

UNIVERSITY OF MASSACHUSETTS

AMHERST•BOSTON•DARTMOUTH•LOWELL•WORCESTER

**MINUTES OF THE MEETING OF THE
BOARD OF TRUSTEES**

**Friday, February 27, 2009; 9:00 a.m.
Woodland Commons Center
University of Massachusetts
285 Old Westport Road
North Dartmouth, Massachusetts**

Trustees Present: Chairman Manning; Vice Chairs Karam and King-Shaw (via conference call); Trustees Braceras, Carlin, Collins, DiBiaggio, Endich, Gerson, Johnston, Koffman, Kulenovic, Lawton, MacAfee, McCluskey, Osterhaus-Houle, Rego, Reville, Thomas and Tocco

Trustees Absent: Trustees Boyle and Pearl

University Administration: President Wilson; General Counsel Heatwole; Chancellors Holub, Motley, MacCormack, Meehan and Collins; Executive Vice President Julian; Senior Vice Presidents Williams and Gray; Vice Presidents Connolly and Smith; Deputy Chief Operating Officer Lenhardt

Faculty Representatives: Professors O'Connor and May, UMass Amherst; Professor Tirrell; UMass Boston; Ms. Gibbs, UMass Dartmouth; Professor Carter; UMass Lowell

Guests: Samantha Hill, Graduate Employee Union, UMass Amherst; Randall Phillis, President, Massachusetts Society of Professors, UMass Amherst; Senator Menard; Mr. Baum, Faculty Senate President, UMass Dartmouth; Mr. Chu, President, Student Government Association, UMass Amherst; Mr. Salus, Vice President, Graduate Student Senate.

Chairman Manning convened the meeting at 9:07 a.m. and thanked Chancellor MacCormack for hosting today's meeting. He then pointed out that today's meeting posed some challenging issues and asked that people's comments and opinions are stated in a respectful manner.

Chairman Manning asked for the **Approval of the Minutes of the Previous Meeting of the Board.**

It was moved, seconded and

VOTED: To approve the minutes of the December 11, 2008 meeting of the Board.

The next item was the **Secretary's Report.** Trustee Reville, Secretary of Education, reported that talks are underway about the stimulus bill and how those funds will be spent but

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pointed out that the funds will not solve all of the state's budget problems. We will continue to study ways that will help the needs of higher education in Massachusetts.

Chairman Manning then asked for the Student Trustee Report. Trustee Endich reported on her positive experiences as a Trustee over the past three years and as a student from the Dartmouth campus. The campus has made vast improvements over the last few years including the many new buildings such as the one we are in today, new dormitories and the improvements to the classrooms and labs. She expressed her gratitude for the education she has received at UMass Dartmouth and indicated her readiness to face the future.

There was a round of applause.

Chairman Manning then thanked Out-Going Trustees Lindsay McCluskey from UMass Amherst and Tamara Endich, UMass Dartmouth for their service as Student Trustees.

Ms. Samantha Hill, Graduate Employee Union, UMass Amherst addressed the Board about her concerns the proposed tuition and fee increase will have on students. An education is a necessity in today's society and everyone is entitled to an affordable, quality education. Ms. Hill appealed to the Trustees to wait for the stimulus bill funding before raising tuition and fees. To raise student fees and lay off workers is not a prescription for economic recovery.

Mr. Randall Phillis, President, Massachusetts Society of Professors, UMass Amherst addressed the Board about the need to delay the vote for the fee increase because of the possibility that federal money is on the way. The funds from the economic stimulus package may become available in a matter of weeks and the money could potentially bring the budget back to FY09 numbers. These increases will also add an extra burden to the graduate students that rely on grant funds.

Mr. Malcolm Chu, President, Student Government Association, UMass Amherst addressed the Board and the students about his concerns regarding the fee and tuition increase and the idea that a rebate will be issued should the stimulus bill provide funds. The rebate would only cover the upcoming year and the \$1500 would remain in the fees for the following years. He also noted the heavy police presence at today's meeting.

Mr. Michael Baum, Faculty Senate President, UMass Dartmouth then read a resolution passed by the Faculty Senate endorsing the need to support the increase in fees and tuition to maintain quality and access to the University. He acknowledged that the fee increase is going to cause pain to students and will result in fewer course selections and larger classes.

Senator Menard addressed the Board about the need to protect the quality of the education received at the University. The state faces many, many challenges and there are organizations throughout the state that are looking towards the stimulus funds to help out with the needs ahead.

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She expressed her appreciation for the hard work supplied by the Trustees in their support for this University. We must work together during these difficult times. She offered her support for the proposed increase and noted the work of Trustee Tamara Endich working with the Dartmouth student body and for the good of the campus. She ended her report by pledging her support for the University now and in the future.

There were several rounds of applause throughout the reports.

The next item was the **President's Report**. President Wilson reported that after five years of state funding increases and five years during which the University has been able to hold increases in tuition and fees under the rate of inflation, we are now feeling the effects of the economic downfall. The University is facing a \$100 million decrease in state funding which would be the second largest loss of state funds in its history.

President Wilson highlighted several slides that show our strategic response to budget cuts. We continue to work on the amount of financial aid available to our students. It was noted that the University surpasses its New England Peers in meeting undergraduate need.

We will continue to seek the maximum amount of the stimulus for the University and will substitute federal dollars for student dollars and will keep the student charge increase as low as possible while maintaining quality and excellence.

Chairman Manning stated his appreciation for the student's energy and passion. This Board is dedicated to making sure this University provides quality and access.

The next item was the **Report of the Committee on Administration and Finance**. Vice Chair Karam, Chair of the Committee reported that the Committee had met on February 12th and February 20th. While the University has made tremendous progress over the past several years in its commitment to student financial aid, it was also noted that we are facing daunting challenges due to the global economic upheaval.

Mr. Thomas Goodkind, President of the Professional Staff Union, UMass Boston addressed the Committee on the topic of employee dependent fee waivers and appealed to the Trustees to consider improving the value of this benefit as an employee recruitment and retention tool.

President Wilson had outlined in detail the University's budgetary situation in FY09, his projections for FY10, the University's progress in building a strong program of institutional aid that addresses 95% of student need. A \$1500 increase in mandatory student fees would be matched by an unprecedented infusion of institutional support for student aid. This will assure that the University will meet 100% of tuition and mandatory fee need with grants and scholarships after the expected family contribution for students from families in the Massachusetts medial family income of \$78,500.

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Following a lengthy discussion it was decided to table the motion to allow the Committee members further time to study the proposal and reflect on it. There was a special meeting of the Committee on February 20th. President Wilson presented additional details about the financial aid plan and a recommendation that the University rebate some or all of the proposed fee increase should the federal economic stimulus funds enable restoration of the University's state appropriation for the initial FY09 level. The Committee then voted to approve the increase.

The meeting on February 12th also received updates from the Affirmative Action Directors of each of the five campuses and the progress being made toward building a diverse workforce and the substantial analytical effort that is being made to measure such progress. The Building Authority Report was postponed and the Committee entered Executive Session to discuss real estate issues and collective bargaining and negotiation strategies.

The first action item was **Mandatory Student Tuition and Fees**. The following motion was moved and seconded:

1. In accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve tuition at the following maximum rates for the Amherst, Boston, Dartmouth and Lowell campuses for academic year 2009-2010:

<u>Tuition</u>	<u>Amherst</u>	<u>Boston</u>	<u>Dartmouth</u>	<u>Lowell</u>
Undergraduate (resident)	\$1,714	\$1,714	\$1,417	\$1,454
Undergraduate (non-resident)	\$9,937	\$9,758	\$8,099	\$8,567
Graduate (resident)	\$2,640	\$2,590	\$2,071	\$1,637 *
Graduate (non-resident)	\$9,937	\$9,758	\$8,099	\$6,425 *
*Per 9 credit load				

2. And further, in accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve the following maximum mandatory fee rates for the Amherst, Boston, Dartmouth, and Lowell campuses for academic year 2009-2010:

<u>Total Mandatory Fees (Curriculum & Other Mandatory Charges)</u>	<u>Amherst</u>	<u>Boston</u>	<u>Dartmouth</u>	<u>Lowell</u>
Undergraduate (resident)	\$10,018	\$8,897	\$8,941	\$9,052
Undergraduate (non-resident)	\$13,292	\$13,039	\$11,962	\$14,959
Graduate (resident)	\$8,286	\$9,387	\$9,446	\$8,362 *
Graduate (non-resident)	\$11,491	\$13,051	\$11,962	\$12,955 *
*Per 9 credit load				

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3. And further, in accordance with Policy T92-031, Appendix E, to authorize the President to approve, no later than April 3, 2009, the individual rates for mandatory charges, providing that total mandatory student charges shall not exceed the total rates as outlined below for the Amherst, Boston, Dartmouth, and Lowell campuses for academic year 2009-2010:

Total Mandatory Student Charges

	<u>Amherst</u>	<u>Boston</u>	<u>Dartmouth</u>	<u>Lowell</u>
Undergraduate (resident)	\$11,732	\$10,611	\$10,358	\$10,506
Undergraduate (non-resident)	\$23,229	\$22,797	\$20,061	\$23,526
Graduate (resident)	\$10,926	\$11,977	\$11,517	\$9,999 *
Graduate (non-resident)	\$21,428	\$22,809	\$20,061	\$19,380 *

*Per 9 credit load

4. And further, in accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve the following tuition and maximum mandatory fee rates for the Worcester campus for academic year 2009-2010:

<u>Medical School</u>	<u>Tuition</u>	<u>Mandatory Fees</u>	<u>Total Student Charges</u>
Medical School (resident)	\$8,352	\$7,386	\$15,738
Ph.D./MD (resident)	\$2,640	\$22,041	\$24,681
Ph.D./MD Years 1-2 (non-resident)	\$9,856	\$37,041	\$46,897
Ph.D./MD Years 3+ (non-resident)	\$9,856	\$27,185	\$37,041
Graduate School of Nursing (resident)	\$2,640	\$7,288	\$9,928
Graduate School of Nursing (non-resident)	\$9,856	\$7,288	\$17,144
Grad. School of Biomedical Science (resident)	\$2,640	\$4,010	\$6,650
Grad. School of Biomedical Science (non-resident)	\$9,856	\$4,010	\$13,866

5. And further, in accordance with Section 1A of Chapter 75 of the General Laws and T92-031 (Appendix E), to authorize the President to approve, no later than April 3, 2009, final student housing rent and food service charges providing that the average total charge to undergraduate Massachusetts resident students shall not exceed the average rates as outlined below for academic year 2009-2010:

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	<u>Amherst</u>	<u>Boston</u>	<u>Dartmouth</u>	<u>Lowell</u>
<u>Room & Board (average rate)</u>	\$8,276	N/A	\$9,670	\$8,635

6. And further, to authorize the President to approve, no later than April 3, 2009, the full schedule of rent and food service charges for all other classifications of students, room options and meal plans for academic year 2009-2010.
7. And further, to set individual fee rates for other student fees and student fee/revenue based operations charges not already approved by the Board for academic year 2009-2010 at no more than academic year 2008-2009 levels with the exception of continuing education fees and health insurance fees, which the President is authorized to approve no later than April 3, 2009.
8. And further, that in the event the American Recovery and Reinvestment Act of 2009 restores State Appropriated Funds to the initial FY2009 level, a rebate of this fee increase will be made to affected students.
(Doc. T09-016, as amended)

Chairman Manning asked for discussion on the subject. Trustee McCluskey reported that she is representing not only the 25,000 students from Amherst but also the students from Lowell and Dartmouth. Today's proposed vote is a knee jerk response to a budget shortfall and is not taking advantage of the opportunities President Obama's plan and his stimulus package will provide. She asked the Board to table this motion until we know more about the stimulus bill.

She then called on Mr. Salus, Vice President, Graduate Student Senate, UMass Amherst to address the Board about his concerns with the proposed increase. He reported that he and several of his colleagues have walked from the Amherst campus to the meeting today to call attention to the hardship this increase will have on graduate and undergraduate students. Graduate students like himself and international students, are not eligible for more financial aid.

Trustee Kulenovic reported on his history of voting against fee increases which has created a vicious cycle of decreases in state funding and filling the gap with increased fees which has increased new fee levels that never decrease.

Trustee Kulenovic then asked for a motion:

To postpone the vote on the table for no longer than 30 days and to schedule another special meeting of the Board on March 27 at 9:00 a.m.

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The motion was seconded and by a show of hands the motion was then defeated.

There was then a lengthy discussion about the original motion. Trustee Braceras indicated her support for voting against the motion but voiced her disappointment with some of the students in attendance today and their disregard for other people's opinions.

Trustee Tocco voiced his opposition to the fee increase and his concerns that the fees would become embedded in the base of costs and that a 15 percent increase is too high. The problem is much bigger than one fee increase; there are serious flaws in the financial aid formulas. Many students pay tuition on their credit cards and leave the state when they graduate because they can't afford to stay.

Trustee Collins stated his belief that the \$1500 fee increase would be insufficient due to the fact that it would only cover half of the deficit.

Trustees DiBiaggio and King-Shaw both supported the increase; we cannot reduce the quality of this institution and must consider future students and parents that will be affected by this vote.

Trustee Carlin stated his opposition to the fee increase citing among other things the belief that a more compelling case should have been made before we taxed the students. He offered his support and as well as his apologies to the students and wished he could have done more.

Vice Chair Karam spoke of his years as a student at UMass Dartmouth and his belief that the University has done a masterful job of providing a quality education as a low cost provider. Several Trustees including Trustee and Secretary Reville reiterated that the University must preserve the quality of a UMass education today and in the future.

There was a question for Trustee/Secretary Reville about the time frame for potential rebate checks; a time frame has not been established but guidelines for reimbursement are forthcoming.

Chairman Manning asked for a show of hands and the original motion was:

- VOTED:** 1. In accordance with Section 1A of Chapter 75 of the General Laws, to establish and approve tuition at the following maximum rates for the Amherst, Boston, Dartmouth and Lowell campuses for academic year 2009-2010:

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Graduate (resident)	\$2,640	\$2,590	\$2,071	\$1,637 *
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8. And further, that in the event the American Recovery and Reinvestment Act of 2009 restores State Appropriated Funds to the initial FY2009 level, a rebate of this fee increase will be made to affected students. (Doc. T09-016, as amended)

Trustee Kulenovic asked for a Point of Order whether the vote could only be taken after a member had “called the question”. General Counsel Heatwole indicated that “calling the question” was not required prior to the vote and that the motion had passed.

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The next item was **Affirmative Action Plans**.

It was moved, seconded and

VOTED: To accept the Affirmative Action Plans of the Amherst, Boston, Dartmouth, Lowell and Worcester campuses of the University of Massachusetts as contained in Doc. T09-017.

The next item on the agenda was the **Report of the Committee on Academic and Student Affairs**. Trustee Thomas, Chair of the Committee reported that the Committee had met on February 4th.

The one action item was the **M.S. and PhD in Mathematical Education, UMass Dartmouth**. Provost Garro presented the program proposal and noted that the proposal represents a long time of planning on the campus to bring this degree forward. The campus has been investing in faculty hires and resources to develop this program. It is linked to the establishment of the Kaput Center in 2007. The proposal addresses a significant regional and national need for mathematical education and goes beyond math teachers to bring research into how students learn and develop math skills.

It was then moved, seconded and

VOTED: To approve the Master of Science and Ph.D. in Mathematics Education at the University of Massachusetts Dartmouth as contained in Doc. T09-009.

Trustee Braceras abstained.

The next item for **Discussion** was **Global Opportunities for Students**. Senior Vice President Williams introduced the panel and noted that it had been three years since we had a discussion of international opportunities. She noted that students on the panel were indicative of the value added component that faculty active in research bring to the experience of students. The students on the panel were Ejiro Onus, UMass Worcester; Carolina Barreto, UMass Lowell; Anne Laraia, UMass Lowell; Bart Walsh, UMass Dartmouth; Nancy Riordan, UMass Boston; Peter Kovach, UMass Boston and Megan Kolb, UMass Amherst. The students spoke of their experiences in Paris, the Galapagos Islands, South Africa, Helsinki and Baghdad, Dominican Republic, Peru and the United Kingdom.

It was evident that each student had reflected deeply on his or her experience and had drawn many lessons from their opportunity. Many students on campus are interested in participating in international opportunities but fiscal constraints make it difficult. Senior Vice President Williams noted that the students on the panel had benefitted from philanthropy, research funding

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and incorporation of the international experience into a course for which financial aid could be received as ways to address the fiscal issue.

The remaining item will be taken up in Executive Session.

Trustee Lawton gave the **Report of the Advancement Committee**. The Committee had met on February 4th and heard from the Chancellors and Vice Chancellors about how campus fundraising has been affected by the economy; despite the bad news, the campuses are on track towards meeting the goal of raising \$95 million this year.

The campuses have undertaken aggressive collaboration in practices and fundraising strategies and have improved communication to alumni and friends; their hard work is successful in this economic environment and will have lasting effects on the University for generations.

Trustee Lawton reported that he, Vice President Milligan and Vice President Smith met with the staff at the Registry of Motor Vehicles to discuss a special plate initiative and we anticipate that the Registry will produce some plates for the Amherst campus once the art work is finalized, another example of the University looking aggressively at ways to brand itself and to seek additional sources of outside revenue.

Fundraising achievement as of the end of the second quarter is \$44 million from 40,240 gifts, which represents a 3% decrease from last year. These numbers do not include a \$12.5 million plus matching grant that has been awarded to the Medical School as the match must be met in order for the gift to be realized.

The UMass Endowment Performance was up 1% at the end of FY08. The FYTD is down 20.5% which places the University slightly ahead of the average -22.9%; market value of the Foundation as of 12/30/08 was \$331 million.

The UMass Foundation Investment Committee chaired by UMass Lowell alumnus Roy Zuckerberg has done tremendous work preserving and protecting our assets and we owe him and his team a debt of gratitude. They have modified the asset allocation to respond to market conditions and they continually monitor the landscape for risks and opportunities.

The short and long terms plans of the campuses remains the same, making a compelling case for support and inviting philanthropic support wherever it can be found.

The next item was the **Report of the Audit Committee**. Trustee Johnston, Vice Chair of the Committee, reported that the Committee had met on February 12th. The agenda included a briefing on current audit activities and discussion and acceptance of five audit reports.

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Robert Harrison, Director of Internal Audit, first reported on two information items, one an audit by the Federal Regional Office of the SBA for the Amherst Campus Small Business Development Center. Mr. Harrison read a passage from the report denoting the program as being one of the best managed in the country. Secondly he provided the Committee with results of a surprise cash count visit at the Amherst Bursar's Office, which went very well.

Mr. Harrison informed the Committee that the negotiation with PricewaterhouseCoopers for the fiscal year 2009 and 2010 audits was complete and resulted in a contract with a reduction in originally bid fees. The new engagement partner, Mr. Glenn Williams, will present the FY09 services plan at our next Committee meeting.

The solicitation memorandum looking for input to the long-range Audit Plan was sent to 67 individuals; Mr. Harrison plans on having an updated document for Committee action soon. He has received some good feedback as to priorities to include in the revised plan. He also informed the Committee that his staff recently had to move their attention to a number of unplanned projects, including reports of employee financial wrongdoing. The department is working aggressively on these items and will provide updates in an Executive Session forum at the next scheduled meeting.

The Committee was informed that the annual notification to employees as to the Trustee policy on Fraud, the Conflict of Interest Laws, the responsible use of Computing & Data Resources, and the Principles of Employee Conduct have been issued to all campuses and the central office.

Internal Audit also managed a consulting effort for Senior Vice President Williams on the subject of Commercial Ventures & Intellectual Property, the purpose of which is to provide her with independent viewpoints for consideration in planning for the future. Mr. Harrison thanked the Chancellors and the many individuals that provided interview time for this study.

As to the quarterly activity summary denoting work-in-process, Mr. Harrison noted their continuing effort to study each campus Procurement Operation and campus Cash Handling Locations, along with managing a number of State Auditor's Office projects.

The Committee next heard details on the internal audit reports and the external contracted audits. These included two more technology controls reviews at Amherst, for the campus Physical Plant department and the Facilities and Campus Planning department; and the internal audit of Procurement Operations at Lowell. Also discussed were the independent contracted reviews of the Amherst Campus NCAA programs; and the Amherst radio station WFCR and its outside fundraising organization, the WFCR Foundation. This external review received an unqualified opinion and indicated no control deficiencies or material weaknesses.

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The final status report on the efforts the University has taken to meet the Payment Card Industry compliance standards was discussed in detail. This collaborative project, headed up by the Treasurer's Office, resulted in the University meeting PCI validation requirements and compliance certification. The Treasurer will continue a monitoring role for this compliance standard.

It was then moved, seconded and

VOTED: To accept the following Audit Reports:

1. Information Technology Controls Review (Doc. T09-002)
2. Procurement Operations, UMASS Lowell (Doc. T09-003)
3. Payment Card Compliance Project (Doc. T09-005)
4. WFCR-FM and WFCR Foundation Inc. Combined Financial Report and Communication Letter (Doc. T09-006)
5. UMASS Amherst Report on the Application of Agreed Upon Procedures at the Intercollegiate Athletic Program (Doc. T09-008)

The next item was the **Report of the Committee on Science, Technology and Research.** Trustee Johnston, Vice Chair of the Committee, reported that the Committee had met on February 4th and heard an update on Life Sciences from Chancellor Collins. He highlighted the creation of a new system-wide Center for Clinical and Translational Science and the filing of a major proposal to the NIH by the Medical School on behalf of all five campuses. One innovative aspect of this new Center has been the establishment of a \$1 M "life sciences moment fund" to encourage collaborative projects between the Medical School and the other four campuses.

Vice Provost Kostecki reviewed clean energy activities. He highlighted a number of strategic areas where the campuses are pursuing major new Research and Development initiatives with NSF and the Department of Energy -- in biofuels, marine energy, wind energy and climate change.

The primary agenda item was a presentation by UMass Boston on that campus's Research and Development strategy. At a previous Committee meeting, Trustees had received statistical information on the University's improving R&D performance. Following that presentation, Trustees expressed an interest in learning more about each campus's individual R&D strategy and plans for growth.

Chancellor Motley, the Provost, Vice Provost for Research, Dean of Science, Chair of Psychology, and an undergraduate student made the campus presentation and answered questions. Research and Development expenditures at Boston have nearly doubled in the past 5 years -- now approaching \$40 M annually. The research profile at Boston is unique in that it has a much higher level and proportion of funding in the social sciences than other UMass campuses.

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Boston has developed a research strategic plan with specific goals and metrics that are benchmarked against peer institutions. Specific research clusters have been identified for growth – such as the developmental sciences, urban health and public policy. The campus has engaged in an aggressive hiring program of new faculty, deans and administrators to help achieve its R&D growth objectives. It has also smartly developed new partnerships with area research institutions such as Dana Farber.

Looking forward, the campus recognizes the need to develop new R&D infrastructure and facilities – particularly its proposed Integrated Sciences Complex – to achieve its R&D growth objectives. Even in this difficult fiscal environment, the campus is moving forward with strategic investments and hires, although at a reduced level.

The Trustees were impressed with Boston’s track record, strategic directions and plans for the future and looked forward to hearing from other campuses at future meetings. The Committee thanked President Wilson, the Chancellors, faculty and staff for the exciting progress that is being made on many fronts in science, technology and research.

Chairman Manning then announced the Board would enter **Executive Session** to consider **Appointments with Tenure, UMass Amherst, UMass Boston, UMass Worcester**. The Board will not reconvene in Open Session. The Secretary will call the Roll; Trustees are requested to state yes or no.

It was moved, seconded and

VOTED: To enter Executive Session to consider **Appointments with Tenure, UMass Amherst, UMass Boston, UMass Worcester**.

Chairman Manning voted for the motion as did Vice Chair Karam, Trustees Braceras, Collins, DiBiaggio, Endich, Johnston, MacAfee, Rego, Reville and Thomas.

The time was 11:45 a.m.

Barbara F. DeVico
Secretary to the Board of Trustees