

Board Meeting  
November 12, 2015

DISCLOSE CERTAIN MINUTES OF EXECUTIVE SESSIONS PURSUANT  
TO OPEN MEETINGS ACT

Under the Open Meetings Act passed by the General Assembly, public bodies subject to the Act that conduct business under exceptions specified in the Act must, at least every six months, determine whether the need for confidentiality still exists with respect to each item considered under such exception.

Items from November 1999 through July 2015 that have been heretofore unreleased are recommended for release at this time.

The University Counsel and the Secretary of the Board, having consulted with appropriate University officers, recommends that the following matter considered in executive session for the time period indicated above be made available to the public at this time.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes*, *The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The President of the University concurs.

## **Executive Session Minutes Released to Public**

### **January 13, 2000, Board of Trustees Meeting**

President Stukel invited Chancellor Aiken to join the meeting for a discussion of another performance goal – the establishment of a research park at Urbana. The president asked the chancellor to report on progress toward this goal. Chancellor Aiken reviewed the developments of the past few months including negotiations with developers for the park, Peter Fox and Clint Atkins, and discussions with them and others on the campus. He also described the relationship with Motorola and their plans to build a facility in the research park. He indicated that Motorola wanted to least 5.6 acres at the corner of St. Mary's Road and First Street in Champaign. He said that Motorola wants to build the building and they plan to issue a Request for Proposals for a developer for this building. There were then discussions about an optimum location for a hotel and conference center in the research park.

Mr. Shea asked about the source of funds to develop the research park and to move the facilities of the College of Agricultural, Consumer and Environmental Sciences south. He also asked for a specific plan to raise these funds.

### **July 20, 2000, Board of Trustees Meeting**

#### **Part One—Employment Matters**

The trustees and President Stukel were present for this session, which involved an annual performance evaluation for the president and the University officers. The board reviewed each of the goals set for the board and the president in August 1999 and asked the

president for progress reports on each of these (materials are filed with the secretary). Time did not permit a complete discussion of each of the goals for which the president had reports, thus the board decided to move to a discussion of the performance of the University officers with the president. The board agreed to continue the president's report on activities related to the goals at a later meeting. They deemed certain topics, which were to be included in the review of the president's efforts for the past year, in need of further discussion. Thus, the board agreed by consensus to continue these discussions at the next meeting of the board.

### **Employment Matter**

The trustees, the president, and the secretary were present for this session. The board wished to discuss the wisdom of one officer taking on responsibilities for two positions for the next year. The board members expressed concern about the difficulty one person might have in managing the responsibilities of two demanding administrative positions. They also stated concerns about how each position would be perceived if one person could handle both for as long as one year. After discussion of the issue, the board generally concurred that the arrangement should proceed for the year ahead. Some suggested changing the modifier to the title of one position from interim to acting.

**September 14, 2000, Board of Trustees Meeting**

### **SPECIAL EXECUTIVE SESSION**

### **Employment Matter**

Present at this session were the trustees, President Stukel, Dr. Gardner, Dr. Bazzani, and Dr. Thompson.

This special executive session was devoted to a discussion of issues related to a report of the goals and accomplishments of the president. Vice Presidents Gardner and Bazzani contributed to the discussion by explaining in detail several areas in which they were involved. (Materials are filed with the secretary.)

### **March 11, 2004, Board of Trustees Meeting**

Mr. Bearrows then reported to the board the facts of [REDACTED], that involved complications occurring during delivery of a baby in which forceps were used, resulting in lacerations to a 37-year-old woman, [REDACTED]. He said the patient was admitted to Swedish American Hospital in Rockford in [REDACTED] 1999 in labor. He said she had previously delivered a baby by C-section but had elected to deliver naturally this time. Mr. Bearrows stated that the patient was admitted at about 12:00 p.m.; at 10:00 p.m. she was given Petosin to augment labor; at 11:15 p.m., she was completely dilated; and one hour and fifteen minutes later, [REDACTED], who was treating her, delivered the baby using forceps. He said that during the delivery [REDACTED] experienced a laceration, and the laceration was repaired at the time, but not completely. Mr. Bearrows said that in October 1999, [REDACTED] performed a surgical procedure to repair the laceration to [REDACTED] and that [REDACTED] notes indicate a complete breakdown of the previously repaired laceration. Further, Mr. Bearrows explained that over the two years following [REDACTED] 1999

██████████ was examined by various specialists and underwent several procedures and surgeries, yet she still has complications, such as incontinence. Mr. Bearrows stated that ██████████ husband has filed a lack of consortium claim.

Mr. Bearrows reported that the plaintiff's attorney, ██████████, argues that it was not necessary for ██████████ to use forceps, that they were not clinically indicated, and that the subsequent repair by ██████████ was inadequate, resulting in the extended serious complications his client continues to have.

Mr. Bearrows stated that the University's attorney is ██████████, who has consulted two experts on the case, and their reviews of the care given were mixed. He said that both indicated the use of forceps is a judgment call on the part of the physician. However, both opined that the labor of one hour and fifteen minutes was not prolonged, and that guidelines of the American College of Obstetrics and Gynecology for a patient with ██████████ history indicate that anything under two hours is not prolonged and would not have warranted the use of forceps.

Discussion followed and included comments on the condition of the baby during the labor. Mr. Bearrows stated that the baby was monitored and that the experts found nothing to suggest distress to the baby. He said that the experts found the laceration to ██████████ extreme, and not typical given all the facts.

Mr. Bearrows told the board that the settlement range is \$250,000 to \$400,000. Dr. Rice commented that \$400,000 or even a little higher would be acceptable to him, given the treatment the patient received from ██████████.

Also, he told the board that the case of [REDACTED], that involved the matter of a 61-year-old man's death, after removal of a nasogastric tube and arguments that it was not replaced in a timely manner, is now scheduled for trial in September 2004.

### **January 20, 2005, Board of Trustees Meeting**

[REDACTED]

Mr. Bearrows stated that this case involved a hysterectomy performed on a patient at the UIC Hospital that resulted in a cut to the patient's intestine that required further surgery to repair this. He reported that the surgeons stated the problems developed after the surgery for the hysterectomy and that the surgery to perform repairs had to be delayed until advisable. Due to these factors the patient had an extended stay in the hospital. Mr. Bearrows stated that a trial date is set and that the physician involved, [REDACTED], is a strong witness. He added that settlement would be considered if the plaintiff, [REDACTED], presents a settlement offer of less than \$250,000.

### **September 11, 2008, Board of Trustees Meeting**

#### **Litigation**

For this portion of the executive session, the following were present: Trustees Carroll, Eppley, Schmidt, Shah, Sperling, Vickrey. Trustees Bruce, Dorris, and Montgomery

excused themselves. President White was present, as was University Counsel Bearrows, and Secretary Thompson.

Mr. Bearrows presented two cases. The first was [REDACTED]. This involved a [REDACTED] man who had surgery to remove his pancreases, whereupon bleeding occurred that could not be controlled and the patient expired in the Intensive Care Unit of the University Hospital. Mr. Bearrows said the surgery was performed by [REDACTED] and assisted by a resident, and that [REDACTED] supervised the surgical assistance of the resident. Further, Mr. Bearrows said that experts consulted supported the standard of care; therefore, he recommended proceeding to trial with this case.

The second case Mr. Bearrows presented was [REDACTED]. Mr. Bearrows stated that this involved a [REDACTED] woman injured in an auto accident. He said that cocaine use was detected in an examination of the patient and that the patient was treated for a fractured pelvis. Mr. Bearrows said that there was no report of a head injury when the patient was treated initially. He said that an MRI was prescribed nine days later after the patient reported numbness and a spinal contusion was discovered. Mr. Bearrows said that the MRI probably should have been done earlier though there is no agreement as to whether it would have mattered. He said that the patient was treated at St. Francis Hospital and that physicians there agreed that even if the diagnosis had been made earlier it would not have made a difference. Therefore, Mr. Bearrows said that he recommended attempting to settle the case for a modest amount and, if this is not possible, he would recommend proceeding to trial.

**May 21, 2009, Board of Trustees Meeting****Litigation**

## Medical Malpractice Cases

Those present for this portion of the executive session included: the trustees, Treasurer McKeever, President White, University Counsel Bearrows, and Secretary Thompson.

Mr. Bearrows reported on two cases. He was joined by Dr. William Chamberlin, chief medical officer of the University of Illinois Hospital, for these presentations. The first was [REDACTED]. Mr. Bearrows told the Board that this case involved [REDACTED] female patient who had surgery to remove her gall bladder. He said that there were difficulties with this procedure that a resident had started and an attending physician took over. He said that following the surgery the patient has reported continued discomfort and depression. He said that the patient had undergone a subsequent procedure at [REDACTED] and that the physician who treated her there had no criticism of her care at the University of Illinois Hospital. Mr. Bearrows recommended proceeding to trial and informed the Board that a trial date of July 23, 2009, had been set. There was no disagreement with this recommendation.

The second case that Mr. Bearrows presented concerned a case that he had reviewed for the Board previously. This is the case of [REDACTED] *et al.* Mr. Bearrows reported that he had informed the Board via memo that this case had gone to trial and that since the jury was deadlocked the judge had ordered a mistrial. He reminded the Board that this involved a [REDACTED] male patient who expired due to

failure to replace a dislodged nasogastric tube and alleged improper reinsertion of that tube. Mr. Bearrows told the Board that a new trial was set to begin on June 3, 2009.

**May 7, 2015, Board of Trustees Meeting**

**Discussion of Minutes of Meetings Lawfully Close Under the Open Meetings Act**

Mr. McMillan asked Dr. Kies and Mr. Bearrows to discuss the potential release of minutes that have been previously sequestered under the Open Meetings Act. Dr. Kies discussed the items that were recommended for release. The trustees discussed the recommendation and all were in agreement.