

**MEETING OF THE BOARD OF TRUSTEES**  
**OF THE**  
**UNIVERSITY OF ILLINOIS**

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**November 18, 1977**



The November meeting of The Board of Trustees of the University of Illinois was held in Rooms 509-10, Chicago Circle Center, Chicago Circle campus, Chicago, Illinois, on Friday, November 18, 1977, beginning at 11:00 a.m.

President George W. Howard III called the meeting to order and asked the secretary to call the roll. The following members of the board were present: Mr. William D. Forsyth, Jr., Mr. Ralph C. Hahn, Mr. George W. Howard III, Mr. Robert J. Lenz, Mr. Park Livingston, Mrs. Jane Hayes Rader, Mrs. Nina T. Shepherd, Mr. Arthur R. Velasquez. Mr. Earl Langdon Neal and Governor James R. Thompson were absent. The following nonvoting student trustees were present: Miss Cathy Conlon, Medical Center campus; Mr. Cornele Overstreet, Urbana-Champaign campus; Miss Gretchen Winter, Chicago Circle campus.

Also present were President John E. Corbally; Dr. Peter E. Yankwich, vice president for academic affairs; Chancellor Joseph S. Begando, Medical Center campus; Chancellor Donald H. Riddle, Chicago Circle campus; Dr. Morton W. Weir, acting chancellor, Urbana-Champaign campus; Mr. David Landman, university director of public information; and the officers of the board, Dr. Ronald W. Brady, comptroller (also vice president for administration for the University); Mr. James J. Costello, university counsel; Mr. R. R. Manchester, treasurer; and Dr. Earl W. Porter, secretary.

### **MINUTES APPROVED**

The secretary presented for approval the press proofs of the minutes of the Board of Trustees meeting of May 18, 1977, copies of which had previously been sent to the board.

On motion of Mr. Forsyth, these minutes were approved as printed on pages 269 to 293 inclusive.

### **MEETINGS OF BOARD COMMITTEES**

Mr. Howard announced additional committee meetings scheduled in the course of the day: the Student Welfare and Activities Committee at 1:00 p.m., and a meeting of the board as a Committee of the Whole at 2:00 p.m.

### **REQUEST TO APPEAR BEFORE THE BOARD: COALITION OF CONCERNED STUDENTS AND FACULTY**

Mr. Howard announced that he had received a request that a spokesman from a campus group, the Coalition of Concerned Students and Faculty, be allowed to speak briefly to the board on the subject of a report: "A Study of Special Support Programs at the Chicago Circle Campus." (The report had been sent to the trustees some weeks before and had been released publicly in the current week. At a meeting of the Committee on Affirmative Action/Equal Opportunity, held just prior to the board meeting, the report had been presented and discussed at some length.)

The spokesman for the coalition, a student, Mr. Carlos Quintanilla, addressed the general question of educational "exclusion," making specific reference to the University's "selection index," used in undergraduate admissions, a subject presently under study at the Chicago Circle campus. He expressed his belief that the selection index would result in the exclusion of minority students, including some whites. He further protested the public release of the report referred to above, indicating that such a "negative report" would be harmful to the University in seeking funds for more support services for minority students.

At the committee meeting earlier, the trustees, the president of the University, and the chancellor at Chicago Circle sought to reassure those present that the report contained many positive elements supportive of the University's equal opportunity programs and that the study results neither lessened nor inhibited the University's determination to continue to provide for equal opportunity and supportive services for such programs. Comments in opposition to the report had been presented by Thomas M. Jenkins, associate vice chancellor for academic affairs, who spoke, apparently, for some of the professional staff of the equal opportunity programs at Chicago Circle and others.

## **BUSINESS PRESENTED BY THE PRESIDENT OF THE UNIVERSITY**

### **President's Reports**

President Corbally presented a report on selected topics of current interest, copies of which were distributed at the meeting, and a copy was filed with the secretary of the board.

#### **Acceptance of Federal Capitation Funds, Medical Center**

President Corbally stated that he had been asked by Mr. Howard to speak to this matter. Some weeks ago, a statement had been issued by the administrative officers, indicating the University's unwillingness to apply for further capitation funds in the light of new restrictions proposed by the Congress — both on economic grounds and on the ground of governmental intrusion into the admissions process.<sup>1</sup> President Corbally indicated that the trustees had not been consulted about such a position statement, inasmuch as it seemed clear to the administrative officers that they were working within an established policy framework, i.e., University control of admissions procedures. In addition, budget decisions made by the trustees and others in recent years had resulted in a "plateau" in medical enrollment growth which also affected the economics of the institutional position taken. Mr. Howard and others said they did not question the merit of the decision, but rather were concerned as to whether the board should have been consulted in advance.

It was agreed that it is often difficult to distinguish between a new policy position and an administrative implementation of what is believed to be agreed-upon policy and that the problem should receive continued appraisal.

### **REGULAR AGENDA**

The board considered the following reports and recommendations from the president of the University.

#### **Award of Certified Public Accountant Certificates**

(1) The Committee on Accountancy recommends that the certificate of certified public accountant be awarded, under Section 5 of the Illinois Accountancy Act of 1943, as amended, to seven candidates who have presented evidence that they are holders of valid and unrevoked certified public accountant certificates obtained by passing a standard written examination in another state or territory of the United States and who qualify in all other respects under this provision of the law. The names of the candidates are filed with the secretary.

The committee also recommends that the certificate of certified public accountant be awarded to a candidate who passed the standard written examination in May 1977 in Illinois and who has fulfilled all other legal requirements under Sec-

<sup>1</sup> The federal program, begun in the late 1960s, was designed to provide a financial incentive to encourage medical schools to increase enrollments. New provisions of the legislation would in effect place an unacceptable financial burden upon the University and the state of Illinois; the monetary benefits which the University and the state might receive would be significantly less than the cost to the state of meeting the requirements for capitation. In addition, by mandating the admission of a specified number of U.S. citizens, as transfer students from foreign medical schools, the new provision would contravene University of Illinois academic standards and admissions policies. (A copy of the University statement on this matter is filed with the secretary.)

tions 1, 2, and 3 of the Illinois Accountancy Act of 1943, as amended. The name of the candidate is filed with the secretary.

I concur.

On motion of Mr. Forsyth, these certificates were awarded.

### Appointments to the Faculty

(2) The following new appointments to the faculty of the rank of assistant professor and above, and certain administrative positions, have been approved since the previous meeting of the Board of Trustees.

Positions in the University are classified in the following categories and are designated in the budget by the symbols indicated.

- A — Indefinite tenure
- N — Term appointment not eligible to be appointed for an indefinite term and not credited toward probationary period
- Q — Initial term appointment for a professor or associate professor
- T — Terminal appointment accompanied with or preceded by notice of nonreappointment
- W — One-year appointment subject to special written agreement
- Y — Twelve-month service basis
- 1-7 — Indicates the number of years of service which will be credited at the end of the contract period toward completion of the probationary period relating to tenure

Figures following a symbol indicate percentage of time if the appointment is on a part-time basis (e.g., N75 means one year on three-fourths time).

#### Chicago Circle

1. ROBERT E. BIEDER, assistant professor of native American studies, beginning September 1, 1977 (1), at an annual salary of \$18,000.
2. WILLIAM A. HETZNER, assistant professor of management, beginning September 1, 1977 (1), at an annual salary of \$18,500.
3. REGINA KULYS, assistant professor of social work, on 60 percent time, beginning September 1, 1977 (1/60), at an annual salary of \$11,100, and on 80 percent time, beginning January 1, 1978 (1/80), at an annual salary of \$14,800.
4. NICHOLAS A. MICHAS, associate professor of finance, beginning September 1, 1977 (Q), at an annual salary of \$25,000.
5. ERNEST T. PASCARELLA, associate professor of education, beginning September 1, 1977 (Q), at an annual salary of \$18,500.

#### Medical Center

6. WADI A. BARDAWIL, professor of pathology, Abraham Lincoln School of Medicine, beginning September 1, 1977 (WY), at an annual salary of \$63,000.
7. PEGEEN G. BASSETT, documents librarian and assistant professor, Library of the Health Sciences, beginning November 1, 1977 (NY;4Y), at an annual salary of \$11,320.
8. JOSEPH H. LOVASKO, assistant professor of oral surgery, on 10 percent time, beginning October 1, 1977 (NY10), at an annual salary of \$1,700.
9. MEERA MAHAJAN, assistant professor of operative dentistry, on 50 percent time, beginning November 1, 1977 (NY50), at an annual salary of \$10,250.
10. MICHAEL MELNIK, assistant professor of health professions education and assistant director for educational programs, Center for Educational Development, beginning October 17, 1977 (1Y;NY), at an annual salary of \$26,000.
11. PATRICIA L. MOELLER, assistant professor of occupational therapy, School of Associated Medical Sciences, beginning November 1, 1977 (1Y), at an annual salary of \$16,000.
12. JACK E. PETERSON, professor of occupational and environmental medicine,

School of Public Health, on 10 percent time, beginning October 1, 1977 (WY10), at an annual salary of \$3,000.

13. PEARL CHING-FEN TAO, research assistant professor of medicine, Abraham Lincoln School of Medicine, beginning September 1, 1977 (1Y), at an annual salary of \$16,467.

#### Urbana-Champaign

14. DAVID A. MYERS, assistant professor of agricultural economics, beginning August 29, 1977 (1Y), at an annual salary of \$20,000.
15. FRANK R. RUSCH, assistant professor of special education, beginning January 21, 1978 (1), at an annual salary of \$15,000.
16. JOHN P. THILSTED, JR., assistant professor of veterinary pathology and hygiene, beginning October 1, 1977 (1Y), at an annual salary of \$25,000.
17. LEIF H. THOMPSON, assistant professor of animal science, beginning January 2, 1978 (1Y), at an annual salary of \$25,000.
18. KEVIN E. TRENBERTH, associate professor of meteorology in the Laboratory for Atmospheric Research, beginning October 21, 1977 (A), at an annual salary of \$17,500.
19. JOEL WALTERS, assistant professor of elementary and early childhood education, beginning January 21, 1978 (1), at an annual salary of \$14,800.
20. RAYMOND A. WOODIS, assistant professor of agricultural communications (extension communication specialist), beginning October 3, 1977 (1Y), at an annual rate of \$23,000.
21. LEWIS W. WINTER, associate professor of clinical science (medicine), School of Clinical Medicine, on 13 percent time, beginning October 1, 1977 (AY13), at an annual salary of \$5,000.

#### Administrative Staff

22. VIRON L. DIEFENBACH, acting dean of the School of Public Health and professor of health resources management, Medical Center, beginning November 19, 1977 (NY;AY), at an annual salary of \$45,330.
23. DILLON E. MAPOTHER, acting vice chancellor for research and acting dean of the Graduate College, Urbana, beginning October 13, 1977 (NY), in addition to his present positions, at an annual salary of \$45,350.
24. RONALD J. PATRICK, director of purchases, Medical Center, beginning October 21, 1977 (NY), at an annual salary of \$24,900.

On motion of Mr. Livingston, these appointments were confirmed.

#### Revision of the Teacher Education Curriculum in Communication and Theatre, Chicago Circle

(3) The Chicago Circle Senate has recommended the revision of the undergraduate teacher education curriculum in communication and theatre, effective immediately. At present, the department offers a teacher education curriculum in two areas of concentration: communication and public address, and theatre and oral interpretation. Each of these has 48 hours of required courses for completion of the major.

The department now proposes to (1) offer three areas of concentration—communication and public address, theatre and oral interpretation, and mass media; (2) change the number and level of required courses; and (3) increase the number of hours required for the major to 59 hours in communication and public address and 60 hours in each of the other two areas of concentration.

The changes in the curriculum will result in better preparation in each area of concentration. To accomplish the desired depth, the number of core courses is reduced, and the student's area of concentration is strengthened through an increase in the number and level of required courses in the area of concentration.

The proposed program should correct deficiencies which presented problems for graduates of the program during the past several years.

No budgetary or staff increase will be required to carry out the proposed revisions.

This revision has been approved by the Council on Teacher Education. The chancellor at Chicago Circle and the vice president for academic affairs concur in this recommendation. The University Senates Conference has indicated that no further senate jurisdiction is involved.

I recommend approval.

On motion of Miss Winter, this recommendation was approved.

### **President's Report on Actions of the Senates**

#### **Change of Name, Department of Physiology, Medical Center**

(4) The Medical Center Senate has approved a recommendation from the College of Medicine to change the name of the Department of Physiology in the School of Basic Medical Sciences at the Medical Center to the Department of Physiology and Biophysics. At the Urbana-Champaign campus a similar department in the School of Life Sciences is so designated.

The change is proposed to describe more accurately the instructional and research functions of the department.

#### **Change of Name, Department of Preventive Medicine, Peoria School of Medicine, Medical Center**

The Medical Center Senate has approved a recommendation from the College of Medicine to change the name of the Department of Preventive Medicine at the Peoria School of Medicine to the Department of Preventive Medicine and Community Health. At the Medical Center a similar department in the Abraham Lincoln School of Medicine is so designated.

The change is proposed to indicate more clearly the concern of the faculty for the identification and solution of health problems for groups of people, and to provide for inclusion in the department of health professionals or health-related professionals with expertise in social medicine, epidemiology, and biostatistics.

#### **Establishment of a Minor in Classical Civilization, Chicago Circle**

The Chicago Circle Senate has approved the establishment of a minor in classical civilization. The proposed minor follows, in reduced form, the present major in classical civilization.

Requirements for the minor include 28 hours in Department of the Classics classical civilization courses of which at least 20 hours must be at the 200 level or above. Up to 12 hours may be taken in related courses in history, history of architecture and art, or philosophy. No more than 8 hours in Greek or Latin at the 104 level or above may be presented toward the minor.

#### **Establishment of Minor in Women's Studies, Chicago Circle**

The Chicago Circle Senate has approved the establishment of a minor in women's studies. The program is interdisciplinary in nature and consists of a core of introductory courses, plus 16 additional hours of course work.

The minor in women's studies is expected to satisfy a growing demand for courses in this area and to attract a number of women who are returning to the university to seek expanded educational and vocational options. It is intended to further the students' understanding of women through a study of their history, psychology, and biology; their roles in politics and the economy; and their contributions to literature and the arts.

### **Revisions in the Major in Music and the Teaching Minor in Communication and Theatre, Chicago Circle**

The Chicago Circle Senate has approved proposed revisions in the major in music and the teaching minor in communication and theatre. The revisions in both cases involved the reduction in the number of required 100-level courses and a strengthening of requirements for upper-division course work.

For the major in music, the changes are designed to better prepare the student for entry into professional music activity. The changes in the teaching minor in communication and theatre are designed to improve the depth of preparation of beginning teachers.

This report was received for record.

### **Tuition Waivers for Academic Professional Personnel**

(5) For a number of years, provisions for tuition waivers for staff members have been part of University policy. In its final report in May 1975, the special Committee on Professional Personnel, chaired by Professor Melvin Rothbaum, noting that the existing policy had the unintended effect of providing a benefit to part-time employees which is not available to full-time employees, recommended that such benefits be provided to the "academic professional" staff.

To that end, I recommend the adoption of the following policy:

Tuition, for full-time University employees whose appointments are not prescribed by Article X, Section 1, of the University *Statutes* or for whom the rules of the University Civil Service System are inapplicable, is waived for course work related to their responsibilities to the University. Guidelines concerning the determination of the nature and number of courses to be taken shall be developed by each chancellor for campus personnel and by the president for University-level personnel to ensure that such course work benefits the University.

(This is in addition to present tuition waiver benefits.)

The chancellors at the three campuses and the vice presidents for academic affairs and administration concur.

On motion of Mr. Lenz, this recommendation was approved.

### **Policies and Procedures Regarding Institution of Litigation to Collect Debts Owed to the University**

(6) The vice president for administration has the responsibility for the collection of debts owed to the University. The use of services outside the University to assist in the collection of debts has been handled in a number of ways in prior years. The enactment by the Department of Health, Education, and Welfare of the Student Loan Collection Procedures in November 1976 under the National Defense Student Loan Program contains a section regarding "Collection Procedures." Under this section (144.45) of the rules and regulations for the program, the University shall utilize the services of a collection agency or perform such collection activities with its own personnel or shall resort to litigation if the institution is still unable to obtain payment from a borrower after performing prescribed collection activities.

It is therefore recommended by the vice president for administration that the following policies and procedures be adopted regarding the use of outside collection agencies and the institution of litigation to collect debts owed to the University. I concur.

### I. Policies

After reasonable efforts have been made by the University to collect debts owed to it, litigation may be instituted to collect such debts if the following terms and conditions have been met:

1. At least five efforts to contact the debtor have been made by the University at intervals of not less than twenty calendar days after the initial billing to the debtor on an account which is due and payable. "Efforts to contact" may include a letter to the last known address of said debtor by ordinary United States mail with first-class postage prepaid thereon.
2. The debtor has failed or refused to cooperate with the University's attempts to secure payment of said indebtedness, either according to the original terms thereof or to terms modified by the University under unusual circumstances to avoid undue hardship to the debtor.
3. There is no legal restraint prohibiting the University from instituting litigation against said debtor.
4. a. Information is available which indicates, in the opinion of the university counsel and vice president for administration, or their delegates, that there is a reasonable chance of collecting the indebtedness or a substantial part thereof if the litigation is successful, or  
b. It is necessary to obtain a judgment to prevent recovery being barred by an applicable statute of limitations.
5. There are not other circumstances which, in the judgment of the university counsel and the vice president for administration, would render it unwise for the University to proceed with such litigation.
6. All such litigation shall be initiated on behalf of the University either by the Office of the University Counsel, or by outside legal counsel selected or approved by the university counsel, or by a collection agency under terms and conditions approved by the university counsel.

### II. Procedures

When any account owed the University becomes delinquent, the University shall make reasonable efforts through its Office of the Associate Vice President for Business Affairs to collect such delinquent accounts directly. Such reasonable efforts may include, but are not limited to, billings, repeated billings, encumbrance of records, telephone calls to the debtor, and letters to the debtor. All communications from the University to the debtor are to be in accordance with standards of good taste and conduct befitting the nature of the University.

When such efforts to obtain payment of the indebtedness are unsuccessful, and upon review and approval by the vice president for administration (or his delegate), the debt may be referred for collection purposes to an agency specializing in the collection of indebtedness from delinquent debtors; provided, however, that the vice president for administration shall use reasonable precautions to insure himself of the reputability, integrity, acceptability of methods, and good standing of any collection agency to which such account may be referred.

The vice president for administration (or his delegate), without referring the matter to an outside collection agency, or, if the efforts of that agency have been unsuccessful, and with or without the recommendation of such agency, may also refer the matter to the university counsel (or his delegate) for determination as to whether litigation shall be instituted against the debtor in question. Any such referral shall be accompanied by sufficient information to enable the university counsel (or his delegate) to determine whether the board's "policies" with respect to institution of litigation against such debtors have been met.



On motion of Mr. Hahn, this recommendation was approved, and the policies and procedures regarding the use of outside collection agencies were adopted.

**Selection of Appointee to the Board of Trustees  
of the State Universities Retirement System (SURS)**

(7) A recent amendment to the Illinois Pension Code changed the composition of the Board of Trustees of the State Universities Retirement System. Among the changes was a reduction by one in the number of SURS board members who are members of the Board of Trustees of the University of Illinois and an addition of one member who is a participant in SURS, to be chosen by the University of Illinois board for a term of six years, effective September 1, 1977.<sup>1</sup>

Following consultation with the president of the Board of Trustees of the University, it was agreed that I would seek nominations for this SURS board position from the University Senates Conference. It was suggested that nominees be members of the faculty who have at least five years of SURS-covered employment and who are at least ten years from becoming SURS annuitants. Nominees were provided by the conference, and some nominees were provided to me from other sources.

The president of the board and I have reviewed the nominees and now recommend the selection by the board of James A. Gentry, professor of finance and associate dean of the College of Commerce and Business Administration, Urbana, to serve a term of six years on the board of SURS, effective September 1, 1977. Professor Gentry has agreed to serve if selected to do so.

On motion of Mr. Livingston, this appointment was approved.

**SURS Membership, University of Illinois**

In accord with the reduction in membership referred to above, Mr. Park Livingston terminated service on the SURS Board of Trustees on November 30, 1977. The remaining members from the Board of Trustees of the University of Illinois are Mr. William D. Forsyth, Jr., and Mr. George W. Howard III.

**Agreement with RACOM International, Inc.  
(ILLIMAC Simulator System, Urbana)**

(8) The Institute of Aviation Research Laboratory at the Urbana-Champaign campus is developing a flight simulator system known as ILLIMAC to provide low-cost training of student pilots at the institute.

RACOM International, Inc., has proposed that RACOM provide full research and development costs for the University to continue work on the ILLIMAC simulator, and, in addition, pay the University royalties of 4 percent of gross sales for all domestic and foreign sales of the simulator in return for:

1. Exclusive rights to manufacture and sell, rent, or lease ILLIMAC simulators,
2. Preferential "right of first refusal" in connection with the licensing of patents or copyrights that may develop in the future from ILLIMAC research and development activities under the proposed agreement, and
3. The exclusive right to use the name ILLIMAC for the flight simulator systems.

<sup>1</sup> Among other members of the SURS board is a participant in the system chosen by the governor. Eugene T. Flynn, a member of the nonacademic staff at Urbana, now fills that position.

The University would retain the right to build and use ILLIMAC flight simulators for its own instructional and research purposes.

RACOM further agrees that, in the event the simulators are not effectively developed and marketed within three years from the effective date of this contract, the University has the right to:

1. Terminate the agreement and licenses,
2. Retain the research and development cost paid to the University by RACOM, and
3. Take whatever action the University deems appropriate to make the simulator available commercially.

The support provided by RACOM for the research and development of the ILLIMAC simulator will make it available sooner for training pilots at the University, will provide training for graduate students, and will make available to the public a simulator for training pilots to fly small aircraft. The possibilities for development of this project were explored with other companies that make similar devices. RACOM was the only such company expressing an interest in the project and in providing research support.

The University Committee on Copyrights and Recordings has reviewed the proposal and concurs in the judgment that the exclusive license and preferential treatment outlined are appropriate.

The acting chancellor of the Urbana-Champaign campus and the vice president for administration recommend that the agreement be approved.

I concur and recommend that the comptroller and the secretary be authorized to execute the agreement with RACOM International, Inc., as described.

On motion of Mr. Livingston, this recommendation was approved, and authority was given as recommended.

### **Recommendations of the University Patent Committee**

(9) The University Patent Committee submits the following recommendations relating to discoveries by members of the staff:

1. *Gum or Soft-tissue Transducer* — Graham M. Brown, formerly assistant professor of experimental mechanics in materials engineering, Chicago Circle.

University Patents, Inc., reported that there is only narrow patent protection and that the market is limited. The University Patent Committee recommends that the rights of the University in this idea be released to the inventor.

2. *All Digital Modem* — Donald L. Bitzer, professor of electrical engineering and director of Computer-based Education Research Laboratory, Urbana, Paul T. Tucker, senior research engineer in the Computer-based Education Research Laboratory, Urbana, and William E. Keasler, graduate research assistant in the Computer-based Education Research Laboratory, Urbana, inventors; sponsored by Advanced Research Projects Agency.

University Patents, Inc., reported that this discovery has patentable novelty and that there is a potentially interested licensee. The University Patent Committee recommends that the rights of the University be transferred to the University of Illinois Foundation, subject to the rights of the sponsor, and that 15 percent of the net income from this idea received by the University of Illinois Foundation, after payment of any costs and expenses of securing a patent and of development and administration, be distributed to the inventors, such distribution to be allocated equally among them.

The Committee on Patents of the Board of Trustees has examined background material related to these discoveries and recommends approval.

I concur.

On motion of Mrs. Rader, these recommendations were approved.

### **Report of Rejection of Bids for Gutter Rewaterproofing, Assembly Hall, Urbana**

(10) On April 20, 1977, the Board of Trustees approved the employment of a consultant to evaluate the existing waterproofing system for the dome of the Assembly Hall at the Urbana-Champaign campus and to recommend methods and materials for resurfacing.

On October 12, 1977, bids were received for work to rewaterproof the gutters at the Assembly Hall as a part of the dome project. The low bid exceeded the consultant's estimate for this work, and, accordingly, the president rejected the bids and now reports the rejection pursuant to Section 15(e)(2) of the *General Rules Concerning University Organization and Procedure*.

This report was received for record.

### **Exchange of Property with the City of Peoria**

(11) On February 20, 1974, the Board of Trustees authorized the execution of a contract with the city of Peoria and the Capital Development Board for the acquisition of a twenty-five-acre urban renewal area in Peoria as the site for the Peoria School of Medicine. The city has conveyed that site to the University.

On September 21, 1977, the Board of Trustees approved a recommendation for exchange of certain parcels of land with the city of Peoria and authorized other modifications contained in a separate cooperation agreement with the city. The exchange will result in a more usable site for the future development of the Peoria School of Medicine and will facilitate the development of the area surrounding the school in a manner compatible with the medical school site and consistent with the city's urban redevelopment plan. The modification of the cooperation agreement will strengthen the University's position in reviewing the nature of proposed developments on the neighboring properties.

It is now necessary for the board to adopt a formal resolution authorizing the exchange and describing the property. Accordingly, the president of the University, with the concurrence of appropriate administrative officers, recommends the adoption of the following resolution authorizing the exchange of certain parcels of land between the city of Peoria and the University of Illinois at the site of the Peoria School of Medicine.

#### **Resolution**

*Whereas*, the city of Peoria, a municipal corporation, duly organized and existing under and by virtue of the laws of the state of Illinois, hereinafter referred to as "City" has offered to convey title to hereinafter described property now owned by it and located adjacent to the Peoria School of Medicine in the city of Peoria, Illinois, to the Board of Trustees of the University of Illinois, a public corporation of the state of Illinois, hereinafter referred to as "University" in exchange for conveyance by the University of title to the hereinafter described property now owned by it and part of the present site of the Peoria School of Medicine in Peoria, Illinois, to the city, upon the following terms and conditions:

1. Each party will convey title in fee simple absolute, free and clear of all liens and encumbrances and subject only to such reservations, encumbrances, easements, or exceptions as constitute minor and nonfatal defects which in the judgment of the University and the City would not interfere with its development and use of the property.
2. Possession shall be delivered and title shall be conveyed by quitclaim deed by each party to the other simultaneously and on or before March 31, 1978.

3. Each deed shall contain general restrictions forbidding discrimination upon the basis of race, color, religion, sex, or national origin and restrictions relating to use of the property in accordance with the urban renewal plan for the area.

*Therefore, Be It Resolved* by the Board of Trustees of the University of Illinois, a public corporation in the state of Illinois, that the comptroller and secretary of this University be, and they hereby are, authorized and directed to execute, acknowledge, and deliver, in the name of, and in behalf of, this University and under its corporate seal, quitclaim deeds and other documents in connection therewith as said comptroller and secretary may deem necessary or desirable in order to convey to City, a municipal corporation, title or other interest to the following described property, in the county of Peoria, state of Illinois, viz.:

A part of Lot 9 of Block 8 of Pulsifer's Second Division and a part of Lot 6 of Asahel Hale's Addition, all in the SW  $\frac{1}{4}$  of Section 4, Peoria Township, T. 8 N., R. 8 E. of the 4th P.M., more particularly described as follows:

Commencing at the point of intersection of the southwesterly R.O.W. line of North Main Street and the northwesterly R.O.W. line of Southwest Glen Oak Avenue, said point also being the most easterly corner of Lot 1 of Block 8 of said Pulsifer's Second Division; thence in a northwesterly direction along the southwesterly R.O.W. line of North Main Street, a distance of 247.19 feet to the place of beginning of the tract to be described; thence S 49°-20'-37" W, a distance of 91.30 feet; thence S 40°-39'-23" E, a distance of 40.00 feet; thence S 42°-39'-30" W, a distance of 357.28 feet; thence N 89°-21'-09" W, a distance of 197.69 feet; thence N 30°-24'-52" W, a distance of 26.50 feet; thence N 42°-26'-46" E, a distance of 90.47 feet; thence N 01°-38'-57" E, a distance of 39.84 feet; thence N 89°-25'-45" E, a distance of 132.47 feet; thence N 49°-20'-37" E, a distance of 372.37 feet to a point on the southwesterly R.O.W. line of North Main Street; thence S 39°-52'-52" E along the southwesterly line of North Main Street, a distance of 30.00 feet to the place of beginning, containing 1.211 acres;

and also,

A part of the SW  $\frac{1}{4}$  of Section 4, Peoria Township, T. 8 N., R. 8 E. of the 4th P.M., including Harber's Subdivision, a part of Asahel Hale's Addition, and a part of Plow Shop Subdivision, being more particularly described as follows:

Commencing at the southwest corner of Lot 6 of Block 61 of Monson and Sanford's Addition to Peoria, said addition being a part of the NW  $\frac{1}{4}$  of Section 9, Peoria Township, T. 8 N., R. 8 E. of the 4th P.M.; thence N 00°-28'-22" W along the easterly R.O.W. line of North Fisher Street, a distance of 109.30 feet; thence N 36°-51'-47" W along the northeasterly R.O.W. line of North Fisher Street, a distance of 36.56 feet to the point of intersection of the southeasterly R.O.W. line of Southwest Swinnerton Street and the northeasterly R.O.W. line of North Fisher Street and also the place of beginning of the tract to be described; thence continuing N 36°-51'-47" W along the northeasterly R.O.W. line of North Fisher Street, a distance of 225.00 feet; thence N 52°-15'-25" E, a distance of 266.23 feet to a point on the southwesterly R.O.W. line of North State Street; thence S 36°-40'-41" E, a distance of 225.00 feet to the point of intersection of the southwesterly R.O.W. line of North State Street and the southeasterly R.O.W. line of Southwest Swinnerton Street; thence S 52°-15'-15" W along the southeasterly R.O.W. line of Southwest Swinnerton Street, a distance of 265.50 feet to the place of beginning, containing 1.373 acres;

upon City's conveying to this University title to the following described property, in the county of Peoria, state of Illinois, viz.:

A part of Block 2 and a part of Block 3 of Pulsifer's First Division, said division being a part of the SW  $\frac{1}{4}$  of Section 4, Peoria Township, T. 8 N., R. 8 E. of the 4th P.M., more particularly described as follows:

Commencing at the most easterly corner of Lot 1 of Block 2 of said Pulsifer's First Division; thence N 40°-13'-59" W along the southwesterly R.O.W. line of North Monson Street, a distance of 1.82 feet to the place of beginning of the tract to be described; thence S 89°-49'-38" W, a distance of 394.98 feet; thence S 00°-25'-57" E, a distance of 78.38 feet; thence S 89°-49'-38" W, a distance of 280.61 feet to a point on the westerly R.O.W. line of North State Street; thence N 00°-25'-57" W, along the westerly R.O.W. line of North State Street, a distance of 21.20 feet; thence N 36°-40'-41" W along the southwesterly R.O.W. line of North State Street, a distance of 13.58 feet; thence N 50°-17'-25" E along the southeasterly R.O.W. line of South Globe Street, a distance of 317.04 feet; thence N 89°-43'-28" E, a distance of 307.63 feet to a point on the southwesterly R.O.W. line of North Monson Street; thence S 40°-13'-59" E, along the southwesterly R.O.W. line of North Monson Street, a distance of 203.97 feet to the place of beginning, containing 2.157 acres;

and also,

A part of Lot 1 and part of Lot 2 of Block C of Hillyer and Willard's Subdivision, being a subdivision of part of the SW  $\frac{1}{4}$  of Section 4, Peoria Township, T. 8 N., R. 8 E. of the 4th P.M., being more particularly described as follows:

Commencing at the southeast corner of Lot 1 of said Hillyer and Willard's Subdivision, said corner being on the northerly R.O.W. line of West Hillyer Place as the place of beginning of the tract to be described; thence S 71°-22'-30" W, along the northerly R.O.W. line of West Hillyer Place, a distance of 75.56 feet; thence N 39°-30'-07" W, a distance of 208.37 feet; thence N 61°-01'-59" E, a distance of 71.81 feet, to a point on the northeasterly line of said Lot 1; thence S 39°-30'-07" E, along the northeasterly line of said Lot 1, a distance of 222.17 feet to the place of beginning, containing 0.349 acres.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mr. Livingston, the foregoing resolution was adopted by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

### Purchases

(12) The president submitted, with his concurrence, a list of purchases recommended by the directors of purchases and the vice president for administration.

The list of purchases was presented in two categories: purchases from appropriated funds (i.e., from state appropriations to the University) and purchases from institutional funds. The latter term designates funds received by the University under contracts with the United States government, private corporations, and other organizations; grants from foundations, corporations, and other donors; and University revolving funds authorized by law.

**The total amounts of these purchases were:**

|                                 |                     |
|---------------------------------|---------------------|
| <i>From Appropriated Funds</i>  |                     |
| Recommended .....               | \$ 25 100 00        |
| <i>From Institutional Funds</i> |                     |
| Recommended .....               | 478 291 32          |
| <i>Grand Total</i> .....        | <u>\$503 391 32</u> |

A complete list of the purchases, with supporting information, including the quotations received was sent to each member of the board in advance of the meeting, and a copy is being filed with the secretary of the board for record.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mr. Forsyth, the purchases recommended were authorized by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

**Report of Purchases Approved by the Vice President for Administration**

(13) The vice president for administration also submitted a report of purchases approved by him on recommendation of the directors of purchases in amounts of \$7,500 to \$10,000 and a report of bids taken in behalf of the Capital Development Board. A copy of this report is filed with the secretary.

This report was received for record.

**The Comptroller's Monthly Report of Contracts Executed**

(14) The comptroller's monthly report of contracts executed was presented.

**Medical Center**

**Change Order**

| <i>With Whom</i>                                  | <i>Purpose</i>  | <i>Amount to Be Paid to the University</i> |
|---|---|--|
| Easter Seal Society of Metropolitan Chicago, Inc. | Provide on-site dental evaluation at residential and day care facilities for the developmentally disabled | \$ 24 290                                  |
| <i>Total</i>                                      |   | <u>\$ 24 290</u>                           |

**New Contract**

| <i>With Whom</i>   | <i>Purpose</i>   | <i>Amount to Be Paid by the University</i> |
|--|--|--|
| East Central Illinois Medical Education Foundation (sub-contract under a grant from the Department of Health, Education, and Welfare N01-MB-24380) | Provide professional services for the Danville Family Practice Residency Program | \$ 8 750                                   |
| <i>Total</i>   |  | <u>\$ 8 750</u>                            |

**Renewal Lease**

| <i>With Whom</i>                     | <i>Purpose</i>   | <i>Amount to Be Paid by the University</i> |
|--------------------------------------|--|--|
| City National Bank and Trust Company | Lease of Durand Medical Center Building in Durand, Illinois, for the period July 1, 1977, to June 30, 1978 | \$ 15 000                                  |
| <i>Total</i>                         |  | <u>\$ 15 000</u>                           |

**Contract Work Orders**

| <i>With Whom</i>           | <i>Purpose</i>   | <i>Amount to Be Paid by the University</i> |
|----------------------------|--|--|
| Frank Staar and Sons, Inc. | Cost-plus contract — roof repairs: Third floor of the Illinois Eye and Ear Infirmary | \$ 13 875                                  |
| <i>Total</i>               |  | <u>\$ 13 875</u>                           |

## Urbana-Champaign

## New Contracts

| <i>With Whom</i>   | <i>Purpose</i>   | <i>Amount to Be Paid to the University</i> |
|--|--|--|
| Brookhaven National Laboratory<br>BNL 423905-S   | Conduct a study of flammability under the influence of large ignition sources                                | \$ 10 120                                  |
| Cornell University<br>PI-13  | Provide PLATO IV terminals and services  | 11 275                                     |
| State of Illinois Institute for<br>Environmental Quality<br>80.106                     | Study the economic impact of a proposed change to the effluent standard for copper                           | 11 476                                     |
| United States Department<br>of Health, Education,<br>and Welfare<br>400-77-0075        | Study development of children's concepts of number and numeration in primary grades                          | 148 777                                    |
| United States Department<br>of the Interior<br>14-08-0001-G-455                        | Support of the Ninth Congress for Carboniferous Stratigraphy and Geology                                     | 15 000                                     |
| United States Department<br>of State<br>1069-787282                                    | Develop and conduct a training program for attorneys from Scandinavian countries                             | 8 000                                      |
| United States Energy Research<br>and Development<br>Administration:<br>EC-77-S-02-4493 | Develop an experimentally verified model of the combustion process in dual chamber stratified charge engines | 58 405                                     |
| EG-77-S-02-4549  | Conduct a survey of individuals owning wind energy conversion systems  | 68 200                                     |
| United States Environmental<br>Protection Agency<br>R805315010                         | Study the effect on swine when sludge containing nematodes is applied to strip-mined soil                    | 193 085                                    |
| United States Nuclear<br>Regulatory Commission<br>NRG-04-77-159                        | Study the structural framework of the Mississippi Embayment of Southern Illinois                             | 24 000                                     |
| University of Chicago, Argonne<br>National Laboratory<br>31-109-38-4003                | Conduct a study of electroorganic synthesis reactions  | 33 804                                     |
| <i>Total</i>   |  | <u>\$582 142</u>                           |

## Summary

|                                      |                  |
|--------------------------------------|------------------|
| Amount to be paid to the University: |                  |
| Medical Center.....                  | \$ 24 290        |
| Urbana-Champaign.....                | 582 142          |
| <i>Total</i> .....                   | <u>\$606 432</u> |
| Amount to be paid by the University: |                  |
| Medical Center.....                  | \$ 37 625        |
| <i>Total</i> .....                   | <u>\$ 37 625</u> |

This report was received for record.

## Report of Investment Transactions through October 31, 1977

(15) The comptroller presented the investment report as of October 31, 1977.

## Changes in Endowment Pool Investments

(Under Finance Committee Guidelines)

| <i>Date</i> | <i>Face Value or Number of Shares</i> | <i>Description</i>                  | <i>Cost or Yield (Percent)</i> | <i>Amount</i> |
|-------------|---------------------------------------|-------------------------------------|--------------------------------|---------------|
| Sale:       |                                       |                                     |                                |               |
| 9/21        | \$ 312 000                            | Commercial Credit demand notes..... | \$312 000 00                   | \$ 312 000 00 |
| Purchases:  |                                       |                                     |                                |               |
| 9/16        | \$ 27 000                             | Associates demand notes.....        | 6.32%                          | \$ 27 000 00  |
| 9/21        | 312 000                               | Hertz demand notes.....             | 6.31                           | 312 000 00    |

**Changes in Other Investments  
(Under Comptroller's Authority)**

| Date                         | Face Value<br>or Number<br>of Shares | Description  | Cost or<br>Yield<br>(Percent) | Amount         |
|------------------------------|--------------------------------------|--|-------------------------------|----------------|
| <b>Sales:</b>                |                                      |  |                               |                |
| 10/4                         | 328 shares                           | Walgreen common stock.....   | \$ 2 183 79                   | \$ 5 073 15    |
| 10/13                        | \$ 500 000                           | First National Bank of Chicago 5 percent open time deposit.....                                  | 500 000 00                    | 500 000 00     |
| <b>Repurchase Agreement:</b> |                                      |  |                               |                |
| 10/7                         | \$2 000 000                          | U.S. Treasury 6¾ percent notes due 3/31/78 for twelve days with Harris Trust & Savings Bank..... | 5.90%                         | \$2 000 000 00 |
| <b>Purchases:</b>            |                                      |  |                               |                |
| 10/3                         | \$2 000 000                          | First National Bank of Chicago 6.30 percent certificate of deposit due 12/2/77...                | 6.30                          | \$2 000 000 00 |
| 10/4                         | 200 000                              | First National Bank of Chicago 5 percent open time deposit.....                                  | 5.00                          | 200 000 00     |
| 10/4                         | 40 000                               | U.S. Treasury 5⅞ percent notes due 2/28/79.....  | 6.57                          | 39 600 00      |
| 10/4                         | 390 000                              | U.S. Treasury 6⅞ percent notes due 8/15/79.....  | 6.76                          | 390 853 13     |
| 10/5                         | 1 000 000                            | First National Bank of Chicago 6.30 percent certificate of deposit due 12/5/77...                | 6.30                          | 1 000 000 00   |
| 10/7                         | 2 000 000                            | First National Bank of Chicago 6.55 percent certificate of deposit due 1/5/78....                | 6.55                          | 2 000 000 00   |
| 10/7                         | 1 000 000                            | North Carolina National Bank 6.10 percent certificate of deposit due 2/6/78 dated 8/9/77.....    | 6.70                          | 997 789 86     |
| 10/11                        | 45 000                               | U.S. Treasury bills due 3/23/78.....   | 6.53                          | 43 708 12      |
| 10/13                        | 150 000                              | U.S. Treasury bills due 3/23/78.....   | 6.67                          | 145 653 00     |
| 10/13                        | 100 000                              | U.S. Treasury bills due 5/30/78.....   | 6.73                          | 95 897 08      |
| 10/17                        | 2 000 000                            | First National Bank of Chicago 6½ percent certificate of deposit due 12/29/77..                  | 6.63                          | 2 000 000 00   |
| 10/18                        | 47 528                               | First National Bank of Chicago 5 percent open time deposit.....                                  | 5.00                          | 47 527 78      |
| 10/20                        | 100 000                              | U.S. Treasury bills due 1/19/78.....   | 6.38                          | 98 412 00      |
| 10/24                        | 8 456                                | First National Bank of Chicago 5 percent open time deposit.....                                  | 5.00                          | 8 456 09       |
| 10/27                        | 60 000                               | U.S. Treasury bills due 10/17/78.....  | 6.92                          | 56 167 07      |
| 10/28                        | 1 000 000                            | Champaign National Bank 7.03 percent certificate of deposit due 1/26/78.....                     | 7.03                          | 1 000 000 00   |
| 10/31                        | 1 000 000                            | First National Bank of Chicago 5 percent open time deposit.....                                  | 5.00                          | 1 000 000 00   |

On motion of Mr. Lenz, this report was approved as presented.

### SECRETARY'S REPORT

The secretary presented for record appointments to the faculty and changes of status made by the president, resignations, leaves of absence, and retirements. A copy of the report is filed with the secretary.

### DEGREES CONFERRED

The secretary presented for record the following summary of degrees conferred on candidates at the Urbana-Champaign campus on October 15, 1977.



### Summary

|   |              |
|---|--------------|
| Graduate College  |              |
| Doctor of Philosophy.....                                       | 268          |
| Doctor of Education.....  | 11           |
| Doctor of Musical Arts.....                                     | 3            |
| Doctor of Psychology.....                                       | 3            |
| Doctor of Social Work.....                                      | 2            |
| Master of Arts.....   | 42           |
| Master of Science.....  | 107          |
| Master of Music.....  | 5            |
| Master of Education.....  | 63           |
| Master of Social Work.....                                      | 4            |
| Master of Accounting Science.....                               | 2            |
| Master of Architecture.....                                     | 5            |
| Master of Business Administration.....                          | 1            |
| Master of Landscape Architecture.....                           | 1            |
| Master of Laws.....   | 4            |
| Master of Urban Planning.....                                   | 4            |
| Advanced Certificate.....                                       | 3            |
| <i>Total, Graduate College.....</i>                             | <i>(528)</i> |
| College of Agriculture  |              |
| Bachelor of Science.....  | 6            |
| College of Commerce and Business Administration                 |              |
| Bachelor of Science.....  | 14           |
| College of Communications                                       |              |
| Bachelor of Science.....  | 1            |
| College of Education  |              |
| Bachelor of Science.....  | 1            |
| College of Engineering  |              |
| Bachelor of Science.....  | 6            |
| College of Fine and Applied Arts                                |              |
| Bachelor of Arts.....   | 1            |
| Bachelor of Fine Arts.....                                      | 1            |
| Bachelor of Science.....  | 1            |
| <i>Total, College of Fine and Applied Arts.....</i>             | <i>(3)</i>   |
| College of Liberal Arts and Sciences                            |              |
| Bachelor of Arts.....   | 17           |
| Bachelor of Science.....  | 11           |
| <i>Total, College of Liberal Arts and Sciences.....</i>         | <i>(28)</i>  |
| College of Applied Life Studies                                 |              |
| Bachelor of Science.....  | 8            |
| <i>Total, Degrees Conferred at Urbana-Champaign Campus.....</i> | <i>595</i>   |

### ANNOUNCEMENTS FROM THE PRESIDENT OF THE BOARD

President Howard called attention to the schedule of meetings for the next three months: December 14, 1977, Medical Center; January 18, 1978 (annual meeting), Urbana; February 15, 1978, Chicago Circle.

He also announced that an executive session had been requested and would be convened after the meeting to consider reports on acquisition of property and pending litigation.

At this point, Mr. Lenzy noted that members of the Coalition of Concerned Students and Faculty and others who wished to discuss the study of special support programs at the Chicago Circle campus may have had insufficient opportunity to do so. He suggested that some of the trustees might remain after the executive session to provide such an opportunity

during the lunch hour. (A number of trustees did remain for such discussion.)

### RECESS AND EXECUTIVE SESSION

Following a short recess, the board reconvened in executive session and considered the following items of business:

#### Purchase of Property, Urbana

(16) The president of the University, with the concurrence of appropriate administrative officers, recommends that the University exercise its option under existing lease arrangements and purchase the following properties from the University of Illinois Foundation at a total cost of \$397,075. Title will be vested in the Board of Trustees of the University of Illinois.

|                                     |                  |
|-------------------------------------|------------------|
| 905 West Nevada, Urbana .....       | \$ 39 150        |
| 903 West Green, Urbana .....        | 29 425           |
| 902 West Illinois, Urbana .....     | 52 500           |
| 906 West Illinois, Urbana .....     | 26 900           |
| 908 West Illinois, Urbana .....     | 50 000           |
| 1112 West Illinois, Urbana .....    | 42 000           |
| 901-3 West California, Urbana ..... | 47 000           |
| 1004 West Oregon, Urbana .....      | 46 250           |
| 1203 West Springfield, Urbana ..... | 30 850           |
| 1205 West Springfield, Urbana ..... | 33 000           |
| <i>Total</i> .....                  | <u>\$397 075</u> |

These properties were acquired by the foundation between 1964 and 1976 and have been under lease to the University. The University has demolished the improvements and constructed parking facilities. The properties total 81,793 square feet of land and consist of 218 spaces for rented parking and 71 spaces for metered parking.

Funds are available in the Parking Operations Development Reserve Fund at the Urbana-Champaign campus.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mr. Livingston, the purchase of this property at the price indicated was authorized by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

#### Litigation Initiated by John F. Albrecht

(17) A petition for rule to show cause has been filed in the Circuit Court of Cook County, Chancery Division (Case No. 77CH 7030), by John F. Albrecht, a University employee in the Police Department at the Chicago campuses with the civil service classification of Police Officer VI. The University and Donald S. Rubenstein, director of personnel, are named as defendants. Additional defendants are the University Civil Service Merit Board and its director, Walter G. Ingerski. On September 17, 1975, the Board of Trustees authorized the defense of another suit filed by Mr. Albrecht on the same subject matter, a suit which was subsequently dismissed by the court without prejudice. In addition, Mr. Albrecht has three applications for adjustment of claims pending before the Illinois Industrial Commission. Negotia-

tions have been conducted with Mr. Albrecht for the settlement of all matters between him and the University without success.

The current petition is in two counts. It alleges that in 1972 Mr. Albrecht was improperly and inequitably reclassified as a Police Officer VI since his duties and qualifications were equal to another employee who at that time was reclassified as a Police Officer VII. It is alleged that Mr. Albrecht protested his classification to the University to no avail, requested the director of the University Civil Service System to review the inappropriate classification decision, which the director refused to do, and requested the merit board to grant him a hearing and reclassify him to Police Officer VII retroactively, which the merit board refused to do. Count I of the petition requests an order on the respondents to show cause why they should not be held in contempt of court for failure to comply with the petitioner's request for hearing on the position classification and also requests reasonable attorney fees.

In Count II of the petition it is alleged that an anniversary step pay increase was improperly withheld by the University in September 1976, that Mr. Albrecht filed a grievance with the University and requested an appeal from the grievance decision at the chancellor's level, and that Walter G. Ingerski, director of the merit board, "improperly and erroneously determined" that the request for an appeal of the grievance ruling to the merit board "was not timely filed." Count II seeks an order on Mr. Ingerski to show cause why he should not be held in contempt for failure to grant Mr. Albrecht a hearing upon his grievance and also seeks reasonable attorney fees and costs.

The university counsel has recommended that he be authorized to take such steps as are necessary or appropriate, including the employment of special counsel, to protect the interests of the University and to defend this suit and other legal proceedings initiated by Mr. Albrecht against the University, including claims asserted by him under the Workmen's Compensation Act.

I concur.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mrs. Rader, authority was given as recommended by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

### **Settlement of Workmen's Compensation Claim**

(18) An application for adjustment of claim has been filed with and is pending before the Illinois Industrial Commission in connection with the death of Dr. Tayssir A. Hassad, who was formerly employed by the University as an instructor in pediatrics at the Rockford School of Medicine. Dr. Hassad died of multiple injuries received in an accident which occurred at approximately 9:30 a.m. on February 16, 1977, when his automobile collided with a locomotive at the intersection of the Chicago Northwestern Railroad tracks and Route 20 just east of Rockford, Illinois.

Dr. Hassad's usual work place was the University's Shappert Community Health Center in Belvidere, and his usual starting time there was between 9:00 a.m. and 9:30 a.m. Dr. Hassad was not required to report at the Rockford School of Medicine daily, but its use was available to him in connection with his University duties. He received mail there and utilized its office, library, and other facilities. Dr. Hassad's home was located in Rockford, Illinois. The site of the accident was on a route that Dr. Hassad might be using to go to the Shappert Center either directly from his home or from the Rockford School of Medicine. We are advised

that Dr. Hassad's widow will testify that Dr. Hassad left home at approximately 7:30 a.m. on the morning of February 16, and his time of departure will be corroborated by a neighbor. The widow asserts that Dr. Hassad frequently did work at the Rockford School of Medicine in the morning before going to the Shappert Center and, further, that at the time of leaving home on the day in question Dr. Hassad told her he was going to the library at the Rockford School of Medicine to do some research. University records indicate that Dr. Hassad customarily submitted and was paid travel expenses from the Rockford School of Medicine to the Shappert Center, which reimbursements could be made only if he began his work day by visiting the Rockford School of Medicine. No direct evidence has been discovered to account for Dr. Hassad's precise whereabouts from the time he left home on February 16 to the time of the accident approximately two hours later.

The general rule is that accidents which occur while the employee is going to or from his place of employment are not compensable under the workmen's compensation law, the reason being that the employee's trip to and from work is the product of the employee's own decision as to where he wants to live, a matter in which the employer ordinarily has no interest. The burden of proof is on those claiming through the employee to show that an accident arises out of and in the course of the employment. If Dr. Hassad's representatives can produce some evidence to prove to the satisfaction of the commission that on the morning in question he did visit the Rockford School of Medicine as a part of his University duties and then traveled toward Shappert Center in Belvidere to perform other University duties, the representatives will receive an award under the Workmen's Compensation Act. On the other hand, if the facts are that Dr. Hassad was attending to personal affairs before proceeding to Belvidere on that morning, there would be no recovery.

Dr. Hassad was a Syrian national, and it is believed that his widow (aged twenty-three) is also a Syrian national. Dr. Hassad's three surviving children (ages four, two, and three months) are United States citizens by birth. In the event of an award, it would be payable by the University at the rate of \$15,818.92 per year. The University's liability exposure under the Workmen's Compensation Act could exceed \$800,000 if the surviving widow lives to the age of seventy-four. If the widow should die immediately, but the youngest child survives to the age of eighteen years, the award would require the University to pay out approximately \$275,000.00 over a 17½-year period.

As a result of negotiations the entire matter can be settled by the payment of \$90,000.00. While the right of the claimants to recover any amount is not clear, the uncertainty and unpredictability of the findings of the Illinois Industrial Commission, and the expense involved in defending against the claim before the Illinois Industrial Commission and any subsequent appeals to the courts are factors which must be considered. The university counsel has recommended that the settlement of the matter for \$90,000.00 be accomplished. This recommendation is concurred in by the Committee on Accident Compensation, and the settlement is also recommended by the vice president for administration. Funds for the settlement are available in the state appropriation for FY 1978 to the University for claims under the Workmen's Compensation and Occupational Diseases Acts.

I concur in these recommendations and request that authorization be given for the settlement as outlined above.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Miss Winter, this recommendation was approved, and authority was given as requested by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs.

Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

### **Pending Litigation in Workmen's Compensation and Related Matters**

(19) As a result of increased benefits and coverage provided by the state of Illinois through amendments to the Workmen's Compensation Act and the Occupational Diseases Act, the volume of claims initiated by University employees before the Illinois Industrial Commission has increased substantially in recent years, particularly at the Chicago campuses. Presently, more than seventy claims filed by the employees of the Chicago campuses are pending.

In the past, the University has been represented before the Illinois Industrial Commission by the university counsel's office. If such arrangements are to be continued, additional staff will be necessary. The university counsel has reported that matters in the field of workmen's compensation and industrial diseases are varied, need special attention, and would be facilitated by the assistance of attorneys who have special expertise in the field. In his view, it would be economical to engage special counsel located in Chicago on a continuing basis to provide assistance as needed. After a suitable experimental period, the economics of such arrangements would be evaluated, and other procedures will be recommended if indicated.

Accordingly, he has recommended that he be authorized to engage the law firm of Seyfarth, Shaw, Fairweather, and Geraldson of Chicago, Illinois, to act as special counsel in the foregoing matters at their customary hourly rates for such services. The firm has previously represented the University, and the services have been satisfactory.

I concur.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mr. Livingston, authority was given as recommended by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

### **Construction of Will of Cecelia B. Carman**

(20) Cecelia B. Carman died October 5, 1972, leaving a will dated April 22, 1970, which created a trust of her residuary estate. Under the terms of the trust, income up to certain maximum amounts is paid to certain persons now living, and at their deaths the remainder of the trust is to be distributed to the University to be used "to establish an O. S. Carman Scholarship Fund in the College of Agriculture."

Preliminary investigation indicates that it was the intention of Cecelia B. Carman to create a testamentary trust which was an annuity trust under the Internal Revenue Code so as to qualify the gift to the University for the charitable deduction under the federal estate tax to eliminate income taxes on the trust during the period prior to ultimate distribution to the University. A court proceeding will be required to construe and revise the will to comport with the testator's intention.

The university counsel has recommended that he be authorized to take such steps as are necessary or appropriate, including the employment of special counsel, to obtain a construction and revision of the Cecelia B. Carman will by the courts in order to conform the same to the testator's intention.

I concur.

The student advisory vote was: Aye, Miss Conlon, Mr. Overstreet, Miss Winter; no, none.

On motion of Mr. Lenz, authority was given as recommended by the following vote: Aye, Mr. Forsyth, Mr. Hahn, Mr. Howard, Mr. Lenz, Mr. Livingston, Mrs. Rader, Mrs. Shepherd, Mr. Velasquez; no, none; absent, Mr. Neal, Governor Thompson.

There being no further business, the board adjourned.

EARL W. PORTER  
*Secretary*

GEORGE W. HOWARD III  
*President*