

Minutes of the
NIU Board of Trustees
LEGISLATION, AUDIT AND EXTERNAL AFFAIRS
COMMITTEE MEETING
November 10, 2011

CALL TO ORDER

The meeting was called to order by Chair Anthony Iosco at 11:05 a.m. in the Board of Trustees Room, 315 Altgeld Hall. Recording Secretary Sharon Banks-Wilkins conducted a roll call of Trustees. Members present were Trustees John Butler, Marc Strauss, Student Trustee Jaemin Robertson and Chair Iosco. Also present were Trustee Robert Boey, BOT Chair Cherilyn Murer, President John Peters, Committee Liaison Kathryn Buettner and Board General Counsel Jerry Blakemore.

VERIFICATION OF APPROPRIATE NOTICE OF PUBLIC MEETING

Confirmation of Open Meetings Act public notice compliance was given by General Counsel Jerry Blakemore.

MEETING AGENDA APPROVAL

Trustee Strauss made a motion to approve the agenda. The motion was seconded by Trustee Butler. The motion was approved.

REVIEW AND APPROVAL OF MINUTES

It was moved by Trustee Strauss and seconded by Trustee Butler to approve the minutes of the August 25, 2011 meeting. The motion was approved.

CHAIR'S COMMENTS

Chair Iosco welcomed University Advisory Committee representatives Dr. Rosita Lopez and Todd Latham, President of the Supportive Professional Staff Council.

PUBLIC COMMENT

The Chair asked if any members of the public had registered a written request to address the Board in accordance with state law and Board of Trustees *Bylaws*. General Counsel Blakemore noted that he had not received any requests to address this meeting.

UNIVERSITY REPORT

Agenda Item 7.a. – 97th General Assembly Report

Vice President for University Relations Kathy Buettner, welcomed Trustee Iosco as the new Chair of Legislation, Audit and External Affairs Committee. I know you also have a passion for politics and government, she said, and I look forward to your advice and counsel as we advocate on behalf of the university in Springfield and in Washington.

Normally, Lori Clark would give the Veto Session report. However, Lori is Director of State and Federal Relations for the university, and she is in Springfield today as she has been most of the past two weeks representing the university in matters before the General Assembly. What we have prepared for you is a summary of the Veto Session, and the legislative updates in your packet are current as of about a week

ago. It takes into account what happened in the first week of Veto Session, but it does not reflect what has happened in the last few days, so I will briefly update the Board on some of what has transpired. We are still in session in Springfield and things are subject to change even as we speak.

The first thing I want to update the Board on is House Joint Resolution (HJR) 45 filed by Speaker Madigan the first week of Veto Session. HJR45 would allow the General Assembly to set a particular commitment level of funding regarding union contracts that the State would have to negotiate going forward. This is fairly unprecedented. AFSCME is the State's largest union. Their contract is up for renewal in June 2012, and the negotiations usually are handled by the Office of the Governor, no matter who the sitting governor is at that time. The negotiating process for all AFSCME workers is due to start very soon. The Speaker put this legislation forward in the form of a joint resolution, and yesterday, he also filed very similar language in the House. Senate President Cullerton filed similar language in the Senate. The significance of their both filing the same language is that it does not have to go before both chambers to be approved. A House resolution and a Senate resolution require passage by the singular chamber only. Given the fact that Veto Session is very short, most of us who are watching and active in the process, believe it is clearly the intent of both leaders to try to pass the respective resolutions that affect their chambers. These are nonbinding, officially, by statute; however, they do have a policy implication, and the unions are working and testifying aggressively against that process.

We are very short as far as FY12 appropriations. The State was in an operating deficit that was addressed before they left in June. You have probably read or heard about facilities closing, etc., in the news. That issue is still very much at the forefront in Springfield. There is a bit of progress over the last 24 hours in coming up with a compromise budget amendment, because there is no new funding, to move monies from various funds and allow one-time transfers. There is some movement on that issue, but it is not likely to pass. The most important issue facing NIU is the shortage of funds that still have not been paid for our FY11 outstanding appropriation. The students are beginning to feel the affects and will begin to feel the affects more next semester with MAP funds. And the students did actually go to Springfield. We took a couple of buses of students organized by the Student Association down to Springfield the first week of Veto Session to talk to legislators about the impact of MAP funds on their ability to continue their education. Right now, we are \$17.2 million short as a State in funding the current fall obligations for FY12. The Illinois Student Assistance Commission (ISAC), which is the administering agency for MAP funds, claims that there is an additional \$40 million needed to fully fund the current awards for spring and summer MAP recipients. It was a great effort on the part of our students to make the legislature aware of that, and we will continue to work with them. Lori Clark met them in Springfield and helped them navigate and get the meetings they needed to make sure their voices were heard. We were very proud of our students for taking that on, because it does make a dramatic impact on students who have financial need if those MAP funds are not forthcoming.

The gambling expansion does not directly pertain to the university, but it does have an impact on the overall revenue situation facing the state, which in turn, does directly affect the university. The gambling expansion bill was heard yesterday and failed to pass by two votes. There is talk now of trying to recall that bill either today or tomorrow to see if they can get a gambling package through, which many people believe will expand revenues in the state.

Pension reform is probably the prevailing concern, and a substantial amount of attention has been devoted to Senate Bill 512. This legislation was proposed by the Civil Federation in Chicago and has been pushed very hard over the last five or six months. Monday afternoon, Leader Cross filed an amendment which basically gutted the entire package and put a 314 page new pension proposal on the table. By any stretch, the analysis coming out of SURS and by our staff on behalf of not only the university but all of higher education, could be even more onerous than the previous package that was filed in May. Scheduled for a hearing on the new amendment yesterday in the House Personnel and Pensions Committee, and after a very contentious hearing with several panels of testimony organized in favor and opposed, the bill passed the Personnel and Pensions Committee by a 5-4 vote. It is expected to move to the House for full approval. No one knows if it is going to be called for a vote. Representative Pritchard, who represents the university in Springfield, spoke to a group of faculty and staff at the university about

the pension issues in general at the invitation of our Operating Staff Council. During that meeting, he said that he firmly opposed the bill as it was drafted. Since that time, the second amendment was added, and we believe, based on conversations with Rep. Pritchard, that he will continue to oppose that bill. President Peters, Dr. Williams, Steve Cunningham, Lori Clark and I have all been engaged on this issue with not only the policymakers in Springfield, but also with our colleagues at the other State universities, to develop a consensus on how the universities should react and what we can put forward as potential options to help address what is a very unfortunate and tragic situation in terms of State funding that has not been delivered faithfully over the years. Through no fault of any State employee, who always made their contributions, the State has, unfortunately, not done so for a long period of time. So, we are hopeful, but not optimistic, that the legislature would continue to work with the various parties involved. This is an issue that is taking the oxygen out of most of the debates in Springfield right now.

As of this morning, Speaker Madigan informed members of the House that they should expect to come back to Springfield Thanksgiving week for a third day, if not more, of Veto Session. They are checking to see if they can get a quorum of members since that is a holiday week and it was not scheduled previously. The other issue sucking the oxygen out of the capital right now is the issue of a bailout for the Chicago Mercantile Exchange (CME). That is taking longer to put together because of the dynamics of not only the pension issues, but the State's financial situation, et al. It is a very trying time for most of us who have been involved in State government for a long time and we will have much to report going forward. If the pension issues pass as they are drafted, many people's lives will change as a result. We are working very hard to not only keep our employees updated with what is happening, but also to explain to the legislature what the impact of the changes they continuously propose will do to people who have worked for the State for years.

Washington is a little quieter right now in terms of direct impact on our university. The biggest issue we are facing right now, as with the State, is funding and student financial aid for our students. The Pell Grant program is continuously short of funding at the federal level, and GAO reports have indicated recently that its current distribution and allocation amounts cannot be sustained. The \$5,550 funding cap for a full Pell Grant, basically, is in jeopardy based on the escalation of the program overall.

In reply to a query from Trustee Strauss, Ms. Buettner stated that this university receives approximately \$10 to \$11 million per semester in student MAP funding revenues. Pell funds received total just over \$31.6 million annually. Approximately 5,000 NIU students receive MAP funding, while 7,040 receive Pell Grants. These funds represent approximately 35 percent of revenues to the university. That is not uncharacteristic of State universities, President Peters commented. Also, MAP funding goes to private universities, some of which are heavily dependent on MAP funding.

The Senate was taking up House Bill 1079 this week based on an e-mail that we had received from Senate staff recently clarifying how many purchases we have at various levels. The public universities have been trying to negotiate around the Governor's veto, and with Senate and House staff, to try to increase the threshold to \$2,000 for inventory listing of equipment. As of yesterday afternoon when we turned our numbers in, the Senate was still deciding where they would set the number, based on the thresholds submitted by each university. Based on my conversations with staff yesterday, there will be support to override that veto and increase the thresholds.

That would be great, Trustee Strauss commented, since this is one of these unfunded mandates that is keeping track of this. However, my concern is the reporting requirement on the tuition increases and the cost saving measures that have been taken during the fiscal year. Specifically, I am interested in whether this is intended to require pre-notification of tuition increases, and whether there is some sort of coordination on the reporting requirement not just to the IBHE, but to us, so that we have an appropriate opportunity to take a look at this material before going to Springfield. There are no details on that as yet, Ms. Buettner replied, because the bill, technically, is in question at this point, though we expect it to be signed into law by the end of Veto Session. The debate and legislative discussion behind the scenes on this bill is post-reporting in the year that follows, not anticipatory reporting. The IBHE will work with the public universities to develop a format and then we will be required to follow a central format for

standardization purposes. It probably will entail that we file annually with the IBHE, but the rulemaking process will determine whether they will then file it with the General Assembly or we will be required to file it with the General Assembly.

In light of the processes in place for Vision 2020 and as we prepare for reaccreditation, Trustee Murer said, it would appear less burdensome now than it might have been in the past to report what is being requested of us if this legislation does pass. That is a fair statement, Ms. Buettner agreed. In addition, we have the whole layer of performance funding and the development of performance funding metrics with the State that we have been working on over the last several months as well. A great deal of the performance funding metrics we are going to have to prepare and submit annually are going to be based around much of the Vision 2020 data. We will be able to pull from all of the strategic planning efforts – the Great Journey's Plan, Vision 2020, the performance funding metrics. Then as we move forward to report cost efficiencies, etc., it all works together. As a result of the leadership of this Board and the university administration, we are positioned in the right direction for where the national and statewide conversation and data metrics are headed for public universities.

House Bill 1876 and Senate Bill 107 are designed to promote entrepreneurship and invest in technology. As previously reported on House Bill 1876, there is still no funding attached to it. The Treasurer's Office may make funds available for Senate Bill 107. The Treasurer's Office has not set up any rulemaking processes or policy direction to access those funds as yet.

A typical student at NIU will depend on both the MAP and Pell Grants, Trustee Boey said. He asked if the student does not get MAP funding, but still has a Pell Grant, whether the assumption is that the student will or will not continue enrollment. In many of those cases, Vice President Hemphill said, the likelihood is that a student would not continue. Because 70 percent of our students are need-based, several years ago we established the Huskie Advantage to help close that gap and help meet some of that need.

MAP funding is politically powerful, President Peters commented, because students in every district are benefited by it. It cuts across party lines and it cuts across geography. The power of that was seen last year when the students, in one afternoon, made the legislature act. The issue is that there will not be an expansion of the \$550 million in MAP money to meet the growing need of a high school population that, on average, come from families that are MAP eligible. It is not a matter of MAP funding going away, it is a matter of the same dollars spread across more people, and the same is true with Pell Grants at the federal level, which is probably in even more jeopardy.

I had the same feeling as you, Dr. Peters, that when we report on these MAP and Pell issues, we also have to remember to put in the political perspective, Trustee Murer commented. As you said, it affects not only every public university, but the private universities as well. I am trying to make the case that performance funding, by in large, should be geared at placing more high school graduates in a postsecondary education experience, Dr. Peters said. Their goal is to have 60 percent of those high school graduates in postsecondary education experiences by 2025. My view is that the State should focus its marginal resources, or if they are going to do performance funding, focus it at getting those students into university, community college or other postsecondary education. In terms of our role and mission and where we are, we are well-positioned to take advantage of that. But the State cannot expect the current education plant to produce and educate these students without some increase in dollars. Trustee Strauss was asking, in this process of gathering information on tuition and efficiencies, if that is information that would be useful to the Board on the front end as they have a tremendous responsibility to set tuition rates, and also insure that the university is run at the most efficient level. That is the right question. This is not going to be the solution, however, because the process involves reporting to IBHE of ex post facto of data, according to predetermined categories, which may be the subject of an appropriation hearing.

Agenda Item 7.b. – Internal Audit Update

Danielle Schultz, Director of Internal Audit, gave the Fiscal Year 2011 update. In the past, I provided the committee with an overview of Internal Audit, the State Statute that requires NIU to have an internal audit function, and the standards under which we operate, Ms. Schultz began. The Internal Audit Department continues to follow these standards as provided by the Institute of Internal Auditors. One of these standards requires that I report to the Board on an annual basis and confirm the independence of our department. I would like to take this opportunity to assure you that we continue to be free of university operational responsibilities and duties so that we can maintain our independence to operate our internal audit function.

Today I want to provide you with a brief update of our department and a review of activities for Fiscal Year 2011. We began FY11 with a full staff. However, by the end of the fiscal year and currently, we are down one staff member.

Being optimistic that we would to keep a full staff the whole year, our original activity plan for FY11 began with 18 audits. Four of those audits were moved to the Fiscal Year 2012 plan – one because the project was delayed until the last week of the fiscal year, which did not allow us time to audit it; and three were moved because of staffing shortages. During Fiscal Year 2011, a total of 14 audits were done, 13 have been completed and the last one is in its final stages. Of those 14 audits, one was operational, three were compliance, two were financial, six fall under the category of fraud detection and prevention, and two were information systems audits.

In addition to our audit work during the year, our department underwent a peer review. This consists of a self-assessment process with independent external validation. We had two external validators come to campus, one from ISU and one from SIU. The peer review is required to be completed once every five years. This is required by the Institute of Internal Auditors Standards as well as the State Internal Audit Advisory Board, which oversees the process for all internal audit departments in the State. A peer review helps to insure that NIU's Internal Audit Department is operating appropriately. On June 16, the chair of the State Internal Audit Advisory Board issued a report to President Peters indicating that our department generally conforms to both the IIA's Standards and the Code of Ethics, and complied in all material respects to the Fiscal Control and Internal Auditing Act of the State of Illinois.

This committee has historically taken seriously the audit function, Trustee Strauss commented, even though we do not spend a great deal of time talking about it in our public meetings. An area that we ought to strive for some improvement on is to see that we can finish the entire scope of work. At the time I was chair of this committee, it was my hope that we would be able to accomplish more than was scheduled in that year. The amount that is actually being completed at this point is even less than when I was chair of this committee. There are some good reasons for that because you were short on staff, but we have to find a way, especially for the fraud detection and prevention aspects of the job, to make sure that we have the full scope of the responsibilities covered and the reports timely produced.

I would agree, Ms. Schultz responded, and the staffing issues are not only that we have had shortages, but other issues related to our staff. The focus has been those fraud detection and prevention audits. My continued concern is that we cannot get to some items because there are only so many hours that we can get out of each staff member. My utmost goal is to get our full plan completed during the year, and we will continue to strive to do so.

Agenda Item 7.d. – University Relations Supplemental Recruitment Campaign

One of the important functions of this committee is to assist the university in defining its brand image throughout the region, as well as focus on recruitment and retention efforts that have an impact on the university's reputation and perceptions of our various stakeholders, Chair Iosco stated. Several weeks ago, Kathy Buettner and I had lunch and we talked at length about the enhanced recruitment and retention efforts underway this year to support the Office of Admissions and Student Affairs & Enrollment

Management. I asked Kathy to present a short version of this to our committee today. The time has come for NIU to step out aggressively in our region and boldly share the goals of Vision 2020.

Ms. Buettner introduced Paul Palian, the university's new Director of Media and Public Relations. With his hire, she said, we can focus a great deal more attention on the overall communications and marketing efforts of the university, which are led by Brad Hoey. Paul comes from the Mid-American Conference (MAC) offices. Paul was responsible for public relations and communications for the MAC for many years, and also was with the Illinois Student Assistance Commission (ISAC). He is a double Huskie with a bachelors and a masters degree in communications from NIU, so he is very familiar with the university, both with sports and with the academic side of the university. I want to welcome him officially and encourage you all to stop and meet him after the meeting.

We have made great strides over the last couple of months in social media. As of about a week ago, we have over 22,000 fans on our Facebook site. We have added 5,526 fans since the fall semester began, and almost two million people have looked at what we have posted on Facebook since the beginning of the fall semester. Facebook is the new word-of-mouth in the digital world. Word-of-mouth marketing, as we all know, is the most important and most successful method of advertising. Facebook and Twitter are the new word-of-mouth methods of marketing in the digital arena we live in today. Twitter is a little slower to catch on. Paul, Brad and many others on my staff Tweet, and they Tweet on behalf of the university. We have about 2,300 followers on Twitter who automatically see a Tweet that we push out on behalf of the university, then they can push a button and it is re-Tweeted to their followers, and it grows exponentially.

Our YouTube channel is a place where we post all of the videos we make at the university, both from a marketing perspective as well as from an academic perspective. Over 70,000 of our videos had been viewed as of October 31, and we have had 9,400 unique visitors. In other words, 9,400 separate people have come to visit the site. We also started a new program this fall that our students recommended we pursue to help engage our students further in the university's social media efforts. We hired the Entrepreneurship Center students in the College of Business to help our division engage and use our social media on behalf of the university, to further engage our students and our alums. Students love photos, so they recommended creating a program to tag yourself, tag your friends. Our Media Services Department has five photographers who go out and take pictures for the university calendar, and they take pictures of our students and our alums on game day and at all kinds of campus activities. They take pictures at these events and then post them to the university's Facebook. When they are taking those pictures, they give cards out to the people they take pictures of, those people check the Facebook site that night, and the photographs are up in groups and albums. Approximately 7,000 photographs have been posted since we started this program at the beginning of the school year, and 3,159 people have gone in and tagged themselves.

Facebook says that the average person who has a Facebook page has 130 friends. If you multiply 130 times 3,159 people, basically, we have reached over 410,000 people in the last two and half months through word-of-mouth advertising with a picture of themselves tagged at an NIU event. This has been a great effort, and our students are telling us they absolutely love this program and love seeing themselves on Facebook.

Ms. Buettner then showed the following video created for Orientation and Student Affairs.

Video

Female Student: Everyone in your class is going to be different, and they all have different experiences. It definitely gives you real world experience, because everyone has a different answer to the same question. So I feel like everybody here is here for the students. And that kind of surprised me. It seems more like they're volunteering to do it because they're so willing to help.

Male Student: Some of my favorite traditions here at NIU: the NIU Fight Song, the Homecoming Parade, I'll say the Kissing Bench and the Break-up Bench on Lovers Lane.

Male Student: Whether it's age, gender, race, sexual orientation, you can find everyone here at NIU. And it's a great model of what the real world is.

Female Student: It's a friendly community. People care about each other.

Male Instructor: Rather than trying to be an instructor, I try to be a guide to help them improve their understanding of what they're learning.

Male Student: I knew it was the right place for me. I visited other schools, I came to NIU's campus. Even being from DeKalb, I was never really on campus until I started thinking about college.

Male Instructor: It's really like a home, and I think NIU is particularly unique in that sense that we want people to feel like they're part of the family.

Female Student: They care. It's not a big school that you're a number. The teachers actually care about who you are.

Male Student: NIU is about two hours away from home, so it's far enough away where my mom can't come around and visit randomly.

Female Student: What surprised me was and still is how student-friendly the school is. That's really key for me.

Male Instructor: They can come any time and I don't need anybody to make an appointment. My door is open all the time.

Male Student: Try new things, go to informational meetings. You never know what you're really going to find in college. It's entirely different than high school.

Female Student: I felt very at home here. This was just so welcoming and so comforting that I felt like this was where I was supposed to be.

Male Student: I didn't expect the people to be as friendly here at NIU. I had heard, and I didn't believe it.

Female Student: I just kind of fell in love with the campus. I fell in love with the spirit and the atmosphere.

Male Student: And just choose where you feel comfortable, where you feel at home, because it will be your home, literally, for the next four years of your life.

Male Instructor: The student, the learner, is the center of our universe.

That orientation video has been posted on our YouTube channel. It is shown to everybody who comes through on Open House days, and we have a 30-second version being used as well. But you get a sense of the brand image about caring, and when you go out and talk to them, these are the things that students say, in their own words, so we have tried to reinforce that in all kinds of venues, including video.

The major new initiative I quickly wanted to share with you today is a new recruitment initiative in conjunction with Student Affairs and the Office of Admissions. We are augmenting the normal recruitment process, which has been in place in a couple of target counties, with a pilot program to see if we can move the needle quicker as a result of a couple of these new initiatives in enrollment. Marisela Rosas, who has a Ph.D. in student affairs related issues from Iowa, is spearheading this entire program and working directly with me and our University Relations leadership. It is a two-pronged approach. It is a direct mail approach with specific targeted messages arranged thematically throughout the school year to reinforce the NIU experience. It is designed to go to the families of potential high school juniors and potential high school seniors. This stems from a Noel Levitz study that tells us almost 60 percent of high school students continue to work with their parents and have their parents very involved in their college

selection process. While Admissions focuses heavily on the student, we have decided to layer this program on a pilot basis and see if we can move the needle quicker by directing it to the families as well. This is a collaborative effort with University Relations, Student Affairs, Enrollment Management, Office of Admissions, and Document Services. Document Services does all of our mailings and our printing work, and they also do the electronic component. Again, this is a program we are doing entirely in-house.

We have developed a pilot program in four counties based on the different types of counties. We are working in DuPage and Kane Counties to try to gain new enrollment, and in Winnegabo County where we feel there is more potential for enrollment. We added Sangamon County because we have never recruited down there. Student Affairs has established a full-time recruiter in Springfield to deal with that central state area. We are also buying billboards in that area and radio and television times to coincide with our open houses.

In your packets, you can see sample topics, our open houses, our academic reputation issues, the great new residential renaissance we have on campus. We are talking about community at NIU, life at NIU, experiential learning opportunities, the quality and the value of an NIU education, what happens after you graduate, the fact that our students go to very good jobs in most cases, and that we have a very high student and alumni satisfaction rate.

The second prong of our approach is the electronic portion of the recruitment initiative. This is not directed towards just those four counties. It is directed, basically, from I-80 north and down in the Sangamon County area as well. This is an eMarketing communication program for high school guidance counselors and teachers throughout our service region as well as community college advisors for the transfer program. In another pilot program, we in Admissions, Student Affairs, Enrollment and Document Services are developing electronic e-mail communiqués to these particular groups of people every two to three weeks regarding the new and innovative programs and opportunities at NIU across the entire state.

These sample topics are more guidance and teacher oriented. The topics include open house, make-a-difference majors, living at NIU, the academic reputation. How can they help as guidance counselors and teachers? Find the right fit for their students and why we think NIU is the right fit. Living at NIU for transfer students. Brian's shop has a new program for Information Fridays to help the transfer students adjust more quickly if they are thinking about the university. If they are interested in programs like the Black Male Initiatives, Sisters in Ebony Women, the Value of an NIU Education, all of these particular things track. We are going to do this with the help of Marisela, whose Ph.D. was in the research components affiliated with her student affairs background. She is working with Document Services to design a measuring program that will be built into the process from the very beginning so we are able to measure the programs impacts right away. Specifically designed web sites and landing pages are being set up where we can track the number of visits. We are doing electronic surveys and counting the Admissions inquiries from these four pilot counties, whether they inquire, visit or apply, and we will be looking at the enrollment data in these four targeted counties.

As I have been talking about this, you have heard the orientation video, you have heard the conversation about the importance of the fact that people at NIU care about our students. We take time with the students, and we want to see them succeed. The students who come here are not a number. I was talking with several faculty members recently about this concept, and I would like to ask Dr. Rosita Lopez to conclude this presentation by sharing a story about a student who has now graduated from the university. Rosita has had a tremendous impact on this particular student's life, and the most interesting aspect of the story is that the student is not a student in the College of Education, Rosita's native college, yet, she managed to have a tremendous impact. Her story exemplifies and typifies what the value of an NIU education is and what the core values that we as members of the NIU community have as we look towards not only the current students, but towards our future students.

Joshua Ramos grew up in the Humbolt Park community, Ms. Lopez began, and when he was about 16 years old, because he was in love with music, had an opportunity, to play at the Ravinia Festival. There were other Chicago public school students, and just when he went to play, the strings on his bass

fiddle started to snap. With two strings left, he just kept playing. When it was all done, Ramsey Lewis, who was running this event, looked down and said, "That's a musician." I was in attendance and held my breath the whole time he was playing. When talking to Josh later on, I said, "Wow, Josh, that's really good. What is it that you want to do?" "First of all," he said, "I just want to get a girlfriend, I've never had one." I told him, "You'll have time for that, don't think about that." Josh did come to our premiere Music School, where Ron Carter took a real interest in this fun loving student who can really play jazz.

So, he was here, no girlfriends yet, thank goodness, and every so often, we would run into each other. Around his third year when he was finishing up, he was complaining, "I just want to play, why do I have to write papers? Why all these papers?" I told him, it is part of it, it makes you better. Somewhere towards almost finishing, he fell in love with Zada, a Bulgarian music violinist student who was very stunning. They got married. And he did not finish, which broke my heart. I was at the graduations, watching all the other students, and it was really upsetting. But, you know, he was in love. He took other jobs with little jazz groups and managed to go to Thailand and other places. They still had no children, nothing else was going on, maybe a year or two ago, I called Josh and said, "You've got unfinished business; that's the worst thing. You know what it is to swim so far and drown at the shore?" My mother used to say that to motivate me, Ms. Lopez said, but it never motivated me, it just made me really mad and then I would do it. He said, "Well what can I do, you know I have to make a living? To be a musician, you hardly can make a living." I said, "Well, you can make a better living if you actually have a degree and you finish it at NIU." I talked to the Music School and asked them if they could help me out with this student. After some negotiating, they said fine, he can come back. We will do one class and he can graduate. He came back, he did it and told me for the first time that he really was feeling like he was learning things by writing the papers, he was enjoying it. He graduated, and within about a month or two, he had an offer from Ramsey Lewis, who did NOT know that this was the high school student who had snapped the strings on his bass. He is doing the Sun Goddess World Tour with Ramsey Lewis throughout 2012. The last time I saw Josh was in San Juan, Puerto Rico, where they were doing a sold-out performance. Of course, I continue to mentor Josh so that as he becomes rich and famous, he does not forget NIU and giving back, and he said he definitely will not forget.

Thank you Kathy and Marisela. And thank you Dr. Lopez, your story is a great example of the impact faculty and staff can have on the lives of our students. You are exactly the type of faculty member that defines our university. Thank you for your extraordinary effort and the mentoring that you do.

What strikes me is that NIU is very current, Trustee Murer commented. You get the sense that it is the students reflected in the staff who are putting this together. Also, I am constantly amazed at the photography and the music at the highest level of professionalism that coordinates with this. I congratulate you on using medias that perhaps the Board of Trustees are not quite as familiar with. But what we are doing is not about us, it is about the students when they use Twitter or Facebook, This is important because your department is moving beyond what is comfortable at the administrative level and asking how to relate to the student, how do we use their medias? It would seem that this is even more cost effective than doing a lot of things with paper, so it is also very cost effective and gives you a lot of flexibility to change.

OTHER MATTERS

Open Meetings Act Overview

Several of us new to the Board have requested a brief primer on the Open Meetings Act as it applies to Northern and our Board, Chair Iosco said. In addition, General Counsel Blakemore informs me that new provisions of the Open Meetings Act will take effect in January 2012, so I have asked Mr. Blakemore to provide the committee with a brief overview of the act.

Several members of the Board of Trustees have asked for information related to how the act applies and the parameters and requirements in the act, Mr. Blakemore said. The General Assembly has been very explicit about the purpose and the requirements under the act, the exceptions to the Open Meetings Act,

as well as procedures to close an open meeting. There is a new requirement that directly affects this Board effective January 1. This relevant provision of the act, as indicated by the General Assembly says, "The people have a right to be informed as to the conduct of their business." By that the General Assembly has made it clear that public universities, not private, are required to provide notice in order to provide an opportunity for the meetings to be observed. Only where there are explicit exceptions to this general rule, can the Board go into closed session.

There are 29 exceptions to the rule, and those exceptions are strictly construed. For example, this presentation, in my opinion, does not fit under the category of the ability for us to go into closed session, even though it is providing legal advice. That is one of the challenges with the Open Meetings Act. But the reality is that we could not have a briefing on this type of issue in closed session. If we were talking about a specific matter of litigation or a specific personnel matter, then it would be subject to closed.

There are approximately nine of the 29 exceptions that fit higher education. They are listed in your PowerPoint. There is actually case law on this particular issue. Oftentimes, public institutions will, by matter of course, list every possible exception to the Open Meetings Act, and provide public notice of that. If, for example, the nine particular relevant exceptions to higher education are always on the public notice, because you do not know what it is you want to talk about, that is going to be a red flag for an auditor, and there have been such findings. That is not something we would do; but it is an example that you need to be careful about what you indicate for closed session and stick to those particular issues in closed session.

This Board has already taken action that I believe helps us, not just with the conduct of business, but prepares us for audits and the review of external agencies with respect to our compliance. When we go into closed session, the Board takes a roll call vote. That is done in large part because it is required that you be able to identify those persons voting. This Board has taken the extraordinary step of having that done, not just by roll call, not just by public vote, but actually recording who has voted. That vote identifies the particular exceptions as well.

Two major changes in the law passed by the General Assembly become effective on January 1. One is a new exemption to the Open Meetings Act that has to do more with the Public Aid Code and is not relevant at all to higher education. However, the second major effect does affect everyone on this Board, and that is a mandate for training by the Illinois Attorney General's Office that must be completed within a year if you are a sitting member of the Board as of January 1. New members to the Board are required to take training within 90 days after they take office, which is the point when they actually take the oath of office. Our plan will be to have that training done by any new members as part of the orientation, so we will take care of that immediately upon the member joining this Board. There penalties associated with violation of any provisions, other than the training provision, of the Open Meetings Act. Members of the Board could be fined up to 30 days or up to \$1,500. I am not familiar with whether the extreme provisions here have actually been implemented; but I am aware that we have had courts actually invalidate the action of boards for failure to comply with the Open Meetings Act in the State of Illinois.

Here are a couple of examples of real life experiences and real life questions. Only exceptions of which the public has been given proper notice can you go into a closed session for discussion. Then the discussion needs to be limited to the material and peripheral issues associated with that topic. The example given is, if you go in to talk real estate, then you can talk about the lease, you can talk about the boundaries, price, etc. You can also talk about how that space is going to be utilized. You cannot talk about issues that are so far afield that a reasonable person would say goes outside of the relevant factors related to that topic. It becomes incumbent upon the General Counsel, particularly in closed session to make sure that we stay within the parameters. It is the obligation of the lawyer to do that on behalf of the Board. It is also necessary because even though there is a requirement that the closed sessions be taped, verbatim, those records are not subject to the Freedom of Information Act (FOIA). Even though those records are not subject to FOIA, they are subject to litigation. A judge can apply the

reasonable person rule saying you have gone beyond the scope of either the particular provision for which you went into closed session, or beyond the scope of what is relevant to that discussion.

We oftentimes get into a question as to what constitutes a meeting. This is the obvious meeting, everybody here, everybody got notice, we are all sitting around a table. That is a meeting, and nobody takes issue with that. You also have a meeting when you informally have the majority of a quorum, which is three, get together, even if it is not planned. So, if three members of the Board of Trustees are on a plane on their way to a business meeting, and they decide they want to go beyond social discussion and start talking about business, that could be a violation.

It is required that if you are going to have a public meeting, whether it is at someone's house or not, you have to give notice of that. This Board goes beyond what is required by law. When you want to talk to the Board directly, there is a provision in the agenda to do so. That is not a requirement under the Open Meetings Act.

In conclusion, again, this Board has gone beyond what is actually required by law, by recording the vote that you do by roll call and by being careful to identify the items to be discussed in closed session. Those sessions are not only monitored internally, but a record is taken.

When asked to explain a majority of a quorum, Mr. Blakemore stated that because the Board has eight members, the majority is five. So a majority of a quorum would be three members in order to take a vote. The significance of the majority of the quorum is to prevent a small group from basically dictating the action of a much larger board. That number for committees that only have four or five members on them is actually two.

One other important point I would like to make, Mr. Blakemore said. What is a public body becomes an issue of dispute. If the Board sets up an advisory committee, it might be a public body, under the act, and therefore, it too might have to provide notice, particularly if it is a decision making body. Your committees are decision making bodies, that need to be posted, and they are. It is bodies within the body or subparts of the Board that also can be subject to the Open Meetings Act.

I have a topic that might be of interest for the committee to take up at a future meeting, Trustee Strauss remarked, and that is to consider a review of what we need to do to accomplish a proper risk assessment for the university, particularly to take a look at finances, compliance, facilities and security in areas where we may have potential exposure. My notion of what should be included in that would not necessarily be a review of precise action with respect to all of those items, but a review of the regulations applicable to make sure that staff, or the Board, as appropriate, have the opportunity to make sure that we have appropriately identified threats in those areas and have in place appropriate operational responses for those threats.

NEXT MEETING DATE

The Chair announced that the schedule for meetings in 2012 is currently under discussion and will be approved at the full Board meeting on December 1.

ADJOURNMENT

Chair Iosco asked for a motion to adjourn. Trustee Boey so moved, seconded by Trustee Marshall. The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Sharon M. Banks-Wilkins
Recording Secretary