

Minutes
OHIO BOARD OF REGENTS
December 16, 2005

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order by the Secretary, Bruce R. Beeghly.

The roll was called by Regent Anthony D. Houston. Those present were:

Bruce R. Beeghly	James F. Patterson
Jeanette G. Brown	Walter A. Reiling, Jr.
Anthony D. Houston	James M. Tuschman

Regent Houston stated "the record reflects that notice of this meeting was given in accordance with provisions of the Board of Regents' Ohio Administrative Code § 3333-1-14, which rule was adopted in accordance with section 121.22(F) of the Ohio Revised Code."

II. COMMITTEE REPORTS AND SUMMARY OF DELIBERATIONS

Program Effectiveness, Research & Technology Committee – Regent Tuschman – The University of Toledo President Dan Johnson, Medical University of Ohio President Lloyd Jacobs, The University of Toledo Chairman of the Board Dan Brennan, and special counsel to the Attorney General's office Jim Gross and Special Counsel Mary Ann Jorgenson were introduced by Regent Tuschman.

Vice Chancellor Walters briefed the committee on the proposal to establish the Ralph Regula School of Computational Science. Computational science uses mathematical techniques to create models of products and processes for science in industry. The "virtual" statewide school will build upon the strengths of Ohio's colleges and universities to establish a collaboration that will benefit the state's students and the economy. The Ralph Regula School of Computational Science will be affiliated with the Ohio Supercomputer Center and work closely with the Ohio Learning Network. Regents' staff will continue to work with OSC, OLN and Ohio's colleges and universities to establish the organizational structure of the school.

Regent Tuschman reported that the Program Effectiveness, Research & Technology committee at its earlier meeting this day considered a resolution to establish the Ralph Regula School of Computational Science. The Committee unanimously approved and recommended favorable consideration by the full board at the afternoon meeting.

Regent Tuschman noted that Congressman Ralph Regula has been an energetic and visionary supporter of Ohio's Third Frontier Network, Ohio's

Supercomputer Center and computational science and commended Representative Ralph Regula on his dedication to Ohio.

At a separate event celebrating the announcement of the Regula School, Dr. John Marburger, the president's science adviser and director of the Office of Science and Technology Policy, noted that the school would be a huge success if it was anything like Congressman Regula and his well-known passion for and dedication to science education. While Congressman Regula could not attend the event, his wife Mary spoke in his stead and remarked how the Regula School would go a long way toward helping Ohio become an innovation hotspot.

Beyond the benefits to employers by having access to skilled employees in computer modeling and simulation, the school will also enhance K-12 education. The Regula School will partner with College Tech Prep to develop a new course in computational science to introduce high school students to this exciting and complex field.

Regent Tuschman praised the efforts of The University of Toledo and Medical University of Ohio Presidents' Dr. Dan Johnson and Dr. Lloyd Jacobs for their leadership, vision, and their dedication for the merger of their respective institutions. The proposed merger of these two universities will benefit the community, region and state. The merger will attract and retain quality students and faculty, generate research dollars, and eliminate unnecessary duplication of programs. Regent Tuschman reported that the Program Effectiveness, Research & Technology committee unanimously approved the resolution for consideration by the full board at the morning meeting. Regent Tuschman added that the two presidents signed a memorandum of understanding earlier in the day and the memorandum of understanding was made a part of the record of these proceedings.

Vice Chancellor Walters briefed the committee on a proposed administrative rule to impose fees on the certificate of authorization process. Vice Chancellor Kris Frost indicated that the administrative rule, required by §1712.03 of the Ohio Revised Code, had been discussed in the November meeting of the Program Effectiveness, Research & Technology committee. Subsequent to that meeting, several meetings were held with AICUO to discuss details and address their concerns. The proposed rule presented today, with approval by the board, will be filed with JCARR. This filing starts a process whereby Regents take in public comment and have the opportunity to modify the proposed rule in order to address issues raised by the public. Staff plans to bring all comments and modifications to this rule, if any, to the board at its January 2006 meeting.

The Program Effectiveness, Research & Technology committee unanimously approved consideration of this resolution by the full board at this meeting.

Resolution 3.1 – Establishment of the Ralph Regula School of Computational Science – Regent Tuschman stated that the leadership displayed by Vice Chancellor Garry Walters is something that the Regents take

great pride in. His leadership in helping to create the Ralph Regula School of Computational Science is extremely important for this state. We applaud his efforts, we applaud his vision, and we applaud his leadership and are very proud to have him on the staff what the Regents believe is the best staff of the Board of Regents anywhere in the United States.

The Board unanimously passed the following Resolution:

RESOLUTION 2005-49
Agenda Item 3.1

WHEREAS, Ohio is a leader in the important new area of computational science, with businesses, undergraduate and graduate programs focused on the use of computational science to improve the quality and efficiencies of modeling; and

WHEREAS, a collaborative statewide school of computational science will assist Ohio colleges and universities in meeting the need for students educated in this critical area; and

WHEREAS, Ohio's Board of Regents has been a national leader in establishing multi-institutional collaboratives that create economies and qualities of scale; and

WHEREAS, Ohio's Third Frontier Network and the Ohio Supercomputer Center are two key assets which Ohio will use to further our leadership position in this critical new science; and

WHEREAS, Congressman Ralph Regula has been an energetic and visionary supporter of Ohio's Third Frontier Network, Ohio's Supercomputer Center and computational sciences in Ohio; and

NOW, THEREFORE,

BE IT RESOLVED: the Ohio Board of Regents endorses the creation of the Ralph Regula School of Computational Science as a statewide "virtual" school, based at the Ohio Supercomputer Center, and encourages Ohio colleges and universities, public and independent, to work with the School to provide Ohio students with the most advanced possible education and employment opportunities in computational science.

Resolution 3.2 – Consideration of the combination of The University of Toledo and the Medical University of Ohio and the establishment of an institution of higher education in Ohio – Regent Tuschman provided remarks to his fellow board members regarding the merger of The University of Toledo and the Medical University of Ohio. It is with great pride that the committee brought forward this morning a memorandum of understanding signed by the Presidents of these two very fine institutions. It essentially speaks to the combination of two very significant and important institutions in our state,

obviously very important and significant institutions in our region. Today with us the President of the University of Toledo, Dr. Dan Johnson and the President of the Medical University of Ohio, Dr. Lloyd Jacobs.

Several years ago I read an article that compared great leaders to torch bearers and like torch bearers these great leaders leave the beaten path to lead the advance and illuminate the way for others to follow. Dr. Dan Johnson and Dr. Lloyd Jacobs, in my opinion and the opinion of many others, are torch bearers for they are great leaders. I can tell you firsthand because I have been there in that community, I have been the chair and members of the University of Toledo and I dreamed about the combination of these institutions when I went on that board some 11 years ago. Even in the hushed halls of our discussions in the hushed meetings when we would even whisper about this combination we were always told not now, time isn't right.

But these two men have accomplished in a few months what others before them have never seriously attempted and perhaps never even dreamed about. We are here today Mr. Chairman to vote on the combination of two very fine institutions. I have had the privilege to be in some of the negotiations and I will tell you for this record and for all to hear that if not for these two men and the respect and admiration they have for each other, this would not have taken place. It is because of their selfless dedication to what is best for their community, their region, and their state and because of their courage, their vision, and their leadership we are here today.

We are here today to set the stage for an exciting university that will provide a quality education to it's' students, a university that will be able to attract and retain a quality faculty and provide a platform for outstanding and significant research in many and very disciplines. In the audience today is the President of the Faculty Senate of the University of Toledo, a very fine gentlemen by the name of Dr. Andy Jorgensen. When I first became chair of The University of Toledo board in some rather difficult circumstances at The University of Toledo, Dr. Jorgensen was then at that time Chair of the Faculty Senate and while it was a very stormy time. Dr. Jorgensen met with me and we talked to each other for a couple of hours and agreed that we needed to work together to go forward. Dr. Jorgensen's leadership continues at The University of Toledo and because of his leadership the Faculty Senate of The University of Toledo has overwhelming supported this. The same is true of the Medical College of Ohio and their Faculty Senate. So Dr Jorgensen thank you for being here today, it is great to see you.

As a member of the Governor's Commission on Higher Education, we were charged with making Ohio competitive in the knowledge economy and Governor Taft at that time made it very clear to us that higher education is more important to the state's economic future than ever before. As part of that mission, Ed Adams, the Chair of our Board of Regents, and the subcommittee dealt with delivering results for public investment and in those recommendations, a very important statement was made about the importance of academic and administrative combinations in collaborations. What we have here today Mr. Chairman is all that and more. Because both Dr. Johnson and

Dr. Jacobs are illuminating the way and I am confident others will follow their lead.

When others look back at what was done here today and what has been accomplished in the proceeding few months, they will remember these two presidents as the best of academic leaders. But more importantly, and certainly more importantly to me, they will be remembered among the finest of men. So Mr. Chairman, we congratulated this morning the boards of trustees, the presidents, and all those who were involved in this great effort and this great initiative. Regent Tuschman acknowledged and introduced the Chairman of the Board of The University of Toledo, Dan Brennan, and thanked him for attending the meeting and supporting the merger.

Mr. Chairman it is with great honor that I move the adoption of this motion and ask for a second. Regent Reiling seconded the motion.

The Board unanimously passed the following Resolution:

RESOLUTION 2005-50
Agenda Item 3.2

WHEREAS, the Ohio Board of Regents has been an advocate for the efficient and effective delivery of quality higher education services in Ohio, and

WHEREAS, the Ohio Board of Regents has long advocated for significantly increased collaboration among Ohio's higher educational institutions, and

WHEREAS, the Ohio Board of Regents is required to approve the establishment of institutions of higher education, and

WHEREAS, the Governor's Commission on Higher Education and the Economy recommended collaborative efforts to increase the efficiency and productivity of Ohio's higher educational institutions, and

WHEREAS, the combination of the University of Toledo and the Medical University of Ohio is an excellent example of the collaboration envisioned by the Ohio Board of Regents and the Governor's Commission on Higher Education and the Economy, and

WHEREAS, the Board of Trustees for the Medical University of Ohio and the Board of Trustees for the University of Toledo have unanimously passed resolutions in favor of this combination, and

WHEREAS, the missions of the University of Toledo and the Medical University of Ohio are compatible and complementary, and

WHEREAS, both institutions desire to best serve the interests of the citizens of Toledo and Northwest Ohio, and

WHEREAS, these two institutions combined will become a stronger force in higher education in Ohio with an increased ability to recruit and serve students, recruit and retain talented faculty and staff, attract research dollars, and reduce and eliminate unnecessary duplication in costs and services, and

WHEREAS, the Faculty Senate of the Medical University of Ohio and the Faculty Senate of the University of Toledo have passed resolutions in support of the combination, and

WHEREAS, the Medical University of Ohio and the University of Toledo have presented the Ohio Board of Regents with a memorandum of understanding signed by both Presidents which sets forth the framework and certain of the proposed terms of the combination and this document has been approved by the legal counsels for each university, and

WHEREAS, President Lloyd Jacobs of the Medical University of Ohio and President Dan Johnson of the University of Toledo have shown themselves to be visionary, dynamic and dedicated leaders, and

WHEREAS, both Presidents strongly recommend the combination and pledge to see it to completion;

NOW THEREFORE BE IT RESOLVED pursuant to Revised Code §3333.04 (D), the Ohio Board of Regents approves the combination of the University of Toledo and the Medical College of Ohio as set forth in such memorandum of understanding and the establishment of a combined institution of higher education serving Toledo and Northwest Ohio, and

BE IT FURTHER RESOLVED the Ohio Board of Regents applauds the collaboration and cooperation of the University of Toledo and the Medical University of Ohio, in particular the Boards of Trustees, the Presidents and their staff, who have diligently and successfully pursued this combination, and the faculty, whose support and wisdom can help to create a robust and successful combined institution for Northwest Ohio, and

BE IT FURTHER RESOLVED the Ohio Board of Regents formally requests the Ohio General Assembly to enact legislation to enable the combination to take effect as soon as possible, and

BE IT FURTHER RESOLVED the Ohio Board of Regents directs its staff to assist with the combination including but not limited to advocating on behalf of the combination to the Ohio General Assembly.

Regent Jenny Brown added for the record as this is an historic moment for the state and for the Board of Regents, we understood this morning at the committee meeting this is the first time in Ohio's history that two public universities have agreed to combine in this fashion. As the longest sitting

Regent at this time, it has been a dream, a discussion topic, a priority item on the agenda of Regents for a long time to encourage in every way, to do what we could to get universities to collaborate in their programs and in their institutional academic and administrative functions. This is the epitome of all that we have every hoped for because it does it all. I congratulate personally President Dan Johnson and Lloyd Jacobs because it does take leadership, support, faculty, trustees and all but it is truly an historic moment and we should go on record as acknowledging that and let us tell you how proud we are. We will see this university become one of the strengths of Ohio and push its economy to still greater forward motion.

Regent Bruce Beeghly stated that he noticed as reading this very well written memorandum of understanding under the purpose and effective combination, as one university achieving greatness, and as we end the year 2005 in the State of Ohio what better thought and inspiration all around the state could we have than that thought of achieving greatness. I commend both of the two presidents here today and all of you associated with the two schools for your innovativeness and willingness to go where most people would say could not be done and I wish you the best of luck as you go forward into the Ohio General Assembly and hope it goes as easy there as it did here and also as you go into the implementation phase of it I'm sure you will handle it equally well.

The Board unanimously passed the following Resolution:

RESOLUTION 2005-51
Agenda Item No 3.3

WHEREAS, the language in Amended Substitute House Bill 66 of the 126th General Assembly, attached hereto as Attachment I, requires the Ohio Board of Regents to adopt a rule establishing fees to pay the cost of reviewing an application from an institution or school defined in Revised Code §1713.01 for a certificate of authorization; and

WHEREAS, the language in Amended Substitute House Bill 66 of the 126th General Assembly requires the Ohio Board of Regents to include in the adopted rule fees for further reviews the Board determines necessary after examination of an annual report submitted by an institution or school; and

WHEREAS, the Ohio Board of Regents' PERT Committee developed a fair and reasonable fee structure for the certificate of authorization review process and placed that fee structure in a draft proposed administrative rule and fiscal analysis, attached hereto as Attachment II; and

WHEREAS, a majority of other states have fee structures in place for recovery of administrative costs incurred in utilizing state resources in the review process, including the states of Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon,

Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington and Wisconsin whose fee structures were reviewed by the Committee; and

NOW, THEREFORE,

BE IT RESOLVED THAT: the Ohio Board of Regents approves the proposed rule as drafted titled "Fees for certificate of authorization and subsequent reviews" and authorizes staff to file the rule and seek its adoption pursuant to the process described in Chapter 119 of the Ohio Revised Code.

OTHER BUSINESS:

There being no further business to come before the Board, the meeting was adjourned.

The next meeting of the Ohio Board of Regents will be held on Thursday, January 19, 2006, at Capital University in Columbus, Ohio @ 1:30 p.m.

Chair

Secretary

Date

Date