A meeting of the Executive Committee of the Board of Trustees of the University of Vermont and State Agricultural College was held on Friday, October 20, 2008 at 12:00 p.m., via conference call, in room 351 Waterman Building.

MEMBERS PRESENT*: Chair Ian Boyce, Vice Chair Frank Cioffi, Edwin Amidon, William Botzow, Daniel Fogel, Martha Heath* and Deb McAneny*

REPRESENTATIVES PRESENT: Staff Council Representative Jon Reidel (attending on behalf of Beth Walsh) and Student Government Association Representative Jay Taylor

OTHER TRUSTEES PRESENT: Samuel Bain*, Harry Chen*, Jeff Davis*, Jason DePatie, Susan Hudson-Wilson*, James Leddy*, Bill Ruprecht* and John Snow

ABSENT: Trustees Robert Young and Robert Cioffi, Faculty Representative Robyn Warhol-Down, and Alumni Council Representative Meg Guzewicz

PERSONS ALSO PARTICIPATING: Senior Vice President and Provost John Hughes, Vice President for Legal Affairs and General Counsel Francine Bazluke, Interim Vice President for Finance & Administration Richard Cate and Chief of Staff Gary Derr

* participated via conference phone

Chair Ian Boyce called the meeting to order at 12:04 p.m.

** Approval of Previous Meeting Minutes **

Chair Boyce entertained a motion to approve the minutes from the August 26, 2008 and October 10, 2008, meetings. The motion was seconded and it was voted to approve the minutes as presented.

** University Hazing Policy **

Chair Boyce presented the updated University Hazing Policy for ratification and he invited Chief of Staff Gary Derr to explain changes that had been made. Chief Derr indicated that the policy was updated to reflect current titles, names of sanctions and to provide alignment with other University policies.

Chief Derr also explained that the policy is filed with the Office of General Counsel, posted on the University policy website, distributed to the University community and included in the Student Handbook.
Chair Boyce presented the following resolution for approval:

**Resolution Approving University Hazing Policy**

RESOLVED, that the Executive Committee ratifies the Hazing Policy effective as of October 20, 2008, appended hereto as Attachment A.

A motion was made, seconded and unanimously voted to ratify the updated policy.

**Approval of Job Order Contracts with J.A. Morrissey, Inc.**

Chair Boyce invited Interim Vice President Richard Cate to discuss the resolution of the Job Order Contracts with J.A. Morrissey, Inc. Vice President Cate indicated such resolutions were not historically presented to the Board, but are now being presented in case the University enters into multiple contracts with J.A. Morrissey, Inc. that could total more than $1 million.

**Approval of Library Journal Acquisition Agreement with Elsevier B.V.**

Interim Vice President Cate reported that, because the Board approved a one-year contract with Elsevier B.V in August, a three-year contract, in a guaranteed cost structure, has been offered which would save the University money. Chair Boyce asked if the 6% annual inflation rate is acceptable. President Fogel indicated that 6% is an acceptable rate and many other rates for serials are 8%.

Trustee Deb McAneny asked if legal counsel reviewed this contract and Vice President Francine Bazluke responded affirmatively.

The following resolutions were presented for approval:

**Approval of Job Order Contracts with J.A Morrissey, Inc.**

RESOLVED, that the Interim Vice President for Finance and Administration and University Treasurer, or his successor or designee, is hereby authorized to negotiate and execute Job Order Contracts with J.A. Morrissey, Inc., for an initial term not to exceed one year and an initial cost not to exceed $1 million.

**Resolution Approving Library Journal Acquisition Agreement with Elsevier B.V.**

BE IT RESOLVED, that the Interim Vice President for Finance and Administration and University Treasurer, in consultation with the Dean of Libraries, is hereby authorized to negotiate and execute a journal license agreement with Elsevier B.V., through EBSCO subscription agency, for a multiple year agreement running through calendar year 2011, in an amount not to exceed a total of $3.7 million.

A motion was made, seconded and it was unanimously voted to approve the resolutions as presented.
December Meeting Preparation

Included in meeting materials was a preliminary December Board meeting schedule with proposed agenda topics. Phase II of the new Trustee Orientation program will be held on Thursday, December 4 and the remainder of the meeting will continue in the Friday/Saturday format. Chair Boyce highlighted several key items and indicated the goal is to keep the meeting as strategic as possible. He then offered an opportunity for discussion.

Trustee Martha Heath indicated that a Democratic legislator caucus has been scheduled on Saturday, December 6 which will prevent several trustees from attending the Full Board meeting. Chair Boyce indicated that he would work with the administration to reorganize the schedule to prevent such conflict.

Trustee Deb McAneny noted that the current schedule does not include an agenda item that addresses the current economic crisis and how it could affect the University. Chair Boyce indicated that this is an extremely important issue as to which he and the President had engaged in preliminary discussion, and that time will be allotted to address it with the Board.

Preliminary Management Response to Findings and Recommendations of the Deloitte Report

The Committee moved on to discuss the preliminary management response to the Deloitte Report. President Daniel Fogel mentioned that the Audit Committee had previewed the draft response and suggested that it be reformatted similar to a management response letter. Interim Vice President Richard Cate stated that both the original format and management response format will be subsequently presented.

Trustee Martha Heath asked if the Audit Committee is reviewing the current relationship between the President and the Internal Auditor. Trustee Amidon responded that the Audit Committee is looking at a fundamental change of the reporting line of the chief internal auditor, and that its recommendation will be forthcoming.

Other Business

At 12:30 p.m. the Chair entertained a motion to enter into executive session for the purpose of discussing personnel and contract matters. All in attendance were asked to leave with the exception of Trustees, Provost John Hughes, Chief of Staff Gary Derr, Vice President for Legal Affairs and General Counsel Francine Bazluke and Interim Vice President for Finance and Administration Richard Cate.

Adjournment

The meeting was re-opened to the public at 1:14 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted, Ian D. Boyce, Chair
Hazing

**Policy Statement**

It is the policy of the University of Vermont that no member of the University community may participate or be involved in hazing activities. Any student will be subject to disciplinary action for violation of this policy.

**Reason for the Policy**

The University of Vermont is first and foremost an educational institution. Its hazing prevention policies, and response procedures for hazing incidents, must grow from, and embody, its educational mission.

Membership in clubs, organizations, and other University-affiliated groups can increase leadership and service potential; provide athletic, recreational, intellectual, and spiritual opportunities; and otherwise contribute positively to personal and social development. When membership is linked with involvement in hazing activities, the educational purpose of the endeavor is compromised and can endanger the safety of students.

Hazing is therefore prohibited at the University of Vermont.

**Strategic Direction**

This policy supports the following goal in the University's Strategic Plan [http://www.uvm.edu/president/?Page=strategic_planning/strategicplan.html](http://www.uvm.edu/president/?Page=strategic_planning/strategicplan.html):

- Institutional Efficacy: As an institution, model the highest standard of ethical conduct, public service, and strong commitment to lifelong learning.
- Student Experience: Provide a distinctive university experience that prepares students for success as accountable leaders in the 21st century.
Applicability of the Policy

This policy applies to all members of the University community and their guests.

Policy Elaboration

1. Activities outside the scope of the Hazing Policy

There is a wide array of activities in which members of University-affiliated groups, organization, and teams can engage that positively nurture camaraderie and team building; develop unity, connectedness, and a sense of belonging; and promote the development of self-esteem. Examples include:

- Attending pre-season or organizational training sessions
- Administering or conducting supervised testing for skills, endurance, or performance
- Sponsoring a skit night
- Doing community service
- Signing a good conduct or academic standards contract
- Completing a Ropes course
- Participating in a supervised group, organization, or team trip

Because it is not always clear to individuals which activities are unacceptable and constitute hazing, student leaders and members of student groups are strongly encouraged to consult with groups’ advisers, coaches, or other University officials responsible for the program or activity in advance of the planned event.

2. Activities likely to fall within the scope of the Hazing Policy

The following activities are examples of conduct that is likely to violate the hazing policy. These activities can diminish one’s sense of full membership within the team or organization. These activities can also be a warning sign of the risk of more dangerous behaviors being undertaken by members of the group or organization:

- Participating in calisthenics not related to a sport
- Associating with specific people, but not others
- Requiring acts of servitude
- Forcing or coercing shaving of the head or any other part of the body
- Conducting hunts or quests
- Engaging in public stunts or buffoonery
- Forcing, coercing, or encouraging someone to wear apparel that is conspicuous and not within community norms
- Making prank calls
3. Hazing can place persons at risk of serious harm

The examples appearing below represent hazing conduct considered aggravated due to the risk of harm created. Such conduct may result in more serious University sanctions as well as criminal prosecution:

- Requiring or coercing tattooing, piercing, or branding
- Engaging in or simulating sexual acts
- Engaging in sexually violent or sexually harassing behavior
- Threatening or causing physical restraint or abuse (such as being held down, tied up, taped, or confined in a small space)
- Forcing or coercing consumption of any substance
- Kidnapping, or transporting and abandoning, a person
- Conducting interrogations
- Requiring nudity in a public or private place
- Causing excessive fatigue through physical or psychological abuse
- Furnishing alcohol to minors, or requiring consumption of alcohol or use of illegal drugs by any person
- Damaging, destroying, or stealing property
- Identifying hazing targets or subjects on the basis of their actual or perceived race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity and expression, or other legally protected classification

Note: All of the examples that appear above are intended to provide illustrations of conduct that may fall within the scope of the hazing policy. The examples are not all-inclusive. Determinations as to whether hazing occurred are made by the appropriate University official, hearing officer, or hearing body with due consideration of the relevant facts and circumstances.

4. Be Alert to Potential Hazing Situations.

The questions below may aid the determination whether a particular activity is hazing and thus prohibited:

- Is this a team or group activity that members are encouraged or expected to attend and where minors are consuming alcohol?
- Will current members refuse to participate with the new members?
- Does the activity risk emotional or physical abuse?
- Is there a risk of injury or a question of safety?
- Would you have any reservations describing the activity to your parents, a professor, or a University official?
- Would you object to the activity being photographed for the school newspaper or local TV news?
Definitions

_Hazing_ means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with an educational institution; and that is intended, or should reasonably be expected, to have the effect of humiliating, intimidating, or demeaning the student or endangering the mental or physical health of a student.

- Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in such acts.
- Hazing occurs regardless of the consent or willingness of a person to participate in the activity.
- Hazing may occur on or off campus.
- Hazing does not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that (1) the goals are approved by the University; and (2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the University, and normal and customary for similar programs at other educational institutions.

This policy is intended to be consistent with State law. The policy will be reviewed periodically and revised in light of legal developments and experience gained.

Procedures

1. Reports of Hazing
   - University officials are required to report possible hazing incidents in a prompt and effective manner. Students and other members of the University community are strongly encouraged to report possible hazing incidents.
   - To maximize safety, all reports of hazing should first be directed to the UVM Department of Police Services ("Police Services").
   - University officials who receive reports of hazing must refer such reports immediately to Police Services.
   - The Chief of Police Services, or designee, promptly will take steps to respond to hazing reports consistent with the exercise of reasonable professional discretion, including the convening of responsible University administrators.

2. Administrative Response
   - The University’s response to hazing allegations will occur through the processes outlined in the Code of Student Rights and Responsibilities, the Staff Handbook, or the Officers’ Handbook, or the applicable collective bargaining agreement.
   - Since hazing may violate more than one University policy, the same incident may be referred to more than one hearing channel. In addition, Police Services may refer conduct that may constitute a violation of criminal law to appropriate law enforcement officials, subject to the requirements of governing law. Student groups and organizations are also subject to suspension or revocation of University recognition for policy violations.
3. Sanctions
   A. Factors that may be considered in imposing sanctions - Hearing officials or bodies responsible for imposing sanctions for hazing policy violations may consider factors such as the following:

   - Nature of the offense, including whether aggravated conduct occurred
   - Severity of the harm or damage resulting from the offense
   - The respondent’s role in the hazing incident
   - Disciplinary history of the respondent
   - Whether the respondent cooperated during the proceedings, responded honestly to questions, and promptly accepted responsibility for his/her actions
   - Any leadership role or seniority of the respondent in the club, organization or team relative to which hazing occurred
   - Whether any offense involved behavior directed at another person because of actual or perceived race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity and expression, or other legally protected classification

   B. Examples of sanctions - Hearing officials or bodies responsible for imposing sanctions will do so exercising reasonable discretion in light of factors such as those just described.

   Examples of sanctions that may be imposed upon individual students are:
   - Disciplinary suspension or dismissal;
   - Attendance at educational programs or other training;
   - Restitution; and/or
   - Participation in alcohol, drug, or other counseling services

   Examples of sanctions that may be imposed upon organizations that knowingly permit, authorize, or condone hazing are:
   - Probation
   - Revocation or suspension of the organization’s existence or recognition
   - Cancellation of some or all the organization’s activities or events (such as intercollegiate or intramural sports contests)
   - Decrease in, or restriction of, the organization’s privileges
Forms

None

Contacts

To maximize safety, all reports of hazing should first be directed to UVM Police Services. Anonymous information may be reported to Police Services for investigation via Internet or phone:


UVM TIP LINE 2 - 656-TIPS

Any UVM student wishing to speak privately and in confidence about a hazing incident should contact the UVM Counseling Center at 656-3340 (24 hours).

Faculty and staff may contact the Employee Assistance Program (EAP). Because other University officials are required to report possible hazing violations for investigation, communications outside of the Counseling Center and EAP Office are not guaranteed to be confidential.

For additional information regarding this policy and related matters, please contact the Dean of Students Office at 656-3380.

The University official responsible for oversight of the policy when committed by a student or student organization is the Dean of Students. The official responsible for oversight of the policy when committed by a staff or faculty member is the Provost.

Related Documents/Policies

Group and Organization Recognition Policy and Administrative Guidelines

Effective Date

Approved by the President on:

_________________________    ____________________________
Daniel M. Fogel                President                        Date

_________________________    ____________________________
Chair Board of Trustees        Date

Ian D. Boyce