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12-16-2021

## WMU Board of Trustees Formal Session December 16, 2021

WMU Board of Trustees

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**Western Michigan University  
BOARD OF TRUSTEES**



**Thursday, December 16, 2021**

**Hybrid Meeting Platform (In-Person and Virtual) Transitioning through a Global Pandemic**

Closed Informal Session – 9:00 AM

**Formal Session – 11:00 AM**

**Bernhard Center, Rooms 157-159 and Livestream at <https://wmich.edu/trustees>**

\*Individuals wishing to address the Board of Trustees during either Public Comment section must notify Dr. Kahler Schuemann at [kahler.schuemann@wmich.edu](mailto:kahler.schuemann@wmich.edu) by 5PM Wednesday, December 15<sup>th</sup>.

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1. Acceptance of the Agenda – *Chen-Zhang*
2. Approval of the Minutes (*November 4, 2021 and November 16, 2021 Meetings*) – *Chen-Zhang*
3. Remarks by the Chair – *Chen-Zhang*
4. Remarks by the President – *Montgomery*
5. Updates by the Faculty Senate President – *Kritzman*
6. Updates by the Western Student Association President – *Morris*
7. Updates by the Graduate Student Association Vice President – *Cheng*
8. Community Policing: Campus Safety through Service-Oriented Operation – *Merlo*
9. Annual Presidential Assessment – *Rinvelt*
10. Public Comments Regarding Action Items – *Schuemann*

**Action Items – *Chen-Zhang***

11. Approval of Capital Expenditure for WMU Homer Stryker M.D. School of Medicine – *Van Der Kley*
12. Presidential Compensation – *Rinvelt*
13. Consent Items – *Chen-Zhang*
  - A. Curriculum Proposals
  - B. Personnel Report
  - C. Revised WMU Duty to Report Criminal Acts Policy
  - D. WMU Lease Agreement with FedEx Office and Print Services
  - E. Annuity and Life Income Funds Performance Report
  - F. Operating Cash Investment Performance Report
  - G. Marquette Associates Site Visit and Due Diligence Report
14. General Public Comments – *Schuemann*

Supplemental and supporting agenda materials can be viewed at: <http://www.wmich.edu/trustees>

Proposed Meeting Minutes

**November 4, 2021**

The Western Michigan University Board of Trustees (BOT) Formal Session was called to order by Chair Chen-Zhang at 1:13PM on Thursday, *November 4, 2021*. The meeting was conducted, amidst the continued global pandemic, in a mix modality with participants both attending in person at the Bernhard Center, North Ballroom or engaging through Zoom, a virtual platform. The engagement was streamed live through the BOT website. Prior marketing encouraged the public to engage and those interested in providing comment were asked to notify Board Secretary Schuemann by 5:00PM, Wednesday, November 3<sup>rd</sup>. Presiding in person were Chair Chen-Zhang, Vice Chair Johnston, and Trustees Edgerton, Rinvelt, Trevan, and Turfe. Trustee Penn provided prior notice she was unable to attend.

**A motion to accept the November 4, 2021 BOT agenda** was made by Vice Chair Johnston, with a second from Trustee Rinvelt. The motion passed unanimously.

**A motion to accept the minutes as exhibited from the September 17, 2021 BOT Meeting** was made by Vice Chair Johnston, with a second by Trustee Rinvelt. The motion passed unanimously.

Remarks were provided by Chair Chen-Zhang – *Attachment A*, followed by remarks from President Montgomery – *Attachment B*.

Faculty Senate President M. Kritzman and Western Student Association (WSA) President A. Morris provided comments regarding their respective areas and their ongoing activities and initiatives relating to shared governance, promoting student involvement, and academic enrichment.

Provost J. Bott introduced a presentation entitled *Transforming Relationships: The Power of Faculty and Student Engagement in Research*.

There was no indicated public interest in providing commentary regarding any Action Items.

As Action Items, Associate Vice President for Business and Finance and Assistant Treasurer for the Board of Trustees C. Scarff presented a Permanent Easement Request from the Road Commission of Kalamazoo County for approval. **A motion to accept the Permanent Easement Request from the Road Commission of Kalamazoo County** was made by Vice Chair Johnston with a second by Trustee Edgerton. The motion passed unanimously.

Trustee J. Rinvelt next recommended the Western Michigan University External Audit be accepted by the Board. **A motion to accept the Western Michigan University External Audit** was made by Trustee Edgerton and seconded by Vice Chair Johnston. The motion passed unanimously.

Under Consent Items, Secretary K. Schuemann requested agenda item 12 F. Portage Brewing Company Lease Agreement be removed from inclusion until a future meeting as signatures were still being acquired through the internal approval process.

**A motion to approve the Consent Items minus 12 F. Portage Brewing Company Lease Agreement** was made by Vice Chair Johnston, with a second from Trustee Rinvelt. The BOT unanimously approved the following Consent Items as exhibited: Curriculum Proposals, Personnel Report, Revised WMU Non-Discrimination Policy, Adoption of Amendment to the WMU Paper Tech Foundation Bylaws, and the WMU AAUP Lease Agreement.

There was no indicated public interest in providing commentary General Public Comments.

The BOT meeting ended at 12:03PM following a **motion to adjourn** by Trustee Rinvelt, with a second from Vice Chair Johnston, and unanimous approval.

Respectfully submitted,



Kahler B. Schuemann, Secretary to the Board of Trustees, Western Michigan University

Proposed Meeting Minutes

***November 16, 2021***

The Western Michigan University Board of Trustees (BOT) Special Meeting was called to order by Chair Chen-Zhang at 1:01PM on Tuesday, November 16, 2021. The meeting was conducted through Zoom, a virtual platform. The engagement was streamed live through the BOT website. Prior marketing encouraged the public to engage and those interested in providing comment were asked to notify Board Secretary Schuemann by 5:00PM, Monday, November 15th. Presiding virtually were Chair Chen-Zhang, Vice Chair Johnston, and Trustees Edgerton, Penn, Rinvelt, Trevan, and Turfe.

**A motion to accept the November 16, 2021 BOT agenda** was made by Vice Chair Johnston, with a second from Trustee Penn. The motion passed unanimously.

Remarks were provided by Chair Chen-Zhang – Attachment C, followed by remarks from President Montgomery – Attachment D.

There was no indicated public interest in providing commentary regarding any Action Items.

Vice President for Business and Finance and Treasurer for the Board of Trustees, J. Van Der Kley presented Ratification of 2021-2025 Agreement between Western Michigan University and the American Federation of State, County, and Municipal Employees' Union AFL-CIO AFSCME Local 1668 & Council 25 for BOT approval. **A motion to accept Ratification of 2021-2025 Agreement between Western Michigan University and the American Federation of State, County, and Municipal Employees' Union AFL-CIO AFSCME Local 1668 & Council 25** was made by Trustee Penn with a second by Vice Chair Johnston. The motion passed unanimously.

WMU AFSCME President B. Sutton addressed the BOT in General Public Comments.

The BOT meeting ended at 1:13PM following a **motion to adjourn** by Trustee Edgerton, with a second from Trustee Penn, and unanimous approval.

Respectfully submitted,

A handwritten signature in black ink that reads "Kahler B. Schuemann". The signature is written in a cursive style with a large initial 'K'.

Kahler B. Schuemann, Secretary to the Board of Trustees, Western Michigan University

## **ATTACHMENT A**

### **WMU Board of Trustees Chair Lynn Chen-Zhang's Remarks, November 4, 2021**

It's good to see everyone who is joining us in person today in the Bernhard Center and those who are connecting online for our meeting. As we come to the close of our calendar year it's hard to believe that we only have one more meeting left before 2022!

There's much to celebrate at Western with the successful return of many fall semester activities. The semester is past the mid-point, and we will all soon be preparing for the Thanksgiving break.

All of this is taking place in a challenging time, as the COVID-19 pandemic is not behind us, but thanks to the University's strong and effective response plan, students have been able to attend classes, labs and practices, cheer on our Broncos during sporting events and applaud stage performances.

Faculty are teaching, conducting research, and serving the community. It's truly a privilege to be part of such a vital academic community and an honor to represent it as part of this body.

This time of the year, as we approach Thanksgiving, it's a good time to think about all the reasons we should be grateful. We have our families, friends, our beautiful community, and colleagues, and of course, our wonderful University.

And every time I attend this meeting, I'm reminded of all of those who play a role in Western's progress, in its work, in addressing its challenges and in ensuring that it will remain a great institution well into the future.

Today's agenda includes action items related to a permanent easement request from the Kalamazoo County Road Commission and the results of our University's external audit from Trustee Rinvelt.

We will also hear several consent items today, including those related to curriculum, personnel and an update on the University's non-discrimination policy and an amendment, among others.

In addition, we always appreciate hearing from Provost and Vice President for Academic Affairs Jennifer Bott. Today Provost Bott will share a presentation about faculty and student engagement in research. An important and inspiring topic for our University today.

## **ATTACHMENT B**

### **WMU Board of Trustees President Montgomery's Remarks, November 4, 2021**

As we are quickly approaching the Thanksgiving Holiday, we know that December is just around the corner, and we'll once again be wrapping up the semester and celebrating commencement. I'm pleased to note that this will once again include in-person exercises at Miller Auditorium.

We'll celebrate on Dec. 18 during three separate ceremonies. Graduates can choose to participate in person or virtually, and the programs will be livestreamed, so that friends and families can watch from anywhere.

Earlier this week I shared an announcement with our campus community that Athletic Director Kathy Beauregard will be retiring next month. Kathy has been a leader and trailblazer, on our campus and in her profession since she joined the athletic department as a gymnastics coach 42 years ago.

She is one of only nine women to serve as an athletic director among the Football Bowl Subdivision universities and is the longest-serving AD at a single school in the nation. She's been recognized as an award-winning leader and mentor on numerous occasions. She's been a strong advocate for student athletes and Bronco athletics, and I've appreciated her guidance and insight.

While we at Western will miss her, we wish her the best in her next chapter. We are convening a search advisory committee and will conduct a nationwide search to identify candidates for this important role.

One of the key ways that Western supports student success is through offering undergraduates the chance to work with faculty investigators in research studies. During today's meeting Provost Bott will share some examples of the power that working with faculty researchers in scientific inquiry has for students.

I'm looking forward to hearing her presentation, as I've seen the value this engagement has to the student, the faculty member, and the institution. For students, involvement in research can ignite a passion and new career aspiration, help them build new skills and overall contributes to a more science literate society.

Faculty who work with students get the chance to engage with bright and energetic contributors who bring new perspectives and fresh ideas to the table. It's a winning combination for everyone, and I'm especially proud of the opportunities that Western's faculty make available to our students.

I always enjoy sharing good news—especially when it's news that will result in benefits for our students. Some recent updates on giving from our Advancement team show that our community supports the work that our faculty and staff are doing, and they are demonstrating that through their donations.

According to the most recent data, as of Sept. 30, Western's endowment value is at an all-time high of over \$546 million.

At the end of the first quarter of the new fiscal year: the number of donors to the University increased by 42% over the same period in the previous year. And the number of alumni donors increased 65% and looking strictly at the undergrad alums, that number increased by 94%. That last statistic is a key measure that U.S. News and World Report uses in determining its rankings, so it's especially positive.



## **ATTACHMENT C**

### **WMU Board of Trustees Chair Lynn Chen-Zhang's Remarks, November 16, 2021**

Good afternoon,

I am pleased to welcome you to this special meeting of the Western Michigan University Board of Trustees. Today, our Board is meeting to consider approval of a four-year agreement between the University and the members of the American Federation of State, County and Municipal Employees' Union AFL-CIO Local 1668 and Council 25.

In carrying out our fiduciary duties on behalf of Western, this board takes its responsibility to vote on ratified contracts very seriously. We have followed the progress of the negotiations thanks to the regular updates from President Montgomery.

We appreciate the work that went into bringing this proposed contract to a vote and to all of the members of the bargaining unit who took part in the voting to ratify this agreement. Thank you for your participation and for your service to Western Michigan University.

## **ATTACHMENT D**

### **WMU Board of Trustees President Montgomery's Remarks, November 16, 2021**

I'm pleased to be here today as Vice President Van Der Kley presents this labor agreement and seeks the board's approval.

I echo Chair Chen-Zhang's appreciation for members of the bargaining team who worked to bring this agreement before the membership, and for those bargaining unit members who participated in the vote.

Above all, I'd like to thank all of the AFSCME members who carry out their work across our campus every day. You are important contributors to Western and its success, and your efforts are greatly appreciated.

**PROPOSAL: Approval of Capital Expenditure for WMU Homer Stryker M.D. School of Medicine**

Background

As the sole Class A Member of Western Michigan University Homer Stryker M.D. School of Medicine (“WMed”), the Board of Trustees has the reserved power to approve certain actions by WMed. One of these reserved powers is to approve any capital expenditures in excess of \$500,000.

The Board of Directors and Finance Committee of WMed have approved the use of the equipment funds held at WMU Foundation for the benefit of WMed to acquire a CT Scanner and a C-Arm, as well as some other related equipment needs identified primarily by the departments of Pathology, Biomedical Informatics, and Orthopedic Surgery to facilitate research projects and educational efforts, and to enhance timeliness of autopsy reports. The proposal is to use lease financing to ensure that expected upgrades of the equipment will be immediately available when they are rolled out next year by Stryker.

Total purchase price for the CT Scanner, C-Arm and Bio Skills equipment is approximately \$3,000,000, with a net benefit for the leasing option of \$300,000. Approval is requested to authorize the Dean and the Associate Dean of Administration and Finance to procure the equipment and related service agreements from Equipment funds held at WMU Foundation for the benefit of WMed as follows:

- a. CT Scanner, C-Arm, Bio Skills Equipment: \$3,000,000, lease of \$522,500 per year for 6 years
- b. 6 Years of service agreements: \$943,000, annual payments of \$157,000
- c. Butterfly hand-held ultrasound imaging Systems: approximately \$30,000 for 10, plus annual fees of approximately \$4,000

The Board of Directors and Finance Committee of WMed believe the terms of the capital expenditure are fair and reasonable, and that the capital expenditure accomplishes the goals of WMed. Accordingly, it is recommended that the Board of Trustees, as sole class A Member, approve this capital expenditure.

Recommended Action

The Board of Trustees, acting as the Class A Member of WMed, pursuant to the Bylaws of WMed, hereby authorizes WMed to enter into the capital expenditure with such changes as may be approved by WMed.

**PROPOSAL: Presidential Compensation**

Background

The Western Michigan University (WMU) Board of Trustees are vested with the authority to govern the University by the Constitution of the State of Michigan. Through WMU's mission and vision the president is charged with inspiring organizational achievement. Focused annual review demonstrates organizational health in a dynamic and ever evolving environment. The Board has committed to a yearly review process facilitated by the Presidential Compensation and Assessment Committee (PCAC).

In December 2020, the Board affirmed the president's eligibility for an annual goal-based merit bonus citing a positive performance review. PCAC now recommends the WMU Board of Trustees acknowledge President Edward Montgomery's ongoing organizational leadership contribution during this unprecedented global pandemic by approving a one-time \$75,000 merit bonus in addition to a 1.5% increase to his annual salary, retro to July 1, 2021. This increase would bring the President's base salary to an annual rate of \$493,290.

Recommend Action

It is recommended the Board approve a \$75,000 merit bonus in addition to a 1.5% increase to President Edward Montgomery's annual salary.

**PROPOSAL: New Concentration - Master of Science in Finance: Corporate Financial Planning and Analysis**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a new concentration in Corporate Financial Planning and Analysis within the Master of Science in Finance major to be offered by the Department of Finance and Commercial Law in the Haworth College of Business. There has been an increasing demand for specialized business programs at the graduate level as MBA programs have declined in size. Qualified individuals with broad skills in finance are in increasing demand and there are several new programs offering the MScFin degree in the USA and across the globe. Almost all new programs in the USA are STEM qualified.

Recommended Action

Create a new concentration called Master of Science in Finance: Corporate Financial Planning and Analysis.

**PROPOSAL: New Concentration - Master of Science in Finance: Data Analytics in Finance**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a new concentration in Data Analytics in Finance within the Master of Science in Finance major to be offered by the Department of Finance and Commercial Law in the Haworth College of Business. There has been an increasing demand for specialized business programs at the graduate level as MBA programs have declined in size. Qualified individuals with broad skills in finance are in increasing demand and there are several new programs offering the MScFin degree in the USA and across the globe. Almost all new programs in the USA are STEM qualified.

Recommended Action

Create a new concentration called Master of Science in Finance: Data Analytics in Finance.

**PROPOSAL: New Concentration - Master of Science in Finance: Securities and Markets**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a new concentration in Securities and Markets within the Master of Science in Finance major to be offered by the Department of Finance and Commercial Law in the Haworth College of Business. There has been an increasing demand for specialized business programs at the graduate level as MBA programs have declined in size. Qualified individuals with broad skills in finance are in increasing demand and there are several new programs offering the MScFin degree in the USA and across the globe. Almost all new programs in the USA are STEM qualified.

Recommended Action

Create a new concentration called Master of Science in Finance: Securities and Markets.

**PROPOSAL: New degree: Master of Science in Finance**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a new degree, a Master of Science in Finance. There has been an increasing demand for specialized business programs at the graduate level as MBA programs have declined in size. Qualified individuals with broad skills in finance are in increasing demand and there are several new programs offering the MScFin degree in the USA and across the globe. Almost all new programs in the USA are STEM qualified.

Recommended Action

Create a new degree called Master of Science in Finance.

**PROPOSAL: Master of Science in Finance**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a new major, a Master of Science in Finance, to be offered by the Department of Finance and Commercial Law in the Haworth College of Business. There has been an increasing demand for specialized business programs at the graduate level as MBA programs have declined in size. Qualified individuals with broad skills in finance are in increasing demand and there are several new programs offering the MScFin degree in the USA and across the globe. Almost all new programs in the USA are STEM qualified.

Recommended Action

Create a new major called Master of Science in Finance.



**PROPOSAL: Addiction Specialization Certificate**

Background

The Graduate Studies Council of the Faculty Senate has approved the creation of a graduate-level Addiction Specialization Certificate to be offered by the Specialty Program in Alcohol and Drug Abuse in the College of Health and Human Services. The curriculum is designed specifically for students who are interested in gaining specialized addiction training in addition to their current or previously obtained graduate degrees in a related field. Additionally, the name allows for a discussion of process addictions not specifically related to substance use. The name also differentiates it from the proposed revision of the current SPADA graduate certificate as an 18-credit hour Clinical Addiction Certificate.

Recommended Action

Create an Addiction Specialization Certificate.

**PROPOSAL: Accelerated Graduate Degree Program in MPA**

Background

The Undergraduate and Graduate Studies Councils of the Faculty Senate have approved the creation of a new Accelerated Graduate Degree Program (AGDP) option to be applicable to the Master of Public Administration (MPA) degree offered by The School of Public Affairs and Administration proposes in the College of Arts and Sciences. While many undergraduate students in the Bachelor of Science in Public and Nonprofit Administration (BSPNA) program are expected to pursue a graduate degree in this professional field, the AGDP will incentivize those maintaining the GPA of at least 3.5 to pursue the MPA degree with reduced coursework.

Traditionally, the MPA has remained the core degree program that prepares students for mid to high-level professional. careers in the interdisciplinary field of public administration. As the field has grown to have its own Bachelor's degree programs aimed at preparing graduates for entry level careers, the MPA is still considered the terminal degree for higher level careers. With the internship option, the MPA degree has also attracted students directly out of the Bachelor's degrees so that they can start their careers right after earning a graduate degree. The professional nature of the field makes this career path particularly appealing as one does not need to go back to the Graduate School once starting the career. In addition to retaining students from the BSPNA program for graduate studies, this option will serve as a recruitment tool for the BSPNA program.

Recommended Action

Create an AGDP in the Master of Public Administration program.

**PROPOSAL: Graduate Certificate in the History of Monastic Movements (HMNC)**

Background

The Graduate Studies Council of the Faculty Senate has approved the deletion of the Graduate Certificate in the History of Monastic Movements (HMNC) offered by the Medieval Institute in the College of Arts and Sciences.. This certificate was established in 2010 with the idea that graduate students across campus would flock to the program, but the sad reality is that one Medieval Institute student has completed the certificate in ten years. Even more relevant is the fact that we--the Medieval Institute and its cognate departments--no longer have enough faculty offering courses in the subject matter of the certificate.

Recommended Action

Delete the Graduate Certificate in the History of Monastic Movements.

**PROPOSAL: Change in Title: Graduate Certificate in Alcohol and Drug Abuse (AADC)**

Background

The Graduate Studies Council of the Faculty Senate has approved a title change for the Graduate Certificate in Alcohol and Drug Abuse offered by the Specialty Program in Alcohol and Drug Abuse in the College of Health and Human Services. The new name of the 24-credit hour graduate certificate is to be "Clinical Addiction Certificate," and the change is intended to more accurately reflect the clinical training received by students in the program. Additionally, the name change allows for a discussion of process addictions not specifically related to substance use. The name change also differentiates it from the new and separately proposed Addiction Specialization Certificate.

Recommended Action

Rename the Specialty Program in Alcohol and Drug Abuse graduate certificate as the Clinical Addiction Certificate.

**PROPOSAL: Personnel Report**

**ACADEMIC**

Administrative Appointments

Carla Chase; Interim Associate Dean; College of Health and Human Services;  
effective December 1, 2021 through June 30, 2022.

Nancy Hock; Chair; Department of Occupational Therapy;  
effective December 1, 2021 through June 30, 2025

Edwin Martini; Vice Provost for Teaching and Learning and Dean of Merze Tate College;  
WMUx and Merze Tate College;  
effective July 1, 2021 through June 30, 2024.

David Paul; Chair; Department of Philosophy;  
effective July 1, 2022 through June 30, 2023.

Appointments – Tenure Track

Thomas Kelly, Jr.; Faculty Specialist I – Lecturer; Department of Marketing;  
effective January 1, 2022.

Ivett Nsair; Assistant Professor; Department of Management;  
effective August 15, 2022.

Appointments – Term

Paula Eckert; Instructor; Department of Management;  
effective January 1, 2022 through December 31, 2022.

Greg Gerfen; Instructor; Department of Marketing;  
effective January 1, 2022 through December 31, 2022.

William Kurtz; Instructor; Department of Accountancy;  
effective January 1, 2022 through December 31, 2022.

Julie Raedy; Faculty Specialist I – Lecturer: Department of Human Performance and Health  
Education;  
effective January 1, 2022 through December 31, 2022.

### Appointments – Adjunct

Michael Farrell; Adjunct Professor; Department of Chemical and Paper Engineering;  
effective January 1, 2022 through December 31, 2024.

Richard Hartman; Adjunct Professor; Department of Chemical and Paper Engineering;  
effective January 1, 2022 through December 31, 2024.

Thomas Rothstein; Adjunct Professor; Department of Biological Sciences;  
effective September 1, 2021 through August 31, 2024 (change in rank only).

Susan Schneider; Adjunct Associate Professor; Department of Psychology;  
effective September 1, 2021 through August 31, 2024.

Mark Webster; Adjunct Assistant Professor; Department of Biological Sciences;  
effective September 1, 2021 through August 31, 2024.

### Faculty Retirements with Emeritus Status

Vincent Desroches; Associate Professor Emeritus of World Language and Literatures;  
Department of World Languages and Literatures;  
effective May 1, 2027.

Elizabeth Whitten; Professor Emerita of Special Education; Department of Special Education  
and Literacy Studies;  
effective August 31, 2022.

### Faculty Resignations

Sarah Good; Faculty Specialist II – Counseling Specialist; Department of Counseling Services;  
effective December 24, 2021.

Kenneth Martin Jr; Faculty Specialist II – Counseling Specialist; Department of Counseling  
Services;  
effective December 31, 2021.

### **NON-ACADEMIC**

#### Retirements

Cathy Johnson; Administrative Assistant II; Health Promotion and Education;  
effective January 5, 2022.

Andrew Robins; News Director; WMUK;  
effective January 1, 2022.

Melanie Simpson; Utility Food Worker; Valley Dining Center;  
effective November 16, 2021.

Retirements (continued)

Michael Taylor; Master Gardener; Facilities Management – Landscape Services;  
effective November 13, 2021.

**PROPOSAL: Revised WMU Duty to Report Criminal Acts Policy**

Background

The WMU Duty to Report Criminal Acts Policy charges the University Community with a duty to promptly report acts that have any connection to the University and that they in good faith believe could be criminal. The University has determined that having this policy supports its goal of providing a safe, ethical, and protective environment.

The revised policy defines terms, moves the Policy into the required template, and adds anti-retaliation and confidentiality provisions. In accordance with the policy review and development process, this Policy was submitted to the University Policy Committee for review and has been approved by the Department of Public Safety.

Recommend Action

It is recommended the Board of Trustees approve the revised WMU Duty to Report Criminal Acts Policy. We also request that the Board allow any non-substantive changes that arise as a result of the Policy Comment Period without obtaining additional approval.





Western Michigan University  
Kalamazoo, MI 49008

Policy No: 16-01

## DUTY TO REPORT CRIMINAL ACTS

**Statement of Policy:** All University employees, students, contractors, and other University-affiliated persons are charged with a duty to promptly report acts that have any connection to the University and that they in good faith believe could be criminal.

**Summary of Contents/Major Changes:** Revise to fit required template; technical changes; added anti-retaliation and confidentiality provisions.

**Responsible Office and Responsible Enforcement Official:**

Responsible Enforcement Official: Chief or their delegee, Department of Public Safety

Responsible Office: Department of Public Safety, Office of the General Counsel

**Classification:**

- Board of Trustees Policy
- Board-delegated Policy

**Categories:**

Public Safety and Parking

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## **1. Purpose of Policy**

The Western Michigan University Board of Trustees and President strongly believe that it is essential to provide a safe, ethical and protective environment for all members of the University community. The Board and President expect members of the campus community to be vigilant for the well-being of the campus community.

## **2. Stakeholders Most Impacted by the Policy**

All members of the University Community

## **3. Key Definitions**

**3.1. Criminal conduct:** conduct that an observer reasonably believes violates criminal law

**3.2. University Community:** University employees, students, contractors, and other University-affiliated persons

**3.3. Connection to the University:** an action or behavior that may affect the safety, functioning, business, or reputation of the University

## **4. Full Policy Details**

4.1. All members of the University Community must promptly report acts having any connection to the University that they in good faith believe could be criminal.

4.2. This Policy shall not supersede or conflict with any other duties to report required by law or University policies, rules, requirements, and collective bargaining agreements.

4.3. The University President, or their delegate, may enact additional requirements and procedures to effectuate this Policy.

### **4.4. Confidentiality**

In order to encourage full reporting of potential criminal conduct without unduly intruding on the privacy of University personnel or their families, disclosures shall be treated confidentially and disclosed only to the extent necessary to review and resolve or as legally required.

### **4.5. No Retaliation**

Measures shall be taken to ensure that no adverse action is taken, either directly or indirectly, against an individual who reports in good faith. Any University Employee who believes they have been subject to retaliation for making a good faith report pursuant to this Policy should report such retaliation consistent with the University's Whistleblower Policy (see below). University Community Members who make good faith reports under this Policy shall not be subject to University or legal action if the reported conduct does not violate criminal law.

**4.6 Communication:** This Policy will be posted on the University's Policies web page and communicated through Office of Marketing and Strategic Communications resources.

**4.7 Exceptions:** Individuals whose professional licensure allows for them to keep information regarding criminal activities private should follow the tenets of their profession and/or license.

## 5. Accountability

Failure to follow this Policy and any associated procedures may subject WMU employees to disciplinary action, up to and including dismissal from employment by the University and may subject students to conduct review through the Office of Student Conduct.

## 6. Related Procedures and Guidelines

N/A

## 7. Additional Information

Report criminal conduct covered by this Policy to the University's Department of Public Safety or anonymously by going to [wmuhotline.ethicspoint.com](http://wmuhotline.ethicspoint.com), select Make a Report in the top right menu and follow the prompts. To use the phone line, call (855) 247-3145.

## 8. FAQs

8.1. **Where and how do I report conduct that I believe is criminal?** See Section 7, above.

8.2. **Where do I report conduct that I think is criminal, but that I think also violates the Minors on Campus or Sexual Misconduct Policy?** See Section 7, above, but also report to the Office of Precollege Programming if the report involves minors or the Office of Institutional Equity if the report involves Sexual Misconduct.

### Related Policies:

Minors on Campus

Anti-Bullying

Sexual Misconduct

Medical Chaperone Policy

Whistleblower Policy

### References:

University of Michigan, <https://president.umich.edu/news-communications/letters-to-the-community/duty-to-report/>

New Mexico State University, <https://arp.nmsu.edu/3-01/>

[https://www.miad.edu/wp-content/uploads/image\\_archive/downloads/title\\_ix/MIAD\\_duty\\_to\\_report\\_crimes.pdf](https://www.miad.edu/wp-content/uploads/image_archive/downloads/title_ix/MIAD_duty_to_report_crimes.pdf)

University of Washington, <https://fa.uw.edu/audit/financial-fraud-and-ethics-violation-reporting-process>

University of Louisville, <https://louisville.edu/compliance/ico/compliance-news/when-in-doubt-point-it-out>

**History:**

- a. Effective date of current version:
- b. Date first adopted: December 18, 2011
- c. Revision history: Updated **December 2021**
- d. Proposed date of next review: **April 2023**

**Certified by:  
Responsible Enforcement Official**

**At the Direction of:  
The Board of Trustees**

\_\_\_\_\_  
/s/  
[Position/Title]  
[Date]

\_\_\_\_\_  
/s/  
Kahler B. Schuemann  
[Date]

**PROPOSAL: WMU Lease Agreement with FedEx Office and Print Services**

Background

The Administration requests the Board of Trustees' approval to enter into a lease with FedEx Office and Print Services, Inc. FedEx wishes to lease and operate a print/pack/ship store in the new Student Center of approximately 1,000 square feet. FedEx will offer services such as photocopying, digital printing/imaging, art and graphic design, large format printing, and packaging/shipping/receiving service, among other services.

The initial term of the lease is five (5) years with a second five (5) year option, with annual rent of \$25,000 (base rent) plus a percentage rent of 5% of sales. Base rent will increase 2% annually. The lease is to become effective pending WMU Board of Trustees approval and final execution of lease by both parties.

Recommend Action

It is recommended the Board of Trustees authorize the Treasurer or Assistant Treasurer to enter into a lease of five (5) years with an optional five (5) year extension with FedEx Office and Print Service effective for property owned by Western Michigan University located at the new Student Center, Kalamazoo, MI, with those terms and conditions deemed by the administration to be in the best interests of the University.

Western Michigan University  
**BOARD OF TRUSTEES**

Agenda Item No. 13 E a  
*December 16, 2021*

**PROPOSAL: Annuity and Life Income Funds**

\*Additional materials can be obtained through the Board of Trustees Office.

**PROPOSAL: Operating Cash Accounts**

\*Additional materials can be obtained through the Board of Trustees Office.

**PROPOSAL: Marquette Associates Site Visit and Due Diligence Report**

\*Additional materials can be obtained through the Board of Trustees Office.