



7-16-2003

# WMU Board of Trustees Formal Session July 16, 2003

WMU Board of Trustees

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WESTERN MICHIGAN UNIVERSITY  
REGULAR FORMAL SESSION  
WEDNESDAY, JULY 16, 2003

The regular formal session of the Western Michigan University Board of Trustees was called to order by Chair Klohs at 9 a.m. on Wednesday, July 16, 2003, in the Connable Board Room, Bernhard Center.

Board members present: Trustee Anthony, Trustee Aseritis, Trustee DeNooyer, Trustee Holden, Trustee Klohs, Trustee Martin, Trustee Miller, Trustee Pero and President Bailey (ex officio).

On behalf of the trustees, Chair Klohs officially welcomed President Bailey to her first Board meeting since she assumed the presidency on June 9. (Dr. Bailey was named president by the trustees on May 9.)

Closed Informal Session. On an 8-0 roll call vote, following a motion by Trustee Pero, supported by Trustee Aseritis, the Board of Trustees recessed for a closed informal session at 9:05 a.m. as provided for under Michigan law.

Following the closed session, the Academic and Student Affairs and the Budget and Finance informal sessions were held.

Formal Session. The Board of Trustees reconvened at 12:40 p.m.

Remarks by the Chair Chair Klohs spoke of the "grace and determination" President Bailey has demonstrated in her first five weeks in office, reinforcing the Board's decision to select her as president.

Chair Klohs expressed the sympathy of the Board with the death of Trustee Emeritus J. Michael Kemp. Trustee Emeritus Kemp served as a trustee from 1975 to 1982, on the WMU Foundation for nine years, and founded the Medallion Scholarship program.

She spoke of the University's continuing commitment to maintaining the integrity of our academic mission and preserving the quality of programs under these difficult budget situation, highlighting the Prague Summer Program, an intensive creative writing study aboard experience; the science academy program in Berrien County for middle school teachers, funded by the Upton Foundation; Seminar 2003, a music camp for gifted high school musicians from eight states; the Core Plus Mathematics curriculum developed by WMU faculty with the support of the National Science Foundation, and the solar Sunseeker car involved in cross-country competition.

She also commended the University for its work with the community in addressing the Pfizer developments and its effort in retaining the incredible intellectual talent existing in the community.

Remarks by the President. President Bailey expressed appreciation for the very warm welcome that she and her husband have received from the campus and the broader community, noting that they have met many, many people in a short time and have been made to feel very much at home. She spoke of the campus and community receptions, meeting with city leadership, and participating in her first WMU commencement. President Bailey gave a state funding update and express special thanks to Jeff Breneman, Vice President for Legislative Affairs who is leaving the University. A Legislative Tribute (Attachment A) was presented to Vice President Breneman. She spoke of the momentous times for the University and that the decisions made will have an impact for years to come. President Bailey expressed appreciation to the Board for its input and the manner in which the trustees have addressed the very serious issues facing the University.

Acceptance of the Agenda The agenda was approved following a motion by Trustee Holden, supported by Trustee Pero, including the addition of an item – Conveyance of Property in the Business Technology and Research Park to Southwest Michigan Innovation Center, Inc.

Approval of the Minutes of the March 28 and May 9 Formal Sessions. The minutes were approved as distributed on a motion by Trustee Martin, supported by Trustee Miller.

#### Academic and Student Affairs Recommendations

Grant Report. As moved by Trustee DeNooyer, supported by Trustee Anthony, the grant report for April and May 2003 was approved.

Personnel Report. The personnel report was approved on a motion by Trustee DeNooyer, supported by Trustee Holden.

#### **Return to Administrative Appointment**

Daniel M. Litynski, Provost and Vice President for Academic Affairs, effective June 9, 2003.

#### **Administrative Appointments**

Deborah Barnes, Director, Lewis Walker Institute for the Study of Race and Ethnic Relations, effective July 1, 2003 through June 30, 2004.

### **Administrative Appointments (Continued)**

Wendy Ford, Associate Dean, College of Arts and Sciences, effective July 1, 2003.

Bernard Han, Professor and Chair, Department of Business Information Systems, effective July 1, 2003.

Rick Maloney, Dean, College of Aviation, effective July 15, 2003.

William Rantz, Associate Professor and Chair of Faculty, College of Aviation, effective April 1, 2003.

Cynthia Running-Johnson, Professor and Chair, Department of Foreign Languages, effective July 1, 2003.

Ajay Samant, Professor and Chair, Department of Finance and Commercial Law, effective July 1, 2003.

Gary Wegenke, Dean, College of Education, effective April 1, 2003.

Brian Wilson, Interim Chair, Department of Philosophy, effective July 1, 2003.  
(Note: This is in addition to his current position as Associate Professor and Chair of Comparative Religion).

### **Administrative Return to Faculty**

Robert Aardema, Associate Professor, College of Aviation, effective August 4, 2003.

Roberta Allen, Associate Vice President for Academic Affairs, to Professor, Department of Business Information Systems, effective August 4, 2003.

Thomas Gossman, from University Ombudsman to Professor, Department of Finance and Commercial Law, effective , June 23, 2003.

Benjamin Wilson, Professor, Africana Studies Program, effective July 3, 2003.

Janet Stillwell, Professor, Department of Dance, effective July 1, 2003.

Elizabeth Whitten, Associate Professor, Educational Studies, effective April 12, 2004  
**(Correction)**.

### **Retirement - Administrative**

Elise Jorgens, Interim Provost and Vice President for Academic Affairs, Office of Academic Affairs, effective June 8, 2003.

**Appointment - With Tenure**

Karin Morin, Professor, WMU Bronson School of Nursing, effective August 4, 2003

**Appointments - Tenure Track**

Mark Alavosius, Assistant Professor, Department of Psychology, effective August 4, 2003.

Teresa Crumpton, Faculty Specialist II, Department of Speech Pathology and Audiology, effective July 1, 2003.

Louann Palmer, Assistant Professor, Department of Teaching, Learning and Leadership, effective August 4, 2003.

Kapseong Ro, Assistant Professor, Department of Mechanical and Aeronautical Engineering, effective August 4, 2003.

Pravin Sevak, Associate Professor, Department of Art, effective August 4, 2003.

Renee Schwartz, Instructor, Department of Biological Sciences, effective August 4, 2003.

Carol Weideman, Faculty Specialist I, Department of Health, Physical Education and Recreation, effective August 4, 2003.

Sherif Yehia, Assistant Professor, Department of Construction Engineering, Materials Engineering, and Industrial Design, effective March 10, 2003.

**Reappointments - Term**

Noel Allende-Goitia, Assistant Professor, School of Music, effective August 4, 2003 through August 1, 2004.

Elizabeth Amidon, Assistant Professor, Department of English, effective August 4, 2003 through August 1, 2004.

Mary Ann Babcock, Instructor, Department of Statistics, effective August 4, 2003 through August 1, 2004.

Alberta Bee, Faculty Specialist II, WMU Bronson School of Nursing, effective August 4, 2003 through August 1, 2004.

Timothy Berg, Assistant Professor, Department of History, effective August 4, 2003 through August 1, 2004.

### **Reappointments - Term (continued)**

Gary Blackmer, Associate Professor, Department of Chemistry, effective August 4, 2003 through August 1, 2004.

Karen Bondarchuk, Instructor, Department of Art, effective August 4, 2003 through August 1, 2004.

Laurel Campbell, Instructor, Department of Mathematics, effective August 4, 2003 through August 1, 2004.

Kathleen Conway, Instructor, Department of Health, Physical Education and Recreation, effective August 4, 2003 through August 1, 2004.

Mary Cook, Instructor, Department of English, effective August 4, 2003 through August 1, 2004,

Angela Counterman, Instructor, WMU Bronson School of Nursing, effective August 4, 2003 through August 1, 2004.

Scott Cowan, Assistant Professor, School of Music, effective August 4, 2003 through August 1, 2004.

Mark Crawford, Instructor, Department of Mathematics, effective August 4, 2003 through August 1, 2004.

Tracy De Mars, Instructor, Department of Teaching, Learning, and Leadership, effective August 4, 2003 through August 1, 2004.

Tracy DuBay, Instructor, Department of Educational Studies, effective August 4, 2003 through August 1, 2004.

Shelia Eisenhauer, Instructor, Department of Mathematics, effective August 4, 2003 through August 1, 2004.

Julie Evans, Assistant Professor, School of Music, effective August 4, 2003 through August 1, 2004.

Richard Frankel, Assistant Professor, Department of History, effective August 4, 2003 through August 1, 2004.

Scott Friesner, Instructor, Department of English, effective August 4, 2003 through August 1, 2004.

### **Reappointments - Term (continued)**

Olivia Gabor, Assistant Professor, Department of Foreign Languages, effective August 4, 2003 through August 1, 2004.

Monica Griffin, Assistant Professor, School of Music, effective August 4, 2003 through August 1, 2004.

Robert Hardin, Instructor, Department of Computer Science, effective August 4, 2003 through August 1, 2004.

Erin Hart, Instructor, Department of English, effective August 4, 2003 through August 1, 2004.

Cynthia Hutchinson, Faculty Specialist II, Department of Physician Assistant, effective June 23, 2003 through June 20, 2004.

Anna Jelaso, Assistant Professor, Environmental Studies Program, effective August 4, 2003 through August 1, 2004.

Eva Jerome, Instructor, WMU Bronson School of Nursing, effective August 4, 2003 through August 1, 2004.

Cheryl Lyon-Jenness, Faculty Specialist II, Department of History, effective August 4, 2003 through August 1, 2004.

Thayma Lutz, Instructor, Department of Mathematics, effective August 4, 2003 through August 1, 2004.

Stephen Ohs, Instructor, Department of Mathematics, effective August 4, 2003 through August 1, 2004.

Kathy Onderlinde, Instructor, Department of Biological Sciences, effective August 4, 2003 through August 1, 2004.

Esther Page-Wood, Instructor, Department of Marketing, effective August 4, 2003 through August 1, 2004.

Chateros Permpikul, Assistant Professor, Department of English, effective August 4, 2003 through August 1, 2004.

Elizabeth Phillips, Instructor, WMU Bronson School of Nursing, effective August 4, 2003 through August 1, 2004.

**Reappointments - Term (continued)**

Patricia Rogers, Assistant Professor, Department of History, effective August 4, 2003 through August 1, 2004.

Julie Rypma, Instructor, Department of English, effective August 4, 2003 through August 1, 2004.

Greg Smith, Assistant Professor, Department of English, effective August 4, 2003 through August 1, 2004.

Jacinda Swanson, Assistant Professor, Department of Political Science, effective August 4, 2003 through August 1, 2004.

Edward Van Wesep, Assistant Professor, Department of Economics, effective August 4, 2003 through August 1, 2004.

Sonia Wardley, Faculty Specialist II, Department of Physician Assistant, effective June 23, 2003 through June 20, 2004.

Kevin Weakley, Instructor, Department of Geography, effective August 4, 2003 through August 1, 2004.

Gray Whaley, Assistant Professor, Department of History, effective August 4, 2003 through August 1, 2004.

William Zinkus, Assistant Professor, Department of English, effective August 4, 2003 through August 1, 2004.

**Appointments - Term**

Deborah Barnes, Associate Professor, Africana Studies Program, effective July 1, 2003 through June 30, 2004.

Timothy Carter, Instructor, Department of Political Science, effective August 4, 2003 through August 1, 2004.

Patricia Chilton-Stringham, Instructor, Department of Teaching, Learning and Leadership, effective August 4, 2003 through August 1, 2004.

Steve Feffer, Assistant Professor, Department of English, effective August 4, 2003 through August 1, 2004.

Charles Hilton, Assistant Professor, Department of Anthropology, effective August 4, 2003 through August 1, 2004.



### **Appointments – Term (Continued)**

Philip Kaldon, Assistant Professor, Department of Physics, effective August 4, 2003 through August 1, 2004.

William Post, Faculty Specialist I, Department of Sociology, effective June 23, 2003 through June 20, 2004.

### **Joint Appointments**

Thomas Amos, Professor, University Libraries and Department of History, effective May 23, 2003.

Michael Chiarappa, Associate Professor, Department of History and Environmental Studies Program, effective April 28, 2003.

William Cobern, Professor, Department of Biological Sciences and Director, Mallinson Institute for Science Education, effective August 4, 2003.

Bruce Haight, Professor, Department of History and Africana Studies Program, effective April 28, 2003.

Julia Harmon, Assistant Professor, Department of Comparative Religion and Africana Studies Program, effective August 5, 2002.

Lynne Heasley, Assistant Professor, Environmental Studies Program and Department of History, effective April 24, 2003.

Sarah Hill, Assistant Professor, Department of Anthropology and Environmental Studies Program, effective August 5, 2003.

Carolyn Podruchny, Assistant Professor, Department of History and American Studies Program, effective April 10, 2003.

Renee Schwartz, Instructor, Department of Biological Sciences and Mallinson Institute for Science Education, effective August 4, 2003.

### **Change in Department Affiliation**

William Cobern, Professor, from Associate Dean, College of Education to Professor, Department of Biological Sciences and Director of Mallinson Institute for Science Education, effective July 1, 2003.

**Due to the dissolution of the School of Community Health Services, the following faculty will be affiliated as listed:**

Charlene Brown, Assistant Professor, Department of Physician Assistant  
Karen Horneffer-Ginter, Assistant Professor, Department of Physician Assistant  
James Kendrick, Associate Professor, Department of Physician Assistant  
Janet Pisaneschi, Professor, Department of Speech Pathology and Audiology  
Dennis Simpson, Professor, Department of Physician Assistant  
Donna Weinreich, Assistant Professor, WMU Bronson School of Nursing  
Edo Weits, Faculty Specialist, Department of Physician Assistant

**Due to the separation of the Department of Foreign Languages and Literatures, the faculty listed will now be affiliated with the Department of Foreign Languages or the Department of Spanish, as indicated, effective July 16, 2003.**

**The following faculty will hold appointments in the Department of Foreign Languages:**

Hideko Abe, Associate Professor  
Peter Blickle, Associate Professor  
Vincent DesRoches, Assistant Professor  
Ako Fukushima, Faculty Specialist I  
Rand Johnson, Associate Professor  
Peter Krawutschke, Professor  
David Kutzko, Assistant Professor  
Dasha Nisula, Professor  
Molly Recchia, Associate Professor  
Cynthia Running-Johnson, Professor (Chair)  
Herman Teichert, Professor  
Xiaojun Wang, Associate Professor  
Eric Russell Webb, Assistant Professor  
Lindsey Wilhite, Assistant Professor

**The following faculty will hold appointments in the Department of Spanish:**

John Benson, Professor (Chair)  
Gary Bigelow, Associate Professor  
Jorge Febles, Professor  
Robert Felkel, Professor  
Carolyn Harris, Professor  
Antonio Isea, Associate Professor  
Irma Lopez, Associate Professor  
Michael Miller, Assistant Professor  
Patricia Montilla, Assistant Professor  
Holly Nibert, Assistant Professor

**The following faculty will hold appointments in the Department of Spanish:  
(Continued)**

Pablo Pastrana-Perez, Assistant Professor  
Mariola Perez de la Cruz, Faculty Specialist II  
Mercedes Tasende, Professor  
Benjamin, Torres, Associate Professor  
Robert Vann, Associate Professor

**Due to the name change of the Department of Art, the following individuals are now affiliated with the School of Art, effective August 28, 2003.**

Karen Bondarchuk, Instructor  
Barbara Brotherton, Associate Professor  
Cybele Clark-Mendes, Assistant  
Cat Crotchett, Associate Professor  
Richard dePeaux, Professor  
Edward Harkness, Professor  
Tricia Hennessy, Professor  
Keith Jones, Associate Professor  
Richard Keaveny, Professor

**Due to the name change of the Department of Art, the following individuals are now affiliated with the School of Art, effective July 16, 2003 (continued):**

Joyce Kubiski, Associate Professor  
Albert LaVergne, Professor  
John Link, Professor  
Charles LoVerme, Associate Professor  
Paul Mergen, Professor  
Bruce Naftel, Associate Professor  
Mary Neu, Associate Professor  
Curtis Rhodes, Professor  
Louis Rizzolo, Professor  
Candice Schilz, Assistant Professor  
Pravin Sevak, Associate Professor  
Paul Solomon, Associate Professor  
Charles Stroh, Professor  
Vince Torano, Assistant Professor  
Phillip VanderWeg, Professor and Director

**Reappointment - Adjunct**

Paul Reinhardt, Adjunct Professor, Department of Theatre, effective August 1, 2003 through July 31, 2006.

### **Appointment - Adjunct**

Rose Kershbaumer, Adjunct Assistant Professor, WMU Bronson School of Nursing, effective August 1, 2003 through July 31, 2006.

### **Resignations**

Wendy Babcox, Assistant Professor, Department of Art, effective August 3, 2003.

Steven Benfell, Assistant Professor, Department of Political Science, effective August 3, 2003.

Scott Bristol, Aviation Specialist, College of Aviation, effective March 30, 2003.

Timothy Diamond, Associate Professor, Department of Sociology, effective August 3, 2003.

Ruth Ervin, Associate Professor, Department of Psychology, effective August 3, 2003.

Michael Kinyon, Associate Professor, Department of Mathematics, effective April 14, 2003.

Tracey Mabrey, Associate Professor, School of Social Work, effective August 3, 2003.

L. Scott Marsh, Associate Professor, Department of Dance, effective June 22, 2003.

Susanne Mrozik, Assistant Professor, Department of Comparative Religion, effective August 3, 2003.

Haesun Park, Assistant Professor, Department of Family and Consumer Sciences, effective August 3, 2003.

Mary Schutten, Assistant Professor, Department of Health, Physical Education and Recreation, effective August 3, 2003.

### **Retirements with Emeriti Status**

JoNina Abron, Associate Professor, Department of Communication, Associate Professor Emerita of Communication, effective December 30, 2003.

Arthur Hoadley, Professor, Department of Mechanical and Aeronautical Engineering, Professor Emeritus of Mechanical and Aeronautical Engineering, effective April 11, 2004.

Robert Laing, Professor, Department of Mathematics, Professor Emeritus of Mathematics, effective June 30, 2003.

### **Retirements with Emeriti Status (Continued)**

Edward Mayo, Professor, Department of Marketing, Professor Emeritus of Marketing, effective August 8, 2004.

Thomas Sill, Associate Professor, Department of Communication, Associate Professor Emeritus of Communication, effective April 30, 2004.

### **Retirement**

Kathi Fuller, Faculty Specialist II, School of Community Health Services, effective June 30, 2003.

### **Tenure**

**It is recommended that tenure be approved for the following faculty members, effective with the beginning of the 2003/2004 academic/fiscal year:**

Hideko Abe, Department of Foreign Languages

Jose Brandao, Department of History

Paula Brush, Department of Sociology

Steven Butt, Department of Industrial and Manufacturing Engineering

Daniel Cassidy, Department of Geosciences

Sime Curkovic, Department of Management

Charles Emerson, Department of Geography

Bruce Ferrin, Department of Marketing

Thomas Gorczyca, Department of Physics

James Henry, School of Social Work

Georgina Hill, Department of English

David Hurtt, Department of Accountancy

Kathleen Kline, Department of Mathematics

**Tenure (continued)**

Steven Kohler, Environmental Studies Program

Kirk Korista, Department of Physics

Ashlyn Kuersten, Department of Political Science

Linda LeBlanc, Department of Psychology

David Lemberg, Department of Geography

Debra Lindstrom-Hazel, Department of Occupational Therapy

Allison McFarland, Department of Health, Physical Education and Recreation

Timothy Michael, Department of Health, Physical Education and Recreation

Damon Miller, Department of Electrical and Computer Engineering

Magdalena Niewiadomska-Bugaj, Department of Statistics

Timothy Palmer, Department of Management

James Palmitessa, Department of History

Peter Parker, Department of Paper and Printing Science and Engineering

Michael Raines, Department of Mathematics

Thomas Scannell, Department of Management

Nancy Schullery, Department of Business Information Systems

Lori Sims, School of Music

Gwen Tarbox, Department of English

Jyh-Hong Tarn, Department of Business Information Systems

Radu Teodorescu, Department of Mathematics

Ann Veeck, Department of Marketing

Gary Wegenke, Department of Teaching, Learning, and Leadership

## **Promotions**

**It is recommended that the following promotions be approved for the following faculty members, effective with the beginning of the 2003/2004 academic /fiscal year:**

### **Professor**

E. Brooks Applegate, Department of Educational Studies

Ben Atchison, Department of Occupational Therapy

Jody Brylinsky, Department of Health, Physical Education and Recreation

Allen Carey-Webb, Department of English

David Code, School of Music

John Dilworth, Department of Philosophy

Marianne Frauenknecht, Department of Health, Physical Education and Recreation

John Gesink, Department of Electrical and Computer Engineering

Bernard Han, Department of Business Information Systems

Joan Herrington, Department of Theatre

Bharti Katbamna, Department of Speech Pathology and Audiology

Daniel Kujawski, Department of Mechanical and Aeronautical Engineering

David Little, School of Music

Ali Metwalli, Department of Finance and Commercial Law

John Saillant, Department of English

Ajay Samant, Department of Finance and Commercial Law

Frank Severance, Department of Electrical and Computer Engineering

Ralph Tanner, Department of Electrical and Computer Engineering

Mercedes Tasende, Department of Foreign Languages

**Professor (Continued)**

Grace Tiffany, Department of English

Gregory Veeck, Department of Geography

Gary Wegenke, College of Education

Elizabeth Whitten, Department of Educational Studies

Qiji (Jim) Zhu, Department of Mathematics

**Associate Professor**

Paula Brush, Department of Sociology

Daniel Cassidy, Department of Geosciences

Charles Emerson, Department of Geography

James Kendrick, School of Community Health Services

Steven Kohler, Environmental Studies Program

David Lemberg, Department of Geography

Debra Lindstrom-Hazel, Department of Occupational Therapy

Vincent Lyon-Callo, Department of Anthropology

Allison McFarland, Department of Health, Physical Education and Recreation

Timothy Michael, Department of Health, Physical Education and Recreation

Damon Miller, Department of Electrical and Computer Engineering

Tabitha Mingus, Department of Mathematics

James Palmitessa, Department of History

David Reinhold, Department of Chemistry

Roberta Schultz, Department of Marketing

Christina Stamper, Department of Management



**Associate Professor (continued)**

Gwen Tarbox, Department of English

Ann Veeck, Department of Marketing

Bret Wagner, Department of Management

Steven Ziebarth, Department of Mathematics

**Master Faculty Specialist**

Thomas Marks, Career English Language Center for International Students (CELCIS)

**Professional Development Leave**

Catherine Julien, Associate Professor, Department of History, effective August 4, 2003 through December 7, 2003.

**Sabbatical Leave**

David Hurtt, Department of Accountancy, academic year 2003/04.

**Chair Sabbatical Leave**

Elizabeth Whitten, Chair, Department of Educational Studies, effective June 23, 2003 through June 21, 2004. **(Correction)**

**NON-ACADEMIC**

**Appointment**

Steve Hawkins, Head Men's Basketball Coach, Division of Intercollegiate Athletics, effective May 1, 2003.

**Resignations**

James Barrowman, Chief JOC Instructor, College of Aviation, effective May 30, 2003.

Robert McCullum, Head Men's Basketball Coach, Division of Intercollegiate Athletics, effective April 20, 2003.

**Retirement**

Steven T. Berger, Coordinator, Aviation Compliance and Logistics, College of Aviation, effective May 31, 2003 (change).

Proposal to Offer a Bachelor of Science Degree in Geochemistry. The program was approved by the Board of Trustees following a motion by Trustee DeNooyer, supported by Trustee Anthony. The major will be offered jointly by the departments of Chemistry and Geosciences and will require the addition of only one course, with no new costs associated with the program. As indicated, the program was initiated in response to the demand in the environmental industry for graduates who have an understanding of geochemical processes and offers students the opportunity to combine study in the two areas.

Change of Name of Department of Art to School of Art. The name change was approved by the trustees on a motion by Trustee DeNooyer, supported by Trustee Martin. As indicated, the name better reflects the role, size, scope and mission within the College of Fine Arts and is in keeping with the names used in similar institutions belonging to the accrediting body, National Association of Schools of Art and Design. It was also noted that the new name is also in keeping with the name of the WMU School of Music. The change is effective fall semester 2003.

Deletion of School of Community Health Services. Following a motion by Trustee DeNooyer, supported by Trustee Holden, the Board of Trustees approved the restructuring of School of Community Health Services by deleting the name and reconfiguring its programs. It was indicated that under the current structure, it did not fully meet the University's definition of "school" and that both faculty and students support the change with no loss of faculty or staff as a result of the reorganization.

Amendments to Faculty Senate Constitution. The Board of Trustees, following a motion by Trustee DeNooyer, supported by Trustee Miller, approved the amendments to the Faculty Senate Constitution. After approval by the Faculty Senate, Board approval is the final step in the process for the addition of three amendments (dealing with 1) increasing membership of the Graduate Studies Council; 2) establishing an international education council; and 3) establishing the membership of the proposed International Education Council).

Budget and Finance Committee Recommendations. Resolutions were presented by Sylvester Bush, WSA president, and Chris Kahler, WSA treasurer, on behalf of the Western Student Association in support of a moderate tuition increase. (Attachment B and C) The Trustees thanked them for their supportive action.

Gift Report. The gift report for March, April and May was approved on a motion by Trustee Holden, supported by Trustee Aseritis.

Personnel Report. The personnel report was approved following a motion by Trustee Holden, supported by Trustee Martin.

**Resignation**

Jeffrey Breneman, Vice President for Legislative Affairs and Chief of Staff, effective July 31, 2003

**Retirements**

Frances Jess, Utility Food Worker, Dining Services, effective June 30, 2003

David Lake, Custodian, Building Custodial Support Services, effective May 31, 2003

Richard Piper, Director, Logistical Services, effective May 30, 2003

Sarah Williams, Custodian, Plant-Building Custodial Services, effective June 30, 2003

Naming of Donald J Seelye Athletic Center. Following a motion by Trustee Holden, supported by Trustee Miller, the Board of Trustees approving the naming of the indoor athletic center, the Donald J Seelye Athletic Center. The naming was in recognition of the late Don Seelye, Kalamazoo businessman and community leader-of his many years of support for Bronco athletics, and of the leadership gifts by his family to the Donald J Seelye Athletic Center campaign and the Donald J Seelye Endowed Scholarship Fund for Athletes.

Entering Student Development Fee. The Board of Trustees, on a motion by Trustee Holden, supported by Trustee Martin, approved a \$100 entering student development fee that will be incorporated into the University’s rate schedule, beginning with the fall semester 2003. The fee is being instituted to help fund costs associated with special processes and programming related to new entering students, including student Ids, orientation, scheduling, admissions, financial aid and on-campus student life.

Enrollment Fee – Part-time Students. After a motion by Trustee Holden, supported by Trustee Aseritis, the Board of Trustees approved an increase in the part-time student enrollment fee and also adjusted the credit hour definition of a part-time student, effective fall semester 2003. The changes will support increased costs in the student health center.

	<b>Schedule</b>	
<b>Enrollment Fee</b>		<b>2003/04</b>
Part-Time*		
Fall and Spring		\$150.00
Summer I and Summer II		75.00

\*Part-Time defined as 1-4 credit hours for Fall or Spring and 1-3 credit hours for Summer I or Summer II

Vehicle Registration Rates.

(Prior to the vote, Brad Salisbury, engineering student, spoke re his concerns about parking/permits at the new College of Engineering and Applied Sciences. It had been determined earlier that student permits could be purchased for parking at either the main campus or the Parkview campus and were not interchangeable. Bus transportation will be available to/from the campus where the permits are not valid.)

Following discussion re parking permits, on a motion by Trustee Holden, supported by Trustee Miller, the increased vehicle registration rates were approved, effective fall semester 2003. The funding from the increased rates will continue to be used for improvements in the University's roads and parking facilities.

**Schedule**

<u>Motor Vehicles</u>		Approved
Full-time	Academic Year	\$300
Full-time	Fall/Spring/Summer	\$180
Part-time	Fall/Spring/Summer	\$130
 <u>Two Wheel Motor Vehicles</u>		
All	Academic Year	\$200
All	Fall/Spring/Summer	\$120
 <u>Lawson (Remote Parking)</u>		
All	Academic Year	\$150
All	Fall/Spring/Summer	\$100

Student Room and Board and Apartment Rental Rates 2003/2004. The increased room and board and apartment rental rates for 2003/2004 were approved, effective fall semester 2003, following a motion by Trustee Holden, supported by Trustee Aseritis. The University operates 22 residence halls, with a capacity of over 6000 students and 585 on-campus apartments for student families, graduate students and non-traditional students.

## Approved Schedule

<b><u>Residence Halls</u></b>	2003-04
<u>Room and Board (20 Meal Plan)</u>	
Academic Year	\$6,496.00
<u>Room and Board (15 Meal Plan)</u>	
Academic Year	\$6,334.00
Summer I	\$1,550.00
Summer II	\$1,536.00
<u>Room and Board (10 Meal Plan)</u>	
Academic Year	\$5,964.00
Summer I	\$1,407.00
Summer II	\$1,393.00

Rates include \$25 per semester/\$12.50 per session deferred maintenance fee.

### **Apartments (Per Month)**

<u>Goldsworth Valley</u>	
1 BR – Furnished	\$570.00
2 BR – Furnished	\$676.00
1 BR – Unfurnished	\$522.00
2 BR – Unfurnished	\$602.00
<u>Stadium Drive</u>	
1 BR – Furnished	\$570.00
2 BR – Furnished	\$676.00
1 BR – Unfurnished	\$522.00
2 BR – Unfurnished	\$602.00
<u>Elmwood</u>	
1 BR – Furnished	\$620.00
2 BR – Furnished	\$767.00
1 BR – Unfurnished	\$572.00
2 BR – Unfurnished	\$693.00

Rates include \$6 per month deferred maintenance fee.

Graduation Fee. After a motion by Trustee Holden, supported by Trustee Anthony, the Board of Trustees approved an increase in the graduation fee, effective fall semester 2003, from \$30 to \$45. The fee, last increased in 1985, is used to cover the costs of commencement.

General Fund/Operating Budget. After discussion/review, the Board of Trustees, following a motion by Trustee Holden, supported by Trustee Pero, approved the general fund operating budget for 2003/04 (Attachment D).

Tuition Rates 2003 The recommendation re fall semester 2003 tuition rates was approved by the Board of Trustees, as moved by Trustee Holden, supported by Trustee Anthony. Following past practice, increases in financial aid will be in keeping with increases in tuition.

**Schedule**

<u>Group</u>	<u>Basis</u>	<u>Approved Rate</u>
Resident Undergrad-Lower	Cr. Hr.	\$ 164.43
Resident Undergrad-Upper	Cr. Hr.	181.76
Resident Graduate	Cr. Hr.	233.53
Non-Resident Undergrad-Lower	Cr. Hr.	414.88
Non-Resident Undergrad-Upper	Cr. Hr.	464.87
Non-Resident Graduate	Cr. Hr.	569.00

Conveyance of Property in BTR Park in Southwest Michigan Innovation Center, Inc. As moved by Trustee Holden, supported by Trustee Miller with Trustee DeNooyer abstaining, the Board of Trustees authorized the treasurer/assistant treasurer to enter into an agreement to convey Unit 15 and 16, and an option to acquire Unit 14, of the Western Michigan University Business, Technology and Research Park to Southwest Michigan Innovation Center, together with a first amendment to the previously executed Agreement to Lease Property, a covenant deed, a termination of land lease, and all other necessary documents and agreements relative to these and/or previous transactions, under existing recorded requirements and also those terms, conditions, restrictions, and/or use covenants deemed appropriate by the administration to be in the best interests of the University.

The business incubator center, constructed on two lots in the BTR, currently holds a lease on the two parcels, with the lease including an option for adding an adjacent third site. Conveyance of the land will through a covenant deed to the center, and the land lease will be terminated. The conveyance will resolve any issues re the taxability of the center.

Public Comments. Emeritus Professor William Combs congratulated Dr. Bailey on her appointment as president and spoke about his concerns re University priorities as they relate to intercollegiate athletics.

Adjournment. The meeting was adjourned at 2 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Betty Kocher".

Betty Kocher  
Secretary  
Board of Trustees

**Conveyance of Property in BTR Park to Southwest Michigan Innovation Center, Inc.**

**Background**

Attached is an Agreement to Convey Property and First Amendment to Agreement to Lease Property, together with a proposed covenant deed and termination of land lease. This agreement was executed with the condition that it is subject to approval by the WMU Board of Trustees. The documents were prepared to effectuate the conveyance of Units 15 and 16 of the BTR Park to Southwest Michigan Innovation Center, Inc. (SMIC). At the time of such conveyance, the Land Lease dated March 18, 2002, would be terminated. The conveyance of this land was requested by SMIC, and agreed to by the University, in order to, among other things, remove any questions about the taxability of the property and the building and improvements built on it.

The University and SMIC entered into an Agreement to Lease Property dated February 19, 2002. This agreement was a comprehensive document containing all of the original terms and provisions relating to the leasing of the land by the University to SMIC and the development of the project by SMIC. This agreement also granted to SMIC the option of adding Unit 14 to the Land Lease, and to the project, in the future.

Rather than suggesting that the University enter into a new agreement with SMIC providing for the conveyance of the land, together with a second document amending or terminating the Agreement to Lease Property, the administration recommends an agreement to convey the property in conjunction with an amendment to the original Agreement to Lease Property. The proposed agreement and first amendment provides for continuity with respect to the initial agreement, amends some of the original undertakings of the parties, perpetuates SMIC's right to add Unit 14 to the project, albeit by conveyance rather than by land lease, and also provides for the transfer of ownership of the property from the University to SMIC.

The deed conveying the property to SMIC will contain several of the provisions that were previously contained in the Land Lease, and which have been included in documents effectuating the sale of other lots in the BTR Park. These provisions include: (1) the University's right of first refusal, that is, the University is given the right to re-purchase the property by matching any offer from a third party to acquire the property from SMIC; (2) the requirement that the property be used as a business incubator and for other purposes that strengthen the University's capability to carry out its mission and to improve educational or other opportunities for its faculty and students.





# SPECIAL TRIBUTE

To

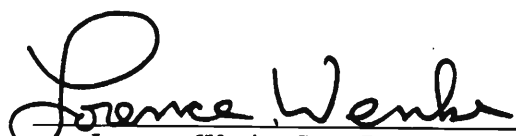
## JEFFREY BRENEMAN


LET IT BE KNOWN, That it is with deep appreciation of the diversity of talents that must come together for educational excellence to be possible, we honor Jeffrey Breneman upon the occasion of his departure from Western Michigan University. As Jeffrey Breneman brings to a close his service as Vice President for Legislative Affairs, we add our voice of thanks to those of the professors, students, and staff throughout Michigan.


As anyone who has spent much time around the process of education can attest, there are fewer endeavors more complex than education. The old African adage, "It takes a whole village to educate a child," certainly rings true, even in this age of computers and the Internet. Professors, administrators, and specialists, among others, all have important roles to play in helping young adults become motivated and productive students. Each of these people, in turn, serves to complement the work started at home by parents and family.


In his work as Vice President for Legislative Affairs over the past 5 years, Jeffrey Breneman has been part of this challenging task. Jeffrey Breneman has done an exceptional job by effectively working with both state and federal levels to help attain adequate funding for Western Michigan University. With his heartfelt concern for young adults and the realization of the importance of learning in our swiftly changing world, Jeffrey Breneman has helped countless students and strengthened our state and its future.

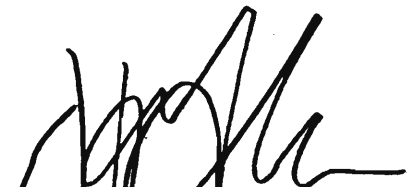
IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to thank Jeffrey Breneman for his commitment to Western Michigan University as the Vice President for Legislative Affairs. May he be as successful in his new position as he was at Western Michigan University.

  
 Lorence Wenke, State Representative  
 The Sixty-Third District

  
 Alexander Lipsey, State Representative  
 The Sixtieth District

  
 Jacob W. Hoogendyk Jr., State Representative  
 The Sixty-First District

  
 Thomas M. George, State Senator  
 The Twentieth District

  
 Jennifer M. Granholm  
 Governor

The Ninety-Second Legislature  
 At Lansing  
 Wednesday, July 16, 2003



# WESTERN MICHIGAN UNIVERSITY



Western Student Association

## Resolution #3

*A resolution supporting a moderate increase in tuition*

Proposed by: President Sylvester L. Bush II  
Date proposed: Monday, July 7, 2003

WHEREAS the Western Student Association is the officially recognized representative voice of the students of Western Michigan University; and

WHEREAS, the Michigan State Legislature is preparing to make drastic cuts to the funding of Higher Education; and

WHEREAS, this decision will bring about imminent fiscal challenges to Western Michigan University

WHEREAS, the students of Western Michigan University realize that a tuition increase is necessary in order to maintain the excellence of the WMU's education and programming;

BE IT THEREFORE RESOLVED, that the Western Student Association urges the WMU administration to continue its past methods of practical resource allocation and fiscal responsibility; and

BE IT FINALLY RESOLVED, that the Western Student Association supports a moderate tuition increase by the Board of Trustees for the 2003-2004 academic year.



# WESTERN MICHIGAN UNIVERSITY



Western Student Association

## Resolution #4

*A resolution urging the WMU administration to develop a long-term solution to the increasing costs of public higher education in Michigan.*

Proposed by:           President Sylvester L. Bush II  
                              Vice-President Eric W. Zehnpfennig  
Date proposed:       Monday, July 7, 2003

WHEREAS the Western Student Association is the officially recognized representative voice of the students of Western Michigan University; and

WHEREAS, Western Michigan University is a public institution with a mission to allow affordable access to a high-caliber education for Michigan residents; and

WHEREAS, the rising costs of higher education in Michigan over the years have led to tremendous financial burdens for students, leaving many with unbearable debt-loads upon graduation; and

WHEREAS, further increases in tuition will prove detrimental to the pursuit of higher education; and

WHEREAS, these problems are prevalent throughout the state of Michigan;

BE IT THEREFORE RESOLVED, that the Western Student Association urges the WMU administration to take a leading role in a state-wide collaborative efforts conducive to the long-term solution to the higher education financial crisis in Michigan.

WESTERN MICHIGAN UNIVERSITY  
 Estimated Beginning Board Budget  
 Fiscal Year 2003/04

	2002/03 Estimated Board Budget	Changes	2003/04 Estimated Board Budget
<b>Revenue</b>			
State Appropriations - Base	\$125,677,200	(\$12,567,718)	\$113,109,482
Tuition - On & Off Campus	130,590,122	19,053,235	149,643,357
Investment Income	497,942	0	497,942
Indirect Cost Recovery	1,800,000	0	1,800,000
Special Fees	910,000	0	910,000
Aviation Flight Fees (From other funds)		5,184,785	5,184,785
All Other	730,605	0	730,605
Departmental Revenue	858,316	(280,946)	577,370
<b>Total Revenue</b>	<b>\$261,064,185</b>	<b>\$11,389,356</b>	<b>\$272,453,541</b>
<b>Expense</b>			
Engineering & Applied Science	\$16,114,292	\$573,913	\$16,688,205
Business	12,967,460	157,676	13,125,136
Education	12,062,809	207,786	12,270,595
Extended University Programs	8,907,917	1,146,772	10,054,689
Arts & Sciences	45,091,996	204,250	45,296,246
Aviation	3,970,950	5,106,495	9,077,445
Fine Arts	10,036,345	131,062	10,167,407
Health & Human Services	10,274,030	1,622,799	11,896,829
Misc. Units & Reserves	4,400,434	2,507,185	6,907,619
<b>Subtotal Instruction</b>	<b>\$123,826,233</b>	<b>\$11,657,938</b>	<b>\$135,484,171</b>
Research	\$3,038,272	(\$184,854)	\$2,853,418
Public Service	3,324,647	(10,139)	3,314,508
Academic Support	29,799,897	(7,954)	29,791,943
Student Services	23,549,886	208,043	23,757,929
Institutional Support	27,029,981	4,885,812	31,915,793
Operation & Maintenance of Plant	30,647,239	2,452,776	33,100,015
Student Financial Aid	20,793,775	2,299,802	23,093,577
<b>Subtotal</b>	<b>\$138,183,697</b>	<b>\$9,643,486</b>	<b>\$147,827,183</b>
Target Budget Reduction (15.0%)	0	(10,857,813)	(10,857,813)
Excess Expenses Over Income	(945,745)	945,745	0
<b>Total Expense</b>	<b>\$261,064,185</b>	<b>\$11,389,356</b>	<b>\$272,453,541</b>

**EXHIBIT "1"**

Property located in the City of Kalamazoo, County of Kalamazoo and State of Michigan, and described as follows:

Units 15 and 16 of Western Michigan University Business, Technology and Research Park, according to the Master Deed recorded at Docket No. 2001-018722, and the First Amendment to Master Deed recorded at Docket No. 2002-003549, designated as Kalamazoo County Condominium Subdivision Plan No. 134, together with rights in common elements as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, and amendments thereto.





## EXHIBIT "2"

### PROPERTY RESTRICTIONS AND USE COVENANTS

Grantee, by acceptance of delivery and the recording of this Covenant Deed, acknowledges and agrees that the ownership and use of the subject property shall be subject to the following restrictions and covenants:

1. Land Affected. All of the property described on Exhibit "A" as attached and annexed hereto (the "Property," herein) shall be subject to and be bound by the terms of this instrument.

2. Use of Property. The Property shall only be used for a business incubator as defined in Act 248 of the Year 2000 Public Acts of Michigan, and related and ancillary uses, and such other uses only as shall be mutually agreed upon in writing by Grantor and Grantee. Grantee acknowledges that it is the intent and purpose of Grantor in undertaking the development of the "Western Michigan University Business, Technology and Research Park," located in the City of Kalamazoo, Michigan (the "BTR Park," herein) to enhance the competitive and economic environment of the City and County of Kalamazoo and the State of Michigan by collaborating with private, non-profit and public sector entities, and at the same time, strengthening the capabilities of the Grantor to carry out its mission and to improve educational and other opportunities for its faculty and students. Accordingly, it is also acknowledged by Grantee that all such uses undertaken on or within the Property as aforesaid shall fulfill the foregoing purposes.

3. Right of First Refusal. Should Grantee receive an offer to purchase from, or seek to sell, convey, transfer or assign all or any part of the Property in a bona fide transaction to, any other party, Grantee shall first offer to sell and convey the Property to Grantor. Notice of such proposed sale shall be given to the Grantor in writing and shall consist of a offer to sell the Property to Grantor upon the same terms and conditions as proposed to the outside party. Grantor may elect to purchase all, but not less than all, of the Property, and Grantor shall exercise its election to purchase by giving written notice thereof to Grantee within thirty (30) days after receipt of such offer. The notice shall specify a date for closing which shall be within thirty (30) days after the date of notice, and the purchase shall be closed upon the same terms and conditions as contained in the offer, except as may be otherwise agreed upon in writing by the parties. If Grantor does not furnish its notice as aforesaid within the thirty (30) day period, Grantor's right to elect to purchase shall be deemed to have been waived, and the sale and conveyance to the outside party may proceed; provided, however, that Grantor's rights to purchase as provided for herein shall apply to any proposed sale, conveyance or transfer or assignment of the Property by the purchaser from Grantee, and by any subsequent purchaser of the Property. Notwithstanding the foregoing, at a closing of the purchase of the Property by Grantor, the Grantee shall furnish to Grantor a policy of title insurance issued by a company acceptable to Grantor in an amount equal to the purchase price of the Property, showing that title to the Property is free and clear of all encumbrances, and subject only to the Master Deed and Declaration, as the same may have been amended, the provisions of this Covenant Deed, tenants' rights and easements and rights-of-way of record. The conveyance of Grantee's interest to Grantor shall be in the form of a covenant deed conveying fee simple title to the Property and all improvements thereon, and current real property taxes on the Property shall be prorated to the date of closing in the custom and manner followed in Kalamazoo County.



4. Reduction in Purchase Price.

A. The Property has an estimated fair market value of Five Hundred Eighty Four Thousand and No/100 Dollars (\$584,000.00) (“Land Value”), but the Property has been conveyed to Grantee for nominal consideration. The Property was conveyed by Grantor to Grantee for nominal consideration on account of the intentions and purposes of the parties as expressed in paragraph 2, above. Grantee also acknowledges that Three Million and No/100 Dollars (\$3,000,000.00) of the funds expended by Grantee for the construction of improvements on the Property have been advanced by Grantor to Grantee (“Funds”), and that such Funds were advanced to Grantee in consideration of the purposes set forth in paragraph 2 above. Grantee has represented to Grantor that the Funds have been utilized by Grantee for payment of costs incurred by Grantee with respect to the design, development, and construction of the improvements (“Improvement Costs”). Notwithstanding the provisions of paragraph 3 above to the contrary, should Grantor exercise its right to purchase the Property in accordance with the provisions of paragraph 3, the purchase price to be paid by Grantor shall be reduced by the sum of: (1) the amount of the Funds paid by Grantor to Grantee; and (2) the Land Value. Such reduction is intended to take into account the fact that a portion of the funds used by Grantee in defraying the Improvement Costs were given by Grantor to Grantee, that the Property was conveyed by Grantor to Grantee for nominal consideration, and that the amount of the purchase price to be paid by Grantor to Grantee should be reduced accordingly.

B. Notwithstanding any of the provisions of this instrument to the contrary, should Grantor not exercise its election to purchase the Property in accordance with the provisions of paragraph 3 above, and should Grantee complete the sale or conveyance of the Property to any other party, Grantee shall pay to the Grantor, at the time of the closing of such sale or conveyance, an amount equal to the sum of the Funds previously paid by Grantor to Grantee and the Land Value. Such payment is intended to take into account the fact that a portion of the funds utilized by Grantee in defraying the Improvement Costs were given by Grantor to Grantee and that the Property was conveyed by Grantor to Grantee for nominal consideration, and that such funds, together with the Land Value, should be repaid to Grantor in the event of the disposition of the Property by Grantee.

C. Grantor’s rights as set forth in paragraphs 4.A. and 4.B. above shall be subordinated to the rights of certain bona fide mortgagees of the Property. The mortgagees in which Grantor’s rights shall be subordinated, and the maximum principal balances with respect to which the subordination shall be effective, are: (i) National City Bank of Michigan/Illinois, Three Million Three Hundred Thousand and No/100 Dollars (\$3,300,000.00); (ii) The Kalamazoo Community Foundation – Two Million Five Hundred Thousand and No/100 Dollars (\$2,500,000.00); (iii) The Economic Development Corporation of the City of Kalamazoo – One Million and No/100 Dollars (\$1,000,000.00). Notwithstanding the foregoing, however, Grantor is not subordinating any other rights and interests in the Property, as created herein.

5. Binding. The restrictions and covenants contained herein shall bind and inure to the benefit of Grantor, Grantee and their respective successors, legal representatives and assigns, and shall run with the land.



**EXHIBIT "A"**

**COVENANT DEED**

**Grantor** The Board of Trustees of Western Michigan University, a Michigan constitutional body corporate, whose address is 3020 Seibert Administration Building, Kalamazoo, Michigan 49008-5134, **grants, bargains, and conveys** to Southwest Michigan Innovation Center, Inc., a Michigan non-profit corporation, **Grantee**, whose address is 346 West Michigan, Kalamazoo, Michigan 49007, the following described real property situated in the City of Kalamazoo, County of Kalamazoo and State of Michigan:

See attached Exhibit "1"

This conveyance shall be subject to all conditions, limitations, encumbrances and restrictions of record, the Master Deed for the BTR Park, as recorded with the Kalamazoo County Register of Deeds as Docket No. 2001-018722 ("Master Deed"), the Declaration of Restrictions, Covenants and Design Standards as recorded with the Kalamazoo County Register of Deeds as Docket No. 2001-018363 ("Declaration"), and also subject to the Property Restrictions and Use Covenants attached hereto as Exhibit "2".

Grantor does hereby covenant that Grantor or any person claiming through Grantor has not through its own act, error or omission impaired the marketability of the title thereto.

In consideration of One Dollar (\$1.00) and other good and valuable consideration. This transfer is exempt from taxation pursuant to MCLA 207.505 sec. 5(h) and MCLA 207.526 sec. 6(h).

Dated this \_\_\_\_ day of \_\_\_\_\_, 2003.

THE BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN            )  
  ) SS  
COUNTY OF KALAMAZOO    )

On this \_\_\_\_ day of \_\_\_\_\_, 2003, before me personally appeared \_\_\_\_\_, to me personally known, who being by me sworn, said that he is the \_\_\_\_\_ of The Board of Trustees of Western Michigan University, a Michigan constitutional body corporate (the "Corporation") who executed this instrument; that this instrument was signed on behalf of the Corporation by authority of its Board of Trustees; and that this instrument is acknowledged as the free act and deed of the Corporation.

Drafted by and when recorded return to:  
Michael L. Chojnowski, Esq.  
Cooper, Martin & Chojnowski, P.C.  
259 East Michigan Avenue, Suite 208  
Kalamazoo, MI 49007  
(616) 552-3400  
402\wmu\ltr\swmi\covenant deed

\_\_\_\_\_  
Notary Public  
Kalamazoo County, Michigan  
My commission expires: \_\_\_\_\_



**EXHIBIT "B"**

**TERMINATION OF LAND LEASE AGREEMENT**

For good and valuable consideration, the undersigned parties acknowledge and agree that the Land Lease Agreement dated March 18, 2002, and the Memorandum of Land Lease and Option, recorded at Docket No. 2002-025905, which documents are by and between THE BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY, a Michigan constitutional body corporate, and SOUTHWEST MICHIGAN INNOVATION CENTER, INC., a Michigan corporation, covering property described as: Units 15 and 16 of the Western Michigan University Business, Technology and Research Park, according to the Master Deed recorded at Docket No. 2001-018722, and the First Amendment to Master Deed recorded in Docket No. 2002-003549, designated as Kalamazoo County Condominium Subdivision Plan No. 134, together with rights in common elements as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, and amendments thereto, shall be and the same are terminated effective as of \_\_\_\_\_, 2003.

THE BOARD OF TRUSTEES OF WESTERN  
MICHIGAN UNIVERSITY

SOUTHWEST MICHIGAN INNOVATION  
CENTER, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN            )  
  )SS.  
COUNTY OF KALAMAZOO        )

On this \_\_\_\_ day of June, 2003, before me personally appeared \_\_\_\_\_, to me personally known, who being by me sworn, said that he is the \_\_\_\_\_ of The Board of Trustees of Western Michigan University, a Michigan constitutional body corporate (the "Corporation") who executed this instrument; that this instrument was signed on behalf of the Corporation by authority of its Board of Trustees; and that this instrument is acknowledged as the free act and deed of the Corporation.

\_\_\_\_\_  
Notary Public  
Kalamazoo County, Michigan  
My commission expires: \_\_\_\_\_

STATE OF MICHIGAN            )  
  )SS  
COUNTY OF KALAMAZOO        )

On this \_\_\_\_ day of June, 2003, before me personally appeared \_\_\_\_\_, to me personally known, who being by me sworn, said that he is the \_\_\_\_\_ of Southwest Michigan Innovation Center, Inc., a Michigan corporation (the "Corporation") who executed this instrument; that this instrument was signed on behalf of the Corporation by authority of its board of directors; and that this instrument is acknowledged as the free act and deed of the Corporation.





**AGREEMENT TO CONVEY PROPERTY AND FIRST AMENDMENT TO  
AGREEMENT TO LEASE PROPERTY**

THIS AGREEMENT TO CONVEY PROPERTY AND FIRST AMENDMENT TO AGREEMENT TO LEASE PROPERTY is made effective the \_\_\_\_ day of \_\_\_\_\_, 2003, and is by and between THE BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY, a Michigan constitutional body corporate ("Owner" herein) and SOUTHWEST MICHIGAN INNOVATION CENTER, INC., a Michigan non-profit corporation ("Purchaser" herein).

**RECITALS**

A. The parties hereto are parties to the Agreement to Lease Property, made effective February 19, 2002 ("Agreement").

B. The parties are also parties to the Land Lease Agreement, made effective March 18, 2002 ("Land Lease"), a memorandum of which was recorded at Docket No. 2002-025905, Kalamazoo County Records ("Memorandum").

C. The Land Lease and Memorandum covered property, referred to as the "Leased Premises", located in the City of Kalamazoo, Kalamazoo County, Michigan, and described as Units 15 and 16 of the Western Michigan University Business, Technology and Research Park ("BTR Park"), according to the Master Deed thereof.

D. The Land Lease also provided to Purchaser the option of adding Unit 14 of the BTR Park to the Lease pursuant to certain terms and conditions as set forth therein.

E. The parties have agreed that the Owner will convey the Leased Premises to Purchaser pursuant to the Covenant Deed attached hereto as Exhibit "A", and upon such conveyance the Land Lease shall be terminated, and that the Agreement shall be modified as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree that the Agreement shall be amended as follows:

1. Conveyance of Property. Owner shall, subject to the provisions of paragraph 4 below, forthwith and execute and convey the Covenant Deed in substantially the form as attached hereto as Exhibit "A".

2. Termination of Land Lease. Upon the execution and delivery of the Covenant Deed by Owner to Purchaser, the Land Lease shall be deemed to have been terminated and to be null and void, and the parties shall have no further obligations thereunder. The parties shall, simultaneously with the execution and delivery of the Covenant Deed by Owner to Purchaser execute and record the Termination of Land Lease in substantially the form as attached hereto as Exhibit "B".



3. Option to Add Property. Purchaser shall be entitled to acquire Unit 14 of the BTR Park, as reflected in the Master Deed of record as of the effective date of the Agreement. The purchase price to be paid for Unit 14 by Purchaser shall be One Dollar (\$1.00). If Purchaser elects to acquire Unit 14, Purchaser shall furnish written notice of such election by March 17, 2007. The conveyance of Unit 14 by Owner to Purchaser shall be by means of a covenant deed substantially the same as the one attached hereto as Exhibit "A", except as provided for herein. At the time of such conveyance, Owner shall furnish to Purchaser a preliminary commitment for title insurance coverage demonstrating that Owner's title to Unit 14 is good and marketable, subject only to the Master Deed and Declaration, as the same may have been amended, easements and rights-of-way of record, and the provisions of this First Amendment. Owner shall not be required to provide to Purchaser a title insurance policy covering Unit 14, and the responsibility and cost of obtaining any such policy shall be borne by Purchaser. In the event that Purchaser does not furnish notice of exercise of the aforementioned option by the aforementioned date, all of Purchaser's rights with respect to Unit 14, as provided for herein, shall be terminated, and Purchaser shall, at Owner's request, furnish a written, recordable instrument to Owner confirming such termination. In the event that Purchaser does elect to acquire Unit 14, the parties shall execute and record a mutually acceptable document effecting the amendment of Section 4.A. of Exhibit "B" of the Covenant Deed attached hereto, so that the "land value" is increased to include the fair market value of Unit 14. For those purposes, the fair market value of Unit 14 is agreed by the parties to be Two Hundred Ninety One Thousand Six Hundred and No/100 Dollars (\$291,600.00) for the first year after the effective date of this First Amendment on the first anniversary date of the effective date hereof, and on each subsequent anniversary date thereafter, the value of Unit 14 shall be increased in accordance with the increases in the Consumer Price Index obtained from the Monthly Labor Review as published by the Bureau of Labor Statistics, United States Department of Labor, United States All Cities Average for Consumers (1982-84=100) from the previous anniversary date to the current anniversary date. In addition, the amendment of Section 4.A. of Exhibit "B" of the Covenant Deed shall also reflect that the definition of "Property" shall also include Unit 14.

4. Conditions Precedent. The binding effect of this document upon Owner shall be subject to the approval of this document by the Board of Trustees of Western Michigan University.

IN WITNESS WHEREOF, the parties have executed this Agreement to Convey Property and First Amendment to Agreement to Lease Property as of the date set forth above.

OWNER:

PURCHASER:

THE BOARD OF TRUSTEES OF  
WESTERN MICHIGAN UNIVERSITY

SOUTHWEST MICHIGAN INNOVATION  
CENTER, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

