

Clemson University
Clemson, South Carolina

MINUTES

of the meeting of
THE CLEMSON UNIVERSITY
BOARD OF TRUSTEES

Held in the Citadel B Room of the
Sheraton Charleston Hotel

April 16, 1982

The Board convened at 2:00 P. M. with the following members present: Thomas B. McTeer, Jr., Chairman, presiding; Louis P. Batson, Jr., John J. Britton, Robert R. Coker, T. Kenneth Cribb, Fletcher C. Derrick, Jr., W. G. DesChamps, William N. Geiger, Jr., Paul W. McAlister, James C. Self, D. Leslie Tindal, and James M. Waddell, Jr.

The Trustees Emeriti present: A. M. Quattlebaum and Paul Quattlebaum.

Members of the Administration present: Bill L. Atchley, Walter T. Cox, W. David Maxwell, Melvin E. Barnette, Harry Durham, James L. Strom and Joseph B. McDevitt, Secretary.

Official Observers present: Stephen S. Melsheimer, outgoing President of the Faculty Senate, Clarence Hood, incoming President of the Faculty Senate, and Kirby Player, President of the Student Body.

Item 1. Roll Call

Item 2.

The minutes of the meeting of January 22, 1982, previously submitted by mail to all members of the Board of Trustees, were approved as submitted.

Item 3. Introduction of New Board Member

The Chairman welcomed Dr. John J. Britton, M.D., who was elected to the Board by the General Assembly for a term of four years beginning February 6, 1982.

Item 4. Rental Rates, Clemson House

Statement: To compensate for inflation and to place rental rates on a comparative basis with the local rental market, an increase in rental structures for permanent and transient guests at the Clemson House is warranted. The proposed increases are as follows:

1. <u>Transient Guests Rates</u>	<u>Current</u>	<u>Proposed</u>	<u>% Increase</u>
Single Occupancy	\$ 18.00	\$ 22.00	22%
Double Occupancy	24.00	28.00	17%
Multiple Occupancy	4.00	5.00	25%
	person	person	
Suites 707 and 727	40.00	40.00	0%
Penthouse	125.00	125.00	0%
2. <u>Permanent Guests Rates</u>	<u>Current</u>	<u>Proposed</u>	<u>% Increase</u>
End Suite (1 Bath)	\$176.00	\$230.00	31%
End Suite (2 Bath)	213.00	275.00	29%
Two Room Suites	191.00	240.00	26%
Single Rooms	154.00	195.00	27%

Recommendation of the Business and Finance Committee: That the above rental rates be approved by the Board of Trustees effective July 1, 1982.

Board Action: Approved

Item 5. Faculty Manual

Statement: On March 29, 1982 the draft of a new edition of the Faculty Manual was mailed to members of the Board of Trustees. The Faculty Senate and the Provost were closely involved in the drafting of the new manual, and it has been reviewed by the deans, by legal counsel and by the faculty at large. The Educational Policy Committee of the Board considered the new edition at its meeting on April 15, 1982.

Recommendation of the Educational Policy Committee: That the Board adopt the new edition of the Faculty Manual.

Board Action: Adopted

Item 6. Policy on Sexual Harassment

Statement: The Administration has recommended adoption of a Policy on Sexual Harassment. Part I would implement federal law and regulations and is consistent with policies adopted by industries and institutions of higher education nationwide. Part II is not predicated on law or regulation. However, it recognizes forms of sexual harassment which can occur and encourages corrective action to be taken by utilization of existing practices and procedures.

Recommendation of the Administration: That the Board of Trustees adopt the following Policy on Sexual Harassment:

Title VII of the Civil Rights Act of 1964, as amended, provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of sex violates this Federal law. The Equal Employment Opportunity Commission has issued guidelines as to what constitutes sexual harassment of an employee under Title VII.

Title IX of the Education Amendments of 1972, as amended, prohibits sexual discrimination in any educational program or activity receiving Federal financial assistance. Clemson University receives such assistance. The Office for Civil Rights which is responsible for enforcement of Title IX has not issued guidelines as to what constitutes sexual harassment under that law.

The Board of Trustees hereby determines that the Title VII guidelines on sexual harassment against employees shall be equally applicable in the instance of sexual harassment of students by employees. Accordingly, the following University guidelines are issued:

- I. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
 2. Submission to or rejection of such conduct by an individual is used as a basis for employment or for arriving at academic decisions affecting an individual; or
 3. Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive working or academic environment.

Sexual harassment of University faculty, staff, or students is prohibited and shall subject the offender to dismissal or other sanctions after compliance with procedural due process requirements. In the event a claim of sexual harassment arises, the claimant may utilize University grievance procedures which have been established for faculty, staff, and students, as appropriate.

- II. The Board of Trustees has also determined that sexual harassment is an invidious evil which can occur not only in situations envisaged by existing Federal laws and guidelines, but also in instances for which no law, per se, has been enacted. Thus, Federal law and guidelines as set forth above contemplate a one-direction transgression, namely, supervisor harassing employee, or faculty member harassing student. The reverse can also occur. Therefore, this policy also prohibits an employee from sexually harassing a superior, and a student from sexually harassing a faculty member. When such actions occur the offended individual should take corrective measures in accordance with usual practice and procedure.

Board Action: Adopted

Item 7. Robbins & Myers, Inc. Request for Sewer Easement

Statement: Robbins & Myers, Inc. requested a sewer easement across University property located at the Sandhill Experiment Station in Pontiac, South Carolina. The purpose of the easement would be to allow Robbins & Myers, Inc. to tie in to the existing sewer easement which runs along Highway 52. The easement running along Highway 52 was granted by the University to Richland County in 1979. The easement would run across the southernmost corner of the Sandhill Experiment Station, said property being west of U. S. Highway No. 1 and the 100 foot railway right-of-way separating the property of Clemson University from said highway. A 10 foot wide permanent easement has been requested which would run approximately 2,400 feet. Also, a 15 foot wide temporary easement has been requested for the purpose of construction only, said easement to terminate when the sewage transmission line has been installed. The University would have access across the property and there would be no manholes on University property. The property is under the cognizance of the College of Agricultural Sciences which recommends approval of the request.

Recommendation of the Executive Committee: That the easement request be granted and the Chairman be authorized to execute the appropriate documents.

Board Action: Approved

Item 8. Clemson-Oconee County Land Exchange

Statement: The Administration proposed an exchange with Oconee County of 4.59 acres of University land located on U. S. Highway 123 for 6.19 acres owned by Oconee County and located on the Clemson-Oconee County Airport site. As part of the exchange agreement, Oconee County would have substantial site preparation work done on the airport tract which will enable the University to construct hangar and support facilities for accommodation of University aircraft. By mail ballot action of February 17, 1982 the Board of Trustees approved the exchange.

Recommendation of the Executive Committee: That the mail ballot action by the Board of Trustees of February 16, 1982 be confirmed and ratified for the record.

Board Action: Confirmed and ratified

Item 9. Fertilizer Irregularities and Penalties

Statement: The Department of Fertilizer Inspection and Analysis submitted a list of weight irregularities and irregularities other than weights and the recommended penalties therefor. The penalties were based on the extent of variance in weight or on the degree to which the content varied from the specification stated on the label. The penalties recommended were in line with past practice which has received Fertilizer Board of Control approval. By mail ballot of February 16, 1982, the Fertilizer Board of Control approved the recommendation of the Administration that the penalties be approved.

In addition, at a meeting of the Fertilizer Board of Control held earlier this date, fines recommended by the Administration for mislabeling infractions involving weight irregularities were approved by the Fertilizer Board of Control.

Lists of the above irregularities and fines are available in the Department of Fertilizer Inspection and Analysis.

Recommendation of the Executive Committee: That the Board of Trustees confirm and ratify for the record the mail ballot action of February 16, 1982, and the action by the Fertilizer Board of Control of this date.

Board Action: Confirmed and ratified for the record.

Item 10. Department of Defense Research Contract

Statement: The University was scheduled to receive a United States Department of Defense contract for research that would involve the storage of classified documents and the generation of classified materials. Before the research could begin the University had to request and be granted a facility clearance under the Department of Defense Industrial Security Program.

The University had signed a Department of Defense Security Agreement. Before the Agreement would be signed by federal representatives, the management group of the University needed to apply for and receive individual security clearances. By DOD definition the management group consisted of the Chairman of the Board, the President, the Vice President for Academic Affairs, the Vice President for Business and Finance and the University Security Officer. A Board resolution was required designating the above mentioned officials as the management group and excluding the other twelve trustees and the other vice president from access to classified information.

It was required that completed action be submitted to federal authorities by March 18, 1982. On March 8, 1982 the required resolution was forwarded by mail ballot to members of the Executive Committee and approved unanimously by that committee.

Recommendation of the Executive Committee: That the mail ballot action of the Executive Committee of March 8, 1982 be confirmed and ratified for the record.

Board Action: Confirmed and ratified

Item 11. East End Zone Addition to Memorial Stadium

Statement: On March 2, 1982 at 2 P. M., bids for the East End Zone Addition to Memorial Stadium were opened publicly in Memorial Chapel, Tillman Hall. During the bid opening it became apparent that several general contractors were not complying with the requirements of the recently enacted South Carolina Consolidated Procurement Code. After the bid opening, this non-compliance was reviewed by representatives of the University the Offices of the State Engineer and the Attorney General. On advice from the Attorney General's Office, it was recommended to the Board that the low bid of Vector Corporation of Oconee County be rejected and that the contract be awarded to Triangle Construction Company of Greenville, South Carolina in the amount of \$363,558.00, the sum of the base bid plus Alternate No. 1. That amount was within the amount budgeted for the project from Athletic Department Operating Revenues. By mail ballot of March 10, 1982, the Board of Trustees approved the recommendation.

Recommendation of the Executive Committee: That the Board of Trustees confirm and ratify for the record its mail ballot action of March 10, 1982.

Board Action: Confirmed and ratified

Item 12. Equal Employment Opportunity and Affirmative Action Pol

Statement: For years the University has published and implemented a policy on Equal Employment Opportunity and Affirmative Action. However, the policy has never been definitively adopted by the Board of Trustees.

Recommendation of the Executive Committee: That the Board adopt the following policy:

Clemson University, in compliance with Titles VI and VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and Sections 503 and 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of race, color, national origin, religion, sex, or handicap in any of its policies, procedures, or practices; nor does the University, in compliance with the Age Discrimination in Employment Act of 1967, as amended, and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974, discriminate against any employees or applicants for employment on the basis of their age or because they are disabled veterans or veterans of the Vietnam era. Clemson University conducts its programs and activities involving admission, access, treatment, employment, teaching, research, and public service in a nondiscriminatory manner as prescribed by Federal laws and regulations.

In conformance with University policy and pursuant to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974, Clemson University is an Affirmative Action/Equal Opportunity Employer.

Board Action: Adopted

Item 13. Board Visit to Coastal Experiment Station

Mr. McAlister expressed appreciation in behalf of Board members to Dr. Cecil Godley, Director, South Carolina Experiment Station and Dr. Wayne Sitterly, Resident Director, Coastal Experiment Station, for providing the members with a highly interesting and informative tour of the Station on Thursday, April 15, 1982.

Item 14. Statutory Roll Call Vote

RESOLUTION: RESOLVED that all measures and recommendations made at this, the April 16, 1982 meeting, which according to the By-Laws require a roll call vote of nine or more members, be hereby adopted and confirmed, and that the Vice President for Business and Finance be authorized to issue his checks for all expenditures authorized at this meeting.

Board Action: The Resolution was adopted with twelve members present voting "Aye."

Item 15. Adjournment

There being no further business, the meeting of the Board was adjourned at 3:00 P. M.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. McDevitt". The signature is written in a cursive style with a large, looping initial "J".

Joseph B. McDevitt
Secretary of the
Board of Trustees