

THE OHIO STATE UNIVERSITY
OFFICIAL PROCEEDINGS OF THE
ONE THOUSAND FOUR HUNDRED AND FORTY-NINTH
MEETING OF THE BOARD OF TRUSTEES

Columbus, Ohio, October 28 & 29, 2009

The Board of Trustees met Wednesday, October 28 and Thursday, October 29, 2009, at William Oxley Thompson Library, Columbus, Ohio, pursuant to adjournment.

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Minutes of the last meeting were approved.

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October 28 & 29, 2009 meeting, Board of Trustees

The Chairman, Mr. Wexner, called the meeting of the Board of Trustees to order on Wednesday, October 28, 2009, at 10:08 am. He requested the Secretary to call the roll.

Present: Leslie H. Wexner, Chairman, Jo Ann Davidson, John D. Ong, Douglas G. Borrer, Walden W. O'Dell, Brian K. Hicks, Robert H. Schottenstein, Algenon L. Marbley, Linda S. Kass, William G. Jurgensen, Janet B. Reid, Jason W. Marion, and Alexis L. Swain.

Mr. Wexner:

Good morning. Before we take the roll call vote to go into Executive Session, I want to announce that the full Board will reconvene tomorrow morning at 8:30 am.

I hereby move that the Board recess into Executive Session to consider personnel matters regarding employment and compensation.

Upon motion of Mr. Wexner, seconded by Mr. Schottenstein, the Board of Trustees adopted the foregoing motion by unanimous roll call vote, cast by Trustees Wexner, Davidson, Ong, Borrer, O'Dell, Hicks, Schottenstein, Marbley, Kass, Jurgensen, and Reid.

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The Chairman, Mr. Wexner, reconvened the meeting of the Board of Trustees on Thursday, October 29, 2009, at 8:35 am. He requested the Secretary to call the roll.

Present: Leslie H. Wexner, Chairman, Jo Ann Davidson, John D. Ong, Douglas G. Borrer, Walden W. O'Dell, Brian K. Hicks, Robert H. Schottenstein, Algenon L. Marbley, Linda S. Kass, William G. Jurgensen, Janet B. Reid, Jason W. Marion, and Alexis L. Swain.

Mr. Wexner:

Good morning. Before we take the roll call vote to go into Executive Session, I want to announce that the full Board will reconvene this afternoon at 12:30 pm.

I hereby move that the Board recess into Executive Session to consider personnel matters regarding employment and compensation, the purchase of real property, and matters required to be kept confidential by State Statute.

Upon motion of Mr. Wexner, seconded by Mrs. Kass, the Board of Trustees adopted the foregoing motion by unanimous roll call vote, cast by Trustees Wexner, Davidson, Ong, Borrer, O'Dell, Hicks, Schottenstein, Marbley, Kass, Jurgensen, and Reid.

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The Chairman, Mr. Wexner, reconvened the meeting of the Board of Trustees on Thursday, October 29, 2009, at 12:55 pm. He requested the Secretary to call the roll.

October 28 & 29, 2009 meeting, Board of Trustees

Present: Leslie H. Wexner, Chairman, Jo Ann Davidson, John D. Ong, Douglas G. Borrer, Walden W. O'Dell, Alex Shumate, Brian K. Hicks, Algenon L. Marbley, Linda S. Kass, William G. Jurgensen, Janet B. Reid, Jason W. Marion, and Alexis L. Swain.

AUDIO PRESENTATION

Mr. Wexner:

Please join me in a round of applause for the Men's Glee Club – thank you. So that we can begin the meeting, I ask that the ringers on all cell phones be turned off at this time.

Alex, please present the Student Recognition Awards.

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STUDENT RECOGNITION AWARDS

Ms. Swain:

It is my honor again to present two outstanding students to the Board. First is Ravi Gupta, a fourth year student, pursuing a bachelor of science in molecular genetics from the College of Biological Sciences, as well as a bachelor of arts in political science and a minor in economics. Ravi is from Dayton, Ohio and is a graduate of Centerville High School. Upon entering Ohio State, he was named a National Merit Scholar and a member of OSU's Honors Collegium.

Since 2007, Ravi has served as a research assistant to Dr. Antonio Chiocca in the neurological surgery department, where he investigates the role of microRNA in migration, proliferation, and invasion of glioblastoma cells. He presented his research at both the 2008 Biological Sciences Research Colloquium and the 2008 Denman Undergraduate Research Forum. Ravi is working on a separate research project for his senior honors thesis through the Department of Political Science. This past summer, Ravi traveled to India where he conducted over 100 interviews with health workers, government officials, and doctors to analyze the role of health education to improve the country's public health system. He spreads his passion for global health on campus as the founder of the Global Health Initiative, an organization which presents to high school students in Columbus to increase awareness of global health issues.

In addition to his journey to India this summer, he spent the summer of 2008 in Switzerland as a research fellow studying new technologies to map the genome of tuberculosis. He has also backpacked through Spain, Austria, the Czech Republic, and Germany to learn more about their cultures. He was selected as one of 17 students to attend the Acumen Fund workshop in New York City, developing his knowledge of social enterprise development. Ravi was also chosen as OSU's delegate to the Naval Academy Foreign Affairs Conference in Annapolis, Maryland

in April 2009, where he presented his original paper on the role of non-governmental organizations in reducing global poverty.

When Ravi is not traveling or conducting research, he is very busy with various leadership and service organizations on campus. He has served as the president of Business Builders Club, Executive Team Member of the SERV Team, Planner of the Women's Health Symposium 2009, and a site leader for the Martin Luther King, Jr. Day of Service. He is also a student facilitator for Blueprint College Access and a member of the 2009 Homecoming Court.

Ravi's nominator writes, "[Ravi] is an outstanding candidate for this recognition in light of his exceptional intellect, motivation, and desire to do good in the world through his interests in global health and its disparities. He is a shining example of how Ohio State can prepare students for careers that will be measured by their global impact." Ravi hopes to gain additional experience abroad after graduation and is applying for a Fulbright Fellowship. He hopes to eventually join an MBA/MPA dual degree program and ultimately sees himself as a social entrepreneur launching organizations and working with governments to tackle poverty around the world.

He is joined today by Dr. Nooruddin from Political Sciences, Dr. Simcox from molecular genetics, Amy Barnes with first year experience and Dean Platz. Let's give him a round of applause.

Our second student is Ashley Shumaker. Ashley is a second year student in the Doctor of Pharmacy program. She is a first generation college graduate from Barnesville, Ohio. Ashley did her undergraduate work at Ohio University, graduating summa cum laude with a bachelor of science in biological sciences. She is a recipient of OSU's Pharmacy Merit Scholarship and the Plough Pharmacy Scholarship.

This past summer, Ashley worked full-time as a student researcher involved in studies on drug delivery with associate dean of pharmacy Sylvan Frank, and she continues to work 10-15 hours per week in his research lab during the academic year. Additionally, she serves as a teaching assistant to Dr. Frank's graduate-level class on Drug Delivery Systems this quarter. Ashley completed her community pharmacy rotation at Kroger Pharmacy and her hospital pharmacy rotation with the cardiology team at the OSU Medical Center's Ross Heart Hospital. She has also served as a pharmacy technician at the Barnesville Hospital since November 2006.

Ashley is involved in many professional organizations and is a member of the American Pharmacists Association Academy of Student Pharmacists and was co-chair of its annual chili cook-off this year. She is also a member of the Academy of Managed Care Pharmacists, Ohio Pharmacists Association, and Student Society of Health-System Pharmacists.

She serves as student ambassador for the College of Pharmacy and assists students in the recruitment process and admissions interview visits. One of her favorite memories of her time at OSU is volunteering for Operation Diabetes at the Solidarity Conference in

the spring of 2009. Ashley said, "The attendees reminded me of how rewarding pharmacy can be. They were so excited about being proactive about their health." Along with her research and leadership accomplishments, she carries an impressive 4.0 GPA and has been selected a Women's Pharmacy Club Scholar.

Ashley says that she chose a career in pharmacy because it, "is the combination of what I desire in a career: it is constantly evolving and improving, it requires lifelong learning, and it allows you to help people and enhance their quality of life." Ashley plans on working in the field of veterinary pharmacy for both domestic and exotic animals. She is joined today by her mother, Kim Shumaker, and associate dean of pharmacy Sylvan Frank and Heather Deeters from the pharmacy student affairs department. Let's give her a round of applause.

Now they each have an opportunity to address the Board.

Mr. Ravi K. Gupta:

Good afternoon everyone. Alex, thanks for that very lengthy introduction. I appreciate it. I will keep my remarks pretty short. What I have learned, I think, through my past three years at Ohio State, is that because of the vastness of Ohio State, students really have to seek out their opportunities and to take advantage of everything that there is to offer at Ohio State, they need mentors and advisors. I have been very fortunate to have encountered several individuals here at Ohio State who have helped me, three of whom I have invited here. Dr. Nooruddin, Dr. Simcox and Dr. Barnes, and, it is because of them and other professors and advisors that I have met at Ohio State that I have been able to accomplish what I have. So I would just like to thank them and I would like to thank the University for giving me the opportunity to be here. Thank you.

Ms. Ashley D. Shumaker:

I would like to start off by thanking Dean Brueggemeier for his nomination. It is really an honor to be recognized today by the Board of Trustees. I would like to acknowledge my parents because they have given me more support, I would argue, than any other child in the world. When I decided to come to Ohio State, I knew that I would be attending one of the best pharmacy colleges in the whole country, but I did not realize the caliber of faculty and staff that they have over there in Parks Hall. Each and every day they have more dedication and drive than the day before, and they expect every student to do the same. They really inspire us to take a lead and make a difference. I just want to thank President Gee and the Board for all the hard work that they do.

Mr. Wexner:

Congratulations. Thank you.

PRESIDENT'S REPORT

Dr. E. Gordon Gee:

Well, we are overwhelmed by the Men's Glee Club, wasn't that wonderful. I thought those were angelic voices, I had no idea they were coming, our Chairman is exceeding himself. By the way, this is a wonderful setting. It just is glorious.

To start, some earth-shattering news: Ohio State has received yet another tribute. This one from GQ magazine, I want you to know. The magazine has included the University among its list of the nation's Top 20 "Most Obnoxious Colleges." Now that might not sound like something I would shout from the rooftops, but listen to the reasons we made the list: irrepressible school spirit, students wearing scarlet and gray, and strong pride in our marching band and our football team. Obnoxious? I will take that, absolutely!

For the record, I will tell you that we beat the University of Texas on that list, vindication, however late, is always sweet. It really is.

Even though we are only a month into fall quarter, our students have been exceptionally busy, and I will also note, remarkably successful. A few weeks ago at the Salt Flats in Utah, now this is remarkable, I just want you to vision this, here are students in a totally student built car called the Buckeye Bullet and it exceeded its own international speed record. We own the world's speed record. Think about that. The hydrogen fuel-cell vehicle was clocked at well over 300 miles per hour. By my estimate, that is about as fast as Tom DeLay's time on "Dancing with the Stars!"

Last week, our students' Solar Decathlon team earned 10th place in the international competition to design and build a house that is net-zero in its carbon impact. This was an international competition, 20 houses on the mall and ours is one of them. Those are of course two fabulous showings by our students, demonstrating that they are not only academically gifted but they are wonderfully obnoxious, and we are grateful for that. I congratulate them on their success.

Two weeks ago, Dr. Adams-Gaston and her student life team produced a great Parents and Family Weekend. Thousands of mothers, fathers, grandparents, aunts, siblings and a few family pets, and I will say that either our students are academic award contenders, or they were genuinely happy to have their families here. That groundswell of family engagement was yet another demonstration of the reach and power of this University.

Our faculty stars are shining as bright as ever. Ann Hamilton, of our art department, who last year as you know, won the Heinz Award, and Tina Henkin of the microbiology department were recently inducted into the American Academy of Arts and Sciences. That of course is a single honor, as you likely know, and they join several other Universities and others that I know as members of that rank.

A few quick research updates. First, as of this week, Ohio State faculty have been awarded \$76 million in Federal Recovery Act

funding. Those funds are supporting 166 different research projects across health sciences and engineering. The projects underscore the transformative power of this University's faculty and students tackling and solving real-world problems. Recovery Act funding is supporting work to develop potential new treatments for Lou Gehrig's disease, discover how climate change affects the earth's crust and ocean levels, understand genetic causes of everything from childhood eyesight problems to diabetes and heart disease. Those are obviously just three examples out of 166 life-changing projects.

My thanks go to Caroline Whitacre for her great work in coordinating the University's massive proposal effort. Another recent piece of news gives some indication of how we stack up nationally in research. The National Science Foundation issued its annual rankings of universities according to research funding and Ohio State again ranks in the top 10 nationally, ahead of, I will just name a few, I could name a number of institutions ahead, Stanford, Cornell, MIT and some other not-so-shabby institutions. That is an important benchmark, and one key measure of the University's distinction. It is important to note, though, that our faculty received funding for a great deal of scholarship that is not limited to the sciences. One example, a few weeks ago, the College of Education and Human Ecology received a five-year, \$13 million grant to partner with Columbus City Schools to meet the critical need of teachers in foreign languages, math, and science.

The partnership will include the Colleges of the Arts and Sciences, the Ohio Board of Regents, Battelle for Kids, and Nationwide Insurance, among other partners. It is precisely in my view the kind of innovative, collaborative work that will strengthen all of us.

I have one senior leadership announcement to mention. I believe this is the first meeting at which Blake Thompson has joined us. Dr. Thompson, known in Bricker as "Doogie Howser" is the new vice president we share with Battelle. He comes from the University of Tennessee and Oak Ridge National Laboratory where he served as director of university partnerships. Here he has already begun work to expand the collaborative arrangements that we undertake with Battelle. I will tell you the opportunities are enormous and his impact is already felt. Blake, will you stand, I want everyone to recognize you.

With the start of the academic year, I have largely been on campus, but my time away has been very productive. A few weeks ago I was pleased to speak at the inaugural dinner honoring Dr. Ronald Berkman, the new president of Cleveland State University. He is a strong leader for that institution, and I look forward to working closely with him.

In Athens, Georgia, the incomparable Joyce Beatty gave me an introduction like no other. That was before my keynote address at the National Outreach Scholarship Conference. No one listened to my address after she introduced me, they all wanted her to introduce them. I am proud to say that the group was created a decade ago by our own Bobby Moser in partnership with others.

Last week's College Board Forum in New York was a Buckeye Bonanza with several University leaders participating. Dolan Evanovich and several others from Ohio State gave presentations, and Mabel Freeman is a College Board Trustee. I was honored to deliver the Forum's presidential address. Standing before 1,000 educators, I was nearly speechless before I ever started. Former West Virginia Governor, and good friend, Gaston Caperton introduced me. He said the usual nice things that friends say about one another, and then he let loose the following bombshell: I do not know who calculated this, but he said that some 672,495 college students have endured my presidencies during the past 30 years. A staggering figure, and one that makes me feel as old as Methuselah, I want you to know.

Finally I want simply to note that this month marks the completion of my second year, of my second tenure, leading this University. I say this to all of you, my belief in the institution's tremendous significance, and even greater promise, grows each and every day. Ohio State, as I have said on a number of occasions, is a place of boundless enterprise and imagination, vast intellectual resources as we all know, but the passionate commitment to our communities is readily apparent and of course we have unmatched support from our alumni and friends. This complex, comprehensive institution is, at its core, a confederation of opportunity, for our students, our faculty, our staff, our alumni, our state, our nation and certainly the world. You heard yesterday from Dr. Brustein how we are literally going to take our message and have an enormous imprint on the world at large. To me, as I have said to you before, there is no greater calling than to be at Ohio State, certainly for me, I say that, and each day I am grateful to all of you for the profound honor that I have to serve this institution, so I thank you.

Mr. Wexner:

Thank you very much, Dr. Gee. This is the second anniversary of the first coming, or the second coming. Let me move to the committee reports, first let me ask, Jo Ann Davidson to report on the Committee on Trusteeship.

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COMMITTEE REPORTS

Ms. Davidson:

Thank you Mr. Chairman, I am going to give a brief report on two meetings the Committee on Trusteeship has had since the Board was last together. We met yesterday and had a really in-depth discussion about the committee structure of the Board. We were pleased to have Dick Chait with us for that meeting and Chairman Wexner was also with us for that meeting, and we really talked through where we want to go with some modifications of the committee structure and I think Dick Chait gave us very excellent advice when he said, "really you need to look at that in relationship to what you really need to get done and what committees that you

need to form that might not exist today in helping you to get that done.” We will continue to consider that. We have talked about natural separation, perhaps of the Development and Investment Committee that I know Chairman O’Dell thinks is a good idea. We have talked about going in the direction of an academic strategy committee, which Ambassador Ong is in favor of, so there are a lot of issues on the table, there is good discussion, and we will continue that discussion in the future.

We also had a meeting in between Board meetings on Friday, October 23. I want to review that meeting for you because some of them are very relevant to today’s meeting, and there will be one action that we need to take, if the Board approves as a result of that meeting.

We revised and approved the evaluation form. You received a draft of that which I think is the final revisions, and you will also receive a copy of that evaluation form with an envelope before you leave today with the hope that if you do not have time to complete it before you leave, that you will complete it soon. We understand that this will go through a number of revisions so we would appreciate your input, if you find it difficult to use, this is going to be very valuable information in making our committees more effective.

We reviewed a request from the Ohio Board of Regents that we nominate Trustees to serve on four working groups that they are organizing. We will let the Board of Regents know that Ohio State University Trustees do want to participate and have particular interest in the governance working group. Other working groups are communication, education and training, and resources, so we may be in touch with some of you about your interest in serving on one of those working groups.

There was a report on the faculty membership on the Academic Affairs and Student Life Committee, and we received five excellent nominations from the faculty leadership subcommittee of the Committee on Trusteeship, and will interview all five of the members of the faculty that have been nominated and make a recommendation back to the full committee and also to the chairman of the Board for an appointment.

We distributed a draft charter of the Academic Strategy Committee, which I mentioned a little earlier, asked for Committee members to review that, and we will have further discussion on that charter. Chairman Shumate reported on the fact that we are following through on a recommendation that we had to find a way to involve more fully, former Trustees of the Board. So there will be a spring event that will be planned for them on campus to let them get a tour and look at the changes that are happening on campus, but also to give them an update on the University to determine how we can continue to involve them and use their skill sets and their experience.

We recommended the appointment of our first Charter Trustee. You may remember that we authorized as a Board the ability to appoint up to three Charter Trustees for someone who had an association

with the University, who was a non-Ohio resident, and that we particularly wanted to look at Charter Trustees that could fulfill a need that we have in a particular area on the Board. So we are bringing to you, and it is being passed out right now, a resolution to appoint Dr. Gil Cloyd, who as you know was former Board Chairman for two years, is now domiciled in Austin, Texas. Actually he has given invaluable service to this University, has a very strong background in research, and that is one of the areas in which you know is one of our major goals to expand what we are doing in research and Gil brings that talent. He has a long and very strong record of support for this University, so Mr. Chairman, I would ask at this time that the Committee on Trusteeship would like to seek approval of the full Board for this appointment and I think that Dr. Cloyd would be an excellent example of what we need in a Charter Trustee.

APPOINTMENT OF CHARTER TRUSTEE

Resolution Number: 2010-20

WHEREAS the Board of Trustees established the position of Charter Trustee at its meeting on February 6, 2009, acknowledging that the establishment of such a position had the potential of further strengthening the governance capacity of the Board, noting that

WHEREAS The Ohio State University is one of the premier public land-grant institutions in the country and, in execution of its mission, embraces education on a state, national, and global scale; and

WHEREAS the complex and multi-faceted nature of the University – in its mission, its character, its constituencies, and its financing calls for extraordinary leadership at the highest levels; and

WHEREAS the governance of the University would be well served by Charter Trustees whose attributes include but are not limited to diverse cultural, geographic, business, professional, public service and civic backgrounds; and

WHEREAS the Board added a number of guidelines, including the following:

Charter Trustees shall be non-Ohio residents and shall be chosen on the basis of the following attributes: Ohio State alumna/alumnus or friend of the University; success in his or her chosen field or profession; state, national, or international prominence; ability to advocate for higher education; expertise in areas deemed critical to the University; and willingness and ability to offer counsel; and

WHEREAS G. Gilbert Cloyd of Austin, Texas, through his extraordinary service in his three years on this Board of Trustees, including two years of service as Chairman of this Board; through a career of significant accomplishments at Procter & Gamble, most recently in the capacity as chief technology officer; through his profound knowledge of business on a global scale, including the centrality of research as a core function in that business; and through

October 28 & 29, 2009 meeting, Board of Trustees

his unstinting support and efforts on behalf of the University, has proven to be an exemplary embodiment of all of those qualities noted as most desirable in a Charter Trustee;

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees of The Ohio State University, hereby proposes the appointment of G. Gilbert Cloyd as the first Charter Trustee of The Ohio State University to serve a three-year term commencing October 29, 2009.

Upon motion of Ms. Davidson, seconded by Mr. Borrer the Board of Trustees adopted the foregoing motion by unanimous voice vote.

Mr. Wexner:

It is unanimous Gil, you are back to work. Welcome.

I like to think that, as I am thinking about the student recognition award, it always strikes me that from universities, one should never graduate. There should always be a commencement, and I think when Gil retired as chair, I think I told him it was the commencement, so we are commencing again, and we are delighted to have you with us.

Dr. Cloyd:

Mr. Chairman, thank you. It is a delight to be with this Board, and any affiliation with this University is always a labor of love, so I am very pleased to be back.

Mr. Wexner:

Thank you very much.

Wally, do you want to give us the Development and Investment Committee report?

Mr. O'Dell:

Thank you Mr. Chairman. Yesterday the Development and Investment Committee met, and we had two excellent reports.

First Mr. Weiler reported on FY2010 fundraising outcomes. Fundraising activity for the first quarter was about \$55 million, which is a little more than 18% of the goal with 25% of the year elapsed. That activity is on track with past years' results. Mr. Weiler also shared a new cash flow report and pledge fulfillment figures. Pledge fulfillment rates are 92% for major gifts and 70-75% for annual giving. FY2010 cash flow on pledge expectations from prior year pledges is approximately \$20 million.

Also through September 30, \$29.4 million has been raised for the Students First, Students Now campaign. It is right on track with the goal which runs through June 30, 2011.

The major campaign planning continues to progress. Development is refining the University's case statement and preparing to work with the deans to update unit goals and craft case statements for each unit. All work should be completed by the end of this fiscal year. In the short term, an annual report for FY09 is going to more than 3,000 endowment donors. It will include a personalized financial report for each recipient's endowed funds, including details such as names of scholarship recipients.

The Board of The Ohio State University Foundation last week elected Jay Gerlach as chair, and elected Joel Harmon, Keith Monda, and Robert Wright as new members.

Finally the Committee approved the establishment of 16 new funds, one revision, and one termination, totaling just over \$1 million.

Next Mr. Hook delivered the Investment report. Mr. Hook began his report by commenting on the fiscal first quarter of 2010. Returns have been strong through the first quarter and generally throughout 2009, so far. The Long-Term Investment Portfolio totals have crossed back above \$1.8 billion as of September 30. Returns for the first quarter were a positive 10.2% and for the calendar year we are up about 15%. It was stressed to the Committee that the goal of the investment office was to earn strong returns while working to reduce overall portfolio risk and volatility.

Over the past year there have been several changes in the portfolio. The process is slowing down now and the fruits of that effort are beginning to take place. Our equity, fixed income and hedge fund portfolios have performed well and are ahead of their relative benchmarks. The portfolio continues to remain comfortably within its allocation targets. Equity exposures have risen as we have taken advantage of market opportunities as well as participated in the general uptrend through the spring and summer. Fixed income exposures have declined commensurately as the opportunity set has diminished. It is anticipated that this phenomenon will begin to revert back during calendar 2010. We are also looking at ways we can add exposures in the portfolio that help protect against further depreciation in the US dollar.

Lastly we discussed our liquidity metrics and that we currently hold sufficient levels of portfolio liquidity. Mr. Chairman, that concludes my report.

Mr. Wexner:

Thank you. Any questions?

Let me then move on to Judge Marbley who is going to report in the absence of our sick ally and comrade, Mr. Brass.

Judge Marbley:

Thank you Mr. Chairman. The Medical Affairs Committee met yesterday. We had a number of reports, and I will try to move through them with some dispatch. First the ProjectONE scorecard,

and this deals with the Medical Center as opposed to our new hospital. Overall the financial condition of the hospital system is good. The report card was all green, except for two areas, and those were development and occupancy. Those were not red, but yellow. The development metric was yellow at our last meeting; the reason was that we are just launching our campaign. We have already raised \$13 million, and we have \$56.25 million total to raise as a quarterly report, and there has just not been that much activity in the past month, that is the reason Mr. Chairman that we have a yellow report card on that metric as opposed to green, but it is certainly no cause for alarm.

The key financials are all up including the EBIDA margin, the days cash on hand and debt service. It is noteworthy also that patient satisfaction quality and safety indicators are all up. As I mentioned previously, the occupancy numbers remain strong. We have had strong numbers in surgery but most of our surgeries have been outpatient surgeries as opposed to inpatient. There has been a decrease in length of stay of approximately a half a day below budget, and that is because of our efficiency. So we have in effect, Mr. Chairman, been a victim of our own success.

With respect to ProjectONE, the new hospital, at the suspension of activities during the summer in which we took a look back and we all agreed that it was very beneficial and made some very key revisions, we are back on schedule. We have four initiatives that are underway: the cancer critical care tower, the infrastructure and roadways, the RDJ mechanical, electrical, plumbing, and demolition, all of these are on schedule and within budget. With respect to the new hospital, there are two major positions that we are in the process of filling. One is the executive director of the project. We are looking for qualified individuals for that. We have interviewed some, and there are others to be interviewed. We anticipate that position will be filled by the first of the year. We also have a posting for a business manager, and we believe that position will likely be filled internally, but it is not being limited, of course, to internal candidates. We are optimistic that the position will be filled prior to the beginning of the year, but certainly not later than the beginning of the year.

We are very pleased as we always are to announce some very significant promotions, beginning with Dr. Carlo Croce who has been given The Ernst W. Bertner Memorial Award conferred from The University of Texas M.D. Anderson Cancer Center for science and cancer research. Our own Dr. Caligiuri who usually sits with us, but is out for this meeting, was elected president of the Association of American Cancer Institute, and Beth NeCamp has been promoted to chief of communications and marketing. So I think that Dr. Gabbe has once again brought together some outstanding talent and University Hospitals has been accordingly recognized for the talent that we have and that we continue to develop.

With respect to H1N1, about which everyone appropriately should be concerned, we have vaccinated 2,600 people with the H1N1 vaccine. We have approximately 2,200 doses available in addition to 1,600 nasal doses which will be available for ages 2-49. We can

now vaccinate all pregnant women in the University. The President looked at me, as if to say how do you know how many pregnant women there are in the University. I know that was your question. We will venture to guess that there are not over 3,800 pregnant women in the University.

We have 15 H1N1 cases in the hospital, eight are in the intensive care unit, and they are on either ventilators or life support. The cases in the emergency department now number approximately 40 per day, and at the beginning of the month, we were as low as 13 a day. In addition to the H1N1 vaccines, we have 2,500 seasonal flu doses.

The Medical School continues to ascend. We are currently ranked 27th in the US News and World Report ranking. We have jumped 17 slots since 2003, and that is the largest jump in the nation. We have Dr. and Dean Chip Souba to thank in large part for our rapid ascend.

We also received a report on personalized healthcare from Dr. Marsh. We tabled for the next Board meeting, the OSUP integration, and then we have two items on the consent agenda, one is the appointment of Robert Massie to the James Board, the other is the appointment of Daphne Bell to the Ross Hospital Board.

Mr. Chairman that ends my report.

Mr. Wexner:

Thank you very much Monte. Any questions for Judge Marbley.

Ambassador Ong will you give us your report please.

Ambassador Ong:

Thank you Mr. Chairman. The Academic Affairs and Student Life Committee met yesterday afternoon. We heard a number of presentations relating to student life, and academic affairs; each one of which ended with a discussion between the presenters and members of the Committee.

First, vice president for strategic enrollment, Dolan Evanovich, told the Committee that this autumn's enrollment brings a number of record highs, including total University enrollment, as well as enrollment on the Columbus campus and the four regional campuses. Our total undergraduate enrollment is also at an all time high, as is enrollment of out of state students at every level. Our student body grew more diverse this year, and our freshman class once again is better prepared than ever with new records set for high ACT and SAT scores, and for grade point average standing in their high schools. This was noted, as a continuing record setting that has gone up every year since selective admission began in the 1990's.

Vice President Evanovich then turned to a discussion of enrollment and diversity. Following the decision relating to the University of Michigan and the Supreme Court, some years ago, Ohio State

experienced a drop in both applications and enrollments among minority students. The responses of the University have included committing additional funds to minority recruitment, staging radio advertisements and calling campaigns, and initiating a holistic full file review, which has become a national model for promoting diversity in higher education. Despite the very limited pool of qualified minority students, these efforts have paid off. Today, first year retention among minority students is essentially the same as for the overall population, there is no significant difference. The six year graduation rate among minority students continues to lag that of the general population, but that gap continues to close each year. Vice President Evanovich noted that our overall student body seems to be coming more affluent. He said that economic access would be a cornerstone of the enrollment strategic plan to be developed in the coming year.

Then, vice president for student affairs, Javaune Adams-Gaston discussed some of the ways Ohio State supports a diverse student body. She detailed several studies that her office is spearheading to inform future efforts in that area. The vice provost for minority affairs, Dr. Mac Stewart, described a number of particularly successful diversity initiatives, among them a highly regarded young scholars program and the Bell Resource Center. The two vice presidents and the vice provost concluded by telling the Committee about the next steps in broadening student diversity at Ohio State. Recruitment programs will be expanded and financial aid packaging will be once again reviewed.

Vice President William Brustein then turned the Committee's attention to strategies for globalizing the University, which is his area of responsibility. One of the most important of these strategies will be the establishment of global gateways which will serve as bases for faculty research and teaching, portals for study abroad by students, and sites to encourage partnerships with international institutions and Ohio based companies interested in exports. The first gateways will be located, one in China, one in India, and one in Brazil. They will be funded by the University, donors, gateway program fees and partnerships. As they prove successful, there are plans to open several other such portals in other parts of the world.

Another curtail strategy in globalizing the University is expanding the international content of the curriculum. Vice Provost Brustein said that each major will come to include more international options for students. Pilot programs for internationalizing the curriculum are being planned within the arts and sciences, the health sciences and the graduate and professional schools.

Dr. Adams-Gaston then returned to discuss a proposal which was not up for approval yesterday, but simply a status report, a proposal to provide limited legal services for students. The proposed services would include legal advice and representation, provision of sample legal documents and other such materials, as well as an education and outreach program to assist students with legal problems that they may encounter.

October 28 & 29, 2009 meeting, Board of Trustees

The Committee next discussed topics that, this was a brief discussion, it thought about including meetings for the year 2010. There was some discussion of those, importantly, the provost took note of our thoughts and he and I will be discussing arranging agendas for the year 2010 over the next few weeks.

Finally the Committee heard resolutions for revising the University's classified civil service rules, the renaming of Murray Hall to the Institute for Behavioral Medicine Research, the establishment of a Masters of Arts Degree Program in Latin American Studies, the establishment of a Specialized Masters in Business Degree Program and the establishment of an Educational Specialist Degree Program as well as certain personnel actions, all of which were recommended by the Committee for approval by the Board as part of the consent agenda.

That is my report Mr. Chair.

Mr. Wexner:

Thank you, questions?

Dr. Cloyd:

Ambassador Ong, regarding the efforts to enhance the diversity, does the plan include any process related milestones or metrics so we will know how the activities that we want to do to enhance are being done or will we simply have to wait and see what the enrollments are in the future?

Ambassador Ong:

This is in terms of enrollment?

Dr. Cloyd:

Yes, as we try this outreach that you reference that's going to be done to see if we can enhance the diversity of our pool of students, I was just wondering, do we have a process plan where we would be looking at process kind of metrics to see if that is being done the way we wanted it.

Ambassador Ong:

That is very much the case. The three individuals who made presentations in that area, each of their organizations has programs underway, aimed at both enhancing the number of applications from minority students and then providing, what I will call support opportunities, or support programs so that the retention rate at the end of the freshman year continues to improve and more particularly so that the six year degree rate, which still as I mention significantly lags that of the overall student population. So that it is slowly improving, but the gap needs to close on a faster trajectory. So yes, there is a lot of work going on I think, the Committee is convinced in that area.

Dr. Gee:

The answer is yes, but also I think that the opportunity with changing leadership and new leadership with opportunities that exist in our communities, that this is a time for us to carefully take a look about how we can really enhance it. It is just not simply enhancing it, it is also thinking fresh and anew. The provost and I have been talking about that and others and we are actually talking to several folks outside the University who have a strong leadership role in this to help us think this thing through. First we have several members of our own Board, starting with Dr. Reid who has spent a good deal of time on those very issues and so in some ways, we are very blessed with the right set of circumstances.

Janet you might want to add something to that.

Dr. Reid:

I will just enhance some of your comments a bit. As with everything that is important to the University, there has to be a lot of thought behind it and careful planning and so forth. So you are very right on in asking about this because it is time to look anew at what the strategy is and how we will measure that effectiveness and then what it is we will put in place in order to ensure that effectiveness. I think at this point looking at it in a very comprehensive manner is going to be very important, so certainly looking at some of the traditional categories that we have looked at in the past, students of color, etc., will never go away. That is critical. Adding other elements as well will be important, so as Ambassador Ong said, getting people in is one thing, getting them graduated is another thing, but looking at the experience that they have between getting in and getting out is going to be critical as well. You know how many of us sit at the table here and get commended, how many will go out later and make a big impact in the state or in our community. So you are right on, and I think we are right at the very beginning of looking at that.

Mr. Jurgensen:

I think one of the most frightening things we were told yesterday, relative to this issue has to do with our development of the potential incoming pool, and the statistic that was shared with us is that the estimated senior class in Columbus is 16,800. Within that 16,800, it is estimated only 445 students out of 16,800 will score a 25 or higher on their ACTs, and I think our incoming statistic was like, 27.5 here at Ohio State. Hearing about the investment that Dr. Gee referenced that we are making in the Columbus Public Schools is critically important, but this University has an enormous responsibility to do what it can do to increase the number of kids who have Ohio State as an option.

Dr. Gee:

Absolutely, and I just might note that new grant that we talked about is going to be really critical in that effort and it is a very significant

effort on our part, joining with our communities and precisely that programmatic thrust.

Mr. Marion:

Sometimes diversity goes beyond just color and with regards to socioeconomic diversity, the institution went from about 30% of its students being in high need or very high need to 17% within ten years, so we are either doing a much better job of maintaining affordability, which I think we are doing, but also as we increase our academic standards to improve the reputation of the institution we do run the greater risk of those students who come from school districts that may not be able to prepare those students as well, so it is quite a conundrum because we are educating the educators who then educate our incoming students. It is just something that we have to be sensitive to and make sure our academic strategy does not challenge our values.

Dr. Gee:

Well you know our programs on inclusion take into account all those issues, but just remind the Board, this institution has a singularly important record of educating first generation college students beyond almost every other university in this country. If you take a look at that population today, when I was here in the early 1990's it was nearly half of our students, it is about 20-25% now given everything. Which is really quite extraordinary, and I think that is a signature that we want to continue to celebrate and focus on.

Ambassador Ong:

I think another thing that I would add is that while this question of enrollment obviously touches on student life, it actually is central to the academic affairs of the University, because the numbers and the quality of our incoming students is going to in large part help us to establish the higher levels of excellence that we want to see in every part of the University. The Committee has already a number of subjects in the academic affairs category that we are reviewing on an annual basis with those involved in the faculty and administration, and we have added enrollment to that list of annual reviews because it is something the Board ought to really look at and be informed about on an annual basis.

Mr. Wexner:

Any other questions or comments. Good discussion.

Bob Schottenstein had a conflict, so I am going to ask Bill Shkurti to report for the Audit and Compliance Committee please.

Mr. Shkurti:

Thank you Mr. Chairman. The Audit and Compliance Committee met yesterday afternoon and discussed five issues. I will go over each of them briefly.

First of all we had a briefing from Mr. Dolan Evanovich, the vice president for Student Enrollment, and he was a busy man yesterday. His presentation at the Audit and Compliance Committee involved Student Financial Aid Compliance. He let the Committee know that 85% of our students receive some form of financial aid, if student loans are included, and that the total amount of financial aid distributed by the University from a variety of sources in the fiscal year that just ended is \$742 million. So it is quite an important program. He pointed out that OSU had a very good reputation and record regarding compliance. He also introduced the new director of financial aid, Diane Stemper, who is conducting a top to bottom review of how financial aid, although the office works very well, it can be improved.

Then I presented a report on reporting investment returns and expenses, and what that involved was aligning all the various parts of the University that report investment returns, to make sure the reports were consistent. We had a problem with that a couple of years ago, and I was able to report that through the cooperation of a lot of the different offices involved, that we have a consistent method of reporting the returns of the long-term investment pool. Also a common definition and a common definition of expenses and that is reflective in all University documents, and will be our process going forward.

Then Tom Ewing, who is associate controller and Ann Moffitt who is the director of sponsored programs for the Office of Research, reported on what the University was doing regarding federal stimulus reporting and our first official report to the federal government went in just a couple of days ago for the period ending September 30. It reported that we have actually spent \$1.8 million in stimulus money so far, that is not very much, but there is quite a bit in the pipeline. We have awards of \$55 million that have been awarded but not spent yet, and another \$20 million that has been committed. The estimate is that we will be spending probably \$130 million over the next two years in federal stimulus money throughout the University. Mr. Ewing and Ms. Moffitt also reported on a process we have for tracking this money because the federal requirements are very strict, in addition the state auditor has established requirements as well and we are having good cooperation from the various units in the University in making sure we comply with those requirements.

Finally I reported on the financial management scorecard. This is the second annual report on how each of our 38 units, whether college or vice presidential units do regarding its internal controls in five different areas that range from procurement and payroll to sub-certification and a variety of other areas. Even though the standards have been raised in the second report, which was a request of the Committee last year, we have higher compliance among all our units. All the items that were red last year have been cleaned up and we have marked this as a candidate and have actually had progress on continuous improvement.

We then had a report on the audited financials. The audited financials are almost complete and there will need to be a separate

October 28 & 29, 2009 meeting, Board of Trustees

meeting of the Audit and Compliance Committee set up between now and the February Board meeting to go over those in detail.

Finally there was one action item on the agenda regarding the establishment of a new Campus Partners Affiliate. That was withdrawn at the request of the sponsoring unit, so we have no items for action at this point.

Mr. Wexner:

Thank you very much. Questions, comments for Bill?

Jo Ann Davidson, would you like to give us the long awaited Fiscal Affairs Committee Report.

Ms. Davidson:

I would be happy to Mr. Chairman. We had several of our typical reviews in the Fiscal Affairs Committee meeting yesterday, starting out with the Capital Recommendations, which has been an ongoing discussion before Fiscal Affairs. Actually the Capital Recommendations are divided into three tiers, maybe recommendation is the wrong word for that, but there are three tiers of capital requests. Tier one, which includes the north academic core, ProjectONE, the student housing, the south high rise renovations, and the associated infrastructure projects that go along with that, which are major dollars and chillers, that type of thing. In that tier one, funding sources have already been identified and those projects have already been approved and primarily with bond money, but some state capital dollars are involved in that, and some dollars that would be raised from the private sector or come from the various colleges that are involved.

Tier two projects, there are not many funding sources identified for the tier two projects, but they are important. They are the residence hall expansion, the Campus Partners capital support, campus safety and emergency communications facility, additional infrastructure needs and then safety and access and way finding which is of course the signage of how you move around this huge campus. That total just a little bit under \$200 million, and again, funding sources for the tier two projects have not been identified.

The tier three projects are sort of those things that are on the much needed and wish list there, but at this point in time I will not cover those because we are actually working through the tier one and then into the tier two. We discussed what this would involve as far as debt issues. Obviously we are already planning for additional bond to debt issue next year, probably not to exceed \$400 million. What the bonding needs would be in 2012, in 2014 because we need to consider that as we are moving forward. We talked about what we do in risk assessment mitigation. The University fortunately is in a very sound financial position, and most likely will be able to issue that \$400 million next year without any impact upon our bond rating. The biggest challenge really remains in the economic uncertainties that are out there. The best strategy would be to continue to advance academically while remaining financially prudent, would be

to prioritize the capital projects, which we are doing, and move forward on a very selective process. To use circuit breakers when they are called for in determining perhaps when you have to reevaluate, and you would need to use a circuit breaker to build our balance sheet and debt capacity between now and 2012, and to improve our financial forecasting capability.

We also had a report on our first quarter financials, and it is good to know that our health system is doing very well and meeting their goals and financial performance, and that our summer and fall enrollments are good and that our liquidity position continues to be good. The areas of concern clearly are the state general funds budget and also the national economic picture of things that we still need to follow very carefully. One good thing on our financials is that the cost recoveries for our research projects are running much higher than what we anticipated. A lot of that is coming from some of the stimulus research projects and it is up 34% compared to the first quarter of fiscal year 2009. I would encourage the Board members that are not on Fiscal Affairs to take a look at the financial update, because it is very comprehensive.

We had our quarterly report on the status of our projects on campus. Those major four projects actually include the Ohio Union, which is due to open in the spring of next year. The student academic services building, which is due to open in February of next year, Lane Avenue garage, hopefully by mid-December of this year and Kunz Hall renovation which just started? All of those projects are on time and on budget, and obviously we are meeting today in this wonderful library, which actually was one of those projects that was on the list through the way, on time, on budget, so I think that is a very good record.

We have a number of items on the consent agenda today. The first being a resolution to allow our senior vice president for business and finance and our assistant vice president for financial services to refinance outstanding bonds, and or fix the rates of variable interest bonds, if the market makes it feasible to do that. I would stress that this would not be authorizing any new debt service, and it would not extend the payment on the existing debt that we have by this refinancing for any additional length of time. We need to make some required IRS changes to our 403B annuity plan, and that must be done by December 31. Those changes are on the consent agenda today.

We need to have ability for the President to have the power to administer an interim paid disaster leave benefit, in the event that it is needed. Knowing that we are not going to be meeting again, by the schedule at least for a full Board meeting, until February, we want to give Dr. Gee the ability to have that interim power. A full proposal will come back to the Board at the February meeting. There is an item to authorize an increase professional service contracts for our chemical and biomolecular engineering and chemistry building, for the Hopkins Hall mechanical systems improvement and for Mason Hall, for first and second floor renovations and to enter into construction on two of those projects, which would be Hopkins and Mason. There is a resolution to give

interim authorization to the chairman of the Fiscal Affairs Committee, in consultation with the chairman of the Board to authorize design, construction management and or construction contracts and improve other related actions for tier one and tier two capital projects, and in discussions with Chairman Wexner, he is comfortable with that arrangement, knowing that discussing it with him, we could determine whether it needs to be taken to a special Board meeting to make that, so we do not take action on significant projects without involving everyone around the table.

There is a request for a long-term facilities lease, and an amended development agreement with SciTech to lease land to SciTech upon which SciTech would build a 4,580 square foot building on land south of the University property, at 1320 Kinnear Road for a term of 40 years. This is a very important project for our electroscience lab expansion and it has been in the works for a couple of years. In another item on the agenda, we would enter into a 20 year lease for the bulk of that square footage with SciTech for expansion of the electroscience lab. Also the College of Engineering will sublease that property for that particular purpose, and will cover all of the operating expenses. There will be some additional square footage in that expansion that will not be used actually by electro service lab, but it will give them space that they can lease out to other private corporations that are interested in having some space related and co-locating with the electroscience lab. The last item on the agenda is the authorization of a five year lease with a renewal option with Schmack Bioenergy for a biodigester facility located on OARDC and ATI campuses, and Dr. Moser was very much in support of that. It will have a lot of advantages to us on that particular campus. Mr. Chairman, those are all of the items that come to you from the Fiscal Affairs Committee.

Mr. Wexner:

Thank you very much. Questions or comments?

I am going to ask Jo Ann to make a report in Alex Shumate's absence. That report reflects on Dr. Gee's performance review, his annual review. I thought it was good practice for a working group to manage that process outside of the chair. So in addition to Alex, Jo Ann Davidson, Janet Reid and Gil Cloyd, were the members of that working group and again in Alex's absence, if Jo Ann would report for the group.

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PRESIDENT'S EVALUATION

Ms. Davidson:

Thank you Mr. Chairman. I would be happy to do that and I also want to acknowledge Gil's and Janet's involvement in helping through that particular process and certainly Chairman Shumate's leadership of that process.

There can be no question that at the times of challenge and uncertainty in the world at large and in our own back yards. Though we hear statistics and commentary that assure us the economy has begun to climb out of its downturn, we still bear witness every day to the turmoil that is still out there: double-digit unemployment and poverty rates, global environmental threats and a health crisis that includes but certainly is not limited to healthcare coverage debate.

As a land grant-University the largest and arguably the best land-grant University this nation has ever seen, with unmatched breadth of our academic programs, strength of our faculty, staff and students and reach that extends beyond our own neighborhood and across the planet, The Ohio State University is in a singular position to show the way through these times.

But this can happen only with effective leadership capable of steering this complex institution. We, as the Board of Trustees, feel particularly confident that we have exactly the right president in place to lead the University as the University in turn fulfills its promise. Charismatic, intelligent and bold, Gordon Gee brings the level of leadership necessary for Ohio State to achieve its full potential, to indeed move us "from excellence to eminence."

The Board has voiced and acted upon its desire to have a compensation program and philosophy that recognizes our unique complex challenges, benchmarks appropriately on a national scale for higher education, values experience and loyalty, and perhaps most importantly, rewards demonstrated performance.

Toward that end, Chairman Wexner convened a Compensation and Talent Development Working Group, and as he has mentioned today, Gil Cloyd, Janet Reid, Alex Shumate and I served on that working group with the expressed purpose of conducting President Gee's annual review. Mr. Shumate could not be here today, as the chairman mentioned, so I am pleased to deliver the report on behalf of the working group.

The review consisted of two parts: Trustee comments regarding the performance, collected by the working group through individual interviews with each Board member and a report on his achievements against the commitments in the Fiscal Year 2009 strategic roadmap.

The members of the Board had an opportunity yesterday in executive session, as we were discussing personnel issues, to review these comments, but I do want to report for the full group today, and for our guests who are with us.

The comments from Board members are without exception strongly positive regarding President Gee's performance. Even when asked specifically about deficiencies, and I must say here that there were no significant deficiencies noted, members' concerns generally were couched in aspirational terms.

In their overall assessments, members gave President Gee high marks for recruiting an outstanding leadership team, for his continued engagement with faculty, staff and students as well as

with the Board, for building support with the external community and stakeholders, for results with the One University initiative, and for his work to get Project ONE plans finished and approved.

Members used terms such as “inspirational,” “highly effective,” and “a rare breed.” We described him as “hard working, decisive leader,” noted that he is “trusted and held in high regard by those who work for him” and called him a “great ambassador who is on top of every issue.” More than once the working group heard “we are lucky to have him.”

From the day he returned to campus for his second term as President, Gordon Gee has worked steadfastly for these visionary priorities: Forge One Ohio State University, Put Students First, Focus on Faculty Success, Recast our Research Agenda, Commit to our Communities, and Simplify University Systems and Processes.

Since that time he has expanded on those to form a strategic roadmap to success, setting down specific goals with the guidance and support of the Board and defining the tangible action needed to attain them. Let me discuss some specific areas of achievement for each of these goals.

The “One University” strategies including strategic planning, master planning, optimal organizational structure and trans-institutional strategies, are highlighted by the completion of a clearinghouse for university policies, the establishment of an integrated goal setting process across all members of the University’s senior leadership, establishing and funding two collaborative centers for innovation and three innovation groups and realigning governance of the Medical Center.

The president is to be commended for the reassessment and successful launch of ProjectONE, which brought it in line with the overall strategic plan of the University. He also has brought forward the alignment of the arts and sciences colleges, a process that is well under way, in an effort that strengthens the very core of our academic programs. The reconfigured William Oxley Thompson Library has opened, as I mentioned before, on time and on budget and serves as a centerpiece of our academic mission.

“Students First with Academic Excellence and Access” experienced across the board improvements in several national rankings and to the quality of the student experience, which remains very high as indicated by retention rate and survey data. Work still needs to be done to find solutions to short and long-term financial aid plans and to improve achievement on some of the diversity targets that we just discussed a few minutes ago.

With President Gee’s leadership and guidance, the University Senate has approved a plan for the conversion of the academic year from quarters to semesters, which will be a boom to students across the state. Thanks to sound fiscal leadership in the generous support of our statewide leaders, there has been no increase in tuition rates for three years running. Ohio State continues to recruit stronger and

stronger freshman classes and that is one of the numerous factors that have helped bring steady improvements in many national academic rankings.

“Faculty and Staff Talent and Culture” remains a strength of the University. A faculty talent workgroup has been appointed and recommendations made, and new methods and metrics for measuring the competitiveness of faculty compensation have been created. There is a plan in place to modernize our *Classified Civil Service Rules*, and the set of these changes has been implemented. Important steps also have begun to improve the systemic approach to compliance issues without destroying efficiency.

The focus on talent begins at the very top. President Gee has recruited and on-boarded a strong senior leadership team, including some of the nation’s top minds in student life, communications, planning, development, outreach and engagement, the arts and sciences, business and health care, among others. The transformation to a high performance culture continues to move forward within the University.

The University remains strong in terms of “Research Prominence,” as funding has increased from FY08 levels. OSU researchers submitted nearly 450 proposals and have been awarded more than \$76 million from federal stimulus funds. Total research expenditures at Ohio State have reached \$703 million, ranking us at 7th among public universities, and 10th among all public and private universities. The University also is developing stronger relationships with the Department of Energy and the Department of Defense. As a matter of fact, just this week a \$5 million grant was received from the U.S. Department of Energy for advanced energy research. Strong work has been completed to fund the Innovations Center and Groups, and the University has identified and submitted five OSU Centers of Excellence as a part of the University System of Ohio.

Much work is being carried out to develop research pipelines and partnerships, including the establishment of the Industry Liaison Office, master planning for SciTech and expanded partnership with Battelle – a partnership typified by the recruitment of Battelle’s CEO, Jeff Wadsworth, to head the realigned Medical Center Board.

In terms of “Outreach and Collaboration,” accolades were given to the new partnership with the State of Ohio and the University System of Ohio, including redefining Ohio State’s role within them. Other areas within this strategy need further work, are still in process or are slated to begin in FY10. The conversion to a semester based academic calendar was an essential stop in our continued role as the flagship University in the University System of Ohio.

President Gee certainly takes outreach to heart. He visited all 88 counties during his first summer on the job, and went back to 44 of those counties over the past year. He attends hundreds of events locally, regionally and nationally involving current or potential students, alumni and other dignitaries in which he serves as the best ambassador we could hope for – charismatic, energetic and

intelligent while humble. He has laid the groundwork, including the recruitment of another prominent hire, Dr. William Brustein, for the expansion of the University's Global Strategy in meaningful ways with a small number of gateway countries, which have been outlined in the report today.

Finally, "Operating and Financial Soundness and Simplicity" has been a consistently strong area. Operating margins, days of cash on hand and other metrics have stayed at our better than target ranges. The University reported \$94 million in savings from improved operating efficiencies last year and has maintained its double A2 credit rating, and fundraising has been consistent. Numerous offices have implemented simplification procedures in advance of University wide implementation.

With President Gee taking on his aggressive schedule of small targeted meetings with key alumni and friends, we are all making substantial progress on our fundraising, even in the turbulent economic times. And the inaugural Pelotonia event was a rousing success, and congratulations to those of you who participated, putting more than \$4 million directly into the hands of the researchers at The James.

In light of the interviews with the Trustees, we find that President Gee's performance over the past year certainly merits an increase in salary. He has, however, already waived any right to such an increase. We recommend using the one-year cash equivalent of those funds that would have gone to salary increase be used by the University for student support. The faculty and staff of the University received an aggregate salary increase of 2.5%, we recommend that the same 2.5% be decided for the President, an equivalent of \$20,053 on his current salary of \$802,125. We further recommend that those funds be deposited into the Students First Students Now Scholarship Fund.

The bonus arrangement established for the President last year provides for a 35% bonus for achieving target-level performance, up to a maximum of 40% for exceeding target performance and up to an additional 10% for achievement of important multi-year goals.

It should be noted that the target bonus levels for senior leadership, as decided by the President, were adjusted downward 10% this year in recognition of the economic downturn. While the senior leadership group has waived its right to receive the bonuses, the performance process continued uninterrupted. The bonus amounts have been decided and those funds have been accumulated and will be donated to Students First, Students Now scholarship support. It is our recommendation that the same bonus adjustment methodology should be applied to the President. Further, we consider the President achieved target-level performance, meaning he has fully met all of our robust expectations for leading the University and achievement of goals. Accordingly, a bonus of 25% is recommended, which would be the 35% target bonus adjusted downward to 25% due to the recession.

His current base salary as I mentioned before is \$802,125, and the applied bonus would yield \$200,531.

We are all aware that President Gee has a \$1 million personal commitment to the E. Gordon Gee Ohio State Scholarship Fund. We would like to acknowledge his decision to donate any bonus he would receive this year to that fund. He will receive his bonus in his payroll, donate the bonus in its entirety to his commitment and pay the taxes out of his own pocket.

I am very pleased to bring these recommendations forward on behalf of our working group, Mr. Chairman, and I invite your discussion. When we have reached a decision, a motion will be required for our approval of the President's compensation plan and if you would like to facilitate that discussion, Mr. Chairman, I would move that we accept these recommendations today.

Mr. Hicks:

First of all, thanks to Jo Ann, Gil, Alex and Janet for leading a very thorough and transparent process. I know that Alex spent a lot of time on the phone with me seeking feedback, and I am sure that everybody spent time with our colleagues on that, so thank you for doing it.

I could not agree more strongly in the conclusion, the very positive conclusion, and very, very much support the recommendation on pay and bonus. Thank you for making that recommendation.

I thought that each of the specifics that you mentioned was really, really noteworthy, and I am glad you took the time and called those all out. I also thought it was really interesting what former Governor Caperton said, 600,000 students have endured your presidency. That is really something! Of course we care a lot about the 61,000 that are here right now, and so we appreciate your leadership.

I thought of one of the things that as you went through those achievements, one by one, was interesting, was the overall sense of momentum that this place has right now. Each of the individual achievements I think is really noteworthy, but there is clearly a sense of momentum, there is a pace of progress that I think we have not seen in a long, long time. I think the impact that we are having on those 61,000 lives, and the impact that we are going to have and we are having every day on the Ohio economy really cannot be overstated, because we are making a difference and I think the difference that the University is making is greater today because you are here than it has been in the past. I really appreciate that.

The last comment I would say is, I thought it was interesting, a term that our chairman used in another setting earlier this week, which was the term of getting back your mojo. I think that clearly the University has a lot of mojo right now, and so thank you for leading our mojo, Dr. Gee.

Judge Marbley:

Mr. Chairman, I wanted to echo the comments of Mr. Hicks, particularly thanking Ms. Davidson and Mr. Shumate's committee, it is almost like a job. I want to add a couple of comments. President Gee as we all know is true to the face of The Ohio State University, and a happy face I might add. We brought him in to address certain discrete issues that we felt needed to be addressed, and he did that with demonstrated excellence, that is characterized by his career. But that only tells half of the story, the real reason that we brought Gordon Gee back to Ohio State was so he could provide his own brand of leadership and vision. That was the overarching consideration. We were not rudderless, but we needed his leadership and thanks to many of the people on this Board, we went out and got him. The reason I wanted to comment was that while your litany of his accomplishments summarize what he has done, it cannot really capture the leadership that he has provided to all of us. We are just a much better University because of him, and because of the way he interacts with the Board, the way he interacts with faculty and staff and most importantly the way he interacts with and feels about his students.

I think it should be noted that the bonus, whatever we give him would not be enough because of what he does for this University, and he works tirelessly, but at the same time it is an indication of a job well done. It is a high watermark for the University and for Gordon. He has exceeded our expectations, and our expectations were high. So I think that it is important to note that he exceeded target, this is a generous bonus, but a well deserved one. I just wanted to note that for the record. Thank you.

Mr. Jurgensen:

Gordon, in the spirit of Senn Delaney, which I know you are now an expert in, most of what you heard so far is what we appreciate, but there is also a lot of discussion about how you could be even more effective if... and I think, what I took out of the conversation we had about that, is just a couple of things. Number one, the bigger and more far flung and immense this place becomes, the harder it is for you to get yourself and the team to focus on those things that matter the most. It is just very easy to go down the road of a thousand great ideas, in particularly when one's brain works at the speed at which yours does. So I think encouraging you to really have the discipline of focus is something that would be of great use not only to yourself and the University, but also your management team and the faculty.

Also, when I got the calendar of your travels and events and how many places you showed up and how many things you did, and having spent some time in a CEO kind of job, I was blown away. It made me worry about, as a matter of fact, whether or not you run at too high of an rpm sometimes. While a lot of great things have been accomplished, there is, as you continually tell us, there is a lot more to do. Not only do you need to focus a little bit, but you need a little pace management I think in your life. I would encourage you to think about that.

Dr. Cloud:

I would like to underline some aspect of process approach, Gordon, which I think is noteworthy. Speaker Davidson referenced the difficult external environment that we face right now. One of the things it is certainly getting a lot of notoriety, appropriately today, is the absence of accountability of leadership in various institutions. Over the last two years, since you have been here, you have been a proactive leader and supporter of having this institution's leadership be accountable, be performance driven, move to deliverables not just activities and what people will be held accountable for, and it is not just with your leadership team, but you have embraced it for yourself and you have told this Board "grade me on it, judge me on it, hold me accountable." While we are still in the evolution of what that full process is going to be, I think that aspect of the leadership change that you have brought, is one very appropriate. It is the kind of leadership approach that you want to have in a great academic institution like this, and I know it is going to pay The Ohio State University great benefits going forward. So I really applaud the leadership you have brought to this, and the public accountability that you have asked to be brought to you on important deliverables not just around activities.

Dr. Gee:

Could I just say something? First of all the casket will be open and the showing will be at Schoedinger's, between six and nine tonight. I feel like I have been through my funeral here. Jo Ann, thank you for your kind words, and to the committee, I really do appreciate that. It was a very thoughtful process which our chairman put together, and I appreciate that. What I said earlier I really do say to all of you, when I came, I said it was like coming home now. I feel like it is truly my home in which I have a huge investment but it is an investment not only in terms of the University, but it is an investment in terms of friendship, opportunity, quality of life, the difference people have made in my life. You know my daughter and I were talking the other day about the fact that we know of no other place in which we could have been living when she had her accident and lost her husband, rather than here. Just the outreach and the love and support we received, so I want to acknowledge that. I want to acknowledge a great Board, I really do. I really appreciate the opportunity that I have to work with all of you, we have been on a huge learning curve together, and I think that we can, as we talk about the momentum of the University, it is heralded by the fact that our Board has taken this work seriously and are serious about being partners in this effort, and so I want to acknowledge you. I also want to acknowledge the personal relationship and friendship I have with all of you.

I want to just say this to my friends out here, this report that you just heard, although flattering to me is really a report of every one of us. I could go right down the line and talk about our provost, all of our senior vice presidents, about Martha Garland, way back in the back, I see you back there Martha, and so I hope that the report that the president received today, i.e. me, is really one in which you all take great pleasure in. I feel that it is a pleasure to work with such wonderful people, so I thank you for that report.

October 28 & 29, 2009 meeting, Board of Trustees

Upon motion of Ms. Davidson, seconded by Mr. Borrer, the Board of Trustees adopted the foregoing motion by unanimous roll call vote, cast by Trustees Leslie H. Wexner, Chairman, Jo Ann Davidson, John D. Ong, Douglas G. Borrer, Brian K. Hicks, Algenon L. Marbley, William G. Jurgensen, and Janet B. Reid.

Mr. Wexner:

Gordon, Thank you.

Before I ask Gordon to read the consent agenda, following up on what he said, I really appreciate not only Gordon and his contribution before Gordon One and now Gordon Two, but I really appreciate the work of the Board. Privately and publicly to also acknowledge how just the Board works, and working at working being more productive and so much is done in doing and thinking between meetings and it is just such a positive change over the last few years, and so I am likewise appreciative of the partnership with all of you and Dr. Gee.

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CONSENT AGENDA

Dr. Gee:

Thank you Mr. Chairman, we have a total of 23 resolutions on the consent agenda and with the delay of item number 15 mentioned by Mr. Shkurti and his report, we are seeking approval for 22 of those resolutions.

AMENDMENTS TO THE *RULES OF THE UNIVERSITY FACULTY* Resolution No. 2010-21

Synopsis: Approval of the following amendments to the *Rules of the University Faculty* is recommended.

WHEREAS the University Senate pursuant to rule 3335-1-09 of the Administrative Code is authorized to recommend through the President to the Board of Trustees the adoption of amendments to the *Rules of the University Faculty* as approved by the University Senate; and

WHEREAS the proposed changes in the *Rules of the University Faculty* were approved by the University Senate on June 11, 2009:

NOW THEREFORE

BE IT RESOLVED, That the attached amendments to the *Rules of the University Faculty* be adopted as recommended by the University Senate.

(See Appendix XI for background information, page 295.)

October 28 & 29, 2009 meeting, Board of Trustees

REGIONAL CAMPUS BOARD REAPPOINTMENT

Resolution No. 2010-22

Synopsis: Approval of reappointment to The Ohio State University Marion Regional Campus Board is proposed.

WHEREAS the Board of Trustees in 1994 approved the establishment of The Ohio State University Regional Campus Boards; and

WHEREAS it has been previously stipulated that “the board shall be composed of ten members appointed by The Ohio State University Board of Trustees in consultation with the president of the university,” nine members shall be private citizens; and one member shall be a student; and

WHEREAS the following named person has been nominated and selected for reappointment to the OSU Marion Regional Campus Board for the term specified:

Marion Regional Campus Board Reappointment

Stephen D. Keen (2nd term) – effective 7/1/2009, through 6/30/2012

NOW THEREFORE

BE IT RESOLVED, That the foregoing nominee be approved as a member of the OSU Marion Regional Campus Board.

AMENDMENTS TO THE BYLAWS AND THE RULES AND REGULATIONS OF THE MEDICAL STAFF OF THE OHIO STATE UNIVERSITY HOSPITALS

Resolution No. 2010-23

Synopsis: The amendments to the *Bylaws and the Rules and Regulations of the Medical Staff of The Ohio State University Hospitals* are recommended for approval.

WHEREAS The Ohio State University Hospitals Board pursuant to bylaw 3335-101-04 of the *Hospitals Board Bylaws* is authorized to recommend to the Board of Trustees the adoption of amendments to the *Bylaws of the Medical Staff of The Ohio State University Hospitals*; and

WHEREAS these amendments were approved by the University Hospitals Board on August 24 and September 24, 2009:

NOW THEREFORE

BE IT RESOLVED, That the attached amendments are hereby adopted, effective immediately.

(See Appendix XII for background information, page 299.)

**RATIFICATION OF APPOINTMENTS TO
THE MEDICAL CENTER BOARDS**

Resolution No. 2010-24

Synopsis: Ratification of appointments to the Medical Center boards is proposed.

WHEREAS in June 2009, the Board of Trustees authorized the president of the University to take actions necessary and appropriate to appoint members to the Medical Center Board, the University Hospitals Board, the University Hospital East Board, the OSU Harding Hospital Board, the James Cancer Hospital Board, and the Ross Heart Hospital Board; and

WHEREAS all members of these boards shall be appointed in accordance with Board of Trustees Bylaws 3335-93-01 and 3335-104-01, and in consultation with the president of the University:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby ratifies the following appointments, as designated by board and terms of appointment, made by the president pursuant to the resolution adopted by this Board in June 2009:

James Cancer Hospital Board

Robert Massie – effective July 1, 2009 through June 30, 2011

Ross Heart Hospital Board

Daphne Bell – effective July 1, 2009 through June 30, 2010

AMENDMENTS TO THE CLASSIFIED CIVIL SERVICE RULES

Resolution No. 2010-25

SYNOPSIS: Amendments to Chapters 3335-49, 3335-81, and 3335-89 of the Ohio Administrative Code governing the University's Classified Civil Service related to reduction in force are proposed.

WHEREAS in accordance with Section 124.14(F) of the Ohio Revised Code, the Board of Trustees shall carry out all matters of governance involving the officers and employees of the University, including employees in the Classified Civil Service; and

WHEREAS Resolution 2008-47, adopted by the Board of Trustees in November 2007 authorizes the Office of Human Resources, which is the University's appointing authority, in consultation with the Office of Legal Affairs, to make periodic recommendations to the Board regarding the enactment and revision of Classified Civil Service Rules; and

WHEREAS the most recent revision of the University's Classified Civil Service Rules was in June 2009, and the Office of Human Resources now has recommended a number of needed changes in these rules with respect to reduction in force of Classified Civil Service staff; and

October 28 & 29, 2009 meeting, Board of Trustees

WHEREAS these revisions in the Classified Civil Service Rules, as shown on the attached documents, will enable the University to streamline processes, enhance our efficiency and effectiveness, and provide for consideration of performance in making determinations regarding reductions in force of Classified Civil Service employees; and

WHEREAS the University has complied with Ohio Revised Code Section 111.15 in promulgating these amendments to the Classified Civil Service Rules, and the University additionally has provided reasonable notice to all affected University employees and interested groups and a period of time during which such employees or interested groups could submit comments about the proposed Classified Civil Service Rules:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby adopts the attached amendments to the Classified Civil Service Rules, effective January 1, 2010.

(See Appendix XIII for background information, page 323.)

RENAMING OF MURRAY HALL

Resolution No. 2010-26

Synopsis: The renaming of Murray Hall as the Institute for Behavioral Medicine Research is proposed.

WHEREAS the Institute for Behavioral Medicine Research was approved as a formal program by The Ohio State University Board of Trustees in February, 1996; and

WHEREAS the Institute for Behavioral Medicine Research has been highly successful in stimulating and expanding interdisciplinary collaborations through experiments involving social and behavioral influences on the immune response and health of both human subjects and animal models; and

WHEREAS Murray Hall, located on Medical Center Drive adjacent to Dodd Hall, was a state-owned and controlled facility used by the Department of Health and the Ohio Environmental Protection Agency until those agencies vacated the building in May, 2006; and

WHEREAS as agreed between The Ohio State University and the Ohio Department of Administrative Services, when the State of Ohio tenants of Murray Hall ceased to occupy the building and the state deemed it had no further use for the facility, the building thereupon became the property of The Ohio State University; and

WHEREAS The Ohio State University Medical Center has designated Murray Hall as the permanent home of the Institute for Behavioral Medicine Research; and

October 28 & 29, 2009 meeting, Board of Trustees

WHEREAS the renaming of Murray Hall will provide greater recognition for the Institute for Behavioral Medicine Research, assist in recruitment, and help with institutional wayfinding; and

WHEREAS The Ohio State University Office of Development has conducted a thorough investigation into the renaming of Murray Hall and finds no donor associated with the name of that building:

NOW THEREFORE

BE IT RESOLVED, That Murray Hall be renamed the Institute for Behavioral Medicine Research.

**ESTABLISHMENT OF A MASTER OF ARTS DEGREE PROGRAM
IN LATIN AMERICAN STUDIES**

Resolution No. 2010-27

WHEREAS this interdisciplinary, terminal degree proposal is the result of several years of planning by Latin American Studies faculty, in consultation with other Area Studies Centers, the Graduate Studies Chairs of departments/schools with participating faculty, and the Graduate School; and

WHEREAS the program is designed to prepare students who want to continue their undergraduate studies in international relations and diplomacy, economic development and globalization, languages and literatures, history and anthropology, business and economics, to acquire a broader knowledge of Latin America, or a concentrated training in specific disciplines and/or topics regarding Latin America; and

WHEREAS the program will be housed in the Center for Latin American Studies and will be overseen by the Latin American Studies Graduate Studies Committee; and

WHEREAS the proposal was reviewed by the Council on Academic Affairs, and approved by the University Senate at its meeting on May 28, 2009:

NOW THEREFORE

BE IT RESOLVED, That the proposal to establish an M.A. degree program in Latin American Studies is hereby approved, effective upon the approval by the Ohio Board of Regents.

**ESTABLISHMENT OF A SPECIALIZED MASTER'S IN BUSINESS
DEGREE PROGRAM**

Resolution No. 2010-28

WHEREAS there are important categories of graduate business students and career paths for which the MBA degree is not ideally suited; and

October 28 & 29, 2009 meeting, Board of Trustees

WHEREAS although the Fisher College of Business offers master's degrees – in accounting, business logistics engineering, labor and human resources, and business operational excellence – unlike many other colleges/schools of business, there are no degrees in fields such as finance, marketing, organizational behavior and strategy; and

WHEREAS this new degree program will have multiple tracks of specialization with a common set of core classes across tracks, and will begin with tracks in marketing and in finance; and

WHEREAS the proposal was reviewed by the Council on Academic Affairs, and approved by the University Senate on October 15, 2009:

NOW THEREFORE

BE IT RESOLVED, That the proposal to establish a Specialized Master's in Business degree program is hereby approved, effective upon the approval by the Ohio Board of Regents.

**ESTABLISHMENT OF AN EDUCATIONAL SPECIALIST (ED.S.)
DEGREE PROGRAM**

Resolution No. 2010-29

WHEREAS the curriculum in school psychology currently conforms to the standards of the Ohio Department of Education for licensure in school psychology, as well as the approval and accreditation standards of the National Association of School Psychologists and the National Council for Accreditation of Teacher Education – a minimum of 90 quarter hours of post-baccalaureate work for entry into the profession; and

WHEREAS currently the College of Education and Human Ecology offers these students the Master of Arts degree, but they earn credit hours well beyond the 45-credit hour level, thus also awarding the Ed.S. degree would align with actual program length and fulfillment of national standards; and

WHEREAS currently 7 of the 9 school psychology programs in Ohio offer the Ed.S. degree, and establishing such a program will help the University be competitive; and

WHEREAS the proposal was reviewed by the Council on Academic Affairs, and approved by the University Senate at its meeting on October 15, 2009:

NOW THEREFORE

BE IT RESOLVED, That the proposal to establish an Educational Specialist (Ed.S.) degree program is hereby approved, effective upon the approval by the Ohio Board of Regents.

HONORARY DEGREES

Resolution No. 2010-30

Synopsis: The awarding of honorary degrees is recommended for approval.

WHEREAS pursuant to paragraph (B)(4) of rule 3335-1-03 of the Administrative Code, the President, after consultation with the Steering Committee of the University Senate, recommends to the Board of Trustees the awarding of an honorary degree as listed below:

Charles Henry Plumb	Doctor of Public Service
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WHEREAS the Committee on Honorary Degrees and the University Senate, pursuant to rule 3335-5-488 of the Administrative Code, have approved for recommendation to the Board of Trustees the awarding of honorary degrees as listed below:

Francisco Ayala	Doctor of Science
J. Lyle Bootman	Doctor of Science
Thomas L. Friedman	Doctor of Journalism
Edward Humes	Doctor of Humane Letters
John T. Oden	Doctor of Engineering
Solomon Snyder	Doctor of Science
Muhammad Yunus	Doctor of Public Science

NOW THEREFORE

BE IT RESOLVED, That the above honorary degrees be awarded in accordance with the recommendation at a time convenient to the University and the recipient.

**DEGREES AND CERTIFICATES
AUTUMN QUARTER COMMENCEMENT**

Resolution No. 2010-31

Synopsis: Approval of Degrees and Certificates for autumn quarter is proposed.

WHEREAS pursuant to paragraph (E) of rule 3335-1-06 of the Administrative Code, the Board has authority for the issuance of degrees and certificates; and

WHEREAS the faculties of the colleges and schools shall transmit, in accordance with rule 3335-9-29 of the Administrative Code, for approval by the Board of Trustees, the names of persons who have completed degree and certificate requirements:

October 28 & 29, 2009 meeting, Board of Trustees

NOW THEREFORE

BE IT RESOLVED, That the degrees and certificates be conferred on December 13, 2009, to those persons who have completed the requirements for their respective degrees and certificates and are recommended by the colleges and schools, and that the names of those persons awarded degrees and certificates be included in the minutes of this meeting.

PERSONNEL ACTIONS

Resolution No. 2010-32

BE IT RESOLVED, That the personnel actions as recorded in the Personnel Budget Records of the University since the September 18, 2009, meeting of the Board, including the following Appointments, Reappointments, Appointments/Reappointments of Chairpersons and Directors, Leaves of Absence Without Salary, Leave of Absence Without Salary – Continuation, Professional Improvement Leaves, Professional Improvement Leaves – Change in Dates, and Emeritus Titles, be approved.

Appointments

Name: CAROL P. DIEDRICHS
Title: Director
Office: University Libraries
Term: January 5, 2010, through January 4, 2015

Name: TINA M. HENKIN
Title: Professor (Robert W. and Estelle S. Bingham Designated Professorship)
Department: Microbiology
Term: July 1, 2009, through June 30, 2013

Name: JOSEPH E. STEINMETZ
Title: Executive Dean
College: Arts and Sciences
Title: Vice Provost
Office: Academic Affairs
Term: July 1, 2009, through June 30, 2014

Reappointments

Name: LOUIS F. DIMAURO
Title: Professor (The Dr. Edward E. and Sylvia Hagenlocker Chair in Physics)
College: Mathematical and Physical Sciences
Term: October 1, 2009, through September 30, 2014

Name: DOUGLAS M. LAMBERT
Title: Professor (The Raymond E. Mason Chair in Transportation and Logistics)
College: The Max M. Fisher College of Business
Term: July 1, 2009, through September 30, 2014

October 28 & 29, 2009 meeting, Board of Trustees

Appointments/Reappointments of Chairpersons/Directors

ROBERT E. BURNKRANT*, Chair, Department of Marketing and Logistics, effective October 1, 2009, through December 31, 2009.

J. RICHARD DIETRICH*, Chair, Department of Accounting and Management Information Systems, effective October 1, 2009, through September 30, 2010.

SHERRI M. GELDIN*, Director, Wexner Center for the Arts, effective July 1, 2009, through June 30, 2013.

DAVID B. GREENBERGER*, Chair, Department of Management and Human Resources, effective October 1, 2009, through September 30, 2010.

RONALD L. HENDRICK, Director, School of Environment and Natural Resources, effective November 1, 2009, through June 30, 2013.

PAUL J. NINI, Interim Chair, Department of Industrial, Interior, and Visual Communication Design, effective September 1, 2009, through September 30, 2010.

RANDY J. NELSON, Chair, Department of Neuroscience, effective September 1, 2009, through August 31, 2013.

DOROTHY P. NOYES*, Director, Center for Folklore Studies, effective October 1, 2009, through September 30, 2013.

RANDALL J. OLSEN*, Director, Center for Human Resource Research, effective August 1, 2009, through June 30, 2013.

PETER T. WARD*, Chair, Department of Management Sciences, effective July 1, 2009, through June 30, 2010.

*reappointment

Leaves of Absence Without Salary

JULIA S. MEYER, Assistant Professor, Department of Physics, effective Winter Quarter and Spring Quarter 2010, for personal reasons.

WAYNE W. WU, Assistant Professor, Department of Philosophy, effective Spring Quarter 2010, for professional growth.

Leave of Absence Without Salary – Continuation

INDIRA L. CHATTERJI, Assistant Professor, Department of Mathematics, effective Autumn Quarter 2009, for personal reasons.

Professional Improvement Leaves

WILLIAM P. EVELAND, JR., Professor, School of Communication, effective Winter Quarter and Spring Quarter 2011.

October 28 & 29, 2009 meeting, Board of Trustees

KENNETH LEE, Professor, Department of Food Science and Technology, effective Winter Quarter and Spring Quarter 2010.

CURTIS P. HAUGHTVEDT, Associate Professor, Department of Marketing and Logistics, effective Winter Quarter and Spring Quarter 2010.

ANDREW F. HAYES, Associate Professor, School of Communication, effective Winter Quarter and Spring Quarter 2011.

OSEI APPIAH, Associate Professor, School of Communication, effective Winter Quarter and Spring Quarter 2011.

Professional Improvement Leave – Change in Dates

VLADIMIR M. SLOUTSKY, Professor, Department of Psychology, change effective dates from Autumn Quarter 2009, Winter Quarter and Spring Quarter 2010 to Autumn Quarter 2009 and Winter Quarter 2010.

Emeritus Titles

DANIEL M. FARRELL, Department of Philosophy with the title Professor Emeritus, effective April 1, 2010.

VICTORIA E. URIS, Department of Dance with the title Professor Emeritus, effective January 1, 2010.

RONALD L. WHISLER, Department of Internal Medicine with the title Professor Emeritus, effective October 1, 2009.

JOHN J. FROMKES, Department of Internal Medicine with the title Associate Professor Emeritus, effective October 1, 2009.

MARTHA M. GARLAND, Department of History with the title Associate Professor Emeritus, effective January 1, 2010.

ROBERT R. HITE, School of Educational Policy and Leadership with the title Associate Professor Emeritus, effective January 1, 2010.

DONNA R. LONG, Department of Spanish and Portuguese with the title Associate Professor Emeritus, effective January 1, 2010.

JAMES N. UPTON, Department of African American and African Studies with the title Associate Professor Emeritus, effective January 1, 2010.

PATRICIA B. CALDWELL, Department of Internal Medicine with the title Clinical Assistant Professor Emeritus, effective October 1, 2009.

WILLIAM M. SHIPLEY, Department of African American and African Studies with the title Assistant Professor Emeritus, effective April 1, 2010.

RESOLUTIONS IN MEMORIAM

Resolution No. 2010-33

David Y. Chen

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on May 28, 2009, of David Y. Chen, Associate Professor Emeritus in the Department of East Asian Languages and Literatures.

He is remembered with great fondness by the staff, faculty, and former students of the Department of East Asian Languages and Literatures at The Ohio State University. He was one of the founding members of the Department and was regarded by all as an inspirational teacher, a fine colleague, and a good friend.

Professor Chen received his B.A. degree from National Taiwan University, his M.A. degree from Southern Illinois University, and his Ph.D. degree from Indiana University. He came to OSU in 1967 after teaching at Stanford and Yale. He was one of the first teachers nationally in a department of Asian languages and literature to have a degree in comparative literature. All can speak to his vast knowledge of Chinese literature and especially Chinese drama and theater, but he was equally cultured in his knowledge of western literature and drama. He established the strong tradition the Department of East Asian Languages and Literatures has in the promotion of Asian performing arts.

Professor Chen's research interests were wide-ranging. He was a pioneer in introducing Lu Xun's poetry to an English-speaking public. But he seems to have been equally at home in classical literature and modern literature. He taught courses on Chinese opera and other theatrical forms, and he was responsible for collecting the Chinese opera costumes and musical instruments OSU possesses and which continue to be utilized by Professor Marjorie Chan, who offers a course in Chinese opera.

Dr. Chen was a dedicated and inspiring teacher. Undergraduates routinely praised his deep knowledge of his subject, how much they learned from him, and his availability to help when needed. His courses for undergraduates were among the most popular offered by the Department of East Asian Languages and Literatures. Professor Chen devoted a great deal of time and effort to teaching and guiding his graduate students to successful careers.

Professor Chen retired in 1994. In departmental matters, he was never petty or jealous. One must recognize him as one of the few who planted the seeds of and nurtured East Asian Studies at Ohio State.

On behalf of the University community, the Board of Trustees expresses to the family of Associate Professor Emeritus David Y. Chen its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

October 28 & 29, 2009 meeting, Board of Trustees

John E. Craine

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on August 29, 2009, of John E. Craine, Professor Emeritus in the Ohio State University Extension.

Professor Craine was born in 1924 in Continental, Ohio. He received his Bachelor of Science in Agriculture degree in 1950 and his Master of Science (agricultural education) degree in 1963, both from The Ohio State University.

John began his Extension career in Ohio in July of 1956 as the associate county extension agent in Darke County. In 1960 he became the county agricultural agent in Greene County, and held this appointment until he retired in early 1984 with the title of Professor Emeritus.

Professor Craine's contributions in providing Extension educational programs during his career proved that he was truly dedicated to Extension. He had a strong belief in the committee system that resulted in cattlemen establishing a commercial beef carcass contest, a sheep in-store lamb promotion program, the development of an agronomy demonstration program, and corn and soybean production clubs.

John also gave leadership to the development of a 33-mile bicycle trail in the Greene/Clark County area. His leadership in educational programs in rural zoning resulted in all Greene County townships adopting zoning by 1969. He received the Distinguished Service Award from the National Association of County Agricultural Agents as well as the Excellence in Extension Award from Ohio.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Emeritus John E. Craine its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

Suzanne Kidd Damarin

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on June 17, 2009, of Suzanne Kidd Damarin, Professor in the School of Educational Policy and Leadership.

Professor Damarin graduated cum laude from Wilson College with an A.B. degree in mathematics. She received an M.A. degree and did doctoral coursework in mathematics at Bryn Mawr College.

She received her Ph.D. degree in mathematics education from Ohio State in 1976. After serving as director of the Technology and Basic Skills Laboratory here, she joined the College of Education faculty in 1981 and rose to full professor in 1992. She was director of academic technology for the College from 2001-04 and interim associate dean for faculty from 2004-06. Between 1995 and 1997 she was an Ameritech scholar.

October 28 & 29, 2009 meeting, Board of Trustees

She received a number of grants during her career including \$1.2 million from the U.S. Department of Education for a "Technology Enhanced Teaching and Learning" implementation grant.

Dr. Damarin was an active member of the University community and served on numerous school, college and university committees. She was an impassioned proponent of equitable hiring practices at the University and in 1995 won the Distinguished Affirmative Action Award. She also won the Founders Award for Outstanding Faculty, the Success Story Award for Multicultural Teaching, the MaryAnn Williams Leadership Award, and the Creative Programming Award demonstrating the range of her talents.

In an autobiography, Suzanne said throughout her career, her "teaching, research, and scholarship have been at the intersections of issues related to social diversity with issues in the fields of mathematics and technology." Recent projects looked at how women who leave "the pipeline" get back in; the unintended consequences of information and communications technologies on academic practice; and the radical intra-actions of gender, mathematics, and technology.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Suzanne Kidd Damarin its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to her family as an expression of the Board's heartfelt sympathy.

E. Leonard Jossem

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on August 29, 2009, of E. Leonard Jossem, Professor Emeritus in the Department of Physics.

Professor Jossem was associated with the OSU Physics Department for 53 years, serving as chairman from 1967-80. He received his B.S. degree from the City College of New York and his M.S. and Ph.D. degrees from Cornell University. During World War II he served as a staff scientist at Los Alamos National Lab and worked on the Manhattan Project.

His lifelong devotion to the teaching of physics ran the gamut from his frequent hands-on demonstration "The Physics of Toys" for elementary and high school students, to his 40 years of leading U.S. and international movements that molded today's physics education and physics education research.

Among his numerous national leadership positions was service with the National Academy of Sciences-National Research Council; membership on the U.S. National Advisory Committee on Education, making recommendations to the president and U.S. Congress; 24 years of service with the American Institute of Physics, serving on four committees and its governing board; as fellow and life member of the American Association for the Advancement of Science; and 61 years of leadership with the 11,000 member American Association of Physics Teachers (AAPT), serving as president from 1973-74.

October 28 & 29, 2009 meeting, Board of Trustees

Professor Jossem was a fellow of the American Physical Society; life fellow of the Royal London Royal Society of Arts, fellow of the London Institute of Physics, and member of The New York Academy of Sciences, the Indian Association of Physics Teachers, the American Society of Engineering Education, the American Educational Research Association, Sigma Pi Sigma, Groupe International de Recherche sur l'Enseignement de la Physique, Sigma Xi, and Phi Kappa Phi.

His other global efforts included service as U.S. Liaison with the International Union of Pure and Applied Physics (IUPAP), chair of the IUPAP International Commission of Physics Education, member of the Teaching of Science committee for the International Council of Scientific Unions, on UNESCO's Physics Action Council, and the National Science Teachers Association International Relations Committee.

His numerous awards and honors include the IUPAP International Commission on Physics Education Medal of Excellence, the AAPT's prestigious Melba Newell Phillips Award (given only 11 times), as well as AAPT's Distinguished Service Citation and its Oersted Medal, plus The Ohio State University's 2001 Distinguished Service Award.

From the early 1980s Len Jossem began building physics education collaborations with Chinese universities and was an honorary professor at Southeast University, Beijing Teachers College, and Beijing Normal University. Just six weeks prior to his death, he hosted a luncheon and dinner for visiting Chinese physics colleagues and their undergraduate students.

Professor Jossem was a gentleman whose wisdom inspired many. If there was a disagreement among colleagues, his suggestions were so well stated that participants felt good about changing their minds. His advice was always connected to reality and his demeanor crossed cultures.

Professor Jossem made generous financial contributions to The Ohio State University Physics Department through the years. The E. Leonard Jossem Physics Education Advancement Fund has been created for memorials in his honor, and it will provide support for OSU physics students working in physics education research.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Emeritus E. Leonard Jossem its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

Jack R. Parrish

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on July 27, 2009, of Jack R. Parrish, Associate Professor Emeritus in the College of Dentistry.

Jack R. Parrish served his country in World War II as a member of the U.S. Navy. After graduating from The Ohio State University with a B.A.

October 28 & 29, 2009 meeting, Board of Trustees

degree in 1949, he pursued a career in dentistry, receiving his D.D.S. degree from OSU's College of Dentistry in 1952. He maintained a dental practice in Bexley, Ohio, for 40 years. He was an excellent practitioner who was loved by his patients.

Dr. Parrish was very involved in his profession. He served as president of the Columbus Dental Society as well as secretary-treasurer of the Ohio Dental Association. He was employed by Ohio State's College of Dentistry from 1959 until 1983, when he retired with emeritus status.

Dr. Parrish was a dedicated and compassionate teacher. He was well liked by students, staff, and faculty. He enjoyed sharing his experience and knowledge of dentistry with the students and welcomed their questions. He always had a smile on his face and a pat on the back for students and coworkers.

His compassionate nature was evidenced by his mentoring for the Big Brothers Big Sisters organization. Through his efforts, the quality of life for several young men was improved. Dr. Parrish also was a generous benefactor, donating to many groups and charitable organizations. He never refused a request for financial assistance from a worthwhile group.

On behalf of the University community, the Board of Trustees expresses to the family of Associate Professor Emeritus Jack R. Parrish its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

Ralph A. Porterfield

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on June 18, 2009, of Ralph A. Porterfield, Professor Emeritus in the Department of Animal Sciences.

Professor Porterfield spent his life in service; service to his country, to the dairymen of Maryland and Ohio, to students, 4-H participants and the public.

Following graduation from OSU, Porterfield was inducted into the United States Army and served three years during WWII. After his discharge, he became extension dairyman at the University of Maryland. While at Maryland he developed all of the dairy 4-H literature. He worked with the Purebred Cattle Association in developing statewide educational programs. Professor Porterfield trained the 4-H judging teams that won four national contests and took the 1947 winning team to York, England, placing second in that international contest. He coached the high individual in the contest.

Dr. Porterfield came to Ohio in 1951. He updated all of the 4-H Dairy literature and developed 10 4-H project books. He was responsible for Ohio Dairy Production Records program for six years. He had the responsibility for Extension dairy planning for the southeast quarter of Ohio and state responsibility for dairy herd management. He taught

October 28 & 29, 2009 meeting, Board of Trustees

courses at OSU in selection and herd management. He made an important contribution as editor of the *Ohio Herd Improvement Observer*, and interpreted manuscripts of others and made them more readable while preserving their message and style.

Professor Porterfield was a nationally respected dairy judge. He judged state shows in six different states and two national shows. He coached the OSU Dairy Cattle Judging Team to second place in the National Contest in 1980. Nationally he had leadership roles in the American Dairy Science Association and National 4-H Dairy Conference.

A summary of his publications shows over 200 *Ohio Herd Improvement Observer* articles, five Extension and Research Bulletins, nine Extension circulars, 10 dairy guide leaflets and 18 *Hoard's Dairyman and Breed* publication articles, not to mention the 11 books of inspirational poems he wrote in retirement. He had contributed to new knowledge by conducting and reporting several national and state research type surveys.

His personal traits made him effective with people. In farm consultations, he asked the probing questions that allowed him to diagnose problems and help the dairyman to more thoroughly understand his business. When teaching, he was always prepared and handled all questions in a way that made the questioner feel that he had made a contribution. He was completely dedicated to youth and, when judging projects in the show ring, always gave the participant a sense of accomplishment. He was cooperative and pleasant with co-workers, and was a family man who contributed to his church and community.

On behalf of the University community, the Board of Trustees expresses to the family of Professor Emeritus Ralph A. Porterfield its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to his family as an expression of the Board's heartfelt sympathy.

Phyllis Baker Rolfe

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on September 12, 2009, of Phyllis Baker Rolfe, Assistant Professor Emeritus in the School of Teaching and Learning.

She received her B.S.Ed. degree from Wittenberg University and M.A. degree from The Ohio State University. Her 1962 thesis, 'The significance of school entrance age on reading success,' can still be found at the University's Book Depository. She was a member of Delta Kappa Gamma, Pi Lambda Theta, and Phi Delta Kappa honoraries.

An educator for over 39 years, Professor Rolfe taught in the Grandview school system for 25 years before coming to OSU in 1963. She taught the third/fourth grade rotation in the University School, an experimental K-12 program within the College of Education, located in Ramseyer Hall. She was an Ohio State faculty member for 14 years.

October 28 & 29, 2009 meeting, Board of Trustees

The K-12 Experimental Research part of the University School linked teaching, research, and service at a time when very little research was interwoven with the actual practice of teaching. The University School students were recruited and selected to reflect the same demographic data in the Columbus Public Schools. Thus, experimental teaching and learning strategies were explored, data gathered, and recommendations synthesized from the data. Students had a phase-in program during their kindergarten years. All groups stayed together through the entire K-12 program.

Each teacher established a grade specific parent/teacher working network. Parents were actively exploring with Professor Rolfe to maximize the wide variety of skills needed to exceed in our evolving society. After the University School closed in 1968, she became an assistant professor in the College of Education and taught children's literature and math methods courses. She also served as the coordinator of the student teaching program for several years.

She retired from Ohio State in 1977, and spent her retirement living in Sarasota, Florida, and traveling in the U.S. and Europe.

On behalf of the University community, the Board of Trustees expresses to the family of Assistant Professor Emeritus Phyllis Baker Rolfe its deepest sympathy and sense of understanding of their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to her family as an expression of the Board's heartfelt sympathy.

UNIVERSITY DEVELOPMENT REPORT

Resolution No. 2010-34

Synopsis: The University Development Report for September 2009 is presented for Board acceptance.

WHEREAS monies are solicited and received on behalf of the University from alumni, industry, and various individuals in support of research, instructional activities, and service; and

WHEREAS such gifts are received through The Ohio State University Development Fund and The Ohio State University Foundation; and

WHEREAS this report includes the revision of the Dr. Thomas E. Powers Endowed Chair in Veterinary Clinical Pharmacology and the establishment of the Robert W. and Estelle S. Bingham Designated Professorship, the establishment of fifteen (15) new named endowed funds, the revision of five (5) named endowed funds and the termination of one (1) named endowed fund.

NOW THEREFORE

October 28 & 29, 2009 meeting, Board of Trustees

BE IT RESOLVED, That the acceptance of the report from The Ohio State University Development Fund and The Ohio State University Foundation for September 2009 be approved.

(See Appendix XIV for background information, page 341.)

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

	<u>Total Gifts</u>
<u>Change in Description of Named Endowed Chair</u>	
Dr. Thomas E. Powers Endowed Chair in Veterinary Clinical Pharmacology	
<u>Establishment of Named Designated Professorship</u>	
Robert W. and Estelle S. Bingham Designated Professorship (Established with annual distributions from the Robert W. and Estelle per year for 5 years S. Bingham Fund in the College of Biological Sciences; used to provide program support for the work of an outstanding researcher and teacher in the biological sciences)	\$40,000.00
<u>Establishment of Named Endowed Funds</u>	
The Spirit of '76 Fund (Established with gifts from members of the Optometry Class of 1976; used to provide a scholarship for one student enrolled in the College of Optometry who demonstrates academic promise and financial need) (grandfathered)	\$26,520.04
The Dan Kush Gwynne Conversation Area Educational Fund (Established with gifts from the friends of the Ohio Department of Natural Resources – Soil and Water Conservation Districts, of the Farm Science Review, and of the Gwynne Conservation Area at the Molly Caren Agricultural Center, in memory of Dan Kush; used for the development and implementation of educational programs, exhibits, and displays to enhance the public's knowledge of natural resources and conservation management in the Gwynne Conservation area) (grandfathered)	\$26,417.91
<u>Change in Name and Description of Named Endowed Funds</u>	
From: Physics Education Advancement Fund	
To: E. Leonard Jossem Physics Education Advancement Fund	

October 28 & 29, 2009 meeting, Board of Trustees

From: The College of Food, Agricultural, and Environmental
Sciences Study Abroad Fund
To: The Dorothy Southard Family Scholarship Fund

THE OHIO STATE UNIVERSITY FOUNDATION

Establishment of Named Endowed Funds

Joseph J. Murphy and Virginia R. Murphy Scholarship Fund (Established with an estate gift from Virginia R. Murphy in memory of her husband Joseph J. Murphy; used to provide academic, non-athletic scholarships for undergraduate and/or graduate students)	\$448,575.73
The Dr. Ernest Svensson Lecture Fund (Established with gifts from faculty, friends, and former students of Dr. Svensson; used to provide lecturers at the annual Carl O. Boucher Prosthodontics Conference held in Columbus, Ohio)	\$59,757.80
Tri-County OSU Alumni Club Fund (Established with gifts from members of the Tri-County OSU Alumni Club; used to provide scholarships for undergraduate students)	\$56,385.00
The Dr. Earl O. and Karen O. Strimple Human-Animal Bond Fund (Established with a gift from Gregory and Karen Strimple in honor of Greg's parents; used to support two scholarship awards to the third- or fourth-year students enrolled in the College of Veterinary Medicine who write the best essays about the human-animal bond)	\$53,457.50
The Dale E. and Bernice E. Mansperger Endowment Fund (Established with gifts from The Dale E. and Bernice E. Mansperger Foundation, Inc.; used for the care and upkeep of 4-H Camp Palmer)	\$53,445.00
Chemistry Lecture Fund (Established with a gift from the Pitzer Family Foundation provided at the suggestion of Russell Pitzer; used to support existing lectures in the Department of Chemistry that do not have an endowment)	\$50,705.00
Norman J. Uretsky Graduate Award Fund (Established with a gift from Mrs. Ella Uretsky in memory of Norman J. Uretsky; used to provide a yearly award to support the research of an outstanding graduate student in the Division of Pharmacology with preference given to students studying neuropharmacology)	\$50,600.00

October 28 & 29, 2009 meeting, Board of Trustees

Dr. Carol J. Greco-Delaney Endowed Scholarship Fund (Established with gifts from Rick A. Delaney in honor of Dr. Carol J. Greco-Delaney, her parents Gene and Jean Greco, and all families who continue to give and receive care during a time of challenge and celebration; used to support a masters student enrolled in the College of Social Work)	\$50,200.00
Sheldon Shore Lecture Fund in Chemistry (Established with gifts from family, friends, and colleagues in honor of Dr. Sheldon Shore; used to support the Shore Lecture in the Department of Chemistry) (grandfathered)	\$42,635.00
Gerald J. Hudec Scholarship Fund (Established with gifts from Gerald J. Hudec; used to provide scholarships to undergraduate students enrolled in the College of Pharmacy) (grandfathered)	\$25,400.00
Class of 1963 Endowed Nursing Scholarship Fund (Established with gifts from members and friends of the OSU Class of 1963; used to provide scholarships to benefit students enrolled in the College of Nursing) (grandfathered)	\$25,295.00
Hrusovsky Family Excellence Award Fund (Established with gifts from John J. Hrusovsky; used to provide an award to recognize an outstanding undergraduate student enrolled in the Fisher College of Business) (grandfathered)	\$25,000.00
The Judy VanDemark Lindamood and Robert Lindamood Family Scholarship Fund (Established with gifts from Dr. Judy Lindamood and Dr. Robert Lindamood in memory of her father Noland VanDemark; used to support scholarships for students enrolled in the Department of Human Development and Family Science in the College of Education and Human Ecology) (grandfathered)	<u>\$25,000.00</u>
<u>Termination of Named Endowed Fund</u>	
The Shaun and Jennifer Clark Softball Scholarship Fund	
<u>Change in Description of Named Endowed Funds</u>	
The Jim and Nancy Patterson Endowment Fund	
Camie Vacha Memorial Scholarship Fund	
Veterinary Medicine Class of 1954 Endowed Scholarship Fund	
Total	\$1,019,393.98

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

Change in Description of Named Endowed Chair

Dr. Thomas E. Powers Endowed Chair in Veterinary Clinical
Pharmacology

The Thomas E. Powers Veterinary Clinical Pharmacology Fund was established February 5, 1988, by the Board of Trustees of The Ohio State University with gifts from the Schering-Plough Foundation, Inc. Additional gifts were added to the fund by Dr. Joseph S. McCracken (D.V.M. 1979, M.S. 1980), Dr. Thomas E. Powers (D.V.M. 1953, Ph.D. 1960), and Dr. Jean D. Powers. The required funding was reached and the chair was established as the Dr. Thomas E. Powers Endowed Chair in Veterinary Clinical Pharmacology April 7, 2006. The description was revised September 18, 2009, and was revised again October 29, 2009.

The annual distribution from this fund shall be used to support an eminent faculty member at the College of Veterinary Medicine. The appointee will be actively and productively engaged in (a) veterinary clinical pharmacology research as evidenced by publications in peer-reviewed professional journals and investigator-initiated research; (b) teaching professional and graduate students as evidenced by courses and student evaluations; and (c) promoting dialogue between academia, government and industry as evidenced by joint conferences, consultations, or other professional activities. Until the chair appointment is made, the annual distribution shall be returned to principal.

Candidates shall be recommended by the dean of the College of Veterinary Medicine and the chairperson of the Department of Veterinary Clinical Sciences. During their lifetimes, Drs. Tom and Jean Powers and Dr. Joseph McCracken shall be notified regarding the final decision on the chair holder. The activities of the endowed chair holder shall be reviewed no less than every five years by the College's dean to determine compliance with the intent of the donors as well as the academic and research standards of the University.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the University's Board of Trustees. In making this alternate designation, the Board shall seek advice from the donors, should they be alive, and from the dean of the College of Veterinary Medicine.

October 28 & 29, 2009 meeting, Board of Trustees

Establishment of Named Designated Professorship

Robert W. and Estelle S. Bingham Designated Professorship

The Robert W. and Estelle S. Bingham Designated Professorship was established October 29, 2009, by the Board of Trustees of The Ohio State University with the annual distribution from an endowed discretionary fund, the Robert W. and Estelle S. Bingham Fund in the College of Biological Sciences.

The Bingham Designated Professorship shall provide program support for the work of an outstanding researcher and teacher in the biological sciences. The Bingham Professor shall be appointed for a five-year term by the Board of Trustees of The Ohio State University as approved by the dean of the College of Biological Sciences. The Bingham Designated Professorship fund is renewable at the end of the five-year commitment. The Bingham Professor may be reappointed to another term following favorable assessment of the holder's academic performance and accomplishments.

Amount Establishing Fund: Minimum \$40,000.00 per year for 5 years, from fund #260490

Establishment of Named Endowed Funds

The Spirit of '76 Fund

The Spirit of '76 Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University with gifts from members of the Optometry Class of 1976.

The annual distribution from this fund shall provide a scholarship for one (1) student enrolled in the College of Optometry who demonstrates academic promise and financial need. Recipients shall be selected by the College's dean or his/her designee in consultation with the University's Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be reinvested in the endowment principal at the discretion of the dean of the College of Optometry.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment

October 28 & 29, 2009 meeting, Board of Trustees

ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the University's Board of Trustees. In making this alternate designation, the Board shall seek advice from a representative of the donors, should one be available, and from the dean of the College of Optometry.

Amount Establishing Endowment: \$26,520.04 (grandfathered)

The Dan Kush Gwynne Conservation Area Educational Fund

It was proposed that The Dan Kush Gwynne Conservation Area Educational Fund be established October 29, 2009, by the Board of Trustees of The Ohio State University with gifts from friends of the Ohio Department of Natural Resources – Soil and Water Conservation Districts, of the Farm Science Review, and of the Gwynne Conservation Area at the Molly Caren Agricultural Center, in memory of Dan Kush, former Ohio Department of Natural Resources – Soil and Water Conservation Districts employee and member of the Gwynne Conservation Area Committee.

The annual distribution from this fund shall be used in the development and implementation of educational programs, exhibits, and displays to enhance the public's knowledge of natural resources and conservation management in the Gwynne Conservation Area. First preference shall be given to the provision of quality educational opportunities for the Ohio school children who utilize the site as an outdoor classroom annually. The fund shall be directed by the manager of the Farm Science Review or his/her appointee.

In any given year that the endowment distribution is not fully used for its intended purposes, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the University's Board of Trustees. In making this alternate designation, the Board shall seek advice from the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences, in consultation with the manager of the Farm Science Review.

Amount Establishing Endowment: \$26,417.91 (grandfathered)

Change in Name and Description of Named Endowed Funds

E. Leonard Jossem Physics Education Advancement Fund

The Physics Education Advancement Fund was established February 3, 1984, by the Board of Trustees of The Ohio State University with gifts from Dr. E. Leonard Jossem, friends, family, and colleagues. The name and description were revised October 29, 2009.

The annual distribution from this fund shall support graduate level students in the College of Mathematical and Physical Sciences who are conducting physics education research. Expenditures shall be approved by the chairperson of the Department of Physics.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the chairperson of the Department of Physics.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the University's Board of Trustees. In making this alternate designation, the Board shall seek advice from the chairperson of the Department of Physics.

The Dorothy Southard Family Scholarship Fund

The College of Food, Agricultural, and Environmental Sciences Study Abroad Fund was established June 1, 2007, by the Board of Trustees of The Ohio State University with a gift from the Southard Foundation in honor of Dorothy Southard. The name and description were revised October 29, 2009.

The annual distribution from this fund shall provide annual scholarships for undergraduate students from rural Ohio who demonstrate financial need and who are enrolled in the College of Food, Agricultural, and Environmental Sciences. For the purposes of this scholarship, the College includes ATI-Wooster and Ohio State's regional campuses, in addition to Ohio State's main campus. Preference shall be given to entering freshmen, students who have participated in 4-H, and students with stated intentions to pursue farm-related careers. The scholarship may be awarded to the same students in successive years provided the students remain in good academic standing and are progressing toward their degrees. Scholarship recipients will be selected by the vice president for agricultural administration and

October 28 & 29, 2009 meeting, Board of Trustees

executive dean for Food, Agricultural, and Environmental Sciences or his designee in consultation with the Office of Student Financial Aid. As sufficient funds are available, it is the donor's preference to have scholarship awards equivalent to 50% of full-time in-state tuition. This preference shall not preclude the College from making awards of lesser amounts based on the number and needs of qualified candidates.

In any given year that the endowment distribution is not fully expended, the unused portion may be reinvested in the endowment principal or held in the distribution account to be used in subsequent years and only for the purposes of the endowment at the direction of the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the University's Board of Trustees. In making this alternate designation, the Board shall seek advice from Martha and/or Steve Southard, should they be alive, and from the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences.

THE OHIO STATE UNIVERSITY FOUNDATION

Establishment of Named Endowed Funds

Joseph J. Murphy and Virginia R. Murphy Scholarship Fund

The Joseph J. Murphy and Virginia R. Murphy Scholarship Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with an estate gift from Virginia R. Murphy in memory of her husband Joseph J. Murphy (B.S.Agr. 1947).

The annual distribution from this fund shall provide academic, non-athletic scholarships for undergraduate and/or graduate students with preference given to undergraduate students. Recipients shall be selected by the director of the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

October 28 & 29, 2009 meeting, Board of Trustees

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the director of the Office of Student Financial Aid.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the director of the Office of Student Financial Aid.

Amount Establishing Endowment: \$448,575.73

The Dr. Ernest Svensson Lecture Fund

The Dr. Ernest Svensson Lecture Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from various faculty, friends, and former students of Dr. Svensson.

The annual distribution from this fund shall be used to provide payment for speaking and/or for expenses for one or more lecturers at the annual Carl O. Boucher Prosthodontics Conference held in Columbus, Ohio. The honored lecturers will be chosen at the annual conference by the Executive Committee of the Conference. If the Carl O. Boucher Prosthodontic Conference ceases to exist, then the chairperson of the Restorative Division, in consultation with the director of Graduate Prosthodontics, will select the lecturers who will speak at the College. Expenditures shall be approved by the dean of the College of Dentistry.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Dentistry.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

October 28 & 29, 2009 meeting, Board of Trustees

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the dean of the College of Dentistry.

Amount Establishing Endowment: \$59,757.80

Tri-County OSU Alumni Club Fund

The Tri-County OSU Alumni Club Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from members of the Tri-County OSU Alumni Club.

The annual distribution from this fund shall provide a need-based scholarship(s) for an undergraduate student who is a resident of the state of Ohio. To qualify, applicants must be ranked as a sophomore or higher and have a minimum 3.0 grade point average. Scholarship recipients shall be selected by the director of the Office of Student Financial Aid. Scholarships may be renewed as long as the recipient maintains eligibility.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be reinvested in the endowment principal.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the alumni club, should it exist, and from the director of the Office of Student Financial Aid.

Amount Establishing Endowment: \$56,385.00

October 28 & 29, 2009 meeting, Board of Trustees

The Dr. Earl O. and Karen O. Strimple Human-Animal Bond Fund

The Dr. Earl O. and Karen O. Strimple Human-Animal Bond Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Gregory and Karen Strimple in honor of Greg's parents, Dr. Earl O. (D.V.M. 1964) and Mrs. Karen O. Strimple.

The annual distribution from this fund shall be used to support two (2) scholarship awards to the students who write the best essays about the human-animal bond. All third- and fourth-year students enrolled at the College of Veterinary Medicine who are in good standing are eligible to participate. Recipients will be selected by the essay review committee as determined by the dean of the College of Veterinary Medicine. The essay must include:

- Example of their commitment to the human-animal bond
- An experience that demonstrates their commitment to the human-animal bond
- Discussion of why they are deserving of this scholarship
- Discussion of how the human-animal bond will impact their career
- A copy of their resume

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Veterinary Medicine.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from Dr. and Mrs. Earl O. Strimple, should they be alive, and from the dean of the College of Veterinary Medicine.

Amount Establishing Endowment: \$53,457.50

The Dale E. and Bernice E. Mansperger Endowment Fund

The Dale E. and Bernice E. Mansperger Endowment Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from The Dale E. and Bernice E. Mansperger Foundation, Inc.

October 28 & 29, 2009 meeting, Board of Trustees

The annual distribution from this fund shall be used for the care and upkeep of 4-H Camp Palmer. Expenditures shall be recommended by the executive director of 4-H Camp Palmer and approved by the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences in consultation with the assistant director of OSU Extension – 4-H Youth Development.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the Mansperger Foundation or its successor organization, should it exist, and the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences in consultation with the assistant director of OSU Extension – 4-H Youth Development.

Amount Establishing Endowment: \$53,445.00

Chemistry Lecture Fund

The Chemistry Lecture Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a generous gift from the Pitzer Family Foundation provided at the suggestion of Russell M. Pitzer, Professor Emeritus in the Department of Chemistry.

Russ Pitzer joined the Chemistry faculty in 1968. His distinguished service record includes terms as Department chairman from 1989-94 as well as acting associate director of the Ohio Supercomputer Center (OSC) from 1986-87, after co-founding both the OSC and the Ohio Academic Resources Network.

The annual distribution from this fund will support existing named lectures in the Department of Chemistry that do not have an endowment, including the Evans and Mack Lectures, as well as new named lectures, including the Pitzer Lecture, at the discretion of the chairperson of the Department of Chemistry. Expenditures, including

October 28 & 29, 2009 meeting, Board of Trustees

alcohol at receptions and meals, shall be approved by the chairperson of the Department of Chemistry.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion shall be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Mathematical and Physical Sciences in consultation with the chairperson and the chief administrative officer of the Department of Chemistry.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from Russell Pitzer, should he be alive, and from the dean of the College of Mathematical and Physical Sciences in consultation with the chairperson of the Department of Chemistry.

Amount Establishing Endowment: \$50,705.00

Norman J. Uretsky Graduate Award Fund

The Norman J. Uretsky Graduate Award Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with a gift from Mrs. Ella Uretsky of Columbus, Ohio, in memory of Norman J. Uretsky.

The intent of this fund is to encourage students to pursue a career in teaching and research.

The annual distribution from this fund shall provide a yearly award to support the research of an outstanding graduate student in the Division of Pharmacology with preference given to students studying neuropharmacology. Award recipients will be selected by the Division chairperson and a senior faculty member in consultation with the dean of the College of Pharmacy or his/her designee and the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

October 28 & 29, 2009 meeting, Board of Trustees

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be reinvested in the endowment principal.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donor, should she be alive, and from the dean of the College of Pharmacy in consultation with the chairperson of the Division of Pharmacology.

Amount Establishing Endowment: \$50,600.00

Dr. Carol J. Greco-Delaney Endowed Scholarship Fund

The Dr. Carol J. Greco-Delaney Endowed Scholarship Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Rick A. Delaney (B.S.Bus.Adm. 1982) in honor of Dr. Carol J. Greco-Delaney, her parents Gene and Jean Greco, and all families who continue to give and receive care during a time of challenge and celebration.

The annual distribution from this fund shall be used to support a student enrolled in the College of Social Work who is pursuing a masters degree. First preference will be given to a student with a defined interest and/or field placement in a gerontological medical setting (clinical, hospital, or health agency, etc.) who is focused on patient care and/or caregiver training; secondary preference will be given to a student with an interest and/or field placement in a gerontological "non-medical" setting (retirement community, family and non-family home care, etc.) who is focused on patient care and/or caregiver training. Recipients shall be selected by the dean of the College of Social Work and the director of the M.S.W. program in consultation with the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the

October 28 & 29, 2009 meeting, Board of Trustees

purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Social Work.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donor, should he be alive, and from the dean of the College of Social Work.

Amount Establishing Endowment: \$50,200.00

Sheldon Shore Lecture Fund in Chemistry

The Sheldon Shore Lecture Fund in Chemistry was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from family, friends, and colleagues given in honor of Dr. Sheldon Shore, a Distinguished Professor of Mathematical and Physical Sciences who has been an active member of the faculty of the Department of Chemistry since 1957.

The annual distribution from this fund will support the annual Shore Lecture in the Department of Chemistry, which is open to the University community, alumni, donors, and friends. Expenditures, including alcohol at receptions and meals, shall be approved by the chairperson of the Department of Chemistry.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Mathematical and Physical Sciences in consultation with the chairperson and the chief administrative officer of the Department of Chemistry.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen

October 28 & 29, 2009 meeting, Board of Trustees

circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the dean of the College of Mathematical and Physical Sciences.

Amount Establishing Endowment: \$42,635.00 (grandfathered)

Gerald J. Hudec Scholarship Fund

The Gerald J. Hudec Scholarship Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from Gerald "Jerry" J. Hudec (B.S.Pharm. *cum laude* 1967) of San Diego, California.

The annual distribution from this fund shall be used to support a scholarship for a student in the College of Pharmacy Doctor of Pharmacy program. Scholarship recipients shall be selected by the College's dean in consultation with the University's Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be reinvested in the endowment principal.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donor, should he be alive, and from the dean of the College of Pharmacy.

Amount Establishing Endowment: \$25,400.00 (grandfathered)

Class of 1963 Endowed Nursing Scholarship Fund

The Class of 1963 Endowed Nursing Scholarship Fund was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the

October 28 & 29, 2009 meeting, Board of Trustees

Board of Directors of The Ohio State University Foundation, with gifts from the Class of 1963.

The annual distribution from this fund shall provide merit-based scholarships to benefit undergraduate or graduate entry level students enrolled in the College of Nursing. Scholarship recipients will be selected by the dean of the College in consultation with the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be reinvested in the endowment principal.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the dean of the College of Nursing.

Amount Establishing Endowment: \$25,295.00 (grandfathered)

Hrusovsky Family Excellence Award Fund

The Hrusovsky Family Excellence Award Fund at The Max M. Fisher College of Business was established October 29, 2009, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from John J. Hrusovsky II (B.S.Bus.Adm. 1986).

The annual distribution from this fund shall provide an award to recognize an outstanding undergraduate student enrolled in the Fisher College of Business with preference given to students from Big Walnut High School in Delaware County, Ohio, with a grade point average of 3.25 or higher. Recipients shall be selected by the dean of the Fisher College of Business in consultation with the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

October 28 & 29, 2009 meeting, Board of Trustees

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the Fisher College of Business.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donor that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donor, should he be alive, and from the dean of the Fisher College of Business.

Amount Establishing Endowment: \$25,000.00 (grandfathered)

The Judy VanDemark Lindamood and Robert Lindamood Family
Scholarship Fund

The Judy VanDemark Lindamood and Robert Lindamood Family Scholarship Fund was established on October 29, 2009, by the Board of Trustees of the Ohio State University in accordance with the guidelines approved by the Board of Directors of the Ohio State University Foundation, with gifts from Dr. Judy Lindamood (B.S.H.E. 1969, M.S. 1977) and Dr. Robert Lindamood (Ph.D. 1975) in memory of her father Noland L. VanDemark (B.S.Agr. 1941, M.S. 1942), former chairman of the Department of Dairy Science (from 1964-73) in what is now known as the College of Food, Agricultural, and Environmental Sciences.

The annual distribution from this fund shall be used to support scholarships for students enrolled in undergraduate or graduate studies in the Department of Human Development and Family Science in the College of Education and Human Ecology. Scholarship recipients shall be selected by the dean of the College of Education and Human Ecology in consultation with the chairperson of the Department of Human Development and Family Science and the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal

October 28 & 29, 2009 meeting, Board of Trustees

at the discretion of the dean of the College of Education and Human Ecology.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donors, should they be alive, and from the dean of the College of Education and Human Ecology.

Amount Establishing Endowment: \$25,000.00 (grandfathered)

Termination of Named Endowed Fund

The Shaun and Jennifer Clark Softball Scholarship Fund

Change in Description of Named Endowed Funds

The Jim and Nancy Patterson Endowment Fund

The Jim and Nancy Patterson Endowment Fund in the College of Food, Agricultural, and Environmental Sciences was established March 3, 2006, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from James F. Patterson (B.S.Agr. 1964) and Nancy W. Patterson (B.S.Ed. 1963) of Chesterland, Ohio. The description was revised October 29, 2009.

One-half of the annual distribution from this fund shall go to the Vice President's Excellence Fund for Food, Agricultural, and Environmental Sciences (fund #303008), to be used at the discretion of the dean; and one-half of the annual distribution shall be applied to the principal of the Ohio 4-H Foundation Fund (fund #605354).

In any given year that the endowment distribution is not fully used for its intended purposes, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences.

The investment and management of, and expenditures from, all endowments funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment

October 28 & 29, 2009 meeting, Board of Trustees

portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from the donors, should they be alive, and from the vice president for agricultural administration and executive dean for Food, Agricultural, and Environmental Sciences, and from the assistant director for OSU Extension, 4-H Youth Development.

Camie Vacha Memorial Scholarship Fund

The Camie Vacha Memorial Scholarship Fund was established September 19, 2008, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from her parents, Ray and Cathie Vacha, friends, and family. The description was revised October 29, 2009.

This fund is established in loving memory of Camie, and as a tribute to the accomplishments she attained during her short life which ended in June of 2007. From the time she was a child, Camie dreamed of being an architect. Camie loved The Ohio State University, especially the Austin E. Knowlton School of Architecture, where her talents impressed both faculty and visiting critics.

The annual distribution from this fund shall provide scholarship support to a third-year architecture student who emulates Camie's spirit and passion for architecture. Recipients shall be selected by the director of the Knowlton School of Architecture in consultation with the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the director of the Knowlton School of Architecture.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen

circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from a representative of the donors, should one be available, and from the director of the Knowlton School of Architecture.

Veterinary Medicine Class of 1954 Endowed Scholarship Fund

The Veterinary Medicine Class of 1954 Endowed Scholarship Fund was established September 22, 2006, by the Board of Trustees of The Ohio State University in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation, with gifts from members of the College of Veterinary Medicine Class of 1954. The description was revised October 29, 2009.

The annual distribution from this fund shall be used to fund two (2) annual scholarships of at least \$2,500 each to currently enrolled veterinary students, one junior and one senior, who have displayed an interest in clinical practice. Qualified candidates must have graduated from a high school in the state of Ohio; special consideration shall be given to those who display financial need. Scholarship recipients shall be selected by the dean of the College of Veterinary Medicine in consultation with the Office of Student Financial Aid.

The University may modify any selection criteria should the criteria be found, in whole or in part, to be contrary to federal or state law or University policy.

In any given year that the endowment distribution is not fully used for its intended purpose, the unused portion should be held in the distribution account to be used in subsequent years and only for the purposes of the endowment, or reinvested in the endowment principal at the discretion of the dean of the College of Veterinary Medicine.

The investment and management of and expenditures from all endowment funds shall be in accordance with University policies and procedures as approved by the Board of Trustees. As authorized by the Board of Trustees, a fee may be assessed against the endowment portfolio for the University's costs of development and fund management.

It is the desire of the donors that the endowment established herein should benefit the University in perpetuity. Should unforeseen circumstances arise in the future so that the need for this endowment ceases to exist, then another use as nearly aligned with the original intent of the contribution as good conscience and need dictate shall be designated by the Foundation's Board of Directors and the University's Board of Trustees. In making this alternate designation, the Boards shall seek advice from a representative of the donors, should one be available, and from the dean of the College of Veterinary Medicine.

**AUTHORIZATION FOR THE OHIO STATE UNIVERSITY TO
AMEND AND RESTATE THE SUPPLEMENTAL
RETIREMENT 403(B) ANNUITY PLAN**

Resolution No. 2010-35

Synopsis: Authorization for University officers to amend and restate The Ohio State University's supplemental retirement 403(b) Annuity Plan in compliance with IRS regulations is proposed.

WHEREAS on July 23, 2007, the Internal Revenue Service issued final regulations under Section 403(b) of the Internal Revenue Code of 1986, as amended, affecting tax-sheltered annuity plans subject to Section 403(b) of the Code; and

WHEREAS these regulations generally became effective January 1, 2009, and provide for detailed requirements that must be included in each plan by December 31, 2009; and

WHEREAS the University maintains the 403(b) Annuity Plan, which is a tax-sheltered annuity plan subject to Section 403(b) of the Code and provides supplemental retirement benefits to eligible employees, and the most recent amendment and restatement of this Plan was approved by this Board in November 2004 to be effective as of January 1, 2004; and

WHEREAS the amended and restated Supplement Retirement 403(b) Annuity Plan adopted by the Board of Trustees in November 2004 provided that the then Associate Vice President for Human Resources has authority to further amend the Plan, and the executive head of the Office of Human Resources now is the Vice President for Human Resources; and

WHEREAS the University desires to amend and restate the Plan in its entirety to comply with the final IRS regulations and other applicable guidance and make certain other administrative changes to the Plan:

NOW THEREFORE

BE IT RESOLVED, That the Vice President for Human Resources, or any successor officer, in consultation with the Office of Legal Affairs, is authorized to amend and restate the Plan in its entirety as outlined above, with such amended and restated plan to be effective as of January 1, 2009; and to perform such other acts as deemed necessary or advisable to effectuate or carry out the purpose and intent of this resolution; and

BE IT FURTHER RESOLVED, That subject to the prior review of the amended and restated Plan by the Executive Vice President and Provost, the Senior Vice President for Legal Affairs and General Counsel, and the Chair of the Board of Trustees Fiscal Affairs Committee, the Senior Vice President for Business and Finance, is hereby authorized to execute the final Plan document and execute and deliver all such agreements, undertakings, documents, instruments or certificates as may be deemed necessary or advisable to effectuate or carry out the purpose and intent of this resolution; and

October 28 & 29, 2009 meeting, Board of Trustees

BE IT FURTHER RESOLVED, That all actions to be taken pursuant to this resolution shall be taken on or before December 31, 2009.

(See Appendix XV for background information, page 345.)

**AUTHORIZATION TO IMPLEMENT AN INTERIM PAID DISASTER
LEAVE BENEFIT**

Resolution No. 2010-36

Synopsis: Authorization to the University president to implement an Interim Paid Disaster Leave Benefit is proposed.

WHEREAS pursuant to Section 3335.09 of the Revised Code, the Board of Trustees of The Ohio State University is vested with authority to fix the compensation for employees of The Ohio State University; and

WHEREAS pursuant to House Bill 187 amending Chapter 124 of the Revised Code, the Board of Trustees is vested with authority to adopt rules and regulations governing employment of University employees; and

WHEREAS administrative leave is solely at the discretion of the appointing authority but shall not exceed the length of the situation for which the leave was granted; and

WHEREAS the University's Office of Human Resources will soon promulgate a policy to institute paid disaster leave for the University, which will provide for a short-term paid leave benefit for those regular staff and faculty who are prevented from any and all assignable work due to a declared university disaster; and

WHEREAS the University will secure approval by all appropriate management committees of the University prior to implementation of this policy; and

WHEREAS the University intends to bring this policy to the Board of Trustees for review and authorization at its February, 2010 meeting:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby authorizes the president of the University to implement, on an interim basis, a University Paid Disaster Leave Benefit, under the parameters described above, after approval by all appropriate management committees of the University, until such time as the proposed policy is brought to the Board of Trustees for consideration at its next meeting.

(See Appendix XVI for background information, page 347.)

AUTHORIZATION TO ENTER INTO/INCREASE PROFESSIONAL SERVICES CONTRACTS AND CONSTRUCTION CONTRACTS

Resolution No. 2010-37

APPROVAL TO ENTER INTO/INCREASE PROFESSIONAL SERVICES CONTRACTS

CHEMICAL AND BIOMOLECULAR ENGINEERING AND CHEMISTRY BUILDING
HOPKINS HALL MECHANICAL SYSTEM IMPROVEMENTS
HOSPITAL KITCHENS RENOVATION
MASON HALL – FIRST AND SECOND FLOOR RENOVATION

APPROVAL TO ENTER INTO CONSTRUCTION CONTRACTS

HOPKINS HALL MECHANICAL SYSTEM IMPROVEMENTS
MASON HALL – FIRST AND SECOND FLOOR RENOVATION

Synopsis: Authorization to enter into/increase professional services contracts and enter into construction contracts, as detailed in the attached materials, is requested.

WHEREAS in accordance with the attached materials, the University desires to undertake and enter into/increase professional services contracts for the following projects:

	Prof Svc Amount	Total Project	
Chemical and Biomolecular Engineering and Chemistry Building	\$18.1M	\$126.0M	State appropriations Development funds
Hopkins Hall Mechanical Systems Improvements	\$0.5M	\$5.7M	State appropriations
Hospital Kitchens Renovation	\$1.3M	\$10.8M	Auxiliary funds
Mason Hall – First and Second Floor Renovation	\$0.5M	\$6.0M	General funds

WHEREAS in accordance with the attached materials, the University desires to undertake and enter into construction contracts for the following projects:

	Constr. Amount	Total Project	
Hopkins Hall Mechanical Systems Improvements	\$5.2M	\$5.7M	State appropriations

Mason Hall – First \$5.5M \$6.0M General funds
and Second Floor
Renovation

NOW THEREFORE

BE IT RESOLVED, That the President and/or Senior Vice President for Administration and Planning and Special Assistant to the President be authorized to enter into/increase professional services contracts and enter into construction contracts for the projects listed above in accordance with established University and State of Ohio procedures, with all actions to be reported to the Board at the appropriate time.

(See Appendix XVII for background information and map, page 349.)

**INTERIM AUTHORIZATION TO ENTER INTO
DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION
CONTRACTS FOR TIER ONE AND TIER TWO CAPITAL PROJECTS**
Resolution No. 2010-38

Synopsis: Authorization to enter into design, construction management, and/or construction contracts for University Tier One and Tier Two capital projects as necessary prior to the February 2010 Board of Trustees meeting is requested.

WHEREAS any capital project included in the Capital Plan must be separately and specifically approved by the Board of Trustees before design and construction can be undertaken, and to date only Project ONE and the South Campus High Rise Renovation and Addition Project (design only) have received such approval; and

WHEREAS the next regularly scheduled Board of Trustees meeting will be on February 5, 2010; and during the intervening period the Board desires to facilitate capital project approvals, subject to appropriate review and oversight:

NOW THEREFORE

BE IT RESOLVED, That during the intervening period before the next meeting of the Board of Trustees, as approved by the President, the Senior Vice President for Administration and Planning shall present to the Chair of the Fiscal Affairs Committee, as she or he may direct, for review and approval any needed actions to authorize design, construction management, and/or construction contracts or take any related actions for Tier One and Tier Two capital projects, as outlined above, so long as the Senior Vice President for Business and Finance has certified that appropriate and sufficient funding has been identified and is committed for the contracts or other actions for the project for which approval is being requested; and

BE IT FURTHER RESOLVED, That during this intervening period, the Chair of the Fiscal Affairs Committee, in consultation with the

October 28 & 29, 2009 meeting, Board of Trustees

Committee and with the Chair of the Board of Trustees as appropriate, shall have the authority, on behalf of the Board of Trustees, to authorize design, construction management, and/or construction contracts, and approve other related actions, for University Tier One and Tier Two capital projects under the conditions outlined above; and

BE IT FURTHER RESOLVED, That in accordance with the process outlined above and subject to the written approval of the Chair of the Fiscal Affairs Committee, the President and/or Senior Vice President for Administration and Planning shall be authorized to enter into design, construction management, and/or construction contracts, if satisfactory bids are received, and take any other related actions on Tier One and Tier Two capital projects, in accordance with established University and State of Ohio procedures, with these actions to be reported to the Board at its next meeting.

LONG-TERM FACILITIES LEASE AND AMENDED DEVELOPMENT AGREEMENT

Resolution No. 2010-39

**BETWEEN THE OHIO STATE UNIVERSITY AND SCITECH
COLUMBUS, OHIO**

Synopsis: Authorization is requested for entering into a long-term facilities lease with SciTech, a not for profit corporation, upon which SciTech would build a 40,580 square foot building on land south of University property at 1320 Kinnear Road located at Columbus, Ohio with a term of 40 years, with renewal provisions pursuant to the amended Development Agreement between The Ohio State University and SciTech.

WHEREAS the Board of Trustees of The Ohio State University and the State of Ohio is presented with the opportunity to enter into a long-term facilities lease of real property in Columbus, Ohio with SciTech; and

WHEREAS the SciTech project will create additional benefits and collaborative opportunities for the University; and

WHEREAS SciTech will support the construction and operation of a 40,580 square foot facility in Columbus, Ohio, and SciTech will bear the initial cost of design and construction of said facility; and

WHEREAS the Development Agreement between The Ohio State University and SciTech will be amended to reflect the additional land to be leased to SciTech in the Facilities Lease; and

WHEREAS the long-term facilities lease of this property and the amended Development Agreement are in the best interest of the University;

NOW THEREFORE

BE IT RESOLVED, That the President and/or the Senior Vice President for Administration and Planning and Special Assistant to the

October 28 & 29, 2009 meeting, Board of Trustees

President be authorized to take any action required to effect the execution of a long term Facilities Lease of approximately 2.5 acres with SciTech in Columbus, Ohio for a forty (40) year term and an annual rent of \$1.00, with an option to renew, and that they be authorized to take any action required to amend the Development Agreement accordingly between The Ohio State University and SciTech, each under such additional terms and conditions as shall be in the best interest of the State of Ohio and the University.

(See Appendix XVIII for background information, page 355.)

LAND LEASE

Resolution No. 2010-40

OARDC/ATI SCHMACK BIOENERGY WOOSTER, OHIO 44691

Synopsis: Authorization is requested for entering into a five-year land lease with a renewal option and collaborative agreement with Schmack Bioenergy, an Ohio limited liability company, for a biodigester facility located at the OARDC and ATI campus in Wooster, Ohio.

WHEREAS the Board of Trustees of The Ohio State University and the State of Ohio is presented with the opportunity to enter into a five-year lease with a renewal option and collaborative agreement of real property on the OARDC campus in Wooster with Schmack Bioenergy; and

WHEREAS the biodigester project will create new research, educational and outreach programs for the University; and

WHEREAS OARDC and ATI support the construction and operation of the biodigester facility at the Wooster campus; and

WHEREAS Schmack Bioenergy will bear all costs of construction, operation and maintenance of the biodigester facility;

NOW THEREFORE

BE IT RESOLVED, That the President and/or the Senior Vice President for Administration and Planning and Special Assistant to the President be authorized to take any action required to effect the execution of a five-year lease with renewal option and collaborative agreement with Schmack Bioenergy to construct, operate and maintain a biodigester facility as such terms determined to be in the best interest of the State of Ohio and the University.

(See Appendix XIX for background information and map, page 357.)

SUBLEASE

Resolution No. 2010-41

**BETWEEN SCITECH AND THE OHIO STATE UNIVERISITY
ELECTROSCIENCE LABORATORY
COLUMBUS, OHIO**

Synopsis: Authorization is requested for entering into a 20-year sublease of 36,580 square feet with SciTech, a not for profit corporation, for the expansion of ElectroScience Laboratory space at 1320 Kinnear Road, located in Columbus, Ohio.

WHEREAS the Board of Trustees of The Ohio State University and the State of Ohio is presented with the opportunity to enter into a 20-year sublease of real property in Columbus, Ohio with SciTech; and

WHEREAS the ElectroScience Laboratory expansion project will provide additional space for purposes deemed critical to the ElectroScience Laboratory mission; and

WHEREAS SciTech funds will support the construction of the facility in Columbus, Ohio; and

WHEREAS The Ohio State University through the College of Engineering will pay rent and other costs for the sublease in the amount of \$7.7 million, including all operating expenses for the premises; and

WHEREAS the Sublease of this facility is in the best interest of the University:

NOW THEREFORE

BE IT RESOLVED, That the President and/or the Senior Vice President for Administration and Planning and Special Assistant to the President be authorized to take any action required to effect the execution of a 20-year sublease with SciTech at such terms determined to be in the best interest of the State of Ohio and the University.

(See Appendix XX for background information and map, page 359.)

**AUTHORIZATION, ISSUANCE, AND SALE OF GENERAL
RECEIPTS, SERIES 2009A BONDS**

Resolution No. 2010-42

Synopsis: Providing for the authorization, issuance and sale of General Receipts Bonds (the "Series 2009 A Bonds"), in a principal amount determined as provided herein, for the purposes of (A) refunding the outstanding principal amount of certain Obligations of the University; (B) paying costs and expenses associated with the issuance of the Series 2009 A Bonds, and authorizing amendments to the herein-

October 28 & 29, 2009 meeting, Board of Trustees

described trust indenture and other documents to allow the remarketing of certain Obligations at a premium in lieu of refunding.

WHEREAS pursuant to Sections 3345.11 and 3345.12 of the Ohio Revised Code (the "Act"), as enacted under authority of the Constitution of Ohio, particularly Section 2i of Article VIII thereof, The Ohio State University (the "University") a state university of the State of Ohio (the "State"), created and existing under Chapter 3335 of the Ohio Revised Code, is authorized and empowered, among other things, (a) to issue its obligations to pay the costs of certain capital "facilities," as defined in the Act and to refund, fund or retire bonds and other obligations previously issued for such purpose; (b) to pledge to the payment of its obligations all or a specified part of its "available receipts," as defined in the Act (the "General Receipts") in priority to all other expenses, claims or payments; (c) to covenant that the University will make, fix, adjust and collect the fees, rates, rentals, charges and other items comprising General Receipts to produce General Receipts sufficient at all times to meet Debt Service Charges (as defined in the Restated Trust Indenture described below) on the Obligations, to establish and to maintain the required reserves and meet other requirements herein provided; and (d) to provide for a trust indenture and make further provisions for securing the payment of the Debt Service Charges; and

WHEREAS the University, by resolution adopted by its Board of Trustees (the "Board") on November 1, 1985, by resolution adopted by the Board on December 5, 1997, and by a Trust Indenture dated as of November 15, 1985 (the "Original Indenture") as amended by the Seventh Supplement to Trust Indenture, dated as of December 1, 1997 (the "Seventh Supplement"), each between the University and The Huntington National Bank, as Trustee (the "Trustee"), authorized the issuance of its \$79,540,000 The Ohio State University Variable Rate Demand General Receipts Bonds, Series 1997 (the "Series 1997 Bonds"); and

WHEREAS the University, pursuant to the terms of a resolution adopted by the Board on October 1, 1999 (the "General Bond Resolution"), amended and restated the Original Indenture, as supplemented, in accordance with the terms thereof, by entering into the Amended and Restated Trust Indenture dated as of December 1, 1999 (the "Restated Trust Indenture") with the Trustee; and

WHEREAS the Restated Trust Indenture provides that Obligations, as defined therein, may be issued pursuant to the terms thereof, with each such issue to be authorized by a Series Resolution, as defined therein, adopted by the Board and secured pursuant to the terms of a Supplemental Indenture, as defined in the Restated Trust Indenture with respect to such issue (the Restated Trust Indenture and all Supplemental Indentures thereto being collectively referred to herein as the "Indenture"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the resolution adopted by the Board on November 5, 1999, the Restated Trust Indenture and the First Supplement to Amended and Restated Trust Indenture, dated as of December 1, 1999 between the University and the Trustee,

October 28 & 29, 2009 meeting, Board of Trustees

\$83,585,000 The Ohio State University General Receipts Bonds, Series 1999 A (the "Series 1999 A Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the resolution adopted by the Board on November 5, 1999 (the "Series 1999 B General Receipts Bond Resolution"), the Indenture and the Second Supplement to Amended and Restated Trust Indenture, dated as of December 1, 1999 (the "Second Supplement") between the University and the Trustee, \$108,000,000 The Ohio State University Variable Rate Demand General Receipts Bonds, Series 1999 B. (the "Series 1999 B Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on November 2, 2001, the Indenture and the Series 2001 Supplement to Amended and Restated Trust Indenture, dated as of November 1, 2001 (the "Series 2001 Supplement") between the University and the Trustee, \$76,950,000 The Ohio State University Variable Rate Demand General Receipts Bonds, Series 2001 (the "Series 2001 Bonds"); and

WHEREAS, the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on November 2, 2001, the Indenture and the Series 2002 A Supplement to Amended and Restated Trust Indenture, dated as of January 1, 2002 between the University and the Trustee, \$150,515,000 The Ohio State University General Receipts Bonds, Series 2002 A (the "Series 2002 A Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 11, 2003, the Indenture and the Series 2003 B Supplement to Amended and Restated Trust Indenture dated as of September 1, 2003, between the University and the Trustee, \$233,780,000 The Ohio State University General Receipts Bonds, Series 2003 B (the "Series 2003 B Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 11, 2003, the Indenture and the Series 2003 C Supplement to Amended and Restated Trust Indenture dated as of September 1, 2003 (the "Series 2003 C Supplement") between the University and the Trustee, \$121,295,000 The Ohio State University Variable Rate General Receipts Bonds, Series 2003 C (the "Series 2003 C Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 8, 2005, the Indenture and the Series 2005 A Supplement to Amended and Restated Trust Indenture dated as of August 1, 2005 between the University and the Trustee, \$279,050,000 The Ohio State University General Receipts Bonds, Series 2005 A (the "Series 2005 A Bonds"); and

October 28 & 29, 2009 meeting, Board of Trustees

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 8, 2005, the Indenture and the Series 2005 B Supplement to Amended and Restated Trust Indenture dated as of August 1, 2005 (the "Series 2005 B Supplement") between the University and the Trustee, \$129,990,000 The Ohio State University Variable Rate General Receipts Bonds, Series 2005 B (the "Series 2005 B Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 11, 2008, the Indenture and the Series 2008 A Supplement to Amended and Restated Trust Indenture dated as of January 1, 2009 (the "Series 2008 A Supplement") between the University and the Trustee, \$217,595,000 The Ohio State University General Receipts Bonds, Series 2008 A (the "Series 2008 A Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 11, 2008 (the, the Indenture and the Series 2008 B Supplement to Amended and Restated Trust Indenture dated as of September 1, 2008 (the "Series 2008 B Supplement") between the University and the Trustee, \$127,770,000 The Ohio State University Variable Rate General Receipts Bonds, Series 2008 B (the "Series 2008 B Bonds"); and

WHEREAS the University has authorized the issuance pursuant to the General Bond Resolution, the Resolution adopted by the Board on July 11, 2008, the Indenture and the Series I Supplement to Amended and Restated Trust Indenture, dated as of December 1, 2008 (the "Series I Supplement") between the University and the Trustee, of up to \$227,000,000 in principal amount of The Ohio State University General Receipts Commercial Paper Notes, Series I (the "Series I Notes"); and

WHEREAS the Board has determined that it is in the best interests of the University to authorize the issuance of The Ohio State University General Receipts Bonds, Series 2009 A (the "Series 2009 A Bonds") for the purpose of (A) refunding certain outstanding obligations (defined herein as the "Refunded Obligations"), and (B) paying costs and expenses associated with the issuance of the Series 2009 A Bonds; and

WHEREAS the University desires to make provisions for the issuance of the Series 2009 A Bonds and for the payment of the Debt Service Charges thereon and the securing thereof by this Resolution and the Series 2009 A Supplement to the Amended and Restated Trust Indenture (the "Series 2009 A Supplement") herein authorized; and

WHEREAS the University desires to authorize the remarketing of the Variable Rate Bonds, as defined herein, at a premium should it be advantageous for the University to do so in lieu of refunding the Variable Rate Bonds;

NOW THEREFORE

BE IT RESOLVED by the Board of Trustees of the Ohio State University as follows:

Section 1. Definitions and Interpretations. All words and terms defined in the Indenture and all interpretations therein provided shall have in this Resolution the same definition and interpretation unless the context or use clearly indicates another or different meaning or intent. Terms not appearing in the Indenture but used herein and not previously defined herein are defined as follows:

"Authorized Officer" means the Senior Vice President for Business and Finance of the University, the Secretary of the Board or the Treasurer, or any one or more of them, in each case in such person's official capacity.

"Certificate of Award" means the Certificate of Award authorized pursuant to Section 3 of this Resolution.

"Code" means the Internal Revenue Code of 1986, as amended, the Treasury Regulations (whether proposed, temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code means that Section, including any applicable successor section or provision and such applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Contract of Purchase" means the contract of purchase between the Original Purchasers and the University, authorized pursuant to Section 3 hereof.

"Continuing Disclosure Agreement" shall mean the Continuing Disclosure Agreement executed by the University and the Trustee, dated as of even date with the Series 2009 A Supplement, as the same may be amended from time to time in accordance with the terms thereof.

"Escrow Agreement" means the Escrow Agreement, dated as of the same date as the Series 2009 A Bonds, between the University and the Escrow Trustee, providing for the payment and discharge of such portion of the Refunded Obligations as contemplated under such Escrow Agreement.

"Escrow Trustee" means the Trustee in its capacity as Escrow Trustee under the Escrow Agreement, and its successors and assigns in that capacity.

"Official Statement" means, as to the Series 2009 A Bonds, the Official Statement relating to the original issuance of the Series 2009 A Bonds, authorized pursuant to Section 3 hereof, and includes the preliminary and final versions thereof.

"Original Purchasers" means the purchasers indicated set forth on the Certificate of Award.

October 28 & 29, 2009 meeting, Board of Trustees

"Refunded Obligations" means the outstanding principal amount of the obligations of the University identified in and determined pursuant to Section 2 hereof.

"Remarketed Bonds" means any Variable Rate Bonds which are remarketed in lieu of being Refunded Obligations as described in Section 2(j) of this Resolution.

"Series 2009 A Bond Resolution" or "this Resolution" as used herein, means this Resolution and the Certificate of Award, as the same may be amended from time to time.

"Treasurer" means the Assistant Vice President for Financial Services of the University and any person duly authorized by the Board to exercise the powers and duties of such officer.

"Variable Rate Bonds" means the Series 1997 Bonds, the Series 1999 B Bonds, Series 2001 Bonds, the Series 2003 C Bonds, the Series 2005 B Bonds, and the Series 2008 B Bonds.

"Variable Rate Bond Remarketing Agreements" means the Remarketing Agreements, or similar instruments, between the University and remarketing agents, related to the Variable Rate Bonds.

"Variable Rate Bond Supplements" means the Seventh Supplement, Second Supplement, Series 2001 Supplement, Series 2003 C Supplement, Series 2005 B Supplement, and the Series 2008 B Supplement.

Any reference herein to the University, the Board, or to any members or officers thereof or to other public boards, commissions, departments, institutions, agencies, bodies, entities or officers, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions. Any reference to a section or provision of the Ohio Revised Code or to the laws of Ohio shall include such section or provision and such laws as from time to time amended, modified, revised, supplemented, or superseded, provided that no such amendment, modification, revision, supplementation, or supersession shall alter the obligation to pay the Debt Service Charges in the amount and manner, at the times, and from the sources provided in this Resolution, the Indenture and the Series 2009 A Supplement, except as otherwise herein permitted.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," "hereunder," and similar terms, mean this Resolution.

Section 2. Authorization; Terms; Pledge; and Covenant.

(a) Authorization.

- (i) The Series 2009 A Bonds shall be designated and known as "The Ohio State University General Receipts Bonds, Series 2009 A" and shall be issued pursuant to and as authorized by

the Act, Section 2i of Article VIII of the Ohio Constitution, this Resolution, the Restated Trust Indenture and the Series 2009 A Supplement. The Series 2009 A Bonds shall be issued for the purposes of refunding the all or a portion of the outstanding principal amount of the Refunded Obligations and paying costs and expenses incidental to the issuance of the Series 2009 A Bonds.

- (ii) The outstanding Obligations of the University that may become Refunded Obligations consist of the Series I Notes, the Variable Rate Bonds, the Series 1999 A Bonds, the Series 2002 A Bonds, the Series 2003 B Bonds, the Series 2005 A Bonds and the Series 2008 A Bonds or any of them. The determination of whether and what principal amounts and maturities, if any, of such obligations are to be refunded with the proceeds of the Series 2009 A Bonds, and whether any such refunding shall be a current refunding or a refunding in advance of the respective maturities of the Refunded Obligations, shall be made by the Treasurer in the exercise of his reasonable discretion, and the Treasurer is hereby directed and authorized to make such determination in the Certificate of Award. Upon such determination by the Treasurer, the Refunded Obligations shall consist of such Obligations of the University as are actually refunded, whether by a current refunding or advance refunding. The determination of the Treasurer set forth in the Certificate of Award and the written direction of the Treasurer to the Trustee as to deposit of proceeds of the Series 2009 A Bonds shall be conclusive evidence that the determination of the Treasurer with respect to which Obligations are to constitute Refunded Obligations is authorized.
 - (iii) The Series 2009 A Bonds may bear such designation or titles, be issued in one or more sub-series within the Series 2009 A Bonds and otherwise be denominated in such fashion as the Treasurer, in the exercise of his reasonable discretion, shall determine to be appropriate in connection with the marketing and sale of such Series 2009 A Bonds. The Treasurer shall execute an additional Certificate of Award if in the judgment of the Treasurer such action is reasonably necessary to facilitate the issuance of any series or sub-series of Series 2009 Bonds; provided, however, that no Series 2009 A Bonds shall be issued pursuant to this Resolution later than June 30, 2010.
- (b) Form and Numbering. The Series 2009 A Bonds shall be issued only as fully registered bonds. The Series 2009 A Bonds shall be numbered as determined by the Treasurer in the Certificate of Award that will distinguish each Series 2009 A Bond from each other Series 2009 A Bond, and if necessary, any sub-series from any other sub-series.
- (c) Denominations and Dates. The Series 2009 A Bonds shall be issuable in denominations and shall be dated as provided in the Certificate of

(d) Principal Amount. The Series 2009 A Bonds shall be issued in the principal amount specified in the Certificate of Award; provided that the aggregate principal amount of the Series 2009 A Bonds shall not exceed the sum of the amount required to defease the Refunded Obligations, plus any expenses permitted by the Act and expenses of redeeming the Refunded Obligations.

(e) Delivery and Execution. The Treasurer is hereby authorized to make the necessary arrangements with the Original Purchaser to establish the date, location, procedures and conditions for the delivery of the Series 2009 A Bonds to the Original Purchaser and to take all steps as necessary to effect due execution, authentication, sale and delivery of the Series 2009 A Bonds to the Original Purchaser under the terms of this Resolution. The Series 2009 A Bonds shall be signed by an Authorized Officer (provided any such signature may be a facsimile) and may bear the corporate seal of the University or a facsimile thereof.

(f) Interest and Maturities.

(i) The Series 2009 A Bonds shall bear interest on the unpaid principal amount thereof from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or provided for, from their date, with interest payable at their maturity at the percentage rate or rates per annum and calculated on the basis set forth in the Certificate of Award. Such rate or rates shall in no event produce an interest rate for the Series 2009 A Bonds in excess of eight percent (8.00%) per annum.

(ii) The Series 2009 A Bonds shall mature not later than the latest date of the Refunded Obligations as provided for in the Certificate of Award.

(iii) The Series 2009 A Bonds, if so provided for in the Certificate of Award, shall be subject to optional redemption at the option of the University prior to stated maturity, in whole or in part, but if in part, in installments of \$5,000 principal amount of such Series 2009 A Bond or integral multiples thereof, in accordance with the terms, conditions, redemption prices and on the dates set forth in the Certificate of Award. Notice of call for and other terms and provisions governing redemption of the Series 2009 A Bonds shall be given in the manner provided in the Indenture. At no time shall the redemption price on any Series 2009 A Bonds, exclusive of accrued interest, exceed one hundred two percent (102%) of the principal amount of such Bond to be redeemed, plus accrued interest to the date of redemption.

(g) Security. As provided in the Restated Trust Indenture as supplemented by the Series 2009 A Supplement, there is hereby pledged to the security of the Series 2009 A Bonds and for the payment of the Debt Service Charges on the Series 2009 A Bonds, (i) the gross amount of General Receipts of the University (subject to the

provisions for the partial release of a pledge of General Receipts contained in Section 4.10 of the Original Indenture), and (ii) the monies contained in the Special Funds, but excluding any Bond Reserve Account. Anything else to the contrary in the Indenture or this Resolution notwithstanding, the Series 2009 A Bonds shall not have access to, any claim upon or be secured by the Bond Reserve Account or the Note Program Account.

The pledge of General Receipts in the immediately preceding paragraph shall be on a parity with expenses, claims and payments relating to other obligations issued under the Original Indenture or Indenture which are not otherwise subordinate and in priority to all other expenses, claims and payments of the University. In accordance with the Act, all General Receipts or portions thereof are immediately subject to the lien of the pledge upon receipt thereof by the University. Furthermore, the Pledge contained herein and the Restated Trust Indenture is not in derogation of the pledge contained in the Original Indenture, any supplement thereto, any related Series Resolution or any Bond proceedings with respect to any Obligations currently outstanding, it being the intention of the University that all such Obligations outstanding upon the execution and delivery of the Series 2009 A Supplement shall be on a parity basis within the meaning of the Restated Trust Indenture, equally and ratably secured by the pledge of General Receipts of the University herein and therein contained.

For the further security of the Series 2009 A Bonds, and any other Obligations, the University hereby covenants with the Holders and the Trustee that so long as any Series 2009 A Bonds or any other Obligations are outstanding, the University shall fix, make, adjust and collect fees, rates, rentals, charges, and other items of General Receipts, as will produce at all times General Receipts sufficient (i) to pay Debt Service Charges when due, (ii) together with other monies lawfully available therefor, to pay all costs and expenses required to be paid under the Bond proceedings, and (iii) together with other monies lawfully available therefor, to pay all other costs and expenses necessary for the proper maintenance and successful and continuous operation of the University.

- (h) Payment and Places of Payment. The principal of and any redemption premium on any Series 2009 A Bond when due shall be payable to the registered holder as provided in the Indenture.
- (i) Book Entry. The Series 2009 A Bonds may be issued to a Depository for holding in a Book Entry System and may be withdrawn from the Depository, all as further provided in the Series 2009 A Supplement.
- (j) Remarketing of Variable Rate Bonds in Lieu of Refunding. In lieu of refunding one or more of the Variable Rate Bonds or any portion thereof, such Variable Rate Bonds or portions thereof may be converted to a fixed rate mode and remarketed in accordance with their terms as may be amended hereby. Notwithstanding any provision in any resolution of this Board to the contrary, (a) the Variable Rate Bonds, the Variable Rate Bond Remarketing Agreements and the Variable Rate Bond Supplements may be amended to provide that, from and after the date on which the

requisite Bondholder consents pursuant to the Indenture are obtained, the Remarketed Bonds may be remarketed at a premium, rather than at par, (b) the Variable Rate Bonds may be remarketed in either serial or term maturities, and (c) the excess proceeds resulting from such remarketing shall be applied, first, to the payment of costs associated with the remarketing of the Remarketed Bonds until such costs are paid in full, and second, to such other purposes permitted by the Act.

The determinations of whether and what principal amounts, if any, of the Variable Rate Bonds shall be Remarketed Bonds, whether such remarketing shall be made at a premium, whether and to what extent amendments to the Variable Rate Bonds, the Variable Rate Bond Remarketing Agreements, and the Variable Rate Bond Supplements are required, the use of excess proceeds resulting from such remarketing and not needed to pay costs associated with such remarketing, and whether any of the foregoing shall be advantageous to the University, shall be made by the Treasurer in the exercise of his reasonable discretion, and the Treasurer is hereby directed and authorized to make such determinations in the Series 2009 A Supplement. Upon such determinations by the Treasurer, the Remarketed Bonds shall consist of such Variable Rate Bonds as are actually remarketed in a fixed rate mode. Any of the foregoing determinations of the Treasurer set forth in the Series 2009 A Supplement shall be conclusive evidence that such determinations are authorized.

Section 3. Series 2009 A Supplement, Contract of Purchase, Certificate of Award, Official Statement, Escrow Agreement, Continuing Disclosure Agreement and Amendments to the Variable Rate Bond Remarketing Agreements.

To secure the pledge of General Receipts for the payment of Debt Service Charges on all Obligations, the execution, delivery and performance of the Series 2009 A Supplement in substantially the form on file with the Secretary of the Board is hereby approved and authorized. Each Authorized Officer is authorized and directed to execute and deliver to the Trustee, in the name and on behalf of the University the Series 2009 A Supplement, with such changes therein as are not substantially adverse to the University and as may be permitted by the Act and approved by the officers executing the same on behalf of the University. Execution of the Series 2009 Supplement by the officer or officers of the University shall be conclusive evidence of such authorization and that any such changes are not substantially adverse to the University.

The Series 2009 A Bonds are sold and awarded to the Original Purchaser in accordance with the Contract of Purchase at the purchase price provided in the Certificate of Award. The Contract of Purchase shall be in substantially the same form as the contract of purchase entered into in connection with the issuance of the Series 2008 A Bonds, which form is hereby approved, together with any changes therein and completions thereof which are permitted by the Act, are necessary to reflect the terms of the Series 2009 A Bonds, are not inconsistent with this Resolution or substantially adverse to the

University, and are approved on behalf of the University by an Authorized Officer. Such authorization, the approval on behalf of the University of those changes and completions, and the status of those changes as not substantially adverse to the University, shall be conclusively evidenced by the execution of the Contract of Purchase on behalf of the University by such Authorized Officer. It is determined hereby that the purchase price and the manner of sale and the terms of the Series 2009 A Bonds, as provided in this Resolution and the Contract of Purchase are consistent with all legal requirements and will carry out the public purposes of the Act.

The sale and award of the Series 2009 A Bonds shall be further evidenced by the Certificate of Award. The Certificate of Award is hereby authorized and shall be executed by an Authorized Officer. The Certificate of Award shall state or confirm the aggregate principal amount of the Series 2009 A Bonds, the purchase price of the Series 2009 A Bonds, the interest rate or rates with respect to each maturity of the Series 2009 A Bonds, the optional redemption provisions and any other matters required by this Resolution to be set forth therein or otherwise necessary or appropriate, all as determined in accordance with the provisions of this Resolution and the Contract of Purchase, and all of which shall be conclusively evidenced by the execution of the Certificate of Award.

The use and distribution of an Official Statement relating to the Series 2009 A Bonds by the Original Purchasers is hereby approved, authorized and ratified. Each Authorized Officer is authorized by written certificate to deem such Official Statement final on behalf of the University for purposes of Securities Exchange Commission Rule 15c2-12, except for such omissions therefrom as may be permitted by such Rule. The final Official Statement, substantially in the form of the preliminary Official Statement, shall be executed by an Authorized Officer on behalf of the University with any modifications, changes and supplements necessary or desirable for the purposes thereof which the Authorized Officer shall approve. The Board will not confirm or assume responsibility for the accuracy, sufficiency or fairness of the statements in the Official Statement with respect to the underwriting of the Series 2009 A Bonds.

The execution, delivery and performance of the Continuing Disclosure Agreement between the University and the Trustee shall be in substantially the same form as the continuing disclosure agreement entered into in connection with the issuance of the Series 2008 A Bonds, the form of which is hereby authorized and approved, together with any changes therein which are not substantially adverse to the University.

Each Authorized Officer is authorized to execute the Continuing Disclosure Agreement and such execution by the Authorized Officer shall be conclusive evidence of such authorization and that such changes are not substantially adverse to the University.

The University is authorized to execute, deliver and perform the Escrow Agreement between the University and the Escrow Trustee. Each Authorized Officer is authorized to execute the Escrow Agreement and such execution by the Authorized Officer shall be

conclusive evidence of such authorization and that the terms thereof are not substantially adverse to the University.

The University is authorized to execute, deliver and perform any amendments to the Variable Rate Bond Remarketing Agreements necessitated by determinations described in Section 2(j) of this Resolution. Each Authorized Officer is authorized to execute such amendments to the Variable Rate Bond Remarketing Agreements and such execution by the Authorized Officer shall be conclusive evidence of such authorization and that the terms thereof are not substantially adverse to the University.

Each Authorized Officer is authorized to execute and deliver, on behalf of the University, such other certificates, documents and instruments as are necessary in connection with the transactions authorized in this Resolution, and to do all other things required of them or the University pursuant to the Indenture and this Resolution.

The appropriate officers of the University shall do all things necessary or proper to implement and carry out the orders and agreements set forth in or approved in this Resolution for the proper fulfillment of the purposes of the Indenture and this Resolution. The Secretary of the Board shall furnish to the Original Purchasers a true and certified transcript of all proceedings taken with reference to the authorization and issuance of the Series 2009 A Bonds along with other information as is necessary or proper with respect to the Series 2009 A Bonds.

Section 4. Allocation of Proceeds.

The proceeds from the sale of the Series 2009 A Bonds, including any accrued interest, shall be allocated, deposited and applied as set forth in the Series 2009 A Supplement.

Section 5. Series 2009 Project Account.

There is hereby created by the University an account within the Facilities Fund to be maintained in the custody of the Treasurer and designated the "Series 2009 Project Account." The Series 2009 Project Account shall be funded, invested, maintained and administered as set forth in the Series 2009 A Supplement. The Series 2009 Project Account shall not constitute a Special Fund and shall not be pledged to the payment of Debt Service Charges.

Section 6. Tax Matters.

The University covenants that the use of the proceeds of the Series 2009 A Bonds will be restricted in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of delivery of and payment for the Series 2009 A Bonds, so that the Series 2009 A Bonds will not constitute arbitrage bonds under Sections 103(c) and 148 of the Code. The Treasurer, or any other officer having responsibility with respect to the issuance of the Series 2009 A Bonds, alone or in conjunction with any other officer or employee of or consultant to the University, will give an appropriate certificate of the University for inclusion in the transcript of proceedings for the Series 2009 A Bonds setting forth the reasonable expectations of the University regarding the amount and use of all those proceeds

and the facts and estimates on which they are based, all as of the date of original delivery of and payment for the Series 2009 A Bonds.

The University further covenants that it will take all actions required to maintain the exclusion from gross income for purposes of federal income taxation of interest on the Series 2009 A Bonds, and will not take, nor permit to be taken, any actions which would adversely affect such exclusion under the provisions of the Code that apply to the Series 2009 A Bonds; and an Authorized Officer and other appropriate officers are hereby authorized to take such actions and give such certifications as may be appropriate to assure such exclusion from gross income of interest on the Series 2009 A Bonds.

Section 7. Call for Redemption of Refunded Obligations.

The University hereby determines that the Refunded Obligations shall be called for optional redemption at the earliest date on which each of there may be redeemed pursuant to the Original Indenture or the Indenture, as applicable, and that the execution and delivery by the University of the Series 2009 A Supplement shall constitute the irrevocable direction to the Trustee to send such notices as are required by such indenture to effect such call for redemption. The execution of the Series 2009 A Supplement and the acceptance of the estate conveyed thereby by the Trustee shall constitute the receipt by the Trustee of such direction and the agreement by the Trustee to give the aforementioned notices.

Section 8. Authorization of Bond Insurance, Bond Ratings, Credit Support Instruments and Rate Management Agreements.

The Treasurer is authorized to submit applications to recognized providers of municipal bond insurance or any other Credit Support Instruments requesting the issuance of municipal bond insurance policies or other Credit Support Instruments, as the case may be, to insure the University's obligation to make payments of principal of and interest on the Series 2009 A Bonds. The Treasurer is hereby authorized to accept one or more commitments for insurance or other Credit Support Instrument from such providers if, in his reasonable judgment, it is in the best interests of the University to do so and the Treasurer is authorized to executed and deliver, and the University is authorized to perform, any documents, certificates or instruments reasonably necessary to obtain the benefits of such policy of bond insurance or other Credit Support Instrument. There is hereby authorized to be paid from the moneys deposited in the Series 2009 Project Account such amount as is required to pay the premium and expenses for such insurance policies.

The Treasurer is hereby authorized to apply for a rating from one or more national rating services with respect to the Series 2009 A Bonds, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such ratings from the proceeds of the Series 2009 A Bonds is hereby authorized.

The Treasurer is authorized to execute, deliver, and perform any rate management agreement, swap agreement, or guaranteed investment contract as such officer deems reasonable and prudent in connection

October 28 & 29, 2009 meeting, Board of Trustees

with the issuance of the Series 2009 A Bonds, the management of the interest rates on any Refunded Obligations, and the execution, delivery, and performance of the Restated Trust Indenture and the Series 2009 A Supplement.

Section 9. Open Meeting Determination.

It is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 10. Effective Date.

This Resolution shall take effect and be in force immediately upon its adoption.

(See Appendix XXI for background information, page 361.)

Upon motion of Mr. Jurgensen, seconded by Mr. Hicks, the Board of Trustees adopted the foregoing resolutions by unanimous roll call vote, cast by Trustees Wexner, Davidson, Davidson, Ong, Borrer, O'Dell, Hicks, Marbley, Jurgensen and Reid.

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Thereupon the Board adjourned to meet Friday, February 5, 2010, at The Ohio State University, Longaberger Alumni House, Columbus, OH.

Attest:

Leslie H. Wexner
Chairman

David O. Frantz
Secretary

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY

~~3335-5-09 Communication with the dean.~~

- ~~(A) All members of the department shall have the right to transmit, through their chair or director, to the dean of their college, any communications bearing upon the work in which they are personally engaged, and the chair or director shall promptly transmit to the dean any communication so received. For faculty with the rank of professor, this usual method of communication may be altered in an individual case.~~
- ~~(B) This rule shall in no way limit the dean in communicating with members of his or her faculty.~~

~~3335-5-09.1 Communication with the executive vice president and provost.~~

- ~~(A) Each faculty member assigned to a regional campus shall have the right to transmit, through the dean and director, to the executive vice president and provost or designee, any communication bearing upon the work in which he or she is personally engaged, and the dean and director shall promptly transmit to the executive vice president and provost or designee any communication so received. For faculty with the rank of professor, this usual method of communication may be altered in an individual case.~~
- ~~(B) This rule shall in no way limit the executive vice president and provost or designee in communicating with the regional campus faculty.~~

3335-5-45.3 Faculty ombudsman.

- (A) The faculty ombudsman shall be a senior member of the regular faculty or an emeritus faculty member, appointed by the president. Appointments shall be made on the basis of a recommendation made by a search committee consisting of the chairs of faculty council and the steering committee, the secretary of the senate, the provost, and the president. The term of office shall be for one year, and is renewable.
 - (1) The faculty ombudsman shall be someone with experience in university governance at the Ohio state university, shall be familiar with university rules and policies, prevalent cultural norms within the institution, precedent, and established university policies and operating procedures.
 - (2) Compensation for the faculty ombudsman will be provided by the office of academic affairs, in the form of course release time or supplemental compensation.
- (B) The responsibilities of the faculty ombudsman will be to:
 - (1) Serve as an advisor to faculty to assist them in determining the viability of their complaints and issues.
 - (2) Direct faculty to appropriate offices, committees, and university rules and policies.
 - (3) Serve when appropriate as an informal mediator of early-stage complaints, to mediate as an impartial party rather than as an advocate for faculty involved in complaints.
 - (4) Present an annual report on his or her activities to faculty council early in the autumn term of each academic year.
 - (5) Visibility of the office of the ombudsman will be made available to faculty through venues such as web pages, the ombudsman speaking at new faculty orientation, and through an introduction at the first meetings of senate and faculty council each year.

(C) Recourse to the ombudsman.

- (1) Recourse to the ombudsman is voluntary and not a prerequisite for consideration of the dispute by the committee on academic freedom and responsibility, the faculty hearing committee, the office of academic affairs, or the office of human resources.

3335-5-48 Standing and special committees of the senate.

(A) The senate may establish such standing and special committees as it deems necessary or desirable.

- (1) The standing committees of the senate are those committees defined in rules 3335-5-48.1 through 3335-5-48.18 of the Administrative Code.
- (2) A special committee is one established to carry out a specified task, at the completion of which it automatically ceases to exist.

(B) Membership.

- (1) All standing and special committees of the senate shall include at least one regular faculty member of the senate.
- (2) Unless otherwise specified by the rules, or by the senate, the president shall appoint members of the administration; the council of graduate students, the inter-professional council, the undergraduate student government, and the faculty council shall select members of their own constituency using procedures adopted by their respective bodies.
- (3) Terms of service.
- (a) Faculty members shall serve three-year terms and are eligible for immediate reappointment to a second term. Following that they are ineligible for reappointment until one full year has elapsed. Faculty members may not serve as chair of an individual committee for more than three successive years.
- (b) Unless otherwise specified by the rules, student members shall serve one-year terms and be eligible for reappointment.
- (c) Appointed administration members shall serve two-year terms and shall not be eligible for immediate reappointment until one full year has elapsed unless they have served less than two-thirds of a full term.
- (d) Multiyear terms shall be staggered so that approximately equal proportions of the number of members retire from the committee each year.

(4) Student Alternates

Unless otherwise designated by rule, graduate, inter-professional and undergraduate student members of standing and special committees of the senate may have an alternate. The alternate shall be selected from the same area of representation as the original appointment. Student members shall advise the chair of the alternate's name prior to the meeting in which the member will be absent. The chair has responsibility for recording correct voting status. If the member has voting status, the alternate may vote in the event of the member's absence. If the member has speech and debate privileges, the alternate shall retain these privileges in the member's absence.

Whenever possible, potential alternates will be identified by appointing authority at the beginning of the academic year.

- (C) Standing and special committees are also governed by the provisions of rule 3335-5-46 of the Administrative Code.

BACKGROUND

IMPACT STATEMENT
THE OHIO STATE UNIVERSITY HOSPITALS
MEDICAL STAFF BYLAWS

AMENDMENTS RECOMMENDED BY THE OSU MEDICAL STAFF BYLAWS
COMMITTEE ON AUGUST 10, 2009

APPROVED BY THE OSU MEDICAL STAFF ADMINISTRATIVE COMMITTEE
ON AUGUST 12, 2009

APPROVED BY UNIVERSITY HOSPITALS BOARD ON SEPTEMBER 24, 2009

The proposed amendments to the Bylaws of the Medical Staff of The Ohio State University Hospitals provide for the following revisions:

- A. Language added to more strongly enhance board certification requirement for medical staff membership
- B. Insertion of non-entitlement language under membership
- C. Language added to describe peer review nature of the medical staff and its committees
- D. Edited name of “clinical quality management policy group” to “clinical quality and patient safety committee”
- E. Per recent revised Joint Commission standard, moved entire history and physical section out of the medical staff rules and regulations and into the medical staff bylaws
- F. Inserted history and physical requirements for inpatient and ambulatory settings

3335-43-04 Membership.

(A) Qualifications.

(1) through (3) no changes.

(4) ~~Except as otherwise provided for herein, an~~ An applicant for membership shall at the time of appointment or reappointment, be and remain board certified in a medical specialty his or her primary area of practice at the Ohio state university hospitals. This Board certification must be approved by at least one of the American board of medical specialties, or other applicable certifying boards, including certifying boards if applicable for doctors of osteopathy, podiatry, psychology, and dentistry. All applicants must be and remain certified within the specific areas for which they have requested clinical privileges. An applicant who is an active candidate for board certification at the time of initial appointment or reappointment shall have three years from the date eligibility was first attained to become board certified. Board certification is a continuing requirement. Whenever recertification is required by a sub-specialty board approved herein, applicants for appointment or reappointment shall meet the terms of recertification established by their respective sub-specialty board or boards. Failure to meet or maintain board certification shall result in immediate termination of membership on the medical staff of the Ohio state university hospitals. This requirement may be waived by action of the medical staff administrative committee, upon the recommendation of the credentials committee or the medical director of the Ohio state university hospitals, or as specifically provided in these bylaws. Applicants who are not board certified at the time of application but who have completed their residency or fellowship training within the last five years will be eligible for medical staff appointment. However, in order to remain eligible, those applicants must achieve board certification in their primary area of practice within five years from the date of completion of their residency or fellowship training. Applicants must maintain board certification and, to the extent required by the applicable specialty/subspecialty board, satisfy recertification requirements. Recertification will be assessed at reappointment. Failure to meet or maintain board certification shall result in immediate termination of membership on the medical staff of the Ohio state university hospitals. Waiver of this threshold eligibility criteria is as follows:

(a) A request for a waiver will only be considered if the applicant provides information sufficient to satisfy his or her burden of demonstrating that his or her qualification are equivalent to

or exceed the criterion in question and that there are exceptional circumstances that warrant a waiver.

- (b) The credentialing committee may consider supporting documentation submitted by the prospective applicant, any relevant information from third parties, input from the relevant department chiefs, and the best interests of the hospital and the communities it serves. The credentialing committee will forward its recommendation, including the basis for such, to the medical staff administrative committee.
- (c) The medical staff administrative committee will review the recommendation of the credentialing committee and make a recommendation to the Ohio state university hospitals board regarding whether to grant or deny the request for a waiver and the basis for its recommendation.
- (d) The Ohio state university hospitals board's determination regarding whether to grant a waiver is final. A determination not to grant a waiver is not a "denial" of appointment or clinical privileges and the prospective applicant who requested the waiver in a particular case is not intended to set a precedent for any other applicant. A determination to grant a waiver does not mean that an appointment will be granted. Waivers of threshold eligibility criteria will not be granted routinely. No applicant is entitled to a waiver.
- (5) All applicants must demonstrate recent clinical activity in their primary area of practice during at least two of the last four years.
- ~~(5)~~(6) Any medical staff member whose membership has been terminated pursuant to paragraph (A)(3) or (A)(4) of this rule shall not be entitled to request a hearing and appeal in accordance with rule 3335-43-06 of the Administrative Code. Any licensed health care professional whose clinical privileges have been terminated pursuant to paragraph (A)(4) of this rule may not request an appeal in accordance with paragraph (H)(8)(j) of rule 3335-43-07 of the Administrative Code.
- (7) No applicant shall be entitled to medical staff membership and of clinical privileges merely by the virtue of fulfilling the above qualifications or holding a previous appointment to the medical center.

Balance unchanged.

3335-43-08 Organization of the medical staff.

- (A) Each member of the attending medical, courtesy A and B medical, community affiliate medical, limited, and physician scholar medical staff shall be assigned to a clinical department and division, if applicable, upon the recommendation of the applicable chief of the clinical department.
- (B) Names of clinical departments and divisions.
 - (1) through (14) no changes.
 - (15) Radiation ~~medicine~~ oncology.

Balance unchanged.

3335-43-10 Administration of the medical staff of the Ohio state university hospitals.

- (A) no changes.
- (B) Medical staff committees.
 - (1) and (2) no changes.
 - (3) Peer review committees:
The medical staff as a whole and each committee provided for by these medical staff bylaws is hereby designated as a peer review committee in accordance with the laws of the state of Ohio. The medical staff through its committees shall be responsible for evaluating, maintaining and/or monitoring the quality and utilization of patient care services provided by the Ohio state university hospitals.

(C) through (H) no changes.

- (I) Leadership council for clinical quality, safety and service.
 - (1) and (2) no changes.
 - (3) Clinical quality ~~management policy group~~ and patient safety committee.

Balance unchanged.

~~3335-43-11 Meetings and dues.~~

(A) ~~Meetings.~~

~~The medical staff of the Ohio state university hospitals shall conduct scheduled meetings twice yearly. Notice of the meeting shall be sent to all medical staff at least two weeks prior to the meeting. Attendance is encouraged, but shall not be a requirement for continued medical staff membership and clinical privileges. Special meetings of the medical staff may be called at the option of the medical staff administrative committee.~~

(B) ~~Dues.~~

~~The medical staff, by two thirds vote of those in attendance at a regularly scheduled meeting, may establish dues. Payment of dues is a requirement for continued staff membership.~~

3335-43-11 History and physical.

(A) History and physical examination.

(1) A history and physical appropriate to the patient and/or the procedure to be completed shall be documented in the medical record of all patients either:

(a) A history and physical appropriate to the patient and/or the procedure to be completed shall be documented in the medical record of all patients either:

(i) admitted to the hospital

(ii) undergoing outpatient/ambulatory procedures

(iii) undergoing outpatient/ambulatory surgery

(iv) in a hospital-based ambulatory clinic

(b) For patients admitted to the hospital, the history and physical examination shall include at a minimum:

(i) date of admission

(ii) chief complaint

(iii) past medical and surgical history

- (iv) relevant past social and family history
 - (v) medications and allergies
 - (vi) review of systems
 - (vii) physical examination
 - (viii) test results
 - (ix) assessment or impression
 - (x) plan of care
- (c) For patients undergoing outpatient/ambulatory procedures or outpatient/ambulatory surgery, the history and physical examination shall include at a minimum:
- (i) indications for procedure or surgery
 - (ii) relevant medical and surgical history
 - (iii) medications and allergies or reference to current listing in the chart or electronic medical record
 - (iv) focused review of systems, as appropriate for the procedure or surgery
 - (v) pre-procedure assessment and physical examination
 - (vi) assessment/impression and treatment plan
- (d) For patients seen in a hospital-based ambulatory clinic, the history and physical shall include at a minimum:
- (i) chief complaint
 - (ii) history of present illness
 - (iii) medications and allergies
 - (iv) problem-focused physical examination
 - (v) assessment or impression
 - (vi) plan of care

(2) Deadlines and sanctions.

- (a) A history and physical examination is performed on all patients, both inpatient and outpatient, regardless of whether the medical treatment or procedure is high or low risk. The history and physical examination must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and dated. In the event the history and physical is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible medical staff member.
- (b) The complete history and physical examination shall be dictated, written or updated no later than twenty-four hours after admission for all inpatients.
- (c) The history and physical examination may be performed up to thirty days prior to admission, surgery or the visit. If completed before admission, surgery or patient's initial visit, there must be a notation documenting an examination for any changes in the patient's condition since the history and physical was completed. The updated examination must be completed and documented in the patient's medical record within 24 hours after admission or before surgery, whichever occurs first. It must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and dated. In the event the history and physical update is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible medical staff member.
- (d) When the history and physical examination signed by the responsible medical staff member, including the results of indicated laboratory studies and e-rays, is not recorded in the chart before the time stated for a procedure, the procedure cannot proceed until the history, and physical signed by the responsible medical staff member, and indicated test results are entered into the chart by the attending medical staff member or designee, who is appropriately credentialed by the hospital, and the procedure may begin. When there is a disagreement concerning the urgency of the procedure, it shall be adjudicated by the medical director or the medical director's designee.

~~3335-43-12 Amendments.~~

~~The bylaws committee shall review the bylaws and rules and regulations as need arises but not less than every two years. This committee shall recommend changes to the medical staff administrative committee.~~

~~These bylaws may be amended after notice is given at a meeting of the medical staff administrative committee, and shall require two thirds vote of the members of the medical staff administrative committee present for approval and submission to the medical staff for ratification. Ratification of an amendment shall be by a plurality of those medical staff members voting through written ballot. When an amendment is approved by the medical staff administrative committee and ratified by the medical staff it shall be forwarded in successive order to the following: the Ohio state university hospitals board and the board of trustees of the Ohio state university. Each of the foregoing reviewers shall accept or reject the requested amendment. The amendment shall become effective when accepted by the board of trustees of the Ohio state university in the form ratified by the medical staff. Significant changes to these bylaws shall be reported in writing to the medical staff and other individuals who have clinical privileges. Neither the medical staff, nor the Ohio state university hospitals board may unilaterally amend these medical staff bylaws. The medical staff bylaws, rules and regulations, and policies and the university hospitals board bylaws shall not conflict.~~

3335-43-12 Meetings and dues.

(A) Meetings.

The medical staff of the Ohio state university hospitals shall conduct scheduled meetings twice yearly. Notice of the meeting shall be sent to all medical staff at least two weeks prior to the meeting. Attendance is encouraged, but shall not be a requirement for continued medical staff membership and clinical privileges. Special meetings of the medical staff may be called at the option of the medical staff administrative committee.

(B) Dues.

The medical staff, by two-thirds vote of those in attendance at a regularly scheduled meeting, may establish dues. Payment of dues is a requirement for continued staff membership.

~~3335-43-12 Amendments.~~

~~The bylaws committee shall review the bylaws and rules and regulations as need arises but not less than every two years. This committee shall recommend changes to the medical staff administrative committee.~~

~~These bylaws may be amended after notice is given at a meeting of the medical staff administrative committee, and shall require two thirds vote of the members of the medical staff administrative committee present for approval and submission to the medical staff for ratification. Ratification of an amendment shall be by a plurality of those medical staff members voting through written ballot. When an amendment is approved by the medical staff administrative committee and ratified by the medical staff it shall be forwarded in successive order to the following: the Ohio state university hospitals board and the board of trustees of the Ohio state university. Each of the foregoing reviewers shall accept or reject the requested amendment. The amendment shall become effective when accepted by the board of trustees of the Ohio state university in the form ratified by the medical staff. Significant changes to these bylaws shall be reported in writing to the medical staff and other individuals who have clinical privileges. Neither the medical staff, nor the Ohio state university hospitals board may unilaterally amend these medical staff bylaws. The medical staff bylaws, rules and regulations, and policies and the university hospitals board bylaws shall not conflict.~~

3335-43-13 Amendments.

The bylaws committee shall review the bylaws and rules and regulations as need arises but not less than every two years. This committee shall recommend changes to the medical staff administrative committee.

These bylaws may be amended after notice is given at a meeting of the medical staff administrative committee, and shall require two-thirds vote of the members of the medical staff administrative committee present for approval and submission to the medical staff for ratification. Ratification of an amendment shall be by a plurality of those medical staff members voting through written ballot. When an amendment is approved by the medical staff administrative committee and ratified by the medical staff it shall be forwarded in successive order to the following: the Ohio state university hospitals board and the board of trustees of the Ohio state university. Each of the foregoing reviewers shall accept or reject the requested amendment. The amendment shall become effective when accepted by the board of trustees of the Ohio state university in the form ratified by the medical staff. Significant changes to these bylaws shall be reported in writing to the medical staff and other individuals who have clinical privileges. Neither the medical staff, nor the Ohio state university hospitals board may unilaterally amend these medical staff bylaws. The medical staff bylaws, rules and regulations, and policies and the university hospitals board bylaws shall not conflict.

~~3335-43-13 Adoption.~~

- ~~(A) These bylaws shall be adopted by the medical staff administrative committee and forwarded for approval in the same fashion as provided in rule 3335-43-12 of the Administrative Code.~~
- ~~(B) Upon adoption of these bylaws by the Ohio state university hospitals board, these bylaws shall replace any previous bylaws, rules and regulations of the medical staff of the Ohio state university hospitals.~~
- ~~(C) From time to time certain administrative policies and procedures associated with processes described in these bylaws for corrective action, fair hearing and appeal, credentialing, privileging and appointment shall supplement the bylaws at the recommendation of the appropriate committee and the medical staff administrative committee and be forwarded to the Ohio state university hospitals board for ratification.~~

3335-43-14 Adoption.

- (A) These bylaws shall be adopted by the medical staff administrative committee and forwarded for approval in the same fashion as provided in rule 3335-43-12 of the Administrative Code.
- (B) Upon adoption of these bylaws by the Ohio state university hospitals board, these bylaws shall replace any previous bylaws, rules and regulations of the medical staff of the Ohio state university hospitals.
- (C) From time to time certain administrative policies and procedures associated with processes described in these bylaws for corrective action, fair hearing and appeal, credentialing, privileging and appointment shall supplement the bylaws at the recommendation of the appropriate committee and the medical staff administrative committee and be forwarded to the Ohio state university hospitals board for ratification.

~~3335-43-14 Rules of construction.~~

- ~~(A) "Shall" as used herein is to be construed as mandatory.~~
- ~~(B) These bylaws should be construed to be gender neutral.~~

3335-43-14 Rules of construction.

- (A) "Shall" as used herein is to be construed as mandatory.
- (B) These bylaws should be construed to be gender neutral.

IMPACT STATEMENT
THE OHIO STATE UNIVERSITY HOSPITALS
MEDICAL STAFF RULES AND REGULATIONS

AMENDMENTS RECOMMENDED BY THE OSU MEDICAL STAFF BYLAWS
COMMITTEE ON AUGUST 10, 2009

APPROVED BY THE OSU MEDICAL STAFF ADMINISTRATIVE COMMITTEE
ON AUGUST 12, 2009

APPROVED BY UNIVERSITY HOSPITALS BOARD ON AUGUST 24, 2009

The proposed amendments to the Rules and Regulations of the Medical Staff of
The Ohio State University Hospitals provide for the following revisions:

- A. Per recent revised Joint Commission standard, moved entire
history and physical section out of the medical staff rules and
regulations and into the medical staff bylaws

BACKGROUND

(A) Each member of the medical staff shall conform to the medical information management department policies, including the following:

(1) no changes.

(2) ~~History and physical examination.~~

(a) ~~A complete history and physical examination shall include but not be limited to:~~

(i) ~~Chief complaint and/or indication for procedure~~

(ii) ~~History of present illness~~

(iii) ~~Past medical and surgical history~~

(iv) ~~Relevant past social and family history~~

(v) ~~Medications and allergies~~

(vi) ~~Review of systems~~

(vii) ~~Physical examination~~

(viii) ~~Test results~~

(ix) ~~Assessment or impression~~

(x) ~~Plan of care~~

(b) ~~A history and physical appropriate to the patient and/or the procedure to be completed shall be documented in the medical record of all patients either:~~

(i) ~~admitted to the hospital~~

(ii) ~~undergoing outpatient/ambulatory procedures~~

(iii) ~~undergoing outpatient/ambulatory surgery~~

(iv) ~~in a hospital-based ambulatory clinic~~

- (c) ~~For patients undergoing outpatient/ambulatory procedures or outpatient/ambulatory surgery, the history and physical examination shall include at a minimum:~~
 - (i) ~~Indications for procedure or surgery~~
 - (ii) ~~Relevant medical and surgical history~~
 - (iii) ~~Medications and allergies or reference to current listing in the chart or electronic medical record~~
 - (iv) ~~Focused review of systems, as appropriate for the procedure or surgery~~
 - (v) ~~Pre-procedure assessment and physical examination~~
 - (vi) ~~Assessment/impression and treatment plan~~
- (3) ~~Deadlines and sanctions:~~
 - (a) ~~A history and physical examination is performed on all patients, both inpatient and outpatient, regardless of whether the medical treatment or procedure is high or low risk. The history and physical examination must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and dated. In the event the history and physical is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible medical staff member.~~
 - (b) ~~The complete history and physical examination shall be dictated, written or updated no later than twenty-four hours after admission for all inpatients.~~
 - (c) ~~The history and physical examination may be performed up to thirty days prior to admission, surgery or the visit. If completed before admission, surgery or patient's initial visit, there must be a notation documenting an examination for any changes in the patient's condition since the history and physical was completed. The updated examination must be completed and documented in the patient's medical record within twenty-four hours after admission or before surgery, whichever occurs first. It must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and~~

~~dated. In the event the history and physical update is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible medical staff member.~~

- ~~(d) When the history and physical examination signed by the responsible medical staff member, including the results of indicated laboratory studies and x-rays, is not recorded in the chart before the time stated for a procedure, the procedure cannot proceed until the history, and physical signed by the responsible medical staff member, and indicated test results are entered into the chart. In cases where such a delay would likely cause harm to the patient, this condition shall be entered into the chart by the attending medical staff member or designee, who is appropriately credentialed by the hospital, and the procedure may begin. When there is a disagreement concerning the urgency of the procedure, it shall be adjudicated by the medical director or the medical director's designee.~~

(2) Deadlines and sanctions.

- ~~(e)~~(a) A procedure note shall be entered in the record by the responsible attending medical staff member or the medical staff member's designee, who is appropriately credentialed by the hospital, immediately upon completion of an invasive procedure. Procedure notes must be written for any surgical or medical procedures, irrespective of their repetitive nature, which involve material risk to the patient. Notes for procedures completed in the operating rooms must be finalized in OR web by the attending surgeon. For any formal operative procedures, a note shall include preoperative and postoperative diagnoses, procedure(s) performed and description of each procedure, surgeon(s), resident(s), anesthesiologist(s), surgical service, type of anesthesia (general or local), complications, invasive lines either added or deleted, estimated blood loss, any pertinent information not included on the O.R./anesthesia record, preliminary surgical findings, and specimens removed and disposition of each specimen. Where a formal operative report is appropriate, the report must be dictated immediately following the procedure. The transcribed operative/procedure report must be signed by the attending medical staff member. Any operative/procedure report not dictated or any procedure note for procedures completed in the operating rooms not completed in OR web by ten a.m.

the day following the procedure shall be deemed delinquent and the attending medical staff member responsible shall lose operating/procedure room and medical staff privileges the following day. The operating rooms and procedure rooms will not cancel cases scheduled before the suspension occurred. Effective with the suspension, the attending medical staff member will lose all privileges to schedule elective and add-on cases. The attending medical staff member will only be allowed to schedule emergency cases until all delinquent operative/procedure reports are completed. All emergency cases scheduled by suspended medical staff members are subject to the review of the medical director and will be reported to the suspended medical staff members' chief of the clinical department and the medical director by the operating room staff. Affected medical staff members shall receive telephone calls from the medical information management department indicating the delinquent operative/procedure reports.

~~(f)~~(b) Progress notes must provide a pertinent chronological report of the patient's course in the hospital and reflect any change in condition, or results of treatment. In the event that the patient's condition has not changed, and no diagnostic studies have been done, a progress note must be completed by the attending medical staff member at least every three days.

Each medical student progress note in the medical records must be signed or counter-signed by a member of the attending, courtesy, or limited staff.

~~(g)~~(c) Birth certificates must be signed by the medical staff member who delivers the baby within one week of completion of the certificate. Fetal death certificates and death certificates must be signed and the cause of death must be recorded by the medical staff member with a permanent Ohio license within 24 hours of death.

~~(h)~~(d) Outpatient visit notes and letters to referring physicians, when appropriate, shall be dictated within three days of the patient's visit.

~~(i)~~(e) Reports in the electronic signature system must be signed within five (5) business days of availability.

~~(j)~~(f) Queries by clinical documentation specialists requesting

clarification of a patient's diagnoses and procedures will be resolved within five business days of confirmed notification of request.

~~(4)~~(3) Discharges

(a) through (g) no changes.

~~(5)~~(4) Confidentiality .

Access to medical records is limited to use in the treatment of patients, research, and teaching. All medical staff members are required to maintain the confidentiality of medical records. Improper use or disclosure of patient information is subject to disciplinary action.

~~(6)~~(5) Ownership.

Medical records of hospital-sponsored care including pathological examinations, slides, radiological films, photographic records, cardiographic records, laboratory reports, statistical evaluations, etc. are the property of the hospital and shall not be removed from the hospital's jurisdiction and safekeeping except in accordance with a court order, subpoena, or statute.

~~(7)~~(6) Records storage and security.

Hospital records, pathological examinations, slides, radiologic images, etc., shall be maintained by the hospital. Microfilms, paper, electronic tape recordings, magnetic media, optical disks, and such other acceptable storage techniques shall be used to permanently maintain patient records. In the case of readmission of the patient, all previous records or copies thereof shall be available for the use of the attending medical staff member or other health care providers.

~~(8)~~(7) Informed consent documentation.

(a) and (b) no changes.

~~(9)~~(8) Sterilization consent.

Prior to the performance of an operative procedure for the expressed purpose of sterilization of a (male or female) patient, the attending medical staff member shall be responsible for the completion of the legal forms provided by the hospital and signed

by the patient. Patients who are enrolled in the Medicaid program must have their forms signed at least 30 days prior to the procedure. Informed consent must also be obtained from one of the parents or the guardian of an unmarried minor.

~~(10)~~(9) Criteria changes.

The medical information management department shall define the criteria for record completion subject to the approval of the medical staff.

~~(11)~~(10) Entries and authentication.

Balance unchanged.

BACKGROUND

84-12 Medical records.

(A) Each member of the medical staff shall conform to the medical information management department policies, including the following:

(1) no changes.

~~(2) History and physical examination.~~

~~(a) A complete history and physical examination shall include but not be limited to:~~

~~(i) Chief complaint and/or indication for procedure~~

~~(ii) History of present illness~~

~~(iii) Past medical and surgical history~~

~~(iv) Relevant past social and family history~~

~~(v) Medications and allergies~~

~~(vi) Review of systems~~

~~(vii) Physical examination~~

~~(viii) Test results~~

~~(ix) Assessment or impression~~

~~(x) Plan of care~~

~~(b) A history and physical appropriate to the patient and/or the procedure to be completed shall be documented in the medical record of all patients either:~~

~~(i) admitted to the hospital~~

~~(ii) undergoing outpatient/ambulatory procedures~~

~~(iii) undergoing outpatient/ambulatory surgery~~

~~(iv) in a hospital-based ambulatory clinic~~

~~(c) For patients undergoing outpatient/ambulatory procedures or outpatient/ambulatory surgery, the history and physical examination shall include at a minimum:~~

- (i) ~~Indications for procedure or surgery~~
- (ii) ~~Relevant medical and surgical history~~
- (iii) ~~Medications and allergies or reference to current listing in the chart or electronic medical record~~
- (iv) ~~Focused review of systems, as appropriate for the procedure or surgery~~
- (v) ~~Pre-procedure assessment and physical examination~~
- (vi) ~~Assessment/impression and treatment plan~~

(3) ~~Deadlines and sanctions:~~

- (a) ~~A history and physical examination is performed on all patients, both inpatient and outpatient, regardless of whether the medical treatment or procedure is high or low risk. The history and physical examination must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and dated. In the event the history and physical is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible medical staff member.~~
- (b) ~~The complete history and physical examination shall be dictated, written or updated no later than twenty four hours after admission for all inpatients.~~
- (c) ~~The history and physical examination may be performed up to thirty days prior to admission, surgery or the visit. If completed before admission, surgery or patient's initial visit, there must be a notation documenting an examination for any changes in the patient's condition since the history and physical was completed. The updated examination must be completed and documented in the patient's medical record within twenty four hours after admission or before surgery, whichever occurs first. It must be performed by a member of the medical staff or his/her designee, who is appropriately credentialed by the hospital, and be signed, timed and dated. In the event the history and physical update is performed by the medical staff member's designee, it shall be countersigned, timed and dated by the responsible~~

medical staff member.

- (d) ~~When the history and physical examination signed by the responsible medical staff member, including the results of indicated laboratory studies and x rays, is not recorded in the chart before the time stated for a procedure, the procedure cannot proceed until the history, and physical signed by the responsible medical staff member, and indicated test results are entered into the chart. In cases where such a delay would likely cause harm to the patient, this condition shall be entered into the chart by the attending medical staff member or designee, who is appropriately credentialed by the hospital, and the procedure may begin. When there is a disagreement concerning the urgency of the procedure, it shall be adjudicated by the medical director or the medical director's designee.~~

(2) Deadlines and sanctions.

- (e)(a) A procedure note shall be entered in the record by the responsible attending medical staff member or the medical staff member's designee, who is appropriately credentialed by the hospital, immediately upon completion of an invasive procedure. Procedure notes must be written for any surgical or medical procedures, irrespective of their repetitive nature, which involve material risk to the patient. Notes for procedures completed in the operating rooms must be finalized in OR web by the attending surgeon. For any formal operative procedures, a note shall include preoperative and postoperative diagnoses, procedure(s) performed and description of each procedure, surgeon(s), resident(s), anesthesiologist(s), surgical service, type of anesthesia (general or local), complications, invasive lines either added or deleted, estimated blood loss, any pertinent information not included on the O.R./anesthesia record, preliminary surgical findings, and specimens removed and disposition of each specimen. Where a formal operative report is appropriate, the report must be dictated immediately following the procedure. The transcribed operative/procedure report must be signed by the attending medical staff member. Any operative/procedure report not dictated or any procedure note for procedures completed in the operating rooms not completed in OR web by ten a.m. the day following the procedure shall be deemed delinquent and the attending medical staff member responsible shall lose operating/procedure room and medical staff privileges

the following day. The operating rooms and procedure rooms will not cancel cases scheduled before the suspension occurred. Effective with the suspension, the attending medical staff member will lose all privileges to schedule elective and add-on cases. The attending medical staff member will only be allowed to schedule emergency cases until all delinquent operative/procedure reports are completed. All emergency cases scheduled by suspended medical staff members are subject to the review of the medical director and will be reported to the suspended medical staff members' chief of the clinical department and the medical director by the operating room staff. Affected medical staff members shall receive telephone calls from the medical information management department indicating the delinquent operative/procedure reports.

- (f)(b) Progress notes must provide a pertinent chronological report of the patient's course in the hospital and reflect any change in condition, or results of treatment. In the event that the patient's condition has not changed, and no diagnostic studies have been done, a progress note must be completed by the attending medical staff member at least every three days.

Each medical student progress note in the medical records must be signed or counter-signed by a member of the attending, courtesy, or limited staff.

- (g)(c) Birth certificates must be signed by the medical staff member who delivers the baby within one week of completion of the certificate. Fetal death certificates and death certificates must be signed and the cause of death must be recorded by the medical staff member with a permanent Ohio license within 24 hours of death.
- (h)(d) Outpatient visit notes and letters to referring physicians, when appropriate, shall be dictated within three days of the patient's visit.
- (i)(e) Reports in the electronic signature system must be signed within five (5) business days of availability.
- (j)(f) Queries by clinical documentation specialists requesting clarification of a patient's diagnoses and procedures will be resolved within five business days of confirmed notification of request.

~~(4)~~(3) Discharges

(a) through (g) no changes.

~~(5)~~(4) Confidentiality.

Access to medical records is limited to use in the treatment of patients, research, and teaching. All medical staff members are required to maintain the confidentiality of medical records. Improper use or disclosure of patient information is subject to disciplinary action.

~~(6)~~(5) Ownership.

Medical records of hospital-sponsored care including pathological examinations, slides, radiological films, photographic records, cardiographic records, laboratory reports, statistical evaluations, etc. are the property of the hospital and shall not be removed from the hospital's jurisdiction and safekeeping except in accordance with a court order, subpoena, or statute.

~~(7)~~(6) Records storage and security.

Hospital records, pathological examinations, slides, radiologic images, etc., shall be maintained by the hospital. Microfilms, paper, electronic tape recordings, magnetic media, optical disks, and such other acceptable storage techniques shall be used to permanently maintain patient records. In the case of readmission of the patient, all previous records or copies thereof shall be available for the use of the attending medical staff member or other health care providers.

~~(8)~~(7) Informed consent documentation.

(a) and (b) no changes.

~~(9)~~(8) Sterilization consent.

Prior to the performance of an operative procedure for the expressed purpose of sterilization of a (male or female) patient, the attending medical staff member shall be responsible for the completion of the legal forms provided by the hospital and signed by the patient. Patients who are enrolled in the Medicaid program must have their forms signed at least 30 days prior to the procedure. Informed consent must also be obtained from one of the

parents or the guardian of an unmarried minor.

~~(10)~~(9) Criteria changes.

The medical information management department shall define the criteria for record completion subject to the approval of the medical staff.

~~(11)~~(10) Entries and authentication.

Balance unchanged.

**Summary of Proposed Revisions of
The Classified Civil Service Rules
Chapters 49, 81, and 89**

Chapter 49: Procedure for adoption, amendment, or rescission of rules affecting persons in the classified civil service and opting out of sections of the Ohio Revised Code.

Adopted a new rule

- 3335-49-02 To the degree that new rules have been adopted, they supersede any statute covering the subject matter in accordance with HB 187.

Edited the existing rule (rule number change only)

- 3335-49-02 to 3335-49-03 The Ohio state university opts out of the following provisions of the Ohio Revised Code.

Chapter 81: Reduction in work force (RIF)

Revised

- 3335-81-01 Reduction in work force.
- 3335-81-06 Retention points.
- 3335-81-08 Notice of layoff and displacement.
- 3335-81-11 Holiday, overtime and vacation payment.

Rescinded (and revised)

- 3335-81-03 Abolishment of positions.
- 3335-81-04 Order of layoff.
- 3335-81-05 Displacement procedures.
- 3335-81-07 Jurisdiction.
- 3335-81-09 Recall lists; reinstatement. (renamed Reinstatement)
- 3335-81-12 Layoff during leave.

No changes

- 3335-81-02 Reasons of economy or lack of work.
- 3335-81-10 Appeal of layoff or displacement.

Key revisions: 3335-81-01 Reduction in work force.

- Statement of rationale and documentation must be approved and on file with the Office of Human Resources prior to abolishments.

Key revisions: 3335-81-03 Abolishment of positions.

- Written plans are required when departments need to implement a RIF due to reorganization.
- If more than one employee is in the same classification, these criteria will be used to determine which individual(s) will be impacted: certification status; and then by a combination of needs of the department; skills and abilities, documented performance; and length of employment at Ohio State.
- If a unit abolishes more than one position in the same classification, the employee has the opportunity to discuss the rationale with the supervisor and human resource representative.

Key revisions: 3335-81-04 Order of layoff.

- Order of layoff will be: certification status; then a combination of skill and abilities, documented performance, and length of Ohio State employment

Key revisions: 3335-81-05 Displacement procedures.

- Individuals with documented history of poor performance (three consecutive “below meets” performance reviews) or active major corrective action will not have displacement rights.

- Displaced employees must be able to perform the minimum requirements of the job.
- Displaced employees who match qualifications of a vacant position will be placed in the vacancy. If no vacancy exists, displacement will take place.
- Displaced employees will be paid according to the target hiring range assigned to the new position or classification.
- If an employee declines placement into a vacancy or declines to displace into a position to which they are entitled, displacement rights cease.

Key revisions: 3335-81-06 Retention points.

- In cases of a tie (same retention points and continuous dates of service), performance, skills, and abilities will be considered.

Key revisions: 3335-81-07 Jurisdiction.

- Order of layoff and displacement will apply only within the jurisdiction affected by the layoff; jurisdictions are autonomous, and layoff, displacement, reinstatement, and reemployment procedures apply only with the jurisdiction affected by the layoff.
- Layoff jurisdictions are codified as follows: (1) Columbus campus, excluding the medical center; (2) Columbus campus – medical center; (3) Lima campus; (4) OARDC and ATI; (5) Marion campus; (6) Mansfield campus; (7) Newark campus; (8) Units located outside of Columbus in a county where a regional campus is located are part of that jurisdiction, otherwise, the jurisdiction is limited to that county only; and (9) Units located outside of Ohio are each their own jurisdictions.

Key revisions: 3335-81-08 Notice of layoff and displacement.

- Requires hand delivery to employee by supervisor and unit hr representative/designee when feasible.
- Effective date of displacement when a vacancy exists is 30 days.
- Effective date of displacement when a vacancy does not exist is 60 days.
- Displacement and/or reinstatement procedures may be made available via the Office of Human Resources web site.
- Includes a date the employee has the opportunity to discussion rationale for reduction with supervisor and human resource representative, if more than one position in the same classification is abolished.

Key revisions: 3335-81-09 Recall lists; reinstatement. (renamed Reinstatement)

- Employee requests reinstatement to a specific position that has been posted before the posting end date.
- Reinstatement is contingent upon successful pre-employment screening.
- Reinstatement time limit is postponed until the leave return date, not to exceed 18 months from original layoff date, for employees laid off during a leave of absence.
- Reinstatement rights cease when the affected employee: secures another OSU position; retires from the university; refuses a reinstatement position; accepts a severance benefit, should the university offer one; or 12 months after the layoff effective date; whichever comes first.

Key revisions: 3335-81-11 Holiday, overtime and vacation payment.

- When a specific return to work date has been established, vacation and compensatory time will be paid out when required by law, even if an employee requests otherwise.

Key revisions: 3335-81-12 Layoff during leave.

- An employee laid off during a leave of absence will have their reinstatement time postponed until the regular return date from the leave, not to exceed 18 months from the original layoff effective date.

Chapter 89: Definitions of Terms

- Definitions are re-lettered due to additions and deletions.
- The following definitions are added: lack of funds; lack of work; major corrective action; medical center; pre-employment screening; reorganization for efficiency; target hiring range.
- The following definitions are revised: displace or displacement; jurisdiction.

Classified Civil Service (CCS)
And the Rules Changes Process
The Ohio State University

Classified Civil Service Staff at Ohio State

According to OHR's Employee Statistical Summary for autumn 2008, Ohio State had 39, 987 employees; 5,493 were in the classified civil service. All CCS positions are listed on the Office of Human Resources Job Classifications web site at <http://hr.osu.edu/statistics/titledck/index.aspx>.

CCS employees who are certified in their positions (successfully completed probationary period) are entitled to certain job-related property rights. These property rights require that appropriate due process measures are in place, with an adequate appeals process, before an employee can be demoted, subjected to job abolishment or layoff, placed on leave for disciplinary purposes, suspended for a number of days, or discharged for appropriate cause.

Classified Civil Service Rules

CCS Rules provide the framework for classified civil service employment at Ohio State; further detail is provided through Office of Human Resources policies. Rules are subject to adoption by the Board of Trustees and become a part of the Ohio Administrative Code (section 3335).

CCS Rules Amendment Process

In December 2006, the Ohio General Assembly passed Substitute House Bill 187, an effort to reform Ohio's laws governing civil service employment. This Act gives our Board of Trustees the authority to amend provisions of CCS rules governing Ohio State employees. All CCS Rules are promulgated in accordance with section 111.15 of the Ohio Revised Code.

The Office of Human Resources (OHR) has a strong commitment to an inclusive and transparent rules change process. The amendment process for CCS rule changes takes at least 90 days to develop and refine; after the rules are finalized, university policies and practice documents must be updated to reflect the changes in the rules. The process OHR is following for these rules amendments is as follows:

1. Solicit input and advice from CCS staff through the CCS Modernization Advisory Group, and from all CCS staff through e-mail updates.
2. Solicit input and advice from the Human Resource Policy Committee, campus senior HR professionals, and content experts in the Office of Human Resources.
3. Draft rules with input and process goals in mind.
4. Solicit feedback and advice from CCS Modernization Advisory Group, Human Resource Policy Committee, and senior HR professionals.
5. Refine rules and review with Office of Legal Affairs.
6. Share rules with Communications Workers of America (required by contract 75 days in advance of public comment period).
7. Publish rules on OHR website for 30 days, soliciting feedback from CCS staff, managers of CCS staff, campus HR professionals, and the general campus community. Conduct four open forums during the 30 day period to review key changes and listen to feedback.
8. Refine the proposed rules as appropriate, based on input received during the public comment period. Solicit additional feedback and advice from various populations as needed.
9. Review final rules with the Office of Legal Affairs.
10. Submit to the Board of Trustees for approval; after approval, the Board Office submits to the Legislative Services Commission of Ohio.
11. Update policies and practices as appropriate.
12. Implement rules, policies, and practice changes on the effective date.
13. Provide training and education on new rules, policies, and practices.

Goals in CCS Rules Amendment Process

Our goals in the CCS Rules Amendment Process are to:

- Support Ohio State's move to a **high performance culture**
- Support Ohio State's **six strategic goals**, with special attention to goal of streamlining and efficiency.
- Ensure consistency with our **institutional values**
- **Streamline** CCS processes

Planned Sequence in CCS Rules Amendment Process

FY09 – Recruitment, Selection and Appointments (effective date July 10, 2009)

FY10 – Layoff and Reduction in Force Processes (effective date January 1, 2010)

FY10 – Performance, Discipline and Disciplinary Processes (target effective date July 1, 2010)

FY11 – Classification and Compensation Plans (target effective date to be determined)

FY11/12 – Leaves (target effective date to be determined)

Definitions and opt out provisions will be updated with each set of rules

Amendments to the *Classified Civil Service Rules*

3335-49-02 ~~The Ohio state university opts out of the following provisions of the Ohio Revised Code:~~

- ~~(A) Section 124.22 of the Revised Code, educational and citizenship requirements for civil service examinations.~~
- ~~(B) Section 124.231 of the Revised Code, special examinations for legally blind or legally deaf persons.~~
- ~~(C) Section 124.25 of the Revised Code, formal application for examination.~~
- ~~(D) Section 124.26 of the Revised Code, eligibility lists — veteran's preference — provisional employees.~~
- ~~(E) Section 124.271 of the Revised Code, provisional employees.~~
- ~~(F) Section 124.31 of the Revised Code, promotions.~~
- ~~(G) Section 124.33 of the Revised Code, transfers — appeal — reimbursement of expenses.~~

3335-49-02

To the degree that new rules have been adopted, they supersede any statute covering the subject matter in accordance with HB 187.

3335-49-03 The Ohio state university opts out of the following provisions of the Ohio Revised Code:

- (A) Section 124.22 of the Revised Code, educational and citizenship requirements for civil service examinations.
- (B) Section 124.231 of the Revised Code, special examinations for legally blind or legally deaf persons.
- (C) Section 124.25 of the Revised Code, formal application for examination.
- (D) Section 124.26 of the Revised Code, eligibility lists — veteran's preference — provisional employees.
- (E) Section 124.271 of the Revised Code, provisional employees.
- (F) Section 124.31 of the Revised Code, promotions.
- (G) Section 124.33 of the Revised Code, transfers — appeal — reimbursement of expenses.

3335-81-01 Reduction in work force.

Should a reduction in the work force become necessary due to lack of funds, lack of work, reasons of economy, or reorganization for efficiency; the office of human resources shall lay off employees and/or abolish positions. The office of human resources shall determine in which classification or classifications layoffs shall occur and the number of employees to be laid off within each classification. Before abolishments, a statement of rationale and supporting documentation shall be prepared, reviewed, and approved, and on file with the office of human resources.

~~3335-81-03 Abolishment of positions.~~

- ~~(A) The university shall prepare and retain a statement of rationale with supporting documentation that explains the lack of continued need for a position.~~
- ~~(B) Employees may be laid off as a result of the abolishment of a position or positions, provided that the office of human resources shall, in such layoff, follow the procedures applicable to the layoff of employees as set forth in this chapter.~~

3335-81-03 Abolishment of positions.

- (A) The office of human resources, in response to documentation from the appropriate college or unit, shall approve what positions will be abolished using the following criteria:
 - (1) Positions will be selected based on the needs of the department; and
 - (2) Employees will be selected first based on certification status, and then by a combination of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment. Employees who are in an initial probationary period and not certified in any CCS title will be automatically laid off.
 - (3) If a unit abolishes more than one position within the same classification, the employee shall have the opportunity to discuss the rationale for the reduction of the employee's position with the supervisor and the human resource representative.
- (B) In cases of reorganization the department shall develop a written plan as required by the office of human resources.
- (C) Employees may be laid off as a result of the abolishment of a position or positions, provided that the office of human resources shall, in such layoff, follow the procedures applicable to the layoff of employees as set forth in this chapter.

3335-81-04 Order of layoff.

- (A) The order of any layoff shall be determined first by primary appointment category, then by certification status and finally by retention point totals.
- (B) All employees within a lower appointment category shall be laid off before any employee in the next or succeeding higher appointment category. For purpose of the application of this rule, the primary appointment categories, in the order of their priority from lowest to highest, shall be:
 - (1) Seasonal employees;

- (2) ~~Part-time regular employees;~~
 - (3) ~~Full-time regular employees.~~
- (C) ~~Within each of the foregoing primary appointment categories, the order of layoff shall be accomplished in the following order:~~
- (1) ~~Employees serving provisionally who have not achieved certified status;~~
 - (2) ~~Employees appointed from eligible lists who have not achieved certified status;~~
 - (3) ~~Employees who have achieved certified status.~~
- (D) ~~Within each primary appointment category and within each category with respect to the status of certification, employees shall be laid off in the inverse order of their retention points as determined by the application of rule 3335-81-06 of the Administrative Code.~~

3335-81-04 Order of layoff.

The order of any layoff shall be determined first by certification status, then by a combination of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment.

3335-81-05 Displacement procedures.

- (A) ~~An employee who was laid off or whose position was abolished shall fill a vacancy or displace the employee with the fewest retention points in the order of the following classifications, provided in all instances that the employee meets the qualifications of that position:~~
- (1) ~~Within the employee's classification;~~
 - (2) ~~Within the next lower classification and each successively lower classification in the employee's classification series;~~
 - (3) ~~Within a classification that has the same or similar duties as the classification from which the employee was laid off;~~
 - (4) ~~Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, provided:~~
 - (a) ~~That the previous classification is of a lower or equivalent classification;~~
 - (b) ~~The employee had achieved certified status in the former classification;~~
 - (c) ~~The employee held the classification not more than five years prior to the date on which the employee was laid off; and~~
 - (d) ~~That in the event the employee's former position no longer exists in the classification held by the employee immediately prior to the present classification, or in the event that the laid off employee is prevented from displacing into the previously held classification because of a failure to meet the minimum qualifications of the previously held classification, then such employee may displace the employee with the fewest retention points in the next previously held classification, and in successive previously held classifications, provided that the~~

requirements set forth in paragraphs (A)(4)(a) to (A)(4)(d) of this rule are met.

- (5) ~~If, after paragraphs (A)(1) to (A)(4) of this rule have occurred and no vacancies are available or the employee is unable to displace due to having the fewest retention points in the classification or lack of qualifications, then the employee will be laid off.~~
- (B) ~~If, after exercising displacement, an employee is subject to further layoff action, displacement shall be in accordance with the original classification from which the employee was laid off.~~
- (C) ~~Employees who elect to use displacement shall displace only those employees with fewer retention points and who are in the same or lower priority of layoff as set forth by rule 3335-81-04 of the Administrative Code.~~
- (D) ~~Employees shall notify the office of human resources of their intention to exercise displacement within five days after receipt of notice of layoff.~~
- (E) ~~Any order of displacement as set forth by this rule notwithstanding, no employee shall displace another employee whose position or classification requires special minimum qualifications, as established by a position description, parenthetical sub title, classification specifications, or by bona fide occupation qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.~~
- (F) ~~If, as a result of layoff or displacement, an employee is serving in a new classification, such employee shall be paid according to the pay range assigned to the new classification that most nearly corresponds to the compensation received by that employee as of the date of layoff or displacement.~~

3335-81-05 Displacement procedures.

- (A) An employee who was laid-off or whose position was abolished shall fill a vacancy or displace the employee with the fewest retention points provided in all instances that the employee meets the qualifications of that position, can perform the required duties, and has met expectations in the last three annual performance reviews. Employees who have not met performance expectations in the last three annual performance reviews and who have been given specific steps for improvement, or who are on major corrective action do not have displacement rights. Displacements will occur as follows:
 - (1) Within the employee's classification.
 - (2) Within the next lower classification and each successively lower classification in the employee's classification series.
 - (3) Within a classification that has the same or similar duties as the classification from which the employee was laid off.
 - (4) Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, provided:
 - (a) That the previous classification is of a lower or equivalent classification;
 - (b) The employee had achieved certified status in the former classification;

- (c) The employee can perform the minimum required functions of the position at the time of placement.
- (5) If no vacancies are available or the employee is unable to displace due to having the fewest retention points in the classification series or lack of qualifications, then the employee will be laid off.
- (B) If, after exercising displacement, an employee is subject to further layoff action, displacement shall be in accordance with the current or most recent certified classification, at the discretion of the office of human resources.
- (C) Employees who elect to exercise displacement shall displace only those employees with fewer retention points. If an employee exercises displacement rights, the office of human resources shall first determine if a vacancy exists. If a vacancy exists and the employee meets the qualifications of the position, can perform the required duties, and has met expectations in the last three annual performance reviews, the employee will be placed in the vacancy. If no vacancy exists, displacement will occur in accordance with 3335-81-05 of the Administrative Code.
- (D) Employees shall notify the office of human resources of their intention to exercise displacement within ten days after receipt of notice of layoff.
- (E) No employee shall displace another employee whose position requires special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupation qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.
- (F) If, as a result of layoff or displacement, an employee is serving in a new position or classification, such employee shall be paid according to the target hiring range assigned to the new position or classification.
- (G) If an employee declines placement into a vacant position for any reason, their displacement rights cease immediately; this provision may be waived at the discretion of the office of human resources.
- (H) If for any reason an employee declines to exercise their displacement rights into a position to which they are entitled, their displacement rights cease immediately.

3335-81-06 Retention points.

- (A) The university shall compute retention points for each employee in a classification that is the subject of a layoff or displacement.
- (B) Each employee shall be assigned retention points for length of continuous service by awarding one retention point for each five hundred twenty hours (excluding overtime hours) of continuous service.
- (C) In the event two or more employees have identical retention points as computed by this rule, the employee having the shortest period of continuous service shall be laid off or displaced first. If two or more employees have identical retention points and identical dates of continuous service from which no break in service has occurred, ~~the date on which application for employment was submitted will determine the priority of layoff, priority being awarded to the earliest date.~~ In the event a tie is still unresolved, the office of human resources shall determine the order of layoff by using a reasonable basis for such determination to include skills and abilities applicable to the department's needs and documented performance.

- (D) "Continuous service" is that service unbroken by a resignation or termination from the university ~~or other state of Ohio civil service employment~~. Continuous service for the purposes of retention points includes:
- (1) When an employee is reinstated after a resignation or termination to the same position within twelve months, full credit for continuous service will be given for the periods of actual employment;
 - (2) ~~A transfer from one state department or agency to another or to or from the university does not constitute a break in continuous service for purposes of computing continuous service retention points;~~
 - (3) An authorized leave of absence does not constitute a break in service, and continuous service retention points shall continue to accumulate during the term of a leave of absence provided the employee returns to ~~state or the~~ university service following the leave;
 - (4)(3) When a laid off employee is reinstated or re-employed within one year from the date of layoff, the employee shall accrue continuous service retention points during the time spent on layoff and continuous service shall remain unbroken; and
 - (5)(4) A disability separation does not constitute a break in service. However, continuous service retention points shall not accumulate during the period of separation.
- (E) Service as a student-employee, graduate associate or temporary employee shall not be credited as service for purposes of determining continuous service retention points.

3335-81-07 Jurisdiction.

- (A) ~~For purposes of implementing layoff, displacement, reinstatement, and re-employment procedures, the Ohio state university main campus, each extended campus and the Ohio agricultural research and development center are each separate jurisdictions.~~
- (B) ~~Notwithstanding paragraph (A) of this rule, employees who are laid off for a temporary period of up to one hundred ten consecutive days and employees who have specialized skills, knowledge or training necessary for the performance of the duties of their position, shall, in the event of layoff, constitute subjurisdictions of the main campus jurisdiction consisting of all employees who are laid off for a period of up to one hundred ten consecutive days or who have the same specialized skills, knowledge or training necessary for the performance of the duties of their positions, whichever subjurisdiction is applicable. Such employees shall be limited in the exercise of the layoff, displacement and reinstatement procedures to their subjurisdiction.~~
- (C) ~~Employees who are not within either of the subjurisdictions established by paragraph (B) of this rule cannot use the displacement or reinstatement procedures with respect to positions determined to be in either of such subjurisdictions.~~
- (D) ~~In addition to the notification requirements of rule 3335-81-09 of the Administrative Code, the notice provided to employees who are in the subjurisdictions established in paragraph (B) of this rule shall also set forth the limits of the subjurisdiction within which the employee may exercise displacement or reinstatement procedures.~~

3335-81-07 Jurisdiction.

- (A) The order of layoff and displacement shall apply within layoff jurisdictions. Each of the layoff jurisdictions, as defined in this section, is autonomous, and layoff, displacement, reinstatement, and reemployment procedures shall apply only within the jurisdiction affected by the layoff.
- (B) Layoff jurisdictions at the Ohio state university are as follows:
- (1) Columbus campus, excluding the medical center;
 - (2) Columbus campus – medical center;
 - (3) Lima campus;
 - (4) OARDC and ATI;
 - (5) Marion campus;
 - (6) Mansfield campus;
 - (7) Newark campus;
 - (8) Units located outside of Columbus in a county where a regional campus is located are part of that jurisdiction, otherwise, the jurisdiction is limited to that county only; and
 - (9) Units located outside of Ohio are each their own jurisdictions.
- (C) The layoff jurisdictions described in paragraph (B) of this rule do not apply to employees who are laid off for a temporary period of up to one hundred and ten consecutive days.

3335-81-08 Notice of layoff and displacement.

- (A) The university shall give advance written notice of layoff or displacement to each employee subject to such layoff or displacement. Such written notification shall be issued by the office of human resources and hand delivered to the employee by the employee's supervisor and the unit's human resource representative or human resource designee at work or mailed by certified mail to the last address on file with the college/department. If the notification is hand delivered, it shall be given at least fourteen calendar days before layoff and the day of hand delivery shall be the first day of the fourteen-day period. If the notification is mailed, it shall be mailed at least seventeen calendar days before layoff and the day of mailing shall be the first day of the seventeen-day period.
- (B) Each notice of layoff or displacement shall contain the following information:
- (1) The reason for layoff or displacement;
 - (2) The effective date of layoff or displacement becomes effective; as follows:
 - (a) If the employee chooses displacement and a vacancy exists, the effective date is within a reasonable period of time to allow for a move to the position, not to exceed thirty days;
 - (b) If the employee chooses displacement and no vacancy exists, the effective date of the displacement or layoff will not exceed sixty days;

- (3) The employee's retention points as computed pursuant to this chapter;
- (4) The employee's option to appeal to the state personnel board of review and the time within which to file an appeal;
- (5) A statement advising the employee of the displacement procedures and the length of time within which the employee may displace another employee;
- (6) A statement advising the employee of the reinstatement procedures;
- (7) Any additional information with respect to the limits of the applicable layoff jurisdiction of the employee ~~if required~~ as specified by rule 3335-81-07 of the Administrative Code;
- (8) ~~A statement that, upon request by the employee, the office of human resources will make available a copy of the displacement and/or reinstatement procedures and/or office of human resources web site address with this information.~~
- (9) In cases of multiple reductions in the same unit and in the same classification, a specific date the employee has the opportunity to discuss the rationale for the reduction of the employee's position with their supervisor and human resource representative.

3335-81-09 Recall lists; reinstatement.

- (A) ~~The office of human resources shall prepare a recall list for each classification in which employees are laid off. The names of all laid off or displaced certified status employees shall appear on such lists in descending order of retention points, and the names of all provisional laid off or displaced employees shall appear on a second list in descending order of retention points. Except as provided in paragraph (C) of this rule, laid off employees shall be placed on recall lists for each classification within the employee's classification series that is equal to or lower than the classification in which the employee was employed at the time of layoff.~~
- (B) ~~An employee's name shall remain on the appropriate recall list or lists for a period of one year beginning from the date the employee was first laid off or displaced from the original classification. During this period, colleges/departments may not hire, promote or transfer into any classification for which a recall list exists until all persons on the recall list applicable to that classification are reinstated or decline the offered position.~~
- (C) ~~An employee who does not exercise the option to displace, as provided by rule 3335-81-05 of the Administrative Code, shall be listed on the recall list for the classification from which the employee was laid off or displaced but shall not be listed for reinstatement in other classifications in the employee's classification series that are equal to or lower than the classification from which the employee was laid off or displaced.~~
- (D) ~~Each employee recalled from layoff shall be notified by certified mail of the offer of reinstatement. The notification of reinstatement shall include a statement that refusal of reinstatement shall result in removal of the employee's name from the recall list. Each recalled employee shall have ten calendar days from the date of the notification in which to respond to the notice or return to work. In the absence of extenuating circumstances (e.g., illness, injury, absence from city or state or other good cause as determined by the office of human resources) that prevented the employee from responding or returning to work within the foregoing time limit, the university may grant a reasonable extension, not to exceed sixty days. In the absence of extenuating circumstances, an individual not~~

~~accepting or declining reinstatement within ten days shall be deemed to have declined reinstatement for purposes of removal from the recall list.~~

- ~~(E) Notification of recall may be delivered to an employee by other than certified mail if circumstances created by temporary layoffs and/or emergency situations dictate otherwise. Regardless of the method of delivery of the recall notification, the period in which to return to work shall begin with the date of receipt of such notification.~~
- ~~(F) An employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced shall be removed from the recall list applicable to the offered classification and any recall lists for classifications lower in the classification series. The employee shall thereafter be eligible only for reinstatement to a classification higher than the declined reinstatement classification, up to and including the classification from which the employee was laid off or displaced.~~
- ~~(G) Employees who have completed their probationary periods at the time of layoff are not required to serve probationary periods when they are reinstated. Employees who are serving probationary periods at the time of layoff must serve a new probationary period upon reinstatement.~~
- ~~(H) The names of employees not removed from recall lists pursuant to paragraphs (A) to (E) of this rule shall be removed from the recall lists one calendar year after the initial date of layoff.~~

3335-81-09 Reinstatement.

- (A) Certified employees who are laid off from the university can exercise their reinstatement rights within their jurisdiction by written notification to the office of human resources if a position is posted in the classification from which they were laid off. If more than one employee indicates reinstatement interest in a position, the employing unit shall consider skills and abilities applicable to the employing unit's needs and documented performance.
- (B) An employee may exercise reinstatement rights for twelve months beginning from the layoff effective date. During this period, jurisdictional units may not hire or promote into any classification for which a laid off employee has indicated an interest in reinstatement; this does not apply to reclassifications. Reinstatement is contingent upon successful pre-employment screening.
- (C) A laid off employee must notify the office of human resources of their reinstatement interest before the posting end date.
- (D) An affected employee's reinstatement rights will cease immediately upon the earliest of:
 - (1) Securing another OSU position;
 - (2) Retiring from the university;
 - (3) Refusing a reinstatement position; or
 - (4) At the end of twelve months following the layoff effective date.
- (E) In the event that the university offers a severance benefit, and the employee accepts the benefit, reinstatement rights will cease.

- (F) Unsuccessful completion of any pre-employment screening for a specific reinstatement position will result in denial for the position. An additional reinstatement opportunity may be granted at the discretion of the office of human resources.
- (G) Employees who have completed their probationary periods at the time of layoff are not required to serve probationary periods when they are reinstated to the same classification.
- (H) Employees who are certified in a classification and are serving a probationary period in a new classification at the time of layoff must serve a new probationary period upon reinstatement.

3335-81-11 Holiday, overtime and vacation payment.

Payment for earned but unused vacation, ~~payment of any holiday pay due, and payment of any overtime and/or compensatory time will be made concurrent with the final pay settlement at the time of layoff~~ issued in accordance with university policies. However, when a specific return to work date has been established and upon request from the employee, vacation and compensatory time due will not be paid unless required by law. In instances of job abolishment where no return to work is anticipated, all vacation, holiday pay and overtime must be paid out at the time of the layoff.

3335-81-12 Layoff during leave.

- (A) ~~Employees on vacation or any type of leave of absence may be laid off or displaced as any other employee and retain their ability to be reinstated or re-employed.~~
- (B) ~~An employee who is laid off during a leave of absence may accept or refuse an offer of reinstatement while the leave is still active. If the employee accepts the offer of reinstatement, the employee's leave shall be terminated. If the employee refuses the offer, the remainder of the one year reinstatement time limit is postponed until the regular termination of leave date.~~

3335-81-12 Layoff during leave.

- (A) Employees on vacation or any type of leave of absence may be laid off or displaced as any other employee and retain their ability to be reinstated.
- (B) An employee who is laid off during a leave of absence will have their reinstatement time limit postponed until the regular return date from the leave, not to exceed eighteen months from the original layoff effective date.

3335-89-01 Definition of terms.

For the purposes of Chapters 3335-49 to 3335-89 of the Administrative Code, the following terms are defined as follows:

- (A) "Abolishment" - the elimination of a position due to lack of funds, lack of work, reasons of economy, or a reorganization for efficiency.
- (B) "Appointing authority" - the board of trustees for the university has delegated its authority regarding civil service employment matters to the vice president for human resources.
- (C) "Appointment" - the administrative process of placing a university employee on the payroll.

- (D) "Base rate of pay" - the actual salary or wage an employee receives for services rendered within the pay range of the classification.
- (E) "Broadbanding" - one of the university's classification and compensation systems characterized by broader classifications, pay ranges, simplified classification administration, and market based compensation administration.
- (F) "Certified status" - a classified civil service status obtained for a specific classification upon satisfactory completion of the applicable probationary period or, when there is no probationary period, upon completion of 180 days in the specific classification with satisfactory performance.
- (G) "Classification" - common name for a group of positions sufficiently related with respect to duties, responsibilities, authority and qualifications so that the same descriptive classification title and same pay range may be used for each.
- (H) "Classification plan" - a system of classifications or series of jobs, with a specification and pay range assignment for each classification.
- (I) "Classified civil service" – all positions with a title under the Ohio state university's classified civil service title group, found on the office of human resources web site. Any position not included in this group is not classified civil service.
- (J) "Day" - unless otherwise specified, "day" means one calendar day.
- (K) "Demotion" - placement of an employee in a classification that has a lower pay range than that previously held.
- (L) "Displace" or "displacement" - the exercise of the procedures outlined in Chapter 3335-81 of the Administrative Code that results in the substitution of one employee by another employee with higher retention points who can perform the required duties, have met expectations in the last three annual performance reviews, and are not on major corrective action.
- (M) "Emergency appointment" - an appointment to a position to meet an emergency situation, an exception from civil service rules, not to exceed a maximum of 179 days.
- (N) "For cause" – a type of termination from employment for one or more of the following reasons: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony.
- (O) "Full-time employment" - employment where the work schedule is normally forty hours per week.
- (P) "Intermittent employment" - an appointment which serves at the discretion of the appointing authority and where the employee works irregular hours or days on an as-needed basis.
- (Q) "Jurisdiction" - the limited location in which procedures for layoff, displacement, ~~recall,~~ and reinstatement and re-employment may be exercised; ~~the main The Columbus campus, excluding the medical system; the health system and the James cancer hospital and Solove research institute, the medical center;~~ each regional campus; and the agricultural technical institute/ and Ohio agricultural research and development center are

~~each separate and distinct jurisdictions, except when outlying locations are within 50 miles of each other or a campus, in which case those locations comprise one jurisdiction. Units located outside of Columbus in a county where a regional campus is located are part of that jurisdiction, otherwise, the jurisdiction is limited to that county only. Units located outside of Ohio are each their own jurisdictions.~~

- (R) "Lack of funds" – a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. A lack of funds shall be presumed for a position assigned to an employee who works under a grant if it is reduced or withdrawn.
- (S) "Lack of work" – a current or projected decrease in workload that requires a reduction of current or projected staffing levels in the organization or its structure.
- ~~(R)~~(T) "Leave of absence" - temporary separation from active pay status with the employee generally retaining employment status and seniority.
- ~~(S)~~(U) "Licensed practitioner" - a physician, psychiatrist, or psychologist who is licensed to perform medical or psychological examinations.
- (V) "Major corrective action" – any corrective action at the third level or above or in accordance with collective bargaining agreements.
- (W) "Medical center" – includes the James cancer hospital and Solove research institute, office of health sciences and college of medicine, OSU Harding hospital, OSU primary care network, OSU rehabilitation services at Dodd hall, Ross heart hospital, shared services, specialty care network, university hospital east, and university hospital.
- ~~(F)~~(X) "Original appointment" - an individual's first classified civil service appointment with the university.
- ~~(U)~~(Y) "Parenthetical sub-title" - a group of positions logically falling within a single classification, but distinguished from other positions within that classification by the performance of specific functions or duties requiring specialized skill, knowledge or training.
- ~~(A)~~(Z) "Part-time employment" - employment where the work schedule is normally less than forty hours per week.
- ~~(W)~~(AA) "Pay range" - a division of a pay plan to which classifications are assigned.
- ~~(X)~~(BB) "Position" - a specific job requiring the performance of certain duties and responsibilities by an employee.
- (CC) "Pre-employment screening" – process of collecting information about individuals to assess job qualifications or fitness for duty. Specific examples include background checks, drug tests, and declaration of material assistance, among others.
- ~~(Y)~~(DD) "Probationary period" - a period of time at the beginning of an original appointment, a promotion, or a lateral change from one classification to another that constitutes a trial or testing period for the employee, during which the employee may be terminated or returned to the former classification.
- ~~(Z)~~(EE) "Promotion" - placement of an employee in a vacant position in a classification that has a higher pay range than that previously held.
- ~~(AA)~~(FF) "Reassignment" - an involuntary temporary or permanent move of employment within the same or similar classification and/or work location within the same jurisdiction of the university.

~~(BB)~~(GG) "Reclassification" - the act of changing the classification of an existing occupied position.

~~(CC)~~(HH) "Reduction in force" - a decrease in the number of positions at the university's initiative due to a lack of funds, lack of work, reasons of economy, or reorganization for efficiency.

~~(DD)~~(II) "Regular employment" - employment which customarily requires the services of an employee on a regularly scheduled and continuing basis.

~~(EE)~~(JJ) "Reinstatement" - the act of returning a former employee to the same or similar position within the university classified civil service, following a period of not more than one year of separation.

(KK) "Reorganization for efficiency" – current or projected decrease in workload that requires a reduction of current or projected staffing levels in an organizational structure; change in the nature of the work or direction or purpose of the unit; or elimination of a unit.

~~(FF)~~(LL) "Seasonal employment" - regular employment where the service reoccurs for a specified period of time during a particular time of the year.

~~(GG)~~(MM) "Specification" - a composite of the duties and requirements of a classification.

~~(HH)~~(NN) "Suspension" - the interruption of an individual's employment and compensation for a fixed period of time for reasons of discipline.

(OO) "Target hiring range" - is established prior to posting a position based upon budgeted funds for the position, identified skills and/or experience, salaries paid within the college or vice president unit for similar positions, organizational scope and an assessment of the relevant competitive market. The target hiring range should normally have a spread of \$3,000 to \$8,000; the range may vary based on the circumstances at the time of posting.

~~(H)~~(PP) "Temporary employment" - an appointment that serves at the discretion of the appointing authority and:

- (1) Is for a limited duration;
- (2) Is for a specific project;
- (3) Augments regular staff due to increased work loads or staff shortages; or
- (4) Replaces a regular employee during an absence due to illness, leave of absence or vacation.

~~(JJ)~~(QQ) "Termination" - the involuntary ending of an employee's employment with the university.

~~(KK)~~(RR) "Transfer" - a voluntary move of employment as a result of an application for a different position.

~~(LL)~~(SS) "Working suspension" - a suspension where the individual's employment and compensation are not interrupted, but for the purposes of progressive corrective action, is equal in weight to a regular suspension.



The Ohio State University Foundation
 FY 2010 Annual Goal Setting Report

Fundraising Progress - University Development

as of September 30, 2009

	Fundraising Activity	Goal	% Achieved
Outright Gifts and Pledges			
Cash and Securities	\$13,209,880		
Real Estate	\$0		
Gifts-in-Kind	\$411,155		
Pledges	\$10,514,585		
Total Outright Gifts and Pledges	\$24,135,640	\$164,720,258	14.65%
Planned Gifts			
Revocable Planned Gifts	\$10,667,695		
Irrevocable Planned Gifts	\$50,000		
Total Planned Gifts	\$10,717,695	\$59,865,820	17.90%
Private Grants (OSP)	\$20,028,400	\$75,413,922	26.56%
Total Fundraising Activity	\$54,881,735	\$300,000,000	18.29%
		Time Elapsed	25.00%



The Ohio State University Foundation
 FY 2010 Annual Goal Setting Report
Fundraising Progress - Unit
 as of September 30, 2009

Unit	Outright Gifts and Pledges	Planned Gifts	Private Grants (OSP)	Total Fundraising Activity	Goal	% Achieved
Arts and Sciences (Colleges of the)	\$523,360	\$4,962,694	\$1,794,476	\$7,280,529	\$28,118,000	25.89%
Athletics	\$8,984,890	\$30,000	\$0	\$9,014,890	\$41,094,000	21.94%
Business (Fisher College of)	\$565,995	\$144,861	\$0	\$710,856	\$12,333,833	5.76%
Cancer	\$3,510,691	\$1,001,490	\$1,736,712	\$6,248,893	\$28,430,090	21.98%
Dentistry (College of)	\$601,990	\$550,000	\$127,340	\$1,279,330	\$4,402,315	29.06%
Education and Human Ecology (College of)	\$124,485	\$460,583	\$14,980	\$600,048	\$8,085,978	7.42%
Engineering (College of)	\$1,692,777	\$658,000	\$6,229,841	\$8,580,618	\$35,928,213	23.88%
Food, Agriculture and Enviro Sciences (College of)	\$711,094	\$90,000	\$1,682,171	\$2,483,265	\$25,937,471	9.57%
Heart	\$165,297	\$550,000	\$961,808	\$1,677,105	\$2,430,000	69.02%
John Glenn School of Public Affairs, The	\$70,896	\$0	\$119,870	\$190,766	\$775,000	24.61%
Kirwan Institute for the Study of Race & Ethnicity	\$170,000	\$0	\$0	\$170,000	\$3,000,000	5.67%
Law (Michael E. Moritz College of)	\$176,974	\$0	\$0	\$176,974	\$8,737,697	2.03%
Medical Center	\$853,918	\$2,300	\$2,517,364	\$3,373,582	\$31,770,360	10.62%
Medicine (College of)	\$273,995	\$0	\$1,762,735	\$2,036,730	\$6,526,080	31.21%
Neurosciences	\$151,244	\$1,500,000	\$1,076,030	\$2,727,274	\$9,500,000	28.71%
Nursing (College of)	\$141,044	\$0	\$1,065	\$142,109	\$2,284,565	6.22%
Office of Academic Affairs	\$679,204	\$288,664	\$58,320	\$1,026,188	\$11,397,171	9.00%
Office of Student Life	\$1,223,154	\$0	\$0	\$1,223,154	\$1,884,038	64.92%
Ohio State University Alumni Association	\$40,687	\$81,000	\$0	\$121,687	\$414,000	29.39%
Optometry (College of)	\$21,472	\$0	\$311,006	\$332,478	\$1,141,750	29.12%
OSU Lima	\$30,379	\$0	\$0	\$30,379	\$156,000	19.47%
OSU Mansfield	\$26,475	\$0	\$0	\$26,475	\$670,886	3.95%
OSU Marion	\$211,527	\$0	\$0	\$211,527	\$1,084,000	19.51%
OSU Newark	\$21,337	\$0	\$0	\$21,337	\$983,837	2.17%
Pharmacy (College of)	\$109,770	\$78,000	\$348,091	\$535,861	\$2,198,000	24.38%
Public Health (College of)	\$12,075	\$0	\$215,568	\$227,643	\$2,128,545	10.69%
Social Work (College of)	\$75,074	\$0	\$18,000	\$93,074	\$675,000	13.79%
University Libraries	\$291,380	\$0	\$0	\$291,380	\$2,455,000	11.87%
University-wide Fundraising	\$982,073	\$130,104	\$25,027	\$1,137,204	\$8,297,079	13.71%
Veterinary Medicine (College of)	\$210,261	\$190,000	\$1,027,996	\$1,428,257	\$9,309,092	15.34%
Wexner Center for the Arts	\$879,808	\$0	\$0	\$879,808	\$3,455,000	25.46%
WOSU Public Stations	\$602,295	\$0	\$0	\$602,295	\$4,397,000	13.70%
Total	\$24,135,620	\$10,717,695	\$20,028,400	\$54,881,715	\$300,000,000	18.29%

Time Elapsed 25.00%



Philanthropic Receipts - University Development

as of September 30, 2009

	7/1/2009 - 9/30/2009	7/1/2008 - 9/30/2008	% Change
Outright Gift Receipts			
Cash and Securities	\$13,209,880	\$15,876,172	-16.79%
Real Estate	\$0	\$0	
Gifts-in-Kind	\$411,155	\$880,091	-53.28%
Total Outright Gift Receipts	\$13,621,035	\$16,756,263	-18.71%
Pledge Receipts			
Payments on Current Year Pledges	\$636,015	\$2,631,286	-75.83%
Payments on Prior Year Pledges	\$4,590,630	\$2,306,947	98.99%
Total Pledge Receipts	\$5,226,645	\$5,132,363	1.84%
Planned Gift Receipts			
Payments on Current Year Revocable Gifts	\$514,262	\$175,897	192.37%
Payments on Prior Year Revocable Gifts	\$5,395,530	\$1,108,113	386.91%
Irrevocable Gift Receipts	\$50,000	\$0	
Total Planned Gift Receipts	\$5,959,792	\$1,284,010	364.15%
Private Grants (OSP)	\$20,028,400	\$20,466,418	-2.14%
Total Fundraising Receipts	\$44,835,873	\$43,639,054	2.74%



The Ohio State University Foundation

Campaign Planning: Fiscal Year 2010

	2009							2010					
Planning Activity	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Refine University Case Statement													
Recruit Unit Campaign Committees													
Update Unit Campaign Goals													
Draft Unit Case Statements													
Test Unit Case Statements													

**AUTHORIZATION FOR THE OHIO STATE UNIVERSITY TO AMEND AND RESTATE THE
SUPPLEMENTAL RETIREMENT 403(B) ANNUITY PLAN**

SUMMARY

Background on the Plan:

The Ohio State University Supplemental Retirement 403(b) Annuity Plan is a voluntary plan designed to assist faculty and staff in supplementing their retirement savings. It allows employees to contribute a portion of their compensation to the Plan and exclude the contribution from taxable income for federal and state tax purposes. In addition, the University is permitted to make employer contributions to the Plan.

Each participant may choose to invest his or her account balances in one of a number of investment alternatives. Those investment alternatives currently are provided by 13 different vendors. Over 11,000 faculty and staff contribute to the Plan.

The Plan is subject to rules described in Section 403(b) of the Internal Revenue Code. In July 2007, the Internal Revenue Service issued final regulations for 403(b) plans. The final regulations are the first comprehensive revisions to the tax rules affecting 403(b) plans since 1964. The final regulations generally became effective January 1, 2009.

Under these regulations, the IRS requires that there be a written plan containing all material terms and conditions for eligibility, benefits, limitations, contracts available under the plan, time and form of distribution, and any optional provisions (such as loans and hardship distributions). The written plan document must be in place by December 31, 2009. Although the University has a written plan document, some modifications are necessary to comply with these final regulations. Therefore, the University is amending and restating its current Plan.

Purpose of the Resolution:

As was the case with previous Board authorization regarding the Plan, this resolution clarifies the authority of the Vice President for Human Resources, in consultation with the Office of Legal Affairs, to make the necessary or advisable changes to the Plan and authorizes the Senior Vice President for Business and Finance to sign the amended and restated Plan and any other documents needed to carry out the resolution. Outside counsel, the Office of Human Resources and the Office of Legal Affairs are working to complete the plan by the end of the calendar year. Because the Board does not meet again until February 2010, the resolution adds a provision for the Executive Vice President and Provost and the Chair of the Board's Fiscal Affairs Committee to review the revised Plan, before it is signed by the Senior Vice President for Business and Finance.

**The Ohio State University
Office of Human Resources**

Paid Disaster Leave Benefit – Supplemental Information

The Ohio State University Office of Human Resources is preparing a Paid Disaster Leave Benefit Plan to be available when a pandemic or other major disaster has been declared and the *Disaster Preparedness and University State of Emergency Policy* has been activated.

Other large universities have experienced floods, hurricanes and other disasters, and the potential of a widespread pandemic is also present. The first priority is to retain essential personnel at work, and to determine all possible methods to maintain productivity of other faculty and staff (alternate locations, telecommuting, and different job responsibilities, as examples).

For those who cannot work after any and all assignable work is exhausted, and for a disaster that may last a period of a few weeks or longer, a program of maintaining some level of compensation and benefits support is preferable to widespread layoffs, loss of talent to other employers, and payment of unemployment benefits.

The program is intended to:

- Apply only to a true disaster; short term weather closings (e.g. snow emergencies) would not be included
- Be provided for regular staff and faculty who are prevented from any and all assignable work due to the declared university disaster; assigned work may be completely different than normal responsibilities
- Emphasize identifying other means to work as the top priority, through such means as telecommuting, alternate locations, etc.; compensation support is not an entitlement
- Include the utilization of the faculty or staff member's accrued leave balance in combination with university sponsored compensation;
- Provide financial support, which may be at a reduced level of compensation for those without assignable work

Faculty and regular staff who are unable to work due to reasons unrelated to the pandemic or disaster would not be eligible.

Next Steps: This resolution is to provide interim authority to the president of the University; a group is working to identify specific program parameters and will return to next meeting of the Board of Trustees with a proposal approved by University leadership.



Chemical and Biomolecular Engineering and Chemistry Building

OSU-090581

Requesting Agency(s): CHEMICAL ENGINEERING

Requesting Agency(s): CHEMISTRY

Location(s): See Project Information

ASF/0 GSF Age:

Description/Scope:

This project will construct a highly efficient, functional and collaborative facility with appointments that support modern chemical and biomolecular sciences and will provide space for the Departments of Chemical and Biomolecular Engineering and Chemistry. The facility will be approximately 198,000 SF and include research laboratories, laboratory support spaces, classrooms, and offices.

The new facility will be located on the sites currently occupied by Boyd Laboratory, Haskett Hall, Johnston Laboratory and the Aviation Building. The condition and functionality assessments of these buildings, completed as part of the One Ohio State Framework Study, indicated suboptimal outcomes of repurposing and a low return on additional investments in these facilities. The selected site addresses \$22M in deferred maintenance; reduces operating costs; creates better alignment with a science and engineering neighborhood; provides more optimal future adjacencies; and supports the "no net new academic space" principle. The relocation of building occupants, demolition and site preparation will be accomplished as a separately-funded project.

Approval is requested to enter into professional services contracts to begin the design for the project. Design is currently estimated at \$18.1M with a conceptual total project budget estimated at \$126.0M. The total project budget will be updated at the conclusion of design and when construction approval is requested.

Source of Funds:

Amount

HB 562 Line Item Appropriations	\$13,860,000.00
Future Capital Appropriations	\$83,640,000.00
Development - Math & Physical Sciences	\$11,000,000.00
Development - Engineering	\$17,500,000.00

Total - Conceptual Budget: \$126,000,000.00

Schedule:

BoT Approved Amt.

Projected

Revised

Actual

PLANNING

Professional Services Approved by BoT

\$18,100,000.00

10/29/2009

DESIGN

Schematic Design Approval

08/19/2010

Design Dev Document Approval

03/24/2011

Construction Document Approval

02/20/2012

BIDDING

Bid Opening

06/14/2012

CONSTRUCTION

Award of Contracts

09/13/2012

Construction Start

09/17/2012

Completion

12/01/2014

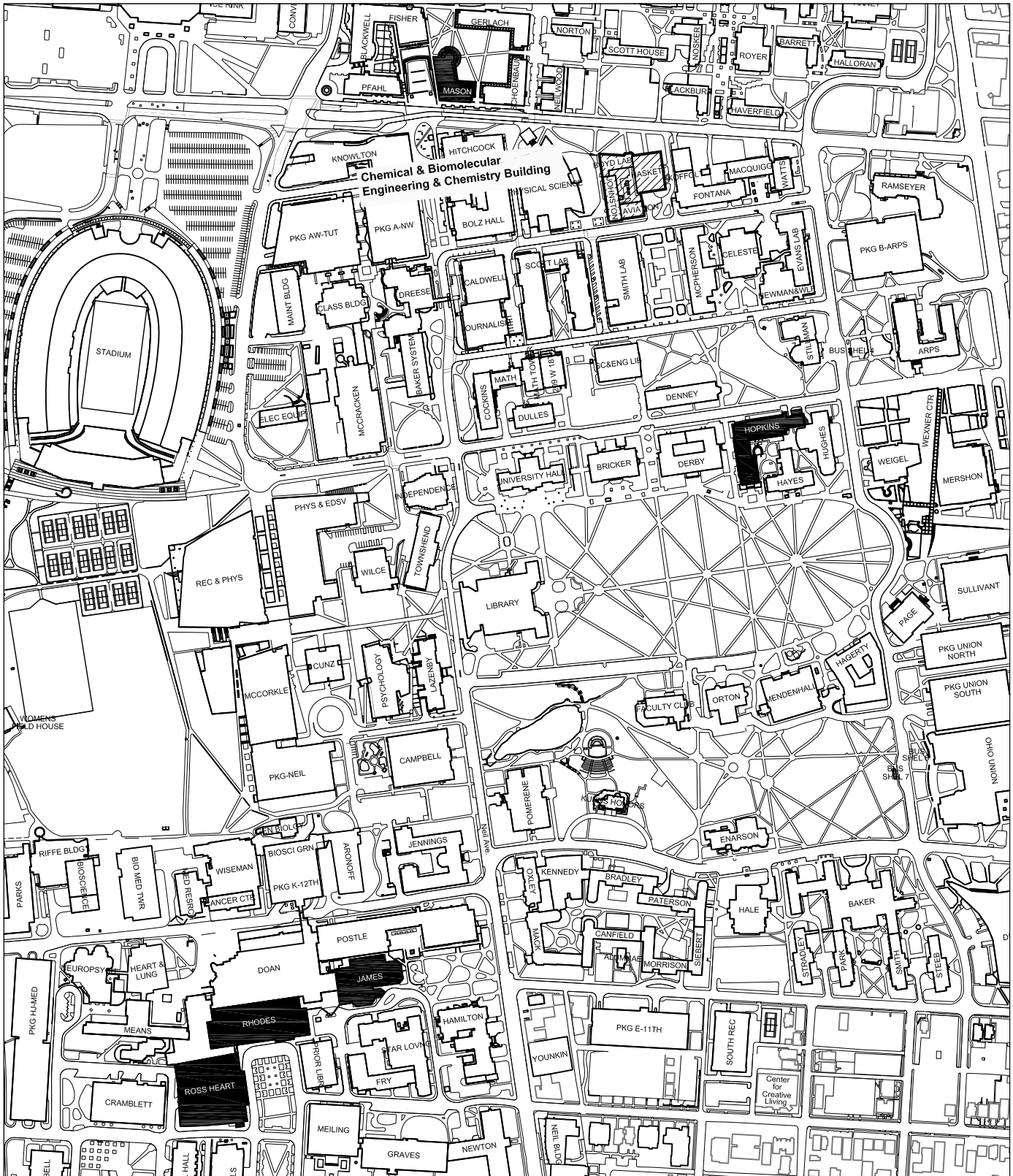
Project Team:

Project Manager: Faye Bodyke

Contracts Administrator: Laura Kemitzky

Core and Medical Campus Projects

- CBEC – Located on the Boyd/Haskett/Johnston/Aviation site
- Hospital Kitchens Renovation – Located in Ross HH, the James and Rhodes
- Mason Hall – First and Second Floor Renovation
- Hopkins Hall Mechanical System Improvements





Hopkins Hall Mechanical System Improvements

OSU-071589

Requesting Agency(s): FACILITIES OPERATIONS AND DEVELOPMENT

Location(s): Hopkins Hall, James R.

67,526 ASF/108,554 GSF Age: 1959

Description/Scope:

This project will replace mechanical systems throughout Hopkins Hall, including HVAC, radiant piping, fire alarm, and HVAC controls. The oldest wing of Hopkins Hall does not have any HVAC systems and these will be added as part of this project. This project will address approximately \$1.2M in deferred maintenance.

The building has several tenants and programs, primarily in the College of the Arts. Project work will be phased as some of these programs must remain in the building and are unable to relocate during construction and installation of the mechanical systems.

As a separate project, the building is having the window glazing system replaced. The professional services team for this project will need to coordinate with the window glazing project regarding the perimeter hot water radiation and ceiling systems.

Source of Funds:

Amount

HB 562 Columbus Basic Renovation	\$3,870,000.00
HB 496 Columbus Basic Renovation	\$1,798,290.00

Total: \$5,668,290.00

Schedule:

	BoT Approved Amt.	Projected	Revised	Actual
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PLANNING

Professional Service Approved by BoT	\$500,000.00	10/29/2009		
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DESIGN

Schematic Design Approval		12/09/2010		
Design Dev Document Approval		02/28/2011		
Construction Document Approval		10/31/2011		

BIDDING

Bidding Approved BoT	\$5,168,290.00	10/29/2009		
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CONSTRUCTION

Construction Start		03/26/2012		
Completion		12/11/2012		

Project Team:

Project Manager: Charlie Conner

Contracts Administrator: Laura Kembitzky



Hospital Kitchens Renovation

OSU-091575

Requesting Agency(s): UNIVERSITY HOSPITALS

Location(s): Rhodes Hall-University Hospital

234,178 ASF/480,976 GSF Age: 1979

Location(s): James Cancer Hosp & Solove Res Inst

116,384 ASF/265,423 GSF Age: 1990

Location(s): Ross Heart Hospital, Richard M

106,654 ASF/0 GSF Age:

Description/Scope:

This project will renovate the existing patient and cafe food kitchens serving University Hospitals in Rhodes Hall, the James Cancer Hospital and the Ross Heart Hospital.

Renovations will take place over several phases and several years. Phases one through three in FY 2010 will renovate the Chilled Production Kitchen in Rhodes; Hospitality Center #1 in Rhodes; and Hospitality Center #2 in the James.

Phases four and five in FY 2011 will renovate Hospitality Center #4 in Ross and Hospitality Center #3 in Rhodes.

Phases six and seven in FY 2012 will renovate and expand the dishroom in Rhodes and renovate Seasons Cafe Servery/Service Area in Rhodes.

Approval is requested to enter into professional services contracts to begin the design for the project. Design is currently estimated at \$1.3 with a conceptual total project budget estimated at \$10.8M. The total project budget will be updated at the conclusion of design and when construction approval is requested.

Source of Funds:	Amount
Auxiliaries-OSUMC Health Systems	\$10,745,694.00
Total:	\$10,745,694.00

Schedule:	BoT Approved Amt.	Projected	Revised	Actual
PLANNING				
Professional Services Approved by BoT	\$1,300,000.00	10/29/2009		
DESIGN				
Arch/Engr Contract		01/29/2010		
Construction Document Approval (Phases 1-3)		08/25/2010		
Construction Document Approval (Phases 4-5)		02/02/2011		
Construction Document Approval (Phases 6-7)		02/01/2012		
BIDDING				
Bid Opening (Phases 1-3)		11/03/2010		
Bid Opening (Phases 4-5)		03/07/2011		
Bid Opening (Phases 6-7)		03/05/2012		
CONSTRUCTION				
Construction Start (Phases 1-3)		02/09/2011		
Completion (Phases 1-3)		11/23/2011		
Construction Start (Phases 4-5)		06/13/2011		
Completion (Phases 4-5)		12/05/2011		
Construction Start (Phases 6-7)		06/11/2012		
Completion (Phases 6-7)		01/14/2013		

Project Team:

Project Manager: Corrie Feldmann

Contracts Administrator: Megan Balonier



Mason Hall - First and Second Floor Renovation

OSU-100217

Requesting Agency(s): BUSINESS, MAX M FISHER COLLEGE OF

Location(s): Mason Hall, Raymond E

36,449 ASF/68,027 GSF Age: 1999

Description/Scope:

This project will renovate the first and second floors and a portion of the third floor of Mason Hall for the Fisher College of Business. Mason Hall is the business resources building and includes a reading room, conference lab, computing and information resources, and a media rotunda that features monitors broadcasting news. A study was recently completed to inform the project scope. Approximately 25,000 SF will be renovated.

The project will renovate the Student Resource Center on the first floor, creating several large conference and meeting rooms, breakout study rooms, and large reading rooms. The project will also provide enhancements to the lobby to allow for a coffee/cafe vendor.

Second floor renovations will include offices and conference rooms for various FCOB departments as well as the transformation of a large open, gathering area into a major tiered classroom.

Some areas of the third floor will be renovated for study and research as well.

Source of Funds:

	Amount
General Funds-Business	\$5,974,259.00
Total:	\$5,974,259.00

Schedule:

	BoT Approved Amt.	Projected	Revised	Actual
PLANNING				
Professional Services Approved by BoT	\$500,000.00	10/29/2009		
DESIGN				
Construction Document Approval		07/24/2010		
BIDDING				
Bidding Approved BoT	\$5,474,259.00	10/29/2009		
CONSTRUCTION				
Construction Start		12/21/2010		
Completion		05/20/2011		

Project Team:

Project Manager: Alex Flores

Contracts Administrator: Melissa Griffin

**THE OHIO STATE UNIVERSITY BOARD OF TRUSTEES
FISCAL AFFAIRS COMMITTEE**

October 28, 2009

**LONG-TERM FACILITIES LEASE AND AMENDED DEVELOPMENT AGREEMENT
BETWEEN THE OHIO STATE UNIVERSITY AND SCITECH
COLUMBUS, OHIO**

Description of Proposed Project

SciTech, a not for profit corporation, has a current Development Agreement with The Ohio State University to manage and develop research facilities on the University's campus and now desires to expand the land leased to SciTech from the University on which to design and construct a building adjacent to and supporting other functions presently located at 1320 Kinnear Road, in Columbus, Ohio. The proposed expansion is in line with the present development agreement.

In furtherance of SciTech's proposal, the University will enter into a Facilities Lease with SciTech detailing the terms for use of land and defining the relationship with the University.

In conjunction with this Facilities Lease, the Development Agreement between The Ohio State University and SciTech will also be amended to reflect the inclusion of this additional land for lease by SciTech.

Location and Description

The land is adjacent to and immediately south of the existing ElectroScience Laboratory Building at 1320 Kinnear Road. The land to be leased is approximately 2.5 acres, upon which a 40,580 square foot building will be constructed by SciTech.

Terms of Lease

The long-term facilities lease has not been finalized yet, however, the principal terms of the Lease call for a lease term of forty (40) years with renewal provisions, both consistent with the Development Agreement. Also consistent with the Development Agreement and all other SciTech leases with the University, the annual rent to be paid by SciTech to the University will be one dollar (\$1.00).

**THE OHIO STATE UNIVERSITY BOARD OF TRUSTEES
FISCAL AFFAIRS COMMITTEE**

LAND LEASE

THE STATE OF OHIO,
OARDC/ATI, AND
SCHMACK BIOENERGY
WOOSTER, OHIO 44691

Description of Proposed Project

Schmack Bioenergy, an Ohio limited liability company, has an ongoing research relationship with OARDC and has approached the University with a proposal to construct, operate and maintain a commercial biodigester to convert waste to energy on the campus of OARDC at Wooster, Ohio. This project is an extension of the existing relationship with Schmack.

Schmack Bioenergy proposes to construct an EcoFarm System 550 biodigester at the Wooster campus. The biodigester will convert biomass, in the form of animal, plant and food waste, using the anaerobic biodigester process to make energy. Schmack Bioenergy will commercially operate the biodigester. OARDC and ATI will collaborate with Schmack Bioenergy to create new research opportunities, new educational programs and outreach demonstrations of the conversion of waste to energy. Schmack Bioenergy currently employs interns from ATI, is participating with ATI in the NSF invited proposal for a new alternative energy curriculum, funds laboratory support by OARDC's department of Food, Agricultural and Biological Engineering, and is currently collaborating on grant proposals to the Third Frontier and to the Air Force. In addition, the location of a biodigester at OARDC will provide infrastructure to support new research and provide a potential source for renewable energy in the form of electricity, gas, heat and compressed natural gas.

The University will enter into a land lease and collaborative agreement with Schmack Bioenergy detailing the terms for use of land and defining the relationship with the University.

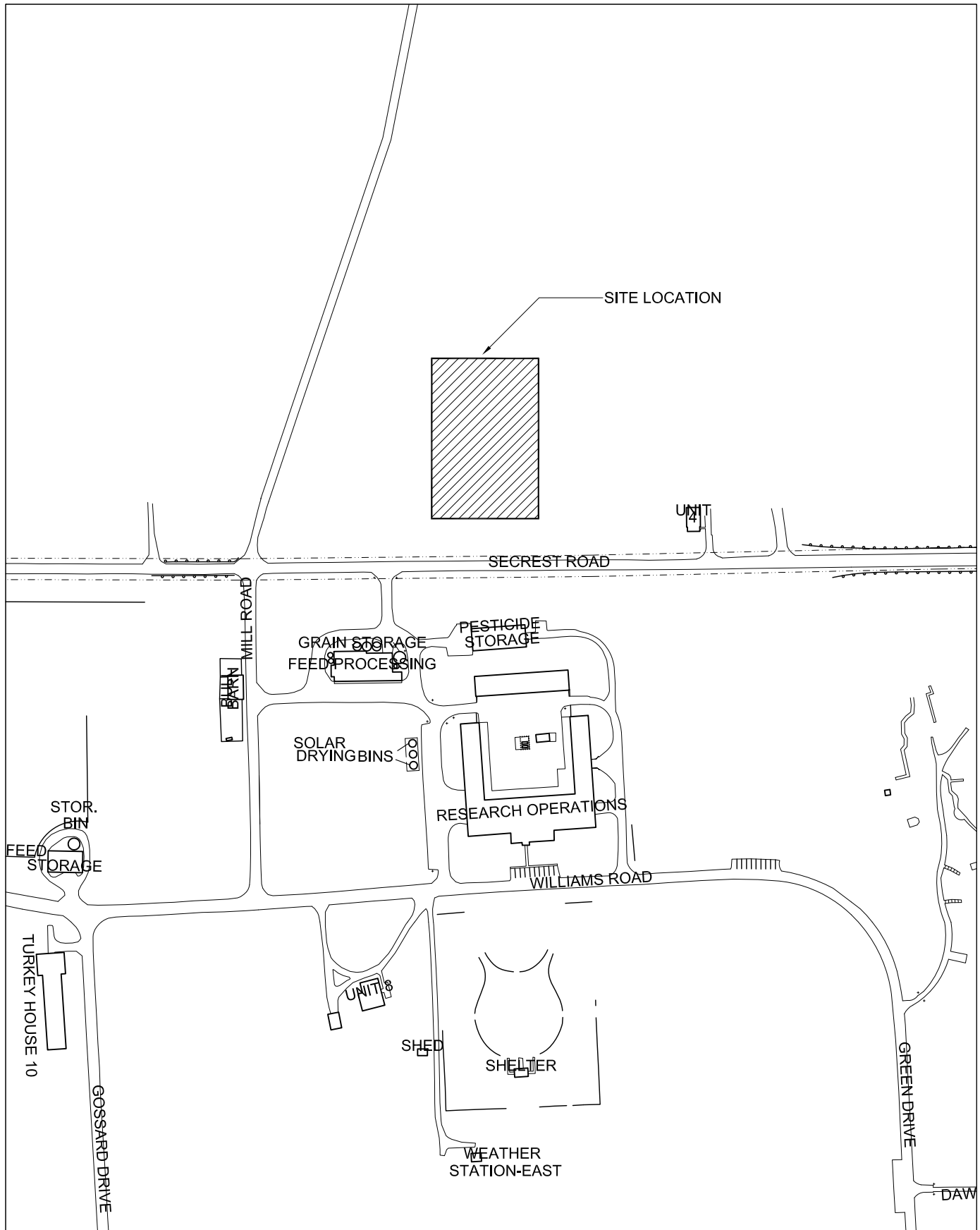
Terms of Lease

The lease terms have not been completely negotiated between the parties. A term of five years with a renewal provision for five years has been proposed. The rent to be paid by Schmack Bioenergy is to be one hundred dollars (\$100) per year. The site for the biodigester has been finally determined; Schmack Bioenergy and OARDC have worked with University planners to resolve issues of siting and infrastructure. The lease will be a net lease with Schmack Bioenergy bearing all costs of utilities, maintenance and other costs associated with operation of the biodigester.

Schmack Bioenergy will bear all costs of construction, including site preparation, obtaining permits and construction of new roads, infrastructure and the biodigester. Bearing all costs of maintenance and operation of the biodigester, Schmack Bioenergy will maintain and operate daily operations of the biodigester, securing biomass, handling waste and effluent from the biodigester and the associated lease site. Schmack Bioenergy will assume all liability and risk from the operation of the biodigester and will be responsible for appropriate environmental safe guards.

Wooster Campus

- OARDC - Schmack Biodigester



**THE OHIO STATE UNIVERSITY BOARD OF TRUSTEES
FISCAL AFFAIRS COMMITTEE**

SUBLEASE

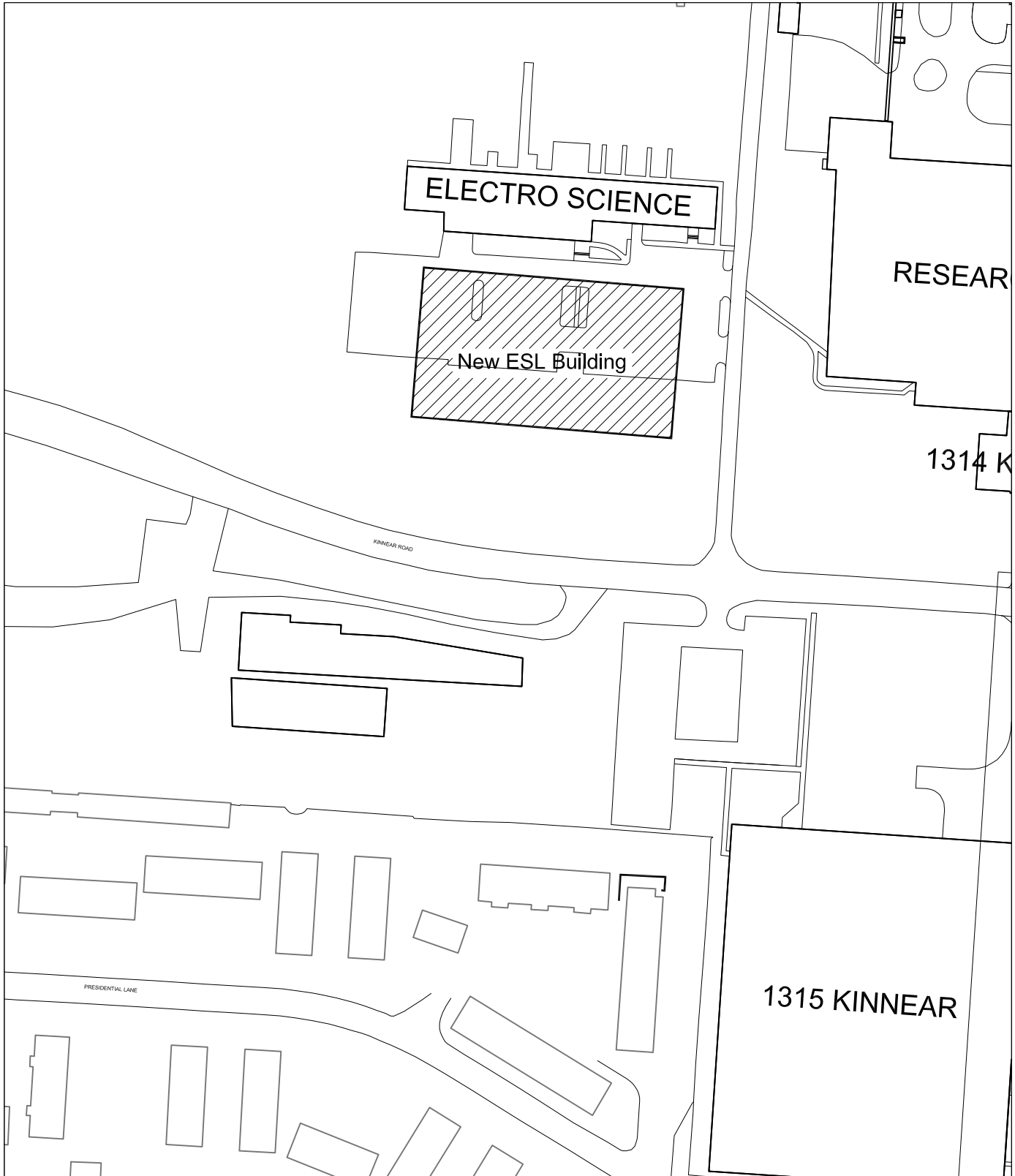
**BETWEEN SCITECH AND THE OHIO STATE UNIVERSITY
ELECTROSCIENCE LABORATORY
COLUMBUS, OHIO**

Description of Proposed Project

SciTech, a not for profit corporation, has approached the ElectroScience Laboratory, part of The Ohio State University College of Engineering, with a proposal to lease its facilities to expand the ElectroScience Laboratory facilities adjacent to its existing location at 1320 Kinnear Road, in Columbus, Ohio by 36,580 square feet. The proposed expansion of premises will provide additional space for purposes deemed critical to the ElectroScience Laboratory mission.

Terms of Lease

The sublease terms have not been completely finalized, however, the principal terms call for the University to lease 36,580 square feet from SciTech for a 20 year term with potential renewal options. The rent and other costs to be paid by the University through the College of Engineering are to be \$7.7 million dollars for the term of the Sublease. The University will be responsible for the payment of all operating expenses in the 36,580 square feet space.



**THE OHIO STATE UNIVERSITY BOARD OF TRUSTEES
FISCAL AFFAIRS COMMITTEE**

October 28, 2009

TOPIC: Debt Refinancing

CONTEXT:

The attached resolution allows the Senior Vice President for Business and Finance and Assistant Vice President for Financial Services to refinance outstanding bonds and/or fix the rates on outstanding variable rate bonds in order to take advantage of current market conditions.

This is not an authorization to issue new debt. It has been reviewed and approved by Bond Council (Pick Shaffer). A summary is attached.

REQUESTED OF FISCAL AFFAIRS COMMITTEE:

Approval of attached resolution.

EXECUTIVE SUMMARY
RESOLUTION AUTHORIZING SERIES 2009 A GENERAL RECEIPTS BONDS

The following resolution authorizes the issuance and sale of the University's Series 2009 A General Receipts Bonds in a principal amount sufficient to refund all or a portion of the outstanding Bonds of the University and paying related costs and expenses. This Resolution does not authorize any new money borrowing. The outstanding Bonds of the University and the documents that authorized them are described in the preambles to the Resolution. The purpose of the refunding is to take advantage of the current low interest rate environment to achieve interest rate savings where possible on the University's fixed rate bonds and to lower exposure to interest rate volatility on the University's variable rate bonds.

The specific terms of the Series 2009 A Bonds will be set in a certificate of award signed by the Senior Vice President for Business and Finance of the University, or the Assistant Vice President for Financial Services. The Certificate of Award must be consistent with the Series 2009 A Bond Resolution and not adverse to the interests of the University. Specifically, the Resolution limits the interest rate on the Series 2009 A Bonds to 8% per year and provides that the maturity of the Series 2009 A Bonds may not be later than the maturity of the Bonds being refunded. The University is not extending the maturity of its debt. Insurance or interest rate hedges are permitted in connection with the Bonds to assist in managing the interest rate paid, but the University does not intend to utilize those options.

In lieu of refunding the outstanding variable rate bonds of the University, the University may determine to remarket those bonds at a fixed rate to maturity. The Resolution authorizes amendments to the authorization documents for those variable rate bonds to allow them to be remarketed at a premium, to pay the costs of the remarketing, and to allow a mixture of serial and term maturities.