s) and not the University of Massachusetts.

The Student Legal Services Office shall maintain professional malpractice insurance coverage with commercially reasonable limits, naming the University of Massachusetts as an additional named insured.

The Director of the Student Legal Services Office shall be responsible for the management and supervision of all legal, ethical and compliance operations of the office. The Director shall report to the Vice Chancellor of Student Affairs and Campus Life, or their designee, who shall be responsible for managing and supervising the University, non-legal operations of the office. The VC, or designee, may also consult on office management and policy issues through the Student Legal Services Office Advisory Committee. Neither the Vice Chancellor, their designee, nor any other member of the University of Massachusetts shall direct the Director or any legal staff of the SLSO to violate their legal, ethical or fiduciary responsibilities. The Office of General Counsel of the University of Massachusetts cannot, and shall have no responsibility to supervise, manage or otherwise be a part of the operations of the Student Legal Services Office. Similarly, the Office of General Counsel shall bear no responsibility for the actions or non-actions of the Student Legal Services Office. No existing Board policy shall be read as to infer such responsibility by the Office of General Counsel.

4. **Appointment of Chancellor Emerita, UMass Lowell, Doc. T22-067**
To concur with the President in the award of Emerita Status to Dr. Jacqueline F. Moloney, in recognition of her four decades of service to her alma mater, the University of Massachusetts Lowell.
5. **Appointments with Tenure, UMass Amherst, Doc. T22-061**
To concur with the President in the appointment of Professor Xiaohui Zhang in the Department of Biomedical Engineering at the University of Massachusetts Amherst.

And further, To concur with the President in the appointment of Professor Xuan Zhang in the Department of Electrical and Computer Engineering at the University of Massachusetts Amherst.

6. **Award of Tenure, UMass Chan Medical School, Doc. T22-065**
To concur with the President in the award of tenure to the following individual in the following department:

Chan Medical School Jonathan Watts, RNA Therapeutics

The Committee on Administration and Finance approved items 7-10 on December 14, 2022.

7. **Approval of Changes to the Capital Projects List (related to the FY2022–FY2026 Capital Plan), (Traditional Project Vote 1), UMass Amherst (PVTa Bus Garage Expansion), Doc. T21-048, as amended**
Pursuant to Trustee Policy T93-122, as amended, to authorize the following projects under the **first vote**; the adoption of such vote hereby satisfies the University’s written request that the University of Massachusetts Building Authority undertake the following projects to the extent permitted by Trustee Policy T93-122, as amended and Board vote T21-048:

Campus	Project Name	Preliminary Campus Estimate	Funding Sources				Alternative Finance & Delivery
			Local Funding	External Funding	Borrowed Funding	State Funding	
Amherst	PVTa Bus Garage Expansion	\$11,000,000	-	\$11,000,000	-	-	-

8. **Approval of Changes to the Capital Projects List (related to the FY2022–FY2026 Capital Plan), (Traditional Project Vote 2), UMass Amherst (Goodell Renovation; Computer & Information Sciences Building), Doc. T21-048, as amended**
Pursuant to Trustee Policy T93-122, as amended, to authorize the following projects under the **second vote**; the adoption of such vote hereby satisfies the University’s written request that the University of Massachusetts Building Authority undertake the following projects to the extent permitted by Trustee Policy T93-122, as amended and Board vote T21-048:

Campus	Project Name	Vote 1	Vote 2	Funding Sources				P3
				Local Funding	External Funding	Borrowed Funding	State Funding	
Amherst	Goodell Renovation	\$35,000,000	\$50,000,000	\$17,000,000	-	\$33,000,000	-	-
Amherst	Computer and Information Sciences Building	\$115,000,000	\$130,000,000	\$5,000,000	\$20,000,000	\$30,000,000	\$75,000,000	-
TOTAL		\$150,000,000	\$180,000,000	\$22,000,000	\$20,000,000	\$63,000,000	\$75,000,000	\$0

9. **Approval of Changes to the Capital Projects List (related to the FY2022–FY2026 Capital Plan), (Traditional Project Cost Change >10%), UMass Amherst (Energy Improvements), Doc. T21-048, as amended**

Pursuant to Trustee Policy T93-122, as amended to approve the following projects that exceeded the Approved Project cost by more than 10% and to satisfy the University’s written request that the UMass Building Authority undertake projects in accordance with Board of Trustees vote T21-048, as amended:

Campus	Project Name	Vote 1	Vote 2	Adjusted Cost	Funding Sources				Alternative Finance & Delivery
					Local Funding	External Funding	Borrowed Funding	State Funding	
Amherst	Energy Improvements	\$15,000,000	\$15,000,000	\$16,700,000	\$495,000	\$2,380,000	\$11,000,000	\$2,825,000	-
TOTAL		\$15,000,000	\$15,000,000	\$16,700,000	\$495,000	\$2,380,000	\$11,000,000	\$2,825,000	\$0

10. **Establishment of the Distinguished Professorship for Asian American Studies, UMass Boston, Doc. T22-070**

In accordance with sections 1A(e) and 11 of Chapter 75 of the General Laws to establish the following:

The Distinguished Professorship for Asian American Studies at the University of Massachusetts Boston.

UNIVERSITY OF MASSACHUSETTS BOARD OF TRUSTEES

OTHER BUSINESS #1: **Department of Defense, Exclusion from Personnel Clearance Requirements**

DATE: **Board of Trustees – December 15, 2022**

DOC. & VOTE I.D. #: **T22-068**

VOTED: WHEREAS, current Department of Defense Regulations contain a provision making it mandatory that the Chairman of the Board, the President, and the designated Facility Security Officer meet the personnel clearance requirements established for a contractor's facility clearance; and

WHEREAS, said Department of Defense Regulations permit the exclusion from the personnel clearance requirements of certain members of the Board of Trustees and other officers, provided that this action is recorded in the minutes.

NOW, THEREFORE, BE IT DECLARED that the Chairman of the Board, the President, and the designated Facility Security Officer at the present time do possess, or will be processed for, the required security clearance; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as Chairman of the Board, the President, or the designated Facility Security Officer, such individual shall immediately make application for the required security clearance; and

BE IT RESOLVED FURTHER that the following members of the Board of Trustees and other officers shall not have, and can be effectively excluded from access to all classified information in the possession of the corporation and do not occupy positions that would enable them to affect adversely policies or practices in the performance of classified contracts for the Department of Defense or the User Agencies of its Industrial Security Program:

<u>NAME</u>	<u>TITLE</u>
Bethany C. Berry	Trustee
David M. Brunelle	Trustee
Mary L. Burns	Trustee
Gerald G. Colella	Trustee
Jose M. Delgado	Trustee

Michael E. Dooley	Trustee
Robert Epstein	Trustee
Richard M. Kelleher	Trustee
Mina T. Lam	Trustee
Adam M. Lechowicz	Trustee
Robert Lewis, Jr.	Trustee
Ann M. Maguire Keches	Trustee
Michael V. O'Brien	Trustee
Noreen C. Okwara	Trustee
Imari K. Paris Jeffries	Trustee
James A. Peyser	Trustee
Julie N. Ramos Gagliardi	Trustee
Elizabeth D. Scheibel	Trustee
Steven A. Tolman	Trustee
Maxwell D. White	Trustee
Charles F. Wu	Trustee