

## SPECIAL MEETING OF THE BOARD OF TRUSTEES

OF THE

# UNIVERSITY OF ILLINOIS

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**December 14, 2018**



This special meeting of the Board of Trustees of the University of Illinois was held in Room 414, Administrative Office Building, 1737 West Polk Street, Chicago, Illinois, on Friday, December 14, 2018, beginning at 3:01 p.m. Attendance via videoconference was available in Dean's Conference Room, Room S-207, 1601 Parkview Avenue, Rockford; Room 364, Henry Administration Building, 506 South Wright Street, Urbana; and The Hatmaker Room, Room 550, Public Affairs Center, One University Plaza, Springfield.

Chair Timothy N. Koritz called the meeting to order and asked the secretary to call the roll. The following members of the Board were present: Mr. Ramón Cepeda, Mr. Donald J. Edwards,<sup>1</sup> Mr. Patrick J. Fitzgerald,<sup>1</sup> Dr. Stuart C. King, Dr. Timothy N. Koritz, Mr. Edward L. McMillan, Mr. James D. Montgomery,<sup>2</sup> Mr. Sanford E. Perl, Ms. Jill B. Smart. Governor Bruce Rauner was absent. Ms. Shaina Humphrey, voting student trustee, Springfield, was present. The following nonvoting student trustees were absent: Mr. Trayshawn M. W. Mitchell, Urbana, and Mr. Darius M. Newsome, Chicago. President Timothy L. Killeen was present.

Also present were the officers of the Board: Mr. Lester H. McKeever Jr.,<sup>3</sup> treasurer; Dr. Avijit Ghosh, comptroller (and vice president/chief financial officer); Mr. Thomas R. Bearrows, University counsel; and Ms. Dedra M.

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<sup>1</sup>Mr. Edwards and Mr. Fitzgerald attended the meeting via telephone.

<sup>2</sup>Mr. Montgomery joined the meeting via telephone at 3:06 p.m.

<sup>3</sup>Mr. McKeever attended the meeting via telephone.

Williams, secretary of the Board of Trustees and of the University. The following vice presidents of the University were in attendance: Dr. Barbara J. Wilson, executive vice president and vice president for academic affairs; Dr. Michael D. Amiridis, chancellor, University of Illinois at Chicago, and vice president, University of Illinois. Also present was Mr. Thomas P. Hardy, executive director for University relations. Ms. C. Ellen Foran, associate secretary, was also in attendance.

Dr. Koritz welcomed everyone to the meeting and asked those in attendance to introduce themselves.

### **PUBLIC COMMENT**

Dr. Koritz indicated there were no requests for public comment.

### **PRESENTATION OF REGULAR AGENDA ITEMS**

#### **Resolution and Decision for Dismissal of Professor Pursuant to Article X of the University Statutes**

Dr. Koritz asked President Killeen to discuss the recommendation to approve the resolution and decision for dismissal of professor pursuant to Article X of the University *Statutes*. President Killeen said this item is the conclusion of the Article X tenure revocation and dismissal process for Dr. Fei Wang, associate professor in the College of Liberal Arts and Sciences at Urbana. President Killeen gave an overview of the process completed to date, which included a hearing before the Board that took place on November 16, 2018. He said the Board will approve its decision at today's meeting, and he asked Mr. Christopher Wilson, external counsel to the Board of Trustees, to comment. Mr. Wilson said that the Board deliberated on this matter, and he referred to a report of the Board recommending that Dr. Wang be dismissed immediately, which was attached to and incorporated with the Board agenda item. There were no comments or questions regarding this recommendation.

#### **Appointments to the Faculty, Administrative/Professional Staff, and Intercollegiate Athletic Staff**

Dr. Koritz asked Ms. Williams to comment on the recommended appointments to the faculty, administrative/professional staff, and intercollegiate athletic staff. Ms. Williams explained that the appointments recommended in this item are thoroughly reviewed at the appropriate levels within the college, department, and unit, and she asked that members of the Board contact her with questions. Dr. Koritz asked if anyone from the athletic department at Urbana would like to comment, and Mr. Warren P. Hood, deputy director of athletics, Urbana, said that he would speak on behalf of the department, since Mr. Josh H. Whitman, director of the Division of Intercollegiate Athletics, Urbana, was unable to attend the meeting. Mr. Hood indicated that the changes to the terms of several coaches' contracts are included in this item, and he summarized the purpose of such changes.

**Amend Multiyear Contract with  
Head Varsity Men's Football Coach, Urbana**

Mr. Hood then discussed the amendment to the multiyear contract with Mr. Lovie L. Smith, head varsity men's football coach at Urbana. He stated that this recommendation includes a second amendment to Mr. Smith's employment contract to extend the term by two additional years, through January 31, 2024, in accordance with the compensation schedule outlined in the item. Mr. Montgomery asked for clarification of the time period of the extension, and Mr. Fitzgerald inquired about guaranteed salary and liquidated damages. Mr. Hood indicated that the terms of the amendment as the same as the terms in the previous contract. Mr. Fitzgerald, Mr. Edwards, and Mr. Perl discussed the terms of the contract, the amendment, and various scenarios that would dictate the amount of compensation Mr. Smith would receive if terminated prior to the end of his contract. Mr. Scott E. Rice, Urbana legal counsel, outlined details of the contract and provided clarification regarding these scenarios.

**Establish the Juris Doctor,  
UIC John Marshall Law School, Chicago**

Dr. Koritz then asked Dr. Susan Poser, vice chancellor for academic affairs and provost, Chicago, to discuss the recommendation to establish the Juris Doctor at the UIC John Marshall Law School, Chicago. Dr. Poser provided information about the Juris Doctor (JD) and said that this degree will be the city of Chicago's first and only JD at a public law school. She discussed the degree requirements and said it is expected that 900 JD students will be enrolled in Fall 2019. Dr. Poser told the Board that establishment of the degree is subject to approval by the Illinois Board of Higher Education (IBHE) and that Higher Learning Commission accreditation is underway. Dr. Koritz said that action is needed on this item because the IBHE meeting will take place in January prior to the meeting of the Board.

**AGENDA**

At 3:27 p.m., Dr. Koritz announced that the agenda for this meeting would now be considered. All Board members recorded as present at the start of the meeting were in attendance. Dr. Koritz noted that several Board members had previously discussed concerns with President Killeen and other staff members regarding these items, and he said that he would welcome further discussion at this time. He also reminded trustees that according to State statute, no student trustee may vote on items associated with faculty tenure or promotion.

By consensus, the Board agreed that one vote would be taken and considered the vote on each agenda item no. 1 through 4 inclusive. The recommendations were individually discussed but acted upon at one time.

(The record of the Board action appears at the end of each item.)

**Resolution and Decision for Dismissal of Professor  
Pursuant to Article X of the University Statutes**

(1) On May 4, 2018, President Timothy L. Killeen referred charges under Article X of the *University Statutes*, requesting that the Board of Trustees ("Board") render a final decision

concerning the dismissal of Fei Wang, an associate professor in the College of Liberal Arts and Sciences at the University of Illinois at Urbana-Champaign.

On November 16, 2018, the Board held a special hearing to hear witnesses' testimony and receive other evidence, and to consider the record of proceedings before the Committee on Academic Freedom and Tenure (CAFT), the April 5, 2018, CAFT Report, and the materials and briefs submitted by counsel for the parties.

Pursuant to Article X of the University *Statutes*, it is the finding and conclusion of the Board, based upon the evidence and arguments presented, that: i) Fei Wang has been grossly neglectful of or grossly inefficient in the performance of his University duties and functions; and ii) there is clear and convincing evidence that Fei Wang can no longer be relied upon to perform University duties and functions in a manner consonant with professional standards of competence and responsibility. In reaching this conclusion, the Board reviewed a series of faculty reports and recommendations that considered Professor Wang's actions including: the Committee on Academic Freedom and Tenure, the Grievance Committee of the College of Engineering, the Faculty Advisory Committee, and members of the Faculty Senate.

It is therefore resolved that Professor Wang be dismissed from the faculty. The written decision of the Board setting forth the basis for dismissal is hereby approved and incorporated as part of this Resolution. It is further resolved that the gravity of Professor Wang's misconduct justifies that his dismissal be effective immediately upon adoption of this resolution.

### **Report of the Board of Trustees In the Matter of Professor Fei Wang**

*December 14, 2018*

#### **Introduction**

This matter is before the Board of Trustees of the University of Illinois (the "Board") pursuant to Article X of the University *Statutes* to consider the possible dismissal of Prof. Fei Wang. On November 16, 2018, the Board held a hearing to consider the charges filed by President Killeen, received evidence, including live testimony of witnesses, and deliberated on the arguments presented by counsel for the University and counsel for Prof. Wang. The Board also requested and received post-hearing briefs from counsel for the University and counsel for Prof. Wang. Upon consideration of these briefs, the record of the hearing, and the extensive materials submitted prior thereto, for the following reasons, it is the decision of the Board that Prof. Wang shall be dismissed from the University of Illinois and, further, that such dismissal shall be effective immediately.<sup>1</sup>

#### **Factual and Procedural Background**

Fei Wang is an associate professor in the Department of Cell and Developmental Biology, a part of the School of Molecular and Cellular Biology at the University of Illinois at Urbana-Champaign. Prof. Jie Chen is the head of Prof. Wang's Department. In January 2014, Prof. Chen received an email message from a colleague of Prof. Wang's alleging that Prof. Wang had falsified or fabricated data in a grant application submitted to the National Institutes of Health ("NIH"). Over the next several days, Prof. Chen followed up on this email and held meetings with a number of faculty and students, during which she heard reports that Prof. Wang had submitted "results" from experiments which had never been performed and that the images submitted as part of the NIH grant application were from mouse cells, not human cells as had been reported.

Prof. Chen met with Prof. Stephen Sliger, the Director of the School of Molecular and Cellular Biology, and together they discussed the matter with Howard Guenther, vice chancellor for research and the university's research integrity officer. On March 21, 2014, Dr. Guenther transmitted an electronic copy of the NIH grant application and a written

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<sup>1</sup>The three student trustees did not participate in the consideration of this matter as it involved issues of tenure. See 110 ILCS 310/1.

statement of the alleged falsifications and fabrications to Prof. Wang. A week later, on March 28, 2014, Prof. Wang responded in writing to these allegations.

On April 2, 2014, the school initiated an investigative process pursuant to the University's policies. This included convening an Investigative Panel of faculty knowledgeable in the particular subject matter. The Panel reviewed the evidence and offered Prof. Wang an opportunity to present additional material in person and in writing. The Investigative Panel also met with and electronically recorded interviews with three graduate students working under Prof. Wang's direction. On November 25, 2014, the Investigative Panel issued a draft report and allowed Prof. Wang to comment and provide additional documentation in response to the allegations. The Panel issued its Final Report on March 23, 2015. The report stated: "Dr. Wang cannot be trusted with conducting academic research and mentoring graduate students and postdoctoral fellows." The Panel unanimously concluded: "[F]rom an academic and research standpoint, the Panel strongly and unanimously recommends termination of Dr. Wang's employment and all association with the UIUC."

On December 17, 2015, Interim Vice President and Chancellor Barbara J. Wilson filed written charges for dismissal pursuant to Article X of the University *Statutes* with the Urbana-Champaign Committee on Academic Freedom and Tenure ("CAFT"). The charges included allegations based on the results of the work of the Investigative Panel, namely, that Prof. Wang had falsified research data in grant applications to both NIH and the National Science Foundation ("NSF"), had destroyed original data, and had failed to supervise properly graduate students, in addition to other alleged misconduct.

CAFT held a series of hearings and received evidence from the University and Prof. Wang on November 5, 2016; December 1, 2016; February 18, 2017; and April 27, 2017. Following the conclusion of these hearings, CAFT issued a preliminary report on February 12, 2018, to which both the University and Prof. Wang were permitted to provide comments and objections. The University did not object to any portion of the preliminary report. Prof. Wang provided his responses and objections on March 15, 2018, and CAFT revised its report in response to Prof. Wang's submission. CAFT then issued its final report on April 5, 2018. The Report found that Prof. Wang had committed research misconduct by clear and convincing evidence, including the following:

- Specifically, in connection with a grant application for NIH, Prof. Wang was accused of falsifying data, including submitting images of mouse cells instead of human cells; of referencing results of experiments that had not been conducted; and of including "error bars" on his results which bore no relationship to actual experimental data. CAFT found by clear and convincing evidence that these charges had been proven.
- CAFT further found by clear and convincing evidence that Prof. Wang also had falsified data and made false and misleading statements in connection with a 2009 grant application to NSF.
- CAFT noted that at the time of the initial 2014-15 research integrity investigation, Prof. Wang was working with seven PhD candidates. He was accused of failing to provide adequate mentorship, including failing to provide guidance on how to maintain laboratory notebooks and the need to record experimental data in those notebooks. CAFT also found by clear and convincing evidence that Prof. Wang "seriously breached the university's expectations for academic mentorship."
- Finally, CAFT, in addition to its extensive review of the factual record and evidence submitted, reached the following recommendation:

The Hearing Committee is . . . convinced that Prof. Wang can no longer be relied on to perform in a manner consistent with professional standards. . . . On the basis of that what has been clearly and convincingly proven on the record before it and the Conclusions drawn before it, the Hearing Committee believes that it must be recommended that Prof. Fei Wang be dismissed.

CAFT's recommendations and conclusions were unanimously supported by the members of the Hearing Committee. On May 4, 2018, President Timothy L. Killeen caused the charges for dismissal to be filed with the Secretary of the Board of Trustees for appropriate action by this Board. Prof. Wang requested a hearing before this Board, which was held on November 16, 2018.

### Standards For Dismissal Under Article X

Article X of the University *Statutes* provides:

Due cause for dismissal shall be deemed to exist only if (1) a faculty member has been grossly neglectful of or grossly inefficient in the performance of the faculty member's university duties and functions; or (2) . . . a faculty member's performance of university duties and functions or extramural conduct is found to demonstrate clearly and convincingly that the faculty member can no longer be relied upon to perform those university duties and functions in a manner consonant with professional standards of competence and responsibility; or (3) a faculty member has while employed by the University illegally advocated the overthrow of our constitutional form of government by force or violence.

University *Statutes*, Article X, § 1(d). The *Statutes* also provide that in the event the president refers charges to the Board, a faculty member may request a hearing before the Board. At that hearing, the faculty member:

Shall have the right to appear at the hearing, with counsel if desired, to reply to the charges and to present evidence. Counsel for the University shall represent the university administration at the hearing and shall have the right to present evidence in support of the charges.

*Id.* at §1(e)(7). Finally, the *Statutes* provide:

The board will give due consideration to the findings, conclusions, and recommendations of the Committee on Academic Freedom and Tenure, and the remainder of the record relevant to the charges before said committee, and in all cases where a report was made by the committee will invite a member of the committee designated by its chair to attend the hearing and make a statement before the board.

*Id.* At the November 16 hearing, the Board invited Prof. Mark Steinberg, the current chair of CAFT and a member of the Hearing Committee, to attend the hearing; he did so, and provided a statement on CAFT's deliberations and conclusions.

### Discussion

Pursuant to Article X, the questions which this Board must determine are whether Prof. Wang has been "grossly neglectful" of his duties and/or whether he "can no longer be relied upon to perform [his] university duties and functions in a manner consonant with professional standards of competence and responsibility." In considering these questions, we must also determine that the evidence supports any conclusions we reach concerning the University's reliance on a faculty member's future conduct by "clear and convincing" evidence. Finally, while any conclusions we reach must be those of this Board alone, we must give "due consideration to the findings, conclusions and recommendations" of CAFT and the record before that Committee.

Taking all of the evidence submitted to the Board into consideration, we conclude that the record establishes that Prof. Wang has been grossly neglectful of his duties and that he can no longer be relied upon to meet the standards of competence and responsibility required of our faculty members. We further agree that these conclusions have been

established clearly and convincingly by the materials submitted to us and the testimony we have heard.

We are honored to serve as trustees of the University of Illinois and to preserve and maintain a history of scholarship and research that spans more than 150 years. We can only appropriately safeguard that legacy by requiring that our faculty meet, if not exceed, a standard of excellence, integrity and professionalism. Unfortunately, Prof. Wang has not. As CAFT concluded, he falsified and fabricated data in federal grant applications. Prof. Wang also did not properly mentor his students, nor did he take responsibility for errors that clearly occurred in his laboratory. Prof. Wang's "errors" also consistently ran in one direction: to support the conclusions which Prof. Wang wanted the data to show. As CAFT stated: "It is instructive that the misrepresentations were not random. For the most part, they tended to claim more work than had actually been done and with more success than was warranted."

We agree, therefore, with CAFT's conclusion:

Professor Wang knew what he was doing when he did it: he knew that mouse cells were not human cells; he knew that he was guessing when he estimated an error bar; he knew that results reported were not on the basis of experiments represented as having been done *et cetera*.

We also find it compelling that, when initially confronted with these allegations, Prof. Wang, according to Prof. Chen, the head of his school, "admitted to everything." As another member of the investigation stated: "[I]t was clear that Prof. Wang admitted to having done exactly what he was accused of doing." Specifically, Prof. Wang admitted that he did not perform the research he claimed to have done in the NIH grant application. When Prof. Wang was confronted with the fact that he had submitted images of mouse cells and falsely claimed they were images of human cells, Prof. Wang admitted this is exactly what he had done. According to Prof. Chen, she asked him "Did you make this up completely?" and Prof. Wang answered "Yes."

On March 24, 2014, Prof. Wang wrote to Prof. Chen and said "I crossed the line by 'guessing' the results and putting error bars on experiments that was done only once." In his written statement of May 13, 2014, Prof. Wang informed the Investigative Panel: "I deeply regret for the terrible mistakes associated with [the NIH grant]. I wish I could take them back." In short, not only are the allegations supported by clear and convincing evidence, but Prof. Wang has admitted to the vast majority of them.

As a defense to these charges, Prof. Wang contends that there was a failure of due process based on alleged procedural flaws in the initial investigative process in 2014 and that the procedures before CAFT did not allow him to advance these procedural arguments. This argument fails for several reasons. First, as a threshold matter, it is difficult to imagine more "process" than Prof. Wang has been afforded here. The "Investigative Process" of his Department ran for nearly a year—from the time of the initial email in January 2014 until the Panel's report in December of that year. The CAFT process lasted nearly three years beyond that. The written charges were submitted in November 2015 and the final report did not issue until April 2018. The process before this Board began in May 2018 when President Killeen forwarded the CAFT Report and continued through our hearing on November 16, 2018. In all, it has been nearly five years since Prof. Wang's colleague first raised concerns about Prof. Wang's misconduct. Since then Prof. Wang has been involved in three separate review processes consuming thousands of hours of faculty and administrative time. The charges against Prof. Wang have been reviewed multiple times by multiple investigative bodies, including the careful deliberations of this Board. Throughout this time, Prof. Wang continued to receive his salary and benefits from the University. It strains reason beyond recognition to argue that Prof. Wang has not received "due process" over these five years.

Beyond this, there was no procedural error in the investigative process. To the extent certain described elements of the University's internal processes were truncated it was because Prof. Wang admitted to the misconduct at issue. Following these important admissions, there was no need to continue certain aspects of the investigation. The fact



that Prof. Wang has now decided to attempt to withdraw those previous admissions does not require the University to return to the investigative process. Prof. Wang's admissions were sufficient.

Finally, CAFT's review of Prof. Wang's misconduct is for legal purposes a *de novo* process—it does not rely upon the Investigative Process but returns to the beginning. The members of the Hearing Committee reached their own conclusions and were not required to give “due consideration” to the Investigative Panel. Instead, CAFT reached its own, independent conclusions regarding the nature and scope of Prof. Wang's misconduct, and further determined that “clear and convincing” evidence supported these conclusions. For each of these reasons, Prof. Wang's complaints about the investigative process are unavailing.

Prof. Wang is without question a highly intelligent, likeable, and charismatic scientist. However, the record supporting his fabrication of data and falsification of laboratory results, his submission of mouse cells rather than human cells in his data, his failure to mentor and supervise his students is overwhelming and beyond unacceptable. Prof. Wang's misconduct has already required the University to return substantial sums of research funds to the federal government. Taking the entire record before us into consideration, the Board concludes that due cause for Prof. Wang's dismissal has been demonstrated clearly and convincingly.

### Conclusion

WHEREFORE, the Board of Trustees of the University of Illinois concludes that the record before us clearly and convincingly requires the dismissal of Prof. Fei Wang for cause. Further, given the gravity of the misconduct in question and its impact on the University and our students, we conclude that this dismissal should be effective immediately. The Board further directs President Killeen to take all such administrative actions necessary to enforce the terms of this directive.

On motion of Ms. Smart, seconded by Mr. Perl, this recommendation was approved. (Mr. Edwards, Mr. Fitzgerald, and Ms. Humphrey asked to be recorded as not voting on this item.)

### **Appointments to the Faculty, Administrative/Professional Staff, and Intercollegiate Athletic Staff**

(2) According to State statute, no student trustee may vote on those items marked with an asterisk.

In accordance with Article IX, Section 3 of the University of Illinois *Statutes*, the following new appointments to the faculty at the rank of assistant professor and above, and certain administrative positions, are now presented for action by the Board of Trustees.

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.



Intercollegiate Athletics Multi-Year Contracts  
Submitted to the Board on December 14, 2018  
Urbana

Name	Job Title	Multi-Year Contract Begin Date	Multi-Year Contract End Date	Job FTE	Service Description	Annual Salary	Contract Year
<b>Division of Intercollegiate Athletics New Multi-Year Contracts</b>							
Reed, Rashinda	Assistant Varsity Coach, Volleyball	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$92,288.00*	02/01/2019-01/31/2021
Reif, Alfred	Assistant Varsity Coach, Volleyball	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$95,200.00*	02/01/2019-01/31/2021
<b>Division of Intercollegiate Athletics Multi-Year Contract Extensions</b>							
Boose, Joseph	Head Strength Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$255,000.00*	02/01/2019-01/31/2021
Bulkus, Lucas Jason	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$375,000.00*	02/01/2019-01/31/2021
Byrd, Gill	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$300,000.00*	02/01/2019-01/31/2021
Clark, Austin	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$275,000.00*	02/01/2019-01/31/2021
Hayes-Spoker, Andrew	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$335,000.00*	02/01/2019-01/31/2021
Patterson, Cory	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$275,000.00*	02/01/2019-01/31/2021
Ward, Thaddeus D.	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$315,000.00*	02/01/2019-01/31/2021
Smith, Rodney	Assistant Varsity Coach, Football	02/01/2019	01/31/2021	1.00	Athletics Year-Round	\$700,000.00	02/01/2019-01/31/2020
			01/31/2021	1.00	Athletics Year-Round	\$750,000.00	02/01/2020-01/31/2021**
Tamas, Christopher	Head Varsity Coach, Volleyball	02/01/2019		1.00	Athletics Year-Round	\$340,000.00	02/01/2019-01/31/2020
				1.00	Athletics Year-Round	\$350,000.00	02/01/2020-01/31/2021
				1.00	Athletics Year-Round	\$360,000.00	02/01/2021-01/31/2022
				1.00	Athletics Year-Round	\$370,000.00	02/01/2022-01/31/2023
			01/31/2024	1.00	Athletics Year-Round	\$380,000.00	02/01/2023-01/31/2024

\* Annual increases based on university salary program as applicable  
\*\*Optional contract year (02/01/2021-01/31/2022) at university discretion

On motion of Ms. Smart, seconded by Mr. Perl, this recommendation was approved.

**Amend Multiyear Contract with  
Head Varsity Men’s Football Coach, Urbana**

(3) On March 16, 2016, the Board of Trustees approved the appointment of Lovie L. Smith, as head varsity coach, football, Division of Intercollegiate Athletics, Urbana-Champaign. The appointment was for a six-year term, beginning on March 7, 2016, and ending on January 31, 2022. The Board also approved Mr. Smith’s anticipated total annual compensation for each year of the term, including a description of Mr. Smith’s base salary and an annual increment for television, radio, education, public relations, and promotional activities.

On September 8, 2016, the Board of Trustees approved altering the terms of Mr. Smith’s employment agreement to reallocate distribution of Mr. Smith’s previously approved total compensation by reducing his compensation in years five and six of the term while making commensurate increases in years two and three of the term.

The chancellor, University of Illinois at Urbana-Champaign, and vice president, University of Illinois, now recommends a second amendment to Mr. Smith’s employment contract to extend the term by two additional years, through January 31, 2024, in accordance with the compensation schedule below.

<i>Year</i>	<i>Base Salary</i>	<i>Additional Compensation</i>	<i>Total</i>
02/01/2019-01/31/2020	\$1,000,000	\$3,000,000	\$4,000,000
02/01/2020-01/31/2021	\$1,000,000	\$3,000,000	\$4,000,000
02/01/2021-01/31/2022	\$1,000,000	\$3,000,000	\$4,000,000
02/01/2022-01/31/2023	\$1,000,000	\$3,000,000	\$4,000,000
02/01/2023-01/31/2024	\$1,000,000	\$3,000,000	\$4,000,000

Other significant terms and conditions of Mr. Smith’s original employment agreement remain in effect or will be appropriately amended to reflect the extension of the term. These include setting forth instances in which he may be terminated for cause, including, but not limited to, failure to perform his responsibilities, conduct that brings the University into disrepute, or violations of laws, policies, or governing rules. The amended employment agreement will also continue to provide for the payment of liquidated damages throughout the term of employment in the event Mr. Smith is terminated without cause, subject to mitigation if he obtains other employment following termination. Similarly, Mr. Smith will pay to the University liquidated damages in the event he resigns his employment prior to the conclusion of his term.

Funding is provided from non-appropriated institutional funds in the Division of Intercollegiate Athletics operating budget.

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.

On motion of Ms. Smart, seconded by Mr. Perl, this recommendation was approved.

**Establish the Juris Doctor,  
UIC John Marshall Law School, Chicago**

(4) The chancellor, University of Illinois at Chicago, and vice president, University of Illinois, with the advice of the Chicago Senate and UIC John Marshall Law School, recommends the establishment of the Juris Doctor.

The Juris Doctor (JD) prepares individuals to enter the practice of law and to work in a wide variety of law-related or professional fields, including business and government. It also prepares students for the state bar examinations for professional licensure and to pursue further education and graduate programs related to law. The degree will be the city of Chicago's first and only JD at a public law school. The curriculum is distinctive in its number of required lawyering skills credits (10 hours), combined with its clinical/externship requirement (at least 3 hours) and required 3-hour trial advocacy course.

Students with undergraduate degrees in any discipline may apply. The JD can be completed full- or part-time (day or evening), and students can start the program in January or August. The degree requires 90 hours, including 53 hours of required courses and 37 hours of electives. Students may use this elective coursework to complete an optional concentration in one of four areas: intellectual property law, international human rights, sustainability, or trial advocacy and dispute resolution. Students must maintain an overall grade point average of 2.25/4.00, and the American Bar Association requires students to complete the JD in no fewer than 24 months and, absent extraordinary circumstances, no more than 84 months. In Fall 2019, an estimated 900 JD students (new and continuing) will be enrolled.

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 executive vice president and vice president for academic affairs concurs with this recommendation. The University Senates Conference has indicated that no further senate jurisdiction is involved.

The president of the University recommends approval. This action is subject to further review and approval by the Illinois Board of Higher Education.

On motion of Ms. Smart, seconded by Mr. Perl, this recommendation was approved.

### **OLD BUSINESS**

There was no business presented under this aegis.

### **NEW BUSINESS**

There was no business presented under this aegis.

### **MOTION TO ADJOURN**

At 3:30 p.m., Chair Koritz requested a motion to adjourn the meeting. On motion of Mr. Perl, seconded by Ms. Smart, the meeting adjourned. There were no "nay" votes.

DEDRA M. WILLIAMS  
*Secretary*

TIMOTHY N. KORITZ  
*Chair*

