

NORTHERN MICHIGAN UNIVERSITY
BOARD OF TRUSTEES
Minutes of the Formal Session
of
Thursday, July 30, 2020

A formal session of the Board of Trustees of Northern Michigan University was held on Thursday, July 30, 2020, in Marquette, Michigan. The meeting was convened at 1:03 p.m. by Chair Steven M. Mitchell.

Trustees present included:

Mr. Steven M. Mitchell, Chair	Ms. Donna L. Murray-Brown
Ms. Lisa I. Fittante	Ms. Tami M. Seavoy, Vice Chair
Ms. Alexis M. Hart	Mr. Stephen E. Young
Mr. James K. Haveman	Dr. Fritz J Erickson, ex officio
Mr. Robert E. Mahaney	

Senior Staff and Counsel present included:

Mr. Brad Canale, Chief Executive Officer – NMU Foundation
Mr. R. Gavin Leach, Vice President for Finance and Administration and Treasurer of the Board of Trustees
Dr. Kerri Schuiling, Provost and Vice President for Academic Affairs
Dr. Steven VandenAvond, Vice President for Extended Learning and Community Engagement
Ms. Deanna Hemmila, Executive Director – Board/Government Relations
Ms. Cathy A. Andrew, Secretary of the Board of Trustees
Mr. Kurt McCamman, Legal Counsel

The meeting was live-streamed on YouTube at <https://bit.ly/2UeD5Ex>.

ROLL CALL

Secretary Andrew took roll call of the Trustees and noted that a quorum was met with all Trustees being present.

Chair Mitchell welcomed those viewing the meeting on YouTube. He said the Board felt it was important to provide everyone within the NMU and Marquette communities the opportunity to see all of the tremendous efforts that have been done to assure a safe as possible opening for Northern Michigan University when classes begin on August 17. He said there is no better way to do that than to be totally transparent and to have an opportunity to show the community, the Northern Michigan University family, all that has taken place in an effort to make sure that we are going to be opening using the best possible safety protocols in order to do the best possible job to make everyone within the NMU family and Marquette community safe. He said he hopes those watching develop an understanding for all the great work that is being done by President Erickson and the entire staff at Northern Michigan University.

INDIVIDUAL REQUESTS TO ADDRESS THE BOARD

There were none.

ACTION ON FORMAL RECOMMENDATIONS

The following action was taken:

It was moved by Trustee Seavoy, seconded by Trustee Murray-Brown, and supported by a vote of 8 – 0, to approve the Formal Recommendations. ([Addendum #1](#))

AAUP CONTRACT

The following action was taken:

It was moved by Trustee Seavoy and seconded by Trustee Hart that the Board approve the AAUP (American Association of University Professors) Union Contract.

Discussion followed:

Trustee Haveman said he would like to explain his “no” vote for the record, which has nothing to do with the negotiation team of Northern Michigan University, the faculty, nor the outcome.

- For the past three years he has asked to have the opportunity to review the contract, since the contract is with the Board of Trustees and signed by the Chairman, to see it before it went to ratification.
- That process was not done, it was sent out without the Board seeing it and,
- Therefore, since his request and assurances were not respected by the Chairman and the President, he will vote ‘no’ on this contract.

Trustee Mahaney made the following comments regarding his intention to vote “no” on the motion

- It has nothing to do with the negotiation or the result of the negotiations.
- When he was the Board chair, he made a commitment to follow process and thought there was a clear understanding that the process would be followed to its final conclusion.
- The most important part of that process was for this board to see the terms being offered at the conclusion of these negotiations to the AAUP. We did not have that opportunity.
- There were some items in particular that he personally had a very strong interest in and their outcome.
- In his capacity as a Trustee, he did not feel he was able to fulfill his fiduciary obligation to the people of the State of Michigan and to the university and review the contract’s final terms before it went to a vote.
- He said it’s important this Board have the opportunity to review the final terms of the contract before it goes to a vote and they weren’t able to do that.
- He thanked the negotiating teams for the good faith of the negotiations and the outcome

Chair Mitchell apologized to the Trustees and said he takes full responsibility as chair of the board for not following the full process. It was presented to him and he moved it forward. He congratulated Dale Kapla, those who negotiated on the administration’s part, and those from the faculty for a really great, good faith effort on putting together an effective one-year contract. He said it was a difficult contract in that no one had any idea that we would be facing this when

those contract negotiations began. He said the end result of this is a terrific one-year deal. And there will be an opportunity to negotiate it again next year and he's certain at that point it will be brought back to the Board appropriately.

Being no further discussion, Chair Mitchell called the vote:

On a roll-call vote, the Board voted as follows:

<u>Aye</u>	<u>Nay</u>
Lisa I. Fittante	
Alexis M. Hart	
	James K. Haveman
	Robert E. Mahaney
Steven M. Mitchel	
Donna L. Murray-Brown	
Tami M. Seavoy	
Stephen E. Young	

The motion carried with a vote of 6 for and 2 against.

INTERIM POLICY – RELATIONSHIP VIOLENCE, SEXUAL MISCONDUCT, AND STALKING

The following action was taken:

It was moved by Trustee Hart and seconded by Trustee Seavoy that the NMU Board of Trustees approve the Interim Relationship Violence, Sexual Misconduct, and Stalking Policy. ([Addendum #2](#))

Trustee Hart said with the new Title IX regulations that go into effect on August 14, a great amount of effort was put into reviewing the current policy. Within the policy the ad hoc committee spent time reviewing, in conjunction with several staff members who have worked painstakingly, to review over 2,000 pages of information that was put out. She said she feels they have come up with a very streamlined, easily understood policy around sexual misconduct. She pointed out they were also able to expand some of the protections originally afforded to events that may occur in association with NMU and events that may occur off campus. She said it was important to ensure we have the ultimate protections in place for alleged victims.

Trustee Haveman said the process this Board decided to use – an ad hoc committee – to look at some of the specialized policies has worked well. He appreciates everyone's involvement and said what the federal government came out with is very complex, however, the document the Board is acting on today is understandable, useable, and operational and will mean a lot for the safety of this campus.

Trustee Seavoy said there are procedures that will go along with the policy that will come around at another time the administration will be responsible for that will provide more information to the students that will be very understandable.

President Erickson expressed his gratitude to Trustee Hart and the ad hoc committee. He said one of the most important duties of the Board of Trustees is to set policy – that is the nature of the Board for a public institution. He said how the Board of Trustees approached this incredibly complex issue with a real commitment to making sure we have the kind of policies that demonstrate our commitment to a safe campus environment could not be more important. He said this is great work on the part of the ad hoc committee and the Board.

Trustee Hart said the ad hoc Policy Committee consists of herself, Trustee Seavoy, and Trustee Haveman. She also gave special thanks to Ms. Janet Koski and Mr. Mike Bath, as well as the countless individuals who put their time and energy into this policy – she wants to ensure those individuals are recognized.

Chair Mitchell said as Chair, he congratulates everyone for their tremendous effort and leadership on this committee. He said it's an outstanding conclusion and everyone should be congratulated on their hard work.

Being no further discussion, Chair Mitchell called the vote.

On a roll-call vote, the Board voted as follows:

<u>Aye</u>	<u>Nay</u>
Lisa I. Fittante	
Alexis M. Hart	
James K. Haveman	
Robert E. Mahaney	
Steven M. Mitchel	
Donna L. Murray-Brown	
Tami M. Seavoy	
Stephen E. Young	

The motion carried 8 – 0.

INDIGENOUS PEOPLES DAY

Chair Mitchell said an ad hoc committee was appointed to discuss this item and consisted of Vice Chair Seavoy as chair, Trustees Young, Hart, Murray-Brown, and himself as ex officio.

Vice Chair Seavoy made the following report as chair of the ad hoc committee: The committee met several times and included, in addition to the Trustees, a student from the Native American Students Association; students from ASNMU – one who graduated but started on this effort years ago and stayed on the committee as it was important for him to see this through; and Professor Marty Reinhardt from the Center for Native American Studies. The committee had lively discussions and went through many different questions regarding the scope and whether there were enough people involved. The original request was to name the second Monday of October “Indigenous Peoples Day.” Since the request coincided with Columbus Day, the committee sought to have Italian American representation. Despite those efforts, they were unable to obtain that representation. This group went through the different pieces of what was

being requested by the students. The students also came up with some suggestions of what the event would look like.

The following action was taken:

It was moved by Trustee Hart and seconded by Trustee Seavoy that the Board of Trustees approve the university adding to the university calendar an Indigenous Peoples Day recognition on the second Monday in October.

Discussion followed:

Trustee Murray-Brown touched on the following comments:

- She is proud of the conversations she participated in with board members and student leaders as a workgroup to discuss the request to honor Indigenous Peoples' history on the established federal holiday of Columbus Day
- The proposed activities discussed with student leaders is balanced and rooted in creating a profound knowledge opportunity
- It holds the truth of the revered historical account of the discovery of America; and it addresses the series of events surrounding that same history that has contributed to the generational trauma psychologically and emotionally held by Indigenous People still today
- She is proud of the board and student leadership who chose not to think of this as a moment in time but a profound learning opportunity
- The plan that is proposed is to respectfully hold an appreciation of contradictory truths about our American history with respect and responsibility with a commitment to an inclusive community

Trustee Haveman touched on the following:

- He was watching some of the events with Congressman Lewis's death this weekend and what struck him was the Congressman's continued plan that if you see something that needs to be addressed, to do something about it.
- This issue has been around for a bit and believes it's good that we are doing this.

Trustee Young thanked Vice Chair Seavoy and the committee for their hard work. He said he served on the committee but will not be supporting the motion for the following reasons:

- A concern of his is one of our core values is "Inclusion"
- Adding this to the calendar but not adding Columbus Day is exclusionary – we are excluding a group of people or a day that is not on our calendar which is recognized by a lot of people.

Trustee Mahaney thanked those across the campus who were involved in these discussions. He said he is in support of Indigenous Peoples Day and is in fact in support of Indigenous Peoples Week – a week of celebration, education, reflection on our Native American history, culture, and heritage; and one that brings the people of this peninsula and this university together. NMU passed the first baccalaureate degree in Native American Studies in the nation for this degree – or at least the first for this university. He said he will be voting "no" on this motion for the following reasons:

- Placing this Indigenous Peoples Day on Columbus Day does not fit with our values

- This is not inclusive but leads to division and divisiveness.
- He took a moment to reflect on and put some context into what Columbus Day is – at least his view and his life experience.
 - It’s a holiday that has importance to the U.P. because of the Italian American Catholics who immigrated to this country
 - Today we have an Italian American population in the Upper Peninsula that has contributed much to the region and to the university and this community.
 - Columbus Day became a national holiday in 1937 under the presidency of Franklin D. Roosevelt as a means and attempt to recognize the accomplishments of Italian Americans and Catholics in America and to help foster their acceptance and inclusion into this country. It had little to nothing to do with Christopher Columbus or his exploits – it’s to celebrate Italian American heritage.
- Another argument he has heard around campus as to why we need to do this is because “everyone else is doing it.” He said he doesn’t accept the premise that we at Northern Michigan University must do something simply because it’s what everyone else is doing.
- This will not bring us together – it will potentially divide us.
- He cannot support placing this event on a date that effectually causes divisiveness or at least a misunderstanding. He will vote “no” on this motion.

Trustee Seavoy pointed out that NMU does has Native American Heritage Month and this is distinguished from that.

Chair Mitchell made the following comments:

- He has been a student of American History his entire life and taught American History for six years.
- One of the most troubling things he sees as a history teacher is in today’s world we’ve come up with a term called “cancel culture.” We try to place the 21st century values on 15th century people, or 19th century people, such as Thomas Jefferson, the author effectively of the Declaration of Independence, or James Madison, primarily the author of the American Constitution – they created this country – putting values on people who didn’t understand the values of today is a huge mistake.
- Christopher Columbus was a guy looking for profits and the Queen of Spain funded his trip to the Indies. He came to this new world and as a result of it we’re all here today enjoying this unbelievable country – the greatest country in the history of the world
- It’s very troubling and is a very difficult decision.
- As an old history teacher, he is opposing this motion for the reasons cited by trustees Young and Mahaney.

Being no further discussion, Chair Mitchell called the vote:

On a roll-call vote, the Board voted as follows:

Aye

Nay

Lisa I. Fittante
Alexis M. Hart
James K. Haveman

Robert E. Mahaney
Steven M. Mitchel
Donna L. Murray-Brown
Tami M. Seavoy
Stephen E. Young

The motion carried with a vote of 5 for and 3 against.

ANNOUNCEMENT OF INFORMAL CLOSED SESSIONS TO BE HELD IN CONJUNCTION WITH THE THURSDAY – FRIDAY, September 24 – 25, 2020 SESSIONS OF THE BOARD

President Erickson made this announcement for the public record.

COVID-19 TASK FORCE UPDATE

Chair Mitchell said that after the update is completed, the meeting will be open to the public for comments. Questions should be no longer than three minutes and all questions will be answered. He said NMU has done an extraordinary job in preparing the campus for the upcoming school year. It's important to take this information to discuss and show what steps have been taken. The hope is that everyone is favorably impressed with what has been happening on this campus to position us to have as safe an opening as possible.

President Erickson said we started down the path of considering the fall the day after we went remote in March. The process has been long and comprehensive. NMU has taken the approach that in order to do this safely, in order to be truly prepared, we need to take a team approach. We put some comprehensive protocols in place and used a team model that has put us in position to be able to move back to face-to-face instruction better than any other university. He said he gives enormous credit to Cindy Paavola and Mike Bath who have been chairing the overall team. He said he believes everyone will be very impressed with the work that has been done and put in place; the level of detail is extraordinary. The number of decisions that have been made daily on what will be happening two weeks from now is remarkable. He said one tool that has enabled NMU to move forward has been working directly with Col. Dave Adams, who has been advising NMU on our strategy to be on campus this fall and helping to develop Northern's Action Plan. President Erickson introduced Col. Adams who was participating from Florida via Zoom videoconference.

Col. Adams provided an overview of Northern's Action Plan and preparing to open for the fall 2020 semester. ([Addendum #3](#))

President Erickson thanked Col. Adams for the depth and quality of his work and the guidance he provided.

President Erickson said that when planning for this meeting, Chair Mitchell asked for an update from all of the Emergency Planning Workgroups. He said the university was also working on a special WNMU-TV Media Meet program that highlights the accomplishments of the work groups in preparation for a return to face-to-face instruction on campus. He introduced the

Media Meet video which was then played at the meeting. President Erickson thanked the staff at WNMU for producing the program.

President Erickson introduced members of the Logistics Team who provided updates of the work accomplished within the team: ([Addendum #4](#))

- Mr. Mike Bath, Chief of Police/Director of Safety – provided an update on physical spaces
- Ms. Cindy Paavola, Special Assistant to the President for Strategic Initiatives – provided an update on daily monitoring protocols and communication and community engagement.
- Dr. Christopher Kirkpatrick, Medical Director – Vielmetti Health Center and Dr. Paul Mann, Associate Dean / Director – School of Clinical Science – provided an update from the Health Matters Work Group, which included the mass testing event (approximately 8,000) of all students, faculty, and staff that will be occurring over 13 days. Ms. Arabel McLachlan, senior, Clinical Lab major, spoke about the education module Dr. Mann is conducting during the fall semester.
- Ms. Felecia Flack, Assistant Vice President – Business Intelligence / Information Services; Mr. Chris Lewis, Senior Director – EAN/Application Development/Support Services; and Mr. Christopher Danik, Senior Programmer/Analyst – provided an update from the Technology Work Group, which included technology support that has occurred since last March to get the university through the second half of the winter 2020 semester and preparations for the fall 2020 semester (health support, academic support, and customized solutions). The update included a demonstration of the Passport to Campus software developed for the mass testing event.
- Mr. Jeff Korpi – Director – Housing and Residence Life; Ms. Isabella Azmani, Resident Director – Cedar Hall; and Ms. Val Gage, Resident Advisor – Birch Hall – provided an update from the Housing Workgroup, which included housing initiatives that occurred at the end of the winter 2020 semester, planning for the fall 2020 semester, occupancy numbers for the fall semester, move-in plans, and training for resident directors and advisors, and Spalding Hall for isolation and quarantine site, if needed.
- Dr. Rob Winn, Dean – College of Arts and Sciences and Dr. Kristi Robinia, Associate Dean – Nursing Education/Director – School of Nursing – provided an update from the Academic Work Group, which included traditional face-to-face classes, online learning (all via remote instruction), modified on-campus classes, classroom setup utilizing 50% room capacity, nursing classes and additional safety protocols.
- Ms. Jill Compton, Director – Internal Audit/Risk Management and Dr. Chris Greer – Assistant Vice President/Dean of Students, provided an update on the Safety/Risk Work Group and Enforcement Subcommittee, which included student responsibilities and safety protocols, student conduct code, enforcement plan, NMU Campus Community Compact, mask exemption, COVID-19 Reporting Intake form, and return-to-work – employee attestation update.
- Ms. Rhea Dever, Associate Vice President – Human Resources, provided an update on the Human Resources/Staff Matters work group which included an overview of the Staff Climate Survey results.
 - Trustee Murray-Brown asked if there were any plans to do another staff survey in November or January to see if perceptions or reality have changed. Ms. Dever said the work group has had conversations regarding this. The time frame still needs to be

worked out. The current survey gives us a baseline but an additional survey will give us an understanding of how we progressed, did we meet the expectations, etc.

- Mr. Forrest Karr, Athletic Director and Ms. Tricia Bush, Associate Director – Intercollegiate Athletics/Recreational Sports provided an update from the Athletics Works Group which included what’s happening nationally at the NCAA Division II level regarding intercollegiate sports competition and talks taking place in the GLIAC and WCHA, as well as changes made to athletic and recreational spaces for safely opening our facilities.

President Erickson thanked all of the presenters for the updates and the work they have done preparing for a safe campus opening in the fall. He said he has been asked if we are prepared and why are we prepared the way we are from his colleague and members of the community. He said our strategy is very much proactive in terms of what we’re doing, how we’re doing it, and how we’re engaged. The culture we have at NMU and the Upper Peninsula is a culture of support – supporting one another. It’s part of who we are. He said we also have a culture of “we are all in this together” – it’s a U.P. kind of culture. A culture of outreach. We have a culture that encourages people to bring ideas forward. He said Mike Bath and Cindy Paavola have done a great job with those ideas. He said we have a culture of community – something we value deeply – people are committed to what we are doing. We are prepared and will continue to work and look for ways to make sure we’re better prepared and will be flexible to change when we need to change.

Chair Mitchell thanked the presenters and said this is a comprehensive view of what NMU has been doing to prepare everybody for the upcoming school year. He said he appreciates the time and effort that has been ongoing since January and February when Mike Bath and Cindy Paavola began monitoring what was happening. He said we are well-prepared and much better prepared than other schools around the state and the country.

Chair Mitchell opened the meeting for public comment.

Ms. Emily Griffith, graduate teaching assistant in biology, addressed the Board regarding some concerns the graduate teaching assistants have and a petition demanding healthcare benefits for graduate assistants during the pandemic. President Erickson said we have a lot of continuing faculty and we provide them direct access to the NMU Health Center. He said it would be a reasonable approach to provide that same access to graduate assistants. He said a response could be expected by August 3, 2020.

Mr. Justin Van’t Hof, Editor-in-Chief, *The North Wind*, said he was there to bring to the Board concerns the students have been having about the way this has been handled, how it’s been communicated, and keeping students in the loop. He said many students have said they have not received an email or any communication notifying them there was an active COVID case on campus. He said this was not acceptable, it’s not about political things – it’s about safety. He said he was one of the students who came in to work every day and has underlying health issues. He said he understands that the Board is asking each other if we’re going to have the option to teach classes. He said the question he is raising to the Board is “are students going to be given the option to take in-person classes on campus?” President Erickson said he would be happy to sit down with Mr. Van’t Hof to go through any questions he may have. He said we have a very detailed process and the option is for those students to make a request for an accommodation

through Disability Services. We have received a number of students who have made that request and it has been granted. The faculty is aware of this and have accommodations set up for their classes so the students can be accommodated and continue forward positively with their education. Mr. Van't Hof said the issue he is raising is why weren't students notified there was a positive COVID case on campus? President Erickson said the University provided an announcement to the whole campus community. Mr. Mike Bath said per the Cleary Act, it must be posted to the current student list – the summer students – which didn't include some students who are enrolled for the fall who may have been here for the summer. It went out to the summer student, about 2,100, and all employees on the list. If there is another positive case in another week, the email that goes out will include students registered for the fall semester. NMU follows the federal law on notifications and use our additional tools for notification, as well.

President Erickson said we received some online questions:

- Question: “Is the COVID test required for students to come back to campus? Many of us are unsure if this is absolutely necessary or if this is just a strong recommendation before returning.”
 - President Erickson said the starting process for Passport to Campus is to get tested. You can't complete the other steps without being tested. The simple answer is, yes, we expect and require everybody get tested unless you have an approved medical excuse – that baseline testing is really important.

- Question: “In light of the new executive order limiting indoor in-person meetings, and the statement that "we believe classes are exempt from the indoor maximum" can you please explain how you are valuing student health over the wealth that they provide the university through tuition and fees?”
 - President Erickson said the simple fact is we are not and would never place our student health over this illusive concept of wealth. We have a lot of students interested in making sure they can continue their education and graduate. He said he hopes many of the questions have been answered in today's presentation. He asked that people remember that Northern is taking all reasonable and prudent steps to protect the health of our students, including following all federal and state COVID related guidelines on campus testing – we want everybody to be tested, health monitoring, workplace caution and safety evaluations and renovations, student transportation, accommodation issues, revised attendance policies, housing accommodations – setting up opportunities for isolation and quarantining rooms. The reference to the exemption of the indoor maximum only refers to restrictions in Executive Order 2020-160 which came out last night and addresses social gatherings not in-person teaching at educational institutions. He said that is an important thing to remember – Executive Order 2020-160 does not apply to Northern Michigan University or educational institutions. We are required to formulate safety plans, which we have done.

- Question: “What is the plan for classes if and when a professor contracts the virus and is unable to teach?”
 - President Erickson said it is the same set of plans that if a faculty member were to become ill for any reason they work with the department head and make the accommodations either by bringing in someone else to teach the class or being able to provide different kinds of learning opportunities.

ADJOURNMENT

Chair Mitchell adjourned the meeting at 4:24 p.m.

Respectfully submitted,

/signed/ Cathy A. Andrew
Secretary of the Board of Trustees