

**KENT STATE UNIVERSITY
BOARD OF TRUSTEES
May 6, 2020
Meeting Conducted Remotely**

Board Members Present

Ralph Della Ratta, Chair
Virginia Addicott
Todd Davidson
Robert Frost
Robin Kilbride
Nick Kollar
Donald Mason
Stephen Perry
Shawn Riley
Catherine Ross
Michael Solomon
Ann Womer Benjamin

KSU President's Cabinet Present

Todd Diacon, President (present)
David Dees
Paul DiCorleto
Nick Gattozzi
Amoaba Gooden
Lamar Hylton
Rebecca Murphy
Joel Nielsen
Mark Polatajko
John Rathje
Charlene Reed
Steve Sokany
Melody Tankersley
Willis Walker

CALL TO ORDER AND ROLL CALL

Chair Ralph Della Ratta called the meeting to order at 12:00 p.m. electronically via Zoom Meetings. Trustee Addicott called the roll, and a quorum was present.

PROOF OF NOTICE

Chair Della Ratta stated that public notification was given pursuant to state law and university policy. He announced that this special meeting was being held electronically as permitted under amended Substitute House Bill 197.

EXECUTIVE SESSION

Chair Della Ratta announced that in accordance with Chapter 121.22, section G of the Ohio Revised Code, the Board has a need to meet in Executive Session for the purposes of: (i) considering the employment and compensation of a public employee or official [121.22(G)(1)]; and (iv) preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment [121.22 (G)(4)].

Trustee Frost moved, seconded by Trustee Addicott, that the Board retire into Executive Session. Trustee Virginia Addicott took a roll call vote of the membership. By virtue of a unanimous roll call vote, the Board moved into Executive Session. The session concluded at 12:47 p.m.

APPROVAL OF THE AGENDA

The Board reconvened in public session at 12:47 p.m. Chair Della Ratta announced that the special meeting was called for the purpose of considering several personnel-related matters that are integral to planning of the university's fiscal year 2021 budget.

Chair Della Ratta then moved to approval of the agenda. He asked if there were any changes to the agenda. Hearing no corrections or additions, the agenda was adopted by general consent.

RESOLUTION TO AUTHORIZE A FISCAL YEAR 2021 SALARY ADJUSTMENT MODEL FOR NON-REPRESENTED EMPLOYEES

Chair Della Ratta stated that the first item of business was a proposed resolution authorizing a Fiscal Year 2021 Salary Adjustment Model for Non-Represented Employees and asked President Diacon to present the recommendation.

President Diacon observed that Kent State is a great university because of its people and yet to meet the budget reductions caused by the pandemic, the university will need to implement the proposed income-based salary reduction as a part of that plan. He then called on Senior Vice President Mark Polatajko to share further details.

Dr. Polatajko presented a general overview of the proposed resolution. He stated that the university is implementing a variety of measures to offset the financial impact of the COVID-19 pandemic moving forward into the 2021 fiscal year. One proposed measure is implementation of a salary adjustment model for unrepresented employees. The model would reduce salaries of unrepresented employees based on the schedule below and would be effective July 1, 2020.

• President	12.5% reduction
• Deans, Cabinet, and Employees with salaries \$200,000 or greater	10% reduction
• Employees with salaries from \$150,000 to \$199,999	7% reduction
• Employees with salaries from \$100,000 to \$149,999	5% reduction
• Employees with salaries from \$50,000 to \$99,999	4% reduction
• Employees with salaries from \$38,000 to \$49,999	2% reduction
• Employees with salaries less than \$38,000	0% adjustment

Staff members whose salaries are being adjusted will be granted leave days that may be used in lieu of, or in addition to, vacation days to be taken during Fiscal Year 2021, he said. Staff members with salaries of \$50,000 or more will receive 10 leave days for use during Fiscal Year 2021. Staff with salaries of \$38,000 - \$49,999 will receive five leave days for use during Fiscal Year 2021. Additionally, healthcare premium contributions may be adjusted to the extent that FY

2021 salary level places employee in lower contribution band. For employees with start dates after April 1, 2020, the reduction will be determined by the unit supervisor. He further noted that at the end of FY 2021, the salary adjustment model would be reviewed to determine if the program would continue through Fiscal Year 2022.

Resolution 2020-34

RESOLUTION TO AUTHORIZE A FISCAL YEAR 2021 SALARY ADJUSTMENT MODEL FOR NON-REPRESENTED EMPLOYEES

WHEREAS, Kent State University is implementing a variety of budgetary measures to counter expected revenue reductions due to the impact of the COVID-19 pandemic; and

WHEREAS, salaries and wages comprise a large percentage of overall expenditures and thus reductions to personnel costs will be necessary to deal with the imbalance between projected revenues and expenditures; and

WHEREAS, Kent State University is proposing a salary adjustment for non-represented employees for Fiscal Year 2021; and

WHEREAS, the level of salary and wage adjustments will be determined based on salary and wage ranges noted in Attachment I; and

WHEREAS, additional leave days, to be taken during Fiscal Year 2021, will be available to employees as noted in Attachment I; now, therefore,

BE IT RESOLVED, that the Board of Trustees of Kent State University hereby authorizes the President to implement the proposed salary adjustment plan, effective July 1, 2020.

ACTION: Trustee Ross moved, seconded by Trustee Addicott, that the resolution be approved. There were no objections. The motion passed.

APPROVAL OF MEMORANDUMS OF UNDERSTANDING

Chair Della Ratta then moved to the first of two proposed memorandums of understanding (MOUs) with the tenure-track and non-tenure track faculty units of the American Association of University Professors (AAUP). He called on President Diacon to present the recommendation.

*APPROVAL OF MEMORANDUM OF UNDERSTANDING: KENT STATE UNIVERSITY
AND THE FULL-TIME TENURED/TENURE-TRACK FACULTY UNIT OF THE
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, KENT STATE CHAPTER*

President Diacon began by expressing his deepest and heartfelt thanks to the faculty and especially to faculty labor union leadership in agreeing to pause the university's current contracts for one year. He explained the administration would address the tenure-track faculty unit first and then move to the non-tenure track faculty unit.

President Diacon reported that the tenure-track faculty in the labor union have agreed to accept a one-year pause in the contract and that will mean accepting a zero-percent raise in Fiscal Year 2021 instead of the contracted two-percent raise. He expressed deep appreciation to the faculty and faculty union leaders for agreeing to take this step. He then called on Interim Senior Vice President for Academic Affairs and Provost Melody Tankersley and thanked her for her good work on this matter.

Dr. Tankersley then presented the proposed MOU that was ratified by the unit membership. The Full-Time Tenured/Tenure Track Faculty Unit of the AAUP represents approximately 770 tenure-track faculty members at Kent State. The membership has agreed to modify its collective bargaining agreement in such a way that would defer across-the-board raises, merit awards, and President's Faculty Excellence Awards for one year. She noted that the tenure-track faculty's deferral of salary increases will save Kent State more than \$1.7 million in the coming fiscal year. The unit also agreed to extend the collective bargaining agreement for one year, making the current agreement effective until August 23, 2023. These changes were reflected in the MOU presented for Board approval, she said.

Dr. Tankersley added her personal praise and thanks to the faculty leadership and the membership of the Full-Time Tenured/Tenure Track Faculty Unit for choosing to contribute in such a collective and substantial way to the alleviation of financial challenges caused by the COVID-19 pandemic. She further noted that the faculty and faculty leadership have been the driving force in Kent State's ability to pivot so quickly to remote instruction while supporting their students through constant communication and assistance. This once again proved that Kent State in fact is a community that shoulders its responsibilities together, she said. With that, Dr. Tankersley concluded her presentation of the proposed MOU with the Full-Time Tenured/Tenure Track Faculty Unit of the AAUP.

Resolution 2020-35

APPROVAL OF MEMORANDUM OF UNDERSTANDING: KENT STATE UNIVERSITY AND THE FULL-TIME TENURED/TENURE-TRACK FACULTY UNIT OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, KENT STATE CHAPTER

WHEREAS, under the provisions of Chapter 4117 of the *Ohio Revised Code*, Kent State University has maintained a collective bargaining relationship with its full-time tenured/tenure-track faculty since September 16, 1978; and

WHEREAS, Kent State University and the Full-Time Tenured/Tenure-Track Faculty Unit (TT Faculty Unit) ratified a Collective Bargaining Agreement effective August 19, 2019, until 11:59 p.m. on August 18, 2022; and

WHEREAS, the parties have agreed to modify this Agreement by Memorandum of Understanding; and

WHEREAS, the eligible voting membership of the TT Faculty Unit approved those modifications on or about May 1, 2020; now, therefore,

BE IT RESOLVED, that the Board of Trustees of Kent State University does hereby approve the Memorandum of Understanding with the TT Faculty Unit to modify the Collective Bargaining Agreement effective August 23, 2020, until 12:01 a.m. on August 23, 2023.

ACTION: Trustee Ross moved, seconded by Trustee Addicott, that the resolution be approved. There were no objections. The motion passed.

Chair Della Ratta then announced that at noon that day, the university received notice that the Non-Tenure Track Faculty Unit of the AAUP also had approved a memorandum of understanding modifying its collective bargaining agreement with the university.

*APPROVAL OF MEMORANDUM OF UNDERSTANDING: KENT STATE UNIVERSITY
AND THE FULL-TIME NON-TENURE TRACK FACULTY UNIT OF THE AMERICAN
ASSOCIATION OF UNIVERSITY PROFESSORS, KENT STATE CHAPTER*

President Diacon remarked that these actions reflect that the university community is confronting the issues and challenges generated by the COVID-19 pandemic together. In that spirit of unity, the full-time non-tenure track unionized faculty agreed to cooperate under the same general terms as mentioned earlier. He then called on Interim Provost Tankersley to present the recommendation.

Dr. Tankersley said she was pleased to present the proposed MOU with the Full-Time Non-Tenure Track Faculty Unit of the AAUP. She noted that this bargaining unit represents the university's more than 530 non-tenure track faculty members. The unit members overwhelmingly agreed to modify the collective bargaining agreement that would also defer across-the-board raises for one year. She remarked that it was a tremendous statement of support and that the union's deferral of salary increases will save the university more than \$760,000 for Fiscal Year 2021. The Full-Time Non-Tenure Track Faculty Unit of the AAUP also agreed to extend its collective bargaining agreement for one year, making the current agreement effective until August 23, 2024. Dr. Tankersley then paid tribute to and thanked the faculty leadership and unit membership for taking this action. The NTT faculty members deliver Kent State's distinctive instructional impact each and every day, she said. She expressed her gratitude for their contributions that day to help address the financial difficulties due to the COVID-19

pandemic in such a meaningful way. With that Dr. Tankersley concluded the presentation of the proposed MOU with the AAUP Non-Tenure Track Faculty Unit.

Resolution 2020-36

APPROVAL OF MEMORANDUM OF UNDERSTANDING: KENT STATE UNIVERSITY AND THE FULL-TIME NON-TENURE TRACK FACULTY UNIT OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, KENT STATE CHAPTER

WHEREAS, under the provisions of Chapter 4117 of the *Ohio Revised Code*, Kent State University has maintained a collective bargaining relationship with its full-time non-tenure track faculty since April 1996; and

WHEREAS, Kent State University and the Full-Time Non-Tenure Track Faculty Bargaining Unit (FTNTT Faculty Unit) ratified a Collective Bargaining Agreement effective August 23, 2020, until 12:01 a.m. on August 23, 2023; and

WHEREAS, the parties have agreed to modify this Agreement by Memorandum of Understanding; and

WHEREAS, the eligible voting membership of the FTNTT Faculty Unit approved those modifications on or about May 6, 2020; now, therefore,

BE IT RESOLVED, that the Board of Trustees of Kent State University does hereby approve the Memorandum of Understanding with the FTNTT Faculty Unit to modify the Collective Bargaining Agreement effective August 23, 2020, until 12:01 a.m. on August 23, 2023.

ACTION: Trustee Addicott moved, seconded by Trustee Davidson, that the resolution be approved. There were no objections. The motion passed.

Chair Della Ratta then moved to the final item of business, a proposed resolution authorizing the implementation of a Voluntary Separation Incentive Program for staff and faculty. He called on President Diacon to present the recommendation.

APPROVAL OF UNIVERSITY VOLUNTARY SEPARATION INCENTIVE PROGRAM

President Diacon stated that Kent State's ongoing commitment to the trustees, the citizens of Ohio, students and employees is to plan responsibly a budget that reflects the university's best understanding of the impact of the COVID-19 pandemic. He noted that the university leadership and community are in the planning process and will submit a Fiscal Year 2021 budget proposal at a later date for the Board's consideration. President Diacon said that as he previously shared with the community, the leadership believes it best to plan responsibly for the worst but work actively and hope for the best. This translates into planning for a 20-percent budget cut, he said,

which can be reached only by lowering payroll costs. The number of layoffs and job abolishments will depend in part, on the length and the depth of the pandemic and its impact on Kent State, and also on the number of employees who accept the voluntary separation incentive proposed for the Board's consideration. President Diacon then called on Senior Vice President Mark Polatajko to present the details of the recommendation.

Dr. Polatajko began by thanking the human resources, finance, legal and academic affairs team that developed an exemplary plan in a highly expedited timeframe. He said the proposed voluntary separation incentive program if approved, would give eligible staff and faculty the option of taking advantage of a separation package while permitting the university to redirect the savings realized and reallocate staff in the areas of strategic importance. He further noted that the program structure includes a cash incentive based upon respective salaries, retaining the tuition waiver benefit for a four-year period beginning July 1, 2020, and continuing healthcare benefits for a limited time. All employees, both staff and faculty, who have three years or more of full-time service at Kent State University are eligible to participate, he said. Dr. Polatajko stated that based upon reasonable yet conservative participation estimates developed by the human resources team and supported by external consultation, the university anticipates Fiscal Year 2021 net savings of approximately \$23 million, after considering the one-year program costs.

He noted that proposed plan parameters for staff and faculty were as follows:

Staff (AFSCME, Classified, Unclassified)

- Three or more years of full-time service by June 30, 2020, as a regular staff employee at Kent State University
- Separation incentive:
 - **Non-represented:** Three months of salary plus the lesser of three months of salary or \$20,000, continuation of healthcare coverage for up to six months, retention of tuition waiver benefit for four years, and payment of leave balances in accordance with university policy
 - **AFSCME:** Two weeks of salary plus an additional six weeks of salary, continuation of healthcare coverage for up to six months, retention of tuition waiver benefit for four years, and payment of leave balances in accordance with university policy
 - Total incentive paid-out in three options:
 - Lump sum payout in July 2020
 - Two installments – July 2020 and October 2020
 - Monthly installments from July through December 2020

Faculty (AAUP-TT and AAUP-NTT)

- Three or more years of full-time service at Kent State University by June 30, 2020
- Separation incentive:
 - Three months of salary plus the lesser of three months of salary or \$20,000, continuation of healthcare coverage for up to 12 months,

- retention of tuition waiver benefit for four years, and payment of leave balances in accordance with university policy
- Total incentive paid-out in three options:
 - Lump sum payout in July 2020
 - Two installments – July 2020 and October 2020
 - Monthly installments from July through December 2020

With that Dr. Polatajko concluded his presentation of the proposed voluntary incentive plan.

Resolution 2020-37

APPROVAL OF UNIVERSITY VOLUNTARY SEPARATION INCENTIVE PROGRAM

WHEREAS, Kent State University is implementing a variety of budgetary measures to counter expected revenue reductions due to the impact of the COVID-19 pandemic; and

WHEREAS, the administration recommends the offering of a voluntary separation incentive program for regular full-time staff and faculty who have three or more years of full-time service to Kent State University as of June 30, 2020; and

WHEREAS, the plan will give eligible staff and faculty the option of taking advantage of a separation package while providing the university with greater flexibility to respond to current budgetary challenges and priorities; and

WHEREAS, part-time, temporary and contracted employees, employees who have retired and were subsequently rehired, and those in grant-funded positions are not eligible for the plan; and

WHEREAS, the university will make payments to staff and faculty who qualify and exercise the incentive during the six-month period beginning July 1, 2020, if the employee is eligible and chooses to separate; and

WHEREAS, employees qualifying and electing the plan will separate from service with Kent State on June 30, 2020; and

WHEREAS, under terms of the plan the university reserves the right to retain certain employees qualifying for and electing the plan for a limited period up to three months, based upon the university's educational and operational needs, after which period their separation program participation will commence; and

WHEREAS, the plan is projected to result in significant cost savings overall; now, therefore,

BE IT RESOLVED, that the Board of Trustees of Kent State University hereby authorizes the President to proceed with the implementation of the Voluntary Separation Incentive Program.

ACTION: Trustee Kilbride moved, seconded by Trustee Mason, that the resolution be approved. There were no objections. The motion passed.

ADJOURNMENT

In conclusion, Chair Della Ratta commended the great work done by President Diacon, the faculty, staff and students for an outstanding virtual 50th Commemoration of May 4, 1970. He thanked Trustee Solomon for his many years of hard work on the commemoration. Chair Della Ratta remarked that despite the cancellation of events caused by the pandemic, the university provided a very stirring observance of this historic milestone. We will never forget May 4 and its significance not just to Kent State or Ohio but to the world, he observed.

Chair Della Ratta continued, congratulating members of the Class of 2020 who would celebrate their graduation virtually that weekend, noting that the ceremonies were to be held by college and every graduate's name would be called. All graduates also have been invited to walk across the stage at the university's next in-person commencement ceremony, which is to be determined. He commented that Kent State talks about students first – it is not a platitude but is something we believe and support with every fiber of our being. Commencement is a great celebration of each and every one of these graduates and the tremendous work they have done, with the backing and support of their families and loved ones. He remarked that he has really enjoyed being a part of Commencement all these years as a board member, seeing all the smiling faces and all the joy the occasion brings. Chair Della Ratta encouraged everyone to view the festivities at 11 a.m., Saturday, May 9, at www.kent.edu/commencement.

President Diacon then tipped his hat to the 2020 graduates for overcoming obstacles both customary and highly unusual. He remarked that the university family celebrates the students' successes, especially the faculty who moved mountains to get them to this milestone in their lives. President Diacon said these graduates will go out confidently into their futures and that their successes bear testament to the great things taking place at Kent State. Dr. Diacon thanked Chair Della Ratta for sharing his sentiments, adding that he echoed them wholeheartedly.

Chair Della Ratta remarked that he cannot thank the faculty and all the people involved enough for what has been accomplished during these difficult times. While some people in this world think that sacrifices are for others to make, at this time sacrifices are for everybody to make. These are difficult times and tough times call for tough measures, said Chair Della Ratta, expressing pride in Kent State and the way the administration, the faculty, all the employees and the Board have reacted to this crisis. Kent State will get through this, better days will come, and our community will ride through this storm. But in the meantime, he is very proud of the fact that our community is doing it in such an exemplary fashion, he said.

With that Chair Della Ratta announced the next regular business meeting of the Board of Trustees was scheduled for Wednesday, June 3, 2020.

On motion duly made and approved, the meeting was adjourned at 1:09 p.m.